

2018-2019

Students with
Disabilities:
Guidelines for
Assessment
Participation
A Guide for Educators
and Parents

Virginia Department of Education
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Procedures for Participation of Students with Disabilities in Virginia's Accountability System

Introduction

It is the intent of the Commonwealth of Virginia to include *all* students with disabilities in the assessment component of Virginia's accountability system. The federal regulations under Section 504 of the *Rehabilitation Act of 1973*, as amended, and Regulations Governing Special Education Programs for Children with Disabilities in Virginia at 8 VAC20-81-20.4 (corresponding with *Individuals with Disabilities Education Improvement Act of 2004*, at 20 USC § 1412(a) (16) (A), 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 purpose of this document is to provide a resource for educators and parents regarding the state assessment system and how students with disabilities are provided access. It provides participation information by describing each assessment program and guidelines for determining eligibility.

Guidelines for Assessment Participation

Students with disabilities in the Commonwealth of Virginia include identified students under the *Individuals with Disabilities Education Improvement Act of 2004* (IDEA) and under Section 504 of the *Rehabilitation Act* of 1973, as amended. IDEA and its implementing state and federal regulations require that all students with disabilities participate in the state's accountability system. More specifically, students with disabilities are expected to participate in all content area assessments that are available to students without disabilities.

I. Description of Assessment Programs

A. Standards of Learning (SOL) Assessment Program

The SOL in the content areas of English, mathematics, science, and history/social science are intended to set reasonable targets and expectations for what teachers are expected to teach and students are expected to learn. The results of SOL assessments for these content areas inform parents and teachers about what students are learning in relation to the SOL and hold schools accountable for teaching the SOL content. Students with disabilities may participate in SOL assessments with or without accommodations.

B. Virginia Alternate Assessment Program (VAAP)

The VAAP is an alternate assessment based on alternate achievement standards and is specifically designed to evaluate the achievement of students with significant cognitive disabilities. The VAAP is available to students in grades 3-8 and high school who are working on academic standards that have been reduced in complexity and depth. These academic standards are called Aligned Standards of Learning (ASOL) and are available in reading, writing, mathematics, science, and history/social science. Only students with significant cognitive disabilities who are eligible under IDEA and who meet the VAAP guidelines for participation may be assessed through the VAAP. Students with disabilities served by 504 Plans are not eligible for VAAP. Students will compile a collection of work samples, or COE to demonstrate achievement on the ASOL. Students who participate in the VAAP participate in all content areas; participation decisions are made on an individual basis.

II. How Students with Disabilities Participate in Virginia's Accountability System

For all students with disabilities identified under IDEA, the IEP Team determines how the student will participate in the accountability system. For students identified under Section 504, the 504 Committee determines how the student will participate.

A student's IEP must specify the student's participation in the state accountability system as follows:

- participation in the SOL test with no accommodations¹;
- participation in the SOL test with accommodations; or
- participation in VAAP.

If the IEP Team determines that the student will participate in the VAAP instead of taking SOL tests with or without accommodations, a statement that addresses each of the following must be included in the IEP:

- why the student cannot participate in the regular assessment;
- why the VAAP is appropriate for the student, including how the child meets the criteria for the alternate assessment; and
- how the child's participation in the VAAP will impact the child's promotion and/or graduation.

A student's 504 Plan must specify the student's participation in the state accountability system as follows:

- participation in the SOL test with no accommodations;
- participation in the SOL test with accommodations;
- participation in VMAST for credit accommodations.

III. Role of the Individualized Education Program (IEP) Team

(For students identified under the Individuals with Disabilities Education Improvement Act of 2004)

For all students with disabilities identified under IDEA, the IEP ensures that they receive a free appropriate public education. The IEP process also ensures that each student's parent(s)² is an active participant of the IEP Team. The IEP Team makes decisions about participation in each of the assessments and the need for and selection of accommodations. These decisions must be made during the annual IEP Team meeting that precedes the assessment administration. If the Team believes that these decisions should change, an IEP meeting must be held to address and document these issues on the IEP prior to the test administration. The ramifications of these decisions made by the IEP Team must be clearly explained to and understood by all IEP Team members including the student's parent(s) and

¹ The Board of Education has approved a number substitute tests that students may take to earn verified credits toward graduation. The Board has also approved a schedule of career and technical examinations for licensure or certification that may be substituted for SOL tests to earn student-selected verified credits.

