Descriptive Study of State Assessment Policies for Accommodating English Language Learners

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The mission of The George Washington University Center for Equity and Excellence in Education (GW-CEEE) is to advance education reform so all students achieve to high standards. GW-CEEE conducts policy and applied research, designs and implements program evaluations, and provides professional development and technical assistance. The Center's clients include state education agencies, school districts, schools, foundations and federal agencies.

For over a decade, GW-CEEE has conducted research on the inclusion and accommodation of English language learners (ELLs) in high stakes testing, including periodic reviews of state assessment policies for ELLs. GW-CEEE is currently conducting an applied research project with support from the Bill & Melinda Gates Foundation to study the academic language demands of ELLs in middle and high schools. GW-CEEE also provides technical assistance and conducts professional development for clients in states, districts, and schools. With funding from the U.S. Department of Education, GW-CEEE operates the Mid-Atlantic Comprehensive Center (MACC) and the Mid-Atlantic Equity Assistance Center, both of which provide technical assistance to states in the Mid-Atlantic region.

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As part of Partnership meetings, external assessment experts are made available to states to discuss the quality of the assessment process for English language learners (ELLs) and to examine how state assessments can be made more accessible to ELLs. This particular project grew out of discussions with state education agency staff including assessment, Title I, and III directors who had concerns about selecting and using accommodations for ELLs.

Identifying accommodations for ELLs that meet requirements of both effectiveness and validity is a challenging task. In the absence of a strong research base, ED charged The George Washington University Center for Equity and Excellence in Education (GW-CEEE) to develop a *Guide for Refining State Assessment Policies for Accommodating ELLs*. To prepare the foundation for the Guide, GW-CEEE conducted two studies, a Descriptive study of state polices and a Delphi study of practice.

We are grateful for the collaboration among ED offices that believed it was important to fund work in this area. In particular we would like to thank Ray Simon, Deputy Secretary, Kathryn Doherty, Special Assistant Office of the Deputy Secretary, Richard Smith, Acting Director for the Office of English Language Acquisition (OELA), Jenelle Leonard, Director, School Support and Technology Programs, and Fran Walter, Group Leader, Technical Assistance Programs.

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Table of Contents

List of Tables

List of Figures

Executive Summary

The Descriptive Study examines state assessment policies for accommodating English language learners (ELLs) in the 50 U.S. states and the District of Columbia. Qualitative and quantitative methods were used to address the following research questions:

- To what extent are state assessment policies responsive to ELLs' unique linguistic needs?
- To what extent are state policies guiding decision making and monitoring practices?
- What are the most frequently allowed ELL-responsive accommodations and to what extent are these accommodations research based?
- In what ways have state assessment policies for accommodating ELLs changed since the inception of NCLB?

When taking assessments, English-proficient students apply automatized language processing skills and knowledge of academic English to focus on test content. In contrast, for students who are still in the process of acquiring English, a content test in English is likely to introduce construct-irrelevant variance which may impede the student from being able to demonstrate what he/she knows and can do (Abedi, 2005; Kopriva, 2008; LaCelle-Peterson & Rivera, 1994; Rivera, Collum, Shafer Willner, & Sia Jr., 2006).

An accommodation for ELLs involves changes to testing procedures, testing materials, or the testing situation in order to allow students meaningful participation in an assessment. Effective accommodations for ELLs address the unique linguistic and socio-cultural needs of the student without altering the test construct. Accommodated scores should be sufficiently equivalent in scale that they can be pooled with unaccommodated scores.

From July through December 2007, the research team collected electronic editions of the 2006-07 State Education Agency (SEA) assessment policies for the 50 states and the District of Columbia, and identified relevant sections related to the accommodation of ELLs. The research team conducted 30-60 minute verification phone calls with 48 of the 51 SEA Assessment and Title III staff to verify their policy document(s) and gain their input.

Accommodations in state polices were counted and examined for ELL-responsiveness. An ELL-responsive accommodation was operationalized as one that is likely to *reduce construct-irrelevant variance due to language.* Applying the operational definition, the research team distinguished ELL-responsive accommodations from non-ELL-responsive accommodations and grouped the latter into one of three categories: (a) accommodations designed for students with disabilities; (b) test administration practices or adjustments, such as small group administration, that can support the administration of an accommodation; and (c) qualifications and activities that prepare students and staff for test administration.

The research team organized ELL-responsive accommodations according to Rivera et al.'s (2006) taxonomy of direct and indirect linguistic support and by the language of the assessment (i.e., English or native language) for which they were intended. The team also counted the accommodations in each state policy by the content assessment for which they were specified.

To investigate the extent to which accommodations were responsive to the needs of ELLs, the research team identified indicators in the policies to quantify the extent to which a state assessment policy was ELL-responsive. The research team codified if state policy guidance to districts included; (1) criteria for selecting accommodations for ELLs; (2) requirements for using accommodation prior to testing; and/or (3) criteria for monitoring the accommodations provided. Finally, to assess the extent to which state policies for accommodating ELLs had changed between 2000-01 and 2006-07, the research team compared data for the two points in time.

To answer research question one, *to what extent are state assessment policies responsive to ELLs' unique linguistic needs*, the following areas were examined: (1) the distribution of accommodations within and across state policies, (2) indicators of ELL-responsiveness within state policies, and (3) the extent to which the policies for accommodating ELLs were based on policies designed for students with disabilities.

More than half (64 of 104) of the accommodations allowed across all 51 state policies did not meet the criteria for ELL-responsiveness. The range in the number (2 to 57) of ELL-responsive accommodations suggests different understandings among states about which accommodations are ELL-responsive. While many state policies are responsive to the linguistic needs of ELLs, there are some states' policies that are more ELL-responsive than others. Lastly, a regression analyses indicated that the more accommodations a state includes in its policy, the less likely the policy is ELL-responsive.

To examine the second research question, *the extent to which state policies guide decision making and monitoring practices*, the research team investigated in policies the criteria or guidance provided to local decision makers to assign accommodations to ELLs. A few state policies include criteria or guidance for assigning specific kinds of accommodations to ELLs with specific background characteristics, particularly for translated or dual language tests or for tests that are sight translated. However, the majority of states provide little or no guidance to assist decision makers in matching accommodations to student background characteristics.

With regard to monitoring accommodation decisions, two-third of the state policies (34 of 51) include a requirement to monitor the accommodation decision making process. Some policies require data to be collected and maintained at the local level. Other policies require the decision to accommodate to be tracked and reported to the state. About a third of states require tracking of the specific accommodations administered. It is unclear from the state policies in what ways or to what extent these data are used by the state to make improvements to policy and/or practice.

The third research question examined the most frequently allowed ELL-responsive accommodations and the extent to which these accommodations were research based. Two-thirds of state policies specify the content areas for which all accommodations for ELLs are intended, while just under one-third of state policies specify the content area for some, but not all accommodations. Only three state policies do not specify a content area for any accommodation. Most states appear to use the same accommodations allowed for mathematics assessments for reading/language arts. Of the states policies that specify the content for which the accommodation is appropriate, all but two specify an equal or greater number for mathematics

than for reading/language arts assessments. Only three state assessment policies allow more accommodations for reading/language arts than for mathematics.

The three accommodations most frequently allowed for both content assessments consist of (1) *allow extended time*, (2) *provide commercial word-to-word dual language dictionary*, and (3) *read test items*. *Allow extended time* and *provide commercial word-to-word dual language dictionary* are about equally frequent for both kinds of assessments (allowed in about three quarters of states); the third accommodation, *read aloud test items*, is somewhat less common for reading/language arts (about half of states) than for mathematics assessments (about three quarters of states).

Accommodations for test directions are more common than support for test items in both content areas. However, more accommodations related to test items are allowed for mathematics (about one-third or fewer states) than for reading/language arts assessments (about one-sixth or fewer states). Of the accommodations with a research base, only two of the eight are *allow*ed in a majority of state policies. This finding suggests that many state assessment policies for ELLs have not yet been updated to reflect current understanding from the limited research on accommodations for ELLs.

Finally, to examine *the ways in which state assessment policies for accommodating ELLs have changed since the inception of NCLB* data were compared for 2000-01 and 2006-07 state assessment policies. While progress was found to be uneven across states, overall the analysis suggests that progress has been made since 2000-01 in the extent to which state assessment policies focus on the needs of ELLs.

The average percent of ELL-responsive accommodations allowed by states rose by approximately 40%. Many states also began to *allow* more support for test *items* in addition to support for test *directions.* Several states also reduced reliance on a disabilities taxonomy to categorize accommodations (presentation, response, timing/scheduling, setting) and/or on the use of combined lists of accommodations for ELLs and students with disabilities. Yet a core group of states (15) continued to use a disabilities taxonomy to frame assessment policy for ELLs.

In summary, more progress needs to be made to effectively support ELLs' taking state assessments. Most state policies have extended the selection of ELL-responsive accommodations and distinguished accommodations for ELLs from those for students with disabilities. In addition, most states now allow more direct linguistic support for test items in addition to support for test directions. Some states have demonstrated more sophisticated approaches to accommodating ELLs by considering the varying needs of students across a range of background variables, and some states have developed strategies for monitoring the implementation of accommodations so that data can be collected and analyzed to improve future policy and practice. Recommendations emanating from the study for SEAs to improve written state assessment policies include refining the state assessment policy design, systematically selecting ELL-responsive accommodations, and improving the overall quality of accommodations. SEAs should assess state policy on an annual basis to ensure the accommodations and overall policy meet the standard of ELL-responsiveness.

Introduction

In 2006, the Government Accountability Office (GAO) conducted a study of the U.S. Department of Education's (ED)'s efforts to support states in meeting the No Child Left Behind Act (NCLB) (Ashby, 2006). The study found the requirement to include all students, including English language learners (ELLs) in standards and assessment systems, a continuing challenge for states. The GAO report concluded that states needed more knowledge about how to assess ELLs' academic achievement and recommended that ED provide direct assistance to states. In response, ED established the LEP Partnership. Through the partnership, state representatives working on issues of assessment and accountability are convened. These sessions provide a forum through which ED and the states can address questions and issues, receive expert guidance, and learn from one another regarding the assessment of Limited English Proficient (LEP) students, or ELLs as they are referred to throughout this paper.

At the first LEP Partnership meeting in October 2006, state education agency (SEA) staff concurred that it would be beneficial to collaborate in the refinement of state assessment policies addressing the accommodation of ELLs in state content assessments. In response to this recommendation, ED charged The George Washington University Center for Equity and Excellence in Education (GW-CEEE) to develop a Guide for SEAs to use to improve state policies for accommodating ELLs. As a foundation for developing the Guide, this study of state assessment policies examined the number and types of accommodations specified for ELLs. It provides an in depth analysis of the extent to which state assessment policies address the accommodation of ELLs.

The following review of literature provides background on the ELL student population shift and ongoing gaps in student achievement which have widened and deepened the challenges faced by US educators. It offers an overview of the legislative mandates for the inclusion and accommodation of ELLs in state assessments and the supporting policy research examining state policies for including and accommodating ELLs. It concludes with an overview of the research base on specific accommodations, research on the assignment of accommodations for particular content assessments, and research on guidance for monitoring the accommodation of ELLs.

Review of literature

The rapid increase of ELLs in U.S. schools poses a challenge to educators at all levels of the system. Between 1995 and 2005, ELLs grew by 57% in contrast with 3.7% growth for the entire student population (NCELA, 2007). While over 70% of ELLs are located in five states (CA, TX, NY, FL, IL), the number of ELLs in states not previously impacted also rose substantially (Batalova, Fix, & Murray, 2007; Cosentino de Cohen, Deterding, & Chu Clewell, 2005). For example, many states in the southeast and Appalachian region (AL, GA, KY, NC, SC, TN, VA), the middle of the country (AK, CO, IN, NE), and New England (NH) experienced growth rates of over 200% between 1995 and 2005 (NCELA, 2007).

In addition, as the number of ELLs increases nationwide, the gap in ELL and non-ELL achievement impacts more states, districts, and schools. A recent study compared NAEP and trends on state assessment achievement. While NAEP and state assessments are not perfectly

aligned, McLaughlin, Bandeira de Mello, Blankenship, Chaney, Esra, Hikawa, Rojas, William, & Wolman (2008) were able to examine trends in the two data sets, demonstrating a correlation between gains measured by NAEP and most state assessments for mathematics and reading. The researchers also found a considerable gap in the achievement trends of ELLs versus non-ELLs between 2000 and 2003 for NAEP and state assessments (McLaughlin et al., 2008a; McLaughlin et al., 2008b). Since 2003, the achievement gap has not improved in any significant way. Although ELL achievement in mathematics on NAEP was higher in 2007 than in prior years, the gap in ELL and non-ELL achievement persists. For reading, the gap between ELLs and non-ELLs persists and is greater than in mathematics (National Center for Education Statistics, 2008).

Inclusion of ELLs in state assessments

Intended to redress educational inequality, the 1965 Elementary and Secondary Education Act (ESEA) is reauthorized every five-to-seven years. In the 1990s the Improving America's Schools Act (IASA) created a paradigm shift which required educators to create aligned standards and assessments that would apply to all students. This evolution in education policy resulted in the use of criterion-referenced tests to measure academic achievement against performance standards for all students, including ELLs.

IASA stipulated that states "provide for . . . the inclusion of *limited English proficient students* who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do, to determine such students' mastery of skills in subjects other than English" (U.S. Congress, 1994, Section 1111 [b][3][F][iii]). NCLB supports the same schema, adding the clarification that ELLs should be eligible for other assessments "until such students have achieved English language proficiency" (U.S. Congress, 2002, Section 1111 [3][C] [ix][III]).

In terms of frequency of testing, IASA required states to adopt "a set of high-quality, yearly student assessments…in at least mathematics and reading or language arts." These assessments were to be administered "at some time" during grade spans: 3–5, 6–9, and 10–12 (U.S. Congress, 1994, Sec. 1111[b][3][D][i–iii]). States were to begin testing students annually no more than two years from the year the legislation was enacted, i.e., by school year 1996.

In 2001 NCLB strengthened the IASA provisions by putting in place stricter timelines and more specific requirements for demonstrating progress (Koenig & Bachman, 2004). The law specifies that the academic proficiency of all students, including ELLs, be assessed in reading/language arts and mathematics "not less than once" during grade spans 3–5, 6–8, and 10–12, and, by school year 2007–2008, in science "not less than once" during the same grade spans (U.S. Congress, 2002, Section 1111 [3][C][I-II]).

Provisions for accommodating ELLs, as outlined in both IASA and NCLB are one tool for leveling the playing field for ELLs required to take state content assessments. In both IASA and NCLB the role of testing accommodations are the same and this role is most recently described in non-regulatory guidance.

> Under Title I of the ESEA, States must include LEP students in their assessments of academic achievement in reading/language arts and mathematics, and must provide LEP students with appropriate accommodations including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what LEP students know and can do in the academic content areas until they have achieved English language proficiency (U.S. Department of Education, 2006, p. 3).

What is an accommodation?

An accommodation for ELLs involves changes to testing procedures, testing materials, or the testing situation in order to allow students meaningful participation in an assessment. Effective accommodations for ELLs address the unique linguistic and socio-cultural needs of the student without altering the test construct. Accommodated scores should be sufficiently equivalent in scale that they can be pooled with unaccommodated scores. That is, an accommodation cannot alter the construct being assessed or provide undue assistance in responding to a test item (Elliott, Kratochwill, & Schulte, 1998; Sireci, Li, & Scarpati, 2003) as well as must also meet standards of validity and reliability established in the *Standards for Educational and Psychological Testing* (American Educational Research Association, American Psychological Association, & National Council on Measurement in Education, 1999).

When taking assessments, English-proficient students apply automatized language processing skills and knowledge of academic English to focus on test content. In contrast, for students who are still in the process of acquiring English, a content test in English is likely to introduce construct-irrelevant variance which may impede the student from being able to demonstrate what he/she knows and can do (Abedi, 2005; Kopriva, 2008; LaCelle-Peterson & Rivera, 1994; Rivera et al., 2006).

Reviews of state assessment policies

Prior to IASA, state assessment policies were unlikely to address the inclusion and/or accommodation of ELLs in state content assessments. With the reauthorization of ESEA, first as IASA in 1995 and then NCLB in 2001, state departments of education (SEAs), faced with the need to include ELLs in content assessments, began to focus on how to accommodate ELLs. A number of researchers have documented this change through the collection and examination of state policies at various points in time.

