Implementing ESEA Flexibility Plans

Supporting English Language Learners

A Pocket Guide for State and District Leaders

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The 2002 reauthorization of the Elementary and Secondary Education Act (ESEA) fostered greater inclusion of English language learners (ELLs) in standards-based instruction, assessment, and accountability by requiring districts and schools to disaggregate and report out data by ELL status and take action if ELLs were not meeting state standards. In 2011, the U.S. Department of Education waived certain provisions of the law in exchange for reforms by states related to four principles: (1) achieving college- and career-ready expectations for all students; (2) developing differentiated recognition, accountability and support systems; (3) supporting effective instruction and leadership; and (4) reducing duplication and unnecessary burden. As of September 2012, 34 states (including the District of Columbia[1]) have been granted ESEA flexibility waivers.

American Institutes for Research (AIR) has developed a series of Pocket Guides that provide research-based information to support state and district leaders in implementing ESEA flexibility plans. This particular Pocket Guide focuses on the implementation of reforms related to ELLs across the first three principles in the flexibility waiver requirements. These three principles are particularly relevant to educators working with ELLs. (Principle 4, which requires states to evaluate and revise their administrative requirements to reduce duplication and burden, does not relate to student supports and is beyond the scope of this guide.)

To prepare this guide, AIR researchers reviewed the 34 approved flexibility plans to identify policies and practices relevant to ELLs. In the sections that follow, we (1) describe the requirements for each principle; (2) discuss how ELLs were addressed in the approved plans; and (3) provide considerations, based on our knowledge of research, for the implementation of proposed reforms.

[1] Throughout this guide, the District of Columbia is treated as a state in state totals.

Methodology

A team of AIR researchers conducted an initial review of Principles 1, 2, and 3 in the 34 approved flexibility plans. The purpose of the review was to identify how states plan to address the needs of ELLs. Our review was not exhaustive. For example, we did not include historical or background information in our review; instead, we focused on what states plan to do for ELLs going forward. We also did not review exhibits or appendixes in the flexibility plans unless the main narrative explicitly stated that information related to ELLs could be found in these supplemental sections. *Note:* Any counts or summary statistics in the following sections of this Pocket Guide are approximations.

The Need to Adequately Serve ELLs

The need to adequately serve ELLs is more pressing as numbers of ELLs increase and their achievement continues to be poor in comparison to their English-proficient peers. According to the National Clearinghouse for English Language Acquisition ([NCELA], 2011), between 1998–99 and 2008–09 the enrollment of ELLs in prekindergarten through 12th grade (PK–12) in U.S. public schools grew by more than 51 percent while the growth of total student enrollment increased by just over 7 percent.

The gaps in achievement between these increasing numbers of ELLs and their English-proficient peers continue to be a problem. For example, data from the 2011 National Assessment of Educational Progress (National Center for Education Statistics [NCES], 2011a)[2] for eighth graders in reading reveal that although 78 percent of non-ELLs nationwide performed at or above basic levels (with 35 percent of those at or above proficient), only 29 percent of ELLs performed at or above basic levels (with only 3 percent of those at or above proficient). The gaps between non-ELLs and ELLs in mathematics and science are similar, and there are similarly large gaps at the 4th- and 12th-grade levels (NCES, 2010, 2011b). In addition, ELLs are twice as likely to drop out of high school, especially in the last two years of high school, compared with their

[2] Former ELLs are not included in the ELL category, so the gaps are likely to be accentuated because former ELLs are much more likely to score at more advanced levels than current ELLs.

English-proficient peers: 10.2 percent and 5.8 percent, respectively (Rumberger, 2006). As the growth of the ELL population continues to outpace the growth of the PK–12 population and ELLs continue to score poorly across the content areas, it will be important for states to fully consider ELLs when implementing their reform plans.

Principle 1: College- and Career-Ready Expectations for All Students

ESEA Flexibility Guidelines: Principle 1

Under Principle 1, the state education agency (SEA) must show that it has college- and career-ready expectations for all students by doing the following:

- "Adopting college- and career-ready standards in at least reading/language arts and mathematics"
- "Transitioning to and implementing such standards statewide for all students and schools"
- "Developing and administering annual, statewide, aligned, high-quality assessments, and corresponding academic achievement standards, that measure student growth"
- "Committing to adopt English language proficiency (ELP) standards that correspond to its college- and career-ready standards and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards"
- "Committing to develop and administer aligned ELP assessments" (U.S. Department of Education, 2012a, p. 4)

The guidance for reviewers of ESEA flexibility requests specifies that an SEA's transition plan should be "likely to lead to all students, including English Learners, students with disabilities, and low-achieving students, gaining access to and learning content aligned with the college- and career-ready standards" (U.S. Department of Education, 2012b, p. 6). The guidance suggests that a strong transition plan will include the provision of professional development and high-quality instructional materials to support teachers in helping all students, including ELLs, meet the new standards (U.S. Department of Education, 2012b, pp. 6–7).

