



Examination of Peer Review and Title I Monitoring Feedback Regarding the Inclusion and Accommodation of English Language Learners in State Content Assessments

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Shafer Willner, L., Rivera, C., & Acosta, B. (2010). *Examination of Peer Review and Title I Monitoring Feedback Regarding the Inclusion and Accommodation of English Language Learners in State Content Assessments*. Arlington, VA: The George Washington University Center for Equity and Excellence in Education.

This report is available on the GW-CEEE website: www.ceee.gwu.edu.

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Acknowledgements

This publication was supported by funding from the U.S. Department of Education (ED). We are grateful for the collaboration among ED offices that believed it was important to fund work in this area. In particular we would like to thank Jenelle Leonard, Director, School Support and Technology Programs; Fran Walter, Group Leader, Technical Assistance Programs; and Richard Smith, Acting Director for the Office of English Language Acquisition (OELA) for supporting the project. We are also grateful to SEA assessment directors and Title III directors in 49 states who participated in the monitoring survey, many of whom generously shared examples of monitoring tools and resources.

Special recognition goes to GW-CEEE staff who provided important support throughout the project. Roshaun Tyson provided report design and layout expertise; Jennifer Lynch and Gamaliel Gabriento provided administrative support; and Charlotte Blane provided editorial expertise.

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Examination of Peer Review and Title I Monitoring Feedback Regarding the Inclusion and Accommodation of ELLs in State Content Assessments

Executive Summary

The purpose of this study was to investigate the extent to which English language learners (ELLs) are being offered meaningful opportunities to participate in state content assessments. Unfortunately the current collection and analysis of data about the inclusion of ELLs in accommodated and unaccommodated state assessments are, at best, variable and incomplete. As there is no requirement to do so, state education agencies (SEAs) do not usually track the extent to which ELLs are or are not assessed with accommodations.

Two types of review, standards and assessment peer review and the Title I monitoring review, conducted by the Department of Education (ED), are intended to support SEAs in meeting the requirement to validly assess all students including ELLs and students with disabilities as required by the No Child Left Behind Act of 2001 (NCLB), the current reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965. The purpose of peer review is to provide individualized feedback to each SEA on the adequacy of its standards and assessment system in reading/language arts, mathematics, and science. In contrast, the function of the Title I monitoring review is to examine the adequacy of implementation of Title I requirements by an SEA. In the area of assessment, peer reviews focus primarily on assessment design and valid use, while Title I monitoring reviews include a component that centers on the implementation of assessments. Thus, the amount and types of feedback differ for the two data sources, reflecting the differing purposes of the two types of review.

The study was conducted to examine the extent to which standards and assessment peer review decision letters and Title I monitoring reports provide feedback to SEAs about their policies and practices for including and accommodating ELLs in state assessments. In the investigation the research team reviewed two sets of documents taken from ED's Web site (www.ed.gov). These included 273 peer review decision letters to SEAs issued to 52 SEAs (DC and PR included) from June 17, 2005 to January 15, 2009, and the Title I monitoring reports issued to 52 SEAs during the most recently-completed three-year monitoring cycle of 2006-2007, 2007-2008, and 2008-2009.

Feedback from the peer review letters to SEAs and Title I monitoring visit reports were analyzed to address the research questions guiding this investigation:

1. To what extent do SEAs receive feedback in peer review decision letters and/or Title I monitoring reports that address the inclusion and accommodation of ELLs?
2. What issues are identified in peer review decision letters and Title I monitoring reports to SEAs related to the inclusion and accommodation of ELLs?

The data examined for this study are of course influenced by the limitations of the individual procedures established for each review, the quality of the data provided by SEAs for reviewers, and the quality of the feedback provided by reviewers.

Two significant findings emerged from this study. The primary finding is that the majority of SEAs have weaknesses in their policies and practices for including and accommodating ELLs in state assessment systems. Secondly, the feedback itself is inconsistent both within and across the peer review and Title I monitoring processes. Overall, inclusion accommodation issues addressed in peer review letters and Title I monitoring reports suggest the need for SEAs to reassess their policies and to find methods to uniformly implement them across a state. The wide range of ELL inclusion and accommodation feedback and the lack of similarity and detail in feedback given to SEAs however, points to a lack of consistency and

coherence in the evidence provided to ED by SEAs as part of peer review and Title I monitoring review. The lack of consistency and coherence in the data provided by SEAs for the two reviews suggests a need for a concerted effort to clarify for states what is considered acceptable evidence.

The findings also have important implications for the two review processes. The inconsistencies within and across decision letters and Title I monitoring reports point to the need for greater alignment between peer review and Title I monitoring. Also, there is a need to select reviewers familiar with the assessment of ELLs and to train review teams so all members have a common understanding of issues related to the inclusion and accommodation of ELLs, even if it means increasing the size of the team.

In conclusion, because SEAs' standards and assessment systems are at different stages of development and different levels of complexity, this analysis points to a number of suggestions for improving the coherence, quality, and effectiveness of both SEA and ED practice. Efforts within ED could lead to greater understanding, and therefore improved compliance of SEAs, more coherent SEA plans, and ultimately more meaningful inclusion and accommodation of ELLs in state assessment.

Examination of Peer Review and Title I Monitoring Feedback Regarding the Inclusion and Accommodation of ELLs in State Content Assessments

Introduction

The No Child Left Behind Act of 2001 (NCLB), the current reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965, requires the valid assessment of all students including English language learners (ELLs) and students with disabilities (SDs). In order to determine the extent to which ELLs are being offered meaningful opportunities to participate in state content assessments, a thorough examination of state education agencies' (SEAs) policies and practices for including and accommodating ELLs in state assessments is needed.

