

# The Level Playing Field: Unconcealing Diploma Exam Accommodation Policy

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## **Abstract**

The authors, using a specific exemplar of standardized high-stakes testing and testing accommodations for learners with diagnosed disabilities in a Canadian province, open up, for conversation and critique, the myth of the accommodations metaphor of “leveling the playing field.” By utilizing Disabilities Studies perspectives and literature, alternative interpretive readings of commonplace accommodations practices, as well as the experiential data of one of the author’s experiences managing exam accommodations at the school level, the authors critique the myth of reasonable, fair and equitable learner accommodations for those high schools facing standardized exit examinations. They also offer suggested alternative ways forward that they believe reconceptualize practices associated with framing accommodations for all learners and not just those deemed to have educational disabilities. When all learners are offered, without prejudice, diverse ways of demonstrating their learning, knowing, and achievement, then all students are engaged on level playing fields.

## **Keywords**

accommodations, Alberta Education, diploma exams, disability studies, Gadamer, Heidegger, level playing field

<sup>1</sup>*My first experience with the concept of academic accommodation on diploma exams (mandatory exit exams Alberta’s students are required to write) came twelve or so years ago when a colleague in counselling helped a student with a physical disability in my home-room group apply to Alberta Education for extended time on his upcoming diploma ex-*

*aminations. The physical disability was due to a genetic condition that had caused the congenital amputation of some of his fingers. His application was initially rejected because his diagnosis was too old. My colleague helped*

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*arrange for the student to see a physician who could verify that this condition was still disabling to the enterprise of writing, or, perhaps, we mused in sarcastic hyperbole, to verify that his lost fingers had not grown back since the last diagnosis. My colleague told me she was very tempted to send a picture along to accompany the more recent diagnosis in her letter of appeal.*

In 2012, 55,361 diploma examinations were written by students completing grade 12 courses in the province of Alberta. These standardized tests are weighted at 50% of the students' course grades in their grade 12 core subjects - English Language Arts, Mathematics, Social Studies and the Sciences (Alberta Education, 2012). Alberta Education (2011) states the following reasons for these exams:

- To certify the level of individual student achievement in selected Grade 12 courses;
- To ensure that province-wide standards of achievement are maintained, and
- To report individual and group results. (p.1)

Coming at the end of their high school careers, in courses that are required both for graduation from high school and, often, as prerequisites for post-secondary pathways students hope to embark on, these exams are the very epitome of "high-stakes testing."

For students who have been supported in the classroom through differentiated instruction, including students with diagnosed disabilities, the prospect of writing these standardized exams under rigidly controlled testing conditions is daunting. Focusing illustratively on some specific, diagnosable disabilities reveals some of the barriers to successful completion the exams would pose under regular conditions. For students with visual disabili-

ties, standard print versions of the exams would obviously be inaccessible, but this is also true to some degree for students with diagnosed disabilities related to reading whose ability to interpret text would be hindered by their being asked to silently read some of the lengthy and complex exam booklets. The rigid time limits may also pose an unreasonable barrier for students with a variety of exceptionalities including slow processing speeds, physical disabilities related to writing, mental health issues and Attention Deficit/Hyperactive Disorder (ADHD). These students need more time, either because it takes them longer to perform the academic tasks the exams required or because much of their writing time is inevitably lost to distraction or worry. The potential barriers that the standardized assessments under regular conditions pose to students with disabilities are a problem for the testers as well as the students. It is both an ethical concern in the sense that these barriers hinder the access to achievement opportunities for the students and a validity threat to anyone hoping to interpret data from these tests as they make it unclear whether a student's performance on a particular assessment represented his or her actual mastery of course outcomes or only a shadow of what he or she was capable of (Alberta Education, 2006; Webber, Aitken, Lupart, & Scott, 2009).

Alberta Education has formulated a comprehensive "response" system to address the potential barriers named above and to provide for reasonable accommodations for students writing diploma examinations to attempt to ensure that the diploma exams are administered equitably. This system is administered by the "Special Cases and Accommodations Division" of Alberta Education's Learner Assessment Branch. The concept of accommodation, as defined by Alberta Education, is important here. An Alberta Education (2006) "best learning practices" document entitled

“Identifying Student Needs” defines accommodation as follows:

An accommodation is a change or alteration in the regular way a student is expected to learn, complete assignments, or participate in classroom activities. Accommodations include special teaching or assessment strategies, equipment or other supports that remove, or at least lessen, the impact of a student’s special education needs. The goal of accommodations is to give students with special education needs the same opportunity to succeed as other students. (p. 1)

In the case of the Province of Alberta’s diploma exams, accommodations are available to help ensure that students with disabilities are treated fairly include the following:

- Audio CD versions of the exams;
  - Extra writing time;
  - A scribe to record student responses;
  - Large-print versions of the exams;
  - Braille versions of the exams.
- (Alberta Education, 2011, p.12)

The Special Cases and Accommodations Division, then, clearly articulates the principles that guide the provision of these learner accommodations claiming that

The goal of accommodation is not to optimize performance but to **level the playing field** (emphasis added) by removing obstacles to performance that are inequitable. Consequently, accommodations are neither intended nor permitted to:

- Alter the nature of the construct being assessed by an examination;
- Provide unfair advantage to students with disabilities or medical conditions over students taking examinations under regular standardized conditions, or

- Compensate for knowledge or skill that the student has not attained. (p.12)

On this note, as illustrated in the anecdote at the start of this paper, the Special Cases and Accommodations Division requires various forms of proof to legitimate the status of students as having a disabilities. Students with formal special education disability codes are required to document their codes and provide proof that they are consistently using the requested accommodations in classroom assessment. Students with disabilities not recorded in the Alberta education coding system need to provide formal diagnoses *and* proof of consistent use of the accommodations (Alberta Education, 2011).

