This document is a supplement to the May 25, 2010, recommendations prepared by the Working Group on ELL Policy (attached at the end of this document, Appendix A). Those recommendations addressed 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. In this document we answer questions likely to arise from our recommendations.

IDENTIFICATION AND CLASSIFICATION Q & A

Recommendation 1: Require states to establish stable subgroup membership for students who are or have been ELLs, and to use this subgroup for accountability purposes while also monitoring student achievement at distinct English language proficiency levels.

1. What are the benefits of establishing an accountability subgroup, the Total English Learner (TEL) group, that includes students who have reached proficiency in English (English proficient learners, or EPLs) as well as current English language learners (ELLs)?

Response: The reason for establishing an aggregate group of students who are or have been ELLs is to help ensure that schools and districts monitor the progress of all these students and do all they can to help them succeed. The current approach to re-designating ELL students and exiting them from the subgroup actually works against this goal. We recommend holding schools and districts accountable for the continued progress of all students who enter the educational system as non-fluent English speakers throughout their schooling. This recommendation will improve accountability for ELL success in three ways:
a. **Maintaining consistent subgroup designation will result in more accurate information about performance and progress of the subgroup, thus enhancing program evaluation and improvement efforts.** Currently, membership in the ELL subgroup fluctuates as more proficient students are exited from the group and less proficient students enter. This fluctuation – which is unlike any other accountability subgroup – systematically depresses the performance of the identified group, undermining both accountability judgments and evaluations of practices and programs. If the more successful students are systematically removed from the subgroup category, it is impossible to determine which schools, districts, and practices are successful for these students, and to track ELL performance over time. The current approach is particularly problematic for monitoring graduation rates and college readiness for ELLs because the more proficient and generally more successful ELL students are often re-designated several years prior to graduation and thus are not included in the subgroup statistics.

b. **Continuing to monitor the 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.** There is no question that a student’s proficiency in English influences her ability to learn content presented in English and to demonstrate what she has learned through participating in achievement assessments given in English. This situation is temporary for any given child and is resolved as the student develops proficiency in English, which results from participation in effective schooling. Even after reaching proficiency on a state English language proficiency test, English proficient learners (EPLs) will continue to gain the deeper competence in English needed to meet grade level standards set for native speakers of English. It is critical that states and districts continue to support and monitor these students beyond the current two-year monitoring timeframe to ensure that they continue to advance academically.

c. **Establishing a TEL subgroup will increase fairness and legitimacy of the accountability system.** Accurate information is essential to a fair and legitimate accountability system. Increasing the accuracy of subgroup monitoring (see above) would enhance the fairness and acceptance of the accountability measures, as both successes and continued challenges would be acknowledged and included in determinations of progress. In addition, forming a TEL subgroup increases fairness by ensuring that more schools and districts serving these students are actually held accountable for their performance. Currently, many schools and districts are not held accountable for the ELL subgroup because these students are too few in number to yield statistically reliable subgroup information. Under our recommendation, the Total English Learner (TEL) subgroup in these jurisdictions will become large enough to meet the statistically required group size and far more schools and districts will be accountable for their both their ELLs and EPLs under Title I than is currently the case.
2. Would this change influence current funding allocations under Title III?

Response: Title III funds would continue to be allocated based on the number of English language learners (ELLs), and not including English proficient learners.

3. If English proficient learners are included in a Total English Learner subgroup, isn’t there a risk that educators and others will continue to see these students as English language learners? Doesn’t this risk stigmatizing them?

Response: No, TEL monitoring should have no effect on individual students. TEL is an aggregate term that will be used for subgroup accountability only and will never be applied to any individual student. Former English language learners will be called English proficient learners (EPLs), a designation that in fact recognizes their accomplishment in acquiring English.

A deeper issue behind this question is the fear that both English language learners (ELLs) and English proficient learners (EPLs) will be stigmatized because they are not native speakers of English. This danger stems from a long-standing “deficit” view of ELLs that emphasizes their initial limited proficiency in English rather than the linguistic and cultural resources that they bring to their own education, to their schools, and to the nation. This historical stigma has been exacerbated by continued low expectations and inadequate instruction in our schools that has denied ELLs access to high standards and effective instructional programs. To the extent we can strengthen our accountability system and foster equal access to high quality standards, we will be working against this stigma. Our recommendations to improve the accuracy of subgroup information and the monitoring of ELLs and EPLs are designed to serve this purpose.

4. If you continue to retain the subgroup accountability designation for students who have attained a proficient score on the English language proficiency (ELP) test, won’t this make it more difficult to monitor the progress (or lack of progress) of lower-proficiency ELLs? How do we ensure that schools and school systems are serving the needs of these students?

