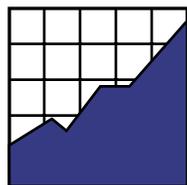


**Policymaker Perspectives on the Inclusion
of English Language Learners with
Disabilities in Statewide Assessments**



NATIONAL
CENTER ON
EDUCATIONAL
OUTCOMES

In collaboration with:

Council of Chief State School Officers (CCSSO)

National Association of State Directors of Special Education (NASDSE)

ELLs with Disabilities Report 8

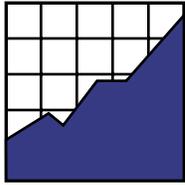
Policymaker Perspectives on the Inclusion of English Language Learners with Disabilities in Statewide Assessments

Martha L. Thurlow • Michael E. Anderson • Jane E. Minnema • Jennifer Hall-Lande

August 2005

All rights reserved. Any or all portions of this document may be reproduced and distributed without prior permission, provided the source is cited as:

Thurlow, M. L., Anderson, M. E., Minnema, J. E., & Hall-Lande, J. (2005). *Policymaker perspectives on the inclusion of English language learners with disabilities in statewide assessments* (ELLs with Disabilities Report 8). Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.



**N A T I O N A L
C E N T E R O N
E D U C A T I O N A L
O U T C O M E S**

The Large-Scale Assessment Practices and Results for Students Who Have Both Disabilities and Limited English Proficiency project is supported by a grant (#H324D010060) from the Research to Practice Division, Office of Special Education Programs, U.S. Department of Education. Opinions expressed herein do not necessarily reflect those of the U.S. Department of Education or Offices within it.



NCEO Core Staff

Deb A. Albus	Ross E. Moen
Christopher J. Johnstone	Michael L. Moore
Jane L. Krentz	Rachel F. Quenemoen
Sheryl S. Lazarus	Dorene L. Scott
Kristi K. Liu	Sandra J. Thompson
Jane E. Minnema	Martha L. Thurlow, Director

National Center on Educational Outcomes
University of Minnesota • 350 Elliott Hall
75 East River Road • Minneapolis, MN 55455
Phone 612/624-8561 • Fax 612/624-0879
<http://education.umn.edu/NCEO>

The University of Minnesota is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status, or sexual orientation.

This document is available in alternative formats upon request.

Overview

Educational reform efforts over the past decade have increasingly focused on accounting for the progress of all students toward high academic standards. The *No Child Left Behind Act* of 2001 requires that statewide accountability systems include all students. Within this context of reform, researchers and policymakers have examined the test data for subgroups of students such as English language learners (ELLs) and students with disabilities in order to ensure that the students most at risk of not achieving educational goals are succeeding. By examining the participation and performance of these subgroups on statewide assessments, educators and researchers are able to target assessment and instructional reforms.

The achievement of ELLs and students with disabilities has been examined separately in the realm of statewide assessment, but not much research has been conducted on issues related to those students who are English language learners with disabilities. While many states have policies and guidelines in place for the inclusion of ELLs or for students with disabilities, few have specific information in print or on the Web for those students who fall into both subgroups (Thurlow, Minnema, & Treat, 2004).

Considering that English language learners make up about nine percent of the total population of students with disabilities across the nation (Zehler, Fleischman, Hopstock, Pendzick, & Stephenson, 2003), this is a group of students whose needs concern every state. While policies and guidelines made to ensure that these students are accurately assessed are not always in print or on the Web, we know that many states are already dealing with issues that surround their inclusion in assessment systems. The individuals who hold this knowledge are policymakers at the state level who support local educational agencies in making appropriate decisions for these students. Some policies, while widely used, may not be in print on Web sites or in manuals, but instead are communicated through trainings and other face-to-face, telephone, or e-mail support. It is also the personnel working at the state departments of education who field the questions about including these students in assessments and assessing them appropriately.

This report examines this state-level knowledge base to determine how state educational agencies are including these students in statewide assessments and supporting local education agencies in their communication of assessment results to families. To do this we conducted telephone interviews with state department personnel in the areas of assessment, English language learner programs, and special education in states with large and small populations of ELLs. The interviews tapped the knowledge of state policymakers on the assessment of ELLs with disabilities and how they were included in assessments, how decisions were made about their inclusion, and how their test scores were reported and used to improve the educational system. What the state-level personnel reported about the unique challenges they face when assessing these

students is included in a companion report to this document (Anderson, Minnema, Thurlow, & Hall-Lande, 2004).

This study was not meant to be a comprehensive survey of state policy. Rather, it was an in-depth examination of how states are taking into account the needs of ELLs with disabilities in their assessment systems, what they have learned from looking at the needs of this group of students, and what challenges they face in ensuring that these students are participating in the assessment and accountability system. It gives voice to the concerns that state policymakers have when working to include all students in accountability systems and is a first step at identifying what challenges educators and policymakers face when making assessment decisions for ELLs with disabilities.

Method

The research design for this study was developed from information gathered in previous policy studies involving ELLs with disabilities. Since policy concerning the assessment of these students is often not in print or on the Web, the study was designed to tap into the knowledge base of state policymakers, with the goal being to better understand the issues related to including ELLs with disabilities in statewide assessments. This interview-based research study addressed the following research questions:

1. What do state policymakers know about assessing ELLs with disabilities in standards-based assessment used for accountability purposes?
2. What do states perceive as unique challenges for including ELLs with disabilities in state large scale assessments?

The results for the first research question are contained in this report. The results for the second research question are contained in a report by Anderson et al. (2004).

To answer the research questions, we conducted a series of telephone interviews that elicited information from state educational agency personnel (n=37) in 14 states. Initially, we planned to complete interviews in ten states: five states with the largest ELL populations and five states with small ELL populations. We assumed that the states with the larger ELL populations would also have the largest number of ELLs with disabilities and thus also have policies relating to these students. Also, we wanted to know whether states with comparatively smaller numbers of students were facing similar or different issues in the assessment of this group of students. However, while conducting other research for the project a few additional states expressed interest in participating in this study. Consequently, our final sample included 14 states: Arkansas,

Arizona, California, Colorado, Delaware, Florida, Illinois, Michigan, Minnesota, New Jersey, New Mexico, New York, Rhode Island, and Texas. The additional states were Colorado, Michigan, New Jersey, and Rhode Island.

Our primary source of data was personnel from the state educational agencies. We first requested an interview with the director of each of the Assessment, Special Education, and ELL divisions in each state. If the director of an area referred us to another staff member, we requested an interview with that person. Some of these participants included Coordinators, Assistant Directors, Program Advisors, Research Associates, Program and Educational Specialists, and Research Consultants. It should be noted that although individual states have various names for these departments, information was gathered from departments with the most information pertaining to ELL students with disabilities and statewide testing. Interviews were conducted during the time period from July 2002 to March 2003. In a few states we were not able to schedule an interview with one or more of the department areas (see Table 1). The information included in this report is based on the data of those individuals we did interview.

