

## Opportunities for Policy Advancement for ELLs Created by the New Standards Movement

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### Introduction

ELLs are the fastest-growing segment of the school-aged population. While ELLs constitute more than ten percent of the nation's total public school population, ELL student enrollment has increased at nearly seven times the rate of total student enrollment.<sup>1</sup> No educational reform will be successful if this subgroup of students is left behind. Despite the great need to serve this large and growing population of students, key elements of the education system are not serving it well (i.e. lack of access to rigorous curricula, appropriate assessments, or effective parent engagement). Because academic standards are the backbone of the entire educational system, raising standards to ensure college and career readiness is a critical step to ensuring that all students receive a high quality education.

The state-led voluntary effort to establish a set of higher, internationally-benchmarked Common Core State Standards (and the corollary effort in the next generation science standards hereafter collectively referred to as "the new standards") present an opportunity to improve the educational elements to support successful ELL student outcomes. The new standards, coming on the heels of a series of standards-based initiatives triggered by *A Nation at Risk*<sup>2</sup>, represent a seismic shift for ELLs because of the prominent role that language plays in them.<sup>3</sup> The new standards framework has risen to the top in importance in policy as other avenues for ensuring accountability, high expectations, and supports for ELLs are losing ground. The issues raised at this conference will form an important core piece of the theory and knowledge undergirding this effort.

We take as our starting point the macro-message that results from the deliberations of this conference:

- **Rich language is a necessary part of all good classrooms, and it is increasingly so with the new standards.**

A corollary policy message is this:

- **Creating language-rich classrooms is a complex endeavor that requires a comprehensive approach that reforms all components of the educational system.**

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<sup>1</sup> Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students. *The Growing Numbers of Limited English Proficient Students: 1995/96-2005/06*. U.S. Department of Education. Washington, DC, 2007.

<sup>2</sup> National Commission on Excellence in Education (1983). *A nation at risk: The imperative for educational reform*. Washington, DC: U. S. Government Printing Office.

<sup>3</sup> For a brief historical account, see Hakuta, K. (2011). Educating language minority students and affirming their equal rights: Research and practical perspectives. *Educational Researcher* 40(4): 163-174.

A short version of the message would be: **“It’s the language, stupid!”**

Once acknowledged, the ubiquitous nature of language in many of the new standards’ demanding shifts will lead to the realization that ELLs face major challenges, but also that many of the challenges of language are shared by all students in engaging with rich academic content. From the perspective of the enforcement of civil rights laws, this theoretical understanding can, through Castaneda<sup>4</sup>, ask deeper questions about the **quality** of the language to which ELLs are exposed, and in particular about the kinds of language that are integrally embedded in the new standards. Implementation questions can be raised around teacher efficacy, appropriate materials, and appropriate assessment of the full range of language and content proficiency that are up to the new standards. A critical question to be raised is how correspondence between the ELP standards and the CCSS standards are addressed by states.

A systemic response that is appropriate to the needs of ELLs, as shaped by the current discussions around CCSS, provides a framework not just in civil rights enforcement, but in federal laws and policies as well.

## **Policy Landscape**

The era of No Child Left Behind (NCLB) is ending and the era of state flexibility is beginning. While the NCLB law still exists because Congress has not yet completed the reauthorization of it, other efforts are changing federal policy rapidly. Race to the Top is infusing funds into states to activate key reforms ahead of any Elementary Secondary Education Act (ESEA) reauthorization. At the same time, the U.S. Department of Education is approving flexibility waivers of key NCLB requirements for States in exchange for implementing certain reforms. In addition, the Congressional proposals to reauthorize ESEA that are moving through the House and Senate all do away with many of the current NCLB requirements and give States much more latitude in how federal funds are used. This is a profound shift in federal policy that will likely dominate the politics and implementation of education reform for the foreseeable future.

Although the U.S. Senate Health, Education, Labor and Pensions Committee passed a comprehensive bipartisan ESEA reauthorization bill and the U.S. House of Representatives Education and the Workforce Committee passed a partisan bill on reauthorization, Congress has not come to an agreement on the basic foundation for a reauthorization that would fully support ELLs. However, the policies in the Senate and House Committee bills are worrisome.