Focus on inclusion

O'Malley and Pierce (1994) surveyed 31 states in the eastern half of the U.S. and the District of Columbia, Puerto Rico, and the U.S. Virgin Islands to learn which assessment policies states were using to determine the participation of ELLs in statewide testing programs. The researchers found that 23 of 34 SEAs surveyed required the participation of ELLs in state assessments, although most allowed temporary exemptions. Similarly, Lara and August (1996) surveyed SEAs on a variety of key components of standards reform, including the development of state content and performance standards, and state assessments. Similar to O'Malley and Pierce, Lara and August found that states had not specifically addressed how ELLs were to be incorporated into state assessments. In fact, the majority of states providing state assessment

performance data for the study (35 of 43) reported exempting ELLs from district and state tests. The Council of Chief State School Officers (CCSSO) conducted an annual survey from 1992 through 2003 to examine the subject areas, types, and grade levels of assessments administered in state assessments. The reports on the survey included a summary report by state and a status report that addressed the inclusion and accommodation of students with "special needs", a term commonly used to refer to ELLs and students with disabilities. For example, the 1996 CCSSO report on students with special needs reported that 36 states allowed ELLs to be excluded from testing because "the student did not know enough English to successfully complete the exam" (p. 18). However, because of the focus on inclusion and because states had not fully responded to questions related to the accommodation of ELLs, the report did not present a full picture of the accommodations *allowed* to ELLs. The 1996 review reported that seven states included ELLs in state assessments without accommodations and that 25 states *allowed* accommodations. In total, 14 accommodations were identified in state policies. Of the 17 state policies that described specific accommodations, nearly half permitted ELLs multiple/extra testing sessions, simplification of directions, and use of dictionaries. Four states allowed ELL accommodations in languages other than English. Other accommodations allowed included large print, Braille/Sign language, and an alternative test (Bond, Roeber, & Braskamp, 1997, pp. 18-20).

To collect data on ELL participation in state assessments Rivera, Vincent, Hafner, and LaCelle-Peterson (1997) augmented the CCSSO survey. The researchers found that, of the 48 states with statewide assessment programs, 44 reported allowing exemptions for ELLs on one or more assessments. Findings indicated that policies for testing ELLs often were inconsistent within and across states. For example, some states' policies both allowed ELLs to be exempted from state assessments and to take some state assessments with modifications (a term states often used synonymously for accommodations). Rivera et al. (1997) found that fewer than half of the states allowed accommodations for ELLs, with extended time being the most frequently allowed (22 states). The researchers concluded that more research was needed to investigate specific accommodations, their effectiveness, and implications for use with ELLs at varying levels of English language proficiency.

In summary, the intent of the early policy studies was to document the extent to which ELLs were being included in state testing programs. As it became evident that states were including ELLs in assessment programs, the focus of the policy studies expanded to also assess accommodations offered to ELLs.

Focus on inclusion and accommodations

Rivera, Stansfield, Scialdone, and Sharkey's (2000) review of 1998–99 state assessment policies was the first study to examine state policies as a primary source, rather than using state directors' self-report of the use of accommodations for ELLs. Using this approach, the researchers found great variability in state practices with 47 of 51 addressing the inclusion and/or exemption of ELLs in state assessment programs. A majority of state policies (21) set a three-year limit on exemption from testing for ELLs, while 11 set a two-year limit. Criteria for including and/or exempting ELLs from testing most commonly were measures of English language proficiency, not measures and/or criteria related to the student's academic performance. Forty state policies addressed the accommodation of ELLs, 37 states allowed accommodations and three states

prohibited all accommodations. The researchers noted that the majority of accommodations in state policies were categorized as *timing/scheduling* and *setting* practices. These categories are commonly used to classify accommodations for students with disabilities and when applied to accommodations for ELLs the researchers found that a large number of the accommodations allowed were not supportive of ELLs' linguistic needs. With the requirement to report disaggregated test scores the focus in studies documenting state assessment policies, shifted from examining the inclusion of ELLs in state assessments to investigating the types of accommodations allowed ELLs in state assessments.

In a review of 2000-01 state policies Rivera, Collum, Shafer Willner, and Sia's (2006) found that assessment policies often made little, if any, distinction between accommodations for ELLs and those appropriate for students with disabilities. Only 44 of the 75 accommodations identified in state policy were considered by the research team to be ELL-responsive. The remaining 31 included accommodations such as Braille and special lighting conditions, appropriate only for students with disabilities. To distinguish between accommodations appropriate for ELLs and students with disabilities, Rivera et al. (2006) developed an ELL-responsive taxonomy. Categories of accommodations within this taxonomy include *direct linguist support* and *indirect linguistic support.* Direct linguistic support accommodations involve adjustments to the *language* of the test. Indirect linguistic support accommodations involve adjustments to the *conditions* under which an ELL takes an assessment (p. 48). By applying the new taxonomy, the researchers found that a majority of the accommodations offered in state policies were not ELL-responsive -- i.e., did not provide assistance in overcoming the linguistic barriers that prevent ELLs from demonstrating what they know and can do on academic assessments.

Recent reviews of state policy have examined the degree to which 2006-07 accommodations were responsive to ELL needs. The Education Commission of the States (ECS) review of state policies used the Rivera et al.'s (2006) ELL-responsive taxonomy or framework to classify and examine accommodations offered in state assessments at the high school level. Like Rivera et al. (2006), these researchers noted that many accommodations allowed by states did not address the linguistic needs of ELLs (Colasanti, 2007). In contrast, Kim Wolf, Kao, Herman, Bachman, Bailey, Bachman, Farnsworth, and Chan (2008) concluded that state policies were more ELL-responsive than in prior years since 41 of 50 of the 2006-07 state policies they reviewed contained separate lists of accommodations for ELLs and students with disabilities (or contained notations within the policy list of the exact accommodations that were intended for ELLs). Kim Wolf et al. (2008) provide estimates of the most-frequently allowed accommodations for ELLs within state policies. However, the researchers did not classify accommodations in relation to ELLs' linguistic needs.

These studies not only provide insight into the inclusion and accommodation of ELLs, they also highlight other issues and raise questions that are addressed outside of surveys and state assessment policy analysis. These include the following: (1) to what extent are accommodations allowed in state policies research-based? (2) To what extent are accommodations in state polices specified according to content assessed? (3) What guidance is provided through state assessment policies and other means to help educators make good judgments about which accommodations to offer individual students? (4) Considering that accommodations are commonly offered, what

practices are in place to monitor the implementation of the quality of the assessment process for ELLs? The available literature related to these issues is reviewed next.

Research on specific accommodations

To date, the number of studies of accommodations provided to ELLs is sparse in comparison to similar studies for students with disabilities. For example, Francis, Rivera, Lesaux, Kieffer (2006) identified 11 empirical studies conducted between 1999 and 2005, and Pennock-Roman and Rivera (2007) identified two additional experimental studies for a total of 13 studies conducted between 1990 and 2007. This is in contrast to the number of studies of accommodations conducted to address students with disabilities. In a one-year period from 2005 to 2006, researchers conducted 32 experimental studies (Zenisky & Sireci, 2007, p. 4).

The two meta-analyses carried out by Francis et al., (2006) and Pennock-Roman and Rivera (2007) identified in total 13 experimental studies investigating eight accommodations. Accommodations studied included English and dual language dictionaries and glossaries, plain English tests, side-by-side dual language tests, translated (Spanish) tests, and extended time. In their meta-analysis, Francis et al. (2006) concluded that many of the accommodations had little to no consistent effect, and none was sufficient to "level the playing field" for ELLs. Only English language dictionaries had a consistent and significant overall positive effect across studies. The use of translated (Spanish) tests and dual language word-to-word dictionaries also were found to be effective in some studies, although outcomes varied. The researchers cautioned that dictionaries are appropriate only if students are familiar with how to use them and concluded that, to benefit from translated assessments, students need to have received recent instruction in the content tested.

By refining the unit of analysis to account for student English language proficiency level and controlling for time restrictions on tests, Pennock-Roman and Rivera's (2007) meta-analysis identified six accommodations with positive effects for ELLs at different levels of English language proficiency. Effective direct linguistic support accommodations included pop-up English language dictionaries/glossaries, side-by-side dual language (Spanish-English) tests, and English dictionaries/glossaries. At lower English language proficiency levels and for students who received Spanish instruction in the content assessed, translated (Spanish) assessments were found to be effective. For students at intermediate levels of English language proficiency instructed in English, a plain English version of the test was found to be effective. Of the two indirect linguistic support accommodations studied - extended time and small group administration - only extended time had a significant effect. Extended time was found to be somewhat effective alone, but more effective in combination with a direct linguistic support accommodation (e.g., a dictionary or glossary).

Although these studies offer some insight into potentially effective accommodations for ELLs, the researchers advise that the research is insufficient and should be interpreted cautiously. Another limitation of the research is the fact that the majority of the experimental studies of accommodations used repurposed items from the National Assessment of Educational Progress (NAEP), not operational or field test items from state assessments. These studies; (1) varied in how the same accommodation was constructed and administered; (2) varied in the ages and

grade levels administered; and (3) varied in the extent to which student background variables such as level of English language proficiency were controlled.

Considering the limited research base, there is significant need for more research on accommodations for ELLs to be able to make generalizations about the effectiveness of specific accommodations in state assessments. More types of ELL-responsive accommodations need to be investigated and replication studies conducted.

Research on accommodations designated for specific content assessments

Designation of accommodations in state policies by content area assessed provides clarity to the policy and helps the accommodation decision maker to consider the appropriateness of the accommodation for a particular student. Moreover, this type of specificity forces the writers of state policy to carefully consider the impact of the accommodation on the validity of the test. For example, for a test of reading comprehension, it would be inappropriate to read aloud the reading passage, but not the test questions, whereas for mathematics, since it is not a test of reading, it could be appropriate to read aloud the stimulus and test items.

While the early state policy reviews counted the most frequently allowed accommodations for ELLs (e.g., Bond et al., 1996; Rivera et al., 1997), it is not until the later reviews (Rivera et al., 2000; Rivera et al., 2006) that state policies were examined to assess if accommodations were designated for use for *some* or *all* of the state content assessments. The Rivera et al. (2000) and Rivera et al. (2006) reviews found that state assessment policies were inconsistent in identifying the content of the test for specific accommodations. The authors concluded that this topic needed to continue to be addressed in greater specificity in state assessment policies.

Research on guidance for assigning accommodations

ELLs are heterogeneous, varying not only in home language but in culture, education, and socio-economic background. When decision makers select accommodations, the heterogeneity of the population presents a complex puzzle. Research suggests some factors that need consideration when selecting accommodations for individual students. These include level of English language proficiency, level of literacy in English and the home language, age, continuous years of formal schooling, language(s) of instruction, and type(s) of language support program (Abedi, 2004; Martiniello, 2007; Solano-Flores, 2006; Solano-Flores & Trumbull, 2008). For example, language of instruction is a factor in whether ELLs can benefit from accommodations in either English or in their native language (Hofstetter, 2003; Kopriva, 2008; Pennock-Roman & Rivera, 2007). Francis and his colleagues' (2006) meta-analysis of research on accommodations for ELLs found that students' level of oral and written English (and native) language proficiency impacted the effect size of some accommodations, in particular, customized English dictionaries or glossaries, bilingual dictionaries or glossaries, and native language test booklets. The authors concluded that "the choice of bilingual or native language assessments as an accommodation for ELLs must take into account the students' oral proficiency and literacy in their native language, as well as the language in which they have been instructed" (p. 28).

Both the 2000 Rivera et al. and the 2006 Rivera et al. studies examined the degree to which state policies included criteria for including and selecting accommodations for ELLs with diverse

background characteristics. For both studies, the researchers found criteria related to language to be the most frequently designated. The policies of 27 states listed at least one language-related criterion, usually English language proficiency. Less common criteria for including and accommodating ELLs (identified in five or fewer state policies) included student's native language proficiency, language program placement, primary language of instruction, time in U.S./English speaking schools, time in the state's schools, academic background in home language, performance on other test(s), parent/guardian's opinion or permission, and teacher observation/recommendation.

Kopriva, Emick, Hipolito-Delgado, and Cameron (2007) studied the effectiveness of accommodations based on three student background variables; English language proficiency level, literacy in the student's native language and in English, and prior schooling. The researchers found that ELLs assigned accommodations matched to their linguistic needs scored higher than ELLs with "incomplete" accommodations (i.e. assigned without regard to student background characteristics), or ELLs not provided with accommodations.

As documented in the various studies, while some state assessment polices include criteria or guidance for decision makers, it is not universal. The limited research on the effects of specific accommodations, also suggests the need for additional guidance or criteria for decision makers. The Kopriva et al. (2007) and Pennock-Roman and Rivera (2007) research adds another consideration: To what extent can accommodations be mapped to student background such as level of English and native language proficiency?

Due to the scant research base and to the pressing need for guidance regarding the accommodation of ELLs on SEA academic content assessments, a parallel study was conducted in tandem with the descriptive study. In the *Best practices in state assessment policies for accommodating English language learners: A Delphi study*, Acosta, Rivera, and Shafer Willner (2008) applied a Delphi technique (Linstone, 2002) to the list of accommodations identified in the Descriptive Study. To obtain group consensus an expert panel consisting of nationally recognized researchers and state and local practitioners and policy makers was formed. Members of the panel were selected to represent a variety of areas of expertise as well as a range of perspectives (e.g., language testing, linguistics, second language acquisition, policy and practice in the areas of assessment, accommodations and instruction of ELLs). The resulting list of accommodations was mapped to students' English language proficiency level. The expert panel also worked with the research team to refine an operational definition of an ELL-responsive accommodation.

As a result of their analysis, the expert panel recommended that states standardize accommodations allowed in state policies. In the view of the panel nonstandardized/unscripted accommodations carry the risk that a test administrator could either provide undue assistance with the test construct, or conversely, inadvertently hinder students from understanding the item as it was intended. For example, unscripted oral clarification and sight translation accommodations may lead to variations in test administration.

In addition, the expert panel questioned the common stipulation that students should always have received a particular accommodation in the classroom prior to allowing it as an accommodation

on a test. The stipulation for prior use of the accommodation was considered important for some accommodations, such as dictionaries, but not as important for other accommodations such as plain English, read-alouds, audiotape/CDs, and scribed response in English or the native language. In addition, the panel also identified a number of timing/scheduling and setting practices previously identified as indirect linguistic support accommodations that were considered not ELL-responsive and unlikely to support students' access to the content of the test. In line with how some states categorize these procedures, the expert panel recommended these be treated as test administration practices rather than as accommodations.

Research on monitoring the use of accommodations

The *Standards for Educational and Psychological Testing* (AERA et al., 1999, Chapter 5) recommends monitoring the use of accommodations as part of the process of ensuring the quality of test administration. To date no study of state assessment policies addresses the practice of monitoring the testing process for ELLs by requiring tracking of accommodations offered to individual students and accommodations actually used by students.

Monitoring the implementation of accommodations is examined indirectly in two recent NAEP studies of accommodation practices. Nearly half of school-based decision makers participating in a study of the 2005 NAEP reported that ELLs without an IEP were not assigned accommodations (Shafer Willner, Rivera, & Acosta, 2007). Moreover school-based decision makers reported that the decision to accommodate ELLs was made on the basis of expediency and availability of resources rather than student needs (Stancavage, Makris, & Rice, 2007).

In sum, accommodations for ELLs included in state assessment policies have been influenced by ESEA and the history of providing accommodations as a strategy to support students with disabilities. The research suggests a need for state assessment policies to include accommodations responsive to the needs of ELLs and to distinguish them from accommodations provided to students with disabilities.

The available literature indicates that there is limited research on specific accommodations commonly provided to ELLs. The dearth of research calls attention to the need to study ELL-responsive accommodations and for policy makers to consider those that have been studied when designing assessment/accommodation policies. The literature also highlights the need for criteria to guide the assignment of accommodations based on specific ELL student background characteristics. It suggests the need for states to develop guidance to monitor the implementation of the assessment process for ELLs. The research questions guiding the analysis of 2006-07 state assessment policies are informed by these considerations.

Method

This descriptive analysis applies qualitative and quantitative methods to analyze state assessment policy documents related to the accommodation of ELLs. The specific research questions guiding the study follow.

- To what extent are state assessment policies responsive to ELLs' unique linguistic needs?
- To what extent are state policies guiding decision making and monitoring practices?
- What are the most frequently allowed ELL-responsive accommodations and to what extent are these accommodations research based?
- In what ways have state assessment policies for accommodating ELLs changed since the inception of NCLB?

