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# Section 7: The Six-Step Process for Accommodating English Learners (ELs)

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## Step 1: Understanding the Legal Rights of ELs

### *Ensuring Equal Access to Instruction and Assessment*

Over the past two decades, achievement and accountability reforms in the U.S. have focused on supporting the broad goal of achieving equality of opportunity in our society. The realization of this goal in large-scale testing requires all students to have equal access to grade-level content. In the 1990s, there were instances nationwide where rates of exclusions for ELs in large-scale assessments were as high as 44 percent (Mazzeo, Carlson, Voelkl, & Lutkus, 2000, p. 5). Thus, it has been difficult to ascertain EL academic progress using large-scale assessment (Shakrani & Roeber, 2009).

Proponents argue that by including ELs in federal and state assessment accountability systems, there is a greater likelihood of creating a more accurate picture of overall student achievement and growth. Having individual diagnostic information on which ELs have achieved English language proficiency and no longer need ESOL support is extremely valuable to parents of ELs, their teachers, and school administrators. It indicates EL mastery of academic English as well as social proficiency in English. If EL academic achievement is not reaching desired performance levels, student test scores may provide information which can be used in designing specific policies or funding to improve EL academic performance.

The inclusion of ELs in state assessment and accountability systems is protected by federal and state standards-based legislation and civil rights cases. The legislation and court cases mandate that historically excluded student populations, such as students with limited English proficiency, be included for purposes of equal opportunity, accountability, and representation. Districts are obligated to follow all federal and state guidelines in providing equal educational opportunities to all students. Therefore, it is necessary that the district take care in evaluating and meeting the needs of students with limited English proficiency. The rights of this group of students to an equal education are protected by the force of legislation, judicial opinion, and administrative regulation.

### *Civil Rights Legislation and Court Cases Ensuring Equal Access for ELs*

*Title VI of the Civil Rights Act of 1964* bans discrimination “based on the grounds of race, color, or national origin in any program or activity receiving federal financial assistance.” As a result, states are now required to ensure appropriate identification, assessment, and instruction of all students whose native language is not English.

*Lau v. Nichols* [414 U.S. 563 (1974)] is a class action suit originally filed on behalf of Chinese-speaking public school students against the San Francisco Unified

School District in 1970. In 1974, the U.S. Supreme Court ruled that the failure of the San Francisco school system to provide appropriate and meaningful instruction to students who do not speak English denied them the opportunity to effectively participate in the public education program and thus violated Title VI of the Civil Rights Act of 1964. In response, states have issued *Lau Mandate* guidelines for districts to ensure students an opportunity to a “meaningful education” regardless of their language background.

### ***Legislation Requiring Participation by ELs***

Both federal and state legislation now require the participation of all students, including ELs in state assessment and accountability systems. Federal provisions for inclusion and accommodation of ELs in state systems are found in the 1965 Elementary and Secondary Education Act (ESEA). ESEA provisions require the participation of all students, including ELs, in standards-based instruction and assessment initiatives. These provisions were first presented in The Improving America’s Schools Act (IASA) in 1994 and then updated in 2001 in The No Child Left Behind (NCLB) Act.

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

Under Title I of NCLB, states must include ELs in their assessments of academic achievement in reading/language arts, mathematics, and science and must provide ELs with appropriate accommodations including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what ELs know and can do in the academic content areas until they have achieved English language proficiency (U.S. Department of Education, 2006, p. 3). For more information, see <http://www.ed.gov/policy/>.

In addition, the educational experience of ELs is significantly influenced by the mandates of Title III under the most recent authorization of the Elementary and Secondary Education Act (No Child Left Behind); ELs are one of the targeted subgroups of NCLB. Under Title III, a school system is obliged to provide support and services to students with limited English proficiency so as to help them become more skilled in the language. Further, per these regulations, ELs are expected to attain state-defined levels of English proficiency and in the case of students in Grades 3-8, the targeted content proficiencies in reading/language arts, math, and science. At the high school level, ELs are held accountable for the High School Assessments, as well as their proficiency in English. English language skills are assessed through an English language proficiency assessment (*ACCESS for ELLs*®); their content knowledge is assessed through the MSA/HSA assessments.

Students are eligible for support under Title III if their skills in English fall within a certain range of proficiency; this range of English language proficiency is established by individual states. The parents of ELs have the right to refuse services offered through the ESOL program, but a refusal of service does not exempt the schools from being held accountable for the students' performance on the English language proficiency and content proficiency assessments administered by the state.

Maryland state participation requirements support the federal requirements for EL participation in state assessments. (See EL requirements outlined in Section 2 for information concerning EL eligibility for Maryland state assessments.)

