

Educational Decisions about the Culturally and Linguistically Diverse (CLD) Students under the No Child Left Behind (NCLB) Act

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Abstract

Purpose

The present paper is geared to help speech-language pathologists and other members of the school-based teams to become acquainted with the new educational structure and context in schools today as driven by NCLB, and thus, be better prepared to meet the needs of CLD children. Specifically, the present paper attempts to present the background facts about the NCLB Act, identify pitfalls in its current implementation, and provide recommendations to the school-based teams and administrators to ensure that the needs of the children with limited English proficiency are met despite the limitations and challenges of this Act.

Method

This paper is not a data-based study. Instead, in light of the absence of a unifying source of related information for SLPs, this paper was designed to serve as a review of existing literature and leading authorities in the diverse disciplines involved with NCLB. (Results and Conclusions are not presented here as this is not a data-based paper.)

Introduction

No Child Left Behind (NCLB) Act, proposed in 2002, was designed mainly with the laudable goal to help those students who were historically underserved, namely *children with special needs/disabilities*, those from *economically disadvantaged homes*, and those from Culturally and Linguistically Diverse (CLD) backgrounds for whom *English is a second language*, i.e., those labeled as the *English Language Learners (ELLs)* subgroup. These subgroups of children faced persistent achievement gaps relative to the mainstream children, yet schools were not held accountable for their performance. The premise of the NCLB Act was to create a viable solution to reduce these achievement gaps for these children. However, as demonstrated in this paper, this act has high promise in theory, yet it is lacking in its applicability as the fitting solution in serving the needs of the underserved children—especially those of from the ELL/CLD backgrounds. This paper focuses particularly on the implications of NCLB on the ELL subgroup in light of the fact that this is a rapidly-growing population with rather urgent educational needs as indicated by demographic data. These numbers show, for example, that as many as 5.4 million children nationwide have been reported speaking English with limited

proficiency skills. Across 25 states, classrooms have *doubled* in their ELL representation from 1993 to 2005. These substantial numbers of ELL children are under-performing and need marked assistance. For example, only 4 percent of eight-grader ELLs scored at or above “proficient” in reading, compared with 32 percent of their native English-speaking peers, according to the 2005 National Assessment of Educational Progress. As further instantiation of the imperative educational difficulties in the ELL subgroup, U.S. Secretary of Education, Margaret Spellings quotes “all across America, less than half of African American and Hispanic fourth graders have basic reading skills as defined by the Nation's Report Card. That's more than 700,000 children who can barely read! So it's really no surprise that half of our minority students don't graduate from high school on time.”¹

In keeping with such a demonstrated necessity to understand and meet the special needs of the ELL subgroup in the present-day educational setting driven by the new NCLB Act, this paper aims to: 1) introduce background facts of the NCLB Act, 2) identify the potential problems in its applicability especially in serving the needs of ELL/CLD children, and 3) provides strategies and recommendations for schools, teachers and parents to circumvent the problems posed by this act, and ensure that the needs of the CLD children are adequately met despite some of the limitations in the Act.

NCLB: The Facts

NCLB, according to the American Speech-Language Hearing Association (ASHA), is “a landmark in education reform designed to improve student achievement and change the culture of America’s schools,” (ASHA, 2006). NCLB has a goal to bringing every child up to the same, if not greater academic level than the average student in America. To accomplish this ambitious

¹ As quoted in Ms. Spellings’ remarks to the Members of the Business Coalition for Student Achievement, Press Release: September 5, 2007

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goal, the NCLB program provides schools a way to avail special services to those children in need of remediation. With stringent guidelines and huge proposed investments, NCLB entails a comprehensive system of checks and balances. NCLB has established several principal components that accomplish and set guidelines for the checks and balances that revolve around four basic areas. These areas are as follows: *accountability for results*, *emphasis on doing what works based on scientific research*, *expanded parental options*, and *expanded local control and flexibility*. To implement this plan the program was estimated to allot \$15 billion for distribution throughout the nation.

