



March 26, 2010

The Honorable, George Miller  
Chairman, Committee on Education and Labor  
U.S. House of Representatives  
2181 Rayburn House Office Building  
Washington, DC 20515

The Honorable, John Kline  
Ranking Member, Committee on Education and Labor  
U.S. House of Representatives  
2181 Rayburn House Office Building  
Washington, DC 20515

RE: Recommendations for the Reauthorization of the Elementary and Secondary Education Act

Dear Chairman Miller and Ranking Member Kline:

The Hispanic Education Coalition (HEC), an *ad hoc* coalition of national organizations dedicated to improving education for Hispanics, is pleased to submit its preliminary recommendations for the reauthorization of the Elementary and Secondary Education Act (ESEA).

Latinos constitute the largest and fastest-growing ethnic minority in U.S. public schools. Nearly one in five K-12 students in the United States is Latino, and this proportion is expected to continue to rise in the future. Important to note is that of the more than 5 million English Language Learner (ELL) students in American public schools, more than three-quarters are Spanish-speaking Latinos. In fact, nearly half (45%) of Latino children in the United States are ELLs.

While the Latino student population has grown exponentially, the achievement gap between White and Latino students has remained largely unchanged since 1977. In 2007, Hispanics scored an average of 26 points lower in reading and 21 points lower in math than their White peers on the fourth-grade National Assessment of Educational Progress (NAEP). Eighth-grade NAEP results demonstrate similar gaps in reading and math, showing that Latino students are not catching up. In fact, Latinos are dropping out at rates much higher than their non-Latino peers. Only 58% of Hispanic students who entered ninth grade completed twelfth grade and graduated with a traditional high school diploma in 2005.

The persistent achievement gap has contributed to the Latino high school dropout crisis. One in three Latinos aged 18 to 24 has not completed high school, and approximately 700,000 Latino students drop out of school each year. Similarly, this has led to a disproportionately low college enrollment and graduation rate among Latinos. In 2006, only 23.6% Latinos aged 18 to 24 were enrolled in colleges and universities. In addition, only 12% of Latinos age 25 and older have received bachelor's degrees.

The reauthorization of ESEA presents an opportunity to turn these trends around. We are pleased to share our perspective on how to improve this critical federal law for Latino and ELL students.

### **Guiding Principles for the Hispanic Education Coalition**

HEC based its recommendations for the reauthorization of ESEA on the following guiding principles:

- Standards, assessment, and accountability are appropriate mechanisms for reforming American schools.
- Every student should be held to the same high academic standards as all other students. The HEC will only support accountability models, including growth models, that are fair, valid, reliable and appropriate and that will lead to full proficiency for all subgroups.
- Any measure used for accountability must continue to be disaggregated according to the subgroup definitions under current law, which includes ELLs.
- Because Latino students are not well represented in gifted and talented, advanced placement, and/or International Baccalaureate programs, ESEA must support an access agenda for Latino students to encourage schools to enroll Latino students with the full range of educational opportunities.
- Implementation of ESEA has been deeply flawed; therefore, the law needs to be strengthened to improve the condition of education for Latino students and encourage sound instructional practices.
- HEC strongly supports the goals and principles of ESEA as a means to close the academic achievement gap.

We believe that the recommendations that follow reflect these core principles. As the reauthorization process moves forward, we will supplement these initial recommendations as necessary.

The HEC looks forward to the opportunity to work with you on this important reauthorization. Please do not hesitate to contact us if you have any questions.

Sincerely,



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# RECOMMENDATIONS ON THE REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)

## TITLE I

Establishing equal access to the rigorous coursework Latino students need to meet challenging standards and strengthening parental involvement in a child's education are critical principles for Hispanic Education Coalition (HEC). Title I of ESEA provides several opportunities to ensure that school districts focus on the educational needs of all students, including Latinos and ELLs. The following is a list of recommendations focused on improving assessments and accountability provision for ELLs.

### Academic Assessments and Accommodations

- **Recommendation 1: If more than 25% of a district or state's ELL student population is of a particular language group, then the state shall be required to develop a valid and reliable native language assessment for reading/language arts, mathematics, and science, designed specifically for that language group.**

*Rationale:* Currently, ESEA requires states to offer assessments in the language and form most likely to yield accurate data "to the extent practicable." This current language is unclear, and as a result, there have been few states have developed or provided academic assessments that are appropriate for ELL students, causing the data on which accountability is primarily based to be flawed. This recommendation sets a clear threshold for states to ensure that appropriate assessments are made available to ELLs.

