



CCD Education Taskforce on the Importance of State Assessments & Strong Accountability for Students with Disabilities

January 2021

The COVID-19 pandemic has brought with it unprecedented challenges, particularly for students who have been historically underserved and marginalized, including the nation's 7 million students with disabilities. The experience of students with disabilities has varied dramatically from district to district and state to state. For example, some students have not received the services guaranteed to them through their Individualized Education Programs (IEPs) and others have developed new and different needs as a result of the disruption the pandemic has caused.

The U.S. Department of Education (ED) permitted states to forego administration of state academic assessments in the 2019-2020 school year, creating a significant gap in academic performance data. The National Assessment of Educational Progress will not be administered in 2020-2021, postponing new data on the only measures of math and reading achievement that provides state comparisons. Additionally, to support states in implementing requirements of federal law, ED has issued [*Frequently Asked Questions Impact of COVID-19 on Accountability Systems Required under the Elementary and Secondary Education Act of 1965 \(ESEA\)*](#) which provides clarification on State requirements for assessment and accountability, how State's can submit amendments to their Consolidated State Plan, and related timelines to meet federal requirements this school year.

To support states in ensuring the educational success of all students, including students with disabilities CCD **reiterates our long standing expectations for the assessment and accountability of students with disabilities** even during these unprecedented times. These expectations are representative of longstanding CCD policies and are grounded in civil rights laws such as the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) as well as the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act (ESSA).

1. States must be required to administer annual state assessments that include students with disabilities. States must administer annual state assessments and must comply with 34 CFR §§ 200.2 – 200.9. Specifically, states must comply with 34 CFR §200.6 regarding inclusion of students with disabilities. States have only two ways to include students with disabilities in state academic assessments. These are:

- *Assessment aligned with the challenging state academic standards for the grade in which the student is enrolled, with appropriate accommodations as needed; or*
- *Alternate assessments aligned with alternate academic achievement standards for students with the most significant cognitive disabilities as defined by the state. The number of students with the most significant cognitive disabilities assessed using an alternate assessment may not exceed 1.0 percent of the total number of students assessed in the state.*

The inclusion of students with disabilities is also required by the IDEA, 34 CFR §300.160, which states that “A State must ensure that all children with disabilities are included in all general State and district-wide assessment programs, including assessments described under section 1111 of the ESEA, 20 U.S.C. 6311, with appropriate accommodations and alternate assessments, if necessary, as indicated in their respective IEPs.”

2. States must adhere to the ESSA requirement to assess at least 95 percent of all students, including at least 95 percent of students with disabilities. This participation requirement ensures that the results of state assessments are representative of all students and each student subgroup, including students with disabilities. Administration that falls short of this participation rate must not be viewed as representative and, as such, should not be used to make accountability decisions.

3. The results of state assessments must be used to determine which schools are in need of improvement so ESSA funds can support underperforming student subgroups, such as students with disabilities. The value of state assessments is that they help provide a systemic picture of how students are being served. Given the variation in how districts are responding to the pandemic and whether they are continuing to provide rigorous instruction, supports, and services to students with disabilities, it is essential to be able to compare between schools and across districts how students with disabilities are performing. Such comparison and the identification of schools whose student subgroups are underperforming results in additional funding which can support comprehensive intervention and support.

4. The administration of state assessments should not preclude districts from administering formative or interim assessments to monitor student progress and inform instruction. In fact, it is imperative that districts develop a system for progress monitoring in order to adequately assess students’ needs and growth over time and make instructional decisions. The purpose of formative and interim assessments is distinctly different from that of state assessments and districts need not choose between administering either type of assessment.

5. ED should provide states with ongoing, comprehensive technical assistance to support the administration of assessments and provision of accommodations, assistive technology, devices, services and other supports required to fully include students with disabilities. Technical assistance should be provided to states so that district and school personnel are equipped and trained for in-person, hybrid and/or remote administration of assessments so that every student eligible for

accommodations under IDEA and/or Section 504 has access to interoperable assistive technology, devices, services and other approved supports.

6. States seeking to amend their state plan must detail how they will improve conditions for learning due to the pandemic and what specific steps will be taken to support students who are struggling, such as those with disabilities. The pandemic has exacerbated the challenges facing educators and students. The purpose of ESSA is “to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps” therefore, States must thoughtfully consider in making any amendments to their state plan how the needs of students have changed -- academically, socially, emotionally, and behaviorally -- in order to help districts and schools plan to effectively meet their needs.

American Association on Intellectual and Developmental Disabilities (AAIDD)

American Foundation for the Blind

American Physical Therapy Association

American Therapeutic Recreation Association

Autism Society of America

Autistic Self Advocacy Network

Bazelon Center for Mental Health Law

Brain Injury Association of America

Council for Exceptional Children

Council for Learning Disabilities

Council of Parent Attorneys and Advocates

Disability Rights Education & Defense Fund (DREDF)

Easterseals

National Association of Councils on Developmental Disabilities

National Center for Learning Disabilities

National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)

National Center for Special Education in Charter Schools

National Council on Independent Living

National Disability Rights Network (NDRN)

National Down Syndrome Congress

National PTA

RespectAbility

Teacher Education Division of the Council for Exceptional Children

The Advocacy Institute

United Spinal Association

CCD Education Task Force Co-Chairs:

Meghan Whittaker, National Center for Learning Disabilities

mwhittaker@nclld.org

Kim Musheno, Autism Society of America

kmusheno@autism-society.org

Laura Kaloi, Council of Parent Attorneys & Advocates and
National Center for Special Education in Charter Schools

lkaloi@stridepolicy.com

The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The Education Task Force monitors federal legislation and regulations that address the educational needs of children with disabilities and their families, including the Individuals with Disabilities Education Act (IDEA) programs. The Education Task Force advocates for enhanced opportunities for children under these laws.