The four different areas of objectives that make NCLB work all have very different guidelines with the centerpiece focusing on accountability. Under NCLB, each state is required to perform Adequate Yearly Progress (AYP) testing to measure the amount of success each school is having with their students. These tests are a way for the public to gain information on how students are doing, if they are improving, regressing, and how the standards at the school match the standards of the nation. The tests are based on challenging state standards in reading and mathematics and are given annually to all students in grades 3-8, including students with disabilities. Accommodations, modifications, and alternate assessments may be used to test disabled students and/or students with limited English proficiency, as shown in Table 1 (based on guidelines provided by the American Speech, Language, and Hearing Association).

Separate measurable annual objectives for achievement focus on all students including, historically underperforming subgroups (namely, racial or ethnic minorities; economically disadvantaged students; students with disabilities; and, students with limited English proficiency). The goal is to have students reach proficiency within 12 years (2002-2014). Based on these test results, schools can have a number of ramifications including corrective action or

restructuring if standards are not met for two consecutive years. If the school does not meet the AYP standards for three consecutive years, provisions of supplemental educational services need to be offered to students.

Each state covers its vast amount of school accountability checks by monitoring through local education agencies. These agencies are in charge of making sure each school is in compliance with the AYP standards. They publish and disseminate results to parents, teachers, schools and the community. These agencies also review the effectiveness of activities to provide parent involvement, professional development, and other activities. By instituting these agencies, parental and local control are increased because they are made fully aware of all AYP test results and are permitted to act accordingly. If parents are not satisfied with the level of education their child is receiving and the school is not in the two or three year compliance standards necessary, parents have the option of removing their child from that school and transferring him or her to a school that is within compliance or they may seek supplemental educational services.

NCLB and CLD children

An Overview and an Explanation of Terms

With the above background information about NCLB, the following section will discuss the ramifications of this Act for one specific subgroup, namely, children from the Culturally- and Linguistically- Diverse Backgrounds (CLD). Specifically, this subgroup consists of children who are “exposed to, and/or immersed in, more than one set of cultural beliefs, values, and attitudes”, as well as those that are “exposed to and/or immersed in, more than one language or dialect” (ERIC Clearinghouse on Disabilities and Gifted Children, 2000). CLD is a broad term and encompasses those that are nonnative or English-as-Second Language learners; bilingual speakers with English as either a non-dominant or dominant language; immigrant children;

children who born and raised in America but who are second- or third-generation of immigrant parents; or bi-dialectal children. NCLB recognizes issues of CLD under the sub-category called “Limited English Proficiency (LEP)”. Within the NCLB framework, LEP students are defined as “a) being 3-21 years of age, b) enrolled or preparing to enroll in elementary or secondary school, c) often born outside the United States or speaking a language other than English, and d) owing to difficulty in speaking, reading, writing, or understanding English, not meeting the state’s proficient level of achievement to successfully achieve in English-only classrooms” (Abedi, 2004; Fix & Capps, 2005).

Previously represented as “minorities”, the LEP subgroup now accounts for a sizeable proportion of the present population (e.g., immigrant children now compose one in five children enrolled in kindergarten through 12th grade). Figures show a steady rise of immigrant children in school-age population (immigrant children have tripled from 6% in 1970 to 19 % in 2000), and are projected to continue to grow (e.g., by 2010, immigrant children will represent 25% of the K-12 population)². Of course, these figures only show the distribution of immigrant children; adding the aforementioned varieties--such as second-generation, US-born children and those from bi-dialectal and bi-cultural families, for example--will further increase the proportion of CLD students in the overall student population.

As a whole, this subgroup has been historically underserved and these children’s academic needs have often been ignored. However, in light of the rapidly changing demographics of U.S. elementary and secondary schools—as exemplified above—it becomes especially imperative to ensure that the sizeable numbers of CLD children’s needs are met and that they do not get left behind. Indeed, current immigration policies (e.g., Emergency Immigration Education Program,

² Figures based on two Urban Institute Reports profiling changing student population, Capps, Fix, and Murray (2005) and Constantino de Cohen, Deterding, and Clewell (2005).

