# Adjustments and accommodations in assessment that counts: Needed creativity in considerations of equity

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## Abstract

Queensland is known internationally for school-based assessment that forms the basis of high-stakes assessment in senior schooling, that is, Years 11 and 12, for certification. One principle underlying this approach is that diverse assessment approaches afford students opportunities to demonstrate their knowledge through a variety of assessment forms, over time. This paper undertakes an equity analysis of possible impact of form of assessment, identified as the 'second-order expectation', on a student's demonstration of the 'first-order expectation', the knowledge to be demonstrated, for diverse student populations and whether current policies truly accommodate or accept student difference. The paper discusses problems in ways that equivalence of assessment are considered and the need to be more creative in our conceptualisations of knowledge for diverse student populations. The paper further contrasts the current arrangements for senior schooling versus mandatory national testing in Australia, despite Commonwealth legislation about equity in assessment.

## INTRODUCTION

This analysis is undertaken in the context of a recent policy on special provisions for students in school-based assessment in Queensland (QSA, 2009), involving 'reasonable adjustments to conditions of assessment to ensure equitable opportunities for all students' (QSA, 2009, p. 1), and the requirements of the *Commonwealth Disability Standards for Education 2005* legislated under the *Disability Discrimination Act 1992 (Cth)*. The QSA policy further states that it is based on the QSA 2006 Equity statement that 'all young people in Queensland have a right to gain an education that meets their needs and prepares them for active participation in the creation of a socially just, equitable and democratic global society' (QSA, 2009, p. 1).

### *Equity, assessment and validity in Queensland senior schooling*

In general, assessment in senior schooling 'quality-assured' subjects in Queensland is continuous incorporating five principles of 'balance, mandatory aspects of the syllabus, significant aspects of the course, selective updating, and fullest and latest information' (QSA, 2007b, p. 43). [1] For students with special needs, including disabilities, teaching and assessment can also 'alternative teaching approaches, assessment plans and learning experiences' (QSA, 2007b, p. 45). Given the school-based nature of such teaching and assessment, Queensland schooling should already provide substantial opportunities for diverse approaches to assessment of student

[1] For an example of general principles and practice in assessment in such subjects, see, for example, QSA, 2007b, pp. 41-50.

achievement.

The new QSA policy addresses the nature of accommodations for students with disability in these 'quality-assured' subjects, including guidelines for consultation with students. However, it stipulates:

> *Special provisions involve the application of relevant syllabus criteria and standards against which achievement is judged. Assessment criteria and standards are not modified to suit particular students. The school is required to maintain the intent and rigour of the syllabus or study area specification and any other requirements or components that are inherent or essential to the course of study. Special provisions do not involve compensating for what the student does not know or cannot do.* (QSA, 2009, pp. 3-4)

While the general principles of Queensland assessment should allow diversity of assessment approaches, and what in other areas may be called 'alternative' assessments, practitioners still struggle with aspects of alternative assessment forms and meeting requirements to address mandatory requirements including, for example,

- the general objectives of *Knowledge and understanding, Investigation, Evaluation, Communication and research skills*
- the understandings listed in each section of study. (QSA, 2007b, p. 43)

The 'understandings' include outcome statements such as 'Court procedures and rules of evidence have evolved to provide an accused person with a fair trial' (QSA, 2007a, p. 16). Such understandings as outcomes on the face allow considerable diversity of ways for students to demonstrate their understanding of processes. However, teachers and schools must also use of the specified exit criteria and standards to judge 'student achievement at exit from a two-year course of study' (QSA, 2007b, p. 43). For this example, the four exit criteria are:

> 1: *Knowledge and understanding* … the student's ability to retrieve and comprehend information.
>
> 2: *Investigation* … the student's ability to examine legal situations and issues.
>
> 3: *Evaluation* … the student's ability to critically review the law's attempts to achieve just, fair and equitable outcomes to issues.
>
> 4: *Communication and research skills* … the student's ability to select, organise and present information for intended audiences. (QSA, 2007b, p. 48)

