

The ESEA Must Do More to Support the Instruction and Assessment of English 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: All are *bilingual learners* because even if they learn only in English at school, they are learning informally in their homes and communities in another language. In addition to language difference, most ELs must also confront the disadvantages of poverty, as at least two-thirds of these students are low-income.¹

Despite their large and increasing numbers² the data on EL 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 fourth grade math compared to 41 percent of non-EL students. What is worse is that the achievement gaps grow as they go up the grades. Schools with high concentrations of EL students are more likely to be failing AYP than schools with high concentrations of any other group except students with disabilities.³ Finally, ELs have very low graduation rates – well below 50 percent according to recent data.⁴

To align with our global economic and security goals, in reauthorizing the ESEA, federal policy should provide incentives for achieving bilingualism and shift away from the singular focus on English acquisition.

The ESEA can improve outcomes by helping states increase the numbers of skilled teachers.

Almost half of all teachers in the nation are instructing ELs, whether in mainstream or specialized classrooms, yet over one third have no preparation or qualifications for doing so: A recent study showed that, among those who have received *some* training, the average was *less* than one hour of focused professional development on how to teach EL students *per year*.⁵ Moreover, NCLB provides no requirement for teachers of EL students to have any particular competency requirements (like those required of special education teachers), nor does the law currently contain safeguards to ensure that ELs are not taught at higher rates by unqualified, inexperienced or out of field teachers.⁶

Most ELs, whether in specialized or mainstream classrooms, are taught by teachers who cannot communicate with them and who lack adequate knowledge of how to address the linguistic challenges ELs face: Barely five percent of all teachers of EL students nationwide are certified as bilingual teachers.⁷ Regardless of the instructional approach being used, all EL students are best served by teachers who can understand and communicate with them, assess their learning by checking for understanding in a language they understand, and communicate students' learning needs with parents. The importance of parent teacher communication is well established, which explains why most teachers of EL students find the inability to communicate with the parents to be a significant impediment in their teaching.⁸

Teacher mobility in schools with high concentrations of low income and EL students is exceptionally high: Research has shown that teachers from the same community as the students are more likely to stay and remain teaching in these schools.⁹ Yet, very few young people from language minority communities are successfully preparing as teachers.¹⁰

The ESEA should establish clear criteria for what constitutes a “highly qualified” teacher of English learners and require that states provide safeguards and incentives for ensuring that EL students have access to such teachers, just as the law requires of states for low income and minority students.¹¹ The ESEA should also charge the U.S. Department of Education (ED) with working with the National Academy of Education to establish the criteria for “highly qualified” as it pertains to EL students.

Title III of the ESEA, with a revised charge to enrich the education of ELs, could provide grants and needed incentives to ensure that these students are taught by teachers who are highly qualified: Federal funds should be provided to states and districts with high recruitment needs for certified bilingual teachers through Service scholarships and loan forgiveness for such individuals who agree to serve in low-income communities with high concentrations of ELs.

ESEA should return to funding fellowship programs that prepare highly skilled personnel for careers in teacher education, policy, and measurement relevant to this population: Much could be accomplished by reinstating the former Title VII fellowship model to support the development of expertise. For many years we have failed to replenish the pipeline with individuals who can train the next generation of teachers of EL students.

The ESEA should improve the quality of Assessment for EL students.

In violation of ESEA requirements, many states assess EL students for academic achievement with tests that are neither valid nor reliable for this purpose: The GAO’s recent report on the assessment of EL students notes: “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.” Moreover, few states use and report the outcomes of native language or language of instruction tests that evaluate what students know and can do in their primary language or language of instruction other than English.¹²

Invalid and unreliable assessment, as well as the failure to assess what students know in their primary language, results in poor instructional programming: 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 without assessment in the primary language. EL students are often held back unnecessarily, and their schools are unfairly penalized because these students cannot demonstrate their knowledge adequately in English.¹³ Finally, studies show that students who are not yet

proficient but are required to take tests in English can become demoralized and humiliated by the failure they experience on tests. Evidence suggests that this may increase dropout rates.¹⁴

The ESEA should require states, in conjunction with test makers, to demonstrate and certify the validity of their tests for purposes of determining academic achievement of EL students, adhering to APA/AERA/NCME “Standards for Educational and Psychological Testing,” which include that EL students must be incorporated in the development of the tests.¹⁵

The ESEA must find more effective ways of monitoring the progress of English learners: 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, leaving in primarily those who are still struggling, distorting the schools’ successes under Title I accountability provisions, but also hiding longer term problems of students who continue to need, but do not receive, language support. Some data suggest that as re-classified (deemed proficient in English) former ELs move through the grades and academic content becomes more challenging, their performance deteriorates.¹⁶ This suggests that such students need continuing support and/or that they may have been re-classified prematurely.

