Guidebook to Including Students with Disabilities and English Learners in Assessments

NCEO Report 420

NCEO Report 420

Guidebook to Including Students with Disabilities and English Learners in Assessments

Martha L. Thurlow, Sandra H. Warren, and Magda Chia

June 2020

NCEO
National Center on Educational Outcomes

IDEAs that Work
U.S. Office of Special Education Programs

In collaboration with:

AEM CORPORATION

CCSSO
Council of Chief State School Officers

NASDSE
NATIONAL ASSOCIATION OF STATE DIRECTORS OF SPECIAL EDUCATION, INCORPORATED

WestEd

NCEO Core Staff

Sheryl S. Lazarus, Director	Michael L. Moore
Deb A. Albus	Darrell Peterson
Jessica Bowman	Christopher Rogers
Gail Ghere	Kathy Strunk
Linda Goldstone	Martha L. Thurlow
Erik Larson	Terri Vandercook
Kristi K. Liu	Yi-Chen Wu
Charity Funfe Tatah Mentan	

National Center on Educational Outcomes
University of Minnesota • 207 Pattee Hall
150 Pillsbury Dr. SE • Minneapolis, MN 55455
Phone 612/626-1530 • Fax 612/624-0879
http://www.nceo.info

Acknowledgments

Executive Summary

This *Guidebook* was developed to highlight the lessons learned about how to ensure inclusive assessment practices for students with disabilities and English learners. It also provides foundational information on the characteristics of these students that require consideration during all phases of assessment design, development, and implementation. The *Guidebook* is intended to remind all assessment, special education, and other personnel in state departments of education of the lessons that have been learned, and to share those lessons with new personnel in state assessment, special education, Title I, and Title III offices.

The 10 lessons highlighted in the *Guidebook* are:

Lesson 1. Know the student populations in your state and their characteristics.

Lesson 2. Develop a basic understanding of how the principles of universal design apply to assessments.

Lesson 3. Examine laws, professional standards, principles, and policies on including students with disabilities and English learners in assessments.

Lesson 4. Gain an understanding of why it is important to include all students in assessment systems, including students with disabilities, English learners, and English learners with disabilities.

Lesson 5. Review the many lessons learned about accessible assessments.

Lesson 6. Work with stakeholders to develop guidance for the field on making important testing decisions.

Lesson 7. Think through intended uses of assessment results and approaches to reporting results that meet federal and professional requirements and also serve the needs of stakeholders who receive reports.

Lesson 8. Realize that ensuring full implementation is partly the state's responsibility.

Lesson 9. Focus on continuous improvement of the assessment system.

Lesson 10. Learn from peers, including individuals in other states, as well as from national organizations and technical assistance partners.

This *Guidebook* is designed to provide brief summary information about each lesson learned (see boxed text under each lesson) plus expanded information and resources that provide more in-depth information. It does not address inclusion in accountability systems, per se, nor does it specifically address interim and formative assessments even though most of the lessons learned apply to those assessments as well.

Table of Contents

Overview

In the mid-1990s, a wave of concern about the exclusion from assessments of students with disabilities and English learners swept the country. This occurred, in part, because of the lack of data on the outcomes of the country's investment in services for these students.

Much has changed since that time, changes that came through adjustments in beliefs, considerable research, and changes in assessment policies. There were continued discussions and lessons learned over nearly two decades about how to develop tests and policies inclusive of students with disabilities and English learners.

Still, with new personnel in state assessment, special education, Title I, and Title III offices, some of the reasons for ensuring that assessments and assessment policies are developed to be inclusive of all students have been lost. Similarly, approaches to developing and implementing inclusive assessments may have been forgotten.

The purpose of this *Guidebook* is to highlight the lessons learned in the past about how to ensure inclusive assessment practices for students with disabilities and English learners, as well as to provide foundational information on the characteristics of these students. The lessons presented here were gleaned from what we learned from state assessments used for accountability. These summative state assessments are generally part of a comprehensive and balanced assessment system that includes interim and formative assessments as well as summative ones. Although many of the lessons learned apply to all of these assessments, this *Guidebook* was not developed with the purposes of interim and formative assessments in mind.

This *Guidebook* is directed to state department of education staff and others interested in ensuring that assessments and assessment policies are inclusive of all students in the most appropriate ways possible. It is designed to provide brief information about each lesson learned, yet at the same time to direct the reader to resources that provide more in-depth information on the topic.

This *Guidebook* does not address inclusion in accountability systems, per se. If students with disabilities and English learners (including English learners with disabilities) are included in assessment systems, and the results from all assessments are **included equitably** in accountability systems, for the most part inclusive accountability will be achieved because the scores of students with disabilities and English learners will also be included in the accountability systems in the same way as all other students.

In developing this *Guidebook*, we reviewed reports on assessment best practices and assessment literacy from education organizations and technical assistance centers (see **All Resources**, listed in Appendix A). Based on our review and our own experiences as technical assistance providers, we identified the "top 10" lessons that should be attended to for ensuring an inclusive assess-

ment system for students with disabilities and English learners. These 10 lessons are presented after a brief summary of the characteristics of students with disabilities and English learners.

Student Populations[1]

> The United States public school system consists of an increasingly diverse student population that includes students with disabilities, English learners, and English learners with disabilities. All of these students are to be included in states' assessment systems. Most will participate in regular assessments; a small percentage have the most significant cognitive disabilities and will participate in alternate assessments of content that are based on alternate academic achievement standards (AA-AAAS), and alternate English language proficiency (Alt-ELP) assessments if they are English learners with the most significant cognitive disabilities.

In the 2015-2016 school year, the 6.7 million students with disabilities represented 13 percent of the overall student population (NCES, 2018). Another 4.8 million students were English learners, making up 10 percent of the total K-12 student population (NCES, 2019). By 2015, approximately 9 percent of English learners and 8 percent of students with disabilities were identified as English learners with disabilities, totaling about 350,000 students (NASEM, 2017).

The small percentage of students with disabilities who have the most significant cognitive disabilities make it appropriate to hold them to alternate academic achievement standards (performance standards that are aligned to grade-level standards but have reduced depth, breadth, or complexity) rather than grade-level achievement standards. All states have explicit criteria for determining which students have the most significant cognitive disabilities and for deciding when the alternate assessment based on alternate academic achievement standards (AA-AAAS) is the most appropriate assessment (Thurlow, Albus, Larson, Liu, & Lazarus, 2019).

We have learned over time that students with the most significant cognitive disabilities are not characterized by any one disability category label. There is no disability category of "students with the most significant cognitive disabilities." Generally, though, many but not all of the students with the most significant disabilities who participate in states' AA-AAAS are students with intellectual disabilities, autism, and multiple disabilities (Kearns, Towles-Reeves, Kleinert, Kleinert, & Thomas, 2011). Thus, not all students with intellectual disabilities, autism, and multiple disabilities participate in the AA-AAAS. One state estimates, for example, that only

---

[1]Throughout this report, we address students with disabilities first then English learners. This ordering was used only because, historically, attention generally was given first to students with disabilities then to English learners, and still later to English learners with disabilities.

29% of its students with autism and 49% of its students with intellectual disabilities participated in its AA-AAAS. Estimates from the National Longitudinal Transition Study of 2012 suggest that approximately 60% of students with autism and students with multiple disabilities, and 65% of students with intellectual disabilities participate in assessments other than the general assessment (Wu, Thurlow, Johnson, & Lavelle, in process).

Both students with disabilities and English learners are heterogeneous in their characteristics. For example, of the 6.7 million students with disabilities, 34 percent had a specific learning disability, 20 percent reported a speech or language impairment, 9 percent were identified with autism, 6 percent showed an intellectual disability, and 2 percent had multiple disabilities (NCES, 2018). In addition, students with disabilities included students from diverse racial and ethnic backgrounds, including 14 percent White, 16 percent Black, 12 percent Hispanic, and 13 percent reporting two or more races (NCES, 2018). Furthermore, there are other disability categories—such as blind/visual impairment that comprise less than 1 percent of students with disabilities.

English learners differ by level of English language proficiency, home language proficiency, academic background in their home language, academic experience in English, and whether they are classified as a recently arrived English learner (Calderón, Slavin, & Sanchez, 2011). English learners also vary in the amount of time they have been classified as English learners. Further, states vary in the percentage of English learners represented in the student population, from 1 percent to 21 percent according to 2016-2017 Consolidated State Reports (U.S. Department of Education, 2018a). The most common home languages of English learners are Spanish, Arabic, Chinese, and Vietnamese (U.S. Department of Education, 2018b), although these also vary by state.

English learners with disabilities are receiving renewed attention because of the growing numbers of these students and the special considerations that are needed to ensure that they are included in assessments. English learners with disabilities most often have specific learning disabilities, but of course, they may also have other disabilities. In 2016-2017, English learners with Individualized Education Programs (IEPs) in states ranged from 1 percent to 30 percent of the population of students with IEPs (Wu & Thurlow, 2019).

With the increased attention to English learners with disabilities has come the realization that there are English learners with the most significant cognitive disabilities whose English acquisition should be measured as well as their acquisition of academic content knowledge and skills. We are just beginning to learn about the characteristics of these students (see Christensen, Mitchell, Shyyan, & Ryan, 2018; Karvonen & Clark, 2019).

All this diversity means that it is important for states to develop and implement assessments that meet these students' diverse needs while at the same time adhering to standards for valid,

reliable, and fair assessments. It is important to take into account individual student needs, the intended construct being measured by the test, and the intended use of the test results when deciding how to make assessments accessible for all students.

Now, here are the "top 10" lessons that all state personnel (and others) should be aware of to ensure an inclusive assessment system for students with disabilities, English learners, and English learners with disabilities.

Lesson 1: Student Characteristics

Know the student populations in your state and their characteristics.

Student populations and their characteristics have implications for assessment design, decision-making processes, and monitoring. At a minimum, know the percentages of students with disabilities, English learners, and English learners with disabilities in your state. Ideally—given recent requirements for alternate assessments of reading/language arts, mathematics, science, and other subject areas, and of English language proficiency (ELP)—also know the percentages of English learners with the most significant cognitive disabilities. The "deeper" you can dive into your state's data, the better equipped you will be to ensure that your state's assessment is inclusive of all students in your state.

Additional information about students in your state that will be helpful in understanding their characteristics include:

- Percentages in tested grades (students with disabilities, English learners, English learners with disabilities, students with the most significant cognitive disabilities, and English learners with the most significant cognitive disabilities)

- Primary home languages of English learners and English learners with disabilities (also those with the most significant cognitive disabilities and those with visual or hearing impairments) in tested grades

- Primary disability categories of students with disabilities and English learners with disabilities (and if possible those with the most significant cognitive disabilities)

- Percentages of students with disabilities and English learners with disabilities participating in the state general subject area and ELP assessments and the state alternate subject area and ELP assessments

- Percentages of students with disabilities, English learners, and English learners with disabilities receiving accommodations

- Percentage of students overall (including those without disabilities and who are not English learners) who received accessibility supports available to all students with adult documentation of student needs

There are a number of resources that address student characteristics, sometimes with information for each state (see **Lesson 1 Resources**). It is preferable to have the most up-to-date information when thinking about students in your state and to have them clearly defined in the state's data systems. Gathering information from assessment data files, but also checking in with other divisions in your state (such as special education and English learner education) can help to identify the most recent information and potential gaps in data available for knowing as much as possible about the students in your state.

For students with the most significant cognitive disabilities and English learners with the most significant cognitive disabilities, surveys from research projects are available for use in gathering additional information not typically in databases. See **Lesson 1 Resources** for the *Learner Characteristics Inventory,* the *Individual Characteristics Questionnaire,* the *First Contact Survey,* and the *Alt-ELPA21 Student Profile.* All of these provide examples of the kinds of information that might be helpful to have for your students with the most significant cognitive disabilities, including those who are English learners.