Further, the four criteria must be assessed in each semester, and 'each criterion is to make an equal contribution to the determination of levels of exit achievement' (QSA, 2007b, p. 48). For at least a 'C' level, on a five point scale A to E, on the criterion Communication and research skills, a student must demonstrate ' use of appropriate modes, forms and styles of communication with minor lapses' (QSA, 2007b, p. 50). The equity question, which can be considered in light of the following discussion on equity and validity issues in assessment for student with disabilities, is how to reconcile the mandatory aspects of performance with the principles of alternative ways to demonstrate knowledge and understanding.

*Equity, assessment and validity in Australian primary schooling*

The other 'quality-assured' assessments that occur in Queensland schools are the

National Assessment Plan Literacy and Numeracy (NAPLAN) tests for Years 3, 5, 7 and 9 in literacy and numeracy. The number of and student involvement in these tests has grown from original Year 3, 5 and 7 literacy and numeracy tests, developed at a state level, for samples of students, to mandatory testing of the student population, and extended to Year 9. Samples of students must also participate in other national and international tests such as Civics, Information Technology, Maths and Science. While these are not the focus of the following discussion, the same principles apply.

Involvement in the tests is required in the Commonwealth legislation that provides funding to the states for schools. Both government and non-government schools are required to participate. Two further contexts for the following discussion are first, in general, Australian education has a very inclusive approach — wherever possible, students with special needs of a variety of types will be enrolled in mainstream schooling and classrooms. Teachers are expected to be able to address the different learning needs of the students, and to assist them to demonstrate achievement in a variety of ways, within the regular classroom. The second context is that, unlike the senior schooling subjects just discussed, these subjects have no individual consequences for students, and there is no reason why any student, particularly a student who has disabilities and feels anxious about the tests, to try to do their best.

*Accommodations for special needs in NAPLAN*. The Queensland Handbook for principals for administration of the NAPLAN tests allows students to be exempted for 'lack of proficiency in the English language or because of significant intellectual and/or functional disability'. However, 'students with disabilities should … be given the opportunity to participate in testing if their parent/carer prefers that they do so' (MCEETYA/QSA, 2009, p. 9). In Australia, students who are exempted are deemed not to have met the basic benchmarks but are reported as a subgroup of the population of students deemed to have participated in the tests.[2]

A table in the Handbook lists the types of accommodations (special needs/provisions) that are available to students, and, for this discussion, more importantly, what is not and for whom, available (see MCEETYA/QSA, 2009, p. 14). Consider three areas of accommodations:

- it is <u>not</u> permitted, in terms of reading, to
  - read numbers or symbols in Numeracy tests
  - interpret diagrams or rephrase questions
  - read questions, multiple choice distractors or stimulus material in the Reading or Language conventions tests
  - paraphrase, interpret or give hints about questions or texts;
- literacy questions cannot be read or signed to students with moderate/severe to profound hearing impairment;
- students may get up to 50 per cent extra time, and/or rest breaks if needed.

It is interesting that the senior schooling subjects in Queensland offer more opportunity, on the face, for true alternative assessments and accommodations for

[2] Students who are withdrawn by their parents from participation are not deemed part of the population. The percentages of students withdrawn can vary substantially from state to state. Students who are absent due to illness or mishap are given opportunities to complete the tests on another occasion. If this does not happen, they are not counted as part of the population (MCEETYA/QSA, 2009, p. 9).

students that the mandatory national tests that affect state funding, and potentially in the near future, school funding and teacher performance pay.