- **Recommendation 2: State plans must include the identification and use of any assessment accommodations that are offered to ELLs, including evidence of their effectiveness in yielding valid results for ELLs.**

*Rationale:* The most frequently used accommodations by states are not necessarily those that have been found to be the most effective in validly reducing the testing gap between ELLs and non-ELLs. In many states, the same accommodations are used in assessing both ELLs and students with disabilities, notwithstanding the differences in these populations. States should both ensure and demonstrate that the accommodations used for both ELLs and students with disabilities are appropriate for each population.

- **Recommendation 3: Require that state plans include descriptions of how states will:**
  - Provide specific guidance to districts and schools regarding appropriate assessment accommodation practices, and**
  - Develop professional development plans for school personnel in the use of accommodations for English language learners.**

*Rationale:* School districts, teachers and administrators do not currently receive adequate guidance and preparation in the administration of accommodations to ELLs and students with

disabilities. In addition, some research indicates that accommodations are most effective when they have been integrated into daily classroom instruction, suggesting that training teachers in how to best incorporate such accommodations into their pedagogy is critical.

## Accountability

- **Recommendation 1: For accountability purposes, schools shall include in the limited-English-proficient (LEP) category: 1) current ELLs and 2) former ELLs who have exited the LEP category within the last three years.**

*Rationale:* In September 2006, the U.S. Department of Education released final regulations concerning the inclusion of ELLs in accountability. This flexibility credits schools that have demonstrated progress in helping ELLs attain English language proficiency and exit the LEP category by allowing schools to count the scores of ELLs who have exited the LEP category within the last three years for accountability purposes.

- **Recommendation 2: Require states and districts to set a consistent minimum subgroup size, “n-size,” of 30 for all subgroups (economically disadvantaged, each racial/ethnic group, LEP students, students with disabilities) in determining whether they are meeting progress associated with new accountability measures.**

*Rationale:* Currently some states have set distinct minimum subgroup sizes for certain groups of students instead of setting a consistent n-size for all subgroups. In particular, n-sizes for ELLs and students with disabilities, who are among the most vulnerable subgroups, are more likely to have a higher n-size than other subgroups. For example, Alaska and Minnesota use an n-size of 40 for ELLs and students with disabilities (SWDs) but use an n-size of 20 for other subgroups. Other states that employ such disparate n-sizes include Missouri, New Jersey, Ohio, Oklahoma, South Carolina, Washington, and Wisconsin. Such practices allow for an alternative, less rigorous accountability system for such subgroups.

- **Recommendation 3: Codify the Department of Education’s regulation defining the one-year exemption from the reading test on recently arrived ELLs.**

*Rationale:* This regulation represents common-sense policy. Schools should have one year to provide instruction and other academic supports for recently arrived ELLs to demonstrate whether or not their programming is effective. Any less time would be unfair to schools, and more time would place ELLs in jeopardy of falling through the cracks.

## Graduation Rates

- **Recommendation 1: Adopt a four-year cohort graduation rate as a common formula for all states. In addition, allow schools to use a five-year graduation rate for students who meet the following criteria:**

- Students who are identified as LEP; and,
- Who entered the U.S. school system at the 9<sup>th</sup> grade or above; and,
- Who have experienced interrupted formal education prior to entering the U.S. school system; and

- Who are participating in effective extended learning programs, such as afterschool, summer school, and/or weekend classroom instruction, or in a newcomer school that has been recognized by the state for effectively instructing ELLs and mitigating the effects of interrupted formal education.
- ***Rationale:*** According to research, an estimated 2.7 percent of the high school student population nationwide is made up of newcomer students (Fix & Ruiz de Velasco, 2001). In addition, 10.6 percent of high school ELLs may have interrupted formal schooling (Zehler et al., 2003). Such students may have limited literacy skills, even in their native language, and must overcome tremendous challenges to graduate from high school on time. Although the NGA graduation rate formula allows states to assign recent immigrants who are ELLs and students with disabilities to different cohorts, we suggest that an extended graduation rate is only necessary for certain ELLs, such as those who enter the U.S. school system at the 9<sup>th</sup> grade or above and who have limited formal education. Otherwise, schools should be held accountable for ensuring that all students graduate within four years.
- **Recommendation 2: Codify Department of Education regulation that requires states, districts, and schools to disaggregate graduation rates based on subgroup, including LEP status, for accountability determinations.**

*Rationale:* In order to effectively monitor and discourage push-out and dropout rates that may increase in a test-driven accountability system, it is critical to calculate and include disaggregated graduation rates for accountability purposes. A successful high school should demonstrate progress in academic achievement as well as graduation rates. Tracking of graduation rates among Latinos and ELLs is especially significant, due to their disproportionately low graduation rates.

