

# The Working Group on ELL Policy

<http://ellpolicy.org>

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To: Senator Tom Harkin Chairman  
Senate Committee on Health Education Labor and Pensions  
428 Dirksen Senate Office Building  
Washington, DC 20510

Senator Michael Enzi  
Ranking Member  
Senate Committee on Health Education Labor and Pensions  
428 Dirksen Senate Office Building  
Washington, DC 20510

From: The Working Group on ELL Policy (listed below)

Date: October 26, 2011

re: The Reauthorization of the Elementary and Secondary Education Act

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As researchers with extensive experience in educating English Learners (ELs) and a substantial understanding of the research on effective instruction, assessment, and accountability for ELs, we offer our comments on the draft bill of the Elementary and Secondary Education Act (ESEA) on behalf of this underserved and growing student population.

We must begin by reminding ourselves that the federal role in providing equal educational opportunity for these children goes back in Congress to the ESEA of 1968 and through the courts to the 1974 unanimous U.S. Supreme Court decision in *Lau v. Nichols*. As the Supreme Court noted in that decision, English Learners need both English language skills and meaningful access to academic content. Since *Lau*, we have improved in our ability to provide appropriate services to ELs due to combined federal, state, and local leadership and oversight, yet there is a long way to go. The needs have grown steadily with the growth of the population of ELs across the country. Indeed, recent Census figures show new and large EL population growth in states that lack the experience or capacity to address EL needs. Providing a high-quality education to ELs is a responsibility for educators at all levels, but the federal role must remain strong. Now is not the time to weaken our focus on this important subgroup of students, as we fear the proposed revisions will do.

We applaud the draft's intent to address the problematic accountability provisions of the current ESEA (the No Child Left Behind Act). These provisions of the law have been a blunt instrument, particularly with respect to the EL population, generating inaccurate performance results, perverse incentives, unintended negative consequences, and inadequate support for schools and school districts. Notwithstanding these flaws in present accountability structures, a strong federal framework is still needed to ensure that all educators are given clearer signals about and held accountable for their students' academic performance and, in the case of ELs, their progress toward English language proficiency as well.

An important provision outlined in the proposed bill requires states to align their English language proficiency standards with their content area standards. This alignment is essential if educators are to attend to the linguistic and academic needs of English learners, and we acknowledge the importance of these new requirements. But a solid accountability framework must also be in place to ensure that EL students are making adequate progress toward both English language proficiency and academic proficiency within a reasonable timeframe. To ensure EL students' continuous improvement and ultimate achievement, the law must require states to set reasonable time frames for ELs to progress in and attain English language proficiency; set academic progress expectations that take into account their progressing level of English language proficiency; and continuously increase the percentage of ELs meeting these expectations to levels comparable to those of high-performing districts. In addition, Title I and Title III should include reporting requirements for English learners at all language proficiency levels – beginning, intermediate and advanced – in which English proficiency and academic content outcomes are reported out. To ensure authentic accountability, the law must also require reporting the long-term performance of students that have exited EL status and services. This will ensure that districts and schools appropriately monitor the academic and linguistic progress of their EL populations and make timely modifications to their instructional programs when necessary.

The proposed bill also introduces requirements for teachers that address the inequitable distribution of highly qualified teachers across and within districts and that promote robust teacher evaluation systems that take student achievement into account. Such provisions are necessary so that all students have access to effective teachers. These provisions could be strengthened for English learners by requiring that all teachers who work with this population be appropriately trained, as demonstrated by specific credentials in English as a second language (ESL), bilingual education, or specific training to develop both academic content and English proficiency in ELs.

We believe the provisions that identify parents as key stakeholders in their children's education improve current law. These provisions should be strengthened with special attention to parents and guardians of English learners. Research has shown that language minority parents are very concerned about their children's education but often struggle to become involved. Federal policy should require districts and schools to develop plans for including these parents, and should ensure that communication with language minority parents takes place in a language and form they can understand.

In summary, we appreciate the efforts made by the Senate to create a bill that considers the needs of all students. We believe these efforts can be strengthened for English learners by having states: (1) set expectations and establish timeframes for ELs to reach academic and English language proficiency, (2) report on ELs' academic progress as well as their progress toward becoming English proficient, (3) establish requirements for teachers that ensure ELs are taught by teachers who are well-qualified and effective, and (4) ensure that schools make special efforts to involve parents and guardians of ELs. Addressing these key areas will ensure that the needs of English learners are met and that they have an equitable opportunity to succeed in our educational system and in our society.

Thank you very much for your attention.

*The Working Group on ELL Policy @ <http://ellpolicy.org>*

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