Table 1: Interview Participants by State and Department

State	Assessment	Special Education	ELL
Arkansas			X
Arizona	X	XXX	
California	XX	X	
Colorado	X	X	
Delaware	X	X	X
Florida	X	X	XX
Illinois	X	X	X
Michigan		X	X
Minnesota	X	X	X
New Jersey	X	X	X
New Mexico	X	X	X
New York		X	X
Rhode Island	X	X	
Texas		X	

Note: Number of Xs indicates the number of people interviewed.

Our interview protocol focused on several issues pertaining to the inclusion of ELLs with disabilities in statewide assessments. Interview questions specifically addressed guidelines and policies for assessing ELLs with disabilities, challenges to participation, assessment decision making, application of results, monitoring, communication with families, and public reporting (see Appendix for interview questions). The list of questions and follow-up inquiries were pilot tested with a former state-level employee who now works with various states on assessment issues.

While individual interviews were requested, some participants asked to have group interviews with one or more persons from the departments targeted in this study. These states thought that the knowledge base about including ELLs with disabilities in assessments was held by several members of the department, so that it would be a more fruitful interview to have all of those people participate. We granted these requests. In all, there were 24 individual interviews and 4 group interviews. The interviews ranged from approximately 30 minutes to 90 minutes in length and all were conducted via telephone. All interviews were tape recorded and transcribed for qualitative data analysis.

The interview questions guided the process of gathering details on current state policies and practices of assessing ELLs with disabilities. Based on these details, categories were developed. We then organized these categories of information into themes pertaining to testing practices of ELLs with disabilities in statewide assessments. These themes were organized under seven of the telephone interview questions.

The process of this qualitative analysis involved two researchers independently reading and coding the interview data. After the data were initially coded by hand by the two researchers, the electronic forms of the data were uploaded into a qualitative analysis software program called NVivo. NVivo serves as a tool for organizing large qualitative data sets. While NVivo is the tool used for organizing the data, the analysis itself is conducted by the researchers. The data were coded for sub-themes under each question in NVivo and the themes that emerged were compared and collapsed when appropriate. Participants and states in the study are not identified individually in this report.

Results

State Policies

The interviews with state policymakers revealed that in general there is no specific policy in place for assessing ELLs with disabilities in statewide assessments. While most of the states in the study reported having separate policies in place for assessing ELLs and students with disabilities, at the time the study was conducted none of the states had written policies that specifically addressed assessing ELLs with disabilities in statewide assessments. Instead, states encouraged educators of these students to refer to both documents when making statewide testing decisions. One state assessment policymaker described how a large state approached assessment policies for students as:

“Yeah, to some degree what we have is two sets of guidelines or policies. One is for, and we’re working toward satisfying the No Child Left Behind requirements that our

accountability system include information about all [of the state's] enrolled students. So, in that regard, we have clear requirements that are not...the category of English Learners who are, with IEP or 504 plans. We do not have a special set of accommodations for that particular group. Rather, we have rules or policies for administration to English Learners and when they are special education students with IEP or 504 plans, the accommodations for those special ed. accommodations apply to them as well. So, it isn't as if this is treated as a distinct category, but rather there are two sets of policies related to such a student.”

This statement was not unique among the states participating in this study. Both large and small states had separate policies for ELLs and for students with disabilities. This does not mean that state leaders do not think about how these students fit into the system. Rather, guidelines have been developed for each group separately and guidance on how the two policies fit together for ELLs with disabilities is not in print and on Web sites.

The lack of combination of these policies is not due to a lack of attention to students who fall into both categories. Historic reasons were reported for the separation. Special education accommodations are supposed to address a student's disability while ELL accommodations are supposed to specifically address a student's language needs. While it has been documented that some accommodations offered for English language learners are taken from special education accommodation policies and do not address the language needs of these students (Rivera, Stansfield, Scialdone, & Sharkey, 2000), states participating in this study showed increased awareness about the distinct needs of these two groups. For some states, this played a role in why the policies were separate, to ensure that the different needs of the two groups were made clear. As one special education specialist stated:

“...[W]e've always been very careful to make sure LEP students are not considered to be disabled in and of itself. So, the special ed. guidelines apply to anyone who qualifies as having a disability, regardless of what their home language is. So, I don't think there is any particular mention for LEP students.”

In other states, there was mention of English language learners in special education policies, although not always in terms of statewide assessment. Often the special education division was larger than that for ELLs and had more policies in print in order to ensure compliance with state and federal laws. Policies discussing ELLs were reported to have less mention of students with disabilities in them, and rather just dealt with language issues. One respondent stated:

“They [ELLs] are in the special ed. code, they do address kids who are LEP, and the rights of parents who don't speak English. In our code, which is Bilingual Education, it governs programs for Limited English Proficient students. Kids with special needs are not referred to. Basically, we refer to it as just language.”

The data indicate that in most states, one would be more likely to find information about teaching and assessing ELLs with disabilities in special education policies, rather than in policies for English language learners. These latter policies are more likely to deal exclusively with language issues, while special education policies might make reference to where the separate policies might overlap.

Even though policies were separate, there was an increasing awareness of the growing numbers of ELLs who have been identified as having disabilities. This awareness was indicated by the strong concern among policymakers across the states about whether these students were being appropriately identified and whether educators were receiving adequate guidance in order to make assessment decisions for these students. One state policymaker working in ELL programming described the concern about getting guidelines out to the field as this:

“...what we have are some recommended practices that go out to the field. But, I think, and in those best practices are guidelines, but I’m not sure that the policies are really, really clear. And our state is kind of very political, so sometimes everything isn’t policy, kind of doesn’t really get out, out, out. You know? Policies may be there, but there’s still a lot of work that needs to be done from rules and regs and really getting it out to the field.”

Thus, even as more policy concerning English language learners with disabilities is put in print, there remain concerns about how that information is transmitted to educators at the local level, especially when many of the policies are presented as “best practice” while issues of how best to assess these students are being worked out at both the state and local levels.

Three states provided us with publicly available guidelines about both the referral of ELLs to special education and their instruction in special education. Several additional state policymakers reported that they were considering creating similar documents. These documents focus on the referral process to special education for culturally and linguistically diverse students and provide guidance and best practice for working with these students if they are in special education. While these documents address many of the needs of these students in special education programs, they do not specifically address how to make decisions about ELLs in statewide assessments. The prevailing opinion across the states interviewed was that since ELLs in special education had Individualized Education Programs (IEPs), decisions about how they were participating in statewide assessments were being made by the IEP team on a case-by-case basis.

Table 2 displays summary information on state policies for assessing ELLs with disabilities. All states except one have “No” indicating no policies or guidelines specifically for the assessment of ELLs with disabilities. While the one “Yes” state initially reported having no assessment guidelines specifically addressing this group, it did report working on guidelines for statewide assessment for ELLs with disabilities. These guidelines concern students with disabilities,

Table 2: Policies for Assessing English Language Learners with Disabilities

State	Policies or Guidelines^a	Notes
State 1	No	
State 2	No ^b	
State 3	No	
State 4	No	
State 5	No	
State 6	No	
State 7	No ^b	Manual outlines how to bring ELL and Special Ed. laws together to serve ELLs with disabilities.
State 8	No	
State 9	No	
State 10	No	
State 11	No	
State 12	No	
State 13	No ^b	
State 14	Yes ^c	Guidelines available for including students with disabilities and students with limited English proficiency for the 2004–2005 school year.

