

NEXT STEPS IN FEDERAL EDUCATION POLICY REGARDING ENGLISH LANGUAGE LEARNERS

More than 10.5 million –or 20 percent of all—U.S. students speak a language other than English at home, and more than 5 million lack sufficient proficiency to be taught in English without support. In four states, between 15 and 25 % of all students are ELL.¹ It is now a fact that states with large ELL populations cannot make significant progress in closing achievement gaps if they do not meet the challenge of better educating ELLs, and nationwide the failure to bring these students to a level of academic proficiency will continue to retard reform efforts.

Although immigration has leveled off in recent years, the percent of students who are English learners will remain high because overwhelmingly these students are born in the United States; more than three-fourths of Elementary school EL students are native born.² In addition to language difference, most ELs must also confront the disadvantages of poverty, as at least two-thirds of these students are also low-income.³

Despite their large and increasing numbers⁴ the data on ELL students indicate that we are failing to educate them well. According to federal NAEP data, in 2009, only 12 percent of English learners were proficient in 4th grade math compared to 41 percent of all students. What is worse is that the achievement gaps grow as they go up the grades. By 8th grade only 5 percent of ELLs are proficient in math compared to 34 percent of all students. As a result of these very low academic proficiency levels, schools with high concentrations of ELL students are more likely to be failing AYP than schools with high concentrations of any other group except students with disabilities.⁵ Finally, ELLs also have very low graduation rates – well below 50 percent according to recent data.⁶ Students who are doing very poorly in school are at high risk of dropping out.⁷ Contributing factors to the poor overall performance of English Language Learners is the failure to accurately assess what they know and can do, the stigma and demoralization that attaches to failing tests when they do not understand the language of the test, and the failure to monitor these students' progress for a sufficiently long period of time after they have been reclassified as English proficient.

It is critical to maintain and strengthen subgroup accountability. Schools and districts are unlikely to address achievement gaps without consistent attention focused on subgroup performance. NCLB has been widely credited with bringing attention to subgroups that had formerly gone unnoticed in aggregate data, and for attaching consequences for failing to improve their achievement. It would be a grave mistake to reduce this focus on such a large and underperforming subgroup.

ESEA should adopt a system of monitoring ELL students for purposes of determining their academic progress, including graduation rates, from entry until the time they leave school under a category called Total English Learners (TELS). For all other purposes, students should continue to be identified as ELL when they lack sufficient proficiency in English to be mainstreamed into regular classes, and should be reclassified as English Proficient when they reach an adequate level of English

proficiency. However, solely for the purpose of monitoring their mid-term progress and their long term outcomes, all present and former ELLs should be captured in a category we call Total English Learners (TELEs). Current law provides for EL students to remain in the category for up to two years after they have been reclassified as fluent in English, but this results in (1) too little time to chart the progress of these students, and (2) an “emptying out” of the EL category of successful students. Struggling ELLs remain in this category the longest, distorting the schools’ successes under Title I accountability provisions. When these students do exit the category, many continue to need, but do not receive, academic and language support. These longer-term needs, originating in language problems, are often then overlooked. Many studies suggest that as re-classified (deemed proficient in English) former ELs move through the grades and academic content becomes more challenging, their performance deteriorates.⁸ This suggests that such students need continuing support and/or that they may have been re-classified prematurely.⁹

In violation of ESEA requirements, many states assess EL students for academic achievement with tests that are neither valid nor reliable for ANY purpose. The GAO’s recent report on the assessment of EL students noted: “Education’s recent NCLBA peer reviews of 38 states found that 25 did not provide sufficient evidence on the validity or reliability of results for students with limited English proficiency, although states have been required to include these students in their assessments since 1994.”¹⁰ The WIDA consortium of 25 states has developed English language proficiency (ELP) measures that begin to standardize ELP assessment in those states, but the instruments do not test academic achievement.

Invalid and unreliable assessment, as well as the failure to assess what students know in their primary language, results in poor instructional programming. Without assessment in a language and/or form they can understand, students often are required to repeat material they have already learned in their primary language, and the opportunity to build on what they already know is lost. EL students are often held back unnecessarily, and their schools are unfairly penalized because these students cannot demonstrate their knowledge adequately in English.¹¹

The ESEA should require states, in conjunction with test makers, to certify the validity of their tests for purposes of determining academic achievement of EL students, adhering to the Joint Standards¹², which include that ELL students must be incorporated in the development of the tests.