In the absence of tests that operate validly and reliably for ELs, the ESEA should require states to ensure that ELs who take the tests are provided with research-based accommodations that can provide a more valid assessment of their academic achievement, including those with low proficiency in English: Because the research on accommodations for EL students is nascent, and because new accommodations are currently in development (such as computer adapted testing), a federal oversight panel, selected by the ED according to criteria established by the National Academy of Sciences and composed of relevant experts, should review and certify these instruments and state assessment strategies for interim use for EL students until more valid assessments can be developed.

The Reauthorized ESEA should include incentives and rewards for states, schools and districts that successfully promote bilingual proficiency: There is now a substantial body of research that points to the cognitive, social, personal, and interpersonal advantages of bilingualism.¹⁷ Moreover, there are many labor advantages for multilingual individuals.

The ESEA should structure competitive grants to encourage states to offer a full range of programs and methods of instruction for their ELs, including bilingual and dual language instruction: Just as Race to the Top succeeded in prompting state legislatures to remove charter caps and change laws restricting experimental forms of teacher evaluations, so too should the ESEA and other federal grant programs encourage states to allow the full range of effective programs for ELs.

¹ 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

² Between 1995-2005 ELs grew by 56% while the general school population in the US grew by just 2.6%. Batalova, J., M. Fix and J. Murray. *Measures of Change: The Demography and Literacy of Adolescent English Language Learners*. (Migration Policy Institute, February, 2007).

³ 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 (E. 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)].

⁴ 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.]

⁵ A. Zehler, et al., *Descriptive Study of Services to Limited English Proficient Students* (Washington DC: Development Associates, 2003).

⁶ Sec. 1111(b)(8)(C).

⁷ Zehler, et al., 2003.

⁸ Gándara, Maxwell-Jolly, & Driscoll, *Listening to Teachers of English Learners* (Santa Cruz, CA: Center for the Future of Teaching and Learning, 2005).

⁹ R. Murnane, et al., *Who Will Teach? Policies that Matter*, (Cambridge: Harvard University Press, 1991); K. Quartz, et al., "Careers in Motion. A Longitudinal Retention Study of Role-Changing Among Urban Educators," *Teachers College Record* Volume 110, Number 1 (January 2008): 218-250.

¹⁰ For example, only 12% of Latino 18 – 24 year olds currently complete a college degree compared to about 40% of white students, who form the great majority of the teaching force. P. Gándara, "The Latino Education Crisis," *Educational Leadership*, 67 (2010): 24-30,.

¹¹ Cite to Sec. 1111(b)(8)(C).

¹² GAO, *No Child Left Behind Act. "Assistance from Education Could Help States Better Measure Progress of Students with Limited English Proficiency"* (Washington DC: GAO, July 2006).

¹³ R. Callahan, "Tracking and High School English Learners: Limiting Opportunity to Learn," *American Educational Research Journal* 42 (2008): 305-328.

¹⁴ 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).

¹⁵ Much better professional development to help schools use and interpret these instruments should also be included.

¹⁶ 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.

¹⁷Children who develop healthy degrees of bilingualism tend to exhibit greater ability to focus on and use language productively. This skill, called "metalinguistic awareness," has been associated with improved comprehension outcomes. They also may develop what is termed "cognitive flexibility" that leads to more creative or innovative ways of approaching learning. Family cohesion and better social adaptation are other outcomes that have been found in students who maintain contact with parental language and culture. A study of native born and foreign born Mexican American and white adolescents concluded that the foreign born students who still maintained language and cultural links to family were more motivated to do well in school and exhibited fewer behavior problems at school. See Gandara, P. "Latinos, Language and Segregation: Options for a More Integrated Future." *In Looking to the Future: Legal and Policy Options for Racially Integrated Education in the South and the Nation*, ed. Frankenberg, E. and Debray-Pelot, E. (Chapel Hill, NC: UNC Press, forthcoming 2010). Genesee & Gándara also found that dual language programs fostered better intergroup relations and more positive attitudes toward minority groups. See Genesee, F., and P. Gándara. "Bilingual Education Programs: A Cross-National Perspective." *Journal of Social Issues*, vol. 55 (1999): 665–685.