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 and has brought wider attention to both the language and academic content needs of ELLs. Yet NCLB’s provisions for ELLs also contain significant shortcomings that must be addressed in the reauthorization of ESEA. In fact, the need for national leadership to effectively address ELLs has become 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 their ELL populations. In addition, even states with traditionally high proportions of ELLs have experienced such growth that ELLs are ubiquitous throughout the state and are 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” but 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.\(^1\)

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 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 researchers\(^2\) with significant experience in various aspects of policy and practice regarding the education of ELLs.


\(^2\) See membership of the Working Group on ELL Policy at the end of this document.
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 is developmental in nature, occurs over time, and is influenced both by time and by the type and quality of schooling, as well as by other conditions. Just as we cannot mandate that 5-year-olds master algebra, neither can we mandate that students with very limited understanding of English learn subject matter in English at the same rate as their English speaking peers. The developmental nature of language acquisition 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-kindergarten 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:

- ELLs 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 ELLs is critical to ensure academic success for these students.
- All students, including ELLs, must have access to high quality curriculum, effective instructional practices and teachers, and supportive school 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, and accountability provisions should not undermine this goal. 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.

Key Considerations in Reauthorization

Our recommendations focus on five areas of ESEA policy: identification and classification of ELL students; development of a stronger accountability system that fosters and accurately monitors improvement for these students; appropriate assessment of ELLs’ knowledge and skills in academic content; human capital policies to ensure access to high-quality teachers and teaching; and the capacity-building role of Title III.

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3 We recognize that other factors, such as socioeconomic status and quality and type of prior schooling, affect English acquisition, but time and schooling are the key factors for the educational system.
Major Issue: Current Identification and Reclassification Procedures Produce an Unstable ELL Subgroup Population.

Current policies and practices for the identification and reclassification of ELLs undermine both accountability judgments and evaluations of practices and programs. The composition of the ELL subgroup suffers from a revolving door effect, as more proficient students exit the group and less proficient students enter. Not acknowledging and addressing this fact limits our ability to learn from successful practices as well as to monitor the progress of ELLs with continuing needs.

Our recommendation is to stabilize ELL subgroup membership for accountability purposes, to monitor student achievement at each language proficiency level, and to require consistent, reliable, and valid identification procedures within states at a minimum and across states to the extent possible. Maintaining a consistent ELL subgroup designation will result in more accurate information about performance and progress of the subgroup, thus enhancing program evaluation and improvement. Continuing to monitor progress of ELLs throughout their school careers recognizes the developmental nature of second language acquisition and will allow for better service delivery to students at all levels of English proficiency. This new reporting system would allow schools and districts to better track the progress of students who are not yet English proficient, as well as the progress of students who have achieved English proficiency. This approach will also help ensure that schools and districts don’t exit students from the ELL category prematurely, because regardless of English language proficiency they will continue to be counted as part of the subgroup for accountability purposes.

**Recommendation 1:** Require states to establish stable ELL subgroup membership for accountability purposes and monitor student achievement at distinct English language proficiency levels.

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 members of the ELL subgroup for accountability purposes for the duration of their schooling in the state; and (3) distinguish among ELL students by language proficiency level in order to monitor student achievement at each level—including the English proficient level—and to focus delivery of appropriate linguistic and academic support services.

**Recommendation 2:** Require that states adopt criteria for identification and classification of ELLs that are uniform and standardized within a state at a minimum and across states to the extent possible, and that minimize the role of subjective judgments.

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. These assessments should be built around rigorous English language proficiency standards that are themselves related to the language demands of the state’s academic achievement standards.

**Major Issue: Faulty Expectations About Language and Academic Outcomes in Accountability Systems.**

Current Title III accountability provisions for attaining English language proficiency do not require states to take into account realistic developmental trajectories based on available empirical data. Furthermore, current Title I provisions set unattainable expectations for academic achievement that are independent of an ELL’s level of English language proficiency. A fully responsive accountability system would set ambitious and realistic expectations in both English language proficiency and content area achievement, taking into account the length of time that students have been receiving services in the state. Realistic expectations are set by a thoughtful consideration of existing growth data and ambitious goals for improvement.

Our recommendations therefore incorporate time explicitly into both Title III and Title I accountability provisions for ELLs. Specifically, they argue for accountability provisions that require states to set expectations for: (1) students’ progress and attainment in English language proficiency based on time in the state, and (2) students’ academic performance based on their *expected* English language proficiency level (determined by number of years in the state), or their *actual* English language proficiency level (if higher than the expected level). Arbitrary and unrealistic standards undermine the credibility of the accountability system and demoralize teachers and students. Setting data-based, realistic performance standards strengthens accountability. These recommendations, if adopted, will help states to set challenging but achievable linguistic and academic progress goals for students at each level of English language proficiency with a clearly delineated timeline, thus motivating teachers to provide appropriately differentiated content area instruction at grade level for students at each level of language proficiency.

**Recommendation 3: Incorporate time explicitly into ESEA accountability provisions for the acquisition of English language proficiency and require states to establish expected timeframes for the development of English language proficiency.**

States should use existing empirical data to establish appropriate timeframes for each student to attain English language proficiency. These timeframes should take into account both the students’ initial English language proficiency level and their grade when first identified as an English language learner. 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*. In addition, to ensure that all ELLs are making continual progress, schools, districts, and states should be required to report the percentage of students who are long-term ELLs (defined as students who are still not fluent English proficient after 5 years of being designated as ELL), and to set annual targets for reducing this percentage.
Recommendation 4: For each ELL assessed in English, incorporate English language proficiency into accountability provisions for content area achievement using the expected timeframes established in Recommendation 3.