EIEP) predict that providing optimal education and training to children from immigrant families will ensure, in large part, the future economic and social health and progress of the nation. In keeping with these notions, NCLB Act takes into account the CLD demographic group, and it attempts to meet their special needs. In addition to the previously-mentioned terms, CLD and LEP, yet another term has been used in the NCLB literature to refer to this subgroup, namely, “*English Language Learner*” (*ELL*), specifically referring to students who are new to the U.S. and/or not native to the English language. The terms, CLD, LEP, or ELL are used interchangeably in this paper.

NCLB’s plans for CLD/LEP/ELL needs

Educational reforms proposed under the NCLB Act will benefit the CLD students as the Act *requires* schools to: a) identify and serve LEP and immigrant children, and b) be strictly accountable for the progress made by LEP students in learning English simultaneous to mastering the content areas of reading, math, and science. Thus, the NCLB Act garners needed attention, in a variety of new ways, to these previously-neglected populations. Conceptually, NCLB presents several benefits for the CLD/ELL/LEP students, as described below:

1. Helps ensure that CLD children who are limited English proficient attain *English proficiency*, develop high levels of *content knowledge* in academic areas, and meet the same challenging State academic *achievement standards* as all children are expected to meet
2. Helps ensure *high quality* language and academic instruction for the CLD children with limited English proficiency

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3. Requires schools to *report scores on standardized tests* for these LEP students, and *include them in AYP calculations* (along with other disadvantaged subgroups as well as the mainstream students)
4. *Provides accommodations* to assist testing and teaching students with limited English proficiency
5. Ensures that the students with limited English proficiency receive a suitably “*highly qualified*” (i.e., fully certified and properly educated) teacher
6. Requires schools to *notify parents* (in the language they speak) of their children’s academic performance and the school’s progress in meeting NCLB goals—and especially pertinent to LEP children—the type of language instruction they are receiving (Fix and Capps, 2005)
7. Involves the input of State and local educational agencies—and provides them with assistance—to facilitate high-quality educational programs in all schools
8. Promotes parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children

NCLB and CLD/LEP/ELL children--Pitfalls and Problems

While the NCLB Act’s aims are overall commendable—as discussed above—its’ implementation is ultimately untenable and “likely to do more harm than good for the students who are now being left behind”—particularly the CLD/ELL children (Crawford, 2004). The below sub-sections will demonstrate how the Act’s applicability is lacking in several areas, and therefore, potentially unworkable for the CLD children.

Emphasis on assessments

One of the features of the Act is the stress on setting benchmarks for student achievement and testing their progress against these benchmarks through assessment tools. This heavy emphasis on assessments as the means to track progress is especially unviable for the CLD subgroup for many reasons. First, most assessment tools are normed and sampled on children who were native speakers of English, and thus, they assume a mastery of English. Therefore, the use of these tests to track performance in academic areas does not take into account the fact that the CLD children are still learning/mastering English, simultaneous to mastering the academic knowledge in math, science, and so on. Hence these tests are usually unable to separate language errors from academic errors (Hakuta, 2001). Indeed, studies demonstrate that such academic achievement tests normed and designed for native English speakers have a lower reliability and validity for LEP populations (Abedi, Leon, & Mirocha, 2003).

At this point in this paper, it is important to distinguish two types of language use and development in CLD children: conversational language versus academic language. CLD children who learn English at school may have started with their native language at home. This is the language acquired informally through their everyday interactions with parents and is representative of their Basic Interpersonal Communication Skills (BICS). Cummins (1981) reports that it takes about two years for CLD students to readily comprehend such a context-embedded social language. In contrast, the language introduced through the academic curriculum, and used for comprehending “cognitively demanding decontextualized” learning tasks (Cummins, 1981) is representative of their Cognitive Academic Language Proficiency (CALP). In general, CLD children tend to be very proficient in their native/social language, but may need considerable amount of practice, exposure, and application of CALP, and as long as 5-7 years, before they can navigate and succeed in English classrooms (Cummins, 1981). Thus, in

light of the NCLB mandates, it is imperative to understand that these children would need to have achieved a certain level in their native BICS proficiency and English CALP skills before they can be measured for academic performance through a English-written test. At present, there is insufficient research to identify what level of English proficiency the CLD children should have before they can be administered these tests (August and Hakuta, 1997; Crawford, 2004). Without such research-based baselines, it is an impractical, invalid and arbitrary decision for the Title 1 regulation of the NCLB Act to require ELL children to be tested in mathematics from day one, and in reading/language arts after only 10 months of their attendance in American schools (Crawford, 2004).

