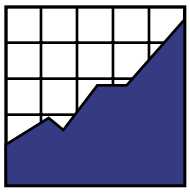
ELLs with Disabilities Report 9

Confronting the Unique Challenges of Including 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)

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Confronting the Unique Challenges of Including English Language Learners with Disabilities in Statewide Assessments

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

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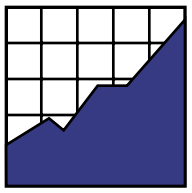

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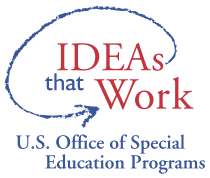

NCEO Core Staff

Deb A. Albus
Michael E. Anderson
Ann T. Clapper
Jane L. Krentz
Kristi K. Liu
Jane E. Minnema
Ross Moen
Michael L. Moore
Rachel F. Quenemoen
Dorene L. Scott
Sandra J. Thompson
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

Overview

The *No Child Left Behind Act* of 2001 has focused the attention of educational systems on both academic achievement and *all* students in a way that no reform agenda of the past has done. In a large part, this is due to the emphasis on school accountability with consequences that seem to matter to educators. The fact that the test data of subgroups are an anchor piece of accountability draws new attention to students most at risk of not achieving educational goals, including English language learners as a subgroup and students with disabilities as a subgroup.

There is no requirement that states specifically attend to students who are English language learners with disabilities. Yet with the increasing numbers of English language learners in schools overall, the number of these students represented in the special education population has increased as well (Zehler, Fleischman, Hopstock, Pendzick, & Stephenson, 2003). Even though policies and guidelines intended to ensure that these students are accurately assessed in state assessments are not always in print or on the web (Thurlow, Minnema, & Treat, 2004), we know that many states are already dealing with issues that surround the inclusion of English language learners with disabilities in assessment programs. In order to document these concerns, we conducted a series of telephone interviews in which policymakers at the state level in 14 states reported many of these issues to us (Thurlow, Anderson, Minnema, Hall-Lande, 2005). They included the reliance on local level educators to make decisions without much guidance, the lack of public reporting, and even struggles with determining whether to include these students in assessments. Another aspect of this study in which issues were identified was to address the challenges associated with the participation of English language learners with disabilities in large scale assessments. We wanted to include in our sample those state-level personnel who work at state departments of education and who field the questions about including these students in assessments and assessing them appropriately. These personnel generally deal with any unique challenges that arise.

This report examines this state-level knowledge base to determine the challenges that state educational agencies face when including English language learners with disabilities in statewide assessments and the solutions they have identified. To do this we conducted telephone interviews with state department personnel in the areas of assessment, English language learner programs, and special education in 14 states. The interviews tapped the knowledge of state policymakers on the assessment of English language learners 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 assessment, participation, and accommodation of English language learners with disabilities, as well as data reporting practices, are included in a companion report to this document (Thurlow, Anderson, Minnema, & Hall-Lande, 2005).

This report focuses on the unique challenges that state officials observed to the inclusion of this group of students in statewide accountability systems and some of the solutions they were working on to overcome these challenges.

Method

This study's research design was developed from information gathered in previous policy studies involving English language learners with disabilities. Since assessment policies for these students often are not in print, a goal of the study was to tap into the knowledge base of state policymakers to better identify and understand the issues related to including English language learners with disabilities in statewide assessments. This interview-based research study addressed the following research questions:

1. What do state policymakers know about assessing English language learners with disabilities in standards-based assessment used for accountability purposes?

2. What do states perceive as unique challenges for including English language learners with disabilities in state large-scale assessments?

The results for the first research question are contained in a previous report (Thurlow et al., 2005). The results for the question on the unique challenges of assessing these students are contained in this report.

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 English language learner populations and five states with small English language learner populations. We assumed that the states with the larger English language learner populations would also have the largest number of English language learners 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. While conducting other research for the project a few additional states (Colorado, Michigan, New Jersey, Rhode Island) expressed interest in participating in this study. Consequently, our final sample included 14 states: Arkansas, Arizona, California, Colorado, Delaware, Florida, Illinois, Minnesota, New Jersey, New York, Rhode Island, New Mexico, Michigan, and Texas.