This approach seems thorough and balanced on a first reading. Students with disabilities are not patronized with excessive help and do not receive unfair advantages over other students. They are simply held accountable for demonstrating their knowledge of the curriculum through means appropriate to their diverse learning needs. I can speak to the tangible relief many students and teachers I work with seem to feel knowing that going into these important assessments that students writing diploma exams will have the use of the accommodations they require. I can also speak to the impressions I have gathered over years of practice as to the efficiency and consistency with which the Alberta Special Cases and Accommodations Division processes the accommodations applications and their willingness to work collaboratively when applications for accommodations were lacking. Instead of rejecting these applications with no chance of appeal, they have often worked patiently to help me properly document students’ exceptionalities and proof of prior uses of accommodations so that many of the cases that were initially turned down were often eventually accepted. Within the closed system of their own rules and procedures, Special Cases

and Accommodations Division often acts, from my observations, with professionalism, consistency, patience, and goodwill and this work undoubtedly benefits many diverse learners facing these high-stakes tests.

As suggested in my example, however, despite the apparent successes I have encountered with this process of accommodation for diploma testing purposes, I have observed some problems as well. Students who are eligible to receive accommodations, and who I feel would clearly benefit due the difficulties they experience, often refuse them. They refuse accommodations actively by saying they are not interested or sometimes, it seems, they refuse accommodations more passively through persistent failure either to obtain the necessary signatures from parents and teachers or to turn in the sections of the applications they are responsible for in time to meet the provincial deadlines. Instead of being grateful for the accommodations, some coded students even seem resentful when I bring up the issues of their disabilities and the recommended accommodation for these disabilities, though, of course, I have no choice but to use disability labels. They are the currency required to obtain accommodations. The process of applying for accommodations is cumbersome, involving on my part the distribution, completion, gathering and faxing of hundreds of pages of documentation to Special Cases and Accommodations every semester. Time I spend engaged in this enterprise is time taken away from directly helping students with disabilities and other struggling students with their coursework. Classroom teachers, who are an important part of the application team in the sense that they are required both to provide similar accommodations during classroom assessment and to work with the student to document the use of these accommodations, often seem resentful, too, not necessarily of accommodating the students but of the bureaucratic process.

Teachers who tend not to use strictly time-limited tests with students and/or who often read test questions out loud to students who are struggling to understand them are confused as to what constitutes a provable use of an accommodation in a diversified classroom where flexible assessment practices are neither formally announced as a departure from the norm nor limited to a limited set of eligible students, and the documents outlining the process of applying for accommodations (Alberta Education, 2011) provide no guidance on this. On the topic of eligibility, I often end up having to explain, with some difficulty, to students who are struggling in their classes and feel they might benefit from accommodations on their diploma exams, or teachers who are advocating for struggling students, why they too are not eligible for accommodations. Actually, to explain this question from the apparent perspective of Learner Assessment/Special cases is not difficult at all; for students with diagnosed disabilities, some aspects of the exams, such as time limits or the requirement to read silently, form unreasonable barriers that interfere with the assessment. For students deemed normal, even if they are struggling students who are thought normal, based only on a lack of a diagnosis to support the need for accommodation, the same aspects of the exam (silent reading, strict time limits) remain part of the curricular assessment and cannot be altered. Doing so would give them an unfair advantage over other students. This, however, is not an intuitively satisfactory explanation to offer to students, parents or teachers and it starts to look even shakier if one questions the validity of educational labelling in the context of the ongoing controversies and definitional flux in the medical/psychological fields that inform the process (Aaron, 1997; Bienstock & Harper, 2011; Hacking, 1995; Klassen, 2002; Winzer, 2009). The claims to justice this policy makes also suffer whenever one simply wonders if there are, possibly, other ways of looking at

the needs of struggling students than through the lens of disability (Clifford, Friesen, & Jardine, 2008; Jardine, 2012). These concerns all coalesce into the question of whether or not the current policies of accommodation do enough to make diploma examinations a just experience for students who require them in order to be fairly assessed by the exams.

A possible source of the resentment and confusion may have to do with a model/theory of disability that seems, quite clearly, to dominate the accommodations process but that has recently been frequently and openly challenged as an inappropriate way of interpreting disability or as a rubric to guide work with students with disabilities (Alberta Education, 2009; Dunn, 2010; Hibbs & Pothier, 2005). The individual deficit model that Special Cases and Accommodations Division continues to use to determine which students are suitable applicants for accommodations, while once the dominant discourse in special education (Winzer, 2009), has recently been criticized by stakeholders in special education as well as Disability Studies scholars as demeaning and exclusionary to individuals labelled as disabled and oblivious to the role of institutions in co-creating disabilities through exclusionary policy, stereotyping and the erection of unnecessary barriers (Danforth & Gabel, 2006; Dunn, 2010; Hibbs & Pothier, 2005). Critics note that despite the veneer of objectivity and scientific certainty with which documents such as the Diagnostic and Statistical Manual of Mental Disorders (Task Force for DSM IV, 2000) and educational documents such as the Alberta Special Education Coding Criteria manual (2010) describe disability as an individualized disorder, the social reality of disability is much more complicated than this.