A second issue with using standard assessment tools to measure ELL's performance is nonstandard translations of these tests. Often, these tests are either not available in native languages of the ELL children, or if available, they are merely in the form of nonstandard translations. That is, often test questions are translated from English to the CLD children's native language(s), and/or they are administered in simplified English. Such an approach renders assessment results psychometrically invalid, unreliable, and questionable. Moreover, the validity of such an approach is questionable also in determining the comprehensibility of the questions for the CLD children, as they may be at varied levels in their English skills, and may also interpret questions differently through the lens of their diverse cultural backgrounds. Further, testing these children in their native language may not be able to actually account for their academic knowledge, as often academic knowledge in classroom is imparted in English, and they may not have the comparable academic vocabulary for these concepts in their native language.

With all of the above problems in using assessment tools—either in English or with native translations— the ELL children’s knowledge and performance remains indeterminate and not adequately accounted for, and yet, the NCLB Act places a heavy premium on these tests to base all academic decisions for these children, and to evaluate the performance of schools and teachers, as well.

Emphasis on accountability through AYP

The construct of Adequate Yearly Progress (AYP) under the NCLB Act is unreasonable and misrepresentative for the CLD subgroup. This subgroup tends to be highly diverse and marked by high variability in performance levels, as well as in the time it takes to achieve these levels. Many factors drive this variability within the subgroup, namely, differences in cultural and linguistic backgrounds, socioeconomic status, age of learning English, amount of prior English knowledge and current English proficiency, to list a few. With such intra-group differences, there tend to be marked variations in the overall learning outcomes in the classroom. As illustrated by Crawford (2004), “there is no standard learning curve” with regard to second-language learning, and in turn, no consistency to make predictions about such a diverse group’s pace of mastering a set curriculum. Indeed, research points to a marked range in their achievement of grade-level academic performance in English, with periods varying from 4-7 years (Hakuta, Butler, and Witt, 2000) or 1-6.5 years with average of 3.3 years (Pray and MacSwan, 2002). Thus, it becomes imperative to set reasonable expectations of learning outcomes, as well as to allow for flexibility in tracking progress. However, the NCLB Act places heavy emphasis on a set AYP target that is arbitrarily and unscientifically based, and misrepresentative in its recognition of diversity in the CLD subgroup. Further, given the above facts, the use of AYP results to assess, monitor, and ultimately punish failing schools’

performances is an unfair and inaccurate stipulation of the NCLB Act. Such “high-stakes decision-making” in punishing schools is likely to fail in discerning good programs from ineffective ones, and consequently, be indiscriminate in its treatment of both kinds of programs (Crawford, 2004). Thus, such high-stakes decisions will not only punish the schools and teachers, but ultimately, the children as well.

A Changing Curriculum

The NCLB Act’s punitive approach involving threats of labels and sanctions on failing schools is likely to unbalance the curriculum and lead to a less-than-comprehensive education. With emphasis placed on math, language arts, and science performance scores, educators—under fear of career jeopardy—will restrict all attention to those areas, and tailor instruction accordingly. Education will not be all-rounded or comprehensive any longer, as areas such as social studies, music, arts, physical education and so on, will be relegated to minimal importance, or eliminated completely from the curriculum. This cut-back of content areas is especially likely to occur in schools with limited resources, located in impoverished geographical areas. Thus, minorities and foreign-immigrants—more likely to live in such underserved areas—will be impacted more so than other social groups.

Furthermore, with regard to the ELL children, the NCLB policies represent “a giant step backwards” for the bilingualism movement, as pointed by Crawford (2004). Following The Improving America’s School Act (IASA, 1994), education of bilingual, CLD children had shifted from a “compensatory, remedial mindset” and progressed to emphasize bilingualism and biliteracy in academic achievement for CLD children. Thus, resources were garnered to promote, and develop a child’s native language—in conjunction with English—in American classrooms. Consequently, the last decade has seen the effectiveness of promoting bilingualism, and a

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forward movement in the research, know-how and launching of effective bilingual programs. Conversely, the NCLB Act will set back that movement through the “reductionist” or “subtractive” approach of emphasizing English in curriculum, which thereby replaces CLD children’s native language(s) with English.