### ***Who is an English Learner?***

An EL is a student who:

- was either born in the United States or outside the United States and whose native language is a language other than English and/or comes from an environment where a language other than English is dominant **OR**
- is a Native American, or Alaska Native, or a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English proficiency **OR**
- is a migrant and whose native language is other than English and comes from an environment where a language other than English is dominant **AND**
- has sufficient difficulty speaking, reading, writing, or understanding the English language that it may interfere with the student's opportunity to learn successfully in classrooms where the language of instruction is English, or to participate fully in society.

### **Criteria for Identifying the ELs**

#### ***Home Language Survey:***

The home language survey must be administered to all new students in the Maryland schools. Each LEA has a question on his/her student enrollment form asking if another language other than English is spoken in the home or by the student. If the answer is "yes," the student may be an EL. The next step is to test the student using the English language proficiency assessment to determine his/her eligibility to receive ESOL services.

## Step 2: Setting Expectations — Understanding the Relationship between Language and Content in the Schooling Experience of an EL

ELs' language and content proficiencies are assessed "separately" to meet the requirements of No Child Left Behind, but it is important to recognize that in the schooling experience, "language" and "content" are interrelated. Students learn content through language, and students' language skills are deepened through study of content. Social language skills (used to follow basic directions and engage in personal conversations at school) typically develop at a much faster rate than the skills associated with academic language use (reading a long text, writing a long response). It is very possible that an EL in your class can speak "fluently" in English (meaning he/she can follow what you say and engage in conversations with little difficulty) but struggle to analyze a text, make inferences, and write English with the same skill of structure and variety as found in spoken language. This "gap" is normal; if the gap does not appear to close over an extended period of time, this could be a sign of an underlying special education need.

ELs have the intellectual capacity to meet the cognitive demands of the K-12 classroom; their challenges in the classroom are most often a function of their language knowledge/skills than anything else. The ease with which ELs develop their skills in English is influenced by a number of factors including (but not limited to): the structure of their first/home language, the similarities between their first/home language and English, their literacy skills in their first/home language, their prior schooling experiences, the support they receive in the classroom (here in Maryland) to learn language and content, their level of access to English input and output outside of school, the differences in school demands here compared to their home (in relation to the targeted "skills"), and their overall anxiety about the schooling/language learning experience. ELs develop their proficiency in English at different rates because of these influences, and it is important to note that even if the EL has a documented special education need, there is research indicating that disabilities/disorders do not preclude bilingual and/or sequential second language development (Genesee, Paradis, and Crago, 2004).

An EL's ability to convey to the classroom teacher his/her understanding of the content and/or application of a skill can be significantly influenced by the way in which the student is asked to display this knowledge/skill\*. In many American classrooms, one of the ways in which we "test" students' mastery of content is to have them "explain it in their own words." Sometimes, we ask this of students using different terms we have used during instruction as a way to challenge the students' thinking and confirm our perceptions of their grasp of the content. For ELs, this "lexical variety" or "language manipulation" can prove to be quite difficult because they are coming from language traditions in which there is only one way to express an idea and/or label a concept—they might not know that different words can mean the same thing or that the same word can have different meanings. Further, to be able to pick up new words in context, ELs need to know even more language in the text than would a native-English speaker to be able to decode the meaning, and chances are they will struggle to differentiate the nuance among words with similar meanings. If a new term is used (e.g., "notice," instead of "observe") to prompt students to describe the features of the object

under the microscope, ELs may think you are asking them to do something very different and thus give you a completely “off-base” answer. At that point, we may make a judgment about their content knowledge, even though a language barrier caused the confusion. In many instances, it is important to use the same language structures/terms to teach and assess content knowledge, but that does not mean you do not help the EL deepen his/her understanding of language that can be used in your content area. It just may require more explicit consideration to be most effective.

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\* Maryland is a member of the World-class Instructional Design and Assessment (WIDA) Consortium. Significant resources to help classroom teachers understand how to plan instruction to meet the needs of ELs from beginning to advanced levels of English proficiency can be found on the WIDA Consortium website: <http://wida.us/standards/elp.aspx>.

## Step 3: Learning about Accommodations for Instruction and Assessment of ELs

### *What are accommodations?*

Accommodations are one strategy used to scaffold EL entry into the general education environment. Accommodations for ELs involve the application of a standard, preferably research-based, protocol for providing equitable access to instructional and testing procedures, testing materials, or the testing situation in order to allow students meaningful participation in general education content. Linguistic accommodations for ELs are different from disabilities accommodations.

Effective accommodations for ELs:

- reduce the linguistic load necessary to access the content of the curriculum or assessment;
- address the unique linguistic and sociocultural needs of the student by reducing barriers caused by language, rather than by the content being assessed. This ensures student instruction and assessment are more likely to focus on the content being taught and assessed, not on English language proficiency; and
- do not alter the content being assessed. In large-scale assessment, accommodated scores should be sufficiently equivalent in scale that they can be pooled with unaccommodated scores (Acosta, Rivera, & Shafer Willner, 2008, p. 38).

(To learn more about linguistic testing accommodations, go to <http://ells.ceee.gwu.edu>.)