*Validity issues*

However, the equity impact on students of the requirements to adhere to 'criteria and standards', at the senior level, and the minimal accommodations and adaptions sanctioned at the primary school level, are considered in this paper from three perspectives: firstly, consideration of the neutrality of assessment on cultural grounds; secondly, consideration of the impact on first-order of second-order expectations of tasks (Cumming & Maxwell, 1999, pp. 187-8) by assessment form; and, thirdly, the need to revisit our expectations of student performance in terms of validity and diversity. Further, within these considerations I address the two major concerns of assessment and testing authorities when accommodations are being considered: will an accommodation give a student with special needs an unfair advantage over students without such needs, and/or, will the accommodation give the student credit for something that they 'cannot do', a notion of deeming or aegrotat[3].

## CULTURAL NEUTRALITY

Overall, when educators look at equity considerations in accommodations and adjustments for students, they focus on students showing the same type of knowledge in as equivalent a form as possible. Equity concerns are addressed in terms of 'bias', particularly assessment bias in terms of gender or culture. When tests are developed, developers examine data on different samples to identify any such effects, and to remove them. In a previous IAEA paper, I raised the issue as to whether any assessment is culturally-neutral, or whether we privilege certain knowledges to maintain a dominant culture, and where

> *... attempts to define acultural assessment practices, with perceived objectivity and focuses on equal outcomes ... culturally disadvantage specific cultural groups in any society. Cultural neutrality in assessment can not exist ... [but must] privilege epistemologies of knowledge.* (Cumming, 2000, p. 5).

This earlier discussion occurred in the context of gender and cultural diversity, such as ethnicity and society. Stobart (2008) expanded the theme in part in his recent book, examining how assessment constructs 'who and what we are'.

If we expand the notion of culture to consider students who have 'disabilities', particularly a physical or intellectual impairment, and the accommodations above, then by our adherence to the 'rigour' of a curriculum and prioritised criteria and standards over the nature of a student disabilities, we construct the student in terms of what we know they are not.

Research nearly two decades ago identified the mathematical skills of Brazilian street-vendor children, children who were innumerate in terms of written school mathematics (Saxe, 1991). Other research has shown that students with learning difficulties and poor basic number fact knowledge can have conceptual knowledge equivalent to 'normal' students (Cumming & Elkins, 1999, p. 156). Several years ago, a popular standardised comprehension test in Australia stated that it was not suited to all students, as the reading continua did not map the skills of lower level readers.

[3] This word recently entered my vocabulary. It describes an educational practice of awarding a passing grade or a degree to a student when the student was medically unfit and could not sit the exam or complete the required work: the ultimate deeming.

Further, children with learning difficulties and disabilities often have difficulties with memory and holding information in short-term memory, not reasoning and thinking. We do have lawyers and barristers who are blind and hearing-impaired or physically disabled, and university academics with disabilities such as cerebral palsy. Is it fair that they may not be able to achieve the highest achievement grade in senior schooling because of limits to modes of communication?[4]

Is it an unfair advantage to read numerals to a child if they can demonstrate that they can complete an arithmetic computation in their heads?

Is it an unfair advantage to read questions and distractors to a child if they can demonstrate their comprehension of text but are not able to decode it?

Is it an unfair advantage to sign questions and distractors to students who have hearing impairment so that the question can be translated into a language form they understand? Is it fair to assume that a child with hearing impairment has developed the same structure of language as a child who hears?

Why is 50 per cent extra time equitable, but not 60 per cent?

Each child is a learner, with diverse ways of knowing. Students with disabilities have a greater diversity of ways of knowing. Yet we still frame accommodations from particular constructions of ways of knowing. Students with disabilities may have knowledge that they are not able to demonstrate because of the hypothetical 'normal' hierarchy of curriculum and the preordained criteria and standards. Quality or rigour is not being maintained by a rigorous maintenance of the curriculum, if the suggested outcomes above (computation, comprehension, reasoning) are important — it is being constructed in terms of who a learner is, the expected patterns of 'normal' development, and how the demonstration of knowledge should occur.