From July through December 2007, the research team collected electronic versions of the 2006-07 SEA assessment policies for the 50 states and the District of Columbia and identified relevant sections related to the accommodation of ELLs. To identify the Web pages on which the SEA assessment policies were located, the research team cross-referenced the links to state assessment policies for ELLs on three publicly available Web sites, the Education Commission (ECS) of the States (2007), the Mid-Continent Comprehensive Center (2007), and the National Center on Educational Outcomes (2006). Web searches were also conducted by the research team to identify additional relevant state policy documents available on each state's Web site. Once all pertinent documents were located, the research team conducted 30-60 minute verification phone calls with designated SEA Assessment and Title III staff from each state to gain their input, and verify that the correct policy document(s) had been identified. Calls were made to 48 of the 51 SEAs (all except HI, MS, and NM) to verify that the research team had the most up-to-date state assessment policy. As appropriate, updates were made to the data.

To count and compare accommodations across the 51 state assessment policies, the description of accommodations in each state policy needed to be equivalent. Yet in reviewing the language of the accommodations allowed to ELLs in state policies, the research team found wide variation in the level of detail provided to describe accommodations. Accommodations listed separately by some states were listed as a single combined accommodation in other states. Therefore to assure a consistent level of detail the description of each accommodation was standardized.

Once accommodations were counted, the description of each accommodation was clarified and standardized. The updated elements include (a) the part of the test to which the accommodation applied (e.g., test directions vs. test items); (b) the manner in which the language of the test was adjusted (e.g., simplified, clarified, translated, defined, etc.); and (c) used an active verb to describe how the accommodation should be administered (e.g., *provide commercial word-to-word dictionary*; *allow extended time*). In addition, adjustments were made so that each description addressed a single accommodation only.

Included in the count of accommodations for ELLs were accommodations described in state assessment policies as available to ELLs and accommodations available to all students. Four state policies (AZ, CA, PA, and TN) included a list of accommodations for all students as well as

a more specific list of accommodations for ELLs; almost without exception, the accommodations for all students found in four states' policies pertained to scheduling/setting guidelines. A fifth state policy, Oregon, noted that, except as specified, all accommodations applied to all students. In summary, accommodations for all students were included in the five states' overall count of accommodations allowed to ELLs.

Accommodations were examined for ELL-responsiveness. Rivera et al.'s (2006) concept of an ELL-responsive accommodation was augmented and operationalized using (a) feedback from SEA staff; (b) the contents of SEA documents analyzed for the study; (c) advice of the expert panel who participated in the Delphi study; and (d) guidance from the *Standards for Educational and Psychological Testing* on *Test Administration, Scoring, and Reporting*, Section 5 (American Educational Research Association et al., 1999). The operational definition utilized is, an ELL-responsive accommodation is one that is likely to *reduce construct-irrelevant variance due to language.*

Applying the operational definition, the research team distinguished ELL-responsive accommodations from non-ELL-responsive accommodations and grouped the latter into one of three categories: (a) accommodations judged to be designed for students with disabilities; (b) test administration practices or adjustments, such as small group administration, that can support the administration of an accommodation; and (c) qualifications and activities that prepare students to take the test. The latter two practices, while potentially useful for administering tests to all students, including ELLs, were not considered likely to reduce construct-irrelevant variance due to language.

The research team organized ELL-responsive accommodations according to Rivera et al.'s taxonomy of direct and indirect linguistic support. Direct linguistic support accommodations were then categorized according to the language of the accommodation (English or native language). In addition, accommodations were sorted by the language of the assessment (i.e., English or native language) for which they were intended.

Using this organizational strategy the research team counted accommodations in each subcategory. To count the most frequently allowed ELL-responsive accommodations, two considerations were applied: (1) Does the policy specify (or not) the content assessment for which the accommodation is intended? and (2) Does the policy distinguish between accommodations specified for mathematics and reading/language arts tests?

To investigate the extent to which accommodations were responsive to the needs of ELLs, the research team identified indicators that quantify the extent to which a state assessment policy was ELL-responsive. The indicators are;

(1) policy uses an ELL-responsive and not a disabilities taxonomy to classify accommodations;
(2) policy uses a list of accommodations for ELLs and does not include a list that combines accommodations for ELLs and students with disabilities; and
(3) policy text refers to ELLs independently and does not combine the discussion of accommodations of ELLs and students with disabilities.

Individual state policies were examined and an overall score of ELL-responsiveness was assigned to each state policy based on the presence or absence of the three indicators. In addition, correlations among the indicators and the number of accommodations available in each state policy were analyzed.

In an additional analysis, for each state policy, the research team annotated if state policy guidance to districts included (1) criteria for selecting accommodations for ELLs; (2) requirements for use of the accommodation prior to testing; and/or (3) criteria for monitoring and collecting data on the accommodations provided.

Finally, to assess the extent to which state policies for accommodating ELLs had changed between 2006-07 and 2000-01, the research team compared data for the two points in time. To conduct these analyses, data identified in the 2000-01 policy review were reanalyzed using the operational definition of an ELL-responsive accommodation. Data from the two reviews were compared to assess the extent to which state policies were ELL-responsive. An overall score for each state was assigned to contrast ELL-responsiveness across the two datasets.

Study limitations

The results of this study are limited to an analysis of the content found in state assessment policy documents. Aside from verifying that the most up-to-date documents were examined, the analysis is only an examination of what was provided in the written state assessment policies.

Judgments regarding whether individual accommodations are ELL-responsive represent professional opinion and not experimental interventions. The research team applied the operational definition of an ELL-responsive accommodation: It also used the results from the panel of experts who ranked ELL-responsive accommodations for the Delphi Study. Future research efforts may identify other accommodations appropriate for the designation of ELL-responsive or remove accommodations from the list. Thus, policy changes based on these results should be made with ordinary caution and be subject to periodic review as new research on accommodations for ELLs emerges.

Findings

This study provides a national overview of the contents of state assessment policies for accommodating ELLs, and the findings are arranged according to four research questions:

- To what extent are state assessment policies responsive to ELLs' unique linguistic needs?
- To what extent are state policies guiding decision making and monitoring practices?
- What are the most frequently allowed ELL-responsive accommodations and to what extent are these accommodations research based?
- In what ways have state assessment policies for accommodating ELLs changed since the inception of NCLB?

To what extent are state assessment policies responsive to ELLs' unique linguistic needs?

State assessment policies were examined to assess the extent to which accommodations were responsive to ELLs' linguistic needs. This section begins with an overview of the accommodations allowed across all 50 states and the District of Columbia. To answer the research question the analysis includes examination of accommodations allowed in state policies; the use of *ELL*-responsive accommodations with a research base; the use of non-ELL-responsive accommodations and use of a disabilities framework within state policies; the approach used in state policies allowing only ELL-responsive accommodations; the number and type of accommodations allowed to ELLs within each state policy; examination of indicators of Ell-responsiveness and indicators of reliance on a disabilities framework within state policies; and the relationship between the number of accommodations in state policy and ELL-responsiveness.

Overview of accommodations allowed

The GW-CEEE research team retrieved and organized all documents by state and examined each state assessment policy document to identify accommodations allowed for ELLs. As background, Table 1 shows that state assessment policies were reviewed and updated at varying intervals. While the majority of states (38) conducted an annual review, the policies indicated that 13 states did so with less frequency.

Table 1
Year of publication for 2006-07 state assessment policies

Year	State	# of States
2007	AZ, CA, DC, HI, IA, IL, KS, MA, ME, MO, MT, NM, NY, PA, VA, WA	16
2006	AR, CO, CT, DE, GA, ID, IN, MD, MI, ND, NE, NJ, NV, OH, OK, SC, TN, TX, UT, WI, WV, WY	22
2005	AK, MN, MS, NC, NH, RI, SD, VT	8
2004	KY, OR	2
2003	AL, LA	2
1996	FL	1

To count and compare accommodations across the 51 state assessment policies, the accommodations in each state policy needed to be equivalent. Yet in reviewing the language of the accommodations allowed to ELLs in state policies, the research team found wide variation in the level of detail provided to describe accommodations. For example, with *read aloud* and *dictionary* accommodations the language used ranged from explicit to vague:

- State 1: "Approved bilingual dictionary limited to those that have word-to-word translations. Students may not use electronic translation devices."
- State 2: "bilingual dictionary as needed"
- State 3: "dictionary and extended time"

Also, accommodations listed separately by some states' policies were listed as a combined accommodation in other states' policies. Common examples of combined accommodations include (a) test directions and test items (e.g., *read aloud directions and test items),* (b) bilingual

dictionaries and word lists, and (c) the language in which the accommodation is delivered (in English and/or in the native language).

A total of 104 accommodations for ELLs were identified across the 51 state assessment policies. To select and classify ELL-responsive accommodations (i.e., accommodations which *provide assistance in overcoming linguistic barriers* to enable students to access the content of the assessment and demonstrate what they know and can do), the research team refined with input from the expert panel, the Rivera et al. (2006) definition of an ELL-responsive accommodation: An ELL-responsive accommodation is one that is likely to *reduce construct-irrelevant variance due to language.*

As shown in Figure 1, 104 unique accommodations were identified in state assessment policies. The research team agreed that 40 accommodations met the criteria for ELL-responsive and categorized these according to Rivera et al.'s (2006) ELL-responsive taxonomy of direct and indirect linguistic support. Of the 40 accommodations, the research team identified 39 direct linguistic support accommodations and one indirect linguistic support accommodation (*allow extended time*). Accommodations in English and the native language were further distinguished. The number of native language and English language accommodations were found to be roughly equal, with 20 native language accommodations and 19 English language accommodations. The research team agreed that 64 of the 104 accommodations were not ELL-responsive because they did not provide linguistic support and were not likely to reduce construct irrelevant variance -- extraneous information related to language that is unnecessary to understand the intent of a test item.

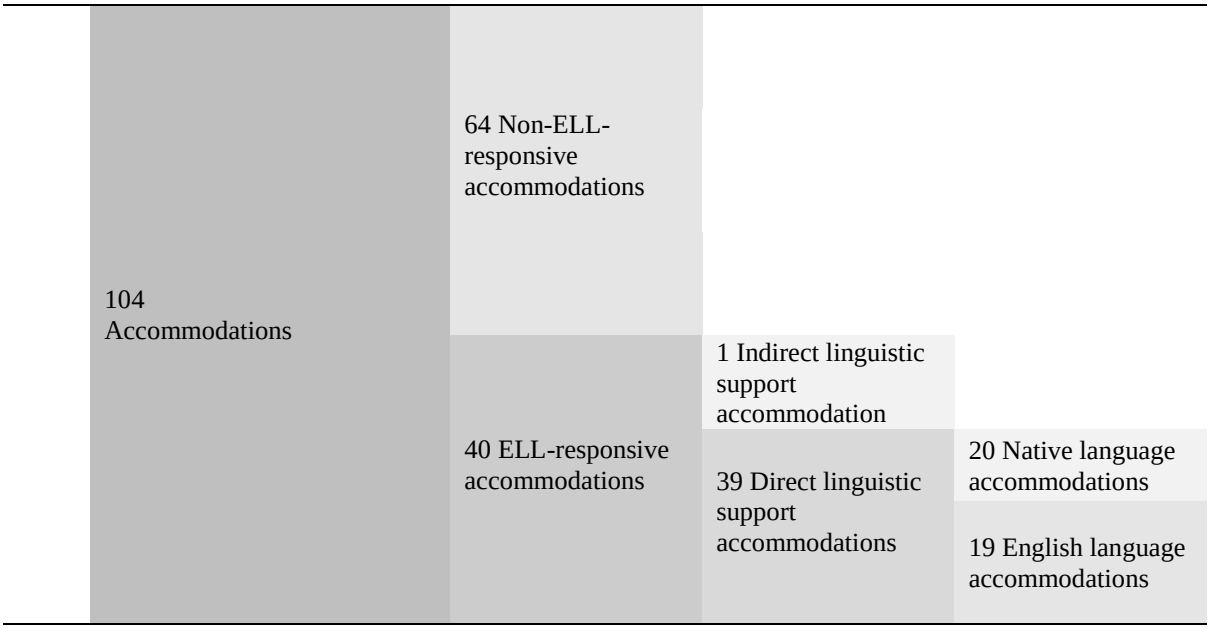

Figure 1. Total accommodations contrasted to number of ELL-responsive accommodations by category.

Direct linguistic support accommodations, were classified as either providing written or oral support as shown in Table 2. The GW-CEEE research team identified more than twice the number of oral than written accommodations across the 51 state policies (27 oral vs. 12 written).

Although 20 native language accommodations are allowed in state policies, the vast majority of these are exclusively used with assessments delivered in English. Only seven ELL-responsive accommodations are used for assessments provided in the native language. On Table 2, they are noted with (*). Four of the seven allowed in state policies are forms of providing translated assessments as long as they do not interfere with the test construct. They are (1) provide translated test; (2) provide side-by-side dual language test; (3) play audio tape/CD/DVD of test in native language; and (4) play audio tape/CD of directions in native language. Two of the seven accommodations; (5) read aloud requested test items on translated test; and (6) clarify word or phrase in test item on translated test, are used for assessments provided in the native language. The accommodation of extended time is allowed both with assessments given in the native language and in English.

ELL-responsive accommodations with a research base, in state policies

Use of accommodations with a research base is one indicator that the state is familiar with research evidence. As discussed in the review of literature, only a limited number of experimental studies (13 as of 2007) have been conducted to examine the effectiveness of specific accommodations for ELLs (Francis et al., 2006; Pennock-Roman & Rivera, 2007). A cross-reference of the accommodations in the two meta-analyses identified a total of 8 accommodations examined in at least one experimental study. These accommodations are; (1) *provide customized English glossary*; (2) *provide commercial English dictionary*; (3) *provide plain English version of test*; (4) *provide customized dual language glossary*; (5) *provide commercial dual language word-to-word dictionaries*; (6) *provide side-by-side dual language tests*; and (7) *provide translated tests*. The only indirect linguistic support accommodation studied in the two meta-analytic studies was (8) *allow extended time*.

The accommodations identified in assessment policies were examined to assess the extent to which states allow accommodations that are supported by at least one research study. On Table 2, these are marked (+). Data indicated that the majority of accommodations allowed in state policies have not yet been researched. This finding suggests that most states have not considered what is known from research as a criterion for selecting accommodations for ELLs. The only conclusion that can be reached at this time is that there are few accommodations for which at least some evidence of effectiveness has been established. These accommodations can be considered a starting point for states as they select ELL-responsive accommodations.

Table 2
Written and oral ELL-responsive accommodations in English and the native language (n=40)

Direct linguistic support accommodations

	English	Native language
Written	1. *Plain English* 1.1. Provide plain English version of test+ 2. *English language reference materials* 2.1. Provide commercial English dictionary+ 2.2. Provide customized English glossary + 2.3. Provide picture dictionary	6. *Written translation* 6.1. Provide translated test+* 6.2. Provide side-by-side dual language test+* 6.3. Provide written test directions in native language 7. *Dual Language reference materials* 7.1. Provide customized dual language glossary+ 7.2. Provide commercial word-to-word dual language dictionary+ 7.3. Allow pocket word-to-word dual language translator 7.4. Provide commercial dual language dictionary that contains explanations, definitions, pictures or examples of terminology# 8. *Written response* 8.1. Allow student to respond in writing in native language
Oral	3. *Scripted oral English* 3.1. Play audio tape/CD of test items 3.2. Play audio tape/CD of test directions 3.3. Read aloud test items from plain English script 3.4. Read test items aloud 3.5. Read test directions aloud 3.6. Repeat test items 3.7. Repeat test directions 4. *Clarification#* 4.1. Define words or phrase in test items 4.2. Provide additional examples of items or task 4.3. Clarify/explain test directions in English 4.4. Simplify test directions 4.5. Allow student to verify understanding of test directions 4.6. Allow student to restate test directions in own words 5. *Oral Response* 5.1. Allow student to respond orally in English; scribe response 5.2. Use tape recorder to record test responses	9. *Scripted oral translation* 9.1. Read aloud oral script of test items in native language 9.2. Read aloud oral script of test directions in native language 9.3. Read aloud requested test items on translated test* 9.4. Play audio tape/CD of test in native language* 9.5. Play audio tape/CD of test directions in native language* 10. *Sight translation#* 10.1. Translate test items orally into native language 10.2. Translate test directions orally into native language 10.3. Clarify word or phrase in test item on translated tests* 10.4. Clarify/explain test directions in native language 10.5. Highlight words from test directions in native language 11. *Oral response* 11.1. Allow student to respond orally in native language; scribe response in native language 11.2. Allow student to respond orally in native language; translate response to English

Indirect linguistic support accommodations

12.1. Allow extended time+*

+ Accommodations studied in at least one empirical research study
* Accommodation allowed for assessments in the native language
# Accommodations in gray font were considered potential threats to validity by the Delphi Study expert panel. Commercial dictionaries containing full definitions may provide an unfair advantage and accommodations in the categories of unscripted oral clarification and sight translation may lead to variations in test administration.

