



Deputy Commissioner  
Office of Instructional Support

November 2016

TO: District Superintendents  
Superintendents of Public Schools  
Superintendents of State-Operated and State-Supported Schools  
Executive Directors of Approved Private Schools  
Public School Administrators  
Charter School Administrators  
Nonpublic School Administrators  
Directors of Special Education  
Directors of Pupil Personnel Services  
Chairpersons of Committees on Special Education  
Organizations, Parents and Individuals Concerned with Special Education

FROM: Angelica Infante-Green *A. Infante - Green*

SUBJECT: Changes in Allowable Testing Accommodations on the Grades 3-8  
New York State English Language Arts Assessments

The purpose of this memorandum is to inform you of updates to New York State Education Department (NYSED) procedures on the permissibility of the testing accommodation “tests read” for students with disabilities on the Grades 3-8 New York State English Language Arts Assessments (Grades 3-8 ELA Assessments). This memorandum replaces guidance previously issued by NYSED on testing accommodations for students with disabilities.

Beginning with the 2017 administration of the Grades 3-8 English Language Arts (ELA) Assessments, students with disabilities whose Individualized Education Programs (IEPs) or Section 504 Accommodations Plans (504 Plans) document that tests be read aloud (by way of human reader or technology) must be provided this testing accommodation in accordance with the specifications in the IEP/504 Plan. In previous years, only directions were to be read to students on the Grades 3-8 ELA Assessments; no other portion of the test was to be read aloud regardless of the circumstances. Additionally, this testing accommodation will be provided to students upon declassification with documentation indicating the accommodation will continue.

### **Background**

The NYSED has received numerous comments from the field, including parents, teachers, and school administrators, expressing concern about the impermissibility of read-aloud testing accommodations for students with significant reading-related disabilities on any portion of the Grades 3-8 ELA Assessments, even when such students’ IEPs or 504 Plans document “tests read” as a testing accommodation. These comments have indicated that information presented in auditory formats for some students with disabilities that severely

affect reading skills will foster more meaningful participation in the Grades 3-8 ELA Assessments, even with the use of other testing accommodations.

Consistent with federal and State laws and regulations, all students with disabilities must be held to high expectations and be provided meaningful opportunities to participate and progress in the general education curriculum, including all required assessments. The Every Student Succeeds Act affirms that students with disabilities must be provided the appropriate accommodations necessary to measure their academic achievement relative to the challenging State academic standards.

### **Considerations for Recommending the Testing Accommodation “Tests Read”**

The accommodation of “tests read” allows students with disabilities that limit their ability to decode print the opportunity to demonstrate content knowledge in all subject areas by mitigating the effects of a reading or print disability. Accommodating such students with disabilities through auditory presentation of tests does not replace high-quality, specially-designed reading instruction by appropriately certified and qualified teachers for such students, nor does it eliminate the need for schools to conduct ongoing assessments<sup>1</sup> of the individual reading skills of such students, and provide continued instruction on specific reading skills. Furthermore, students with disabilities who are provided the accommodation of “tests read” on the Grades 3-8 ELA Assessments must still be considered, as appropriate, for academic intervention services (AIS). Evaluative and instructional information that supports the student’s need for the accommodation “tests read” may be considered as a part of the multiple measures of student performance that inform decisions regarding AIS for individual students. Additional guidance on the use of research-based instructional practices in reading for students with disabilities may be found in NYSED’s *Quality Indicator Review and Resource Guides for Literacy* available at: <http://www.p12.nysed.gov/specialed/techassist/literacyQI-August2014.pdf>.

The recommendation to read tests aloud to a student with a disability is a Committee on Special Education (CSE)/Section 504 Committee decision based on the student’s individual disability-related needs. “Tests read” should be a low-incidence accommodation, as it is not effective or appropriate for many students with disabilities.

**Providing read-aloud accommodations for students who do not need them may have a negative impact on such students’ test performance. Recommending the “tests read” accommodation on tests primarily assessing reading comprehension (i.e., the Grades 3-8 ELA Assessments) may not be appropriate for students with moderate reading disabilities who may be provided the “tests read” accommodation in other content areas (e.g., social studies, math, or science).**

When determining the appropriateness of providing the “tests read” accommodation to individual students with disabilities on the Grades 3-8 ELA Assessments, the following

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<sup>1</sup> For local assessments, screenings, or individual evaluations designed to measure specific reading skills for the purposes of determining eligibility for services or informing reading instruction, reading such assessments to students may not yield valid results and may affect the student’s identification for appropriate services.

questions should be considered (See Attachment: Testing Accommodation Decision-Making Tool for “Tests Read”):

- Is there evaluative information indicating that, even after explicit and systematic reading instruction, the student’s disability **precludes or severely limits** the student’s ability to decode print?
- Has the student been provided systematic, explicit, research-based reading interventions to improve decoding skills?
- If the student is blind or visually impaired, is he or she learning to read braille?
- If the student is blind or visually impaired, has it been determined that his or her disability **precludes or severely limits** the ability to access and/or develop proficiency in braille?
- If the student is deaf or hard of hearing, is there evidence demonstrating that the student’s disability **precludes or severely limits** his or her ability to decode printed text (possibly due to other co-occurring disabilities or long-term language deprivation in early childhood)?<sup>2</sup>
- Is there evidence that demonstrates the student’s access to and/or performance on print-based tasks improves when information is presented to the student in auditory formats (by way of human reader or the use of assistive technology)?
- Does the student use read-aloud accommodations during instruction or classroom testing (by way of human reader or the use of assistive technology)?
- Is the student provided instructional materials in auditory formats?
- Has the student provided input to inform specific recommendations related to the “tests read” testing accommodation?

