



LULAC Elementary and Secondary Education Act (ESEA) Recommendations

Presented:
March 26, 2010

Washington, D.C.

Title I

Academic Assessments and Accommodations

- **Recommendation 1: If more than 25% of a district or state's ELL student population is of a particular language group, then the state shall be required to develop a valid and reliable native language assessment for reading/language arts, mathematics, and science, designed specifically for that language group.**

Rationale: Currently, ESEA requires states to offer assessments in the language and form most likely to yield accurate data “to the extent practicable.” This current language is unclear, and as a result, there have been few states have developed or provided academic assessments that are appropriate for ELL students, causing the data on which accountability is primarily based to be flawed. This recommendation sets a clear threshold for states to ensure that appropriate assessments are made available to ELLs.

- **Recommendation 2: State plans must include the identification and use of any assessment accommodations that are offered to ELLs, including evidence of their effectiveness in yielding valid results for ELLs.**

Rationale: The most frequently used accommodations by states are not necessarily those that have been found to be the most effective in validly reducing the testing gap between ELLs and non-ELLs. In many states, the same accommodations are used in assessing both ELLs and students with disabilities, notwithstanding the differences in these populations. States should both ensure and demonstrate that the accommodations used for both ELLs and students with disabilities are appropriate for each population.

- **Recommendation 3: Require that state plans include descriptions of how states will:**
 - a. **Provide specific guidance to districts and schools regarding appropriate assessment accommodation practices, and**
 - b. **Develop professional development plans for school personnel in the use of accommodations for English language learners.**

Rationale: School districts, teachers and administrators do not currently receive adequate guidance and preparation in the administration of accommodations to ELLs and students with disabilities. In addition, some research indicates that accommodations are most effective when they have been integrated into daily classroom instruction, suggesting that training teachers in how to best incorporate such accommodations into their pedagogy is critical.

Accountability

- **Recommendation 1: For accountability purposes, schools shall include in the limited-English-proficient (LEP) category: 1) current ELLs and 2) former ELLs who have exited the LEP category within the last three years.**

Rationale: In September 2006, the U.S. Department of Education released final regulations concerning the inclusion of ELLs in accountability. This flexibility credits schools that have demonstrated progress in helping ELLs attain English language proficiency and exit the LEP category by allowing schools to count the scores of ELLs who have exited the LEP category within the last three years for accountability purposes.

- **Recommendation 2: Require states and districts to set a consistent minimum subgroup size, “n-size,” of 30 for all subgroups (economically disadvantaged, each racial/ethnic group, LEP students, students with disabilities) in determining whether they are meeting progress associated with new accountability measures.**

Rationale: Currently some states have set distinct minimum subgroup sizes for certain groups of students instead of setting a consistent n-size for all subgroups. In particular, n-sizes for ELLs and students with disabilities, who are among the most vulnerable subgroups, are more likely to have a higher n-size than other subgroups. For example, Alaska and Minnesota use an n-size of 40 for ELLs and students with disabilities (SWDs) but use an n-size of 20 for other subgroups. Other states that employ such disparate n-sizes include Missouri, New Jersey, Ohio, Oklahoma, South Carolina, Washington, and Wisconsin. Such practices allow for an alternative, less rigorous accountability system for such subgroups.

- **Recommendation 3: Codify the Department of Education’s regulation defining the one-year exemption from the reading test on recently arrived ELLs.**

Rationale: This regulation represents common-sense policy. Schools should have one year to provide instruction and other academic supports for recently arrived ELLs to demonstrate whether or not their programming is effective. Any less time would be unfair to schools, and more time would place ELLs in jeopardy of falling through the cracks.

Graduation Rates

- **Recommendation 1: Adopt a four-year cohort graduation rate as a common formula for all states. In addition, allow schools to use a five-year graduation rate for students who meet the following criteria:**

- Students who are identified as LEP; and,
- Who entered the U.S. school system at the 9th grade or above; and,
- Who have experienced interrupted formal education prior to entering the U.S. school system; and
- Who are participating in effective extended learning programs, such as afterschool, summer school, and/or weekend classroom instruction, or in a newcomer school that has been recognized by the state for effectively instructing ELLs and mitigating the effects of interrupted formal education.