Lesson 1 Resources

CSAI (Center on Standards and Assessment Implementation). http://www.csai-online.org/

Kearns, J., Kleinert, H., Kleinert, J., & Towles-Reeves, E. (2006). *Learner Characteristics Inventory. State and National Demographic Information for English Learners (ELs) and ELs with Disabilities* (2016). http://www.naacpartners.org/publications/LCI.aspx

NCEO & ELPA21. (2018). *Alt-ELPA21 Student Profile. Appendix A in ELPA21 White Paper: Developing an Alternate ELPA21 for English Learners with the Most Significant Cognitive Disabilities.* https://nceo.umn.edu/docs/OnlinePubs/AltELPAWhitePaper2018.pdf

Shyyan, V. V., Christensen, L. L., Mitchell, J. D., & Ceylan, I. E. (2018). *ALTELLA individual characteristics questionnaire*. Madison, WI: Alternate English Language Learning Assessment (ALTELLA). https://altella.wceruw.org/resources.html.

U.S. Department of Education. *Our Nation's English Learners: What are Their Characteristics?* https://www2.ed.gov/datastory/el-characteristics/index.html#four

West Virginia Department of Education. *First Contact Survey FAQs.*
https://wvde.state.wv.us/osp/First_Contact_Survey_FAQs.docx

Lesson 2: Universal Design

Develop a basic understanding of how the principles of universal design apply to assessments.

> Universal design refers to making materials accessible to as many people as possible. Principles of universal design were first developed in architecture. Applying them to assessments requires a blend of knowing the characteristics and needs of students with disabilities, English learners, and English learners with disabilities, along with the purpose of each assessment in which they will participate. Universal design is intended to meet the needs of all students, not just students with disabilities or English learners, but it is especially important if assessments are to appropriately be accessible for all students.

"Universal design" is a term that is used by many, and that can mean different things. It grew out of the field of architecture, which generally defines it as "design that's usable by all people, to the greatest extent possible, without the need for adaptation or specialized design" (Universal Design Project, 2018). It has been applied to assessments by CAST (2015) and NCEO (Thompson, Thurlow, & Malouf, 2004).

The term "universal design for learning" is included in the Elementary and Secondary Education Act (ESEA), which guides the requirements for state assessments. It refers to the Higher Education Act, which defines the term as:

(24) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' means a scientifically valid framework for guiding educational practice that— (A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and (B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient. (Sec. 103(a)(24))

Many ideas for ensuring universal design have emerged over time (see **Lesson 2 Resources**). A foundational idea is that individuals familiar with all students in the state (including special

educators, general educators, and English learner educators) should be involved in assessment design and development (including leveraging technology to increase accessibility). There should be quality control processes throughout assessment development that include adults and students representative of various student groups: students with disabilities, English learners, and English learners with disabilities (Johnstone, Thompson, Miller, & Thurlow, 2008).

Consideration should be given, for example, to the language demands of the assessment at the same time that the constructs being measured by the test are kept in mind. The difficulty associated with language in the test should be intentional throughout item development. For example, experts in language can examine information density, passage length, language forms, and vocabulary (Cook & MacDonald, 2013). Similarly, visual, auditory, and physical requirements of the test should be carefully considered during the development and implementation of assessments (Ketterlin-Geller, 2008). Many of these demands can be adjusted without changing the construct being measured, either through design or through the provision of various accessibility supports (e.g., braille, sign language).

Technology has opened up many possibilities for improving universal design, yet assistive technology (AT) has increased some of the challenges for online testing. Because most AT options were not created specifically for assessments, they were not developed with test security in mind. Thus, there is a need for special attention to the compatibility between the computer test administration platform's secure operating system and the AT so that the two communicate without jeopardizing the test's security. In addition, it is critical to remember students are using AT in daily schoolwork after having been appropriately trained.

Lesson 2 Resources

CAST Professional Learning. *Top 10 UDL Tips for Assessment.*
http://castprofessionallearning.org/project/top-10-udl-tips-for-assessment/

NCEO (2006). *A State Guide to the Development of Universally Designed Assessments.*
https://nceo.umn.edu/docs/OnlinePubs/StateGuideUD/UDmanual.pdf

NCEO. *Universal Design of Assessments.*
https://nceo.info/Assessments/universal_design/overview

Universal Design Project. https://universaldesign.org/

Lesson 3: Laws, Standards, and Principles

Examine laws, professional standards, principles, and policies on including students with disabilities and English learners in assessments.

> There are many laws, regulations, professional standards, and principles that provide a rationale and guidelines for including students with disabilities and English learners (including English learners with disabilities) in assessments. It is important to know what these are and when to refer to them.

At a minimum, know where to find information about:

- Elementary and Secondary Education Act (ESEA), reauthorized in 2015 as the Every Student Succeeds Act (ESSA)

- Individuals with Disabilities Education Act (IDEA)

- Workforce Innovation and Opportunity Act (WIOA)

- Regulations for ESEA and IDEA

- American Educational Research Association (AERA), American Psychological Association (APA), and National Council on Measurement in Education (NCME) (2014) *Standards for Educational and Psychological Testing*

- U.S. Department of Education *A State's Guide to the U.S. Department of Education's Assessment Peer Review Process*

- Your state's laws or regulations about assessment

The laws that govern the inclusion of students with disabilities, English learners, and English learners with disabilities in K-12 assessments are the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA). The 2016 ESSA Assessment Regulations provide important additional details, as does the Assessment Peer Review *Guide* (U.S. Department of Education, 2018).

The 2014 edition of the AERA, APA, NCME *Standards for Educational and Psychological Testing* is unique in its inclusion of a chapter on Fairness as one of three foundational chapters (with Validity and Reliability as the two other foundational chapters). Familiarity with the requirements of the Fairness chapter is important for ensuring the inclusion of students with disabilities, English learners, and English learners with disabilities. The overarching standard (3.0) for the Fairness chapter is:

All steps in the testing process, including test design, validation, development, administration, and scoring procedures, should be designed in such a manner as to minimize construct-irrelevant variance and to promote valid score interpretations for the intended uses for all examinees in the intended population. (p. 63)

The *Standards* in this chapter are particularly relevant to assessments of students with disabilities, English learners, and English learners with disabilities. The chapter includes 20 standards in four clusters (see Appendix B for a list of the clusters and standards).

Other resources that are highly recommended include:

- CCSSO (2019). *States' Commitment to High-Quality Assessments Aligned to College- and Career-Readiness.* https://ccsso.org/resource-library/states-commitment-high-quality-assessments-aligned-college-and-career-readiness

- NCEO (2016). *Principles and Characteristics of Inclusive Assessment Systems in a Changing Assessment Landscape.* https://nceo.umn.edu/docs/OnlinePubs/Report400/NCEOReport400.pdf

- Improving the Validity of Assessment Results for English Language Learners with Disabilities (IVARED) (2013). *Assessment Principles and Guidelines for ELLs with Disabilities.* https://nceo.umn.edu/docs/OnlinePubs/ivared/IVAREDPrinciplesReport.pdf

CCSSO (2019) proposed four principles for high-quality English language arts and mathematics assessments aligned to college- and career-readiness. The fourth principle addresses accessibility for all students. This principle and how it is to be achieved is included in Appendix C.

NCEO has provided two sets of principles for inclusive assessments. IVARED (2013) addresses principles and guidelines for English learners with disabilities (see Appendix D) and NCEO (2016) addresses general principles and guidelines for inclusive assessment systems (see Appendix E).

Because states' assessments are reviewed by their peers through a process set up by the U.S. Department of Education, the *Guide* that the Department has provided for peer reviewers is especially important to have on hand (U.S. Department of Education, 2018c). The six critical elements are described in detail in the *Guide*, with examples of evidence provided. Although all of the critical elements are relevant for including students with disabilities, English learners, and English learners with disabilities, the critical elements in Section 5 may be the most relevant (see Appendix F).

Several organizations address the new assessment requirements that emerged in ESSA. Nevertheless, it is important to remember the requirements included in IDEA when focusing on the ESSA requirements (e.g., requirements for public reporting).

Links to the resources noted here, as well as others, are included in the **Lesson 3 Resources.**

Lesson 3 Resources

CCSSO (2019). *States' Commitment to High-Quality Assessments Aligned to College- and Career-Readiness.* https://ccsso.org/resource-library/states-commitment-high-quality-assessments-aligned-college-and-career-readiness

Elementary and Secondary Education Act (2015). https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf

ESSA Assessment Regulations (2016). https://www.govinfo.gov/content/pkg/FR-2016-12-08/pdf/2016-29128.pdf

Individuals with Disabilities Education Act (2004). https://www.wrightslaw.com/idea/law.htm

IVARED (2013). *Assessment Principles and Guidelines for ELLs with Disabilities.* https://nceo.umn.edu/docs/OnlinePubs/ivared/IVAREDPrinciplesReport.pdf

NCEO (2016). *Principles and Characteristics of Inclusive Assessment Systems in a Changing Assessment Landscape.* https://nceo.umn.edu/docs/OnlinePubs/Report400/NCEOReport400.pdf https://nceo.umn.edu/docs/OnlinePubs/Report400Spanish/NCEOReport400Spanish.pdf (Spanish version)

U.S. Department of Education (2018, September). *A State's Guide to the U.S. Department of Education's Assessment Peer Review Process.* https://www2.ed.gov/admins/lead/account/saa/assessmentpeerreview.pdf

Lesson 4: Why Include

Gain an understanding of why it is important to include all students in assessment systems, including students with disabilities, English learners, and English learners with disabilities.

> There are many reasons why it is important to include all students in assessment systems. Beyond the fact that federal laws require inclusion, much has been learned over time about the reasons for inclusive assessments. For example, including all students allows for a more accurate picture of the achievement of all students, promotes inclusion in instruction, provides for more accurate comparisons, and ultimately promotes attainment of high expectations.

Historically, students with disabilities, English learners, and English learners with disabilities were excluded from national and state assessments. Concerns about this exclusion arose in the early 1990s, with a focus primarily on students with disabilities. The question was, "does all really mean all?" and the mantra became, "we measure what we treasure." These ideas prompted much discussion. Early work identified numerous consequences of the exclusionary approach, including for example:

- Statements about the achievement of all children were inaccurate because they did not include all students.

- Students who were excluded from assessments tended to be ignored during instruction.

- States, districts, and schools included different percentages of their students with disabilities, with some including all (in part, through the provision of accommodations and alternate assessments), and others including virtually none of these students.

Although this movement started with a focus on students with disabilities, the focus on English learners quickly followed and mirrored those efforts (Rivera & Collum, 2006). The focus on English learners with disabilities came much later as schools increasingly recognized students who were identified as needing both English learner and special education services; the focus on English learners with the most significant cognitive disabilities came even later, after 2010 (NCEO, 2014). As a consequence of these efforts, students with disabilities, English learners, and English learners with disabilities are considered from the beginning and included—during the design, development, pilot testing, field testing, and other procedures (e.g., cognitive labs), as well as in the actual assessment.

Information on a state's commitment to the inclusion of all students is reflected in its participation criteria and guidelines. These confirm that participation is required in all state assessments. State guidelines have evolved over time as the importance of developing specific criteria for some students (e.g., recently arrived English learners, students with the most significant cognitive disabilities) emerged.

Participation criteria generally are included in state manuals that address both participation and accessibility. An example of a template for such accessibility manuals is provided by CCSSO (2016). It provides information about students with disabilities, English learners, and English learners with disabilities in one document. This is the most common approach now, whereas in the past, there were often separate manuals for students with disabilities and English learners (educators were expected to look at both if they had English learners with disabilities).

In some cases, states separate the participation criteria for their alternate assessment from those for their regular assessment. Alternate assessment participation criteria must be of sufficient detail to help educators determine whether a student has a "most significant" cognitive disability that requires participation in an alternate assessment based on alternate academic achievement standards (AA-AAAS).

Participation Considerations for Students with Disabilities

States' participation guidelines for students with disabilities should address two things:

- Participation of approximately 90% of students with disabilities is required in all regular assessments administered by the state.

- Participation of approximately 10% of students with disabilities is required for alternate assessments of content administered by the state. This percentage translates to the participation threshold of 1.0% of all tested students participating in the alternate assessment.

