High School Assessments for Students With Disabilities in the Era of the Every Student Succeeds Act
The mission of NCLD is to improve the lives of the 1 in 5 children and adults nationwide with learning and attention issues—by empowering parents and young adults, transforming schools and advocating for equal rights and opportunities. We're working to create a society in which every individual possesses the academic, social and emotional skills needed to succeed in school, at work and in life.

The Center's mission is to contribute to improved student achievement through enhanced policies and practices in educational assessment and accountability. We carry out our mission by working with states and other educational agencies to design and implement effective assessment and accountability policies and programs.

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Introduction

The Every Student Succeeds Act (ESSA)—the nation’s primary K–12 education law enacted in December 2015—created new opportunities for students in high school to take college entrance exams as a way to satisfy the testing requirement for state accountability purposes as well as their own college admissions testing requirement.

Due to ESSA’s new flexibility in this area and continued use of assessments in the college admissions process, it is anticipated that the use of college entrance exams in high schools will continue to increase. Therefore, it will be especially important that all students—including students with disabilities—have equal access and receive equal benefit from participating in these assessments. Historically, it has been challenging for students with disabilities to receive accommodations on college entrance exams. In some instances, having used accommodations has prevented students from being able to use their scores for the purpose of college entry.

Now that ESSA is allowing broader use of college entrance exams, state and local policymakers and the parent community must consider the needs of students with disabilities—and laws such as the Individuals with Disabilities Education Act, among others—as new high school tests are selected and implemented.

This paper provides policymakers and parents with background about ESSA’s new policy related to high school assessment and raises key considerations to make sure students with disabilities can fairly and equitably participate in these tests. Section I summarizes key provisions in ESSA related to high school assessments. Section II outlines critical considerations for state and local policymakers in their decision-making process if they choose to use college entrance exams as part of their state accountability system. Section III outlines the steps that parents of students with disabilities can take to make sure their child can fully participate in any new high school assessment.

WHAT IS A ‘NATIONALLY RECOGNIZED ASSESSMENT’?

While ESSA does not define ‘nationally recognized assessment,’ the U.S. Department of Education included this definition in the final assessment regulations:

“an assessment of high school students’ knowledge and skills that is administered in multiple states and is recognized by institutions of higher education in those or other states for the purposes of entrance or placement into credit-bearing courses in post-secondary education or training programs.”

Additionally, the report that accompanied ESSA mentions the SAT and ACT tests as examples. Experts believe that the PARCC and Smarter Balanced assessments can also fit this description.
Section I: Overview of ESSA’s High School Assessment Policies

ESSA continues to require states to annually assess students in English/language arts and math in grades 3–8 and once in high school, and in science in each of the elementary, middle and high school grade spans. However, ESSA now allows states and school districts greater flexibility in selecting which assessments to use in high school.

Many states have decided to use a ‘nationally recognized assessment’—such as the SAT or ACT—in place of their traditional statewide assessment. In 2015–2016, 24 states used the SAT or ACT as their high school assessment for the purposes of their state accountability system. That’s an increase from the 19 states that used either the SAT or ACT in 2014–2015 school year.

It is believed that more states are using a nationally recognized high school academic assessment because of the perceived credibility of these assessments, potential increase in student motivation, the cost, and the increased access to college afforded to students who take these assessments.

Building on this policy, ESSA now allows school districts to select a ‘nationally recognized assessment’ that would be used in place of the state-designated high school assessment. However, any locally selected, nationally recognized assessment must meet detailed criteria, and the state must approve its use prior to a school district implementing the assessment. This process is explained in greater depth in Section II.

Historically, students with disabilities have had challenges in accessing the general education curriculum and statewide assessments. However, over the last 20 years, federal laws have been enacted to explicitly require that students with disabilities have access to, and make progress in, the general education curriculum. The Individuals with Disabilities Education Act (IDEA) reauthorizations in 1997 and 2004 describe this requirement, as does the Elementary and Secondary Education Act (now known as the Every Student Succeeds Act), reauthorized in 2001 and 2015. Additionally, these laws—and others such as the Americans with Disabilities Act and its amendments in 2008, and Section 504 of the Rehabilitation Act of 1973—have ensured that students with disabilities have access to accommodations and nondiscriminatory practices in multiple settings, including participation in the general education curriculum.

