

ELL

Language and Education Policy for English Language Learners

Educators can play significant roles in advocating for their students and mitigating the effects of poorly conceived or inappropriate educational language policies, or where more favorable policies have been implemented, teachers can enhance their students' educational opportunities by building on students' home and community languages while helping them to learn the dominant languages typically required as media of instruction.—Terrence G. Wiley

KEY TERMS

- adequate yearly progress (AYP)
- annual measurable achievement objectives (AMAOs)
- Bilingual Education Act (Title VII)
- Common Core State Standards (CCSS)
- Elementary and Secondary Education Act (ESEA)
- English for the Children initiatives (Proposition 227, Proposition 203, and Question 2)
- Equal Educational Opportunities Act (EEOA) of 1974
- ESEA Flexibility
- Lau Remedies
- No Child Left Behind Act (NCLB) of 2001
- Race to the Top (RTTT)

GUIDING QUESTIONS

1. How has the policy context surrounding the education of ELLs changed in the United States?
2. How do national state-led consortia and individual state policies and initiatives influence the education of ELLs on the local district and school levels?
3. How have the courts influenced the education of ELLs?
4. How can educators use their understanding of the policy and legislative context surrounding ELL education to enhance their ELLs' access to educational opportunities?

Language and education policy for ELLs in the United States is complicated by the absence of a centralized education system. Policies that outline rules, regulations, and procedures related to educating ELLs may come from the federal government, state governments, voter initiatives, or court decisions. Policies are set by powerful institutions usually controlled by members of the dominant group. Some policies have had a discriminatory impact on minorities. Other policies may have been designed to ensure the protection of minority rights. Sometimes the various stakeholders have reached compromises through the democratic process to ensure fairness to all involved. Other times, those negatively affected by policies have turned to the courts for assistance; these efforts result in orders that either uphold or require changes to existing policies. As we see in this chapter, the pendulum swings between discourses of relative tolerance or support for linguistic diversity and discourses of increased language restrictionism and English-only efforts. These discourses have serious implications for the education of ELLs.

Educators who work with ELLs need to understand the history and the current language and education policies and legislation that affect their students and classrooms. We begin with a brief history of bilingual education and policy regarding language use in the United States. Then we review national state-led consortia and individual state policies and initiatives regarding ELLs and look at the important role the courts have played in guiding policies for these students. The chapter concludes by emphasizing how educators can draw on their understanding of the larger policy context to develop sound policies on the local district and school levels that ensure equal educational opportunities for their ELLs.

Historical Perspective

Many people believe that the challenge of educating ELLs and the need for special programs for them are relatively recent phenomena. Many also believe that in the past immigrants and their children quickly gave up their home languages and cultures to become Americanized monolingual English speakers. These assumptions are false. The United States is now, always has been, and will continue to be a multilingual and multicultural country (de Jong, 2011; Shin, 2013).

Many people assume also that English is the official language of the United States. But the founding fathers never declared any language as an official language, and the U.S. Constitution has never been amended to declare English as the official language. To the founders, declaring an official language would have been unnecessary. By the time the Constitution was ratified, English was well established as the dominant language. Also, the founders respected diversity among those who had fought for independence and were hesitant to offend them by restricting their languages or in any way implying their inferiority. Throughout U.S. history English has functioned as if it were the official language, and therefore there has never been a need for an official designation.

Bilingual education has been referred to by some critics as an “experiment” that began with the passage of the federal Bilingual Education Act of 1968. Three centuries ago, however, home language instruction and bilingual education were common in those areas of the United States where non-English-speaking immigrant groups settled and made up a major portion of the local population (Box 4.1 and Fig. 4.1). For example, German bilingual education was offered in the 17th century and continued to be common in German communities throughout the United States until the United States entered World War I (Fig. 4.2). Spanish bilingual education programs were common throughout the Southwest in the 19th century. Blanton (2004) documents the history of bilingual education in Texas beginning in 1836. And in 1848 the territory of New Mexico, which included modern-day Arizona and parts of Colorado, Utah, and Nevada, had a law calling for Spanish-English bilingual programs, and other schools in the United States offered instruction in Chinese, Japanese, French, Cherokee, Swedish, Danish, Norwegian, Italian, Polish, Dutch, and Czech (Crawford, 2004). In Texas, for example, in the small community of Danevang, founded by settlers from Denmark, students were taught Danish language and history at the Danevang School, which was established around 1895 (Davis, 2008) (Fig. 4.3).

In 1858 the *American Journal of Education* published an article, translated from German, describing the work of the German scholar Wolfgang Ratich, who in 1612 decried the sink-or-swim method and proposed that young students be instructed in their native language first and attain sufficient literacy skills before they were transitioned to other languages. As Ratich stated, “After the mother tongue, then the other languages”



Figure 4.3 Danevang School, 1908. (Photo no. 072–0724 from University of Texas–San Antonio Libraries Special Collections.)

- In the 1740s, southern colonies institutionalized “compulsory ignorance” laws, which prohibited enslaved Africans from acquiring English literacy. These slave codes remained in force until the end of the Civil War in 1865.
- English proficiency was made a requirement for naturalization and citizenship at the turn of the 20th century.
- The Americanization movement during and after World War I pushed the belief that to be American means to speak only English.
- Coercive assimilation policies targeted Native Americans through the establishment of English-only Indian boarding schools. These schools were designed to eradicate Indian languages and cultural practices and facilitated the taking of Native American land.
- After World War I, heavy restrictions were placed on German-language instruction in schools.
- After World War II, Japanese-language schools in California and Hawaii were closed. (Wiley & Wright, 2004)¹

Restrictions on languages other than English tend to come in waves. Before 1900, several states and local school districts had laws or policies that allowed bilingual education, or at least did not restrict schools from offering such programs (see the examples

¹Wiley, T. G., & Wright, W. E. (2004). Against the undertow: The politics of language instruction in the United States. *Educational Policy*, 18(1), 142–168. © Copyright 2004 Sage Publications.

in Box 4.1). By the late 1880s and early 1900s, however, several states implemented laws requiring that English be used as the language of instruction in schools.

Language restrictionism is usually tied to other forms of discrimination. Thus, attempts at language restrictionism are rarely about concerns over the languages themselves but, rather, about the individuals who speak them (Wiley, 2012). The recent calls for language restriction coincide with mounting concerns by the majority about changing demographics with a large and growing Latino population. Debates over bilingual education take place in the context of larger debates over issues of immigration.