Lest this concern seem excessively constructivist, it bears emphasizing that Disability Studies does not deny the reality that indi-

viduals have impairments that impact their lives, including their lives as students; rather, it sets out to critique what it claims to be dominant framings of these impairments as overarching, defining flaws or defects in individuals and the related social practices that disclose impairments through these negative framings (Hibbs & Pothier, 2005). It may be helpful to view this difference in perspectives hermeneutically, from a Heideggerian (1962) understanding of “unconcealment” as well. As Heidegger described in *Being and Time*, in a “clearing” (p. 133), a translator’s footnote encourages us to understand this in a literal sense as a space in the woods offering apparently unobstructed visibility of a thing, a thing may well be unconcealed or revealed but it still appears to us in a certain way that conceals other ways it may appear to us. In the “clearing” of the deficit model, in which people with disabilities have appeared or been disclosed as bearing individualized defects, “useful” technical knowledge has, admittedly, emerged about the nature of various impairments and about which accommodations might best assist people with these impairments. The enterprise of special education in general and, specific to this example, the process of diploma exam accommodation, depends on this knowledge (Alberta Education, 2006; Winzer, 2009). Other essential truths, however, are concealed by this disclosure, namely, the phenomenon of the discursive renaming/re-blaming of the institutional failure to be open, inclusive and convivial with a student who appears to learn differently as an individual defect solely lodged in the mind/body of the student (Hibbs & Pothier, 2005; Jardine, 2012).

### **The Level Playing Field**

A closer examination of Special Cases and Accommodation’s metaphor of the level playing field provides a hermeneutic unconcealing of the Alberta education accommodation poli-

cy. Seeming ostensibly in this case to indicate the state of fair and reasonable competition where no advantage is granted to either side - “normal” or “disabled” learner -, this phrase “level playing field” has been used so often in conversations about ensuring equal competitive opportunities in a variety of contexts that it is easy to overlook its various foundational assumptions and associations.

A very early use of the concept can be found in Christianity’s Bible, in the following piece of tactical advice:

And the servants of the king of Syria said unto him, Their gods are gods of the hills; therefore they were stronger than we; but let us fight against them in the plain, and surely we shall be stronger than they. (1 Kings 20:23, King James 2000 Version)

It is interesting to note that, in this quotation, the level playing field concept is not used as an invocation of fairness but as a strategic advantage that one side is seeking out over another in a test of even higher stakes than diploma exams, life and death combat. This meaning may linger as a reminder of the many ways this metaphor, which is now most often related to fairness, can still be used strategically. One might invoke ideas of fairness in order to gain advantage. Notwithstanding this possibility, the level playing field metaphor with its implied imagery of sporting competitions where the levelness of the playing surface is of import tends to evoke notions of “fair play.” It also suggests the expectation that fair play is ensured by some sort of outside arbiter, a referee of one kind or another to hold everyone playing accountable to standards of play. In some ways, this metaphor does speak powerfully to the desire of, and for, a marginalized person to be included equally with, but not patronized or given advantage over, the normative group from which he or she was originally set apart in

some field of endeavour. A discourse of moderation towards the more privileged other reassures that the marginalized party is asking for no more than fairness. The applicability of this notion of “level playing field” needs to be questioned in the context of the sufficiency of accommodation policies in levelling the playing field that is the diploma exam experience.

### “The Level *Field*?”

The first notion that might be highlighted lest the frequent use of this phrase dulls the senses is that, in the present context, it is a metaphor equating the imposition of high-stakes tests on students with competition in a rule-governed sport. The image of a field harkens to pastoral settings, in which members of a privileged leisure class partake in amateur sporting, such as games of croquet, cricket, or lawn bowling, or tennis. These participants attend in luxuriant solidarity to the rules of fair play that govern the gaming enterprise at play. Competition is rightful and worthwhile, and it is assumed with the wilful naivety of class privilege that, even when the stakes are higher, the competition will be orderly and sporting. Still, despite the façade of fairness the metaphor breaks down in a variety of ways when applied to high school high-stakes testing. First of all, aside from opting out of the widespread strong societal expectation of high school completion and, for many, the hope of advancing to some form of post-secondary education, the participants in this particular “educational sport” have no choice but to compete – and, to compete well. More apt comparisons than gentle sporting might be made to the privileged spectator/coerced participant relationship in sports of kings such as horse racing or gladiatorial combat. Perhaps the recent dystopia novel and film, *The Hunger Games* (Collin, 2008), in which working class adolescents were compelled to partake in “to the death” combat for the entertainment of a privileged class might also be a better

metaphor. While many would agree that competition is an integral aspect to the evolution of human experience, its value as a central theme of the educational enterprise is contestable. Discourses related to high-stakes testing including “level playing field” uncritically advances competition, between students, between teachers and between school districts as an unequivocally positive phenomenon that will help ensure, in a (neo)classical liberal, capitalistic/marketing sense, quality education for all (Gorlewski, Porfilio, & Gorlewski, 2012; Graham & Neu, 2004; Kohn, 2000).

A Marxist reading of gladiatorial combat would point out that, other than earning the privilege to survive for another day, the gladiatorial combatant does not even really reap the fruits of his own victory. Similarly, while the diploma exam writer’s transcript is certainly enhanced by a successful performance, these exams too speak of an alienation of labour. In terms of the exam as product, the student does not really choose to make it or how to make it and the fruits of the academic labour are certainly used for a variety of purposes external to the student involving larger “educational, economic and political establishments” (Garrison, 2012, p. 19). Admittedly, this Marxist critique of assessment has its limits. It is obviously standard practice for the teacher as practitioner/authority to assert some control over the types of tests and assignments the students produce, as well as to use the results of assessment for a variety of purposes related to instructional planning, communication, and placement (Webber et al., 2009). In the case of diploma exams, however, the standardization of this control is well beyond the authority of the individual practitioner and the totality of the appropriation of the student work does need to be questioned. The process is characterized by a dehumanizing surrender in which the students submit to the examiner, a “documentable” self, (Garrison, 2012) a surrender made all the

more complete in the case of students with disabilities for whom this self is also documented as bearing deficits through the process of applying for accommodations. Once this machinery of sorting and objectification is unconcealed, the pastoral characterization of the level playing field again seems less fitting.

