

## Frequently Asked Questions about ...

# Reauthorization of the Elementary and Secondary Education Act (ESEA)

## ... and the Policy Issues at Stake

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### What is ESEA?

The Elementary and Secondary Education Act, first enacted in 1965, provides legal authority for the U.S. government's financial support of K-12 education. It sets funding limits and establishes legal requirements (i.e., it attaches "strings") for state and local education agencies, universities, Native American tribes, and other entities receiving federal assistance through programs such as Title I. Appropriations – the amounts that Congress actually votes to spend on these programs, depending on political and budgetary considerations each year – are provided in separate legislation.

### What are ESEA's goals?

The Civil Rights Movement and the War on Poverty provided the political context for passage of ESEA. This was a period when educational equity – or more accurately, inequity – became a national concern. It was clear that many local school districts were providing an abysmal education to many children from racial and ethnic minorities and low-income families. The primary purpose of the original ESEA was to help schools better serve the "special educational needs of educationally deprived children." Officially that goal remains paramount. Over time, however, the law's focus has expanded to include numerous other objectives, such as setting "challenging" standards, mandating assessments "aligned" with those standards, "holding schools accountable" for student progress in core subjects, eliminating "achievement gaps" between various groups of students, encouraging the use of "research-based" programs, and ensuring that educators are "highly qualified."

***Issues: When standards-based reform emerged in the early 1990s, its proponents addressed more than academic "content" and "performance." They also stressed "opportunity to learn" – a guaranteed level of resources, expertise, and support sufficient to give all children a fair chance to succeed. But that last priority was dropped by Congress in the 1994 version of ESEA, at a time when many politicians deemed civil-rights causes too controversial to support. Some advocates, such as the Forum on Educational Accountability, are pressing to reintroduce Opportunity to Learn standards in the current reauthorization (see pp. 8-9).***

### What is "reauthorization" and why is it necessary?

Recognizing that educational conditions are subject to change, Congress reviews and revises ESEA every few years. Since 1965, the law has been reauthorized six times – most recently on January 8, 2002. The latest version, known as the No Child Left Behind Act (NCLB), was set to expire in 2007. But because NCLB has proved

controversial and because legislators have thus far failed to reach a consensus on reauthorization, the law has simply been extended without amendments for the past three years. Pressure for change is building, however, as NCLB's 2014 deadline nears for 100 percent of children to reach "proficiency" in language arts and math. A high proportion of the nation's schools and school districts could face punitive sanctions for failing to meet that utopian goal. As a result, the Obama Administration and 112<sup>th</sup> Congress are expected to try harder to finish the job in 2011 or early in 2012, before campaign season gets under way.

### **What is President Obama proposing?**

In March 2010, the U.S. Department of Education released ***A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act*** – available online at [www2.ed.gov/policy/elsec/leg/blueprint/](http://www2.ed.gov/policy/elsec/leg/blueprint/) – which outlines the Obama Administration's basic approach. Yet, at just 41 pages, with wide margins and photos of smiling children, the document could be more accurately described as a "framework" or a "wish list" than a detailed legislative proposal. (NCLB, by contrast, runs 670 pages of fine print.) While criticizing various "flaws" of current law – for example, its failure to "recognize student growth or school progress" – the Blueprint retains NCLB's focus on test-based accountability. Indeed, the Administration's plan would significantly expand the use and raise the stakes of standardized testing, although it is often vague about specifics. The proposal is organized around five broad "priorities":

1. College- and Career-Ready Students
2. Great Teachers and Leaders in Every School
3. Equity and Opportunity for All Students
4. Raise the Bar and Reward Excellence
5. Promote Innovation and Continuous Improvement

Within each of these themes, the Administration describes "reforms that research shows are necessary."

***Issues: Although the Administration claims that its recommendations are scientifically supported, the "research summaries" it has released have been poorly received by actual researchers in the field. A review by independent experts for the National Education Policy Center (<http://nepc.colorado.edu/>) found that Administration documents purporting to validate the Blueprint contain major omissions (e.g., the entire question of accountability), fail to address opposing evidence or viewpoints, and draw primarily from special interest groups, government reports, and news media rather than from peer-reviewed scholarship. In conclusion, the NEPC criticized the Obama Administration for "the political misuse of research."***

### **What are the key differences between NCLB and the Blueprint on accountability?**

The Blueprint criticizes NCLB for giving states an incentive to lower academic standards (as, indeed, many have done) by using a definition of "adequate yearly progress" (AYP) that is based entirely on the percentage of students reaching an arbitrary level of academic "proficiency" each year – a proportion required to rise to 100 percent by 2014. Lowering cut scores thus becomes a tempting way to inflate student gains and vindicate the pet "reforms" of policymakers. President Obama's proposal would address this problem in two ways:

- First, states would be required to upgrade their current standards to ensure yearly progress toward "college- and career-readiness," an approach the Administration has promoted through the Common Core Standards project.