Despite the existence of these laws to protect and support students with disabilities, many have had difficulty applying for and receiving accommodations on some college entrance exams, as reported by the United States Government Accountability Office. Additionally, in states that have begun using a college entrance exam in lieu of their statewide assessment in high school, it has been reported that some students who were able to receive accommodations on these tests could not use the scores for college admission purposes because a particular, yet necessary, accommodation

References:
3 Achieve & Center for Assessment (September 2016). High School Assessment in a New Era: What Policymakers Need to Know.
invalidated the results.\textsuperscript{5} In these cases, students with disabilities would have to take the college entrance exam twice—once with accommodations for the purpose of ESSA accountability and once without accommodations for the purpose of reporting the scores to colleges.\textsuperscript{6}

Recognizing this challenge, in 2015 the U.S. Department of Justice issued technical assistance to ease the process for individuals with disabilities in receiving accommodations on the SAT, ACT, other standardized exams and other high-stakes tests related to applications, licensing, certification for high school, college, graduate school and professional purposes. In this guidance, the DOJ states, “While many testing entities have made efforts to ensure equal opportunity for individuals with disabilities, the [Justice] Department continues to receive questions and complaints relating to excessive and burdensome documentation demands, failures to provide needed testing accommodations, and failures to respond to requests for testing accommodations in a timely manner.” \textsuperscript{7}

The Justice Department further clarified that “[t]he Americans with Disabilities Act (ADA) ensures that individuals with disabilities have the opportunity to fairly compete for and pursue such opportunities by requiring testing entities to offer exams in a manner accessible to persons with disabilities. When needed testing accommodations are provided, test-takers can demonstrate their true aptitude.” \textsuperscript{8}

Now, as states and school districts consider whether to use a nationally recognized assessment like the SAT or ACT as part of their state accountability system, it will be important to carefully consider the needs of students with disabilities in the selection and implementation of a new high school assessment.

5 Gewertz, Catherine (2016, February 23). Feds eye disparities in supports for SAT, ACT. EdWeek.
6 Ibid.
8 Ibid.

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**Types of High School Assessments Allowed by ESSA**

- **Statewide assessment** used by all public high schools in the state.
- **Locally selected, nationally recognized assessment** used by school districts that receive approval from the state.
Section II: Considerations for State and Local Policymakers

As state and local policymakers consider how to implement ESSA’s assessment requirements, it is important to consider how any assessment will adequately address the needs of students with disabilities. This is especially relevant when considering the use of college entrance assessments that have presented challenges in the past for students with disabilities who apply to receive and subsequently use necessary accommodations.

The following recommendations provide state and local policymakers with the key issues that must be addressed to ensure that any nationally recognized high school assessment is accessible to students with disabilities.

For State Policymakers

State policymakers have a vital role in the selection, approval and implementation of all assessments used by school districts in the state for accountability purposes. The following considerations are critical to ensuring that the needs of students with disabilities are addressed during the decision-making process:

1. **Issue public assurance.** Let the public know that any assessment approved by the state will enable full participation by students with disabilities, including access to appropriate accommodations and use of test results for the same purposes as their peers without disabilities. This assurance is applicable to statewide and locally selected assessments.

2. **Clarify legal requirements.** Assessments that are used by states and school districts for the purpose of meeting ESSA’s accountability requirements must also adhere to other ESSA requirements related to assessments, as well as meeting IDEA’s requirements related to assessments and accommodations. In the past, some testing entities administering college entry assessments claimed they were only required to comply with ADA. To ensure that all relevant legal requirements are known, states using and/or approving a nationally recognized high school assessment for the purpose of ESSA accountability must clarify that the legal requirements of ESSA and IDEA as well as those of ADA and section 504 of the Rehabilitation Act apply here.

3. **Establish application and review process.** Create an application and review process for school districts that requests information related to administering the nationally recognized assessment to students with disabilities, including:
   a. A description of the school district’s process for making requests for accommodations, including how it provides training for school personnel in requesting and administering accommodations, and how it provides relevant information and resources to students and families;
b. An assurance that the school district understands its responsibility for upholding federal reporting requirements, including disaggregating participation data by student subgroup, and the number of students receiving accommodations on the test;

c. Clearly articulated goals of the assessments for all students.

4. **Create technical criteria to ensure locally selected, nationally recognized assessments meet ESSA’s legal requirements.** These criteria include that the assessment must:
   a. Be aligned to state content standards and address the breadth and depth of standards;
   b. Be equivalent to the statewide assessment in content coverage, difficulty and quality, as determined by an independent evaluator;
   c. Provide comparable, valid and reliable data on student achievement for all students, including students with disabilities (who do not take the alternate assessment based on alternate academic achievement standards), reporting results in terms consistent with the state’s academic achievement standards;
   d. Meet technical quality that all statewide assessments must meet under Title I;
   e. Differentiate among schools within the state for accountability purposes;
   f. Ensure that the use of appropriate accommodations does not deny a student with disabilities the opportunity to participate in the assessment or afford any benefit from such participation that is not equal to the benefit afforded to students who do not use such accommodations.