### Level?

Though the process of diploma exam accommodations does not promise to make the entirety of the school experience equitable for students with disabilities, merely the summative exams, the extent to which the larger playing field of public education may well continue to be tilted against students with disabilities bears comment. The exams do, after all, purport to test the success of these students in learning the larger Program of Studies. Despite a vast and comprehensive system of targeted support for students with disabilities (Alberta Education, 2004), systemically the rates of high school completion remain much lower for students with diagnosed disabilities than for students with no diagnoses. Specifically, according Alberta Education’s (2009) High School completion longitudinal study of the cohort of students who entered grade 10 in 2002, 79.5% of the non-disabled students completed after three years but only 56.5% of students with mild to moderate disabilities and only 32.3% of students with severe disabilities were able to complete in the same amount of time. Though some of the same criticisms about flawed approaches to disability that I raise in this paper may apply to this apparent larger systemic failure to reach many of these learners in k-12 schooling, I only mention this concern in the context of the conversation about levelling the playing field of diploma examinations. Is it naivety or hubris to claim that the final test of a k-12 education that might have itself been inequitable for a student with a disability can real-

ly be made equitable by providing a few exam accommodations?

In the sense of the cliché that the tail of diploma examinations wags the dog of classroom instruction, the familiar concern that teacher anxiety over preparing students for diploma exams often results in “teaching to the test,” or the use of superficial drill and skill teaching practices (Alberta Teacher’s Association, 2009; Friesen, 2010; Kohn, 2000) is particularly worrisome when it comes to students with disabilities. It has been argued that students with learning disabilities are especially in need of rich, varied, multi-sensory experiences with curriculum and assessment (Dunn, 2010; Jacobs & Dangling Fu, 2012) and they may suffer disproportionality in classrooms where repetitive, narrow forms of teaching and assessment that mirror the diploma exams themselves are used in misguided efforts to prepare students for their diploma examinations.

Returning to the issue of the diploma exams themselves, exams such as the English Language Arts exam diploma examinations for writing arguably only test about a third of the actual high school program of studies. While outcomes related to effective composition apply to both the larger program of studies and the exams, other writing outcomes such as “use process oriented writing strategies” seem to have been replaced with non-curricular outcomes such as “generate ideas for writing quickly,” “produce a polished first draft,” and “write well under pressure” (Slomp, 2007, p. 184). Students with impairments related to spelling, writing, and anxiety while well-served by the generous, developmental, process-oriented approach to writing the program of studies for English endorses are hindered by the narrowed product-oriented understanding of writing diploma examinations impose. The playing field, again, may be tilted against students with disabilities

in the excessive emphasis of these high-stakes assessments on curricular and even non-curricular outcomes with which they are likely to experience the most difficulty.

The power dynamics of accommodations policy too needs to be questioned in the context of the plausibility of claims to levelness. Accommodations policies requiring extensive rules of application can, from a disability studies perspective, be understood as a bold exercise of institutional power and control on the self-identity of the individual with a disability (Hibbs & Pothier, 2005). The default position of the institution is to offer no accommodation and the general equity of the testing process for all is never up for debate. The student requiring the accommodation and the teachers facilitating the process are left with no choice but to endorse through their participation in the application process the institutional deficit-based understanding of disability and accept the rightfulness of the institutional approach to accommodation. Self-advocacy, understanding, and requesting the supports that one requires to learn successfully is a common theme in working with individuals with disabilities (Alberta Education, 2003). The only form of self-advocacy the accommodations process makes available is the docile (Foucault, 1977), self-application of a disability deficit label in order to be granted exceptional status.

### **Arbiters of Levelness**

David Jardine (2008) shared the following ecological vision of a process of differentiation and accommodation that works in fundamentally different ways than that of the diploma exam accommodation process.

When I work in the garden with my seven-year-old son, I don’t send him off to a “developmentally appropriate garden.” I take him to the same garden where I am

going to work. Now when we get there and get to the work that place needs, each of us will work, as each of us is able. We are not identical in experience, strength, patience and so on. But both of us will be working in the same place doing the real work that the garden requires. (pp. 111-112)

It bears consideration how much attention, tact, and prudence on the part of the parent might be required to render working in a garden with a young child a pleasant experience for both parent and child. As new life is occasioned by the work of the parent and child together in the garden, learning too is occasioned by this practical activity. As part of this practical activity, the parent learns through conversing with and observing his child. He learns how much intervention is needed to ensure the child is able to make a real contribution to the enterprise, as an energetic seven year old would be able to with proper instruction, but he also learns how to foster the child's learning and enjoyment of gardening. He learns how much the child seems independently capable of and how much help he requires. Though the situation calls for reflection, it is a reflection grounded in solidarity and practical activity, in which the parent may intuitively grasp instead of reasoning out that the way to familiarize his son with the motion of raking the garden is by guiding his first strokes hand over hand until the child begins to master the motion. In this pedagogy, there is something of Heidegger's (1962) "ready to hand" imbedded understandings, like those of the master carpenters engaged their trade.

The practicing teacher, like the parent in the example, instructs and assigns work and observes and talks to his or her students in order to decide how much assistance and support each student will require. I look, with gratitude, on the contributions the medical

and psychological fields have made to teachers' understandings of which supports might prove most helpful for students with various impairments but I feel these types of accommodations should always be grounded in the world of the teacher practitioner working with students. While it is helpful to understand why, from a medical/psychological perspective, a student may require more time than most, a wise teacher should not need a note from a psychologist to know better than to rip an assignment out of the hands of a student who is still actively engaged in completing it, possibly even learning something from the task. The wise teacher, when assisting a student who is having trouble comprehending a passage from a text, does not need clinical verification to know that one way to help might be to read the passage out loud to the student, lest some previously unnoticed aspect of the text announce itself to the student when additional senses are recruited in his or her effort to understand.

