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IMPACT OF NO CHILD LEFT BEHIND ON ENGLISH LANGUAGE LEARNERS

HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY AND SECONDARY EDUCATION

COMMITTEE ON EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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C O N T E N T S

	Page
Hearing held on March 23, 2007	1
Statement of Members:	
Castle, Hon. Michael N., Senior Republican Member, Subcommittee on Early Childhood, Elementary and Secondary Education	2
Hinojosa, Hon. Reubén, a Representative in Congress from the State of Texas:	
Question for the record	70
Question for the record	76
Kildee, Hon. Dale E., Chairman, Subcommittee on Early Childhood, Elementary and Secondary Education	1
Scott, Hon. Robert C. "Bobby," a Representative in Congress from the State of Virginia:	
Question for the record	71
Question for the record	72
Statement of Witnesses:	
Ashby, Cornelia M., Director of Education, Workforce, and Income Security Issues, U.S. Government Accountability Office	4
Prepared statement of	7
Response to questions for the record	70
Guzman, Marta, Principal, Oyster Bilingual Elementary School	42
Prepared statement of	44
Response to questions for the record	72
Sánchez, Francisca, Assistant Superintendent of Curriculum and Instruction, San Bernardino County Superintendent of Schools Office	45
Prepared statement of	47
Young, Beverly, Ph.D., Assistant Vice Chancellor, Academic Affairs, California State University System	33
Prepared statement of	35
Response to questions for the record	73
Zamora, Peter, Co-Chair, Hispanic Education Coalition	28
Prepared statement of	30
Response to questions for the record	76
Response to questions for the record	78

IMPACT OF NO CHILD LEFT BEHIND ON ENGLISH LANGUAGE LEARNERS

Friday, March 23, 2007
U.S. House of Representatives
Subcommittee on Early Childhood,
Elementary and Secondary Education
Committee on Education and Labor
Washington, DC

The subcommittee met, pursuant to call, at 9:45 a.m., in room 2175, Rayburn House Office Building, Hon. Dale Kildee [chairman of the subcommittee] presiding.

Present: Representatives Kildee, Scott, Kucinich, Payne, Holt, Sánchez, Sarbanes, Hirono, Hare, Woolsey, Hinojosa, Castle, Platts, Wilson, Boustany, and Kuhl.

Also Present: Representatives McKeon and Heller.

Staff Present: Mark Zuckerman, Staff Director; Alex Nock, Deputy Staff Director; Jill Morningstar, Education Policy Advisor; Lloyd Horwich, Policy Advisor for Subcommittee on Early Childhood, Elementary and Secondary Education; Joe Novotny, Chief Clerk; Brian Kennedy, General Counsel; Lamont Ivey, Staff Assistant, Education; Ricardo Martinez, Policy Advisor for Subcommittee on Higher Education, Lifelong Learning and Competitiveness; Denise Forte, Director of Education Policy; Thomas Kiley, Communications Director; Lisette Partelow, Staff Assistant, Education; Rachel Racusen, Deputy Communications Director; Tylease Alli, Hearing Clerk; Adrienne Dunbar, Legislative Fellow, Education; Sally Stroup, Minority Staff Director; Robert Borden, Minority General Counsel; Kathryn Bruns, Minority Legislative Assistant; James Bergeron, Deputy Director of Education and Human Resources Policy; Steve Forde, Minority Communications Director; Jessica Gross, Minority Deputy Press Secretary; Taylor Hansen, Minority Legislative Assistant; Chad Miller, Minority Professional Staff Member; Susan Ross, Director of Education and Human Resources Policy; and Linda Stevens, Minority Chief Clerk/Assistant to the General Counsel.

Chairman KILDEE. A quorum being present, the hearing of the subcommittee will come to order.

Pursuant to committee rule 12A, any member may submit an opening statement in writing which will be made part of the permanent record. I now recognize myself.

I am pleased to welcome my fellow subcommittee members—Governor Castle—the public, and our witnesses to this hearing, The Impact of No Child Left Behind on English Language Learners.

English language learners face unique challenges. Like all children, they have to learn history, math, reading, science, and other subjects. They also have to learn a new language at the same time. Those challenges are not easy, and we owe it to those children to ensure that their schools have the resources and support to provide them with the education they need and deserve. In that regard, it is particularly important that we reverse the trend under the administration and recent Congresses of reducing funding for English language acquisition.

English language learners are a large and growing segment of our students. Today, there are about 5 million ELL students nationwide, representing about 10 percent of all public school students. About three-quarters of these students are Spanish-speaking. It might surprise some to know that most ELL students, 76 percent of elementary school ELLs, were born in the United States. Unfortunately, these students' academic performances is well below that of their peers, and ELL students have excessively high dropout rates due to many factors, one discouragement.

By 2025, ELL students may represent as much as 25 percent of all students, so it is no overstatement to say that for No Child Left Behind to succeed, in fact, for our country to continue to prosper, we must address this issue.

I believe that our witnesses today will provide us with valuable information on how NCLB is working for ELL students and what we need to know to make it work better. We will hear about critical issues concerning the validity and the reliability of assessments given to those students. One foundation of a successful No Child Left Behind is data, and if the data concerning ELL students' performances is not reliable, it will not help schools, school districts and States implement reforms for these students.

We will hear about how the Department of Education has been slow to provide States with the assistance they need to implement No Child Left Behind's provisions for ELLs and the status of recent efforts to correct that. We will hear about promising practices for training teachers of ELL students and for improving their academic achievement, and also from an outstanding bilingual public school here in Washington D.C., I hope that today's hearing will help us understand which issues require better implementation of No Child Left Behind and which might be addressed by changes to the law itself, particularly with regard to the testing of these students.

I look forward to working together with my ranking member, Mr. Castle, our full committee chairman and ranking member, Mr. Miller, and Mr. McKeon, and with all of the members on this committee on a bipartisan reauthorization of No Child Left Behind this year, and I believe that today's hearing is an important step in that process.

It is now my pleasure to yield to the ranking member, Governor Castle, for his opening statement.

Mr. CASTLE. Thank you, Chairman Kildee. I am very pleased to be here today with you and with an outstanding panel, and I wel-

come everybody to, I think it is, our second No Child Left Behind hearing of the week. It has been a long week here, not because of these hearings, but for other reasons, but I am pleased that we are using the time that we have to continue our preparation for the reauthorization of No Child Left Behind. I believe it is imperative that we examine all issues thoroughly, particularly through the hearing process. We began this process last Congress, and I am glad that we are taking another look at our Nation's limited English-proficient, LEP, students.

Let us not lose sight of the fact that No Child Left Behind was crafted under the guiding principles that all students can and deserve to learn. LEP students are no exception. Because of that, under NCLB, schools are held to higher standards and held accountable for the academic achievement of all of the children, including LEP students.

Indeed, the evaluation of this student subgroup is an essential component of our discussions going forward. As everyone here knows, the law makes it clear that LEP students should be tested in reading, language arts, and math as well as English language acquisition. At the same time, the law provides States and local school districts the flexibility to test these students in their native language for up to 3 years with an additional 2 years of native language assessment provided on a case-by-case basis.

I look forward to hearing today's testimony on what is happening in the field at the State and local levels. I am particularly interested in learning what it is that is happening to help raise the student achievement of LEP students. I believe, as others have said, that the law has evolved past the compliance stage, and we now must focus on what we can do in the classroom to meet the agreed-upon goals of the law. I would also be interested in learning more about the implications of actions taken by the U.S. Department of Education and recommendations that these actions be codified in the reauthorization.

Thank you for joining us so early this Friday morning. I look forward to your testimony.

I yield back, Mr. Chairman.

Chairman KILDEE. Thank you, Governor.

Without objection, all members will have 7 calendar days to submit additional materials or questions for the hearing record.

I would like now to introduce the very distinguished panel we have with us this morning.

Cornelia Ashby is the Director of Education, Workforce and Income Security Issues for the Government Accountability Office. Ms. Ashby joined GAO in 1973. In 1992, she was selected for the GAO Senior Executive Candidate Development Program, and in 1994, was appointed an Associate Director For Education and Employment Issues. She began her current position in 2000.

Peter Zamora is co-chair of the Hispanic Education Coalition, which unites 25 local and national organizations in support of improved educational opportunities for Latino students and families. He is also Regional Counsel for the Mexican-American Legal Defense and Educational Fund and a former bilingual credentialed teacher in the California public schools.

Dr. Beverly Young is the Assistant Vice Chancellor for Teacher Education and Public School Programs for the California State University System. She works to facilitate changes in teacher preparation within the 23-campus system. Prior to her work at the CSU Chancellor's Office, Dr. Young was a faculty member and teacher of education at California State University at Fullerton.

Maria Guzman is the principal at Oyster Bilingual Public Elementary School in Washington, D.C. Oyster School is internationally known for its curriculum in which all students learn in both English and Spanish. In 2006, Oyster was named a No Child Left Behind Blue Ribbon School.

Francisca Sánchez is Assistant Superintendent of Curriculum and Instruction in the San Bernardino County Superintendent of Schools Office in California. In 2002, she was named Inland Empire Educator of the Year. In 2003, she received the Valuing Diversity Award from the Association of California School Administrators.

We welcome all of our witnesses, and we will begin with Ms. Ashby. First, I will explain the light system here. Some of you are familiar with it. The green light will be illuminated when you begin to speak, and when you see the yellow light, it means that you have 1 minute remaining, and when you see the red light, it means your time has expired, and you need to conclude your testimony. We will let you finish your paragraph or your thought, but do try to finish at that time. Please be certain, as you testify, that you turn the microphone on and pull it close to you and turn it off when you are finished.

We will now hear from our first witness, Ms. Ashby.

STATEMENT OF CORNELIA M. ASHBY, DIRECTOR OF EDUCATION, WORKFORCE, AND INCOME SECURITY ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Ms. ASHBY. Mr. Chairman, and members of the subcommittee, I am pleased to be here this morning to present information from our July 2006 report on assessment of students with limited English proficiency.

Title I of the No Child Left Behind Act requires States to test all students in certain grades in language arts and mathematics and use the results as the primary means of determining the annual performance of States, districts and schools. These assessments must measure students' knowledge of the content of the State's academic standards. States are to show that increasing percentages of students are reaching the proficient level over time. States and districts are also required to measure separately the progress of specific groups of students, including limited English proficient students.

To make adequate yearly progress, each district and school must generally show that all students in each of the groups met the State's proficiency goal and that at least 95 percent of the students in each group participated in the assessments. Students with limited English proficiency did not meet State proficiency goals on language arts and mathematics tests in nearly two-thirds of the 48 States for which we obtained data.

Title I requires that students with limited English proficiency receive reasonable accommodations and be assessed to the extent practicable in the language most likely to yield accurate data on their academic knowledge. However, for language arts, students with limited English proficiency who have been in U.S. schools for 3 years or more must generally be assessed in English.

Title I also created a new requirement for States to annually assess the English language proficiency of all students identified as having limited English proficiency, and to clarify, "English language proficiency" is English proficiency in four areas—speaking, listening, reading, and writing.

Title III requires States to establish goals to demonstrate annual increases in students making progress toward attaining English language proficiency. States must establish English language proficiency standards that are aligned with the State's academic standards in order to ensure the States are requiring the academic language they need. In addition, Education requires that the State's English language proficiency assessment be aligned to its English language proficiency standards.

States have reported taking a number of steps to ensure the validity and reliability of academic assessments for students with limited English proficiency, but concerns remain. State efforts include ensuring that instructions, forms and questions are clear and not more linguistically complex than necessary, offering accommodations such as allowing students with limited English proficiency to use bilingual dictionaries and providing students extra time to complete tests and offering native language and alternative assessments.

Despite these efforts, Education's peer reviews and a group of experts we convened raised concerns regarding State efforts to ensure valid and reliable assessments. For example, the experts indicated that States are generally not taking the appropriate set of comprehensive steps to create valid and reliable assessments for these students. In addition, according to these experts, in our review of literature, research is lacking on what specific accommodations are appropriate for students with limited English proficiency as well as their effectiveness in improving the validity of assessment results. Further, the experts expressed concern about the extent to which alternative assessments are objective and comparable and can be aggregated with regular assessments.

With respect to English language proficiency assessments, in the 2005-2006 school year, 22 States used assessments or test items developed by 1 of 4 State consortia funded by Education. Eight States worked with test developers to augment off-the-shelf assessments to incorporate State standards. Fourteen States used off-the-shelf assessments, and seven States created their own. While States' test developers told us they developed these assessments using accepted practices, there was not sufficient evidence of their validity and reliability at the time of our review.

Education has offered States a variety of technical assistance, including training, peer reviews and monitoring visits to help States assess students with limited English proficiency, but it has issued little written guidance on how States are to assess and track the English proficiency of these students.

Education has also offered States some flexibility. For example, education does not require students with limited English proficiency to participate in a State's language arts assessment during their first year in U.S. schools. In addition, while these students must take a State's mathematics assessment during the first, a State may exclude their scores in determining whether it met its progress goals. Further, Education allows States to include for up to 2 years the scores of students who were formerly classified as "English limited proficient" when determining whether a State met its progress goals. Partly in response to recommendations in our 2006 report, Education has also initiated a partnership with the States and other organizations to support the development of valid assessment options for students with limited English proficiency.

Mr. Chairman, this completes my prepared statement. I will be glad to answer any questions.

Chairman KILDEE. Thank you very much.

[The statement of Ms. Ashby follows:]

United States Government Accountability Office

GAO

Testimony before the Subcommittee on Early Childhood, Elementary and Secondary Education, Committee on Education and Labor, House of Representatives

For Release on Delivery
Expected at 9:30 a.m. EDT
Friday, March 23, 2007

NO CHILD LEFT BEHIND ACT

Education Assistance Could Help States Better Measure Progress of Students with Limited English Proficiency

Statement of Cornelia M. Ashby, Director
Education, Workforce, and Income Security Issues

GAO-07-646T

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Highlights

Highlights of GAO-07-646T, a testimony before the Subcommittee on Early Childhood, Elementary and Secondary Education, Committee on Education and Labor, House of Representatives

Why GAO Did This Study

The No Child Left Behind Act of 2001 (NCLBA) focused attention on the academic achievement of more than 5 million students with limited English proficiency. Obtaining valid test results for these students is challenging, given their language barriers. This testimony describes (1) the extent to which these students are meeting annual academic progress goals, (2) what states have done to ensure the validity of their academic assessments, (3) what states are doing to ensure the validity of their English language proficiency assessments, and (4) how the U.S. Department of Education (Education) is supporting states' efforts to meet NCLBA's assessment requirements for these students.

This testimony is based on a July 2006 report (GAO-06-815). To collect the information for this report, we convened a group of experts and studied five states (California, Nebraska, New York, North Carolina, and Texas). We also conducted a state survey and reviewed state and Education documents.

What GAO Recommends

The GAO report recommended that Education (1) support research on accommodations, (2) identify and provide technical support states need to ensure the validity of academic assessments, (3) publish additional guidance on requirements for assessing English language proficiency, and (4) explore ways to provide additional flexibility for measuring annual progress for these students. Education generally agreed with our recommendations and has taken a number of steps to address them.

www.gao.gov/cgi-bin/getrpt?GAO-07-646T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Cornelia Ashby at (202) 512-7215 or ashbyc@gao.gov.

March 2007

NO CHILD LEFT BEHIND ACT

Education Assistance Could Help States Better Measure Progress of Students with Limited English Proficiency

What GAO Found

In nearly two-thirds of 48 states for which we obtained data, students with limited English proficiency did not meet state proficiency goals for language arts or mathematics in school year 2003-2004. Further, in most states, these students generally did not perform as well as other student groups on state mathematics tests for elementary students.

Officials in our five study states reported taking steps to follow generally accepted test development procedures to ensure the validity and reliability of academic tests for these students. However, our group of experts expressed concerns about whether all states are assessing these students in a valid manner, noting that some states lack technical expertise. Further, Education's completed peer reviews of assessments in 38 states found that 25 states did not provide adequate evidence of their validity or reliability. To improve the validity of these test results, most states offer accommodations, such as a bilingual dictionary. However, our experts reported that research is lacking on what accommodations are effective in mitigating language barriers. Several states used native language or alternate assessments for students with limited English proficiency, but these tests are costly to develop and are not appropriate for all students.

Many states implemented new English language proficiency assessments in 2006 to meet NCLBA requirements, and, as a result, complete information on their validity and reliability is not yet available. In 2006, 22 states used tests developed by one of four state consortia. Officials in our study states reported taking steps to ensure the validity of these tests. However, a 2005 Education-funded review of 17 English language proficiency tests found insufficient documentation of their validity.

Education has offered a variety of technical assistance to help states assess students with limited English proficiency. However, Education has issued little written guidance to states on developing English language proficiency tests. Officials in about one-third of the 33 states we contacted told us they wanted more guidance about how to develop tests that meet NCLBA requirements. Education has offered states some flexibility in how they assess students with limited English proficiency, but officials in our study states told us that additional flexibility is needed to ensure that progress measures appropriately track the academic progress of these students. Since our report was published, Education has initiated a partnership with the states and other organizations to support the development of valid assessment options for students with limited English proficiency.

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to present information from our July 2006 report on the assessment requirements of the No Child Left Behind Act (NCLBA) as they pertain to students with limited English proficiency.[1] An estimated 5 million children with limited English proficiency were enrolled in U.S. public schools during the 2003-2004 school year, representing about 10 percent of the total school population. They speak over 400 languages, with almost 80 percent of students with limited English proficiency speaking Spanish. These students often have language difficulties that interfere with their ability to succeed in school and, prior to NCLBA, were often excluded from statewide assessments. NCLBA's requirements have brought to the surface a number of challenges to assessing the academic performance of these students in a valid and reliable manner (that is, the assessment measures what it is designed to measure in a consistent manner).

Congress passed NCLBA with the goal of increasing academic achievement and closing achievement gaps. NCLBA required states to demonstrate that all students have reached the "proficient" level on a state's language arts and mathematics assessments by 2014, and states must demonstrate "adequate yearly progress" toward this goal each year. In addition, students from groups that traditionally underperform, including students with limited English proficiency, must meet the same academic progress goals as other students. For the first time, NCLBA also required states to annually assess the English proficiency of these students and to demonstrate that they are making progress toward becoming proficient in English.

My testimony today will focus on (1) the extent to which students with limited English proficiency are meeting adequate yearly progress goals, (2) what states have done to ensure that results from language arts and mathematics assessments are valid and reliable for students with limited English proficiency, (3) how states are assessing English proficiency and what they are doing to address the validity and reliability of these assessment results, and (4) how the Department of Education (Education) is supporting states' efforts to meet NCLBA's assessment requirements for

[1]GAO, *No Child Left Behind Act: Assistance from Education Could Help States Better Measure Progress of Students with Limited English Proficiency*, GAO-06-815 (Washington, D.C.: July 26, 2006).

these students. The information being presented today is from our July 2006 report.

In summary, students with limited English proficiency did not meet state proficiency goals on language arts and mathematics tests in nearly two-thirds of 48 states for which we obtained data in the 2003-2004 school year. Officials in 5 states we studied reported taking steps to follow generally accepted test development procedures to ensure the validity and reliability of their academic tests for students with limited English proficiency. However, a group of experts we consulted expressed concerns about whether all states were assessing these students in a valid manner. These experts noted that some states lack the technical expertise needed to ensure the validity of tests for these students. As evidence of the challenges states face, Education's completed peer reviews of 38 states found that 25 did not provide adequate evidence on the validity or reliability of test results for these students. We also found that, as allowed under law, most states offer accommodations, such as a bilingual dictionary, to these students in order to improve the validity of language arts and mathematics test results. However, our experts reported that research is lacking on what accommodations are effective for these students. With respect to English language proficiency assessments, many states were implementing new tests in 2006 to meet NCLBA requirements, and as a result, complete information on their validity and reliability was not available at the time of our review. Education has offered a variety of technical assistance to help states assess students with limited English proficiency. However, Education has issued little written guidance to states on developing English language proficiency tests. Officials in about one-third of the 33 states we contacted told us they wanted more guidance about how to develop tests that meet NCLBA requirements.

To help states assess students with limited English proficiency in a valid and reliable manner, our recent report included several recommendations. Education agreed with most of the report's recommendations and has taken a number of steps to address them. Specifically, Education has initiated a partnership with the states and other organizations to support the development of valid assessment options for students with limited English proficiency.

To determine the extent to which students with limited English proficiency were meeting adequate yearly progress goals, we collected school year 2003-2004 state-level data for 48 states, including the District of Columbia. With regard to assessments, we studied the testing practices of 5 states in depth (California, Nebraska, New York, North Carolina, and

Texas). We also directly contacted officials in 28 states to discuss their English language proficiency assessments and Education's guidance regarding these assessments. Further, we convened a group of experts to discuss states' efforts to implement valid and reliable academic assessments for students with limited English proficiency. These experts had significant technical and research expertise in assessment issues, and some had conducted research focused on students with limited English proficiency. We also interviewed Education officials and reviewed relevant Education documents. Finally, we interviewed officials from major test development companies and state consortia that are developing English language proficiency assessments and used a short e-mail survey to obtain information from the 50 states and the District of Columbia on their use of native language assessments. We conducted the review in accordance with generally accepted government auditing standards.

Background

Students with limited English proficiency are a diverse and complex group. They speak many languages and have a tremendous range of educational needs and include refugees with little formal schooling and students who are literate in their native languages. Accurately assessing the academic knowledge of these students in English is challenging. If a student responds incorrectly to a test item, it may not be clear if the student did not know the answer or misunderstood the question because of language barriers.

Title I of NCLBA requires states to administer tests in language arts and mathematics to all students in certain grades and to use these tests as the primary means of determining the annual performance of states, districts, and schools. These assessments must be aligned with the state's academic standards—that is, they must measure how well a student has demonstrated his or her knowledge of the academic content represented in these standards. States are to show that increasing percentages of students are reaching the proficient level on these state tests over time. NCLBA also requires that students with limited English proficiency receive reasonable accommodations and be assessed, to the extent practicable, in the language and form most likely to yield accurate data on their academic knowledge. In addition, for language arts, students with limited English proficiency who have been in U.S. schools for 3 years or more must generally be assessed in English. Finally, NCLBA also created a new requirement for states to annually assess the English language proficiency of students identified as having limited English proficiency.

Accurately assessing the academic knowledge of students with limited English proficiency has become more critical because NCLBA designated specific groups of students for particular focus. These four groups are students who (1) are economically disadvantaged, (2) represent major racial and ethnic groups, (3) have disabilities, and (4) are limited in English proficiency. These groups are not mutually exclusive, so that the results for a student who is economically disadvantaged, Hispanic, and has limited English proficiency could be counted in three groups. States and school districts are required to measure the progress of all students in meeting academic proficiency goals, as well as to measure separately the progress of these designated groups. To make adequate yearly progress, each district and school must generally show that each of these groups met the state proficiency goal and that at least 95 percent of students in each group participated in these assessments.[2] Students with limited English proficiency are a unique group under NCLBA because once they attain English proficiency they are no longer counted as part this group, although Education has given states some flexibility in this area.

Recognizing that language barriers can hinder the assessment of students who have been in the country for a short time, Education has provided some testing flexibility.[3] Specifically, Education does not require students with limited English proficiency to participate in a state's language arts assessment during their first year in U.S. schools. In addition, while these students must take a state's mathematics assessment during their first year, a state may exclude their scores in determining whether it met its progress goals.

Title III of NCLBA focuses specifically on students with limited English proficiency, with the purpose of ensuring that these students attain English proficiency and meet the same academic standards as other

[2]To be deemed as having made adequate yearly progress for a given year, each district and school must show that the requisite percentage of each designated student group, as well as the student population as a whole, met the state proficiency goal. Further, schools must also demonstrate that they have met state targets on other academic indicators, such as graduation rates or attendance. Alternatively, a district or school can make adequate yearly progress through the "safe harbor" provision if the percentage of students in a group considered not proficient decreased by at least 10 percent from the preceding year and the group made progress on one of the state's other academic indicators. States also use statistical procedures, such as confidence intervals, to improve the reliability of the results used to determine adequate yearly progress.