^a Question was: “Does the state have policies or guidelines specifically for the assessment of ELLs with disabilities?”

^b While these states have documents specifically designed to address the needs of ELLs in special education, these documents do not specifically address inclusion, accommodation, and decision making in statewide assessment.

^c At time of the interviews, State 14 had separate policies for assessment, but was revising them to include ELL students with disabilities. The document was revised after the interviews for this study took place for the 2004–2005 school year.

English language learners, and those students who fall into both categories in the version that has been revised for use in the 2004–2005 school year. The bulk of the information about ELLs with disabilities is included in the sections about students with disabilities.

Inclusion in Statewide Assessments

All of the states in this study reported policies of inclusion for English language learners with disabilities in statewide assessments. Again, most states interviewed reported having two sets of inclusion guidelines or policies—one for special education students and one for ELLs. These policies typically included rules and guidelines for participation in general and alternate assess-

ments as well as accommodation use and administration of large-scale assessments to special education students or ELLs.

States generally reported encouraging decision makers at the local level to look at both sets of guidelines when deciding how an English language learner with disabilities would fit into the assessment system. In addition, state policymakers reported that they expected these decisions to be made on an individual basis and to be based on what was in the student's IEP. However, state policymakers were not always sure how local decisions were being made or whether educators were using the state policies in place. Describing the use of the two assessment policies in her state, one state policymaker stated:

“I don't know what they [local educators] exactly do. I say to look at both because it depends on the individual student. If you have a child who moved into the country a month ago, and clearly has a disability, the student may, I guess it would be the criteria that kept them out of the general assessment would be the one that they would probably go for first. Then look at which one would provide them the broader set of accommodations, or a combination. For example, I talked to someone a couple of weeks ago, and I said, you may want to look at the accommodations list for kids with disabilities, but then also look at the accommodations for kids with limited English proficiency because a bilingual dictionary might be help to that student. So, what they actually do, I don't know... I don't know that one would exactly trump the other, it would depend on the individual student. ... So, what they actually do, we don't have any information on.”

Another state policymaker described the decision making process for English language learners with disabilities in his state as this:

“We don't currently have a formal policy. We have standard operating procedures even though we have not fully written those down as to how we deal with it. If people call in about it we have them start down both lines of thinking to see which one fits the student better. So, if they say the student is limited English proficient and this student has a disability, well, let's start down both lines. Is the limited English proficient student, is their English good enough to take the general assessment from the point of view of English?”

Alternate Assessments

All states offered an alternate assessment for special education students. In addition, two states reported offering an alternate assessment for English language learners and one state reported being in the process of developing an alternate assessment for English language learners. Policies for participation in the state alternate assessments were usually in writing on state Web

sites and in the state procedural manual. Students taking the special education alternate assessments were only those students who could not participate in the general assessment, even with accommodations.

In addition to a portfolio alternate assessment for students in special education, one state also offers a portfolio assessment for ELLs who have recently arrived in the country. One of the challenges to the assessment system that the state faced was deciding which alternate assessment an English language learner with a disability who qualified for both assessments would take. It was decided that special education had supremacy in these cases so the few students who fell into this category (i.e., new arrivals with significant disabilities) have their portfolios scored in the special education alternate assessment.

In another state, there are three ways to participate in the assessment system: a general assessment and two alternate assessments. One alternate assessment was designed specifically for ELLs to measure both their English language proficiency and their content area skills in mathematics and language arts. ELLs with disabilities who qualify for the alternate assessment can take different portions of the assessments depending on their disability or language proficiency. For example, it is possible that a student could participate in the general assessment for mathematics, but take the special education alternate assessment in reading or writing if the student's disability affects those skills. If it is the student's language that is affecting his or her ability to access the general or alternate assessment, that student could take all or part of the alternate assessment. This flexibility in the system allows English language learners with disabilities to participate in a variety of ways, yet at the same time produces a more complex decision making process on how students participate in the assessment system.

Accommodations and Statewide Assessment

Accommodations are typically provided by special education policy. These accommodations typically include modifications to presentation (e.g., reading the test, repeating directions, and reading directions in another language), time (e.g., extended time), scheduling (e.g., frequent breaks, spread out over several days), and setting (e.g., small group administration and individual administration). In addition, state policymakers reported having accommodations for English language learners that address the language needs of the student. Nine states reported providing translated versions of at least one state test or alternate assessment for ELLs. As with other state assessment policies, accommodation policies are most often separate policies for students with disabilities and ELLs. For a student who is both an English language learner and has a disability, educators are encouraged to review both accommodation policies.

In this study, one state was unlike most states in that it had a single accommodations policy that applied to all students as long as the accommodation was approved and was something that the

student had used in the classroom for at least three months prior to the day of testing. In this regard, English language learners and students with disabilities are not looked at as separate groups. Instead, all students are allowed the accommodations that they need and regularly use regardless of whether they have an IEP or a language other than English as their first language.

The state policymakers interviewed in this study stressed that decisions about accommodations needed to be made by the IEP teams. This is what they recommended in policy and guidelines. However, whether students were actually using accommodations in classrooms and then on the test was an issue of concern that emerged in the interviews:

“... We try to say use the accommodations that are in children’s IEPs. You’re not helping kids to introduce accommodations on the day of testing that they’re not familiar with; it’s not going to help them with their test. Scribing has been a nightmare for us. Teachers don’t know how to scribe for kids, but all of a sudden on the day of testing, they think it’s very important that they do that. We’re working with our Office of Special Needs to try to, you know, we’re saying, can you guys give us some guidelines that we’ll put in our assessment book so that way perhaps teachers will at least have some, you know, it’ll start getting their thinking, develop their thinking around what they should do in order to support scribing. The only area where that’s a problem, well, there are two areas where that’s a problem, not just about scribing, but about accommodations. Some children have in their IEPs that they can have all materials read to them. So, we say that, you know, for the Math Test, for anything, you know, you can read the test. You can’t read the reading test.”

The sentiments that accommodations needed to be based on what was in the IEP for a particular student, and that educators needed to understand which accommodations or modifications changed the construct being tested, were themes that were discussed by several states in this study. These concerns became especially important for English language learners with disabilities when language issues were layered on disability issues and often more than one set of accommodation policies needed to be examined.

Large-scale Assessment Decision Making

In terms of how decisions are made for assessing ELLs with disabilities on statewide, large-scale assessments, the majority of state policymakers reported that decisions were primarily the responsibility of the IEP team. In most states, the guidelines used to make these decisions are first and foremost the special education guidelines for assessing students with disabilities. In some cases, guidelines for assessing ELLs were integrated into the decision making process. Because the IEP team process is inherently an individualized process of decision making, state

policymakers believed that decisions about how a student should participate in an assessment (in the general assessment, in the alternate assessment, etc.) and what accommodations the student should receive, were being made on a case-by-case basis. While states generally reported that the participation of an educator with expertise in language acquisition on the IEP team was strongly encouraged, it was not required in most states.