- Second, AYP would be based on students' academic growth during the school year, thereby recognizing and rewarding student progress (although how the positive incentives would work remains unclear).

***Issues: The Administration fails to explain – or to cite any research supporting – the claim that “upgraded” standards will improve student outcomes. Despite two decades of state experience with “raising the bar,” little or no scientific evidence has been mustered to demonstrate the benefits of this policy for students. Nor does the Blueprint show how basing accountability on “value added” models would alter the high-stakes nature of standards-based assessments or how it would mitigate their perverse effects: narrowing the curriculum, teaching to the test, emphasizing rote learning over higher-order thinking skills, gaming the system, outright cheating, and – not least – lowering standards to avoid the consequences of “failure,” which would be considerably more dire under the Obama plan than under NCLB.***

### **What are the key differences between NCLB and the Blueprint on assessment?**

If anything, the President's proposal relies even more heavily on “data” to “drive” educational decision-making than NCLB. And by *data*, it usually means standardized test scores. Among the new mandates would be “state level data systems” that would “link” individual student test scores, graduation rates, and job placements to individual teachers and principals, as well as to the schools of education that trained them.

According to the Blueprint, school districts would be given “flexibility to use a wide variety of data to design their own improvement plans to increase achievement and close gaps.” But exactly how – or whether – such “multiple measures” would figure into accountability calculations remains unexplained.

Inevitably, by retooling accountability mechanisms to consider “value added,” the Blueprint would require an extra round of testing each year; there would be no other way to create a baseline for measuring student growth. Obama's plan would also promote the use of “formative,” or interim, assessments to give students practice in test-taking and gauge their readiness for year-end assessments (another diversion of time from actual learning). To counter the criticism that NCLB has narrowed the curriculum to basic skills in two subjects that count for AYP, the President would require or encourage states to create a new battery of high-stakes tests in subjects including history, science, and foreign languages, and for assessing English language proficiency.

Like NCLB, the Blueprint would require schools and districts to report test scores in language arts, math, and science, and graduation rates – all disaggregated by racial, ethnic, socioeconomic, English learner, and disability “subgroups.” But it would add substantial new reporting requirements for grade retention; college enrollment rates, with and without a need for remediation; job placement; student and teacher attendance; disciplinary incidents; and student, parent, or staff surveys about their school experience. In addition, schools and districts that fall short of growth targets would be “challenged” to use “data-driven, evidence-based interventions” – presumably a requirement to use certain pedagogies approved by the U.S. Department of Education, not unlike the Reading First program under the Bush Administration, which required grant recipients to purchase prepackaged curricula and assessments from a few favored publishers.

***Issues: No Child Left Behind introduced an era of unprecedented federal intervention and control over education policies once decided at the state and local level. The Blueprint, despite its lip service to “flexibility,” would advance that trend still further. While it is silent on current mandates for high-stakes tests – in language arts and math in grades 3-8 and once in high school – Obama plan relies at least as heavily on “data driven” decision-making. Indeed, it would withhold Title I funding from states that fail to adopt new***

*assessments aligned to “college- and career-ready standards” by 2015. There is no evidence that the sharp increase in standardized testing has improved student achievement over the past eight years – a period when 4th, 8th, and 12th grade reading scores on the National Assessment of Educational Progress have remained generally flat and math scores have continued a gradual rise that began before NCLB was enacted. Studies have repeatedly shown, however, that tests and test preparation have come to dominate many classrooms, especially those serving low-scoring groups of students, and have sharply reduced time for nontested subjects such as art, music, physical education, and foreign languages.*