SEAs report inclusion of ELLs in state assessments in Consolidated State Performance Reports. However, as pointed out by the Government Accountability Office (GAO), these reports must be interpreted with caution because of incomplete data and inconsistencies in data collection (United States Government Accountability Office, 2006, p. 2). SEAs do not usually track the extent to which ELLs are or are not assessed with accommodations because there is no Consolidated State Performance Report requirement to do so.

Currently the Department of Education (ED) conducts two reviews intended to support SEAs in meeting the requirement to validly assess all students: standards and assessment peer review and Title I monitoring review. This investigation identifies the extent to which these two review processes provide consistent feedback to SEAs about their policies and practices for including and accommodating ELLs in state assessments.

Related Research

Two descriptive reviews of peer review decision letters preceded this study. A Regional Educational Laboratory Central (REL Central) review examined feedback in peer review decision letters related to the assessment of students generally (Palmer & Barley, 2007). A review by the National Center for Educational Outcomes (NCEO) examined peer review feedback for issues specific to students with disabilities (Christensen, Thurlow, & Wang, 2009; Christensen, Lail, & Thurlow, 2007).

Palmer and Barley, as a result of reviewing decision letters (posted for SEAs through February 28, 2007) and interviewing a small group of SEA assessment directors, identified the challenges of preparing materials for peer review and created seven detailed checklists. Each checklist addresses one of the seven peer review components, which highlight acceptable and unacceptable forms of evidence. Christensen and her colleagues' review of 2006-2007 decision letters resulted in "hints and tips" for SEAs in preparing peer review materials addressing the accommodation of students with disabilities. Both groups of researchers note the varying levels of detail and inconsistency among peer reviewer comments.

Another piece of related research is a state survey of state monitoring practices conducted by The George Washington University Center for Equity and Excellence in Education (GW-CEEE) in March 2009. The results from the survey suggested that states are collecting limited data about the extent to which ELLs are included and accommodated in assessment, which has implications for the quality of data submitted to ED for peer review and Title I monitoring reviews.

Method

Feedback from peer review letters to SEAs and Title I monitoring visit reports were analyzed to address the research questions guiding this investigation:

1. To what extent do SEAs receive feedback in peer review decision letters and/or Title I monitoring reports addressing the inclusion and accommodation of ELLs?
2. What issues are identified in peer review decision letters and Title I monitoring reports to SEAs related to the inclusion and accommodation of ELLs?

State Standards and Assessment Peer Review Requirements Addressing ELLs

NCLB requires that every SEA administer annual assessments in grades 3-8 and once in high school in reading/language arts, mathematics, and science. Prior to the 2005-2006 school year, all SEAs were required to provide evidence of the adequacy of their assessment systems for reading/language arts and mathematics to a panel of peers. Most SEAs submitted an initial set of evidence for peer review of their reading/language arts and mathematics assessments between January 2005 and April 2006 and provided additional evidence as requested. SEAs were not required to meet the science assessment requirements until the 2007-2008 school year.

The purpose of peer review is to provide individualized feedback to each SEA on the adequacy of its standards and assessment system in reading/language arts, mathematics, and science. A three person team is convened to review evidence and to comment on the adequacy of the SEA's standards and assessment system in each content area. For each review, SEAs organize evidence according to seven components outlined in the guidance, and peers examine the evidence and generate comments and recommendations. The peer comments, organized according to the seven components outlined in guidance, are incorporated into a letter that is sent to the SEA by the Secretary of Education. Based on peer review, as of January 2009, 39 of 52 SEAs had received *Full Approval* or *Full Approval with Recommendations* for reading/language arts and mathematics and/or science assessments (U. S. Department of Education, 2009a).

Peer reviewers receive general training on the guidance, but do not receive in-depth training on the critical elements pertaining to ELLs. Each peer review team evaluates the evidence and determines the degree to which an SEA's final standards and assessment system complies with the requirements of NCLB. The peers' feedback is intended to help SEAs improve their assessment systems. Each peer review team generally includes a psychometrician, a special educator *or* an educator knowledgeable about English language learners, and a testing practitioner with extensive practical experience in large-scale testing. To provide continuity for each SEA, the members generally remain on a team until the SEA achieves passing status.

Peer review guidance itself is based, in part, on the *Standards for Educational and Psychological Testing* (American Educational Research Association, American Psychological Association, & National Council on Measurement in Education, 1999). Each of the seven components of the guidance lists critical indicators. As shown in Table 1, two of seven components (4.0 and 6.0) developed for peer review target inclusion and accommodation of ELLs. In (4.0) *Technical Quality*, two critical elements relate to the accommodation of ELLs (4.3 and 4.6). In (6.0) *Inclusion*, two critical elements (6.1 and 6.3) address the inclusion of ELLs (and all students) in state assessments and indirectly address monitoring the accommodation of ELLs by requiring the SEA to ensure the reliability and validity of assessments used. The highlighted column in Table 1

lists the critical elements addressing the inclusion and accommodation of ELLs, the elements of focus for this study.

Table 1
Peer Review Components and Critical Elements Pertaining to ELLs

Component	Description	Critical Elements Pertaining to ELLs
1.0 Academic content standards	States must develop a set of challenging academic content standards that define what all public school students in the State are expected to know and be able to do.	
2.0 Academic achievement standards	States must develop a set of challenging academic achievement standards for every grade and content area assessed.	
3.0 Statewide assessment system	States must develop a single statewide system of high quality assessments.	
4.0 Technical quality	States must employ processes to ensure that assessments and use of results are appropriate, credible, and technically defensible.	<p>4.3 Has the State ensured that its assessment system is fair and accessible to all students, including students with disabilities and students with limited English proficiency, with respect to each of the following issues:</p> <p>(b) Has the State ensured that the assessments provide an appropriate variety of linguistic accommodations for students with limited English proficiency? and</p> <p>(c) Has the State taken steps to ensure fairness in the development of the assessments? and</p> <p>(d) Does the use of accommodations and/or alternate assessments yield meaningful scores?</p> <p>4.6 Has the State evaluated its use of accommodations? How has the State ensured that appropriate accommodations are available to limited English proficient students and that these accommodations are used as necessary to yield accurate and reliable information about what limited English proficient students know and can do?</p> <p>(d) How has the State determined that scores for limited English proficiency students that are based on accommodated administration circumstances will allow for valid inferences about these students' knowledge and skills and can be combined meaningfully with scores from non-accommodated administration circumstances?</p>
5.0 Alignment	A State's system of standards and assessments must be aligned in order to provide useful information for valid accountability decisions and educational improvement.	
6.0 Inclusion	States must include <i>all</i> students in a State's system of standards, assessments, and accountability.	<p>6.1 Do the State's participation data indicate that all students in the tested grade levels or grade ranges are included in the assessment system (e.g., students with disabilities, students with limited English proficiency, economically disadvantaged students, race/ethnicity, migrant students, homeless students, etc.)?</p> <p>6.3 What guidelines does the State have in place for including</p>

