



TOOLKIT FOR ENGLISH LEARNERS WITH DISABILITIES

# Deciding Whether an English Learner with a Disability Should Participate in the State Alternate English Language Proficiency Assessment

TOOL 3

## Tool 3

# Deciding Whether an English Learner with a Disability Should Participate in the State Alternate English Language Proficiency Assessment

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The National Center on Educational Outcomes is supported through a Cooperative Agreement (#H326G210002) with the Research to Practice Division, Office of Special Education Programs, U.S. Department of Education. The Center is affiliated with the Institute on Community Integration at the College of Education and Human Development, University of Minnesota. The contents of this report were developed under the Cooperative Agreement from the U.S. Department of Education but does not necessarily represent the policy or opinions of the U.S. Department of Education or Offices within it. Readers should not assume endorsement by the federal government.

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Liu, K. K., Thurlow, M. L., Lazarus, S. S., & Hinkle, A. R. (2024). *Deciding whether an English learner with a disability should participate in the state alternate English language proficiency assessment* (English Learners with Disabilities Tool #3). National Center on Educational Outcomes.

## **English Learners with Disabilities Toolkit**

The regulations for the 2015 reauthorization of the Elementary and Secondary Education Act, known as the Every Student Succeeds Act (ESSA), include a requirement that states develop an alternate English language proficiency (ELP) assessment for English learners with the most significant cognitive disabilities. Additionally, ESSA requires, and the Individuals with Disabilities Education Act (IDEA) affirms, that students with the most significant cognitive disabilities, including English learners with the most significant cognitive disabilities, who cannot take the general content assessment must participate in alternate assessments based on alternate academic achievement standards (AA-AAAS) in certain grades. This requirement means that Individualized Education Program (IEP) teams will need to annually make a decision for each English learner with a disability about whether the student should participate in an alternate assessment or a general assessment. This decision will need to be made for both the ELP assessment and in certain grades for the content assessments of reading/language arts, mathematics, and science as well as for any other content assessments the state has.

### **Purpose of the English Learners with Disabilities Toolkit**

The *English Learners with Disabilities Toolkit* is designed to provide states and IEP teams with tools they can use to better understand their students who are English learners with disabilities and to determine in which state assessment (general or alternate) they should participate and whether accessibility features or accommodations are needed for their participation in any assessment. This toolkit does not address the development of complete IEPs for English learners with disabilities.

States and IEP teams can modify the tools included in this toolkit to reflect any differences in their English learners with disabilities populations or in their IEPs. They also can be adjusted to link to a state's own guidelines for participation in ELP and content assessments.

### **Overview of the English Learners with Disabilities Toolkit**

Decisions about the participation of English learners with disabilities in state assessments (both ELP and content assessments) are among the more difficult decisions that the team makes. This toolkit presents a collection of tools to help states understand their population of English learners with disabilities. It also includes some tools that states can share with their districts, including several tools for IEP teams to use when making decisions about participation in assessments and about needed accessibility features and accommodations.

## Tool 3

### **Deciding Whether an English Learner with a Disability Should Participate in the State Alternate English Language Proficiency Assessment**

Federal requirements for state English language proficiency (ELP) assessments start when a student is in kindergarten (K), and in any grade K-12 for students who arrive in a school when they are older. The Elementary and Secondary Education Act (ESEA) requires that states have a general ELP assessment for most English learners, including most English learners with disabilities, and an alternate ELP assessment for English learners with the most significant cognitive disabilities.

Having a solid foundation of knowledge about the state’s ELP assessments will assist in making decisions about which ELP assessment is most appropriate for an individual English learner with a disability. It is also critical to have a deep understanding of the characteristics of each English learner with a disability to determine whether the student has a disability that might be a “most significant cognitive disability.”

For English learners with disabilities, knowledge of the state’s ELP assessments should be demonstrated by all IEP team members, which may include parents or guardians, teachers, school psychologists, speech language therapists, occupational therapists, paraprofessionals, administrators, and others who may participate in the IEP team meeting. It is critical that the IEP team for an English learner with a disability include an English language development specialist as well as a special education administrator or educator.