Accommodations offered during instruction and assessment must be consistent for the student. During instruction, accommodations are one subset of differentiated support which promote equal access to grade-level content. Additional differentiated support provided to ELs includes specialized teaching strategies and classroom-based techniques (such as those outlined in the Sheltered Instruction Observation Protocol; the Cognitive Analytical Language Learning Approach, a Response to Intervention approach) and interventions as appropriate. During large-scale assessments, providing accommodations is the primary strategy for ensuring that ELs who are included in state reading, mathematics, science, or writing assessments are more likely to be tested on their knowledge of the content standards being assessed rather than on their English language proficiency. Therefore, it is very important for educators to become familiar with Maryland policies regarding accommodations during assessments. There may be consequences (e.g., lowering or not counting a student's test score) for the use of some accommodations during state assessments, especially those that involve the provision of reading support on the reading assessment. Use of the verbatim reading accommodation is permitted on all assessments as a standard accommodation, with the exception of the Maryland School Assessment (MSA) in reading, grade 3 ONLY, which assesses a student's ability to decode printed language. Students in grade 3 receiving this accommodation on the assessment will receive a score based on standards 2 and 3 (comprehension of informational and literary reading material) but will not receive a score for standard 1, general reading processes.



## **Accommodation Categories for ELs**

There is sometimes confusion among school-based educators concerning the *rationales* for accommodations intended for ELs and accommodations intended for students with Individualized Educational Programs (IEPs) (Shafer Willner, Rivera, & Acosta, 2007). Current practice among many states is to define accommodations for ELs in relation to ELs' unique linguistic and other background needs, rather than using the categories used for students with disabilities.

Accommodations for ELs provide two types of support: direct linguistic support and indirect linguistic support.

- Direct linguistic support accommodations involve adjustments to the language of the test. Such accommodations can be provided in the student's native language or in English.
- Indirect linguistic support accommodations involve adjustments to the conditions under which ELs take the test.

*Refer to Step 4 (Selecting EL Accommodations) for the MSDE accommodations allowed for ELs.*

## **Modifications vs. Accommodations**

Accommodations do not reduce learning expectations; they are one strategy for providing access to grade-level content. In contrast, modifications or alterations change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of ELs and expectations for proficiency at a particular grade level. Using modifications may result in implications that could adversely affect students throughout their educational careers.

Examples of modifications include:

- requiring a student to learn less of the content material than that which native English speaking peers are required to learn (e.g., fewer objectives and shorter units or lessons) thereby eliminating content as required by the Maryland Common Core State Curriculum;
- qualitatively reducing assignments and assessments so a student only needs to complete the easiest problems or items (see below a note regarding quantity of items);
- revising assignments or assessments to make them easier (e.g., crossing out half of the response choices on a multiple-choice test so that a student only has to pick from two options instead of four); or
- giving a student hints or clues to correct responses on assignments and tests.

NOTE: Reducing the quantity of assignments or items is not normally a modification; rather, reduction in quantity is a reflection of the fact that ELs may require extra time to complete each assignment, and therefore may not be able to complete the same number of items as other students. These students, however, are expected to work on assignments of similar content depth and complexity.

Providing modifications to students during classroom instruction and/or classroom assessments may have the unintended consequence of reducing their opportunity to learn critical content and is not a recommended practice for ELs. If students have not had access to critical, assessed content, they may be at risk for not meeting graduation requirements. Providing a student with a modification during a state accountability assessment may constitute a test irregularity and may result in an investigation into the school's or district's testing practices. *The Mod-HSA in Maryland are for SWD, not ELs. ELs should be considered for participation in the Mod-HSA only if they are also SWD and have an IEP.*

**Comparison of Modifications and Accommodations (Chart A<sup>1</sup>):**

	<b>Content Modification</b>	<b>Instructional Accommodation</b>
<b>EXPLANATION</b>	<ul style="list-style-type: none"> <li>Indicates that <b>what</b> is being taught — the content — is modified.</li> <li>The student is expected to learn something different than the general education standard.</li> <li>The instructional level or general education benchmarks or number of key concepts to be mastered are changed.</li> </ul>	<p>Indicates changes to <b>how</b> the content is:</p> <ol style="list-style-type: none"> <li>1) taught,</li> <li>2) made accessible, and/or</li> <li>3) assessed.</li> </ol> <p>Accommodations do not change what the student is expected to master. The objectives of the course remain intact.</p>
<b>EXAMPLES</b>	<ul style="list-style-type: none"> <li>A locally developed course to substitute for a general education course (e.g., Life Skills courses, Functional Mathematics)</li> <li>Selected standards instead of all of the standards for the grade-level course</li> <li>Off-level instruction and performance expectations in a general education setting</li> </ul>	<ul style="list-style-type: none"> <li>One-on-one instruction, small group instruction, multisensory approaches, extended time on projects, study guides, highlighted texts, programmed materials, preferential seating, immediate feedback, etc.</li> <li>Audio materials, interpreter, word processor, etc.</li> <li>Extended time to complete assignments, differentiated assignments or assessments (e.g., draw a diagram, develop a model, perform the answer, shortened tests)</li> </ul>