Response: Our recommendation addresses this issue by recommending new public reporting requirements. This new reporting system would allow schools and districts to better track the progress of students who are not yet English proficient (ELLs), as well as the progress of students who have achieved English proficiency (EPLs). We believe this disaggregation of the data for educational decision-making is essential for differentiation of instruction to meet the linguistic and academic needs of all students in the subgroup.

In addition, we propose that one other outcome be used for reporting purposes in order to ensure that districts are fully serving all ELLs who are not yet proficient – require states, schools and districts to report percentages of students who are long-term ELLs, defined as those students who are still limited English proficient after 5 years of being designated as ELL. Requiring this statistic will help to ensure that
these students are identified and supported adequately, rather than stagnating at lower levels of English language proficiency and, as is often the case, of academic performance.

With respect to burden, while this recommendation does call for some additional reporting, we do not believe that the disaggregation will increase the reporting burden significantly. States are already being asked to break down achievement by multiple variables for many new federal and state programs. Once the requisite data systems are in place, the reporting itself will become routine. Yet this routine reporting will provide the information needed for educators to differentiate instruction to better meet the diverse needs of their ELL students.

Recommendation 2: 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.

1. **Our state law allows local districts to define criteria for classifying students as ELL. What is the rationale for taking away this local decision-making authority?**

   **Response:** When identification and classification procedures are allowed to vary 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. Presently, such variation exists within many states with respect to the measures, procedures, and criteria used to identify children as language minorities and subsequently as “limited English proficient.” For example, many states, districts (and even schools within districts) may use different survey instruments to identify the linguistic-minority children to be initially tested, different “screener” assessments to classify these students as ELLs, and different assessments and combinations of assessments to reclassify students as English proficient (e.g., assessments of language proficiency as well as standardized state content area assessments, non-standardized content area assessments, course grades, and teacher judgment). Standardized identification processes within the state will allow for greater comparability across districts, for more consistent support for ELLs who move between districts in a state, and for more robust interpretations of the data at the state level.

   It is important to note, however, that state criteria for identification and classification are not intended to replace professional judgment, formative assessment, and other appropriate local measures for determining the most appropriate instructional settings and interventions at the district and school level.

2. **Given that you recommend students initially classified as ELLs remain in the subgroup for accountability purposes for the duration of their schooling, it is

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1 While we use the more commonly accepted term English language learner throughout this document and our recommendations, “limited English proficient” students is the terminology currently included in ESEA legislation.
critical to develop valid and reliable measures and methods to determine whether language minority students are in fact limited in their English proficiency at entry into the state’s schools. What specific recommendations do you make to ensure that this is the case?

Response: The first step is to have a valid and reliable method for determining which students are language minority, those who come from homes where languages other than (or in addition to) English are spoken. Home language surveys are usually used for this purpose. Methods for identifying whether students are language minority should be standardized, and surveys should include information regarding both parents' and children's use of home languages other than English. The survey should be available in the home languages of parents in the district. If adults do not have sufficient literacy skills to complete a written survey, then oral language interviews should be conducted in the parents' home language.

Once students' language-minority status has been established, the second step is to assess their level of English language proficiency. The purpose of this step is to determine whether each language minority student is sufficiently English proficient to benefit fully from academic instruction in English or should be classified as ELL in order to receive specialized language instruction and instructional support in academic content. To ensure that this process is valid and reliable, we recommend that states be required to provide convincing validity evidence that: 1) their English language proficiency standards properly align to reading/language arts standards, and align with the language demands reflected in other academic content standards; 2) their academic content standards sufficiently describe the academic language needed to demonstrate content knowledge and skills; and 3) the English proficient standard on the state ELP assessment has been set so as to ensure that any student meeting the standard for English proficiency has a reasonable expectation of also meeting the state performance standard on the English reading/language arts content assessment. Finally, we recommend that the federal government utilize its infrastructure for technical assistance to support states in meeting these requirements.

3. Determining a student's level of English language proficiency (and possible exit from services) should not be based on a single test result. However, your recommendation appears to suggest that we only use an ELP test to make this determination. Why?

Response: We are not recommending that one ELP test result be used to determine whether students are limited in English proficiency. Our recommendation is that each state be required to adopt uniform methods and criteria to be used across all their schools and districts for classifying students into English language proficiency categories. These methods may include multiple measures of language proficiency to appropriately screen students into the ELL category and to determine their level of language proficiency. One of these measures must be the statewide ELP assessment, which should be built around rigorous language proficiency standards.
that are themselves related to the demands of the state’s academic achievement standards.