The components of Tool 3 provided here can be adapted, as needed, by states to ensure that all potential decision makers are informed about the state’s ELP assessments and considerations for making the decision about whether a student should participate in the alternate ELP assessment or the general ELP assessment.

Eight components are included in Tool 3<sup>1</sup>:

- **Tool 3-A:** Documentation of IEP Team Members’ Understanding of Federal and State Requirements for ELP Assessments
- **Tool 3-B:** Available Resources on Decision-Making Approaches for ELP Assessments
- **Tool 3-C:** Documentation of Information on Intellectual Functioning

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<sup>1</sup>The components in this tool are based on an IEP team resource (Thurlow et al., 2021) in the 1% Toolkit developed by the National Center on Educational Outcomes (NCEO). It has been adapted to reflect considerations specific to English learners with disabilities. Reference: Thurlow, M. L., Strunk, K., Hall, S., & Hawes, M. (2021). *IEP team resource: Making decisions about participation in the alternate assessment* (Tool #10). National Center on Educational Outcomes.

- **Tool 3-D:** Documentation of Information on Adaptive Functioning
- **Tool 3-E:** Documentation of Communication Skills
- **Tool 3-F:** Documentation of Data on Previous Test Participation and Performance
- **Tool 3-G:** Documentation of Other Relevant Information
- **Tool 3-H:** Reviewing Decisions about ELP Assessment Participation

States may customize this tool as needed to meet their needs. To download the Microsoft Word version of this resource, see [https://nceo.umn.edu/docs/OnlinePubs/ELsDisToolkit\\_Tool3\\_AltELPDecisionTool.docx](https://nceo.umn.edu/docs/OnlinePubs/ELsDisToolkit_Tool3_AltELPDecisionTool.docx)

## **Tool 3-A**

### **Documentation of IEP Team Members' Understanding of Federal and State Requirements for ELP Assessments**

Federal laws require that states have English language proficiency (ELP) assessments to administer to English learners in grades kindergarten (K) through grade 12. They must have a general ELP assessment for most English learners, including English learners with disabilities, and an alternate ELP assessment for those English learners with the most significant cognitive disabilities.

Requirements for participation in the alternate ELP assessment often vary by grade. When there is an alternate content assessment, participation in that assessment is often a determining factor in participation in the alternate ELP assessment. Further, documentation of the English learner's significant cognitive disability is available in the evidence to support the decision for the English learner to participate in the alternate content assessment. State content assessments of reading/language arts and mathematics are required in grades 3-8 and high school, and science assessments are required once in grades 3-5, 6-8, and high school. In grades K-2, before there may be documentation of a significant cognitive disability, and in other grades without a content assessment decision makers must evaluate whether an English learner with a disability has a significant cognitive disability.

Individualized Education Program (IEP) team members should know what is required for participation in the state's ELP assessments. Both federal requirements and state requirements should be summarized for IEP team members, and documentation of their understanding collected.

This component of Tool 3 provides a way to summarize federal and state requirements for IEP team members to review and to document their understanding of the requirements before making decisions about an individual English learner.

#### **Summary of Federal Requirements for ELP Assessments**

The Elementary and Secondary Education Act (ESEA) requires that all states have ELP assessments to administer to English learners in grades K-12. They must have a general ELP assessment for most English learners and an alternate ELP assessment for those English learners with the most significant cognitive disabilities. These assessments must measure a student's reading, writing, listening, and speaking skills (although they may report in other ways, such as in terms of expressive and receptive skills). States also must have a screening process to identify whether a potential English learner is an English learner in need of English language development services.

## Summary of State Requirements for ELP Assessments

Name of state's alternate ELP assessment: \_\_\_\_\_

[State should insert a short description of the state's alternate ELP assessment, including its purpose and nature. Ideally, provide a sample item for the grade to be discussed at the IEP meeting.]