The Senate Committee bill would take away many of the accountability mechanisms that would require schools to focus interventions on all schools and all subgroups that do not make required academic achievement (referred to as adequate yearly progress under NCLB), including ELLs. The Senate approach would limit accountability largely to the lowest performing five percent of schools in a state, jeopardizing the concentration on achievement of struggling students in other schools. Subgroups of ELLs in schools outside of the bottom five percent of

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<sup>4</sup> The Equal Educational Opportunities Act of 1981 as interpreted by the fifth circuit court under *Castaneda v. Pickard* clearly states that services must meet the following standards to be deemed “appropriate” for ELLs: (1) they must be based on sound educational theory; (2) there must be adequate implementation of the program based on the theory; and (3) programs must be evaluated after a period of implementation to determine effectiveness. These so-called “Castaneda” standards have been adopted by the Office for Civil Rights in its investigation of claims for ELLs. In this context, explicit theory- and practice-based accounts of ELL-specific needs in meeting CCSS would provide a valuable tool for civil rights enforcement.

schools in a state would likely not receive anything close to the level of supports and interventions presently required under NCLB.

Meanwhile in the House, the Committee bill does away with not only accountability including subgroup accountability, but also Title III and other targeted supports for students. ESEA, the hallmark of accountability and ensuring that no child, including ELLs, goes uncounted, untested or unnoticed is being threatened.

Due to Congress's inaction to finalize a bill to reauthorize ESEA, U.S. Secretary Duncan announced on August 5, 2011 that he would override the requirement that 100% of students be proficient in math and reading by 2014 for states the administration believes are carrying out ambitious school improvement initiatives.<sup>5</sup> Duncan and Melody Barnes, Director of the White House Domestic Policy Council, jointly announced that in order to qualify for a waiver, a state would have to demonstrate that they are carrying out the following:

- Adopting higher standards to ensure “college- and career-readiness” among students;
- Working to improve teacher effectiveness and evaluation systems based on student performance;
- Turning around the lowest-performing schools; and
- Adopting locally designed school accountability systems to replace the current accountability system under NCLB.

Additionally, the flexibility guidelines issued by the department requires states to “committing to adopt English language proficiency (ELP) standards that correspond to its college- and career-ready standards and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, and committing to develop and administer aligned ELP assessments.”<sup>6</sup>

The first three requirements are consistent with the Obama administration’s education reform priorities as outlined in *Race to the Top*, the first of which can be met by adopting Common Core State Standards. The fourth requirement, however, is new and would mark a major departure from the last 10 years of federal education policy. Each state is developing drastically different accountability system from other states. The first round of approved state waivers have proven that this is the case and in fact, many of the approved accountability systems have been viewed as confusing and difficult to comprehend. Some of these complicated accountability systems pose a threat to the progress made in the last reauthorization of ESEA by masking the true performance of subgroups in creating “super subgroups.”

These super subgroups, in at least seven of the first eleven state waiver applications, are largely a focus by states to bring interventions and supports aimed at the lowest performing students in a school (e.g. the lowest 25 percent).<sup>7</sup> Rather than focus on individual subgroups of

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<sup>5</sup> The New York Times, *Overriding a Key Education Law*, August 8, 2011, accessed August 8, 2011. <http://www.nytimes.com/2011/08/08/education/08educ.html>

<sup>6</sup> ESEA Flexibility. U.S. Department of Education, September 23, 2011.

<sup>7</sup> Center on Education Policy. *Major Accountability Themes of Approved State Applications for NCLB Waivers*. Updated February 27, 2012.

students, these states are seeking to limit their accountability focus to these super subgroups. While this focus on the lowest achieving students is important, it is a significant departure from NCLB's subgroup focus. NCLB's emphasis on subgroups has arguably brought greater attention to the achievement of ELLs than this concept of super subgroups is likely to accomplish.

This is a troubling and challenging time for education policy and particularly for groups that need additional supports such as ELLs. Without federal requirements for strong accountability for results, including subgroup accountability, ELLs are at risk of being left behind or taught to lower expectations. This is not a standard that we should accept.

It is critical to note that ignoring differences in needs between ELLs and other low-achieving subgroups of students violates the unanimous U.S. Supreme Court ruling *Lau v. Nichols* (1974), which affirmed the rights of limited English proficient students to tailored services, and decided that merely providing the same services without tailoring made a "mockery" of the goals of equal public education under the Civil Rights Act.