Non-ELL-responsive accommodations in state policies

By applying the ELL-responsive operational definition to the 104 accommodations, the research team concluded that 64 accommodations were non-ELL-responsive. Table 3 lists the 64 accommodations and strategies deemed unlikely to reduce construct-irrelevant variance due to language. Strategies include test administration practices and qualifications and activities that prepare students for the test.

State assessment policies often include in the list of allowed accommodations for ELLs, accommodations clearly intended for students who have visual, hearing, learning, and physical disabilities. To classify these accommodations, the research team mapped this group of accommodations to those in the CCSSO handbook used by states to classify accommodations for students with disabilities (Thompson, Morse, Sharpe, & Hall, 2005). These accommodations are organized in Table 3 according to presentation and response.

The CCSSO handbook for students with disabilities also includes timing/scheduling and setting accommodations which are not necessarily limited to use with students with disabilities. In this analysis, some of these accommodations were classified as test administration *practices* because they did not meet the definition of an ELL-responsive *accommodation*, i.e., an accommodation that is likely to reduce construct-irrelevant variance due to language.

The research team also distinguished two types of *test administration practices* because some test administration practices may be useful and/or necessary to administer a test with accommodations to ELLs. Timing/scheduling and setting accommodations (except for extra time) were classified as *general test administration practices*, useful for every student regardless of whether accommodated or not. For example, for ELLs, administering the test in a familiar room and/or by a familiar person might help ELLs feel more comfortable, but the practice is unlikely to have an effect on student test scores. Other test administration practices, including small group, location with minimal distraction, familiar person, flexible schedule, and breaks, were distinguished because these practices are most useful when *integrated into test administration directions*. For example, to facilitate the administration of accommodations such as dictionaries, read alouds, and oral translations, the directions can include the requirement to deliver the accommodation to a small group of students in a location with minimal distraction to not disturb other test takers.

A small number of state policies also include a number of strategies that could not be classified as an accommodation. These items include test administrator qualifications and activities that prepare students and staff for the test including suggestions for promoting student motivation and test preparation practices.

Table 3
Classification of non-ELL-responsive accommodations in state policies (n=64)

Disabilities	13. *Presentation* 13.1. *Visual presentation* 13.1.1. Provide large-print version of assessment 13.1.2. Allow use of visual magnification devices 13.1.3. Provide visual supports 13.1.4. Allow student to use place markers 13.1.5. Provide Braille version of the assessment 13.1.6. Allow signing of entire assessment 13.1.7. Allow signing of directions to student 13.1.8. Allow use of audio amplification devices 13.1.9. Allow student to sign response 13.1.10. Provide cues (e.g., arrows and stop signs) on answer form in pencil - must be erased before document returned for scoring) 13.2. *Auditory presentation* 13.2.1. Highlight key words or phrases in directions 13.2.2. Read test items to student using a screen/text 13.2.3. Allow student to wear noise buffers 13.3. *Multi-sensory presentation* 13.3.1. Face student during test administration	14. *Response* 14.1. *Visual response* 14.1.1. Allow student to write directly in answer booklet 14.1.2. Allow student to mark responses on large print document 14.1.3. Allow student to point to answers 14.1.4. Allow student to write responses on paper. Test administrator transcribes responses exactly as written 14.1.5. Allow student to write using word processor, typewriter, or computer. Test administrator transcribes responses exactly as written. 14.1.6. Allow student to read test items aloud to self 14.1.7. Allow student to dictate response using assistive technology 14.1.8. Allow student to write using a Brailler 14.1.9. Allow student to use highlighter as student reads content of test 14.2. *Materials or devices used to solve or organize responses* 14.2.1. Provide ruler 14.2.2. Provide additional manipulatives for the mathematics assessment 14.2.3. Provide abacus 14.2.4. Provide calculator/talking calculator 14.2.5. Allow student to use word processor, typewriter, or computer 14.2.6. Provide spelling dictionary 14.2.7. Provide electronic spell checker 14.2.8. Provide electronic grammar checker 14.2.9. Provide closed circuit television 14.2.10. Provide color overlays or templates 14.2.11. Provide memory aids, fact charts, and/or resource sheet 14.2.12. Allow student to stabilize test materials/papers 14.2.13. Allow student to use special furniture 14.2.14. Provide assistive technology 14.2.15. Provide pencils adapted in size or grip
Test administration practices	15. *Timing/Scheduling* 15.1. Provide multiple sessions for subtests 15.2. Allow testing within a section or session from one day to another 15.3 Provide flexible schedule within the same day 15.4. Provide breaks during test sessions 15.5 Inform student of remaining time 15.6 Allow student to take test until, in the test administrator's judgment, the pupil can no longer continue the activity 15.7 Cue student to stay on task	16. *Setting* 16.1. Allow student to move, stand, or pace during assessment in a manner in which others' work cannot be seen and is not distracting to others 16.2. Provide special lighting 16.3. Administer test individually 16.4. Administer test in small group 16.5. Administer test in location with minimal distraction 16.6. Administer test in familiar room 16.7. Provide preferential seating
Other	17.1. *Test administrator qualifications* 17.1. Allow person familiar to student to administer test 17.2. Allow certified teacher to provide accommodations/ administer assessment 17.3. Allow person with bilingual/second language acquisition background to administer test 17.4. Allow special education personnel to administer the test 17.5. Allow school personnel to administer test in an out-of-school setting 17.6. Allow sign language or oral interpreters for directions and sample items	18. *Motivation* 18. 1. Provide verbal encouragement of student's efforts 18.2. Encourage student who may be slow at starting to begin 19. *Test preparation* 19.1. Teach test-taking skills 19.2. Provide practice activities

Accommodation approach used in state policies allowing only ELL-responsive accommodations

The states that include only ELL-responsive accommodations in their policies highlight two strategies used to describe test administration practices. The first strategy is for the state to stipulate that *test administration practices* are general practices available to all students; the second strategy is for a state to integrate *test administration practices* into directions for administering specific accommodations to ELLs.

Four states use the first strategy. In these state policies, logistical adjustments to the timing/scheduling and setting of the test, such as *providing a flexible schedule* or a *small group setting*, are not considered *accommodations* and are available to all students.

In Massachusetts, Minnesota, North Dakota, and Washington policies, *test administration practices* – especially those involving timing/scheduling and setting adjustments – are not restricted to ELLs or students with disabilities, but are available to all students. A Massachusetts SEA staff member explained that general test administration strategies are not considered accommodations when "they are used solely for administrative convenience and not granted to the student as a result of his or her special status as LEP and/or disability" (D. Wiener, personal communication, September 11, 2007). Similarly, a staff member from the North Dakota SEA indicated, "We differentiate between an accommodation that is allowed for a unique population of students that has a specific learning need and is protected in legislation, such as LEP, students with disabilities or students on a 504 plan, and those strategies and practices that may enhance students' success in testing and are available to all students" (M. Rasmussen, personal communication, March 19, 2008).

In a supporting document developed for the North Dakota state policy, *Report on evidenced-based accommodations that work for students with limited English proficiency*, Wilde and Finkelstein (2006) explicate a narrower approach to the assignment of accommodations to ELLs:

> Not everything that might help students when taking academic achievement tests is an accommodation. For instance, the following are examples of strategies that might help students, but are not considered "accommodations" when they are used as described here.
>
> - If a strategy is allowed for, or given to, all students, it is not an accommodation, but is a regular testing practice in the state or district.
> - If a strategy improves the scores of all students, it is not an accommodation, but may be a regular testing practice in the state or district.
> - If a strategy "works" to accommodate students receiving special education services, it may or may not serve as an accommodation for students with limited English proficiency, and *vice versa.* In general, an accommodation for one group of students should not be used with another group of students unless research has shown its appropriateness for the second group of students. If a strategy gives a clear advantage to a specific group of students as they take a test, it is not an accommodation since the purpose of an accommodation is to ensure that students have an equal (not advantaged) chance to show what they know and can do.
> - Just because a strategy may be intuitively appropriate, does not mean it "works," or that it is valid, reliable, and fair (Wilde & Finkelstein, 2006, p. 14)

While the four state policies designate timing/scheduling and setting practices as general test administration practices available to all students, another state, Ohio, uses the second of the second strategy of integrating *test administration practices* into directions for administering specific accommodations to ELLs. Ohio state policy incorporates general test taking practices *into directions* for administering certain direct linguistic support accommodations to ELLs. For example, the Ohio policy states: (1) "*Oral translations may be given one-on-one;* and (2*) CD-ROM translations may be given in a computer lab with headphones, if needed*" (Ohio Department of Education, 2007, pp. 56-57). Thus, Ohio, like Massachusetts, Minnesota, North Dakota, and Washington, does not consider timing/scheduling and setting adjustments to be *accommodations*.

Number and type of accommodations allowed to ELLs per state policy

To provide a comparative overview of the distribution of ELL-responsive and non-ELL-responsive accommodations within each state policy, the number and types of accommodations allowed to ELLs are displayed in Table 4. The number of accommodations allowed for ELLs in each state policy ranges from 2 to 57, with an average of 16 and a mode of nine (the most frequently occurring number). All 51 state assessment policies allow at least some ELL-responsive accommodations. Forty-seven state assessment policies allow one or more direct linguistic support accommodation(s) in English (all except AL, MA, IL, and NJ). Forty-eight state assessment policies allow one or more direct linguistic support accommodation(s) in the native language (all except HI, IL, and ND).

Forty states allow *extended time* as an accommodation for at least one content assessment. More states may implicitly allow this accommodation. For example, Massachusetts policy does not explicitly mention extended time because the state assessments are criterion-referenced (D. Wiener, personal communication, September 11, 2007), and therefore not timed. Delaware's policy does not explicitly mention extended time since multiple testing sessions are allowed (W. Roberts, personal communication, August 8, 2008).

Table 4
Number and type of ELL and non-ELL responsive accommodations available to ELLs in each state policy

State	ELL-Responsive Accommodations (n = 40)				Non-ELL-Responsive Accommodations (n = 64)	*Total* (n = 104)
	Direct linguistic support - English (n = 19)	Direct linguistic support - Native language (n = 20)	Indirect linguistic support (n = 1)	*Subtotal*		
AK	6	6	1	13	7	20
AL	0	4	1	5	9	14
AR	1	1	1	3	6	9
AZ	4	2	1	7	11	18
CA	2	3	0	5	3	8
CO	3	5	1	9	6	15
CT	3	3	1	7	5	12
DC	5	1	1	7	7	14
DE	4	7	0	11	5	16
FL	2	3	1	6	3	9
GA	4	1	1	6	10	16
HI	4	0	1	5	5	10
IA	9	7	1	17	8	25
ID	8	5	1	14	17	31
IL	0	0	1	1	1	2
IN	2	1	1	4	5	9
KS	3	4	1	8	1	9
KY	3	3	0	6	7	13
LA	2	2	1	5	4	9
MA	0	2	0	2	0	2
MD	6	2	1	9	12	21
ME	5	1	1	7	20	27
MI	6	3	1	10	14	24
MN	2	7	0	9	0	9
MO	2	1	1	4	4	8
MS	6	1	1	8	20	28
MT	5	4	1	10	3	13
NC	1	2	1	4	7	11
ND	3	0	0	3	0	3
NE	7	9	1	17	3	20
NH	5	2	1	8	24	32
NJ	0	2	1	3	0	3
NM	6	5	1	12	11	23
NV	4	2	1	7	4	11
NY	2	6	1	9	4	13
OH	5	7	1	13	0	13
OK	6	6	1	13	4	17
OR	6	6	1	13	25	38
PA	1	6	0	7	2	9
RI	5	3	1	9	24	33
SC	3	3	1	7	3	10
SD	5	3	1	9	10	19
TN	3	1	1	5	6	11
TX	6	10	0	16	2	18
UT	2	4	1	7	2	9
VA	6	2	0	8	9	17
VT	5	2	1	8	24	32
WA	3	1	0	4	0	4
WI	11	10	1	22	35	57
WV	3	3	1	7	5	12
WY	4	4	0	8	5	13
Average	3.9	3.5	0.8	8.2	7.9	16.1

Indicators of ELL-responsiveness within state policies

To investigate the extent to which state policies are responsive to the needs of ELLs, the research team identified three indicators of ELL-responsiveness in state policies and operationalized them as follows.

1. An ELL-responsive taxonomy is used to classify accommodations (i.e., categorizing accommodations according to direct linguistic support and indirect linguistic support).
2. A separate list of accommodations is provided for ELLs and students with disabilities.
3. The text clearly distinguishes the discussion of accommodations for ELLs from students with disabilities.

These indicators are displayed in Table 5. The first indicator, use of an ELL-responsive taxonomy to organize accommodations, is found in two state policies (DC, TX). These policies categorize accommodations according to direct linguistic and indirect linguistic support.

Two-thirds of state policies include the second and third indicators of an ELL-responsive policy. State policies either provide separate or combined lists of accommodations. Thirty-eight policies include a separate list of accommodations for ELLs and students with disabilities; seven of the 38 policies provide a combined list of accommodations but indicate (through asterisks or headings) which accommodations are intended for ELLs (HI, MI, MN, MT, UT, WA, WI). Thirty-five include policy text that clearly distinguishes the discussion of the accommodation of ELLs from the accommodation of students with disabilities.

As shown in the total indicators column of Table 5, two state policies, the District of Columbia and Texas contain three indicators of ELL-responsiveness. Thirty-three state policies include two indicators (AK, AL, CA, CT, DE, FL, IA, ID, IL, IN, KS, LA, MA, MD, MN, MO, MS, NC, ND, NE, NJ, NV, NY, OH, OK, PA, SC, SD, TN, VA, WI, WV, WY), and five include no ELL-responsive indicators (CO, ME, NH, RI, VT).

Table 5
Indicators of ELL-responsiveness in each state policy

State	(1) ELL-responsive taxonomy used	(2) Separate list of accommodations	(3) Separate policy text	Total Indicators
AK		✓	✓	2
AL		✓	✓	2
AR		✓		1
AZ		✓		1
CA		✓	✓	2
CO				0
CT		✓	✓	2
DC	✓	✓	✓	3
DE		✓	✓	2
FL		✓	✓	2
GA		✓		1
HI		✓*		1
IA		✓	✓	2
ID		✓	✓	2
IL		✓	✓	2
IN		✓	✓	2
KS		✓	✓	2
KY		✓		1
LA		✓	✓	2
MA		✓	✓	2
MD		✓	✓	2
ME				0
MI		✓*		1
MN		✓*	✓	2
MO		✓	✓	2
MS		✓	✓	2
MT		✓ *		1
NC		✓	✓	2
ND		✓	✓	2
NE		✓	✓	2
NH				0
NJ		✓	✓	2
NM		✓		1
NV		✓	✓	2
NY		✓	✓	2
OH		✓	✓	2
OK		✓	✓	2
OR		✓		1
PA		✓	✓	2
RI				0
SC		✓	✓	2
SD		✓	✓	2
TN		✓	✓	2
TX	✓	✓	✓	3
UT		✓*		1
VA		✓	✓	2
VT				0
WA		✓*		1
WI		✓*	✓	2
WV		✓	✓	2
WY		✓	✓	2
Total	2	45	35	

* Used a combined list but distinguish which accommodations were intended for each group

Indicators of use of a disabilities framework within state policies

Rivera et al. (2006) identified a large number of state policies that borrowed from policies designed for students with disabilities, an indicator that these policies did not differentiate between the linguistic needs of ELLs and those of students with disabilities. To investigate the extent to which state policies continue to use a disabilities framework to describe accommodations intended for ELLs, the research team operationalized the same three indicators of ELL-responsiveness using a disabilities perspective. These indicators are used to examine the use of disabilities framework in state policies.