- **Recommendation 3: Codify Department of Education regulation that requires states, districts, and schools to disaggregate graduation rates based on subgroup, including LEP status, for reporting purposes.**

*Rationale:* For similar reasons as those above, it is critical to publicly report disaggregated graduation rates for accountability purposes in order to effectively monitor and discourage push-out and dropout rates that may increase in a test-driven accountability system. A successful high school should demonstrate progress in academic achievement as well as graduation rates. Tracking of graduation rates among Latinos and ELLs is especially significant, due to their disproportionately low graduation rates.

## **Middle School Interventions**

- **Recommendation 1: Develop a funding stream dedicated to improving low-performing middle schools in low-income communities with high populations of English language learners.**

*Rationale:* According to the National Center for Education Statistics, 42% of eighth grade Latino students are below basic achievement levels in reading proficiency and 45% are below basic levels in math. This rate is alarmingly high, particularly since research confirms that success in sixth through eighth grades is imperative to ensuring success in high school and college. In fact, studies show that sixth-grade students who do not attend school regularly, have poor conduct scores, or who fail math or English, have a only a 10% chance of graduating on time. Clearly, without effective interventions into middle school services, resources, and curriculum, Latino students will continue to be at a high risk for dropping out.

## School Improvement

- **Recommendation 1: Require states using supplemental education service (SES) providers to contract with providers who have demonstrable capacity in meeting the educational needs, including language acquisition needs, of ELLs. SEAs must also ensure that appropriate SES providers operate in locations with high ELL populations.**

*Rationale:* Currently, most SES providers that are available to eligible students lack adequate capacity and expertise in serving ELLs. Particularly in districts and schools that serve a large ELL population, it is critical that SES providers have the capacity to serve a diverse population that includes ELLs.

- **Recommendation 2: Target SES only to low-income students in subgroups not meeting progress consistent with the new accountability system.**

*Rationale:* Title I dollars, which have traditionally been targeted to low-income students, currently support SES. Ensuring that these scarce federal dollars continue to be targeted to low-income students, students eligible for SES should only include such students. Additionally, SES should be targeted only to students who are in the subgroup that do not meet progress consistent with the new accountability system.

- **Recommendation 3: SES providers should be considered recipients of federal funds and abide by Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, ethnicity, and language status, among other categories.**

*Rationale:* Regulations released by the U.S. Department of Education stating that SES providers would not be considered recipients of federal funds, and therefore, not be required to abide by Title VI of the Civil Rights Act of 1964. The effect is that few SES providers are held accountable for serving subgroups of populations, such as ELLs. In order to ensure that every eligible student has the opportunity receive SES, it is critical that States, which bear the responsibility of maintaining a list of providers, ensure that SES providers abide by Title VI of the Civil Rights Act.

- **Recommendation 4: Require SEAs and LEAs using SES to do linguistically and culturally sensitive outreach, including partnering with community-based organizations (CBOs), to notify students and parents of student eligibility for SES and/or school choice.**

*Rationale:* Few parents are aware of the availability of SES. Parents of ELLs are particularly less likely to be sufficiently informed of such services. For example, a report by Advocates for Children, found that letters informing New York City parents of SES are difficult to read and understand, and that outreach to parents varied from school to school. CBOs and other local partners can play a critical role in informing parents of ELLs.

## **Public Reporting and Parental Involvement**

- **Recommendation 1: For the purpose of public reporting of student academic performance, the LEP category shall be disaggregated into the following:**
  - 1) **Students who have been identified as an LEP student for at least five years**
  - 2) **LEP students who enter U.S. school system at 9<sup>th</sup> grade or above**
  - 3) **Students who have exited the LEP category within the last three years**
  - 4) **Recent arrivals who are ELLs who have been in the U.S. school system for less than 12 months**

*Rationale:* The LEP category is diverse in its composition, and their academic achievement, as measured by State assessments, may vary as a result of the length of time in U.S. schools, as well as the grade in which the student first enrolled in a U.S. school. Moreover, recent federal regulations have allowed schools to include students who have been redesignated as fully English proficient within the last two years in the LEP category, further muddling the category. To ensure parents can reliably evaluate the extent to which a school is effectively educating its ELLs, report card data should include disaggregated data of LEP students.

