Dear Raul,

We are pleased to hear that the National Council of La Raza remains "very open to a constructive conversation about how we should approach renewal of No Child Left Behind." Certainly it would be beneficial if advocates for English language learners could resolve issues that divide us, and speak with a unified voice on Capitol Hill. In that spirit, we offer a few points that we see as important to address.

1. Attention. There's no disagreement that, as you put it, NCLB serves to "focus the attention of the education system on [ELLs]." The relevant question is whether that attention has been beneficial or harmful. Since the law took effect, we believe the impact has been overwhelmingly in the latter category, according to research studies and reports from the field. In particular, the high stakes attached to assessments -- administered primarily in English -- have had perverse effects that contradict everything we know about best practices for ELLs. These include:

   - pressuring schools to limit native-language instruction and dismantle bilingual education programs, while fostering subtractive rather than additive approaches to bilingualism;
   - barring students from educational and life opportunities, by encouraging states to use a single test -- which ELLs disproportionately fail -- to determine high school graduation, grade promotion, and program placement;
   - creating a disincentive for schools to enroll ELL students, who are viewed as "deficient" and a downward drag on schoolwide test scores;
   - narrowing the curriculum to language arts and math, the two subjects that count for "adequate yearly progress," at the expense of everything else in the school day;
   - emphasizing test preparation and other drills that stress basic low-level skills and fail to stimulate critical thinking;
   - replacing second-language acquisition strategies with a focus on English language arts instruction, and promoting a heavily phonics-based approach to reading that is neither supported by research nor tailored to ELLs' needs;
   - producing a two-tier education system that takes a remedial approach toward ELLs, while offering enrichment opportunities for more privileged children;
   - labeling and sanctioning schools for "failure" on the basis of flawed assessments that are neither valid nor reliable for ELLs (see below) and thus provide no meaningful way to judge the quality of instruction; and
demoralizing dedicated educators and, all too often, driving them from the profession, because NCLB's accountability system is too blunt an instrument to fairly evaluate their programs.

To date we have seen none of the promised benefits of NCLB. Instead, we see ELLs being "left behind" and further marginalized.

2. The achievement gap. You argue that an NCLB-style approach to accountability is needed because "the educational achievement gap between ELLs and their counterparts remained stubbornly persistent, notwithstanding a wave of policy and litigation successes in the 1970s and 1980s, and unprecedented federal investments in education in the 1990s."

Is this statement based on research evidence showing, as you imply, a lack of academic gains for ELLs over that period? We are not aware of any such evidence, nor of any valid baseline against which to gauge their progress or lack thereof. Nevertheless, we do know of numerous effective bilingual education programs today that did not exist in the 1970s or 1980s. Not that a majority ELLs are currently getting the education they need and deserve. Far from it. Schools have plenty of room for improvement. But your conclusion is troubling to us because it tends to minimize the potential damage that NCLB could do by sanctioning or even dismantling effective programs.

In any case, the "achievement gap" is a meaningless concept for judging the progress of ELLs. By definition -- NCLB's definition -- these are students who are unlikely to reach "proficient levels of achievement on State assessments" because of language barriers. They typically score far below English-proficient students on tests that do not measure growth and were not designed or normed for ELLs. When students are tested in a language they have yet to master, an achievement gap is inevitable. It is neither fair nor reasonable to expect otherwise. Then, as ELLs acquire English and begin to catch up academically, they are reclassified and leave the ELL subgroup. The effect is to lower average ELL scores and ensure that the subgroup will always be "low-performing."

Bemoaning the achievement gap in this context simply becomes a demagogic way to bash the schools.

3. Assessment. It still puzzles us why your organization would "applaud" the U.S. Department of Education for mandating assessments for ELLs (and counting them for AYP purposes) after just 12 months in U.S. schools. Why not 10 months, 18 months, or 36 months? The decision was entirely arbitrary, with no basis in research. Wouldn't it be better to base important policies for ELLs on science rather than on what "seems right" to federal bureaucrats?

Study after study shows that one year is nowhere near enough time for a child to acquire enough English to have a meaningful score on English-language tests. Nobody, including the Department of Education, denies that the vast majority of assessments used for ELLs today are neither valid nor reliable for measuring their academic progress. So what purpose does it serve to "hold schools accountable" on the basis of inaccurate measures? How does it help kids to make high-stakes decisions about them and about their schools on the basis of misinformation? This strikes us as irresponsible, to put it kindly.
We support efforts at state and federal levels to improve assessments for ELLs. Yet we remain skeptical that the crash program of "technical assistance" recently launched by the Department of Education will produce English-language tests, including those with "accommodations," that are appropriate for high-stakes purposes. For a group that is so diverse in language proficiency -- ranging from students without a word of English to those who are nearly ready for mainstream classrooms -- developing valid and reliable assessments in English is an enormous, perhaps insuperable challenge. Rather than spend large amounts of time and money in seeking this Holy Grail, it would make more sense to devote resources to the kind of assistance that schools actually need to improve instruction. This means ensuring that children have high-quality textbooks and materials, well staffed and well stocked school libraries, well equipped classrooms, and well trained teachers who are qualified to serve ELLs.

4. Accountability. To us it seems defeatist to say: “Since our assessment is that NCLB in some form or another is here to stay, our approach is to leverage it to improve schooling for ELLs.” This kind of reasoning could be a self-fulfilling prophecy.