### **What would be the practical effects of Obama’s proposals for assessment and accountability?**

It is clear that fewer schools and districts would be in jeopardy of failing to make “adequate yearly progress” if the Administration’s plan is enacted. NCLB’s rigid accountability system, under which all eight subgroups must reach arbitrary achievement targets (which increase each year), has created up to 37 different ways to fail. Otherwise excellent schools may thereby fall short of AYP because of the test performance of a few low-scoring students. This has become one of the chief sources of NCLB’s unpopularity and one of the chief political pressure points, in particular from upper-middle-class, suburban parents. Under Obama’s proposal, by contrast, labels and sanctions would be focused narrowly on the lowest-scoring 10 percent of schools – those deemed to “need dramatic changes to produce dramatic results.” Judging from the experience of districts that have applied this approach – such as Chicago Public Schools under the leadership of Arne Duncan, now U.S. Secretary of Education – the impact would fall almost exclusively on high-minority schools in low-income communities. To remedy failure in the lowest-scoring 5 percent, the Administration would provide grants requiring districts to adopt one of four “turnaround models.” These are defined as:

- *Transformation* (“replace the principal, strengthen staffing, implement a research-based instructional model ...”)
- *Turnaround* (“replace the principal and [at least] 50 percent of the school staff ...”)
- *Restart* (“close and reopen the school” as a charter school)
- *School Closure* (reassign students to “higher-performing schools in the district”)

***Issues: In effect, the Obama Administration would ease current pressures to narrow the “achievement gap” on schools in affluent communities, where opposition to NCLB has been well organized. Meanwhile, it would intensify pressure on educators at the poorest schools – holding them solely responsible for student outcomes and doing little to address the well-documented effects of poverty on academic achievement. The Blueprint would do this by mandating harsh sanctions for low test scores, even though research support for such measures is lacking, according to nonpartisan voices including the Center on Education Policy. Worse, the Administration ignores the disruption and potential harm to students caused by wholesale leadership and staff changes, as well as the failure of draconian “turnaround” strategies to raise test scores and graduation rates in places like Chicago under the leadership of Secretary Duncan.***

### **How does the Blueprint propose to address the impact of student poverty?**

The Administration proposes to create a new competitive grant program, known as Promise Neighborhoods. It would support efforts to improve children’s health and safety, curb school and community violence, combat drug abuse and obesity, and address family problems. The plan is modeled largely on the Harlem Children’s Zone (HCZ), which provides comprehensive social services linked to a network of charter schools.

***Issues: While HCZ has reported some success (albeit exaggerated in media reports), researchers have been unable to isolate which elements of its approach have been effective. It also relies on substantial private support – far more than what New York City public schools could provide – so prospects for “scaling up” HCZ’s programs are questionable. The Obama Administration has failed to address the cost issue directly, although it has proposed a first-year budget of \$210 million for Promise Neighborhoods – hardly a drop in the bucket in proportion to national needs.***

**What are the key differences between NCLB and the Blueprint on “highly qualified” educators?**

The Administration prefers the term “highly effective” rather than “highly qualified.” As a proponent of alternative certification approaches, such as Teach for America, it believes that teachers’ experience and credentials are over-rated. In place of NCLB’s stress on degrees and subject-area expertise, the Blueprint would mandate systems to identify and reward “highly effective teachers and principals on the basis of student growth and other factors.” The “other factors” are left unspecified. Obviously, achievement data would play a dominant role – following a trend in many state legislatures to base teachers’ evaluations to a large extent on their students’ test scores. Again, the Blueprint proposes to rely on “value added measurement” (VAM) to evaluate teacher effectiveness – evaluations also likely to affect salaries, tenure, and promotions.

***Issues: At first glance, VAM – considering student progress during the school year – appears more reasonable than evaluating teachers based on a single snapshot of student performance. Yet, according to a consensus of testing experts, it remains too blunt an instrument to use in making judgments about educators. No less an authority than the Board of Testing and Assessment of the National Research Council has warned: “VAM estimates of teacher effectiveness should not be used to make operational decisions because such estimates are far too unstable to be considered fair or reliable.” One study in five urban districts, for example, found that fewer than one-third of teachers rated in the highest 20 percent one year remained in that category the next; another third fell to the bottom 40 percent. Researchers questioned whether the “teacher effect” on student achievement was nearly as important as poverty-related factors such as poor health and nutrition, parental illiteracy, and family instability – factors that the Obama plan does little to address.***