Moreover, rules for classifying students as ELL should be based only on the evaluation of students’ language skills, and should minimize the role of subjective human judgments. For some special cases (particularly for pre-school and kindergarten children who have been identified as ELL), however, we recommend states have the option to make “provisional” classifications, to provide specialized instructional services to these students, and reassess within the first year if local evidence suggests students may have been mistakenly classified as ELL. This will help ensure long-term accuracy of ELL classifications.

4. Your recommendations state that students should be reclassified based solely on English language proficiency and not in part on a minimum level of performance on the academic achievement tests. Why?

Response: Some states and districts use content area performance in their criteria for ELL reclassification to ensure that students are not exited from the ELL group and services before they are ready to be successful in content area instruction in English. While the goal is laudable, the practice is deeply problematic for reasons of construct validity, measurement, and accountability. Combining ELP and content area performance to determine English learner status makes it impossible to disentangle progress in the acquisition of English language proficiency from progress in content area achievement in English language arts, mathematics, science, or social studies.

Separating these two types of performance is necessary to help target instructional support and to foster the academic achievement of ELLs. For example, excessive numbers of students deemed proficient in English who are not meeting criteria for proficiency in content area achievement may signal poor instructional practices or inadequate alignment between the state’s language proficiency test and the language demands of the academic content standards. By looking at language proficiency and academic achievement separately – and not confounding the two in ELL classification – states, districts, and schools can more appropriately address the needs of ELL students at all levels of English language proficiency and academic achievement.

At the same time, we recognize that some ELP tests do not adequately measure students’ preparation for grade appropriate content instruction in English. For this reason, we recommend English language proficiency standards and assessments be more rigorously related to academic content standards and assessments. Although such a relationship is already required under Title III, there are currently no adopted criteria for, nor has there been enforcement of, those requirements. One promising way to ensure that ELLs are prepared to succeed in grade-appropriate

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Some states and districts also use academic achievement measures to initially classify newly arrived middle and high school students as ELL.
academic content in English is to ensure that the language demands integral to success in the content areas are represented in English language proficiency assessments.

ACCOUNTABILITY Q & A

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.

1. **What evidence supports setting a timeframe of five full academic years for students to achieve English proficiency?**

   Response: Empirical research using pre-NCLB measures suggests three to five years for oral fluency and four to seven years for academic English-language proficiency that includes academic literacy measures. Using English Language Proficiency (ELP) assessments from the newer-generation of assessments used for Title III accountability, several states have established expected timeframes of four to five academic years based on data from their own students. Our recommended timeframe of five academic years is based on the best data presently available and represents a challenging but achievable goal.

2. **Will the same timeframe work for all students? For example, ELLs entering U.S. schools at higher grade levels, but with beginning levels of English proficiency, might take longer to become English proficient than students entering at earlier grade levels. Conversely, ELLs entering with higher initial English proficiency levels and those with strong native language skills might take less time to reach full English proficiency.**

   Response: The time required for the acquisition of English language proficiency is affected by many factors, including how language proficiency is defined and measured as well as a variety of individual student characteristics. We acknowledge that because of these factors, individual ELLs will progress in their language proficiency at different rates (e.g., ELLs entering with lower English proficiency at higher grades may have more difficulty in meeting this timeline compared to ELLs entering with higher English proficiency at lower grades), and the magnitude of these differences may depend on the type and quality of instruction students receive. For these reasons we do not recommend setting a high-stakes accountability target for the ELL subgroup that 100% of the students meet this five-year goal; rather, we recommend that states establish expectations based on their state data, examine current local education agency (LEA) performance, and set challenging but achievable targets that will lead to progressively higher percentages of ELLs achieving proficiency in English within the specified timeframe.
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.

1. **How can we allow states to have different achievement performance expectations for different students? It seems unfair that different students in the same grade might have different performance expectations.**

   **Response:** We are not suggesting that ELLs be held to different standards of performance in schooling outcomes. In fact, we are saying that all ELLs should achieve proficiency in English in a reasonable timeframe (see Recommendation 3), and that all students who began school as ELLs should meet grade level performance standards no later than when they become proficient in English (or are expected to, based on their initial English proficiency level and time in the state). Recommendation 4 addresses how to build an accountability system that sets challenging but achievable content area achievement expectations for students while they are developing proficiency in English. Our proposal differs from current practice in that it takes into account the amount of time that the student has been learning English and level of English language proficiency upon entry. For individual students, this time frame would be no more than five years.

2. **Why should content area achievement expectations for ELLs be different from those for monolinguals during the period of time that ELLs are acquiring proficiency in English?**

   It is clear from existing longitudinal studies of state data that ELLs’ chances of meeting the state’s academic performance standards improve significantly as they become proficient in English.