Table 1
Peer Review Components and Critical Elements Pertaining to ELLs

Component	Description	Critical Elements Pertaining to ELLs
		all students with limited English proficiency in the tested grades in the assessment system? (a) Has the State made available assessments, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what these students know and can do? (b) Does the State require the participation of every limited English proficient student in the assessment system, unless a student has attended schools in the US for less than 12 months, in which case the student may be exempt from one administration of the State’s reading/language arts assessment? (c) Has the State adopted policies requiring limited English proficient students to be assessed in reading/language arts in English if they have been enrolled in US schools for three consecutive years or more?
7.0 Reporting	States must provide reports to parents, educators, or other stakeholders so that they may find answers to questions about how well a student or group of students is achieving, as well as important information on how to improve achievement in the future.	

Source: U.S. Department of Education (2009a) Standards and Assessment Peer Review Guidance

Title I Monitoring Requirements Addressing ELL Inclusion and Accommodation

In contrast to peer review, the purpose of the Title I monitoring review is to examine the adequacy of the implementation of Title I requirements by an SEA. On a three-year cycle, Title I monitoring teams, consisting of Title I staff from the ED Student Achievement and School Accountability Programs (SASA) office, conduct site visits to an SEA and selected districts and schools. The purpose of the site visit is to examine SEA compliance in three areas: (1) *Assessment and Accountability*; (2) *Program Improvement, Parental Involvement, and Options*; and (3) *Fiduciary Responsibilities*. The Title I monitoring team assigned issues a report that provides feedback in the three areas. The focus for this study was on the examining the feedback provided to SEAs in the first area as it relates to the inclusion and accommodation of ELLs (U.S. Department of Education, 2009b).

In Title I monitoring, a team of ED staff conducts site visits to examine SEA compliance with Title I grant requirements. As stated on the ED Web site, “A monitoring review is the regular and systematic examination of a State’s administration and implementation of a Federal education grant, a contract or a cooperative agreement administered by ED.” Monitoring teams use performance indicators to assess the extent to which SEAs provide guidance for local educational agencies (LEAs) and schools to implement policies and procedures that comply with the provisions of Title I. The goal is to gather accurate data about SEA and local needs and to use these data to design technical assistance initiatives and national leadership activities.

The Title I monitoring team focuses on an SEA’s implementation of policies, systems, and procedures that ensure LEA and school level compliance with the Title I statute and regulations. The extent to which the SEA is in compliance with requirements for including and

accommodating ELLs is outlined in the *Assessment and Accountability* provisions in Title I, Part A (U.S. Department of Education, 2009b).

For the 2006-2007 Title I monitoring cycle, Title I guidance focused on six indicators. In 2007-2008, the six indicators were expanded to nine. While the contents of indicators 1.2-1.6 remained unchanged, indicator 1.1 was expanded into four indicators. Table 2 displays the component, description, and guiding questions (highlighted) pertaining to the inclusion and accommodation of ELLs.

Table 2
Summary of Title I Monitoring Indicators and Guiding Questions Pertaining to ELLs

Component	Description	Guiding Questions Pertaining to ELLs
1.1*	The SEA has approved a system of academic content standards, and academic achievement standards and assessments (including alternate assessments) for all required subjects and grades, or has an approved timeline for developing them.	<p>What guidelines does the State have in place for including all students with limited English proficiency (LEP) in the tested grades in the assessment system?</p> <p><u>Documentation:</u></p> <ul style="list-style-type: none"> •The State’s guidelines, as communicated to LEAs, call for the inclusion of all limited English proficient students in its assessment system. <p><u>Interview:</u></p> <ul style="list-style-type: none"> •Discuss the State’s definition of LEP. •Discuss the State’s criteria for student exit from the LEP accountability subgroup. Is this consistent with the Accountability Workbook? •What guidelines does the State have in place for including all students with limited English proficiency (LEP) in the tested grades in the assessment system •Does State have appropriate accommodations for LEP students?
1.2	The SEA has implemented all required components as identified in its accountability workbook.	<p>How are students with limited English proficiency included in the State’s definition of adequate yearly progress?</p> <p><u>Documentation:</u></p> <ul style="list-style-type: none"> •State provides data showing that all LEP students participate in statewide assessments: general assessments with or without accommodations, LEP alternate assessments, or a native language version of the general assessment based on grade level standards. •State provides to all LEAs guidance on the assessment of new immigrant LEP students that is consistent with ESEA.
1.3	The SEA has published an annual report card as required and an Annual Report to the Secretary.	<p>Does the SEA have procedures to monitor annual Local Educational Agency (LEA) Report Cards to ensure that information in the report cards is based on statistically valid and reliable data?</p> <p><u>Documentation:</u></p> <ul style="list-style-type: none"> • State conducts audit check of LEA data and has procedures to resolve errors. Most recent State Consolidated Report. Check for completeness. • Data in the State Consolidated Report matches Report Card data for the same year.
1.4	The SEA has ensured that LEAs have published annual report cards as required.	
1.5	How are students with limited English proficiency included in the State’s definition of adequate yearly progress? <u>Documentation:</u>	

