



TOOLKIT FOR ENGLISH LEARNERS WITH DISABILITIES

Deciding Whether an English Learner with a Disability Can Participate in All Domains of an English Language Proficiency Assessment

TOOL 4

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Deciding Whether an English Learner with a Disability Can Participate in All Domains of an English Language Proficiency Assessment

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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 4

Deciding Whether an English Learner with a Disability Can Participate in All Domains of an English Language Proficiency Assessment

Although the Elementary and Secondary Education Act (ESEA) requires that all English learners with disabilities participate in annual assessments of English language proficiency (ELP), the 2016 ESEA assessment regulations indicate that the disability of a small number of English learners with disabilities may mean that the students cannot access the assessment, even with accommodations. The regulations allow English learners with some disabilities to participate in fewer than the full set of ELP domains (reading, writing, speaking, listening) and still receive a total score and proficiency level for the ELP assessment.

Having a solid foundation of knowledge about the state’s ELP assessment and what its items require of the student in each domain is critical to making decisions about whether a student is unable to participate in a specific domain of the ELP assessment. This information, combined with a deep understanding of the student’s disability should result in an evidence-based decision. It is important to remember that state ELP assessments have been designed to be accessible by the greatest number of students. **This means that very few students should be exempted from a domain of the ELP assessment.** Even when a student’s disability may on the surface appear to be a barrier to a domain, the design of the ELP assessment and the accessibility features and accommodations available for it can still provide most English learners with a disability access to it. Not having access is different from not performing well on the assessment.

The components of Tool 4 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 be exempted from participation in a domain because the disability prevents access to the domain.

The components of Tool 4 include:

- **Tool 4-A:** Documentation of IEP Team Members’ Understanding of Federal and State Requirements for ELP Domain Participation
- **Tool 4-B:** Discussion of Disability Implications for Domain 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/Tool4_DomainParticipation.docx

Tool 4-A

Documentation of IEP Team Members' Understanding of Federal and State Requirements for Domain Participation

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. Regardless of whether the student participates in the general ELP assessment or the alternate ELP assessment, the regulations for the Elementary and Secondary Education Act (ESEA) recognize that some English learners with disabilities may not be able to participate in all domains of an ELP assessment because their disability prevents access to the assessment.

An example of a disability that may prevent access to a domain is being deaf. This disability likely (but not absolutely) limits the participation of the English learner in the listening domain if there is no accommodation that would provide the student access to that assessment domain.

The regulations state:

(ii) If an English learner has a disability that precludes assessment of the student in one or more domains of the English language proficiency assessment required under section 1111(b)(2)(G) of the Act such that there are no appropriate accommodations for the affected domain(s) (*e.g.*, a non-verbal English learner who because of an identified disability cannot take the speaking portion of the assessment), as determined, on an individualized basis, by the student's IEP team, 504 team, or by the individual or team designated by the LEA to make these decisions under title II of the ADA, as specified in paragraph (b)(1) of this section, a State must assess the student's English language proficiency based on the remaining domains in which it is possible to assess the student. (§ 200.6(h)(4)(ii))

This tool provides a way to summarize federal and state requirements for IEP team members to review and 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 kindergarten (K) through grade 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).

The regulations for the reauthorization of ESEA in 2015 as the Every Student Succeeds Act (ESSA) allow for English learners with a disability that prevents access to a domain of the assessment to participate in the other domains and still obtain a total ELP assessment score and proficiency level. All English learners with a disability must participate in at least one domain.¹ Each state should provide guidance for decision makers to determine whether an English learner with a disability can be exempted from participation in a domain because of a disability that prevents access to that domain. States must also develop a methodology for creating a total score and proficiency level for those English learners unable to access one or more domains.

Summary of State Requirements for ELP Assessment Domain Exemptions

Name of state’s general ELP assessment: _____

[State should insert a short description of state’s general ELP assessment, focusing on the domains of the assessment. Ideally, provide a sample item from each domain for the grade to be discussed at the IEP meeting.]