- **Recommendation 2: Require the Department of Education to identify and publish examples of exemplary state report cards and dissemination practices that effectively communicate student progress for culturally and linguistically diverse families.**

*Rationale:* Parents play a principal role in ESEA's accountability system. The data included in state and district report cards have the potential to help parents hold their children's school accountable. However, this data is typically not presented and shared with parents, especially parents of ELLs, in a meaningful way. States, districts, and schools can benefit from model report cards and dissemination practices to guide their own capacity in sharing data and information with parents and other stakeholders.

- **Recommendation 3: Provisions related to parental involvement and notification must comply with Title VI of the Civil Rights Act of 1964.**

*Rationale:* Schools and districts are required to provide information that will enable them to better participate in their children's education. This information is required to be sent to parents in a format and language the parents can understand. However, many schools and districts fail to fulfill this responsibility. Ensuring that all information complies with Title VI of the Civil Rights Act of 1964 can help ensure that parents are receiving information in a format and language that is accessible.

## Family Literacy

- **Recommendation 1: Strengthen the William F. Goodling Even Start Family Literacy Program (Even Start) to ensure ELL children and families have access to effective early childhood and adult education programs.**

*Rationale:* There is clear evidence that a child’s academic success is directly linked to parental levels of education and income. Even Start serves the parents who are least prepared to take an active role in their children’s education and gives them the skills they need to ensure that their children enter school ready to learn and is helping Hispanic families across the country achieve the American dream. Thousands of families have acquired literacy and job skills and have reached their educational goals through the Even Start family literacy program. ESEA reauthorization presents an opportunity to improve and expand the program to more vulnerable families.

## TITLE II

Over the past 15 years, ELL student enrollment has nearly doubled, and experts predict that by 2025, one-quarter of the total U.S. public school population will be made up of ELLs. ELL students face many challenges to school success. For example, in the 2005 National Assessment of Educational Progress, only 29% of ELL students scored at or above the basic level of reading, compared with 75% of non-ELLs. The preparation and training of teachers must therefore include a strong emphasis on working with ELL students.

- **Recommendation 1: Ensure that SEA’s provide professional development to help educators work most effectively with English language learners.**

*Rationale:* In order to meet the requirements of ESEA teachers must be better prepared to meet the unique linguistic and academic needs of ELL students. Support must be provided to expand teacher preparation, program administration, research and evaluation, and curriculum development in the field of language acquisition. States should ensure that bilingual/English-as-a-second-language teachers, as well as mainstream teachers who are increasingly likely to have an ELL student in their classroom, are adequately prepared to instruct ELLs.

- **Recommendation 2: Provide incentives to Institutions of Higher Education (IHE’s) and Minority Serving Institutions (MSI’s) to institute teacher training programs that attract diverse students into teacher education programs.**

*Rationale:* To improve student achievement, schools of education must graduate teacher candidates who are prepared to teach our nation’s increasingly diverse K-12 student population. The HEC has gone on record to recommend state’s use federal funds to develop teacher diversity initiatives. In addition, the HEC has recommended to establish a competitive grants program to help create Centers of Excellence at high-quality minority-serving institutions to strengthen and improve teacher preparation programs for the purpose of increasing minority teacher recruitment, development, and retention. Centers would be developed at Historically Black Colleges and Universities, Hispanic-Serving Institutions,

Tribally Controlled Colleges and Universities, and minority-serving institutions where there is substantial enrollment of minority, low-income students.

- **Recommendation 3: Increase the supply of teachers certified to provide instruction to ELLs, including those who teach science, technology, engineering, and math (STEM), by providing financial support to encourage excellent teachers to enter the teaching profession.**

*Rationale:* Providing financial support to prospective teachers can help increase the pool of teachers and address shortage areas, such as math, science, special education, and English language acquisition.

- **Recommendation 4: Provide incentives to LEA's to develop career ladder programs targeted at developing the skills and qualifications of bilingual and English as a Second Language (ESL) educators.**

*Rationale:* The establishment of a career ladder can help prepare more teachers in effective instruction practices, including strategies in instructing ELLs, by building on the expertise of more experienced teachers. Concurrently, a career ladder can further elevate the teaching profession by allowing teachers to grow in their field as they assume more responsibility in supporting the professional development of other teachers.