For students with disabilities, IEP teams determine, for each content area, the assessment in which a student participates. This makes the participation guidelines especially important; they are the basis for the IEP team determination of whether a student has a most significant cognitive disability that allows that student to participate in the AA-AAAS. With the 1.0% threshold for participation of students with disabilities in the alternate assessment, and the ensuing waiver request requirements (see Strunk & Thurlow, 2019), states should provide training and conduct monitoring in addition to providing multiple forms of guidelines (e.g., text, decision trees, checklists) for participation in alternate assessments.

Existing state guidelines have incorporated these requirements. For example, along with a text description of its guidelines, in 2017 Indiana provided a flow chart of the alternate assessment participation decision (see Figure 1).

Figure 1: Indiana Alternate Assessment Participation Decision Flowchart

Alternate Assessment Participation Decision Flowchart

For students with a current IEP **and** enrolled in grades 3-8 or 10

Consider These:
Results of Individual Cognitive Ability Test, Adaptive Behavior Skills Assessment, individual/group - administered achievement tests, and district-wide alternate assessments, and English language learner (ELL) language assessments, if applicable

Data from scientific research-based interventions, progress monitoring data, results of informal assessments, teacher collected data and checklists

Examples of curriculum, instructional objectives, and materials, work samples from school- or community-based instruction

Present levels of academic and functional performance, goals, and objectives, and post-school outcomes from the IEP and the Transition Plan, if applicable

1. Do the student's records indicate a disability that significantly impacts intellectual functioning and adaptive behavior?*

*Adaptive behavior is defined as essential for someone to live independently and to function safely in daily life.

No —

Yes ↓

2. Would the student be appropriately challenged by goals and instruction linked to the enrolled grade-level Indiana Content Connectors and address knowledge and skills that are appropriate and challenging?

No —

Yes ↓

3a. Does the student require extensive, repeated, individualized instruction and support that is not of a temporary or transient nature?

No —

Yes ↓

3b. Does the student use substantially adapted materials with individualized methods of accessing information in alternate ways to acquire, maintain, generalize, demonstrate, and transfer skills across academic content?

No —

Yes ↓

Student may participate in the Indiana Alternate Assessment

Student must participate in the Indiana General State Assessment with or without accommodations.

For additional information regarding Indiana's Assements, please access: www.doe.in.gov/assessment

Source: Indiana Department of Education (2018). *Alternate assessment participation decision flowchart.* https://www.doe.in.gov/sites/default/files/assessment/indiana-alternate-assessment-participation-decision-flowchart-final-3-28-18.pdf

Links to states' assessment participation guidelines for students with disabilities are regularly updated by NCEO (see http://nceo.info/state_policies/participationswd).

Participation Considerations for English Learners

States' participation guidelines for English learners should address three things:

1. Participation in all assessments administered by the state.

2. Recently arrived English learners may have different requirements for participation in the reading/language arts assessment in their first year in country.

3. Participation in the ELP assessment is required for all English learners in grades K-12 until they are exited from English learner services; this includes English learners with the most significant cognitive disabilities who may need to participate in an alternate ELP assessment.

Although ESSA requires only assessments of reading/language arts, mathematics, and science, participation of English learners is required in all state assessments, which might include, for example, social studies and graduation exams. The one exception is for recently arrived English learners, who may not be required to participate in the assessment of reading/language arts during the first year in the U.S. ESSA defines "recently arrived" English learners as English learners who have been enrolled in schools in the U.S., or the District of Columbia, for less than 12 months (Sec. 1111(b)(3)(A) and Sec. 8101(48)).

Regardless of whether they are receiving English learner services, English learners are required to participate in the state's ELP assessment (U.S. Department of Education, 2015). When a student is determined to have reached English language proficiency, and is exited from receiving English learner services, ESSA allows for states to include, for up to four years after exit, former English learners in academic achievement assessment results.

Existing state guidelines have incorporated these requirements. For example, in Alaska's 2018 *Guidance for English Learners (EL) Identification, Assessment, and Data Reporting,* there is a statement about assessment participation requirements:

> All students identified as English learners must participate in all applicable assessments included in the Alaska Comprehensive System of Student Assessment (CSSA). The CSSA consists of the following assessments:
>
> • Performance Evaluation for Alaska's Schools **(PEAKS)** Assessments in English language arts (ELA) and math grades 3-10; grades 4, 8, and 10 in science;

- Dynamic Learning Maps **(DLM)** Alternate Assessments for students with significant cognitive disabilities – ELA and math grades 3-10; grades 4, 8, and 10 in science;

- English Language Proficiency Assessment **(ELP)** – ACCESS for ELLs 2.0 for English Learners;

- Alaska Developmental Profile **(ADP)** – kindergarten students; and

- National Assessment of Education Progress **(NAEP)** – grades 4 and 8 (biennial assessment, select schools only).

> *Note: The state academic content assessment for English Language Arts (ELA) may not be used in place of the annual English language proficiency test. ELs who are recent arrivals must take the PEAKS mathematics and science assessments….*
>
> *See the Appendix for Participation Regulation 4 AAC 06.820 (f) for recently arrived ELs.*

Source: Alaska Department of Education & Early Development (2018), Guidance for English Learners (EL) Identification, Assessment, and Data Reporting, p. 9. (Available at https://education.alaska.gov/ESEA/TitleIII-A/docs/EL_Identification.docx)

Another example is found in the Massachusetts (2019), *Massachusetts Comprehensive Assessment System: Principal's Administration Manual* (see Figure 2).

Figure 2: Massachusetts's Participation Requirements for EL Students

Source: Massachusetts Department of Education. (2019). *Massachusetts Comprehensive Assessment System: Principal's Administration Manual,* p. 14. http://www.doe.mass.edu/mcas/testadmin/manual/PAM.pdf#page14

Links to states' assessment participation guidelines for English learners are regularly updated by NCEO (see https://nceo.info/state_policies/participationells).

Participation Considerations for English Learners with Disabilities

States' participation guidelines for English learners with disabilities should address two things:

1. Participation of English learners with disabilities in all regular assessments and ELP assessments administered by the state.

2. Participation of English learners with the most significant cognitive disabilities in alternate assessments of content and English language proficiency administered by the state, including considerations for those students in kindergarten to grade 2 and any high school grade for which the state might not have an alternate content assessment.

For English learners with disabilities, IEP teams determine, for each content test or ELP test, the assessment in which a student participates. The IEP team should include an English learner educator, as well as other required participants. The importance of the decision about which assessment a student takes makes the state's participation guidelines especially important; they are the basis for the IEP team determination of whether a student has a most significant cognitive disability that allows that student to participate in the AA-AAAS or the alternate ELP assessment; the numbers of English learners with disabilities participating in alternate assessments should be very small.

For the ELP assessment, the IEP team also makes the decision about whether the student has a disability (e.g., deafness) that precludes participation in one or more domains of the ELP or Alt-ELP assessment (e.g., listening, speaking), which is allowed by ESSA as long as a score is obtained that determines the student's level of English language proficiency.

Meeting the assessment requirements for English learners with disabilities, in turn, necessitates good state criteria for determining whether a student is actually an English learner with a disability. CCSSO (Park, Martinez, & Chou, 2017) provided several recommendations for addressing this need (see also **Lesson 4 Resources**). In addition, many states are developing resources to address these criteria for English learners with disabilities (see Burr, 2019).

Because participation in an alternate ELP assessment is viewed as a new requirement, many states are focusing on this decision in their participation criteria. For example, California clarifies the ways in which English learners with disabilities are to be assessed:

In accordance with the ED guidance issued in July 2014, the ED requires that all English learners with disabilities participate in the state ELP assessment. Federal law requires that all English learners with disabilities participate in the state ELP assessment in the following ways, as determined by the IEP team:

- In the regular state ELP assessment without accommodations

- In the regular state ELP assessment with accommodations determined by the IEP team

- In an alternate assessment aligned with the state ELP standards, if the IEP team determines that the student cannot participate in the regular ELP assessment with or without accommodations

Source: 2018-19 English Language Proficiency Assessments for California: Information Guide, p. 19. https://www.cde.ca.gov/ta/tg/ep/documents/elpacinfoguide.pdf

The World-class Instructional Design and Assessment (WIDA) consortium of states provides its members with a decision tree to assist decision makers in the determination of whether a student should participation in its Alternate ACCESS for ELLs (see Figure 3).

Figure 3: Alternate ACCESS for ELLs Participation Criteria Decision Tree

The student is classified as ELL. — YES / NO

The student has a significant cognitive disability and receives special education services under IDEA (2004). — YES / NO

The student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the grade and age appropriate curriculum. — YES / NO

The student is or will be participating in his or her statewide alternate assessment based on alternate achievement standards. — YES / NO

The student **should NOT participate** in Alternate ACCESS for ELLs

The student **is eligible** to participate in Alternate ACCESS for ELLs

Check with your state education agency for your state's specific participation criteria for Alternate ACCESS for ELLs.

Source: WIDA Alternate ACCESS for ELLs, https://wida.wisc.edu/assess/alt-access. Decision tree is located at https://wida.wisc.edu/sites/default/files/resource/Alt-Access-Participation-Criteria-Diagram.pdf.

Lesson 4 Resources

NCEO. (2019). *2018-19 participation guidelines and definitions for alternate assessments based on alternate academic achievement standards.* https://nceo.umn.edu/docs/OnlinePubs/NCEOReport415.pdf

NCEO. State Policies links for *Assessment Participation of Students with Disabilities.* https://nceo.info/state_policies/policy/participationswd

NCEO. State Policies links for *Assessment Participation of ELs.* https://nceo.info/state_policies/policy/participationells

U.S. Department of Education Guidance (2015). *Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs.* https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf

U.S. Department of Education (2017, May 16). Letter on *Requirements for the Cap on the Percentage of Students who may be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards.* https://www2.ed.gov/admins/lead/account/saa/onepercentcapmemo51617.pdf

U.S. Department of Education (2018, August). Letter on *Additional Information Regarding the Requirements to Request a Waiver from the One Percent Cap on the Percentage of Students Who May Be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards (AA-AAAS).* https://www2.ed.gov/admins/lead/account/saa/ossstateassessmentltr.pdf

U.S. Department of Education (2019, March). Letter on *Information Regarding Consequences for States Not Meeting the Requirement to Assess Not More than 1.0 Percent of Students on the Alternate Assessment.* Available from the ESEA Network https://www.eseanetwork.org/news-and-resources/blogs/others/information-regarding-consequences-for-states-not-meeting-the-requirement-to-assess-not-more-than-1-0-percent-of-students-on-the-alternate-assessment

Lesson 5: Lessons Learned

Review the many lessons learned about accessible assessments.

> *Accessibility* is the term now used to reflect the concept that an assessment is appropriate for all students. This term includes the concepts of accommodations and universal design, as well as other tiers of support that help to make an assessment appropriate for all students. It reflects a process that takes place throughout the entire development and implementation process.

The history of work on accommodations in state assessments goes back to the early 1990s. Work on assessment-related universal design began in the early 2000s. And, the notion of tiers of support in assessments can be traced to the early 2010s. Much has been learned during that time. Among the primary lessons learned are:

- With careful consideration of the constructs a test is intended to measure, accessibility (including accommodations) policies can be developed that make an "accommodated" or "accessible" test comparable to tests taken without these accessibility features.

- Accessibility should be considered for all students.

- Accessibility and accommodations should be documented on Individualized Education Programs (IEPs), 504 plans, and English learner plans.

The relatively long history of work to ensure that tests are most appropriate for the populations tested has resulted in many lessons learned. To a great extent, these lessons are reflected in the *Standards for Educational and Psychological Testing* (American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 2014) and by guidance given to peer reviewers who review all assessments used for Title I accountability.

The *Standards for Educational and Psychological Standards for Testing* provide this definition:

> *Accessibility:* The degree to which the items or tasks on a test enable as many test takers as possible to demonstrate their standing on the target construct without being impeded by characteristics of the item that are irrelevant to the construct being measured. A test that ranks high on this criterion is referred to as accessible. (p. 215)

The U.S. Department of Education's (2018c) peer review guidance for state assessments defines both *accessibility tools and features* and *accommodations*, and indicates that the term *accommodations* includes *accessibility tools and features* that are selected for individual students. The definitions provided in the peer review guidance (p. 26) are as follows:

> *Accessibility tools and features.* This refers to adjustments to an assessment that are available for all test takers and are embedded within an assessment to remove construct-irrelevant barriers to a student's demonstration of knowledge and skills. In some testing programs, sets of accessibility tools and features have specific labels (e.g., "universal tools" and "accessibility features").