1. A disabilities taxonomy is used to classify accommodations (i.e., presentation, response, timing/scheduling, and setting).
2. Accommodations for ELLs and students with disabilities are presented in a single, combined list.
3. The policy text does not distinguish the accommodation of ELLs from students with disabilities.

As shown in Table 6, 25 state policies use a disabilities taxonomy (timing/scheduling, setting, presentation, and response categories) to classify accommodations (AK, CO, CT, GA, HI, IA, ID, IN, MD, ME, MO, MS, MT, NE, NH, NM, NV, PA, RI, SD, TN, UT, VA, VT, WA).

Use of combined lists of accommodations for ELLs and students with disabilities is the second indicator of use of a disabilities framework. Thirteen state policies use a combined list of accommodations. Six of the 13 state policies do not indicate which accommodations are intended for ELLs (CO, ME, NH, OR, RI, VT); the remaining seven state policies use a combined list of accommodations but indicate (through asterisks or headings) which accommodations are intended for ELLs (HI, MI, MN, MT, UT, WA, WI).

Policies that address students with disabilities and ELLs within the same paragraph or section of the policy is the third indicator and is found in 16 state policies (AR, AZ, CO, GA, HI, KY, ME, MI, MT, NH, NM, OR, RI, UT, VT, WA). In this case policy text describing the accommodation of ELLs is either grafted onto policy previously developed for students with disabilities or attempts to address in a single policy three groups of students: (1) students with disabilities, (2) ELLs with disabilities, and (3) ELLs.

As indicated in the total indicators column in Table 6, 20 policies contain no disabilities indicators (AL, CA, DC, DE, FL, IL, KS, LA, MA, MN, NC, ND, NJ, NY, OH, SC, TX, WI, WV, WY). More than half of state policies (31) contain at least one disabilities indicator. Eight policies contain two indicators (AR, AZ, GA, HI, MT, NM, UT, WA), and five policies include three indicators (CO, ME, NH, RI, VT).

Table 6
Indicators of use of a disabilities framework in ELL state assessment policies

State	(1) Disabilities taxonomy used	(2) Combined ELL/SD list of accommodations	(3) Combined policy text	Total Indicators
AK	✓			1
AL				0
AR			✓	2
AZ			✓	2
CA				0
CO	✓	✓	✓	3
CT	✓			1
DC				0
DE				0
FL				0
GA	✓		✓	2
HI	✓	*	✓	2
IA	✓			1
ID	✓			1
IL				0
IN	✓			1
KS				0
KY			✓	1
LA				0
MA				0
MD	✓			1
ME	✓	✓	✓	3
MI		*	✓	1
MN		*		0
MO	✓			1
MS	✓			1
MT	✓	*	✓	2
NC				0
ND				0
NE	✓			1
NH	✓	✓	✓	3
NJ				0
NM	✓		✓	2
NV	✓			1
NY				0
OH				0
OK		✓		1
OR			✓	1
PA	✓			1
RI	✓	✓	✓	3
SC				0
SD	✓			1
TN	✓			1
TX				0
UT	✓	*	✓	2
VA	✓			1
VT	✓	✓	✓	3
WA	✓	*	✓	2
WI		*		0
WV				0
WY				0
Total	25	6	16	

Relationship between the number of accommodations in state policy and ELL-responsiveness

To explore the relationship between indicators of ELL-responsiveness and the overall number of accommodations allowed in a state policy, the research team conducted a series of regression analyses. Results of these analyses indicate that;

- the overall number of accommodations in a state policy is negatively correlated with the number of indicators of ELL-responsiveness in a state policy (r = -.32, adjusted R^2 = .10, $p < .001$); and
- the number of accommodations in a state policy is positively correlated with the number of indicators of a disabilities framework in a state policy (r = .35, adjusted R^2 = .11, $p < .05$).

These findings suggest that the greater the number of accommodations a state includes in its policy, the less likely the policy is ELL-responsive and the more likely it is to reflect a disabilities framework.

Summary of key findings to research question #1

In sum, to answer the first research question, to what extent are state assessment policies responsive to ELLs' unique linguistic needs, the following issues were examined: The distribution of accommodations within and across state policies, an analysis of indicators of ELL-responsiveness within state policies, and an analysis of the extent to which the policies for accommodating ELLs are based on policies designed for students with disabilities.

In the final analysis, 64 of the 104 accommodations allowed across all 51 state policies did not meet the criteria for ELL-responsiveness. Either they were accommodations designed for students with disabilities, adjustments to support the administration of the assessment or test administration practices, or qualifications and activities that prepare students and staff to take the test. The range (2 to 57) in the number of ELL-responsive accommodations included in each state policy suggests different understandings among states of which accommodations are ELL-responsive.

The analysis indicates that ELL-responsive policies differentiate between the linguistic needs of ELLs and the needs of students with disabilities. ELL-responsive policies use an ELL-responsive taxonomy to organize accommodations and the organization of the policy text clearly distinguishes accommodations intended for ELLs.

Overall, the analyses suggest that while many state policies are responsive to the linguistic needs of ELLs, some states' policies are more ELL-responsive than others. Thirty-three state assessment policies contain two or more indicators of ELL-responsiveness. In contrast, five state assessment policies include no ELL-responsive indicators. The regression analysis indicates that the more accommodations a state includes in its policy, the less likely that the policy is ELL-responsive.

To what extent are state policies guiding decision making and monitoring practices?

State policies may include general guidance for local decision makers to use when assigning accommodations as well as provide a description of monitoring practices to be used to monitor accommodations decisions. To examine the question of the extent to which state policies guide decision making and monitoring practices, two issues are considered: how many states' policies include guidance for decision makers (1) for assigning accommodations, and (2) the role of student background variables when assigning accommodations.

Guidance to decision makers for assigning accommodations

Examination of individual state assessment policies revealed that 33 state policies included guidance or criteria for assigning accommodations. Qualitative analysis of the policies suggests that the criteria or guidance offered either is (a) general suggestions for assigning accommodations based on student background variables, or (b) recommendations specific to delivering one or more particular accommodation.

Fourteen state policies include general suggestions for assigning accommodations (AL, CT, IA, ID, KY, MD, MN, SC, SD, TN, UT, VA, WA, WI). The policies in these states, however, do not specifically address in what ways a decision maker should consider specific student background characteristics. An excerpt from the Virginia state policy illustrates this general kind of guidance.

> Decisions about how an LEP student will be tested should be made for each individual content area assessed by the VA SOL [state accountability] tests. Consideration should be given to the student's level of English proficiency, the level of previous schooling in the home language, and the amount of schooling the student has received in the United States. (Virginia Department of Education, 2007, p. 3)

Nineteen state policies include guidance for assigning one or more specific accommodations to ELLs according to specific student background characteristics (CO, DC, DE, KS, MA, MI, MN, NE, NH, NM, NY, OH, OR, PA, RI, TX, VT, WA, WI). Ohio, for example, allows the use of dictionaries and extended time to all ELLs, and specifies eligibility criteria for an additional 12 accommodations by grade level, subject area, and three student background variables (academic proficiency in reading and writing, time in the U.S., and native language spoken) (Ohio Department of Education, 2007, p. 55). Two states (DC and OH) provide criteria for every accommodation in the policy. The District of Columbia specifies the use of accommodations according to the level of a student's English language proficiency (District of Columbia Public Schools, 2007, p. 5).

Of the states that include guidance for assigning specific accommodations, most state policies in this group specifically include criteria for accommodations involving translation. The 15 states that allow a translated or dual language version of the test in either written or audio/CD/DVD format (DE, KS, MA, MI, MN, NE, NM, NY, OH, OR, PA, RI, TX, WA, WI) or sight translation (CO, MI, OH) apply one or more of the following criteria to determine eligibility for these accommodations: (a) ELP level; (b) level of proficiency in the native language; (c) academic proficiency in reading or writing in the native language; (d) years of instruction in the native language; and (e) years in the U.S. The use of these criteria varies by state. While no

other guidelines are included in the policy, the assessment policy for the NECAP group (NH, RI, and VT) includes one criterion specific to the assignment of *commercial word-to-word dual language dictionaries.* This policy states,

> *word-to-word translation dictionary, non-electronic with no definitions (for ELL students in Mathematics and Writing only*) is most appropriate for intermediate-stage English language learners. Research has shown that this accommodation is not helpful for beginning-stage learners. (New England common assessment program, 2005, p. 11)

Models of practice for assigning accommodations

In addition to written criteria, several states offer a decision tree or scenarios to guide decision makers. While four state policies (CO, DE, IA, WI) contain a decision tree for including ELLs in mathematics and reading/language arts assessments, only two state policies (MN, OH) contain a decision tree to guide decision makers in matching accommodations to relevant student background characteristics. Figure 2 shows Ohio's decision tree for assigning accommodations.

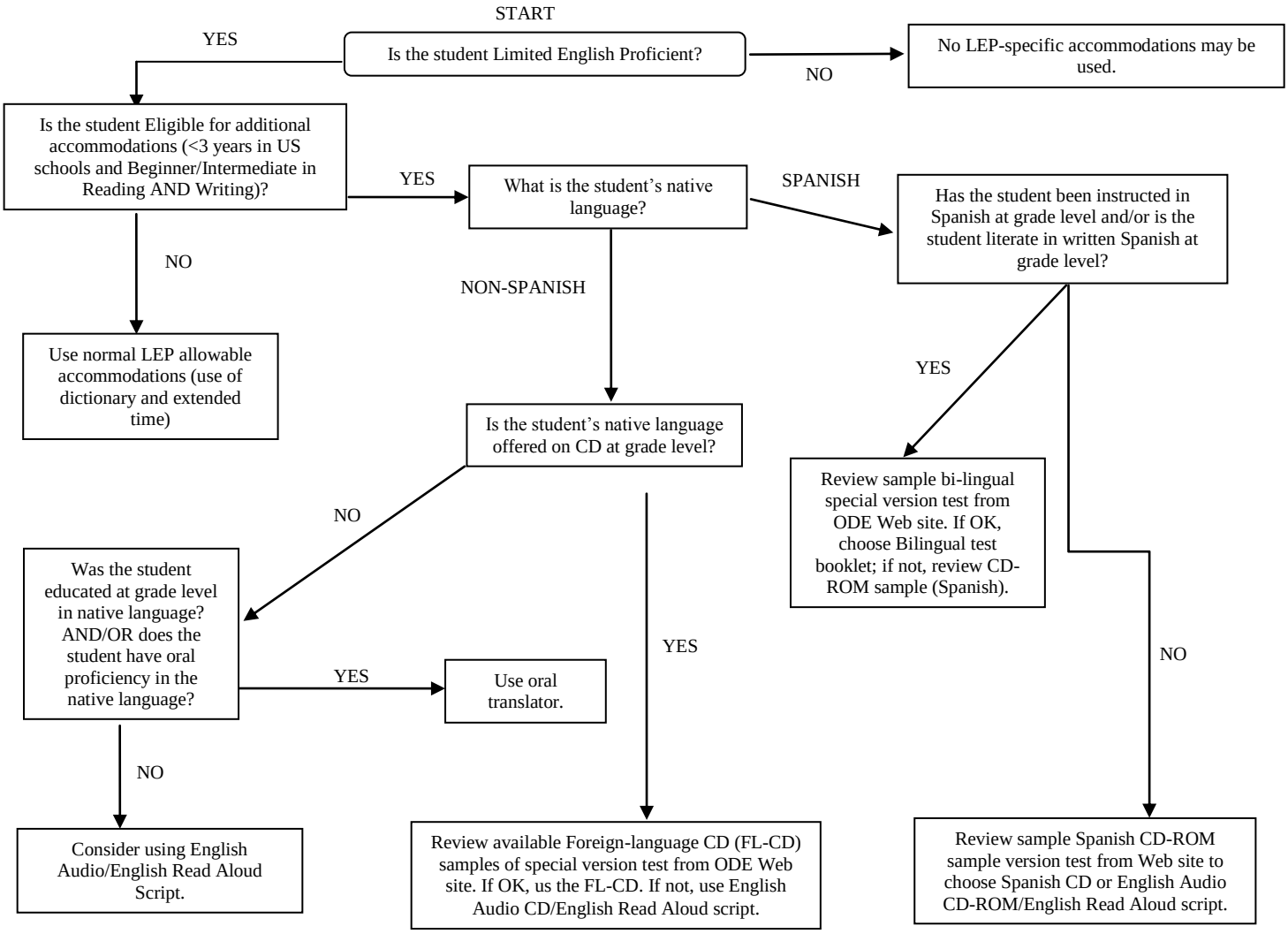

Figure 2. Decision flow chart for selecting additional LEP accommodations (Ohio Department of Education, 2007, p. 58).

Two state policies (TX and CO) include scenarios to guide the selection of accommodations. The Texas policy includes extensive scenarios for assigning accommodations for each of the two state academic content tests (reading/language arts and the mathematics), based on the following assumptions.

> An English language learner typically receives more than one type of linguistic accommodation during quality reading and language arts instruction. The student scenarios on the following pages illustrate ways to provide multiple accommodations during LAT administrations in a manner consistent with typical classroom practice. (Texas Education Agency, 2007, p. 8)

An excerpt from Colorado's policy for the Colorado Standard and Assessment Program (CSAP) in Table 7 provides two examples of scenarios used to assign oral translation and/or translated scribing. Each example contains sample student background criteria and the accommodation match.

Table 7
Making a decision to administer CSAP using oral translation and/or translated scribing

Example A	Example B
Maria has been in the United States for two years. Her native language is Spanish. Her math instruction has been in English while her responses often have been in Spanish. The math quizzes and tests have been in English.	Lin has been in the United States for two years. Her native language is Vietnamese. As part of her regular weekly instruction she receives tutoring in math in a pull-out program with a Vietnamese speaking tutor. Her weekly math assessments are translated orally by her tutor (constructed response items).
CSAP Administration: Maria would take the Math CSAP in English. Maria may benefit from the use of an identified accommodation such as a word-to-word dictionary. Maria may also benefit from the use of Translated Scribing for the constructed response portions of the test in which she needs to respond in her native language. *Note. The Translator/Scribe MUST receive training in responsible practices of administration of a standardized assessment.*	CSAP Administration: Lin would take the Math CSAP in English with an oral presentation of the test using translated CSAP Oral Scripts provided by CDE in Vietnamese. Lin may also benefit from the use of Translated Scribing for the parts of the test where she needs to respond in her native language. *Note. The Oral Translator/Scribe MUST receive training in responsible practices of administration of a standardized assessment.*

(Colorado Department of Education, 2006, p. 57)

Policy requirements for use of accommodations prior to testing

As discussed in the review of literature, many state assessment policies for accommodating ELLs include a requirement for ELLs taken from the *Individual with Disabilities Education Act* (2004), namely that all testing accommodations be used in classroom instruction. Including this idea in the formulation of ELL policy has two implications: (1) It assumes the disabilities strategy of providing *instructional accommodations* applies to ELLs; and (2) it introduces the expectation of a mechanism to document use of accommodations during classroom instruction.

The guidance in 25 state policies borrows some or all of the metaphor that frames the disabilities strategy of *instructional accommodation* (AK, AR, AZ, CA, CO, GA, HI, IA, IN, KY, LA, MD, ME, MI, MN, MS, MT, NC, NM, OK, PA, UT, VA, WA, WV, WY). For example, Maryland policy states, "Accommodations for instruction and assessment are integrally intertwined. Accommodations provided to a student must be the same for classroom instruction, classroom assessments, and district and state assessments" (Maryland State Department of Education, 2007, Section 2-1). In contrast, while still emphasizing the importance of offering ELLs experience with accommodations prior to the assessment, six states avoid the application of the disabilities terminology *instructional accommodation* to the instruction of ELLs (DC, FL, MN, PA, TX, WI). For example, Wisconsin policy states, "Strategies should be in place to assist LEP students to meet the mainstream classroom goals. Accommodation usage should be consistent with day-to-day instructional methods" (Wisconsin Department of Public Instruction, 2007, p. 1).

