

## ELL Advocates Hopeful and Wary of New Federal K-12 Law

By **Corey Mitchell**

The nation's 5 million-plus English-language learners could receive significant civil rights protections under the Every Student Succeeds Act, but the new law is also fraught with potential pitfalls, some ELL advocates say.

The bill will shift accountability for English-learners from Title III—the section of the federal law that previously authorized aid to states and local school districts for English-language-acquisition programs—to Title I, the federal program under which the performance of all other student groups is scrutinized.



That move is an indication that the law will do more to hold all schools, not just those with significant ELL enrollments, accountable for the education of non-native English-speaking students, some advocates said.

"It sends a signal that [ELLs] cannot be ignored," said Brenda Calderon, an education policy analyst with the National Council of La Raza.

But La Raza and other groups have reservations about a number of provisions in the law, including the decision to scrub federal accountability targets for ELLs, granting more power to states in the process.

Under the new law, states will develop their own ELL accountability systems that must measure progress in English-language development and the number of students who become English proficient. Many states may not have the wherewithal or staff to carry out the duties, said Gabriela Uro, the director of English-language-learner policy and research at the Council of the Great City Schools.

Often considered a homogenous group, in part because at least 80 percent are Spanish-speaking, ELLs can arrive in U.S. schools with vastly different education experiences and circumstances. A refugee student with little or no formal education has different needs than a U.S.-born student with some exposure to English.

"How will the states make sure they are coming up with criteria that are reasonable and fair to these various groups?" Uro asked.

The law also allows states and districts to include former English-learners in the ELL subgroup accountability for up to four years, a move that could allow districts to "mask the performance" of current ELLs, said Delia Pompa, a senior fellow for education policy at the Migration Policy Institute's Center on Immigrant Integration Policy.

### Testing Changes Ahead

Fearing the worst, advocates and civil rights organizations have already urged states to diligently monitor the progress of current ELLs and immediately address any downward trends in performance.

The new federal law also requires districts and states to report additional data on ELLs with disabilities and long-term English-learners, those students who don't reach a sufficient level of English proficiency to be reclassified as fluent within a set period of time.

Most research indicates that it takes students at least four years to become fluent in academic English, the language that allows students to retell a story or understand mathematical word problems. The longer students are identified as ELLs, the less likely they are to graduate.

The law also requires states to establish consistent standards for determining when students require English-learner services and determining if students are ready to exit special programs. Researchers and advocates have expressed concern about the patchwork of entry and exit criteria for ELLs.

Despite the change, some districts will still place a higher priority on ELLs and their education than others do, Uro said.

"This is not going to normalize the services students get," she said. "What matters more for ELLs is what happens during instruction."

The Council of Chief State School Officers released recommendations last fall advising states and districts on how to reclassify ELLs. The council has also offered guidance on how to identify ELLs.

ESSA also allows states to exclude math and English/language arts test results for newly arrived English-learner students as part of their performance ratings.

Students would need to take both exams in their first year of school, but states wouldn't be held accountable for their performance.

In year two, the state would have to incorporate ELLs' results for both reading and math, and measure their growth. By the third year, the proficiency scores of newly arrived ELLs are treated just like any other students'.