Findings From the AIR Review of State Waivers: Principle 1

Most states have adopted the Common Core State Standards as their college- and career-ready standards. As of September 2012, 46 states (including the District of Columbia) have adopted the Common Core State Standards for mathematics and English language arts. Of these 46 states, 39 have committed to one of two multistate assessment consortia working to develop assessment systems aligned to the Common Core State Standards. Across the country, 19 governing states and four participating states belong to the Partnership for Assessment of Readiness for College and Careers (PARCC); 21 governing states and four advisory states[3] belong to the Smarter Balanced Assessment Consortium (Smarter Balanced). Both consortia have convened advisory committees with ELL expertise to help ensure that the English language arts and mathematics assessments provide valid, reliable, and fair measures of ELL student achievement and growth toward college and career readiness.[4]

Both Title I and Title III of the ESEA require SEAs and local education agencies (LEAs) to provide for an annual assessment of students' English language proficiency in four domains: reading, writing, speaking, and listening. Title III also requires states to report student progress in comprehension. All states already have developed English language proficiency standards, and many states are in the process of aligning these standards with the Common Core State Standards in English language arts. Currently, 30 states are members of the World-Class Instructional Design and Assessment (WIDA) consortium, a cooperative of states working together to develop standards and assessments that address ESEA requirements and "promote educational equity for [ELLs]" (World-Class Instructional Design and Assessment, 2011). The consortium

[3] In both PARCC and Smarter Balanced, *governing states* are fully committed to the consortium. *Participating states* (in the case of PARCC) or *advisory states* (in the case of Smarter Balanced) have not fully committed to the consortium but support its work.

[4] For additional information about ELL accessibility on assessments, see the Accessibility and Accommodations Factsheet (http://www.smarterbalanced.org/wordpress/wp-content/uploads/2012/07/SmarterBalanced_Accessibility_Factsheet.pdf) and *Support for Under-Represented Students* webpage (http://www.smarterbalanced.org/parents-students/support-for-under-represented-students/).

members have aligned their English language proficiency standards with the Common Core State Standards. An additional two states have adopted the WIDA's English Language Development Standards but not the English language proficiency assessments.

Although all states have English language proficiency assessments and standards in place and states are in the process of modifying their English language proficiency standards so that they correspond with the academic language demands of the college- and career-ready standards, the state waiver plans lack details about how they plan to accomplish this. A few state plans indicate they have performed a "crosswalk" between the two sets of standards to identify what gaps exist in their current standards. For example, Colorado—which does not belong to either consortium—is aligning its English language proficiency assessments with the new college- and career-ready standards. Colorado started its standards reform efforts in 2009 and worked to align its academic content standards and its English language proficiency standards with the Common Core State Standards prior to their implementation. Throughout the 2011–12 school year, Colorado initiated full-scale implementation of its English language proficiency standards through a 10-city tour with trained teams of content and English language acquisition specialists, instructional coaches, and English language arts teachers to support all teachers in effectively teaching ELLs.

State education agencies also are encouraged to provide professional development and other supports to prepare teachers to teach all students, including ELLs, to the new standards.

All states in the 34-state sample address this requirement and indicate that the focus of the professional development will be mainstream teachers as well as ELL specialists. The majority of states indicate they will use in-state personnel to provide professional development and technical assistance. State personnel mentioned in the waiver plans include Title III staff as well as staff from institutions of higher education and educational service agencies. Several states indicate they will receive training through the assessment consortia. States mention

they will use summer leadership academies, implementation summits, data workshops, and professional development campaigns to provide professional development. A few states mention that they will use technology innovations such as online academies to support teachers. Some states plan to provide guidance related to instructional methods and plan to develop materials for teachers to help them help ELLs meet the college- and career-ready standards.

The Council of Chief State School Officers' State Collaborative on Assessment and Student Standards (SCASS) System strives to develop and implement high standards and valid assessment systems that maximize educational achievement for all children. The SCASS ELL work group consists of 16 states with two tasks: (1) to discuss the feasibility of shared English language proficiency expectations, and (2) to systematically examine current state English language proficiency standards to determine commonalities that correspond to the Common Core State Standards. In conjunction with the latter, the Council of Chief State School Officers and English Language Proficiency Development Framework Committee (2012) developed a framework for connecting English language proficiency standards to the Common Core State Standards. This framework was published after the states submitted their waiver plans, so it was not directly addressed in the plans.

Implementation Considerations for Principle 1

The college- and career-ready standards and assessment adopted by states pose new challenges for ELLs related to text complexity and academic language. Following are a set of considerations for states and districts related to implementing Principle 1.