Location of state’s accessibility or accommodations manual for the general ELP assessment _____

Name of state’s alternate ELP assessment: _____

[State should insert a short description of the state’s alternate ELP assessment, focusing on the domains of the assessment. Ideally, provide a sample item from each domain for the grade to be discussed at the IEP meeting.]

Location of state’s accessibility or accommodations manual for the alternate ELP assessment _____

¹The federal regulations state, “The exclusion of these students from the ELP assessment entirely would be not only contrary to the law, but could also lead to a lack of proper attention and services for such students” (U.S. Department of Education, Dec. 8, 2016, *Federal Regulations*, 81(236), p. 88918.

Requirements for exemption from participation in a domain in the state’s general ELP assessment:

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

Requirements for exemption from participation in a domain in the state’s alternate ELP assessment:

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

Documentation of IEP Members’ Understanding of ELP Assessment Domain Exemptions

It is beneficial to decision making to document that IEP team members understand the reasons why an English learner’s disability may indicate the need for an exemption from one or more domains of an ELP assessment.

Signature Form

Student’s Name _____

My signature indicates that I understand the reasons why a disability may prevent participation in a domain of an ELP assessment. I understand that a very small number of English learners have a disability that might indicate the need for exemption from a domain.

Signature	Role	Date
Signature	Role	Date
Signature	Role	Date
Signature	Role	Date
Signature	Role	Date
Signature	Role	Date
Signature	Role	Date

Tool 4-B

Discussion of Disability Implications for Domain Participation

It is important to begin a discussion of a possible domain exemption with a reminder that most English learners with disabilities should participate in the state ELP assessment (either general or alternate). Further, the point should be made that a disability is likely to affect access to only one or in some situations, two domains. No student should be exempted from all domains of an ELP assessment.²

Members of the Individualized Education Program (IEP) team for an English learner with a disability should understand what each domain of an English language proficiency (ELP) assessment requires before they can discuss whether an individual English learner's disability may prevent access to participation in the domain. Team members also should have a thorough understanding of the accessibility features that are available to address the student's disability barrier to access each domain.

The focus of the ELP assessment domains are³:

Reading: A receptive language skill that involves processing, interpreting, and evaluating written words, symbols, and other visual cues used to convey meaning.

Writing: An expressive language skill that involves expressing meaning through drawing, symbols, or text.

Speaking: An expressive language skill that involves communicating orally in a variety of situations.

Listening: A receptive language skill that involves processing, understanding, and responding to spoken language.

Poor performance on a domain is not the same as not having access to the domain. If a student can access a domain, with or without accessibility features and accommodations, no matter their performance, they should not be exempt from participating in the domain.

The IEP team should discuss the disability characteristics of the individual English learner to determine whether the disability truly precludes participation in a domain. A discussion guide might include the following questions:

²The federal regulations state, "The exclusion of these students from the ELP assessment entirely would be not only contrary to the law, but could also lead to a lack of proper attention and services for such students" (U.S. Department of Education, Dec. 8, 2016, *Federal Regulations*, 81(236), p. 88918.

³The description of domains is adapted from Ernst-Slavit, G., & Egbert, J. (no date). *Planning Meaningful Instruction for ELLs: Integrating Academic Language and Content in K-12 Classrooms*. Pressbooks.

Student's Name _____

What is the nature of the English learner's disability? Consider how the skills of the domain might not be accessible to the English learner with an identified disability. Does the design of the assessment allow for alternate ways to access the assessment even with the identified disability?

How might available accessibility features allow the English learner access to each domain of an ELP assessment? (Check to see whether your state has an accessibility or accommodations manual that lists these.)

- **Reading**

- **Writing**

- **Speaking**

- **Listening**

If there are no available accessibility features identified that allow the English learner access to a domain, are there other accessibility features or accommodations that could be requested so that the student could participate in the domain? (Remember, the student must participate in at least one domain of the ELP assessment.)

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