

Improving Educational Outcomes for English Language Learners:

Recommendations for the Reauthorization of the Elementary and Secondary Education Act

March 26, 2010

Introduction

The No Child Left Behind (NCLB) Act of 2001 has been a step forward in federal policy for English language learners (ELLs). NCLB has fostered greater inclusion of ELLs in standards-based instruction, assessment, and accountability than did prior authorizations of ESEA. By holding schools and districts accountable for the performance of ELLs in acquiring proficiency in English and in meeting grade-level performance standards for content area achievement, the law has brought attention to both the language and academic content needs of ELLs. With this attention have come positive actions and improved outcomes for this traditionally underserved group.

Yet the need for national leadership to effectively address ELLs has become ever more acute, as the numbers and percentages of such students increase and as the failure of educational systems to meet their needs becomes more evident. U.S. schools now serve more than 5 million ELLs, who thus comprise over 10 percent of the national public school enrollment. Since the last reauthorization of ESEA, a number of states—particularly in the Southeast and Midwest—have seen dramatic increases in newly arriving ELL populations. In addition, even states with traditionally high proportions of ELLs have experienced such growth that ELLs are ubiquitous throughout the state, and no longer just a challenge for some districts, some schools, or some teachers. Throughout the nation and within most states, it is not just about “those children” and much more about “all of us.”

Unfortunately, the capacity to support best practices in educating ELLs has not kept pace with the growing need. Thirty percent of the schools held accountable for adequate yearly progress (AYP) targets for the ELL subgroup under NCLB did not make AYP for that subgroup in 2005-06; in high-poverty schools this percentage was substantially higher. In addition, a third of all schools (and half of high-poverty schools) reported that they needed technical assistance to

improve services for ELLs in 2005-06 and 2006-07, but only half of those that needed it reported receiving satisfactory assistance in this area (Taylor, Stecher, O’Day, Naftel, & LeFloch, 2010).¹

ESEA has historically played a crucial role in building national capacity to meet the educational needs of ELLs. The next authorization must revitalize that capacity-building role, combining it with incentives and sanctions to ensure that federal, state, and local leadership support continued attention, direction, and innovation in this area. Although a number of groups are making recommendations toward this end, this report is distinctive in that it comes from a group of nationally recognized researchers² with significant experience in various aspects of policy and practice regarding the education of ELLs.

Through research and practice, we have come to a much better understanding of the strengths and needs of English language learners. The key fact for policy consideration is that English acquisition occurs over time and is influenced both by time and by the type and quality of schooling, as well as other conditions.³ This has implications for how we define the subgroup for funding, instructional decision making, and accountability purposes. It has implications for the knowledge and skills that teachers and administrators need at all levels of schooling—from pre-K through high school. And it has implications for the steps we take to ensure equity and access so that all our students can graduate from school ready for college, productive careers, and civic responsibility.

Guiding Principles

In addition to basing our recommendations on the current best knowledge from research and practice, the individuals who produced these recommendations have worked under the following set of guiding principles:

- English language learners must be provided with an equal opportunity to acquire the same content and high-level skills that school reform movements advocate for all students.
- A meaningful accountability system that fully includes English language learners is critical to ensure academic success for these students.
- All students, including English language learners, must have access to high quality curriculum, effective instructional practices and teachers, and supportive school

¹ Taylor, J., Stecher, R., O’Day, J., Naftel, S. & LeFloch, K.C. (2010). *State and Local Implementation of the No Child Left Behind Act, Volume IX—Accountability under NCLB: Final Report*. Washington, DC: U.S. Department of Education.

² See membership of the ELL Policy Working Group at the end of this document. The Working Group gratefully acknowledges the contribution of Gary Cook, University of Wisconsin-Madison, who provided his expertise in developing these recommendations. We also acknowledge the assistance of Karen D. Thompson, doctoral candidate at Stanford University School of Education, throughout the preparation of this report.