5. **Ensure that students with disabilities receive the same benefit on nationally recognized assessments.** ESSA regulations require that students with disabilities who use appropriate accommodations on the nationally recognized assessment receive the same ‘benefit’ from the assessment as students without disabilities. This means that if students who take the nationally recognized high school assessment are able to use their scores for college entry purposes, students with disabilities should also be able to use their scores for this purpose, even if they used accommodations on the assessment. Historically, some college entry assessments have had more restrictive accommodations policies. This created a scenario in which a student with disabilities may have to take the nationally recognized assessment twice, once with accommodations for ESSA accountability purposes and once without accommodations for college entry purposes. ESSA regulations clarify that students with disabilities who use appropriate accommodations should receive the same benefit from the nationally recognized assessment—i.e., college reportable score—as their peers without disabilities.

6. **Emphasize accessibility.** When considering the selection and/or approval of nationally recognized assessments, emphasize the important role of embedded accessibility features and the ability to use a wide range of accommodations as critical factors in the decision-making process.

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9  Title I—Improving the Academic Achievement of the Disadvantaged— Academic Assessments, 34 CFR Part 200 (2016)
7. **Review state accessibility and accommodations policies.** Review and revise, if necessary, state policies related to accessibility and accommodations, ensuring that any state-approved assessment—including a nationally recognized high school assessment that is used statewide or by selected school districts—reinforces the federal assessment regulations, which explicitly clarify that students with disabilities must have access to appropriate accommodations and receive the same benefit from taking the assessment as students without disabilities (see #5 above).

8. **Provide guidance and oversight to school districts.** Communicate with school districts about the application and approval process; and provide appropriate oversight to ensure that policies and procedures regarding parent notification and accommodations are followed at the local level. This includes making resources available to enhance assessment literacy of stakeholders involved.

### For Local Policymakers

ESSA allows local and school district decision-makers new opportunities to use ‘locally selected, nationally recognized high school assessments’ in lieu of the statewide high school assessment. ESSA includes a framework that states and school districts must follow when exercising this new flexibility. The following considerations are critical to ensuring that the needs of students with disabilities are addressed during the decision-making process:

1. **Issue public assurance.** Let the public know that any locally selected assessment will enable full participation by students with disabilities, including access to appropriate accommodations and use of test results for the same purposes as their peers without disabilities.

2. **Clarify legal requirements.** Assessments that are used by states and school districts for the purpose of meeting ESSA’s accountability requirements must also adhere to other ESSA requirements related to assessments, as well as meeting IDEA’s requirements related to assessments and accommodations. In the past, some testing entities administering college entry assessments claimed they were only required to comply with ADA. To ensure that all relevant legal requirements are known, school districts using and/or approving a nationally recognized high school assessment for the purpose of ESSA accountability must clarify that the legal requirements of ESSA and IDEA as well as those of ADA and section 504 of the Rehabilitation Act apply here.

3. **Engage with parents.** Create, communicate and implement policies that outline how the school district will notify and engage with parents before the district requests approval from the state and throughout the implementation process, in a language and format that is accessible to the parents.
4. **Ensure the participation of students with disabilities.** Make sure students with disabilities are able to fully participate in the locally selected, nationally recognized assessment chosen by the school district. Students with disabilities must have access to appropriate accommodations and an opportunity to become familiar with the format, technology and types of test questions to ensure they are acclimated to any new assessment.

5. **Provide professional development related to new assessment and accommodations.** Provide professional development for educators to understand the new assessment, how it relates to the state standards, accessibility features embedded within the test, and the process and timeline for applying for accommodations. This includes offering opportunities to enhance assessment literacy for teachers, administrators and the public, including parents.

6. **Streamline the process for applying for and providing accommodations.** Create a streamlined process for seeking and receiving accommodations on a nationally recognized assessment to minimize the burden on students with disabilities, their families and educators. This process should include:
   a. A description of the documentation—such as the IEP or 504 plan—required to demonstrate the need for an accommodation;
   b. A description of how an IEP must be formatted to ensure that accommodations are communicated in a way that will enable the student to have a successful application to any third-party administrator of the assessment;
   c. A description of the timeline for requesting an accommodation;
   d. A description of the role of a parent/guardian and/or an educator in this process.
Section III: Action Steps for Parents

ESSA’s emphasis on allowing nationally recognized high school assessments—either to be used statewide or in selected school districts—means that parents of students with disabilities may see changes to the type of testing that occurs in high school.