1. **Build capacity to develop ELLs' academic language in content-area classrooms.** The demands of the Common Core State Standards in the content areas will be challenging for many students but particularly for ELLs, who are asked to reach these standards through a second language. Acquiring sufficient English proficiency to master grade-appropriate content takes time.

Empirical research indicates attainment of conversational English proficiency takes about 3–5 years and proficiency in academic English takes 4–7 years (Cook, Boals, & Lundberg, 2011). Across the content areas (including social studies and science), ELLs also will be asked to meet grade-appropriate standards in literacy, such as "cite specific textual evidence to support analysis" (Common Core State Standards Initiative, 2010a, p. 61).

This consideration requires action at all levels of the system. Classroom-level practitioners should clearly align instruction with grade-appropriate standards, use scaffolding techniques to ensure that content delivered in a second language is comprehensible for ELLs at all levels of English proficiency, and develop ELLs' academic language across content areas. States and districts can support teachers by:

- Providing professional development and standards-based curricula and instructional materials.
- Supporting collaboration between language and content teachers.
- Establishing mechanisms for sharing effective practices across classrooms, schools, and districts.

Common Core State Standards

The Common Core State Standards require students to understand and use much more sophisticated language across the content areas. For example, the standards for mathematical practice require students to "understand and use stated assumptions, definitions, and previously stated results in constructing arguments" as well as "justify their conclusions, communicate them to others, and respond to the arguments of others" (Common Core State Standards Initiative, 2010b, pp. 6–7). The standards for language arts and literacy in the technical subjects require students to "analyze the author's purpose in providing an explanation, describing a procedure, or discussing an experiment in a text" and "write arguments focused on discipline-specific context" (Common Core State Standards Initiative, 2010a, pp. 62, 64). These new demands present challenges for all students, especially those who are learning English alongside the new content.

2. **Provide ELLs with multiple pathways for acquiring grade-level content knowledge and skills.** The Common Core State Standards have been designed to prepare students for a range of postsecondary education opportunities after high school, without the need for remediation. However, in most states, graduating from high school entails more than mastering standards because students are typically required to earn a specific number of credits. ELLs may have difficulty completing the required number of credits within the traditional four-year high school time period, in part because they do not receive credit for English as a second language (ESL) coursework and in part because they have not been sufficiently supported in learning academic coursework. As a result, secondary schools may want to consider program models that provide credit for some ESL coursework as well as allow adolescent ELLs more time to reach proficiency and accrue the necessary credits through flexible pathways. States and districts may need to eliminate policy barriers in order for schools to implement these kinds of models. In addition, districts can increase instructional time for ELLs by expanding the school day or the school year to provide ELLs with additional supports to help them master academic language and content concurrently.

3. **Develop valid and reliable content-area assessments for ELLs.** Developing valid and reliable content-area assessments for ELLs will be challenging. Although the research base related to valid and reliable accommodations for ELLs has become more substantial, it is still underdeveloped (Kieffer, Lesaux, Rivera, & Francis, 2009; Pennock-Roman & Rivera, 2011), especially in relation to assessing ELLs with very limited English proficiency and matching accommodation type(s) to ELL background characteristics such as levels of first- and second-language proficiency. PARCC and Smarter Balanced, the two assessment consortia developing mathematics and language arts assessments aligned with the Common Core State Standards, should use the best available research to inform assessment accommodations and match those accommodations to student background characteristics. The assessment consortia also might use the rollout of the new content-area assessments as an opportunity to further the research base.

For example, they might study how well the Universal Design for Learning methods that make assessments more valid for English-proficient students also make assessments more valid for ELLs; or they might study the types of accommodations that are most effective for ELLs with differing first- and second-language backgrounds.

4. **Ensure that content-area teachers are well prepared and collaborate to support the success of ELLs.** A critical component shared by high-quality programs for ELLs is the effectiveness of the teachers who serve ELLs and the degree to which there is a districtwide focus on collaboration and shared accountability for the success of ELLs. As the Common Core State Standards are implemented and the number of ELLs continues to grow across the country, more and more content-area teachers will be serving students from diverse linguistic and cultural backgrounds. Teachers and principals would benefit from preservice and inservice training related to ELLs. To help ELLs meet the new standards, content-area teachers and ELL specialists will need to work together. Policies and practices need to be put in place at the state and district levels to encourage and support this collaboration.

Waiver Implementation Innovation: New York

New York is developing assessments, curriculum modules, and other instructional supports to support practitioners in helping ELLs master the Common Core State Standards. For example, the state is developing English language arts and mathematics curriculum modules for the Common Core. These modules will include scaffolding to help teachers provide instruction and supports to ELLs. The state has developed a review process to ensure that the modules are vetted by different experts within the field of ELL instruction. In addition, the state will develop performance indicators and benchmarks for ESL and native language arts that are aligned to the Common Core State Standards. To guide the development of these indicators and benchmarks, the state has formed a steering committee of stakeholders and experts from within the state as well as a national advisory group of ELL experts from around the country. The state will next develop curriculum modules aligned with the standards for ESL and native language arts for the top five languages spoken in the state.