Evolution of Federal Policy for English Language Learners

Although the United States has a long history of language diversity, federal involvement in education is a fairly recent endeavor. Education is not addressed in the U.S. Constitution. The United States did not have a Department of Education until 1980. Education is the responsibility of each state.

The federal government has great interest in ensuring the country has well-educated citizens, but because of the lack of jurisdiction, the best it can do is to offer funding to supplement state and local funding for schools. The catch is that if states accept federal education funding, they must follow federal education policies. Currently, all states accept federal funding, which typically makes up less than 10% of each school's funding. Nonetheless, all states are subject to federal education law.

Before 1968, there were no federal educational language policies for ELLs. Too often, schools ignored the needs of language minority students and simply placed them in regular (often segregated) classrooms, where they were left to "sink or swim." Education for language minority students began to improve during the civil rights movement and President Lyndon B. Johnson's War on Poverty. In 1965 Congress passed the **Elementary and Secondary Education Act (ESEA)**. Some of the key components of the ESEA are funds, policies, and procedures that target students from low-income families.

Title VII Bilingual Education Act (1968–2002)

Within the context of the civil rights movement, educators and policymakers became more sensitive to the needs of the rapidly growing language minority student population. Concerned educators noted a high drop-out rate among Mexican American students. According to the 1960 U.S. Census, white students on average completed 14 years of schooling, while Mexican American students on average completed less than 5 years.

In 1966 a conference on the education of Spanish-speaking children sponsored by the National Education Association resulted in an influential report titled *The Invisible Minority . . . pero no vencibles* [but undefeatable]. The report outlined areas of concern and described innovative education programs in southwestern states that made use of students' home languages. A successful two-way bilingual program for Cuban refugee students at Coral Way Elementary School in Florida also garnered much attention. The report recommended repeal of state English-only instruction laws and declared "Instruction in pre-school and throughout the early grades should be in both Spanish and English" and "English should be taught as a second language" (National Education Association, 1966, p. 6).

Soon after the report was published, Senator Ralph Yarborough of Texas introduced a bill to provide federal funding for school districts to support bilingual education pro-

grams. His bill eventually became the 1968 **Bilingual Education Act** and entered into federal law as **Title VII** of the ESEA. The Bilingual Education Act provided grants to school districts and other eligible entities through a competitive grant process. Thus, most regulations associated with Title VII applied only to funded programs.

Yarborough's original bill applied only to Spanish-surnamed students, but 37 similar proposals introduced by other legislators were ultimately merged into the final bill, which called for the inclusion of all "children of limited-English speaking ability" (LESA), defined as "children who come from environments where the dominant language is other than English." The LESA label and additional poverty criteria stressed that the population to be served was deficient in English and very poor and thus needed remediation. This deficit view of students is apparent in the findings section of the Bilingual Education Act (§701), which describes the presence of "millions of children of limited English-speaking ability" as "one of the most acute educational problems in the United States" and as a "unique and perplexing educational situation."

The original version of the Bilingual Education Act was quite vague about solutions and, ironically, did not include a definition of bilingual education. This omission resulted in great confusion and little agreement among educators and policymakers on the purpose and goals of Title VII and how students would benefit from instruction in their home language. Programs receiving Title VII funds were called "bilingual education" programs, yet were not consistent in the use of students' home languages.

The passage of the Bilingual Education Act led to the adoption of similar policies in several states. By the early 2000s, 32 states had statutes allowing home language instruction, and seven states mandated it under certain conditions; seven other states stopped enforcing their laws prohibiting home language instruction (Crawford, 2004).

Since 1968, the ESEA has been reauthorized six times (1974, 1978, 1984, 1988, 1994, 2001). Each reauthorization resulted in changes to the Bilingual Education Act. By 1994, after five reauthorizations and numerous debates and compromises between advocates and opponents of bilingual education, the goals of Title VII were clarified and definitions of the target population and the programs to serve them were made more explicit. Each reauthorization resulted in greater recognition of the personal and societal benefits of bilingualism and bilingual education. The focus on helping ELLs achieve fluency in English remained constant. Each reauthorization, however, expanded the types of programs eligible for Title VII funding. Transitional bilingual education programs were the most likely to receive funding. And though compromises led to some funding for non-bilingual approaches, the majority of funds were reserved for programs that provided at least some home language instruction. In addition, there was increasing support for developmental and dual language programs. Many saw this support as key to changing the public's view of bilingual education from a compensatory program to an enrichment program. The Bilingual Education Act was reauthorized for the final time in 1994 and remained in effect until the beginning of 2002. A detailed discussion of the reauthorizations is available on the Companion Website.

No Child Left Behind

Federal policy for language minority students learning English changed dramatically with the passage of the **No Child Left Behind Act (NCLB) of 2001** (Public Law 107-110), President George W. Bush's plan for the reauthorization of the ESEA. The Title VII Bilingual Education Act was replaced by Title III, "Language Instruction for Limited English Proficient and Immigrant Students." Note that the word *bilingual* was removed, and that NCLB uses the limited English proficient (LEP) label depicting students from a

deficit view. NCLB also removed the word *bilingual* in the renaming of the associated office and clearinghouse.²

ELL issues are also featured prominently in changes to Title I, “Improving the Academic Achievement of the Economically Disadvantaged,” which places heavy emphasis on accountability through high-stakes testing. In the sections below, we will briefly review the requirements of NCLB. It is important to note upfront, however, that while NCLB remains the law of the land (as of this writing), by 2014 nearly all states were granted flexibility from the accountability requirements of Title I, as will be discussed below. The requirements specific to ELLs in Title III remain intact, and thus will be addressed first, while Title I will only be discussed briefly.

Title III: Language Instruction for Limited English Proficient and Immigrant Students

Title III provides formula grants to state education agencies, which, in turn, make subgrants to eligible local education agencies (i.e., school districts and charter schools) that apply to the state for the funds. Unlike the Bilingual Education Act, Title III does not make any distinctions between bilingual and nonbilingual programs. The federal law requires only that ELLs be placed in “language instruction education programs,” defined as an instructional course:

(A) in which a limited English proficient child is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic content and student academic achievement standards; and

(B) that may make instructional use of both English and a child’s native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language. (NCLB §3301[8])

Thus, any program for ELLs must meet only two requirements: teach English, and teach academic content, as outlined in state English language proficiency (ELP) and academic standards. Instruction in the native language is optional. This option, without referring to transitional bilingual education or dual language programs by name, nonetheless makes allowances for these types of programs. Title III gives the ultimate authority to each state to determine what programs it will allow. To receive Title III funds, school districts must submit plans to the state, which in turn must submit plans to the U.S. Department of Education. These plans must describe how they are “using a language instruction curriculum that is tied to scientifically based research on teaching LEP children and that has been demonstrated to be effective . . . in the manner the eligible entities determine to be the most effective” (NCLB §3301[b][6]).