CLD needs

The NCLB policies address the “limited English proficiency” component of Cultural and Linguistic Diversity. However, as defined earlier, the CLD subgroup represents broad differences that go beyond linguistic needs in classroom. Even with English skills passing AYP thresholds, differences due to cultural diversity can continue to impede optimal academic performance, and they can prevent these students from performing on par with their mainstream peers.

NCLB and CLD/LEP/ELL: Conclusions

In sum, among the main problems for the historically poor performance of CLD children are the following: limited resources, critical shortage of teachers specializing in ELL education, inadequate instructional material, substandard school facilities, and poorly designed instructional programs. However, with the best of intentions and resources, the NCLB Act is not really supporting the above inequities that specifically and sufficiently target the needs of CLD/LEP/ELL students. Instead, as a solution to the above problems, NCLB represents a punitive, rigid, unscientific and ultimately, detrimental model for the CLD subgroup, in particular. While it is an irrefutable accomplishment of the NCLB Act that English Language Learners are finally receiving some consideration in overall educational decisions and policies, and that schools are now held accountable really for the first time in how well they educate these students, the reality of offering optimal teaching to these students is still speculative, at best.

Some of these questions and concerns are being presented to Congress as the Act comes up for reauthorization by 2009. At present, the prudent strategy would be to evaluate and discuss the means to make the law work—to identify its merits and circumvent its limitations. Thus, overall, as the NCLB Act stands at present, it offers a good framework to focus more clearly on English language learners' education and leverage important resources to aid this effort. To derive adequate benefits of the NCLB Act, schools, districts, teachers, and parents must respond to this challenge and lobby their efforts with informed, evidence-based findings. Hence, the next section lays out a few guidelines for such questions and provides supplementary help to sidestep the inadequacies in the NCLB Act in the hope that CLD learners' needs are adequately met.

Strategies and recommendations for meeting the needs of CLD children under NCLB guidelines:

Questions to be considered by School and District Administrators (based on Capps et al., 2004)

1. Under NCLB, parents can choose to transfer their child to a different school if the present one fails to meet the AYP targets. However, district administrators and local agencies need to consider some questions under this new recommendation and provide some working responses. For instance, what are the guidelines available to parents in selecting a different school? Indeed, are there any openings available in other schools? Do these schools have good bilingual or ESL programs or other support for LEP students? Will transportation be made available, and if so, how far will the children have to travel? Will immigrant parents be willing to send their children to a different neighborhood/district or even a different part of the city?
2. Another provision of the NCLB Act is that schools failing to meet AYP targets will receive supplemental services. Questions for local agencies to consider and resolve are as

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follows: Who is responsible for providing these services—the school or the district? Will these supplemental services be able to address ESL needs as well?

3. Yet another attribute of the NCLB Act is in ensuring the requirement of “highly qualified” teachers in schools. However, with regard to CLD/ELL students, teacher qualifications and training should also include additional certification of Bilingual or ESL training in the language they teach. Will teachers receive financial support and time to gain this training, or will it remain their responsibility to obtain the training and licensures on their own? These qualifications are yet another factor for further consideration by school and district administrators.
4. Finally, NCLB requires schools and districts to inform parents in their own language about the performance of their child as well as that of the school in meeting state standards. However, the questions to consider in this stipulation are as follows: Are there any mechanisms in place to ensure that parents—especially the immigrant parents—understand the complexities of the information conveyed in the letters they receive from the school/district? Will these letters give guidelines to help them make informed decisions, or will they serve in prompting criticisms, negative reactions, confusion, anxiety, and general sensationalism?