The medicalized, individual deficit model, in its reliance on experts to declare which accommodations are legitimate for diploma exams, disrupts the "ready to hand" application of supportive pedagogy and alienates the teacher from the practical work of determining which supports his or her students require in the classroom in which they work together. Though it might be argued that there is some collaborative involvement of the classroom teacher in this process in that he or she is one of the signatories who must verify use of the accommodation in the classroom in order for the student to qualify, it bears asking what exactly the classroom teacher is being asked to collaborate in? Does the signature of the classroom teacher help verify that it is abnormal for a teacher to offer, or a student to require, these forms of accommodation? Does it verify that the students who are well-served by these accommodations bear defects, and that the legal/clinical intervention of this doc-

ument on classroom practice is welcome and necessary? The teacher who wants to see his or her students receive accommodation is coerced into being a witness, though not an expert witness, in the process, but is otherwise devalued by the requirement of additional medical/psychological verification on the part of a more “expert” witness.

The expert witness to the need for accommodation is the psychological or medical practitioner who, though he or she may have little or no actual experience working with the child as a learner, provides the documentation that confirms the disability status that makes available the accommodation. Writing of modernity’s increased reliance on such experts when it comes to social determinations of import Gadamer (1992) wrote:

Our society is not deformed just because experts are consulted and recognized for the superiority of their knowledge. Quite the opposite. It is almost a duty for human beings to incorporate as much knowledge as is possible in any of their decisions. Max Weber’s famous expression “purposive rationality” [Zweckrationalität] applies here. For Weber demonstrated that there was a great danger implicit in those decisions which are determined by emotion or interest: In them the will to be rational is absent which would tie the attainability of the end to the rational determination of means. Max Weber saw a weakness in modern individualism because it permitted the subordination of the duty to know to the indeterminate authority of a good will, of a good intention, or of a pure conscience. (pp. 188-189)

Who/what is this pure conscience? Any suggestion that the determinations of the types and levels of accommodation students require are messy, complicated and grounded not solely in clinical definitions but in lived expe-

rience in classrooms would be antithetical to quest for control and certainty that characterizes both the diploma exam experience proper (Graham & Neu, 2004) and its accommodation process (Hibbs & Pothier, 2005). As such, the gatekeeper of accommodation cannot be the student or the teacher, who are subjects being measured; it must come from the outside medical psychological expert and, ultimately, from the decision makers at Special Cases and Accommodations who evaluate the applications. Justice in the form of equitable treatment for the student does not emerge from within the messy solidarity in the work of learning in the classroom, it is administered prescriptively, from without by an outside, non-contaminated, medical/psychological authority. The referee or arbiter of the level playing field in this case is, in the Cartesian tradition, a curiously disembodied presence with no direct observational connection to the “game” being played and with often a fairly limited relationship to the participant requesting accommodation.

### Play?

*The presence of students using extra time can pose logistical difficulties in exam administration. As the students who qualified for extra time accommodation continued to write the morning examination well past 12:00 p.m., the exam administrator let students into the gymnasium for the afternoon exam and, once everyone was seated, proceeded to deliver instructions for the new exam over the microphone, all while the students receiving accommodations from the previous exam continue to write. On a different day, as the students who qualified for extra time continued to write the afternoon exam in their desks in the gymnasium, members of the basketball team began to, noisily, move the desks off to the side to make room for their evening practice.*

In a shallowest sense that one type of “play” might be regulated activity like the basketball practise that began to happen during the exam, the characterization of the diploma examination as a form of “play,” in the “level playing field” seems to apply. Gadamerian (2004) hermeneutics, however, reads play as much more richly than this, as an experience of movement, freedom, sharing, and infinite, pleasurable regress. Play is the to and fro motion of a ball thrown in a game, or absent humans altogether, the play of light or the play of waves. In the shared project of meaning-making, play is how meaning is co-established, challenged, enriched, and re-established in conversation and, more broadly, in any interpretive activity. As a part of a festival, travelling players may put on a play in small town and in a strange alchemy the original truth of the play is preserved even as each individual spectator interprets it according to his or her own horizons. The play of festive occasions or holidays, regular events of irregularity, suspends the ordinary relations to time, allowing time to tarry as members take stock or their lives and perhaps even take occasion to think of their lives differently. Though it seems to stretch plausibility to suggest that the diploma exam experience, or the diploma exam accommodation process have the potential to fully take on these richer forms of play, these understandings of play certainly point to how depressingly lacking “play” is in the playing field of diploma examinations.

### Time to Play

If one is truly engaged in an academic subject, taking advantage of the opportunity to “tarry” (Jardine, 2008) over an important, summative academic task for that subject might be seen as an honouring of that subject, not a defect in the individual. Learner assessment’s framing of this desire, however, echoes the concerns of the early 20<sup>th</sup> century managerial scientist Frederick Winslow Taylor (1911) that initia-

tive and judgment about how to best perform a task, including how long it should take, are not the domain of the individual worker but the factory manager. In a managerial fetishization of baselines of normality, students are not even expected to do their best but to produce a baseline representation of their capabilities in a time-limited examination (Melnick, 2012). Excellence is obtained through the managerial prodding of students and teachers towards ministry-set standards. No consideration is given to what conditions might actually inspire and enable students, as conscientious individuals, to craft their *best* work. This framing conceals wanting or needing extra time as conscientiousness and reveals it as abnormality. In the rights of passage that saw apprentices go into seclusion to prepare the master crafts which would testify to their readiness for full membership in the guild (a tradition that is still carried on in academic rites of passage at the graduate level of post-secondary education), the mysteries of the discipline are honoured in the expectation that within generous, if any, time limits the candidates will produce their best work (Rutherford, 1987). In the diploma exam milieu, the framing of “extra time” through the deficit model and the sense of the students work as a baseline sample, strips both the students and the occasion itself of the dignity that might otherwise arise out of their diligent effort during this summative gathering in the name of the academic discipline.