Table 2
Summary of Title I Monitoring Indicators and Guiding Questions Pertaining to ELLs

Component	Description	Guiding Questions Pertaining to ELLs
	<ul style="list-style-type: none"> •State provides data showing that all LEP students participate in statewide assessments: general assessments with or without accommodations, LEP alternate assessments, or a native language version of the general assessment based on grade level standards. •State provides to all LEAs guidance on the assessment of new immigrant LEP students that is consistent with ESEA. <p>The SEA indicates how funds received under Grants for State Assessments and related activities (Section 6111) will be or have been used to meet the 2005-06 and 2007-08 assessment requirements of ESEA.</p>	
1.6	The SEA ensures that LEAs meet all requirements for identifying and assessing the academic achievement of limited English proficient students.	<ul style="list-style-type: none"> • Does the State conduct an annual language survey that identifies the following? <ol style="list-style-type: none"> 1. Languages other than English present in student population; and 2. Languages for which yearly academic assessments are needed. <p><u>Documentation:</u></p> <ul style="list-style-type: none"> • Summary of home language survey results, OELA report, or relevant consolidated application data that shows the number of languages present and relative incidence.

*For ease of comparison between the guidance issued for 2006-2007, 2007-2008, and 2008-2009, Table 2 uses the 6 indicators in the 2006-2007 Title I monitoring cycle and records the three additional indicators introduced in 2007-2008 as part of indicator 1.1.

Source: U.S. Department of Education. (2009b). Title I guidance and monitoring reports.

SEAs are monitored for Title I compliance every three years. The monitoring review includes a site visit to the SEA and selected LEAs. As shown in Table 3, during the most recently-completed three-year monitoring cycle, 17 SEAs were reviewed and received monitoring reports in 2006-2007; 16 in 2007-2008; and 19 SEAs in 2008-2009 (includes the District of Columbia (DC) and Puerto Rico (PR)). The new three-year monitoring cycle, begun in 2009-2010, is currently underway.

Table 3
Title I Monitoring Visits during the Three-Year Monitoring Cycle, 2006-2009 N=52

2006-2007 (17 SEAs)		2007-2008 (16 SEAs)		2008-2009 (19 SEAs)	
State	Onsite Visit	State	Onsite Visit	State	Onsite Visit
New Jersey	January 8, 2007	Colorado	October 22, 2007	Kansas	October 20, 2008
Ohio	January 8, 2007	Florida	November 5, 2007	Oregon	November 3, 2008
Washington	February 12, 2007	Oklahoma	December 3, 2007	Mississippi	November 17, 2008
Massachusetts	March 5, 2007	New Mexico	December 10, 2007	DC	December 8, 2008
Missouri	March 12, 2007	Texas	January 14, 2008	South Carolina	January 12, 2009
Minnesota	March 26, 2007	Maryland	February 11, 2008	Georgia	January 26, 2009
Nevada	April 16, 2007	Arizona	February 25, 2008	Louisiana	February 9, 2009
Rhode Island	April 23, 2007	Pennsylvania	March 3, 2008	Tennessee	February 23, 2009
Nebraska	May 7, 2007	Idaho	May 5, 2008	Puerto Rico	March 2, 2009
Michigan	May 14, 2007	Illinois	April 14, 2008	Arkansas	March 9, 2009
Maine	June 4, 2007	Wisconsin	April 21, 2008	New York	March 23, 2009

Table 3
Title I Monitoring Visits during the Three-Year Monitoring Cycle, 2006-2009 N=52

2006-2007 (17 SEAs)		2007-2008 (16 SEAs)		2008-2009 (19 SEAs)	
State	Onsite Visit	State	Onsite Visit	State	Onsite Visit
Montana	June 4, 2007	North Dakota	May 5, 2008	Hawaii	April 20, 2009
South Dakota	June 11, 2007	North Carolina	May 19, 2008	Utah	April 27, 2009
California	August 13, 2007	Virginia	June 9, 2008	Alaska	May 4, 2009
Connecticut	September 10, 2007	Alabama	September 8, 2008	Kentucky	May 18, 2009
Iowa	September 10, 2007	Delaware	September 15, 2008	West Virginia	June 1, 2009
Indiana	September 24, 2007			Wyoming	September 14, 2009
				New Hampshire	September 21, 2009
				Vermont	September 21, 2009

Data Collection and Analysis

The research team reviewed two sets of documents taken from the U.S. Department of Education Web site (www.ed.gov). These included 273 peer review decision letters issued to 52 SEAs from June 17, 2005 to January 15, 2009. Multiple letters were issued to most SEAs. Title I monitoring reports issued to the 52 SEAs (DC and PR included) during the most recently-completed three-year cycle, occurring in 2006-2007, 2007-2008, and 2008-2009, were reviewed.

Qualitative analysis was used to examine the two sets of reviews. In the first stage, data pertaining to ELLs were sorted and counted according to the peer review components or Title I indicators prescribed for each type of review. Next, inductive analysis was used to generate the inclusion and accommodation issues related to ELLs in state assessments. The accommodation issues identified in peer review feedback and Title I monitoring reports were similar to those identified in the 2007 Christensen and Thurlow study of peer review feedback concerning students with disabilities. SEAs receiving feedback on an issue were noted. Errors in reviewers' categorizations were noted and corrected. Examples of errors included accommodations feedback misclassified under the wrong component, and lack of clarity about whether the population addressed in the feedback referred to ELLs or students with disabilities.

Limitations of this Study

The data examined for this study are influenced by the limitations of the individual procedures established for each review, the quality of the data provided by SEAs for reviewers, and the quality of the feedback provided by reviewers.

