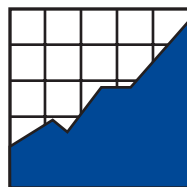


**English Language Learners with  
Disabilities and Large-Scale Assessments:  
What the Literature Can Tell Us**



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## **ELLs with Disabilities Report 6**

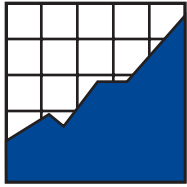
# **English Language Learners with Disabilities and Large-Scale Assessments: What the Literature Can Tell Us**

Jane Minnema • Martha Thurlow • Michael Anderson • Karla Stone

**June 2005**

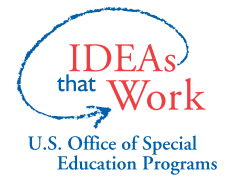
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## Overview

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Standards-based educational reform has moved to the forefront of issues facing American education in the past decade. The driving principle behind such reform is to support *all* students in achieving grade-level content standards. To determine the merit of such inclusive educational efforts, states have been using large-scale assessments to give all stakeholders, including the general public, a measure of student progress. Since system-level accountability for student progress has increasingly become an important element of current education reform, the need to include all students fairly in the process is paramount. Considering the need to count all students for accountability purposes, states face a myriad of challenges in striving to include all students in statewide testing programs (Thompson & Thurlow, 2003).

Many students present unique characteristics for which test instrument developers have not planned. As a result, the instruments often do not allow for appropriate measurement of achievement levels. The assessment issues surrounding the inclusion of all students generally have not been considered throughout the construction of large-scale assessment instruments (Thompson, Johnstone, & Thurlow, 2002). These include issues such as the need some students have for accommodations, which should be taken into consideration when items are developed, as well as special handling provisions that must be established to ensure appropriate scoring of assessments for which students have not used typical completion procedures.

Fortunately, more and more states are demonstrating improved trends in assessment performance and participation for students with disabilities and students who are learning English language skills (Thompson & Thurlow, 2003). Most recently, concern has arisen among policymakers and educators alike about those students who have both English language and disability challenges. Fitting English language learners (ELLs) with disabilities into pre-existing statewide assessments is doubly complex since both English language proficiency and disability challenges must be considered.

The federal elementary and secondary education policy, the No Child Left Behind Act of 2001 (NCLB), raised expectations for states' large-scale assessment and accountability programs. As a result, states have begun thinking about how to fully include ELLs with disabilities in standards-based testing that measures academic achievement against grade-level criteria. Similar to other students with disabilities, ELLs with disabilities must take state regular assessments with or without accommodations or an alternate assessment. This alternate assessment, according to a December 9, 2003, regulation, can be based on grade-level achievement standards, or for those students with the most significant cognitive disabilities, it may be based on alternate achievement standards (Federal Register, 2003). Only one percent or less of scores on alternate achievement standards may be counted as proficient for NCLB accountability purposes. A Notice of Proposed Rule Making (NPRM) also is being prepared to reflect an April 7, 2005, an-

nouncement of plans to allow up to an additional two percent of scores to be based on modified achievement standards and count toward NCLB proficiency (U.S. Department of Education, 2005). This provision would be for students with disabilities who can make significant progress toward grade-level content standards but may not reach grade-level achievement standards within the same timeframe as other students. In addition to these assessments, ELLs are required to participate in a standardized measure of English language proficiency (NCLB, Title III) that documents levels of English language skill development over time.

## **Purpose**

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Part of understanding the issues that surround the implementation of transformative federal mandates such as NCLB is the accumulation of sound, evidenced-based findings that are coupled with rich descriptive explanatory findings. By doing so, the research community supports educational practice to continually improve student academic results. A beginning point in the development of important research questions that generate useful findings for educators is an understanding of what data-based information exists and where the gaps are. The purpose of this report is to describe our review of the literature that pertains to the inclusion of ELLs with disabilities in states' large-scale assessment programs. In doing so, we first describe any literature that addresses the participation of ELLs with disabilities in statewide testing that is used for accountability purposes. As a second step in our literature review, we also considered any literature pertaining to ELLs with disabilities in order to identify gaps in the knowledge base that point to necessary next steps in research.

