

# Dual Language Learners: State Options Under the Every Student Succeeds Act



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Congress's first legislative overhaul of federal education policy since 2002 was signed into law by President Barack Obama on Dec. 10, 2015. The Every Student Succeeds Act (ESSA) reauthorizes the Elementary and Secondary Education Act (ESEA), known until recently as No Child Left Behind (NCLB). NCLB was extensively criticized for setting unrealistic goals and placing too much authority over education policy in the hands of the federal government. The ESSA shifts more of that authority back to states and school districts.

Important provisions in the bill include state-designed accountability systems (and the elimination of the Adequate Yearly Progress metric), greater state authority over how testing is used to evaluate students, and “guardrail” policies to ensure the lowest-performing schools and students are not ignored. The ESSA, which will go into effect at the beginning of the 2017-2018 school year, has significant implications for early childhood education.

Although concerns over “fade-out” (positive effects of preschool diminishing over time) exist, neuroscience, child development and economic research point to the lasting value of early high-quality education.<sup>1-4</sup> Accordingly, several early education provisions have changed under the ESSA compared to NCLB, namely increased authorized funding—the maximum funding amount approved although not necessarily the amount appropriated. Funding is intended to improve access to, quality of, and coordination between states’ preschool and K-12 systems.

## **EARLY EDUCATION: CHANGES UNDER THE EVERY STUDENT SUCCEEDS ACT**

### **Preschool Development Grants**

As part of Title IX, \$250 million dollars was authorized under the ESSA to provide preschool development grants for each of the fiscal years from 2017 through 2020. These one-year competitive grants (renewable for up to three years) can be used to determine preschool access and availability; help facilitate collaboration, coordination and/or partnerships among existing providers; and provide parents with information on their options. Grants may also be used to develop and improve professional development for preschool teachers and program directors. States receiving grants must contribute a matching amount of at least 30 percent of the total grant amount.

### **Titles I, II and III**

Under Title I, states must report the number and percentage of students enrolled in preschool programs. They also must describe how they will provide assistance to local education agencies (LEAs) and individual schools to use funds to support early childhood education. Title II allows for training early childhood teachers and program directors on improving student outcomes to facilitate the transition from preschool to kindergarten. Title III includes language specifying that federal funding may be used for English language learner (ELL) instruction in early childhood education programs. Lastly, two new grant programs were created under the ESSA. The first, Literacy Education for All, Results for the Nation (LEARN) is a competitive grant program that aims to increase literacy outcomes: Fifteen percent of grant funds must go to activities for children from birth through kindergarten, with another 40 percent to K-5 students. The second is the Innovative Approaches to Literacy grant program, which permits funds for early literacy services, including pediatric literacy programs.

## **DUAL LANGUAGE LEARNERS AND ESSA**

Dual language learners (DLLs) are typically young children who are learning a second language while continuing to develop their native language. DLLs differ from ELLs in that they are generally younger and are not solely focused on acquiring English, but their native language as well.<sup>5,6</sup> The population of young DLLs has risen significantly over the past 20 years, with some states experiencing a growth rate of 200 percent or more.<sup>7</sup> DLLs have disproportionately less access to preschool and thus less access to enhanced learning environments and their subsequent academic benefits.<sup>8</sup> This could be a part of the reason that DLLs have historically underperformed academically when compared to their non-DLL peers, as evidenced by the persistent achievement gap. New provisions under the ESSA aim to change these access and achievement trends.





Young DLLs are also inconsistently and/or rarely identified in early childhood program data.<sup>9</sup> This can lead to inadequate instruction that does not match a student’s language abilities and can further complicate transitions to elementary school. Additionally, the native and second language learning needs of DLLs are not reflected in preschool teacher training, certification or program quality measures such as the Quality Rating and Improvement System (QRIS).<sup>10</sup> By increasing authorized funding to focus on teachers’ and program directors’ professional development, accurately identifying these learners’ language abilities and increasing their access to quality education, the ESSA creates opportunities for enhancing early education for DLLs.

### **Title I Accountability Requirements**

Under the Every Student Succeeds Act, responsibility for dual language learners is moved to Title I (from Title III under No Child Left Behind) as part of the state accountability system. Identifying the English language proficiency (ELP) of DLLs will be a required

indicator for students in grades three and above on state accountability frameworks. ELP goals will be set by the state, requiring the legislature, State Education Agency (SEA) and LEAs to work collaboratively. Title III funding (focusing on English language learners in general) will remain intact under the ESSA.