Name of state's general ELP assessment: \_\_\_\_\_

[State should insert a short description of state's general ELP assessment, including its purpose and nature. Ideally, provide a sample item for the grade to be discussed at the IEP meeting.]

Requirements for participation in the state's alternate ELP assessment:

[State should insert participation guidelines here or a link to those guidelines]

### **Documentation of IEP Team Members' Understanding of Assessment Purposes and Participation Guidelines**

Although not required for the ELP assessment, it is beneficial to decision making to document that IEP team members understand the purposes and nature of the state's general and alternate ELP assessments. Parents or caregivers who participate in the IEP team meeting should be provided an interpreter, if needed, and a translated form provided, if appropriate. If a student participates in the IEP team meeting (recommended, depending on the grade level), an adapted signature form might be used.

#### ***Signature Form***

**Student's Name** \_\_\_\_\_

My signature indicates that I understand the purpose and nature of the state's alternate ELP assessment and the purpose and nature of the state's general ELP assessment, and that I have been provided the opportunity to review sample items from each assessment for the grade of the student to be discussed at the IEP meeting.

_____ Signature	_____ Role	_____ Date
_____ Signature	_____ Role	_____ Date
_____ Signature	_____ Role	_____ Date

_____ Signature	_____ Role	_____ Date
_____ Signature	_____ Role	_____ Date
_____ Signature	_____ Role	_____ Date



## Tool 3-B

### Available Resources on Decision-Making Approaches for ELP Assessments

States and national organizations have developed information that may be helpful to Individualized Education Program (IEP) team members when making a decision about whether an English learner with a disability should participate in the alternate English language proficiency (ELP) assessment or the general ELP assessment. These include background information as well as some flow charts and decision-making trees to help decision-making teams. For those states without this type of guidance, reviewing these decision-making approaches can support the development of an approach specific to its assessments.

[\*A Framework for Making Decisions about Participation in a State’s Alternate ELP Assessment\*](#), developed by the National Center on Educational Outcomes (NCEO) summarizes federal requirements, provides an overview of what is known about the characteristics of students with the most significant cognitive disabilities, and English learners with the most significant cognitive disabilities. It then provides a framework and flowchart for identifying English learners with the most significant cognitive disabilities who are eligible to participate in the alternate ELP assessment. The framework includes guiding questions and vignettes of example decisions. This resource also provides additional considerations for ensuring that students are accurately identified and supported. It also incorporates a list of publications and key organizations with information on identifying English learners with the most significant cognitive disabilities.

Many states belong to ELP assessment consortia. The consortia provide information about making participation decisions:

- [\*Alt ELPA Accessibility and Accommodations Manual\*](#) is available on the ELPA21 website (School Year 2024-2025). It includes a section on Alt ELPA Participation Criteria, which separates decisions for grades with an alternate assessment based on alternate academic achievement standards (AA-AAAS) and for grades without an AA-AAAS. It includes descriptions of each of the criteria. Oregon developed a [flowchart](#) using the Alt ELPA Participation Criteria (see page 4).
- [\*WIDA Alternate ACCESS Participation Decision Tree\*](#) (no date) is available on the WIDA website. The decision tree asks a series of questions to aid decision makers in determining whether an English learner should participate in Alternate ACCESS or ACCESS for ELLs.

States that do not belong to either the Alt ELPA or the WIDA consortia also have provided information to help IEP teams make the determination of whether a student should take the general ELP assessment or the alternate ELP assessment. The following is one example:

[\*TELPAS Alternate Participation Requirements\*](#) (2024) is a document that takes the user through a set of two steps, one to determine whether a student should participate in the Alter-

nate Texas English Language Proficiency Assessment System (TELPAS), and two to provide assurances and confirm the student's participation in TELPAS Alternate.

