
Section 7: The Five-Step Process for Accommodations for English Language Learners (ELLs)

Step 1: Setting Expectations — Expect English Language Learners (ELLs) to Achieve Grade-level Academic Content Standards

Federal and State Laws Requiring Participation by English Language Learners (ELLs)

Both federal and state legislation now require inclusion of all students, including English language learners (ELLs), in large-scale assessments based on a number of key factors:

- Inclusion provides a more accurate picture of overall student achievement and growth.
- Inclusion makes individual diagnostic information available to parents of ELL students, their teachers, and school administrators.
- Inclusion can provide evidence that ELL students have reached proficiency and therefore no longer need additional ESOL support.
- Inclusion may allow for specific policies and funding to improve the performance of ELL students.

No Child Left Behind Act of 2001 (NCLB)

Stronger accountability for results is one of the four basic education reform principles contained in NCLB. This law complements the provisions in providing public accountability at the school, district, and state levels for all students, including those students who are still in the process of learning English. NCLB is designed to help ELL students because speaking and Reading English well is essential for students to be successful in life in the United States.

- Under NCLB, the academic progress of every child will be tested in Reading and Mathematics, including those learning English. All English language learners are tested annually to measure how well they are learning English, so their parents will know how they are progressing. States, school systems, and schools are held accountable for results.

- Research shows that students who cannot read or write in English have a greater likelihood of dropping out of school, and they often face a lifetime of diminished opportunity.
- NCLB gives states the freedom to find the best methods of instruction.
- The law does not dictate a particular method of instruction for learning English and other academic content.
- States and local education agencies must establish English proficiency standards and provide quality language instruction, based on scientific research for English acquisition, in addition to quality academic instruction in Reading and Mathematics.
- States and local education agencies must place highly qualified teachers in classrooms where English language learners are taught.
- Children who are becoming fluent in English are also learning in academic content areas such as Reading and Mathematics, and they are tested in these areas so they are not left behind.

NCLB explicitly requires that State assessments provide for . . .

...the inclusion of limited English proficient students, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students under this paragraph...[Sec. 1111 (b) (3) (C) (ix) (III)].

One of the basic reform principles of NCLB is stronger accountability for results for all students. Through this federal legislation, in addition to other state and local district initiatives, assessments aimed at increasing accountability provide important information with regard to:

- how successful schools are including all students in standards-based education;
- how well students are achieving standards; and
- what needs to be improved upon for specific groups of students.

There are several critical elements in NCLB that hold schools accountable for educational results. Academic Content Standards (what students should learn) and academic achievement standards (how well they should learn) in Reading/language arts and Mathematics (with Science added in 2007-2008) form the basis of state accountability systems. State assessments are the mechanism for checking whether schools have been successful in students attaining the knowledge and skills defined by the Content Standards. By 2005-2006, states must provide assessments in Reading/language arts and Mathematics for all students

in grades 3 through 8 and once in high school. By 2007-2008, states must also provide Science assessments in at least one grade in each of three grade spans (3-5, 6-9, 10-12) each year. School, district, and state accountability is based on measuring success in educating all of its students and determining what needs to be improved for specific groups of students. The accountability system is defined in terms of adequate yearly progress (AYP), a way to measure the improvement in achieving standards for all students and designated subgroups each year. Schools, districts, and states are held accountable for improvements on an annual basis by public reporting and ultimately through consequences if AYP is not achieved.

Both federal and state laws require that all ELL students be administered assessments intended to hold schools accountable for the academic performance of students. ELL team members (local school staff, consisting of general educators and educators specializing in teaching of English for speakers of other languages [ESOL], who collaborate to plan and implement instructional programs for ELL students) must actively engage in a planning process that assures provision of accommodations to facilitate student access to grade-level instruction and state assessments.

Equal Access to Grade-level Content

With the focus of legislation aimed at accountability and the inclusion of all students comes the drive to ensure equal access to grade-level Content Standards. Academic Content Standards are educational targets for students to learn at each grade level. Teachers ensure that students work toward grade-level Content Standards by using a range of instructional strategies based on the varied strengths and needs of students. Providing accommodations during instruction and assessments may also promote equal access to grade-level content. To accomplish this goal of equal access,

- every ELL team member must be familiar with Content Standards and accountability systems at the state and district level;
- every ELL team member must know where to locate standards and updates; and
- every ELL team must involve collaboration between general educators and educators specializing in ESOL to ensure successful student access.

