



Recommendations for the Reauthorization of NCLB

In California English learners (ELs) constitute 25 percent of the total student population. In many districts that percentage is much larger. Coachella Valley School District's English learners comprise over 60 percent of their students and in Los Angeles Unified they are over 40 percent. In many elementary schools 65-90 percent of their student body is comprised of English learners and in middle and high schools in highly impacted classrooms 100 percent of the students are English learners. The English learners are most often the subgroup that has not met AYP targets in schools that are classified as Program Improvement. To add to the educational challenges in California, the achievement gap between English only and English learners has grown every year since the 2002-03 school year.

The requirements of No Child Left Behind (NCLB) have not yet benefited English learners and in many instances exacerbated the difficulties of addressing their language proficiency and academic needs. The problems lie with inconsistent guidelines and monitoring of NCLB by the US Department of Education (USDE), flaws in the accountability system and the lack of direct focus on English learners through the various provisions of the law.

Below are recommendations for the reauthorization of the Elementary and Secondary Education Act (ESEA) and NCLB that could make significant improvements for English learners. It is hoped that other organizations and agencies will incorporate these recommendations into their comprehensive set of recommendations and Congress will be able to modify the implementation of the law to fit the context and needs of students who come to school speaking a language other than English.

These students must meet the same high level standards set for all students but the law must allow for various paths to reach that goal without labeling students and schools as failures. Currently, NCLB requires English learners to meet standards at the same pace as others while a significant portion of these students is doing double work - learning a second language and striving to reach high academic standards.

Assessment and Accountability System for English Learners

The USDE must hold states accountable for implementing an assessment and accountability system that uses valid and reliable instruments to yield accurate data as to what an English learner knows and can do. A revised NCLB should ensure that:

- °USDE enforces the EL testing provision of NCLB that requires testing “in a language or form that most accurately reflects of students know and are able to do”. Tests in the home language, modified English tests and other appropriate measures need to be a part of each state’s system until students’ English proficiency allows them to compete on tests developed for native English speakers.
- ° Guidelines on appropriate testing accommodations for English learners are provided and states are monitored on their statewide implementation of these accommodations
- ° English learners are maintained as a subgroup but the data are disaggregated for two distinct purposes
 1. Under Title III, English learners in U.S. schools three years or less would be included in AMAOs I and II (and AYP only if documented accommodations yield valid and reliable results for ELs) and

2. ELs in the U.S. more than three years should be included in both the Title I AYP and Title III AMAO calculations with appropriate accommodations geared to different English learner proficiency levels.
 - Students are not placed in double jeopardy by being counted in several subgroups. (e.g. Do not double count ELs by inclusion in the Hispanic or other ethnic subgroups)
 - All redesignated fluent English proficient (RFEPs) students remain in the EL subgroup as long as they are enrolled but states monitor the progress of RFEPs and ELs separately
 - There is a significant need to increase research and investment in appropriate assessments and accommodations
 - Any growth model should include longitudinal student data that disaggregates EL data by proficiency in L1 and English, time in program and type of services/program.

Sanctions and Interventions

Sanctions and Interventions need to be based upon data that accurately reflects what English learners know and can do. The data that is used to define the most effective intervention needs to account for the students' level of English and home language proficiency, time in U. S. schools, previous level of education and the type of program services.

- Require that interventions be based upon research-based effective practices for English learners in first and second language development
- Require that both the personnel working with the outside entities and the entities that contract with Program Improvement schools/districts have experience and expertise with English learners
- Sanctions schools in Program Improvement (PI), year 4 and year 5, should reflect a wide array of new program options for alternative governance such as biliteracy, dual language, structured English immersion, Spanish for native speakers etc.
- The intervention should target improvement of the program regardless of the language of instruction. Dismantling bilingual programs should not be the response to PI designation. All programs legal in the state of California must be respected.
- Sanctions and interventions should be put on hold until appropriate assessment tools for English learners are used for calculations of AYP.
- * Targeting of supplemental education services and school choice options must be permitted only for those subgroups which did not make AYP.

Reading First

- Research based approaches and materials designated by states for the Reading First program must be specific to accelerate language development and literacy for English learners.
- The evaluation design and assessments in state Reading First programs must be valid and reliable to demonstrate what English learners know and can do.
- The professional development designed for the Reading First program must prepare teachers to differentiate instruction to address the language proficiency and literacy needs of English learners.

Supplemental Educational Services (SES)

- Ensure that parents are given sufficient information to make informed decisions regarding SES providers and that the information is provided in the language spoken by the parents
- Require that SES providers who work with English learners have the knowledge and skills necessary to teach English language development and content instruction appropriate to the various language proficiency levels of the students
- Require that the SES providers be able to deliver instruction consistent with the language of instruction during the school day for the designated subjects
- Identify effective mechanisms for students to enroll in SES services, as only about 20 percent of the students who qualify for SES services take advantage of the support.

Community Building

- Require an independent audit of states' implementation of the required parent involvement/community building mandates
- Require parent advisory committees, representation of EL parents and specific roles for parents
- Increase the percent of funding that is allocated to parent involvement.

Highly Qualified Teachers/Professional Development

- Expand/clarify the definition of high qualified teachers to require that teachers who provide instruction to English learners have the appropriate EL authorization
- Explicitly require professional development in ELD, SDAIE and/or primary language instruction for teachers in all core subject areas who are assigned to provide instruction to English learners
- Require that all Title I, Title II and Title III professional development supports teachers with strategies to differentiate the instruction for English learners to meet their language and content standard goals
- Re-institute federal grants for graduate students in ELD and bilingual education.

Paraprofessionals

- Require that paraprofessionals working with English learners have knowledge of first and second language acquisition and appropriate strategies
- Career ladder opportunities should lead to appropriate EL certification along with teaching credentials
- Increase funding for additional training for paraprofessionals who work with English learners.

February 16, 2007