Principle 2: Differentiated Recognition, Accountability, and Support Systems

This provision applies to flexibility from Title I accountability requirements. Title III accountability provisions are still in place; these provisions require states to hold Title III subgrantees (which are districts or qualified consortia) accountable for meeting three annual measurable achievement objectives (AMAOs) for ELLs. The first AMAO relates to making annual measurable progress on the state English language proficiency assessment, the second AMAO relates to attaining English proficiency on the state English language proficiency assessment, and the third AMAO relates to the ELL subgroup making annual measurable progress at the district level on state content-area assessments in English language arts and mathematics (ESEA, 2002).

ESEA Flexibility Guidelines: Principle 2

Under Principle 2, SEAs must put into place a differentiated recognition, accountability, and support system for all districts and for all Title I schools. The system must consider the following:

- "Student achievement in at least reading/language arts and mathematics for all students and all subgroups of students"
- "Graduation rates for all students and all subgroups"
- "School performance and progress over time, including the performance and progress of all subgroups" (U.S. Department of Education, 2012a, p. 5)

After the SEA adopts high-quality assessments, the state accountability system must consider student growth. In addition, the system must include incentives, interventions, and supports "to improve student achievement and graduation rates and to close achievement gaps for all subgroups, including interventions specifically focused on improving the performance of English Learners and students with disabilities." (U.S. Department of Education, 2012a, p. 5)

Findings From the AIR Review of Approved State Waivers: Principle 2

Under ESEA, states are required to report data on traditionally underserved populations. To protect students' privacy and reduce statistical errors due to small sample sizes, states have established minimum *n*-size requirements dictating the minimum number of students that a given subgroup must have in order to be included in school and district accountability determinations. States' minimum *n* thresholds have ranged from as low as 5 students to as high as 100, but most states have adopted minimum *n* sizes between 30 and 40 students. Schools and districts with ELL populations smaller than their state's minimum *n* standard are thus not held separately accountable for improving outcomes for the ELL subgroup (Taylor, Stecher, O'Day, Naftel, & Le Floch, 2010).

Of the 34 states with approved waiver requests, 21 are changing how student subgroups are treated. Eight states plan to reduce the minimum *n* size used to determine whether student subgroups are of sufficient size to factor into their schools' or districts' accountability determinations.

However, nearly half of the states that were granted waivers are establishing a "super subgroup" that will combine ELLs with other types of students who traditionally have been underserved or improperly served (e.g., racial minorities, students with disabilities, economically disadvantaged students) for Title I accountability purposes. Because combining subgroups might obscure performance needs that are specific to each subgroup, some states have built in safeguards intended to address this issue. In Nevada, for example, the "supergroup" approach will be used only for schools with subgroup populations that fall below the minimum *n* size; scores still will be reported for any populations within the supergroup that meet the minimum *n* size on their own.

Waiver Implementation Innovation: Nevada

To ensure accountability for results for all students, Nevada plans to disaggregate scores for the following set of ELL subgroups: current ELLs, former ELLs with exit of less than one year, former ELLs with exit greater than one year and less than two years, and all former ELLs with exit greater than two years. Nevada also may opt to disaggregate scores for current ELLs by student English proficiency level.

To foster improvement in ELL outcomes, several states describe incorporating a focus on ELLs into state-developed diagnostic and improvement planning tools that aim to help districts and schools assess ELL-related needs, develop improvement plans that account for ELL needs, and/or monitor their progress in meeting ELL needs. For example, the Massachusetts plan requires districts and schools with low ELL performance to implement interventions and supports intended to address ELL needs. It also outlines sample approaches that districts might take to improve ELL achievement—for example, by instituting new instructional models and working with instructional coaches who possess ELL expertise. Massachusetts plans to include indicators related to ELLs in its District Analysis and Review Tools (DARTs), a set of quantitative indicators designed to help districts assess needs and examine progress over time.

Implementation Considerations for Principle 2

ESEA requirements to disaggregate and report student outcome data by subgroup and hold jurisdictions accountable for improving subgroup performance helped draw attention to the academic and linguistic needs of this historically underserved population of students; these requirements also surfaced important issues regarding ELLs' inclusion in performance-based accountability systems. As states design new, differentiated systems for recognition, accountability, and support, some key considerations for implementation regarding ELLs include the following:

1. **Incorporate English language proficiency outcomes into the accountability systems of districts that are not required to do so through Title III.** ELLs' level of English language proficiency influences their ability to engage with academic content instruction delivered in English as well as their ability to demonstrate what they know on English-based assessments of academic knowledge (Abedi & Linquanti, 2012; Taylor et al., in press). This situation is particularly true for English language arts, where many accommodations used in science or mathematics cannot be used because using them changes the construct of interest. Incorporating ELLs' English language proficiency outcomes into district accountability systems is important because it enables educators to track progress on a measure that validly and reliably indexes ELLs' progress in English. Because the new language arts assessments aligned with the Common Core State Standards will be measuring students' ability to comprehend and write grade-level text, ELLs may be unable to show their English knowledge and skills on these assessments or their growth in English language arts until they have reached requisite levels of English language proficiency.