### **TITLE III**

Language Acquisition Grants provide funds to states to increase their capacity to teach ELLs effectively. Title III funds can be used to upgrade instruction and curricula, and to provide training for teachers who work with ELLs. These capacity increasing activities are essential for ELL attainment of English language proficiency, development of high levels of academic achievement, and meeting the same challenging state academic standards as all children. In addition, enabling instructors to create individualized instruction plans that can document the processes through which eligible entities coordinate with parents, students, teachers, and school officials to design, implement, and evaluate effective academic programs for ELLs can tremendously impact the learning of ELL students. The HEC strongly supports continuation of the “supplement, not supplant” prohibition found in Title III, pertaining to use of Title III funds and, similarly, strongly endorses the guidance issued by the Department in 2008 on this issue. We also strongly support continuation of the general Supplement, Not Supplant provisions in the ESEA.

- **Recommendation 1: Increase the authorization of appropriations to \$2,000,000,000.**

*Rationale:* To ensure that federal funding increases to meet the demands of a large and growing ELL student population, and to increase the amount of money spent per ELL child from the current \$90 per student to approximately \$250 per student, supplementing state and local funds needed to adequately educate ELLs.

- **Recommendation 2: Formula Funding: Changes should be made to the formula to enable “new-growth” districts to share in Title III funding.**

*Rationale:* There has, over the past 15 to 20 years, been substantial and often dramatic growth of the ELL population in “non-traditional” areas of this country, particularly in the Southeast and Midwest, but in other areas of the country as well, and in rural districts. Those districts are among those which desperately need technical assistance and professional development in order to serve this new population effectively. **For example, there could be a trigger to allow supplemental funding to these states and districts based on percentage growth of the ELL population.**

- **Recommendation 3: Create competitive grants for innovative programs to serve ELLs. Grants shall be administered for states to develop programs such as: innovative and effective instruction programs, including dual language programs; professional development programs to help educators work with ELL students & families; and early college high school programs or secondary programs effective at serving late entrant ELL and immigrant students.**

*Rationale:*

As ELL students become a greater portion of the K – 12 student population there is a high need for effective programs to serve these students. Ensuring that programs with a demonstrated ability in working with ELL students are available across the country is essential for closing the achievement gap between ELLs and their peers.

- **Recommendation 4: Administration of OELA shall be moved to its previous position within the Title III office.**

*Rationale:* Having a strong OELA that advocates for English language learners within the Department cannot be overstated. This is important both substantively and symbolically for especially to the population of Hispanic students, other English language learners, and the educators who work with them. The HEC strongly advocates for an investment of new resources and qualified staff to rebuild OELA so that it can resume the responsibility of administering the Title III state grants.

## TITLE V

Parents and family are critical actors in the education of students, providing parents with training and supports necessary to understand the U.S. school system will ensure involvement and lead to increased student academic achievement.

- **Recommendation 1: The Parental Information & Resource Centers and Local Family Information Centers should be retained and improved for ELL students and their parents by allowing translation of supplementary education materials.**

*Rationale:* To clarify that Parental Information and Resource Centers should serve parents of ELLs and add the translation of materials to LEP parents as an allowable use of funds for the PIRCs and LFICs.

- **Recommendation 2: Title V should include a Immigrant Parent Integration and Support Programs to support immigrant parents of students in Title I schools. The Secretary shall make grants to, and enter into contracts and cooperative agreements with, local nonprofit organizations to enable the organizations to help ensure that immigrant parents of students in schools assisted under Title I, part A have the training, information, and support they need to understand the United States public school system and participate effectively in helping their children to meet challenging State standards.**

*Rationale:* To ensure that immigrant parents understand the U.S. school system, particularly their roles and responsibilities under ESEA.

## TITLE VI

Hispanic student enrollment in American public schools is experiencing dramatic growth. These students are the fastest growing segment of the public school population and make up nearly one in five public school students. Unfortunately, the achievement gap between Latino students and other ethnic groups remains wide, and the gap is even more pronounced for English language learners (ELLs). The development of valid and reliable assessments for ELLs is essential to understanding and reducing this achievement gap.

- **Recommendation 1: Establish a separate funding stream for the development of content-area assessments for ELLs, with priority given to states with the highest numbers and largest percentage growth of ELL students.**

*Rationale:* To ensure that schools are being held accountable based on valid performance data, increased development of content-area assessments for ELLs is critical. Although assessment of ELLs has been required since the Improving America's Schools Act of 1994, few states have made progress in the development and availability of valid assessments for ELLs.