³ We recognize that other factors such as SES status and quality and type of prior schooling affect English acquisition, but time and schooling are the key factors for the educational system.

environments to meet common challenging state standards for career and college readiness.

- Federal and state policy must be responsive to the diversity of this population such that ELLs from differing educational backgrounds, contexts, and needs receive not only appropriate high-quality instruction but also other supports necessary to ensure success in school and in life.
- Proficiency in two or more languages should be promoted for all American students. Multilingualism enhances cognitive and social growth, development of literacy in English, competitiveness in a global marketplace, national security, and understanding of diverse peoples and cultures.

Overarching Issues

Our recommendations focus on five areas of ESEA policy: the **identification and classification** of ELL students; appropriate **assessment** of ELLs' knowledge and skills in academic content; development of a stronger **accountability** system that fosters and accurately monitors improvement for these students; **human capital** policies to ensure access to high-quality teachers and teaching; and the **capacity-building role of Title III**. Future recommendations will address the redirection of what is now the Office of English Language Acquisition (OELA), as well as federal policies to support ELLs in the pre-school years and ELLs who also need special education services.

Recommendations

1. Subgroup Identification and Classification

Issue: Current approaches to defining ELL subgroup membership lead to faulty data, weakened accountability, and inappropriate instructional services.

Recommendation 1A:

Require states to establish stable ELL subgroup membership for accountability purposes. States should:

- 1) Designate students as members of the ELL subgroup based on their English language proficiency status *at entry* into school in the state in which they reside.
- 2) Maintain students' designation as ELLs for purposes of accountability for the duration of their schooling in the state.

Currently, a student's membership in the ELL subgroup is not static, and changes as the student becomes proficient in English. Consequently, the composition of the ELL subgroup fluctuates as more proficient students exit the group and less proficient students enter. Because students'

academic achievement improves as their proficiency in English improves, this process of exiting proficient students from the subgroup systematically depresses the performance of the ELL subgroup, undermining both accountability judgments and evaluations of practices and programs. Accountability and improvement depend upon accurate data about what is working for which targeted groups of students. If the more successful students are systematically removed from the ELL category, it is impossible to determine which schools, districts, and practices are successful for these students, and to track ELL performance over time. This recommendation will increase the accuracy with which ELL student progress over time can be monitored and evaluated.

Recommendation 1B:

Within the ELL subgroup, distinguish among students by language proficiency level in order to monitor student achievement at each proficiency level and deliver appropriate services.

While it is essential to account for the progress of all students who have been ELLs, using *only* a single aggregate statistic (such as the percent of ELLs who score proficient or above on state content assessments) is insufficient to ensure accountability and to promote appropriate services for those students most in need. In monitoring overall subgroup performance, the aggregate statistic can be misleading since it is affected by the proportion of the ELL subgroup at different levels of English language proficiency. With respect to educational services, the aggregate statistic does not ensure that schools and districts systematically monitor the progress of students *within* the ELL subgroup so they can tailor instructional services appropriately. Such monitoring is especially critical for students at lower levels of English proficiency as these are the students most in need of specialized services. But it is also important for ELLs at the other end of the continuum – those who have become proficient in English but still may need additional support to continue to advance academically. We thus recommend disaggregating data for the ELL subgroup by language proficiency level and incorporating this differentiation into accountability calculations (see Recommendations 3B and 3C for details), funding formulas, and decisions about service delivery at the local level.

Recommendation 1C:

Require that states adopt criteria for identification and classification of ELLs that are uniform and standardized within a state, and that minimize the role of subjective judgments.

Presently, many states allow variation across LEAs in the measures, procedures, and criteria used to identify children as members of the ELL subgroup, to classify them within the subgroup by language proficiency level (e.g., beginner, intermediate, advanced), and to reclassify them as English proficient. When identification and classification procedures are allowed to vary across LEAs within states, it is impossible to create a meaningful accountability system; an ELL in one district may not be classified as an ELL in a neighboring district. Moreover, when subjective

judgments are the basis for such decisions, judgments about who is or is not an ELL may differ by school and even by classroom within the same district. Rules for classifying students with respect to their English language proficiency should be based on students' language proficiency as measured by high-quality language proficiency assessments that are built around rigorous language proficiency standards that are themselves related to the language demands of the state's academic achievement standards.