The uneven and inconsistent recommendations and counsel given to SEAs in the two types of review may be, in part, due to the different purposes and procedures for providing feedback, the frequency of reviews, and the expertise of those who conduct the reviews. For example, while peer reviews (and the resulting decision letters) provide cumulative feedback on an SEA's standards and assessment system, Title I monitoring reports provide feedback on the implementation of procedures and practices related to Title I implementation at one point in time based on priorities set in a given year by ED, which may or may not address the inclusion and accommodation of ELLs. Title I monitoring reports require that data be prepared in advance of the visit and during the site visit to the SEA and LEAs. Finally, Title I monitoring visits are completed by ED staff, not outside experts.

The quality and variety of data provided by the SEAs for the reviews also has an impact on the quality of feedback. Because SEAs vary in the number of ELLs served, the comprehensiveness of

programs offered, and the expertise of the individuals preparing the information for reviewers, the quantity and quality of information offered to peers and Title I monitors vary. While evidence provided by some SEAs may directly address the assessment of ELLs, other SEAs may not directly address ELLs and/or may bundle the information with data for students with disabilities. This variability may make it difficult for reviewers to assess or provide targeted feedback about the inclusion and accommodation of ELLs.

Finally, the quality of the feedback provided by reviewers is a limitation. While one of the three peer review committee members is selected on the basis of expertise in issues affecting either students with disabilities or ELLs, there is no guarantee that a member of the committee, and thus the team, will have expertise to address both student populations. Like peer reviewers, the individual Title I monitoring team members and the team as a whole may or may not have expertise in the assessment of ELLs.

Findings

Feedback regarding ELL inclusion and accommodation from peer review decision letters and Title I monitoring reports varied across states. The amount and types of feedback differed for the two data sources, reflecting the differing purposes of the two types of review. In the area of assessment, peer review focused primarily on assessment design, while Title I monitoring emphasized the implementation of assessments.

As shown in Table 4, roughly half of SEAs received feedback concerning ELL inclusion practices in Title I monitoring reports and peer review decision letters. While SEAs were more likely to receive feedback on ELL accommodation practices in peer review decision letters than in Title I monitoring reports, almost three-quarters of SEAs received requests for evidence or recommendations about the accommodation of ELLs in peer review decision letters, compared with less than a quarter of SEAs receiving accommodations feedback in Title I monitoring reports.

Table 4
Number of SEAs Receiving Feedback on the Inclusion and Accommodation of ELLs in Peer Review Decision Letters and Title I Monitoring Reports

Source of Feedback	ELL Inclusion	ELL Accommodation
Peer Review Decision Letters	26 of 52 SEAs (50%)	38 of 52 SEAs (73%)
Title I Monitoring Reports	30 of 52 SEAs (57%)	10 of 52 SEAs (19%)

Issues Pertaining to the Inclusion of ELLs

In each review process, approximately half of the states received feedback on inclusion issues. In peer reviews, 26 of 52 SEAs (AK, CO, CT, DC, HI, IA, ID, IL, KS, KY, MD, MN, MS, MT, ND, NE, NH, NM, NY, PR, SD, TX, VA, VT, WA, WY) received one or more requests for evidence or recommendations concerning ELL inclusion. In Title I monitoring reports, 30 of the 52 SEAs monitored (AK, AR, CA, CO, DC, FL, GA, HI, IA, ID, IL, KS, KY, LA, MI, MO, MS, MT, ND, NE, NJ, NY, OH, OK, PA, PR, RI, VT, WV, WY) received one or more recommendations or findings concerning ELL inclusion. Sixteen SEAs (AK, CO, DC, HI, IA, ID, IL, KS, KY, MS, MT, NE, NY, PR, VT, WY) received ELL inclusion feedback from both sources.

In the analysis, four inclusion issues emerged. Two were common across both the peer review decision letters and the Title I monitoring reports and two issues were found only in the Title I monitoring reports:

- How ELLs were defined in state policy for inclusion in assessments,
- Methods used to count ELLs for AYP,
- SEA monitoring of LEA inclusion practices, and
- SEA reporting in state or district report cards of the participation of ELLs in state assessments.

The ways in which state policies defined ELLs for purposes of inclusion in assessments was addressed in peer review decision letters to 12 SEAs (CT, KS, MN, ND, NH, PR, RI, SD, TX, VA, VT, WA) and in Title I monitoring reports to six SEAs (KY, IA, MS, OK, PR, VT). Peer review requests for evidence in this category focused on policy language or guidance to clarify the extent to which ELLs were being included in state assessments, such as for recently-arrived ELLs and migrant students. In Title I monitoring reports, the six SEAs received one or more findings or recommendations concerning the need to improve the SEA's operational definition of an ELL in state assessment policy.

The methods used to calculate ELL participation for AYP purposes were found by reviewers to be problematic for 27 SEAs. Twenty-three SEAs received general feedback on this issue in their peer review letters (AK, CO, CT, DC, HI, IA, ID, IL, IN, KS, KY, MD, MN, MO, MS, MT, NE, NM, NY, SD, TX, VA, WY) and eight SEAs received this feedback in Title I monitoring reports (CA, IA, ID, MS, NE, OR, PR, RI). Four states (IA, ID, MS, NE) received feedback on the issue in both peer review and Title I monitoring reports. Peer review and Title I monitoring report feedback focused on the numbers of students enrolled, the numbers of students assessed, and the numbers of students excluded by grade and subgroup within each content area. For example, peer review feedback for Alaska requested "evidence that all students in the grades tested are included in the science assessments." This general statement was a common way this request was framed in state peer review letters. In its Title I monitoring report, California received a recommendation to change the way it counts ELLs when calculating AYP to conform to the ED regulation (U.S. Department of Education, 2007) governing how ELLs and former ELLs were included in the LEP subgroup. Iowa received several findings in its September 2007 Title I monitoring report which required further action to improve AYP calculations, specifically in relation to categorizing ELLs as "full, transition and exited." Rhode Island received a citation after its April 23-27, 2007 Title I monitoring visit, with further action required to provide LEAs with a clear definition of the data elements required for calculating AYP.