Our primary source of data was personnel from state educational agencies. We first requested an interview with the director of each of the assessment, special education, and English language

learner 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 English language learners 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	ESL
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 various issues pertaining to the inclusion of English language learners with disabilities in statewide assessments. Interview questions specifically addressed guidelines and policies for assessing English language learners 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 English language learners 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.

Our analysis addressed broad thematic concepts pertaining to testing practices of English language learners with disabilities in statewide assessments. These themes were organized around the seven telephone interview questions. The process of this qualitative analysis involved reading and coding the interview data for themes. The data were uploaded into a qualitative analysis software program called NVIVO for analysis. NVIVO serves as a tool for organizing large qualitative data sets. While NVIVO was the tool used for organizing the data, the analysis was 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.

The interview questions guided the process of gathering details on current state policies and practices of assessing English language learners with disabilities. Based on these details, categories were developed. After the categories of unique challenges were identified, another researcher with experience in qualitative analysis coded the data for the interview question about unique challenges. The results of this coding were compared to the first researcher's codes for a reliability check. Additional themes identified in the reliability check were merged with the existing themes. The results of this analysis are presented here.

Specific states and participants are not identified in this report because the intent of the research was to identify the unique challenges that states face when assessing this group of students, to enable states to learn from each other when they possibly face similar challenges. It was not to identify specific challenges faced by specific states. We have not identified individual policymakers in this report so that we could assure their anonymity and engage them in a more frank discussion about issues with them knowing they would not be directly connected to their quotations.

Results

Language Barriers for English Language Learners in Special Education

When asked about the unique challenges to having English language learners with disabilities participate in statewide accountability systems, the most frequent response of policymakers focused on the language barriers of these students. This is not an issue unique to English language learners with disabilities; policymakers struggle with the challenges of language barriers of English language learners in assessments in general. How to accommodate assessments for students with limited English proficiency was an issue echoed by many policymakers:

> "Well, and I think this probably applies to even the ELL students without disabilities, is the impact that language has on the valid assessment of those students. As I already mentioned, I think some folks are also finding it challenging to determine whether an LEP student who may have significant disabilities should try to do the [ELL alternate assessment] with them with accommodations, or if the alternate assessment would be more appropriate."

> "The language of the assessment is critical, and if the student is a limited proficiency student by definition, they are not at a level at which they are proficient enough in English to be accommodated with the 'standard protocol' of the assessments."

> "The policy issues have really been around, you know, at what point should children have to be proficient in English, and under what conditions is that appropriate? You know, can, should kids who are not being tested in their native language [be expected] to show their skills, and is that, or is it not acceptable to be meeting state standards and all that sort of thing."

While linguistic barriers are of concern for assessing all English language learners, when linguistic barriers are added on top of a student's disability issues, how to appropriately assess that student becomes an even more complicated issue. For educators, the issue that arises is whether one is able to determine the student's English proficiency level well enough to make informed decisions about how the student can best participate in the assessment system. When asked what unique challenges the state faced when assessing English language learners with disabilities, one state policymaker working in assessment responded:

> "Well, I would say just any challenge somebody might determine with a limited English population trying to get at how do you assess their skills when you have this extra variable on top of it of limited language skills.
>
> With students who have Individualized Education Programs [IEPs], it just becomes that much more complex, I would say. You could probably get more specific information from our special ed. folks. I think it's another layer of complexity."

A special education policymaker responded:

> "Number one is just making sure that they [educators] are feeling comfortable with the language proficiency of the students enough to make a determination about how they're going to be involved in the assessment."

A third policymaker, working in assessment, discussed similar concerns:

> "Obviously, when you're dealing with the language barrier that it represents, and then you've got educational issues as well, it's kind of a double whammy."