***Another complication is that for some students – English language learners (ELLs) are a good example – standardized tests are neither valid nor reliable because they were developed and normed for fluent speakers of English. It is hard to justify making significant decisions about educators’ careers on the basis of assessment data that no one even pretends to be accurate. Under such conditions, who would want to teach these children? Also bear in mind that growth trajectories rarely follow a straight line. A common pattern for ELLs is rapid improvement at the beginner level, when acquiring a little English can make tests a lot more comprehensible, followed by an extended plateau at the intermediate level, when scores tend to rise more slowly. It would hardly be productive (or fair) to rate teachers of the latter group lower than those of the former because of this developmental reality, which has nothing to do with instructional quality. Nor would it make sense to penalize those whose students face not only language barriers but additional obstacles to learning that are beyond educators’ control. Yet this is exactly what the Obama Administration is proposing.***

**What are the key differences between NCLB and the Blueprint regarding English language learners?**

Obama’s proposal would require states that have not done so to adopt English language proficiency standards “linked to the state’s college- and career-ready academic content standards.” It would also develop national criteria for identification and placement of ELLs – i.e., a national definition – as well as criteria for “duration of programs and services.” Finally, the Blueprint calls for new competitive grants to improve instructional programs for ELLs and professional development of their teachers. Nowhere, however, does it explicitly address

two major criticisms of NCLB regarding the specific impact on these students: an accountability system based on tests that are not required to be valid or reliable, and on a “subgroup” that is diverse, unstable, and constantly changing. To the extent there is any acknowledgment of these issues, the Administration simply calls for “better” assessments – as if distinguishing between linguistic and academic proficiencies was a simple technical problem.

***Issues: Using inaccurate data to make high-stakes decisions about ELL students’ education is indefensible. It is certain to unfairly stigmatize teachers, schools, and children and to force unwise decisions about pedagogy. Experience with this mandate under NCLB shows that it creates incentives to stress rapid English acquisition above all else, thereby weakening or eliminating bilingual programs that have proven academically beneficial. Yet the Obama Administration seems intent on perpetuating this ill-conceived policy. It also ignores a fundamental absurdity of NCLB: the demand that English language learners, a group defined by their limited English proficiency, must nevertheless achieve full proficiency in academic content areas – or else. In reality, there will always be an “achievement gap” for ELLs in subjects that are taught and tested in English – until they are no longer ELLs. This inconvenient truth seems to have escaped the attention of many policymakers. Of course, there must be ways to monitor the progress of these students to ensure they are learning English and other subjects. But forcing them into accountability systems designed for English-proficient students – in effect, ignoring what is special about ELLs – is doing more harm than good.***

***After eight years of limited Title III funding to foster program innovation, the Blueprint’s proposal for competitive grants could prove beneficial (but see the caveats below). So could a more consistent definition of limited English proficiency – provided it is consistent with established theories of language acquisition. On the other hand, there is no clear evidence that ELP standards have done anything to improve ELLs’ education in the states where they have been adopted. Another concern is that the Blueprint seems to advocate arbitrary limits on the duration of ELL programs, an idea that has no scientific support whatsoever.***

#### **What are the key differences between NCLB and the Blueprint on students with disabilities?**

The Blueprint has nothing new to recommend regarding this group of students, except for additional funding to improve programs and assessments. More important is what it fails to say: there would be no change from NCLB’s most problematic policies for students with disabilities, based on the unrealistic premise that there should be no “achievement gap” between these children and those in the regular education program.

***Issues: The Obama plan appears to leave in place NCLB’s “3 percent cap” on the percentage of special education students who may be tested using alternate assessments. For the number of alternate tests taken above that cap, proficient scores are thrown out – marked as “artificial failures” – regardless of how students scored. Schools or districts may then be labeled as failures for using a test they have determined to be academically or developmentally appropriate for these children. By setting this arbitrary limit, NCLB is in direct conflict with another federal law, the Individuals with Disabilities Education Act (IDEA), which requires that students determined to be eligible for special services must have their educational needs met on an individual basis – not on the basis of some bureaucratic fiat.***

#### **How does Race to the Top affect ESEA reauthorization?**

Race to the Top represents another unprecedented expansion of federal control over K-12 education. Made possible by the massive American Recovery and Reinvestment Act of 2009, this program provided \$4.35 billion

in grants to states at the sole discretion of the U.S. Secretary of Education. Funds were awarded not on the basis of formulas or authorized programs, but according to states' willingness to embrace a "reform" agenda set by the Obama Administration. To qualify for grants of up to \$700 million, states were required to change their education laws and policies to meet five key conditions. They had to join the Common Core Standards initiative; upgrade data systems; base teacher evaluations at least in part on student test scores; implement the Administration's proposed "turnaround" models for low-scoring schools; and lift legal limits on the number of charter schools.