As a caveat to the purpose of this report, it is important to understand which students we are referring to by the term "English language learners with disabilities." For the purposes of our literature review, English language learners are defined as those students with non-English language backgrounds who have varying degrees of English proficiency, and have been identified as English language learners (or as students having limited English proficiency) according to state definitions. These students may or may not be receiving English as a second language (ESL) or bilingual educational services. In addition, the term 'students with disabilities' is used to describe those students who have either a 504 plan or an Individualized Education Plan (IEP). We acknowledge and discuss the various concerns that arise from the unique subgroup of students we targeted for our literature review in a later section of this report.

## **Method**

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We began our literature review with a comprehensive search of the ERIC database. In addition, we conducted searches of the World Wide Web and an internal library at the National Center

on Educational Outcomes (NCEO). This library, Outcomes-Related Base of Informational Text (ORBIT), includes information from policy organizations, conferences, and other projects that are typically not in other databases. Because our sources for literature were expansive, we were able to gather a wide variety of types of materials that included research studies, thought pieces, and conference proceedings, representing both peer-reviewed and non-peer reviewed publications. Our comprehensive approach to gathering literature allowed us to draw boundaries around the emergent literature base to understand what is known and what is not known about testing ELLs with disabilities in statewide assessment programs.

To select the relevant literature for our review, we developed criteria that crossed the fields of disability, English language learning, and large-scale assessment. Criteria included any literature published between the mid-1960s through 2004 that considered the participation and performance of ELLs with disabilities in states' large-scale assessment programs. Our search covered the following categories: (1) participation and performance in large-scale assessment programs, (2) accommodation use, (3) test data use and reporting practices, and (4) test validity and reliability issues. Using our criteria, we developed key terms that were used to search each of the databases. The following key terms were employed either in isolation or combination: English language learner, English as a second language, language minority student, limited English proficient, LEP, student with disabilities, special needs, exceptional needs, special education, large-scale assessment, state tests, high stakes testing, and accommodations.

In order to be thorough in obtaining all literature pertaining to the inclusion of ELLs with disabilities in statewide testing, our original ERIC search yielded many articles. After an initial review of these articles, many were deemed irrelevant because the content only addressed ELLs or students with disabilities as separate groups of students or contained no information regarding large-scale assessment or accountability issues. We found fewer articles in our ORBIT search and many of these articles did not meet the criteria for our literature review. As we continued to review literature from these two searches, we added additional articles from references cited in the original pool of articles.

After an initial reading of the articles, all literature that did not meet the criteria for this literature review was deleted. This process resulted in a final set of ten articles, presented in Table 1, that include one peer-reviewed journal article, three project reports, four government reports, one conference paper, and one federal law document. To formulate findings from our review of these articles, we decided to pull themes from the literature because of the diverse nature of the documents included. We first identified patterns in the information that could be developed into thematic findings. Next, we took a step back from our set of findings to identify gaps in the research base on the inclusion of ELLs with disabilities in states' large-scale assessment programs.

## Results

### Literature Reviewed

We report on a set of literature that contains references to ELLs with disabilities; these documents are listed in Table 1. The ten articles, reports, and Federal documents are categorized by type and term used for ELLs. Where possible, we provided the research design.

**Table 1. Literature Focused on English Language Learners with Disabilities**

Author and Year	Type of Literature	Research Design	Term for Subjects
D'Emilio, 2003	Conference paper	Combines two sources of information: OCR and OELA	English language learners enrolled in special education programs
NCLB, 2001	Federal law document	N/A	LEP students with disabilities
O'Sullivan, Reese, & Mazzeo, 1997	Government report	Population percentages	LEP students with disabilities
Reese, Miller, Mazzeo, & Dossey, 1997	Government report	Population percentages	LEP students with disabilities
Thurlow & Liu, 2001a	Peer-reviewed journal article	Policy guidance	IEP/LEP students
Thurlow & Liu, 2001b	Project report	Descriptive study	English language learners with disabilities
Thurlow, Minnema, & Treat, 2004	Project report	Qualitative study	English language learners with disabilities
U.S. Department of Education, 2002	Government report	N/A	LEP students with disabilities
U.S. Department of Education, 2004	Government report	N/A	LEP students with disabilities
Zehler, Fleischman, Hopstock, Pendzick, & Stephenson, 2003	Project report	Descriptive study	LEP students with disabilities