The decision making process for ELLs with disabilities can be broadly outlined in terms of guidelines used for making decisions, participants in the decision making process, and more specifically, the role the ELL teacher plays in determining the best approach to assessment for ELLs with disabilities. Each of these is examined here.

Decision Making Guidelines

State policymakers in this study acknowledged that they are in the process of examining practices for best meeting the needs of English language learners with disabilities. As described above, to determine assessment needs for English language learners with disabilities, both sets of separate policies and guidelines are commonly evaluated. State policymakers reported that the guidelines for both English language learners and students with disabilities were used in the decision-making process for participation and accommodations. Here are some additional examples of the descriptions state policymakers gave of how guidelines are used to determine an appropriate assessment when a student with a disability is also an English language learner:

“...you start with the state guidelines on accommodations on one side, and the IEP. Usually, it’s the special education teacher, the ESL teacher, the parent, and sometimes, the testing coordinator—those, and maybe the principal. The principal might get the final word and say, yeah, go ahead, do it, kind of thing. But the people actually doing the work are the ESL teachers, special education teachers, and district assessment person, then if the parent is highly involved, then the parent would help make those decisions. That would be the IEP team.”

“We have specific guidelines developed for IEP students and specific guidelines for LEP students.”

“In our state we have no formal regulation, laws, rules that would say that there is a specific group of people, like an IEP in a school, that deal with the learning issues of individual English learners. That does not preclude a school from having some type of support system or the ability to do that kind of work, and there are many that do that, based upon their ability to do so.”

State policymakers reported that decisions are typically made on a case-by-case basis, and blanket decisions are not made for all English language learners. Depending on the population of

ELLs with disabilities, different states, or different districts within a state may handle assessment decisions in different ways. Districts with larger ELL populations might have more guidelines in place about who needs to be involved in making assessment decisions for these students. Districts with very small numbers of these students may not have recommended procedures in place. What state policymakers recommended and hoped was going on was that a collaborative group of educators and parents who knew the student was making the decisions. Some state policymakers working with ELLs with disabilities described the situation as follows:

“We encourage districts to make decisions on an individual level because there is no cookie cutter situation. You’ve got kids who, not all accommodations are appropriate for all students, and different students have different needs. How it is actually done in districts depends on how many LEP students they have. You may have districts with thousands of kids, and we have districts with just a few. I think they would be set up differently depending on the numbers they are trying to accommodate and test.”

“...[Local level educators] are the ones that are going to know these young people the best and I think that we all support the idea that the folks that know the students the best are the ones who should be helping to make decisions about assessments.”

“I think every district would have a different person that is involved with that. Some have directors, some have supervisors of special education, some would be coordinating with general education and the people that deal with LEP. I think every district probably has a different situation.”

“A local team meets and that team usually is the student’s teachers and counselors, sometimes it is called a Student Assistance Team and other times it is the IEP team, but that team decides what is going to be the appropriate assessment for the student.”

Participants in the Decision Making Process

The majority of states participating in this study reported that the members of the IEP team were the primary participants in the decision making process. Sometimes parents, general educators, and ELL teachers are also called upon to make collaborative decisions about how a student should participate in the assessment system. How these collaborative decisions are made, however, is determined at the local level and can vary from school to school or district to district. The statements state policymakers made about participation in the decision-making process demonstrate the importance of the IEP team in decision making:

“The IEP team makes the decisions about which one they are going to take. They make that decision about the limited English proficiency decision as well.”

“In our state, the IEP team makes the decision.”

“...it is recommended that there should be a team in place at the school level of classroom teachers, ESL teacher, special needs teacher, and that everyone should sit down as a team and make decisions on behalf of the child.”

“Large scale assessment decisions are made at a local level by the IEP team.”

“The IEP team makes the decisions about which one they are going to take. They make that decision about the limited English proficiency decision as well.”

“The IEP team decides the appropriate level of activity for students when it comes to assessments. Also, what modifications may need to be made for them, including translation, whether it needs to be read to them, whether they need a scribe, and all of the modifications that would be made.”

Participation of ELL Teachers in IEP Team Decisions

Most states acknowledged the importance of the inclusion of an ELL teacher in the large-scale decision-making process for English language learners with disabilities. While participation of the ELL teacher was often stated as best practice, few states required in law or policy the participation of the ELL teacher in this process. Of the states involved in this research study, only two reported that the participation of ELL teachers (or someone with expertise on the student’s second language development) was required on the IEP team for these students. In one state, a member of a language proficiency assessment committee at each school is required to serve on the IEP team for a student who is an English language learner. These committees are formed of a campus administrator, a bilingual teacher, and a parent representative. Similarly, in the other state, guidelines state that an IEP team for an English language learner with a disability shall have ELL representation on it. The ELL representative could be an ELL teacher or an ELL tester for a school, depending on the personnel available.

Beyond these two states, ELL representation on the IEP team was highly recommended in the other states interviewed for this study, but not required. However, some state policymakers were concerned that an ELL representative was not always involved with the IEP team or decision making. Some reported issues of accessibility of ELL teachers (if the school only has one ELL teacher, can that person realistically serve on all the IEP teams?) while others articulated concerns about follow through at the local level. Here is a sampling of the recommendations and concerns voiced by state policymakers on this issue:

“...We do have specific guidelines here where we say if students are eligible under both of these groups, both special education, as well as LEP, then we say that the IEP

should include an LEP person and/or the district LEP person, so they can assist the team in terms of making decisions about accommodations for the assessment, as well as the student's educational program...we do recommend that the LEP person be on the IEP team."

"Technically speaking, they should have someone from the English Acquisition Department involved in that decision on the team. I don't know if that always happens. I think that it is best practice."

"I would guess yes, if a student is getting only special education services and if they're getting LEP services, I'm sure the ESL or bilingual teacher makes sure that they have the accommodations that they need on that end along with what they need on the special education side."

"I would assume so, if that person is part of the child's, is providing the child education, then they should be a member of the IEP team. But I don't know how that plays out at a local level."

"Not all of our school districts have ESL teachers. Many of the school districts that have small populations of LEP students are really winging it. They do not have a lot of bilingual funding because you have to have a bilingual certified teacher to do that."

"Part of the ESL teacher's role is to be an advocate for their students. So if they have access to guidelines, and all that means is going up on the Web site and calling up the guidelines for statewide assessment, and they begin a dialogue with their testing people, or with the principal, and the people that are making these kinds of decisions as to how to implement this testing that's coming down from the state. If they have that dialogue, then the best choices are made for kids."

"It's always recommended that ESL teachers are included on the IEP team. I cannot say whether that happens uniformly. I think there's a fairly high, I think most often ESL teachers are invited to IEP meetings. People are pretty well aware of the importance of that."

"There's input of the bilingual or ESL teacher. I think, as far as special education, that things are prescribed through the IEP. For LEP, at least from the information that I get from district typically, the ESL teacher or bilingual teacher is providing input in how to accommodate students."

"The IEP team makes the decisions about which one they are going to take. They make that decision about the limited English proficiency decision as well. And I am hoping

that if they are concerned about they're not making in absence of having instructors of English language in their building working with them, because you should be having collaboration that should be occurring. And I think oftentimes they're not, sometimes I'm not sure that special education is not tapping in enough..."