As a one-time experiment, Race to the Top has committed or spent all the money that Congress authorized. The Administration now proposes to make it an integral part of ESEA. In his State of the Union message this year, President Obama declared: *"Race to the Top is the most meaningful reform of our public schools in a generation. For less than one percent of what we spend on education each year, it has led over 40 states to raise their standards for teaching and learning. And these standards were developed, by the way, not by Washington, but by Republican and Democratic governors throughout the country. And Race to the Top should be the approach we follow this year as we replace No Child Left Behind with a law that's more flexible and focused on what's best for our kids."*

In fact, the "standards" were designed entirely by the Obama Administration, in collaboration with education foundations, think-tanks, charter management organizations, testing companies, and other advocates that it favors. They were agreed to by state officials thanks to well-timed financial incentives, when many states were facing severe budget shortfalls, to adopt the Administration's agenda. According to the Blueprint, the same leverage would be applied through numerous "competitive" grants that would replace ESEA formula grants currently based on student enrollment and need. Applicants would now qualify for funding based on their promises to abide by Obama's philosophy of "reform." (Of course, the law would be "flexible": states could always decline to compete for the grants.) While other presidents have tried to impose their pet ideas on public schools, such efforts were always on a smaller scale, at funding levels generally too low to "bribe" state officials, and were usually designed in collaboration with Congress. By contrast, a Race to the Top component of ESEA would mean a permanent expansion of power for the U.S. Department of Education and the White House.

***Issues: Support for states based on their ideological acquiescence to Administration policies has drawn sharp criticism from civil-rights organizations. If the purpose of federal aid to education is to promote equity for long-neglected children, they ask, why are its benefits being distributed unequally? To reorganize ESEA along these lines would mark a retreat from the original goals of ESEA. So far, 98 percent of Race to the Top funding has gone to just 12 states – 11 of them east of the Mississippi – reaching just 24 percent of African-American students, 15 percent of Latinos, 6 percent of ELLs, 5 percent of Asian Americans, and 0 percent of Native Americans. Equally troubling, Race to the Top represents a top-down attempt to quash the national debate over the best policies for K-12 schools without Congressional hearings, weighing of research evidence and expert opinion, serious consultation with educators, or other democratic process. As such, this approach is unlikely to produce the best ideas about how to improve outcomes for children.***

**How could ESEA be amended to strengthen the nation's public schools, upgrade the teaching profession, ensure equity for long-neglected groups, and improve outcomes for children?**

In recent years, debates about federal education policy have often centered on the question of what verb to apply to No Child Left Behind: *Repeal . . . Overhaul . . . Fix?* These broad terms tend to create confusion. Almost

everyone – including the Obama Administration – favors “change.” Yet there is still no consensus about the nation’s educational problems – much less about how to solve them and about what role the federal government should play. So, in making recommendations for ESEA, it is important to outline a clear vision of change, along with specific provisions designed to make it happen.

Here are a few ideas advanced by an alliance of more than 150 education, civil rights, religious, children’s, disability, civic, and labor organizations that have come together to express serious concerns about NCLB. Known as the Forum on Educational Accountability, it maintains that: *“Overall, the law’s emphasis needs to shift from applying sanctions for failing to raise test scores to holding states and localities accountable for making the systemic changes that improve student achievement.”* The following points are taken from a summary of FEA’s recommendations. (For more information, visit [www.edaccountability.org/Legislative.html](http://www.edaccountability.org/Legislative.html).)

**On assessment:**

- Reduce the amount of mandated testing (e.g., return to requirements in the 1994 federal law of once each in elementary, middle and high schools), thus aligning the United States with the practices of most advanced nations, in which fewer but better assessments produce superior results.
- Support the development of state and local assessment systems that include classroom-based evidence as part of public reporting and accountability and for improving teaching and learning.
- Require states to use evidence of various types (“multiple measures”) in evaluating students, schools, and educators, and in constructing any growth/improvement/value-added approaches.