## Tool 3-C

### Documentation of Information on Intellectual Functioning

The phrase “most significant cognitive disability” has been used as a criterion for students who should participate in alternate assessments. Intellectual functioning is a common approach to trying to quantify cognitive functioning. Cognitive functioning is a general term that is broad in scope. It generally includes a number of mental abilities, including “learning, thinking, reasoning, remembering, problem solving, decision making, and attention” (Fisher et al., 2019).<sup>2</sup> Documentation of information on intellectual functioning is one element of determining that a student may appropriately participate in an alternate ELP assessment.

Determining whether an English learner’s intellectual functioning is such that an alternate ELP assessment is more appropriate than a general ELP assessment is difficult because of the complication of limited English skills. Approaches that often have been used to measure intellectual functioning (e.g., modifying a test of intelligence, reducing the language of a test of intelligence) are not satisfactory for students with the most significant cognitive disabilities generally, regardless of whether they are English learners. Attempts to find first language intelligence tests are difficult and using one may not be appropriate unless the student has age-appropriate development of the first language.

Ortiz (2019)<sup>3</sup> stated that:

The more an [English learner’s] developmental exposure and experience with English is age-appropriate, the closer to the mean the individual performs particularly on verbal tests. The less an [English learner’s] developmental exposure and experience with English is age-appropriate, the further from the mean the individual performance particularly on verbal tests. (p. 81)

Despite this, Ortiz argued that there are no evidence-based practices to guide the evaluation of the cognitive abilities of English learners. In the past, several principles of best practices for conducting psychoeducational assessments were proposed.<sup>4</sup> They included using a hypothesis driven process, avoiding a “standard battery” and routine testing, considering all data as important, and using multiple, corroborating data sources. Five steps were identified to follow when documenting an English learner’s cognitive abilities:

1. Review existing information on the student’s language background, language proficiency, culture, and educational history to provide the proper context for test score interpretation. Collect additional information if needed.

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<sup>2</sup>Fisher, G. G., Chacon, M., & Chaffee, D. S. (2019). Theories of cognitive aging and work. In B. B. Baltes, C. W. Rudolph, & H. Zacher (Eds.) *Work across the lifespan* (pp. 17-45). Elsevier

<sup>3</sup>Ortiz, S. O. (2019). On the measurement of cognitive abilities in English learners. *Contemporary School Psychology*, 23, 68-86.

<sup>4</sup>See Chapters 10 and 13 in *The English Learner (EL) companion to promoting fair special education evaluations*. Minnesota Department of Education. <https://education.mn.gov/MDE/dse/sped/div/el/MDE087755#:~:text=The%20English%20Learner%20Companion%20to,with%20actual%20or%20suspected%20disabilities>

2. Develop an appropriate battery, one that best addresses the referral concerns and that responds to the requirements necessary for identifying any facet of the suspected disability.
3. Test in English first and evaluate test score validity (possibly using C-LIM).
4. If some scores from testing in English indicate weaknesses, re-evaluate those areas in the native language to support them as areas of true weakness.
5. Use multiple indicators and converging evidence to support the ecological validity of all decisions and conclusions.

Instead of a standardized assessment and trying to reach a yes or no response about intellectual functioning, it may be more helpful for the IEP team to consider a continuum of intellectual functioning.

The following factors and rubric frameworks may be used to reflect a continuum. States may add other characteristics. *States should insert descriptions of each level.* These can form a basis for IEP team discussions about intellectual functioning.<sup>5</sup> Remember, though, that no one characteristic should solely determine whether intellectual functioning is at a level that suggests the alternate ELP assessment is the appropriate assessment for an individual English learner with a disability.

**Student Name:** \_\_\_\_\_

*Learning Characteristics*

**Most limited                  Mildly limited                  Minimally limited                  Not limited**

*Thinking and Reasoning Characteristics*

**Most limited                  Mildly limited                  Minimally limited                  Not limited**

*Memory Characteristics*

**Most limited                  Mildly limited                  Minimally limited                  Not limited**

*Problem Solving Characteristics*

**Most limited                  Mildly limited                  Minimally limited                  Not limited**

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<sup>5</sup>The ideas in the presented rubric areas and levels are based the Ohio Department of Education's [Ohio's Alternate Assessment Participation Decision-Making Tool](#).