The second issue that concerns assessment authorities is whether the student will be given credit for something they cannot do. Recently, in the US in Ohio, the state authorities have determined that only one per cent of students taking the Ohio Achievement and Ohio Graduation Tests will be granted passing scores on non-standard exams, for school average data for accountability reporting, no matter how many severely disabled students qualify to take the exams (Fischer, 2009). Students may still complete alternative assessments, and presumably pass, but too many students appeared to be taking alternative assessments. The implication seems to be that if so many students are being given alternative assessments and are passing, the standards and school data must be compromised.

The Australian Commonwealth disabilities standards legislation mentioned previously indicates that appropriate accommodations should be made for all students with disabilities. However, in the Australian national assessments, alternative

[4] Assessment requirements were the subject of an unsuccessful discrimination challenge (*Beanland v State of Queensland & Anor* [2008] QADT 5) by a student with cerebral palsy and a cortical vision impairment which made it difficult for him 'to read, write or type because of being effectively blind during exams and being unable to control his arms'. The student was told to avoid subjects that were based on language. He shifted to a private school which better accommodated his needs was succeeding in his studies. The discussion in the hearing included the nature of 'reading and writing', oral language, and matters such as the requirement that 'students need to show that they can understand written and visual text' ([33]). However, the QADT found that direct discrimination of the student had not occurred as special considerations were available to give the student reasonable opportunity to demonstrate his skills in English and German [71]. The issue of the specific criteria, and possible standards of demonstration, are not reported.

assessment forms have not even been considered. Accommodations are only made to the existing forms of assessment. Students exempted from completing these modified forms are deemed not to be able to perform simple literacy and numeracy tasks. The current nature of alternative ways to demonstrate knowledge are very limited. This, just on the face, has to be queried. If assessment forms are varied to provide ways that students can demonstrate, then what they cannot do can surely be separated from what they can do. Comprehension can be separated from decoding skills, computation can be separated from reading numerals in written form, and so on.

While the QSA policy allows for alternative forms of demonstrating knowledge, senior school educators and authorities still have difficulty considering creative ways for students to demonstrate knowledge, controlled as it is by those criteria and standards.

Which brings me to the second consideration.

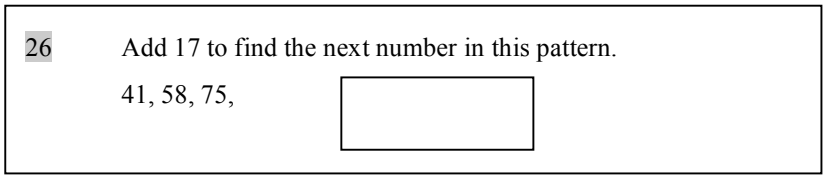
## FORM NEUTRALITY

In previous work (Cumming & Maxwell, 1999), 'first-order expectations' were defined as the knowledge expectation for an assessment activity, while 'second-order expectations' were defined as the context, or form, for displaying that knowledge. While this discussion was undertaken in the context of increasing attempts to embed assessment in authentic simulations, the principle can be extended to all assessment. All assessment focuses on exploring student knowledge, and requires some form to do so.

The contention is that sometimes second-order expectations of performance can overwhelm the first-order assessment goals. Let me give you a real life example.

To gain a motor vehicle driving licence in Queensland, a person needs to be of an appropriate age, and to pass an on-road assessment in authentic road situations, and to know the traffic rules. Traffic rules are studied from a small booklet and a written test, multiple choice, is given. A few mistakes are allowed in 30 questions based on the booklet. Many capable adults in Australia and others have limited literacy skills. These people cannot complete the written test to gain their driver's licence. Some adults therefore drive illegally, without a licence, rather than suffer the ignominy of failing the test. However, some licensing centres have a visual board with models to allow visual modelling of questions to which students could respond orally or by moving the models. In this situation, the form of assessment was not allowed to dominate the demonstration of the focus knowledge or first-order expectations to be able to drive.