Framing it as *abnormal* to need or want more time invites interpretations of students as *others*, for which normal expectations of care, tact, and civility need not apply. The accommodation of twice the writing time may render the examination an excessively grueling experience. In such a case, the students’ optimal levels of concentration and focus abilities are exhausted long before the provided time is. The validity of tests to measure academic achievement is considered to be re-

duced if the examinations are too long (Topper, 2001). If, as a thought experiment, examinations for non-accommodated students were deemed to be insufficiently comprehensive and subsequently lengthened and scheduled for a writing time of five or six consecutive hours instead of the current two to three hours one could imagine students, parents, teachers and other stakeholders in education complaining vociferously that this increase in testing time was not only a threat to the examination validity and reliability, but a cruel and unusual imposition on students. Basically then, a length of test-taking time that would, hypothetically, be deemed Draconian for a non-accommodated student is offered as a fairness provision for an accommodated student, despite the fact that there is no indication that processing information more slowly increases one's stamina for intellectual activities or reduces one's vulnerability to fatigue. Are these slower working students deemed to be super-human in their ability to withstand lengthy examinations?

Does learner assessment's parsimonious approach to the time accommodation "problem" trickle down to schools? It provokes suspicion as to whether the students truly need or deserve this time provision or if they are in fact playing the system and loitering. On an institutional level, are Alberta's accommodated students, past the end of the scheduled writing time for other students, given the same right to a silent and distraction-free writing centre, or as the examination winds down, do they begin to be treated, in some schools, as academic loiterers? In addition to the aforementioned examples in my anecdote, I have observed announcements being made to extra time students, near the end of their allotted additional time that they had "30 minutes left" and if they were not finished by then it was "too bad", and I have wondered if this same stern warning would have been given near the end of the "normal"

amount of writing time to the larger body of "normal" students still gathered. In order to, understandably, keep writing centres orderly and distraction-free, exam administrators often regulate no food or drink policies. Is it fair that students writing for five hours instead of three held to these policies? Does this encourage a system where exam supervisors eager to *finally* be released from the shifts they hoped would only last three hours repeatedly ask accommodated students if they are "done yet"?

### Levelling for Otherness

- Accommodations are neither intended nor permitted to provide unfair advantage to students with disabilities or medical conditions. (Alberta Education, 20112).
- Whatever you do, whichever battle you fight, whichever course of action you attempt, with what are you going to inform it all? The love of difference or the passion for similarity? The former – especially if it becomes socially contagious (through education, cultural action, political action) – leads to human life. The latter leads, in full-blown or latent form, to exploitation, repression, sacrifice, rejection. Yes or no, can we live together in fundamental mutual recognition, or must we exclude one another? (Stiker, 1999, p. 11)

*A colleague was assisting me in helping a group of students with diagnosed disabilities, in this case mostly made up of students with learning disabilities and behavioural/emotional disabilities, in the application process for accommodations on diploma examinations. He told the students, "It is really important that you advocate for yourselves by asking for accommodations because you look*

*so normal. When people see you they can't tell anything is wrong with you.*

Stiker presented the choice between love of difference and the passion for similarity as binaries and, in the interest of social justice, they are well considered this way. It seems, however, these differences sometimes blend into each other as well. "Accommodation," for example, in the less clinical sense means that which fulfills our most familiar needs such as those for food or lodging but it can also be defined as something that is granted, given up, or even sacrificed in negotiations between parties (Oxford Dictionaries, 2012). In *Strangers, Gods and Monsters*, Kearney's (2003) insightful hermeneutic reading of these three eponymous interpretive alternatives to otherness in which the author, with some help from Derrida, emphasized the slipperiness of hospitable acts such as accommodation when he wrote:

Derrida has much to say about such alien matters in *On Hospitality*. Generally understood the subject of hospitality is a generous host who decides as a master chez lui, who to invite into his home. But it is precisely because of such sovereign self-possession that the host comes to fear certain others who threaten to invade his house, transforming him from a host into a hostage. The laws of hospitality thus reserve the right of each host to evaluate, select and choose those he/she wishes to include or exclude, that is the right to discriminate. Such discrimination requires that each visitor identifies him or herself before entering one's home. And this identification process indispensable to the 'law of hospitality' (hospitalite en droit) – involves at least some degree of violence. (p. 69)

The relative strangeness of these others, in this case, accommodated-for students, is rein-

forced by the ongoing norm-based discourses which themselves cast the "accommodated other" as the departure from the norm. These concerns have historically and continue to infuse public education, in particular thinking about students with disabilities (Graham & Slee, 2005). Kearney (2003) identified strangers as a limit-experience to us "relatively normals" in that they challenge us to identify ourselves over and against others and, he noted, monsters pose an even stronger limit-experience in reminding us that the self is never quite safe, sovereign, or secure. This is a constant "there by the grace of God go I" moment.