> *Accommodations.* For purposes of this document, accommodations generally refer to adjustments to an assessment that provide better access for a particular test taker to the assessment and do not alter the assessed construct. These are applied to the presentation, response, setting, and/or timing/scheduling of an assessment for particular test takers. They may be embedded within an assessment or applied after the assessment is designed. In some testing programs, certain adjustments may not be labeled accommodations but are considered accommodations for purposes of peer review because they are allowed only when selected for an individual student. For academic content assessments, accommodations are generally given to ELs as needed, and to students with disabilities. For the ELP assessment, accommodations are provided only for students with disabilities. Accommodations provided during assessments must be determined in accordance with 34 CFR § 200.6(a) and (b).

The language in the peer review guidance points out the importance of giving careful consideration to accessibility for English learners in states' accessibility policies, especially for the ELP assessment.

Accessibility terminology may differ from state to state. In addition, what *accessibility* includes may differ for different types of assessments within a state. For example, because formative assessment is closely tied to daily classroom instruction, there may be greater flexibility in the supports made available to students. The main concern in classroom assessments is the student's needs for access to the content. Similarly, interim assessments may have more flexibility in terms of accessibility than summative assessments. For some teachers, interim assessments are an opportunity to collect information on a student's progress relative to state assessments. In this case, it is best to offer a student the same accessibility supports as will be available during the state assessment. Indeed, an interim assessment can provide students with practice using any individual support or combination of supports that will be available to them during the state assessment.

State assessments require that the development of the assessment follow standardized processes for design, development, test administration, scoring, and reporting (see **Lesson 5 Resources**). All facets of the assessment, including the availability of accessibility supports, need to support the test's validity and reliability, making sure that the items still measure the intended construct at the intended difficulty level. It is important that scores and achievement levels determined for students with disabilities, English learners, and English learners with disabilities be based on the same rigor and attention to the intended construct and difficulty level used with the general student population. The goal is for the accessibility resource to address the student's needs while ensuring that the results have the same meaning as results from students not using the accessibility resources.

For the goal to be met, it is important to realize that some approaches to accessibility may be appropriate for one content area and not another. For example, translations may be available for mathematics and science assessments, but not for an English language arts assessment or an ELP assessment. Differences in tools used to provide accessibility also may be needed within a single assessment. For example, in mathematics, only certain items on an assessment may measure computation. For these items, the use of a calculator may invalidate the items' results. In reading/language arts, the use of a dictionary may be appropriate on an item examining a student's argumentative writing, but not on an item measuring spelling or vocabulary.

Accessibility Considerations for Students with Disabilities

Accommodations have been associated with the testing of students with disabilities since the 1980s (Willingham, Ragosta, Bennett, Braun, Rock, & Powers, 1988). In 1992 only 21 states had written accommodations policies, but by 2001 all states had written policies (Thurlow, Lazarus, & Christensen, 2013). Accommodations policies changed in many other ways as well, becoming more nuanced over time (Lazarus, Thurlow, Lail, & Christensen, 2009). The concept of universal design of assessments (see Lesson 2) grew out of thinking about accommodations for students with disabilities. Then, more recently, this expanded into broader concepts of accessibility that included tiers of supports for all students (Larson, Thurlow, Liu, & Lazarus, 2020).

Accessibility Considerations for English Learners

The explicit requirement to provide accommodations for English learners for assessments of content was included in ESSA. Prior to that, many but not all states were providing accommodations for English learners. ESSA notes that states must provide for:

> …the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided appropriate accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students

know and can do in academic content areas, until such students have achieved English language proficiency…. (Section 1111(b)(2)(B)(vii)(III))

This requirement is evident in states' accommodations guidelines. For example, Ohio (2018) includes this statement:

1.7 Considerations for English Learner Accommodations

While all English learners have in common that they are acquiring English language proficiency, they are not a homogenous group. Similar to students with disabilities, English learners should not be assigned accommodations using a one-size-fits-all approach. Knowing the student is key.

When considering accommodations for English learners, it is important to focus on the effectiveness of each accommodation for each individual student. Not only does an English learner's English language proficiency influence accommodation effectiveness, but so do other factors, including their literacy development in English and their native language, grade, age, affective needs and time in U.S. schools. Keep in mind that the purpose of English language assessment accommodations is not to improve an English learners' rate of passing state assessments, but to allow more accurate demonstration of their knowledge of the content being assessed.

All students who have been identified as an English learner may receive accommodations for English learners even if they do not participate in the district English learner program. Schools should monitor how English learners in the classroom benefit from English learner-specific accommodations when determining accommodations for state tests.

Source: Ohio Department of Education (2018). *Ohio's Accessibility Manual (4th ed.),* p. 22.

And, Pennsylvania (2019) provides the following information:

What accommodations are available for ELs?

School personnel should consider the following in determining the appropriate accommodations:

- The student's familiarity with the accommodations to be used. Current accommodations used in day-to-day instruction and assessment are appropriate. Students are most successful with testing accommodations when they have had a chance to use them prior to the test. ELL educators are encouraged to implement accommodations in instruction to make sure to address these concerns ahead of the state assessment. New accommodations unfamiliar to students should not be introduced to students for the first time when they are taking the PSSA or Keystone Exams.

- An annual review of the student's progress in English language proficiency and academic achievement. Knowing this information will help teachers, supervisors, parents, and administrators determine which accommodations are still appropriate given the student's current knowledge.

- All accommodations should be documented in the student's file and recorded on the accommodations section of the PSSA or after Keystone Exams....

Source: Pennsylvania Department of Education (2019). *Accommodations Guidelines for English Learners (ELs)–PSSA and Keystone Exams,* p. 7.

Accessibility Considerations for English Learners with Disabilities

IEP teams in the past had to look at both their state's policies for students with disabilities and their state's policies for English learners when they were discussing an English learner with a disability. This was not a desirable situation, and often the teams focused only on policies for students with disabilities.

Many states now are beginning to develop their own resources to address accessibility and accommodations specifically for English learners with disabilities. Many states are building on the accessibility manual available from CCSSO (*CCSSO Accessibility Manual;* see **Lesson 5 Resources**).

Lesson 5 Resources

CCSSO (2016). *CCSSO Accessibility Manual: How to Select, Administer, and Evaluate Use of Accessibility Supports for Instruction and Assessment of All Students.* https://www.ccsso.org/sites/default/files/2017-10/CCSSO%20Accessibility%20Manual.docx

Chia & Kachchaf (2018). *Designing, Developing, and Implementing an Accessible Computer-Based National Assessment System.* See Chia & Kachchaf (2018).

U.S. Department of Education (2018). *A State's Guide to the U.S. Department of Education's Assessment Peer Review Process.* https://www2.ed.gov/admins/lead/account/saa/assessmentpeerreview.pdf

Lesson 6: Stakeholders

Work with stakeholders to develop guidance for the field on making important testing decisions.

> Local educators make many decisions about testing for their students. They need clear guidance from the state about decisions for both assessment participation and needed accessibility features. Federally-funded projects and states have developed a wealth of materials that are useful for the purpose of working with stakeholders. In addition, if the student has a disability, parents must be involved in the decisions that are made for their children. Their participation as stakeholders is also beneficial. Similarly, involvement of parents of English learners is beneficial. There is a significant gap in the knowledge about these assessment topics in institutions of higher education, which in turn leaves a gap in the knowledge of educators entering schools. Thus, higher education is a stakeholder too.

Stakeholders include not only educators (including school administrators), but also families, parent training organizations, advocates, businesses, and other community members. Educators and parents are the main focus here, but states would do well to include other stakeholders as they think about their assessment.

Educators who make decisions about the participation of students in assessments and the accessibility supports (and accommodations) needed by students, as well as parents who are involved in the decision-making process, generally rely on guidance from the state. Although the content of the guidance is directed to some extent by federal requirements, there is much more needed on best practices to meet the needs of decision makers in states. Stakeholders can be helpful partners in developing guidance for the field.

An area of great need for educators is how to make decisions about which test a student should take or which approaches to accessibility might be needed. Training materials have been developed by federally funded projects (e.g., Improving the Validity of Assessment Results for English Language Learners with Disabilities [IVARED] project, Alabama Multi-State General Supervision Enhancement Grant [GSEG], Data Informed Accessibility – Making Optimal Needs-based Decisions [DIAMOND] project). In addition, groups of states working together on their state assessment have also developed training materials and approaches that may automate some of the accessibility decision-making process.

The theme of collaboration and collaborative decision making, which involves shared thinking and problem-solving as part of the school culture (Kohm & Nance, 2009), permeates most of the resources that are available. Collaboration and collaborative decision making are often difficult in many agencies and schools because it calls for resources, whether financial or policy, to support breaking down silos. This is an important goal in itself given the need for disability and English-learner expertise in all aspects of assessment development, even for example, when the assessment is focused on a particular subgroup such as ELP and alternate assessments. The short-term and long-term gains from collaboration to include a variety of stakeholders through various phases of the assessment process are invaluable.

Lesson 6 Resources

Center for Parent Information and Resources. *Find Your Parent Center.*
https://www.parentcenterhub.org/find-your-center/

Da Fonte, M. A., & Barton-Arwood, S. M. (2017). *Collaboration of General and Special Education Teachers: Perspectives and Strategies.* https://doi.org/10.1177/1053451217693370

Dearman, C. C., & Alber, S. R. (2005). *The Changing Face of Education: Teachers Cope with Challenges Through Collaboration and Reflective Study.*

Friend, M., & Cook, L. (1992). *Interactions: Collaboration Skills for School Professionals.*

Gomez-Najarro, J. (2019). *An Empty Seat at the Table: Examining General and Special Education Teacher Collaboration in Response to Intervention.* https://doi.org/10.1177/0888406419850894

Kangas, S. E. N. (2018). *Why Working Apart Doesn't Work At All: Special Education and English Learner Teacher Collaborations.* https://doi.org/10.1177/1053451218762469

McLeskey, J., Barringer, M-D., Billingsley, B., Brownell, M., Jackson, D., Kennedy, M., Lewis, T., Maheady, L., Rodriguez, J., Scheeler, M. C., Winn, J., & Ziegler, D. (2017, January). *High-Leverage Practices in Special Education.*
http://ceedar.education.ufl.edu/wp-content/uploads/2017/07/CEC-HLP-Web.pdf

McNulty, B., & Besser, L. (2011). *Leaders Make It Happen! An Administrator's Guide to Data Teams.* Boston: Houghton Mifflin.

Muijs, D., Ainscow, M., Chapman, C., & West, M. (2011). *Collaboration and Networking in Education.* London: Springer.

NCEO (n.d.). *Training modules.* https://nceo.info/Resources/training_modules

Lesson 7: Reporting

Think through intended uses of assessment results and approaches to reporting results that meet federal and professional requirements and also serve the needs of stakeholders who receive reports.

States are required to prepare several reports of their assessment results. These include reports to the U.S. Department of Education, state-level reports, reports to districts and schools, as well as reports of individual student results to parents and students. The requirements for each of these reports varies, as do considerations about best practice for reporting. Nevertheless, all reports should be tailored for specific audiences by using familiar language and providing recommendations relevant to them (e.g., language appropriate for policy, language appropriate for practice, and language appropriate for parents and students). Specific requirements for reporting on the performance of students with disabilities, English learners, and English learners with disabilities are included in federal laws (ESSA and IDEA). It is important to know what each of these laws requires, as well as what are recommended best practices for reporting and clarifying intended uses of assessment results.

ESSA and IDEA include specific requirements for reporting assessment results that are important to remember. These reporting requirements are in some cases different from the requirements for inclusion of scores in accountability measures.

