



White Paper on English Language Learners with Significant Cognitive Disabilities



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The members of the AAA TMT are:

Holly Carter, Oregon Department of Education
Brooke David, Nebraska Department of Education
Andrew Hinkle, Ohio Department of Education
Margaret Ho, Council of Chief State School Officers
Jared Hogue, Arkansas Department of Education
Brad Lenhardt, Oregon Department of Education
Nancy Rowch, Nebraska Department of Education
Terri Schuster, Nebraska Department of Education

Authors: Martha L. Thurlow, Laurene L. Christensen, and Vitaliy V. Shyyan

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White Paper on English Language Learners with Significant Cognitive Disabilities

The English Language Proficiency for the 21st Century (ELPA21) states are developing a college- and career-ready assessment of English language proficiency (ELP). This assessment is designed for all English language learners (ELLs)¹ except those who have the most significant cognitive disabilities.

This White Paper was developed by the Administration, Accessibility, and Accommodations Task Management Team (AAA TMT) to provide the ELPA21 states with recommendations for ways to include their ELLs with the most significant cognitive disabilities in an assessment of their English language proficiency. It is expected that each state will consider its options for the development and implementation of a federally-required alternate ELP assessment, and then develop an action plan for the option, or blend of options, that the state chooses to ensure that all of their ELLs are included in an assessment of English language proficiency.

This White Paper **does not address** the complex question of how to accurately identify students who are ELLs from among those students who have significant cognitive disabilities. There is limited evidence on this topic, as well as on the topic of how to best instruct and assess ELLs with significant cognitive disabilities who are or are assumed to be ELLs. A recent literature review (Liu, Thurlow, & Quenemoen, 2015), which focused on academic assessments

¹ ELPA21 uses the term English language learners (ELL). Federal guidance uses the term English learner (EL), so both ELL and EL appear in this paper.

rather than ELP assessments, confirmed this dearth of information, and pointed to the urgent need for more research on effective instruction and assessment practices for ELLs with significant cognitive disabilities. The authors concluded: “Educators need a body of best practices to draw upon and at the present time that knowledge base does not exist” (p. 24). This conclusion applies to English language development instruction and assessment of English language development just as it does to instruction and assessment of academic content.

This White Paper also **does not address** students whose disabilities are such that it is not possible to measure their English proficiency in a domain such as listening or speaking. For example, possible alternative assessments for the listening domain for students who are deaf are not addressed in this White Paper. Similarly, possible alternative assessments for the speaking domain for students with significant speech disabilities are not addressed in this White Paper.

Background

Since 2000, when the 1997 reauthorization of the Individuals with Disabilities Education Act (IDEA) first required them, states have developed alternate assessments for those students with disabilities unable to participate in the general assessment, even with accommodations. At the time of the enactment of the reauthorized IDEA, the focus was on states’ academic assessments, particularly those required in Title I of the Elementary and Secondary Education Act (ESEA), known at that time as the Improving America’s Schools Act (IASA).

When ESEA was reauthorized in 2001 as the No Child Left Behind (NCLB) Act, it contained requirements for increased school accountability for Title I assessment results,

including accountability for subgroups of students such as students with disabilities who had Individualized Education Programs (IEPs) and students who were learning English (called students with limited English proficiency in federal law, but referred to here as English language learners – ELLs). NCLB also continued the requirement that states administer assessments of English language proficiency (ELP) to their ELLs, and for the first time, connected the accountability requirements for Title III to performance on Title I assessments.

ESEA regulations in 2003 confirmed that alternate assessments could be based on alternate achievement standards for those students with the most significant cognitive disabilities. They clarified that these alternate achievement standards should be appropriately rigorous for the students for whom they were intended, and could count as proficient scores for school accountability, with up to 1% of the total population being counted as proficient even though more than that percentage could participate in the assessments. The reauthorization of IDEA in 2004 confirmed this intention, and reinforced the belief that an alternate assessment should be available for each state assessment.

A logical progression in the implementation of the requirements of ESEA and IDEA was not confirmed until 2014, when federal guidance made clear that states should develop alternate ELP assessments for those ELLs with disabilities “who cannot participate in regular assessments, even with accommodations, as indicated in their respective IEPs” (U.S. Department of Education, 2014, p. 8). In 2015, federal regulations confirmed that only alternate assessments based on alternate achievement standards (AA-AAS) for students with significant cognitive

disabilities or alternate assessments based on grade-level achievement standards (AA-GLAS) could be used for ESEA accountability (U.S. Department of Education, 2015).

In December, 2015, ESEA was reauthorized as the Every Student Succeeds Act (ESSA). Although ESSA included many new provisions, such as the inclusion of English language proficiency as a Title I accountability indicator, it did not directly address English learners with disabilities, other than to require that states publicly disaggregate data on the English language proficiency of English learners with disabilities for Title I reporting, as well as report on the numbers and percentages of English learners with disabilities for Title III reporting. Of all the mentions of students with significant cognitive disabilities and alternate assessments in ESSA, there is no mention of English learners with significant cognitive disabilities or alternate ELP assessments. It is expected that the guidance provided in 2014 and 2015 will stand until (or if) there are further regulations released from the U.S. Department of Education.