[3]On September 13, 2006, Education issued a final regulation on this flexibility. 71 Fed. Reg. 54188 (Sept. 13, 2006).

students. This title holds states and districts accountable for student progress in attaining English proficiency by requiring states to establish goals to demonstrate annual increases in both the number of students attaining English proficiency and the number making progress in learning English. States must establish English language proficiency standards that are aligned with a state's academic standards in order to ensure that students are acquiring the academic language they need to successfully participate in the classroom. Education also requires that a state's English language proficiency assessment be aligned to its English language proficiency standards. While NCLBA requires states to administer academic assessments to students in some grades, it requires states to administer English language proficiency assessments annually to all students with limited English proficiency, from kindergarten to grade 12.

Students with Limited English Proficiency Performed below Progress Goals in 2004 in Almost Two-Thirds of States

In nearly two-thirds of the 48 states for which we obtained data, students with limited English proficiency did not meet state proficiency goals in the 2003-2004 school year. Students with limited English proficiency met goals in language arts and mathematics in 17 states.[4] In 31 states, these students missed the goals either for language arts or for both language arts and mathematics (see fig. 1). In 21 states, the percentage of proficient students in this group was below both the mathematics and the language arts proficiency goals.

[4]In 7 of the 17 states, students with limited English proficiency met a state's adequate yearly progress goals through NCLBA's safe harbor provision—that is, by decreasing the percentage of students scoring nonproficient by 10 percent or more and showing progress on another academic indicator.

Figure 1: School Year 2003-2004 Comparison of Percentage of Students with Limited English Proficiency Who Achieved Proficient Scores in Language Arts and Mathematics with State-Established Progress Goals

Source: State 2003–2004 report cards available on state Web sites or data provided by state officials.

Notes: We obtained data for 42 states from their state Web sites and contacted state officials in 6 states to obtain these data. Three states did not report data in a format that allowed us to determine whether the percentage of students with limited English proficiency met or exceeded the annual progress goals established by the state.

When states reported proficiency data for different grades or groups of grades, we determined that students with limited English proficiency met a state's progress goals if the student group met all proficiency and participation goals for all grades reported. An Education official told us that a state could not make adequate yearly progress if it missed one of the progress goals at any grade level.

All of the states on the map where the proficiency percentage for students with limited English proficiency met or exceeded the state's annual progress goal also met NCLBA's participation goals.

We incorporated states' use of confidence intervals and NCLBA's safe harbor provision in determining whether the percentage of students with limited English proficiency achieving proficient scores met or exceeded a state's progress goals. If a state's published data did not explicitly include such information, we contacted state officials to ensure that the state did not meet its progress goals through the use of confidence intervals or through NCLBA's safe harbor provision. In the following 7 states, the percentage of students with limited English proficiency was below the state's annual progress goal for language arts or for both language arts and mathematics, but the student group met the state's requirements for progress through the safe harbor provision: Delaware, Idaho, Maryland, Massachusetts, Oklahoma, Rhode Island, and Utah.

We reported 2004–2005 school year data for Oklahoma, New Mexico, and Utah because we could not obtain data for the 2003-2004 school year. Data from Iowa, Massachusetts, and Rhode Island are for the 2002-2004 school years.

Rhode Island did not separately report participation rates for students with limited English proficiency. Instead, it reported that all students met the 95 percent participation goal.

We found that the percentage of elementary school students with limited English proficiency achieving proficient scores on the state's mathematics assessment was lower than that for the total student population in 48 of 49 states that reported to Education in school year 2003-2004. We also found that, in general, a lower percentage of students with limited English proficiency achieved proficient test scores than other selected student groups. All of the 49 states reported that these students achieved lower rates of proficiency than white students.[5] The performance of limited English proficient students relative to the other student groups varied. In 37 states, for example, economically disadvantaged students outperformed students with limited English proficiency, while students with disabilities outperformed these students in 14 states.

[5]Student groups are not mutually exclusive, with each of the ethnic and racial categories probably including some number of students with limited English proficiency. For example, the results for a student who is both white and limited English proficient would be included in both groups.

Selected States Considered Language Issues when Developing Academic Assessments, but Validity and Reliability Concerns Remain

Officials in the 5 states we studied reported that they have taken steps to address challenges associated with academic assessments of students with limited English proficiency. However, Education's peer reviews of 38 states found a number of concerns in assessing these students. Our group of experts indicated that states are generally not taking the appropriate set of comprehensive steps to create valid and reliable assessments for students with limited English proficiency. To increase validity and reliability, most states offered accommodations to students, such as providing extra time to complete the test and offering native language assessments. However, offering accommodations may or may not improve the validity of test results, as research in this area is lacking.

States Reported Efforts to Improve Validity of Assessment Results for Students with Limited English Proficiency

Officials in 5 states we studied reported taking some steps to address challenges associated with assessing students with limited English proficiency. Officials in 4 of these states reported following generally accepted test development procedures, while a Nebraska official reported that the state expects districts to follow such procedures.

Officials in California, New York, North Carolina, and Texas told us that they try to implement the principles of universal design, which support making assessments accessible to the widest possible range of students. This is done by ensuring that instructions, forms, and questions are clear and not more linguistically complex than necessary. In addition, officials in some states reported assembling committees to review test items for bias. For example, when developing mathematics items, these states try to make language as clear as possible to ensure that the item is measuring primarily mathematical concepts and to minimize the extent to which it is measuring language proficiency. A mathematics word problem involving subtraction, for example, might refer to fish rather than barracuda. Officials in 3 of our study states told us they also used a statistical approach to evaluate test items for bias related to students with limited English proficiency.

Both Education's Peer Reviews and Our Group of Experts Raised Concerns Regarding State Efforts to Ensure Valid and Reliable Assessment Results

Education's completed NCLBA peer reviews of 38 states[6] found that 25 did not provide sufficient evidence on the validity or reliability of results for students with limited English proficiency. For example, in Idaho, peer reviewers commented that the state did not report reliability data for students with limited English proficiency. As of March 2007, 18 states have had their assessment systems fully approved by Education.[7]

Our group of experts indicated that states are generally not taking the appropriate set of comprehensive steps to create valid and reliable assessments for these students and identified essential steps that should be taken. These experts noted that no state has implemented an assessment program for students with limited English proficiency that is consistent with technical standards. They noted that students with limited English proficiency are not defined consistently within and across states, which is a crucial first step to ensuring reliability. If the language proficiency levels of these students are classified inconsistently, an assessment may produce results that appear inconsistent because of the variable classifications rather than actual differences in skills. Further, it appears that many states do not conduct separate analyses for different groups of limited English proficient students. Our group of experts indicated that the reliability of a test may be different for heterogeneous groups of students, such as students who are literate in their native language and those who are not. Further, these experts noted that states are not always explicit about whether an assessment is attempting to measure skills only (such as mathematics) or mathematics skills as expressed in English. According to the group, a fundamental issue affecting the validity of a test is the definition of what is being measured.

The expert group emphasized that determining the validity and reliability of academic assessments for students with limited English proficiency is complicated and requires a comprehensive collection of evidence rather than a single analysis. In addition, the appropriate combination of analyses will vary from state to state, depending on the characteristics of the student population and the type of assessment. The group indicated that

[6]As of July 2006, Education had conducted peer reviews of 50 states and the District of Columbia. However, detailed peer review notes were available from only 38 states at the time of our review.

[7]Education's approval is pending for 29 states, while approval is expected for an additional 3 states. Mississippi has received a waiver from peer review approval for 1 year due to Hurricane Katrina.

states are not universally using all the appropriate analyses to evaluate the validity and reliability of test results for students with limited English proficiency. These experts indicated that some states may need assistance to conduct appropriate analyses. Finally, they indicated that reducing language complexity is essential to developing valid assessments for these students, but expressed concern that some states and test developers do not have a strong understanding of universal design principles or how to use them to develop assessments that eliminate language barriers to measuring specific skills.

Accommodations Can Increase Validity of Assessment Results, but Research on Appropriate Use Is Limited

The majority of states offered some accommodations to try to increase the validity and reliability of assessment results for students with limited English proficiency. These accommodations are intended to permit students to demonstrate their academic knowledge, despite limited language ability. Our review of state Web sites found documentation on accommodations for 42 states. The number of accommodations offered varied considerably among states. The most common accommodations were allowing the use of a bilingual dictionary and reading test items aloud in English (see table 1). Some states also administered assessments to small groups of students or individuals, while others gave students extra time to complete a test.

Table 1: Most Frequently Cited Accommodations in 42 States

Accommodation	Number of states
Bilingual dictionary	32
Reading items aloud in English	32
Small group administration	29
Extra time	27
Individual administration	27
Separate location	25
Extra breaks	25
Directions in student's native language	24

Source: GAO review of state documentation.

According to our expert group and our review of literature, research is lacking on what specific accommodations are appropriate for students with limited English proficiency, as well as their effectiveness in improving the validity of assessment results. A 2004 review of state policies found that few studies focus on accommodations intended to

address the linguistic needs of students with limited English proficiency or on how accommodations affect the performance of students with limited English proficiency.[8] In contrast, significantly more research has been conducted on accommodations for students with disabilities, much of it funded by Education. Because of this research disparity, our group of experts reported that some states offer accommodations to students with limited English proficiency based on those they offer to students with disabilities, without determining their appropriateness for individual students. They noted the importance of considering individual student characteristics to ensure that an accommodation appropriately addresses the needs of the student.

Native Language and Alternate Assessments May Improve the Validity of Results but Are Challenging to Implement

In our survey, 16 states reported that they offered statewide native language assessments in language arts or mathematics in some grades for certain students with limited English proficiency in the 2004-2005 school year. For example, New York translated its statewide mathematics assessments into Spanish, Chinese, Russian, Korean, and Haitian-Creole. In addition, 3 states were developing or planning to develop a native language assessment.

Our group of experts told us that this type of assessment is difficult and costly to develop. Development of a valid native language assessment involves more than a simple translation of the original test. In most situations, a process of test development and validation similar to that of the nontranslated test is recommended. In addition, the administration of native language assessments may not be practicable, for example, when only a small percentage of limited English proficient students in the state speak a particular language or when a state's student population has many languages. Members of our expert group told us that native language assessments are generally an effective accommodation only for students in specific circumstances, such as students who are instructed in their native language or are literate in their native language.

Thirteen states offered statewide alternate assessments (such as reviewing a student's classroom work portfolio) in 2005 for certain students with limited English proficiency, as of March 2006. Our expert group noted that

[8]Charlene Rivera and Eric Collum. *An Analysis of State Assessment Policies Addressing the Accommodation of English Language Learners.* The George Washington University Center for Equity and Excellence in Education, Arlington, Virginia: (January 2004).

alternate assessments are difficult and expensive to develop, and may not be feasible because of the amount of time required for such an assessment. Members of the group also expressed concern about the extent to which these assessments are objective and comparable and can be aggregated with regular assessments.

Most States Implemented New English Language Proficiency Assessments but Faced Challenges Establishing Their Validity

Many states implemented new English language proficiency assessments for the 2005-2006 school year to meet Education's requirement for states to administer English language proficiency tests that meet NCLBA requirements by the spring of 2006.[9] These assessments must allow states to track student progress in learning English. Additionally, Education requires that these assessments be aligned to a state's English language proficiency standards. Education officials said that because many states did not have tests that met NCLBA requirements, the agency funded four state consortia to develop new assessments that were to be aligned with state standards and measure student progress.

In the 2005-2006 school year, 22 states used assessments or test items developed by one of four state consortia, making this the most common approach taken by states. Eight states worked with test developers to augment off-the-shelf English language proficiency assessments to incorporate state standards. Officials in 14 states indicated that they are administering off-the-shelf assessments. Seven states, including Texas, Minnesota, and Kansas, created their own English language proficiency assessments. Officials in these states said they typically worked with a test developer or research organization to create the assessments.

Officials in our study states and test developers we interviewed reported that they commonly apply generally accepted test development procedures to develop their assessments, but some are still in the process of documenting their validity and reliability. A 2005 review of the documentation of 17 English proficiency assessments used by 33 states found that the evidence on validity and reliability was generally insufficient.[10] The study, which was funded by Education, noted that none

[9]Education officials told us that the agency has approved an extension of this deadline for 1 state and is currently considering extension requests from 2 other states.

[10]Stanley Rabinowitz and Edynn Sato, "Evidence-Based Plan: Technical Adequacy of Assessments for Alternate Student Populations: A Technical Review of High-Stakes Assessments for English Language Learners," WestEd (December 2005).

of the assessments contained "sufficient technical evidence to support the high-stakes accountability information and conclusions of student readiness they are meant to provide."

Education Has Provided Assistance, but States Reported Need for Additional Guidance and Flexibility

Education has offered states a variety of technical assistance to help them appropriately assess students with limited English proficiency, such as providing training and expert reviews of their assessment systems. However, Education has issued little written guidance on how states are expected to assess and track the English proficiency of these students, leaving state officials unclear about Education's expectations. While Education has offered states some flexibility in how they incorporate these students into their accountability systems, many of the state and district officials we interviewed indicated that additional flexibility is needed to ensure that academic progress of these students is accurately measured.

Education Has Provided a Variety of Support on Assessment Issues but Little Written Guidance on Assessing Students with Limited English Proficiency

Education offers support in a variety of ways to help states meet NCLBA's assessment requirements for students with limited English proficiency. The department's primary technical assistance efforts have included the following:

- *Title I peer reviews of states' academic standards and assessment systems:* During these reviews, experts review evidence provided by the state about the validity and reliability of these assessments. Education shares information from the peer review to help states address issues identified during the review.
- *Title III monitoring visits:* Education began conducting site visits to review state compliance with Title III requirements in 2005. As part of these visits, the department reviews the state's progress in developing English language proficiency assessments that meet NCLBA requirements.
- *Comprehensive centers:* Education has contracted with 16 regional comprehensive centers to build state capacity to help districts that are not meeting their adequate yearly progress goals. At least 3 of these centers plan to assist individual states in developing appropriate goals for student progress in learning English. In 2005, Education also funded an assessment and accountability comprehensive center, which provides technical assistance related to the assessment of students, including those with limited English proficiency.

- *Ongoing technical assistance for English language proficiency assessments:* Education has provided information and ongoing technical assistance to states using a variety of tools and has focused specifically on the development of the English language proficiency standards and assessments required by NCLBA.

While providing this technical assistance, Education has issued little written guidance on developing English language proficiency assessments that meet NCLBA's requirements and on tracking the progress of students in acquiring English. Education issued some limited nonregulatory guidance on NCLBA's basic requirements for English language proficiency standards and assessments in February 2003.

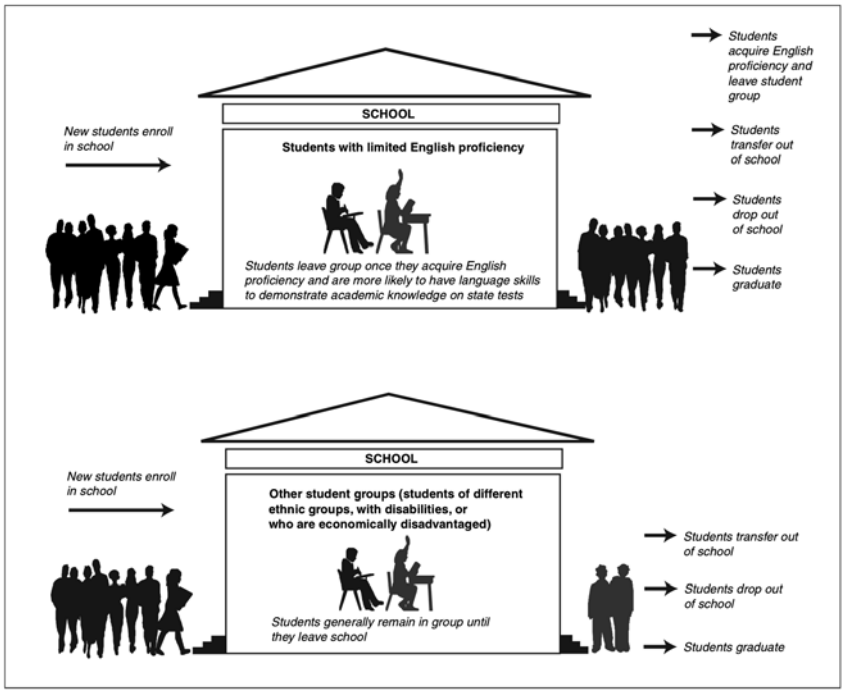
However, officials in about one-third of the 33 states we contacted expressed uncertainty about implementing these requirements. They told us that they would like more specific guidance from Education to help them develop tests that meet NCLBA requirements, generally focusing on two issues. First, some officials said they were unsure about how to align English language proficiency standards with content standards for language arts, mathematics, and science, as required by NCLBA. Second, some officials reported that they did not know how to use the different scores from their old and new English language proficiency assessments to track student progress. Without guidance and specific examples on both of these issues, some of these officials were concerned that they will spend time and resources developing an assessment that may not meet Education's requirements. Education officials told us that they were currently developing additional nonregulatory guidance on these issues, but it had not yet been finalized.

Education Has Offered Different Accountability Options for Students with Limited English Proficiency, but State Officials Reported Additional Flexibility Is Needed

Education has offered states several flexibilities in tracking academic progress goals for students with limited English proficiency to support their efforts to develop appropriate accountability systems for these students. For example, students who have been in U.S. schools for less than a year do not have to meet the same testing requirements as other students. Another flexibility recognizes that limited English proficiency is a more transient quality than being of a particular race. Students who achieve English proficiency leave the group at the point when they demonstrate their academic knowledge in English, while new students with lower English proficiency are constantly entering the group (see fig. 2). Given the group's continually changing composition, meeting progress goals may be more difficult than doing so for other student groups, especially in districts serving large numbers of these students.

Consequently, Education allowed states to include, for up to 2 years, the scores of students who were formerly classified as limited English proficient when determining whether a state met its progress goals for students with limited English proficiency.

Figure 2: Movement of Students In and Out of Limited English Proficient Student Group and Other Student Groups



Source: GAO analysis and Art Explosion images.

Several state and local officials in our study states told us that additional flexibility would be helpful to ensure that the annual progress measures provide meaningful information about the performance of students with limited English proficiency. Officials in 4 of the states we studied suggested that certain students with limited English proficiency should be

exempt from testing or have their test results excluded for longer periods than is currently allowed. Several officials voiced concern that some of these students have such poor English skills or so little previous school experience that assessment results do not provide any meaningful information. Instead, some of these officials stated that students with limited English proficiency should not be included in academic assessments until they demonstrate appropriate English. However, the National Council of La Raza, a Hispanic advocacy organization, has voiced concern that excluding too many students from a state's annual progress measures will allow some states and districts to overlook the needs of these students.

With respect to including the scores of students previously classified as limited English proficient for up to 2 years, officials in 2 of our 5 study states, as well as one member of our expert group, thought it would be more appropriate for these students to be counted in the limited English proficient group throughout their school careers—but only for accountability purposes. They pointed out that by keeping students formerly classified as limited English proficient in the group, districts that work well with these students would see increases in the percentage who score at the proficient level in language arts and mathematics. An Education official explained that the agency does not want to label these students as limited English proficient any longer than necessary. Education officials also noted that including all students who were formerly limited English proficient would inflate the achievement measures for this group.

District officials in 4 states argued that tracking the progress of individual students in this group is a better measure of how well these students are progressing academically. Officials in one district pointed to a high school with a large percentage of students with limited English proficiency that had made tremendous progress with these students, doubling the percentage of students achieving academic proficiency. The school missed the annual progress target for this group by a few percentage points, but school officials said that the school would be considered successful if it was measured by how much individual students had improved. In response to educators and policymakers who believe such an approach should be used for all students, Education initiated a pilot project in November 2005, allowing a limited number of states to incorporate

measures of student progress over time in determining whether districts and schools met their annual progress goals.[11]

Prior Recommendations and Agency Response

We made several recommendations to Education in our July 2006 report. Specifically, we recommended that Education support additional research on appropriate accommodations for these students and disseminate information on research-based accommodations to states. We also recommended that Education determine what additional technical assistance states need to implement valid and reliable academic assessments for these students and provide such assistance. Further, we recommended that Education publish additional guidance with more specific information on the requirements for assessing English language proficiency and tracking student progress in learning English. Finally, we recommended that Education explore ways to provide states with additional flexibility in terms of holding states accountable for students with limited English proficiency.

Education agreed with our first three recommendations and has taken a number of steps to address them. In recognition of the challenges associated with assessing students with limited English proficiency and in response to GAO's report, Education initiated the LEP (Limited English Proficient) Partnership in July 2006. Under the partnership, Education has pledged to provide technical assistance and support to states in the development of assessment options for states to use in addressing the needs of their diverse student populations. Education's partners in this effort include the National Council of LaRaza, Mexican American Legal Defense and Educational Fund, Council of Chief State School Officers, Comprehensive Center on Assessment and Accountability, and the National Center on English Language Acquisition. All states have been invited to participate in this effort. The partnership held its first meeting in August 2006. In October 2006, officials from all the states came together to discuss areas for which they need additional technical assistance. As a result of these meetings, Education is supporting a variety of technical assistance projects, including the development of a framework on English language proficiency standards and assessments, the development of guides for developing native language and simplified assessments, and the

[11]See GAO, *No Child Left Behind Act: States Face Challenges Measuring Academic Growth That Education's Initiatives May Help Address*, GAO-06-661 (Washington, D.C.: July 17, 2006), for further information on Education's pilot project.

development of a handbook on appropriate accommodations for students with limited English proficiency. Education officials told us that they are planning the next partnership meeting for the summer of 2007 and expect to have several of these resources available at that time.

Education did not explicitly agree or disagree with our recommendation to explore additional options for state flexibility. Instead, the agency commented that it has explored and already provided various types of flexibility regarding the inclusion of students with limited English proficiency in accountability systems. However, in January 2007, Education issued a blueprint for strengthening NCLBA, which calls for greater use of growth models and the recognition within state accountability systems of schools that make significant progress in moving students toward English proficiency.

Mr. Chairman, this completes my prepared statement. I would be happy to respond to any questions you or other members of the subcommittee may have.

GAO Contacts

For further information regarding this testimony, please contact me at (202) 512- 7215. Individuals making key contributions to this testimony include Harriet Ganson, Bryon Gordon, Shannon Groff, Krista Loose, Michelle St. Pierre, Sheranda Campbell, and Nagla'a El Hodiri.

Related GAO Products

No Child Left Behind Act: Education's Data Improvement Efforts Could Strengthen the Basis for Distributing Title III Funds. GAO-07-140. Washington, D.C.: December 7, 2006.

No Child Left Behind Act: Education Actions Needed to Improve Local Implementation and State Evaluation of Supplemental Educational Services. GAO-06-758. Washington, D.C.: August 4, 2006.

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Chairman KILDEE. Mr. Zamora.

STATEMENT OF PETER ZAMORA, CO–CHAIR, HISPANIC EDUCATION COALITION

Mr. ZAMORA. Chairman Kildee, Ranking Member Castle, thank you very much for the invitation to testify today regarding English language learners and the No Child Left Behind Act. Between 5 and 6 million ELLs are currently enrolled in U.S. public schools, constituting over 10 percent of our total student population, and experts predict that one-quarter of our student population will be made up of ELLs by 2025. The commonly held stereotype of ELLs as foreign-born immigrants is inaccurate. The majority are, in fact,

U.S. citizens whose academic and linguistic needs are not being met by our public schools. Over three-quarters of ELLs are Spanish-speaking, and over two-thirds come from low-income families. ELL students' academic performance is well below that of their peers in nearly every measure of academic performance, and they drop out of school at higher rates than any other student subgroup.