*Decision-Making Characteristics*

**Most limited**            **Mildly limited**            **Minimally limited**            **Not limited**

*Attention Characteristics*

**Most limited**            **Mildly limited**            **Minimally limited**            **Not limited**

## Tool 3-D

### Documentation of Information on Adaptive Functioning

Adaptive functioning, sometimes referred to as adaptive behavior, is defined as “coping with everyday environmental demands and includes daily living skills that people perform to care for themselves and to interact with others” (Mitchell, 2018).<sup>6</sup> Although there are measures of adaptive behavior, it is recommended that information be collected from people who regularly interact with the English learner with a disability.

Rather than trying to reach a yes or no response about adaptive functioning, it may be more helpful for the Individualized Education Program (IEP) team to consider a continuum of adaptive functioning. The following factors and rubric frameworks may be used to reflect a continuum. States may add other factors that they consider important to the adaptive functioning of English learners with disabilities. *States should insert descriptions of each level.* These can form a basis for IEP team discussions about adaptive functioning.<sup>7</sup> Remember, though, that no one characteristic should solely determine whether adaptive functioning is at a level that suggests the AA-AAAS is the appropriate assessment.

**Student Name:** \_\_\_\_\_

*Dressing*

<b>Most limited</b>	<b>Mildly limited</b>	<b>Minimally limited</b>	<b>Not limited</b>
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*Eating*

<b>Most limited</b>	<b>Mildly limited</b>	<b>Minimally limited</b>	<b>Not limited</b>
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*Restroom Use*

<b>Most limited</b>	<b>Mildly limited</b>	<b>Minimally limited</b>	<b>Not limited</b>
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*Personal Grooming*

<b>Most limited</b>	<b>Mildly limited</b>	<b>Minimally limited</b>	<b>Not limited</b>
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<sup>6</sup>Mitchell, E. S. (2018). Adaptive functioning. In M. H. Bornstein (Ed.), *The SAGE encyclopedia of lifespan human development* (pp.32-34). SAGE.

<sup>7</sup>The ideas in the presented rubric areas and levels are based the Ohio Department of Education's [Ohio's Alternate Assessment Participation Decision-Making Tool](#).

### Tool 3-E

## Documentation of Communication Skills

Communication skills can sometimes make it difficult to identify other characteristics of English learners with disabilities. The Individualized Education Program (IEP) team should consider using this tool to confirm that the student has a communication system. **If a communication system does not exist or is not used effectively to communicate with different individuals, the IEP should prioritize developing the student's communication skills.**

**Student Name:** \_\_\_\_\_

Mark the student's mode (or modes) of communication, then describe the student's communication skills using that mode of communication (select a response, then elaborate with specifics, including the language or languages within which the communication is occurring):

#### *Mode of Communication*

- \_\_\_\_\_ Communicates orally in English.
- \_\_\_\_\_ Communicates orally in another language
- \_\_\_\_\_ Communicates orally in English and in another language
- \_\_\_\_\_ Communicates via Augmentative and Alternative Communication (AAC) in English
- \_\_\_\_\_ Communicates via Augmentative and Alternative Communication (AAC) in another language
- \_\_\_\_\_ Communicates via Augmentative and Alternative Communication (AAC) in English and another language
- \_\_\_\_\_ Communicates via signing
- \_\_\_\_\_ Communicates via gestures and body language
- \_\_\_\_\_ No identified mode of communication (**Note: the IEP should prioritize developing the student's communication skills**)

**Description of Communication.** Indicate when the student communicates, with whom, and in which languages. Describe whether the communication is directed at a range of individuals (e.g., teacher, other educators, peers, etc.) and whether it covers a variety of message types (e.g., functional needs, peer interactions, academic engagement, etc.). If the student does not have a communication system or one is not used effectively to communicate with different individuals, that should be described here:

### **Tool 3-F**

#### **Documentation of Data on Previous Test Participation and Performance**

If an English learner with a disability participated in a state assessment of English language proficiency (ELP) test in the past, it may be helpful to document the nature of participation (alternate assessment or general assessment) and performance. Past participation, of course, should not determine in which assessment the English learner will participate this time. For example, participation in an alternate assessment (either an ELP assessment or a content assessment) does not necessarily mean that the student should again take the alternate ELP assessment. With extreme caution, then, Individualized Education Program (IEP) team members should look at data on previous test participation and performance.