   Several factors contribute to this relationship, the most important being the fundamental role that language plays in knowledge acquisition and content mastery in all academic domains. Educators are responsible for ensuring that all linguistic minority students become proficient in English if they are not proficient in English when they enter school. But it takes time for children to acquire English proficiency (see Recommendation 3) even in the best language instruction settings. The current federal accountability provisions ignore these developmental factors. As a result, current accountability systems set unrealistic academic performance expectations for students who are not yet proficient in English.

   The current “one standard for all students at all times” accountability provisions define one extreme of the continuum of accountability systems for ELLs. At this end, accountability systems ignore progress students make towards content area achievement standards until they reach academic proficiency. Such systems under-report progress and discourage students and educators. (In fact, growth models were introduced during the current authorization of ESEA precisely to address these problems; our recommendation resolves these problems as they relate to ELLs.)
the other extreme of the continuum, accountability systems could be designed to ignore academic achievement expectations for ELLs until they become proficient in English (e.g., not measuring achievement of ELLs until they attain proficiency in English). Such systems divorce second language development from progress in content area achievement and also have detrimental consequences for ELL achievement.

Our recommendations aim to make growth models meaningful for ELLs and to foster accountability systems that avoid these extremes through developmental targets and a clear timeframe for moving ELLs to the grade-level performance standard.

3. **If states determine content-area performance expectations that are differentiated by English proficiency level and grade, won't this create a very complex and confusing set of varying expectations for educators, parents, and students to understand?**

A system with developmental expectations is more complex than the current “one standard for all students at all times” approach, but that complexity is inherent in a rigorous progress model. Such a model more accurately reflects reality, and sends fairer and more motivating signals to both educators and ELLs regarding achievement expectations and outcomes. Establishing meaningful developmental performance expectations for students requires that each state examine the relationship between academic achievement and language proficiency within their state data. State data systems have the necessary information, but have not been used well for this purpose. There are multiple approaches that states might take to accomplish this objective. For example, states might define graduated expectations on the achievement test for ELLs at different levels of language proficiency in each grade. Alternatively, states might develop a system for weighting performance on the language proficiency test and performance on the achievement test, with increasing weight assigned to the achievement test as students’ time in the school system increases. Still other approaches – for example, defining expectations that combine growth and status – are possible.³

4. **If language proficiency and academic achievement are so closely connected for ELLs, why do we need to assess both domains for ELLs who are not yet proficient in English? Why not just give the ELP assessment until children become English proficient and then assess achievement?**

**Response:** As mentioned above, delaying achievement testing for ELLs until they become proficient in English is undesirable because it divorces second language development from academic achievement, leaves ELLs’ achievement progress unexamined, and represents an extreme position for an accountability system. Achievement results from the prior year are an important predictor of subsequent year academic achievement over and above prior year language proficiency results.

³ Empirically based models are currently being developed using existing state data and will be made available in subsequent publications.
That is, we know more about how a student is likely to perform academically in a subsequent year by taking into account both their prior year achievement performance and their prior year performance in English language proficiency. This very fact highlights the importance of assessing the academic achievement of ELLs before they attain proficiency on the ELP assessment, since language is only one factor that affects achievement. If achievement is not measured for ELLs until they are proficient in English, teachers will be discouraged from focusing content area instruction on ELLs until that time, which will negatively affect ELLs’ academic progress.

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.

1. **Why should students at different levels of English proficiency be held to different expectations about content-area achievement? Isn’t this holding some students to lower standards than others?**

Response: The current accountability provisions in Title I establish the same proficient status bar for all ELL students regardless of expected or current English proficiency level relative to their time in the state. While this may appear to be rigorous accountability, it actually ignores the developmental role that language proficiency plays in content area learning and that schooling plays in the acquisition of language proficiency. It distorts true progress by ignoring linguistic and academic performance gains below the proficient level, and it is enormously demoralizing and de-motivating to both students and teachers.

The goal-setting and motivation research stresses the value of establishing challenging but achievable goals for individuals in order to ensure optimal progress. Setting goals that are unachievable in the time frame provided, or that are too low, both lead to less progress toward a goal than setting goals that are challenging but achievable. By setting challenging but achievable goals for students at all levels of proficiency with a clearly delineated timeline for achieving proficiency in English and on the content area achievement tests, teachers will be motivated to provide content area instruction at grade level for students regardless of their level of language proficiency and to develop students’ academic language in service of content area achievement, and students will be motivated to engage in both language and content area learning.