States will also be required to identify the bottom 5 percent of schools (as determined by selected indicators) that will receive “comprehensive support and improvement.” Schools with consistently low-performing student subgroups will also be closely monitored and provided additional state-defined interventions. These provisions are designed to ensure that no groups of students, including DLLs, are slipping through the cracks.

### **Assessment**

Three options exist for reporting the achievement of DLLs in the state’s accountability system. The Migration Policy Institute has suggested that states evaluate each option based on how DLLs would

benefit and how each option interacts with the state’s overall accountability system.<sup>11</sup> The three options are:

- 1. Excluding DLLs from one administration of the English language arts (ELA) test and/or excluding them from the accountability system on either or both the ELA or math test for one year.**
- 2. Allowing assessment results to be reported, but not included in the accountability system, in the first year; requiring a measure of student growth in ELA and math in the second year; and including proficiency on all tests in the accountability system in the third year.**
- 3. Including all DLLs in all assessments, identical to all non-DLL students every year.**

## Standardizing Entry and Exit Procedures

The ESSA requires states to have a standardized process for entering (i.e. classifying) and exiting (i.e. reclassifying) DLLs.<sup>12</sup> Entry refers to the initial identification of a DLL by assessing his or her English language proficiency (ELP) and/or surveying the language(s) spoken in the home. Exiting or reclassifying refers to moving a DLL who has achieved an appropriate level of English proficiency (reading, writing, speaking and listening) into a mainstream English classroom, where language support services are withdrawn, ideally in a systematic fashion.

Under No Child Left Behind, all states were required to measure English language proficiency, but they varied in how they did so. Some used the overall composite and/or domain (reading, writing, speaking and listening) scores, while others included additional factors such as teacher input or academic content tests. Similar variability also exists within some states at the district level. The graphic on page 5 illustrates this variation. Varying criteria can lead to a wide range of ELP, which impacts long-term achievement. The ESSA aims to minimize this variation to ensure that every exited student is ready for mainstream English classes. Entry criteria (i.e., initially identifying DLLs for language services) will also be standardized at the state level under the ESSA.

Ineffective exiting policies have been linked to variable academic and social outcomes for DLLs (and for older English language learners, or ELLs, as students generally exit after third grade):

- **Early/premature exiting can lead to frustration and lower achievement.**
- **Late exiting can lead to social and educational stigmas, sometimes resulting in the creation of long-term English language learners (LTELLs).**
- **The variation in criteria between and within states makes it difficult to effectively compare**

**ELLs across districts and states (for highly mobile ELLs), especially when trying to determine successful exiting practices.**

- **Most exiting procedures are not grounded in empirical research and educational theory.**

## Monitoring

Monitoring refers to measuring the achievement of DLLs after exiting language services. The ESSA allows exited DLLs’ achievement to be counted as part of the group of current DLLs for four years—two years longer than under NCLB. This change more closely aligns with research on DLL accountability on how to avoid the “revolving door” effect—underestimating true achievement levels when more proficient DLL students exit language programming (due to reclassification) and less proficient (young) DLLs enter.<sup>13</sup>

DLL policy experts have warned that while this approach may provide more accurate accountability for schools and districts, it has the potential to mask performance of DLLs currently receiving services, because those who have exited may inflate the true achievement of the overall group.<sup>14, 15</sup> These experts argue for transparent and consistent reporting at the state level and not allowing variability at the district level in order to prevent inflating scores and inaccurate reporting.

## STATE-LEVEL APPLICATION

### Changes Under the ESSA

Measuring English language proficiency (ELP) annually has been moved from Title III to Title I accountability frameworks, allowing more funding to be used to improve outcomes for DLLs. Other important changes include increased authorized funding for DLLs in preschools. If this funding is appropriated, it can be used to increase access and equity, provide professional development so teachers can better instruct DLLs, and strengthen transitions to kindergarten.