NCLB is a critically important Federal education integration and civil rights law for ELLs. It promises a measure of academic parity and addresses the effects of limited English proficiency upon academic performance. As written, No Child Left Behind adopts a sound approach to improving ELL student performance by addressing both academic ability and linguistic proficiency. Implementation failures have severely hindered No Child Left Behind's effectiveness for ELLs, however.

As described by Ms. Ashby, States have not yet implemented valid and reliable assessments for ELLs, and the U.S. Department of Education has not yet provided enough technical assistance or guidance to the States in appropriate assessment policies and practices.

Because current NCLB assessments do not generally yield sound data regarding ELL achievement, schools and school districts face major challenges both in demonstrating academic proficiency of ELLs and in designing interventions to raise ELL achievement to meet State targets. Work is currently underway, however, to improve the quality of testing systems for ELLs. MALDEF, NCLR, the Department of Education, and all 50 States have joined together in an LEP partnership to provide technical assistance in ELL assessment to the States. The partnership unites assessment experts, Federal and State officials and advocates to improve assessment practices for the 2006-2007 testing cycle and to support the best practices for future years.

Our efforts are beginning to yield results, but Congress must also support the use of valid and reliable assessments for ELLs. The Hispanic Education Coalition supports a dedicated funding stream under Title I to develop and implement assessments specifically designed to measure ELL content knowledge. The coalition also supports the increased use of native language content assessments for ELLs which are currently required under NCLB when practicable. Sound assessments for ELLs are required not only by NCLB and by sound education practice, but also by the Supreme Court's decision in Lau versus Nichols, which held that Title VI of the Civil Rights Act requires academic services for ELLs that are tailored to their language abilities and to their academic needs.

Inaccurate data currently make it difficult if not impossible to use test scores to evaluate the effectiveness of NCLB for ELLs. It is clear, however, that NCLB has increased the pressure at every level of our education system to improve results for ELLs, and this is clearly a step in the right direction. The poor achievement levels of ELLs were a well-kept secret prior to NCLB, and this, thankfully, is no longer the case. NCLB has not, unfortunately, led to the universal implementation of the best instructional practices for English language learners. Oyster Bilingual Elementary School here in Washington, D.C. is a prime example of the effectiveness of dual language immersion programs, for example, in helping both

ELLs and non ELLs reach academic proficiency. We need more programs like Oyster's, programs that meet the needs of all students, including ELLs.

To thrive in U.S. public schools, ELL students also require teachers trained to meet their academic needs as Dr. Young will testify. NCLB must do more to encourage the certification of teachers trained to work with ELLs and to support professional development for all teachers who teach ELL students. For NCLB to reduce or to eliminate the achievement gaps that belie our Nation's commitment to universal educational opportunity, the officials at all levels of government must better serve our large and growing ELL student population. If English language learners in our public schools are not appropriately assessed and do not improve their achievement levels, No Child Left Behind will not meet its goals, and our Nation, as a whole, will suffer.

Thank you very much.

Chairman KILDEE. Thank you, Mr. Zamora.

[The statement of Mr. Zamora follows:]

Prepared Statement of Peter Zamora, Co-Chair, Hispanic Education Coalition

Chairman Kildee, Ranking Member Castle, I am Peter Zamora, Washington D.C. Regional Counsel for the Mexican American Legal Defense and Educational Fund (MALDEF). I serve as Co-Chair of the Hispanic Education Coalition, which unites 25 national and local organizations in support of improved educational outcomes for Latino students and families. I appreciate the invitation to testify today regarding English language learners (ELLs) and the No Child Left Behind Act (NCLB).

ELL Student Demographics

There are currently between 5 and 6 million English language learners enrolled in U.S. public schools, constituting over 10% of our total public school population.[1] Over the past fifteen years, ELL student enrollment has nearly doubled, and experts predict that one-quarter of the total U.S. public school population will be made up of ELLs by 2025.[2]

ELLs' academic performance levels are significantly below those of their peers in nearly every measure of academic performance. In the 2005 National Assessment of Educational Progress, for example, only 29% of ELLs scored at or above the basic level in reading, compared with 75% of non-ELLs.[3] ELLs drop out of school at very high rates: Latino ELLs aged 16-19, for example, have a 59% dropout rate.[4] In order to optimize the skills of our future workforce, our public schools clearly must do a better job in meeting the needs of our large and growing ELL student population.

Despite common assumptions to the contrary, native-born U.S. citizens predominate in the ELL student population: 76% of elementary school and 56% of secondary school ELLs are citizens, and over one-half of the ELLs in public secondary schools are second- or third-generation citizens.[5] The stereotype of ELLs as foreign-born immigrants is, therefore, inaccurate: the majority are, in fact, long-term ELLs whose academic and linguistic needs are not being met by our public school system. Two-thirds of ELLs come from low-income families.[6] Over three-quarters of ELLs are Spanish-speaking, and nearly half of K-12 Latino students are ELLs.[7]

Inappropriate Assessments Hinder the Effective Operation of No Child Left Behind for English Language Learners

No Child Left Behind is perhaps the most significant federal education, integration, and civil rights statute for English language learners. NCLB promises ELLs a measure of academic parity with their peers and intends to address the effects of limited English proficiency upon academic performance.

As written, NCLB adopts a sound approach to improving ELL student achievement. ELLs face the dual challenge of learning English while simultaneously gaining academic knowledge in an unfamiliar language. NCLB addresses each aspect of this challenge: Title I requires accountability for the content knowledge of the ELL subgroup, while Title III requires accountability for English language acquisition.

Significant implementation failures by federal and state agencies have severely hindered the effectiveness of NCLB for ELLs, as described in the U.S. Government

Accountability Office report that is the subject of Ms. Ashby's testimony today. Specifically, states have not yet implemented valid and reliable Title I or Title III assessments for ELLs, and the U.S. Department of Education has not yet provided sufficient technical assistance or guidance to the states in the development of appropriate assessment policies and practices.

Because current NCLB assessments do not yield sound data regarding ELL student achievement, schools and school districts face significant challenges both in demonstrating ELL academic proficiency and in designing interventions to raise ELL academic achievement levels to meet state performance targets. No Child Left Behind implementation has failed English language learners at the first step of standards-based accountability: that of effective data collection.

Recent, Ongoing Measures to Improve Assessments for English Language Learners

In order for NCLB to be fully effective, ELL students require assessments tailored to their specific academic and linguistic needs. This is required not only by NCLB and by sound educational practice, but by the Supreme Court's decision in Lau v. Nichols.[8] Lau held that Title VI of the Civil Rights Act of 1964 requires schools to deliver academic services to ELLs that are tailored to their linguistic abilities and academic needs.

Although the NCLB requirement for valid and reliable assessments for all students originated in the Improving America's Schools Act of 1994, the U.S. Department of Education (ED) has only recently begun to enforce these provisions as they relate to ELL students. ED has also recently embarked upon a long-overdue project to provide technical assistance to states in developing and implementing appropriate assessment policies and practices for ELL students. MALDEF has strongly supported ED's recent efforts to enforce NCLB for ELLs and to provide technical assistance to states.

In August of 2006, MALDEF, the National Council of La Raza, the U.S. Department of Education, and education officials from all 50 states launched the "LEP Partnership" to provide technical assistance in appropriate ELL assessment practices to the states. The LEP[9] Partnership unites assessment experts, federal and state officials, and advocates in an unprecedented collaborative. Our focus is to improve assessment practices for the 2006-07 testing cycle and to support the best ELL assessment practices for future years. The next LEP Partnership meeting will be held in Washington, D.C. in July of 2007.

Our efforts are beginning to yield results, but Congress must provide additional support to states in the development and implementation of appropriate academic and linguistic assessments for ELLs. The Hispanic Education Coalition supports a dedicated funding stream under Title I to develop valid and reliable content assessments for ELLs.

The technical expertise needed to develop and implement sound assessments for ELLs exists, but thus far we have not generally seen the necessary will or resources at the state and federal levels. Both the federal government and the states must do much more to implement native language, simplified English, portfolio, and other assessments designed specifically to measure ELLs' academic knowledge and English proficiency.

The Hispanic Education Coalition strongly supports increased development and use of native language content assessments for ELLs, which are currently required under NCLB when practicable. Because over three-quarters of ELLs are Spanish-speaking, it is generally practicable for states to develop Spanish-language assessments to appropriately measure the academic achievement levels of the significant majority of ELLs who are Spanish-speaking.

The Impact of NCLB upon English Language Learners

Inaccurate data generated by state assessments make it difficult if not impossible to use assessment-based measures of academic performance to evaluate the general effectiveness of NCLB for ELLs. It is quite clear, however, that NCLB has focused increased attention upon the academic and linguistic concerns of ELLs. The poor academic achievement levels of ELLs were generally a well-kept secret prior to NCLB; this, thankfully, is no longer the case. NCLB has increased the pressure at every level of our education system to improve results for ELLs, and this is clearly a step in the right direction for a student population that has historically existed in the shadows of the U.S. public education system. NCLB has, in effect, empowered federal, state, and local officials charged with improving academic outcomes for ELLs.

NCLB has not, unfortunately, led to the universal implementation of the best research-based instructional practices for English language learners. A considerable body of education research on ELL student achievement demonstrates that 1) native

language instruction significantly improves ELLs' academic achievement in English and 2) ELLs require specific instructional accommodations designed to minimize the effects of English proficiency upon academic achievement.[10] Despite this body of research, ELLs nationwide are currently enrolled in a patchwork of instructional programs, many of which do not reflect the best instructional practices for this student population.[11]

Oyster Bilingual Elementary School here in Washington, D.C. is a prime example of the effectiveness of dual-language immersion programs in helping both ELLs and non-Ells reach academic proficiency. Oyster Elementary is the sole school in the District of Columbia to be designated a No Child Left Behind Blue Ribbon School by the U.S. Department of Education in 2006.[12] Far too often, misguided cultural and linguistic protectionism and a divisive political atmosphere inhibit the implementation of the best instructional practices for ELLs. Dual-language immersion programs do not encourage cultural or linguistic separatism in ELLs, who clearly understand the need to learn English in order to succeed in U.S. schools and society; rather, these programs reflect best instructional practices and speed ELLs' development of English language and academic skills and contribute to the integration of ELLs into mainstream U.S. society.

As Dr. Beverly Young from the California State University system has testified, ELL students require teachers trained to meet their particular academic needs in order to thrive in U.S. public schools. Unfortunately, a significant shortage of teachers trained to deliver dual-language and other tailored methods of instruction for ELL students persists. NCLB must do more to encourage the development of a teaching corps that is well trained to work effectively with our large and rising ELL student population.

Conclusion

For NCLB to reduce or eliminate academic achievement gaps, officials at all levels of government—federal, state, and local—must commit to better serving the ELL student population. If the large and growing population of English Language Learners in our public schools does not improve its academic achievement levels, NCLB will not meet its goals and our nation's economic competitiveness will suffer.

MALDEF and the Hispanic Education Coalition advocate the following recommendations to address the No Child Left Behind Act implementation concerns described in my testimony today:

1) The U.S. Department of Education must fully enforce NCLB assessment provisions for ELLs and provide effective and ongoing technical assistance in the development of appropriate assessments to state education agencies;

2) States must focus attention and resources upon developing and implementing valid and reliable content assessments for ELLs, preferably in the native language;

3) A reauthorized NCLB should establish a separate funding stream to assist states in developing and implementing appropriate academic assessments for ELLs;

4) A reauthorized NCLB should require that states that have significant ELL populations from a single language group develop valid and reliable content assessments designed specifically for members of that language group;

5) States, schools and school districts must implement the best instructional practices that will provide ELL students with the best opportunities to develop both English proficiency and content area knowledge;

6) The federal government and states must allocate significant resources to support the certification of teachers trained in best instructional practices for ELLs;

7) The federal government, states, school districts, and schools must allocate resources for the professional development in the best instructional practices for ELLs for all teachers who teach ELL students;

8) The federal government must fund scientifically-based research and disseminate findings on best effective practices for ELL student instruction; and

9) Federal, state, and local school officials must ensure that ELLs are fully and appropriately included in NCLB accountability systems so that schools focus upon meeting the academic needs of ELLs.

ENDNOTES

[1] See, e.g., *http://www.ncela.gwu.edu/expert/faq/08leps.html.*

[2] See *http://www.ncela.gwu.edu/expert/faq/08leps.html; http://www.ed.gov/nclb/methods/english/lepfactsheet.html.*

[3] National Center for Education Statistics, National Assessment of Educational Progress (NAEP): Reading and Mathematics, Washington, DC (available at *http://nces.ed.gov/nationsreportcard/nrc/reading—math—2005/).*

[4] See Fry, R., Hispanic Youths Dropping Out of Schools: Measuring the Problem, Washington, DC: Pew Hispanic Center (2003), p8.

[5] See, e.g., Capps, R., Fix, M., Murray, J., Ost, J., Passel, J., & Herwantoro, S., The New Demography of America's Schools: Immigration and the No Child Left Behind Act, Washington, D.C.: The Urban Institute (2005), p18.

[6] Id. at 25.

[7] See *http://www.ncela.gwu.edu/expert/fastfaq/4.html;* see Lazarín, M., Improving Assessment and Accountability for English Language Learners in the No Child Left Behind Act, Washington, D.C.: National Council of La Raza (2006), p1.

[8] 414 U.S. 563 (1974).

[9] "LEP" is an acronym for "Limited English Proficient," which is synonymous with "English language learner."

[10] See, e.g., Goldenberg, C., Improving Achievement for English Language Learners: What the Research Tells Us, Education Week, Vol. 25, Issue 43, pp34-36 (July 26, 2006). Appropriate educational accommodations for ELLs include: strategic use of the native language; predictable, clear, and consistent instructions, expectations, and routines; identifying and clarifying difficult words and passages; paraphrasing students' remarks; and other measures designed to minimize the effect of limited English proficiency upon academic achievement.

[11] U.S. Government Accountability Office, No Child Left Behind Act: Education's Data Improvement Efforts Could Strengthen the Basis for Distributing Title III Funds, GAO-07-140, December 2006, p32 (available at *http://www.gao.gov/new.items/d07140.pdf).*

[12] The No Child Left Behind Blue Ribbon Schools Program honors public and private K-12 schools that are either academically superior in their states or that demonstrate dramatic gains in student achievement. See *http://www.ed.gov/programs/nclbbrs/2006/index.html.*

Chairman KILDEE. Dr. Young.

STATEMENT OF BEVERLY YOUNG, ASSISTANT VICE CHANCELLOR FOR TEACHER EDUCATION AND PUBLIC SCHOOL PROGRAMS, CALIFORNIA STATE UNIVERSITY SYSTEM

Ms. YOUNG. Good morning, Chairman Kildee, Ranking Member Castle, subcommittee members. Thank you for inviting me to discuss NCLB, and specifically the preparation of teachers to address the needs of English language learners.

I am here on behalf of the California State University, the largest and most diverse 4-year university system in the country—23 campuses, approximately 417,000 students. We currently award about 13,000 teacher credentials every year, which represents about 60 percent of California's teachers, which translates to 10 percent of the Nation's teachers who come from the CSU.

Chancellor Charles Reed has made teacher quality preparation one of the highest priorities of our system. We play a particularly significant role in the preparation of teachers to work with English language learners due to the large concentration of California students with primary languages other than English. I will focus my testimony on the role played by CSU with equipping teachers to meet this challenge, both through pre service programs and through professional development.

Already one-quarter of the students in California's K-12 schools, about a million and a half students, are English language learners. They are distributed across the regions of California. Our campuses that prepare teachers are all working with candidates who will teach substantial numbers of ELLs. Approximately 85 percent of the ELLs in California are Spanish speakers, but the other 15 percent come from among 55 different language backgrounds.

The preparation of new teachers to be effective in working with ELLs is not a new priority for the CSU. As long as 10 years ago, California's ELL population had already exceeded 1.3 million in California. Building on the commitment of our system and its faculty to address the needs of ELLs, we have developed a range of best practices for teacher preparation and professional development. Our programs infuse techniques for working with English

language learners throughout every part of the curriculum in order to adequately prepare our graduates.

Examples of CSU activities that are effective and applicable to other programs across the country are evident at every campus. For example, at Fresno, ELL pedagogy is infused into every course in the pre service program. It is assumed that every California teacher will be an English language learner teacher, and all must be prepared to meet this challenge.

Another example is the design of CalState TEACH, our statewide site-based preparation program. CalState TEACH uses a customized lesson planning, online tool that structures every candidate's lessons to ensure appropriate attention to the needs of English language learners.

At CalState San Bernardino, one of the fastest growing populations in the State, faculty have developed a quick reference handbook for teaching English language learners, an interactive Web tool that enables candidates to identify a range of instructional strategies for a variety of English development levels represented by students. The handbook is aligned with our State's academic content standards as well as to the needs of English language learners, and was developed in collaboration with local school districts.

At Sonoma State, for example, faculty have designed a program sequence that leads students through an increasingly complex set of strategies for assisting ELLs, including field-based assignments, case studies, teaching assessment and evaluation.

My last example would be from CSU San Marcos, which is located in the far southern region of California with a very large population of English language learners. In addition to other strategies, CSU San Marcos students are paired with K-12 school staff to provide extra services and tutoring to ELL students. Candidates visit schools in nearby Mexico to better understand cultural and schooling issues in context related to students who then come to California schools.

In addition, our campuses also employ the best practices for use in preparing new teachers for professional development for current teachers. Our professional development programs addressing the needs of English language learners are in a variety of curriculum areas—writing, reading, literature, history, social studies, math, science, and the arts. As has already been stated here, English is critically important, but it is also important to facilitate student content learning while they acquire English language skills.

As to specific recommendations for the reauthorization of No Child Left Behind pertaining to teacher preparation in English language, we have two recommendations. First, we believe the national professional development funding should be increased significantly. In this program, institutions of higher ed provide pre service and professional development for teachers in partner high schools. We think this funding should be expanded. Second, we would recommend the scope of the national professional development program be expanded to include activities that allow school teams of teachers and administrators to help develop systems and structures to successfully close achievement gaps for English language learners.

I have more, but my red light is on, so I will stop.

Thank you.

Chairman KILDEE. Thank you very much.

Of course, all of your testimony will be included in the record.

[The statement of Ms. Young follows:]

Prepared Statement of Beverly Young, Ph.D., Assistant Vice Chancellor, Academic Affairs, California State University System

Introduction

Chairman Kildee, Ranking Member Castle, and subcommittee Members, thank you for inviting me to discuss No Child Left Behind (NCLB) and the preparation of teachers to address the needs of English Language Learners (ELLs). The focus of my testimony will be on the role of the California State University (CSU) in pre-service preparation and professional development for California teachers that equips them to meet this challenge. The CSU thanks the Committee for its attention to this critically important area.

The California State University

The CSU is the largest and most diverse four-year university system in the country, with 23 campuses, approximately 417,000 students and 46,000 faculty and staff. The CSU's mission is to provide high-quality, accessible education to meet the ever-changing needs of the people of California. Since the system's creation in 1961, it has awarded about 2 million degrees. We currently award approximately 84,000 degrees and 13,000 teacher credentials each year. Few, if any, university systems match the scope of the CSU system in the preparation of teachers.

One key feature of the CSU is its affordability. For 2006-07, the CSU's systemwide fee for full-time undergraduate students is $2,520. With individual campus fees added, the CSU's total fees average $3,199, which is the lowest among any of the comparison public institutions nationwide. A consequence is that many of our students are first-generation college-goers. A substantial number of the future teachers we prepare were themselves ELLs and have brothers, sisters, nieces, and nephews who also began school in this group of learners.

Close to sixty percent of the teachers credentialed in California (and ten percent of the nation's teachers) each year are prepared by the CSU. Chancellor Charles Reed and the CSU Board of Trustees have made quality teacher preparation one of the highest priorities of the system. Following a decade of unprecedented growth and reform in public K-18 education, the CSU Board of Trustees in 1998 embraced systemwide efforts to improve teacher preparation in a policy entitled CSU's Commitment to Prepare High Quality Teachers.

The California State University and the Preparation of Teachers of English Language Learners

The CSU plays a particularly significant role in the pre-service preparation of teachers to work with ELLs due to the large concentration in California of students with primary languages other than English. In addition, CSU and its campuses are involved in many professional development programs in which teachers of ELLs are equipped with new skills and techniques based on the most current research on effective instructional and school improvement strategies.

What Has the Impact of NCLB Been on CSU's Work Related to English Language Learners, including its Preparation and Professional Development of Teachers?

It is important to recognize that 24.9% of the students in California's K-12 public schools—1,570,424 students—are ELLs, and that they are no longer concentrated in a few locations in the state. They are distributed across the regions of California, and all of our 22 campuses that prepare teachers are preparing candidates who will teach substantial numbers of ELLs. Approximately 85% of ELLs in the state are Spanish speakers. The other approximately 15% come from 55 different language backgrounds.

As a consequence, the preparation of our teacher candidates to be effective in working with ELLs is a major focus within the CSU system. It is not a new priority. Ten years ago, the population of ELLs had already reached 1,323,767. For almost two decades, meeting the academic, social, and emotional needs of ELLs has been a priority within the CSU in preparing future teachers and in professional development that serves current teachers in the state.

CSU faculty are some of the nation's foremost experts in preparation and professional development of teachers who work with ELLs. The Center for Language Mi-

nority Education and Research at CSU Long Beach, for example, has conducted pioneering research on improving achievement of these students. Its Director, Dr. Claude Goldenberg, is widely recognized for his significant contributions to the analysis of instructional conversations, the impact of school settings on improving achievement, and effective approaches for involving families of ELLs in their children's education.

Similarly, at CSU Fullerton, Dr. David Pagni is nationally recognized for his leadership in developing techniques and strategies that prepare mathematics teachers to be successful in working with ELLs. For more than 15 years, he has been preparing future and current teachers in these strategies for teaching mathematics that enable students to achieve mastery of advanced mathematical content regardless of English language status. Partnering with the parents and the community, a hallmark of his work, includes families in activities that enable the students to demonstrate and share their skills with their parents. This has been shown typically to result in new understandings of the possibilities available to these students and to increase educational and career aspirations that are shared by the entire family.

There are dozens of additional examples of CSU faculty who have been leaders for many years in research and professional development of teachers to work successfully with ELLs. The expertise of CSU faculty extends to ELLs with a broad range of primary languages.

A notable effect of NCLB on our preparation of teachers pertains to the environment in which our preparation activities occur. Many of our partner school districts are struggling to meet Adequate Yearly Progress (AYP) targets for ELLs. The result is that they want to hire new teachers with skills to help students achieve state standards and benchmarks and want assistance in providing professional development for current teachers. Our commitment to this area finds support among school district partners, who welcome our efforts and communicate to future teachers the criticality of their developing knowledge and expertise in working with ELLs.

Another impact of NCLB on the CSU as well as our K-12 partners has related to the assessment of ELLs. It is well known that the accountability provisions of NCLB have increased the attention focused on valid approaches for measuring achievement and achievement gains of ELLs. CSU faculty members in education work closely with local school districts. For many of these districts, this is among the most challenging NCLB issues they face. The teachers and school leaders we prepare learn about the care needed in developing approaches for testing and accountability to ensure they work in the positive ways that were intended in the legislation. As is widely recognized, much remains to be done in this area.

What are Examples of CSU Best Practices in Teacher Preparation Related to English Language Learners?

Due to its size and the commitment of the system and many of its faculty to addressing the needs of ELLs, CSU has developed a range of approaches that are examples of Best Practices in teacher preparation and professional development. Earlier this month, the system held a Professional Development Workshop for 300 CSU faculty involved in teacher preparation. A number of issues were identified for focus, and faculty from throughout the state came together to share Best Practices in these areas. Preparing candidates to work with ELLs was one of the targeted priorities. Earlier this year, CSU Deans of Education had similarly exchanged information about particularly effective approaches for meeting the needs of these students. From these two sets of exchanges, I have selected a few examples of excellent model approaches to highlight.

