In recent years the educational needs of English language learners (ELLs) have been, at best, an afterthought for policy-makers. As a result:

- Decisions affecting ELLs are often made on the basis of political expediency, not sound research.
- School programs for ELLs are under-resourced in every state and at the federal level.
- Most teachers with ELLs in their classrooms have limited training in effective ways to serve them.
- All-English teaching methods are on the increase, despite their generally inferior results for ELLs.
- The parents of ELLs are rarely kept informed, or involved in, their education.
- The vast majority of academic assessments now provided to ELLs are inappropriate for second-language learners.
- So are the one-size-fits-all provisions of the No Child Left Behind Act (NCLB), which sets unreachable targets for an ELL "subgroup" that is constantly changing.
- While the law imposes detailed sanctions for "failure" by ELLs, it offers no guidance whatsoever to help improve instruction.

Thus it is hardly surprising that English language learners – the fastest-growing group of American students – also have among the highest failure and dropout rates. These children deserve better.

Fortunately, the 111th Congress has an opportunity to rectify this pattern of neglect. Reauthorizing the Elementary and Secondary Education Act (ESEA) offers legislators a vehicle both to roll back the misguided mandates of NCLB and to advance the cause of educational equity for ELLs.

To that end, Congress should better apply an important but neglected tool of federal policy. For more than 20 years, the Castañeda Standard has been used by the Office for Civil Rights (OCR) in the U.S. Department of Education to determine whether school districts are meeting their obligations toward ELL students. Unfortunately, OCR enforcement has often been lax. But the Castañeda test, created by a federal appeals court,* establishes principles that should be incorporated into ESEA. It posits that ELLs are entitled to:

- Educational programs that address their unique language-related needs, based on sound research and expert opinion.
- Resources – including funding, well-trained teachers, appropriate assessments, and challenging materials – sufficient to make the programs work.
- Regular evaluations to ensure that programs are effective and, if necessary, to identify weaknesses and guide corrective action.

This common-sense framework shares with NCLB the goal of guaranteeing a high-quality education for all children. But its methods could hardly be more different. The Castañeda approach stresses school improvement and support, not blaming and shaming. Rather than rely on questionable tests and arbitrary achievement targets, it provides clear criteria for state and local officials to use in holding schools accountable for student progress. Applied broadly, Castañeda could serve as a flexible but powerful tool for educational equity – not just for ELLs but for all students.

Only the federal government is well positioned to make this vision a reality. And ESEA reauthorization would be an ideal place to start. Please turn the page to read our specific proposals for ELLs.

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*Castañeda v. Pickard, 648 F.2d 989 (5th Cir. 1981).
A Seven-Point Plan for ELLs

To ensure a challenging, effective, and equitable education for English language learners, the Elementary and Secondary Education Act should be amended to include the following:

1. Adequate Resources
Teaching ELLs costs more than teaching English-proficient students – considerably more than the meager subsidies now allocated by states. Not surprisingly, the issue is now being litigated in federal and state courts. Since cost estimates vary widely, Congress should (1) commission research to determine a baseline for adequate funding of ELL programs; (2) require states to dedicate that amount to ELL programs as a condition of receiving ESEA, Title III, funds; and (3) increase Title III formula grants to supplement state efforts.

2. Highly Trained Teachers
ELL enrollments are expanding throughout the country, especially in areas where school personnel have limited experience and expertise in serving these students. Congress should (1) lift the cap on appropriations for preservice training of bilingual and English-as-a-second-language teachers (now less than half the FY2001 level); (2) set aside 15% of Title III funds for the National Professional Development Project; and (3) restore fellowships for graduate study provided in earlier versions of ESEA.

3. Research-Based Programs
In replacing the Bilingual Education Act, NCLB eliminated the goals of ELL program innovation, research on language acquisition, and dissemination of effective practices. Congress should set aside 15% of Title III appropriations for an Academic Excellence Demonstration Project to restore these goals. Grants awarded on a competitive basis to school districts and institutions of higher education would emphasize such areas as math and science, bilingualism and biliteracy, newcomer schools, and secondary education. Another 5% of Title III funds should be targeted to strengthen technical assistance efforts by state education agencies.

4. Parental Involvement
All parents have a key role to play in their children’s education. But parents of ELLs face major obstacles to doing so because of language and cultural barriers. Congress should (1) authorize research on how to increase ELL parental involvement; (2) reinstitute the Family English Literacy Program; and (3) ensure real choices for parents by requiring states to offer a range of pedagogical models, including bilingual models.

5. Additive Bilingualism
Research has repeatedly shown that the most effective pedagogies for ELLs are those that develop, rather than replace, children’s native language. Such programs, which sometimes include native English speakers, also develop language skills that benefit the nation. Congress should set aside 15% of Title III appropriations for a Language Resource Development Project to foster dual-language and developmental bilingual programs.

6. Appropriate Assessment
Inappropriate and inaccurate tests – now provided to most ELLs – are not only ineffective in improving instruction; they are also harmful to students and schools. While research should continue on ways to improve assessments, Congress should (1) outlaw any “high stakes” use of tests not proven to be valid and reliable; (2) require that ELLs who are taught in their native language receive academic assessments in that language; and (3) ensure that states rely on multiple measures of ELLs’ progress in making decisions about school reforms, grade promotion, and graduation.

7. Authentic Accountability
Requiring an ELL “subgroup” – defined by students’ limited English proficiency – to meet proficiency targets expected of English speakers is not only unfair and unrealistic. In practice, it means no accountability at all. Congress should require states to adopt and enforce the Castañeda test – which considers both educational “inputs” and “outputs” in rating schools – as the cornerstone of accountability for ELLs.

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