We focus in the remainder of this paper on alternate ELP assessments for those students with significant cognitive disabilities. ELP assessments measure the skills of ELLs in the domains of reading, writing, speaking, and listening. ELP assessments have been designed, in the past, for those ELLs who take general academic assessments, in other words, those students without significant cognitive disabilities. With the increasing numbers of ELLs, and the concomitant number of ELLs with significant cognitive disabilities, it is recognized that there needs to be an assessment of the English language proficiency of students with significant cognitive disabilities (NCEO, 2014).

States participating in the development of new ELP assessments based on college and career readiness, such as the ELPA21 consortium of states, must consider the development of alternate ELP assessments for their ELLs with significant cognitive disabilities. Thus, the purpose of this paper is to address this need. It provides background information on ELLs with significant cognitive disabilities, then explores the language learning needs of these students and current practices in meeting the language-learning needs of these students. Finally, it presents ideas of ways that the ELPA21 states could include their ELLs with significant cognitive disabilities in an assessment of English language proficiency and identifies needed research.

Who Are ELLs with Significant Cognitive Disabilities?

ELLs with significant cognitive disabilities have been a somewhat hidden population for some time. With the development of new college- and career-ready alternate assessments based on alternate achievement standards (AA-AAS) for students with the most significant cognitive disabilities, there has been growing recognition that some of these students were also ELLs (for example, see Towles-Reeves, Kearns, Flowers, Hart, Kerbel, Kleinert, Quenemoen, & Thurlow, 2012).

Definition. The definition of ELLs with significant cognitive disabilities requires a blending of the definitions of ELLs and of students with significant cognitive disabilities. The definition of ELLs is guided by federal law, which provides a definition of “limited English proficient”:

- 25) LIMITED ENGLISH PROFICIENT- The term limited English proficient', when used with respect to an individual, means an individual —
- (A) who is aged 3 through 21;
 - (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
 - (C)(i) who was not born in the United States or whose native language is a language other than English;
 - (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
 - (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
 - (i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.

Federal law does not specifically define “most significant cognitive disability.” It does indicate that a student must be defined by the state:

The regulation does not create a new category of disability. Rather, the Department intended the term “students with the most significant cognitive disabilities” to include that small number of students who are (1) within one or more of the existing categories of disability under the IDEA (e.g., autism, multiple disabilities, traumatic brain injury, etc.); and (2) whose cognitive impairments may prevent them from attaining grade-level achievement standards, even with the very best instruction. (U.S. Department of Education, 2005, p. 23)

The consortia of states developing alternate assessments of content (English Language Arts – ELA and mathematics) based on college- and career-ready standards – Dynamic Learning Maps (DLM) and National Center and State Collaborative (NCSC) – worked together to develop

potential common participation guidelines for their assessments that reflect their definition of students with significant cognitive disabilities:

A student with a significant cognitive disability is one who has records that indicate a disability or multiple disabilities that significantly impact intellectual functioning and adaptive behavior. Adaptive behavior is defined as actions essential for an individual to live independently and to function safely in daily life. Having a significant cognitive disability is not determined by an IQ test score, but rather a holistic understanding of a student. (NCSC, 2014)

The combination of these definitions of ELLs and students with significant cognitive disabilities suggests a possible abbreviated definition, as follows:

English language learners with significant cognitive disabilities are individuals with difficulties in speaking, reading, writing, or understanding the English language as they are progressing toward English language proficiency, and who have one or more disabilities that significantly impact their intellectual functioning and adaptive behavior.

The alternate assessment participation guidelines for the ASSETS (Assessment Services Supporting ELs through Technology Systems) ELP assessment consortium include the following criteria:

- The student is classified as ELL.
- The student has a significant cognitive disability and receives special education services under IDEA (2004).
- The student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the grade and age appropriate curriculum.
- The student is or will be participating in his or her statewide alternate assessment based on alternate achievement standards.