Considerations for IDEA Reporting Requirements

For IDEA, there are two basic requirements for reporting of assessment results. The first focuses on public reporting, while the second focuses on reports to the U.S. Department of Education through EdFacts (the U.S. Department of Education's electronic data submission, analysis, and reporting system), and through states' Annual Performance Reports.

For **public reporting**, the state is required to report assessment results for students with disabilities in the same way it does for all other students. Specifically, IDEA states:

(D) REPORTS.—The State educational agency (or, in the case of a districtwide assessment, the local educational agency) makes available to the public, and reports to the public **with the same frequency and in the same detail** [emphasis added] as it reports on the assessment of nondisabled children, the following:

(i) The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments.

(ii) The number of children with disabilities participating in alternate assessments described in subparagraph (C)(ii)(I).[2]

(iii) The number of children with disabilities participating in alternate assessments described in subparagraph (C)(ii)(II).[3]

(iv) The performance of children with disabilities on regular assessments and on alternate assessments (if the number of children with disabilities participating in those assessments is sufficient to yield statistically reliable information and reporting that information will not reveal personally identifiable information about an individual student), compared with the achievement of all children, including children with disabilities, on those assessments. (Sec 612(16)(D))

Note that IDEA also requires public reporting of the number of students with disabilities who were provided accommodations when participating in regular assessments.

For **reporting to the U.S. Department of Education**, states are required to report on the participation and performance of students with disabilities (those with IEPs) in reading/language arts, mathematics, and science. For this reporting requirement, states **must report on all students with disabilities** who were enrolled during the testing window (regardless of whether they were present for a full academic year). Also, to be included in the calculation of participation rates are those students who did not participate in an assessment because of a significant medical emergency. This means that numbers reported to the U.S. Department of Education likely will be different from numbers included in ESSA accountability calculations and might also be different from what is reported publicly.

---

[2]Paragraph (C)(ii)(I) refers to alternate assessments based on grade-level academic achievement standards ("… aligned with the State's challenging academic content standards and challenging student academic achievement standards").

[3]Paragraph (C)(ii)(II) refers to alternate assessments based on alternate academic achievement standards ("…if the State has adopted alternate academic achievement standards permitted under the regulations promulgated to carry out section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, measure of the achievement of children with disabilities against those standards."). The "alternate achievement" provision in the regulations were included in the reauthorization in 2015 (ESSA).

Considerations for ESSA Reporting Requirements

For ESSA, EdFacts is the program into which all state data are reported. Data collected for IDEA reporting to the U.S. Department of Education are provided through the EdFacts system.

Five sets of data on *participation* of students with IEPs (for each content area and each grade) are entered into EdFacts:

- Participation in regular assessment based on grade-level achievement standards without accommodations
- Participation in regular assessment based on grade-level achievement standards with accommodations
- Participation in alternate assessment based on alternate achievement standards
- Medical exemption
- Non-participation

Data on *performance* are entered for the regular assessment (both with and without accommodations) and the alternate assessment, for each content area and each grade. Only those students who met all of the following criteria are to be included in these reports:

- Took the assessment
- Received a valid score
- Assigned a proficiency level

Reporting is for **all students enrolled** during the testing window, not just those who were enrolled for a full academic year. If students were exited from special education services prior to the testing window, they are not included in reports for students with disabilities.

ESSA also has specific reporting requirements for English learners and for English learners with disabilities.

For reporting performance, English learners are to be included in reports even if they attended U.S. schools less than 12 months. In addition, former English learners can be included in the English learner subgroup academic achievement reporting for up to four years after exit.

For Title III biennial reporting requirements, in addition to reporting on participation and performance, states are required to report the number and percentage of English learners:

- Progressing toward achieving English proficiency
- Exiting English learner status based on attaining English proficiency

- Meeting academic standards after exit (each of four years)
- Not attaining English proficiency within five years of initial classification and first enrollment in a local education agency (LEA) that receives Title III funds.

Also, for Title III, those English learners with disabilities who participated in an alternate ELP assessment are to be included in participation counts.

States and LEAs should also disaggregate and report data on English learners with disabilities exited from English learner services. This reporting should clearly note their participation and performance separate from the reporting for English learners without disabilities who have been exited from English learner services.

Lesson 7 Resources

U.S. Department of Education. *EdFacts* reporting requirements.
FS138 (Title III English language proficiency test)
FS175 (Academic achievement in mathematics)
FS178 (Academic achievement in reading/language arts)
FS179 (Academic achievement in science)
FS186 (Assessment participation in mathematics)
FS188 (Assessment participation in reading/language arts)
FS189 (Assessment participation in science)
FS204 (Title III English learners)
https://www2.ed.gov/about/inits/ed/edfacts/sy-17-18-nonxml.html

Lesson 8: Implementation Responsibility

Realize that ensuring full implementation is partly the state's responsibility.

Simply providing the assessment and assuming that it will be used appropriately, and that all guidance will be followed, is not enough. It is important to develop procedures for ensuring that there is full implementation in terms of pre-test decision making, test administration, and interpretations of test results. The U.S. Department of Education *State Guide* for the assessment peer review process confirms the importance of monitoring in several critical elements (see U.S. Department of Education, 2018 in **Lesson 8 Resources**).

The U.S. Department of Education *State Guide* provides many examples of ways in which to carry out monitoring. For examples, see:[4]

2.4 – Monitoring Test Administration
5.1 – Procedures for Including Students with Disabilities
5.4 – Monitoring Test Administration for Special Populations

In addition to examples of evidence presented in the *State Guide,* a set of steps was proposed by NCEO working with numerous states in 2009 (Christenson, Thurlow, & Wang, 2009), each with questions to ask, samples of forms, and a checklist (see *Improving Accommodations Outcomes* in **Lesson 8 Resources**).

Most recently, states have become aware of the importance of monitoring districts when they have exceeded the ESSA 1.0 percent threshold for participation in the alternate assessment. Many examples of procedures and forms states are using are available on state websites. States' guidelines and definitions were summarized by Thurlow, Albus, Larson, Liu, and Lazarus in 2019 (see **Lesson 8 Resources**).

Lesson 8 Resources

NCEO (2009, June). *Improving Accommodations Outcomes: Monitoring Instructional and Assessment Accommodations for Students with Disabilities.*
https://nceo.umn.edu/docs/OnlinePubs/AccommodationsMonitoring.pdf

NCEO (2019). *2018-19 Participation Guidelines and Definitions for Alternate Assessments Based on Alternate Academic Achievement Standards.*
https://nceo.umn.edu/docs/OnlinePubs/NCEOReport415.pdf

U.S. Department of Education (2018, September). *A State's Guide to the U.S. Department of Education's Assessment Peer Review Process.*
https://www2.ed.gov/admins/lead/account/saa/assessmentpeerreview.pdf

---

[4]Monitoring is also mentioned in Critical Elements 2.5 (Test Security), 4.4 (Scoring), 4.6 (Technical Analysis and Ongoing Maintenance), 6.2 (Achievement Standards Setting), 7.1 (State Procedures for the User of Locally Selected, Nationally Recognized High School Academic Assessments), and 7.2 (State Monitoring of Districts Regarding the Use of Locally Selected, Nationally Recognized High School Academic Assessments).

Lesson 9: Continuous Improvement

Focus on continuous improvement of the assessment system.

> Developing and implementing assessments that include all students, especially students with disabilities, English learners, and English learners with disabilities, requires continuous evaluation of progress and a devotion to the continuous improvement of policies and procedures as well as assessments themselves. Attention needs to be paid to new research and to progress made by other states.

NCEO addressed the need for continuous improvement, monitoring, and training to ensure the quality of the overall assessment and instruction system in its Principle 6 (see Appendix F). It identified four characteristics of a system that embeds continuous improvement:

Characteristic 6.1. The quality, implementation, and consequences of student participation decisions are monitored and analyzed, and the data are used to evaluate and improve the quality of the assessment process at the school, district, and state levels.

Characteristic 6.2. States and districts provide training to multiple stakeholders to improve their assessment literacy, which in turn improves decisions about the use of available assessment options.

Characteristic 6.3. The use that is made of reports on assessment results and the impact that accountability decisions have on educational processes and student learning are monitored to determine the adjustments needed to improve the accountability system.

Characteristic 6.4. The quality of assessment features is continuously evaluated and improved by applying information gathered about the use and impact of assessment results and by responding to developments in the field of measurement. (Thurlow et al., 2016, p. 20)

Further detail on each of these characteristics is provided in NCEO's *Principles and Characteristics of Inclusive Assessment Systems in a Changing Assessment Landscape* (see **Lesson 9 Resources**).

Lesson 9 Resources

AERA, APA, & NCME (2014). *Standards for Educational and Psychological Testing.* https://www.aera.net/Publications/Books/Standards-for-Educational-Psychological-Testing-2014-Edition

NCEO (2016). *Principles and Characteristics of Inclusive Assessment Systems in a Changing Assessment Landscape* (NCEO Report 400). https://nceo.umn.edu/docs/OnlinePubs/Report400/NCEOReport400.pdf

Lesson 10: Working with Others

Learn from peers, including individuals in other states, as well as from national organizations and technical assistance providers.

> Although state assessment, general education, special education, and English learner personnel have to work within the unique educational and political contexts of their own states, there is always something to be learned from others. State personnel who create within-state groups of advisors and who join groups of representatives from other states, national organizations, and technical assistance providers benefit from the experiences and approaches of those advisors, states, organizations, and providers while at the same time maintaining a focus on their own state needs.

There are a number of opportunities for states to set up a network of support. This can start within the state. Advisory groups can serve a number of purposes defined by the state. For example, advisors can provide input on technical issues, implementation concerns, and parent involvement (see **Lesson 10 Resources**).

There are a number of groups external to the state that also can provide invaluable support to state personnel. For example, state collaboratives on assessment and student standards (SCASS) set up by CCSSO provide the opportunity to learn together with other state personnel. SCASS that are especially pertinent to including students with disabilities, English learners, and English learners with disabilities are:

- Accountability Systems and Reporting (ASR) SCASS. https://ccsso.org/resource-library/accountability-systems-and-reporting-asr

- Assessing Special Education Students (ASES) SCASS.

https://ccsso.org/resource-library/assessing-special-education-students-ases

- English Learners (EL) SCASS. https://ccsso.org/resource-library/english-learners-el
- Technical Issues in Large Scale Assessment (TILSA) SCASS. https://ccsso.org/resource-library/technical-issues-large-scale-assessment-tilsa

Also relevant are several independent nonprofit national education reform organizations:

- Achieve
- Alliance for Excellent Education
- Education Trust

Several technical assistance providers also regularly share information that is relevant to including students with disabilities, English learners, and English learners with disabilities in assessments. These include technical assistance projects:

- National Center on Educational Outcomes (NCEO)
- National Center for Systemic Improvement (NCSI)
- TIES Center

Lesson 10 Resources

Achieve. https://www.achieve.org/

Alliance for Excellent Education. https://www.all4ed.org/

CCSSO SCASS. https://www.ccsso.org/

CSAI. https://www.csai-online.org/

Education Trust. https://www.edtrust.org/

NCEO. https://www.nceo.info/

NCSI. https://www.ncsi.wested.org/

TIES Center. https://tiescenter.org/

References

American Educational Research Association, American Psychological Association, and National Council on Measurement in Education. (2014). *Standards for educational and psychological testing.* Washington, DC: AERA.

Burr, E. (2019). *Guidance manuals for educators of English learners with disabilities: Ideas and lessons from the field* (NCEO Report 410). Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

Calderón, M., Slavin, R., & Sánchez, M. (2011). Effective instruction for English learners. *The Future of Children, 21*(1), 104-127.

CAST. (2015). *Top 10 UDL tips for assessment.* Retrieved from http://castprofessionallearning.org/project/top-10-udl-tips-for-assessment/

CCSSO. (2013). *States' commitment to high-quality assessments aligned to college- and career-readiness.* Washington, DC: Author. Retrieved from https://ccsso.org/resource-library/states-commitment-high-quality-assessments-aligned-college-and-career-readiness

CCSSO. (2016). *CCSSO accessibility manual: How to select, administer, and evaluate use of accessibility supports for instruction and assessment of all students.* Retrieved from https://www.ccsso.org/sites/default/files/2017-10/CCSSO%20Accessibility%20Manual.docx

Chia, M., & Kachchaf, R. (2018). Designing, developing, and implementing an accessible computer-based national assessment system. In S. Elliott, R. J. Kettler, P. Beddow, & A. Kurtz (Eds.), *Handbook of accessible instruction and testing practices: Issues, innovations, and applications.* New York: Springer.