- *Rationale:* According to research, an estimated 2.7 percent of the high school student population nationwide is made up of newcomer students (Fix & Ruiz de Velasco, 2001). In addition, 10.6 percent of high school ELLs may have interrupted formal schooling (Zehler et al., 2003). Such students may have limited literacy skills, even in their native language, and must overcome tremendous challenges to graduate from high school on time. Although the NGA graduation rate formula allows states to assign recent immigrants who are ELLs and students with disabilities to different cohorts, we suggest that an extended graduation rate is only necessary for certain ELLs, such as those who enter the U.S. school system at the 9th grade or above and who have limited formal education. Otherwise, schools should be held accountable for ensuring that all students graduate within four years.

- **Recommendation 2: Codify Department of Education regulation that requires states, districts, and schools to disaggregate graduation rates based on subgroup, including LEP status, for accountability determinations.**

Rationale: In order to effectively monitor and discourage push-out and dropout rates that may increase in a test-driven accountability system, it is critical to calculate and include disaggregated graduation rates for accountability purposes. A successful high school should demonstrate progress in academic achievement as well as graduation rates. Tracking of graduation rates among Latinos and ELLs is especially significant, due to their disproportionately low graduation rates.

- **Recommendation 3: Codify Department of Education regulation that requires states, districts, and schools to disaggregate graduation rates based on subgroup, including LEP status, for reporting purposes.**

Rationale: For similar reasons as those above, it is critical to publicly report disaggregated graduation rates for accountability purposes in order to effectively monitor and discourage push-out and dropout rates that may increase in a test-driven accountability system. A successful high school should demonstrate progress in academic achievement as well as graduation rates. Tracking of graduation rates among Latinos and ELLs is especially significant, due to their disproportionately low graduation rates.

Middle School Interventions

- **Recommendation 1: Develop a funding stream dedicated to improving low-performing middle schools in low-income communities with high populations of English language learners.**

Rationale: According to the National Center for Education Statistics, 42% of eighth grade Latino students are below basic achievement levels in reading proficiency and 45% are below basic levels in math. This rate is alarmingly high, particularly since research confirms that success in sixth through eighth grades is imperative to ensuring success in high school and college. In fact, studies show that sixth-grade students who do not attend school regularly, have poor conduct scores, or who fail math or English, have a only a 10% chance of graduating on time. Clearly, without effective interventions into middle school services, resources, and curriculum, Latino students will continue to be at a high risk for dropping out.

Public Reporting and Parental Involvement

- **Recommendation 1: For the purpose of public reporting of student academic performance, the LEP category shall be disaggregated into the following:**
 - 1) Students who have been identified as an LEP student for at least five years
 - 2) LEP students who enter U.S. school system at 9th grade or above
 - 3) Students who have exited the LEP category within the last three years
 - 4) Recent arrivals who are ELLs who have been in the U.S. school system for less than 12 months

Rationale: The LEP category is diverse in its composition, and their academic achievement, as measured by State assessments, may vary as a result of the length of time in U.S. schools, as well as the grade in which the student first enrolled in a U.S. school. Moreover, recent

federal regulations have allowed schools to include students who have been redesignated as fully English proficient within the last two years in the LEP category, further muddling the category. To ensure parents can reliably evaluate the extent to which a school is effectively educating its ELLs, report card data should include disaggregated data of LEP students.

- **Recommendation 2: Require the Department of Education to identify and publish examples of exemplary state report cards and dissemination practices that effectively communicate student progress for culturally and linguistically diverse families.**

Rationale: Parents play a principal role in ESEA's accountability system. The data included in state and district report cards have the potential to help parents hold their children's school accountable. However, this data is typically not presented and shared with parents, especially parents of ELLs, in a meaningful way. States, districts, and schools can benefit from model report cards and dissemination practices to guide their own capacity in sharing data and information with parents and other stakeholders.