All ELL students can work toward grade-level academic Content Standards and most of these students will be able to achieve these standards when the following three conditions are met:

1. Instruction is provided by teachers who are qualified to teach in the content areas addressed by state standards and who know how to differentiate instruction for diverse learners.
2. ELL plans for students are developed to ensure the provision of specialized instruction (e.g., specific Reading skills, strategies for “learning how to learn”).
3. Appropriate accommodations are provided to help students access grade-level content.

The focus of this manual is on the selection, administration, and evaluation of accommodations for both instruction and assessment. Since assessment and instructional accommodations must be the same for individual students, guidelines for selecting accommodations for instruction and assessment are the same. However, the manual provides complete guidelines only for administering and evaluating the effectiveness of accommodations as implemented in assessment.

Grade level Content Standards in Maryland are incorporated in the Maryland Voluntary State Curriculum, available on the web at <http://www.mdk12.org>.

Step 2: Learning about Accommodations for Instruction and Assessment of English Language Learners (ELLs)

What are accommodations?

Accommodations are practices and procedures in the areas of presentation, response, setting, and timing/scheduling that provide equitable access during instruction and assessments for students who are English language learners.

Appropriate accommodations are intended to reduce or even eliminate the effects of an ELL student's level of English proficiency. The accommodations also help ensure the validity of the test for all students by eliminating irrelevant obstacles impacting test performance and test scores. Accommodations are not intended to provide a demonstrable advantage to students who receive them over students who do not. It is also important to note that accommodations do not reduce learning expectations—the accommodations should “level the playing field,” and not represent a lowering of the target for learning.

Accommodations for instruction and assessment are integrally intertwined. Accommodations provided to a student must be the same for classroom instruction, classroom assessments, and district and state assessments. It is critical to note that although some accommodations may be appropriate for instructional use, they may not be appropriate for use on a standardized assessment. There may be consequences (e.g., lowering or not counting a student's test score) for the use of some accommodations during state assessments. It is very important for educators to become familiar with Maryland policies regarding accommodations during assessments.

Description of Accommodations Categories

Accommodations are commonly categorized in four ways: presentation, response, setting, and timing/scheduling:

- **Presentation Accommodations**—Allow ELL students to access academic materials in English using alternate modes of access which help mitigate the students' level of English language proficiency.
- **Response Accommodations**—Allow ELL students to complete or respond to activities, assignments, and assessments in the English language in different ways which help mitigate the students' level of English language proficiency.
- **Timing and Scheduling Accommodations**—Increase the allowable length of time to complete an assessment or assignment and perhaps change the way the time is organized for ELL students.
- **Setting Accommodations**—Change the location in which a test or assignment is given or the conditions of the assessment setting for ELL students.

Refer to Section 8, Accommodations Fact Sheets for English language learners ELL-1 through ELL-4, for specific examples of accommodations in these categories.

Modifications or Alterations vs. Accommodations

Accommodations do not reduce learning expectations. They provide access. However, modifications or alterations refer to practices that change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of ELL students and expectations for proficiency at a particular grade level. Using modifications may result in implications that could adversely affect students throughout their educational career. 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, shorter units or lessons, thereby eliminating content as required by the Voluntary State Curriculums);
- 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 be a reflection of the fact that ELL students 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 recommended practice for ELL students. 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 Modified Assessments in Maryland are for SWD, not ELLs. ELLs would only be considered for participation in the Mod-MSA and Mod-HSA if they are also SWD and have an IEP.

Step 3:

Selecting Accommodations for Instruction and Assessment of Individual English Language Learners (ELLs)

To assure students who are English language learners are engaged in standards-based instruction and assessments, every ELL team member must be knowledgeable about the state and district academic Content Standards and assessments. Effective decision-making about the provision of appropriate accommodations begins with making good instructional decisions. In turn, making appropriate instructional decisions is facilitated by gathering and reviewing good information about the student's level of English language proficiency and present level of academic performance in relation to local and state academic standards. In essence, the process of making decisions about accommodations is one in which members of the ELL team attempt to "level the playing field" so that ELL students can participate in the general education curriculum. ELL team meetings that simply engage people in checking boxes on a state or local "compliance" document are neither conducive to sound decision-making practices, nor do they advance equal opportunities for students to participate in the general education curriculum.

Creating the English Language Learner (ELL) Plan

All English language learners must have a documented ELL service plan for students, as required under federal law (Title III, Section 3302, No Child Left Behind Act of 2001). The plan must have the following elements:

- reason for identification of student as recipients of ESOL services;
- level of English proficiency (using the English Language Proficiency Test as approved by the Maryland State Board of Education);
- level of academic achievement (suggestions: using previous academic records, if available, and/or informal assessments);
- 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;

- program exit/expected rate of transition for ELL students;
- 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;
- specific accommodations permitted for instruction and for the state-required assessments;
- a list of the names of persons who reviewed the documentation and made the decisions including signatures of parents/guardians or documented attempts to obtain those signatures (however, the implementation of the ELL accommodations plan is not dependent upon receipt of the parental signatures); and
- the signature of the principal of the appropriate school as an indication of approval for the described accommodations.