All of these anxieties resonate within the policy document from Special Cases and Accommodation Division (Alberta Education, 2011). Even as this document grants under what conditions a student might qualify for testing accommodations, it also delineates when the accommodations will be refused. Even as this document advances its reified notion of fairness for the accommodated student, it spells out its limits, sternly warning that no advantage will be given – the rules are sacrosanct. The rules and procedures, and the abuses that would constitute a breach of these rules, are minutely described for every believed necessary accommodation. The other, a contrived but seemingly necessary stranger or monster, self-identifies and he/she is invited into the "house" that is the institutional event of the diploma examinations. Does the anxious host take hostages when these guests are judged to be a threat to the facade of fairness and openness that "all" guests – it is claimed by the house – have access to? Like Kearney/Derrida's "anxious host," the testers know their obligations to these identifiable others but remain anxious. Their hospitality is immediately tinged with a jealous protectiveness of the center, or the norm, or the proper and good. Still, what is there to protect? Perhaps it is test security, precision of measure-

ment, application rigour, observable governability and, above all, the reified concept of an equitable and equal level playing field of competition.

Disability rights have been hard won through a combination of the activism of people with disabilities and their supporters and legal challenges (Hibbs & Pothier, 2005; Shannon, 2011, Zelma, 2009). Still, despite public claims from institutions that their responses to this activism are well-intended, they have often been characterized by “stubborn reluctance” (Shannon, 2011, para. 1) or through institutional nods to public pressure more so than to clear commitments to inclusive policy (Hibbs & Pothier, 2005). This creates, at times, a tense relationship in which the rights-based discourse of people with disabilities and their supporters is met with a stern regulatory discourse on the part of the educational institution. Policy makers in the educational institution spell out a regulatory process of application for accommodation that is more reflective of fear of legal action than of deeply held commitments to inclusion. Under a deficit-based system where accommodations are only granted to those who are deemed categorically eligible, detailed written policy about how to seek accommodations becomes obviously necessary. The tone of such instruction, however, is often less than welcoming and a discursive shift often takes place in which the policy moves from describing how to apply for accommodations to a legalistic listing of the limits to accommodation and the failures on the part of the applicant that will result in *ineligibility* (Hibbs & Pothier, 2005). In the Albertan diploma exam milieu, the Special Case Division’s written requirements sometimes take on this officious tone. The intent is not to give “advantage” or “optimize performance,” (Alberta Education, 2011, p. 12) the documents caution, casting students with disabilities as potential cheats at the outset of the process. Moreover, if the

stringent documentation requirements, deadlines, and necessary signatures are not fully provided on the accommodations applications, “Special Cases and Accommodations will not approve [the] applications” (Alberta Education, 2011, p. 16.). Writing similar concerns about the rigidity of policy, demeaning reliance on deficit understanding of disability, and insistence on individual exceptional accommodation instead of broad institutional action towards inclusiveness students with disabilities at the post-secondary level face, Hibbs and Pothier (2005) provocatively title a book chapter “Mining a level playing field or playing in a minefield?”

### Alternatives

I am convinced that even in a highly bureaucratized, thoroughly organized and thoroughly specialized society, it is possible to strengthen existing solidarities. Our public life appears to me to be defective in so far as there is too much emphasis upon the different and disputed, upon that which is contested or in doubt. What we truly have in common and what unites us thus remains, so to speak, without a voice. Probably we are harvesting the fruits of a long training in the perception of differences and in the sensibility demanded by it. Our historical education aims in this direction, our political habits permit confrontations and the bellicose attitude to become commonplace. In my view we could only gain by contemplating the deep solidarities underlying all norms of human life. (Gadamer, 1992, p. 192)

I do not wish to simply raise a series of concerns about Alberta’s diploma exam accommodations without suggesting interpretive and practical alternatives that might move the processes forward towards a more inclusion-based vision of diversity. It is through ongoing dialogue and keeping things in the realm

of possibility that we are best able to treat students as students, not as reified groups and, in doing so, strive toward more just policies and practices. It is fair to say that it is possible that educators have only begun to understand some of the institutional barriers many students face, our very definitions about who does or does not have educational disabilities are problematic, and that the current process of accommodations does not live up to the claim that it addresses issues of fairness for all students with disabilities. This is a significant minority of students often considered to be especially vulnerable to some of the negative consequences of high-stakes testing (ATA, 2009; Gorlewski et al., 2012, Katsyannis et al., 2007, Lin, 2009). If, therefore, there are problems ensuring fairness through accommodation, perhaps the fairest measure to accommodate for disabilities would be to discontinue diploma examinations for all students. When it comes to students with disabilities, and possibly all students, high-stakes tests may measure too narrowly, weigh too heavily, provoke unnecessary anxiety, evoke test disability instead of ability, accommodate too stingily and essentially work to hinder the right of the student to a rich, fair, and sound educational experience (Disability Rights Advocates, 2001; Katsyannis et al., 2007).

In light of current Alberta Premier Allison Redford's and her former Minister of Education's recent statements questioning the high weighting of these exams and the controversies surrounding the effect of diploma examinations on the national competitiveness of Alberta's students in terms of securing post secondary scholarships and admission based on marks requirements (Calgary Association of Parents and School Councils, 2011), the suggestion that they be discontinued, while unlikely even under this regime seems a little less unthinkable. Even the proposed changes of the weighting of exams, from 50% to 25% of the students' final grades, while not elimi-

nating any of the issues I have mentioned, might at least help on the level of harm reduction by lowering the stakes. In this vein, an extensive literature review of high-stakes testing and students with disabilities in American schools (Katsyannis et al., 2007) recommends that states that insist on using high-stakes testing best level the playing field for students with disabilities and all students by "mak[ing] high school graduation decisions based on multiple indicators of students' learning and skills" (p. 166). Certainly in the Alberta system, lowering the weight of this one controversial indicator would make greater space for other measures of student achievement.