<sup>1</sup> Adopted from the Texas Education Agency (TEA) Division of IDEA Coordination



## Step 4: Selecting Accommodations for Instruction and Assessment of Individual ELs

The process of making decisions about accommodations is one in which members of the EL committee attempt to provide equal access to grade-level content so that ELs can participate meaningfully in the general education curriculum. EL committee meetings that simply engage people in checking boxes on a state or local “compliance” document are not conducive to sound decision-making practices, nor do they advance equal opportunities for students to participate in the general education curriculum.

### ***Gather and Review Student Information***

Effective decision-making about the provision of appropriate accommodations is facilitated by gathering and reviewing a variety of information about the student’s level of English language proficiency and current level of academic performance in relation to local and state academic standards.

In the weeks prior to the committee meeting during which the EL Plan will be completed and discussed, gather information on student achievement, including

- Student demographic information
- EL identification and placement information
- Student level of academic achievement
- Student instructional program

Provide the EL’s teacher(s) with *Tool EL-1 Teacher Observation Checklist on Student Access Needs Requiring Accommodation* and *Tool EL-2 Accommodations from the Student Perspective*.

### ***English Learner (EL) Plan***

All ELs in Maryland must have a documented EL Plan, as required under federal law (Title III, Section 3302, No Child Left Behind Act of 2001). The goal of this plan is to facilitate student access to grade-level instruction and state assessments.

The EL Plan should be developed using a committee approach, rather than be developed by one educator at the school. The committee should involve ESOL staff, academic content staff, and the principal or other school administrator designee. School staff should make every effort to involve parents and the student (especially at the middle and high school levels) in the development and review of the EL Plan.

Each student’s EL Plan must contain the following elements:

1. Student demographic information, including
  - Language first spoken
  - Language spoken at home
  - Additional language(s) spoken

- Date of entry in U.S.
  - ◊ Local School System enrollment status (date)
  - ◊ Schooling background, including
  - ◊ Instances of interrupted schooling
    - Short-term: In the past 6 months
    - Long-term: Over the long run which results in the student having little or no literacy in his or her native language. (This information can be obtained from parent reporting or on registration forms.)
- 2. EL identification and placement information, including
  - Reason for identification of student as recipients of ESOL services;
  - Level of English proficiency (using the English Language Proficiency (ELP) Assessment as approved by the Maryland State Board of Education);
  - Program exit/expected rate of transition for EL students
- 3. Student level of academic achievement
  - State test scores
  - Classroom test scores and, if available, informal assessments
- 4. Student instructional program
  - Method of instruction (content, instructional goals, use of English and native language) in the student's program and in other available programs
  - How the instructional program will address the student's educational strengths and individual needs
  - How the program will address English language learning and acquisition (placement in a language instruction educational program)
  - How the student will meet age appropriate academic achievement standards and demonstrate adequate yearly progress
  - Specific accommodations permitted for instruction and for the state-required assessments, based on ELP assessment results
- 5. Parental notification elements
  - The right to remove the child from the instructional program upon request;
  - The right to decline enrollment in the program or the method of instruction;
  - Separate parent notification within 30 days if the LEA fails to meet the objectives described to the parents for their child;
  - Whether or not the student will participate and/or be included in accountability in the state-required assessment and accountability system this year, based on whether this is the student's first year of enrollment in a U.S. school

## 6. EL Committee signatures

- A list of the names of persons who reviewed the documentation and made the decisions;
- Signatures of parents/guardians or documented attempts to obtain those signatures (however, the implementation of the EL accommodations plan is not dependent upon receipt of the parental signatures);
- Signature of the principal of the appropriate school as an indication of approval for the described accommodations.

The information above may be contained in various documents in the student file, or may be summarized in a format similar to the samples provided in Section 9, Tool-6A and Tool-6B.

### ***General Eligibility Requirements for Receiving Accommodations***

Who is eligible for EL accommodations on state assessments?

- An EL who has been assessed with an English language proficiency assessment, meets the criteria as an EL student, has evaluation data in the EL Plan that demonstrates a need for accommodations, and is participating in instructional programs and services to meet the language and academic content needs of the student
- A Refused ESOL Services EL who has been assessed with an English language proficiency assessment, meets the criteria as an EL student, and has evaluation data in the EL Plan that demonstrates a need for accommodations, but whose family has refused ESOL instructional programs and/or services for their child
- Reclassified EL (REL), also known as “Reclassified Limited English Proficient” (RLEP) who has attained English language proficiency within the previous two school years (See U.S. Department of Education’s *Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, Non-Regulatory Guidance, May 2007*, page 10).