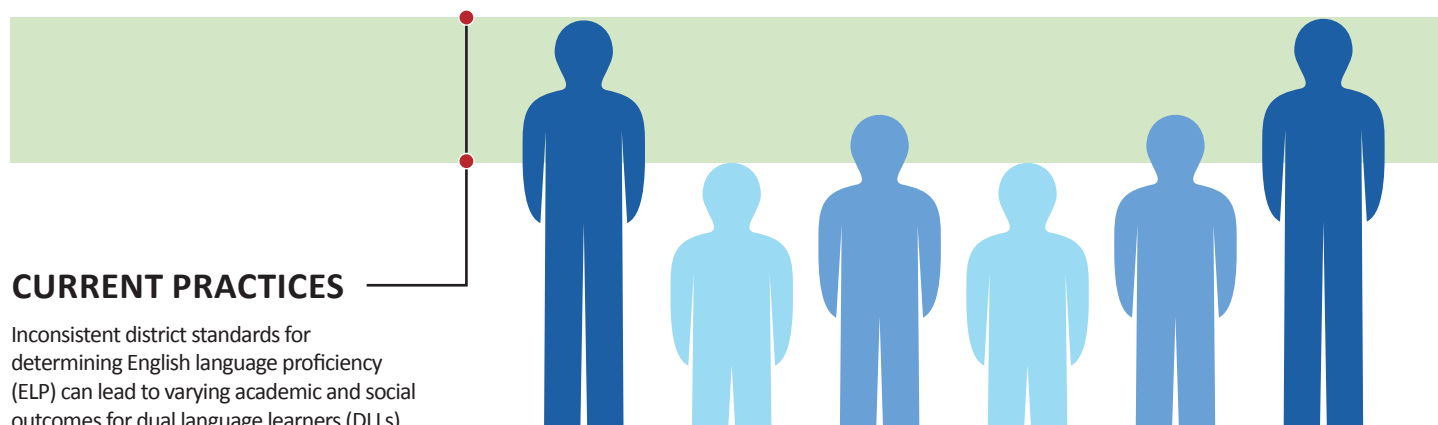
### So What Does This Mean for States?

Now that DLLs’ English language proficiency will be a major piece of states’ accountability frameworks, it may be easier for states to take action on assessment, entry and exit, and monitoring. To do so, states can base their decisions on data that is made readily available to all stakeholders, including parents, teachers and DLL experts. An example at the preschool level would be conducting a needs assessment to identify all DLLs aged 3 to 5 to determine how many and what percentage are receiving preschool services and the quality of these services.

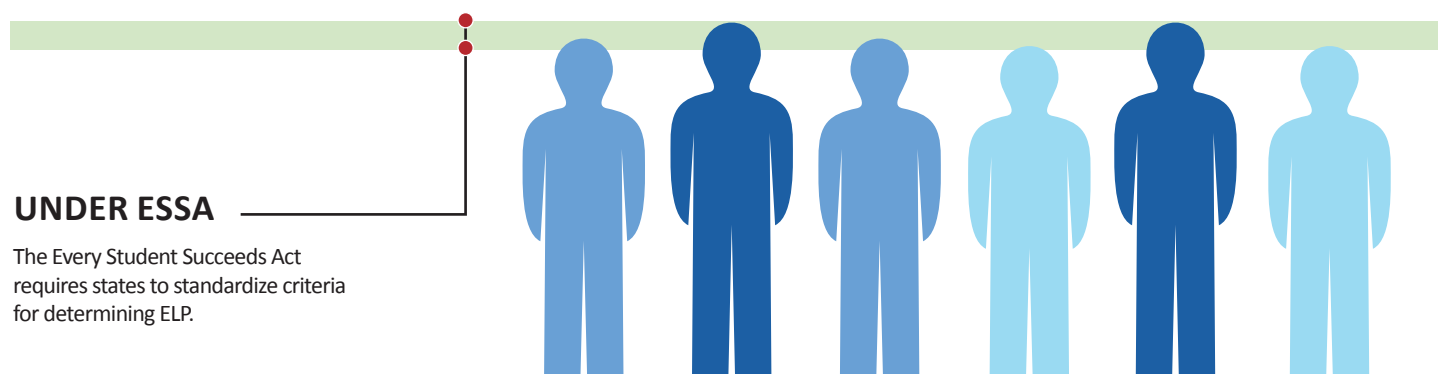
Relating to entry and exit procedures, states should understand the current range of criteria used to make these decisions in order to help

# BRINGING ENGLISH LANGUAGE PROFICIENCY IN LINE

## Making Sure Dual Language Learners are Ready for Mainstream Classrooms



● District A ● District B ● District C ● Variability



create awareness of the existing variations and possible need for action. Decisions for how long to include exited DLLs' achievement in overall DLL accountability, for example, could take into account the potential for masking the performance of current DLLs. In general, states will be required to meet the new implementation requirements of the ESSA by the 2017-2018 school year.