SEA monitoring of LEA inclusion practices was found to be problematic by reviewers only in Title I monitoring reviews. Specifically, the reliability of LEA implementation of the SEA definition of an ELL for assessment purposes was identified by reviewers in 11 SEAs (AK, CO, FL, IA, IL, MS, MT, ND, NJ, OK, and RI). The analysis of reviewer comments indicated that (1) LEAs in some states were not aware of criteria for defining students as ELL/LEP; (2) some SEAs permitted LEAs to determine their own criteria for excluding ELL/LEP students from the state assessment; and (3) some SEAs permitted LEAs to determine their own criteria for exiting students from LEP status.

Finally, also addressed only in Title I monitoring reviews was SEA reporting of ELL achievement in state and/or district report cards. Reviews indicated a need to increase the accuracy of reports of ELL achievement on specific assessments in state and district report cards. In all, 21 SEAs received one or more findings or recommendations to improve reports of ELL

achievement in state and/or LEA report cards, with more emphasis placed on this issue in the later years of the three-year monitoring cycle. While only two SEAs received this feedback during the first year of the three-year monitoring cycle (MI, OH); seven SEAs received feedback during the second year, 2007-2008 (CO, FL, ID, MO, MT, OK, PA); and 12 in the third year, 2008-2009 (AR, DC, GA, HI, KS, KY, LA, MS, NY, PR, WV, WY).

Issues Pertaining to the Accommodation of ELLs

Forty SEAs received feedback about the accommodation of ELLs. SEAs received more feedback on accommodation issues in peer review decision letters than in Title I monitoring reports. As shown previously in Table 4, 38 SEAs received ELL-related peer review requests for evidence or recommendations related to technical quality of the accommodations (AK, AR, CA, CO, CT, DC, GA, HI, IA, ID, IL, KS, KY, LA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NH, NJ, NM, NV, NY, OR, PA, PR, RI, SD, TX, VT, WA, WI, WY). Title I monitoring reports, in contrast, mentioned these types of issues far less frequently. Overall, 10 SEAs (AK, FL, GA, IA, IL, KY, MT, NM, OK, and RI) received feedback on accommodations issues from Title I monitoring reports. Alaska, Georgia, Iowa, Illinois, Kentucky, Montana, New Mexico, and Rhode Island received feedback about accommodations in both peer review decision letters and Title I monitoring reports.

Feedback in this category addressed four issues:

- Validity and meaningfulness of accommodated ELL scores,
- Practices for monitoring the implementation of ELL accommodations,
- ELL accommodations allowed in state policy, and
- Alignment of assessment accommodations and instructional practices.

The most common of the four issues, validity and meaningfulness of accommodated scores, is described first. Thirty-two SEAs (AK, AR, CA, CO, CT, DC, HI, ID, IL, KS, LA, MD, ME, MI, MN, MO, MS, MT, ND, NH, NJ, NM, NV, NY, PA, PR, SC, SD, VT, WA, WI, WY) received feedback from peer reviewers. Most peer review requests were for results of studies and/or evidence that research was being conducted. Examples included requests for “evidence that the State has evaluated the use of the accommodations permitted,” that the use of accommodations “results in valid scores and that those scores can be aggregated with scores from non-accommodated assessments,” and that “the use of accommodations yields meaningful scores.” The Mississippi decision letter was framed in relation to the *Standards for Educational and Psychological Testing* (AERA/APA/NCME, 1999), while the District of Columbia decision letter outlined a three-phase process to examine prior use of accommodations, to study accommodations in relation to the design of the assessment, and to develop training guidelines and policies for implementing accommodations. Illinois was the only state to receive feedback in its Title I monitoring report on the validity of accommodated scores. The SEA was asked to explain how the read-aloud script for its high school assessment provided meaningful scores and valid inferences about student knowledge and skills and would not invalidate the reading construct.

In all, twenty-four SEAs received feedback related to the need to monitor the implementation of ELL accommodations. Twenty-one of these SEAs (DC, GA, IA, ID, IL, KS, KY, MD, MN, MO, MS, NC, ND, NH, NJ, PA, RI, SD, TX, VT, WI) received peer review requests for evidence or recommendations regarding their practices for monitoring the availability and use of accommodations by ELLs. In their Title I Monitoring reports, four SEAs received feedback regarding the procedures used for monitoring accommodations availability and use during testing

(FL, IA, MT, OK). For example, in peer review feedback, Pennsylvania was asked for additional evidence on “final (not draft) assessment system and testing activities' monitoring plan with additional elements focused on auditing limited English proficient (LEP) accommodations” and Maryland received a request for “documentation that the monitoring of accommodations is occurring.” In its October 2008 decision letter, the District of Columbia received a plan detailing monitoring data to be collected. Reviewers recommended that DC show the number and percentage of students who took an assessment with particular accommodations and compare accommodations available to ELLs with accommodations actually used. After ED’s November 5-9, 2007 Title I monitoring visit to the Florida Department of Education (FDE) there was a recommendation to clarify how accommodations are determined – whether by a decision-making team or through a general requirement that all ELLs receive accommodations. In its Title I monitoring report, Montana was asked to monitor the specific accommodations used by LEAs since a visit to one LEA showed only one accommodation (extended time) being offered to ELLs.