² See the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, at 8VAC 20-81-10 for the definition of a parent for a child with a disability. The parental rights transfer to the student when he/she reaches the age of majority (18 in Virginia) unless certain procedures specified in regulations have been followed.

the student, if appropriate. Additionally, the parent(s) and student must be provided with prior notice regarding the proposed IEP.

IV. Role of the 504 Committee

(For students identified under Section 504 of the Rehabilitation Act of 1973, as amended)

Each school division is required to determine appropriate educational programs for all students with disabilities who qualify under Section 504 by convening a knowledgeable group to evaluate and determine program needs. Therefore, decisions about the participation in each of the assessments, the need for, and selection of accommodations are the responsibility of a 504 Committee. Each student's parent, legal guardian or surrogate parent must be a participant in these decisions. These decisions should be made during the 504 Committee meeting which precedes the assessment administration. If the decisions were not made at this time, an additional 504 Committee meeting must be held to address these issues prior to the test administration. The ramifications of the decision must be clearly explained to and understood by all 504 Committee members including the student's parent, legal guardian, or surrogate parent and the student, if appropriate.

V. Procedures for Determining Participation

When determining participation in Virginia's Accountability System, all students with disabilities first must be considered for participation in the SOL assessments. Generally, decisions about how a student with a disability will be tested should be made independently for each content area. The IEP Team or 504 Committee should consider the following assessment options.

A. Standards of Learning (SOL) Assessment Program

The vast majority of students with disabilities participate in Virginia's assessment program by taking SOL tests with or without accommodations. These students are working on grade level SOL content and are able to demonstrate their individual achievement through the regular assessment. These students may require instructional and assessment accommodations to access instruction and content and to demonstrate their skills and knowledge of grade level SOL. Information about accommodations is provided in the [SOL Test Implementation Manual](#).

B. Virginia Alternate Assessment Program (VAAP)

In considering possible participation in the VAAP, IEP Team members need to be sure that all possible SOL test accommodations have been examined as options to provide access to state assessments.

A student recommended for the VAAP may exhibit some or all of the following learning characteristics:

- communication difficulties;
- uneven learning patterns in all domains;
- multiple disabling conditions along with an intellectual disability;
- motor impairments;
- difficulty learning new tasks and maintaining skills; and
- individualized methods of accessing information.

The VAAP participation criteria form, located in the Appendix, is designed to guide IEP Teams in identifying the population of students with significant cognitive disabilities who are unable to be assessed using the SOL tests even with accommodations. A guidance document, [*VAAP Participation Criteria and the Determination of Significant Cognitive Disabilities*](#), summarizes available research on significant cognitive disabilities. When considering students for the VAAP, IEP Teams are advised to consider information such as, but not limited to, educational evaluations, psychological reports, teacher observations, etc.

Eligibility for the VAAP is not considered on a test-by-test basis. If a student is eligible for the VAAP, he or she will participate in VAAP for all content areas. Students participating in the VAAP *must* be enrolled in grades 3-8 or high school. Students in grades 3-8 are required to submit a Collection of Evidence (COE) for all content areas assessed at their grade level. Students in high school are required to submit a COE including the content areas of reading, writing, mathematics, science, and history/social science by the end of their grade 11 school year.

For details regarding the implementation of the VAAP refer to the [*VAAP Implementation Manual*](#) available on the Virginia Department of Education website.

If the student fails to meet one of the criteria for participation for the alternate assessments, the student must participate in the SOL assessment program with or without accommodations.

C. Determining State Assessment Participation Chart

When determining how the student will be tested on a state assessment, the IEP Team or 504 Committee should consider the following options:

| Characteristics of Student Performance | Recommended Participation for Standards of Learning Test |
|---|--|
| OPTION 1 | |
| <p><i>If the student</i></p> <ul style="list-style-type: none"> a) is able to demonstrate knowledge and skills on a test that primarily uses a multiple choice format, either with or without accommodations, <p><i>and</i></p> <ul style="list-style-type: none"> b) is working on Standards of Learning at grade level, | <p><i>Then</i></p> <p>the student should take the Standards of Learning test, either with or without accommodations.</p> |

| Characteristics of Student Performance | Recommended Participation for Virginia Alternate Assessment Program |
|---|--|
| OPTION 2 | |
| <p><i>If the student</i></p> <ul style="list-style-type: none"> a) <i>has an IEP (or one is being developed),</i> <p><i>and</i></p> <ul style="list-style-type: none"> b) demonstrates significant cognitive disabilities, <p><i>and</i></p> <ul style="list-style-type: none"> c) requires intensive, frequent, and individualized instruction in a variety of settings to show interaction and achievement, <p><i>and</i></p> <ul style="list-style-type: none"> d) is working toward educational goals other than those prescribed for a Modified Standard, Standard, or Advanced Studies Diploma, | <p><i>Then</i></p> <p>the student should participate in the Virginia Alternate Assessment Program.</p> |