In each example above, EL accommodations documentation must be prepared and implemented.

**Rationale for Providing RELs with EL Accommodations**

- g. Current research indicates that, to acquire the academic language commensurate with grade-level academic education, students of English as a new/second language require a minimum of 5 to 7 or even as many as 10 years. This is especially challenging for students who are learning a new language as secondary students, have not had the benefit of rigorous schooling, and are continuing their education in an English-speaking environment.
- h. ESOL services include intensive English language development instruction for students in the ESOL program until such time as students are able to comprehend and access grade-level course work in English. Due to the time it actually takes to attain academic English proficiency, students may exit from ESOL programs prior to the time they have reached grade-level English reading and vocabulary levels across the curriculum. The RELs require scaffolded and differentiated instruction in the classroom. Consequently, RELs require accommodations primarily for additional processing time and use of a bilingual dictionary.
- i. No matter how proficient one becomes in another language, one is still a non-native speaker of that language and therefore requires a certain amount of extra processing time in order to level the playing field as compared with a native English speaker. Since Maryland includes the RELs in the LEP subgroup and is mandated by Title III of NCLB to monitor the progress of these students, Maryland schools must provide RELs with the essential differentiation in the classroom that is linked with the coordinated accommodations that provide both access and opportunity for these students to demonstrate what they know and are able to do.

**Reminders:**

- For state content assessments, an EL who also has either an Individual Educational Plan (IEP) or a 504 Plan may receive additional accommodations as identified in that plan. Please note that they are also eligible for EL accommodations that may not be included in the IEP or 504 Plan.
- For the English language proficiency assessment (ELPA), accommodations in the EL plan are not allowed.
- For ELs with disabilities, not all accommodations in the IEP or 504 Plan are allowed for the ELPA. Refer to Appendix P for listed allowed accommodations.
- Section 2 of this Manual contains EL participation requirements for Maryland state assessments.

## ***Recommended Procedure for Selecting Accommodations for ELs***

The EL committee may use the following guidance to select accommodations for ELs (and to record these in the student's EL Plan).

### ***General Principles for Accommodating ELs***

It is important to remember there is no one-size-fits-all approach to EL accommodations (Abedi, Mirocha, Leon, & Goldberg, 2005). Rather than ask what accommodation was found to be most effective for *all* ELs, it is important to focus on the effectiveness of each accommodation based on the individual EL's English language proficiency and other student background factors which influence a student's achievement of English language proficiency. More is not always better; in fact, too much of the wrong type of support can actually hinder student performance.

While the main characteristic by which ELs are defined is the fact that they are in the process of acquiring the English language, ELs are not, by any means, a homogeneous group. The group is quite heterogeneous in nature. That is to say, EL achievement is influenced by many factors in addition to the shared feature of being in the process of learning English.

Thus, it is important to select accommodations based on specific EL needs. Research indicates that ELs with selected accommodations matched to their linguistic and cultural needs scored higher than (a) ELs with "incomplete" accommodations — i.e., selection done without matching accommodations to EL-responsive criteria, and (b) ELs who were not provided any accommodations at all (Kopriva, Emick, Hipolito-Delgado, & Cameron, 2007). Remember: the primary purpose of EL assessment accommodations is *not* to improve ELs' rate of passing the state assessments but to allow ELs to *more accurately* demonstrate their knowledge of the content being assessed.

### ***Guidance for Individualizing EL Accommodation Selection***

When selecting accommodations for ELs, **the EL committee should refer to the criteria in FACT SHEET EL-1 and the evidence of student achievement.** (For example, use the information and data found in the EL Plan, Tool EL-1, and Tool EL-2).

***When more guidance is needed***, use the following three considerations to inform the criteria in FACT SHEET EL-1. These considerations are derived from EL accommodation research and based on the recommendations found in the *The descriptive study of state assessment policies for accommodating English learners* (Shafer Willner, Rivera, and Acosta, 2008), available at <http://ells.ceee.gwu.edu/context.aspx>.

### Considerations When Selecting Accommodations for ELs:

- A. Level of English language proficiency (ELP) as measured by the state’s ELP assessment**
  - ◇ Beginning, intermediate, or advanced ELP
- B. Literacy development in English and/or the native language**
  - ◇ Native language literacy
  - ◇ Interrupted schooling/literacy background
- C. Factors that impact effective usage of accommodations**
  - ◇ Grade/age
  - ◇ Affective needs
  - ◇ Time in U. S. schools

#### A. Consider the student’s level of English language proficiency (ELP) as measured by the state’s ELP assessment

The English Language Proficiency (ELP) level for each EL is determined by the student’s *ACCESS for ELLs® overall composite* score. Schools have the option to choose accommodations appropriate for their students within the suggested/permitted accommodations for their ELP level. The *ACCESS for ELLs®* performance levels (and how they map to the research base on EL accommodations most appropriate for particular levels of ELP) are as follows:

<b><i>ACCESS for ELLs®</i></b> <b>English Language Proficiency Levels</b>		<b>ELP Levels by Which EL Accommodations Described in Research Base</b>
Level 1	Entering	Beginning
Level 2	Emerging	
Level 3	Developing	Intermediate
Level 4	Expanding	
Level 5	Bridging	Advanced
Level 6	Reaching	

#### ◇ **ELs with Beginning ELP**

ELs at the lowest levels of English language proficiency [levels 1 and 2] tend to experience the greatest need for accommodations but are the least able to use them. In general, the use of oral supports is recommended over written accommodations in English; however, most of these would not be expected to produce much of an effect for the lowest proficiency levels.