2. Assessment

Issue: Use of content assessments that are not valid and reliable for ELLs undermines the accountability system and leads to inappropriate educational decisions for ELLs.

Recommendation 2A:

Require states to implement assessments and associated assessment practices that have been demonstrated to yield inferences comparable in validity and reliability for ELLs and non-ELLs.

The state and the test maker must provide evidence of this comparability for their content assessments to the Department of Education for approval. States should work toward eliminating assessments and practices that are invalid or unreliable for use with ELLs. However, in no case should a state be allowed to forego assessing its ELLs for accountability purposes.

Current law mandates that states use assessments for ELL students that are most likely to provide valid and reliable information about what students know and can do. Yet many states use assessments and assessment practices that are neither designed for ELL students nor proven to provide inferences of comparable reliability and validity for ELL and non-ELL students. The state and the test maker must certify the validity of the tests to be used for the purpose of assessment of academic achievement of ELL students consistent with the APA/AERA/NCME Standards for Educational and Psychological Testing, a widely accepted standard of practice in the educational testing field.

Recommendation 2B:

Until assessments are certified as comparable for use with ELLs, states should be required to submit to the Department of Education an Interim Plan specifying how they will establish such a valid assessment system and how they will assess ELL students in the interim, a period of time not to exceed three years.

Because the criteria for comparability of the quality of assessments for ELLs and non-ELLs is a demanding though realistic standard, in the interim time period needed to engage test makers and state and federal policy makers in certifying the validity of assessments and appropriate linguistic accommodations, states should be required to submit to the Department of Education an Interim Plan for the assessment of ELL students. These plans must require states to implement

accommodations and assessment practices for ELL students that are responsive to their specific linguistic needs and that have been shown to increase validity of assessment results. States should be encouraged to use native language and/or bilingual assessments as accommodations for students for whom such accommodations are valid, namely students with recent prior formal schooling in the native language, students literate in their native language, and students currently receiving native language or bilingual instruction in the subject matter being assessed.

Recommendation 2C:

Strengthen the peer review process with respect to the assessments and assessment practices for ELLs.

The Department of Education should establish a standing committee of experts in the assessment of ELLs to determine criteria for use by the peer review panels that currently evaluate state assessment programs. This standing committee should be convened periodically to review decisions made by the peer review panels and to provide feedback to the Department and to the peer review panels. To the extent practicable, these panels should include members who have demonstrated expertise in the assessment of ELLs.

The assessment peer review panels convened by the Department of Education play an important role in ensuring that states employ high-quality assessments and assessment practices aligned with state standards. However, too often the panels lack specific guidance or expertise in the valid assessment of ELLs. Consistency and clarity of review criteria and procedures, and expertise of reviewers are critical requirements if the peer review process is to realize its potential. The Title I monitoring and expert peer review processes at the federal level must be aligned to ensure that feedback to the states addresses issues related to appropriate ELL inclusion, assessment, and accommodations. Review panels should be charged with approving, amending, or requiring further evidence of the validity and reliability of states' assessments for ELLs. Membership on review panels must meet criteria of expertise and balance of perspective set by the National Academy of Sciences and/or the National Academy of Education. Moreover, periodic oversight by an expert standing committee for ELL assessment can help ensure consistency across peer review panels in the criteria and procedures used to evaluate state assessments and the feedback provided to states. Such a committee could also provide substantive feedback to the Department about how to improve peer review process, criteria, and training.

3. Accountability

Issue: The current accountability system does not provide clear information about ELL achievement or foster efforts to build on their linguistic strengths.

Recommendation 3A:

Incorporate time explicitly into ESEA accountability provisions for the acquisition of English language proficiency.

States should use existing data to empirically establish appropriate timeframes for attaining English language proficiency. These timeframes should take into account both students' initial English language proficiency level and their grade when first identified as an English language learner.