While it is important to introduce some accommodations prior to being used in assessment, in many policies there is no systematic mechanism similar to an IEP to document if an ELL has used the accommodations assigned to him or her as part of an instructional strategy. Even so, many state policies continue to include the requirement. Of the 51 state policies reviewed in this study, 29 noted that *all* accommodations allowed to ELLs during testing must be consistent with those used in classroom instruction and testing (AK, AR, AZ, CA, CO, DC, GA, HI, IA, IN, KY, LA, MD, ME, MI, MN, MS, MT, NC, NM, OK, PA, TX, UT, VA, WA, WI, WV, WY). An additional state, Florida, noted that this requirement applied to one accommodation, the use of commercial word-to-word dual language dictionaries. Four state policies (MD, NM, TX, UT) include guidance for documenting accommodations. However in policies that include a requirement to introduce accommodations prior to the assessment, no mechanisms are in place to collect these data or to monitor if students actually received instruction using these accommodations.

Policy requirements for monitoring the use of accommodations

As noted in the review of literature, the *Standards for Educational and Psychological Testing* (APA et al., 1999, Chapter 5) recommends monitoring the use of accommodations to help ensure the quality of ongoing test administration. The state policies were also examined to ascertain the extent to which requirements for monitoring accommodations decisions are made only at the local level or centralized at the state level.

A total of 34 states policies include requirements for monitoring the accommodation decision. Table 8 shows if state policies require reporting and what data medium, if any, is required. Eighteen state policies include no requirements for monitoring the accommodation decision. The remaining 34 states differ in terms of whether monitoring is required at the local level or centralized at the state level. Three states require monitoring at the local level; five states require general information submitted to the state regarding whether or not an accommodation is used; and 26 states require data submitted to the state for specific accommodations administered.

The medium for data collection varies among the 34 states which include monitoring requirements. Four states require accommodations to be recorded on a paper form to be placed in the student's scholastic folder. These states have no provision for providing these data to the

SEA (AK, GA, NC, VA). Thirty states require local test administrators to record the accommodations used on the student assessment booklet and are required to submit the records to the SEA either in hard copy or to enter the specific accommodations used by ELLs on a state Web site.

Of the 34 states that collect data on accommodations, most require information on the specific accommodations used. However, five states only require information on whether accommodations were used or not, but not the specific accommodations (AZ, GA, MT, OK, WI).

Table 8
Monitoring requirements described in state assessment policies

Reporting	Data collection/ reporting requirement	States	Total
Not required	No requirements found in state assessment policy	CA, DC, FL, HI, IA, ID, IL, KS, LA, MA, NE, NJ, NV, OR, SD, TN, UT, WA	18
Keep data at local level	Record the specific accommodations decision on a paper form and store it in the student's academic folder	AK, GA*, NC, VA	4
Submit data to state	Record the specific accommodations decision on a paper form and send to SEA	AL, AR, KY, ME, MN, MS, NY	7
	Record on student answer form whether or not accommodations are used	AZ, GA*, MT, OK, WI	5
	Record the specific accommodations on the student answer form	CO, IN, MD, MI, MO, NH, NM, OH, PA, RI, SC, TX, VT, WV	14
	Enter the specific accommodations used by ELLs in a state-developed Web site	CT, DE, ND, WY	4

* Georgia state policy requires districts to keep data on specific accommodations as well as to indicate to the state whether or not accommodations were used during the assessment.

Of note, Indiana state policy requires some, but not all, accommodations used in testing to be reported to the state. The state collects data on the use of "permitted and documented" accommodations and these data must be submitted to the SEA since the data will be part of the ELLs' reported scores. Permitted and documented accommodations include: *allow extended time, provide commercial word-to-word dual language dictionary, read aloud test items* for English language arts (except for questions which measure reading comprehension), and *read aloud test items* for mathematics and science assessments. Indiana does not require a record of the "permitted, but not documented" accommodations to be submitted. This latter group of accommodations includes breaks, additional testing sessions, small group and individual administrations of the test, test directions read aloud, and test administered by a familiar person (Indiana Department of Education, 2007, Appendix C).

Ohio systematically monitors two other aspects of test design and delivery in addition to tracking the number and type of accommodations used by ELLs during testing. In order to assess the need for translated versions of the assessment, the state periodically collects data on the highest

frequency language groups among the ELL student population. Translations are provided for the five most frequently spoken languages. For ELLs who speak lower-incidence languages, the SEA also monitors the delivery of sight translations, requiring local decision makers to select qualified translators and to tape record the sight translation to ensure that standard testing conditions are maintained (Ohio Department of Education, 2007).

Summary of key findings for research question #2

To examine the extent to which state policies are guiding decision making and monitoring practices, the research team conducted a content analysis of state policies. Documenting which accommodations are offered and actually delivered provides an understanding of how the policy is being implemented and, the extent to which there is variability in maintaining standard test administration conditions.

Examination of policy text showed that of the 33 states that include criteria or guidance for local decision makers, most of the text is general, with little specific direction for assigning accommodations to ELLs with different background characteristics. A few state policies include criteria or guidance for assigning specific kinds of accommodations to ELLs with specific background characteristics, particularly for translated or dual language tests or for tests that are sight translated. The majority of states provide little or no guidance to assist decision makers in matching accommodations to student background characteristics.

With regard to monitoring accommodation decisions, 34 state policies include a requirement to monitor the accommodation decision making process. Some policies require data to be collected and maintained at the local level. Other policies require the decision to accommodate to be tracked and reported to the state. About a third of states require tracking of the specific accommodations administered. It is unclear from the state policies in what ways or to what extent these data are used by the state to make improvements to policy and/or practice.

What are the most frequently allowed ELL-responsive accommodations?

The third research question examines the extent to which ELL-responsive accommodations are allowed in each of two academic content areas, mathematics and reading/language arts. The analysis includes an examination of the frequency of accommodations by content assessment, and identifies the states that allow accommodations that reflect current research.

Frequency with which content for accommodations is specified in state policy

Most, but not all, state policies specify the content areas for which accommodations for ELLs are intended. As shown in Table 9, the majority of state policies (34 of 51) specify the content to be assessed for all accommodations. Fifteen state policies specify the content for some, but not all accommodations (AK, AR, AZ, CA, CO, KY, MD, ND, NH, OR, PA, RI, TN, VT, WI). Two state policies do not specify a content area for any accommodation (KY and ND).

Of the states' policies that specify the content for specific accommodations, all but three specify an equal or greater number for mathematics than for reading/language arts assessments. Only Alabama, Nebraska, and Texas state assessment policies allow more accommodations for reading/language arts than for mathematics assessments.

Table 9
Number of specified and unspecified ELL-responsive accommodations by content assessed

State	Specified for mathematics	Specified for reading/ language arts	Accommodations unspecified for a test content
AK	2	2	11
AL	4	5	0
AR	1	1	2
AZ	1	1	6
CA	5	4	0
CO	7	7	2
CT	7	7	0
DC	7	5	0
DE	10	8	0
FL	6	4	0
GA	6	6	0
HI	5	5	0
IA	17	17	0
ID	14	14	0
IL	1	1	0
IN	4	4	0
KS	8	4	0
KY	0	0	6
LA	5	5	0
MA	2	1	0
MD	3	3	6
ME	7	7	0
MI	10	8	0
MN	8	4	0
MO	4	2	0
MS	8	8	0
MT	10	9	0
NC	4	4	0
ND	0	0	3
NE	15	17	0
NH	3	2	5
NJ	3	3	0
NM	12	12	0
NV	7	7	0
NY	7	4	0
OH	13	12	0
OK	13	7	0
OR	4	1	9
PA	6	2	1
RI	4	2	5
SC	7	6	0
SD	9	9	0
TN	5	3	0
TX	11	14	0
UT	7	4	0
VA	8	7	0
VT	3	2	5
WA	1	3	0
WI	19	5	3
WV	7	4	0
WY	8	6	0

Note. Some accommodations are specified for both mathematics and reading/language arts assessments.

Frequency of ELL-responsive accommodations allowed for mathematics assessments

Table 10 shows the frequency of ELL-responsive accommodations allowed for mathematics assessments in state policies. In addition to listing accommodations that are specified for this content area, the Table lists accommodations for which a content area is not specified.

As shown on Table 10, the three most frequently allowed accommodations for mathematics assessments are; (1) *provide commercial word-to-word dual language dictionary;* (2) *allow extended time;* and (3) *read items aloud.* These three accommodations are allowed in approximately three-quarters of all state assessment policies. More states may implicitly allow *extended time* during testing. For example, Massachusetts policy does not explicitly mention extended time because the state assessments are criterion-referenced (D. Wiener, personal communication, September 11, 2007), and therefore not timed. Delaware policy does not explicitly mention extended time since multiple testing sessions are allowed (W. Roberts, personal communication, August 8, 2008).

Table 10
Frequency of ELL-responsive accommodations allowed for mathematics assessments in state policies

ELL-responsive accommodations	Mathematics	Unspecified	Total
1. Provide commercial word-to-word dual language dictionary (7.2)	34	6	40
2. Allow extended time (12.1)	31	8	39
3. Read items aloud (3.4)	32	6	38
4. Translate directions orally into native language (10.2)	18	7	25
5. Clarify/explain directions in English (4.3)	17	8	25
6. Repeat directions (3.7)	15	6	21
7. Read directions aloud (3.5)	19	1	20
8. Allow student to respond orally in English; scribe response (5.1)	12	4	16
9. Clarify/explain directions in native language (10.4)	11	3	14
10. Simplify directions (4.4)	10	4	14
11. Translate test items orally into native language (10.1)	12	2	14
12. Provide customized dual language glossary (7.1)	11	0	11
13. Allow pocket word-to-word dual language translator (7.3)	9	1	10
14. Provide translated test (6.1)	9	0	9
15. Provide side-by-side dual language test (6.2)	8	0	8
16. Provide commercial dual language dictionary that contains explanations, definitions, pictures or examples of terminology (7.4)	8	0	8
17. Allow student to restate directions in own words (4.6)	2	5	7
18. Play audio tape/CD of test items (3.1)	7	0	7
19. Allow student to verify understanding of directions (4.5)	5	1	6
20. Provide written directions in native language (6.3)	4	2	6
21. Play audio tape/CD of test directions (3.2)	6	0	6
22. Provide commercial English dictionary (2.1)	6	0	6

Table 10
Frequency of ELL-responsive accommodations allowed for mathematics assessments in state policies

ELL-responsive accommodations	Mathematics	Unspecified	Total
23. Read aloud test items from plain English script (3.3)	5	0	5
24. Repeat items (3.6)	4	1	5
25. Allow student to respond orally in native language; scribe response in native language (11.1)	5	0	5
26. Allow student to respond orally in native language; translate response to English (11.2)	5	0	5
27. Use tape recorder to record test responses (5.2)	3	1	4
28. Play audio tape/CD of test items in native language (9.4)	4	0	4
29. Play audio tape/CD of test directions in native language (9.5)	3	0	3
30. Define words or phrase in test items (4.1)	3	0	3
31. Provide customized English glossary (2.2)	3	0	3
32. Read aloud oral script of directions in native language (9.2)	3	0	3
33. Highlight words from directions in native language (10.5)	0	2	2
34. Clarify word or phrase in test item on translated tests (10.3)	2	0	2
35. Read aloud oral script of test items in native language (9.1)	1	0	1
36. Provide plain English version of test (1.1)	1	0	1
37. Provide additional examples of items or task (4.2)	1	0	1
38. Read aloud requested test items on translated test (9.3)	1	0	1
39. Allow student to respond in writing in native language (8.1)	1	0	1
40. Provide picture dictionary (2.3)	0	0	0

Note. Numbers in parenthesis align with the number of the accommodation in Table 2

Because accommodated support with test items may be more likely to affect student test performance, frequently and infrequently allowed accommodations for mathematics were examined by type of support provided, i.e., support for test directions, test items, or extra time. One-third to one-half of state policies allow support for test *directions* in English or the native language, including read-aloud, repetition, simplification, and/or clarification accommodations. One third or fewer state policies allow accommodations for test *items* in the categories of scribed response, sight translation, customized dual language glossaries, and pocket dual language word-to-word translators. The most infrequently allowed ELL-responsive accommodations include

(a) oral support for test items;
(b) native language support for test items or test directions; and
(c) response accommodations in the native language.

Frequency of ELL-responsive accommodations allowed for reading/language arts assessments

Table 11 shows the frequency of ELL-responsive accommodations allowed for reading/language arts assessments in state policies. In addition to accommodations that are specified for this content area, the table lists accommodations for which a content area is not specified.

Overall, the accommodations most frequently specified for use with reading/language arts assessments include; (1) *allow extended time* (40 state policies); (2) *provide commercial word-to-word dual language dictionary* (35 state policies); and (3) *read items aloud (*26 state policies). These three accommodations are included in half to three-quarters of state policies. Similar to mathematics assessments, more states may implicitly allow *extended time* during reading/language arts testing.

Accommodations were also examined by type of support provided, i.e., support for test directions, test items, or extra time. The analysis indicated that support for test directions in English or the native language, including read-aloud, repetition, simplification, and/or clarification accommodations was allowed for reading/language arts in roughly one-third to one-half of state policies. Support for test items in the categories of scribed response, sight translation, customized dual language glossaries, and pocket dual language word-to-word translators are allowed by one-sixth or fewer states for reading/language arts.

Table 11
Frequency of ELL-responsive accommodations allowed for reading/language arts assessments in state policies

ELL-Responsive Accommodation	States		
	Reading/ language arts	Unspecified	Total
1. Allow extended time (12.1)	32	8	40
2. Provide commercial word-to-word dual language dictionary (7.2)	29	6	35
3. Read items aloud (3.4)	24	2	26
4. Translate directions orally into native language (10.2)	18	7	25
5. Clarify/explain directions in English (4.3)	15	8	23
6. Repeat directions (3.7)	14	6	20
7. Read directions aloud (3.5)	19	1	20
8. Allow student to respond orally in English; scribe response (5.1)	11	4	15
9. Simplify directions (4.4)	10	4	14
10. Clarify/explain directions in native language (10.4)	11	3	14
11. Allow pocket word-to-word dual language translator (7.3)	7	1	8
12. Allow student to restate directions in own words (4.6)	2	5	7
13. Translate test items orally into native language (10.1)	5	2	7
14. Provide customized dual language glossary (7.1)	6	0	6
15. Provide commercial dual language dictionary that contains explanations, definitions, pictures or examples of terminology (7.4)	6	0	6
16. Allow student to verify understanding of directions (4.5)	5	1	6
17. Provide commercial English dictionary (2.1)	6	0	6
18. Provide written directions in native language (6.3)	3	2	5
19. Use tape recorder to record test responses (5.2)	4	0	4
20. Provide side-by-side dual language test (6.2)	4	0	4
21. Play audio tape/CD of test items (3.1)	6	0	6
22. Provide translated test (6.1)	4	0	4
23. Provide customized English glossary (2.2)	4	0	4

Table 11
Frequency of ELL-responsive accommodations allowed for reading/language arts assessments in state policies

ELL-Responsive Accommodation	States		
	Reading/ language arts	Unspecified	Total
24. Play audio tape/CD of test directions (3.2)	4	0	4
25. Allow student to respond orally in native language; translate response to English (11.2)	3	0	3
26. Play audio tape/CD of test directions in native language (9.4)	3	0	3
27. Read aloud test items from plain English script (3.3)	3	0	3
28. Allow student to respond orally in native language; scribe response in native language (11.1)	3	0	3
29. Read aloud oral script of directions in native language (9.2)	3	0	3
30. Repeat items (3.6)	2	1	3
31. Highlight words from directions in native language (10.5)	0	2	2
32. Define words or phrase in test items (4.1)	2	0	2
33. Provide picture dictionary (2.3)	2	0	2
34. Clarify word or phrase in test item on translated tests (10.3)	1	0	1
35. Provide additional examples of items or task (4.2)	1	0	1
36. Read aloud oral script of test items in native language (9.1)	1	0	1
37. Read aloud requested test items on translated test (9.3)	1	0	1
38. Play audio tape/CD of test items in native language (9.4)	1	0	1
39. Allow student to respond in writing in native language (8.1)	1	0	1
40. Provide plain English version of test (1.1)	0	0	0

Note. Numbers in parenthesis align with the number of accommodation in Table 2

Extent to which states allow accommodations with a research base

As shown in Table 12, only two accommodations with a research base – *commercial word-to-word dual language dictionaries* and *extended time* – are frequently allowed in state policies. Forty states allow *commercial (word-to-word) dual language dictionaries* and 39 state policies allow *extended time.*

The remaining six research-based accommodations are found in fewer than one-quarter of state policies. Nine states (IA, KS, MN, NM, NY, OH, RI, TX, and WI) allow a *translated test* and 8 states (DE, MA, NY, OH, OR, PA, TX, and WI) allow *side-by-side dual language versions* of the mathematics assessment only. While the accommodation "Provide side-by-side bilingual test or translated version" is listed in the Wisconsin state policy document, SEA staff clarified that this is actually a native language script that can be given to the student, thereby creating an informal side-by-side dual language test. *Provide plain English version of the test* is the least frequently allowed accommodation. Only one state (VA) allows a plain English version of the state mathematics test for grades 3-8 and Algebra I.