"If you were to call one of the ELL teachers in one of our cities, they would say that they are frustrated because they don't always get a chance to communicate with other members of the team, or there may be one representative chosen who doesn't necessarily reflect the position or perspective of the teachers that have concerns. So, I think we have some issues around implementation about that... We started using some IDEA capacity building money to train special educators in both ESL methods and people who are bilingual or who are already endorsed as ESL teachers in special education methods. So we're up to something like 125 teachers, speech pathologists, and other service providers who have been through the initial coursework that eventually will become a master's program that will be a specialty for LEP/IEP kids."

While no one interviewed in this study disputed the fact that it is best practice to have a language acquisition specialist on an IEP team if the student is an English language learner, the data did demonstrate that having such a person on the team was most often not a requirement, and thus sometimes might not occur. Even some of the guidelines for the make-up of an IEP team are not clear. For example, one state's guidelines indicate that it is a requirement to have an additional team member if the student has limited English proficiency, but then it cites a law that indicates that the IEP team *may* include a qualified bilingual specialist or bilingual teacher. The wording of this passage is confusing and is reflective of the data reported by state policymakers that while it is best practice to include a bilingual specialist on an IEP team, it is not required in the same manner as it is for other members of the IEP team (e.g., parent, special education teacher, etc.).

How are Assessment Results Used?

In addition to asking about guidelines for assessing English language learners with disabilities, we also asked state level policymakers about how the results of statewide assessments were used for system and student accountability. At the state level, results of large scale assessments generally are used to address issues of system accountability. The results of large scale assessments assist in identifying target areas of needed instructional improvements in the curriculum as well as providing a deeper analysis of how instructional approaches are influencing test scores. In addition, test scores are used in determining whether schools and districts are making Adequate Yearly Progress (AYP) toward improving education for all students.

Since ELLs with disabilities are not disaggregated as a subgroup in reports that states produce, they are not usually examined as a subgroup as closely as English language learners or students with disabilities are separately. However, state policymakers reported that systems were beginning to be developed to look at the students who fall into both groups:

“I think the use of assessment results for all special education students are still being developed in this state.”

“So, again, this is something that relates probably to the first question since the policies are still being worked on, the way that the results of the scores are going to be used in any accountability measures, is also something that we’re looking at, and really something that we’re focusing on. So, I think at this point, we’re kind of examining, again, No Child Left Behind regulations and trying to see how to develop adequate policies for this group of students, and then how to implement or use their scores in a meaningful way in different accountability measures, both system and student accountability.”

States with smaller populations of English language learners reported that how results were being used for system accountability was just emerging in state policy. Some of the policymakers from larger states reported this as well. States were just at the point of discussing how to use the results to improve the education of all students and also how groups of students such as ELLs with disabilities fit into the mix.

The states participating in the study reported that statewide assessment results must drive instruction and placement of a student. Building and district improvement plans were cited as examples of how assessment results were being used to improve education. In many states, if the population of ELLs with disabilities was a large enough group, they were expected to be incorporated into building improvement plans. These improvement plans help to identify broad areas in which schools need improvement. One problem that arises when looking at ELLs with disabilities, even at the state level, is that the group is sometimes too small and diverse to form meaningful generalizations. One state assessment director described the situation in his state:

“[We have] young students who are from backgrounds where they have some education and old students where they have done some education. What you have to do to teach those students, to respond to those needs, is different according to those categories. Our current data don’t capture that difference. You can make some inferences about it by looking at students by ethnic groupings or recent arrival of LEP. When you put disabilities issues on top of that while the numbers come down, the question of understanding what students are learning and what is happening, what their needs are, becomes more complex.”

Several state assessment policymakers echoed this concern over the diversity within this subgroup. In addition, the problem of identifying students when the numbers in the subgroup are small is an issue that states must deal with when considering disaggregating the scores of ELLs with disabilities. States expressed concerns over the validity of results for this group in general as well as the usefulness of disaggregating such a small group of students for systems-level change.

In addition, some scores of ELLs with disabilities are not included in statewide accountability programs for other reasons. In one state, there is a school report system to provide a measure of systems accountability to monitor large scale test performance for individual schools within the school system. Students who take the alternate assessment were excluded from the school report cards at the time this study was conducted, as were students with limited English proficiency who have been in the country for less than three years. In another state, schools are given grades based on test results. The special education students who were included in these report cards at the time this study was conducted were only gifted students, speech impaired students, and hospital homebound students. All ELLs who have been in the country at least a year were tested, but only those who had been in the program for more than two years had their scores used in the school report card.

Another state distributes a school accountability report card. Each district must report student performance data on large scale assessment measures. Additionally, each district in the state is required to have an Educational Plan for student success, which is a building level and district level strategic planning document. Any subgroup that is included in the district must be considered in the development of the Educational Plan. The data from each subgroup must be accounted for in the document; the data must be referred to, mentioned, and discussed in the strategic planning document.

In terms of using the scores of ELLs with disabilities for systems accountability, all participating states acknowledged that these students were disaggregated into separate subgroups: the subgroup for English language learners and the subgroup for special education. As a result, the scores for these students may be reported twice. States interviewed in this study did not yet know how the local level plans for school improvement were incorporating ELLs with disabilities. More data on how results are specifically used for system change might be found at the district or building level.

Student Accountability

States used the data from statewide assessments in a variety of ways for student accountability; these uses applied to ELLs with disabilities as well as other students. In one state, large scale

assessment results are used, in part, to determine retention and promotion decisions of students. Individual test results are one component of a multi-component decision making process to determine retention and promotion decisions. While grade promotion decisions are not based solely on test scores, they are a factor that is required by law. In this way, assessment results have high stakes for ELLs with disabilities as they do for all students. In addition, other state policymakers reported that test results were used in part to determine grade promotion, placement into remedial classes, and high school graduation. In some states, however, statewide assessments are not linked to high stakes for students.

All state policymakers reported that assessment results are used for district accountability and building level accountability. The individual results are reported to parents and teachers so that they can be informed of a child's individual progress on statewide assessments.

The special education department in one state developed a CD-ROM for training on taking assessment results to determine where the students' level and needs are. In other states, results are used to inform teacher instruction. In one state, the state assessment was intended to serve as an indicator and predictor of student performance. For example, if a student did not perform well on the 8th grade test the student would be placed in remedial classes when entering high school.

In another state, the statewide assessment system produces individual student reports as well as building level, district level, and statewide reports. The school districts share the information with parents. The individual student reports provide a year-to-year summary on how the student is progressing in the particular areas that are assessed. It is not used as a single indicator of student progress, but the test scores can be used as one of multiple indicators. Assessments are used to judge student performance in whatever program that the student is in at the time. The large scale assessment results may be used to help inform decision making about appropriate programming for the next school year.

In yet another state, individual student results are analyzed to compare how the student is performing in comparison to content areas that are being addressed in special education. The results of these tests may help to readjust individual goals and objectives.