### State Examples and Options

The new flexibility and options afforded by the ESSA provide an opportunity for state policymakers to look at early childhood education and young dual language learners. In recent years, some states have been implementing legislation worth noting:

**California Senate Bill 1108** (2013) requires the state department of education to review and analyze the criteria, policies and practices used by a sampling of school districts representing the geographic, socioeconomic and demographic diversity of school districts in

the state to reclassify (exit) English learners. The department must also recommend to the Legislature and state education board any guideline, regulatory or statutory changes that the department determines necessary to identify when English learners are prepared for the successful transition to classrooms and curricula that require English proficiency.

**Iowa House File 658** (2015) requires the 25 districts with the largest number of students identified as limited English proficient (LEP) to submit a report to the department of education detailing the average number of years spent in English language learner programming. The district must also review the number and percentage of total LEP students achieving ELP over the previous five years.

**Washington Senate Bill 5973** (2009) requires the superintendent of public instruction to disaggregate all student data-related reports by subgroups, including transitional bilingual (an instructional model for second language acquisition) and migrant students.





Language screening instruments identify young DLLs upon entrance into preschool classrooms and are very similar to the federal identification requirement in K-12 education. Currently, 15 states (Alaska, Arkansas, California, Delaware, Illinois, Maine, New Jersey, New York, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, West Virginia and Washington) require their public preschool programs to screen students.<sup>17</sup> This screening instrument would supplement DLL teacher training to improve outcomes by aligning instruction with students' varying language needs.

## CONCLUSION

Dual language learners represented close to 10 percent of all K-12 public school students (and 23.9 percent in California) in 2014.<sup>18</sup> This large population share is mirrored by the number of preschool-aged DLLs. As of 2012, 4 million DLLs were enrolled in preschool programs nationally, accounting for 30 percent of the students in

Head Start and Early Head Start.<sup>19</sup>

In addressing the achievement gap between DLLs and non-DLLs, it is logical to conclude the gap in achievement exists early on. Because DLLs are learning two languages simultaneously, they may not be able to mirror the achievement of native English speakers, even by late elementary school and middle school. According to the 2015 Nation's Report Card, eighth-grade DLLs trail their non-DLL counterparts by 38 points in mathematics and 45 points in reading (with DLLs' scores at levels well below basic proficiency and national averages).<sup>20</sup>

The Every Student Succeeds Act was designed to increase the autonomy and power of state legislatures to enact customized and sustainable policies to improve the outcomes of the youngest learners. The ESSA provides numerous avenues to do so, especially as they relate to dual language learners.

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## NCSL RESOURCES

Early Learning and Support Webpage:

<http://www.ncsl.org/research/education/early-learning.aspx>

Every Student Succeeds Act-Information and Resources:

<http://www.ncsl.org/ncsl-in-dc/standing-committees/education/every-student-succeeds-act-essa-information-and-resources.aspx>

Early Mathematics Education:

[http://www.ncsl.org/Portals/1/Documents/educ/Early\\_Mathematics\\_Education\\_Weyer\\_FINAL.pdf](http://www.ncsl.org/Portals/1/Documents/educ/Early_Mathematics_Education_Weyer_FINAL.pdf)

Engaging Families in Education:

[http://www.ncsl.org/Portals/1/Documents/educ/Engaging\\_Families\\_Education.pdf](http://www.ncsl.org/Portals/1/Documents/educ/Engaging_Families_Education.pdf)

Educating Young Dual- and English-Language Learners:

[http://www.ncsl.org/Portals/1/Documents/educ/WEB\\_ENGLISH\\_LANGUAGE\\_LEARNERS\\_WEYER.pdf](http://www.ncsl.org/Portals/1/Documents/educ/WEB_ENGLISH_LANGUAGE_LEARNERS_WEYER.pdf)

Education Webpage:

<http://www.ncsl.org/research/education.aspx>

Early Care and Education Webpage:

<http://www.ncsl.org/research/human-services/early-care-and-education.aspx>

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