Christensen, L. L., Mitchell, J. D. Shyyan, V. V. & Ryan, S. (2018). *Characteristics of English learners with significant cognitive disabilities: Findings from the Individual Characteristics Questionnaire.* Madison, WI: University of Wisconsin – Madison, Wisconsin Center for Education Research. Retrieved from https://altella.wceruw.org/pubs/ICQ-Report.pdf

Christensen, L. L., Thurlow, M. L., & Wang, T. (2009). *Improving accommodations outcomes: Monitoring instructional and assessment accommodations for students with disabilities.* Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes. Retrieved from https://nceo.umn.edu/docs/OnlinePubs/AccommodationsMonitoring.pdf

Cook, H. G., & MacDonald, R. (2013). *Tool to evaluate language complexity of test items* (WCER Working Paper No. 2013-5). Retrieved from University of Wisconsin–Madison,

Wisconsin Center for Education Research website:
http://www.wcer.wisc.edu/publications/workingPapers/papers.php

IVARED. (2013). *Assessment principles and guidelines for ELLs with disabilities.* Retrieved from https://nceo.umn.edu/docs/OnlinePubs/ivared/IVAREDPrinciplesReport.pdf

Johnstone, C. J., Thompson, S. J., Miller, N. A., & Thurlow, M. L. (2008). Universal design and multi-method approaches to item review. *Educational Measurement: Issues and Practice, 27*(1), 25-36.

Karvonen, M., & Clark, A. K. (2019). Students with the most significant cognitive disabilities who are also English learners. *Research and Practice for Persons with Severe Disabilities, 44*(2), 71-86.

Kearns, J. F., Kleinert, H. L., Kleinert, J. O., & Towles-Reeves, E. A. (2006). *Learner characteristics inventory.* Lexington: University of Kentucky, National Alternate Assessment Center.

Kearns, J., Towles-Reeves, E., Kleinert, H., Kleinert, J., & Thomas, M. (2011). Characteristics of and implications for students participating in alternate assessments based on alternate academic achievement standards. *Journal of Special Education, 45*(1), 3-14.

Ketterlin-Geller, L. R. (2008). Testing students with special needs: A model for understanding the interaction between assessment and student characteristics in a universally designed environment. *Educational Measurement: Issues and Practice, 27*(3), 3-16.

Kohm, B., & Nance, B. (2009). Creating collaborative cultures. *Educational Leadership, 67*(2), 67-72.

Larson, E. D., Thurlow, M. L., Liu, K. K., & Lazarus, S. S. (2020). Paradigm shifts in states' assessment accessibility policies: Addressing challenges in implementation. *Journal of Disability Policy Studies, 30*(4) 244-252.

Lazarus, S. S., Thurlow, M. L., Lail, K. E., & Christensen, L. (2009). A longitudinal analysis of state accommodations policies: Twelve years of change 1993-2005. *Journal of Special Education, 43*(2), 67-80.

NASEM (National Academies of Sciences, Engineering, and Medicine). (2017). *Promoting the educational success of children and youth learning English: Promising futures.* Washington, DC: National Academies Press. Retrieved from https://doi.org/10.17226/24677

NCEO. (2014). *Exploring alternate ELP assessments for ELLs with significant cognitive disabilities* (NCEO Brief #10). Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

NCEO. (2016). *Principles and characteristics of inclusive assessment systems in a changing assessment landscape* (NCEO Report 400). Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

NCES. (2018). *The condition of education 2018* (NCES 2018-144). Washington, DC: U.S. Department of Education, National Center for Education Statistics. Retrieved from https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2018144

NCES. (2019). *The condition of education 2019* (NCES 2019-144). Washington, DC: U.S. Department of Education, National Center for Education Statistics. Retrieved from https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2019144

Ohio Department of Education. (2018, January). *Ohio's accessibility manual (4th ed.).* Retrieved from http://education.ohio.gov/getattachment/Topics/Testing/Accommodations-on-State-Assessments/OHAccessManual.pdf.aspx

Park, S., Martinez, M., & Chou, F. (2017). *CCSSO English learners with disabilities guide.* Washington, DC: Council of Chief State School Officers.

Rivera, C., & Collum, E. (Eds.). (2006). *State assessment policy and practice for English language learners: A national perspective.* Mahwah, NJ: Lawrence Erlbaum.

Strunk, K., & Thurlow, M. L. (2019). *Developing a 1% cap waiver or waiver extension request.* Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

Thompson, S. J., Thurlow, M. L., & Malouf, D. (2004). Creating better tests for everyone through universally designed assessments. *Journal of Applied Testing Technology, 6*(1). Retrieved from http://www.jattjournal.com/index.php/atp/article/view/48341 (an earlier version is available through NCEO at http://education.umn.edu/NCEO/OnlinePubs/Synthesis44.html)

Thurlow, M. L., Albus, D. A., Larson, E. D., Liu, K. K., & Lazarus, S. S. (2019). *2018-19 participation guidelines and definitions for alternate assessments based on alternate academic achievement standards.* Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

Thurlow, M. L., Lazarus, S. S., & Christensen, L. L. (2013). Accommodations for assessment. In B. G. Cook & M. Tankersley (Eds.), *Research-based practices in special education* (pp. 311-327). Boston: Pearson.

Thurlow, M. L., Lazarus, S. S., Christensen, L. L., & Shyyan, V. (2016). *Principles and characteristics of inclusive assessment systems in a changing assessment landscape* (NCEO Report 400). Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes. Retrieved from https://nceo.umn.edu/docs/OnlinePubs/Report400/NCEOReport400.pdf

Universal Design Project. (2018). *What is "universal design?"* Retrieved from https://universaldesign.org/definition

U.S. Department of Education. (2014, November). *Questions and answers regarding inclusion of English learners with disabilities in English language proficiency assessments and Title III annual measurable achievement objectives.* Retrieved from http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/q-and-a-on-elp-swd.pdf

U.S. Department of Education. (2015, July). *Addendum to questions and answers regarding inclusion of English learners with disabilities in English language proficiency assessments and Title III annual measurable achievement objectives.* Retrieved from http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/addendum-q-and-a-on-elp-swd.pdf

U.S. Department of Education Guidance. (2015). *Ensuring English learner students can participate meaningfully and equally in educational programs.* Retrieved from https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf

U.S. Department of Education. (2018a). *Consolidated state performance reports.* Retrieved from https://www2.ed.gov/admins/lead/account/consolidated/index.html

U.S. Department of Education. (2018b). *Our nation's English learners: What are their characteristics?* Retrieved from https://www2.ed.gov/datastory/el-characteristics/index.html#four

U.S. Department of Education. (2018c). *A state's guide to the U.S. Department of Education's assessment peer review process.* Washington, DC: U.S. Department of Education, Office of Elementary and Secondary Education.

Willingham, W. W., Ragosta, M., Bennett, R. E., Braun, H., Rock, D. A., & Powers, D. E. (1988). *Testing handicapped people.* Boston: Allyn & Bacon.

Wu, Y.-C., Thurlow, M. L., Johnson, D. R., & Lavelle, J. (in progress). *Factors influencing participation of English learners with disabilities and their parents in IEP and transition planning meetings.* Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

Wu, Y.-C., & Thurlow, M. L. (2019). *2016-2017 APR snapshot #21: AA-AAS participation and performance.* Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

Appendix A

All Resources

Accessibility

A state's guide to the U.S. Department of Education's assessment peer review process (2018, September 24). Retrieved from https://www2.ed.gov/admins/lead/account/saa/assessmentpeerreview.pdf

CCSSO (2016). *CCSSO accessibility manual: How to select, administer, and evaluate use of accessibility supports for instruction and assessment of all students.* Retrieved from https://www.ccsso.org/sites/default/files/2017-10/CCSSO%20Accessibility%20Manual.docx

Chia, M., & Kachchaf, R. (2018). Designing, developing, and implementing an accessible computer-based national assessment system. In Elliott S., Kettler R., Beddow P., Kurz A. (Eds.), *Handbook of accessible instruction and testing practices.* Cham, Switzerland: Springer.

Collaboration

Da Fonte, M. A., & Barton-Arwood, S. M. (2017). Collaboration of general and special education teachers: Perspectives and strategies. *Intervention in School and Clinic, 53*(2), 99–106. Retrieved from https://doi.org/10.1177/1053451217693370

Dearman, C. C., & Alber, S. R. (2005). The changing face of education: Teachers cope with challenges through collaboration and reflective study. *The Reading Teacher, 58*(7), 634-640.

Friend, M., & Cook, L. (1992). *Interactions: Collaboration skills for school professionals.* White Plains, NY: Longman.

Gomez-Najarro, J. (2019). An empty seat at the table: Examining general and special education teacher collaboration in response to intervention. *Teacher Education and Special Education.* Retrieved from https://doi.org/10.1177/0888406419850894

Kangas, S. E. N. (2018). Why working apart doesn't work at all: Special education and English learner teacher collaborations. *Intervention in School and Clinic, 54*(1), 31–39. Retrieved from https://doi.org/10.1177/1053451218762469

McLeskey, J., Barringer, M-D., Billingsley, B., Brownell, M., Jackson, D., Kennedy, M., Lewis, T., Maheady, L., Rodriguez, J., Scheeler, M. C., Winn, J., & Ziegler, D. (2017, January). *High-leverage practices in special education.* Arlington, VA: Council for Exceptional

Children & CEEDAR Center. Retrieved from
http://ceedar.education.ufl.edu/wp-content/uploads/2017/07/CEC-HLP-Web.pdf

McNulty, B., & Besser, L. (2011). *Leaders make it happen! An administrator's guide to data teams.* Boston: Houghton Mifflin Harcourt.

Muijs, D., Ainscow, M., Chapman, C., & West, M. (2011). *Collaboration and networking in education.* London: Springer.

Rationale for Inclusion in Assessments

NCEO. *Alternate assessments for students with significant cognitive disabilities: Participation guidelines and definitions.* Retrieved from
https://nceo.umn.edu/docs/OnlinePubs/NCEOReport406.pdf

NCEO. State policies links for *Assessment Participation of Students with Disabilities.* Retrieved from https://nceo.info/state_policies/policy/participationswd

NCEO. State policies links for *Assessment Participation of ELs.* Retrieved from https://nceo.info/state_policies/policy/participationells

U.S. Department of Education Guidance. (2015). *Ensuring English learner students can participate meaningfully and equally in educational programs.* Retrieved from
https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf

U.S. Department of Education Letter on *Requirements for the cap on the percentage of students who may be assessed with an alternate assessment aligned with alternate academic achievement standards* (May 16, 2017). Retrieved from
https://www2.ed.gov/admins/lead/account/saa/onepercentcapmemo51617.pdf

U.S. Department of Education Letter on *Additional information regarding the requirements to request a waiver from the one percent cap on the percentage of students who may be assessed with an alternate assessment aligned with alternate academic achievement standards* (AA-AAAS). Retrieved from https://www2.ed.gov/admins/lead/account/saa/ossstateassessmentltr.pdf

U.S. Department of Education Letter on *Information regarding consequences for states not meeting the requirement to assess not more than 1.0 percent of students on the alternate assessment.* Available from the ESEA Network. Retrieved from https://www.eseanetwork.org/news-and-resources/blogs/others/information-regarding-consequences-for-states-not-meeting-the-requirement-to-assess-not-more-than-1-0-percent-of-students-on-the-alternate-assessment

Reporting

EdFacts reporting requirements. See
https://www2.ed.gov/about/inits/ed/edfacts/sy-17-18-nonxml.html, specifically:

FS138 (Title III English language proficiency test)

FS175 (Academic achievement in mathematics)

FS178 (Academic achievement in reading/language arts)