Issues related to language barriers for these students arise at all points in their educational journey. Several policymakers in this study discussed not only the difficulty of making assessment decisions for English language learners with disabilities, but also whether these students had been appropriately referred to special education in the first place. On the flip side, some policymakers expressed concerns that some English language learners with disabilities may not be referred to special education because their linguistic issues mask their disability. Figuring out whether an English language learner should be in special education is still a great concern among educators. One policymaker in special education described the challenge as this:

> "One is identifying them truly as students with disabilities versus students with LEP that may be what appears to make them eligible for special ed. So deciphering between whether this is a true student with a disability or a student with LEP. They are not able to assess them well enough to really know. Then the issues with assessing them, not for eligibility but for achievement."

An additional language issue related to making both special education referral decisions and statewide assessment participation and accommodation decisions is the level of literacy students have in their first language. Policymakers in this study were aware of issues of first language literacy and expressed concern over what effect that had on how students were assessed using translations or accommodations in their first language:

> "Some of the students have such low understanding of their own native language it is hard to assess them even if you use their native language, let alone in English."

> "It's very difficult to find the test in so many different languages and many times these kids are not fluent or even literate in their native language."

Some students arrive in the U.S. after having had interrupted or no schooling and are not literate in their first language. Other students may have some literacy skills in their first language, but do not use them at school so over time they lose some of those skills as they experience first language attrition. Either way, first language literacy is a concern for policymakers trying to make appropriate assessment decisions for English language learners with disabilities.

In addition to accommodations on the general assessments, one policymaker working in special education identified second language use when a student is participating in an alternate assessment as a unique challenge. Since some English language learners with disabilities are eligible

to take alternate assessments, the question of what language to use when the format is flexible becomes an issue. A student taking an alternate assessment should be assessed in the language that best allows that student to demonstrate what he or she knows, if allowed in that state. In order to do this, educators must first determine which language is dominant for that student in that subject area. The policymaker described the challenge as this:

> "I also know in terms of the alternate assessment, we, we have a, you know, opportunities and accommodations for our general assessments for non-English speaking students, but in the alternate there's also been a challenge to teachers on how to appropriately assess kids through the alternate, who may have a strong Spanish background. Again, not knowing whether or not one is more prominent than another in terms of their languages, but how, again, to assess them appropriately within, you know, dealing with those factors, and not limiting them by virtue of the fact of speaking a second language."

Clearly, language issues are not just an area of concern for accommodations on general assessments, but are a factor to be considered when English language learners are participating in alternate assessments as well.

Translations and Interpreters

Related to issues of language barriers, policymakers in three states reported challenges finding trained interpreters or using interpreters who might not be properly trained. These issues arose when interpreters were needed for IEP team meetings when decisions about participation in assessments were being made, and also during the administration of the assessments themselves. Policymakers raised concerns that translators in some of the more rare language groups were difficult to find at all. Finding translators who were trained in some sort of translation of assessments, as well as familiar with working with students with disabilities, was an even greater challenge. This challenge was compounded by the fact that many translators could be needed at the same time on the day of testing.

Another state assessment policymaker had concerns over confidentiality when using interpreters both during the IEP team meeting and during the assessment process:

> "Well, one of the challenges that I think is related to that, is issues around confidentiality when it comes to students. Because, most districts, for instance, would not necessarily have somebody who is hired by the district already, who would speak, perhaps, some of the more rare languages that the state has, and it presents an interesting dilemma of having somebody from outside the district helping the translation while you're

> going through the IEP process, for instance, and still maintain some amount of, still maintain confidentiality when it comes to that student, which has to also be a paramount concern."

Related to this concern, one special education policymaker explained how situations arose at the local level when a school could not find a trained interpreter for one of the rarer language groups, so a family member was called in to assist. Using untrained interpreters, while perhaps a positive in that they know the child, could also pose problems of confidentiality and validity for the assessment. The special education policymaker explained the situation in this state:

> "I think that in terms of the assessment, that's where it becomes particularly challenging, how do you assess a student who you're not even as staff able to have access to that language? And that is often what we're trying to do. We were working with a Haitian family, for instance, with one child that I can think of, a year ago. It was family members coming in and interpreting for us, which is a real challenge... Because we do have such small populations here, the availability of translators here, it's Spanish, and if it's not Spanish, then there's not a whole lot we can do often."