Overall, states appear to be in the early stages of determining exactly how assessment results for ELLs with disabilities should be used. While results are reported to be used to help guide and modify the IEPs of students, it remains unclear whether the results are being used at the local level to improve the instruction of ELLs with disabilities. The state policymakers interviewed in this study did, however, provide a few examples of how they observed the results of assessments being used at the local level:

“I have been out of the classroom for a few years now. I can give you an example of how we use those test results when I was in the classroom. When we received the students’ Terra Nova results those were the results that were looked at. We looked at those in order to compare where we thought the student was performing in the classroom in the different content areas that were addressed by special education for example. We would look at reading scores from statewide testing and compare that to testing we were doing in the classroom to see whether we were right on target or way off and that was our gauge. If we saw that there was a sharp contrast, we would do additional testing to see if we could narrow the gap between what the general assessment said the child could do and what we see in the classroom. Have an IEP meeting to adjust whatever goals and objectives we were working on.”

“We’ve been getting information out to teachers about, we actually have developed a CD-ROM, and we did training around the state around how to develop a standards-driven IEP and it’s really taking your assessment results and the standards and breaking them down finitely to determine where student level needs are. So, it doesn’t necessarily filter out if your student is ELL, but they’re included in there, so it would identify what the needs are. But, it does help them to break down more and more of those concept areas in the standards. And actually, our alternate assessment takes it and really breaks down the standards even more to the most foundational skills, so if that’s where kids are working on, that’s where you want to start, and very age appropriate activities, so.”

While looking at data in these ways may not be specific to ELLs with disabilities, it appears that educators at the local level are beginning to look at the multiple needs of these students when using assessment data.

Monitoring

Table 3 illustrates departmental monitoring of the participation of ELLs with disabilities in statewide assessments.

Since this information is not publicly available, state names are not reported. Data are reported in a random order for the states included in the study. The majority of state policymakers reported that the special education division at the state level monitors participation of students with IEPs in general in the state assessment. The monitoring that the state policymakers reported was not specifically targeted at ensuring that English language learners in special education were being assessed properly, but rather was in place to ensure that all students with IEPs were receiving

Table 3: Who Monitors Inclusion of English Language Learners with Disabilities in Assessments?

State	LEP	SPED	Assessment	Other	Notes
State 1	X	X			
State 2	X	X		X	Largest city has separate monitoring group for special education.
State 3					No information provided.
State 4		X			
State 5		X			
State 6	X	X			
State 7		X			
State 8	X	X	X		Districts required to report every 3 years on ELLs including how to assess these students. State reviews the plans.
State 9		X			
State 10	X	X			
State 11		X	X		
State 12		X	X		
State 13		X			
State 14		X	X		State committee and audits on student accountability and assessment.

the educational and assessment accommodations they needed. One state special education policymaker described the practice that takes place in most states:

“Yes, so the check-up is not, for instance, right at the time of the assessment, but rather part of the regular compliance process that we have to qualify for the various forms of specialized funding and so on. Our responsibility here through those Special Education Divisions and with, particularly with the No Child Left Behind, and those features as well, they’re monitoring the participation and appropriate assessment of those students, but, only indirectly. I mean only after the fact to ensure that there was not any systematic, for instance, inappropriate testing procedures or systematic exclusion of students, who should have been part of the program.”

Sometimes these monitoring procedures do show that there was a discrepancy in the participation of ELLs with disabilities in statewide assessments. If this is the case, state policymakers reported that the districts or schools where there seemed to be a problem are given further monitoring and assistance in improving assessment decision making. One state reported this happening when a disproportionate number of English language learners were taking the alternate assessment:

“This goes back to a question you asked earlier where I said there were some districts with an increasing number of kids in the alternate assessment that were LEP/IEP. So that data along with the monitoring data pointed in the same direction for a number of districts. So we look at that focused monitoring procedure in order to determine which district to send a team of special educators to look at how they are making the determination how a student will participate, right down to the IEP meeting. It is through interviews, through data, through observation, through file review in order to get a picture of how these teams are making this decision. They issue corrective action if necessary or provide technical assistance as to how they can best make these decisions.”

In some states, the office of assessment shares the responsibility of monitoring participation in large scale assessment. Assessment departments monitor the numbers of students participating in assessments and monitor on the database level. States are sometimes limited when using these data to identify whether ELLs with disabilities are being included in assessments appropriately because of the way they are allowed to collect data. Several states in this study reported that they were not able to track how ELLs with disabilities participate in statewide assessments as closely as other states because they did not use statewide identifiers that linked specific students to test scores. According to the interviewees, the issue is one of local control. One state policymaker described it occurring in a large state:

“[W]e have...a very, very strong sense of both local control and local management of individual student records, and a fairly serious legislative disdain for statewide record keeping about individual students. So, in fact, the results that we receive here in our department are, for instance, although we receive individual student records, they’re stripped of identifying information about the individual student. So, some of the kinds of monitoring that you may be imagining on the other end of the phone, we are unable to do at the state level.”

In states such as this, it is difficult at the state level to look at subgroups of students who are not required to be reported on in statewide reports, such as those students who are both English language learners and students with disabilities. As a result, it is impossible to go back and look at their performance in past years.

One state that does monitor students with state-level identifiers reported using the statewide database to discover that most of the ELLs not being included in the statewide test of English language proficiency were in special education. In this state it was discovered that students who were in special education were not always being identified as ELLs when it came time to take the English language proficiency assessment. While teachers understood that their special education students needed to participate in the statewide content assessments, they did not always have them participate in the statewide assessments of language proficiency. State policymakers

were able to identify the discrepancy using the state database and change training and practice to ensure that all English language learners were accounted for in the language proficiency assessment.

Concerns still exist among both large and small states about how decisions are being made for ELLs with disabilities in statewide assessments. To a large extent, the states depend on educators at the local level to make appropriate decisions and ensure that these students are receiving all of the accommodations they need. It is this collaboration, often times not well-defined, that makes up the monitoring process in general. One small state described what it had found when monitoring from the state level:

“We surveyed something like 260 or 300 teachers on their practices...and we’re concerned that we still have relatively large numbers of kids, for my taste, where the schools don’t always accurately identify kids that even have IEPs in general. For example, on testing day the test proctor might not know the kids and therefore say this child has an IEP for speech, well, that’s not really special ed., and they have that child coded to take the test as a regular ed. student. So, we still have some glitches implementation-wise like that, so when you get to the question of how is this oversight provided, I mean we rely heavily on district testing administrators, who are district testing coordinators for large scale assessment, and obviously, building administrators, and test proctors. And then we do, our assessment office goes out during assessment and they do random spot checks. They’ll go out and visit, and we only have about 375...but they’ll go out and visit maybe 35 or 40 schools just randomly to see how implementation is being handled. It’s a little bit of district and it’s a little bit of us.”

It should be noted that the monitoring described in the above quotation is directed at monitoring the inclusion of all students and not targeted just at ELLs with disabilities.

Reporting Test Scores of English Language Learners in Special Education

All of the states participating in this study reported scores of students with disabilities and English language learners publicly as separate groups as required by the federal *No Child Left Behind Act*. Only one of the states moved beyond these requirements to publicly report the scores of ELLs who also have disabilities as a separate subgroup (see Table 4). State policymakers interviewed in this study pointed to several reasons why this cross section between the two groups was not disaggregated in public reports.