2. **Establish empirically informed expectations for ELLs' academic progress that account for ELLs' expected or current levels of English proficiency.** Empirical analyses have shown that ELLs' performance on content assessments varies according to their English language proficiency level, with students at lower English language proficiency levels less likely to meet grade-level proficiency standards than those at higher English language proficiency levels (Cook, Linquanti, Chinen, & Jung, 2012; Working Group on ELL Policy, 2010). To create ELL content-area performance goals that are both meaningful and challenging, expectations for ELL content-area progress should reflect the developmental nature of ELLs' English language acquisition and its role in their acquisition of grade-level content knowledge in English. States can accomplish this goal by establishing appropriate, empirically based timelines for ELLs' development of English language proficiency and

then conditioning expectations for ELLs' academic progress on their position within that developmental timeline. Such expectations should be grade-level and content-area specific because the relationship between students' English language proficiency level and student academic performance varies by subject matter and grade. Differentiating progress standards for different types of students should be handled with caution, however, to avoid unintended consequences such as lower classroom expectations for students or diminished attention to ELL needs (Cook et al., 2012; Working Group on ELL Policy, 2010). (See Cook et al., 2012, for sample approaches to establishing differentiated expectations for ELLs using progressive benchmarking, indexed progress, and status and growth accountability matrix methodologies.)

3. **Stabilize the membership of the ELL subgroup to provide a more accurate representation of ELLs' long-term progress.** Progress for the ELL subgroup is systematically underestimated because the subgroup's membership is inherently dynamic: higher performing students who attain English proficiency exit the ELL subgroup and are replaced by students with lower levels of English proficiency. Unlike other subgroups whose membership tends to remain fairly stable over time, the ELL subgroup's members are defined by their level of English proficiency—a developmental outcome that is intended to improve over time as students receive specialized English language instruction. As ELLs become proficient in English, they exit ELL status and their performance outcomes are no longer included in ELL subgroup determinations (Abedi & Linquanti, 2012; Ramsey & O'Day, 2010; Working Group on ELL Policy, 2010). Establishing a cohort that consists of both current and former ELLs can provide a more complete picture of schools' and districts' performance in supporting ELLs for accountability purposes. Such a group can then be disaggregated according to students' English language proficiency level and years in specialized ELL programming to better inform school and district improvement efforts, safeguard against students'

premature exit from ELL status, and monitor students' long-term academic progress as they face increasing language and content demands in higher grade levels. To ensure comparability across districts within a state, the SEA also should set uniform, valid, and reliable criteria for ELL identification and exit from ELL status—an important condition for accountability and program evaluation analyses (Working Group on ELL Policy, 2010).

4. **Maximize inclusion of ELLs in school and district accountability systems while retaining a focus on unique needs within the subgroup.** Although increasing the *n*-size requirements may increase accountability for these groups of students in cases where schools or districts had too few ELLs (or students in other underserved subgroups) to meet the state's minimum *n* size (and reduce duplicate counting of individual student scores for ELLs who fit into multiple subgroup categories), grouping together different student subgroups may obscure performance needs that are specific to each subgroup and potentially may diminish attention to the unique needs of the ELL subgroup. As of 2009–10, only 27 states could disaggregate ELL achievement data by students' English language proficiency level, only 16 states could track the achievement of former ELLs for more than two years after they exited ELL status, and few state data systems could identify special populations of ELLs such as students with interrupted formal education (Tanenbaum et al., 2012).

   Disaggregating data by these indicators can facilitate analyses that provide important information about this subpopulation of students (Tanenbaum et al., 2012). Even in cases where subgroups are combined, it would still be important to examine subgroup performance at the district and school levels in order to better understand the strengths and needs of this subpopulation. Other useful indicators might include the type of instructional programming provided to ELLs, home language use, years in U.S. schools, years in specialized programming for ELLs, and native language proficiency and content knowledge.