Whatever timeframe is established and whatever performance thresholds are put forth, states should base these elements of their accountability system on their existing data. Moreover, states should be held accountable for consistently improving the academic achievement performance of ELLs at each level of English language proficiency, as reflected by increasing the percentage of students at that level of English language proficiency who also meet the achievement benchmark that has been established for that level. Benchmarks should be developed based on the highest performing districts in the state.
For the system as proposed to be maximally effective, it is essential that the language proficiency standards be closely tied to the language demands that must be met for students to reach grade level proficiency standards on content area achievement tests.

2. **Currently, data about English language learners’ English language proficiency is reported at the district level, and districts receiving Title III funds are accountable for the language proficiency and academic progress of these students. Under your plan, who will be held accountable for the academic and linguistic progress and achievement of these students -- the school, the district, or both? And at what levels would public reporting occur?**

**Response:** Accountability and public reporting provisions for the TEL subgroup – and public reporting for the ELL and EPL subgroups that comprise it – should extend to the lowest level (i.e., school or district) at which the number of students is large enough to ensure valid inferences and protect individual student identities. We propose that the established n-size be the same as for all other Title I accountability and reporting requirements. For example, to determine the performance of the ELL subgroup, results of ELL students, based on their individual English language proficiency or academic core content progress benchmarks as described above, would be aggregated into a single outcome and reported at both school and district levels, assuming sufficient n-size. Likewise, with respect only to academic outcomes, EPL results would be calculated and – if sufficient n-size exists – reported at the school level, and aggregated across schools to the district level. Finally, TEL subgroup results comprising both ELL and EPL results would be calculated at the school and district levels – again assuming sufficient n-size – for both accountability and reporting purposes.

We recommend placing accountability for the TEL subgroup under Title I, including both content area achievement results for EPLs and achievement and language proficiency results for ELLs. However, it would also be possible to retain Title III’s current accountability provisions for ELL progress in learning English and attaining the English proficient level within Title III and add them as currently defined to Title I’s accountability framework.

3. **Why move accountability for ensuring ELL progress in learning English and attaining English language proficiency into Title I?**

**Response:** At present, accountability for ELLs’ academic progress and language proficiency is split between Title I and Title III. This separation allows ELLs not served by Title III to be neglected and weakens the incentives for states to coordinate their English language proficiency standards and their academic achievement performance standards.

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4 Schools or districts could further disaggregate ELL results by English language proficiency bands, grade levels, etc., in order to discern where progress falters and the most pressing learning needs exist, but this would be done for internal management purposes, not for accountability or public reporting purposes.
4. **How would such a system operate?**

**Response:** We recommend that the content area performance expectations to which a child is held in a given year be a function of the child’s grade in school and either their expected level of English language proficiency, or their current level if higher. This connection between language and content area achievement necessitates that Title I collect language proficiency data for all ELLs receiving Title I services.

We also recommend that states set content area performance expectations for students at each level of English proficiency. Title I accountability provisions need to recognize and build on the causal role that English language proficiency plays in the acquisition and mastery of academic content in English language arts, math, science, and social studies.

This objective can be accomplished in at least two ways. For example, the Title III requirements for progress in learning English and attaining the English proficient level (currently AMAOs 1 and 2, respectively) could be moved into Title I and related to Title I academic progress and achievement criteria. Alternatively, Title I accountability provisions could require states to utilize ELP progress and attainment data derived from the English language proficiency assessment currently mandated under Title I (Section 1111 (b)(7)) in establishing academic progress and achievement expectations for ELLs. Since these ELP progress and attainment results should come directly from Title III accountability provisions, these provisions could remain within Title III.

Either approach would notably improve Title I AYP's current status bar model, which ignores meaningful academic progress below the proficient level, omits defining time frames for attaining English proficiency, and devalues setting reasonable achievement expectations for ELLs as they work to acquire proficiency in English. Also, integrating or aligning Title III accountability provisions with those of Title I would enhance the meaning and utility of Title I AYP results for ELLs; end the isolation of Title III accountability; and more precisely and quickly target Title I’s substantial resources on the academic and linguistic learning needed for ELLs to make steady progress toward proficiency on a pre-specified timeframe.

**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.

1. **How should states determine the appropriate timeframe for achieving linguistic and academic competence in two languages when students are being educated in both languages? How can educators avoid creating lower progress expectations for ELLs in bilingual programs?**

Current state data systems have only limited information with which to address these questions. However, data exists in other countries that have been committed for
many years to fostering multilingualism in their societies. Also, some districts and schools within states have more extensive data systems that track students’ language and achievement performance in multiple languages. These data systems can be used to establish initial benchmarks and to put in place the necessary assessment and data systems for building and refining accountability models for schools, districts, and states committed to this objective. While this adds some complexity to the accountability system, it addresses the current provisions that lack flexibility for schools, districts, or states to pursue goals related to bilingualism.