Infusion of Strategies Throughout the Curriculum: CSU Fresno and CalStateTEACH

California State University, Fresno faculty believe that effective strategies must be infused throughout every part of the curriculum in order to adequately prepare graduates who will teach in a region with one of the largest percentages of ELLs in the state. In its pre-service program, the College of Education integrates, in every course and every aspect of teacher preparation, attention to key issues and approaches for meeting the needs of ELLs.

Areas that are given attention throughout the entire curriculum include, for example:

- Students' identity and culture
- First and second language acquisition theory and research and implications for classroom instruction
- English Language Development (ELD) levels, assessment, program options, and effective strategies

• Content area instruction using Specially Designed Academic Instruction in English
• Socio-cultural contexts of language learning
• Development and use of culturally responsive curriculum
• Policies and demographic trends affecting programs for English learners
• Advocacy for ELLs and creating changes in attitudes and expectations
• Analysis of students' funds of knowledge and overcoming deficit models of poverty
• Approaches for parent involvement that enhance student performance
• Reflection as an ongoing aspect of teaching and professional practice.

Approaches for preparing future teachers to work with ELLs that infuse principles and practices throughout the curriculum are characteristic of CSU education programs. The statewide site-based online CalStateTEACH program uses this model and has been particularly effective in preparing candidates to work productively with ELLs. CalStateTEACH is a non-traditional program that offers qualified candidates the opportunity to earn their credential without attending customary college classes. It is a true field-based model, in which teacher candidates learn how to teach in public school classrooms where university faculty and school site mentors observe them teaching. CalStateTEACH offers a spiraling, integrated curriculum that includes learning theories, pedagogical approaches, and classroom management across the curriculum.

In preparing candidates to teach ELLs effectively, CalStateTEACH infuses the requisite knowledge, skills, and abilities throughout the program. A customized lesson planning tool has been developed so that at each step in the lesson planning and delivery process, teacher candidates see a "prompt" that ensures the appropriate activities are differentiated in order to meet the needs of ELLs. For example, in the first step of the lesson planning process, teacher candidates are asked to describe the students they are teaching. In addition to being asked for the contextual factors, such as students' developmental characteristics, preferences and perspectives, candidates are also asked to identify language proficiency levels for ELLs.

Exemplary Resource Materials for New Teachers: CSU San Bernardino

California State University, San Bernardino is in a region of California in which many districts have K-12 student populations where more than 30% of K-12 students are ELLs. It is the region of the largest population increase in the State, and the K-12 population growth has been disproportionately large among ELLs. It is predicted that these trends will continue for at least the next two decades. The faculty members have provided to teacher candidates a Quick Reference Handbook for Teaching English Learners. It is an interactive tool on the World Wide Web that enables teacher candidates to identify a range of instructional strategies appropriate for K-12 students at different English Language Development levels.

The Handbook is focused on helping new teachers align their instructional strategies to state academic content standards and to the needs of ELLs. The goal is to equip teacher candidates with approaches for making instruction comprehensible and engaging to these students. The Handbook includes teaching strategies that can be used across grade levels and across curriculum content areas.

The strategies included in the Handbook were developed through a partnership with a local school district. Teachers developed a bank of strategies based on the evidence of success from their classrooms. The Handbook is built on the recognition that teaching is a complex event and that teachers make on-the-spot decisions in hundreds of teaching situations daily. The purpose of the Quick Reference Handbook is to give teachers an easy-to-use tool that supports their decision-making in planning and teaching lessons.

The instructional strategies in the Handbook are divided into five stages that reflect theory and research in the field of second language acquisition and education of ELLs. Studies over many years support the concept of a continuum of learning, with predictable and sequential stages of language development, progressing from little or no knowledge of English to the proficiency of native speakers. The stages used in this resource tool match the stages of the California English Language Development Test (CELDT), which is used to assess the language development of ELLs as required by NCLB.

Students in California who are identified as ELLs are tested at the beginning of the school year with the CELDT instrument. The results place the students in one of five categories: Beginner, Early Intermediate, Intermediate, Early Advanced, or Advanced, which reflect movement from being an English Language Learner to Fluent in English Proficiency. Classroom teachers receive the assessment results for each English Language Learner in a report, telling them which students have been determined to be in each of the categories from Beginner to Advanced.

The Handbook is designed to introduce new teachers to a broad array of approaches for increasing comprehension and interest and for advancing thinking and study skills among ELLs. Research-based strategies include effective uses of hands-on learning and realia, cooperative grouping and learning, pre-teaching of vocabulary, and using visual aids and graphic organizers. The Handbook is designed as a bank of adaptation strategies that aid new teachers and are also useful for experienced teachers in broadening their repertoire of instructional techniques for ELLs.

Specially Designed Coursework: Sonoma State University

The Sonoma State University School of Education has developed a sequence of activities that introduces teacher candidates as they move through their teacher preparation to an increasingly complex set of strategies for assisting ELLs. Four different courses in the teacher preparation program have a primary emphasis on working effectively with ELLs:

- Teaching Second Language Learners (EDMS 411)
- Reading and Language Arts for Younger Students (EDMS 463)
- Reading and Language Arts for Older and Struggling Readers (EDMS 464)
- Language and Literacy Across the Curriculum (EDSS 446)

Each of these courses requires candidates to prepare, teach, evaluate and reflect on lessons that incorporate current theories and best practices for teaching ELLs.

In Teaching Second Language Learners, candidates complete field-based assignments, including a case study, in which they employ the California English Language Development Test (CELDT) and must design, teach and evaluate English Language Development (ELD) lessons, and Specially Designed Academic Instruction in English (SDAIE) interdisciplinary thematic units.

Through Reading and Language Arts for Younger Students, candidates learn about the structure and functions of language, both oral and written, and design lessons that allow all learners to participate, regardless of ability or home language. Candidates conduct a classroom environment analysis, using a number of tools, including one that focuses their attention on how the environment supports ELLs.

In Reading and Language Arts for Younger Students, candidates create three lesson plans: one focusing on reading, one on writing, and one that connects literacy and the arts. Each lesson plan needs to reflect ways in which all learners, and particularly ELLs, are included, with high expectations for their achievement.

At the time they take Reading and Language Arts for Older and Struggling Readers, candidates are typically doing their student teaching in a linguistically diverse classroom. They complete a class profile that examines students' interests, reading and writing abilities, and reading and writing attitudes. The course focuses on creating learner-centered literacy experiences for all learners, including a focus on ELLs.

Opportunities to work with ELL students are among the criteria used in establishing field experiences for this and other courses as well as student teaching placements. In their portfolios, candidates include reflections about their experiences working with ELLs.

In Language and Literacy Across the Curriculum, candidates develop and teach Sheltered Instruction lessons in their subject areas that include specific strategies and methods for adapting instruction to meet the needs of ELLs. Candidates carry out a case study focused on an English Language Learner at the site of their field placement. The case study includes conversations and formal interviews with the student, with content area teachers and with the English Language Development (ELD) teachers who work with the student, and results in an analysis of ways in which the academic needs of the student are or are not being met.

These assignments contribute to the performance assessments of candidates in the credential programs. Candidates must pass these performance assessments in order to continue to progress in and successfully complete their credential program. Field placement performance evaluations and portfolio reviews incorporate items related to candidates' effectiveness in working with ELLs. Candidates' ability to work effectively with ELLs is one of the key culminating assessments in the credential programs.

A Variety of Preparation Approaches: California State University San Marcos

At California State University, San Marcos, addressing the needs of ELLs has been a priority and a focus since the founding of the university. Located in northern San Diego County with a growing number of ELLs, the university has responded to this need in a number of ways.

Within the College of Education's teacher preparation program, strategies for helping English Only teachers work effectively with ELLs has been stressed, as many of the teacher candidates are English Only speakers who will be addressing

multiple languages in their classrooms. All classes stress Specially Designed Academic Instruction in English (SDAIE) with a focus on learning content and English simultaneously. Within this structure, teacher candidates are expected to modify all lessons and instructional plans in their teaching methods classes to meet the needs of ELLs. To achieve this, a universal lesson-planning guide has been developed by the faculty to use in all courses. This ensures that teacher candidates have an effective model to follow as they modify and adjust their instructional strategies.

Additionally, a required course focuses solely on the needs of ELLs and how to develop SDAIE lesson plans that are effective, use the primary language when appropriate for concept understanding, and scaffold instructional material and content for ease of understanding and learning. Furthermore, the candidates are taught how to use the CELDT results, write lessons at various levels of intervention, and use multiple measures of assessment to monitor mastery of concepts as well as English development. In addition, San Marcos has a strong bilingual cohort with an enrollment of more than 50 candidates who are interested in obtaining their Bilingual credentials to work in area schools that are offering dual language programs.

The College of Education has also worked closely and diligently with area schools that are struggling with meeting achievement objectives for ELLs, in both dual immersion and English Only settings. Two cohorts of future elementary teachers are taught on campuses of high-need schools, and the student teachers work with the staff to help provide extra services and tutoring, primarily to ELLs. In this model, the College has the opportunity to guide and instruct future teachers on effective strategies as it simultaneously provides needed resources to the school.

Since more than 80% of all English learners are Spanish speakers, the College of Education has also developed close ties with the Sistema Educativo Estatal de Baja California. This provides candidates opportunities to visit schools in Tijuana, understand the school system in Mexico, experience effective strategies for working with ELLs first-hand, and gain an appreciation of the complexities of the neighboring school systems.

What are Examples of CSU Best Practices in Teacher Professional Development Related to English Language Learners?

CSU campuses employ the many exemplary approaches they use in preparing new teachers to work effectively with ELLs in providing professional development for current teachers. CSU campuses provide professional development programs addressing needs of ELLs in all curriculum areas: writing, reading and literature, history and social science, mathematics, science, and the arts. We are assembling information about the full range of these activities for the Committee.

In addition, through the Early Assessment Program (EAP), the CSU has led the nation in efforts to better prepare high school students to meet the expectations they will face in college and the workplace in English and mathematics. The EAP gives high school students the opportunity to learn about their readiness for college-level study or entrance into the workforce through an assessment linked to the 11th grade statewide testing program. Legislation has been introduced to use the EAP at the California Community Colleges as well as the CSU. The techniques it employs can help guarantee that No Child is Left Behind in pathways to college—that no secondary student lacks the opportunity to become prepared for post-secondary education.

The EAP includes three major literacy components:

- Assessment of English and mathematics readiness of high school juniors for college and the workplace
- A high school Expository Reading and Writing Course designed to foster students' skills in English
- Professional development for teachers in which they learn to advance academic literacy.

The EAP English professional development emphasizes academic literacy, critical thinking, and expository reading and writing. Teachers learn to help their students develop effective reading and writing skills for use in interpreting and producing written communications intended to inform, describe, and explain. These are skills in which many high school students currently receive limited explicit instruction.

The CSU provides two types of EAP professional development for English teachers: four-day workshops offered with County Offices of Education, and intensive Reading Institutes for Academic Preparation that consist of 80 hours of professional development and involve participation in Summer Institutes focused on academic literacy.

As they participate in these programs, teachers develop a repertoire of academic literacy instructional skills that are relevant to preparing secondary ELLs to become college-bound, particularly those on their way to becoming Fluent in English Pro-

ficiency. These skills are employed by teachers as they later teach the Expository Reading and Writing Course in their classrooms. They include, for example, strategies for improving student writing and for collaborative reading—helping students decipher the meaning of text. The strategies emphasize explicit instruction for high school students in the type of expository reading and writing they will encounter in college and the workplace. The course gives students extensive practice in such areas as writing, grammar, and punctuation.

The professional development and instructional resources teachers use in the Expository Reading and Writing Course includes materials that are especially relevant for particular groups of students who began their schooling as ELLs. Materials that deal with verbs, for example, are especially important to Asian students whose first languages do not use verb tenses to indicate time. In the professional development courses, teachers learn strategies for helping their struggling as well as their more advanced students develop tools for revising their writing to meet expected standards of English usage. They learn to assist students to understand that editing is important and necessary to clarify and refine ideas.

The CSU Reading Institutes for Academic Preparation and Expository Reading and Writing workshops address the California English/English Language Arts Content Standards and deal explicitly with key grammatical concepts and conventions of written English. As such, they are of significant value to teachers who work with ELLs. The teachers become prepared to teach students the skills needed to read academic content with understanding and to communicate ideas effectively in writing. To date, more than 3,000 teachers have participated in CSU professional development in expository reading and writing. These teachers develop an understanding of the relevance of academic literacy to all students. The majority currently—or will at some point—teach classes in which ELLs benefit from these techniques.

CSU Annual Accountability Report and Performance Assessments: How Prepared are CSU Teacher Candidates to Work with English Language Learners?

Annual Accountability Report

Since 2001, the teacher preparation programs on the 22 CSU campuses have participated in an annual Systemwide Evaluation of Teacher Education Programs. A central purpose of the evaluation is to provide information that Deans of Education and other campus leaders can use in making improvements in teacher education programs. It is an ongoing evaluation process that provides updated data about the quality of teacher preparation programs each year.

The Systemwide Evaluation consists of six interrelated sets of activities and outcomes of teacher preparation that, taken together, provide a detailed picture of program quality and effectiveness.

Outcome one focuses on the qualities of each program as reported by graduates when they finish the program.

Outcome two addresses the effectiveness of a program in terms of the level of each graduate's preparation as reported by the graduates during their first few years of K-12 classroom teaching.

Outcome three is concerned with the effectiveness of a program as reported by the employment supervisors (usually the site Principal) of CSU graduates during their first years of teaching.

Outcome four addresses the program's impact on teaching competence as reflected in a measure of teaching performance.

Outcome five examines the retention of CSU graduates in teaching.

Outcome six examines the effects of teacher preparation on the learning gains of K-12 pupils who are taught by CSU graduates.

Data have been collected on the first three outcomes for the past five years. These outcomes are based directly on ratings of candidates' preparation to teach by the candidates or their supervisors. A number of the items that are rated pertain explicitly to teaching ELLs. These include graduates' and their employers' assessments of their preparation to:

- Meet the instructional needs of students who are ELLs
- Meet the instructional needs of students from diverse cultural backgrounds
- Adjust teaching strategies so all students have chances to understand and learn
- Adhere to principles of educational equity in the teaching of all students
- Know about resources in the school and community for at-risk students and families
- Use language so students at different levels can understand oral and written English
- Teach the skills of English writing and provide appropriate feedback to students
- Contribute to students' reading skills, including subject-matter comprehension.

These and a number of other factors are combined in a composite measure that is referred to as the annual Assessment by CSU Graduates and their Employers of their Preparation to Teach English Learners. Individual campuses look carefully at this measure to determine how well they are doing in preparing candidates to meet the needs of ELLs, and the system looks at the overall level of preparation.

During the past few years, we have found that approximately 75% of our teacher candidates indicate that they feel well prepared or adequately prepared to teach English Learners. This leaves 25% for whom ratings indicate a perception that they are only somewhat prepared.

As a system, we would like to see this percentage lowered to be consistent with the other ratings in our survey. Therefore, we have instituted a number of initiatives to help campuses share best practices and learn from each other.

This issue was an area given major attention at our recent CSU Teacher Education Professional Development Conference, where Schools and Colleges of Education came together to begin collaboration on effective practices. This will continue to be an area of focus for the system as we prepare candidates to work effectively with ELLs.

Performance Assessment of Teacher Candidates

Beginning in 2008, teacher candidates in California will be required to demonstrate their preparation to teach through a performance assessment as a criterion for receiving a teaching credential. CSU campuses have been preparing to implement the Teaching Performance Assessment for several years. It includes assessment of Teaching Performance Expectancies that address pedagogical skills and their application in teaching subject matter. Effectiveness in working with ELLs is addressed explicitly or is implicit in many of the Teaching Performance Expectancies. The success of our candidates in this component of the performance assessment is an area that will receive significant attention by the CSU as a system.

Recommendations for Reauthorization of No Child Left Behind

The most consistent finding in all of the work of CSU and our partners pertaining to ELLs is the importance of high-quality professional development—and professional development that is embedded in the context of systemic reforms. There is a rapidly evolving body of knowledge on the approaches that are effective in enabling schools with large numbers of ELLs to make progress in reaching student achievement goals.

The research demonstrates the importance of effective instructional strategies that are implemented in a school setting of high expectations for ELLs. Of particular relevance is the outstanding work in this area of Just for the Kids (*www.jftk.org*).

NCLB includes support for professional development through the National Professional Development Program (Title III, Part A, Subpart 3—Section 3131). Funding for fiscal year 2007 was $38.1 million. This is an extremely important program that supports professional development activities designed to improve classroom instruction for ELLs and assist teachers working with these children to meet certification standards.

It is our view that two changes should occur in this important program:

(1) Funding for the National Professional Development Program should be increased significantly.

The funding currently allows for approximately 15 projects in California annually. In view of the importance of this area, funding of at least twice this scope is warranted. Studies of schools that have not met their Adequate Yearly Progress objectives demonstrate that they need assistance in professional development and that states do not have the capacity to meet this need. In California, CSU campuses are located throughout the state and can provide substantial assistance. One of the most significant steps for enhancing teacher preparation and professional development that can be taken in the reauthorization of NCLB is the expansion of this national program in which Institutions of Higher Education (IHEs) provide training and work with their high-need school districts as partners.

(2) The scope of the National Professional Development Program should be expanded to include a range of effective teacher development and school reform activities.

At present, the program is focused on activities that upgrade qualifications and skills of personnel who are not certified. Data from California demonstrate that what works to close the achievement gap for ELL students is systemic change at the school and district levels that specifically addresses the needs of these students. Successful school reform involves a systematic process of using data to identify

needs, applying appropriate resources, providing appropriate professional development and support, and continuously using data to gauge progress.

The work of Just for the Kids has identified different models currently working in schools that are effective in addressing the needs of ELLs. The research shows that no two models look exactly the same, but that all are focused on student success in meeting rigorous standards and on making continuous use of data as a resource for informing decision-making.

Funding for IHEs to work with school teams to develop a model of success for their particular area based on best practices for preparing students for academic success or for the workforce leads to successful systemic change. Such change needs to include developing teacher leaders, involving community stakeholders, providing suitable resources, and continuously using data to monitor progress.

Currently, the funding in the National Professional Development Program is targeted to IHEs that need to develop program curricula and upgrade qualifications for pre-service teachers or those who are not certified and licensed. In the CSU, all of our teacher preparation programs have undergone revisions over the past several years so that each of our programs provides needed preparation and all of our teacher candidates now graduate with an Authorization to Teach ELLs.

The National Professional Development Project should be expanded to enable higher education to work with school teams of highly qualified teachers and administrators. A significant need is to help them develop the systems and structures necessary to successfully address issues of student achievement and closing the gap for ELLs.

What is now needed in the legislation is the authorization of additional activities in order that IHEs can work with local educational agencies in comprehensive professional development programs. The purpose must be to prepare teacher and administrative leaders who are equipped to implement the systemic structures, data-driven decision-making, and best practices necessary to transform the schools with the most need.

This speaks to new kinds of collaborative professional development that focus both on solving immediate problems and on long-term capacity building so that schools can more effectively address the needs of ELLs. In the CSU, we draw on expertise across all of our campuses in implementing such approaches that bring about significant instructional reforms of this nature.

Next year, the CSU expects to begin seven new Ed.D. programs in Educational Leadership located in regions across the state. The authorizing legislation (California Senate Bill 724-Chapter 269, Statutes of 2005, Scott) called upon CSU to prepare a diverse group of educational leaders through partnerships with local education efforts that bring about significant reforms and improve student achievement.

The approaches we have developed for the new CSU Ed.D. programs are the very ones needed for equipping schools and teachers to succeed in serving ELLs. We look forward to having them become national models for preparation of educational leaders, like those we have developed in teacher preparation.

Conclusion

The CSU and its campuses are deeply committed to preparation and professional development equipping schools and teachers to address the needs of English Language Learners. As we identify and evaluate strategies that are of demonstrable effectiveness, we anticipate sharing them not only among our campuses but also with colleges, universities, and state and local educational agencies around the country.

We thank you for your interest in the efforts of the CSU to meet this need. I will be pleased to answer any questions you might have, and we look forward to working with you in this critical area in the future.

Chairman KILDEE. Ms. Guzman.

STATEMENT OF MARTA GUZMAN, PRINCIPAL, OYSTER BILINGUAL ELEMENTARY SCHOOL

Ms. GUZMAN. Chairman Kildee, Ranking Member Castle and subcommittee members of the Subcommittee on Early Child, Elementary and Secondary Education, I am pleased to appear before you today to testify on the impact of No Child Left Behind on English language learners.

As the Principal of Oyster Bilingual Elementary School, a public school in the District of Columbia, I welcome the opportunity to

share with you the many successes and the best practices that make Oyster's program unique.

Oyster has distinguished itself in the city for having long lines of parents who have camped out on the street for 3 weeks at a time in order to be guaranteed a space at Oyster, and this year alone, I have 250 applications for 24 slots. Next year, we will be expanding our model from a pre K-6 to a pre K-8 middle school, and so the question is why. Why does this happen? I hope that I can expand on that just a little bit.

Oyster Bilingual Elementary School is the only public school in D.C. that seeks to teach from pre K through 6 in two languages—Spanish and English. Launched as a dual language immersion model in 1970 by Latino and community activists, this school achieves an academic excellence with an ethnically and socioeconomically diverse student body. Oyster's model of bilingual education mandates a challenging curriculum that logically integrates the international focus throughout its program content. The Oyster model requires that each classroom have two teachers—a native English speaker as well as a native Spanish-speaking teacher—and that every subject be taught equally in both languages.

Students do not switch languages midday or change according to classroom topic. Rather, there is a seamless integration of the two languages across all subject matter. Further, Oyster's faculty hail from all over the world and bring unique culture and values to the content that they teach. The result is a global ethos that enables Oyster to nurture children who not only become fluent in two languages, but who gain a deep-felt understanding of and respect for the diverse cultures that make up our world.

The seamlessly integrated focus on language learning is supported by the school's admission policy, which requires a 50/50 balance between students who are native Spanish speakers and those who are native English speakers. When English language learners and Spanish language learners are educated on an equal playing field like this, an advanced level of cross-cultural acceptance and understanding is possible, and this forms the basis of language learning at Oyster.

Given Oyster's program and student family population, the school is well situated to help offer D.C. Latinos needed services and support. Oyster recently received a grant from the D.C. Mayor's Office on Latino affairs to take on this work in partnership with the Carlos Rosario International School. The funding is enabling Oyster to provide ESL classes for Latino parents of elementary-aged children. The Oyster school has an informal relationship with Mary's Center for Maternal and Childcare, a family health and social services center dedicated to increasing access to comprehensive bilingual care to low-income, uninsured residents of Washington, D.C.

Eligible families are identified by Oyster and are referred to the Center while the Center staff refers patients with educational needs to Oyster. Working with community and supporting families is also at the basis of supporting English language learners.

In addition to this recent national recognition of the school's success, of the No Child Left Behind—Blue Ribbon Award, Oyster regularly measures and documents students' achievement in both

English and Spanish. As a D.C. public school, Oyster administers a standard achievement test and also the D.C. comprehensive assessment system as well as Aprenda: La Prueba de Logros en Espanol—2nd Edition. All Oyster students, including special education students, participate in this testing. Every year on every test, the Oyster students' scores in reading and math greatly exceed those for the District of Columbia as a whole.

In 2006, 79 percent of Oyster's students tested at proficient or above proficient in reading. 21 tested as advanced. In math, 72 percent of our students tested proficient and above proficient, and 30 percent tested as advanced.

I also have more, but I will stop at this point because my light is on. Thank you so much.

Chairman KILDEE. Thank you very much.

[The statement of Ms. Guzman follows:]

Prepared Statement of Marta Guzman, Principal, Oyster Bilingual Elementary School

Chairman Kildee, Ranking Member Castle, and distinguished members of the Subcommittee on Early Childhood, Elementary and Secondary Education, I am pleased to appear before you today to testify on the "Impact of NCLB on English Language Learners". As the principal of Oyster Bilingual Elementary School, a public school of the District of Columbia I welcome the opportunity to share with you the many successes and best practices that make Oyster's program unique.