**On accountability:**

- Eliminate “adequate yearly progress” requirements and sanctions, but continue reporting important data disaggregated by demographic group. Avoid tying college- and career-ready standards to any arbitrary deadline. Expect schools to demonstrate reasonably attainable rates of improvement (e.g., those now achieved by those in the top quartile).
- In evaluating and recommending interventions changes in schools or districts, use both multiple sources of evidence (comprehensive indicators) and periodic reviews of schools and districts by qualified state teams.
- Allow a broad range of “turnaround” options. Build improvement plans from elements demonstrated to be essential to school improvement – e.g., collaborative professional development, strong leadership, parent involvement, and rich and challenging curriculum. Schools and districts would themselves determine how to apply such remedies to help build their capacity for long-term improvement.
- Assist states and districts in developing and implementing sound and fair evaluation policies aimed at school-wide improvement. Educator evaluation programs should include evidence of student learning and other measures of competency, but the federal government should not mandate the inclusion of scores from standardized tests, which are too unstable and misleading to rely upon for this purpose.

**On public school improvement/capacity building:**

- Require Title I–funded schools to provide staff collaboration time and serve staff-identified professional development needs, including assessment and working with diverse learners. Require those with highest



poverty and lowest achievement also to provide: individualized mentoring for beginning and experienced teachers; career ladders for mentor and other teacher support specialists; and intensive staff training in instructional leadership and family engagement. Allocate an amount equal to 20 percent of Title I funding, plus comparable states' match, to such staff development.

- Require that all Title I–funded schools provide programs to strengthen parent involvement in schools, such as those that enhance parenting skills and adult literacy to support children’s learning at home. Allocate an amount equal to 5 percent of Title I funding.
- Provide Title I funding to assist states to support systemic school improvements. Enhance the provision of specialized instructional support personnel/services directly to students, teachers and administrators. Allocate an amount equal to 2 percent of Title I funding.

### **On opportunity to learn and equity:**

- Make Title I and IDEA Part B mandatory, fully funded federal budget items and revise formulas to ensure that all public schools serving needy children are well supported. Significantly increase resources for professional development, ELL programs, school improvement, parental involvement, and state to assist school districts. Avoid the overuse of competitive grants, which would reduce funding for necessary and equitably distributed school programs and privilege districts with greater grant-writing capacity.
- Require states, with federal support, to develop comprehensive indicator systems on the distribution within and across districts of resources important to schooling. Compile data on out-of-school indicators such as health care, unemployment and family mobility rates. Require states to consider such evidence in school evaluations, and to develop strategies for overcoming inequities identified by the indicators.
- Provide increased access to opportunity through early learning. Work with the states to ensure adequate school facilities, tools and services. And promote school discipline policies that foster a school climate conducive to learning.

### **How could ESEA be improved for English language learners in particular?**

The Institute for Language and Education Policy ([www.elladvocates.org](http://www.elladvocates.org)), an advocacy organization of teachers, administrators, researchers, professors, students, parents, and others – has proposed a Seven Point Plan “to ensure a challenging, effective, and equitable education for English language learners.” It calls for the following changes in ESEA:

#### **1. Adequate Resources**

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

#### **2. Highly Prepared Teachers**

ELL enrollments are expanding throughout the country, especially in several states where school personnel have limited experience and expertise in serving these students. *Congress should (1) lift the cap on appropriations for preservice preparation of bilingual and English-as-a-second-language teachers (now limited*

to less than half the FY2001 level); (2) set aside 15 percent of Title III funds for the National Professional Development Project; and (3) restore fellowships for graduate study provided in earlier versions of ESEA.

### **3. Research-Based Programs**

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

### **4. Parental Involvement**

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

### **5. Additive Bilingualism**

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

### **6. Appropriate Assessment**

Content-area assessments that are neither valid nor reliable – now mandated for ELLs in every state – are not only ineffective in improving instruction; they are also harmful to students and schools. While research should continue on ways to improve assessments, *Congress should (1) outlaw any "high stakes" use of tests not proven to be valid and reliable; (2) require that ELLs who are taught in their native language receive academic assessments in that language; and (3) ensure that states rely on multiple measures of ELLs' progress in making decisions about school reforms, grade promotion, and graduation.*

### **7. Authentic Accountability**

Requiring an ELL "subgroup" – defined by students' limited English proficiency – to meet proficiency targets expected of English speakers is unfair and unrealistic. *Instead, Congress should require states to adopt and enforce the Castañeda test – which considers both educational "inputs" and "outputs" in rating schools – as the cornerstone of accountability for ELLs.* According to this civil-rights principle, ELLs are entitled to (1) theoretically sound programs that reflect the state of the art in second-language acquisition research; (2) sufficient resources – including funding, well-trained teachers, appropriate assessments, and challenging materials – to give students an opportunity to learn; and (3) evaluations to ensure that ELL programs are effective and, if necessary, to identify weaknesses and guide corrective action.

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