Current Title III Annual Measurable Achievement Objectives (AMAOs) that address English language proficiency have appropriately focused educators' attention on the importance of developing academic English language proficiency by requiring states to specify and measure annual progress in developing English (AMAO 1) and attaining English language proficiency (AMAO 2). These two objectives represent important advances made in the last reauthorization with the goal of strengthening accountability for ELLs by requiring districts to pay attention to the individual developmental trajectories of ELLs in English language proficiency from one year to the next. This recommendation improves on the process by refining expectations based on realistic developmental trajectories of English language development.

Based on currently available assessment data from states, the recommended target-goal timeframe to move most students from the lowest levels of language proficiency to the state-defined English proficient level (i.e., the level at which students are classified as *English Proficient*) is *four to five full academic years*. This timeframe may need to be adjusted for students who are being educated bilingually with the goal of academic proficiency in more than one language. States setting longer or shorter timeframes must provide empirical evidence from their state showing the distribution of time to traverse these language proficiency levels by students in their state, *without using content area achievement assessments* to define the English language proficient performance standard for classification to *English Proficient* status.

Recommendation 3B:

For ELLs assessed in English, incorporate English language proficiency into ESEA accountability provisions for content area achievement using the expected timeframes established in Recommendation 3A.

Require states to set content area performance expectations for students at each level of English language proficiency. These achievement expectations should be grade- and content-area specific. At the end of the timeframe established by the state for acquiring English language proficiency, the achievement expectations for ELLs and non-ELLs should be identical.

A critical element to developing a more responsive accountability system for ELL students is to allow states to incorporate developmental *academic* achievement expectations into their accountability frameworks as ELL students progress on a structured timeframe from the lowest levels of English language proficiency to the fluent English proficient level. Doing so would establish challenging but achievable goals in each school year for every student at all levels of English language proficiency. The system must require that students be held to grade-level expectations within an aggressive and pre-specified timeframe to encourage educators to provide ELLs appropriately differentiated grade-level content instruction responsive to their level of language proficiency. The creation of developmental expectations is intended to provide positive incentives for schools to focus on both the content area knowledge acquisition and English language development of ELLs from the start of their schooling, to establish challenging but achievable progress goals for each child each year, and to hold all students to the same long-term expectations to attain high levels of academic proficiency in grade-level content and in the acquisition of full English proficiency.

Recommendation 3C:

Incorporate accountability for English language acquisition into Title I and require states to hold schools and districts accountable for student attainment of content-area achievement targets at each level of English language proficiency.

Schools, districts, and states should be expected to demonstrate improvement over time in: (1) helping more ELL students progress through English language proficiency bands, (2) increasing the percentage of students who reach English-language proficiency in four to five years, (3) increasing the percentage of ELL students in the English-language-proficient category who score proficient on academic content tests, and (4) improving academic progress and achievement outcomes on content area assessments in English for students in the non-proficient language bands.

This recommendation follows from the previous recommendation that effectively indexes content achievement with respect to a timetable for English language proficiency (ELP) development. This requires moving Title III Annual Measurable Achievement Objectives for progress in learning English and attaining the English proficient level (AMAOs 1 & 2, respectively) into Title I, and relating these to Title I academic progress and achievement criteria. Currently, accountability for ensuring that ELLs progress in acquiring English resides solely in Title III and is applicable only for districts receiving Title III funds. This isolation of accountability for ELP development within Title III fosters fragmentation of responsibilities in states and districts and undermines efforts to develop more coherent instructional programming for ELLs. Given the importance of language acquisition to student success in the content areas and given that most ELL students attend Title I schools, Title I accountability provisions must incorporate and draw attention to both the language and content needs of ELL students served in Title I schools.

The previous reauthorization of Title III made great strides in moving states to tie language proficiency standards to the language demands of content area achievement. This recommendation will improve on those efforts by setting challenging but achievable academic progress goals for students at all levels of proficiency with a clearly delineated timeline, and

motivating teachers to provide appropriately differentiated content area instruction at grade level for students at each level of language proficiency.