### Thematic Findings

- **There was one peer-reviewed journal article addressing the inclusion of English language learners in states' large-scale assessment and accountability programs.**

*The major finding from our review of the literature on including ELLs with disabilities in states' large-scale assessment programs was the lack of peer-reviewed, published research conducted in this area of study.* The peer-reviewed research articles that we obtained focused only on students with disabilities or ELLs as separate subgroups of students. None of these articles addressed

large-scale assessment issues for students with both disability and English language challenges. Our literature search did yield one position paper focused on ELLs with disabilities, where Thurlow and Liu (2001a) argued that this unique subgroup of students, when not included in large-scale assessment and accountability programs, are, in effect, deprived of the benefits of standards-based reform.

The lack of peer-reviewed research centered on ELLs with disabilities and large-scale assessment issues can in part be explained by the scarceness of large-scale assessment results for these students. Of particular interest to our literature review is a finding from an examination of national, state, and district large-scale assessment databases that demonstrated that no participation and performance data were available for these students (Thurlow & Liu, 2001b).

Furthermore, the 1996 report on the National Assessment of Educational Progress (NAEP) was the first reference to including ELLs with disabilities in a national sampling plan to measure science and mathematics skills (O’Sullivan, Reese, & Mazzeo, 1997; Reese, Miller, Mazzeo, & Dossey, 1997). Yet, ELLs with disabilities did not comprise a subgroup for whom test results were disaggregated. Results were not disaggregated for students with disabilities or ELLs either. Instead, national and state prevalence and test participation were presented for “students with disabilities,” “LEP students,” and students with “both” in an appendix to the reports. Our review of NAEP to date did not yield any other references to ELLs with disabilities.

Having found no peer-reviewed research that addressed the primary purpose of our literature review, we considered any literature pertaining specifically to ELLs with disabilities. These findings are presented thematically as a secondary set of findings. This information helped in setting a research agenda that we believe to be essential for improving large-scale assessment participation and performance for ELLs with disabilities. *Four themes of results emerged from our analysis of literature-based information addressing ELLs with disabilities.*

- **Descriptive research is beginning to document the prevalence of English language learners with disabilities in American schools.**

Recent study makes known important statistics about how many ELLs with disabilities populate American schools. For the most part, these statistics are estimated totals rather than accurate counts of the population of ELLs with disabilities nationwide. Researchers used a national sampling plan to distribute a written survey to local educational agencies requesting estimated numbers of ELLs with disabilities in their schools. Results indicated that 357,325 ELLs had disabilities across the U.S. (Zehler, Fleischman, Hopstock, Pendzick, & Stephenson, 2003).

- **Initial prevalence estimates of English language learners with disabilities suggest a tendency toward under-representation.**

Two sources of prevalence data have suggested a disproportionate representation of ELLs with disabilities in special education programs. Both indicate an under-representation rather than



over-representation. First, the descriptive research study reported a range of percentages of ELLs as having been identified with disabilities. While the numbers of ELLs are still somewhat unclear, which in turn impacts the accuracy of the estimations, researchers have reported between 7.87 and 9 percent of ELLs as receiving special education services (D’Emilio, 2003; Zehler et al., 2003).

We know that approximately 11% of native English-speaking students have disabilities (U.S. Department of Education, 2002). In comparison, the highest reported percentage of ELLs with disabilities is lower than the percentage reported as having disabilities for the general population. Based on these percentages, Zehler et al. (2003) concluded that there is a disproportionate representation of ELLs with disabilities in special education, meaning that there are fewer students who are acquiring English skills who also have disabilities than would have been expected.

A second source of prevalence data suggested that ELLs with disabilities were probably under-represented in a national large-scale assessment of science skills. When developing the sampling plan for the NAEP science test in 1996, those that endeavored to create a more inclusive sample over-sampled students with disabilities and ELLs because some school districts tended to have low populations of students. Even so, there was a concern that ELLs with disabilities were under-represented in the sample. After averaging the number of ELLs with disabilities across all states in the national sample, about 1% of the students were identified as ELLs with disabilities (O’Sullivan et al., 1997; Reese et al., 1997). In light of the National Clearinghouse on Bilingual Education’s estimate of the national prevalence of ELLs (12.7%) and the Office of Special Education Programs’ estimate for students with disabilities (10.7%), it would be expected that the number of ELLs with disabilities in this national sample might have been higher.

