



TOOLKIT FOR ENGLISH LEARNERS WITH DISABILITIES

Deciding Whether an English Learner with a Disability Should Participate in State Alternate Assessments of Reading/Language Arts, Mathematics, and Science

TOOL 5



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Deciding Whether an English Learner with a Disability Should Participate in State Alternate Assessments of Reading/Language Arts, Mathematics, and Science

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Project Officer: David Egnor



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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 5

Deciding Whether an English Learner with a Disability Should Participate in State Alternate Assessments of Reading/Language Arts, Mathematics, and Science

Federal requirements for the participation of English learners with disabilities in state assessments vary by content area. All English learners with disabilities are required to participate in mathematics, science, and any additional content areas in state assessments other than reading/language arts (e.g., social studies) regardless of their language proficiency. For English learners with disabilities (as well as all English learners), a student may be exempted from participating in the state assessment of reading/language arts only if the student is in the first year attending a U.S. school.

The Elementary and Secondary Education Act (ESEA) requires that states have a general assessment of each content assessment. This assessment is appropriate for most English learners with disabilities. All states also have an alternate assessment based on alternate academic achievement standards (AA-AAAS) of each content area. The AA-AAAS is designed for students with the most significant cognitive disabilities, including English learners with disabilities.

Having a solid foundation of knowledge about the state’s content assessments will assist in making appropriate decisions about which content 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 to determine whether the student has a disability that might be a “most significant cognitive disability.”

Knowledge of the state’s content 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 and a special education administrator or educator.

The components of Tool 5 provided here can be adapted, as needed, by states to ensure that all potential decision makers are informed about the state’s content assessments and considerations for making the decision about whether a student should participate in the AA-AAAS or the general content assessment. If you completed Tool 3 ([Deciding Whether an English Learner with a Disability Should Participate in the State Alternate English Language Proficiency Assessment](#)), the information in tools 3-C through 3-G can be used in place of tools 5-C through 5-G.

Eight components are included in Tool 5¹:

- **Tool 5-A:** Documentation of IEP Team Members' Understanding of Federal and State Requirements for Content Assessments
- **Tool 5-B:** Available Resources on Decision-Making Approaches for Content Assessments
- **Tool 5-C:** Documentation of Information on Intellectual Functioning
- **Tool 5-D:** Documentation of Information on Adaptive Functioning
- **Tool 5-E:** Documentation of Communication Skills
- **Tool 5-F:** Documentation of Data on Previous Test Participation and Performance
- **Tool 5-G:** Documentation of Other Relevant Information
- **Tool 5-H:** Reviewing Decisions about AA-AAAS 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_Tool5_AltContentDecisionTool.docx

¹The 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 5-A

Documentation of IEP Team Members’ Understanding of Federal and State Requirements for Content Assessments

Federal laws require that states have assessments of reading/language arts and mathematics in grades 3-8 and once in high school. States are also required to have an assessment of science once in each grade band (3-5, 6-8, and high school). Most students with disabilities, including English learners with disabilities, take the general state content assessments with or without accessibility features (which include accommodations). All states have also developed alternate assessments based on alternate academic achievement standards (AA-AAAS) that meet these requirements for students with the most significant cognitive disabilities. As required in the Elementary and Secondary Education Act (ESEA), known as the Every Students Succeeds Act (ESSA), English learners with disabilities are required to participate in all of these assessments (and any assessments of other content areas), with one exception:

(5) A State must provide for an alternate English language proficiency assessment for each English learner covered under paragraph (a)(1)(ii) of this section who cannot participate in the assessment under paragraph (h)(1) of this section even with appropriate accommodations.

(i) *Recently arrived English learners.* (1)(i) A State may exempt a recently arrived English learner, as defined in paragraph (k)(2) of this section, from one administration of the State’s reading/language arts assessment under § 200.2 consistent with section 1111(b)(3)(A)(i)(I) of the Act.

