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BILL HASLAM
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KEVIN HUFFMAN
COMMISSIONER

TO: Directors of Special Education

FROM: Bill Wilson *BW*
Assistant General Counsel for Special Education

DATE: October 4, 2012

RE: Assessment Accommodation Guidelines

The IDEA regulation at 34 C.F.R. § 300.160(b), regarding participation in assessments, provides that states must ensure that all children with disabilities are included in all general state and district-wide assessment programs with appropriate accommodations and alternate assessments, if necessary, as indicated in their respective IEPs. The regulation also directs states to develop guidelines for the provision of appropriate accommodations. Such guidelines must identify only those accommodations for each assessment that do not invalidate the score and the guidelines must instruct IEP Teams to select, for each assessment, only those accommodations that do not invalidate the test score.

The Tennessee Department of Education has developed such guidelines for the provision of appropriate accommodations. The guidelines were communicated to local education agencies. IEP teams were instructed to identify only the accommodations that do not invalidate test scores.

If an IEP contains an accommodation that is no longer allowed pursuant to the most recent accommodation guidelines, the accommodation will not be allowed on the particular assessment being administered.

Changes in accommodation guidelines, just as changes in state law, regulation or policy, do not require individual IEP meetings for every affected student. Dispute resolution procedures including written administrative complaints, mediation and due process hearings are not available to parents in such instances because the accommodation guidelines and changes thereto, are mandated by federal law and affect all students with disabilities. Local education agencies must inform parents of the most recent allowable test accommodations and this may be accomplished by letter prior to administration of a particular assessment.

cc: Kathleen Airhart, Deputy Commissioner
Nan McKerley, Executive Director, Division of Special Education
Lori Nixon, Office of Assessment