The ELL Plan must be developed using a team approach, including involvement of ESOL staff, academic content staff, and the principal or other school administrator designee. School staff should make every effort to involve parents in the development and review of the ELL Plan.

See Tools ELL-7 and ELL-8 (Section 9) for examples of ELL Plans for Elementary and Secondary School students.

Documenting Accommodations on a Student's ELL Plan

For most ELL students, determining appropriate instructional and assessment accommodations should not pose any particular problems for ELL teams that follow good ELL Plan practices. The process of identifying and documenting accommodations should be a fairly straightforward event. Depending on the design and overall format of the ELL Plan, there are four typical areas in which accommodations can be addressed:

Presentation – possible accommodations could include repetition of directions, explanation, use of bilingual dictionaries, or test administration by an ESOL specialist.

Response – possible accommodations could include allowing a student to dictate his or her answers, or allowing a response (in an instructional setting only) in the student’s native language.

Timing and Scheduling – possible accommodations could include allowance of additional time to complete the test or provision of extra breaks during the test administration period.

Setting – possible accommodations could include individual or small group administration of the test, or a test administration in a separate location.

See *Tool ELL-9A (Section 9) for an example of Accommodations Documentation for an ELL student.*

Involving Students in Selecting, Using, and Evaluating Accommodations

It is critical for ELL students to learn self-advocacy strategies for success in school and throughout life. Some students may come to the learning environment having had limited experience expressing personal preferences and advocating for themselves. Speaking out about preferences, particularly in the presence of “authority figures,” may be a new role for students, one for which they need guidance and feedback. Teachers and other ELL team members can play a key role in working with students to advocate for themselves in the context of selecting, using, and evaluating accommodations.

The more that students are involved in the selection process, the more likely the accommodations will be used, especially as students reach adolescence and the desire to be more independent increases. Self-advocacy skills become critical here. Students need opportunities to learn which accommodations are most helpful for them, and then they need to learn how to make certain those accommodations are provided in all of their classes and wherever they need them outside of school.

Determining the Consequences of Assessment Accommodations Use

When selecting accommodations for state assessments with a student, it is important to look at the Maryland state policies and procedures to determine whether use of an accommodation results in consequences on a state test (e.g., lowering or not counting a student’s score). Assessment accommodations that result in adverse consequences are referred to as nonstandard accommodations in the Accommodations Fact Sheets (ELL-1 through ELL-4 in Section 8).

Required Factors to Address in ELL Accommodation Selection

The following factors must be addressed when selecting accommodations for ELL students:

- the student must meet the criteria for ELL based on the ELPT assessment results;
- evaluation data must demonstrate the need for accommodations;
- accommodations documented in the ELL Plan must be part of the student's normal ongoing delivery of instructional services;
- accommodations are not to be used only on assessments;
- student must participate in instructional programs and services to meet his/her language and academic needs; and
- the plan must identify the level of English language proficiency at which accommodations will no longer be required.

Questions To Guide Accommodation Selection

Selecting accommodations for instruction and assessment is the role of a student's ELL team. In addition to the required factors above, the questions provided below may help to guide the team in the selection of appropriate accommodations for ELL students:

- What are the student's learning strengths and areas of further improvement?
- How do the student's learning needs affect the achievement of grade-level Content Standards?
- What specialized instruction (e.g., learning strategies, organizational skills, Reading skills) does the student need to achieve grade-level Content Standards?
- What accommodations will increase the student's access to instruction and assessment by addressing the student's learning needs and reducing the effect of the student's level of English language proficiency? (These may be new accommodations or accommodations the student is currently using.)
- What accommodations have been regularly used by the student during instruction and assessments?
- What are the results for assignments and assessments when accommodations were used and not used?

- What is the student’s perception of how well an accommodation “worked?”
- Are there effective combinations of accommodations?
- What difficulties did the student experience when using accommodations?
- What are the perceptions of parents, teachers, and specialists about how the accommodation worked?
- Should the student continue to use an accommodation, are changes needed, or should the use of the accommodation be discontinued?

Of the accommodations that match the student’s needs, consider:

- the student’s willingness to learn to use the accommodation;
- opportunities to learn how to use the accommodation in classroom settings; and
- conditions for use on State assessments.

Plan how and when the student will learn to use each new accommodation. Be certain there is ample time to learn to use instructional and assessment accommodations before an assessment takes place. Finally, plan for the ongoing evaluation and improvement of the student’s use of accommodations.