ASSESSMENT Q & A

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

1. **Since ELLs’ academic performance is fundamentally affected by their English proficiency, how could academic assessments in English ever have the same level of reliability and validity for ELLs as for non-ELLs?**

   Validity and reliability of assessments in English for ELL students will probably never be equivalent to validity and reliability for English speakers being assessed in English, but they can approach a reasonable equivalence for more advanced English language learners with accommodations appropriate for the student’s level of English language proficiency. Some measurement error is associated with all assessments in whatever language they are administered, but the error should not be substantially greater for ELLs assessed in English than it is for English speakers. If it is, the assessment should not be conducted in English without appropriate accommodations. Standards for validity equivalence should be set by a panel of second language acquisition and psychometric experts in conjunction with the ELL Expert Committee on Assessment and Accountability (see Recommendation 9, Q1 for details on our recommendation for this committee).

2. **What are examples of assessments and assessment practices in core content that produce valid and reliable information about ELLs?**

   **Response:** Accommodations research findings have been encouraging but mixed. For example, researchers have found a 20 to 25 percent reduction in the academic performance gap between ELLs and non-ELLs when ELLs use English dictionaries and glossaries. However, approaches that simplify the language complexity of English assessments vary in impact, and it is difficult to disentangle the reasons for this. Because English language learners are a diverse group of students, the types and combinations of assessments that maximize reliability and validity will also vary. Research is beginning to distinguish which ELLs benefit from which sets of accommodations. An urgent first task of the ELL Expert Committee on Assessment and Accountability will be to commission a review of the scientific literature on assessment accommodations for ELLs (see Recommendation 9, Q1 for details on our recommendation for this committee).
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, states should use appropriate accommodations and alternate assessments for math, science, and any other non-ELA assessments that are given to all students.

1. **Current law allows ELLs to receive accommodations as part of the assessment process. What is different about this proposal?**

   **Response:** While current law allows accommodations, this proposal would require that appropriate accommodations (i.e., those reviewed and accepted by an expert panel) be used in all cases with ELLs who do not have sufficient English to be tested on academic subject matter in English in a manner that yields valid and reliable inferences about their knowledge.

2. **For administering content assessments during the interim period, what are examples of accommodations and assessment practices that have been shown to increase the validity of inferences that can be made from assessments for ELLs?**

   **Response:** Test accommodations are intended to support students’ access to the content of the test without providing unfair advantage. For ELLs language is a key barrier and appropriate accommodations should provide linguistic access to the test items without invalidating the test construct.

While the research on specific accommodations for ELL students is limited, state policies, nonetheless, specify a range of available accommodations for content assessments that may or may not support ELLs’ linguistic needs. In defining accommodations for ELLs several factors need to be considered: 1) the heterogeneity of the ELL population; 2) all ELLs cannot benefit from the same accommodations; and 3) accommodations for ELLs need to be clearly distinguished from those intended for special education students. For example, an ELL at an early stage of learning English and with limited literacy skills in English will not benefit from the availability of a dictionary as might an ELL who has an intermediate or advanced level of ELP. Also, increasing print size or adjusting lighting will not support ELLs’ need to access the language needed to interpret the test content. The most recent descriptive study of state accommodation policies indicates that while states are making progress in using a framework that clearly distinguishes ELLs from students with disabilities, more focus is needed on matching accommodations to ELLs’ level of English language proficiency, including level of literacy in English. State assessment practices that can increase in the validity of inferences made from content assessments given with accommodations include: (1) monitoring accommodations provided for each content assessment; (2) examining student achievement data to evaluate effectiveness of each accommodation; and (3) disaggregating these data by students’ levels of English language proficiency to assess the extent to which particular accommodations support students at different levels of ELP.
In addition, there are promising practices that can be used while ELLs gain sufficient command of English to be tested in English only. Such practices providing alternative means of assessing ELLs with limited English language proficiency include: (1) side by side bilingual tests\textsuperscript{ix}; (2) portfolio assessments, such as systematically collected representations of student work in longitudinal portfolios\textsuperscript{x}; (3) performance assessments that allow students to demonstrate knowledge in content areas through non-linguistic means, such as drawing answers, conducting a science experiment or solving an equation presented orally in the language of the student\textsuperscript{xi}; (4) written tests that have been made more accessible through reduced linguistic complexity\textsuperscript{xii}; (5) computer-adapted assessments that allow a test to be calibrated to the English level of the student, as well as pop-up glossaries in both English and the native language\textsuperscript{xiii}; and (6) print dictionaries in both the native language and English\textsuperscript{xiv}. In all cases, however, when additional print materials are provided, additional time must also be allotted for the student to take the test.