5. **Enhance systemic supports to help districts and schools address ELLs' English language development and academic achievement needs.** Building SEA, LEA, and school capacity to improve student learning is another requirement under Principle 2, but state and local capacity to improve ELL outcomes remains uneven. Although some low-performing schools serve sizeable ELL populations, reforms to spur improvement in such schools may not necessarily be designed or customized specifically to address the needs of ELLs (Hamann, Zuliani, & Hudak, 2001). In addition, access to ELL-related school improvement support may be limited: In 2006–07, one third of all schools—and two-thirds of schools identified for improvement, corrective action, or restructuring—reported needing technical assistance in identifying and implementing strategies to address ELLs' instructional needs, and half of those schools indicated that their assistance needs were insufficiently met (Taylor et al., 2010).

   States should establish and regularly assess policies and procedures to help districts and schools improve how they serve ELLs (Hanes, Kerins, Perlman, Redding, & Ross, 2012). For example, school and district stakeholders who possess ELL expertise are better positioned to make informed decisions about policies and strategies to improve ELL outcomes (Goldenberg & Coleman, 2010).

   Policies and procedures to help districts and schools improve how they serve ELLs could include the following (National High School Center, 2009):

   - Providing supports that develop ELL expertise internally or heighten access to external ELL experts may enhance schools' ability to identify and implement practices likely to yield improvements.
   - Integrating an explicit focus on ELL issues into school improvement needs assessment, planning, and evaluation tools may help guide and scaffold stakeholders' reflections on ELL needs in the school and district improvement process.

- Recognizing schools and districts with high rates of ELL growth and achievement and then creating opportunities for others to learn from their success can facilitate knowledge sharing.

6. **States with an interest in bilingual language and literacy development might consider making appropriate modifications or adaptations to their accountability systems to include progress in two or more languages rather than one (Working Group on ELL Policy, 2010).** Fostering students' proficiency in multiple languages offers numerous social, cognitive, and economic benefits—particularly as students prepare to compete in an increasingly global marketplace (Goldenberg & Coleman, 2010). However, helping students acquire linguistic and academic proficiency in multiple languages may take longer than in English alone; timelines for student progress in bilingual programs may be out of sync with expectations required under states' current accountability systems. Given the high stakes associated with meeting these expectations, schools and districts may be reluctant to pursue programs designed to support multilingualism (Working Group on ELL Policy, 2010).

   Ensuring that accountability systems support the goals of developing language and academic proficiency in multiple languages may involve incorporating flexibility in timelines for student progress and proficiency as well as indicators that reflect the intended performance outcomes of multilingual education programs (Working Group on ELL Policy, 2010).

Measuring the Progress of English Language Learners

The U.S. Department of Education recently released a report examining approaches to setting criteria for measuring the progress of ELLs in classrooms as part of the four-year national evaluation of Title III. The report, *National Evaluation of Title III Implementation Supplemental Report: Exploring Approaches to Setting English Language Proficiency Performance Criteria and Monitoring English Learner Progress* (Cook, Linquanti, Chinen, & Jung, 2012), provides examples of various ways that states can use enhanced data systems to address key questions such as these:

- What does English language proficiency mean?
- How long does it take to become English proficient?
- How do states take into account English language proficiency levels in setting academic progress and proficiency expectations?

The report describes several empirical methods and conceptual/theoretical rationales to help state policymakers, standard-setting panels, and the technical advisory panels and assistance providers supporting them. This report was a collaborative effort of the Wisconsin Center for Education Research, WestEd, and AIR. It is available online (http://www2.ed.gov/rschstat/eval/title-iii/implementation-supplemental-report.pdf)

Principle 3: Effective Instruction and Leadership

ESEA Flexibility Guidelines: Principle 3

Under Principle 3, SEAs must ensure that districts implement teacher and principal evaluation systems that:

- "Will be used for continual improvement of instruction."
- "Meaningfully differentiate performance using at least three performance levels."
- "Use multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students (including English Learners and students with disabilities), and other measures of professional practice."
- "Evaluate teachers and principals on a regular basis."
- "Provide clear, timely, and useful feedback, including feedback that identifies needs and guides professional development."
- "Will be used to inform personnel decisions." (U.S. Department of Education, 2012a, p. 6)

Findings From the AIR Review of Approved State Waivers: Principle 3

The ESEA flexibility requirements create a new demand for states and school districts to design effective evaluation systems that adequately support effective instruction and leadership for all students, including ELLs. In the 10-year period between 1991 and 2001, the proportion of teachers who taught at least one ELL in their classroom more than doubled—from 15 percent to 43 percent of all teachers (Zehler et al., 2003). Mainstream teachers, as well as ESL specialists, have an obligation to help ELLs learn academic content. By providing meaningful and accessible instruction, they also make a key contribution to ELLs' English language development. Few states require that all teachers have preservice training in working with ELLs (National Clearinghouse for English Language

Acquisition, 2008). As such, it is especially important that teacher evaluation systems are put in place that provide guidance related to the inservice needs of teachers educating ELLs.