The ESEA should make parent involvement a high priority for ELL students. In a period of fiscal constraints it is imperative to identify ways to improve schooling outcomes by tapping into underutilized resources. Parents of ELL students are one of these resources. These parents are much less likely to be involved with their children’s schooling than are native born and English speaking parents¹³ and yet this is a critical asset in improving the academic outcomes for all students. A large body of research has now established the critical link between parent involvement and student academic outcomes.¹⁴ Recent research demonstrates that parental support for the school’s goals,

such as reading with children, monitoring homework, and providing a quiet space to study, can be more important than simply attending school meetings,¹⁵ and these are things virtually all parents can do if provided with guidance and support. However, it has been shown that schools do not reach out to immigrant and non-English speaking parents as effectively as they do with middle class and English speaking parents.¹⁶

Recruiting teachers who speak the languages of ELL students is one of the most cost-effective ways to increase parent involvement and tap critical, underutilized resources for ELL students. One reason for this is that most teachers of ELL students are not proficient in the students' language and therefore are reluctant to reach out to their parents. Recent research conducted by Civil Rights Project researcher, Megan Hopkins, demonstrates that teachers who speak the same language as their students are significantly more likely to outreach to non-English speaking parents and these parents are significantly more likely to share their questions and concerns about their child's schooling with these teachers.¹⁷

Additionally, while there is substantial evidence that teachers of ELLs need specialized skills,¹⁸ ESEA is silent on the definition of a "highly qualified teacher" for ELL students. Nonetheless, Hopkins¹⁹ has shown that teachers who speak the language of their students actually use a wider range of research-based pedagogical strategies than teachers who are unable to communicate with their students in the same language.

Recruitment incentives in the ESEA should be used to encourage the hiring and retention of multi-lingual teachers and staff.

¹ The states are California, Texas, Arizona, and Nevada.

² Migration Policy Institute: ELL Facts (2010). http://www.migrationpolicy.org/news/2010_8_17.php

³ Capps, et al. found that two thirds of limited English proficient students in elementary grades nationally lived in homes with incomes below 185% of the poverty level [R. Capps, M. Fix, J. Murray, J. Ost, J. Passel, & S. Herwanto, *The New Demography of America's Schools: Immigration and the No Child Left Behind Act* (Washington DC: Urban Institute, 2005)]; In California, with more than 30% of the nation's EL students, the Legislative Analyst's Office found that 85% of that state's EL students were eligible for free and reduced price lunch, the state's measure of low income [Legislative Analysts Office, *Analysis of the 2007-08 Budget: English Learners* (Sacramento: LAO, 2008)]. http://www.lao.ca.gov/analysis_2007/education/ed_11_anl07.aspx

⁴ While the number of all pre-K-12 students increased by 8.5 percent, from 46.0 million in 1997-1998 to 49.9 million in 2007-2008, the number of ELL students increased by 53.2 percent (from 3.5 million to 5.3 million) in the same period. http://www.migrationpolicy.org/news/2010_8_17.php

⁵ In California (which educates about one-third of all EL students), having a high percent of English learners is a significant predictor of failing to meet AYP. In 2008, those districts in Program Improvement status had a median EL percentage three times greater than those meeting AYP (30.6 versus 10.2). ELs in English Language Arts constituted the most common AYP target category missed (62% of identified districts) after students with disabilities (Crane, et al., *Characteristics of California School Districts in Program Improvement: 2008 Update* (San Francisco: Regional Educational Laboratory at West Ed, 2008. Table 5, page 7). In 2007, 51% of high concentration EL high schools in the state were in "program improvement" compared to 12% of other California high schools; 89% of high concentration EL high schools will not meet AYP in math in 2010 compared to 61% of other California high schools [Institute for Democracy, Education and Access (IDEA), *Latino Educational Opportunity Report* (Los Angeles: University of California, 2007)].

⁶ The U.S. Department of Education collects data on the graduation rates for EL students in all 50 states. Data reported for Texas show that only 39% of ELs graduated on time compared to 78% for non-EL; for New York the figure was 40% compared to 75% for other students. [US Department of Education, SY 2007-2008 Consolidated State Performance Reports. Data refer to the previous school year, <http://www.ed.gov/admins/lead/account/consolidated/sy07-08part1/index.html>]. Data analyzed by the Civil Rights Project in 2006 for Los Angeles Unified School District found that only 27% of EL students who began the 9th grade in the district graduated 4 years later. [Unpublished data analyses, Civil Rights Project/Proyecto Derechos Civiles, UCLA, 2006.]