- **When English language learners have been included in testing and reporting, inclusion has not been maintained over time.**

One government report that our literature search yielded, which referred to “Limited English proficient students with disabilities,” was the 23rd Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act (U.S. Department of Education, 2002). Report content pertained to estimated prevalence for these students nationwide as well as identification issues. Prior to that time, we found no references to ELLs in reports to Congress on the implementation of the Individuals with Disabilities Education Act (IDEA).

We also looked at NAEP reports over time where we found participation data for students who had both disabilities and limited English proficiency in the 1996 reports on science and mathematics testing. Drawing the random sample for these nationally administered tests prior to 1996 had not included students with disabilities or ELLs. In 1996, a goal was set to draw a more inclusive sample so that students with disabilities and limited English proficiency were tested in each testing cycle since then. Yet, there is no mention of ELLs with disabilities since those reports in 1996.

- **Justifying the inclusion of English language learners with disabilities in large-scale assessment programs is found in federal law.**

It is atypical to include federal law documents in a review of research literature. Given the paucity of data-based information pertaining to ELLs with disabilities, federal law provides a foundation that guides the identification of important research topics. Generally, federal law mandates testing these students in states' standards-based measures since *all* students are to be included, thus justifying the need for expanded research in this area. More specifically, federal law includes language that refers to "limited English proficient children with disabilities" so that these students are recognized as an identifiable subgroup of students in American schools.

For instance, Title III of NCLB, the English Language Acquisition, Language Enhancement, and Academic Achievement Act, makes specific reference to the assessment of ELLs with disabilities in several places. The primary reference to these students refers to funding opportunities and specifications for reporting results under Part 9B, Subpart 1. Specifically, one of the permissible activities listed for local education agencies receiving grants to improve programming for ELLs is for "assisting limited English proficient children with disabilities." The law states further that a grant can be approved only if the U.S. Department of Education determines that: "(A) student evaluation and assessment procedures in the program are valid and reliable for limited English proficient children; and (B) limited English proficient children with disabilities will be identified and served through the program in accordance with the requirements of the Individuals with Disabilities Education Act" (NCLB, 2001).

It seems reasonable to expect states to have developed large-scale assessment policy that reflects the federally mandated participation. Instead, a document review of states' large-scale assessment policies included ELLs with disabilities in a general sense by mandating that *all* students participate in statewide testing. At the time of the study, only one state had developed a specific policy for ELLs with disabilities focused on participation in statewide testing (Thurlow, Minnema, & Treat, 2004). Even though states' refer to cultural diversity issues in the special education section of assessment policies, the source for justifying the inclusion of ELLs with disabilities in large-scale assessment and accountability programs rests in federal law.

## **Discussion**

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In taking a step back to examine the primary and secondary findings from our review of the literature focused on the participation and performance of ELLs with disabilities in statewide testing programs, four summary statements emerged. Each of these statements address one aspect of what is not known about ELLs with disabilities and their participation in statewide testing. Our discussion of these statements provides a set of next steps in conducting research

on the participation of this unique subgroup of students in states' large-scale assessment and accountability programs.

- **This review of the literature found no research studies that specifically addressed accommodations use during testing for English language learners with disabilities.**

Current research is not particularly helpful in understanding accommodations use when students are challenged by both a disability and English language proficiency. Even though limited in scope and depth, the literature does point to four key issues that are important for beginning a line of research that teases apart the complexities of accommodating test taking for students who have both English language and disability considerations.

