



No Child Left Behind Fact Sheet on Assessment of English Language Learners

What is the No Child Left Behind Act of 2001?

The *No Child Left Behind (NCLB) Act of 2001* is a major legislative reform of the *Elementary and Secondary Education Act (ESEA* – the principal federal law affecting education from kindergarten through high school) that is designed to improve student achievement and change the culture of America's schools. Enacted on January 8, 2002, the 2003-2004 school year is the second year of implementation of NCLB. Title 1 of the Act focuses on improving the academic achievement for the disadvantaged.

What are the principal components of NCLB?

The objectives of NCLB are built on four themes: (1) accountability for results; (2) an emphasis on doing what works based on scientific research; (3) expanded parental options; and (4) expanded local control and flexibility. Issues that significantly impact speech-language pathologists and audiologists in school settings include:

- € “highly qualified” teachers and paraprofessionals;
- € use of accommodations, modifications, and alternate assessments for students with disabilities;
- € assessment of English language learners;
- € sanctions for schools identified as in need of improvement, including the provision of supplemental services; and
- € accountability and adequate yearly progress.

How does NCLB address accountability for all?

The Act requires states to implement statewide accountability systems covering all public schools and students. It requires a single statewide accountability system that will be effective in ensuring that all districts and schools make adequate yearly progress (AYP). Each state establishes a definition of AYP to use each year to determine the achievement of each school district and school. Assessment results and state progress objectives must be broken out by poverty, race, ethnicity, disability, and limited English proficiency to ensure that no group is left behind. The new definition of AYP is diagnostic in nature and intended to highlight where schools need improvement and where they should focus their resources.

How does NCLB define the LEP/ELL subgroup?

The NCLB definition of a limited English proficient (LEP) student, also known as an English Language Learner (ELL) gives states flexibility in defining the students who constitute the LEP subgroup. For example, a state has the flexibility to define narrowly the LEP subgroup as only those students receiving direct, daily LEP services. A state may also define the group more broadly to include both students receiving direct services and students being monitored based on their achievement on academic assessments.

What are the U.S. Department of Education’s (ED’s) new ELL policies?

Under NCLB schools must show AYP in making sure that all students achieve academic proficiency in order to close the achievement gap. So that every child counts, NCLB requires states to include the academic achievement results of all students, including LEP students, in AYP calculations. ED recently issued two new policies designed to help students who are new to the U.S. and the English language and give states and local school districts greater flexibility to

help these students and still meet the requirements of NCLB. It is important to note that all of the flexibility options offered by ED are optional and voluntary.

New ELL policies:

- 1) Allow LEP students, during their first year of enrollment in U.S. schools, to have the option of taking the reading/language arts content assessment in addition to taking the English language proficiency assessment. They would take the mathematics assessment, with accommodations as appropriate. States may, but would not be required to, include results from the mathematics and, if given, the reading/language arts content assessments in AYP calculations, which are part of the accountability requirements under NCLB. States must annually assess LEP students for English language proficiency K-12. The language assessments scores are not included in the state accountability system for AYP purposes. The English language proficiency assessment must be aligned to the newly developed state English language proficiency standards that are linked to the approved state academic content standards.
- 2) For AYP calculations, states are allowed up to two years to include in the LEP subgroup former LEP students who have attained English proficiency. Since LEP students exit the LEP subgroup once they attain English language proficiency, states may have difficulty demonstrating improvements on state assessments for these students. This is an option for states and would give states the flexibility to allow schools and local education agencies (LEAs) to get credit for improving English language proficiency from year to year.

Do English Language Learners need to take the assessments?

Yes, states must include all ELL students in their state assessment system. No exemptions will be allowed based on level of English proficiency. ELL students are assessed annually for progress in language acquisition K-12 and assessed for content knowledge reading/language arts and math in grades 3-8 and one time in high school.

How can you assess English Language Learners?

- ∄ If it is determined that the most reliable and accurate information can be obtained from the administration of a native language assessment, states should make every effort to develop and administer these assessments, to the extent practical. If a state decides not to assess for content knowledge with a native language assessment, the state must offer the student the content test in English using appropriate accommodations.
- ∄ Regardless of the method of content assessment for the first three years, an ELL student must be assessed in English in reading/language arts and math, after three consecutive years of attending a school in the United States.
- ∄ If an LEA determines, on a case-by-case basis, that native language versions of academic assessments will yield more accurate information, then the student may be assessed in reading/language arts and math in the appropriate language for a period that does not exceed two additional years.

What additional accommodations can we provide to English Language Learners?

Each state may determine the accommodations appropriate for the ELL student in their state. ED encourages states to consider accommodations that have been scientifically researched and do not change the validity of the assessment. Some suggested accommodations may include the following, however, the list is not complete or all inclusive and some states may choose or not choose to utilize the items mentioned on this list:

- ⊘ Use an assessment in the student’s native language which is aligned with the state content and achievement standards.
- ⊘ Provide audio-taped instructions in the native language.
- ⊘ Allow students to respond in either their native language or English using audiotape.
- ⊘ Provide additional clarifying information at the end of the test booklet or throughout the test.
- ⊘ Allow students to use a bilingual dictionary.

General ELL/LEP Facts

- ⊘ Limited English proficient students (LEP) are also known as English Language Learners (ELL).
- ⊘ There are 5.5 million ELL students in U.S. public schools who speak more than 400 different languages. Eighty percent of ELL students speak Spanish as their first language.
- ⊘ Under Title I and Title III, NCLB provides more than \$13 billion (FY 04 funding) for ELL students for English language acquisition and academic achievement.

Resources:

U.S. Department of Education Website on NCLB

(<http://www.nclb.gov>)

U.S. Department of Education, Office of English Language Acquisition,

(<http://www.ed.gov/about/offices/list/oela/index.html>)

National Association of Bilingual Education

(www.nabe.org)

Teachers of English to Speakers of Other Languages

(www.tesol.org)

National Clearinghouse for English Language Acquisition & Language Instruction Educational Programs

(www.ncela.gwu.edu)

Declaration of Rights for Parents of English Language Learners Under NCLB

(<http://www.ed.gov/about/offices/list/oela/decoparentrights.doc>)