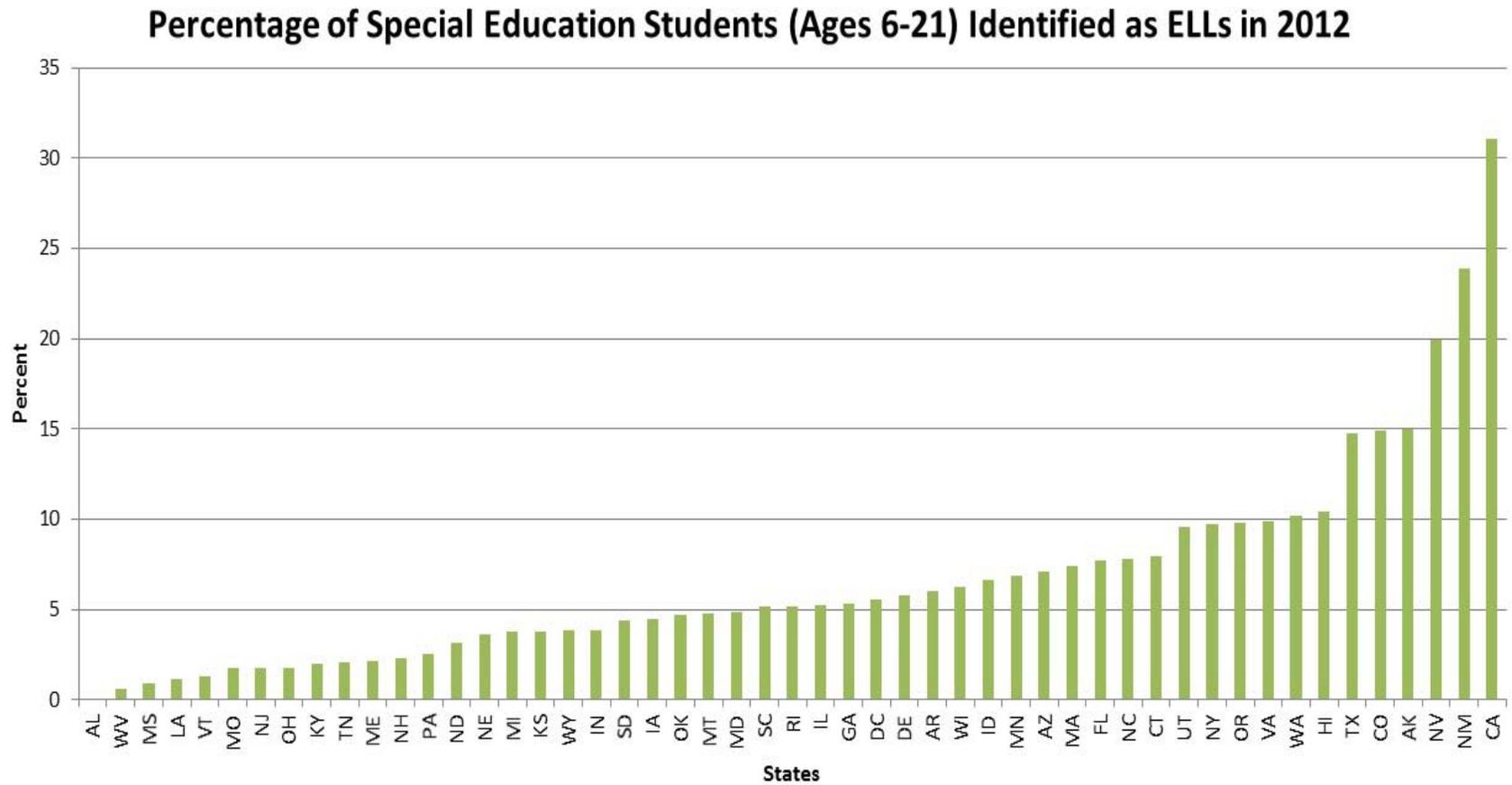
As might be surmised, the relatively simple proposed definition and the ASSETS guidelines are very complex in their implementation. Determining whether difficulties in speaking, reading, writing, or understanding the English language are due to limited English proficiency rather than

significant disabilities in intellectual functioning or adaptive behavior is a challenge, especially for those students for whom a viable communication system has not yet been identified.

Prevalence. Data on the numbers of ELLs in each state are publicly available through the Digest of Education Statistics (2015), which indicated that in 2012-13, the overall average percentage for states was 9.2%, with a range from 0.7% to 23.0%. Public data on the numbers of ELLs with disabilities are not currently available in an easy-to-use format.² Figure 1 shows the percentages of students with IEPs who are ELLs across the 50 states and the District of Columbia.

² Data are available at www2.ed.gov/programs/osepidea/618-data/state-level-data-files/part-b-data/child-count-and-educational-environments/bchildcountandedenvironments2013.cvs. Obtaining the numbers of ELLs in each category of disability or across all disability categories requires combining numbers across different educational environments.

Figure 1. Percentages of Students with IEPs who are Identified as ELLs



Source: 2012-13 IDEA Part B Child Count and Educational Environments Data
Compiled by: Kristin Liu, National Center on Educational Outcomes, October 2015

It is possible to obtain data by category of disability, but there is no category called “significant cognitive disability.” Although the primary disability categories represented in alternate assessments developed for students with significant cognitive disabilities are intellectual disabilities, autism, and multiple disabilities (Kearns, Towles-Reeves, Kleinert, Kleinert, & Thomas, 2011; Towles-Reeves, Kearns, Flowers, Hart, Kerbel, Kleinert, Quenemoen, & Thurlow, 2012; Towles-Reeves, Kearns, Kleinert, & Kleinert, 2009), not all of the students in these three categories have significant cognitive disabilities. Thus, it is not accurate to use the number of ELLs in the three IDEA disability categories as an estimate of the number of ELLs with significant cognitive disabilities.

A relatively simple and straightforward approach to obtaining an estimate of the prevalence of ELLs with significant cognitive disabilities is to take 1% of the total population of ELLs in the 50 states and the District of Columbia.³ The latest (2012-13) estimate of the total number of ELLs in the U.S. participating in programs for ELLs is 4,397,318 students (Institute of Education Sciences, 2015), or an estimated 9.2% of public school students. Thus, a very rough estimate of the total number of ELLs with significant cognitive disabilities in public schools is 1% of that total, or 43,973 students (or 0.09% of all public school students).

Given the variability in the percentages of ELLs across the states, the actual estimated percentage by state may vary. For example, in Alabama, the estimate of the

³ The upper limit on the percentage of all students who can count for proficient on content assessments of English language arts and mathematics for calculations of Title I adequate yearly progress is 1%. This is often used as a rough estimate of students with significant cognitive disabilities in the total student population (see U.S. Department of Education, 2005), and could be used as an approximation of the percentage of ELLs with significant cognitive disabilities.

number of ELLs with significant cognitive disabilities would be 179 ($17,895 \times 1\% = 179$). For California, the number of ELLs with significant cognitive disabilities would be 13,919 ($1,391,913 \times 1\% = 13,919$). Estimated numbers in each of the ELPA21 states are shown in Table 1.

