

November 16, 2009

Dear Members of the National Assessment Governing Board Ad Hoc Committee on NAEP Testing and Reporting of Students with Disabilities and English Language Learners:

State assessment leaders appreciate the opportunity to provide feedback on the July 22, 2009 report, *Technical Advisory Panel on Uniform National Rules for NAEP Testing of English Language Learners: Report to the National Assessment Governing Board*. These comments are made on behalf of several state assessment directors who met recently to discuss the report. Our considerations are outlined below, organized by report sections. Recommendation and page numbers reference the report.

#### Which ELL Students Are to Be Tested?

- (Recommendation 1, p. 4) Recommending that all English language learners (ELLs) who have been in U.S. schools for at least one year be included in NAEP assessments is inconsistent with state accountability requirements under the No Child Left Behind Act (NCLB). NCLB stipulates inclusion for first-year English language learners (ELLs) by subject; students are included in math and science assessments but not reading.

#### How Are ELL Students to Be Tested?

- (Recommendation 2, p. 4) Recommending that “qualified staff” select accommodations may not improve consistency across states in the selection of accommodations.
- (Recommendation 3, p.5) Recommending that prompts be written in plain language may conflict with the innovative NAEP writing prompts being field tested by the National Center for Education Statistics (NCES).
- (Recommendation 3, p. 6 and pp. 8-10) Recommending that NAEP items be written in plain language raises concerns about inconsistent definitions of plain English, which have been an issue states have faced in meeting the *Standards and Assessments Peer Review Guidance: Information and Examples for Meeting Requirements of the No Child Left Behind Act of 2001*. Further, this recommendation appears to have one set of recommendations about the use of plain English in the construction of stimuli and assessment items and another set of recommendations addressing specific accommodations.

Some research indicates that plain English may hamper the performance of students who find it too artificial. Research findings are inconclusive about appropriate accommodations for students given interactions among background characteristics, language facility, and student characteristics.

- (Recommendation 3b, p. 6) Recommending a bilingual version (Spanish and English) of NAEP assessments (other than reading and writing) raises concerns about the comparability between the Spanish and English versions.
- (Recommendation 3d, p. 6) Recommending that states or local districts prepare bilingual glossaries in languages other than Spanish raises concerns about the consistency of these glossaries among states and districts. Further, the recommendation is unclear as to whether these newly-created glossaries would be allowed on NAEP. NAEP may be a preferred neutral developer for any allowable bilingual glossaries.
- (Recommendation 4, p. 6) Recommending that ELLs who would “otherwise be excluded” from NAEP take a block of items clustered at the low end of the difficulty continuum raises several concerns:
  - How to identify students to take this block of items,
  - The contradiction with the recommendation that students will only be excluded if not attending U.S. schools for one year,
  - The lack of a distinction between the difficulty of the item and its language load (i.e., lowering the difficulty may not lower the language load), and
  - The lack of consistency between states in selecting students for these blocks. State English language proficiency definitions differ due to the use of different English language proficiency assessments or the use of different cut scores on the same assessment.

#### What Contextual Information Should Be Provided in Reporting ELL Results?

- (Recommendation 5, p. 7) Recommending that ELL students’ English language proficiency be reported on the basis of the state’s NCLB Title III-required assessment of English language proficiency raises several concerns:
  - The lack of consistency among (or “across”) states in defining English language proficiency, and
  - The inconsistent time delay between a state’s assessment of English language proficiency and the administration of NAEP.
- (Recommendation 5, p. 7) Recommending that NAEP develop a brief test of English language proficiency raises concerns about the validity and reliability of such an instrument. Further, inconsistencies between NAEP-determined English language proficiency and state-determined English language proficiency would be problematic.
- (Recommendations 6 and 7, p. 7) Recommending that NAEP collect information on the number of years a student has lived in the U.S. or the year of entry raises several concerns:
  - Capturing students who enter, exit, and re-enter the country,
  - Establishing new data fields. Recommendations 6 and 7 are unclear as to whether states are being asked to establish new data fields. It would be burdensome for states to collect indicators beyond Title III’s requirements solely for NAEP’s small sample (e.g., data on former ELLs). Further, sharing these data may conflict with the Family Educational Rights and Privacy Act (FERPA) or state policies. State data managers can advise NCES further on data requirements.

Interim Guidance to State and Local Officials

- (Recommendation 8, pp. 7-8) The recommendations regarding improved communications are already in practice.

Recommended Future Innovations and Research

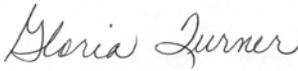
- (p. 9) Recommending that teacher ratings of English language proficiency be used in the short term raises concerns about comparability, accuracy, as well as time and training needed.
- (p. 10) Recommending that the Governing Board develop a new NAEP framework in Spanish literacy should be considered in light of the fact that bilingualism is not a policy goal in some states.

Thank you for your attention to our concerns and for furthering the ongoing dialogue. We appreciate the desire to address the needs of English language learners as a part of the NAEP program.

Sincerely,



Madalyn Quinlan  
EIMAC Board Chair



Gloria Turner  
EIMAC Assessment  
Subcommittee Chair



Theresa Siskind  
NCES/EIMAC Assessment  
Task Force Chair

cc: Peggy Carr, Associate Commissioner, National Center for Education Statistics  
Cornelia Orr, Executive Director, National Assessment Governing Board  
Gene Wilhoit, Executive Director, Council of Chief State School Officers

## ***About the Education Information Management Advisory Consortium (EIMAC)***

The members of the Education Information Management Advisory Consortium (EIMAC) are from 48 states and the District of Columbia. EIMAC members represent and advise state chiefs and staff on national data issues, both current and future. EIMAC's mission includes collaborating in the planning of national data initiatives by building partnerships with national data collectors, including federal program offices. In this work, EIMAC reviews and provides feedback on national data collections, reports, and assessments. EIMAC's Assessment Task Force is sponsored by NCES, and provides a vehicle for feedback from all states, the District of Columbia, and Puerto Rico on NAEP initiatives and studies using NAEP data.