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Recommended Citation for Full Report

Gold, Ed.D., Norman C.; Lavadenz, Ph.D., Magaly; Hernández, M.Ed., Martha; and Spiegel-Coleman, M.Ed., Shelly, "Equitable and Fair Assessments of English Learners in California's New Assessment System" (2013). *Journal Articles*. 7.

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Equitable and Fair Assessments of English learners in California's New Assessment System

By Norm Gold, Magaly Lavadenz, Martha Hernández, and Shelly Spiegel-Coleman.¹

In October 2011, California adopted AB 250 (Brownley), a measure intended to lead to a new generation of state curriculum frameworks and assessments, and – eventually – to a set of measures that could be built into a new generation accountability system. The current STAR assessment system will be inoperative as of July 1, 2014, and new state assessments need to be developed, piloted, and put into place for the 2014-15 school year. Some of these assessments are to be provided by the Smarter Balanced Assessment Consortium (SBAC). Others will need to be developed by the state.¹

¹ Both educational assessment and accountability are likely to resurface in 2013 as major state and national topics with deliberations about the long-overdue reform and re-authorization of the federal Elementary and Secondary Education Act, ESEA and its 2001 extension, No Child Left Behind (NCLB). California and other states are moving ahead to plan for a new assessment system, but the ultimate measure of fairness and validity of any tests depend on the uses to which they are put -- the accountability system.

The SBAC is a national consortium of 25 states that have been working since 2011 to develop a student assessment system aligned to the Common Core State Standards in English Language Arts and Math. As Abedi and Levine point out these new assessments will require that, "... all students, including ELLs, must not only master math content knowledge, but they must also be quite proficient in all domains of English... to perform successfully..." (2013, p. 27). California is one of the governing states of SBAC.

The purpose of this article is to focus on the specific assessment needs of English learners (ELs), and to provide a comprehensive set of recommendations regarding equitable and fair assessments for these students. It is our hope that the Legislature, State Board of Education (SBE) and the California Department of Education (CDE) will respond favorably to these recommendations in crafting the next generation of state assessments, and ultimately will take them into account as a new accountability system is developed.

California's 1.4 million English Learners constitute a significant subgroup for analysis of test results in the state (23 percent of all students). In many school districts, they are the major underperforming subgroup. Unfortunately, ELs lack the explicit individual protections of federal law

that are enjoyed by students with disabilities, protections that include specific accommodations, variations or modifications as needed by individual students in instruction as well as assessments.

As a group, ELs perform lower than most other subgroups on current state standardized tests, and other academic indicators (high school graduation, participation in a-g course requirements, participation in Advanced Placement (AP) classes, etc.). They have well-documented language-related needs that often inhibit their ability to demonstrate what they know and can do academically when they are assessed using test directions and items designed for native speakers of English.

There are at least four specific areas where the explicit language-related needs of ELs argue for state policy and procedures that can ensure that these students are treated with equity and fairness in the state's assessment system. Each of these variations or accommodations has been shown to be necessary and feasible for at least some groups of ELs, and – when done with utmost care -- can yield results that are valid, reliable and comparable to the English assessments. That is, these are variations that do not alter the construct being assessed, and therefore can

ensure a fairer and more equitable system of assessment.² While there are a number of costs and complexities in developing and using such variations, the next generation of assessments must be equitable and fair for all. We are greatly concerned that current policies waste scarce resources on invalid and unreliable assessments that distort the capabilities of ELs.

We recommend that California exclude ELs from high-stakes assessments in English until they have scored above the equivalent of CELDT level 2 (Early Intermediate), but for no more than three years after the date of first enrollment in a U.S. school.³

² Some of the variations we recommend are allowed (but they are not supported, and consequently are rarely used) in the current STAR program and other state assessments.

³ We acknowledge that the three-year limit is arbitrary, and many ELs may still have inadequate English skills after that time. Nevertheless, there is evidence to support the assertion that a substantial portion of ELs will be able to participate fairly in an assessment system **if that system makes full use of the variations and accommodations noted below.** The CELDT will ultimately be replaced by a new generation assessment of English proficiency, now that the SBE has adopted (November 2012) new English Language Development standards. See: <http://www.cde.ca.gov/sp/el/er/eldstandards.asp>

There is no psychometric or educational rationale for having students sit for an assessment where it is known in advance that they do not know the language of the test. While it is unfair and unjust to assess these students in a language they do not command, it also invalidates the reliability of test results and contaminates the quality of aggregated and disaggregated numbers being reported to the public. These students will of course take an annual English Language Proficiency test (now the CELDT), and would ideally take high stakes assessments in the primary language, as recommended below, while they are learning English. They would also take and benefit from interim and formative assessments that make use of appropriate test variations or accommodations (see below).