Recommendations for Speech-Language Pathologists & School-Based Teams

1. SLPs: Under NCLB, the school-based Speech-Language Pathologists (SLPs) need to acquire a new role and accountability in children with disabilities as well as those from CLD backgrounds. The American Speech, Language, and Hearing Association (ASHA) advocates for SLPs to take a greater initiative as “professional reading resources” in schools. Indeed, SLPs are trained with specialized knowledge and experience to be the

first to identify the underlying cause of reading and writing problems through children's difficulty with language. Thus, SLPs are in a unique position to help the school-team to provide the critical language and literacy skills needed for overall academic success. Specifically, SLPs can serve as significant members in the school-team by providing crucial input in a number of areas. For example, in the *assessment* of language as well as reading difficulties, SLPs can help classroom teachers by selecting and implementing valid measures, as well as adapting tests and tools where necessary. SLPs can also help suggest valid methods to assess skills in spoken language, reading, writing and spelling. Yet another area where SLPs can provide significant input is that of *intervention* wherein SLPs can collaborate with teachers and families to plan intervention goals and activities, and help modify existing educational curricula. SLPs can also help provide unique insights to *develop school- or system-wide early identification and intervention programs* for children with reading deficits. SLPs knowledge-base and training puts them in a beneficial position of helping the school-based team *track and document outcomes and progress* and/or design systems to record and track the progress made on the goals and plans designed to improve literacy skills. Finally, SLPs can pair with teachers and serve as strong partners to *advocate for, and provide information* on literacy development to parents as well as state and local agencies. In that regard, SLPs can provide education about relationships between spoken and written language, stages of literacy development, and identifying red flags in literacy or communicative development, to list a few.

2. General best-practice guidelines for the whole school-based team:

In keeping with the requirements of the 1997 amendments to the Individuals with Disabilities Education Act (IDEA), teams are recommended to ensure that during the

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assessment of a CLD student, *someone familiar with that student's cultural and linguistic background* be present and part of the assessment. Teams can elicit relevant information about the student's culture as it impacts performance in assessment as well as seek unique insights of such an individual to help interpret results and data from the assessment. Similarly, a *bilingual educator* is recommended to be present during the evaluation of a bilingual student (McLean, 2000). Additionally, *parents* are required to be present according to IDEA stipulations in the testing of a child with a disability. Such a mandate becomes especially relevant when that child is from a culturally- and linguistically-diverse household. Thus, parents can be consulted for important decisions regarding the child's educational placement, provide input on the child's functioning in school as similar or different relative to that at home, as well as provide an overall perspective to shape the planning of all further instruction and placement of the child and intervention for the child.

The presence of *interpreters* in the assessment of CLD and/or bilingual children is usually standard practice; however, certain additional concerns are warranted. For example, an initial orientation can be provided to the interpreters to help them understand the context and purpose of the assessment sections, the topics discussed, and possible answers expected. Such an initial orientation will help them make accurate translations of what the students said. Additionally, it is important that interpreters are familiarized with the technical language used in assessments and are comfortable enough to ask for clarification when needed. A final debriefing session with interpreters can be overlapped with the activity of analyzing results of the assessments, and interpreters' perspective can be incorporated in arriving at culturally-salient decisions.

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Further, it is essential that school-teams recognize that an exclusive reliance on standardized or formal tests and resulting scores is largely a restricted and unfair method to assess the functioning of children from culturally- and linguistically-different backgrounds. Other methods need to supplement formal tests (e.g., interviews, observations of the child in different environments, curriculum-based assessments, and play-based assessments). Converging data and patterns across these informal and formal measures need to be considered in order to arrive at any conclusive decisions about a child's functioning. Finally, in case of CLD and/or bilingual children, it is important to rely on the formal tests for qualitative/ descriptive information, and less so on the test scores.

Future Directions: Reauthorization of NCLB

In its fifth year of implementation, NCLB was planned for reauthorization by Congress, that is, a scheduled re-write in August 2007. However, pending work on key issues and the approaching presidential election year in 2008 has postponed the possibility of presenting the bill on the House floor in 2007; it is increasingly likely that it may not be presented to Congress until late 2008. Meanwhile, there is general consensus among lawmakers to promote important revisions to the law. It has been widely acknowledged that the law should be changed to encourage schools to measure longitudinal progress of individual students rather than using snapshot comparisons of certain grade levels.