Table 1. Numbers of Students Receiving ELL Services in ELPA21 States and Estimated Numbers of ELLs with Significant Cognitive Disabilities

State	Total Student Population	# ELL Services	% ELL Services	Estimated # ELLs with Significant Cognitive Disabilities	Estimated % ELLs with Significant Cognitive Disabilities of Total Student Population
Arkansas	482,114	32,743	6.8	3,274	0.7
Iowa	495,775	21,415	4.3	2,142	0.4
Kansas	483,701	43,454	9.0	4,345	0.9
Louisiana	696,558	13,042	1.9	1,304	0.2
Nebraska	298,500	20,548	6.9	2,055	0.7
Ohio	1,754,191	38,312	2.2	3,831	0.2
Oregon	570,720	62,403	10.9	6,240	1.1
South Carolina	725,838	36,385	5.0	3,639	0.5
Washington	1,043,788	98,467	9.4	9,847	0.9
West Virginia	282,879	1,727	0.6	173	0.1

Note: The data are from the U.S. Department of Education's [Ed Data Express](#) website, for the 2010-11 school year.

Why Do ELLs with Significant Cognitive Disabilities Need to Be Included in Assessments of English Language Proficiency? Past history has indicated that when a group of students is left out of assessments used for accountability, they may not be instructed on the knowledge and skills that are the focus of the assessment and accountability system (August & Hakuta, 1997; August & Lara, 1996; McDonnell,

McLaughlin, & Morison, 1997; Ysseldyke, Thurlow, & Shriner, 1992). Even though previous work on the importance of including ELLs in assessments focused primarily on academic content, it is likely that the potential negative consequences apply to English proficiency as well (Abedi, 2007; Francis & Rivera, 2007).

Recent guidance from the U.S. Department of Education (2014, 2015) both requires and supports the need to include ELLs with significant cognitive disabilities in assessments of English language proficiency. Specifically, it states:

An IEP Team must make this determination on a case-by-case basis in light of the particular needs of an EL with a disability. If an IEP Team for a particular EL with a disability determines that the student cannot participate in the regular State ELP assessment, even with individual appropriate accommodations, then the IEP Team would determine that the student needs to take an alternate assessment to the regular ELP assessment. (U.S. Department of Education, 2014, p. 9)

The federal guidance provides a strong impetus to states to ensure that all of their ELLs, including those with significant cognitive disabilities, are included in state assessments of English language proficiency.

The federal guidance also creates a perplexing situation for states developing alternate ELP assessments. Students with significant cognitive disabilities, regardless of whether they are from English language backgrounds or other language backgrounds, typically have demonstrated their proficiency in different ways. Proficiency for a student with a significant cognitive disability has been recognized as **different** from that for a

student without a significant cognitive disability. The need for a different definition of proficient has been attributed to the specific characteristics of students with significant cognitive disabilities. Although it is reasonable to transfer this approach to defining what English proficiency means for these students (i.e., it might not look the same as for other ELLs), there is no provision in federal law or regulation that would allow for this as there is for proficiency on academic content (see U.S. Department of Education, 2003, which defines an *alternate achievement standard* as “an expectation of performance that differs in complexity from a grade-level achievement standard,” p. 20). According to the latest guidance from the U.S. Department of Education (2015):

21. May a State use different cut scores or achievement standards on the State ELP assessment for determining whether ELs with disabilities are proficient in English?

No. There is no provision in the ESEA that permits alternate achievement standards on the annual ELP assessment. However, to ensure that the language proficiency of ELs with disabilities is validly and reliably assessed, the IEP Team must determine whether an EL with a disability needs to receive appropriate accommodations on the regular annual ELP assessment, or needs to take an alternate assessment to the regular ELP assessment if he or she cannot take the regular ELP assessment, even with appropriate accommodations. (p. 7)

Designing an appropriate alternate assessment for students with the most significant cognitive disabilities will be a challenge if there is no recognition that proficient English use for these students may demonstrate less breadth and complexity from proficient English use for students without significant cognitive disabilities.

Despite the acknowledgment that ELLs with significant cognitive disabilities should participate in alternate assessments, too often lack of solid research and sufficient thought has been given to an alternate ELP assessment for these students. This may have been the case because of an assumption that it is too difficult to identify ways to assess their English skills, given the severity of students' disabilities as well as challenges associated with students' language and culture characteristics. Considerations about participation in alternate ELP assessments for some ELLs with disabilities may be complicated by a perceived lack of receptive or expressive communication skills. In some cases, an ELL may be misidentified as having a significant cognitive disability because of the student's inability to communicate. In these cases, providing appropriate communication systems can make an important difference in the student's access to instruction (NCSC Parent Materials, 2013). Ultimately, the most functional skill an ELL with a significant cognitive disability can develop is communicative competence in English.

As the NCSC Consortium states: "Communication at some level is possible and identifiable for all students regardless of functional "level," and is the starting point for developing communicative competence. Communication competence is defined as the use of a communication system that allows students to gain and demonstrate knowledge. Many people with severe speech or language problems rely on alternative forms of

communication, including augmentative and alternative communication (AAC) systems, to use with existing speech or replace difficult to understand speech.” AAC can take many forms, including facial expressions, gestures, print, or electronic devices. We all use AAC when we use nonverbal communication or print, for example. For ELLs with significant cognitive disabilities, learning to communicate within the context of academic English is important because facial expressions and other nonverbal means are culturally bound. A smile may mean many things. In some parts of Asia, for example, it may signify embarrassment. Developing expressive and receptive language skills as well as the use of AAC in English is an important goal for ELLs with significant cognitive disabilities.