I. School background

Oyster Bilingual Elementary School is the only public school in Washington, DC that educates all students from Pre-Kindergarten to 6th grade in two languages: Spanish and English. Two core features define Oyster's dual language immersion model:

1. An admission policy that creates a 50-50 balance between students who are native Spanish speakers and those who are native English speakers.
2. An instructional model that teams a native English-speaking teacher and a native Spanish-speaking teacher in each classroom, with every subject taught equally in both languages.

In the Oyster model students do not switch languages at mid-day, or change according to classroom or topic. Rather, there is a seamless integration of the two languages across all subject matter—students don't just learn Spanish, they learn in Spanish. So while the Oyster curriculum meets all of the DCPS academic standards, bilingualism is not an educational tool toward this end, but rather an essential goal in itself. All Oyster students are expected to (and do) become fluent and literate in both Spanish and English, most by the time they finish 3rd grade.

In addition to 2006 recognition as a U.S. Department of Education "No Child Left Behind-Blue Ribbon School," Oyster students' academic achievement in both English and Spanish is consistently above par. Scores in reading and math always exceed those for the District of Columbia as a whole, and 2006 testing in Spanish puts Oyster students in the 75th percentile in reading and the 84th percentile in math for the nation (Oyster is the only school in DC to test all of its students in reading and math in both English and Spanish, so no system-wide comparisons are available). However, compared to scores on the Aprenda test nationwide, Oyster students consistently show strong results.

II. Best practices

Oyster Bilingual Elementary School Offers a Challenging Curriculum That Integrates International Content

Oyster Bilingual Elementary School is the only public school in Washington, DC that educates all students from Pre-Kindergarten to 6th grade in two languages: Spanish and English. Launched as a dual language immersion program in the 1970s by Latino, community and education activists, the school achieves academic excellence with an ethnically and socio-economically diverse student body. Oyster's model of bilingual education mandates a highly challenging curriculum that logically integrates an international focus throughout its study content.

The Oyster model requires that each classroom have two teachers, a native English-speaker as well as a native Spanish-speaking teacher, and that every subject is taught equally in both languages. Students do not switch languages at midday, or change according to classroom or topic. Rather, there is a seamless integration of the two languages across all subject matter. Further, Oyster's faculty hail from all over the world, and bring unique culture and values to the content they teach. The result is a global ethos that enables Oyster to nurture children who not only become fluent in two languages, but who gain a deeply-felt understanding of, and respect for, the diverse cultures that make-up our world.

The seamlessly integrated focus on language learning is supported by the school's admission policy which requires a 50-50 balance between students who are native Spanish speakers and those who are native English speakers. When English-language learners and Spanish-language learners are educated on an equal playing field like this, an advanced level of cross-cultural acceptance and understanding is possible, and this forms the basis of language learning at Oyster.

Given Oyster's program and student/family population, the school is well-situated to help offer DC Latinos needed services and support. Oyster recently received a grant from the DC Mayor's Office on Latino Affairs to take on this work, in partnership with the Carlos Rosario International School. The funding is enabling Oyster to provide ESL classes for Latino parents of elementary-age children. The Oyster School has an informal relationship with Mary's Center for Maternal and Child Care, a family health and social services center dedicated to increasing access to comprehensive bilingual care to low-income, uninsured residents of Washington, DC. Eligible families are identified by Oyster and referred to the Center, while Center staff refers patients with educational needs to Oyster. Working with the community and supporting families is at the core of supporting English language learners.

III. Oyster Bilingual Elementary School can provide measures of student success, including proficiency in learning world languages

In 2006, Oyster was named a U.S. Department of Education "No Child Left Behind-Blue Ribbon School." This honor goes to schools that are either academically superior in their states or demonstrate dramatic gains in student achievement. Oyster was the only school named in Washington, DC in 2006, and was the only bilingual school named nationwide, public or private.

In addition to this recent national recognition of the school's success, Oyster regularly measures and documents student achievement in both English and Spanish. As a DC public school, Oyster administers the Stanford Achievement Test 9th Edition (SAT-9), and beginning this school year, the DC Comprehensive Assessment System (DC CAS). In addition, Oyster administers the Aprenda: La Prueba de Logros en Español—2nd Edition. All Oyster students, including special education students, participate in testing.

Every year and on every test, Oyster students' scores in reading and math greatly exceed those for the District of Columbia as a whole. In 2006, 79% of Oyster students tested "at proficient" or "above proficient" in reading; 21% tested as "advanced." In math, 72% of Oyster students tested "at proficient" or "above proficient;" 30% tested as "advanced."

Thus, the dual language immersion model at Oyster is additive—not only celebrating a student's heritage and making it stronger, but simultaneously developing high levels of competence in English. This philosophy undergirds instruction at Oyster. Minority and majority students at Oyster come together in an environment that celebrates an equal balance between cultures and languages, thus eliminating the divide and providing for a high degree of self-esteem in all students. Thus, the high academic performance level at the lower grades provide for higher achievement in the middle and high school years. All of these factors contribute to academic success of our students and diminish the possibilities of having students drop out of school.

Chairman KILDEE. Ms. Sánchez.

STATEMENT OF FRANCISCA SÁNCHEZ, ASSISTANT SUPERINTENDENT OF CURRICULUM AND INSTRUCTION, SAN BERNARDINO COUNTY SUPERINTENDENT OF SCHOOLS OFFICE

Ms. SÁNCHEZ. Good morning, Chairman Kildee, Ranking Member Castle and members of the subcommittee.

Today, I am pleased to be here representing San Bernardino County Superintendent of Schools Office as well as our partner county Offices of Education in Los Angeles, Orange, Riverside, San Diego, and Ventura Counties. Together, we compromise the PROMISE Initiative, a collaboration for English learner reform and success.

The needs of English learners, as you well know, in my county and throughout our five partner counties are staggering. In San Bernardino County alone, almost 90,000 students—that is, one in five of our students—are English learners. In California, over a fourth of all students are English learners, and 64 percent of all California's English learners attend school in one of our six counties. We are talking about over 1 million students. Yet, of these, only 7 percent receive full access to both the English language development and the core academic curriculum they need to meet the requirements of NCLB and to succeed in school, and this is a recipe for educational and societal disaster.

NCLB requires that all students reach proficient levels of achievement by 2014—that is just 7 years from now—but currently, at second grade, fewer than a third of our English learners meet the proficient standard in language arts, and at the eleventh grade, only 4 to 6 percent test at or above proficient. What does this mean for our schools?

For one thing, in San Bernardino, we see an alarming trend with a majority of the 90-plus schools in program improvement there based on the academic gaps experienced by our English learners, and we see a similar pattern when we look at who teaches these English learners. Although NCLB requires that every student be taught by a highly qualified teacher, English learners are twice as likely as students in general to be taught by a teacher who is not fully credentialed. Considering this, the PROMISE Initiative proposes a bold shift in how we design and deliver successful English learner programs.

As part of the PROMISE Initiative, our six counties in Southern California have risen together to boldly and innovatively address the needs of English learners and to build a vision and model that can be replicated across the Nation. The ultimate goal of the PROMISE Initiative, of course, is to ensure that English learners achieve and sustain high levels of academic, linguistic and multicultural competency and that they are successfully prepared for 21st Century citizenship.

Most unique about PROMISE is that it is grounded in eight research-based core principles to promote the academic success of English learners in grades K through 12th. These are described in detail in your materials, but they include enriched and affirming learning environments, empowering pedagogy, challenging and relevant curriculum, high-quality instructional resources, valid and comprehensive assessment, high-quality professional preparation and support, powerful family and community engagement, and advocacy-oriented administrative and leadership systems.

In our six counties, we have worked with districts and schools to develop and pilot customized programs to meet the specific needs of the English learners at their sites. Each district and school is using local funds to support its work in PROMISE and has ex-

pressed its commitment to PROMISE from all levels, including a commitment to a rigorous goal standard, research and evaluation component. PROMISE is a research-supported, principles-based reform model, and so PROMISE facilitates the design of local systems that promote simultaneous delivery of language and literacy development and rigorous academic content instruction systemically throughout a school district. As a result, PROMISE provides schools and districts with what they need to improve instruction, close achievement and access gaps and increase college-going rates for English learners, and in addition, we expect to see better prepared teachers and high levels of parent satisfaction and support.

The bottom line is that the PROMISE Initiative is putting into practice what really works to meet the needs of English learners, and I invite you to view our accompanying materials which describe the initiative in detail, an initiative that, we believe, holds the key to fulfilling the promise of No Child Left Behind, and that is why I so appreciate the opportunity to speak with you today. We understand and support the positive intent of No Child Left Behind, and so we have come to the careful conclusion that several areas of NCLB need revision in order to truly have the intended impact on English learners in our schools, and I will briefly address two of these areas.

The first one of the greatest areas of impact of NCLB has been the implementation of the accountability provisions. States must be held accountable for implementing an assessment and accountability system that uses valid and reliable instruments. Secondly, we understand the role interventions and eventually sanctions play, and we need to have our schools using the existing research to prepare those interventions.

Thank you so much.

Chairman KILDEE. Thank you very much, Ms. Sánchez.

[The statement of Ms. Sánchez follows:]

Prepared Statement of Francisca Sánchez, Assistant Superintendent of Curriculum and Instruction, San Bernardino County Superintendent of Schools Office

Good morning Chairman Kildee, Ranking Member Castle, and members of the Subcommittee. I am Francisca Sánchez, Assistant Superintendent of Curriculum and Instruction of the San Bernardino County Superintendent of Schools Office in Southern California. Today, I am pleased to be here to represent San Bernardino County as well as five additional Southern California county offices of education that comprise the PROMISE Initiative—a six county collaboration for English Learner reform and success. Our partnership includes the county offices of education of Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura.

The needs of English Learners in my county and throughout our six county partners are huge. In San Bernardino County alone, almost 90,000 students are English Learners. This represents one in five of our students. Based on data from the California Department of Education, we know that within the state of California, over one fourth of all students are English Learners, and that 64% of all English Learners in the state attend school in one of our six counties. We're talking about over 1 million students (1,008,140). Yet, only 7% of our English Learners receive FULL access to both the English Language Development) and the core academic curriculum they need to meet the requirements of NCLB and to succeed in school. This is a recipe for educational and societal disaster.

NCLB requires that all students reach proficient or higher levels of academic achievement within 12 years. Currently, at second grade, only 21 to 32% of English Learners in the six PROMISE counties meet the proficient standard in Language Arts. At the 11th grade, only 4 to 6% test at or above proficient. At the high school level, only 29% of English Learners tested in the six PROMISE counties have

passed the California High School Exit Exam in English Language Arts compared to 72% of English only students. On the Mathematics exam, 49% of English Learners passed, compared to 78% of English only students.

What does this mean for schools and districts relative to NCLB? San Bernardino County provides an example of the consequences. Here, we see an alarming trend where the majority of the ninety plus schools in Program Improvement are there based on the academic gaps experienced by our English Learner students.

We see a similar pattern when we consider who teaches English Learners. Although NCLB requires that EVERY student be taught by a highly qualified teacher, English Learners are twice as likely as students in general to be taught by a teacher who is not fully credentialed.

Taking these demographic and performance data into consideration, the PROMISE Initiative proposes a bold shift in how we deliver successful programs to these students, not only in the local geographic area, but nationwide. It provides an alternative to highly negative consequences of continuing to school our English Learners for failure.

The PROMISE Initiative As mentioned above, the PROMISE Initiative is a collaboration of six county offices of education in Southern California who have risen together to boldly and innovatively address the needs of English Learners and to build a vision and model that can be replicated throughout our state and the nation. The ultimate goal of the PROMISE Initiative is to ensure that English Learners achieve and sustain high levels of academic, linguistic, and multicultural competency, and are successfully prepared for 21st century citizenship.

The PROMISE Initiative is in the beginning phase of a three-year pilot study (2006-2009) to advance a powerful vision of English Learner success. Within the six counties, six school districts and 15 schools (PreK-12th grade) are participating in a customized pilot program to meet the specific needs of the English Learners at their sites. Each district and school is using local funds to support their work in PROMISE, and they have expressed their commitment to PROMISE from all levels—district and site leadership, teachers, students, parents, and targeted support from county offices of education.

The PROMISE approach promotes simultaneous delivery of language/literacy development and rigorous academic content instruction systemically throughout a school district. As a result, schools and districts will close the achievement and access gaps and increase college-going rates for English Learners, and achieve high levels of parent satisfaction and support. PROMISE is not a curriculum or specific program, but rather it is a research-supported, principles-based reform model that addresses the needs of English Learners throughout the entire school system (i.e. district, school, community, county,). The research-based core principles to realize this vision are:

- Enriched & Affirming Learning Environments
- Empowering Pedagogy
- Challenging & Relevant Curriculum
- High Quality Instructional Resources
- Valid & Comprehensive Assessment
- High Quality Professional Preparation & Support
- Powerful Family & Community Engagement
- Advocacy-Oriented Administrative & Leadership Systems

The PROMISE Initiative embraces a vision that English Learners will achieve and sustain high levels of proficiency, including literacy, in English and the home language; high levels of academic achievement, including proficiency on state standards across the curriculum and maintenance of that achievement in English after participation in specialized English Learner programs and through grade 12; sophisticated sociocultural and multicultural competency; preparation for successful transition to higher education; successful preparation as a 21st century global citizen; and high levels of motivation, confidence, and self-assurance.

The PROMISE Initiative uses a gold standard of research employing the NAEP, NCLB, state, and local standards, as well as performance based assessments and student surveys, to measure English Learner achievement in acquiring English and learning academic content. At the conclusion of the three-year pilot study, the research and evaluation findings will be published and PROMISE will move into a five-year field study to replicate and expand the vision of PROMISE to schools and districts in California and the nation. The six Southern California PROMISE counties are in a critical position and have the combined knowledge/experience base to powerfully and positively affect education for English Learners nationwide through the PROMISE Initiative.

Impact of NCLB on English Learners

I greatly appreciate the opportunity to speak to you today about the impact of No Child Left Behind on English Learners and to add to the national dialogue on this very important issue.

Let me begin by highlighting a few key points about our position on and approach to the impact of NCLB on English Learners.

• English learners are most often the subgroup that has not met AYP targets in schools that are classified as Program Improvement. To add to the educational challenges in California, the achievement gap between English only students and English Learners has grown every year since the 2002-03 school year.

• English Learners must meet the same rigorous standards set for all students. It is essential that NCLB allow various paths to reach that goal without labeling students and schools as failures. Currently, NCLB requires English Learners to meet standards at the same pace as others while a significant portion of these students is doing double work -learning a second language and striving to reach high academic standards.

While acknowledging and understanding that the intent of NCLB and other policies regarding English Learners has been to provide key guidelines and support for their success, we have come to the careful conclusion that several areas of NCLB need revision in order to truly have an impact on English Learners in our schools. The areas that we have identified include:

• Assessment and Accountability System for English Learners
• Sanctions and Interventions
• Reading First
• Highly Qualified Teachers/Professional Development
• Paraprofessionals
• Supplemental Educational Services (SES)
• Parent and Family Engagement

Assessment and Accountability System for English Learners

One of the greatest areas of impact of NCLB in our state and in the nation has been in the implementation of assessment and accountability systems—not just for English Learners, but also for all learners. To best reflect the abilities of our English Learner students and in order to assure accurate and reliable results, states must be held accountable for implementing an assessment and accountability system that uses valid and reliable instruments to yield accurate data as to what an English Learner knows and can do.

A revised NCLB should ensure that the English Learner testing provision requires testing "in a language or form that most accurately reflects what students know and are able to do". Tests in the home language, modified English tests, and other appropriate measures need to be a part of each state's system until students' English proficiency allows them to compete on tests developed for native English speakers. Guidelines on appropriate testing accommodations for English Learners need to be provided and states need to be monitored on their statewide implementation of these accommodations. Additionally, in order to make the aforementioned a reality, it is key to significantly increase research and investment in the development of appropriate assessments and accommodations.

Because NCLB has rightly focused on measuring the success of students from several subgroups to allow for clear and careful analyses of the data, it is important that English Learners are maintained as a subgroup and that the data are disaggregated for two distinct purposes: 1) Under Title III, English Learners in U.S. schools three years or less must be included in AMAOs I and II (and AYP only if documented accommodations yield valid and reliable results for this subgroup); and, 2) English Learners in the U.S. more than three years should be included in both the Title I AYP and Title III AMAO calculations with appropriate accommodations geared to different English Learner proficiency levels.

And finally, any growth model should include longitudinal student data that disaggregate English Learner data by proficiency in home language and English, time in program, and type of services/programs. Currently, we have found an inconsistency in the way data are collected and accounted for, often just giving a one-year view of student growth and progress that inadequately or inaccurately predicts sustainable, long-term success.

Interventions

With accountability at the center of our discussion around student success, we understand the role interventions and eventually sanctions play to ensure that the needs of all students are addressed; however, interventions need to be based upon data that accurately reflect what English Learners know and can do. We have seen

case after case where English Learners are lumped into one large category, not accounting for their distinct language levels and background educational experiences. It is imperative that the data that are used to define the most effective intervention needs account for the students' level of English and home language proficiency, time in U. S. schools, previous level of education, and the types of program services provided.

There is extensive research and documentation in the field regarding the best and most effective practices and strategies for English Learners—our PROMISE Initiative espouses many of them in our approach to English Learner success. Regrettably, in the quest to reach compliance with NCLB, many of our schools, for a variety of reasons, move forward on decisions regarding reform for English Learner programs without taking that research into consideration. In order to have the kind of powerful growth called for by NCLB, interventions must rely on research-based practices that promise long-term, sustainable, high level success for English Learners in first and second language development AND academic achievement. If and when schools enter into Program Improvement status, it is imperative that they contract with personnel/entities that have experience and expertise with English Learners. Similarly, sanctions for schools in Years 4/5 Program Improvement must reflect a wide array of new program options for alternative governance, such as biliteracy, dual language, structured English immersion, Spanish for native speakers, and others documented as successful with English Learners.

Reading First

NCLB has provided our schools and districts nationwide with targeted approaches for literacy development through Reading First. It is imperative, once more, to stress that any program or approach that intends to impact English Learners directly address the differentiated needs of students based on language acquisition and educational experience. In the case of Reading First, states must be held accountable to develop research-based approaches and materials that specifically accelerate language development and literacy for

English Learners and that maintain this accelerated progress over several years in order to close the achievement gaps. The professional development designed for the Reading First program must prepare teachers to differentiate instruction to address the language proficiency and literacy needs of English Learners. To accurately reflect the teaching and learning that has occurred, the evaluation design and assessments in state Reading First programs must be valid and reliable to demonstrate what English Learners know and can do, and how this growth is able to be sustained over time.

Highly Qualified Teachers/Professional Development

As I noted in my introduction, while NCLB requires that EVERY student be taught by a highly qualified teacher, English Learners are twice as likely as students in general to be taught by a teacher who is not fully credentialed. According to "Teaching and California's Future" (2006) published by the Center for the Future of Teaching and Learning, CSU Office of the Chancellor, UC Office of the President, Policy Analysis of California Education, and WestEd, one of the greatest teacher preparation shortages in the state is in the area of teachers for English Learners. In fact, in 2005-06 only 56% of fully credentialed, experienced (more than five years of teaching experience) teachers had English Learner authorizations. While this is a dramatic increase from over five years ago (34%), given the nature of instruction and the fact that English Learners are incorporated throughout virtually all classrooms in schools where they are present, the percentage must be much higher to ensure effective academic instruction for English Learners.

Given this context, in response to the teacher professional development components of NCLB, we strongly recommend that the definition of highly qualified teachers be expanded and clarified to require that teachers who provide instruction to English Learners have the appropriate EL authorization. Teachers in all core subject areas who are assigned to provide instruction to English Learners should be explicitly required to receive professional development in English Language Development (ELD), Specially Designed Academic Instruction in English (SDAIE), and/or primary language instruction. To support this type of focused teacher professional development, a key factor would be to re-institute federal grants for graduate students in ELD and bilingual education.

Paraprofessionals

In addition to focusing on high quality professional development for teachers, NCLB has recognized the key role that paraprofessionals play in the education of all students. To specifically address the growing needs of English Learners, it is distinctly important to require that paraprofessionals working with English learners

be provided with training and professional development to address their working knowledge and implementation of first and second language acquisition and other appropriate strategies. Career ladder opportunities are needed that lead to appropriate English Learner certification, along with teaching credentials.

Supplemental Educational Services (SES)

NCLB has targeted additional support for English Learner students via the Supplemental Educational Services. Concentrated, focused approaches in SES programs have been proven to support student academic growth and engagement if they are closely aligned to the goals and practices of the school's educational program. Such services can and should play a role in supporting English Learner students by specifically ensuring that parents are given sufficient information to make informed decisions regarding SES providers and that the information is provided in the language spoken by the parents.

The role of the SES provider, obviously, is instrumental in how successful the program will be. SES providers who work with English Learners should be required to have the knowledge and skills necessary to teach English Language Development and rigorous, grade-level appropriate, standards-based content instruction appropriate to the various language proficiency levels of the students. Providers should be required to deliver instruction consistent with the language of instruction during the school day for the designated subjects

Community Building Parent and Family Involvement

As we have addressed the impact of NCLB for English Learners in areas such as accountability, professional development, and educational programs, we recognize that the underlying foundation for the success of our students draws from the primary role of parents and family. NCLB has strongly influenced the importance of the role of parent and family engagement as a key factor to student success and indeed has recognized parents as students' first and ongoing teachers. We have greatly appreciated the emphasis that has been placed on the role of parents and community in effective programs for English Learner students. To maximize the impact of parent and family engagement, we recommend that parent advisory committees be required to include representation of English Learner parents and specific roles for their involvement, that there is an increase in the percent of funding that is allocated to parent involvement, and that an independent audit of states' implementation of the required parent involvement/community building mandates be implemented.

Conclusion

It has been my pleasure and an honor to share the work we are doing on behalf of English Learners and to highlight the impact of No Child Left Behind in the Southern California region. Through this opportunity to testify on this panel, I am hopeful that the true needs and concerns of English Learners will be addressed.

Chairman KILDEE. I thank all of you for your testimony.

The rules of the subcommittee adopted on January 24th of this year give the Chair the discretion on how to recognize members for questioning. It is my intention as chair of this subcommittee to recognize those members present at the beginning of the hearing in order of their seniority on this subcommittee. Members arriving after the hearing began will be recognized in order of appearance.

I now recognize myself for 5 minutes.

Mr. Zamora, you said that No Child Left Behind was very helpful as written for these students, but the implementation is where the problem lies. Could you expand upon that?

Mr. ZAMORA. Certainly.

I think one of the primary problems, as certainly many have testified today, is with the quality of the tests for English language learners. It has not been a very high priority for States or for the Federal Department of Education until recently, and so we are working now to improve the quality of tests, but really need to move forward with that process and to receive congressional support for testing these students properly.

I would also note that English language learners can be included in several subgroups. Many English language learners are also low-income, and likely also the interracial, ethnic minority, and so, not only do tensions regarding test quality for English language learners affect the performance of the ELL subgroup, but also these other subgroups as well, so it is really going to be very important that we measure what students know, design interventions that are effective and really lift the performance levels of ELLs.

Chairman KILDEE. Do you think the language in No Child Left Behind is adequate or is there a question that we do not appropriate enough to carry out the language?

Mr. ZAMORA. Certainly, funding is a concern, and my coalition has been advocating for increased funding for No Child Left Behind for years, and so we are looking forward to increased funding levels.

There is a challenge in terms of the implementation of native language assessments, which is that the current language states that States must do so to the extent practicable. Many States have chosen to interpret that as being a requirement without teeth and have basically declared that practicability rarely exists, and so we have not seen enough States implement the kind of native language assessments, including California, I might add, with 1.25 million English language learner students who are being tested using an English language test. If I were to move to China, I would want my student to be tested in English, not in Chinese, because that would most likely generate meaningful results for that population.