The issue of having trained translators appears to be one that states still need to address. Solutions to meet the challenge of providing meaningful interpretation for students who are still learning English and whose language development might be further hindered by their disability are yet to be found. State policymakers in this study reported working on providing resources to educators at the local level about available translation services. Sometimes because of the tension between state and local control, states saw their role in addressing this challenge as more of a supporting role. As one state assessment policymaker stated:

> "The Department of Education's role in this is one more of offering support and suggestions, rather than mandating fixes and solutions all the time. We provide a list of translation services across the state. It's not that we recommend using one or the other, but simply we've compiled a list of translation services that are available for schools. Our special ed. folks, we also have a set of county offices in each of our counties here that has a special ed. director. They are really the point person for each district when it comes to special education and its relationship to the state. Who are very helpful in providing resource material and suggestions. But, that's really, I think the extent to which the state actively gets involved."

Providing trained interpreters for both administering assessments and translating at IEP team meetings is of paramount concern to all educators who want to provide equitable services to English language learners with disabilities. Finding such interpreters, especially for students from some of the more rare second language backgrounds remains a challenge.

Participation of English Language Learners with Disabilities in Alternate Assessments

How an English language learner with a disability participates in an alternate assessment can be a challenge if the state has an alternate assessment for students with disabilities and another alternate assessment for English language learners. This was the case in two of the states in this study. While in one state, the alternate assessment for English language learners and that for students with disabilities were significantly different, the other state had similar portfolio assessments for both groups. The unique challenge arose when an English language learner with a disability was eligible for either alternate assessment because of his or her disability and linguistic needs. These needs made the general assessment an inappropriate measure for the student.

In these cases, should the portfolio that the student produces be scored with the special education portfolios or the English language learner portfolios? While there were few students in the state for whom this decision had to be made, it was nonetheless an issue for some students. The solution reported by the policymaker from this state was that it was decided that in these situations special education took precedence over English language learning issues and that the portfolios would be scored in the special education alternate assessment. This does not mean that the students' linguistic needs were not accounted for. As the policymaker pointed out:

> "Whenever there is a special ed., and limited English proficient [LEP] learner or ELL/ special ed. student, the rules, regulations, procedures, and protocol of special education always have supremacy. But, it should be pointed out that it is within the appropriately approved, the protocols that have been approved as appropriate within their system for LEP kids. It doesn't mean that they go into 'the regular' special education system with no accommodation for the language proficiencies. Those must be in place also."

Thus, while an English language learner with disabilities will have his or her portfolio scored with the other portfolios in the special education alternate assessment, the student's linguistic needs still must be addressed during the portfolio process.

Who Decides?

A unique challenge to making appropriate assessment decisions for English language learners with disabilities can be deciding who makes the decision. While many state policymakers recommended that all parties (special education teachers, English language teachers, parents, etc.) take part in the decision making process, they were not always certain who actually ends up deciding how these students will participate in an assessment and what accommodations they

will receive. Most often it is believed that these decisions are made by IEP teams on an individual basis. Making sure that an IEP covers all of the assessments (both content and language proficiency) that a student must participate in and ensuring that the accommodations provided are appropriate for the student's needs while still preserving the construct of the assessment is a complicated matter. One policymaker in special education commented on the challenge:

> "I think that one of the major challenges is ensuring that what is written down on the IEP as far as accommodations are implemented at the time of testing. Another is ensuring that, the assessment unit might be able to expand on this, but we have an alternate written in Spanish for students that are LEP if the student assistance team determines that they would benefit better by participating in that particular test, ensuring that that test lines up with our state content standards and benchmarks is a bit of a challenge in this state."