Another issue identified pertained to the specific accommodations allowed for ELLs in SEA assessment policies. Eight SEAs (DC, HI, MT, ND, NM, PR, WI, and WY) received feedback from peer reviewers and five states (AK, GA, KY, NM, and RI) received feedback in Title I monitoring reports. Eight SEAs received requests from peer reviewers for additional evidence or recommendations regarding the consistency and accuracy of specific accommodations, e.g., scripted read aloud accommodation in two states (DC, ND), assessment translations (WI and WY), and English versions and simplified Spanish versions of the mathematics and science assessments (PR). Additionally, during peer review, three SEAs received requests for additional evidence about state policy or procedures for specific accommodations (HI, MT, and NM). Hawaii was asked for evidence of “procedures for the standardization of the accommodation that allows for the explanation of directions using simplified vocabulary.” Montana was asked to “provide a clear distinction among which accommodations are allowable for students with IEPs, students with Section 504 plans, and ELLs.” Like its peer review feedback, New Mexico Public Education Department’s December 2007 Title I monitoring report stated that it must “submit to ED criteria for oral translations to ensure the validity and reliability of these translations and a training schedule for the LEA test coordinators to ensure the implementation of these criteria or revised guidance that eliminates this accommodation.” In Rhode Island’s Title I monitoring report (April 2007) the addition of side-by-side English/Spanish versions of the math NECAP and/or audio-recorded test directions” was recommended as long as the SEA could document that the accommodations would not invalidate the test construct. In the final year of the three-year Title I monitoring cycle, three states (AK, GA, and KY) received feedback on the general quality of information available in state policies to LEAs concerning the selection of accommodations.

A final issue, the alignment of assessment accommodations and instructional practices, emerged only in the peer review decision letters of three SEAs (HI, MT, NJ). Reviewers wanted to know if Hawaii’s read-aloud accommodation was allowed only for students receiving the accommodation in instruction (October 30, 2007 letter). As in Montana’s June 22, 2006 decision letter, New Jersey’s September 2008 decision letter requested evidence “that appropriate accommodations are available to students with disabilities and limited English proficient (LEP) students and that these accommodations are used in a manner that is consistent with instructional approaches for each student determined by a student's IEP or 504 plan.”

In summary, two significant findings emerged from this study. The primary finding is that the majority of SEAs have weaknesses in their policies and practices for including and accommodating ELLs in state assessment systems. An additional important finding is that the feedback itself is inconsistent both within and across the peer review and Title I monitoring processes.

Discussion

To restate, the goal of this study was to examine the types of feedback provided to SEAs in peer review letters and Title I monitoring reports about their policies and practices for including and accommodating ELLs in state assessments. Overall, the analysis revealed that feedback to SEAs on the inclusion of ELLs in state assessment was slightly less common than feedback on accommodation practices.

With regard to inclusion, the issues identified in ED feedback addressed:

- How ELLs were defined in state policy for inclusion in assessments,
- Methods used to count ELLs for AYP,
- SEA monitoring of LEA inclusion practices, and
- SEA reporting in state or district report cards of the participation of ELLs in state assessments.

In each of these areas, feedback by reviewers to states was scattered and, when given, inconsistent. Only 18 states received feedback related to their definition of ELL. Because states do not have common methods for defining this student population, students classified ELL in one state may not be classified ELL in a neighboring state. This is complicated further by the fact that in some states the definition of ELL can vary by district (Linguanti & George, 2007). This definitional inconsistency within and across states is problematic in general. Because SEAs provide different types of evidence to reviewers and because of the different purposes of the two review processes, their response to the protocols for the two reviews may miss or only obliquely address key points related to the inclusion and accommodation of ELLs.

With regard to how ELLs are counted for accountability purposes, 27 SEAs received feedback. The number of states that received feedback suggests that reviewers were attuned to the issue that unpredictability in classification can negate the accuracy of the AYP count for ELLs (Abedi & Dietel, 2004). In this case, the feedback signals that states may not be providing clear information about the overall number of ELLs in the state and the actual number of students tested in state assessments.

SEA monitoring of LEA practices was found to be problematic in 11 state Title I monitoring reviews. Although the majority of states acknowledge not having or having only a minimal monitoring system in place, reviewers provided feedback to states about monitoring systems/practices on a limited basis. This is likely due to the type of evidence provided by the states, other issues raised in the review, and the expertise of the reviewers themselves.

Finally, across the two reviews, it was found that nearly half of SEA report cards (21) did not provide specific information about the number of ELLs and their participation in state assessments. This lack of information may be due to the fact that states are not uniformly collecting data from LEAs. Lacking specific and accurate information about LEA practices, the SEA lacks the data needed to report on ELL participation in state assessments. The inconsistent reporting of evidence makes it difficult for peers and Title I monitors to provide meaningful or critical feedback on how a state is progressing in this area.

Overall, inclusion issues addressed in peer review letters and Title I monitoring reports suggest the need for SEAs to reassess their policies and to find methods to uniformly implement them across a state. The fact that feedback about the inclusion of ELLs was given only to some states also suggests that perhaps peers and Title I monitors should be required to comment on the topic

for all states reviewed. Currently feedback is primarily provided on deficient practices and not on practices in which SEAs are improving or doing well.

SEAs received the most feedback regarding the *accommodation* of ELLs. The issues addressed included:

- Validity and meaningfulness of accommodated ELL scores,
- Practices for monitoring the implementation of ELL accommodations,
- ELL accommodations allowed in state policy, and
- Alignment of assessment accommodations and instructional practices.

The most feedback given to SEAs concerned the need to conduct research on accommodations (32 SEAs) to ensure that accommodated test scores can be shown to be valid and, therefore, pooled with unaccommodated test scores. Considering that research on accommodations for ELLs is thin, the recommendation is reasonable. Only 14 experimental studies, to date, specifically address the accommodation of ELLs, so much more focused research is needed (Francis, Rivera, Lesaux, Kieffer, & Rivera, 2006; Kieffer, Lesaux, Rivera, & Francis, 2009; Pennock-Roman & Rivera, 2007).