- **Recommendation 3: Provisions related to parental involvement and notification must comply with Title VI of the Civil Rights Act of 1964.**

Rationale: Schools and districts are required to provide information that will enable them to better participate in their children's education. This information is required to be sent to parents in a format and language the parents can understand. However, many schools and districts fail to fulfill this responsibility. Ensuring that all information complies with Title VI of the Civil Rights Act of 1964 can help ensure that parents are receiving information in a format and language that is accessible.

Family Literacy

- **Recommendation 1: Strengthen the William F. Goodling Even Start Family Literacy Program (Even Start) to ensure ELL children and families have access to effective early childhood and adult education programs.**

Rationale: There is clear evidence that a child's academic success is directly linked to parental levels of education and income. Even Start serves the parents who are least prepared to take an active role in their children's education and gives them the skills they need to ensure that their children enter school ready to learn and is helping Hispanic families across the country achieve the American dream. Thousands of families have acquired literacy and job skills and have reached their educational goals through the Even Start family literacy program. ESEA reauthorization presents an opportunity to improve and expand the program to more vulnerable families.

- **Recommendation 1: Ensure that SEA's provide professional development to help educators work most effectively with English language learners.**

Rationale: In order to meet the requirements of ESEA teachers must be better prepared to meet the unique linguistic and academic needs of ELL students. Support must be provided to expand teacher preparation, program administration, research and evaluation, and curriculum development in the field of language acquisition. States should ensure that bilingual/English-as-a-second-language teachers, as well as mainstream teachers who are increasingly likely to have an ELL student in their classroom, are adequately prepared to instruct ELLs.

- **Recommendation 2: Provide incentives to Institutions of Higher Education (IHE's) and Minority Serving Institutions (MSI's) to institute teacher training programs that attract diverse students into teacher education programs.**

Rationale: To improve student achievement, schools of education must graduate teacher candidates who are prepared to teach our nation's increasingly diverse K-12 student population. The HEC has gone on record to recommend state's use federal funds to develop teacher diversity initiatives. In addition, the HEC has recommended to establish a competitive grants program to help create Centers of Excellence at high-quality minority-serving institutions to strengthen and improve teacher preparation programs for the purpose of increasing minority teacher recruitment, development, and retention. Centers would be developed at Historically Black Colleges and Universities, Hispanic-Serving Institutions, Tribally Controlled Colleges and Universities, and minority-serving institutions where there is substantial enrollment of minority, low-income students.

- **Recommendation 3: Increase the supply of teachers certified to provide instruction to ELLs, including those who teach science, technology, engineering, and math (STEM), by providing financial support to encourage excellent teachers to enter the teaching profession.**

Rationale: Providing financial support to prospective teachers can help increase the pool of teachers and address shortage areas, such as math, science, special education, and English language acquisition.

- **Recommendation 4: Provide incentives to LEA's to develop career ladder programs targeted at developing the skills and qualifications of bilingual and English as a Second Language (ESL) educators.**

Rationale: The establishment of a career ladder can help prepare more teachers in effective instruction practices, including strategies in instructing ELLs, by building on the expertise of more experienced teachers. Concurrently, a career ladder can further elevate the teaching profession by allowing teachers to grow in their field as they assume more responsibility in supporting the professional development of other teachers.

- **Recommendation 1: Increase the authorization of appropriations to \$2,000,000,000.**

Rationale: To ensure that federal funding increases to meet the demands of a large and growing ELL student population, and to increase the amount of money spent per ELL child from the current \$90 per student to approximately \$250 per student, supplementing state and local funds needed to adequately educate ELLs.