Note: The Virginia Modified Achievement Standards Test (VMAST) is only available to students with disabilities seeking a standard diploma with credit accommodations. Beginning with the fall 2018 test administration, VMAST Algebra I (2009 SOL) is no longer available. The VMAST End-of-Course (EOC) English Reading assessment will no longer be available *after* the 2018-2019 school year. More information regarding the VMAST EOC Reading Test can be found on the [Standard Diploma Credit Accommodations page](#).

VI. Non-Participation of Students with Disabilities in the Virginia Assessment Program

Neither the IEP Team nor the 504 Committee can make decisions for non-participation in state assessments. If a parent requests that a student not participate in one or more state assessments, then the IEP Team or 504 Committee must convene to explain the consequences associated with non-participation.

When refusing to participate in grades 3-8 assessments, consequences may include:

- teachers, parents and student will not receive information on student progress contained in the assessment score reports; and
- the student may not have an opportunity to experience an assessment in the content area prior to taking assessments required for graduation.

When refusing to have a student participate in SOL End-of-Course (EOC) assessments, the student may not be able to meet graduation requirements.

If the parent decides on non-participation in the Virginia assessment program, the decision will be considered a refusal to participate and the student will receive a score of “0” for each test that is refused. Documentation indicating that the consequences of the decision have been fully explained to and understood by the parent, guardian, surrogate and student must be attached to or become part of the student’s IEP or 504 Plan.

Students with disabilities who are enrolled in courses with EOC SOL assessments shall take all applicable EOC SOL tests following course instruction. Students shall not be required to take an EOC SOL test in an academic subject after they have earned the number of verified credits required for that academic content area for graduation, unless such test is necessary in order for the school to meet federal accountability requirements. Students who are not enrolled in a course but are auditing the course or being instructed in only part of the content do not take the EOC SOL assessment. In such cases, the course title and code should reflect the instruction being provided to the student.

Documentation indicating that the consequences of not participating have been fully explained to and understood by the parent, guardian, surrogate and student must become part of the student’s IEP or 504 Plan.

APPENDIX

Virginia Alternate Assessment Program

VAAP Participation Criteria

DIRECTIONS: To qualify for the Virginia Alternate Assessment Program (VAAP), a student's IEP Team must determine that a student is eligible based on answering the questions below for each content area considered. A response of "No" for any question indicates that the student is **NOT** eligible for the VAAP.

Student Information

Student Name: _____ Date of Birth: _____

State Testing Identifier (STI): _____ Current Grade of Enrollment: _____

Diploma Program(s): _____

School Division Information

School Division Name: _____ School Name: _____

School Content Teacher: _____ Date: _____

Virginia Alternate Assessment Program Participation Criteria

1) Does the student have a current IEP or one that is being developed?

Yes No

2) Does the student demonstrate significant cognitive disabilities? (For further information, please see the guidance document [*VAAP Participation and the Determination of Significant Cognitive Disabilities*](#).)

Yes No

3) Does the student's present level of performance indicate the need for extensive, direct instruction and/or intervention in a curriculum based on Aligned Standards of Learning? The present level of performance, or student evaluation, may also include personal management, recreation and leisure, school and community, vocational, communication, social competence and/or motor skills.

Yes No

4) Does the student require intensive, frequent, and individualized instruction in a variety of settings to show interaction and achievement?

Yes No

5) Is the student working toward educational goals other than those prescribed for a Modified Standard Diploma, Standard Diploma, or Advanced Studies Diploma? (Students must be enrolled in grades 3-8 or high school)

Yes No

Signed:

_____ Date _____
Special Education Teacher

_____ Date _____
Parent

_____ Date _____
Building Administrator or Designee

_____ Date _____
Other

SAMPLE