Unlike Title VII, Title III includes no recognition of the personal and societal benefits of bilingual education and bilingualism. The recognition of the linguistic resources ELLs bring to school and the benefits of bilingualism to society so apparent in the 1994 reauthorization of Title VII were stripped from federal law. Nor is there any acknowledgment of the factors that have negatively affected the education of ELLs, such as segregation, improper placement in special education, underrepresentation of ELLs in gifted

²Under NCLB, the Office of Bilingual Education and Minority Language Affairs was renamed the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students; the National Clearinghouse for Bilingual Education was renamed the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs.

and talented education, and shortages of bilingual teachers. Not addressed are issues of cultural differences or the need for multicultural understanding.

The sole focus of Title III is English. The list of purposes stresses repeatedly that Title III funds and programs are to “ensure that LEP students attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet” and to assist state and local education agencies in creating “high quality instructional programs” that prepare LEP students to “enter all-English instruction settings” (NCLB §3102). Another stated purpose of Title III is “to hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge” of LEP students by requiring “demonstrated improvements in the English proficiency” and “adequate yearly progress” on state academic achievement tests (NCLB §3102[8]).

To identify ELLs, most school districts administer a home language survey at the time of initial school enrollment to determine whether students have a “primary home language other than English” (PHLOTE). PHLOTE students are then assessed with an ELP test. Those determined to be lower than proficient are identified as ELLs. There is great variability across states and school districts in the home language surveys, ELP tests, and procedures used to identify ELLs. These inconsistencies make it difficult to accurately measure the national ELL population accurately.

NCLB requires each state to develop ELP standards and ELP assessments designed to measure ELLs’ progress in meeting those standards. The standards and assessments must be based on “the four domains of speaking, reading, listening, and writing,” and assessments must also include the domain of “comprehension” as exhibited through listening and reading (U.S. Department of Education, 2003, p. 5). In addition, the standards established for each grade level must identify benchmarks for ELLs at different levels of English proficiency. Each state’s ELP standards must have the following components:

1. A label for each level (e.g., Beginning, Early Intermediate, Intermediate, Early Advanced, Advanced)
2. A brief narrative description that suggests the defining characteristics of the level
3. A description of what students can do in content at this level of English language proficiency
4. An assessment score that determines the attainment of the level (p. 8)

When NCLB went into effect few states had language proficiency standards and assessments that met these requirements. Most states faced substantial challenges meeting federal deadlines for the development and reporting the results of these ELP standards and assessments.

ELP assessments must be given annually to all ELLs, and results are a part of each state’s accountability system. Each state must establish baseline data and then set **annual measurable achievement objectives (AMAOs)** to hold school districts accountable for the progress of ELLs in attaining proficiency in English. School districts’ **adequate yearly progress (AYP)** in achieving Title III AMAOs is determined by “annual increases in the number or percentage of children making progress in learning English” and “annual increases in the number or percentage of children attaining English proficiency by the end of each school year” (NCLB §3122[a][3]). In addition, AMAOs under Title III include ELLs meeting the AYP requirements under Title I. Title III outlines serious consequences for districts that fail to make AYP related to ELLs’ progress and attainment of ELP. These consequences range from requiring districts to develop and follow an improvement plan to replacing district educators and cutting off Title III funding.

While ELP standards and assessments are important for guiding instruction and tracking student progress in developing proficiency, they have their own unique set of problems. As noted previously, the construct of language proficiency is highly complex and multidimensional, making it nearly impossible to organize language into neat lists of specific knowledge and skills, and very difficult to measure with accuracy.

Title I: Improving the Achievement of the Economically Disadvantaged

The stated purpose of Title I is “to ensure that all children have a fair, equal, and significant opportunity to obtain a high quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments” (NCLB §3122(b)). Title I mandates annual testing of all students in grades 3 through 8 and once in high school in reading/English language arts and mathematics, and three times between grades 3 and 12 in science. This included ELLs, regardless of their English proficiency or how long they had been in the country.³ Title I requires that ELLs must be tested in a “valid and reliable manner” and be provided “reasonable accommodations.”

Each state is required to create its own academic content and achievement standards and assessments to measure those standards and use the results to hold schools, districts, and the state itself accountable. States were expected to ensure that all students (including ELLs) passed these state tests by 2014. To accomplish this lofty goal, states were required to set AMAOs with increasingly higher percentages of students passing state tests up to a 100% passing rate expectation in 2014. Schools, districts, and states that met these annual achievement targets were deemed to be making AYP. Students are disaggregated by gender, major racial or ethnic groups, students with disabilities, students with limited English proficiency, and students who are economically disadvantaged. If any of these subgroups failed to meet the annual achievement target, the entire school, district, or state was deemed as failing to make AYP. Consistent failure to make AYP led to sanctions with increasing levels of severity for each year of failure, with the ultimate threat of firing all the teachers and administrators, or turning the school over to a private company.

Title I testing requirements for academic content tended to discourage the use of bilingual education programs (Gandara & Hopkins, 2010; Menken, 2008; Wright, 2007). Despite allowances for testing in the home language, the vast majority of ELLs took state tests in English. Schools with large ELL populations felt immense pressure to ensure that the LEP subgroup made AYP at the risk of the entire school being labeled as failing.

Despite the challenges, critics and proponents of NCLB agree that it has brought renewed attention to the needs of ELLs (Haycock, 2006). Nonetheless, there is widespread evidence that NCLB’s technical flaws, unrealistic expectations, and overreliance on high-stakes tests ended up causing much more harm than good (Menken, 2008; Nichols & Berliner, 2007; Wright, 2005, 2008). After a decade of defending NCLB, there is now widespread, bipartisan acknowledgment among policymakers that despite good intentions, NCLB is flawed, rigid, and unrealistic and has failed to produce the promised academic gains. As the school year ended in 2014, schools and states were far from reaching the expectation that 100% of students—including ELLs—passed all of their state tests.

Obama Administration and Federal Education Policy

When Barack Obama was sworn in as the 44th president in 2009, education reform had taken a back seat to other pressing national concerns, particularly the economy. During

³Two exceptions were eventually added for newcomer ELLs in the United States for less than one year. Beginning in 2002 they could be excluded from reading tests, and beginning in 2006 their math test scores could be excluded from school AYP calculations.

his initial campaign, Obama expressed support for bilingual education and criticized NCLB and its emphasis on high-stakes testing. Few defenders of NCLB remain. Nonetheless, to date Congress has failed to make any changes, although the ESEA has been overdue for reauthorization since 2008. The Obama administration found ways to work around NCLB by launching other significant school-reform initiatives leading to substantial changes at the federal level, including Race to the Top grants and ESEA Flexibility. These reforms also set the national stage for a state-led new standards and assessments movement.