FS179 (Academic achievement in science)

FS186 (Assessment participation in mathematics)

FS188 (Assessment participation in reading/language arts)

FS189 (Assessment participation in science)

FS204 (Title III English learners)

Laws and Professional Standards

CCSSO (2014). *States' commitment to high-quality assessments aligned to college- and career-readiness.* Retrieved from https://ccsso.org/resource-library/states-commitment-high-quality-assessments-aligned-college-and-career-readiness

Elementary and Secondary Education Act (2015). Retrieved from https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf

ESSA Assessment Regulations (2016). Retrieved from https://www.govinfo.gov/content/pkg/FR-2016-12-08/pdf/2016-29128.pdf

Individuals with Disabilities Education Act (2004). Retrieved from https://www.wrightslaw.com/idea/law.htm

IVARED (2013). Assessment principles and guidelines for ELLs with disabilities. Retrieved from https://nceo.umn.edu/docs/OnlinePubs/ivared/IVAREDPrinciplesReport.pdf

NCEO (2016). Principles and characteristics of inclusive assessment systems in a changing assessment landscape. Retrieved from https://nceo.umn.edu/docs/OnlinePubs/Report400/NCEOReport400.pdf
(Also available in Spanish at https://nceo.umn.edu/docs/OnlinePubs/Report400Spanish/NCEOReport400Spanish.pdf)

U.S. Department of Education (2018, September 24). *A state's guide to the U.S. Department of Education's assessment peer review process.* Retrieved from https://www2.ed.gov/admins/lead/account/saa/assessmentpeerreview.pdf

National Organizations and Technical Assistance Providers

Achieve. https://www.achieve.org

Alliance for Excellent Education. https://www.all4ed.org

CCSSO SCASS. https://www.ccsso.org

CPRI (Center for Parent Information and Resources). https://www.parentcenterhub.org

CSAI. https://www.csai-online.org

Education Trust. https://www.edtrust.org

NCEO. https://www.nceo.info

NCSI. https://www.ncsi.wested.org

State Guides

NCEO (2009, June). *Improving accommodations outcomes: Monitoring instructional and assessment accommodations for students with disabilities.* Retrieved from https://nceo.umn.edu/docs/OnlinePubs/AccommodationsMonitoring.pdf

NCEO (2019). *2018-19 Participation guidelines and definitions for alternate assessments based on alternate academic achievement standards.* Retrieved from https://nceo.umn.edu/docs/OnlinePubs/NCEOReport415.pdf

U.S. Department of Education (2018, September 24). *A state's guide to the U.S. Department of Education's assessment peer review process.* Retrieved from https://www2.ed.gov/admins/lead/account/saa/assessmentpeerreview.pdf

Student Characteristics Resources

Alt-ELPA21 student profile: See Appendix A in *ELPA21 white paper, Developing an alternate ELPA21 for English learners with the most significant cognitive disabilities.* Retrieved from http://www.elpa21.org/sites/default/files/Alt-ELPA%20White%20Paper1.1.pdf

CSAI (Center on Standards and Assessment Implementation). Retrieved from http://www.csai-online.org/

First Contact Survey. Retrieved from
https://wvde.state.wv.us/osp/First_Contact_Survey_FAQs.docx

Individual Characteristics Questionnaire: See Appendix A in *Characteristics of English learners with significant cognitive disabilities: Findings from the Individual Characteristics.* Retrieved from https://altella.wceruw.org/pubs/ICQ-Report.pdf

Learner Characteristics Inventory: see Kearns, Kleinert, Kleinert, & Towles-Reeves (2006).

State and national demographic information for English learners (ELs) and ELs with disabilities, 2012-2013 (2016). Retrieved from
https://tableau.ahc.umn.edu/t/ICI/views/DANumber4April2016/Story1

U.S. Department of Education. *Our nation's English learners: What are their characteristics?* Retrieved from https://www2.ed.gov/datastory/el-characteristics/index.html#four

Universally Designed Assessments Resources

A state guide to the development of universally designed assessments (2006). Retrieved from https://nceo.umn.edu/docs/OnlinePubs/StateGuideUD/UDmanual.pdf

Top 10 UDL tips for assessment. Retrieved from
http://castprofessionallearning.org/project/top-10-udl-tips-for-assessment/

Universal Design of Assessments. Retrieved from
https://nceo.info/Assessments/universal_design/overview

Universal Design Project. Retrieved from https://universaldesign.org/

Appendix B

Fairness Standards in the *Standards*

Cluster 1: Test Design, Development, Administration and Scoring Procedures That Minimize Barriers to Valid Score Interpretations for the Widest Possible Range of Individuals and Relevant Subgroups

3.1. Those responsive for test development, revision, and administration should design all steps of the testing process to promote valid score interpretations for intended score uses for the widest possible range of individuals and relevant sub-groups in the intended population.

3.2. Test developers are responsible for developing tests that measure the intended construct and for minimizing the potential for tests' being affected by construct-irrelevant characteristics, such as linguistic, communicative, cognitive, cultural, physical, or other characteristics.

3.3. Those responsible for test development should include relevant subgroups in validity, reliability/precision, and other preliminary studies used when constructing the test.

3.4. Test takers should receive comparable treatment during the test administration and scoring process.

3.5. Test developers should specify and document provisions that have been made to test administration and scoring procedures to remove construct-irrelevant barriers for all relevant subgroups in the test-taker population.

Cluster 2: Validity of Test Score Interpretations for Intended Uses for the Intended Examinee Population

3.6. When credible evidence indicates that test scores may differ in meaning for relevant subgroups in the intended examinee population, test developers and/or users are responsible for examining the evidence for validity of score interpretations for intended uses for individuals from those sub-groups. What constitutes a significant difference in subgroup scores and what actions are taken in response to such differences may be defined by applicable laws.

3.7. When criterion-related validity evidence is used as a basis for test score-based predictions of future performance and sample sizes are sufficient, test developers and/

or users are responsible for evaluating the possibility of differential prediction for relevant subgroups for which there is prior evidence or theory suggesting differential prediction.

3.8. When tests require the scoring of constructed responses, test developers and/or users should collect and report evidence of the validity of score interpretations for relevant subgroups in the intended population of test takers for the intended uses of the test scores.

Cluster 3: Accommodations to Remove Construct-Irrelevant Barriers and Support Valid Interpretations of Scores for Their Intended Uses

3.9. Test developers and/or test users are responsible for developing and providing test accommodations when appropriate and feasible, to remove construct-irrelevant barriers that otherwise would interfere with examinees' ability to demonstrate their standing on the target constructs.

3.10. When test accommodations are permitted, test developers and/or test users are responsible for documenting standard provisions for using the accommodation and for monitoring the appropriate implementation of the accommodation.

3.11. When a test is changed to remove barriers to the accessibility of the construct being measured, test developers and/or users are responsible for obtaining and documenting evidence of the validity of score interpretations for intended uses of the changed test, when sample sizes permit.

3.12. When a test is translated and adapted from one language to another, test developers and/or test users are responsible for describing the methods used in establishing the adequacy of the adaptation and documenting empirical or logical evidence for the validity of test score interpretations for intended use.

3.13. A test should be administered in the language that is most relevant and appropriate to the test purpose.

3.14. When testing requires the uses of an interpreter, the interpreter should follow standardized procedures and, to the extent feasible, be sufficiently fluent in the language and content of the test and the examinee's native language and culture to translate the test and related testing materials and to explain the examinee's test responses, as necessary.

Cluster 4: Safeguards Against Inappropriate Score Interpretations for Intended Uses

3.15. Test developers and publishers who claim that a test can be used with examinees from specific subgroups are responsible for providing the necessary information to support appropriate test score interpretations for their intended uses for individuals from these subgroups.

3.16. When credible research indicates that test scores for some relevant subgroups are differentially affected by construct-irrelevant characteristics of the test or of the examinees, when legally permissible, test users should use the test only for those subgroups for which there is sufficient evidence of validity to support score interpretations for the intended uses.

3.17. When aggregate scores are publicly reported for relevant subgroups - for example, males and females, individuals of differing socioeconomic status, individuals differing by race/ethnicity, individuals with different sexual orientations, individuals with diverse linguistic and cultural backgrounds, individuals with disabilities, young children or older adults - test users are responsible for providing evidence of comparability and for including cautionary statements whenever credible research or theory indicates that test scores may not have comparable meaning across these subgroups.

3.18. In testing individuals for diagnostic and/or special program placement purposes, test users should not use test scores as the sole indicators to characterize an individual's functioning, competence, attitudes, and/or predispositions. Instead, multiple sources of information should be used, alternative explanations for test performance should be considered, and the professional judgement of someone familiar with the test should be brought to bear on the decision.

3.19. In settings where the same authority is responsible for both provision of curriculum and high-stakes decisions based on testing of examinees' curriculum mastery, examinees should not suffer permanent negative consequences if evidence indicates that they have not had the opportunity to learn the test content.

3.20. When a construct can be measured in different ways that are equal in the degree of construct representation and validity (including freedom from construct-irrelevant variance), test users should consider, among other factors, evidence of subgroup differences in mean scores or in percentages of examinees whose scores exceed the cut scores, in deciding which test and/or cut scores to use.

Appendix C

CCSSO Principles for High Quality Assessments: Accessibility

Principle 4: Provide ACCESSIBILITY to all students, by:

A. FOLLOWING THE PRINCIPLES OF UNIVERSAL DESIGN: The assessments are developed in accordance with the principles of universal design and sound testing practice, so that the testing interface, whether paper- or technology-based, does not impede student performance.

B. OFFERING APPROPRIATE ACCOMMODATIONS AND MODIFICATIONS: Allowable accommodations that maintain the constructs being assessed are offered where feasible and appropriate. Decisions about accessibility are based on individual student needs.

C. ENSURING TRANSPARENCY OF TEST DESIGN AND EXPECTATIONS: Assessment design documents (e.g., item and test specifications) and sample test questions are made publicly available so that all stakeholders understand the purposes, expectations, and uses of the CCR assessments.

Descriptions of evidence for each principle are provided in *Criteria for Procuring and Evaluating High-Quality Assessments)*. They include:

Criteria	Evidence
Following the principles of universal design: The assessments are developed in accordance with the principles of universal design and sound testing practice, so that the testing interface, whether paper- or technology-based, does not impede student performance.	• A description is provided of the item development process used to reduce construct irrelevance (e.g., eliminating unnecessary clutter in graphics, reducing construct-irrelevant reading load as much as possible), including • The *test item* development process to remove potential challenges due to factors such as disability, ethnicity, culture, geographic location, socioeconomic condition, or gender; and • *Test form* development specifications that ensure that assessments are clear and comprehensible for all students • Evidence is provided, including exemplar tests (paper and pencil forms or screen shots) illustrating principles of universal design.

Criteria	Evidence
Offering appropriate accommodations and modifications: Allowable accommodations and modifications that maintain the constructs being assessed are offered where feasible and appropriate, and consider the access needs (e.g., cognitive, processing, sensory, physical, language) of the vast majority of students.	• A description is provided of the accessibility features that will be available, consistent with state policy (e.g., magnification, audio representation of graphic elements, linguistic simplification, text-to-speech, speech-to-text, Braille). • A description is provided of access to translations and definitions, consistent with state policy. • A description is provided of the construct validity of the available accessibility features with a plan that ensures that the scores of students who have accommodations or modifications that do not maintain the construct being assessed are not combined with those of the bulk of students when computing or reporting scores.
Assessments produce valid and reliable scores for **English learners**.	• Evidence is provided that test items and accessibility features permit English learners to demonstrate their knowledge and abilities and do not contain features that unnecessarily prevent them from accessing the content of the item. Evidence should address: presentation, response, setting, and timing and scheduling (specify sources of data).
Assessments produce valid and reliable scores for **students with disabilities**.	• Evidence is provided that test items and accessibility features permit students with disabilities to demonstrate their knowledge and abilities and do not contain features that unnecessarily prevent them from accessing the content of the item. Evidence should address: presentation, response, setting, and timing and scheduling (specify sources of data).