In another state, a portfolio is used as an alternate assessment. The teacher who works with the student most often oversees the development of the portfolio. Typically this is the special education teacher. For English language learners with disabilities, sometimes their primary teacher is an ELL teacher. In these situations, who takes charge of overseeing the portfolio can sometimes be a challenge:

> "Our required benchmarks, sometimes they don't know if the special ed. teacher is the one who is the major player in maintaining and developing the portfolio, or if it's the ESL teacher, and sometimes the ESL teacher will say, I'm not trained in special ed., so I'm not the best one to do it. That goes back and forth once in a while."

In response to these challenges, state departments try to issue guidance to help local educators make decisions that will best meet the needs of the student while not invalidating the assessment. Several policymakers saw providing guidance so that local educators can make good decisions for each student as their major role in addressing these issues. One state policymaker stated:

> "The state does provide the technical assistance and we do have a document that, the Best Practices document, that addresses each specific eligibility and outlines best practices that would be appropriate for school districts to follow in identifying those children. But what takes place in a multidisciplinary meeting or in an IEP team meeting is… the state department doesn't have any authority over that particular process because they do not know each specific, we don't know each specific child. It is left up to the district to hopefully consider the guidance that we have issued because the ultimate decision for placement or eligibility is made at that table. And it is more likely than not, a student who is truly an ELL struggling to learn a second language would in many cases be placed in special education."

Conflict over English-Only Laws

Two of the states that took part in this study had state laws that required students to be taught and assessed in English. Because of these state laws, a tension was created between meeting federal requirements of providing appropriate accommodations as needed for the assessment of students with disabilities and keeping all of the assessments in English. This created a challenge that was cited by both states in terms of assessing English language learners with disabilities. If one is to address both the student's disability and linguistic needs in an alternate assessment, for example, how does one do this when using the native language is not an option? While all students were included in assessments, not being able to use any first language accommodations produced an interesting challenge in both of these states. One policymaker pointed out that while these laws limited what they could do, they also noted that the English-only restriction simplified assessment guidelines:

> "So, development of tests in any other language is really not an option for [our state]. So, I think that this causes, you know, particular challenges that we're kind of limited in the amount of choices that we have. But, on the other hand, it kind of sets straight guidelines for us to develop more fair assessments for these students, but in English."

Meeting federal requirements to ensure that English language learners receive appropriate first language accommodations as needed was sometims in conflict with states' requirements for limiting the language of state tests to English only. This inconsistency between federal and state assessment policies had not been resolved at the time that we conducted this study. Both states were trying to provide the best accommodations possible for these students while keeping the language of the assessments in English. The resolution to this particular challenge might be one that is played out in the court system. However it is resolved, it is sure to have an impact on the assessment of English language learners with disabilities in these states and in others with similar laws.

Accommodations

A challenge cited by several policymakers was the appropriate use of accommodations for English language learners with disabilities. Since the vast majority of states participating in this study had separate accommodation policies for English language learners and students with disabilities, often a collaborative effort was needed in order to ensure that students were receiving the accommodations they needed that addressed both their linguistic and disability needs. In addition, policymakers questioned whether students were receiving the appropriate accommodations on the day of testing. Since English language learners with disabilities are required to participate in both content and language proficiency assessments, educators of these

students need to be aware of the accommodations listed in their IEPs. This includes subjects in which they receive these accommodations, whether these accommodations are allowed on certain assessments, and whether the accommodations affect the constructs being assessed. With all these aspects of accommodation policy to keep in mind, state-level policymakers expressed concern that educators were consistently making appropriate accommodation decisions at the local level:

> "I think that one of the major challenges is ensuring that what is written down on the IEP as far as accommodations are implemented at the time of testing."

> "And then the third thing [challenge] I think is the difficulty of really understanding and using accommodations appropriately for assessment."