One issue reported by several state policymakers was that the small numbers of students who fall into this subgroup of ELLs with disabilities (i.e., LEP/IEP) can make it difficult to disaggregate

Table 4: Public Reporting

State	Disaggregate by		
	LEP	IEP	LEP/IEP
State 1			
State 2	Yes	Yes	No
State 3	Yes	Yes	No
State 4	Yes	Yes	No
State 5	Yes	Yes	No
State 6	Yes	Yes	No
State 7	Yes	Yes	No
State 8	Yes	Yes	No
State 9	Yes	Yes	No
State 10	Yes	Yes	No
State 11	Yes	Yes	Yes
State 12	Yes	Yes	No
State 13	Yes	Yes	No
State 14	Yes	Yes	No

the scores publicly, since reporting those scores might identify individual students. Thus, it is an issue of confidentiality. Many states and districts have a policy of not reporting the scores of a disaggregated group if the number falls under a minimum number of students. Several state policymakers reported that the category of ELLs with disabilities would fall below 15 students in most districts, and certainly cell sizes for specific disability categories would be small. In addition, some ELLs with disabilities take general assessments while others take alternate assessments. In states where the scores of these different assessments are reported separately, the numbers of students in this subgroup become even smaller for a given assessment.

There was a general consensus that the No Child Left Behind legislation would significantly change how scores were disaggregated and publicly reported. According to the participants involved in this study, these changes will most likely require that all subgroups will be referred to, mentioned, and included in accountability indices. Many state departments spoke of working to establish a single accountability system including reports of individual schools within the state, comparisons of schools with similar economic demographics within the state, schools in the same district, and the state as a whole.

While some states were first trying to meet all of the federal reporting requirements before considering what other subgroups they might report on, other states questioned the usefulness of reporting by the subgroup of English language learners with disabilities at all. They pointed to the wide variation in the types of disabilities and also to the range of levels of language proficiency among this group to question whether disaggregating their scores as a group would

yield any meaningful information. Others, however, did want to see the scores of this group and were working toward disaggregating scores for them. Going even further, some thought that it would be useful to look at other factors than just those required at the federal level to ensure that the system is working for all students. Since there are a variety of language proficiency levels among ELLs, as well as lingering questions about whether all ELLs are identified correctly, other factors might be important to look at when disaggregating scores. One state policymaker in special education described her efforts in this area:

“One, of my, I guess big contentions that I have ...is that at the federal level, they only require us to report data by race and disability. That includes child counsel, it could over or under-representation, it includes accountability participation, whatever. Because of that, the standard reports that are generated out of [the state department of education], they look at disability, they look at disability by race, and then on the other side they’ll look at, say, pass rate LEP, non-LEP. At the present time, there is no, the data exists, but there’s no system in place of reporting, or aggregating the data by both disability and language stats.

“That’s one of the things I’m hoping to work on this year. It doesn’t actually just affect LEP status, there are other like graduation rates or dropout rates are reported by disability and they’re reported by race. They’re not reported by race and disability. So there are a number of areas where, but right now I have to get the special data runs in order to look at placement rates, regular child count data, so it’s not routine. I have to request it. But, one of the things I’ll mention, in, I hope this isn’t being too detailed, but in our state’s data collection system, there are three indicators. There is home language. There is LEP eligible. LEP served. I feel pretty strongly that you should actually look when you want to see data and what’s happening with non-English speakers with disabilities, you should look at the data element for home language, not English.”

It may be important to look at home language, not just LEP status, when interpreting the scores for this group of learners because all students who have second language issues might not be identified as English language learners.

Reporting Scores to Parents

Reporting assessment scores to parents of students with disabilities is an area that is currently being developed. While translations of score reports or explanations of score reports are sometimes initiated at the state level, much of the duty of making sure parents from diverse cultural backgrounds understand the reports is left up to local education agencies.

Seven of the states in this study reported that they had scores or some form of a score report available in at least one language other than English at the state level. These translations are produced in one or more of the major languages of English language learners in the state and are provided to aid local education agencies in reporting assessment scores to parents who do not speak English.

While states leave much of the burden of ensuring that parents understand statewide assessment reports to the local level, there was concern among many of the state policymakers that reporting scores to culturally and linguistically diverse families is an area that they need to develop. Some state policymakers in the ELL and the special education departments did not know how scores were reported to families or what accommodations were made at the local level. Some states require their assessment contractors to provide score reports in various languages while others acknowledge that work needs to be done in this area:

“[We’re] working towards that [providing translated reports]. We know it’s important.”

“We’re building that into our contract. I think Spanish is pretty much a done deal, which is the overwhelming majority, but the others are being built into our contracts.”

“In terms of special ed. documentation, in terms of the report cards, we have not translated any report cards in any language as a state to facilitate the process. It’s a weak area. It’s an area that needs to be developed ...”

“We really have not addressed that [translated reports], so I really don’t know at this point if there will be any. I mean, it’s a great idea, but we really haven’t addressed that. We’re just finalizing our report design, so we’re still really in the process of developing procedures for reporting results. So, we really haven’t addressed that specifically, as of yet.”

In addition to the language barriers of state reports, some state policymakers acknowledged that there are also cultural aspects of providing information that schools need to be aware of when reporting. Many cultures approach special education in a different way from the way we do in the United States. For this reason, going into an IEP team meeting may be a daunting experience for some families. One state policymaker in the study described it like this:

“In the special ed. world we say that we’re going to be culturally competent, and we take some of these families, who frankly have been literally scared to death because of family members being tortured or killed in some other countries, and then we say to them, oh no, you have to come to a meeting with all of these people at the school.

By the way, some of them you're not even going to know, but under the rule they're required to be there... So, we're not very culturally competent because we have to implement rules that for a lot of the families don't make any sense."

Giving a family the score reports for a series of assessments that they might not be aware of while they are dealing with an already intimidating situation might guarantee that some families miss the importance of the test scores in their child's education. Being aware of the cultural differences that families are dealing with is crucially important to bringing them into the assessment decision making process for their child. While the interviews in this study revealed a growing sensitivity to how state and local level educators approach providing information to parents of English language learners with disabilities, there remains work to be done to ensure that parents of these students understand the complexities of the system and can advocate for their children.

Summary

In this study we interviewed state policymakers from the assessment, special education, and ELL divisions of 14 state departments of education to gather their perceptions of how English language learners with disabilities are being included and accommodated for in statewide testing. The goal of this study was to explore how these students fit into state assessment systems and what states are doing to ensure that these students are being meaningfully assessed and their scores reported.