We believe that NCLB is only one approach to accountability, and a deeply flawed one at that. Reauthorization provides an opportunity to come up with a more appropriate and effective accountability system, one that truly benefits ELLs rather than threatens to reverse the progress that has been made over the past generation. We have some ideas along those lines. But owing to the length of this message, we'll hold them for another time.

We look forward to continuing this exchange.

Jim Crawford
Stephen Krashen
Kate Menken

Hi all,

Thanks for your comments, although they are a bit painful, I must admit. We appreciate that you have a different perspective on this policy, but we think it creates an opportunity to have an open discussion of what we’ve been doing and gain your insight into how we can best serve the needs of ELLs. We do begin from the proposition that NCLB will help us focus the attention of the education system on these kids - with the end goal of getting the schools that serve them the funding they need to meet the needs of ELLs, the assessments to accurately measure how well these kids are being served, and some tools to help Latino parents and community members hold local schools accountable. I don’t think anyone can deny that ELLs have not received the support they’ve needed. At issue is what strategy we can use to get these children the resources and instruction they deserve. Since our assessment is that NCLB in some form or another is here to stay, our approach is to leverage it to improve schooling for ELLs.
Prior to NCLB, as all of us noted, the educational achievement gap between ELLs and their counterparts remained stubbornly persistent, notwithstanding a wave of policy and litigation successes in the 1970s and 1980s, and unprecedented federal investments in education in the 1990s. Moreover, the policy trends were going against us (i.e., successful anti-bilingual education ballot propositions in CA and AZ); the federal judiciary was becoming less sympathetic, etc. Even under Bill Clinton, with ELL advocates in the Administration (Norma Cantu at the Office for Civil Rights), individual school districts (e.g., Denver) covered by ELL-focused consent decrees were able to flaunt their noncompliance with impunity. Here in Washington, DC, NCLR was party to a compliance agreement with the DC Public Schools and the Office for Civil Rights on ELL instruction. That agreement was signed in the early 1990’s. We’re just now getting it implemented. Clearly, the “traditional” access agenda, focused on consent decrees, civil rights enforcement, and more money at the federal level, and strong policy at the state level, had failed to make substantial progress in closing the gap. As NCLR has noted previously, at issue is not that the traditional civil rights/access agendas were wrong - we continue to pursue an access agenda. We just feel it’s an incomplete strategy. In that context, we view the full inclusion of ELLs in any accountability system as one important tool needed to augment and indeed reinforce strong policies in other contexts.

Upon passage of NCLB, we immediately met with the Department and asked (1) for them to deploy a significant Technical Assistance strategy for states and districts so that they are better prepared to serve ELLs, and (2) for increased funding for ELLs. They didn’t do any of those things; thus, DC lobbyists for states and districts had an opening to begin advocating for exempting ELLs from their assessments and accountability systems. The Department moved to give states these exemptions, but NCLR intervened because we saw little to no evidence that states were moving toward developing native language assessments or other appropriate assessments, nor were states showing that they were making serious efforts to improve instruction for ELLs. Our challenge to the Department was to not give any states exemptions unless states demonstrated that they were doing those things. We asked them instead to give states tools to serve ELLs better - not a blanket waiver that would mean states didn’t have to do anything. The result is that for the first time ever the federal Department of Education is engaged in an effort to help states develop assessments appropriate for ELLs, including native language assessments, and is sending a clear message that state Title I plans will not be approved if they do not include assessments which are valid and reliable for ELLs. I thought that educators would agree that that’s a good thing, but perhaps I’ve been in DC and out of the classroom for too long.

At the end of the day, all we can do is hope to be judged on our record. It includes working in concert with NABE, MALDEF, META, and others, in some cases successfully and in other cases less so, to advocate for the strongest possible policies to support ELLs, including five successive Title VII/Title III reauthorizations, several Higher Education Act reauthorizations (including the 1998 renewal which created a separate Title for HSIs), the recent renewal of the School Lunch Act, which gives migrant students portable eligibility (they won’t have to recertify when they move to new schools), and a House Head Start bill which provides new slots for migrant children and several provisions intended to provide ELL and Latino children greater access to the program and better ELL-specific services. It includes shaping legislation that: successfully legalized nearly three million people in the 1980s; increased legal immigration by more than 500,000 per year.
beginning in 1990; and restored almost $20 billion in benefits to millions of legal immigrants cut in the 1996 welfare reform. It includes shaping a massive expansion of the Earned Income Tax Credit that each year lifts two million Latinos out of poverty. It includes creating new affordable homeownership programs and products that have helped increase Latino homeownership rates to record highs. It includes shepherding the promulgation of executive orders on Hispanic education and language access requirements for all federal agencies and recipients of federal funding.

I know personally that ELLs and poor minority kids have been ignored in schools. I’m not trying to bash the public schools, but am making that statement as someone who attended Title I schools in NYC all of his life, taught in Title I schools, and worked for a Democratic Congressman whose focus was on education. It sounds like folks on this list serve attended and taught in similar types of schools and have derived their passion for the issue from that experience. NCLR believes that the future of Latino and ELL kids is based on how well they are served by public schools; and that the future of the public schools is based on how well they serve ELLs and Latinos. So, we’re very open to a constructive conversation about how we should approach renewal of NCLB. We’re really not wedded to any specific policies or strategies right now and would love to hear from outside-the-beltway experts about how we can achieve better instruction, curriculum development, and assessment for ELLs. Too often, academics and advocates have separate conversations about education policy. It’d be really good to bridge that gap going in to reauthorization of NCLB.

Thanks,

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