Copious research, surveys, and reports prepared by major educational organizations since 2002 have resulted in well-informed recommendations offered to Congress in its consideration of the Reauthorization of NCLB. In order to track recommendations of various organizations regarding the reauthorization of NCLB, educators can refer to the database released by The Education Commission of the States in September 2007 at <http://www.ecs.org/00CN3597>. This

website presents a comprehensive overview and summary of the recommendations on common issues presented by some of the leading organizations in education, e.g., Education Commission of States (ECS), National Association of State Boards of Education (NASBE), Forum on Educational Accountability (FEA) to list a few. The next section highlights some of the key recommendations offered to Congress on some issues that converged across these organizations.

Summary of key recommendations made on various issues

AYP. The importance placed on meeting AYP targets has raised largest number of concerns, resulting in the most number of proposed recommendations. A new method of calculating AYP, the “Growth model” has been proposed by all organizations. Such a method would consider progress made by students as well as schools in meeting annual performance targets and recognize and reward them for such progress. This model would represent a move away from the current use of strict “hit or miss” assessment of AYP targets and provide acknowledgment of gains made along the route to meeting AYP targets. With regard to students from ELL subgroups, most organizations have advocated greater flexibility in meeting and measuring their individual goals and needs and the use of “multiple measures” rather than the exclusive reliance on standardized tests to account for AYP estimates.

ASC. Assessment Standards and Curriculum: As mentioned above, most organizations have recommended the use of measures other than standardized tests for children with disabilities and the ELL children. Specific recommendations to improve and develop these alternate exams/measures, as well as to improve the state assessment systems, have been provided. Greater flexibility in accounting for AYP calculation is described in terms of the types of exams allowed (e.g., local or computer-based), grades tested, or the factoring in of multiple test results.

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ELL. Most of the above organizations have addressed concerns for ELL children and provided specific recommendations. The primary suggestions provided include incorporating greater flexibility, using alternative assessments, and developing alternate valid exams and accommodations in the assessment and teaching of these children. Additionally, it has been consistently recommended that ELL students be “counted in this AYP subgroup until they acquire English proficiency or at least for a longer time period than currently permitted”.

Additional perspective

In addition to the above organizations’ report and recommendations, the Center for Education Policy (CEP), an independent advocate for public education and for more effective public schools, has conducted comprehensive survey and research on the implementation of the law across the 50 states and over 350 school districts. Based on their findings, CEP has presented its recommendations to Congress on August 28, 2007, to modify the Elementary and Secondary Act of 1965, as amended by the NCLB. Areas demarcated for changes to the Law include achievement, testing and its impact on curriculum, accountability, schools in need of improvement, state departments of education, funding, and teacher quality. Additional details of their recommendations in the full report can be found online on the CEP website at <http://www.cep-dc.org/>.

Final Conclusions

In conclusion, this paper has attempted to shed light on the existing structure and implementation of the NCLB Act, with an emphasis on CLD/ELL/LEP subgroups. While the consensus largely points to the theoretical merits of NCLB, many limitations have been identified in its actual implementation and approach. Large numbers of recommendations have been provided to the Congress by leading organizations in the educational system that need to be

seriously considered in the upcoming reauthorization of NCLB. Until such recommendations and alternate proposals come to fruition, ELL assessments should be approached with certain necessary caveats. High-stake decision making about ELL children should not be determined exclusively by existing standardized tests until such tests are proved valid and reliable for ELL children. Instead of calculating AYP, longitudinal progress should be tracked and charted for the ELL children. Multiple measures and indicators should be taken into account to calculate these children's yearly progress. Local authorities should make decisions on individual basis regarding which ELL child is ready to be assessed and what test measures and accommodations need to be used in each of these cases. Additional federal funding needs to be sought and used for determining the validity of existing tests, as well as for developing newer representative assessment measures for ELL children.

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Table 1: Examples of accommodations provided to test students with <u>limited English proficiency</u>
Allow audio-taped responses by the student
Allow for extra time
Allow students to respond in either their native language or English
Provide additional clarifying information at the end of the test booklet or throughout the test
Provide audio-taped instructions in the native language
Use a bilingual dictionary
Use a bilingual glossary
Use an assessment tool in the student's native language which is aligned with the state content and achievement standards

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