

**GUIDELINES FOR THE PARTICIPATION OF STUDENTS WITH DISABILITIES IN
THE ASSESSMENT COMPONENT
OF VIRGINIA'S ACCOUNTABILITY SYSTEM**

Inclusion of Students with Disabilities in Virginia's Accountability System

It is the intent of the Commonwealth of Virginia to include all students with disabilities in the accountability system. The federal regulations under the Section 504 of the Rehabilitation Act of 1973, as amended, and state regulations under the Virginians with Disabilities Act, Section 51.5-40 *et seq.* of the Code of Virginia, require that individuals with disabilities be given equal opportunity to participate in and benefit from the policies and procedures customarily granted to all individuals. The Individuals with Disabilities Education Act (IDEA) and *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* require that all students with disabilities participate in the Virginia accountability system either through the Standards of Learning assessments or the Virginia Alternate Assessment Program. Additionally, the No Child Left Behind Act of 2001, P.L. 107-110, requires that at least 95% of students with disabilities participate in assessments used to measure the adequate yearly progress of schools, school divisions, and the state. Schools, school divisions, or states that fail to meet the 95% participation requirement will not be considered to have met the required adequate yearly progress.

Participation Decisions

For all students with disabilities identified under IDEA, the individualized education program (IEP) team determines how the student will participate in the accountability system. For students identified under Section 504 of the Rehabilitation Act of 1973, the 504 committee determines how the student will participate. The ramifications of decisions made by the IEP team/504 committee must be clearly explained to the student's parent, legal guardian, or surrogate parent and the student if appropriate. A student's IEP or 504 plan must specify the student's participation in the assessment component of Virginia's accountability system as follows:

- participation in the Standards of Learning assessments
 - with no accommodations
 - with accommodations based upon the accommodations the student needs during classroom instruction and assessment
 - non-participation in a Standards of Learning assessment with an explanation of why the student is not participating, a statement of the ramifications of the decision, and a description of how the student will be assessed in this area
- participation in the Virginia Alternate Assessment Program

When determining participation in Virginia's accountability system, all students with disabilities must be first considered for participation in the Standards of Learning assessments.

The Department of Education document entitled, *Procedures for Determining Participation in the Assessment Component of the Virginia's Accountability System*, provides the IEP team or 504 committee with more detailed information about the process used in making decisions regarding the participation of students with disabilities in the accountability system.

Standards Of Learning Assessment Program

Participation of Students with Disabilities in Grades 3, 5, and 8

Students with disabilities in grades 3, 5, and 8 must participate in each of the Standards of Learning assessments unless they have not received instruction in the content measured by the assessment. Decisions about participation must be made for each assessment separately. Should the IEP team/504 committee determine that nonparticipation is appropriate, the IEP/504 plan must state why the assessment is not appropriate and describe how the child will be assessed in that area. Students with disabilities in grade 3, 5, and 8 who do not participate in any of the Standards of Learning assessments in the respective grade level will be assessed through the Virginia Alternate Assessment Program according to the criteria established for participation in the alternate assessment program.

Participation of Students with Disabilities at the Secondary Level

Students with disabilities must take all applicable Standards of Learning end-of-course tests if they are enrolled in that course intending to earn a standard unit of credit. Students who are auditing a course or who are being instructed in only part of the content for that course do not take the Standards of Learning end-of-course test.

Testing Accommodations for Students with Disabilities in the Standards of Learning Assessment Program

Decisions about the need for and selection of accommodations for students with disabilities are the responsibility of the IEP team or 504 committee. The use of accommodations by a student when participating in the Standards of Learning assessments must be determined individually for each test and identified in the student's IEP or 504 plan. Accommodations allow students with disabilities an equal opportunity to demonstrate their achievement.

Accommodations should be those that the student needs during classroom instruction and assessments as identified in the student's IEP or 504 plan. Accommodations should not be used only for participation in a Standards of Learning assessment(s).

Typically, accommodations can be classified in the following categories:

- timing/scheduling
- setting
- presentation
- response.

Accommodations may also be classified as standard or nonstandard. Standard accommodations allow the student to take a test in a different way without changing what the test is measuring.

Accommodations that significantly change what the test is measuring are referred to as non-standard accommodations. A student, who has passed a Standards of Learning assessment utilizing any accommodation, including a non-standard accommodation, has passed for all purposes, including earning a verified credit.

A list of standard and nonstandard accommodations is provided to school divisions in the Department of Education's *Procedures for Determining Participation in the Assessment Component of the Virginia's Accountability System*. Questions about any accommodations not listed should be directed to the school division's director of testing who will consult with Department of Education staff as needed.

Virginia Alternate Assessment Program

Participation in Virginia's Alternate Assessment Program for Students in Grades 3, 5, and 8

Only students with disabilities who have an IEP and who are not participating in any Standards of Learning assessments at their grade level (3, 5 and 8) may be considered for participation in the Virginia Alternate Assessment Program. In addition, to participate in the alternate assessment program, the student must demonstrate impairments that prevent the completion of curriculum based on the Standards of Learning even with program and assessment accommodations. Also, the student's present level of performance must indicate a need for extensive, direct instruction and/or intervention in a life skills curriculum. Finally, the student must require intensive, frequent, and individualized instruction in a variety of settings to show progress and acquire, maintain, or generalize life and/or functional academic skills.

Participation in Virginia's Alternate Assessment Program for Students in Grade 11

Only students with disabilities who have an IEP and who are not participating in any Standards of Learning assessments may be considered for participation in the Virginia Alternate Assessment Program. In addition, to participate in the alternate assessment program, the student must demonstrate impairments that prevent the completion of curriculum based on the Standards of Learning even with program and assessment accommodations. Also, students participating in the Alternate Assessment Program must be working toward educational goals other than those prescribed for a modified standard, standard, or advanced studies diploma. In addition, the student's present level of performance should indicate a need for extensive, direct instruction and/or intervention in a life skills curriculum. Finally, the student should require intensive, frequent, and individualized instruction in a variety of settings to show progress and acquire, maintain, or generalize life and/or functional academic skills.

Additional Information

The Department of Education document entitled, *Procedures for Determining Participation in the Assessment Component of the Virginia's Accountability System*, provides the IEP team or 504 committee with more detailed information about the process used in making decisions regarding the participation of students with disabilities in the accountability system.