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**FIELD ADVISORY**

**FROM:**

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**SUBJECT: Testing Accommodations for Students with Disabilities and English Language Learners**

The purpose of this memorandum is to reiterate New York State Education Department (NYSED) policy on the appropriate identification and implementation of testing accommodations for students with disabilities and students who are English Language Learners (ELLs).

In September 2015, Governor Andrew Cuomo formed the Common Core Task Force (Task Force) to perform a comprehensive review of the current status and use of the Common Core State Standards in New York, and to recommend potential reforms to the system. The Task Force received comments from parents and special education teachers that accommodations specified in students' individualized education programs (IEPs) have not been consistently or appropriately provided during the administration of State assessments. The Task Force recommended in its December 2015 report that formal guidance be issued to districts to ensure that students receive appropriate testing accommodations as recommended in their IEPs or Section 504 Accommodation Plans (504 Plans).

## Students with Disabilities

Many students with disabilities require testing accommodations in order to equitably participate in State and local assessments. Such accommodations provide students with the ability to demonstrate their skills and knowledge without being limited or unfairly restricted due to the effects of a disability. The Committee on Special Education (CSE) or Section 504 Multidisciplinary Team (504 MDT) must identify and document in the student's IEP or 504 Plan respectively the individual testing accommodations recommended for the student's participation in State and local assessments. **Testing accommodations must be recommended, as appropriate, for all students with disabilities<sup>1</sup>, including students with disabilities taking the New York State Alternate Assessment (NYSAA).** In order to make appropriate recommendations for testing accommodations, CSE/504 MDT members, including parents and students, should have knowledge about:

- the purpose of tests administered, what they measure and how the results are used;
- the need and rationale for testing accommodations, where appropriate; and
- the types of testing accommodations available and how they are administered.

More detailed information on testing accommodations for students with disabilities can be found on the Office of Special Education's webpage at: <http://www.p12.nysed.gov/specialed/publications/policy/testaccess/manual506.pdf>.

Testing accommodations must be provided in accordance with the student with a disability's IEP or 504 Plan. Each teacher and provider must be informed of his/her responsibilities related to implementing the recommendations in the student's IEP including the responsibility to provide testing accommodations. **A school's failure to provide the testing accommodations documented in the student's IEP/504 Plan may result in the invalidation of a student's test score.**

## English Language Learners

Students who are ELLs are entitled to certain testing accommodations<sup>2</sup> during the period of time that they are designated ELL pursuant to Part 154 of the Regulations of the Commissioner and for up to two years immediately after they have achieved proficiency on the New York State English as a Second Language Achievement Test (NYSESLAT). This provides students who are ELLs with equitable participation in State and local assessments and the opportunity to demonstrate their content

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<sup>1</sup> Documentation of testing accommodations is required for preschool students with disabilities only if there is an assessment program for nondisabled preschool children.

<sup>2</sup> These accommodations include time extension; separate location; third reading of listening selection (English language arts (ELA) exams only); bilingual glossaries (all exams except foreign language); simultaneous use of English and alternative language editions (not allowed for ELA and Foreign Language examinations); oral translation for lower incidence languages (not allowed for ELA and Foreign Language examinations); and writing responses in the native language (not allowed for ELA examinations).

knowledge while they continue to develop their linguistic and academic skills. For students with disabilities who are also ELLs, it is the responsibility of the CSE to identify in the student's IEP any individual testing accommodations needed by the student as a result of his or her disability, which may include, but are not limited to, the same testing accommodations that the student is entitled to as an ELL or former ELL student. **A school's failure to provide the testing accommodations may result in the invalidation of a student's test score.**

### **School District Procedures**

It is critical that school leadership ensure that processes are in place to identify, document and implement a student's required testing accommodations for all State and local assessments. NYSED conducts monitoring visits to schools during the administration of State assessments to ensure that accommodations are provided.

In the event that a school fails to provide a student's required testing accommodations on elementary and intermediate level State tests, the school would report the test as a misadministration. For secondary level State tests required for graduation, if the student does not receive his or her required testing accommodations and fails the test or is not satisfied with the score, the school would report the test as a misadministration, and the superintendent of the public school district or principal of the nonpublic or charter school could request in writing that the Office of State Assessment expunge the score from the student's record. The student must then retake the examination during a subsequent administration period.

Additionally, teachers should be aware that some students may lack familiarity with a particular testing accommodation, which can place the student at a disadvantage during an exam. In order ensure that students successfully use testing accommodation, teachers should provide prior exposure to the accommodation before an actual exam.

Please note that beginning with the Spring 2016 Grades 3-8 ELA and Mathematics Tests, students who are working productively will be allowed to continue working past the recommended testing times for these assessments. Additional information about this new policy, including how this policy affects students with timing-related accommodations, will be provided by the Department.

To ensure dissemination to appropriate individuals within a school district, Superintendents are asked to share this memorandum with individuals such as Directors of Special Education, School Psychologists, CSE, School Counselors, Directors of Pupil Personnel, Part 154 Coordinators and Parent Teacher Associations.

Thank you for your attention to this important matter. Questions regarding this memorandum may be directed to:

Office of State Assessment - (518) 474-5902 or [emscassessinfo@nysed.gov](mailto:emscassessinfo@nysed.gov)

Office of Special Education Policy Unit - (518) 473-2878 or [speced@nysed.gov](mailto:speced@nysed.gov)

Office of Bilingual Education and World Languages - 518-474-8775 or 718-722-2445 or [OBEFLS@nysed.gov](mailto:OBEFLS@nysed.gov)