First, both disability and English learning fields address language development, yet each field has a slightly different take on English language delay. In the case of a child in need of special education services for language needs, either a delay in normal language development or the cognitive ability to process language is addressed. For an English language learner, learning English needs are addressed within the context of learning a language that is other than a native language. *It behooves future researchers to consider both language learning and language processing difficulties in teasing apart the validity issues that are critical for understanding accommodations use for ELLs with disabilities.*

A second key issue pertains to student characteristics that have been investigated for students with disabilities and ELLs as separate student subgroups. Because ELLs represent a wide range of individual characteristics in terms of language background, prior schooling outside of the U.S., cultural variability, length of time living in the U.S., and so on, there is a lack of precision in categorizing students collectively when determining appropriate accommodations (Butler & Stevens, 1997; Rivera, Collum, Shafer, & Sia, 2004). While these researchers consider a variety of student characteristics, disability is not included. The reverse is true of the disability literature. Many student characteristics are considered such as intellectual capacity, physical limitations, and information processing skills; still, language learning other than English has traditionally been ignored. *Researching accommodation use for ELLs with disabilities will need to consider a myriad of student characteristics, how the effects of English language learning and disability interact and impact test performance, how to accommodate both language learning and disability needs simultaneously, and finally, how to select accommodations that will promote the highest level of performance possible.*

A final key issue concerning the use of accommodations for these students pertains to how accommodations are selected. In general, accommodations developed for students with disabilities do not address the linguistic difficulties faced by ELLs. In some cases, states have applied accommodations used in special education for those students who are learning English—a practice that is not recommended. Not only do accommodations need to be offered on the basis of the

nature and content of an assessment, but also on the basis of the specific linguistic and related characteristics of students (Butler & Stevens, 1997). The same can be said for the nature of the disability and its importance in determining appropriate accommodations. To date, there are no test accommodations designed specifically for ELLs with disabilities (Thurlow & Liu, 2001a). *Thus, for ELLs with disabilities, linguistic and disability needs must be given equal and adequate consideration when making accommodation decisions.*

To provide appropriate accommodated tests for ELLs with disabilities, it is important for all stakeholders to be part of the decision-making process. If a student with an IEP is also an English language learner, it is imperative that a language acquisition specialist such as an English as a second language or bilingual education teacher be involved in the decision-making process. Notably absent in the research on accommodation decisions for ELLs is the mention of including parents and students in the decision-making process. While this practice is mandated for students with disabilities, in the absence of a disability, decisions appear to be made for students devoid of consultation with them or their parents. *For ELLs with disabilities, the IEP process must take into careful consideration the language needs of the students and their parents or guardians when deciding how to include them in large-scale assessment programs.*

- **The lack of common term use and student definitions in the fields of English language learning and disabilities constrains communication and study of those students who are learning English and have disabilities.**

In the field of English language learning, researchers have identified a major obstacle in conducting research and developing systematic inclusion of ELLs in educational and assessment programs. The inconsistencies in the terminology and definitions used to describe ELLs are barriers to accruing decisive data-based information that informs our understanding of assessing and instructing students who are learning English as another language (Butler & Stevens, 1997).

Some educators, policymakers, and researchers are using the term English language learner while others use the term limited English proficient. The term limited English proficient finds precedence in federal law. Those preferring the term English language learner cite the negative connotation of “limited” in contrast to the more positive suggestions of “learner.” Further, using English “learner” suggests student progress rather than student limitations. But, those with high levels of English proficiency are technically still learning some aspect of the English language. Confusion still ensues because neither term characterizes these students definitively. The terms do not denote whether these students are receiving English language acquisition services, whether they were born in the U.S. or in another country, or whether English is a second language or among many other languages spoken.

To further complicate the situation, state level policy lacks direction as to how ELLs should

be identified (Thurlow, et al., 2003). In turn, school districts have little concrete guidance for developing guidelines and criteria for the assessment and instruction of ELLs. The lack of core agreement in policy as to who these students are, how they should be identified, and what they should be labeled serve as complicating barriers to educators, policymakers, and researchers alike who strive to include these students in states' large-scale assessment programs. *The classification of an English language learner with disabilities remains elusive in part due to the lack of consensus in the field on who an English language learner actually is and how to refer to these students.*

- **Understanding English language learners with disabilities is also constrained by the ambiguity surrounding the correct identification of English language proficiency levels.**

Indicators of language proficiency are important variables in characterizing ELLs and essential for identifying the interface between language and content knowledge in standards-based assessments (Butler & Stevens, 1997). Yet, definitions of proficiency vary both across and within states. Language proficiency indicators can include some or all of grammatical knowledge, cognitive knowledge about content, and social knowledge of when and where to use a language (August & McArthur, 1996). Using a different approach, the National Assessment of Educational Progress (NAEP) quantifies time spent in English instruction as an indication of proficiency in its inclusion guidelines. Three years of English instruction is sufficient for participation in the assessment. Arguably, other factors need to be considered when assessing language proficiency including native language proficiency and potential typological differences between native language and English.