### **Documentation of “Tests Read” on an IEP/504 Plan**

If “tests read” is recommended by a student’s CSE/Section 504 Committee as a testing accommodation for a student with a disability in grades 3 through 8, the student’s IEP/504 Plan must indicate whether or not it is appropriate to provide this accommodation on tests of reading comprehension (such as, the Grades 3-8 ELA Assessments) due to the student’s unique, disability-related needs. Testing accommodations, including “tests read”, should not be recommended in a test-specific manner, but should describe the conditions and types of tests in which an accommodation must or must not be provided. As with all IEP/504 Plan recommendations, testing accommodations must be reviewed at least annually and revised as necessary to meet the changing needs of each student. It is critical

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<sup>2</sup> If the answer to this question is “yes”, and the student also understands sign language, the CSE may consider using a sign interpreter to translate text as a testing accommodation.

that a student’s testing accommodations are recommended based on current information related to his or her present levels of performance.

The following examples, although not exhaustive, illustrate how “tests read” may be documented on an IEP/504 Plan for individual students with disabilities in grades 3-8 based on the unique needs of each student.

**Sample** documentation of testing conditions appropriate for a student with a disability that **severely limits or precludes** the ability to decode print who **would** receive the “tests read” accommodation on the Grades 3-8 ELA Assessments:

Testing Accommodation	Testing Conditions	Implementation Specifications
Tests read	For all State and local tests, <b>including</b> tests of reading comprehension	Text-to-speech software may be used to provide this accommodation.

**Sample** documentation of testing conditions appropriate for a student with a disability that **moderately** impacts the ability to decode print who **would not** receive the “tests read” accommodation on the Grades 3-8 ELA Assessments:

Testing Accommodation	Testing Conditions	Implementation Specifications
Tests read	For all State and local tests, <b>except</b> tests of reading comprehension	Human reader

Thank you for your attention to this important matter. Questions regarding this memorandum may be directed to the Office of Special Education Policy Unit at (518) 473-2878 or [speced@nysed.gov](mailto:speced@nysed.gov).

## Attachment

### Testing Accommodation Decision-Making Tool for “Tests Read”

The chart below may be used by school personnel to facilitate collaborative decision-making related to the recommendation of “tests read” (via human reader or technology) as a testing accommodation for students with disabilities in grades 3 through 8. The questions in this tool should be considered each time a student’s individualized education program (IEP) or Section 504 Accommodations Plan (504 Plan) is reviewed to determine the appropriateness of this accommodation. After completing the chart, check the box below indicating the recommended testing accommodation for the Committee on Special Education (CSE) or Section 504 Committee to review and consider when developing the student’s IEP/504 Plan. This tool is for local use, only. Do **not** submit this form to the New York State Education Department (NYSED).

<b>Student:</b>		<b>Date:</b>		
<b>Persons Involved in Decision-Making:</b>				
Questions	YES	NO	N/A	Comments/Evidence
Is there evaluative information indicating that, even after explicit and systematic reading instruction, the student’s disability <b>precludes or severely limits</b> the student’s ability to decode print?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Has the student been provided systematic, explicit, research-based reading intervention(s) to improve decoding skills?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If the student is blind or visually impaired, is he or she learning to read braille?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If the student is blind or visually impaired, has it been determined that his or her disability <b>precludes or severely limits</b> the ability to access and/or develop proficiency in braille?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If the student is deaf or hard of hearing, is there evidence demonstrating that the student’s disability <b>precludes or severely limits</b> his or her ability to decode printed text (possibly due to other co-occurring disabilities or long-term language deprivation in early childhood)?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence that the student’s access to and/or performance on print-based tasks improves when information is presented to the student in auditory formats (by way of human reader or the use of assistive technology)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the student use read-aloud accommodations during instruction and/or classroom testing (by way of human reader or the use of assistive technology)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the student provided instructional materials in auditory formats?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Has the student provided input to inform specific recommendations related to the “tests read” testing accommodation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are there additional considerations for recommending “tests read” for this student, specific to his or her unique disability-related needs? If so, explain in the space below:				

\*If the answer to this question is “YES”, and the student also understands sign language, the CSE may consider recommending a sign language interpreter to translate text if appropriate to the needs and skills of the student.

**Check the recommendation that is most appropriate in meeting the needs of this student:**

- “Tests read” is **not** an appropriate testing accommodation for this student.\*\*
- “Tests read” should be recommended for this student on State and local tests, **except** tests of reading comprehension.\*\*
- “Tests read” should be recommended for this student on all State and local tests, **including** tests of reading comprehension.

\*\*These recommendations indicate that the Grades 3-8 ELA Assessments will **not** be read to the student.