Race to the Top

The Obama administration set the stage for major education reforms through the American Recovery and Reinvestment Act of 2009 (ARRA), which included over \$44 billion in stimulus funding for education. In July 2009 President Obama announced a new program as part of the ARRA called **Race to the Top (RTTT)**, which provided over \$4 billion in competitive grants for states to begin education reform efforts. By 2012, nearly half of the states had been awarded RTTT grants.⁴ State grantees must adhere to four general requirements for the use of RTTT funds (U.S. Department of Education 2009a, 2009b):

1. Adopting internationally benchmarked standards that prepare students for success in college and the workplace, and high-quality assessments that are valid and reliable for all students, including English language learners and students with disabilities
2. Recruiting, developing, rewarding, and retaining effective teachers and principals
3. Increased transparency by building data systems that measure student success and inform teachers and principals how they can improve their practices
4. Supporting effective intervention strategies to turn around the lowest-performing schools

ELL advocates and others have expressed deep concern that the emphasis on high-stakes testing remains (Sawchuk, 2010). The requirement that teacher performance evaluations be tied to their students' test scores means that teachers of ELLs will be held accountable for test scores of questionable validity and thus may be unfairly penalized. In addition, civil rights groups found that ELL issues were not adequately addressed in funded state proposals (Zehr, 2010a).

Elementary and Secondary Education Act Flexibility

As noted earlier, NCLB remains the law of the land. In 2011, the vast majority of states were deemed as failing to make AYP. With the looming unrealistic expectation just 3 years away that 100% of students would pass state tests, the Obama administration invited states to apply for **ESEA Flexibility**. Specifically, states may be granted flexibility from the Title I accountability requirements of NCLB. In a reflection of the RTTT principles, to qualify, each state had to submit a request proposing an acceptable alternative system for school reform and accountability, addressing the following key principles:

1. *College- and career-ready expectations for all students*—States are required to adopt college and career-ready standards, such as the Common Core State Standards,

⁴RTTT grant recipients: Arizona, California, Colorado, Delaware, DC, Florida, Georgia, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Washington, and Wisconsin. School district level RTTT grants are also awarded in some states without state-wide RTTT grants.

and also to revise their English language proficiency standards for ELLs to reflect the academic language skills corresponding with these college- and career-ready standards.

2. *State-developed differentiated recognition, accountability, and support*—States are required to develop or adopt fair, flexible, and focused accountability and support systems. This includes the development or adoption of a new generation of tests and assessment procedures aligned with college and career-ready standards, such as those being developed by the two state consortia, PARCC and Smarter Balanced. States must also establish interventions specifically focused on improving the performance of ELLs.
3. *Supporting effective instruction and leadership*—States are required to develop fair but rigorous principal and teacher evaluation systems. A required key component is evaluating teachers based on their students' test scores. (U.S. Department of Education, 2012)

By the end of 2014, 43 states, the District of Columbia, and Puerto Rico had been approved for ESEA Flexibility, with other requests awaiting approval.⁵ While California as a whole does not have flexibility, 10 of the state's largest school districts came together to form a learning cooperative called the California Office to Reform Education (CORE) to obtain their own ESEA Flexibility.⁶

Most state flexibility applications provide little detail about how ELL issues will be addressed. In many of the state plans, ELLs are combined with other "at-risk" students into one large super-subgroup, rather than in their own subgroup. This practice potentially means the unique linguistic, cultural, and academic needs of ELLs will be far less apparent and less likely to be addressed.

The U.S. Department of Education responded to these concerns by contracting with the American Institutes for Research to review state ESEA Flexibility applications and to issue guidelines containing specific steps states must take to address ELL issues (August, Estrada, & Boyle, 2012). As these efforts are just beginning at the time of this writing, it remains to be seen how well they will be implemented. The flexibility and guidelines, however, do create an opportunity to provide states with greater leeway for more effective approaches for teaching and assessing ELLs, with reasonable expectations based on important factors, such as how long ELLs have been in the country and their current level of English proficiency. While the ESEA Flexibility has been a welcomed relief from NCLB's unreasonable expectations, state policymakers have charged it is an insufficient temporary fix and continue to demand that Congress take action to make needed changes and reauthorize the ESEA (Lambert, 2012).

State-Led Initiatives and Consortia

With the absence of a national centralized education system, each state and territory of the United States must develop its own standards, curriculum, and assessments. While these must be aligned with federal education policy to be eligible to receive federal school funding, the U.S. government lacks the authority to impose a specific national curriculum and assessments. Thus, as states have scrambled to comply with NCLB, we technically have had over 50 different sets of standards and assessments with varying

⁵Iowa and Wyoming, as well as the Bureau of Indian Education, have outstanding requests for ESEA Flexibility. The five states that did not have active requests are California, Montana, Nebraska, North Dakota, and Vermont.

⁶The 10 school districts that form CORE are Clovis, Fresno, Garden Grove, Long Beach, Los Angeles, Oakland, Sacramento, San Francisco, Sanger, and Santa Ana.

degrees of rigor and expectations. This system makes it difficult to make meaningful comparisons across states, particularly for ELLs as each state defines, identifies, assesses, and redesignates ELLs in different ways. Furthermore, less-populated states often have fewer resources and less expertise to develop sophisticated school accountability systems.

To address these issues, many states have formed coalitions to jointly develop standards and assessments. Some of these state coalitions were formed to address the requirements of NCLB, and others have been formed to move beyond NCLB in the space opened up by RTTT and ESEA Flexibility. We turn next to these state-led initiatives.

Common Core State Standards Initiative

The **Common Core State Standards (CCSS)** Initiative is a state-led effort initiated by the National Governors Association and the Council of Chief State School Officers (CCSSO) to develop language arts and mathematics standards that states voluntarily adopt. In line with federal principles and requirements to obtain an RTTT grant or ESEA Flexibility, the CCSS are described as rigorous, internationally benchmarked college- and career-ready “next generation” standards that are designed to raise the bar and ensure that all high school graduates are prepared for the academic rigors of college coursework and the demands of the workforce. Individual states and territories began to voluntarily adopt the CCSS in 2010. By 2014, 43 states, the District of Columbia, four U.S. territories, and the Department of Defense school system had adopted the CCSS, which must make up at least 85% of their state’s language arts and mathematics standards.⁷ A separate but related national effort led to release of the Next Generation Science Standards in 2013, which many states and territories will also likely eventually adopt.