(ii) If a State does not assess a recently arrived English learner on the State’s reading/language arts assessment consistent with section 1111(b)(3)(A)(i)(I) of the Act, the State must count the year in which the assessment would have been administered as the first of the three years in which the student may take the State’s reading/language arts assessment in a native language consistent with paragraph (g)(1) of this section.

(iii) A State and its LEAs must report on State and local report cards required under section 1111(h) of the Act the number of recently arrived English learners who are not assessed on the State’s reading/language arts assessment. (§ 200.6(f)(5))

States are required to have guidelines and a definition of “most significant cognitive disability” to help make the decision about whether a student should participate in a general content assessment or an AA-AAAS.

Both federal requirements and state requirements should be summarized for Individualized Education Program (IEP) members, and documentation of their understanding collected. In addition to knowing what is required for English learners with disabilities to participate in state

content assessments, IEP team members should know what is required for participation in the state’s ELP assessments. See Tool 3 ([Deciding Whether an English Learner with a Disability Should Participate in the State Alternate English Language Proficiency Assessment](#)) for more information about making decisions for the ELP assessments.

This component of Tool 5 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 Content Assessments

The Elementary and Secondary Education Act (ESEA) requires that all students, including English learners with disabilities, participate in content assessments of reading/language arts, mathematics, and science. Reading/language arts and mathematics assessments are required in every grade 3-8 and once in high school. Science assessments are required once in each grade band of 3-5, 6-8, and high school. All states have general assessments of each tested content area and an AA-AAAS of the same grade-level content.

There is one exception to the participation requirements. For those English learners who arrived in a U.S. school for the first time (i.e., a recently arrived student), the student may be exempted from participation in the reading/language arts assessment that year.

Summary of State Requirements for Content Assessments

Names of state’s alternate content assessments: _____

[State should insert a short description of the state’s AA-AAAS, including its purpose and nature. Ideally, provide a sample item for the grade to be discussed at the IEP meeting.]

Names of state’s general content assessments: _____

[State should insert a short description of state’s general content assessments, 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 AA-AAAS: _____

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

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

It is beneficial to decision making to document that IEP team members understand the purposes and nature of the state's general content assessments and its AA-AAAS. Parents or caregivers who participate in the IEP team meeting should be provided an interpreter, if needed, and a translated form, 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 Name: _____

My signature indicates that I understand the purpose and nature of the state's content AA-AAAS [provide state name here] and the purpose and nature of the state's general content assessments, 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 5-B

Available Resources on Decision-Making Approaches for Content Assessments

States and national organizations have developed information that may be helpful to Individualized Education Program (IEP) team members when they are making a decision about whether an English learner with a disability should participate in the AA-AAAS or the general content assessment. State guidelines that include “a definition of ‘students with the most significant cognitive disabilities’ that addresses factors related to cognitive functioning and adaptive behavior” are required by the Elementary and Secondary Education Act (§ 200.6(d)(1)).

[*Start with the End in Mind*](#) is an infographic developed by the National Center on Educational Outcomes (NCEO) to help decision makers when they are considering whether a student should participate in the AA-AAAS or the general content assessment. The infographic highlights what participation in an AA-AAAS could affect in the future (e.g., graduation, further education and training) and five things to consider (e.g., child’s disability, state’s participation guidelines) when making a decision about which state test a student (including an English learner with a disability) will take. It includes talking points and tips for using the tool.

[*IEP Team Resource: Making Decisions about Participation in the Alternate Assessment \(1% Toolkit, NCEO Tool #10\)*](#) includes links to information for English language development specialists (see Tool A). Tool N also notes that consideration should be given to whether participation rates in the AA-AAAS and access to resources and enrichment activities differ for certain subgroups (e.g., English learners).

[*Student Profiles for Alternate Assessment Decision Making \(1% Toolkit, NCEO Tool #11\)*](#) provides student profiles provided by state departments of education and examples of the decision-making process for the students. Two of the profiles are of English learners with disabilities.