A National Alternate Assessment Center (NAAC) study of learner characteristics of students participating in AA-AAS (Kearns, Towles-Reeves, Kleinert, Kleinert, & Thomas, 2009) found the population to be highly varied in expressive and receptive language, with 70% communicating symbolically using oral speech or symbol-based augmentative communication, 15-20% emerging in level of symbolic language and exhibiting consistent receptive responses, 8-12% communicating expressively at a presymbolic level and alert to sensory information, and 5-8% having inconsistent receptive responses. Approximately 70% of the population read basic sight words or read with basic understanding of text.

Ignoring the critical need for communication systems for students with significant cognitive disabilities likely will relegate them to not having access to needed academic or functional skills that they will need as they move through school and look toward post-school options (Sanford et al., 2011). However, for most ELLs with significant cognitive disabilities, the heart of the problem is identifying whether the student has a language acquisition issue due to a disability, and whether the disability is significant; without the student's proficiency in English language, how do we know? Therefore, it is imperative that this small, but important group of students be instructed in English language development and also assessed in terms of their college, career, and community-ready English proficiency.

An additional challenge for students with significant cognitive disabilities has been in defining what college, career, and community readiness means; this is also true for ELLs with significant cognitive disabilities. The knowledge and skills associated with college and career readiness are closely related to the knowledge and skills that students with significant cognitive disabilities need to be successful in their community. In order for ELLs with significant cognitive disabilities to have access to the instruction they need in math and English language arts, as well as to learn self-advocacy skills needed to be as independent as they can be in post-school environments, ELLs with significant cognitive disabilities must have the opportunity to learn English.

Current Practices for ELLs with Significant Cognitive Disabilities

Limited information is available on current classroom practices used with ELLs with significant cognitive disabilities to improve their English language proficiency and on current assessment practices with these students. In some cases, the literature that is available addresses ELLs identified with a specific disability category that may include some students with significant cognitive disabilities, but that also includes students who should be in the general state assessment of content and English language proficiency.

Current Classroom Practices. Liu et al.'s (2015) recent review of the research literature on instructional practices and educators' perspectives related to ELLs with significant cognitive disabilities highlights some of the instructional and assessment challenges. Research has demonstrated that students with significant cognitive disabilities, in general, may not be receiving the language services they need. For example, teachers from five states participating in focus groups on ELLs with disabilities (Liu, Goldstone, Thurlow, Ward, Hatten, & Christensen, 2013) indicated that ELLs with certain types of disabilities or for whom there did not exist an appropriate ELP assessment, such as an alternate assessment, simply did not participate in an ELP assessment. Further, state policies provided ways for these and other ELLs with disabilities to not participate in all or part of the ELP assessment (Rieke, Lazarus, Thurlow, & Dominguez, 2013).

Studies that examined the effectiveness of various instructional techniques for students with significant cognitive disabilities who sometimes were also ELLs were located (see review by Liu et al., 2015). Overall, the Liu et al. review of eight studies that incorporated students' native language into the tested instructional strategies indicated that the most appropriate language for instruction varied with the individual characteristics and needs of each student. According to Liu et al. (2015), the factors that need to be considered for each child include:

The student's proficiency in the home language and English, whether the student has an established communication system and how that system is used at home with L1 [home language] speakers, whether students possess the prerequisite skills for doing a task, the length of time available for instruction, the student's level of engagement and attention, the educator's or interventionist's proficiency in the home language, and the availability of home language resources for instruction. (pp. 24-25)

Liu et al. also examined literature on the training, background, and skills possessed by educators who worked with ELLs with moderate to severe disabilities. The four studies that addressed these topics confirmed a general lack of administrative knowledge and support, as well as a pervasive lack of needed training. Most teachers simply used English for instruction.

Current Assessment Practices. Relatively little is known about current ELP assessment practices for ELLs with significant cognitive disabilities. A recent NCEO survey of states indicated that in 2014, six states did not require ELLs with significant

cognitive disabilities to participate in and ELP assessment. In states that required participation for this population, there was variation in how students participated in ELP assessments. Twenty-four states required ELLs with significant cognitive disabilities to take an alternate ELP assessment; all of these states were either identified as members of the WIDA Consortium,⁴ or had participated in a teacher survey about the Alternate ACCESS,⁵ or had participated in the operational field test.⁶ In 10 states, these students were required to take the same ELP assessment as all other ELLs. In four states, ELLs with significant cognitive disabilities were required to participate in some sections of the same ELP assessments as other ELLs (Shyyan, Lazarus, & Thurlow, 2015).

The U.S. Department of Education has defined some of the qualities and approaches that may be appropriate for alternate ELP assessments. For example, in its Q and A, it states:

Regardless of what alternate assessment is used, it must be a valid and reliable assessment that: 1) provides evidence of progress toward the attainment of English proficiency; 2) is aligned with State ELP standards; and 3) yields a valid score. ESEA section 3122(a)(3); Notice of Final Interpretations for Title III, Interpretation #2 (Oct. 17, 2008), 73 Fed. Reg. 61828, 61831-61833. States should examine their alternate assessment guidelines to ensure that they address the participation of ELs with disabilities in alternate assessments if those students cannot be appropriately assessed with the regular ELP assessment, even with individual appropriate accommodations. (U.S. Department of Education, 2014, p. 9)

⁴ See <https://www.wida.us/membership/states/index.aspx>

⁵ See [file:///C:/Users/thurl001/Downloads/AltACCESS_TeacherRating_TechRpt%20\(1\).pdf](file:///C:/Users/thurl001/Downloads/AltACCESS_TeacherRating_TechRpt%20(1).pdf)

⁶ See file:///C:/Users/thurl001/Downloads/AltACCESS_Series100_DevFieldTest_TechnicalBrief.pdf

Other questions and answers directly related to the alternate ELP assessment are provided in Appendix A.