Require states to set expectations for ELL students' academic performance based on their expected or actual level of English language proficiency, as described in the previous recommendation. Content area achievement expectations should be grade- and content-area specific, as the impact of limited English proficiency on academic performance varies by subject matter and grade (e.g., ELLs with lower levels of language proficiency have more difficulty demonstrating content knowledge in English language arts compared to mathematics, and this difficulty increases at higher grade levels). This more responsive and precise accountability policy will allow states to specify developmental academic achievement expectations for ELL students as they progress on a structured timeframe through language proficiency levels to the fluent English proficient level.

There are several ways for states to accomplish this. For example, a state could use a progressive benchmarking approach to propose academic performance standards for ELLs based on their expected English language proficiency level by time in the state. In this approach, states would use existing data to propose annual academic performance levels that benchmark a high probability that a student would attain a progressively higher performance level in the next year such that at the end of the specified timeframe for attaining English language proficiency, the student would also be expected to attain the grade-level standard on the academic content assessment. States would then monitor and report on the percentage of students meeting their academic performance benchmark and expected English language proficiency level by time (see next recommendation). An alternative approach involves weighting or indexing expected English language proficiency progress with academic progress over time.4

Recommendation 5: Require states to hold schools and districts accountable for ELLs’ attainment of Title I content-area achievement expectations taking into account students’ level of English language proficiency.

In light of Recommendations 3 and 4 above, which specify the linguistic and academic progress and attainment criteria for each ELL student based on their expected or actual English language proficiency level, states should be fully able to integrate accountability for English language acquisition into Title I. Specifically, states should be expected to establish ambitious and realistic annual growth targets in order 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 meet established standards on academic

4 Such weighting approaches might allow English language proficiency (ELP) progress to serve initially as a proxy for English language arts (ELA) performance in cases where students newly enter the state at Title I-tested grades with the lowest levels of English language proficiency.
content tests, and (4) improving academic progress and achievement outcomes on content area assessments in English for students in the non-English-proficient language bands. Establishing meaningful developmental performance expectations for students will require that the USED develop regulations, with the assistance of experts in the field, for establishing these benchmarks based on state data systems.

**Major Issue: Need to Support States and Districts with an Interest in Bilingualism.**

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.

**Recommendation 6:** 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.

**Major Issue: Improper Use of Assessments for Including ELLs in Academic Testing.**

The use of content assessments that are not reliable and do not yield valid inferences for ELLs undermines the accountability system and leads to inappropriate educational decisions for ELLs. 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 provide inferences of comparable reliability and validity for ELL and non-ELL students.

**Recommendation 7:** 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 submit evidence of this comparability for their content assessments to USED for approval. States should eliminate assessments and practices that yield invalid inferences or are unreliable for use with ELLs. However, in no case should a state be allowed to forego assessing its
ELLs for accountability purposes. The state and the test maker must certify that the validity of the tests to be used for the assessment of ELLs’ academic achievement are consistent with the APA/AERA/NCME Standards for Educational and Psychological Testing, a widely accepted standard of practice in the educational testing field.

**Recommendation 8: In the interim until a state’s content assessments can be certified as comparable for use with all levels of ELLs and English speakers, or until students achieve a level of English proficiency that allows them to participate meaningfully (i.e., have sufficient command of English to demonstrate what they know and can do on the content area assessments), states should use appropriate accommodations and alternate assessments for math, science, and any other non-ELA assessments that are given to all students.**

States must implement accommodations and assessment practices for ELL students that are responsive to their specific linguistic needs and that have been shown to yield valid inferences about what they know and can do. States should be encouraged to use native language and/or bilingual assessments as accommodations for students for whom such accommodations can yield valid inferences, 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 9: Strengthen the peer review process with respect to the assessments and assessment practices for ELLs.**

The USED 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 USED and to the peer review panels. The peer review panels must include members who have demonstrated expertise in the assessment of ELLs.

**Major Issue: Lack of Teachers Properly Trained to Address the Needs of ELLs.**

English language learners must have opportunities to learn rigorous, relevant, grade-level content in all academic areas (i.e., 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-area 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.

**Recommendation 10:** 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.

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 11:** 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 (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.

**Recommendation 12:** In ESEA provisions regarding the evaluation of teacher effectiveness, require specific measures of teachers’ effectiveness in meeting the linguistic and academic needs of ELLs.

Mechanisms for measuring teacher effectiveness are moving toward incorporating student achievement data. The capacity of teachers to meet the needs of English language learners must be a component in all mechanisms for determining teacher effectiveness. 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.
**Major Issue: Title III Needs a Greater Capacity-Building Role to Assist States, Districts, and Schools in Meeting the Linguistic and Academic Needs of ELLs.**

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. Title III can help address this need through a range of knowledge development, infrastructure support, and professional development activities.

**Recommendation 13: Focus Title III of ESEA on building national, state, and local capacity to ensure that ELLs acquire the language competence needed for academic success. ESEA, under Title III, should support the development of many more teachers from students’ language communities.**

Research has shown that it is more efficient and effective to train teacher candidates who possess the language and cultural knowledge of students’ communities in pedagogy than to teach language and cultural knowledge to existing teachers. Moreover, there is substantial evidence that teachers who can communicate and informally assess students and engage their families bring critical skills to the classroom, regardless of the instructional approach being utilized. Ability to include parents in the education of their children is one of five key teacher competencies identified by the field. With the reauthorization of ESEA, the USED has the opportunity to deepen the pool of such teachers through a targeted recruitment program. Such teachers should also be proficient and literate in English.

**Recommendation 14: 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.**

**Recommendation 15: Support districts and schools who want 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

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5 Taylor et al., 2010.
student academic achievement standards, support districts and schools that want 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 will also help build the multilingual resources that the nation needs for a globally competitive economy.

Recommendation 16: 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.
Appendix A: Working Group on ELL Policy

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