⁷ S. Reardon & M. Kurlaender, *Effects of the California High School Exit Exam on Student Persistence, Achievement, and Graduation*, Berkeley & Palo Alto (Policy Analysis for California Education, October 2009); M. Uriarte, et al., "Impact of Restrictive Language Policies on Engagement and Academic Achievement of English Learners in Boston Public Schools," in Gándara & Hopkins

(eds), *Forbidden Language: Restrictive Language Policies and English Learners*, pp. 65-85 (New York: Teachers College Press, 2010).

⁸ P. Gándara, R. Rumberger, J. Maxwell-Jolly, & R. Callahan, "English learners in California Schools: Unequal Resources; Unequal Outcomes," *Educational Policy Analysis Archives*. <http://epaa.asu.edu/epaa/v11n36/>; de Jong, 2004, found in an examination of the achievement patterns of two states with high EL enrollment that do report such data, Florida and California, that former ELs tend to lag behind fluent English-speaking peers, particularly at the secondary level. In Florida, for example, the Florida Department of Education (2001) reports that between 12 and 20 percent fewer former ELs pass the state's test than fluent English speakers in math and reading at grades 4, 5, 8, and 10. Second, former ELs tend to perform better on math tests than on reading or content area (science, social studies) tests. SAT-9 data from California show that about 10-12% fewer former ELs score above the 50th percentile in science and social studies (Grades 9-11). See E. de Jong, "After Exit: Academic Achievement Patterns of Former English Language Learners," *Educational Policy Analysis Archives*, 12 (50) (September 22, 2004): ISSN 1068-2341.

⁹ The Civil Rights Project worked closely over the last year and a half with the ELL Working Group (<http://ellpolicy.org>) thus recommendations for certification of valid and reliable testing and establishment of a TEL subgroup are consistent with the recommendations of that group.

¹⁰ GAO (General Accounting Office) (2006). No Child Left Behind Act. Assistance from Education Could Help States Better Measure Progress of Students with Limited English Proficiency. Washington DC, page 4.

¹¹ R. Callahan, "Tracking and High School English Learners: Limiting Opportunity to Learn," *American Educational Research Journal* 42 (2008): 305-328.

¹² APA/AERA/NCME "Standards for Educational and Psychological Testing

¹³ Hill, N., & Torres, K. (2010) Negotiating the American Dream: The Paradox of Aspirations and Achievement among Latino Students and Engagement between their families and schools, *Journal of Social Issues*, 66, 95--112; Lareau, A., (1987). Social class differences in family-school relationships: The importance of cultural capital, *Sociology of Education*, 50, 73-85.

¹⁴ Desforges, C. (2003). The impact of parental involvement, parental support, and family education on pupil achievements and adjustment: A literature review. Department for Education and Skills, Great Britain.

http://bgfl.org/bgfl/custom/files_uploaded/uploaded_resources/18617/Desforges.pdf; Jeynes, W., A meta-analysis of the relation of parental involvement to urban elementary school student academic achievement, *Urban Education*, May 2005.

<http://uex.sagepub.com/content/40/3/237.full.pdf+html>; Keith, P.B, and Lichtman, M. (1994). Does parental involvement influence the academic achievement of Mexican-American eighth graders? Results from the national education longitudinal study. *School Psychology Quarterly*, 9 (4), 256-272.

¹⁵ Hill, N., & Torres, K. (2010) Negotiating the American Dream: The paradox of Aspirations and achievement among Latino students and engagement between their families and schools, *Journal of Social Issues*, 66, 95—112.

¹⁶ Gershberg, A., Danenberg, A., and Sánchez, P. (2004). *Beyond Bilingual Education*. Washington DC: Urban Institute.; Suárez-Orozco, C. & Suárez-Orozco, M. (2001). *Children of Immigration*. Cambridge: Harvard University Press; Hill and Torres, Negotiating the American Dream: The Paradox of Aspirations and Achievement Among Latino Students and Engagement between their Families and Schools. . .

¹⁷ Hopkins, M. (2011). *Drawing on our Teaching Assets: Bilingual Educators' Pedagogy and Policy Implementation*. Ph.D. Dissertation, University of California, Los Angeles.

¹⁸ Tellez, K. & Waxman, H. (2006). *Preparing Quality Educators for English Language Learners. Research, Policies, and Practices*. Mahwah, NJ: Lawrence Erlbaum.

¹⁹ Hopkins, Drawing on our teaching assets. . .