In 2012, the Smarter Balanced Assessment Consortium (SBAC) issued Guidelines for Accessibility for English Language Learners (ELLs). The SBAC guidelines state, in part:

For English language learner students (ELLs) who take large-scale content assessments, the most significant accessibility concern is associated with the nature of the language used in the assessments. Because ELLs have not yet acquired complete proficiency in English, the use of language that is not fully accessible to them in assessments will degrade the validity of the test score interpretations that can be inferred from their results. In extreme cases the use of language on an assessment that is not accessible to ELLs will lead to test scores that have limited to no validity as indicators of the students' content knowledge. (Young et al., 2012: 1)

The general principles stated in these guidelines, and the specific examples regarding accessibility are quite useful. They highlight the need to attend to clarity of language overall, to vocabulary, syntax, idiomatic expressions; also highlighted is the need to attend to cultural references and the use of the primary language of students in the writing of test directions and items.



We also recommend that specific test variations or accommodations for ELs include the following:

1. Provision of either home language translations of test directions or authentic bilingual versions of these (in written and oral formats).⁴
2. Provision of originally-developed primary language versions of test items, translations of test items, or bilingual versions of these, as appropriate to the constructs and content areas.
3. Provision of high quality, language proficiency-leveled subject-matter bilingual glossaries.
4. Modification of instructions, test items and responses to control for linguistic complexity when ELs take a test in English.

This needs to be included as a specific, carefully designed accommodation and should not just be addressed through Universal Design. Without the inclusion of expert linguistic and cultural perspectives in test and item construction, it is highly unlikely that there will be sufficient attention paid to the issues of construct-irrelevant linguistic complexity.

We further recommend that the state budget fund, and that the California Department of Education (CDE) actively support, effectively roll out and consistently promote these accommodations.

To maximize the utility of EL accommodations and variations, CDE should actively seek to use every possible source of funding for this purpose. Without this promotion and funding, the accommodations will remain an empty promise. It is impossible for over 1,000 school districts and charter schools to implement the currently allowed accommodations. They are rarely

⁴ Stansfield (2003) in Young et al. note that, "...transadaptation, a combination of translation and adaptation," may yield better results in assessments than direct translations. (2012, 6).

used, in large part due to the lack of materials (e.g., bilingual glossaries), personnel and other resources necessary to carry them out.⁵

With a modest investment, California could, for example, prepare translations of test directions, and distribute these via PDFs and CDs/DVDs or other digital files. The same could be done with subject-matter bilingual glossaries. Many of the computer-based test formats now under study for the next generation of assessments will allow for inexpensive distribution of translations, bilingual glossaries, and test instructions and items with controlled linguistic complexity.

Lastly, it is critical to connect the issues raised about the assessment system with how the results of assessments will be used for both individual and group purposes. Development of fair and valid assessments must go hand-in-hand with the development of a fair and equitable accountability system that is research-based and informed by participation of parents and educators who have direct knowledge of the needs of English learners. It is only with a complete sense of how tests

⁵ In a report to the State Board of Education on the use of testing variations from 2006-2009, CDE noted that: "...the data show that very few (approximately 1 percent) of EL students use the available testing variations." (Sigman, 2010). National research makes it clear that California schools and districts trail seriously behind the rest of the country in making authentic the variations and accommodations that are allowed for ELs in California's schools. For example, of 11 large city school districts reviewed in their use of accommodations for ELs on the NAEP in 2005, in Grades 4 and 8 (Reading and Mathematics), the two California districts provided accommodations for only 14% (Grade 4 Reading) to 27% (Grade 8 Reading) of students, while the national totals ranged from 44% to 58%. Some districts (New York City, and Austin, Texas), provided accommodations ranging from 43% to 92% of all ELs. (Wilner, Rivera and Acosta, 2007). This lack of responsiveness to the needs of ELs on the NAEP is not surprising, given that accommodations for ELs have not been supported by state resources, and are rarely used in the administration of the STAR and other California assessments.

will be used that their value, utility, and validity can be judged. The current federal and state accountability systems have serious flaws that we hope can be corrected as California and Smarter Balanced move ahead.⁶

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For further information contact:
Californians Together, a statewide coalition of parents, teachers, education advocates and civil rights groups committed to improving policy and practice for educating English learners. Californians Together has served for 13 years as a statewide voice on behalf of language minority students in California public schools. www.californiantogether.org

(Endnotes)

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⁶ Work in California will need to be supported by a national ESEA (NCLB) reauthorization effort that is similarly sensitive to the fairness and equity issues for ELs, students with disabilities and others.