**Recommendation 9: Strengthen the peer review process with respect to assessments and assessment practices for ELLs.**

1. **What is the best method to accomplish this?**

   **Response:** The Working Group recognizes the complexity of developing assessments and assessment systems that yield valid and reliable results for ELLs and understands that this will be an incremental process. Ensuring that the best decisions are made with sufficient quality assurance will require the knowledge and deliberation of the best expertise in the country on these issues, over an extended period of time.

   Our recommended mechanism is the establishment of an independent ELL Expert Committee on Assessment and Accountability (ELLECAA) appointed by the Secretary and selected from a recommended list provided by the National Academy of Sciences, the National Academy of Education, professional associations, and ex officio membership from key offices in the Department of Education. This committee will be charged with the following: (1) advise the Secretary on the development and approval of standards pertaining to ELLs for use by the Secretary in the review and approval of statewide accountability systems required by Section 1111; (2) advise the Secretary on the development of regulations and guidance pertaining to the inclusion of ELLs in assessment and accountability systems; (3) advise the Secretary on the formation of Title I peer review panels with regard to the inclusion of ELL experts and processes; and (4) advise the Secretary to conduct research directly relevant to the implementation of ESEA accountability provisions for ELLs, and, with the approval of the Secretary, commission such research.

**HUMAN CAPITAL Q & A**

**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.

1. **Why should mainstream teachers be required to address the needs of English language learners? Isn’t this what English-as-a-second language (ESL) teachers are supposed to do?**

   **Response:** ESL teachers help ELLs acquire English language proficiency, which is only part of the educational needs of ELLs. Civil rights law, following *Lau v. Nichols* (1974) mandates that educational programs meet both the language and the content needs of ELLs. Currently five states—Arizona, Florida, New York, California, and Pennsylvania—require that all teachers have training in working with ELLs.\\(^{xv}\) Mainstream teachers, as the content instruction experts, have the obligation to help ELLs learn academic content. By providing meaningful and accessible instruction, they also make a contribution to ELLs' English language development. Furthermore, the Common Core Standards ([http://www.corestandards.org/](http://www.corestandards.org/)) places responsibility for literacy demands into the content areas, including science and social studies, so that language and literacy needs of students are addressed not just by ESL teachers and English Language Arts teachers, but also within the other content areas.

2. **What knowledge and skills do content area teachers need to effectively educate ELLs? How can states ensure that all teachers of core content have the requisite knowledge and skills?**

   **Response:** In addition to meeting the requirements specified in law and policy for content area teachers, content area teachers with ELLs in their classrooms need to be prepared to use instructional strategies that make content accessible to ELLs and help students develop academic English language proficiency through content instruction. Moreover, teachers who are fluent in the language of the students are assets, and if they are instructing in students’ native language, they must be highly proficient and instructionally competent in the native language of the students. These competencies should be integrated into state credential and training requirements for teachers.

**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.

1. **Why is this important?**

   **Response:** While Title III provides grants to school districts for professional development in the area of English-as-a-second-language (ESL) and to teacher programs for pre-service teachers serving ELLs, ESEA as currently authorized has no provisions calling for teachers of ELLs to be certified in English-as-a-second-language, nor does the law require educators who teach students in classes that develop their English proficiency to meet the “highly qualified” requirements under
federal law. This presents a significant educational equity challenge in that many teachers of ELLs teach out of field. For example, in California, a state with approximately 25% of the ELL students in the country, “a survey conducted in September, 2009 found more than 11,000 teachers teaching out of field from 2003-2007, accounting for more than half of all out-of-field assignments during that period in the state.”

In contrast to this current reality found in many states, both federal case law and a recent research synthesis have established that providing ELL students with explicit, systematic instruction in English as a second language is both a central educational responsibility and a critical support for ELLs’ academic success. Moreover, current federal law requires states to have English-language proficiency standards, aligned state ELP assessments given annually to ELLs, and increasing accountability targets for ELLs’ learning English and attaining English-language proficiency. Finally, the long-established professional development work of professional organizations such as Teachers of English to Speakers of Other Languages (TESOL) to ESL teachers in K-12 settings, as well as recognition of the discipline by the National Board for Professional Teaching Standards, which certifies K-12 teachers in English as a new language, all point to the need to recognize that ESL is a core academic subject area that is essential for ELLs, and should be treated as such with respect to federal highly qualified teacher requirements.