Recommendations for Including ELLs with Significant Cognitive Disabilities in Alternate Assessments of English Language Proficiency

Recommendations are provided here for both (a) possible approaches that states might use to develop an alternate ELP assessment, and (b) needed research.

Possible approaches that state might use to develop an alternate ELP assessment. To address the inclusion of ELLs with significant cognitive disabilities in assessments of English language proficiency, the ELPA21 states will need to start by addressing five topics:

- Content coverage of the alternate ELP assessment
- Format of the alternate ELP assessment
- Participation guidelines for the alternate ELP assessment
- Accessibility and accommodations policies for the alternate ELP assessment, by domain
- Exit evidence for students with significant cognitive disabilities

Each of these topics is discussed here.

Content coverage. For Title I alternate assessments of ELA and mathematics content, states may reduce the coverage to those standards most critical for progression through the grades in a way that ensures college, career, and community readiness for students with significant cognitive disabilities. Current federal guidance does not permit

altering the ELP standards or their coverage for students with significant cognitive disabilities. Thus, the content coverage of the alternate ELP assessment must be the same as the content coverage of the regular ELP assessment.

Recommendation: Each ELPA21 state will need to document the ELP standards addressed by the ELPA21 assessment at each grade, so that it can ensure that its alternate ELP assessment addresses the same ELP standards as its regular ELP assessment at each grade.

Format. Title I alternate assessments of ELA and mathematics content currently use several formats. Quenemoen, Quenemoen, Kearns, and Kennedy (2010) described the most frequent formats of AA-AAS⁷:

- **Item-based tests** – set of pre-scripted test items that students respond to in an individual administration setting.
 - Selected-response items – set of questions that are usually multiple-choice or true-false in nature. These may be adapted to various technology enhanced types of items (e.g., drag and drop).
 - Constructed-response items – set of prompts or questions to which students are to produce written phrases or sentences to indicate their knowledge at a single point in time.
 - Performance tasks – testing events that engage students in responding to a series of related questions or activities designed to evaluate the student’s ability to apply knowledge in both a process and outcome-oriented manner.
- **Portfolios** – a collection of student work that is gathered across a span of time, with materials assembled to represent a limited set of learning objectives linked to the state standards. The portfolio may be either *structured* (with state-provided guidelines about the type of evidence to be collected or the when evidence is to be

⁷ Rogers, Thurlow, and Lazarus (2015) described the types of items for this typology.

- collected) or *unstructured* (with only loose requirements about the evidence to be collected).
- **Rating Scales** – this format involves teachers documenting their students’ performance on a pre-scripted list of skills based on their observations of the student in the classroom.

These same formats are viable approaches for an alternate ELP assessment.

Recommendation. To determine which format makes sense, each ELPA21 state will need to consider the pros and cons of each type, including in their considerations (a) the appropriateness of each format for the standards addressed by each domain in an assessment of English language proficiency, (b) the time frame within which the alternate ELP assessment is to be administered, (c) the possible use of assistive technology and its compatibility with the assessment platform, (d) costs associated with the format, (e) the individual characteristics and needs of students warranting possible adjustments to the format. A tool for judging the pros and cons of each approach for the four ELP domains is included in Appendix B.

Participation guidelines. ELPA21 states will need clear guidelines for decision makers to use to determine whether an individual ELL with a significant cognitive disability should participate in the regular ELP assessment, with or without accommodations, or in an alternate ELP assessment. Ideally, these guidelines will be consistent across ELPA21 states because all other students will participate in the regular ELP assessment.

The primary criteria currently in use include the following:

- Student receives special education services under IDEA.
- Educational records indicate a disability or multiple disabilities that significantly impact intellectual functioning and adaptive behavior.
- Student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the grade- and age-appropriate curriculum.
- Student's cognitive impairments prevent him or her from attaining grade-level achievement standards, even with the very best instruction.
- Student participates in the state's AA-AAS.

Recommendation. With the assumption that an accurate identification has been made of ELL status and status as a student with a significant cognitive disability (these topics are not addressed in this White Paper), the criteria reflected in the guidelines for the two AA-AAS consortia and in the guidelines for the ASSETS alternate ELP assessment can be applied by the ELPA21 states for their alternate ELP assessment. ELPA21 states should agree on the criteria that they will use so that similar students across states are participating in the ELPA21 assessment. Continued monitoring of the decision-making process and appropriate placement of students should take place in all ELPA21 states (see *Needed Research* section).

Accessibility and accommodations policies. The alternate ELP assessment must provide students with appropriate accessibility features and needed accommodations, just as the regular ELP assessment does. The AA-AAS of ELA and mathematics content have developed their accessibility and accommodations policies by considering the constructs

being measured and the barriers that might interfere with students showing their knowledge and skills. Current alternate ELP assessments, such as the Alternate ACCESS do provide for unique features of the test itself (e.g., modeled tasks, increased graphic supports, simplified language, etc.) as well as accommodations (e.g., those defined for the regular ELP assessment).

