

High Stakes Testing
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The High Stakes Testing page includes articles, cases, free publications, and updates on high stakes testing litigation that will help help you advocate more effectively for your child.

As school districts and states come under increased pressure to improve educational results, high stakes testing has become a hot issue.

In IDEA 2004, the [language about participating in state and district assessments was changed](#) to

“All children with disabilities are included in all general State and districtwide assessment programs ... with appropriate accommodations and alternate assessments, where necessary and as indicated in their respective individualized education programs.” ([Section 1412\(c\)\(16\)\(A\)](#))

The child's **IEP team** makes decisions about the child's participation in state and district assessments and any accommodations or modifications that the child may need. [Learn more about IDEA 2004](#).

Section 504 prohibits state departments of education and local school districts from developing policies that limit disabled children from participating in assessments or denying benefits from participating in assessments (i.e., promotion, graduation). (See [OSEP Memorandum: Q's & A's IDEA, Children with Disabilities & State and District-wide Assessments](#)).

Some states have developed policies that limit or prohibit accommodations and modifications, despite federal law and regulations that prohibit this policy. Advocates for children with disabilities have filed class action lawsuits against Oregon, California and Alaska to resolve this issue.

As a parent, you represent your child's interests. What should you do? You want to protect your child from painful experiences. You believe your child should not be penalized because the school failed to teach necessary knowledge and skills.

If parents of disabled children pull their children out of state and district testing, accountability will go up in smoke. Schools will continue to use special education methods that are not effective or research-based. Children will continue to fail.

You need to understand your child's rights under the IDEA, Section 504 and the ADA. For a good analysis of these issues, download, print, and read [OSEP Memorandum: Q's & A's IDEA, Children with Disabilities & State and District-wide Assessments](#)).

This [High Stakes Testing page](#) includes news and updates about litigation and resources to help you advocate more effectively for your child. For more information, you should visit other topics pages, including our [Assessment/ Tests & Measurements Page](#) for information about using tests to assess your child's progress and the [Section 504 & ADA page](#).

News About High Stakes Testing

[Alaska Students with Disabilities Can Graduate with Diploma Without Passing Exit Exam](#). Agreement between parties in class action lawsuit allows students to graduate in 2004. (April 7, 2004)

[Class Action Suit Filed Against Alaska's High School Exit Exam](#). Children with disabilities and their parents filed a class-action lawsuit against the Alaska Board of Education to challenge Alaska's controversial High School exit exam. (March 16, 2004)

[High Stakes Lawsuit in Massachusetts: How High Are the Stakes?](#) In September, 2002, six students filed suit against the state department of education and their school district, alleging that the MCAS exam discriminates against students with disabilities, minority students, and students with limited-English skills. (October 1, 2002)

[Federal Judge Orders CA to Provide Students with Accommodations on High School Exit Exam](#). Judge Charles R. Breyer issues a preliminary injunction in *Juleus Chapman, et. al. v. CA Dept of Education, et al.*, requiring California to provide accommodations for learning disabled students who take the California High School Exit Exam. (February 21, 2001)

[High-Stakes Testing Lawsuit Filed in California](#). Disabilities Rights Advocates files lawsuit against California Dept of Education; claims that exit exam discriminates because it does not provide for an alternate assessment, provides no procedure for requesting accommodations, nor a process for appeals. (May 9, 2001)

[Judge Asked for Injunction So Seniors Can Graduate](#). Battles about high-stakes tests are flaring up around the country: issues include high expectations v. accountability, due process rights, obligations to teach basic skills.

Articles About High-Stakes Testing

[NICHCY Connections to...Including Students with Disabilities in State & District Assessments](#). Federal law--specifically, the Individuals with Disabilities Education Act (IDEA)--requires that students with disabilities be included in large state or district assessment programs. In order to enable children with disabilities to participate in such general assessments, appropriate accommodations may be made, as necessary, as well as modifications in how the assessments are administered (including individual modifications, as appropriate). The decision as to whether a particular child will participate in a particular assessment belongs to the IEP team. The IEP team also specifies what accommodations or modifications that child will need in order to participate. [July 26, 2004]

[Are Children with Disabilities Required to Take High Stakes Tests?](#) Answers questions about using high stakes tests for children with disabilities.

[Exit Exams Can Be Optional If You Plan Ahead](#). Thousands of high school students will not graduate with a high school diploma, even though they took the required courses and received passing grades. If your child is facing this situation, read about a creative strategy for eliminating exit exam obstacles.

[Pass the Test or No Diploma: High-Stakes Graduation Testing and Children with Learning Disabilities](#). Attorney Paul O'Neill describes the history and rationale for high-stakes tests, exit options and exams, legal authority for high-stakes tests, and backlash; includes examples from states.

[Qs & As about IDEA, Students with Disabilities and State and District-wide Assessments](#). "Family friendly" version of OSEP Memorandum about assessments; 26 questions and answers about parental permission, role of IEP team, accommodations and modifications; alternate assessments, out-of-level testing, accountability, and more.

[Why Children with Disabilities Should Take High Stakes Tests: One Parent's View](#). Parent of child with

Down Syndrome describes her child's case. Over the objections of school staff, her child took tests and passed with average or above average scores.

High-Stakes Testing Flyer

The [Wrightslaw High-Stakes Testing Flyer](#) answers questions about high-stakes tests. Educate others by downloading, printing and distributing [this Flyer](#).

Free Publications About High-Stakes Testing

[Tool Kit on Teaching and Assessing Students with Disabilities](#). To achieve excellence in education for students with disabilities, Secretary of Education Margaret Spellings launched an initiative focused on improving teaching, learning, and assessing by increasing states' capacity to provide rigorous assessment, instruction, and accountability for these students. The keys to this effort are instruction and assessment, relying on the most current and accurate information on how students with disabilities learn while also measuring student performance to ensure continuous growth and progress. [April 2006]

[Appropriate Use of High-Stakes Testing in Our Nation's Schools](#). American Psychological Association. How student learning and achievement should be measured; appropriate uses of tests; gaps between testing principles and realities; need for research on impact on large-scale testing.

[Do No Harm - High Stakes Testing and Students with Learning Disabilities](#). Publication describes accommodations, alternate assessments, appeals, procedures, and other safeguards that should be implemented for statewide assessment systems. [Download](#)
You can also order this publication in print, large print, or Braille by contacting Disability Rights Advocates at (510) 451-8644; TTY number is (510) 451 8716.

[Memorandum About Assessment and "High Stakes Testing"](#). U. S. Department of Education, Office of Special Education. Report on state and district assessments, accommodations and modifications, reasons why parents should allow their kids to be tested.

[Assessments and Accommodations](#) by Stephen D. Luke, Ed.D. & Amanda Schwartz, Ph.D. Accommodations play an important role in educational settings for students with disabilities. But what accommodations are Appropriate for which students? How do accommodations affect students' learning and their performance on tests? This [Evidence for Education](#) addresses these and other questions and explores the research base in this area.

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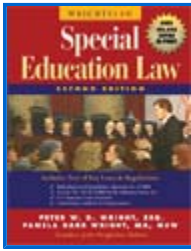
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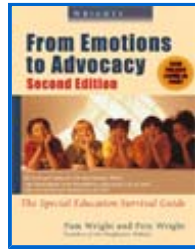
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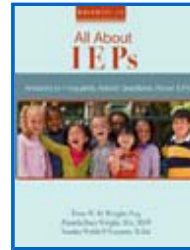
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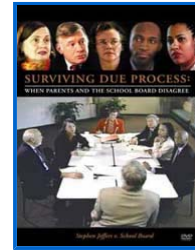
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