Recommendation 3D:

Allow states with an interest in bilingual language and literacy development to make appropriate modifications or adaptations to their assessment and accountability systems to include linguistic and academic progress and competencies in two or more languages rather than in one.

This recommendation is intended to support and encourage the development of bilingualism in children. In a global economy the United States can no longer justify a public education system focused on language proficiency in English alone. Furthermore, our national security depends upon the nation's ability to communicate competently in more than one language. Finally, for individuals, the ability to understand, speak, read, and write more than one language is a very valuable asset. Yet in some states, ELL students are driven into all-English instruction (or in some instances, into all-native-language instruction) because schools and districts are held accountable for academic achievement outcomes in either English or the native language only. The timeframe for achieving linguistic and academic competence in two languages rather than one might be longer than the timeframe for achieving competence in only one language, but students covered by this provision would have to meet state language proficiency and academic achievement standards in both languages within a specified time frame.

4. Human Capital

Issue: Insufficient attention to training and professional development for educators of ELLs limits effectiveness with this population.

Recommendation 4A:

Require states to demonstrate—as a precondition for receiving funds under Title II and Title III—that their credential requirements and alternative routes to certification of teachers of core content include components that are effective in preparing these teachers to address both the content and academic language needs of English language learners.

English language learners must have opportunities to learn rigorous, relevant, grade-level content in all academic areas (in language arts, mathematics, science, social studies, and additional subjects), and teachers deserve to be well prepared to deliver this content to their ELL students. Currently, there is no requirement under ESEA that content teachers possess the knowledge and skills to teach their content specialties to ELL students. Thus, although many teachers in Title I schools lack relevant preparation to effectively teach this population, ESEA currently does little to address this problem. While some states have chosen to incorporate components designed to prepare teachers to address the content and language needs of ELLs into credential and

alternative certification requirements, 15 states currently have no such requirements, and little research exists to demonstrate the effectiveness of the components in all cases. Making effective components a prerequisite for Title II and Title III funding would help create the conditions to ensure that content-area teachers have the expertise necessary to make rigorous, relevant, grade-level content accessible to ELLs.

Recommendation 4B:

Define English as a Second Language (ESL) as a core academic subject within ESEA, and apply the same requirements to ESL/ELD teachers as to other teachers of core academic content areas.

Under the current version of ESEA, teachers in core academic subjects, defined as “English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography,” are required to meet state-defined criteria to be considered highly qualified [Title IX, Sec. 9101(11)]. At a minimum, teachers must hold a bachelor’s degree, possess the appropriate state credential for the subject areas and grade levels they teach, and demonstrate mastery of relevant content. Since English as a Second language (ESL—also called English Language Development or ELD) is central to the linguistic and academic instructional services for and the progress of many ELL students, ESL should also be defined as a core academic subject under ESEA. In determining the requirements for ESL/ELD teachers, states might look to the revised National Board for Professional Teaching Standards for Teachers of English as a New Language and the TESOL/NCATE Standards for the Accreditation of Initial Programs in P-12 ESL Teacher Education.

Recommendation 4C:

In ESEA provisions regarding the evaluation of teacher effectiveness, require specific measures of teachers’ effectiveness in meeting the linguistic and academic needs of ELLs.

The capacity of teachers to meet the needs of English language learners must be a central component in all mechanisms for determining teacher effectiveness. Mechanisms for measuring teacher effectiveness are moving toward incorporating student achievement data. In evaluating teacher effectiveness with English language learners, student achievement must be measured in ways that are valid and reliable for ELLs, meeting the standards defined in the recommendations on assessment and accountability above. Definitions for what constitutes student growth for ELLs should be consistent with available data on the actual learning trajectories of ELLs and may be different from definitions of what constitutes student growth for the native-English-speaking student population.

5. Capacity Building and Title III

Issue: The capacity building role of Title III is both essential and insufficiently developed to assist states, districts, and schools in meeting the linguistic and academic needs of ELL students.