Recommendation. ELPA21 states will want to carefully review the standards identified for each domain at each grade band. Based on this information, each state should identify appropriate accessibility features and accommodations for their ELLs with significant cognitive disabilities who will participate in the alternate ELP assessment. These decisions should be made by domain.

Exit evidence. The decision to exit a student from ELL status and services generally is dependent on multiple measures, although certainly not always (Linquanti & Cook, 2015). When multiple measures are used, they often include teacher input and performance on an academic content assessment, as well as performance on the ELP assessment.

Reliance on the single criterion of performance on the alternate ELP assessment for students with significant cognitive disabilities is troublesome because it is likely that only a small number of these students will meet the same performance expectations for proficiency in reading, writing, speaking, and listening as their peers without disabilities.

At the same time, there is concern about relying on subjective judgments for these students, given the documented low expectations often held for students with significant cognitive disabilities in general (McGrew & Evans, 2004).

Because students with significant cognitive disabilities may demonstrate proficiency on a content assessment based on alternate achievement standards (AA-AAS), the performance of an ELL with significant cognitive disabilities on the state AA-AAS may be a good additional criterion to use in judging whether a student with a significant cognitive disability should be exited from ELL status and services, at least for those students in grades 3-8 and at one grade or grade band in high school. Considerable research is needed as this possibility is explored in practice.

Recommendation. ELPA21 states should examine the performance of their ELLs with significant cognitive disabilities on the state AA-AAS. For those students deemed proficient, it may be appropriate to identify the performance level of these students on the alternate ELP assessment, and include that as one part of the multiple measures used to determine whether an ELL with significant cognitive disabilities is ready to be exited from ELL services. This approach is similar to that recommended by Linquanti and Cook (2015).

Needed research. The dearth of evidence on the characteristics of ELLs with significant cognitive disabilities, how to instruct them in English language development,

and how best to assess their English language development severely impedes the field's ability to develop a valid and reliable assessment of their English language development.

Much research is needed. Among the highest priority topics are:

- Collection of data on the numbers and characteristics (language background, category of disability, communication levels, etc.) of ELLs with significant cognitive disabilities.
- Comparison of strategies for identifying an ELL in the population of students with significant cognitive disabilities.
- Monitoring decision-making processes and placement of students.
- Documentation of current language development practices for ELLs with significant cognitive disabilities.
- Examination of the effectiveness of various accessibility features and accommodations in instruction and assessment for students with significant cognitive disabilities.
- Documentation of ways to identify viable communication systems for ELLs with significant cognitive disabilities who have no apparent communication system.

Each of these topics is discussed here.

Collection of data on ELLs with significant cognitive disabilities. Much more information is needed on the characteristics of ELLs with significant cognitive disabilities. Data are needed on prevalence as well as on characteristics such as home language, sensory and physical limitations, primary communication mode, educational setting, and so on. Information like this will help to clarify the needs of these ELLs and what approaches to assessment might best meet their needs.

Currently, most of the information that we have about these students has come from one of the AA-AAS consortia (NCSC, in preparation). Those data indicate that most

ELLs with significant cognitive disabilities have intellectual disabilities, autism, and multiple disabilities. More than half use symbolic language in expressive communication, and not quite one-half are able to follow 1-2-3 step directions independently. Still, nearly 15% have no means of expressive communication and do not seem to have the receptive language skills to follow directions, even with additional cues. This kind of information, and even more detailed information, will help in identifying the best ways to assess the English language proficiency of ELLs with significant cognitive disabilities.

Recommendation. ELPA21 states should use an instrument similar to the Learner Characteristics Inventory (LCI; Kearns, Kleinert, Kleinert, & Towles-Reeves, 2006) to gather information on ELLs with significant cognitive disabilities in their states. Information gathered should include the student's home language use, communication systems used, language learning goals, and use of adaptive technology devices. Included in the information that is gathered should be data on the performance of these students on the states' AA-AAS.

Comparison of strategies for identifying an ELL. Strategies used to identify ELLs among students with significant cognitive disabilities have not been studied. It is believed that they primarily involve reliance on the results of the home language survey. Additional information that would be useful is documentation of the student's responses to directions in English and in the language noted on the home language survey, to see

whether one is more effective than the other. Similarly, gathering information from parents and other family members on their language use and how they communicate is essential. Family language and cultural practices may affect assessment considerations and strategies.

Recommendation. ELPA21 states should document the strategies currently in use in their districts to identify whether a student with significant cognitive disabilities is also an ELL. This information could be collected through a survey of districts or by holding focus groups with educators involved in making the decisions. A set of recommended practices should be developed by the state and shared with districts via professional development and written policies.

Monitoring decision-making processes and placement of ELLs. Given the current lack of knowledge about how decisions are being made to include an ELL in an alternate ELP assessment, it is important to monitor those decisions. It is also important to check on how the decisions are being made.

Recommendation. ELPA21 states will want to consider ways in which they can document the results of decisions that are made to have ELLs participate in an alternate ELP assessment. Further, they should consider documenting the decision-making bases being used in practice for assigning ELLs to participate in an alternate ELP assessment.