It seems unwise, however, to discuss pedagogic concerns such as these with "an all or none" approach when prudent educational researchers in Alberta and other districts where high-stakes testing is used often accept it as not so much desirable, but as present for the time being, and choose to discuss good pedagogy under these conditions (Friesen, 2010; Gorlewski et al., 2012). Though the Alberta Teacher's Association has never withdrawn its original objections to the use of high-stakes tests for grading students, it also remains engaged with Alberta Education as a participant in the discussion of how to make the tests as fair as possible for as long as they exist (ATA, 2009). Many students are presently impacted by these tests and related accommodation policies and we wish, therefore, to address the possibilities for a more just system of accommodation within the present reality of diploma testing. Though this suggestion may at first seem at odds with the historical and inspiring struggle for equal rights for individuals with disabilities to achieve a "level playing field," perhaps the notions of precisely quantifiable "equity" and "advantage" in terms of many of the accommodations more commonly offered needs to be revisited in light of the possibly more appropriate concepts named by disability studies scholars,

Hibbs and Pothier (2005), as accommodation *within* the standard and flexibility for all. This paradigm aims to make general instruction and assessment as accessible as possible instead of relying on a model of “individual exception to the general standard” (p. 199) and is, in fact, the model of accommodation the Supreme Court of Canada recommends as the starting point for human rights legislation. Speaking of university assessment, Hibbs and Pothier offered the example of how, instead of accommodating for the many types of disabilities that render time-limited tests inaccessible through individual exception, using take-home tests whenever possible provides the same accommodation more democratically, and without reliance on deficit labeling. While it is difficult to imagine take-home diploma accommodations, this vision does inspire speculation of practical application of these principles to diploma testing. With the rapid growth of accessibility technologies, any PC or Mac user can now access features on standard software to read text out loud and can dictate orally to a computer that will translate his or her speech to text. With the passing of distracted driving legislation in Alberta, which bans manual operation of Smart phones and cellular phones while driving, many multi-tasking drivers are using hands-free, voice activated technologies, which are legally sanctioned as less impairing than hand held devices under the new legislation. Understanding technological supports such as speech to text and text to speech through the lens of disability accommodation is becoming increasingly antiquated. Alberta Education’s Special Cases and Accommodations Division has worked very hard to ensure that no accommodations pose a validity threat to the “constructs” of the diploma examinations, so framing reading and writing options for all to include broadly optional audio CDs and use of speech to text software would be no real threat. “Broadening [these] definitions of reading [and] writing” for all students (Dunn,

2010, p.18; see also Edyburn, 2009) would not only eliminate an unnecessarily negative framing of impairments that impact reading and writing, it might grant many more students not an advantage, but a more flexible means to show their competencies. Though this might be seen as undermining the importance of more primary, physical reading and writing skills, these things are still relatively ubiquitous in k-12 education and broadening the technological options students have to interpret the complex texts and produce the complex responses the examinations require seems unlikely to contribute to producing a generation of non readers/writers. Opening up these options might be seen as a stance towards emerging technologies equivalent to Alberta Education’s eventual support of widespread use of word processing as an option for completing the written portions of diploma examinations. While at one time almost all students in Alberta wrote diploma exams using pen and paper (Hart, 1987) and many states and provinces still allow word processing only as a special education accommodation (Katsyannis et al., 2006; Lin, 2010), Alberta Education now makes this accommodation broadly available and their records indicate 80% of Alberta’s students selected this technology for producing written responses on diploma exams last year (Alberta Education, 2012). We do not suggest that 80% of students may eventually choose to listen to the readings and dictate their responses on diploma exams, only that these options now broadly available on standard computing software should, like the option of word processing, be made available to any students who would choose to use them. As well, the issue of time needs to be revisited. When avoiding an individual deficit interpretation that sees the need for “extra” time as abnormal, the presence of a significant minority of students who seem to require more than the allotted three hours can re-emerge, unconcealed, as a problem with the length of the

assessments in general. This unconcealing may lead to learner assessment reconsidering the length of the exams for all learners.

Reframing these reading, writing, and time accommodations to allow for more flexible assessment conditions for all students would, for many students with disabilities, strip the layer of “governance of disability” (Tremain, 2005) from the diploma testing experience. There would no longer be the need to self-identify given the broad availability of what were formerly accommodations. The application process for remaining accommodations, Braille, and large print exams for example, obvious in their specificity to discreet impairments might be streamlined to meet the logistical needs of ordering more so than the complex burden of proof of disability and prior usage of the accommodations.

I remain doubtful about whether diploma exams proper are an educational practice that is consistent with the values of inclusive education, or to put it another way: I question if underlying technologies of control, surveillance, and competition are things to which any student, least of all more vulnerable students, should be subject. Still, if diploma exams are to remain, for now, as highly weighted academic tasks students are required to complete in order to graduate, ongoing critique is needed to ensure their consistency with the educational values of inclusive education the larger institution of Alberta Education purports to hold. Significant re-design of the accommodations process and examination design and administration may help push diploma examination policy out of the individual deficit model and at least provide all students with greater access to, in the words of Foucault (1988) various “technologies of the self” to select their preferred options for responding to the assessments, thereby mitigating, at least to some degree that impact of the

larger “technologies of power” that characterizes the whole enterprise.

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[http://www.aboutourkids.org/articles/understanding\\_special\\_education\\_law](http://www.aboutourkids.org/articles/understanding_special_education_law)

**Note**

<sup>1</sup> This article contains frequent uses of experiential data written in the first person by the first author, John Williamson, a high school

teacher and site-based coordinator of special education services. For the sake of structural flow, we have chosen to use the first person voice throughout the piece though we also want to emphasize that this work reflects the ideas and concerns of both authors, the second of whom, Dr. Jim Paul, comes to this issue as a teacher educator.