Refer to Maryland Accommodations Fact Sheets ELL-5 and ELL-6 in Section 8 and Tools ELL-1 and ELL-2 in Section 9 for additional information on completing this step.

Accommodations for RELL Students

Once a student has attained English language proficiency, he or she would no longer be considered to be an English language learner or to be “limited English proficient (LEP).” These students are no longer part of the LEP accountability subgroup, but their performance on state testing programs is tracked and they are classified as “Redesignated English language learners (RELL), also known as “Redesignated Limited English Proficient (RLEP).” Although RELL students may be considered proficient in English, they may still require certain accommodations, based on the following considerations:

1. Current research indicates that to acquire the academic language commensurate with grade-level academic education, students of English as a new/second language requires a minimum of 5 to 7, to as many as 10 years, particularly for students who are learning a new language as secondary students in grades 6-12 who have not had the benefit of rigorous schooling and are required to take grade-level schooling with native peers.

2. ESOL instruction provides intensive English language acquisition services for students in the ESOL program until such time as students are able to comprehend and access grade-level course work in English. In the language immersion model used in Maryland, however, students are exited from ESOL programs prior to the time they have reached grade-level English Reading and vocabulary levels across the curriculum. The RELL students require scaffolded and differentiated instruction on the part of the classroom teacher. Consequently, the RELL students require the accommodations primarily for additional processing time and use of a bilingual dictionary.
3. No matter how proficient in another language one becomes, 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 RELL students in the LEP subgroup and is mandated by Title III of NCLB to monitor the progress of these students, Maryland schools must provide RELL students 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.

When students are exited from ESOL programs and designated as RELL students, the ESOL staff must prepare an accommodations plan for each RELL student, and share that plan with the general education staff at the school. Contact your LAC and local central office ESOL staff for specific procedures in your school system.

Step 4: Administering Accommodations During Instruction and Assessment of English Language Learners (ELLs)

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.

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 ELL team 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 test day.

Refer to Tools ELL-3, ELL-4, and ELL-5 in Section 9.

Prior to the day of a test, be certain test administrators and proctors know what accommodations each student will be using and how to administer them properly. For example, test administrators and proctors need to know whether a student will be allowed extra time to complete the test and 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 writing student responses, must adhere to specific guidelines so that student scores are valid.

Administering Assessments and Accommodations

State and local laws and policies specify practices to assure test security and the standardized and ethical administration of assessments. Test administrators, proctors, and all staff involved in test administration must adhere to these policies. The Code of Professional Responsibilities in Educational Measurement (National Council on Measurement in Education. (1995). Code of Professional Responsibilities in Educational Measurement. Washington, DC: Author.) 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.

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 an issue when accessible test formats are used (e.g., Braille, large print) or when someone other than the student is allowed to see the test (e.g., interpreter, reader, scribe). In order to ensure test security and confidentiality, test administrators need to (1) keep testing materials in a secure place to prevent unauthorized access, (2) keep all test content confidential and refrain from sharing information or revealing test content with anyone, and (3) return all materials as instructed.

Refer to Fact Sheet ELL-7 in Section 8 for detailed rules for the administration of specific accommodations.

NOTE: 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 and which are outlined in the Test Administration and Coordination Manual (TACM) and Examiner's Manual for each assessment.

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.

Step 5: Evaluating and Improving Accommodations Used in Instruction and Assessment of English Language Learners (ELLs)

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 ELL students in state-wide and district-wide assessments. Data on the use and impact of accommodations during assessments may reveal questionable patterns of accommodations 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 ELL team and test administrators need additional training and support.

In addition to collecting information about the use of accommodations within the classroom, information also needs to be gathered on the implementation of accommodations during assessment. 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 and district level and the student level.

Questions to Guide Evaluation of Accommodation Use at the School and District Level

1. Are there policies to ensure ethical testing practices, the standardized administration of assessments, 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 ELL plans?
4. Are there procedures in place to ensure that test administrators adhere to directions for the implementation of accommodations?
5. How many ELL students are receiving accommodations?
6. What types of accommodations are provided and are some used more than others?

7. How well do students who receive accommodations perform on state and local assessments? 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 the 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. 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?
3. What is the student's perception of how well the accommodation worked?
4. What combinations of accommodations seem to be effective?
5. What are the difficulties encountered in the use of accommodations?
6. What are the perceptions of teachers and others about how the accommodation appears to be working?

Refer to Tool ELL-6 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 ELL team. It is critical to stress that formative evaluation is not the responsibility of just one individual. The entire ELL team should contribute to the information gathering and decision-making processes.