Recommendation 12: In ESEA provisions regarding the evaluation of teacher effectiveness, require states to specifically assess teachers’ effectiveness in meeting the linguistic and academic needs of ELLs.

1. **What factors are important to consider in assessing teacher effectiveness with ELLs?**

   **Response:** 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 described in the answers to questions 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, as discussed in the accountability section above.

Recommendation 13: Focus Title III of ESEA on building national, state, and local capacity to ensure the 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.
1. **Why should ED support efforts to recruit and develop teachers from students’ language communities?**

**Response:** It is more efficient to train teachers who already possess the language and cultural competencies of their students than to teach teachers the language and culture of their students. The ability to communicate in the same language and in culturally appropriate ways with one's students and their families is a clear teaching asset.

### CAPACITY BUILDING Q & A

**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.

1. **You recommend that a funding stream similar to the former Title VII fellowship and professional development funding be established. Why is this funding important?**

**Response:** It is critical to develop a cadre of highly trained educators because of the growing numbers of ELLs in U.S. schools, the challenge that schools have had in meeting their annual yearly performance (AYP) targets for these students, and the need that these districts and schools have for technical assistance to help educate ELLs to high standards.

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.” While there are growing numbers of ELLs, thirty percent of the schools held accountable for annual 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.

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. Furthermore, research indicates a lack of infrastructure and personnel at the university level for adequately addressing the preparation and professional development needs of teachers of ELLs.

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 by ensuring there are a cadre of trained educators prepared to lead
schools and school systems serving ELLs, provide school and district supports for ELL students, and prepare personnel for careers in teacher education, policy, evaluation, and measurement relevant to this population.

Recommendation 15: Support districts and schools that want to use Title III funds to develop language-minority students’ native languages as well as English.

1. You recommend that districts be allowed to use Title III funds to develop language minority students’ native languages as well as English. What evidence is there that developing language minority students’ native and heritage languages won’t impede their English language development?

Response: When well designed and implemented, bilingual approaches have been found to be more effective than English-only approaches in developing English literacy skills in second language learners. Five quantitative syntheses show that compared to immersing children in English, teaching them to read in their native language as well as in English produces superior results in English reading achievement. Additionally, no syntheses have found advantages for English language and literacy learning through English-only programs.

However, while bilingual instructional services can be very effective, they have sometimes been implemented poorly, have employed teachers without the necessary language or pedagogical skills, or have not paid sufficient attention to both first and second language acquisition or academic learning. Regardless of program type, districts and schools must have the support and infrastructure they need to thoughtfully implement instructional services that are based on sound research and theory and that best meet the assessed needs of their ELL students. Districts and schools must also have the capacity to monitor students to ensure they are making adequate progress in meeting high academic standards and to appropriately adjust programs if students are not meeting these high academic standards.

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.

1. What is a program of national activities and why is this important?

Response: The purpose of a program of national activities is to create capacity throughout the nation to more effectively address the needs of language minority students. The various domains in which this capacity building for ELL success is important include: demonstration projects for developing and scaling up effective practices, graduate fellowships to train leaders in this area, and the development of data systems for monitoring progress. Activities funded through this program could take the form of cooperative projects between institutes of higher education or other
nonprofits and school districts to develop, evaluate, and disseminate effective practices in the domains listed above.

A program of national activities is an important and viable arena for federal investment for several reasons. First, neither local districts nor universities and nonprofits generally have the capacity to develop, test, and disseminate effective practices on their own; yet they can greatly benefit from working together, especially with external fiscal support. Second, knowledge gained by such collaboration in one jurisdiction can be shared with and used in other jurisdictions across the country, reaping a long-term national capacity-building benefit as well as a local one. Finally, the competitive grant process will help encourage both quality and innovation.

2. **What principles should guide the selection of activities funded under this initiative?**

   **Response:** We suggest that the principles embodied by *Castañeda vs. Pickard* be invoked for this purpose. When applied to the capacity-building activities described above, these criteria translate in the following way: They must be based on “a sound educational theory” and extant research evidence; must be “implemented effectively,” with adequate resources and personnel; and must, after a trial period, be evaluated as effective in improving the capacity of individuals and systems in ways shown to be associated with positive educational outcomes for ELLs.
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.\(^5\)

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\textsuperscript{6} 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 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.\textsuperscript{7} 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.

\textsuperscript{6}See membership of the Working Group on ELL Policy at the end of this document.

\textsuperscript{7}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.
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.

Issues and Recommendations

**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.
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.  

**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 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.

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8 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.
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 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.

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.⁹ 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.**

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⁹ Taylor et al., 2010.
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 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.

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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.
The Working Group on ELL Policy

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