The CCSS Initiative stresses that it does not call for or support a “national curriculum”; rather, the CCSS identify the essential knowledge and skills that all students need but do not specify how they are to be taught. Nonetheless, these nearly national standards are designed to open the way for the development of common textbooks, digital media, and teaching materials that are aligned to CCSS and thus can be used across the country. More significantly, the CCSS Initiative is designed to enable common comprehensive assessment systems to replace existing state testing programs.

Critics have questioned why the CCSS have been adopted so widely without any field testing and whether they are really a “state-led” effort. Critics also have argued that the real agenda behind the CCSS is to make it easier and much more profitable for private companies to develop and sell educational products and tests to the K–12 market (Box 4.2). Critics have expressed concern too that the CCSS Initiative will lead to even more testing, at more grade levels, than has been required under NCLB, thus generating even bigger profits for testing companies and other businesses and creating greater burdens on teachers and students (Krashen, 2012).

The CCSS do not specifically address ELLs and do not replace the state English language proficiency standards required by Title III. But they do include specific language standards and are designed to develop the “academic language” skills of *all* students. The CCSS do not specify the language of instruction and thus are compatible with bilingual education approaches (Brisk & Proctor, 2012). For example, the New York Bilingual Common Core Initiative has established home and new language arts progressions and other tools to help teachers differentiate language arts instruction according to students’

⁷By the end of 2014 Alaska, Indiana, Nebraska, Oklahoma, Texas, Virginia, and Puerto Rico had not adopted the CCSS. Minnesota adopted only the English language arts (ELA) standards. Indiana originally adopted the CCSS but became the first state to pull out.

BOX 4.2 Are the Common Core State Standards a “State-Led” Grassroots Effort?

Some critics charge that the CCSS are not a voluntary state-led grassroots effort, but rather have been driven by big business and the federal government. Ravitch (2013b) notes that “they were developed by an organization called Achieve and the National Governors Association, both of which were generously funded by the Gates Foundation” and argues that “it was well understood by states that they would not be eligible for Race to the Top funding (\$4.35 billion) unless they adopted the Common Core standards” (p. 1). Most states seeking ESEA Flexibility adopted the CCSS also because of pressure to meet federal requirements for “college and career readiness standards,” though some states (e.g., Texas, Indiana) elected to develop their own. In 2010 the Obama administration provided \$330 million in funding through the RTTT Assessment Grant program to two state consortia (PARCC and Smarter Balanced) to develop a “new generation of tests” aligned with the CCSS. The federal government also provided over \$16 million in funding to two consortia of states, WIDA and ELPA21, to develop new generation English language proficiency assessments that are based on standards that correspond with the CCSS.

The business community’s staunch support for the CCSS, even in the face of growing bipartisan opposition, suggests they have much to gain (Krashen, 2012; Ravitch, 2013a, 2013b; Strauss, 2013). Indeed, Weiss (2011), the chief of staff to U.S. Secretary of Education Arne Duncan, declared in the Harvard Business Review blog that “the adoption of common standards and shared assessments means that education entrepreneurs will enjoy national markets where the best products can be taken to scale” (p. 1). The business community has already provided millions of dollars in grants and other financial support to various entities involved in the CCSS, and the leaders of 73 top business corporations took out a full-page advertisement in the *New York Times* on February 12, 2013, to publish an open letter of support for the CCSS.

language development levels. Teachers can also use these progressions to support dynamic bilingual and biliteracy development in CCSS classrooms (EngageNY, 2013). At the same time, the CCSSO, the California Department of Education (CDE), and the San Diego County Office of Education (SDCOE) have created a translated and linguistically augmented version of the CCSS in Spanish titled *Common Core en Español*.

ELL advocates and experts are divided over the implications of the CCSS for ELLs. Some, as noted earlier, question the real agenda behind the standards and are concerned that raising the bar for all students with rigorous new standards, increasing the use of high-stakes standardized tests, and emphasizing the use of complex informational texts will only leave ELLs even further behind (Crawford, 2012; Krashen, 2012; Ohanian, 2013; Ravitch, 2013b).

Other ELL experts, however, view the CCSS as an opportunity to make much-needed instructional and assessment changes that will lead to higher levels of achievement for ELLs (Calderón, 2013; Fillmore, 2013; Hakuta, 2011). Pompa and Hakuta (2012) note the potential benefits for ELLs:

The current policy environment is inhospitable to the improvement of educational prospects for ELLs. Yet the wave of reform unleashed by the new standards offers opportunities for better policies that would benefit ELLs because of an amplified focus on language. The policy, practice and research communities concerned with ELLs must emerge with a clear and coherent consensus on the aspects of the CCSS that advance educational prospects for ELLs, to help define

what is appropriate and well-tailored to the needs of the range of ELL students.
(p. 6)

Several ELL experts are working within state consortia related to the CCSS, and a team of prominent national ELL experts has formed the Understanding Language group led by Kenji Hakuta, a Stanford University professor, and Maria Santos, deputy superintendent of the Oakland Unified School District. The purpose of the Understanding Language national initiative is to develop knowledge and resources to help content-area teachers meet the linguistics needs of ELLs as they address the CCSS.

Common Core State Standards Assessment Consortia

Two state consortia have received federal funding from the RTTT Assessment Program to develop “next-generation” language arts and mathematics assessments designed to measure student achievement of the CCSS. The Partnership for the Assessment of Readiness for College and Careers (PARCC) is a consortium of 13 states and territories, working in partnership with Achieve, Inc., to manage the project.⁸ The Smarter Balanced Assessment Consortium (“Smarter Balanced” for short) is a consortium of 23 states and territories, working with WestEd as their management partner. Both consortia are developing a series of online formative and summative computer-based tests to be administered at different points throughout a school year that will require schools to have access to a substantial number of sophisticated computers and fast and reliable Internet access. Both consortia are collaborating with ELL experts to develop policies, procedures, and accommodations for ELLs. The assessments are to be fully implemented in the 2014–2015 school year and will be used by each participating state as the federally required language arts and math assessments. Both consortia will also have additional diagnostic and optional formative assessments, including at grade levels not required by the federal government, that states may choose to adopt. Both PARCC and Smarter Balanced will also claim the ability to measure the progress of individual students’ growth over time.