Many states use college entrance exams—like the SAT or ACT—for the purposes of both college entry and to hold high schools responsible for student achievement (a term called ‘accountability’ in ESSA). Now, ESSA also allows school districts themselves to use a ‘nationally recognized high school assessment,’ if approved by the state. This new provision in ESSA means that school districts may opt to use a ‘nationally recognized assessment’ in place of their traditional statewide test.

There are many reasons why students with disabilities do not get the accommodations they may expect on college entrance exams. Therefore, it is important for parents to know their child’s rights and ask key questions of their local and state policymakers. The following steps can guide parents through this process:

1. **Contact your school district.** Reach out to your school district to ask whether they are considering the use of a ‘locally selected, nationally recognized assessment’ in high school. This is the term used in the law to allow school districts to select a new high school test that meets certain federal criteria. Examples include the SAT, ACT, PARCC and Smarter Balanced.

2. **Engage in the process.** If your school district is considering the use of a new assessment in high school (such as the SAT or ACT), ask how you can volunteer to be part of the process to choose and implement this new test. It will be important to raise concerns relating to students with disabilities, such as the need for accommodations, and to make sure that test scores of students with disabilities can be used for the same college entry purposes as those of students without disabilities. Becoming familiar with the accommodations and accessibility policies of nationally recognized assessments (such as the SAT, ACT, PARCC, and Smarter Balanced) is an important step in helping your child get accommodations.

3. **Remember that your child has rights.** The law ensures that students with disabilities receive appropriate accommodations and makes clear that students with disabilities cannot be penalized for using appropriate accommodations. The relevant laws include the Every Student Succeeds Act (ESSA), the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA). [Click here for a quick summary of these laws](#).
4. **Learn accommodations policies.** Learn the accommodations policies and procedures for your school’s locally selected, nationally recognized assessment to make sure your child is able to get the accommodations he or she is legally entitled to receive. It will be important to know whether the school will apply for accommodations directly to the testing company on your child’s behalf or whether you—as the parent—will have to make this request directly to the testing company.

5. **Discuss this early with the IEP or 504 team.** To apply for accommodations, it will be important that your child’s IEP or 504 plan include all the necessary documentation and is submitted on time. Encourage your IEP/504 team to include both accessibility features and accommodations in the IEP. This may eliminate any confusion regarding accessibility features that are automatically provided on the state assessments in grades 3–8 but that may not be automatically included on the locally selected, nationally recognized high school assessment. Start these conversations as early as possible so you can meet all of the relevant deadlines.

6. **Become informed consumers of tests.** Learn fundamental concepts associated with assessments. This includes finding information about the purposes of assessments, ways to evaluate them, accommodations and accessibility policies, and places to get resources and information about the assessments. The term for this is ‘assessment literacy’.
Section IV: Summary and Resources

ESSA provides a new opportunity for states, school districts, students and families related to high school assessments. It will be important for all stakeholders—state and local policymakers, educators and parents—to carefully consider the needs of students with disabilities if a state and/or school district pursues using a ‘nationally recognized high school assessment.’

This is particularly important given the history that many students with disabilities have had difficulty accessing accommodations on college entrance exams, which are likely to be used under this new authority. Additionally, it will be critical that all stakeholders have a clear understanding of the legal rights of students with disabilities and how that relates to using ‘nationally recognized high school assessments’ for the purpose of ESSA accountability. Lastly, to ensure high-quality implementation of any new high school assessment, educators and parents will need information about how to ensure that students with disabilities receive the accommodations they are entitled to.

KEY TAKEAWAYS

- ESSA provides a new opportunity for states and school districts to use ‘nationally recognized high school assessments.’
- Informed implementation is necessary to make sure the needs of students with disabilities are addressed.
- Supporting educators and parent/school partnerships will help with high-quality implementation.

Resources

Every Student Succeeds Act

- Every Student Succeeds Act (2015). See Section 1111(b)(2) on page 24 on Academic Assessments

Accommodations

Resources (continued)

  - National Center on Educational Outcomes
- The College Board (2017). Who is Eligible?

Assessment Literacy

- West Ed (2017). WestEdAssessment Literacy Workshops: Promoting Understanding of Assessment and the Effective Use of Summative Test Results Among K-12 Educators.