- **Recommendation 2: Formula Funding: Changes should be made to the formula to enable “new-growth” districts to share in Title III funding.**

Rationale: There has, over the past 15 to 20 years, been substantial and often dramatic growth of the ELL population in “non-traditional” areas of this country, particularly in the Southeast and Midwest, but in other areas of the country as well, and in rural districts. Those districts are among those which desperately need technical assistance and professional development in order to serve this new population effectively. **For example, there could be a trigger to allow supplemental funding to these states and districts based on percentage growth of the ELL population.**

- **Recommendation 3: Create competitive grants for innovative programs to serve ELLs. Grants shall be administered for states to develop programs such as: innovative and effective instruction programs, including dual language programs; professional development programs to help educators work with ELL students & families; and early college high school programs or secondary programs effective at serving late entrant ELL and immigrant students.**

Rationale:

As ELL students become a greater portion of the K – 12 student populations there is a high need for effective programs to serve these students. Ensuring that programs with a demonstrated ability in working with ELL students are available across the country is essential for closing the achievement gap between ELLs and their peers.

- **Recommendation 4: Administration of OELA shall be moved to its previous position within the Title III office.**

Rationale: Having a strong OELA that advocates for English language learners within the Department cannot be overstated. This is important both substantively and symbolically for especially to the population of Hispanic students, other English language learners, and the educators who work with them. The HEC strongly advocates for an investment of new resources and qualified staff to rebuild OELA so that it can resume the responsibility of administering the Title III state grants.

TITLE V

- **Recommendation 1:** The Parental Information & Resource Centers and Local Family Information Centers should be retained and improved for ELL students and their parents by allowing translation of supplementary education materials.

Rationale: To clarify that Parental Information and Resource Centers should serve parents of ELLs and add the translation of materials to LEP parents as an allowable use of funds for the PIRCs and LFICs.

- **Recommendation 2:** Title V should include a Immigrant Parent Integration and Support Programs to support immigrant parents of students in Title I schools. The Secretary shall make grants to, and enter into contracts and cooperative agreements with, local nonprofit organizations to enable the organizations to help ensure that immigrant parents of students in schools assisted under Title I, part A have the training, information, and support they need to understand the United States public school system and participate effectively in helping their children to meet challenging State standards.

Rationale: To ensure that immigrant parents understand the U.S. school system, particularly their roles and responsibilities under ESEA.

Charter Schools

- **Recommendation 1:** Charter schools demonstrate in their program design that they have programs in place to address the language and cultural needs of all ELL students and not just those who are already at the edge of English proficiency.

Rationale: Nearly half (45%) of Latino children in the United States are ELLs, ensuring that programs with a demonstrated ability in working with ELL students are available across the country is essential for closing the achievement gap between ELLs and their peers. This standard should be extended to Charter schools as well as traditional public schools.

- **Recommendation 2:** Charter schools demonstrate that their administrators and teachers are fully qualified to be teachers of ELL students including the teaching of English and content instruction to ELL students.

Rationale: States should ensure that students within charter schools have the same access to bilingual/English-as-a-second-language teachers, as well as mainstream teachers, who are adequately prepared to instruct ELLs.

- **Recommendation 3:** Charter schools demonstrate that they have aggressive outreach programs that reach the parents of potential ELL students in their home language and that assist those parents who are interested in negotiating the charter school lottery process.

Rationale: Statewide data consistently shows that Charters enroll fewer English learners than traditional schools and many do not differentiate their program or their instruction to address the various English proficiency levels of their students.

- **Recommendation 4:** Charter schools shall have programs and staffing designed to work

with non-English speaking parents so that they can be full partners in their children's education.

Rationale: Ensuring that the parents of ELL students, including those parents who are non-English speaking, is critical to the success of the student. Research has shown that students with active and engaged parents or guardians are less likely to do poorly in their academic work and subsequently to drop-out of school.

TITLE VI

- **Recommendation 1: Establish a separate funding stream for the development of content-area assessments for ELLs, with priority given to states with the highest numbers and largest percentage growth of ELL students.**

Rationale: To ensure that schools are being held accountable based on valid performance data, increased development of content-area assessments for ELLs is critical. Although assessment of ELLs has been required since the Improving America's Schools Act of 1994, few states have made progress in the development and availability of valid assessments for ELLs.



League of United Latin American Citizens

National Office
2000 L Street, NW, Suite 610
Washington, DC 20036
(202) 833-6130 – (202) 833-6135 (fax)
www.lulac.org