As of September 2012, research indicates that most teacher evaluation systems do not address the specialized roles and challenges of working with traditionally underserved subgroups (Chait, 2009; Toch & Rothman, 2008). Our review of the waiver plans bears out these research findings. Overall, the state plans did not include information about how they would address the teaching and leadership strategies particular to helping ELLs meet the demands of the Common Core State Standards. Of the 34 flexibility plans reviewed, four include no mention of ELLs. Six plans specify that they evaluate all teachers, including teachers of ELLs, but provide no further detail on evaluating teachers of ELLs.

While all but four of the plans indicate that the states will develop components of their teacher evaluation systems that focus on the effective teaching of ESL, 20 states report they will develop these components in the future (e.g., through convening workgroups of policymakers and practitioners to develop adjustments for teachers of ELLs). Very few of the states provide any detail about how their evaluation systems will support the specific instructional needs of ELLs.

Principle 3 also requires the use of multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students (including ELL and students with disabilities. (A description of current efforts to create valid and reliable content-area assessments for ELLs, aligned English proficiency assessments, and accountability systems that incorporate ELL outcome data are described under Principle 2.) A subset of states—Arizona, Louisiana, Michigan, New York, Oregon, and Indiana—indicate that they plan to use their state English language proficiency assessments, which are aligned with state English language proficiency standards, as one measure of student growth for teachers who have ELLs in their classrooms.

Implementation Considerations for Principle 3

The required reforms in teacher evaluation systems provide an opportunity to ensure that districts are measuring those aspects of educator practice that have the greatest potential to positively impact the learning of all students. In addition, such systems must factor in measures of student growth for all students, including ELLs. Following are some key considerations that are specific to ELLs as states and districts design and implement evaluation systems:

1. **Develop evaluation systems reflecting the special knowledge and skills that teachers require to effectively educate ELLs.** In developing teacher evaluation systems, states need to identify the components of effective teaching, outline how each of those constructs will be measured, and describe how each component aligns with opportunities for professional learning (Gitomer & Bell, in press; Goe, Holdheide, & Miller, 2011). Teaching standards for teachers of ELLs should begin with standards for high-quality instruction that apply to all teachers but then should be differentiated to include the special knowledge or skills that these teachers should exhibit in their practice to support the success of their ELL students (August, Spencer, Fenner, & Kozik, 2012).

   When designing their standards, states and districts might refer to a number of exemplary models: the Interstate Teacher Assessment and Support Consortium (InTASC) Model Core Teaching Standards designed by the Council of Chief State School Officers (2011), which intentionally include ELLs and other linguistically and culturally diverse learners; the English as a New Language Standards developed by the National Board for Professional Teaching Standards (2010); and the *Framework for Effective Teaching,* developed by Denver Public Schools (2012) and described in more detail on pages 24–25 of this Pocket Guide. For example, the National Board standards, which are for teachers who serve ELLs ages 3–18, include two

distinct pathways: content and language. The content pathway is for teachers who teach core subjects to ELLs. The language pathway is for teachers who focus on language development of ELLs.

Direction From Research

The research base on effective instruction for ELLs is limited (August & Shanahan, 2006; Gersten et al., 2007), but there is consensus that additional skills and knowledge required of teachers who teach ELLs might include the following: an understanding of second-language acquisition and the role that students' first language plays in learning a second language; familiarity with the cultural backgrounds of their students and how to identify instances where it would be helpful to provide background information about American culture; use of a repertoire of strategies to help ELLs access the content delivered in English; ability to differentiate instruction for ELLs based on first- and second-language proficiency and content knowledge; ability to create environments that foster second-language acquisition; and ability to communicate with parents, who may not be literate or proficient in English (August, Spencer, Fenner, & Kozik, 2012).

2. **Develop exemplars of teaching practice at different levels of teaching proficiency to guide evaluators in evaluating effective teaching practices for ELLs.** Most current teacher-evaluation systems do not provide rubrics with examples to distinguish levels of teaching skill or performance. This lack of exemplars makes it particularly difficult for evaluators to validly and reliably rate teachers of ELLs, because they are generally less familiar with effective methods for serving this population of students. In creating these exemplars, it will be important to consider different teaching contexts. For example, effective lesson plans will differ depending on the student composition of a classroom. Classrooms with many different levels of ELLs would require more differentiation than classrooms in which all ELLs have more or less the same level of proficiency. Classrooms with many ELLs with the same first-language background create opportunities for using bilingual teaching methods.

3. **Build the capacity of schools and districts to implement teacher evaluation systems that drive improved instruction for ELLs.** Successful implementation of a teacher evaluation system involves communicating the goals of the system to all stakeholders and preparing all teachers to meet the new teaching standards. In addition, providing training for coaches, school administrators, and evaluators on quality instructional practices for ELLs is critically important to ensure that they know what to look for when observing, evaluating, and supporting teachers of ELLs; aligning professional development opportunities with teachers' needs will help them improve the quality of their instruction. The teacher evaluation system developed by Denver Public Schools (see pages 24–25) involved ELL stakeholders from the beginning of the process and has been used to help teachers continually improve their practice.