However, consider the national literacy and numeracy assessment approach. To take a simple example, the National Assessment Program Literacy and Numeracy (NAPLAN) Year 3 Numeracy in 2008, include the item (Curriculum Corporation, 2008, #26, p. 11):



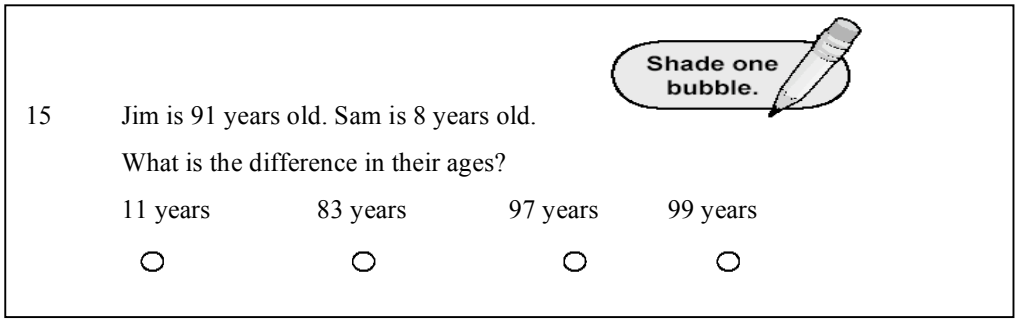

A child could be asked orally to add 75+17 or 17+75, and given paper and pencil, or a calculator, to see if they can do the sum. They could be given the sum 75+17 =? or 17

+ 75 = ?. Again, the computation skill appears to be the first-order expectation of the assessment. The task may also be assessing knowledge and understanding of the operation of the mathematical term ‘add’. In this case, the use of the number sequence would detract from obtaining this information.

The item above embeds the arithmetic task within a heavy reading load for a 7 to 8 year old child and within a spurious framework of number patterns. These are the second-order expectations that a student is being required to manage to address the first-order expectations. As noted, for a student with a learning disability, even having the task read to them orally may exceed memory capacity. Adding the numbers may not.

If the student does not get the sum correct, what do we know about their level of mathematics skills?

Similarly, another task (Curriculum Corporation, 2008, #15, p. 7) asked:




(parts of this question were reproduced from online sample items)

The first-order task may be to see if students can do the arithmetic subtraction 91-8=?. It may be to see if they can manage a simple number sentence. The second-order format issues make a much more difficult task for any young student, but particularly a student with a disability. If the student does not get the sum correct, what do we know about their level of mathematics skills? A goal of national policies since 1989 has been identification of students at risk in the early years of schooling so that appropriate intervention can address their learning needs (MCEETYA, 1989, 2008) — the original intent of these national assessments in Australia arose from the goal to identify and assist students at-risk. This goal appears to have long disappeared in the accountability agendas.

These issues are of course not unknown in large-scale assessments and test developers will argue that the items are appropriate to the curriculum. However, the second-order expectations would appear to override first-order expectations. This occurs not so much to privilege one construction of knowledge over another, but to facilitate the form of large-scale testing to be as cheap and quick as possible to develop, administer and mark annually, while preserving a face validity of a complex curriculum. Minor accommodations to these test forms will not necessarily fit them to the knowledge structure of children with disabilities. Increasingly, such assessment forms construct students with disabilities as having no literacy or numeracy skills, just as an adult with literacy difficulties would be constructed officially as a non-driver if their failure to complete a written road-rule test had dominated their ability to gain a practical driver’s licence, or a visually-impaired student who cannot ‘read’ pictures may not succeed at a high level in senior school English. Do Germans with cerebral palsy not speak German?

## VALIDITY NEUTRALITY

Many definitions and discussions of validity now exist, from the original construct validity theories to Messick's discussions of validity including use and interpretation, and Moss's discussions of sociocultural validity. The essence of validity remains unchanged: it is the degree to which assessment assesses what is intended, not the unintended, combined with an essential nature of what is being assessed. If what we focus on in assessment is not worth assessing, then, no matter how reliably we can assess it for a part of the population, it is not worth doing. If the focus is worthwhile, then our efforts must still be to determine how we can assess it, or identify variations of constructs that are culturally diverse, to be inclusive of the knowledge structures of students with disabilities.