Tool 5-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 AA-AAAS. 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).¹ Documentation of information on intellectual functioning is one element of determining that a student may appropriately participate in the AA-AAAS.

Determining whether an English learner’s intellectual functioning is such that an AA-AAAS is more appropriate than a general content assessment is difficult because of the complication of limited English skills. Approaches that have often been used to measure intellectual functioning (e.g., modifying a test of intelligence, reducing the language of a test of intelligence) are not satisfactory. 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)² 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 argues 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.³ 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:

¹Fisher, 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). Amsterdam: Elsevier.

²Ortiz, S. O. (2019). On the measurement of cognitive abilities in English learners. *Contemporary School Psychology, 23*, 68-86.

³See 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>

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.
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 the Culture-Language Interpretive Matrix or 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.⁴ Remember, though, that no one characteristic should solely determine whether intellectual functioning is at a level that suggests the AA-AAAS 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

⁴The ideas in the presented rubric areas and levels are based on the Ohio Department of Education’s [Ohio’s Alternate Assessment Participation Decision-Making Tool](#).

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

Decision-Making Characteristics

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

Attention Characteristics

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

Tool 5-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).¹ 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.² 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

Most limited	Mildly limited	Minimally limited	Not limited
---------------------	-----------------------	--------------------------	--------------------

Eating

Most limited	Mildly limited	Minimally limited	Not limited
---------------------	-----------------------	--------------------------	--------------------

Restroom Use

Most limited	Mildly limited	Minimally limited	Not limited
---------------------	-----------------------	--------------------------	--------------------

Personal Grooming

Most limited	Mildly limited	Minimally limited	Not limited
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¹Mitchell, E. S. (2018). Adaptive functioning. In M. H. Bornstein (Ed.), *The SAGE encyclopedia of lifespan human development* (pp.32-34). SAGE.

²The ideas in the presented rubric areas and levels are based on the Ohio Department of Education's [Ohio's Alternate Assessment Participation Decision-Making Tool](#).

Tool 5-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 a student does not have a communication system or one is not used effectively to communicate with different individuals, that should be described here:

Tool 5-F

Documentation of Data on Previous Test Participation and Performance

If an English learner with a disability participated in a state content assessment in the past, it may be helpful to document the nature of participation (AA-AAAS 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 an AA-AAAS) does not necessarily mean that the student should again take the AA-AAAS. Using extreme caution, Individualized Education Program (IEP) team members should look at data on 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 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	Reading/Language Arts		Mathematics		Science		ELP	
	General	AA-AAAS	General	AA-AAAS	General	AA-AAAS	General	Alternate
K								
1								
2								
3								
4								
5								
6								
7								
8								
9								

Grade	Reading/Language Arts		Mathematics		Science		ELP	
	General	AA-AAAS	General	AA-AAAS	General	AA-AAAS	General	Alternate
10								
11								
12								

Assessment Performance

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

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

Tool 5-G Documentation of Other Relevant Information

For English learners with disabilities, there is likely other relevant information for the Individualized Education Program (IEP) team to consider as it makes decisions about participation in the state AA-AAAS or general content assessment. 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 5-H

Reviewing Decisions about Content Assessment Participation

It is useful to summarize the decisions made about the participation of English learners in the state’s content assessments. 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 AA-AAAS.

Tables can be used to summarize decisions. The following is an example of a table that focuses on decisions about content assessment 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 Assessment Participation Decisions for each Content Area

Content Area _____

District	Total Number of English Learners		Number of English Learners Assigned to AA-AAAS		Number of English Learners Assigned to General Content Assessment		Summary of Percentages ¹	
							AA-AAAS	General Content Assessment
	Disability	No Disability	Disability	No Disability	Disability	No Disability	Disability	No Disability
1								
2								
3								
4								
5								
6								

¹Percentages are derived by dividing the number of English learners assigned to an assessment (either AA-AAAS or general assessment) by the total number of English learners.

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.

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