Appendix D

Assessment Principles and Guidelines for ELLs with Disabilities

This document (Thurlow et al., 2013) addressed essential principles of inclusive and validly assessments for English language learners (ELLs) with disabilities. They were generated through a Delphi expert review process, and then adjusted through discussions with educators throughout the country.

Principle 1. Content standards are the same for all students.

Principle 2. Test and item development include a focus on access to the content, free from bias, without changing the construct being measured.

Principle 3. Assessment participation decisions are made on an individual student basis by an informed IEP team.

Principle 4. Accommodations for both English language proficiency (ELP) and content assessments are assigned by an IEP team knowledgeable about the individual student's needs.

Principle 5. Reporting formats and content support different uses of large-scale assessment data for different audiences.

Each of the principles is described in more detail, with guidelines provided for each principle.

Appendix E

Principles and Characteristics of Inclusive Assessment Systems in a Changing Assessment Landscape

This document (Thurlow et al., 2016) is entirely devoted to assessments in which students with disabilities, ELs, and ELs with disabilities participate, including formative and interim assessments. It identifies six basic principles:

Principle 1. Every policy and practice reflects the belief that *all students* must be included in state, district, and classroom assessments.

Principle 2. Accessible assessments are used to allow all students to show their knowledge and skills on the same challenging content.

Principle 3. High quality decision making determines how students participate in assessments.

Principle 4. Implementation fidelity ensures fair and valid assessment results.

Principle 5. Public reporting content and formats include the assessment results of all students.

Principle 6. Continuous improvement, monitoring, and training ensure the quality of the overall system.

Each principle is described, as well as are several characteristics associated with each principle. It is suggested that these principles apply to assessment development, assessment revision, and decision-making processes for students with disabilities and ELs (including ELs with disabilities). It is also suggested that the principles and characteristics that explicate them can inform these processes for students who do not have disabilities and who are not ELs. Detailed characteristics that exemplify these principles are discussed in the section on applying principles to evaluate assessments.

The characteristics are:

Characteristics of *Principles of Inclusive Assessment Systems*

Principle 1. Every policy and practice reflects the believe that all students must be included in state, district, and classroom assessments
Characteristic 1.1. All students are included in every aspect of a comprehensive assessment system, including participation in the assessments, the reporting of data, the use of data for various purposes, and the improvement strategies that grow out of data reviews.
Characteristic 1.2. The validity of the results from a comprehensive assessment system is ensured through technically defensible assessments that address the implications of varied student learning characteristics and needs.
Characteristic 1.3. Stakeholders with expertise and experience in varied student learning characteristics, needs, and improvement strategies collaborate on all aspects of the assessment system to ensure that all students can show what they know and can do.
Characteristic 1.4. Stakeholders collaborate to create systems where there is broad support throughout the system for inclusion of all students in the state's school reform efforts linked to assessments.
Principle 2. Accessible assessments are used to allow all students to show their knowledge and skills on the same challenging content.
Characteristic 2.1. All students in all settings who receive special education services, ELL services, or both, are included in their enrolled grade-level assessments in some way (e.g., in general, ELP, or alternate assessment), regardless of the nature of disability, needs related to English language proficiency, or other special needs.
Characteristic 2.2. All assessments are designed from the beginning with a focus on accessibility for all students who will participate in the assessment.
Characteristic 2.3. Accessibility and accommodations policies are informed by the defined construct to be measured, available research findings, and the purpose of the assessment.
Characteristic 2.4. Alternate assessments (including alternate content assessments and alternate ELP assessments) are used to assess the knowledge and skills of students whose disabilities are a barrier to demonstrating knowledge and skills in general assessments with or without allowable accessibility features and accommodations.
Principle 3. High quality decision making determines how students participate in assessments.
Characteristic 3.1. Decisions about the way in which students participate in assessment systems are based on how the individual student shows knowledge and skills.

Characteristic 3.2. Accessible assessments and accommodations are available to all students, and decisions about their use are based on an individual student's characteristics, needs, and experiences in conjunction with what the assessment is designed to measure.
Characteristic 3.3. Clear policies, guidelines, procedures, and training on assessment participation decision making are provided for all decision-making partners.
Characteristic 3.4. The IEP team or another decision-making team annually reviews and documents assessment participation and accessibility/accommodation decisions on an individual student basis for each assessment.
Principle 4. Implementation fidelity ensures fair and valid assessment results.
Characteristic 4.1. Assessment administrators have been trained in policies and procedures for administering assessments to all students, including students with disabilities, ELLs, and ELLs with disabilities.
Characteristic 4.2. Students take the assessment that they are supposed to take.
Characteristic 4.3. Students receive the accessibility features and accommodations that are indicated for them.
Characteristic 4.4. Humans who provide accessibility features or accommodations do not compromise the validity of assessment results and interpretations based on them.
Principle 5. Public reporting content and formats include the assessment results of all students.
Characteristic 5.1. All students in all placement settings who receive educational services, regardless of severity of disability or level of English language proficiency, are accounted for in the reporting system.
Characteristic 5.2. The number and percentage of students with disabilities assessed and their aggregable results are reported near to, as often as, and in ways similar to the reporting for students without disabilities
Characteristic 5.3. The number and percentage of ELLs who are assessed and their aggregable results are reported near to, as often as, and in ways similar to the reporting for students who are not ELLs.
Characteristic 5.4. The number and percentage of ELLs with disabilities who are assessed and their aggregable results are reported near to, as often as, and in ways similar to the reporting for students who are not ELL with disabilities.
Characteristic 5.5. The number and percentage of students not assessed or whose results cannot be aggregated are revealed in public reports, and explanations are given.

Characteristic 5.6. Results from assessments administered in ways that raise policy questions are reported separately so that they can be publicly examined and discussed, as well as aggregated with other results.
Characteristic 5.7. Reports are provided to educators, parents, students, policymakers, community members, the media, and other stakeholders with a clear explanation of results and implications.
Principle 6. Continuous improvement, monitoring, and training ensure the quality of the overall systems
Characteristic 6.1. The quality, implementation, and consequences of student participation decisions are monitored and analyzed, and the data are used to evaluate and improve the quality of the assessment process at the school, district, and state levels.
Characteristic 6.2. States and districts provide training to multiple stakeholders to improve their assessment literacy, which in turn improves decisions about the use of available assessment options.
Characteristic 6.3. The use that is made of reports on assessment results and the impact that accountability decisions have on educational processes and student learning are monitored to determine the adjustments needed to improve the accountability system.
Characteristic 6.4. The quality of assessment features is continuously evaluated and improved by applying information gathered about the use and impact of assessment results and by responding to developments in the field of measurement.

Appendix F

Peer Review Critical Elements in Section 5

The U.S. Department of Education requires that assessments used for Title I accountability be subjected to a peer review of the assessments. Peer reviewers use a set of guidelines provided by the U.S. Department of Education. These guidelines are consistent with the requirements for assessments in the Elementary and Secondary Education Act (ESEA), most recently reauthorized as the Every Student Succeeds Act (ESSA). The most recent version of these guidelines (U.S. Department of Education, 2018) continues its emphasis on inclusive assessment systems through Section 5 (Inclusion of All Students). This section identifies four critical elements for the inclusion of all students in Title I assessments:

Critical Element 5.1 – Procedures for Including Students with Disabilities

Critical Element 5.2 – Procedures for Including English Learners in Academic Content Assessments

Critical Element 5.3 – Accommodations

Critical Element 5.4 – Monitoring Test Administration for Special Populations

Each of these is described and exemplified in a way that allows for the evaluation of assessments.

Critical Element 5.1. Procedures for Including Students with Disabilities

The State has in place procedures to ensure the inclusion of all public elementary and secondary school students with disabilities in the State's assessment system. Decisions about how to assess students with disabilities must be made by a student's IEP Team under IDEA, the placement team under Section 504, or the individual or team designated by a district to make that decision under Title II of the ADA, as applicable, based on each student's individual abilities and needs.

If a State adopts alternate academic achievement standards for students with the most significant cognitive disabilities and administers an alternate assessment aligned with those standards under ESEA section 1111(b)(1)(E) and (b)(2)(D), respectively, the State must:

- Establish guidelines for determining whether to assess a student with an AA-AAAS, including:
    - A State definition of "students with the most significant cognitive disabilities" that

addresses factors related to cognitive functioning and adaptive behavior;

- Provide information for IEP Teams to inform decisions about student assessments that:
    - o Provides a clear explanation of the differences between assessments aligned with grade-level academic achievement standards and those aligned with alternate academic achievement standards, including any effects of State and local policies on a student's education resulting from taking an AA-AAAS, such as how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma;

- Ensure that parents of students assessed with an AA-AAAS are informed that their child's achievement will be measured based on alternate academic achievement standards;

- Not preclude a student with the most significant cognitive disabilities who takes an AA-AAAS from attempting to complete the requirements for a regular high school diploma; and

- Promote, consistent with requirements under the IDEA, the involvement and progress of students with the most significant cognitive disabilities in the general education curriculum that is based on the State's academic content standards for the grade in which the student is enrolled; and

- Develop, disseminate information on, and promote the use of appropriate accommodations to ensure that a student with the most significant cognitive disabilities who does not take an AA-AAAS participates in academic instruction and assessments for the grade in which the student is enrolled.

- The State has in place and monitors implementation of guidelines for IEP teams to apply in determining, on a case-by-case basis, which students with the most significant cognitive disabilities will be assessed based on alternate academic achievement standards, if applicable. Such guidelines must be developed in accordance with 34 CFR § 200.6(d).6

- **For ELP assessments,** policies that require the inclusion of an EL with a disability that precludes assessment of the student in one or more of the required domains (speaking, listening, reading, and writing) such that there are no appropriate accommodations for the affected component (the State must assess the student's English language proficiency based on the remaining components in which it is possible to assess the student).

Critical Element 5.2. Procedures for Including English Learners in Academic Content Assessments

The State has in place procedures to ensure the inclusion of all ELs in public elementary and secondary schools in the State's academic content assessments and clearly communicates this information to districts, schools, teachers, and parents, including, at a minimum:

- Procedures for determining whether an EL should be assessed with a linguistic accommodation(s);

- Information on accessibility tools and features available to all students and assessment accommodations available for ELs;

- Assistance regarding selection of appropriate linguistic accommodations for ELs, including to the extent practicable, assessments in the language most likely to yield accurate and reliable information on what those students know and can do to determine the students' mastery of skills in academic content areas until the students have achieved English language proficiency.

Critical Element 5.3. Accommodations

The State makes available appropriate accommodations and ensures that its assessments are accessible to students with disabilities and ELs, including ELs with disabilities. Specifically, the State:

- Ensures that appropriate accommodations, such as, interoperability with, and ability to use, assistive technology, are available to measure the academic achievement of students with disabilities.

- Ensures that appropriate accommodations are available for ELs;

- Has determined that the accommodations it provides (1) are appropriate and effective for meeting the individual student's need(s) to participate in the assessments, (2) do not alter the construct being assessed, and (3) allow meaningful interpretations of results and comparison of scores for students who need and receive accommodations and students who do not need and do not receive accommodations;

- Has a process to individually review and allow exceptional requests for a small number of students who require accommodations beyond those routinely allowed.

- Ensures that accommodations for all required assessments do not deny students with disabilities or ELs the opportunity to participate in the assessment and any benefits from participation in the assessment.

Critical Element 5.4. Monitoring Test Administration for Special Populations

The State monitors test administration in its districts and schools to ensure that appropriate assessments, with or without accommodations, are selected for all students with disabilities and ELs so that they are appropriately included in assessments and receive accommodations that are:

- Consistent with the State's policies for accommodations;

- Appropriate for addressing a student's disability or language needs for each assessment administered;

- Consistent with accommodations provided to the students during instruction and/or practice;

- Consistent with the assessment accommodations identified by a student's IEP Team under IDEA, placement team convened under Section 504; or for students covered by Title II of the ADA, the individual or team designated by a district to make these decisions; or another process for an EL;

- Administered with fidelity to test administration procedures;

- Monitored for administrations of all required academic content assessments, AA-AAAS, ELP assessments, and AELPA.