Chairman KILDEE. I can recall, when I was teaching school, at a PTA meeting, I taught Latin, and the teacher next to me, as we had the PTA meeting, was teaching French, and in frustration, she said to the parent "Your child will never learn French," and the mother said, "Well, I am glad he was not born in Paris then." so you can teach people language then, right?

Dr. Young, I was the author of the Bilingual Education Act in Michigan many, many years ago. Since then, we have limited English proficiency, English language learners, English as a second language. Does the California State system provide programs for all of these or are they mingled somewhat in preparing for these four programs?

Ms. YOUNG. I think there continues to be an expansion of the types of programs and the acronyms that we use to describe them all, and I think there is a full range of those programs represented across our campuses.

I think there is a core that all of our campus faculty agree on. Just 2 weeks ago, March 9th, we had a teacher ed professional development faculty conference, and one of the strands of that conference was pedagogy and strategies for best practice in preparing ELL teachers, and we have a whole core list of what are the strategies that all of our campuses address that our faculty agreed on are primarily important.

Then each campus works with their local districts to ensure they are meeting the local needs as well. We would be happy to give you a list of those core things that all of our campuses work on.

Chairman KILDEE. That would be very helpful because this has changed much through the years, and we perceive the needs better, I think, than we did, whether generic or bilingual, 40 years ago, but much more sophisticated and different needs exist now. We are aware of those needs more. So, if you could provide us with that, we would very much appreciate it.

To what degree is teaching the teachers needed more in order to address this problem?

Ms. YOUNG. In the CSU, I think we have addressed this very, very seriously, as I said, preparing all teachers who come from the CSU as teachers of ELLs because that is the reality in California classrooms. I think one thing that NCLB could do—when people talk about accountability, there is a lot of accountability for schools and districts, and Ms. Sánchez addressed the accountability that schools have for showing that they have student achievement results.

I think institutions of higher ed and other programs that prepare teachers should be held accountable for showing that they prepare new teachers to work in these challenging environments, that institutions should show that new teachers who are often the ones who are sent to the most challenging, at-risk populations should be the best equipped, the best equipped that we can provide for them to deal with issues of poverty, of language learning, of other things that contribute to students' being at risk for failure. So I think it is realistic to ask programs "How do you prepare future teachers to do that?"

In addition to the professional development for existing teachers and updating their skills—as you say, things change so quickly, but I think new teachers is the key. She also mentioned that the distribution of teachers is a huge issue. The teacher shortage in different areas, it is not so much a shortage as it is a maldistribution. In California, 85 percent of our intern teachers, who are teachers who have subject matter knowledge but not necessarily any professional preparation—85 percent of these intern teachers are at our lowest-performing schools.

These are the schools where they need our best teachers, and I think both districts and schools and institutions should be held accountable for trying to address that problem, figuring out ways to get the best qualified teachers to the kids who need them the most.

Chairman KILDEE. Thank you very much.

Governor Castle.

Mr. CASTLE. Thank you, Mr. Chairman.

Let me thank each of you. You bring a lot of different perspectives and very interesting perspectives to the table, and I appreciate that. I am going to ask—this is always dangerous—a very general question and try to elicit answers from as many of you as want to try to answer it as possible. The reason for this hearing and the reason we have been having hearings is we are getting ready to reauthorize or rewrite, if you will, No Child Left Behind, and I am interested in your views on what specifically we might or should be looking at in No Child Left Behind, and if you really know well, if you want to cite page 5 and put in a semicolon instead of a comma, that is fine, but more likely, you will want to

talk about a general area or something of that nature, and some of you did.

Dr. Young, you indicated in your testimony you had a few other thoughts that you did not get to that you might want to include in the changes in No Child Left Behind. On the funding issue, you are more than welcome to speak to it. We have had a lot of hearings. We have never had anyone come in here and say we want less funding. So we understand you probably want more funding if I had to guess.

I am looking for volunteers on this, but you may talk generally about an area that you think needs to have attention paid to it or specifically about something that is either in or not in the legislation that you feel we should be looking at as members of Congress in the future.

Ms. Ashby.

Ms. ASHBY. Well, if I can start——

Mr. CASTLE. Sure. Do not take too long, by the way. We only have 5 minutes total here.

Ms. ASHBY. No, I will not.

To elaborate a little bit on what I said in my opening statement and what we said in our full statement and what we said in the report upon which that statement was based, we have recommended that the Department look at the possibility of increasing flexibilities and with the knowledge that accountability is very important and particularly for limited English proficient students and other subgroups of the student population, but there is probably a balance that can be reached that may be different than the current legislation that would allow for more flexibility given the diversity of the limited English proficient population of students, and hopefully, the Department and perhaps, through legislative change, there could be more of an effort toward that. I think that would help a lot.

Mr. CASTLE. Thank you, Ms. Ashby.

Any other volunteers?

Ms. SÁNCHEZ. I would like to jump in on this one.

For us in California, a huge issue is around the interventions and sanctions because we have so many schools moving into program improvement, and although we know a lot about what works with English learners, what can accelerate their achievement, both in language development and in academic content, many, many of our schools are feeling very pressured to adopt reforms and interventions that, in fact, totally disregard this broad base of research.

So, in the reauthorization of NCLB, if there could be something that required the interventions to actually be based on the research that is pertinent to the particular group of students that is intended to be served, that would be a huge advance.

Thank you.

Mr. CASTLE. Thank you.

Others?

Ms. YOUNG. I just would add—I think I gave three already, but the other thing I would add in the reauthorization is looking again at the definition of the "highly qualified teacher." currently, "highly qualified" is all an input measure about what teachers bring to their position, and there might be a better definition of effective

teaching that could be applied. Again, for example, in California, under NCLB, you are a highly qualified teacher before you are a fully qualified teacher because of the way the regulations are written, and so I do not use the term "highly qualified teacher" in California. We talk about NCLB-compliant, because I think there is a much higher standard for teachers to truly be highly qualified especially in preparation for high-risk populations.

Mr. CASTLE. Thank you.

Ms. Guzman.

Ms. GUZMAN. I would like to add that minority and majority students need to be considered as coming together in an environment that celebrates a balance between cultures and language, and I believe that that is what makes a difference in terms of success for students. The performance, the high academic performance of the students in the lower grades—in elementary school—can really provide a basis for middle and high school years and serve to reduce the dropout rate. I believe that if students are treated as if they are bringing something to the table and there is an equal playing field that, if NCLB seeks to recognize this, then we will have higher success rates at the upper grades.

Mr. CASTLE. Congratulations on your school, by the way, and all you have done.

Mr. ZAMORA. I will be very brief. I could go on and on, obviously, but I would like to note at the outset that there are very few schools that are being driven into improvement status by the performance of the ELL subgroup alone. To the extent that ELL subgroups are failing to make AYP, other subgroups within that school are also driving the school into improvement status, but nonetheless, our recommendations around ELL are improving NCLB for ELLs and, I think, would involve many of the issues discussed here—teacher quality, certainly the quality of the assessments, sort of the incentivizing the development of better assessments for ELLs, and also, in my written testimony, I discuss the need for increased research on both assessment practices and instructional practices for ELL students, and also, clearly at the school level, we need the implementation of the best instructional methods for English language learner students, and to the extent that NCLB can incentivize that, then that is a change that we want to support.

Mr. CASTLE. Thank you.

Thank you all for doing it within the time limit pretty much. We appreciate that.

I yield back, Mr. Chairman.

Chairman KILDEE. Thank you, Governor.

The gentleman from Maryland, Mr. Sarbanes.

Mr. SARBANES. Thank you, Mr. Chairman, for holding this hearing, and I thank the panel. I just have a couple of questions. One was on professional development.

At what point does the number of English language learners in a system suggest that the professional development activities for that entire system and for every teacher in that system ought to include competencies and attention to English language learners, and can you describe how that would be done? I mean, how early in the process of professional development, going all the way back to teacher education programs, for example? Should that element

be embedded in order to respond to a system or to a jurisdiction that has a high number of English language learners? Anybody can take a crack at that.

Ms. YOUNG. Well, since it is teacher quality, I will go first.

As I said, in California, we infuse the pedagogies and strategies for working with English language learners into all teacher preparation. All pre service teachers have that infused into all of their coursework, field work and student teaching.

In terms of professional development, you are not going to find a classroom in California that does not have English language learners in it, and in terms of at what point what sort of level at which a teacher needs preparation to work with these kids, if it is truly No Child Left Behind, then all teachers need this preparation. It constitutes part of the at-risk population. There are lots of different definitions of what kind of criteria could put a child in the category of at risk for failure, and certainly, having the challenge of learning English at the same time you are expected to learn content at the same rate as native English speakers is certainly a challenge. Those students need the best-equipped teachers for that. I would want all teachers to have that preparation.

Ms. SÁNCHEZ. One of the promises of our PROMISE Initiative is that, if we can help all of the teachers at a school site to become skilled in working with English learners, it will, in fact, impact the education of every other student in that system, and so I think this notion of trying to work with teachers as a system rather than isolating them for particular types of professional development is something to look at.

Ms. GUZMAN. Just to make sure that I address a little bit about what Ms. Sánchez said, at the District of Columbia public schools, we have taken an important step to duplicating the Oyster model in other schools, and I think that that is certainly important. There are currently twelve schools that have started to develop the bilingual programs, and we have one that is starting in Chinese, and to the extent to which staff members of successful schools can play a role in making sure that you extend the other programs in other schools, I think that that is an important contribution. We have been serving as a demonstration site for other schools, and I am sure specific schools that have strength in other areas for English language learners can also do the same.

Mr. ZAMORA. And I would like to jump in just very quickly to note that there was a point in our history in which English language learners tended to be clustered in particular States and particular districts, but due to demographic shifts, that is really no longer the case, so areas that traditionally have not had high ELL populations are experiencing that now, and so I think, really, nationwide there is a need for professional development certification for teachers teaching ELLs.

Mr. SARBANES. Let me ask you, Mr. Zamora, really quickly. Have there been any studies done or attempts to project what the difference in outcome in terms of measured proficiency would have been in certain schools and with populations of English language learners if the right kinds of accommodations and the acknowledgment of sort of mitigating circumstances had been in place? I mean, I know maybe it is just conjecture, but there is the implica-

tion there, if we were getting to the content knowledge and other things more effectively with the testing system, that we would see different results.

Has there been any kind of study of that?

Mr. ZAMORA. Certainly. In terms of instructional practices, I mean, we can definitely use the available data, and I think we have discussed the flaws in the data to compare the outcomes of a school such as Oyster with schools that are implementing much less effective models. In terms of State-based assessments, there are certain States that have done more than others in developing native language and other specific content assessments for ELLs.

So I think those States such as—Ohio, I think, has generally done a good job. Texas has some native language assessments, not at all grade levels but in some, so those have given us better data and, under the theory of NCLB, have been driving better instruction.

Mr. SARBANES. Thank you.

Thank you, Mr. Chairman.

Chairman KILDEE. The gentleman from California, the ranking member of the full committee, Mr. McKeon.

Mr. MCKEON. Thank you, Mr. Chairman. Thank you again for holding this hearing.

I would like to follow up on some of the things that Mr. Castle asked, because this is really important. We are trying to get as much information as we can as we go through the reauthorization. I would like to get a little bit more specific.

Ms. Ashby, you talked about more flexibility. Do you have any specific things that we can do?

Ms. ASHBY. I can't give you a prescription for the flexibility. One of our recommendations, as I said to the department, was that more study be done to determine just what types of flexibility are most appropriate.

Mr. MCKEON. If you could even give us something back for the record in more specifics, because that is something I know we are going to have to come up with, is more flexibility.

Ms. ASHBY. All right. I will say that one of the issues is which students should be included among the limited English proficiency group and whether, for example, an immigrant entering the country who knows no English should be included. The first year that person would not be, but whether the person should be in the second year or third year, how long limited-English-proficient students should remain in the group once they become fully proficient, that is an issue.

With other subgroups, racial groups, for example, students remain in the groups as long as there are students. But when limited-English-proficient students progress to the point of being proficient, after a couple of years they are removed from the group. So that affects the group assessment and averages and so forth. So those are a couple of things.

Mr. MCKEON. If you think of any others, if you could get them to us, because those are good points.

I am a Mormon, so on my mission I served with Spanish-speaking people in Texas and New Mexico, and I noticed it was very difficult for me to learn Spanish because I wanted to make sure ev-

erything I said was perfect before I said it. So I had to think it through in my mind. That is not the way to learn a language.

On the other hand, I have a son who just talks, so he learned Portuguese, but he has also picked up Spanish because he doesn't worry about saying it perfectly and is very verbal. So we learned at different levels.

I am wondering if—we have supplemental services that should be provided in schools that need improvement, and I am thinking that that is an area that could really be used because you could do one-on-one tutoring language, and that is very important because you learn at all different levels.

Ms. Young, qualified, fully qualified, effective, that is something that we really grapple with because you can—if you have a Ph.D., you have very good qualifications, if you are a chemistry teacher with a Ph.D., probably very, very qualified. But if you have a problem communicating to students, you are not very effective.

Qualifications based on degrees is something that can be done very objectively. Gauging effectiveness is something that is much more subjective. Principals are going to have to really play a role as they hire and mentor and move teachers along. If you could also get us more input on effective qualified teachers, that is something that I know we are going to have to address strongly in this process.

Ms. Sánchez, tell Herb "hi" for me.

Ms. SÁNCHEZ. I certainly will.

Mr. MCKEON. Intervention, you talked about moving—how we could be more effective in the intervention process? Do you have some specifics on that?

Ms. SÁNCHEZ. I will just say if there were at least a provision in NCLB that required the mandated interventions to represent the research that exists, that that in itself would be a huge advance; and that applies as well I think to the supplemental educational services. Because, to date, those services really don't reflect the research around English language learners; and if that could be a provision and if those providers could be required to provide those services in a way that matches the language of instruction in the schools and that supports it, that would also be helpful as well.

Mr. MCKEON. Very good.

Mr. ZAMORA. Congressman, I was wondering if I could address your issue about flexibility just very briefly.

Mr. MCKEON. You could.

Mr. Chairman, my time is up, but I have one more little question.

Chairman KILDEE. I will let Mr. Zamora finish his response.

Mr. MCKEON. Subgroups, we find that English language learners might also be a minority, obviously, probably. Might also be a special needs student, and they are judged in all these different subgroups, and they can tend to pull a school down three times or lift a school up three times. So I think that is something that we are going to need to address, is how many times you judge the same student and how that weighs on how a school is counted.

Mr. ZAMORA. Thank you.

I think the key base fact about English language learners is that the vast majority are not newly arrived English language learners.

As I testified, the majority are, in fact, U.S. citizens. So I think that the real issue around accountability in ELL is really the test quality issues. So for newly arrived or for native born ELLs we are not adequately measuring what they know and what they can learn.

The current flexibility is in the second year of arrival. Newly arrived students have to be included in accountability systems. I think with the proper assessments there are many students who come in with good academic preparation. There is also a view that most newly arrived students don't have adequate academic preparation from their home country, and that is not always accurate.

Also, under current regulation, schools get credit for former ELL populations for 2 years after they have exited ELL status; and so flexibility has also been granted in that regard.

Generally, I think if we improve the quality of the assessments, we will be able adequately to measure the performance of all ELLs and be able to show what they know, be able to better bring schools, instead, as you suggest, causing improvement status to change.

Chairman KILDEE. The gentlelady from California, Ms. Sánchez.

Ms. SÁNCHEZ OF CALIFORNIA. Thank you, Mr. Chairman.

I want to welcome all of the witnesses today but in particular Ms. Guzman. I have actually had the opportunity to visit Oyster School, and it is a fabulous model I think for dual-language learning.

My question is basically for all the members of the panel. Many of the schools in my district are Title I schools, and many have made progress towards California's AYP goals. My district includes many low-income and immigrant families, and in more than half of those homes in my district English isn't even the primary language that is spoken.

But, as I understand it, the way that No Child Left Behind is set up, students who reach English proficiency move out of the relevant subgroup, and yet the AYP goals continue to increase every year. So it seems that the requirements are such that each year brand new English learners have to perform better than the previous year's brand new English learners for the subgroup to show improvement.

I have heard from a number of my local school districts that this system isn't going to be sustainable in the long run, and I am interested in learning the panel's views of whether the increasing yearly goals are a reasonable way to increase English proficiency and subject matter proficiency, even though new non-English speaking children become part of the testing subgroup each year.

I think that is something you touched on, Ms. Ashby, in your last response.

Ms. ASHBY. Yes, it was. You have would have to look at each State, the composition of that subgroup, to know whether everything you said would play out. It is certainly possible that it could. But, as I understand it, there is no end year for becoming proficient in the English language. It is not like the 2014 goal for academic progression. So that being the case, it is probably not as severe a problem as it might be otherwise. But you are right.

Ms. SÁNCHEZ OF CALIFORNIA. It is a problem I hear a lot from the teachers who teach in my district, these students who come from where English language is not their first language at home.

Ms. ASHBY. After 2 years, the students that have become proficient are taken out of the group. Of course, it depends on the rate of entry and the rate of exit and all kinds of technicalities like that.

Ms. SÁNCHEZ OF CALIFORNIA. But is it fair to say, in order to show improvement, those new English language learners would have to be doing better than the 2 years previous subgroup of new English language learners?

Ms. ASHBY. If the entry and exit rights are approximately the same, yes.

Ms. SÁNCHEZ OF CALIFORNIA. Mr. Zamora, any comment?

Mr. ZAMORA. California has a high Spanish-speaking English language learner population but has chosen not to implement a Spanish language assessment. I think it would relieve a lot of that burden if we could measure what Spanish-speaking students know in Spanish.

I think, again, it is primarily a test quality issue. Under current regulations, schools actually give credit for 2 years after the ELL has exited from ELL status, and the school can still count them in the AYP population. There is already a recognized benefit and, actually, recently exited ELL students outperform their native-English-speaking peers generally upon the assessments.

So I think if California were to develop native language assessments—and, actually, they are piloting one but not using it for NCLB this year. If they were to use that test to measure what the Spanish-speaking students know, that would go a long way toward remedying some of these concerns.

Ms. SÁNCHEZ OF CALIFORNIA. I think that question actually hits on a very particular dilemma with regard to English learners in that the English learner category is unlike the other categories. It is unlike being African American or being Latino. The English learner category is a transitional category, and so it causes all sorts of issues when you are trying to determine, for accountability purposes, achievement.

One thing that might help is to actually consider

redefining that category to something like language minority students. Because then you would keep a population of students in that category in the same way that you would keep a population of Latino student in the Latino category, and that would allow schools to show progress over time for the same group of students.

Ms. GUZMAN. I also believe that at the school level if you have a testing cohort and if you classified children by cohorts, then you could keep track of that particular group of students across time and not be matching children that have been here for 2 years or children that have been here for 4 years. You are actually measuring the group you are testing.

Chairman KILDEE. The gentleman from Nevada, Mr. Heller.

Mr. HELLER. No questions. Thank you.

Chairman KILDEE. The gentleman from Pennsylvania, Mr. Platts.

Mr. PLATTS. Thank you, Mr. Chairman.

I don't have a question other than just to say I appreciate the testimony, the written statements you have each provided us and the expertise that you all bring to this issue and the benefit we will have as we go forward with the reauthorization process. Thank you.

Thank you, Mr. Chairman.

Chairman KILDEE. The gentleman from Illinois, Mr. Hare.

Mr. HARE. Thank you, Mr. Chairman.

As the population of English language learners increases, I am becoming more and more concerned about how our educational system responds to the students. As Ms. Ashby testified, when an English language learner misses a question on an assessment, it is not clear whether it is because the student didn't know the answer or because the student didn't understand the question. This is, I believe, a very serious issue, and this committee and all of us must address it.

I would like to ask Mr. Zamora and perhaps the panel—I tell you what I am hearing in my district. It is a very large district, significant Hispanic population. Most of the educators that I have talked to said the problem is when the ELL child goes home and the parents don't speak English and it is very difficult for them to be able to help them with their homework, and the concern that they have is that at some point that child drops off progress a little bit and, all of a sudden, boom, there is no backup. Because the parents don't understand and aren't able, through no fault of their own, to be able to help them.

So my question would be to you or to perhaps everybody on the panel, how can school districts and how can we in the Congress address this problem? Because I think, if we don't, I think we are going to have a serious problem here in being able to try to help the ELL students.

I wonder if you have any thoughts on that.

Mr. ZAMORA. Thank you very much, Congressman. I think that is actually an excellent question, and we haven't touched as much in today's hearing around the parental involvement components of No Child Left Behind, but many of which are not functioning as effectively as they should for English language learner parents and especially for immigrant English language learner parents.

One of my Coalition's recommendations is around increasing culturally and linguistically sensitive outreach from schools to parents. As you know, there are certain challenges within the home for ELL students. ELL and immigrant parent are less likely to read to their children, for example. There is a very important program that is authorized under No Child Left Behind right now, the Even Start Family Literacy Program, that has been particularly effective. It brings the parents into the center, teaches them how to teach their students and has been very effective in serving Latino students in particular.

However, it has been zero funded by the administration for the last several years. We have been battling and we have managed to save the program, but the funding has been cut year after year. We need more of those programs, not fewer.

Mr. HARE. I would agree with——

Ms. SÁNCHEZ. Could I address that as well?

One of the very important pieces in our Promise Initiative is powerful family and community engagement. What we have done with our schools is to help them bring parents into the actual planning and designing of the programs for English learners, and in that way teachers and other educators are able to tap into the resources that those parents and communities bring, and they bring a lot of resources that aren't always recognized by the school.

But certainly being able as a parent to know what the school is doing, what is happening in the classroom, having a teacher that can communicate with the parent in the language that the parent understands and provide techniques for the parents to use at home with their children, all of this is very powerful. I have to second that the Even Start Family Literacy Program, I know that we had some funding and lost it, again, because of the lack of Federal funding, that was extremely powerful. We saw parents who had never come to school to visit their children's classroom who are now training other parents in how to be more active in their children's academic lives.

Ms. GUZMAN. I would like to agree and to underscore the importance of parent training and involvement.

At Oyster, we have an incredible amount of parent involvement from both ELL parents and majority parents. Bringing the two communities together in one building and having them support each other is certainly important, pairing up parent with parent so that you have that support for the ELL parent that is very consistent with what is going on in the school and also training parents on the current issues that have to do with—one issue being a big one, homework and how to do it and how to address it, also how to address the lack of technology somewhat in the ELL families. Many times that happens. So you really need to partner parents and to provide a very strong support system for ELL parents.

We have a second language parent training program, and that involves training parents on the practical nature of being a citizen in the United States and working with their children.

So a lot of this has to do with even providing some resources for community programs. We have—Title I schools require that you have a family-parent compact, but non-Title I schools are not required to have that. I believe that the compacts are somewhat of a contract between the families and the school, and those schools that also have English language learners but aren't Title I should also be required to participate in that type of program.

Mr. HARE. Thank you. My time is up.

Let me just conclude by saying we will do everything we can to help you on the Even Start. It a great program. We need to fund it. Thanks very much.

Thanks, Mr. Chairman.

Chairman KILDEE. The gentleman from Texas, Mr. Hinojosa.

Mr. HINOJOSA. Thank you, Mr. Chairman. I thank you and the ranking member, Mike Castle, for bringing this congressional hearing on the impact of NCLB on English language learners, an issue that is very important to my district and to my State of Texas.

My first question is to Ms. Ashby. In a separate report the GAO issued last year, you found that the Department of Education had not taken measures to ensure that the data on which it bases State

allocations of Title III funding is accurate. What would you recommend the Department of Education do to correct that? And you have 2 minutes.

Ms. ASHBY. All right. It may not take that long.

Mr. HINOJOSA. Good.

Ms. ASHBY. There are two allowable sources of data for determining the distribution of funds for Title III. One is census data, the American community survey, and the other is actual numbers of students assessed as limited English proficient by the States. The Department has to compare the two sources and choose the most accurate.