4. **Connect evaluation standards and teacher preparation programs.** As the number of ELLs grows, mainstream teachers will be more likely to have ELLs in their classrooms. However, most mainstream teachers do not have the training necessary to serve ELLs. In fact, in the 2012 national evaluation of the Title III program (Tanenbaum et al., 2012), 73 percent of respondents reported that mainstream teachers' lack of expertise in this area was a moderate or major challenge. Despite this gap, only five states currently require all teachers to receive ELL-specific training as part of the certification process (Tanenbaum et al., 2012). To address this need, states should demonstrate that their routes to teaching certification prepare all teachers to address both the content and academic language needs of ELLs. High-quality teaching standards that are linked to evaluation systems also should be used to guide knowledge and skills developed in teacher preparation programs.

   States might refer to the TESOL/NCATE P–12 Standards for the Recognition of Initial TESOL Programs in P–12 ESL Teacher Education (see page 27 in the Additional Resources section) as they work with teacher preparation programs to ensure that all teachers are prepared to serve ELLs. During the past

decade, Teachers of English to Speakers of Other Languages (TESOL) has worked collaboratively with the National Council for the Accreditation of Teacher Education (NCATE) to develop these performance-based standards for programs that prepare teachers of ELLs. Evaluators use these standards to evaluate ESL teacher preparation programs to determine if they meet NCATE's standards for national recognition. Institutions of higher education voluntarily request the evaluations to gain the recognition afforded by the evaluation. TESOL has reviewed approximately 250 programs to date (National Comprehensive Center for Teacher Quality, 2012). States are beginning to use these standards. Florida, for example, requires elementary education preparation programs to infuse the TESOL standards throughout their programs.

Waiver Implementation Innovation: Denver, Colorado

The Denver Public Schools *Framework for Effective Teaching* is one example of a system that is designed to help teachers continually improve their instruction; in terms of ELL instruction, this framework helps to ensure that ELLs across the district have access to grade-level content and develop academic language.

Denver's efforts to reduce achievement gaps center on the importance of teacher effectiveness. In 2010 and 2011, collaborative teams of teachers, principals, and leaders from both the district and the Denver Classroom Teachers Association worked together to develop this detailed framework, which defines teacher effectiveness. After reviewing existing tools and frameworks that measure teacher effectiveness, the design teams decided to create their own comprehensive *Framework for Effective Teaching*, which includes a focus on ELLs, views teacher effectiveness through an urban lens, and includes both teacher and student behaviors.

A key element of this system is holding all teachers accountable for effective instructional strategies for ELLs in all classrooms by making this accountability a requirement for receiving the Effective or Distinguished status in the evaluation tool. During the 2011–12 school year, the framework and an observation tool were piloted in 94 percent of the schools in the district to allow educators to

become familiar with the system. The framework was revised in spring 2012 based on feedback received from educators. The pilot is continuing during the 2012–13 school year but will expand for some teachers to include multiple measures of effectiveness, including student performance data, principal and peer observations, a teacher's schoolwide contribution, and student perception data. The comprehensive teacher evaluation system will be implemented districtwide during the 2013–14 school year. There are no consequences for teachers during the pilot years, and district leaders will continue to engage with all stakeholders on a regular basis to gather feedback that can be used to improve the teacher evaluation system.

The *Framework for Effective Teaching* now serves as the foundation for the district's new comprehensive performance assessment system. The framework is particularly noteworthy because each of its 12 indicators includes components that are effective strategies for all students but particularly important for ELLs. For example, the framework encourages all teachers to develop both content and language objectives for each lesson, to differentiate instruction according to students' needs, to develop all students' active and appropriate use of academic language, and to promote student communication and collaboration—which will allow ELLs to build their oral language proficiency. Across the district, all teachers who serve ELLs, either as content teachers or as language specialists, will be evaluated on improving ELLs' skills with academic language and providing ELLs with access to grade-level content.

At the same time that Denver is rolling out its framework, the Common Core State Standards and new English language proficiency standards also will be implemented in Colorado. To help educators understand how all three systems work together, the district will provide a range of professional development opportunities focused particularly on the importance of using both language and content standards to guide instruction.

At its September 2012 conference, the National Comprehensive Center for Teacher Quality featured Denver Public Schools in a panel presentation titled "Evaluating Teachers of English Language Learners." Event archives are available online (http://www.tqsource.org/whatworks/wwc12systemsthatlast/resourcesConcurrent2.php).

Additional Resources

Principle 1: College- and Career-Ready Expectations for All Students

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Principle 2: Differentiated Accountability, Recognition, and Support System

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Principle 3: Effective Instruction and Leadership

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