It is recommended that for every year in which the student was in a tested grade, the IEP team document and review which test the student took (by subject area) and how the student performed on each test (proficient or not, or more ideally a score or performance level indicating how close to proficiency the student was each year). A simple chart like the following could be used (with additional columns if other subject area tests are administered, and additional grades if state tests are administered in other grades):

**Student Name:** \_\_\_\_\_

**Year:** \_\_\_\_\_



*Assessment Participation*

(Insert a check to indicate the test in which the student participated)

Grade	ELP		Reading/Language Arts		Mathematics		Science	
	General	Alternate	General	AA-AAAS	General	AA-AAAS	General	AA-AAAS
K								
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								

*Assessment Performance*

(Enter the student's proficiency level or score, or both, on the assessment the student took)

Grade	ELP		Reading/Language Arts		Mathematics		Science	
	General	Alternate	General	AA-AAAS	General	AA-AAAS	General	AA-AAAS
K								
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								

## Tool 3-G Documentation of Other Relevant Information

For English learners with disabilities, it is likely that there is other relevant information for the Individualized Education Program (IEP) team to consider as it makes decisions about participation in the state English language proficiency (ELP) assessment. For English learners with disabilities, the information might include when the student arrived in the U.S., whether the student is a refugee, the student's access to education in the past, the nature of community support for education, and so on. That information should be documented and brought to the IEP team meeting for discussion. If Tool 6 ([Planning for the Accessibility Needs of an English Learner with a Disability Who Participates in State General Assessments](#)) has been completed, it can be used in place of this tool.

**Student Name:** \_\_\_\_\_

Data Source 1: \_\_\_\_\_  
*Summary of data:*

Data Source 2: \_\_\_\_\_  
*Summary of data:*

## Tool 3-H

### Reviewing Decisions about ELP Assessment Participation

It is useful to summarize the decisions that have been made about the participation of English learners in the English language proficiency (ELP) assessment. Doing so enables states, districts, and possibly schools (when numbers are sufficient) to look for overall patterns in the decisions made by Individualized Education Program (IEP) teams. Ideally, this information would be summarized yearly to ensure that there are no indications of blanket decisions being made about the participation of English learners with disabilities in alternate ELP assessments.

Tables can be used to summarize decisions. The following is an example of a table that focuses on decisions about ELP participation by the special education status of English learners (to compare decisions about English learners without disabilities to English learners with disabilities) in each of a state’s school districts. Additional tables may be created to examine other variables (e.g., gender, grade level, race/ethnicity, economic disadvantage status, special education status of the English learners).

#### Summary of ELP Assessment Participation Decisions

District	Total Number of English Learners		Number of English Learners Assigned to Alternate ELP Assessment	Number of English Learners Assigned to General ELP Assessment		Summary of Percentages <sup>8</sup>		
	Disability	No Disability		Disability	No Disability	Alternate ELP Assessment	General ELP Assessment	
	Disability	No Disability	Disability	Disability	No Disability	Disability	Disability	No Disability
1								
2								
3								
4								
5								
6								

Check out Tool 2 ([State Assessments for English Learners with Disabilities: State Data Display Templates](#)) for suggested data templates that state education agencies can use to examine the assessment participation of English learners with disabilities.

<sup>8</sup>Percentages are derived by dividing the number of English learners assigned to an assessment (either alternate ELP assessment or general ELP assessment) by the total number of English learners.

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