The Department has not looked at State data because it is of the opinion that the data is incomplete. The data has been incomplete, although it is getting better. So the Department has only used ACS data. Both sets of data have some limitations; both are improving.

Our recommendation was that the Department actually give instructions to the States that will help improve the data coming from the States, and once that data is improved—well, before the data is improved—come up with a mechanism for determining which one is the more accurate; and then, of course, apply the one that is most accurate.

Mr. HINOJOSA. I think it is shameful that after 5 years they don't have the data correct and accurate. I believe that the Secretary needs to change the mindset of the people working for her so that she can understand that, just like the State of Texas has a large Hispanic population, there are other States, like California and Florida and others, who believe that this needs to be given a high priority.

My next question, because time is short, is to the Principal, Martha Guzman, from the Oyster Bilingual Elementary School. I want to commend you, because I have had a personal experience in bringing two of my youngest daughters, Kaity and Karen, to your school.

My youngest one, who is now 11, we were seated in the gymnasium floor along with all the children the first day that I took them to school—by the way, we sat in line for 3 years trying to get into your school. The youngest one crossed her arms and said, Dad, what in the world are we doing here? I don't understand a thing they are saying. And of course she didn't know any Spanish. The other one said, Dad, I miss my friends over at the other school; and I wish you would just take us back.

However, 2 years later, those two young girls went from being B students to being straight A students. They are oftentimes in situations with other children, and they will say we are the Hinojosa sisters from Texas, and we are proud to be bilingual.

I want you to know that your program is just outstanding, and I want you to tell us how important parental involvement is in students graduating from high school, through your experience.

Ms. GUZMAN. As I said before—thank you so much. I miss Kaity and Karen, and I hope they are doing well.

Parental involvement is extremely important, and when we bring children, ELL children, to school at Oyster and other D.C. public schools I am hopeful that we put as much attention into parental involvement as possible.

We have an advisory committee where we bring parents in to make decisions. But prior to them being able to make decisions we really have to give them information, and the information has to be based on the district requirements and the reality of their new lives in many cases. That is why we bring our parents in, we make them comfortable, and we offer many, many different types of opportunities. I believe that having potlucks is just as important as offering a training session, so we do that regularly.

Parents come in at all levels. The social level of ELL parents and their comfort level will then translate into making them feel comfortable to ask for things that they need in the school—from the school system and to be able then to learn who to tap in order to get the resources they need.

Mr. HINOJOSA. As time has ended, Mr. Chairman, I want to let the record show that the United States is doing very poorly when we compare with other countries internationally. Just last week, the Washington Post had a report on how Singapore had scored number one in global competition of all eighth graders; and when Buck McKeon led a group of members of Congress to China, we found that China, India, Singapore, those countries have told us repeatedly that the number one reason for them being able to do what they do so successfully is parental involvement.

So I wish that you panelists, who have done an excellent job today, and I thank you, would help us Members of Congress to bring parental involvement and get it funded. As many of you have said—I think Mr. Zamora said it best when he said that Even Start involvement with parental programs is zero funded by this administration; and that, my friends, is shameful.

Thank you, Mr. Chairman.

Chairman KILDEE. The gentlelady from Hawaii, Ms. Hirono.

Ms. HIRONO. Thank you very much, Mr. Chairman.

The whole point of NCLB, as I see it, is to ensure that our students are learning. Yet the tests are becoming the ends in themselves, and there is so much focus on it when we should be focusing on everything that contributes to that student's learning environment, such as, of course, parental involvement, early childhood experiences, community involvement, teacher and administrative training, even the physical environment that the children exist in and try to learn in.

Over the course of the number of hearings that we have been having on NCLB, it is clear to me that we really need to look at the assessment aspects of NCLB both in terms of how we determine adequate yearly progress, and then when we come to the sanctions portions. And what I am getting from this panel—and please let me know if I have this wrong—is that we need to provide much more flexibility in terms of assessment, particularly with regard to ELL students who are facing special challenges. So we need to have some language that will acknowledge the kind of appropriate flexibility that we need to provide throughout NCLB in terms of testing.

Then, when we come to the sanctions, I like the idea of putting in perhaps not just in the sanctions portions, but putting in where appropriate in the NCLB language that says that the approaches that should be taken should be research-based. I don't think there

is that kind of language in NCLB, and would you agree that we should as much as possible truly base our responses, our research so that we are focused on actually helping the students to learn?

Ms. SÁNCHEZ. I think that there is language in NCLB that talks about research-based interventions and approaches. The problem is that people are interpreting that as sort of generic research-based approaches rather than basing their approaches on the research specific to the populations that are being targeted. And that, I think, is what is missing and would be very helpful.

Ms. HIRONO. Thank you. I just wanted to note that English is not my first language, and fortunately when I was going to school, we didn't have these kind of tests, otherwise I would have been labeled as a failure very early on. So I have a very particular concern about the kind of one-size-fits-all approach that I see too much of in NCLB, and I would like to commend all of you for coming today to bring a much more holistic approach to the changes that we need to make to this law. Thank you very much.

Ms. SÁNCHEZ. If I could just mention that that issue of identifying students as failures at a very early age is an extremely real issue. And one of the other areas where we could use some assistance is in the Reading First portion of No Child Left Behind, because, again, schools are being asked to implement practices that, in fact, damage children because they don't take into account the strengths they bring to school and then build on those.

Ms. HIRONO. Do the rest of the panelists agree that too early labeling a child—well, of course, you are educators.

Mr. ZAMORA. Certainly. I would like also to address the notion, which I think is a very frequent thing that one hears, that testing is driving teaching—the teachers teaching to the test. I think if there is high-quality instruction that is being delivered, that is research-based instruction that is well funded, supported by the parents, that the tests should not drive teaching at that point; that the proficiency levels required under State levels are fairly low such that if you are giving—or not fairly low, but are such that if you are developing a strong curriculum, that passing the test will follow, and you wouldn't have to teach to that.

Ms. HIRONO. I agree.

Ms. ASHBY. Since you have a couple of seconds; I am the one that originally raised the flexibility issue, and I do think that is important. I don't want to lose another issue that we have been talking about and several of us have mentioned. In order for assessments to be meaningful at all, they have to be valid and reliable, and the data that is generated from assessments are certainly used in terms of determining whether a school or eventually whether schools are in need of improvement or not.

But it also can be used by the faculty and staff at a school to determine what type of teaching interventions are needed, and, in terms of individual students, what their needs are.

So data is very important, and it has to be valid and reliable, or it is just not meaningful, and it can lead you along the wrong path.

Ms. HIRONO. Thank you, Mr. Chairman.

Chairman KILDEE. The gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman. I would like to follow up on that last question because I understand that each State has to figure out its own test; is that right?

Ms. ASHBY. That is correct.

Mr. SCOTT. Do they also get to determine who is categorized as ELL?

Ms. ASHBY. There are some proscriptions in No Child Left Behind. For example, after 3 years of being in the United States, the student has to be tested in the language arts assessment—has to be included in that assessment.

Mr. SCOTT. Can a State configure its definition to help its scores? Can you configure your definition to help your scores?

Ms. ASHBY. You possibly could.

Mr. SCOTT. These tests, how many ELL tests have been rejected by the Department of Education?

Ms. ASHBY. I don't know the answer to that.

Mr. SCOTT. You mentioned accurate and valid. Is the Department of Education providing appropriate technical assistance and guidance on what these tests ought to be in terms of validity?

Ms. ASHBY. The Department has provided a lot of technical assistance, but what we were told when we were doing the work for our 2006 report was that many States and districts need—feel they need more guidance, particularly with respect to the English-proficient component, not the academic, but in terms of how to measure and assess students' progress in learning English.

Mr. SCOTT. Validity is a technical term because a test has to be valid for the purpose for which it is being used.

Ms. ASHBY. That is correct. It has to measure what it purports to measure.

Mr. SCOTT. Right. Is it hard to find the appropriate tests?

Ms. ASHBY. It is very difficult particularly with English language learners because it is such a diverse group. This is not easy by any means, and that is why a lot of research is needed, and flexibility is needed, because populations in different States are different. There are over 400 languages spoken in our public schools, and the groups are different.

It matters, for example, whether most of your students were literate in their native language or not.

Mr. SCOTT. Mr. Zamora, one of the problems we have is we do all this testing; do we know after we have got all the test results what to do to improve results?

Mr. ZAMORA. Certainly. There is effective educational research surrounding ELL student achievement and how to improve it. I think we certainly need more of that. But certainly generally well-trained teachers and strong curricula and accommodations and primary language support, some form of native language instruction.

Mr. SCOTT. Is this information generally known, or do States have to figure it out on their own?

Mr. ZAMORA. It does exist, but one of my recommendations is to support broader dissemination of research from the Federal Department of Education. If I can just very quick address the assessment issue as well, these are requirements from 1994's Improving America's Schools Act, so they do impose burdens on the States, and I think the Federal Government can definitely do much more

both in terms of appropriations from Congress and technical assistance from the Department of Education because it hasn't been as much as a focus as it should be. I think now it is, and we are supporting that and looking to work with you to improve it.

Mr. SCOTT. Is school dropout a problem with ELL students that needs to be specifically addressed?

Mr. ZAMORA. Absolutely. School dropout does require effective instruction, well-funded schools. It is sort of the canary in the coal mine in many instances as to effectiveness of school operations. But, yes, ELL students drop out at a higher rate than any other subgroup measured under NCLB, and it is really a dropout crisis for ELLs.

Mr. SCOTT. If we allow them to drop out and don't have dropout prevention programs, do the average scores actually increase, creating a perverse incentive or disincentive to having dropout prevention programs?

Mr. ZAMORA. We are looking at accountability measures currently around how to hold schools and States accountable for dropout rates.

Mr. SCOTT. We tried to do that in the original No Child Left Behind. My sense is we didn't do a good job; is that right?

Mr. ZAMORA. I think that is right. I think we are going to need to strengthen those provisions and ensure that we disaggregate them under the same categories as NCLB.

Ms. GUZMAN. If I can just add, my belief is that if you have a strong basis in literacy for all ELL students, that you will increase their level of proficiency at the elementary level, and you will not have the dropout rate at the high school level.

Chairman KILDEE. The gentlelady from California Ms. Woolsey.

Ms. WOOLSEY. Thank you, Mr. Chairman. I so apologize for not having been here.

I do have a question, but first I would like to propose a scenario. So here we go. What if we tested every Member of Congress every year on subjects we should know, geography, history, the names of our colleagues, and, wait a minute, the test is in a language other than English, and those Members who fail the test 3 years in a row have to offer to their constituents that they can be represented by any other Member of Congress that has passed the test. I will tell you what would happen; there would be no tests.

Now, I am not against testing totally. I want No Child Left Behind to be based on more tests. But I would like you to tell me how you think we can and must—you don't have to say must, I am saying must—help English learners to get where they need to be over the right period of time—can't be in the same period of time that a kid that is not an English learner is being tested.

So what kind of—if you said all this, I so apologize, and you probably have this morning, but just for my own help, tell me what kind of extra help we need. I don't want to have an annual growth of these children get better every year, because they will if we do the right thing. I want them to get better than better so they get where every other kid is by the time they are ready to get out in the outside world.

Do you know what I am asking, and can you help me know what we need to be investing in them?

Ms. SÁNCHEZ. May I address your question?

Ms. WOOLSEY. Absolutely.

Ms. SÁNCHEZ. The truth is we have schools across this country that routinely school English learners for very high levels of success, and we have programs and we know the types of programs that can accelerate both learning of English and learning of content in ways that last throughout the students' educational careers. We know the difference between those and the programs that don't.

The failure we have isn't actually implementing what we know works. We don't do that many times for noneducational reasons, and I am sure you know what those are. I think that being very clear about what has powerful impact and what doesn't is something that we need to talk about because we know a lot of what we need to do, and we haven't done it. And that is why I think programs such as the Promise Initiative are so important, because we are saying we are committed to a big powerful vision of success for English learners, and we are going to do whatever it takes to get there, and we have embarked on a program to actually do that in our schools and then to put in place the sort of very rigorous research that needs to happen to prove that it can be done.

Ms. WOOLSEY. Okay. Do you start with the research so you know we are not just trying a lot of programs? Are we investing enough on the Federal level through No Child Left Behind to make this possible?

Ms. SÁNCHEZ. We have not invested enough in actually being able to disseminate in ways that are practical to our schools what works and why it works. And that is why I think we have to be able to focus in partnership with our local schools and districts to design based on what we know works, based on the research—to design programs that are responsive to the local needs and context, and those differ from school to school, from community to community. And that is why a one-size-fits-all program actually doesn't work. We have to work with the context of our schools.

Mr. ZAMORA. Congressman, I would like to jump in. I was credentialed as a bilingual teacher at the University of San Francisco right before Proposition 227 was put in place which outlawed native-language instruction in the State of California. That was not a decision that was taken based upon the best interests or the best research of kids.

So I think that you certainly cannot ignore the political dynamics surrounding English language learners, so we need the political will to cut through all of that in order to get to the best research, best funding, and the best practices.

Ms. WOOLSEY. I represent Marin and Sonoma Counties, two of the three counties that voted that down. I am really proud. I represent wonderful people.

Mr. ZAMORA. Absolutely.

Ms. WOOLSEY. Thank you very much.

Thank you, Mr. Chairman.

Chairman KILDEE. Thank you, Ms. Woolsey.

The gentleman from New Jersey Mr. Holt.

Mr. HOLT. Thank you, Mr. Chairman. I have arrived late and missed most of the testimony and questioning, so forgive me if I go over plowed ground here.

I would like to know what you think is the—how good are the data? Are we leaving too many of the English language learners uncounted, unevaluated, not there on the days of testing? Is it different for this subgroup than for other students?

Ms. ASHBY. I will give it a try. For the English language proficiency assessments, this is a relatively new requirement beginning in the 2005-2006 school year, and a lot of States and districts didn't test for this particular—didn't assess this particular element prior to that. So a lot of the assessments are relatively new, and their validity, I don't want to say it hasn't necessarily been determined, but it hasn't been documented. There isn't evidence, research, reports or studies that assess the validity and the reliability of a lot of these tests, so it is not known how valid or how reliable they are.

In terms of the other—the academic assessments, there are also validity and reliability questions, but there is no issue of the students showing up. I mean, 95 percent of the students in each subgroup have to take the test, and I haven't seen anything that indicates that is a problem, but it is more of not knowing whether they are valid or not or reliable or not rather than thinking or knowing that they are invalid.

Mr. HOLT. I understand that we need 95 percent of the subgroup of English language learners to show up, but do we know the population well enough in every school to know whether 95 percent are showing up, for example? Are there undiagnosed, so to speak, English language learners?

Ms. ASHBY. Probably so. And, no, we don't.

Mr. ZAMORA. I would also highlight a slightly related but a slightly different issue, which is that high N-sizes in many States has also led to many ELLs not reaching the target for inclusion under the No Child Left Behind. So certainly there are major data quality both in terms of counting ELLs and in terms of measuring their academic and linguistic performance, but also end size is a particular concern in terms of capturing ELL achievement.

Mr. HOLT. Thank you, Mr. Chairman.

Chairman KILDEE. Thank you.

The Chair recognizes again the gentleman from Virginia for an inquiry.

Mr. SCOTT. Mr. Chairman, I think we are at the end of the hearing. Are you going to allow us to send questions to the panelists? I would just like to warn them that I am going to send a question responding to Dr. Young's testimony pointing out a difference between effective teachers and highly qualified teachers. Obviously we want the most effective teachers, and we want a definition that gets that as close to effective. So we will be sending that question.

Chairman KILDEE. Thank you, Mr. Scott.

I want to first of all thank the panel. You have been very, very helpful. You bring a wide range of knowledge on this very, very important field. You have indicated this is a growing population, it is not something that is going to go away, and it enriches our country, but it is something we have to address. We deeply appreciate your testimony.

As previously ordered, Members will have 7 calendar days to submit additional materials for the hearing record.

Any Member who wishes to submit follow-up questions in writing to the witnesses should coordinate with Majority staff within the requisite time. And without objection, this hearing, with thanks to all of you, is adjourned.

[Question submitted by Mr. Hinojosa follows:]

COMMITTEE ON EDUCATION AND LABOR,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 2007.

DEAR MS. ASHBY: Thank you for testifying at the March 23, 2007 hearing of the Subcommittee on Early Childhood, Elementary and Secondary Education.

Representative Ruben Hinojosa (D-TX), a Member of the Subcommittee, has asked that you respond in writing to the following question:

I would like to thank you and your staff for the excellent work on the two reports on English Language Learners and No Child Left Behind. This is critical information for reauthorization. In your testimony you mentioned that states were unsure about how to align English language proficiency standards with content standards for language arts, mathematics, and science. This is very disconcerting as we enter the 6th year of NCLB implementation. What steps do you recommend that the Department or the Congress take to provide technical assistance in this area?

Please send an electronic version of your written response to the question to the Committee staff by COB on Friday, March 30—the date on which the hearing record will close. If you have any questions, please contact the Committee.

Sincerely,

GEORGE MILLER,
Chairman.

DALE E. KILDEE,
Chairman, Subcommittee on Early Childhood, Elementary and Secondary Education.

[Ms. Ashby's response follows:]

March 30, 2007.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

Hon. DALE KILDEE,
Chairman, Subcommittee on Early Childhood, Elementary and Secondary Education, House of Representatives, Washington, DC.

This letter responds to your March 26, 2007 request that we provide responses to questions related to our recent testimony before the Subcommittee on Early Childhood Education, Elementary and Secondary Education on the impact of the No Child Left Behind Act (NCLBA) on students with limited English proficiency.[1] Our testimony discussed (1) the extent to which these students are meeting annual academic progress goals, (2) what states have done to ensure the validity of their academic assessments, (3) how states are assessing English proficiency and what they are doing to ensure the validity of their assessments, and (4) how the U.S. Department of Education (Education) is supporting states' efforts to meet NCLBA's assessment requirements for these students. This testimony was based on our recent report on these topics.[2] Your questions, along with our responses, follow.

1. Under current law, states must create individualized tests both to assess students' English proficiency and to assess academic achievement. Therefore, there are a wide variety of assessments among states that differ in terms of rigorousness and validity. With regard to academic achievement assessments, states' individual assessments can be compared to a national achievement test administered by the National Assessment of Educational Progress (NAEP). Is there currently a comparable nationally recognized test for ELLs to which state assessments can be compared? If not, should such a test be developed?

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[1] GAO, No Child Left Behind Act: Education Assistance Could Help States Better Measure Progress of Students with Limited English Proficiency, GAO-07-646T (Washington, D.C.: March 23, 2007).

[2] GAO, No Child Left Behind Act: Assistance from Education Could Help States Better Measure Progress of Students with Limited English Proficiency, GAO-06-815 (Washington, D.C.: July 26, 2006).

To our knowledge, no such nationally recognized test to assess the English proficiency of students with limited English proficiency exists. Under NCLBA, states must implement several new requirements, including developing English language proficiency assessments that are aligned to state academic standards; annually assessing the English language proficiency of these students; and tracking student progress in attaining English proficiency. Officials in some states explained that their old tests were not designed to measure student progress over time. Further, Education officials told us that the English language proficiency tests used by many states prior to NCLBA did not meet the requirements of the law.

As part of our study, we did not assess whether the development of a national English language proficiency assessment, similar to the NAEP, would be cost-effective or appropriate and therefore do not have a position on this policy issue. To our knowledge, no nationally accepted standards for English language proficiency currently exist from which to develop such an assessment. In its report, the bipartisan Commission on No Child Left Behind recommended that Education develop a common scale to create a performance standard for what constitutes English proficiency across the states.

2. In your testimony you mentioned that states were unsure about how to align English language proficiency standards with content standards for language arts, mathematics, and science. This is very disconcerting as we enter the 6th year of NCLB implementation. What steps do you recommend that the Department or the Congress take to provide technical assistance in this area?

We believe that Education needs to work with states to identify the specific problems states are experiencing in aligning the two sets of standards and provide technical assistance that is responsive to the needs of individual states. In our July 2006 report, we recommended that the Secretary of Education publish additional guidance with more specific information on the requirements for assessing English language proficiency. In response to this recommendation, Education officials report that the agency is planning to develop a framework on English language proficiency standards and assessments as part of its LEP Partnership. Moreover, Education's Title III monitoring visits, during which the department reviews the state's progress in developing English language proficiency standards and assessments that meet NCLBA requirements, present an opportunity for Education to provide individualized feedback to states on their standards and assessments. We would encourage Education to assess the effectiveness of its efforts to provide technical assistance that is responsive to states' needs and to make adjustments where necessary.

If you have any questions about the content of this letter, please contact me.

Sincerely yours,

CORNELIA M. ASHBY, *Director,*
Education, Workforce, and Income Security, GAO.

[Question submitted by Mr. Scott follows:]

CORNELIA ASHBY, *Director,*
EDUCATION, WORKFORCE, AND INCOME SECURITY ISSUES, GAO,
Washington, DC;

PETER ZAMORA,
CALIFORNIA STATE UNIVERSITY SYSTEM,
Long Beach, CA;

MARTA GUZMÁN, *Principal,*
OYSTER BILINGUAL ELEMENTARY SCHOOL,
Washington, DC;

FRANCISCA SÁNCHEZ, *Assistant Supt. for Curriculum and Co-Chair,*
HISPANIC EDUCATION COALITION,
Washington, DC;

DR. BEVERLY L. YOUNG, *Assistant Vice Chancellor, Instruction,*
OFFICE OF SAN BERNARDINO COUNTY SUPERINTENDENT OF SCHOOLS,
San Bernardino, CA, March 26, 2007.

DEAR MS. ASHBY, MR. ZAMORA, DR. YOUNG, MS. GUZMAN AND MS. SÁNCHEZ: Thank you for testifying at the March 23, 2007 hearing of the Subcommittee on Early Childhood, Elementary and Secondary Education.

Representative Robert C. "Bobby" Scott (D-VA), a Member of the Subcommittee, has asked that you respond in writing to the following question:

Under current law, states must create individualized tests both to assess students' English proficiency and to assess academic achievement. Therefore, there are a wide

variety of assessments among states that differ in terms of rigorousness and validity. With regard to academic achievement assessments, states' individual assessments can be compared to a national achievement test administered by the National Assessment of Educational Progress (NAEP). Is there currently a comparable nationally recognized test for ELLs to which state assessments can be compared? If not, should such a test be developed?

Please send an electronic version of your written response to the question to the Committee staff by COB on Friday, March 30—the date on which the hearing record will close. If you have any questions, please contact the Committee.

Sincerely,

GEORGE MILLER,
Chairman.

DALE E. KILDEE,
Chairman, Subcommittee on Early Childhood, Elementary and Secondary Education.

[Ms. Guzman's response follows:]

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

Hon. DALE KILDEE,
Chairman, Subcommittee on Early Childhood, Elementary and Secondary Education, House of Representatives, Washington, DC.

Currently, there is not a national assessment for ELL students. Each state has to present their own. However, it would be very helpful to have an assessment that all ELL students should complete. In the DCPS system we are currently using the ACCESS. If all ELL students could use the same test it would give Districts comparison data and it would help us all ELL students to the same standard.

MARTA GUZMAN,
Oyster Bilingual Elementary.

[Mr. Scott's question to Dr. Young follows:]

COMMITTEE ON EDUCATION AND LABOR,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 2007.

DEAR DR. YOUNG: Thank you for testifying at the March 23, 2007 hearing of the Subcommittee on Early Childhood, Elementary and Secondary Education.

Representative Robert C. "Bobby" Scott (D-VA), a Member of the Subcommittee, has asked that you respond in writing to the following question:

Dr. Young, you testified that the No Child Left Behind Act's definition of highly qualified teacher, which describes various credentials that a teacher must hold, does not necessarily ensure that such teachers are highly effective in the classroom, and recommended that the Committee consider changing the definition to include concepts of effectiveness. Can you describe ways the Committee might do that consistent with your experience assessing teacher quality?