While issues and challenges remain about how to best assess these students, the sample of states in this study did report increasing attention being paid to these students at the state level. The study found:

- 1. State policies exist for the inclusion and accommodation of English language learners and students with disabilities as separate groups.** For the most part, it is left to educators at the district or local level to use both sets of assessment guidelines or navigate the various policies that might apply to a student who is an ELL with a disability. Sometimes the crosswalk between these separate policies can be confusing. State policymakers in this study acknowledged this and several state policymakers reported beginning discussions about how this could be improved. One state now has assessment guidelines that specifically address ELLs with disabilities and their participation in statewide assessments.
- 2. State policymakers reported that decisions on how a student is included in statewide assessments is made by the IEP team on an individual basis.** However, only two of the fourteen states in the study reported requirements that IEP teams

for ELLs with disabilities were required to have an ELL teacher or equivalent language expert on the team. While all state policymakers reported that this was best practice and highly recommended, it is not clear whether it always takes place. State guidelines are not even clear on whether it is a recommended practice or a requirement.

- 3. Assessment results for English language learners with disabilities are used in a variety of ways.** For the most part, data for these students are not disaggregated and thus specific information about the performance of these students as a subgroup is not used at the state level. These students are often included in the aggregate score as well as the disaggregation of the ELL and special education subgroups. How results are being used at the local level for this group of students is something that needs to be examined.
- 4. Monitoring of how English language learners with disabilities are included in statewide assessments is mainly done in two ways.** The first is as part of the general special education monitoring system in each state. The second is through the analysis of statewide databases. The analysis of databases is by no means universal across the states in this study. States must conduct special data runs to look specifically at this group of students. States that do not collect this information at the time they collect other test data and do not have a statewide database with which to track individual students may not have data on this group of students to examine. One state did use its data to identify that a large percentage of students not taking the English language proficiency exam was made up of students in special education. This information allowed the state to adjust training and guidelines to help ensure that all ELLs were taking this exam. Ensuring that special education students receive the accommodations that they need when taking, not only statewide content assessments, but also language proficiency assessments, is another issue that needs to be examined.
- 5. Most states do not disaggregate test scores by the subgroup English language learners with disabilities.** Only one state reported doing this on its statewide assessments. Some states raised the issue that even if they wanted to disaggregate for this subgroup, the numbers of students within the group would most likely be too small to report without identifying individual students. An additional issue of reporting on this subgroup that state policymakers raised is that there is great disparity in both the language proficiency level and type of disabilities within this group. Thus, it may be difficult to draw meaningful conclusions from their scores. However, knowing what percentage of students in any given assessment fall into

this subgroup and whether they have been tested or what accommodations they receive could be very useful information.

- 6. Work needs to be done on how scores for English language learners with disabilities are reported to their families.** While half of the states in this study reported having translations of score reports provided at the state level, much of the burden of ensuring that families of ELLs with disabilities receive and understand the scores from assessments is left to local educators. Both language and cultural differences need to be taken into account when providing families with meaningful information about the assessments. This is an area that state policymakers reported as needing more development.

Conclusion

The results of this study reflect that most states in this study are in the early stages of determining how to most effectively accommodate English language learners with disabilities in large scale assessments. At the time of data collection, there was limited amount of state policy in place for assessing ELLs with disabilities in statewide assessments. A common theme across states was the utilization of both special education policy and ELL policy for determining assessment needs of ELLs with disabilities. States generally reported encouraging decision makers at the local level to look at both sets of guidelines when deciding how ELLs would fit into the assessment system. The majority of states participating in this study reported that members of the IEP team were the primary participants in the decision making process. The manner in which these collaborative decisions are made is determined at the local level and can vary from school to school or district to district. The inclusion of ELL professionals in the decision making process was considered professional best practice, but their participation was not mandated in state policy. Many states also expressed concerns about the disaggregation and public reporting of scores for ELLs with disabilities due to the potentially small number of students in this subgroup.

In conclusion, this study represents an important first step in understanding the participation of ELLs with disabilities in state assessments. It illustrates the concerns state policymakers have when working to include all students in the accountability system. It is relevant to note that since our data collection, many states have implemented changes due to the federal *No Child Left Behind Act of 2001*. These reforms require that statewide accountability systems include all students. Within this environment of educational reform, policymakers as well as researchers will increasingly monitor the test results for subgroups of students such as English language learners with disabilities in order to ensure that the all students are achieving educational goals.

It is highly important that states continue to work towards policy that addresses the unique learning needs for this group of students.

References

Anderson, M. E., Minnema, J. E., Thurlow, M. L., & Hall-Lande, J. (2004). *Confronting the unique challenges of including English language learners with disabilities in statewide assessment* (ELLs with Disabilities Report 9). Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

Rivera, C., Stansfield, C. W., Scialdone, L., & Sharkey, M. (2000). *An analysis of state policies for the inclusion and accommodation of English language learners in state assessment programs, 1998–99*. Arlington, VA: Center for Equity and Excellence in Education, George Washington University.

Thurlow, M.L., Minnema, J.E., & Treat, J.E. (2004) *A review of 50 states' online large-scale assessment policies: Are English language learners with disabilities considered?* (ELLs with Disabilities Report 5). Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

Zehler, A. M., Fleischman, H. L., Hopstock, P. J., Pendzick, M. L., & Stephenson, T. G. (2003). *Descriptive study of services to LEP students and LEP students with disabilities* (No. 4 Special topic report: findings on special education LEP students). Arlington, VA: Development Associates, Inc.

Appendix

Interview Questions

Policy Information

1. What state guidelines and policies exist for assessing *LEP/IEP students*?

Possible follow-up questions:

- a. If not, are there plans to develop assessment policies for including *LEP/IEP students*? (we know these are tiny numbers, but nonetheless)
- b. Are there policies on participation/exemption?
- c. Are there policies on ways of participation? (accommodations, alternate assessment, etc.)
- d. Are there policies on alternate assessments?
- e. Are there policies on accommodations?
- f. Are these policies in writing? How can we get copies?

Challenges to Participation

2. What do you perceive are the unique challenges that educators face when assessing *LEP/IEP students*?
3. What role does the state department staff play in resolving these challenges?

Assessment Decision Making

4. How are assessment decisions made at the local level for *LEP/IEP students*?
5. Who is involved in the decision making process?

Possible follow-up questions:

- a. Besides the IEP team? School Administrators? Teachers? ESL Teachers? Parents? Students?

How Are Results Used

6. How are the assessment results for *LEP/IEP students* used for *system* accountability?
7. How do they address *student* accountability?

Possible follow-up questions:

- a. Or are they not used?
- b. How are these students included in improvement plans?

Monitoring

8. What procedures are in place to ensure that *LEP/IEP students* are assessed appropriately on state-wide tests? (*Does special education monitor? Does ESL?*)

Communication to Families

9. How are assessment results of *LEP/IEP students* reported to their parents?
10. How are the cultural experiences of these families accounted for in reporting assessment results?

Possible follow-up questions:

- a. Translations? Explanations, etc.?

Public Reporting

11. How is the participation and performance of *LEP/IEP students* reported in accountability indices?

Possible follow-up questions:

- a. Are scores for these students disaggregated?

(If the state has an alternate assessment, for eligible IEP/LEP students)

- b. Are alternate assessments for these students reported separately?

12. How is the participation and performance of LEP/IEP students reported publicly?

Possible follow-up questions:

- a. At the school/district level



The College of Education
& Human Development

UNIVERSITY OF MINNESOTA

NCEO is an affiliated center of the Institute on Community Integration