English Language Proficiency Assessment Consortia

The World-class Instructional Design and Assessment (WIDA) state consortium, led by Wisconsin, was established in 2002 to develop common English language proficiency standards and assessments to comply with Title III of NCLB. WIDA contracted with the Center for Applied Linguistics to develop the English language proficiency assessment, called the Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLs). By 2012, the ACCESS for ELLs assessment had been fully administered to nearly 1 million ELLs across 27 states. As of 2014, 35 states and territories were participating in the WIDA Consortium. In 2012, WIDA made revisions to its standards to produce what it called the “Amplification of the WIDA English Language Development Standards” (WIDA Consortium, 2012). These revisions were made to comply with the requirement for member states that received ESEA Flexibility or that had adopted the CCSS to have English language proficiency standards that correspond with college- and career-ready standards.

⁸The number of PARCC participating states and territories declined from 24 to 13 by 2014. A couple of states also pulled out of the Smarter Balanced consortium by 2014. This decline demonstrates the complexities of the politics and debate surrounding Common Core standards and assessments.

A consortium of 35 states led by Wisconsin, in collaboration with WIDA under the name Assessment Services Supporting ELs through Technology Systems (ASSETS), was awarded a \$10.5 million Enhanced Assessment Grant in 2011 from the U.S. Department of Education to develop a new computer-based English language proficiency assessment based on WIDA's ACCESS for ELLs and aligned with the CCSS. Nearly all states in the ASSETS Consortium are already participants in the WIDA Consortium. The Center for Applied Linguistics has been contracted to help develop the new computer-based assessment ACCESS for ELLs 2.0, which is scheduled for completion and implementation in the 2015–2016 school year.

In 2012, a group of 11 states led by Oregon—the English Language Proficiency Assessment for the 21st Century (ELPA21) Consortium—was awarded a \$6.3 million federal grant for the creation of a common computer-based English language proficiency assessment based on the English Language Proficiency Standards developed by WestEd and aligned with the CCSS. Educational Testing Service (ETS) has been contracted to help develop the ELPA21 assessments, scheduled to be fully implemented by the 2016–2017 school year. Table 4.1 lists the state members of each consortium.

State Policies for English Language Learners

Bilingual education, as discussed earlier, was once common in this country, particularly in isolated areas where immigrants from non-English-speaking countries settled and were the dominant groups and in areas of the Southwest where Spanish speakers were long the dominant group. As state governments began assuming more responsibility for public schooling and as pressure built during the Americanization movement, many states passed English-only instruction laws. After the passage of the Bilingual Education Act in 1968 and the *Lau v. Nichols* decision by the U.S. Supreme Court in 1974 (discussed in the next section), many state governments repealed these laws and many others also created their own bilingual education mandates.

The policy scene changed dramatically after voters in three states with large ELL populations—California, Arizona, and Massachusetts—approved **English for the Children initiatives**, which placed severe restrictions on bilingual education programs. In 1998 California voters approved **Proposition 227**, in 2000 Arizona voters approved **Proposition 203**, and in 2002 Massachusetts voters approved **Question 2**. An attempt to pass a similar initiative in Colorado (Amendment 31) failed.

The initiatives were authored, funded, and led by a California millionaire software developer who ignored the history, purpose, and design of bilingual programs. He claimed that bilingual education programs are a violation of immigrant children's right to learn English and used misleading statistics and data and false claims in making the case for eliminating bilingual education programs. The Companion Website contains a short article with details about these misleading and false claims.

Analyses of the impact of the initiatives have found no evidence that the replacement of bilingual education programs with mandates for structured (or sheltered) English immersion have helped ELLs learn English faster or perform at higher levels on state achievement tests (American Institutes for Research & WestEd, 2006; Hill, 2006; Mahoney, Thompson, & MacSwan, 2005; Wright & Pu, 2005). Arizona education officials attempted to claim that Proposition 203 resulted in more than doubling the number of ELLs attaining English proficiency each year (Zehr, 2010b). An investigation by the federal Office of Civil Rights in 2010, however, revealed that Arizona's English language proficiency test was not providing a valid measure of ELLs' English proficiency, and that

Common Core State Standards Assessment Consortia		English Language Proficiency Standards and Assessment Consortia	
Smarter Balanced	PARCC	WIDA/ASSETS	ELPA21
California	Arkansas	Alabama	Arkansas
Connecticut	Colorado	Alaska	Florida
Delaware	District of Columbia	Colorado	Iowa
Hawaii	Illinois	Delaware	Kansas
Idaho	Louisiana	District of Columbia	Louisiana
Iowa	Maryland	Florida*	Nebraska
Maine	Massachusetts	Georgia [†]	Ohio
Michigan	Mississippi	Hawaii	Oregon
Missouri	New Jersey	Idaho*	South Carolina
Montana	New Mexico	Illinois	Washington
Nevada	New York	Indiana	West Virginia
New Hampshire	Ohio	Kentucky	
North Carolina	Rhode Island	Maine	
North Dakota		Maryland	
Oregon		Massachusetts	
Pennsylvania		Michigan	
South Dakota		Minnesota	
U.S. Virgin Islands		Mississippi	
Vermont		Missouri	
Washington		Montana	
West Virginia		Nevada	
Wisconsin		New Hampshire	
Wyoming		New Jersey	
		New Mexico	
		North Carolina	
		North Dakota	
		N. Mariana Islands	
		Oklahoma	
		Pennsylvania	
		Puerto Rico [‡]	
		Rhode Island	
		South Dakota	
		South Carolina	
		U.S. Virgin Islands [§]	
		Utah	
		Vermont	
		Virginia	
		Wisconsin	
		Wyoming	

This list reflects membership as of August 2014. Several states originally with one or more consortia have withdrawn, and more changes are likely because of the growing opposition to the CCSS. For the latest see list of member states for PARCC, Smarter Balanced, WIDA, and ELPA21.

*Adoption of Standards only.

[†]WIDA only.

[‡]Adoption of WIDA Spanish language development standards.

[§]ASSETS only.

the state was forcing students out of ELL programs and into mainstream classroom before they had attained sufficient English proficiency (Office for Civil Rights, 2010).