The CCSS initiative offers the current best hope despite the wrong direction that waivers and ESEA reauthorization is headed, to ensure that there are high expectations for all students including ELLs and that they graduate college and career ready. Explicitly addressing how appropriate education tailored to the needs of ELLs can be delivered in the context of CCSS is an essential step in the process. But adopting the standards and aligned assessments is not enough – the implementation of CCSS is the key to that success. Effective implementation of CCSS must include strong policies in every state in order to ensure that the standards are effectively implemented in every school in order to ensure every ELL succeeds.

## **Critical Policy Levers for Effective Implementation of CCSS for ELLs**

As states implement the CCSS initiative, policy-makers must ensure that all students are provided the educational supports and resources necessary to meet the new higher standards. Policy-makers must adopt the following recommendations so that the initiative fulfills its promise to improve education for ELL students:

- **Ensure alignment of all key components of the state system with CCSS.**

Curriculum, instructional materials, teacher preparation and professional development systems, and assessments used to support and measure student performance must be aligned with the Common Core State Standards to ensure that students are not only taught to higher expectations but also appropriately assessed for their learning. Alignment and proper assessment is especially important for ELLs to ensure that they are learning both academic content and language. The state English language proficiency standards must also be *meaningfully* aligned ("correspond")<sup>8</sup> to the CCSS in order to support effective instruction to develop the English proficiency of students.

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[http://www.cep-dc.org/cfcontent\\_file.cfm?Attachment=Riddle%5FPaper%5FWaiverApp%5F022712%2Epdf](http://www.cep-dc.org/cfcontent_file.cfm?Attachment=Riddle%5FPaper%5FWaiverApp%5F022712%2Epdf)

Accessed March 5, 2012.

<sup>8</sup> The US Department of Education in its recent memos have introduced the term "correspond" to refer to the alignment between content and English language proficiency standards (Federal Register reference for EAG; ESEA Flexibility memorandum). This is not a technical term with a clear operational definition and therefore may present a key policy opportunity for the field to create a definition that can advance policy. See paper by Bailey and Wolf.

- **Develop and implement valid and reliable assessments for all students.**

Policy-makers should ensure that academic content assessments being developed by PARCC and SBAC align strategically to the expanded language demands inherent in the new standards, drawing upon the analyses of the demands of the specific content areas emerging from this conference (see papers x, y, z). Additionally, policymakers need to ensure that the state English language proficiency standards and aligned assessments include the language functions necessary to engage with the content instruction of the content areas.

- **Move toward an assessment and accountability system that weighs and includes performance on English language proficiency and academic assessments.**

When CCSS are fully implemented, they will be meaningless for ELLs unless both language proficiency and academic performance can be combined within rigorous performance standards. The work of this group is critical to defining what high-level English proficiency and academic performance expectation can and should look like for ELL students.

- **Ensure that all teachers are provided with preservice preparation and professional development to effectively teach ELLs.**

Policymakers and administrators must embrace policies that prepare all teachers to address the needs of ELLs by supporting efforts to engage students in the practices of each content area and efforts to build discipline-specific language competencies (see Darling-Hammond and Santos paper).

- **Implement effective parent and community engagement strategies.**

Schools serving low-income students of color often do not have established, effective, ongoing communication and engagement with parents. Federal law requires school districts to disseminate critical information to parents, including school and student performance data. However, parents' understanding of this data, especially parents of ELLs, is often limited by factors including language barriers and overly complicated reporting formats. Consequently, parents do not have the requisite information needed to hold their schools accountable for providing high-quality instruction. The adoption and implementation of the new standards presents an opportunity to involve all interested stakeholders, including parents and community members. Because Latina/o students are concentrated in low performing schools that will be required to raise standards, states and districts should provide information to parents and communities concerning the implications of higher standards in a language and format they understand and which encourages their involvement and support.

## Conclusion

The current policy environment is inhospitable to the improvement of educational prospects for ELLs. Yet the wave of reform unleashed by the new standards offers opportunities for better policies that would benefit ELLs because of an amplified focus on language. The policy, practice and research communities concerned with ELLs must emerge with a clear and coherent consensus on the aspects of the CCSS that advance educational prospects for ELLs, to help define what is appropriate and well-tailored to the needs of the range of ELL students.

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