Monitoring the selection and implementation of accommodations in state assessments was another focus for reviewers. Almost half of the SEAs received feedback that they lacked an adequate system for monitoring the selection and implementation of accommodations for ELLs (24 SEAs). The responses to the GW-CEEE SEA monitoring survey also indicated that SEAs recognize that current systems for monitoring ELL assessment are non-existent or inadequate. Most SEAs recognized that they do not have consistent or cohesive policies or systems in place for collecting data to track the implementation of accommodated assessments for ELLs. These data are needed to demonstrate the validity of accommodated scores and to contribute to improved implementation of appropriately accommodated assessments for ELLs. Because of the lack of data, SEAs, researchers, and the federal government lack needed information to support improvements in SEA practices. Continued focus on this topic is critical.

Three SEAs received feedback about the need to align assessment accommodations with accommodations received by the student in instruction. This feedback is problematic from two perspectives. One, it suggests, and that SEAs do not have accommodation policies that clearly distinguish accommodations intended for ELLs from accommodations intended for students with disabilities. Second, current peer review guidance calls for the alignment of instructional and assessment accommodations. Yet the term *instructional accommodations* is a designation in IDEA specifically applied to students with disabilities as part of a student's individual education program (IEP). No similar federal requirement applies to ELLs, thus, when ELLs are tested with other students, there is no mechanism to know which accommodations are or have been used in instruction. Also, ESL and other teachers of ELLs do not commonly refer to *instructional accommodations*; rather, they use terms such as scaffolding and differentiated support. While many supports provided to ELLs as part of *classroom* instruction and assessment might also be appropriate accommodations on state assessment, states should not be held accountable for documenting the alignment of instructional strategies and assessment accommodations for ELLs unless the requirement is part of federal and/or local law. (Only a handful of states such as Kentucky and Idaho have included this requirement in their state regulations.) The issue elicits two reactions: one for states to more clearly articulate accommodation policy for ELLs and another for reviewers to become more familiar with linguistic accommodations intended for ELLs that are ELL-responsive (Rivera, Collum, Shafer Willner, & Sia Jr., 2006; Rivera, Acosta, & Shafer Willner, 2008).

The wide range of ELL inclusion and accommodation feedback and the lack of similarity and detail in feedback given to SEAs points to a lack of consistency and coherence in the evidence provided to ED by SEAs as part of peer review and Title I monitoring. In some cases, it also suggests that review teams need additional background to distinguish accommodations intended for ELLs versus students with disabilities.

The lack of consistency and coherence in the data provided by SEAs for the two reviews suggests a need for a concerted effort to clarify for states what is considered acceptable evidence. Findings from the study would suggest that SEAs should be required at a minimum:

- to provide demographic data and state policy for including ELLs in assessment, including the data on the number of ELLs included in or excluded from state assessments;
- to provide a rationale for why students are excluded from an assessment;
- to explain whether LEAs are required to use the state policy when making decisions about including ELLs in state assessment; if LEAs have liberty to use their own criteria, SEAs should be required to provide criteria used by one or more large LEAs;
- to provide state policy for accommodating ELLs;
- to demonstrate the state has conducted, or is planning to conduct, a study on the effect of one or more of the accommodations being used; and
- to provide a description of the assessment monitoring system for all students and to highlight practices for ELLs.

The findings also have important implications for the two review processes. The inconsistencies within and across standards and assessment peer review decision letters and Title I monitoring reports point to the need for greater alignment between peer review and Title I monitoring. The fact that several SEAs received feedback on their *ELL policies and practices* in peer review regarding their science assessment but not on reading/language arts and mathematics assessments suggests that there may now be more attention to the assessment and accommodation of ELLs.

Finally, the study findings indicate a need to select reviewers familiar with the assessment of ELLs and to train review teams so all members have a common understanding of issues related to the inclusion and accommodation of ELLs. This supports the need for every team to include an ELL assessment expert even if it means increasing the size of the team.

Recommendations

Based on the findings and discussion, recommendations for SEAs providing data for review and for ED when conducting peer review and Title I monitoring follow.

Recommendations for SEAs providing data for review

- Provide demographic data; document the number of ELLs and the number of ELLs included in each state assessment.
- Provide state policy and procedures for accommodating ELLs; clarify whether LEAs have local control or are subject to state policy.
- Document SEA written guidance and procedures for LEAs to collect data and report inclusion and accommodation data to the SEA.

- Document any program of research in place carried out by the SEA independently or in partnership with other states on the effectiveness of specific accommodations allowed to ELLs.

Recommendations for ED when conducting peer review and Title I monitoring

- Improve alignment of the peer review and Title I monitoring rubrics making clear what ELL issues are to be addressed by SEAs and reviewers.
- Make clear expectations for each review process with regard to addressing the inclusion and accommodation of ELLs.
- Align peer review and Title I monitoring guidance so that the accommodation of ELLs is addressed as a technical quality issue and not as an issue uniquely pertaining to ELLs.
- Refine the language in both peer review guidance and in the Title I monitoring rubric so it clearly distinguishes the needs of ELLs from students with disabilities.
- Provide Title I monitors with access to peer review feedback, so the two reviews are complementary and build on each other.
- Include experts in the assessment of ELLs on all peer review committees and Title I monitoring teams.
- Require reviewers to record whether an SEA has addressed each issue on a protocol; both acceptable and unacceptable practices should be documented.

Conclusion

In investigating the extent to which standards and assessment peer review and Title I Monitoring review processes provide consistent feedback to SEAs about their policies and practices for including and accommodating ELLs in state assessments, areas of overlap and areas where the reviews could be aligned and coordinated were clearly identified. Because SEAs' standards and assessment systems are at different stages of development and different levels of complexity, this analysis points to a number of suggestions for improving the coherence, quality, and effectiveness of both SEA and ED practice. The implementation of the recommendations, based on the findings of this study, would likely lead to a greater understanding and, therefore, improved compliance of SEAs, more coherent SEA plans, and ultimately more meaningful inclusion and accommodation of ELLs in state assessment.

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