Despite opposition, bilingual education is thriving, even in the three states that passed the English for the Children initiatives. Several schools in California, Arizona, and Massachusetts have used the waiver provisions of the law to continue bilingual programs because they are effective and parents want them for their children (Combs et al., 2005; Wright, 2004b, 2005). The annual conference of the California Association for Bilingual Education continues to draw thousands of educators each year, and in 2012 California was the first state in the country to establish the Seal of Biliteracy to officially

recognize the bilingual skills of graduating seniors on their high school diplomas. A legislative proposal (SB 1174) has been approved in California to place an initiative before voters in November 2016 to replace Proposition 227 with a bill allowing schools to implement bilingual and multilingual education programs. In Massachusetts, dual language programs were exempted from the law altogether (de Jong, Gort, & Cobb, 2005). Several states still have strong bilingual education policies, and in most other states, bilingual education is neither restricted nor required but remains a viable option. Nearly half of the states in the country have professional organizations for bilingual education, and the number of states reporting one or more school districts offering bilingual programs increased from 38 to 43 in 2008 (OELA, 2012). Thus, many schools are indeed continuing to provide bilingual programs because they have found them to be effective in meeting the language and academic needs of their ELLs.

Important Court Decisions and Legislation

Historical reluctance by many states throughout the country to provide equitable educational opportunities to ELLs and other minority students and controversies over the use of languages other than English in public schools have sparked a large number of lawsuits. Court decisions in these lawsuits have led to legislative changes that have helped to shape the policy climate of today. Here we briefly look at a few key court rulings that have affected ELL education. A more detailed review of these and other cases is available on the Companion Website.

Brown v. Board of Education (1954) along with other segregation cases have made it clear that ELLs cannot be fully separated from other students throughout their education under the guise of helping them learn English. But *Brown* also made clear that states are responsible for providing students with “equal educational opportunities,” opening the way for high-quality bilingual programs. Court rulings in cases such as *Meyer v. Nebraska* (1923) and *Farrington v. Tokushige* (1927) have established states’ authority to determine the language of instruction in public schools, but the court protected the right of parents to organize after-school and weekend heritage language classes for their children.

The 1974 Supreme Court case *Lau v. Nichols* resulted in perhaps the most important court decision regarding ELL education. Chinese American students in San Francisco were placed in mainstream classrooms despite their lack of proficiency in English and left to “sink or swim.” The district argued that the Chinese American students received treatment equal to that of other students. Justice William Douglas, in writing the court’s opinion, strongly disagreed, arguing: “There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.”

Following the court’s decision, the U.S. Department of Education’s Office of Civil Rights created the *Lau Remedies* to go after districts that were ignoring the needs of ELLs. The *Lau Remedies* essentially required districts to implement bilingual education programs for ELLs. The essence of *Lau* was codified into federal law through the **Equal Educational Opportunities Act (EEOA) of 1974**, soon after the case was decided. Section 1703(f) declares: “No state shall deny educational opportunities to an individual on account of his or her race, color, sex, or national origin by . . . the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.” Although other legal actions

have since made it clear that the Supreme Court did not mandate bilingual education, the EEOA remains in effect and several subsequent lawsuits have been based on this important legislation.

The right to bilingual education suffered a further blow in 1981 in the Texas case *Castañeda v. Pickard*. Although the federal court found that the Raymondville School District fell far short of meeting the requirements of the EEOA, the court did not support the plaintiff's demands for bilingual education. A major outcome of this case, however, is a three-pronged test to determine whether schools are taking "appropriate action" to address the needs of ELLs as required by the EEOA.

The Castañeda standard mandates that ELL programs are (1) based on a sound educational theory, (2) implemented effectively with sufficient resources and personnel, and (3) evaluated to determine whether they are effective in helping students overcome language barriers (Del Valle, 2003). The Castañeda standard has essentially become the law of the land in determining the adequacy of programs for ELLs. The Castañeda test, however, has shortcomings. Under the first two prongs, nearly any program can be justified by an educational theory, and some approaches require very little in the way of staff or funding (Del Valle, 2003). Under the third prong, a certain amount of time must pass before a determination can be made about the adequacy of the programs. Thus, many students may be harmed before inadequate programs are identified and rectified. With this ambivalence, in some cases the Castañeda test has been used successfully to rectify inadequate programs for ELLs (e.g., *Gomez v. Illinois State Board of Education*, 1987), while in other cases, the tests' shortcomings have led to decisions upholding policies and programs of highly questionable quality (e.g., *Flores v. Arizona*, 2000).

These cases reviewed, along with many others, demonstrate that courts have been reluctant to mandate a particular educational model or to give language minorities fundamental rights directly related to the use of their home languages. But the courts have made it clear that schools may not ignore the unique needs of ELLs. Any program for ELLs, regardless of the language of instruction or the models used, must do two very important things: teach English and teach academic content. Schools must provide English language development instruction for ELLs because they are not yet proficient in English, and because they need fluency in English to succeed in mainstream classrooms and to be successful in life in general in the United States. At the same time, schools cannot focus just on teaching English. Students must also learn the same academic content their English proficient peers are learning in such subjects as language arts, math, science, social studies, music, art, and physical education. In the next chapter we review the different program models for ELLs and how these programs address the legal requirements for teaching English and the content areas.

Language Policy at the Local Level

Federal and state policies for ELLs have raised awareness that schools are responsible for meeting the needs of ELLs. An important first step in assuming that responsibility is to articulate a school or district language policy. "A language policy," according to Corson (1999),

is a document compiled by the staff of a school, who are often assisted by other members of the school community, to which the staff give their assent and commitment. It identifies areas in the school's scope of operations and programs where language problems exist that need the commonly agreed approach offered by a policy. A language policy sets out what the school intends to do about these

areas of concern and includes provisions for follow-up, monitoring, and revision of the policy itself in light of changing circumstances. It is a dynamic action statement that changes along with the dynamic context of a school. (p. 1)

Corson (2001) asserts that in multilingual settings like the United States, three policy principles are necessary:

1. Children have the right to be educated in their home language.
2. If the first principle cannot be met, children have the right to attend a school that respects and values their home language.
3. Children have the right to learn the standard language variety (e.g., standard English in the United States) to the highest level of proficiency possible.

These three principles should be a starting point for schools in developing their own language policies. A school's language policy, along with an accompanying implementation manual or guide, provides the necessary structure for ensuring that ELLs have equal access to educational opportunities on the local level. The programs for ELLs that are based on the policy reflect the mission and vision of the school and the district for all students, including ELLs.

ELL programs are based on the strengths and needs of the students and community and on second language/bilingual teaching and learning. While the programs must be in compliance with all federal and state mandates and accountability requirements, measures should be taken to minimize any harm ill-informed policies may have on the students. Programs must also be aligned with court findings regarding equitable education for ELLs. To ensure that everyone responsible for the education of ELLs at school (coaches; administrators; literacy specialists; and general education, bilingual, ESL, and special education teachers) understands his or her role in educating ELLs, programs for ELLs must be clearly defined and the policies and procedures ensuring effective implementation must be outlined. In this era of accountability, districts and schools must have a valid and reliable means of assessing ELLs, and the policy and implementation guide must lay out the specifics of that assessment plan with attention to what data are collected, when, by whom, and for what purposes. All policies, procedures, and forms regarding the education of ELLs, from placement to proficiency, should be included in the implementation guide, which is reviewed and revised regularly.