Gipps and Stobart (2009) posit that equity and fairness from a sociocultural perspective require new constructions of validity that can address different social, cultural and/or assessment contexts. They see the pursuit of fairness in assessment, and opportunity for the individual, as a major and ongoing challenge for educational assessment.

We must appreciate the cultural construction of knowledge of a student with disabilities and assess students against an appropriate framework. While it may be possible to reduce the impact of second-order expectations on first-order expectations, and the demonstration of knowledge, it is not possible to separate an individual from their social context and their construction of knowledge. Valid assessment for students with disabilities does not merely adjust assessments for students without disabilities but recognises the interactions of their knowledge structures, learning and disabilities. The comparator is not the hypothetical child without disability.

To demonstrate this, consider an Australian legal case that has attracted much discussion, whereby a child with a disability was constructed in terms of comparison with a child without the disability, but where the nature of the disability was disaggregated to reach a conclusion that, on the face, may appear a practical outcome, but in terms of construction of the child, erroneous.

## 'COMPARATOR IN LAW'

*Purvis v New South Wales (Department of Education and Training)* (*Purvis*) (2003) was an appeal by a young male student, Purvis, against his exclusion from schooling on the basis of his 'very violent behaviour' (*Purvis*, 2003, [2]). He suffered from a disability involving severe brain injury, diagnosed soon after birth. The student had originally been successful in his claim in the Human Rights and Equal Opportunity Commission ("HREOC"), and awarded damages of $49,000, but the decision was overturned on appeal by the Department of Education and Training. The argument of the appellant was that his behavioural problems were an aspect of and concomitant with the disability and that the exclusion was therefore direct discrimination on the basis of the disability. The case required the High Court to nominate the appropriate 'comparator' as the test of direct discrimination, that is, was the child with a disability treated differently from a child without the disability. In this case, it is understandable that the decision reached was to protect the welfare of the majority of students and general public interest, over any rights of the individual student. This is an argument likely to be upheld in any legal Australian consideration.

However, the High Court majority reached their decision by argument that the appropriate comparator to be made in law 'is of the treatment given or proposed to be

given to the disabled person and the treatment of a person without the disability "in circumstances that are the same or are not materially different".' (*Purvis*, 2003, [214]). The comparison was made on the basis of the treatment that would have occurred for a student exhibiting the same behaviour but without the disability. As such a student would also have been excluded, direct discrimination did not occur on the basis of Mr Purvis's disability. This comparator, of course, begs the question about the problematic separability of his behaviour from his disability.

In *Purvis*, Justices McHugh and Kirby, in a minority decision, considered the appeal by Mr Purvis should have been allowed, and that direct discrimination had occurred. They stated that the case 'concern[ed] the failure of an educational authority to treat him equally with other students by taking steps that would have eliminated or substantially reduced his disruptive behaviour and allowed him to enjoy the same quality education as his fellow students enjoyed.' (*Purvis*, (2003), [16], and that, as the Commissioner had found,

> the State had treated him less favourably by failing to:
>
> - adjust its policies to suit his needs;
> - provide him with teachers with the skills to deal with his behavioural problems; and
> - obtain expert assistance to formulate proposals to overcome those problems. [23]

## CONCLUSION

As Stobart (2008, p. 172) notes, the difficulty is in 'clearing away old ideas before new ones can be developed'. The issue throughout assessment is not measuring the child with disabilities by changing a form and assuming this is can be equated to assessment of a child without disabilities but providing the means for demonstration of learning. It is not about given credit for achievement that cannot be demonstrated, when that achievement is a nonsense for the child being assessed. It is about giving credit for what can be demonstrated when not bounded by the constraints of comparators that reflect other children, not the curriculum, or by the constraints of curriculum that do not reflect different ways of knowing.

We as educators and assessors should be developing different ways of understanding children and students and ways of knowing. We should be doing better for children, so that they can.

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