The solution to this challenge that policymakers noted is for states to provide guidance to ensure that accommodation decisions are made as appropriately as possible. Policymakers from some states noted that tensions between state regulation of these matters and issues of local control created limits on what the state-level policymakers could do. As one ELL policymaker noted:

> "What school districts seem to be saying to us is that we do not have any clear guidelines of when to do what. To complicate matters, [our state] is very much a local control state. So the school districts very much do not want us saying you have to do this or that and be really prescriptive with them. But they want some guidelines. There is a lot of variability among what the various school districts do. What they have said to us, pretty much point blank, is that we are really struggling with this issue and we think we are going to need some guidance. We are really struggling with it too."

To this end, policymakers reported working on clarifying accommodations guidelines while trying not to overstep the bounds of their authority.

Disabilities and Language Proficiency Assessments

Title III of No Child Left Behind requires that states assess all of their English language learners to determine progress in their English language proficiency in the areas of reading, writing, listening, speaking, and comprehension. Policymakers from one state described unique challenges that arose when working to include all English language learners in the language proficiency exams they were developing. The assessment director in this state outlined the issues:

> "The second area that I see as presenting very key challenges on that, as I read the federal legislation we are required to assess students in terms of reading, writing, speaking and listening and comprehension in terms of the LEP area. Speaking and listening

raise some key issues about that. What is the role for a student with an impairment in which speech is not possible? What is the role of a listening assessment for a student for which hearing is not possible? There are very interesting issues being played out in a number of ways. When do you regard which kind of sign language as communication? You can make a difference between signed language and signed English, which are quite different? What is the appropriate speaking communication for LEP students with a speech impairment such that they sign in one form or another and what signed form should that be? And how in any way would we accommodate that in an appropriate testing program?"

In language proficiency exams, skills that are normally accommodated for on content area assessments are now the skills related directly to what is being assessed. For some of the questions, the answer seems simple, a student who is deaf would not take a listening test in English. How then does that student participate in the assessment of English language proficiency? How is that student accounted for in the accountability system? These are questions that states are working on answering as they build their language proficiency assessments and guidelines. They are also questions that point to the need for assessment guidelines that specifically address the needs of those students who are both English language learners and also have a disability.

In the same state, a policymaker working in special education discussed some of the solutions they had worked on in order to make the language proficiency assessments accessible to more students. One of the key features of the reading exam was that significant portions of the assessment were developed around pictures, a common practice used to assess the lowest levels of second language literacy. These pictures, however, posed a problem for students who had low vision:

"But, one thing that I thought was interesting was when I went into these meetings to look at, ok, visual accommodations, I also felt that the pictures were overly complex, cluttered, and that they would be definitely hard for any students, particularly the Learning Disabled to discriminate visually--and possibly hard for any LEP student. That was my feeling about them.

[…] But, the ones that I have seen this fall at the team meetings, I think they did do some streamlining of the pictures. I don't know that for a fact, but I had a feeling, I went to one of the team meetings that were held this fall, kind of giving an overview for local coordinators, and in looking at the sample packets, I had a feeling that the pictures were less cluttered than the ones I had seen several months earlier when we were looking at the Braille accommodations, the Braille issue."

The policymaker in this interview went on to explain that the streamlined pictures made the test more accessible to low vision students as well as for students who needed to have the test put into Braille. By changing the format of the visuals, the assessment was more universally designed, and hopefully accessible to more test takers.

Discussion

This study reports on the unique challenges that policymakers from 14 states identified as issues when assessing English language learners with disabilities. While some of the challenges are unique to certain states because of state laws or policies such as English-only laws, others are challenges for which many states are working to find solutions. The challenges reported by policymakers in this study included:

1) **Language barriers.** The challenges in assessing English language learners with disabilities most often cited related to the language barriers that assessments in English posed to this group of students. While policymakers acknowledged that the language of assessments was a concern they had for all English language learners, for those who also have disabilities figuring out how to accommodate their linguistic needs on top of accommodating their disability needs is an ongoing challenge. In addition, policymakers noted an ongoing concern that language barriers made appropriate referral to special education questionable for some students, while the language barrier masked possible disabilities for other students.