#### ◇ **ELs with Intermediate ELP**

ELs at the intermediate level of ELP [levels 3 and 4] have usually developed some literacy in English and are expected to benefit from a wider variety of both written and oral accommodation options.



Decision makers should note that the need for accommodations at this level varies considerably depending upon the unique background characteristics of the student as well as the literacy demands of the test. Similar to ELs with beginning ELP levels, the existing research suggests that native language accommodations such as bilingual word-to-word dictionaries (and extra time to use them) as well as English language accommodations are useful at the intermediate level. It may be more useful for these students to request selected portions of the text be read aloud rather than to have to sit through a read-aloud of the entire test.

◇ **ELs with Advanced ELP**

For students at advanced ELP levels [levels 5 and 6] the need for most kinds of accommodations is expected to decrease. Native language support in the form of bilingual word-to-word dictionaries (and extra time to use them) can be helpful if the EL has literacy skills in his/her native language.

**B. Consider the student's literacy development in English and/or the native language**

Adjust the list of accommodations selected in A above based on student background factors concerning the student's literacy development in English and the native language.

◇ **Interrupted Schooling/Literacy Development in English and Native languages**

If the EL has experienced interrupted formal education during his/her schooling career and as a result, has weaker literacy skills in his/her native language and English, it is highly probable that the EL is more oral-dominant in his/her developing English language proficiency. In this case, provide the EL with **oral language support** accommodations that are generally offered to ELs with beginning ELP (such as **scribe** and **verbatim reading of the entire test** rather than selected sections of the test.)

◇ **Native Language Literacy**

If the student has developed literacy in his or her native language after receiving instruction in the specific content area being assessed either in his/her home country or the U.S., provide the student a **word-to-word bilingual dictionary** (along with **extended time** to use it).

**C. Consider factors that impact effective usage of accommodations**

Adjust the list of accommodations selected in A and B above based on student background factors which can help ensure accommodations are useful to the student. Grade/age, time in U.S. Schools, and affective needs may all impact student ability to use EL accommodations. (For example, older students sometimes refuse accommodations due to the embarrassment of receiving additional support in front of classmates. Students who have just arrived in the U.S. need to gain familiarity with U.S. testing practices and expectations. Anxiety can raise an EL's affective filter and impact test performance.)

1. **Include the student in the process of assigning accommodations** to ensure use of the accommodation and student understanding of its use. (Refer to Tool EL-2 *Accommodations from the Student's Perspective*.)
2. If the student is unfamiliar with standardized testing or computer-based testing, provide **test preparation activities** prior to the assessment.
3. Offer opportunities to **use the accommodations prior to the assessment** during instruction and assessment.
4. Administering tests in **special settings, with specialized personnel, in small groups or individually**, while not accommodations, are test administration adjustments that might be helpful for increasing students' level of comfort, facilitating test administration, and ensuring more accurate test results and should be used when appropriate.

### Review your decision

- Document your decision in the **Accommodations Documentation Forms in Section 9** Accommodations Documentation for ELs and RELs and include in the student's EL Plan.
- Verify that accommodation(s) are being used on a regular basis during classroom instruction and assessment.
- Review the decision both at the end of the initial EL committee meeting and throughout the school year. It is also recommended that the EL committee meet prior to the state-required assessment to examine any feedback provided by the student's teacher concerning the effectiveness and appropriateness of the accommodation provided.

You may wish to use the questions below as a guide:

- What accommodation(s) is/are regularly used by the student during classroom instruction and assessment?
- What are the results for assignments and assessments when accommodation(s) are used (or not used)?
- What difficulties did the student experience in using the accommodation(s)?
- What is the student's perception of how well the accommodation(s) worked?
- What are the perceptions of parents, teachers, and specialists about how the accommodation(s) worked?
- Should the student use accommodation(s) or are changes needed?

Remember: there is no one-size-fits-all set of accommodations for ELs because ELs are not a homogenous group. Testing accommodations and test administration practices need to be customized to the different strengths and needs these students have as they develop English language proficiency.

## **Step 5: Administering Accommodations During Instruction and Assessment of ELs**

### ***Provision of Accommodations During Instruction***

The student must be provided the selected accommodations during instructional periods that necessitate their use. An accommodation may not be used solely during assessments. (Refer to Section 7/Step 4: Guidance for Individualizing EL Accommodation Selection.)