Please send an electronic version of your written response to the question to the Committee staff by COB on Friday, March 30—the date on which the hearing record will close. If you have any questions, please contact the Committee.

Sincerely,

GEORGE MILLER,
Chairman.

DALE E. KILDEE,
Chairman, Subcommittee on Early Childhood, Elementary and Secondary Education.

[Dr. Young's response follows:]

March 29, 2007.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

Hon. DALE KILDEE,
Chairman, Subcommittee on Early Childhood, Elementary and Secondary Education, House of Representatives, Washington, DC.

DEAR CHAIRMEN MILLER AND KILDEE: I appreciate the opportunity to respond to members' questions, as I did the opportunity to testify at the March 23, 2007 hearing of the Subcommittee on Early Childhood, Elementary and Secondary Education. I have responded first to the question addressed to me by Representative Scott, second to the question addressed by Representative Scott to me and other individuals who testified, and third to additional questions addressed to me related to preparing teachers to be effective in working with English Language Learners (ELLs).

1. Dr. Young, you testified that the No Child Left Behind Act's definition of highly qualified teacher, which describes various credentials that a teacher must hold, does not necessarily ensure that such teachers are highly effective in the classroom, and recommended that the Committee consider changing the definition to include concepts of effectiveness. Can you describe ways the Committee might do that consistent with your experience assessing teacher quality?

There are three areas that need to be addressed to develop a better definition of highly qualified teachers. This is not to say that NCLB requirements that teachers meet state certification or licensure requirements and have demonstrated subject knowledge and teaching skills by passing a rigorous state test should be abandoned. The need is to augment the current definition with additional measures that add greater meaning to the definition of quality.

The first issue needing attention concerns the difference between tests of knowledge and skills and rigorous demonstrations of knowledge and skills. The second issue concerns measures of quality that address outcomes in addition to inputs. The third issue concerns designating different levels of quality in order for the definition to be more meaningful.

Performance Assessment of Teaching Knowledge and Skills

The question of how to assess teacher quality has been examined thoroughly by the nation's foremost experts in teacher education during the past decade. There is now a consensus regarding the importance of using performance-based assessment that evaluates teaching knowledge and skills of teachers as demonstrated in a classroom environment.

The demonstration of high quality teaching needs to address both what teachers know about their subjects and how to teach them and also what they can do in the classroom in applying their knowledge and skills. For example, it is important that they be able to demonstrate that they can plan and implement lessons to teach to standards, assess students' needs and design instruction to meet these needs, use a variety of effective teaching strategies, and maintain a productive, purposeful classroom environment.

Assessments that use teachers' and students' work samples and demonstrations of actual classroom teaching to evaluate what teachers do in the classroom are particularly promising methods for assessing teacher quality. Large-scale application of such techniques demands new expertise on the part of those planning and administering the assessments. An example of this is California's Teacher Performance Assessment. Beginning in 2008-09, all new teachers will be required to demonstrate their knowledge and skills to be recommended for a credential.

Measures of Quality That Address Student Learning Outcomes

The second issue concerns measures of quality that address student learning outcomes. Value-added assessment focuses on the extent to which a teacher contributes to student learning gains in schools. This approach addresses the critical issue of effectiveness in the classroom. During the past decade, stemming from the pioneering work of William Sanders, value-added assessment methods have been increasingly used as a methodology for assessing quality of teaching among new and experienced teachers.

The CSU is at the forefront in large-scale utilization of value-added methodology, as it has been of evaluation of teacher preparation through its Annual CSU Systemwide Evaluation of Teacher Preparation, which has been in effect since 2001. This is the largest evaluation of teacher preparation in the nation, and has involved surveys of more than12,000 graduates of CSU programs and more than10,000 school site supervisors, typically principals, who work with and evaluate these graduates.

In collaboration with several large school districts, the CSU's Center for Teacher Quality has begun value-added assessments of CSU teacher preparation. It will examine the effectiveness of new teachers in relation to (a) different levels of teacher preparation, (b) varying methods of preparation, and (c) demographic attributes and socio-economic conditions of schools.

Congress should provide funds for a number of demonstrations of effective, large-scale utilization of performance-based assessments and value-added approaches for assessing teacher quality. It is particularly important that support be available for demonstrations of these more advanced types of assessments that include institutions of higher education that prepare and provide professional development for teachers. The goal should be for these approaches to become part of the fundamental preparation and assessment of entering teachers and routinely associated with professional development and assessment of experienced teachers.

Differentiation of Qualifications

The third issue pertains to recognizing differing levels of qualifications. Some teachers may enter the teaching force having met minimum state certification or licensure requirements, while others have met these requirements more fully. In most states, for examples, novice teachers (Interns) who have fulfilled minimum state requirements may begin teaching and complete additional requirements for certification as they serve as teacher of record. At the other end of the continuum, teachers certified through the National Board for Professional Teaching Standards have demonstrated that they are truly high quality teachers.

In order to define highly effective teaching in a productive manner, it would be of considerable value to move beyond the current singular conception of a Highly Qualified Teacher. A more meaningful set of terms would refer to teachers who are:

- Minimally Qualified: Meet Minimum State Certification Requirements
- Fully Qualified: Meet Full State Certification Requirements
- Highly Qualified: Exceed Full State Certification Teachers

These distinctions are important for realizing increases in student achievement and can be made operational in the re-authorization of No Child Left Behind. We would be pleased to work with the Committee in identifying potential roles of institutions of higher education in implementing a system that includes measures of teacher effectiveness and recognizes levels of teacher quality.

2. Under current law, states must create individualized tests both to assess students' English proficiency and to assess academic achievement. Therefore, there are a wide variety of assessments among states that differ in terms of rigorousness and validity. With regard to academic achievement assessment, states' individual assessments can be compared to a national achievement test administered by the National Assessment of Educational Progress (NAEP). Is there currently a comparable nationally recognized test for ELLs to which state assessments can be compared? If not, should such a test be developed?

There currently is not a test comparable to the National Assessment of Educational Progress (NAEP) to which state assessments of academic achievement of ELLs can be compared. There are many complex issues associated with developing such a test. It is not clear that a single test can be developed that adequately measures achievement of ELLs who vary widely in English language proficiency.

It would be extremely difficult, for example, to obtain valid assessments of academic achievement with a single multiple-choice test that was administered in English to ELLs. If such a test were administered in English, it would have to be reserved for students who have reached a level 4 or above in English Language Development in order to provide a reliable and valid measure of academic achievement. Although a test in the primary language might be considered, if no instruction is provided in this language, students may not have the comprehension and communication skills in the primary language to demonstrate their content understanding.

Due to the complexity of measurement and validity issues, this area warrants a feasibility study of a variety of options. It would be most appropriate to have a number of potential approaches identified and reviewed by experts in the ELL assessment field as well as state representatives experienced in assessment of ELLs. Such a study should address procedures for assessment of academic achievement either in English or the student's primary language as appropriate. It should examine procedures for states to administer the test on a large-scale basis and should include cost estimates for doing so. Further, the analysis should examine the validity of comparing scores of various sub-groups of ELLs on the measures of academic achievement with NAEP scores. Finally, the study should address methods for integrating assessment of students' English proficiency and their academic achievement. With a comprehensive feasibility study that examines these issues, informed deci-

sions can be made regarding national assessment instruments for gauging the academic achievement and English language proficiency of ELLs.

Needless to say, this is not a simple task, and it is most important that flexibility be available in the immediate future for states to use a range of procedures that are demonstrated to be rigorous and valid. Of most urgency is careful re-consideration of how the assessment of achievement of ELLs is used in determining Adequate Yearly Progress, particularly when there are small numbers of such students at school sites.

3. Should all teachers receive preparation to work with English Language Learners? If not, how should the determination be made of which teachers should receive the preparation? What should be the content of preparation to work with ELLs? Is there a core of preparation that should be included in all new teacher preparation?

In California, virtually all teachers will at some time teach English Language Learners, and thus all teachers need this preparation. The strategies of effective instruction for ELLs have basic principles in common with best instructional practices for all students, and thus it is appropriate for all teachers to have this preparation. Most importantly, if the nation is truly committed to the proposition of No Child Left Behind, all teachers must be prepared to teach all children with whom they are likely to work.

The core preparation for teachers of ELLs consists of two interrelated areas. The first is English Language Development (ELD) and the second is content knowledge. In English language development, preparation focuses on fostering children's learning of English within the context of the core curriculum, with special attention to learning the language and acquiring the skills to speak, read, and write English fluently.

The second area is content development, where preparation focuses on use of Specially Designed Academic Instruction in English (SDAIE). This consists of instructional strategies that work particularly well for ELLs and are good for all students. In SDAIE, the emphasis is on learning content and understanding concepts. Teachers differentiate lessons based on the level of English acquired by a child and the amount of support needed for instruction to be effective.

Within SDAIE, teachers are taught strategies for scaffolding the curriculum, differentiating the content and the assessments, and working with comprehensible input. Scaffolding consists of taking the core curriculum and dividing it into parts that are manageable for learning. For example, dividing a story into parts, building distinct vocabulary knowledge, and learning the content of a topic in chunks are ways of scaffolding the core curriculum.

Differentiation means varied use of enhanced instructional strategies, like graphic organizers, pre-writing and pre-reading activities, and primary language support to help all students master the content they are learning more efficiently. The element of comprehensible input means building on what the student knows and using the skills and talents of the student in making content meaningful. This includes tapping into prior knowledge, drawing upon learning strengths, and integrating across the curriculum for ease of mastering concepts being taught.

Within both ELD and SDAIE, there is an emphasis on multiple measures for assessment in order to ensure students are learning both content and English. It is recognized as essential that content knowledge is demonstrated in a variety of ways to make certain that the core curriculum is being mastered. It is equally important that the acquisition of English be measured accurately in order for instruction to be modified to meet the instructional and language needs of students.

In California, the language assessment used is the CELDT (California English Language Development Test), which indicates to teachers the level of English language development of students for use in planning instruction. Teachers are taught how to scaffold and differentiate lessons for the various levels of English acquired. For example, a Level 1 student would be expected to complete very different assignments than a Level 4 student. Assessment, therefore, is a key to effective instruction and provides the foundation upon which a teacher can build lessons that are meaningful, comprehensible, and tailored to meet student needs.

To the extent that these two components can be integrated into instruction, students learn the content and master English much more quickly, since both the language and the concepts are learned simultaneously. Modifications are made to the basic instructional program to help all students learn and acquire both content and English, thus enabling teachers to work with all students in the regular classroom in a manner that is effective and efficient.

I have attempted to provide thorough responses to the three highly significant questions posed by Subcommittee members. Please do not hesitate to let me know

if there are any additional ways we can be of assistance in formulating specific solutions to these complex issues.

Sincerely,

BEVERLY YOUNG, PH.D.,
Assistant Vice Chancellor.

[Mr. Hinojosa's question to Mr. Zamora follows:]

COMMITTEE ON EDUCATION AND LABOR,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 2007.

DEAR MR. ZAMORA: Thank you for testifying at the March 23, 2007 hearing of the Subcommittee on Early Childhood, Elementary and Secondary Education.

Representative Ruben Hinojosa (D-TX), a Member of the Subcommittee, has asked that you respond in writing to the following question:

In your testimony you referenced the Lau case in which the Supreme Court found that providing identical education was not the same as providing equal education if students' language needs were not addressed. In a subsequent case called Castañeda, the court defined criteria for appropriate action for English language learners which included a pedagogically sound plan for English language learners, qualified staff, effective implementation, and program evaluation. Has NCLB been implemented in a manner consistent with the requirements of Castañeda? How can we strengthen NCLB in this regard?

Please send an electronic version of your written response to the question to the Committee staff by COB on Friday, March 30—the date on which the hearing record will close. If you have any questions, please contact the Committee.

Sincerely,

GEORGE MILLER,
Chairman.

DALE E. KILDEE,
Chairman, Subcommittee on Early Childhood, Elementary and Secondary Education.

[Mr. Zamora's responses follow:]

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

Hon. DALE KILDEE,
Chairman, Subcommittee on Early Childhood, Elementary and Secondary Education, House of Representatives, Washington, DC.

Under current law, states must create individualized tests both to assess students' English proficiency and to assess academic achievement. Therefore, there are a variety of assessments among states that differ in terms of rigorousness and validity. With regard to academic achievement assessments, states' individualized assessments can be compared to a national achievement test administered by the National Assessment of Educational Progress (NAEP). Is there currently a comparable nationally recognized test for ELLs to which state assessments can be compared? If not, should such a test be developed?

There currently exists no nationally-recognized test that measures the academic achievement or English language proficiency of English language learners (ELLs) against state academic standards and fully meets technical requirements for validity and reliability for ELL students. While the National Assessment Governing Board (NAGB), which administers the National Assessment of Educational Progress (NAEP), has taken limited steps to improve the validity and reliability of NAEP content assessments for ELLs, the NAEP is not an adequate comparator for Title I assessments and lacks sufficient evidence regarding validity and reliability for ELLs. Rather than developing a single nationwide test of ELL academic achievement or English language proficiency, MALDEF recommends that Congress support the development of a substantial item bank of native-language test questions so that states may easily devise native-language academic content assessments that are aligned to each state's academic standards and to classroom instruction.

The NAEP is not an adequate comparator for NCLB content assessments because the NAEP is not, by design, aligned to each state's academic content standards or to classroom instruction. The NAEP provides a snapshot of student performance as

measured against NAGB standards for academic content achievement. It does not, however, serve as an accurate measure of student knowledge or academic progress as measured against state standards, as required under NCLB.

Further, while NAGB has taken certain limited steps to improve the validity and reliability of the NAEP for ELLs, significant improvements to the NAEP are required before it will be a valid and reliable measure of ELL academic content knowledge. Prior to 1996, NAEP had no policy of allowing testing accommodations for ELL students.1 The NAEP began offering accommodations to all students who need them to demonstrate their knowledge and ability only in 2002.2 A National Center for Education Statistics study of NAEP testing accommodations for a sample of ELLs found that additional evidence is required to ensure that NAEP testing accommodations generate valid and reliable results for ELLs.3

Moreover, the NAEP is generally not administered in the native language of ELLs, an accommodation that greatly improves the validity and reliability of content assessments for ELLs (especially those new to U.S. schools and those receiving instruction in their native language). While NAGB did administer the NAEP mathematics tests in Spanish to Puerto Rican students in 2003 and 2005, NAGB has yet to develop and implement reading/language arts assessments in Spanish or other native languages of ELLs.4

There exists no nationwide assessment for the English language proficiency (ELP) of ELLs. In the 2005-06 school year, 22 states used assessments or test items developed by one of four state consortia, making this the most common approach taken by states to develop new ELP assessments.5 Because NCLB requires that ELP assessments be aligned to state academic standards, however, alignment concerns continue to influence the validity and reliability of these ELP assessments.6 Also, because ELP assessments are in English, not the native language of ELLs, the use of ELP assessments to measure academic content is generally less appropriate than the use of native language or bilingual content assessments under Title I.

Rather than developing a single nationwide assessment for ELLs, Congress should support the development of a substantial item bank of native-language test questions that can be used by states in developing native-language or bilingual content tests aligned to each state's academic standards. As noted above, no single nationwide test can adequately measure ELL student academic progress because a nationwide assessment cannot be aligned to state-specific content standards, English language development standards, or classroom instruction. Through the LEP Partnership, which unites MALDEF, the National Council of La Raza, the U.S. Department of Education, and all 50 states, discussions are underway regarding the creation of native-language test item banks that would greatly assist states in developing valid and reliable assessments for ELLs. MALDEF strongly recommends that Congress support these efforts in order to assist states in measuring ELL achievement and ensure that ELLs students are appropriately included in NCLB accountability systems.

PETER ZAMORA,
MALDEF Washington, DC Regional Counsel, Hispanic Education Coalition Co-Chair.

ENDNOTES

[1] See *http://nces.ed.gov/nationsreportcard/about/inclusion.asp*

[2] See id.

[3] Abedi, J., Lord, C., Kim, C., Miyoshi, J., "The Effects of Accommodations on the Assessment of LEP Students in NAEP," National Center for Education Statistics, Washington DC: 2001 (available at *http://nces.ed.gov/pubs2001/200113.pdf).*

[4] See Olson, L., "Puerto Rico's Students Perform Poorly on NAEP Mathematics Tests," Education Week, March 29, 2007 (available at *http://www.edweek.org/ew/articles/2007/03/29/31naep—web.h26.html).*

[5] U.S. Government Accountability Office, "No Child Left Behind Act: Assistance from Education Could Help States Better Measure Progress of Students with Limited English Proficiency," GAO-06-815, July 2006, p35 (available at *http://www.gao.gov/new.items/d06815.pdf).*

[6] See id.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

Hon. DALE KILDEE,
Chairman, Subcommittee on Early Childhood, Elementary and Secondary Education, House of Representatives, Washington, DC.

Question: *In your testimony you referenced the Lau case in which the Supreme Court found that providing identical education was not the same as providing equal education if students' language needs were not addressed. In a subsequent case called Castañeda, the court defined criteria for appropriate action for English language learners which included a pedagogically sound plan for English language learners, qualified staff, effective implementation, and program evaluation. Has NCLB been implemented in a manner consistent with the requirements of Castañeda? How can we strengthen NCLB in this regard?*

Answer: In Castañeda v. Pickard,[1] the United States Court of Appeals for the Fifth Circuit issued criteria for determining the appropriateness of educational programs for English language learners (ELLs) under the Equal Educational Opportunities Act of 1974:

1) The program must be based in sound educational theory;

2) The program must be implemented effectively with adequate resources and personnel; and

3) The program must be evaluated as effective in overcoming language handicaps.[2]

The implementation of the No Child Left Behind Act (NCLB) has not fully met the second and third prongs of the Castañeda test for appropriate educational programs for ELLs.

NCLB codifies the first prong of the Castañeda standard. Title I expressly intends to ensure that all children have access to "effective, scientifically based instructional strategies and challenging academic content."[3] It requires that Title I schoolwide programs use "only effective methods and instructional strategies that are based on scientifically based research that * * * include strategies for meeting the educational needs of historically underserved populations."[4] School reforms plans implemented under Title I also must use scientifically based research in addressing needs of all students.[5] Under Title I, ELLs must be assessed for academic content "to the extent practicable, [using] assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas."[6] Further, funds provided through subgrants under Title III of NCLB must be used, under the express language of the statute, to implement "approaches and methodologies based on scientifically based research on teaching limited English proficient children."[7]

The second prong of Castañeda, however, which requires the effective implementation of programs carried out under NCLB, has not yet been satisfied by the federal government and many of the states, school districts, and schools charged with carrying out the law. Significant underfunding of Title I, Title III, and other programs authorized under NCLB, as well as a nationwide shortage of teachers well-trained to meet ELLs' particular academic needs, raise significant concerns under the Castañeda requirement for effective implementation. Further, as I noted in my testimony, NCLB has not, despite its statutory language, led to the universal implementation of sound research-based instructional programs for all English language learners. A considerable body of education research on ELL student achievement demonstrates that 1) native language instruction significantly improves ELLs' academic achievement in English and 2) ELLs require specific instructional accommodations designed to minimize the effects of English proficiency upon academic achievement.[8] Despite this body of research, ELLs nationwide are currently enrolled in a patchwork of instructional programs, many of which do not reflect the best practices for this student population.[9]

The implementation of the assessment provisions of Title I and Title III of NCLB also fall short of the second prong of the Castañeda test. As the Government Accountability Office has reported and I noted in my testimony before the Subcommittee, states have not yet allocated sufficient resources to developing assessments specifically designed to evaluate the academic knowledge and English proficiency of ELLs. The GAO also found that many states lack evidence that their English language proficiency assessments are fully aligned to state content standards in reading/language arts.

Poor implementation of the assessment provisions of Title I and Title III also raise concerns regarding the effective evaluation of NCLB programs, as required under the third prong of the Castañeda test. The Castañeda court decried the fact

the plaintiffs in Castañeda were, like the majority of ELLs today, evaluated for academic content knowledge using English-language tests that were not true measures of their academic performance.[10] The Castañeda court in effect anticipated flaws in assessment-based accountability systems, such as those authorized under NCLB, when English-language tests are used to evaluate the effectiveness of instructional programs for ELLs. As noted in the recommendations accompanying my written testimony, the Hispanic Education Coalition advocates the increased development and use of native language content assessments, which are required under Title I "when practicable" and are more likely to yield valid and reliable results for ELLs.

Title III of NCLB codifies the evaluation requirement of the third prong of Castañeda, but evaluations under Title III have not been effectively implemented by states or enforced by the U.S. Department of Education. Under Section 3121, "Evaluations," each eligible entity receiving a Title III subgrant must conduct biennial evaluations of the effectiveness of education programs and activities for English language learners. In practice, however, these evaluations have not yet led to fully effective education programs for many ELLs in U.S. public schools.

While the design of NCLB largely meets Castañeda's requirement for the use of effective instructional techniques and periodic evaluations of education programs for ELLs, the implementation of NCLB requires significant improvements in order to satisfy the second prong of the Castañeda standard. NCLB implementation and design should be strengthened as follows in order to support education programs for ELLs that fully meet the legal requirements set forth in Castañeda:

1) Congress must appropriate funds sufficient to implement well-designed, well-implemented, and effective NCLB programs and evaluations for ELLs;

2) The U.S. Department of Education must fully enforce NCLB assessment and evaluation provisions for ELLs and provide effective and ongoing technical assistance in the development of appropriate assessments to state education agencies;

3) States must focus attention and resources upon developing and implementing valid and reliable content assessments for ELLs, preferably in the native language;

4) A reauthorized NCLB should establish a separate funding stream to assist states in developing and implementing appropriate academic assessments for ELLs;

5) A reauthorized NCLB should require that states that have significant ELL populations from a single language group develop valid and reliable content assessments designed specifically for members of that language group;

6) States, schools and school districts must implement scientifically-based instructional practices that will provide ELL students with opportunities to develop both English proficiency and content area knowledge;

7) The federal government and states must allocate significant resources to support the certification of teachers trained in appropriate instructional practices for ELLs;

8) The federal government, states, school districts, and schools must allocate resources for the professional development in the best instructional practices for ELLs for all teachers who teach ELL students;

9) The federal government must fund scientifically-based research and disseminate findings on best effective practices for ELL student instruction; and

10) Federal, state, and local school officials must ensure that ELLs are fully and appropriately included in NCLB accountability systems so that schools focus upon meeting the academic needs of ELLs.

PETER ZAMORA,
MALDEF Washington, DC Regional Counsel, Hispanic Education Coalition Co-Chair.

ENDNOTES

[1] 648 F.2d 989 (5th Cir. 1981).
[2] Id. at 1009-10.
[3] Section 1001(9)
[4] Section 1114(b)(1)(B)(ii).
[5] Section 1116(b)(3)(A)(i).
[6] Sec. 1111(b)(3)(C)(ix)(III).
[7] 3115(a)
[8] See, e.g., Goldenberg, C., Improving Achievement for English Language Learners: What the Research Tells Us, Education Week, Vol. 25, Issue 43, pp34-36 (July 26, 2006). Appropriate educational accommodations for ELLs include: strategic use of the native language; predictable, clear, and consistent instructions, expectations, and routines; identifying and clarifying difficult words and passages; paraphrasing students' remarks; and other measures designed to minimize the effect of limited English proficiency upon academic achievement.
[9] U.S. Government Accountability Office, No Child Left Behind Act: Education's Data Improvement Efforts Could Strengthen the Basis for Distributing Title III Funds, GAO-07-140, December 2006, p32 (available at *http://www.gao.gov/new.items/d07140.pdf).*

[10] 848 F.2d at 1014 (noting that "[p]laintiffs contend that testing the achievement levels of children, who are admittedly not yet literate in English and are receiving instruction in [Spanish], through the use of an English language achievement test, does not meaningfully assess their achievement, any more than it does their ability, a contention with which we can scarcely disagree.")

[Whereupon, at 11:22 a.m., the subcommittee was adjourned.]