When providing students with first language accommodations, policymakers noted that not all English language learners are literate in their first language. For those who are not, accommodation issues can become even more complex. The issues surrounding the language barrier are not limited to the general assessment. How to use first language accommodations in alternate assessments is also an issue and ongoing challenge.

2) **Trained interpreters**. For many English language learners with disabilities, an interpreter may be needed to help administer the assessment. But, it is difficult to find interpreters for some rare second language groups. Finding an interpreter who is properly trained in both interpretation and working with students with disabilities is even more difficult. At this point in time, states do not have a solution for this challenge. Providing more guidance and training for interpreters working with assessments, as well as better guidelines concerning who can interpret statewide assessments are some ways policymakers reported that assessment interpretation can be improved.

3) **Alternate assessments.** One state in this study faced the challenge of deciding which portfolio assessment eligible English language learners with disabilities should participate in. The

solution for this state was to give precedence to special education in these circumstances while still ensuring that a student's linguistic needs were addressed.

4) **Who decides?** For English language learners with disabilities, many parties need to be at the table when decisions about statewide testing participation and accommodations are made. The combination of different sets of guidelines for English language learners and students with disabilities can make this a complicated process. Educators need to take special care to ensure that these students are receiving appropriate accommodations for the assessment of students with disabilities on all of the assessments that they take, on both content and language proficiency assessments as well as on both alternate and general assessments. Communication between a student's English language, special education, and content area teachers is key.

5) **English only laws and language accommodations.** Two states in this study cited the tension between state laws that required assessments to be in English and federal laws that required appropriate accommodations as needed for students with disabilities as being a unique challenge to assessing English language learners with disabilities. While these states have kept their assessments in English, seemingly conflicting aspects of the laws have yet to be resolved.

6) **Accommodations.** Some of the challenges identified when making accommodation decisions for English language learners with disabilities include making sure students receive all of the accommodations needed when most often there are two separate accommodations policies for English language learners and students with disabilities, ensuring that accommodations match those that the student is familiar with, and making sure the accommodations do not affect the construct that is being tested. States are responding to these challenges by clarifying their policies and guidelines for accommodations. Few states have guidelines that address the specific needs of students who are both English language learners and also have a disability. Due to the balance between local control of schools and state level needs for consistency in assessments, state educational agencies see their role as providing guidance to help local agencies make informed accommodation decisions. Yet, state policymakers are not sure that these decisions are being made in a consistent manner at the local level.

7) **Students with disabilities taking English language proficiency assessments.** As states implement new statewide language proficiency assessments in accordance with the requirements of Title III, they are encountering new questions of how to accommodate students with disabilities when assessing skills such as listening and speaking. Tests that are more universally designed to allow greater access and to be more amenable to accommodations may provide a solution to some of these issues.

Some of the challenges that state policymakers identified in this study have been addressed, while others remain issues of great concern. These challenges should not be seen as reasons to not include English language learners with disabilities in statewide accountability systems.

Rather, this report is a first step at identifying and addressing some of the issues related to the appropriate assessment of these students. English language learners with disabilities face multiple challenges in accessing standards-based curricula. It is because of this that educators and policymakers need to pay special attention to the needs of these students in order to ensure that they are learning to their maximum potential. By identifying the unique challenges that educators face when assessing these students, states can learn from each other what issues need to be addressed and work together to find solutions.

References

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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? (acc, alt 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

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

Assessment decision-making

1. How are assessment decisions made at the local level for *LEP/IEP students*?
2. 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

1. How are the assessment results for *LEP/IEP students* used for *system* accountability?
2. 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

1. What procedures are in place to ensure that *LEP/IEP students* are assessed appropriately on state-wide tests? *{Does Sped monitor? Does ESL?}*

Communication to families

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

   Possible follow-up questions:

   a. Translations? Explanations, etc.?

Public reporting

1. 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?
2. How is the participation and performance of LEP/IEP students reported publicly?

   Possible follow-up questions:

   a. At the school/district level