A major problem arises when state test developers use classification definitions derived from English language proficiency measures for determining cutoff scores on large-scale assessments. States define who an English language learner is in different ways. Yet it is important to note proficiency levels for meaningful interpretation of large-scale assessment results. Results derived from different tests do not carry the same meaning and, in this way, results from different districts or different states are not necessarily comparable. To complicate the situation further, one must attend to the added difficulties and discrepancies that exist for those students identified as both ELLs and as having an IEP. *Thus, a major concern rests on English language proficiency measures and definitions of language proficiency, which is confounded even more when paired with a disability.*

Beyond labeling and classifying these students is the accurate identification of English language proficiency levels in speaking, listening, reading, and writing. A starting point to successfully test English language competency levels is the proper diagnosis of academic strengths and weaknesses, along with a solid educational plan to remediate the weaknesses appropriately (Geisinger, 1992). In other words, accurate determination of English language proficiency levels is in part dependent on accurate assessment of academic skills. In tandem, then, is the

accurate identification of academic strengths and weaknesses, which is intimately dependent on an accurate identification of the level of English proficiency. *Including ELLs with disabilities in large-scale assessment programs remains a topic in need of high-quality research that teases apart key English language and disability variables in the context of statewide testing.*

- **Developing fully inclusive large-scale assessment programs for ELLs with disabilities is impeded by their low prevalence in some local educational agencies.**

While recent statistics have approximated a rather sizeable number of ELLs with disabilities nationwide, proportionally speaking, many school districts do not have a large subgroup of ELLs with disabilities. Those students they do have may or may not speak the same language. When schools are faced with a minority subgroup of students with unique assessment needs, such as multi-linguistic, culturally diverse students with various types of disabilities, human and capital resources may not cover the work that needs to be accomplished to fully include these students in statewide testing. Students with disabilities have several assessment options available to them. Most states do not provide several options for ELLs even though options such as alternate assessments are viewed in the literature as a viable means of measuring the learning of ELLs in statewide assessments (Vincent & Schenck, 2001).

Low numbers of ELLs with disabilities constrains the manner in which a local educational agency can report the results of large-scale assessments. Some school districts or even states do not have large numbers of ELLs on which to report large-scale assessment performance data. Disaggregating these data might reveal the identity of individual students, thus violating mandated confidentiality. Even if reporting on participation of ELLs as a group is not feasible, it is recommended at the very least that their participation be counted so that ELLs with disabilities are not completely invisible in the accountability process. *To account for the academic progress of all students attending U.S. schools through statewide testing, it is important for research to determine how to include ELLs with disabilities whose native language, and possibly disability, are not largely represented in a school district's population.*

## Conclusion

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Our comprehensive approach to gathering literature allowed us to draw boundaries around the emergent literature base to understand what is known and what is not known about testing ELLs with disabilities in statewide assessment programs. The literature, albeit sparse, presents a solid justification for the inclusion of ELLs and students with disabilities in states' large-scale assessment programs. It follows then that ELLs with disabilities are to be included in statewide testing as well.

The assessment community recently has attended to ELLs with disabilities, at least in terms

of inclusion in NAEP testing. This tendency is beginning to emerge in states' standards-based assessments that are used for school system accountability purposes (Albus & Thurlow, 2005). Of concern is the fact that NCLB (2001) does not require the documentation of participation and performance for ELLs with disabilities as a separate reporting category in states' data reports. Without mandated reporting practices, specific subgroups of students may not receive the attention in local assessment programs that meets the intent of NCLB. An important starting point is to collect exact prevalence statistics on a local, state, and national basis so that accounting for all ELLs with disabilities does not remain ambiguous. In turn, to ensure that these students receive full benefits of standards-based reform, it is important that those responsible for setting the educational research agenda make sure that ELLs with disabilities are not overlooked in the study of large-scale assessment and accountability study.

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