### ***Provision of Accommodations During Assessment***

#### **Planning for Test Day**

Once decisions have been made about providing accommodations to meet individual student needs, the logistics of providing the actual accommodations during state and district assessments must be mapped out. It is essential for all EL committee members to know and understand the requirements and consequences of district and state assessments, including the use of accommodations. It is important to engage the appropriate personnel to plan the logistics and provisions of assessment accommodations on the test day.

Prior to the day of a test, be certain test administrators and accommodators know what accommodations each student will be using and how to administer them properly. For example, test administrators and accommodators need to know whether a student will be allowed extra time to complete the test when the testing time is ended and what plan exists for the student to continue working. Staff administering accommodations, such as reading to a student or scribing student responses, must adhere to specific guidelines so that student scores are valid.

### ***Administering Assessments and Accommodations***

State laws, regulations, and policies specify practices to ensure test security and the standardized and ethical administration of assessments. In Maryland, testing regulations and policies are contained in the following documents: the Code of Maryland Regulations (COMAR), this manual, and the Test Administration and Coordination and Examiner's manuals for each State testing program. Test examiners, accommodators, proctors, and all staff involved in test administration in any way are required to adhere to these policies. The Code of Professional Responsibilities in Educational Measurement (NCME, 1995) states that test administrators and others involved in assessments must:

- take appropriate security precautions before, during, and after the administration of the assessment;
- understand the procedures needed to administer the assessment prior to administration;
- administer standardized assessments according to prescribed procedures and conditions and notify appropriate persons if any nonstandard or delimiting conditions occur;
- avoid any conditions in the conduct of the assessment that might invalidate the results;

- provide for and document all reasonable and allowable accommodations for the administration of the assessment; and
- avoid actions or conditions that would permit or encourage individuals or groups to receive scores that misrepresent their actual levels of attainment.

Failure to adhere to these practices may constitute a test irregularity or a breach of test security and must be reported and investigated according to state and local testing policies.

### ***Ethical Testing Practices***

Ethical testing practices must be maintained during the administration of a test. Unethical testing practices relate to inappropriate interactions between test administrators and students taking the test. Unethical practices include allowing a student to answer fewer questions, changing the content by paraphrasing or offering additional information, coaching students during testing, editing student responses, or giving clues in any way. All Maryland educators must be familiar with COMAR and receive training regarding test administration, accommodations, and security procedures. Staff should check with their LAC for more detailed information regarding test security policies.

### ***Standardization***

Standardization refers to adherence to uniform administration procedures and conditions during an assessment. Standardization is an essential feature of educational assessments and is necessary to produce comparable information about student learning. Strict adherence to guidelines detailing instructions and procedures for the administration of accommodations is necessary to ensure test results reflect actual student learning.

### ***Test Security***

Test security involves maintaining the confidentiality of test questions and answers and is critical in ensuring the integrity and validity of a test. Test security can become a particular concern when accessible test formats are used (e.g., braille or large print) or when someone other than the student is allowed to see the test (e.g., interpreter, reader, or scribe). In order to ensure test security and confidentiality, test administrators must (1) provide proper training in both specific test administration procedures for each testing program as well as training in specific test security procedures for each test, (2) keep testing materials in a secure place to prevent unauthorized access, (3) keep all test content confidential and refrain from sharing information or revealing test content with anyone, and (4) return and account for all materials as instructed.

*Refer to Fact Sheet EL-1 in Section 8 for detailed rules for the administration of specific accommodations permitted on State content assessments.*

*Refer to Tool EL-5 (Section 9) for an example of Accommodations Documentation for an EL student.*

*Refer to Appendices I, J, and K for detailed rules for the administration of specific accommodations.*



Some of the same considerations for test security apply when students are taking a technology-based assessment. For example, ensuring that only authorized personnel have access to the test and that test materials are kept confidential are critical in technology-based assessments. In addition, it is important to guarantee that students are seated in such a manner that they cannot see each other's work stations, are not able to access any additional programs or the Internet when completing the assessment, and that students are not able to access any saved data or computer shortcuts.

In the event that a student was provided a test accommodation that was not listed in his or her EL Plan, or if a student was **not** provided a test accommodation listed in his or her EL Plan, the school must notify the LAC, who in turn will complete the necessary documents. All or part of the student's score may be invalidated for Maryland's Accountability Program purposes.