Documentation of current language development practices. Little is known about effective instructional strategies for ELLs with significant cognitive disabilities. Liu et al.'s (2015) review of the literature confirmed that although there has been some research on instruction for these students, most of it was focused on comparing a specific instructional approach provided in English to the same approach provided in another language (usually Spanish). Results from this type of research have provided little guidance for educators, other than to make some general suggestions.

Recommendation. ELPA21 states will benefit from systematically studying the instructional approaches currently in use in their states for ELLs with significant cognitive disabilities. Providing time for educators of these students to communicate with each other and to collaborate on strategies for providing instruction to these students will both aid the identification of current strategies that are working well, and may also generate new approaches to implement and explore for effectiveness.

Examination of the effectiveness of various accessibility features and accommodations. The identification of accessibility features and accommodations appropriate for ELLs with significant cognitive disabilities, for both instruction and assessments, is relatively new. As a result, it is important to examine their effectiveness.

Recommendation. ELPA21 states should gather information on the use of various accessibility features and accommodations during instruction. This information, in

conjunction with the constructs to be targeted by the alternate ELP assessment, can help inform the accessibility features and accommodations that should be included in the alternate ELP assessment.

Documentation of ways to identify viable communication systems. It is imperative to identify a communication system for the small percentage of ELLs with significant cognitive disabilities who do not have one and are primarily non-verbal. Students with significant cognitive disabilities may use vocalizations, word approximations, and gestures such as pointing, eye-gaze, or augmentative and alternative communication (AAC) methods including technology devices (e.g., iPads). Any one of these or a combination of them may constitute a student's communication. Yet, there are some students with significant cognitive disabilities who do not have clear use of gestures, pictures, or signs (Kearns et al., 2011). For these students, a communication system must be developed so that they have access to instruction and to assessments, including the ELP assessment.

Recommendation. ELPA21 states will want to take advantage of training programs focused on identifying a communication system for those ELLs with disabilities who have no obvious communication system. All educators who work with students with significant cognitive disabilities should receive training in this area.

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Appendix A. Guidance on Alternate ELP Assessments

An *Addendum* to the July, 2014 Q and A document was released in July 2015. It provided further clarification on the alternate ELP assessment. For example, in response to a question about whether states can identify alternate ELP standards for ELLs with disabilities to define what they know and can do in English, the *Addendum* stated:

No. Under Title III of ESEA, States must develop and implement one set of ELP standards, which must be aligned to the State’s academic content and student academic achievement standards (Section 3113(b)(2) of the ESEA). (U.S. Department of Education, 2015, p. 7)

With regard to accommodations, the guidance indicated:

An IEP Team must make this determination on a case-by-case basis in light of the particular needs of an EL with a disability. As part of the process of determining the appropriate accommodations for ELs with disabilities on the annual State ELP assessment, the IEP Team must consider the student’s language needs as they relate to his or her IEP (34 CFR §300.324(a)(2)(ii)). The IEP Team then needs to determine if there is an appropriate State-approved accommodation(s) for the annual State ELP assessment that would not invalidate the test score, which would allow the student to participate in the assessment to demonstrate what the student knows and can do. If the IEP Team determines that the student needs accommodations to take the regular ELP assessment or an alternate assessment, then the student’s IEP must contain a statement of the individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on that State assessment (34 CFR §300.320(a)(6)(i)). Appropriate and allowable accommodations used for testing should generally be the same as those used in the classroom in accordance with the student’s IEP.

An IEP Team could determine that accommodations need to be used for the entire ELP assessment, or only for part of the assessment. For example, an accommodation that is appropriate for only one of the four domains of language

(speaking, listening, reading, or writing) would be used just for that particular subtest. The IEP Team will need to ensure that the student is familiar with the accommodations to be used for the ELP assessment, that the student is using similar accommodations in classroom instruction, and that the student could benefit from similar accommodations on the ELP assessment. (U.S. Department of Education, 2014, pp. 8-9)

Exit from ELL services was also addressed:

An EL with a disability can be “exited” from EL status when he/she no longer meets the definition of an EL.... This occurs when the student meets the State’s definition of “proficient” in English. Depending on the State’s definition of proficiency, the LEA, school personnel, and/or the IEP Team may have input into the decision of whether a student is proficient in English.

However, there is no provision in the IDEA that would authorize the IEP Team to remove the “EL” designation before the student has attained English proficiency. In addition, other LEA and/or school personnel do not have the authority under Federal law to remove a student’s EL designation before the student has been deemed proficient in English solely because the student has an IEP. (U.S. Department of Education, 2014, pp. 9-10)

Finally, the *Addendum* addressed possible sources of funding for the development of alternate ELP assessments:

While States cannot generally use Title III funds to develop alternate ELP assessments, section 6111(2)(B) of the ESEA provides funds for developing or improving ELP assessments, including alternate ELP assessments, necessary to comply with section 1111(b)(7) of the ESEA. (U.S. Department of Education, 2015, p. 8)

Appendix B

Pros and Cons Tools for Considering the Format of the State’s Alternate ELP Assessment

Reading Domain

Possible Formats	Pros	Cons
Item-based Test		
Portfolio		
Rating Scale		

Writing Domain

Possible Formats	Pros	Cons
Item-based Test		
Portfolio		
Rating Scale		

Speaking Domain

Possible Formats	Pros	Cons
Item-based Test		
Portfolio		
Rating Scale		

Listening Domain

Possible Formats	Pros	Cons
Item-based Test		
Portfolio		
Rating Scale		