Table 12
Frequency of ELL-responsive accommodations with a research base allowed in state policies

Accommodation	Mathematics			Reading/language arts		
	Specified	Content unspecified	Total	Specified	Content unspecified	Total
1. Provide commercial word-to-word dual language dictionary (7.2)	34	6	40	29	6	35
2. Allow extended time (12.1)	31	8	39	32	8	40
3. Provide customized dual language word list or glossary (7.1)	11	0	11	6	0	6
4. Provide translated test (6.1)	9	0	9	4	0	4
5. Provide side-by-side written dual language versions of the test (6.2)	8	0	8	4	0	4
6. Provide English dictionary (2.1)	6	0	6	6	0	6
7. Provide customized English glossaries (2.2)	3	0	3	4	0	4
8. Provide plain English version of the test (1.1)	1	0	1	0	0	0

Note. Numbers in parenthesis align with the number of accommodation in Table 2.

Summary of key findings for research question #3

Two-thirds of state policies indicate the content areas for which all accommodations for ELLs are intended, while just under one-third of state policies specify the content area for some, but not all accommodations. Only two state policies do not specify a content area for any accommodation. Most states appear to use the accommodations allowed for mathematics assessments as the basis for those allowed for reading/language arts. Of the states policies that specify the content for which the accommodation is appropriate, all but two specify an equal or greater number for mathematics than for reading/language arts assessments. Only Alabama, Nebraska, and Texas state assessment policies allow more accommodations for reading/language arts than for mathematics.

State policies were examined to assess the frequency with which accommodations are allowed for the two academic content areas of mathematics and reading/language arts. The three accommodations most frequently allowed for both content assessments consist of; (1) *allow extended time*; (2) *provide commercial word-to-word dual language dictionary*; and (3) *read items aloud*. *Allow extended time* and *provide commercial word-to-word dual language dictionary* are about equally frequent for both kinds of assessments (allowed in about three quarters of states); the third accommodation; *read items aloud*, is somewhat less common for reading/language arts (about half of states) than for mathematics assessments (about three quarters of states).

Accommodations for test directions are more common than support for test items in both content areas. However, more accommodations related to test items are allowed for mathematics (about

one-third or fewer states) than for reading/language arts assessments (about one-sixth or fewer states). Of the accommodations with a research base, only two of the eight are *allow*ed in a majority of state policies. This finding suggests that many state assessment policies for ELLs have not yet been updated to reflect current understanding from the limited research on accommodations for ELLs.

In what ways have state assessment policies for accommodating ELLs changed since the inception of NCLB?

The final research question examines the ways in which state assessment policies for accommodating ELLs have changed since the inception of NCLB. GW-CEEE's last review (Rivera et al., 2006) examined 2000-01 state assessment policies for accommodating ELLs. To assess changes in policy, data from the current study were compared with data for similar questions from the previous review. This analysis examines changes in (1) the ELL-responsiveness of state policies; (2) the extent to which state policies were shaped by a disabilities framework; and (3) the most frequently allowed accommodations.

Number of states with an assessment policy addressing ELLs

In 2000-01, 47 of 51 state assessment policies addressed the accommodation of ELLs (all except AK, GA, ID, and IL). Four states (CO, IL, NJ, and NY) addressed the inclusion, but not the accommodation of ELLs in state assessments. By 2006-07, all 51 state policies addressed the accommodation of ELLs.

Number and percent of ELL-responsive accommodations allowed across states

As shown in Table 13, the overall number of accommodations allowed for ELLs across the 50 states and the District of Columbia increased by 39%, from 75 in 2000-01 to 104 in 2006-07. To assess changes in the percent of accommodations that were ELL-responsive, 2000-01 data were re-analyzed by applying the revised operational definition of an ELL-responsive accommodation.

Since 2000-01, the number of potentially ELL-responsive accommodations in 2006-07 increased by two-thirds (67%). However, the percent of accommodations not relevant to the linguistic needs of ELLs remained high in 2006-07. Although change has occurred, only 38% of the accommodations allowed in current state policies meet the criteria for ELL-responsiveness, a slight increase compared with 32% in 2000-01.

Table 13
Change in number and percent of total accommodations and ELL-responsive accommodations over five years

	2000-01*	2006-07	% change
Total accommodations	75	104	39%
Number ELL-responsive	24	40	67%
% ELL-responsive	32%	38%	6%

* Data reanalyzed to apply the operational definition of an ELL-responsive accommodation used in this study.

Number and proportion of total accommodations allowed by each state

Notwithstanding the increase in the overall number of accommodations allowed across states since 2000-01, the average number of accommodations allowed for ELLs by each state remained stable (mean = 16.1). However, as shown in Figures 3 and 4, the distribution across states changed. In the 2000-01 study (Figure 3), some states allowed few accommodations and others allowed a greater number. An analysis of variance was conducted to examine whether there was a difference between the two groups (state policies that increased or maintained the number of accommodations versus states that decreased the number of accommodations). Results were significant for 2000-01 ($F = 47.08$, $p < .001$) but not for 2006-07 ($F = 1.48$, $p > .05$). In other words, a majority of states with more than 30 accommodations in the policy, shown in Figure 3, reduced the number of accommodations allowed for ELLs in 2006-07 to a mean of 16, as shown in Figure 4. Only one state (WI) in the current study was an outlier with 57 accommodations. This suggests that states are recognizing that the solution is not to increase the number of accommodations, but to ensure accommodations are ELL-responsive accommodations.

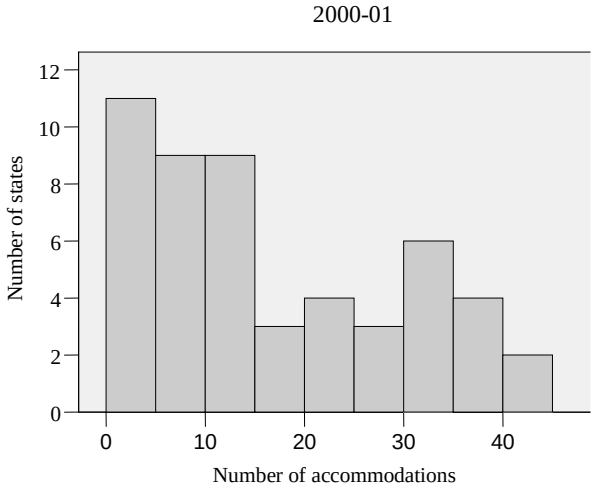

Figure 3. Numbers of accommodations for ELLs in 2000-01 state policies (mean = 16).

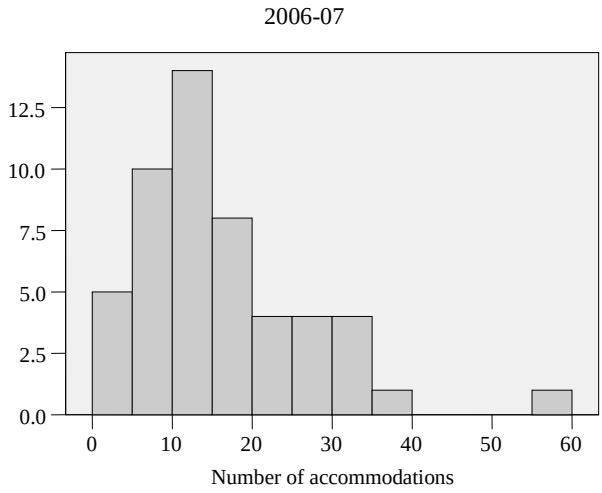

Figure 4. Numbers of accommodations for ELLs in 2006-07 (mean = 16).

Table 14 shows data for each of the 51 state policies. Of the 18 states that increased the number of accommodations for ELLs, the largest growth occurred in Michigan, Wisconsin, Indiana, Ohio, and New York.

The 21 state polices that decreased the number of accommodations eliminated an average of 13 accommodations each from their policies in 2006-07. The greatest reductions occurred in Utah, Pennsylvania, Washington, Wyoming, California, and North Dakota.

Four states (AL, DC, FL, NC) showed no change in the total number of accommodations in their policies. The eight states (AK, CO, GA, IA, ID, IL, NJ, and NM) that did not allow accommodations for ELLs in their earlier policies allowed this support in 2006-07.

Table 14
Change in number of accommodations allowed for ELLs in state policies

State	2000-01	2006-07	# Change
AK	0	20	20
AL	14	14	0
AR	7	9	2
AZ	13	18	5
CA	37	5	-32
CO	0	16	16
CT	9	12	3
DC	14	14	0
DE	20	16	-4
FL	9	9	0
GA	0	16	16
HI	9	10	1
IA	0	25	25
ID	0	31	31
IL	0	2	2
IN	3	9	6
KS	11	9	-2
KY	11	12	1
LA	12	9	-3
MA	4	2	-2
MD	30	20	-10
ME	30	27	-3
MI	2	25	23
MN	19	9	-10
MO	5	8	3
MS	45	27	-18
MT	24	13	-11
NC	11	11	0
ND	31	3	-28
NE	34	20	-14
NH	31	32	1
NJ	0	3	3
NM	0	23	23
NV	9	11	2
NY	7	13	6
OH	7	14	7
OK	35	17	-18
OR	43	38	-5
PA	37	9	-28
RI	27	33	6
SC	9	10	1
SD	24	19	-5
TN	12	12	0
TX	11	18	7
UT	29	9	-20
VA	19	16	-3
VT	26	32	6
WA	30	6	-24
WI	8	57	49
WV	15	13	-2
WY	37	13	-24
Average	16.1	16.1	0

* Percent could not be calculated due to a 0 denominator

Reanalyzed data from the review of 2000-01 state assessment policies were compared with data from the current review to assess the change in the proportion of ELL-responsive accommodations. As shown in Figures 5 and 6, the percent of ELL-responsive accommodations changed over time. The distribution for 2000-01 (Figure 5) shows 12 states that allowed no accommodations and one outlier state (MA) for which 80% of accommodations were ELL-responsive. The mean percent of ELL-responsive accommodations increased significantly from 21% in 2000-01 to 59% in 2006-07 (Figure 6) ($t = 11.63$, $p < .001$).

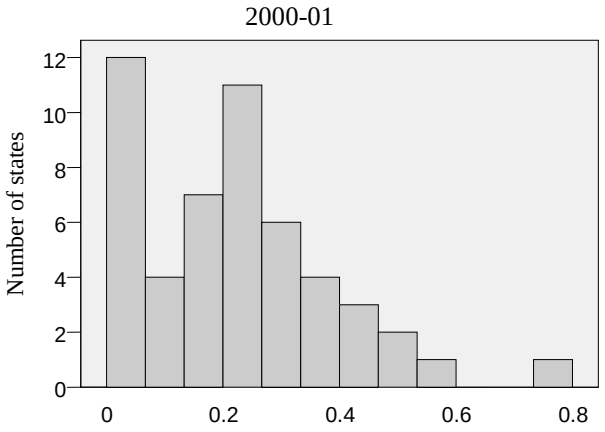

Figure 5. Percent of accommodations in 2000-01 state policies that were ELL-responsive.

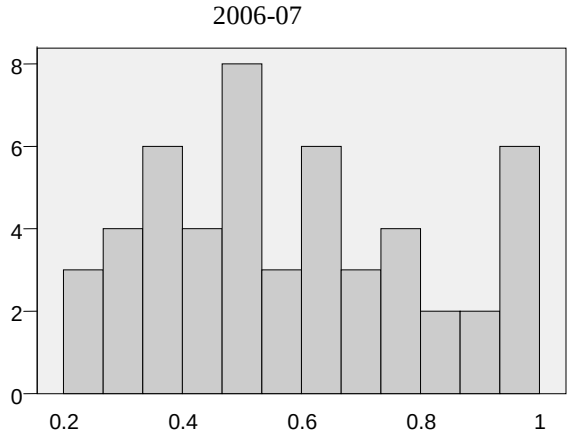

Figure 6. Percent of accommodations in 2006-07 state policies that were ELL-responsive.

As shown in Table 15, an additional examination of ELL-responsive accommodations indicates that all twelve states that had previously allowed no ELL-responsive accommodations in 2000-01 (NJ, IA, AK, CO, NM, IL, ID, IN, MI, WI, GA, and AR) allowed this type of support in 2006-07. The majority of state assessment policies (42) increased the number of ELL-responsive accommodations. State policies with the largest growth in the percent of ELL-responsive accommodations included New York, Texas, Nevada, and Alabama, all of which had allowed only one to two ELL-responsive accommodations in the earlier review. One state (ME) showed no change. Of the eight states that decreased the numbers of ELL-responsive accommodations, six reduced their numbers by only one or two accommodations which suggests that this latter group of states were becoming more selective in the types of ELL-responsive accommodations allowed (MA, ND, PA, SC, SD, WA).

Table 15
Change in number and percent of ELL-responsive accommodations in state policies

	2000-01*		2006-07		Change
State	Number	%	Number	%	Number
AK	0	0%	13	65%	13
AL	1	7%	5	36%	4
AR	0	0%	3	33%	3
AZ	4	31%	7	39%	3
CA	12	32%	5	63%	-7
CO	0	0%	9	60%	9
CT	4	44%	7	58%	3
DC	4	29%	7	50%	3
DE	10	50%	11	69%	1
FL	3	33%	6	67%	3
GA	0	0%	6	38%	6
HI	2	22%	5	50%	3
IA	0	0%	17	68%	17
ID	0	0%	14	45%	14
IL	0	0%	1	50%	1
IN	0	0%	4	44%	4
KS	3	27%	8	89%	5
KY	4	36%	6	46%	2
LA	4	33%	5	56%	1
MA	3	75%	2	100%	-1
MD	5	17%	9	43%	4
ME	7	23%	7	26%	0
MI	0	0%	10	42%	10
MN	5	26%	9	100%	4
MO	1	20%	4	50%	3
MS	7	16%	8	29%	1
MT	8	33%	10	77%	2
NC	3	27%	4	36%	1
ND	5	16%	3	100%	-2
NE	9	26%	17	85%	8
NH	7	23%	8	25%	1
NJ	0	0%	3	100%	3
NM	0	0%	12	52%	12
NV	1	11%	7	64%	6
NY	1	14%	9	69%	8
OH	4	57%	13	100%	9
OK	9	26%	13	76%	4
OR	12	28%	13	34%	1
PA	9	24%	7	78%	-2
RI	6	22%	9	27%	3
SC	8	89%	7	70%	-1
SD	10	42%	9	47%	-1
TN	2	17%	5	45%	3
TX	2	18%	16	89%	14
UT	14	48%	7	78%	-7
VA	5	26%	8	47%	3
VT	3	12%	8	25%	5
WA	6	20%	4	100%	-2
WI	0	0%	22	39%	22
WV	2	13%	7	58%	5
WY	7	19%	8	62%	1
Average	4.1	22%	8.2	59%	4.1

* percent could not be calculated due to 0 denominator

Comparative influence of a disabilities framework in state policies

Data from the two policy reviews were also compared to assess changes in the extent to which a disabilities framework influenced state policies. Two indicators common to both studies were analyzed: (1) the use of the disabilities taxonomy to categorize accommodations for ELLs, and (2) the use of a combined list of accommodations for ELLs and students with disabilities.

The use of the traditional disabilities taxonomy of timing/scheduling, setting, presentation, and response is one indicator that state policies are being influenced by a disabilities framework. As shown in Table 16, 27 states used the disabilities taxonomy in 2000-01 compared with 25 states in 2006-07. However, the negligible difference in the two datasets masks the growth of the use of a disabilities framework. Only 15 of the original 27 states continued to use the disabilities taxonomy in 2006-07 while ten other states began use of the disabilities taxonomy. In 2006-07, 11 of the 12 state policies discarded the disabilities taxonomy and did not add an organizational framework to categorize accommodations. Of the states that discarded a disabilities taxonomy between 2000-01 and 2006-07, only the District of Columbia added the ELL-responsive categories of direct and indirect linguistic support.