The language policy and implementation guide provide a vehicle for creating a coherent vision of ELL education and for the institutionalization of effective programs districtwide. When every educator who is responsible for the education of ELLs on the local level shares a common understanding, a common language, and a common practice committed to equal access to educational opportunities for ELLs, programs improve, instruction improves, and ELL performance improves (Field & Menken, 2015).



SUMMARY

The United States has a long history of bilingual education, though direct federal involvement in the education of ELLs essentially began with the passage of Title VII Bilingual Education Act of 1968. Over 30 years of federal funding and support for bilingual education came to an abrupt end with the passage of the No Child Left Behind Act of 2001, which focuses exclusively on English. While bilingual education is still allowed, NCLB makes it clear that whatever ELL programs districts choose to offer, they must ensure that ELLs learn English as quickly as possible. NCLB's heavy reliance on high-stakes

testing may indirectly discourage bilingual programs. NCLB has brought increased attention to the linguistic and academic needs of ELLs, but the mandated one-size-fits-all standards, testing, and accountability requirements are not appropriate for the diverse ELL population. The Obama administration has acknowledged problems with NCLB and has promised change, but as of this writing the work on reauthorizing the ESEA in Congress has yet to begin. National school reform efforts are nonetheless taking place through the Obama administration's RTTT grants, ESEA Flexibility, and support for state-led initiatives related to the CCSS Initiative. While these changes may lead to opportunities for greater flexibility in teaching and assessing ELLs, concerns remain about the continued focus on accountability through high-stakes testing and new requirements to evaluate teachers based on student test scores.

Since 2002, state education policies have been driven largely by NCLB and now will also be greatly influenced by state involvement (or not) in the various consortia connected to the CCSS. Bilingual education remains a viable option in most states, even in California, Arizona, and Massachusetts, where voter initiatives in the late 1990s and early 2000s attempted to restrict bilingual programs. The courts play a significant role in the development of policy for ELLs and have made it clear that language minorities have the right to teach their children their home language through private language classes, that schools cannot ignore the linguistic and academic needs of ELLs, that programs for ELLs must be based on sound educational theory, that ELL programs must be provided with adequate resources and properly trained teachers, and that programs must be evaluated to ensure that they are sufficient in meeting student needs. With a strong understanding of history and the limitations of and potential opportunities provided by current language and education policies, teachers can effectively work with their districts and schools to develop their own language policies and procedures to ensure that their ELL programs comply with all federal and state policies and meet the needs of the students and communities they serve.

DISCUSSION QUESTIONS

1. How has federal policy for ELLs changed since 1968? How does Title III of NCLB compare to the Bilingual Education Act it replaced? In what ways has the Obama administration enabled states to work around NCLB, and why do you think the administration has encouraged this action? Do you feel these have been positive or negative changes for ELLs? Why?
2. What are the CCSS? How do these “next generation” of standards and assessments differ from those required under NCLB, and what are the implications for ELLs? Which consortium does your state belong to, and how has membership in this consortium led to changes for ELLs?
3. What has been the role of the courts in guiding federal policy for ELLs? What has case law identified as the main responsibilities of schools in meeting their needs? Which case set forth a test for determining the adequacy of an ELL program, and what are the three prongs of this test? What are the shortcomings of this test in ensuring high-quality programs for ELLs?
-  4. View the clip of Delia Pompa, vice president for education for the National Council of La Raza and member of the Understanding Language group, discussing policy advancements for ELLs under the Common Core. What does she say about the need for teachers to be familiar with policy for ELLs? Do you agree? What other reasons might you add?
-  5. Veteran educator Susan Ohanian is one of the leading critics of the Common Core State Standards. Choose one of her postings about the Common Core on her website.

Summarize her main arguments (or the arguments of the author of the posting) and share your own opinions. Discuss the implications for ELL students.

RESEARCH ACTIVITIES

1. **ELL Student Interview** Interview a current or former ELL. Ask questions to determine the extent to which the student has or has not benefited from the language and education policies in your state.
2. **ELL Teacher Interview** Interview a teacher of ELLs. Ask what impact NCLB has had on his or her classroom and whether the law's focus on standards and high-stakes testing has been beneficial or harmful to the ELLs. If the teacher is in a state with RTTT grants or ESEA Flexibility or that is in the PARCC, Smarter Balanced, WIDA/ASSETTS, or ELPA21 consortia, ask what changes have come as a result, how the teacher feels about the changes, and the impacts so far on the ELLs.
3. **ELL Classroom Observation** To understand how policy gets translated into practice, choose one or more of the policies described in this chapter that is applicable to your state (e.g., NCLB, RTTT, ESEA Flexibility, CCSS, bilingual education requirements or restrictions). With an understanding of the requirements of the policy, observe a classroom of ELLs and determine some of the specific ways the policy affects the classroom structure, teacher instruction, and student learning.
4. **Online Research Activity** Obtain detailed school achievement and accountability data for your own school or for a school with which you are familiar. These can typically be obtained in the form of school report cards available from your state's Department of Education website. Compare the achievement of ELLs with state, consortia, or federal expectations, and with other student groups in the school.

RECOMMENDED READING

- Arias, M. B., & Faltis, C. (Eds.). (2012). *Implementing educational language policy in Arizona: Legal, historical, and current practices in SEI*. Bristol, UK: Multilingual Matters.
This book takes a critical look at Arizona's Proposition 203 and the implementation of its mandated sheltered English immersion model. Leading experts in the field provide historical, legal, policy, and pedagogical analyses, revealing the harm of Arizona's policies and the need for changes to better address the needs of ELLs.
- Hamayan, E., & Field, R. F. (Eds.). (2012). *English language learners at school: A guide for administrators* (2nd ed.). Philadelphia: Caslon.
Over 80 questions from teachers and administrators are answered by more than 70 ELL experts, who provide clear, concise, practical responses that can be applied in schools.
- Menken, K., & García, O. (2010). *Negotiating language policies in schools: Educators as policymakers*. New York: Routledge.
National and state language and education policies are put into practice by classroom teachers who interpret, negotiate, resist, and (re)create these policies in different ways, and thus also become policymakers. This book provides examples from the United States and countries around the world of educators negotiating policies within their local contexts.