**As noted previously, all staff involved in any way with State testing are required to become familiar with and comply with the State regulation governing Test Administration and Data Reporting Policies and Procedures (Code of Maryland Regulations [COMAR] 13A.03.04).** In addition, all staff are required to comply with procedures for each testing program as outlined in the Test Administration and Coordination Manual (TACM) and Examiner's Manual and any other ancillary materials produced by the State for each assessment. In addition, local district assessments require compliance with general State procedures as well as any district-specific procedures. Check with your LAC for more information. The following code of ethics conforms to the Standards for Educational and Psychological Testing developed by the American Education Research Association, the American Psychological Association, and the National Council on Measurement in Education:

IT IS A BREACH OF PROFESSIONAL ETHICS FOR SCHOOL PERSONNEL TO PROVIDE VERBAL OR NONVERBAL CLUES OR ANSWERS, TEACH ITEMS ON THE TEST, SHARE WRITING PROMPTS, COACH, HINT, OR IN ANY WAY INFLUENCE A STUDENT'S PERFORMANCE DURING THE TESTING SITUATION. A BREACH OF ETHICS MAY RESULT IN INVALIDATION OF TEST RESULTS AND LOCAL EDUCATION AGENCY (LEA) OR MSDE DISCIPLINARY ACTION.

VIOLATION OF TEST SECURITY CAN RESULT IN PROSECUTION AND/OR PENALTIES AS IMPOSED BY THE MARYLAND STATE BOARD OF EDUCATION AND/OR THE STATE SUPERINTENDENT OF SCHOOLS IN ACCORDANCE WITH COMAR 13A.03.04 AND 13A.12.05.

### ***Accommodations Monitoring by MSDE***

MSDE will send representatives to schools throughout the state to monitor and observe the use of accommodations during instruction and assessment. During testing, the monitor will ensure that standardized testing procedures are being followed. Schools will not be notified in advance of a monitor's visit. All monitors will follow local procedures for reporting to the school's main office and signing the school's visitor log. Monitors will also sign Non-Disclosure forms as requested by the school and provide a copy of a memorandum from the Assistant Superintendent for Accountability and Assessment and Data Systems giving authorization to monitor instruction and testing relating to the use of accommodations testing. LEAs who permit central office personnel to make observations during Maryland State testing must train personnel on how to administer accommodations during instruction and assessment.

## Step 6: Evaluating and Improving Accommodations Used in Instruction and Assessment of ELs

After the assessment there should be a debriefing among the members of the EL committee on how well accommodations worked at the district, school and individual student level. Accommodations must be selected on the basis of the individual student's needs and must be used consistently for instruction and assessment. Collecting and analyzing data on the use and effectiveness of accommodations are necessary to ensure the meaningful participation of EL students in statewide and districtwide assessments. Data on the use and impact of accommodations during assessments may reveal questionable patterns of accommodation use, as well as support the continued use of some accommodations or the rethinking of others. Examination of the data may also indicate areas in which the EL committee and test administrators need additional training and support.

In addition to information about the use of accommodations within the classroom, information on the implementation of accommodations during assessment needs to be gathered. Observations conducted during test administration, interviews with test administrators, and talking with students after testing sessions will likely yield data that can be used to guide the formative evaluation process at the school or district level and at the student level. Information on the use of accommodations can be feasible to collect when it is coded on the test form with other student information. Accommodation information can be analyzed in different ways. Here are some questions to guide data analysis at the school, district, and student levels.

### ***Questions to Guide Evaluation of Accommodation Use at the School and District Levels***

1. Are there policies to ensure that testing practices are ethical, that administration of assessments is standardized, and that test security practices are followed before, during, and after the day of the test?
2. Are there procedures in place to ensure test administration procedures are not compromised with the provision of accommodations?
3. Are students receiving accommodations as documented in their EL plans?
4. Are there procedures in place to ensure that test administrators adhere to directions for the implementation of accommodations?
5. How many EL students are receiving accommodations?
6. Are students using the accommodations provided to them? If not, why not?
7. What types of accommodations are provided, and are some used more than others?
8. How do students who receive accommodations perform on state and local assessments? How many students are being accommodated?



Possible explanations to explore: If students are not meeting the expected level of performance, is it due to the students not having had access to the necessary instruction, not receiving the accommodation, or using accommodations that were not effective?

### ***Questions to Guide Evaluation at the Student Level***

1. What accommodations are used by the student during instruction and assessments?
2. Are students using the accommodations provided to them? If not, why not?
3. What are the results of classroom assignments and assessments when accommodations are used versus when accommodations are not used? If a student did not meet the expected level of performance, is it due to not having access to the necessary instruction, not receiving the accommodations, or using accommodations that were ineffective?
4. What is the student's perception of how well the accommodation worked?
5. What combinations of accommodations seem to be effective?
6. What are the difficulties encountered in the use of accommodations?
7. What are the perceptions of teachers and others about how the accommodation appears to be working?

*Refer to Tool EL-2 in Section 9 for further information.*

These questions can be used to formatively evaluate the accommodations used at the student level, as well as the school or district levels. School- and district-level questions can be addressed by a committee responsible for continuous improvement efforts, while the student-level questions need to be considered by the EL committee. It is critical to stress that formative evaluation is not the responsibility of just one individual. The entire EL committee should contribute to the information gathering and decision-making processes.

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