Table 16
Change in use of disabilities taxonomy in state policies to organize ELL accomodations, 2000-01 and 2006-07

	Use SD taxonomy, 2000-01 and 2006-07		Change in use of SD taxonomy since 2000-01		
	2000-01	2006-07	Continued use	Added use	Discarded use
States Policy	AL, CA, CO, DC, DE, KS, LA, MD, ME, MN, MS, MT, ND, NE, NH, NV, OK, OR, PA, RI, SD, UT, VA, VT, WA, WV, WY	AK, CO, CT, GA, HI, IA, ID, IN, MD, ME, MO, MS, MT, NE, NH, NM, NV, PA, RI, SD, TN, UT, VA, VT, WA	CO, MD, ME, MS, MT, NE, NH, NV, PA, RI, SD, UT, VA, VT, WA	AK, CT, GA, HI, IA, ID, IN, MO, NM, TN	AL, CA, DC, DE, KS, LA, MN, ND, OK, OR, WV, WY
Total States	27	25	15	10	12

Another indicator of the use of a disabilities framework in state policies is the provision of a combined list of accommodations for ELLs and students with disabilities without distinguishing which accommodations are intended for ELLs. Table 17 shows the 18 states that used a combined list of accommodations in 2000-01. Of the 18 states' policies, in 2006-07 five continued to use a combined list of accommodations, and one (VT) added this practice into their policy. Thirteen states using a combined list of accommodations in 2000-01 later eliminated the practice.

Table 17
Change in use of combined list of ELL and disabilities accommodations in state policies in 2000-01 and 2006-07

	Use combined list		Change in use of combined list since 2000-01		
	2000-01	2006-07	Continued use	Added	Discarded
State Policy	AR, CA, CO, MD, ME, MI, MS, MT, ND, NE, NH, OH, OK, OR, PA, RI, TX, and WA	CO, ME, NH, OR, RI, VT	CO, ME, NH, OR, RI	VT	AR, CA, MD, MI, MS, MT, ND, NE, OH, OK, PA, TX, and WA
Total States	18	6	5	1	13

Comparison of most frequently-specified accommodations for mathematics assessments for ELLs between 2000-01 and 2006-07

The two GW-CEEE policy studies that bookmark IASA and NCLB (Rivera et al., 2006) and the current study provide insight into the most frequently allowed accommodations for ELLs in state policies. The analysis suggests shifts in the types of accommodations allowed. Data were compared to assess changes in ELL-responsive accommodations. The comparison was limited to the most frequently specified accommodations for mathematics assessments because data were not available from the 2000-01 policy review for reading/language arts accommodations.

As shown in Table 18, among the most frequently specified accommodations for mathematics assessments in 2001 state assessment policies did not include support for test items, but did allow support for extended time and directions. In comparison, 2006-07 state assessment policies included more support for ELLs to access test items through the use of two accommodations - *provide commercial word-to-word dual language dictionaries* and *read items aloud.*

Table 18
Comparison of highest frequency ELL-responsive mathematics accommodations, 2000-01 and 2006-07

Most frequent accommodations	2000-01 Policies	Most frequent accommodations	2006-07 Policies
1. Allow extended time (12.1)	35	1. Provide commercial word-to-word dual language dictionary (7.2)	40
2. Directions translated into native language (10.2)	26	2. Allow extended time (12.1)	39
3. Read directions aloud (3.5)	23	3. Read items aloud (3.4)	38

Note. Numbers in parenthesis align with the number of accommodation in Table 2

Accommodations that provided support for test directions (e.g., translate directions orally into native language, read directions aloud) as opposed to test items (e.g., translate items orally into native language, read items aloud) were allowed for mathematics assessments in approximately half of state policies in both 2000-01 and 2006-07. In 2000-01, state assessment policies were less likely to include accommodations to support access to mathematics test items.

Summary of key findings for research question #4

To examine in what ways state assessment policies for accommodating ELLs have changed since the inception of NCLB, caparisons were made between 2000-01 and 2006-07 state assessment policies. The examination indicated that progress was uneven across states, with some state policies becoming less ELL-responsive and others becoming more ELL-responsive. Overall the analysis suggests that there has been progress since 2000-01 in the extent to which state assessment policies focus on the needs of ELLs.

Between 2000-01 and 2006-07, ELL-responsive accommodations allowed by states increased by 67%. Many states also began to *allow* more support for test *items* in addition to support for test *directions*, an important shift. Several states also reduced reliance on a disabilities taxonomy and/or on separate lists of accommodations for ELLs and students with disabilities. Yet a core group of states (15) continued to use a disabilities taxonomy to frame assessment policy for ELLs. In summary, more progress needs to be made to more effectively support ELLs' taking state assessments.

Discussion

SEAs continue to grapple with how to design effective policy for the accommodation of ELLs in state content assessments. To inform state policy makers as they refine state assessment policies for accommodating ELLs, this review of state assessment policies examined the extent to which policies have become more responsive to the needs of ELLs. Findings suggest that states have made measurable progress, but much work remains to develop state assessment policies that fully guide the appropriate accommodation of ELLs.

Ways in which state assessment policies for the accommodation of ELLs have improved

The concept of ELL-responsiveness, originally introduced in Rivera et al. (2006), focuses attention on the degree to which state policy is responsive to ELLs' unique linguistic needs. Based on a comparison of data from 2000-01 and 2006-07, state assessment policies are demonstrating substantial progress toward this goal.

- In 2006-07, all 51 states had assessment policies that included accommodations for ELLs. This is an improvement over 2000-01, when 47 of 51 state assessment policies addressed the accommodation of ELLs. The remaining four state policies addressed inclusion but not the accommodation of ELLs in state assessments.

- While not all accommodations *allow*ed are responsive to ELLs' linguistic needs, most state assessment policies have made progress in distinguishing the students for whom the accommodations are intended.

- The majority of state assessment policies (42) allowed more ELL-responsive accommodations. Of the eight states that decreased the numbers of ELL-responsive accommodations, six reduced their numbers by only one or two accommodations, which suggests that this latter group of states were becoming more selective in the types of ELL-

responsive accommodations allowed. One policy showed no change in numbers of ELL-responsive accommodations.

- In 2006-07, state policies contained more support for test items than in 2000-01. Two accommodations in particular, *commercial word-to-word dual language dictionaries* and *read items aloud* became popular in three quarters of states that had not previously allowed support for test items. *Allow extended time* continued to be a frequently allowed accommodation in a majority of state policies in both 2000-01 and 2006-07.

In sum, state policies have made improvements in accommodating ELLs. Most state policies have extended the selection of ELL-responsive accommodations and distinguished accommodations for ELLs from those for students with disabilities. In addition, most states now allow more direct linguistic support for test items in addition to support for test directions. Some states have demonstrated more sophisticated approaches to accommodating ELLs by considering the varying needs of students across a range of background variables. Finally, some states have developed strategies for monitoring the implementation of accommodations so that data can be collected and analyzed to improve future policy and practice.

Ways in which state policies need improvement

Although progress has been made, the findings suggest that refinement of state policies is needed in three areas: policy design, the systematic selection of ELL-responsive accommodations, and procedures to improve the quality of accommodations.

Policy design

Policy and accommodations for ELLs needs to be clearly organized around the linguistic needs of ELLs. The findings from the policy review suggest two specific areas where improvement can be made: (1) the clarity of the language used to describe accommodations and the policy text that guides decisions about the use and implementation of accommodations; and (2) the elimination of non-ELL-responsive accommodations and use of an ELL-responsive taxonomy.

Lack of clarity in policy language is found in almost every state policy. It is evidenced in the description of an accommodation, the associated criteria for assigning and administering a specific accommodation, and the content assessment for which the accommodation is allowed.

The lack of clarity invites variance in the interpretation of the policy by state staff and the local decision makers charged to implement the policy. Research has shown that many local decision makers still assume that the only students eligible for accommodations are those with an IEP (Shafer Willner et al., 2007). Yet more than half of state policies do little to lessen this misunderstanding by including an explanation of how accommodations can be used to support ELLs' unique *linguistic* needs during testing. ELL-responsive accommodations are intended to remove construct-irrelevant variance due to linguistic and socio-linguistic background. In contrast, accommodations for students with disabilities are intended to remove construct-irrelevant variance due to a specific cognitive, physical or learning disability.

Findings from this study indicate that at least 31 states include one or more elements in their policies for ELLs that are biased toward the needs of students with disabilities. In fact, 22 of the state policies were updated prior to or during 2006-07, which suggests that accommodations continued to be viewed from a disabilities perspective in these states. The practices of categorizing accommodations using the four disabilities categories, combining policy text for both ELLs and students with disabilities, and including any non-ELL-responsive accommodations highlights the mixed record states have in designing policies and selecting accommodations to meet ELLs' unique needs.

The systematic selection of ELL-responsive accommodations

The goal of a state policy that is fully responsive to a range of ELLs' differentiated needs remains elusive. The fact that 62% (64 of 104) of accommodations found across state assessment policies were deemed non-ELL-responsive and the wide range in the number of accommodations per state policy (from 2-to-57) highlights inconsistent understanding among states of which accommodations might best meet ELLs' unique linguistic needs during testing. Findings also suggest that states with large numbers of accommodations are less likely to be ELL-responsive and highlight the broad approach taken by the vast majority of states for determining "what counts" as an accommodation for an ELL. The inclusion of general test taking practices or accommodations intended for students with disabilities does not address ELL needs.

By and large, few of the 51 policies provide guidance to decision makers for using student background characteristics such as formal schooling, years in the US, and language of instruction as part of the accommodations decision. Even among policies with 100% ELL-responsive accommodations, support to ELLs is not often targeted. Although every state policy includes criteria or guidelines for including ELLs in particular assessments, most state policies do not specify characteristics of ELLs who should receive specific accommodations; a one-size-fits-all assignment process is the norm.

Nor do state policies include a systematic approach for selecting accommodations. The provision of a general set of decision making criteria, at best, leaves this determination up to local decision makers and inserts a potential source of error into the accommodated score. Moreover, the use of general criteria for decision making is problematic because a variety of criteria regarding ELL background characteristics may be applied to the same accommodation without assurance that the most pertinent criteria for that accommodation are being included in the decision-making calculus. For example, for students with lower levels of English language proficiency, it is important to ascertain if the ELL has literacy skills in the native language and is receiving instruction in the native language.

Many state policies include large numbers of accommodations with no guidance on how to match the accommodations to specific ELL needs. Another group of state policies caution local decision makers to assign accommodations on an individualized basis *without* including guidance on how to link accommodations to individualized ELL background characteristics. As a result, there is no clear guidance for local decision makers as to which accommodations are most appropriate for ELLs with different linguistic and socio-cultural characteristics.

A major challenge when including ELLs in state academic assessments is determining how to mitigate construct-irrelevance variance due to students' English language proficiency. In other words, the question is how to ensure that a mathematics test with difficult vocabulary that is given to a student in the early stages of learning English measures the student's knowledge of mathematics rather than his or her language proficiency. Other than the accommodations *provide commercial word-to-word dual language dictionary* and *read items aloud*, most states do not address core issues of allowing accommodations that support ELLs' access to the language of test items. Instead accommodation support to ELLs more commonly involves support to test directions.

The research base on ELL accommodations is still in its infancy and it is possible that many accommodations currently used by states may eventually be supported by research. As such, states need to include accommodations in state policies that, in their best professional judgment, are ELL-responsive. Even so, the data on frequently allowed accommodations suggests that many state policies have not yet been updated to reflect current understanding from research. Only two of the eight research-based accommodations were designated in three-quarters or more of states' policies for use with mathematics or reading/language arts assessments. Six research-based accommodations were allowed in one-quarter or fewer state policies for both mathematics and reading/language arts and in one-tenth or fewer state policies for reading/language arts assessments only. Accommodations with a research base should be considered when creating policy for ELLs.

Procedures to improve the quality of accommodations

The effectiveness of state policy is not just the selection of ELL-responsive accommodations, but also the implementation and ongoing study of the impact of these accommodations on ELL test scores. A state may have a 100% ELL-responsive list of accommodations in its policy, but without data on how these accommodations are used and the extent to which they support ELLs taking content assessments, the provision of accommodations to ELLs is one of unrealized promise.

The majority of state policies do not contain requirements to monitor the accommodations used by ELLs. Very few states offer public data on the impact of particular accommodations or, for that matter, attempt meaningful examination of accommodations used to improve the quality of accommodations delivered. Ongoing procedures are needed for improving the quality of accommodations, tracking the consistency of interpretation of the policy by test administrators, and tracking of common areas of misinterpretation as the policy is used by local decision makers.

Future Research

This study provides SEA policy makers with tools to examine state policies for ELL-responsiveness. It provides a foundation for future research on a number of issues related to assessment policy for ELLs.

The focus on ELL-responsiveness and on matching accommodations to ELLs' unique linguistic and socio-cultural needs has implications for researchers as they examine the impact of English

language proficiency levels and other student background variables, particularly literacy in English and in the native language. What is the effect of ELL-responsive accommodations on student test scores across different levels of English language proficiency and across a range of literacy levels in the native language and in English?

Since only a limited number of accommodations have been studied, frequently specified ELL-responsive accommodations need to be identified and systematically studied. Building on findings from the current study, it is important for states to identify promising accommodations that have not yet been studied and to support the conduct of meaningful research on these. More needs to be known about effectiveness and issues of test score comparability for specific accommodations.

Basic research is needed to examine practice. How are accommodations decisions made? What factors are taken into consideration? In what ways does the language of state policies support or hinder local accommodations decisions? How are accommodations assigned? To what extent are ELP levels and other student background variables taken into account in the assignment of accommodations? To what extent are accommodations actually implemented? In what ways can procedures for accommodating ELLs be standardized? What role do state policies have in guiding the assignment of accommodations? These are some of the research questions to consider.

A final area of basic research that needs to be addressed relates to monitoring the administration of accommodations. Questions to be explored include the extent to which states have systems in place to monitor the implementation of accommodations and the extent to which these systems overlap with or are different from systems used to monitor students with disabilities. When monitoring systems are in place it will be important to consider how to use the information to make improvements to states' policies and practice.

Recommendations

Recommendations relate to improvements to policy design, the selection of ELL-responsive accommodations, and practices for improving the quality of the accommodations in state policy.

Improve state assessment policy design

To improve written state assessment policies related to the assessment of ELLs, states should consider the following design recommendations.

- Develop conventions for naming accommodations. These conventions should make it clear in the policy who is responsible for providing materials needed to administer the accommodation. For example, *provide electronic word-to-word translator* is different from *allow electronic word-to-word translator*.
- Specify the content area for which the accommodation is allowed.
- Avoid using a disabilities framework as boilerplate when writing policy text and specifying accommodations for ELLs.

Improve the selection of ELL-responsive accommodations

A one-size-fits-all approach to assigning accommodations is not responsive to the range of needs in the ELL community. To improve the quality of accommodations identified in state policies for ELLs, states should consider the following recommendations.

- Choose a reasonable number of ELL-responsive accommodations to include in state policy. Consider the test administrator: Too many accommodations may be difficult to process; too few accommodation choices may not offer the range of options to meet ELL needs.
- Choose only ELL-responsive accommodations. Use a narrow approach to determining what "counts" as an accommodation for an ELL; not every test-taking practice or accommodation is ELL-responsive.
- Choose accommodations supported by research, yet also include accommodations that, in the best professional judgment of the state, are deemed ELL-responsive.
- Provide guidance in the form of criteria matched to specific accommodations and models of decision-making to standardize the selection of accommodations; guidance that is too general invites a wide range of variance in how local decision makers accommodate ELLs.
- Include ELL-responsive accommodations that address test items. ELLs need support for test items that extends beyond the use of dictionaries.

Improve the quality of accommodations

State assessment policies often rely on outdated research, data, and practice. To improve the quality of accommodations in state assessment policies, states should consider to the following recommendations.

- Assess state policy on an annual basis to ensure the accommodations and overall policy meet the standard of ELL-responsiveness.
- Stay current with research on accommodations. Use the findings, as appropriate, to make refinements to the selection of accommodations allowed to ELLs.
- Conduct research studies on the effectiveness of accommodations used in the state. Plan to examine the effectiveness of one accommodation per year, for example.
- Monitor which accommodations are used by students during testing. This information can be used to make decisions about which accommodations should be studied.
- Use an annual survey to examine the consistency of interpretation of the policy by test administrators. Use the information to inform training of test coordinators.
- Create a summary of important principles and common areas of misinterpretation in the guidelines SEAs offer to districts and schools prior to the assessment.

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