Recommendation 5A:

Focus Title III of ESEA on building national, state, and local capacity to ensure that ELLs acquire the language competence needed for academic success.

An additional advantage to moving accountability for meeting both the English language proficiency and core academic targets into Title I is that it provides an opportunity to focus Title III funds on building the infrastructure and developing the instructional and human resources required to address the language needs of ELL students. To date, much of the focus of Title III has been on developing state English language proficiency standards, assessments, and accountability targets. Meanwhile, national surveys indicate that teachers and schools across the country are not receiving the help they need to address ELLs' linguistic and academic needs in the classroom (Taylor et al., 2010). Title III can help address this need through a range of knowledge development, infrastructure support, and professional development activities.

Recommendation 5B:

Establish a funding stream under Title III similar to the former Title VII fellowship and professional development funding to support the development of a highly trained cadre of educators prepared to instruct ELLs, lead schools and school systems serving ELLs, provide school and district supports for ELL students, and prepare for careers in teacher education, policy, evaluation, and measurement relevant to this population.

The past decade has seen substantial growth in the English language learner population, with many communities, particularly in the Southeast and Midwest, serving a significant percentage of ELLs for the first time. There is an urgent need to recruit educators with an understanding of the cultural and linguistic backgrounds of the students they will serve and to provide a continuum of learning opportunities to deepen educators' knowledge and skills in meeting ELLs' academic needs throughout all phases of their careers, from pre-service onward. In addition, in order for schools, districts, and states to effectively serve English language learners, leaders at all levels of the education system—from mentor teachers to department chairs to principals to district administrators to state department of education officials to teacher educators—must have a deep understanding of ELLs' needs at different grade levels and a robust repertoire of strategies for meeting those needs.

This funding stream could provide service scholarships to underwrite the cost of preparation for such individuals who agree to serve in low-income communities with high concentrations of

ELLs for a specified minimum period of time (e.g., three to four years). Prioritize these service scholarships for teachers who are bilingual and/or who intend to teach in under-resourced areas such as special education, mathematics, and science.

Recommendation 5C:

Allow districts and schools to use Title III funds to develop language-minority students' native languages as well as English.

In grant programs where SEAs make sub-grants to LEAs and/or schools to assist children in learning English and meeting challenging state academic content and student academic achievement standards, allow districts and schools to use Title III funds to build district capacity to develop language-minority students' native or heritage language proficiency and content area knowledge in these languages. Such efforts will not only enhance cognitive and linguistic development for the students involved but also help build the multilingual resources that the nation needs for a globally competitive economy.

Recommendation 5D:

Create a program of national activities to enhance language-minority students' language development and academic achievement through research-based bilingual and heritage language instructional programs as well as research-based programs that develop English language proficiency and content area knowledge.

The Secretary should establish and implement national projects designed to demonstrate effective strategies in enhancing the academic achievement of language-minority students through the use and evaluation of programs that develop students' native and heritage languages and that draw upon research-based evidence, including programs that begin during the preschool years. While other nations have advanced the multilingual competencies of their populations in response to globalization, the United States has generally failed to make use of the vast linguistic resources already inherent in our diverse populace. Research-based native and heritage language programs have substantial potential for addressing this need. Additionally, national activities should be promoted that strengthen the capacity of educators to enable ELLs—especially new arrivals, long-term ELLs, and ELLs with special education needs—to develop English language proficiency and to meet common core standards in all academic content areas.

In addition, national activities through Title III can help disseminate research-based knowledge related to effective content and language development instruction in students' native and heritage languages as well as English. While all ELL students must learn to be successful academically in English, irrespective of instructional program, many teachers and jurisdictions currently are ill equipped to enable them to do so. ESEA in general, and Title III in particular, has an important role to play in developing the state and local capacity needed to ensure that ELL students graduate high school well prepared for college studies, productive employment, and civic engagement.

Appendix A: Working Group on ELL Policy

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