Civil Rights and English Learners

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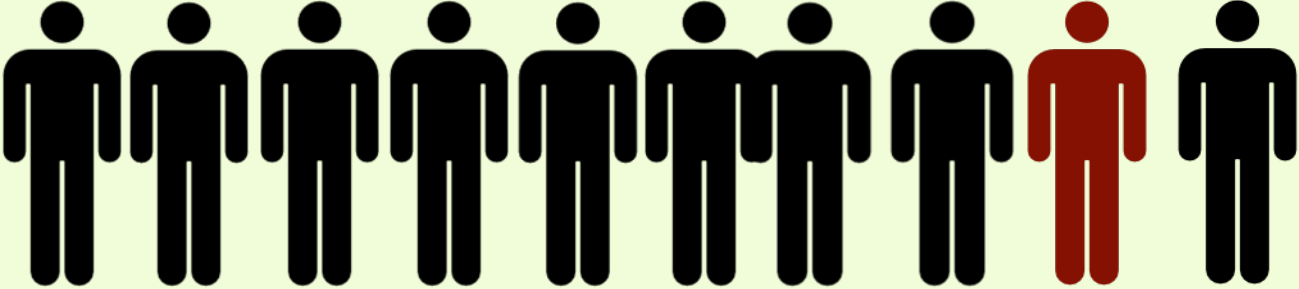
National Council of La Raza

National Snapshots

English Learners in U.S. Schools
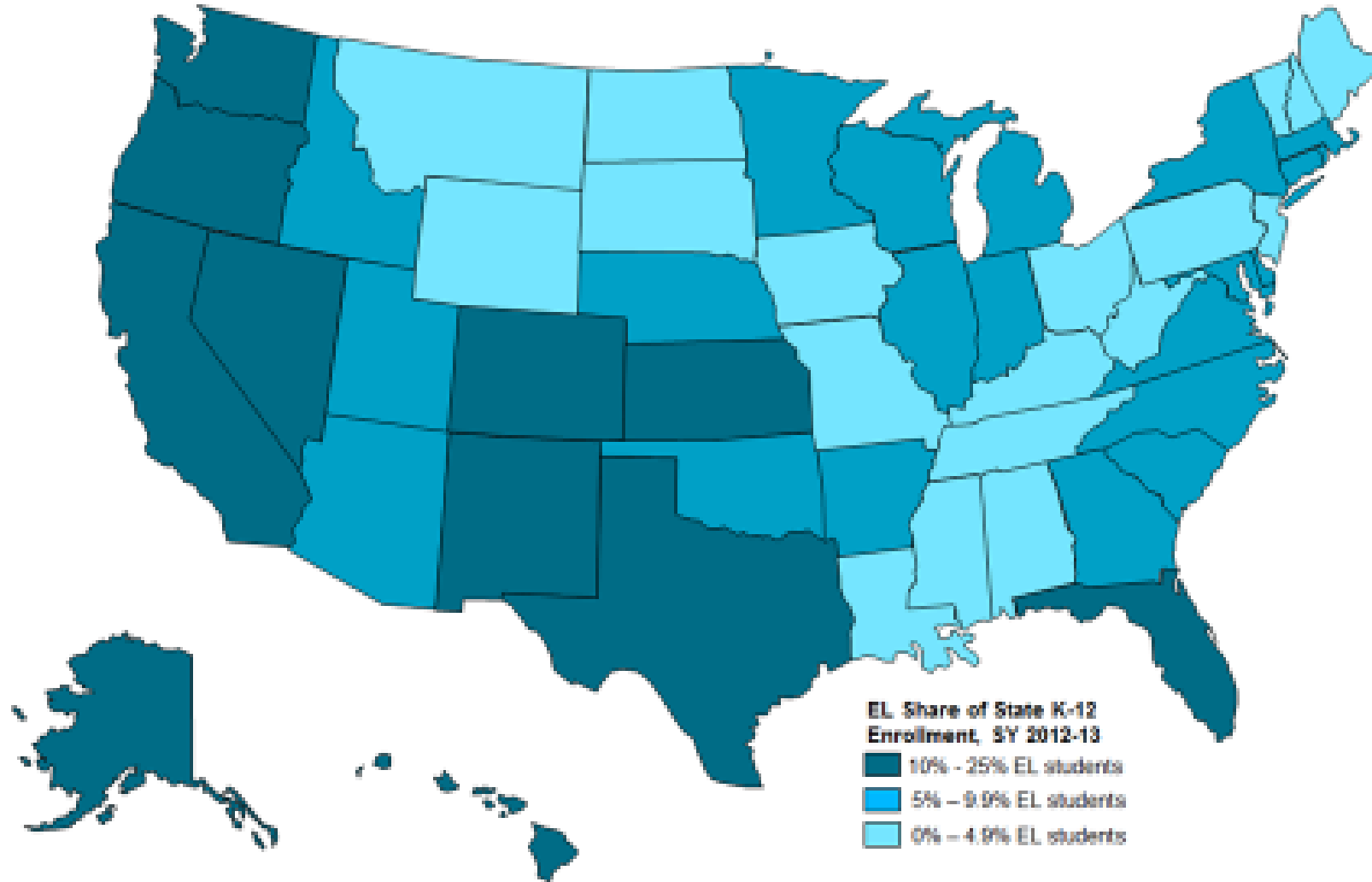
Nearly 5 million ELs in Public Schools

- 80% Spanish Speakers,
- 42 states listed Spanish as most spoken language by ELs

English Learners (ELs)

Where are English Learners?

EL Share of State K-12 Enrollment, SY 2012-13
- 10% - 25% EL students
- 5% – 9.9% EL students
- 0% – 4.9% EL students

Top 15 States with Highest EL Student Enrollment in Public Schools, SY 2012-13

State	EL Enrollment	Total K-12 Enrollment	Share of ELs among K-12 Students (%)
United States	4,851,527	49,474,030	9.8
California	1,521,772	6,213,194	24.5
Texas	773,732	5,077,507	15.2
Florida	277,802	2,692,143	10.3
New York	237,499	2,708,851	8.8
Illinois	190,172	2,055,502	9.3
Colorado	114,415	863,121	13.3
Washington	107,307	1,051,694	10.2
North Carolina	102,311	1,506,080	6.8
Virginia	99,897	1,263,660	7.9
Georgia	94,034	1,703,332	5.5
Arizona	91,382	1,087,697	8.4
Michigan	80,958	1,513,153	5.4
Nevada	77,559	445,017	17.4
Massachusetts	71,066	954,507	7.4
Minnesota	70,436	845,291	8.3

Notes: National EL enrollment totals do not include outlying territories such as Guam, American Samoa, the Marshall Islands, or Puerto Rico. The share of ELs among K-12 students was calculated by dividing EL enrollment by total K-12 enrollment for all state and nation.
Source: MPI calculations are based on data obtained through the U.S. Department of Education, "ED Data Express Tool," http://eddataexpress.ed.gov/index.cfm. Data on total student enrollment derive from the Common Core of Data (CCD). Data on enrollment of EL students by state derive from the Consolidated State Performance Reports (CSPR).

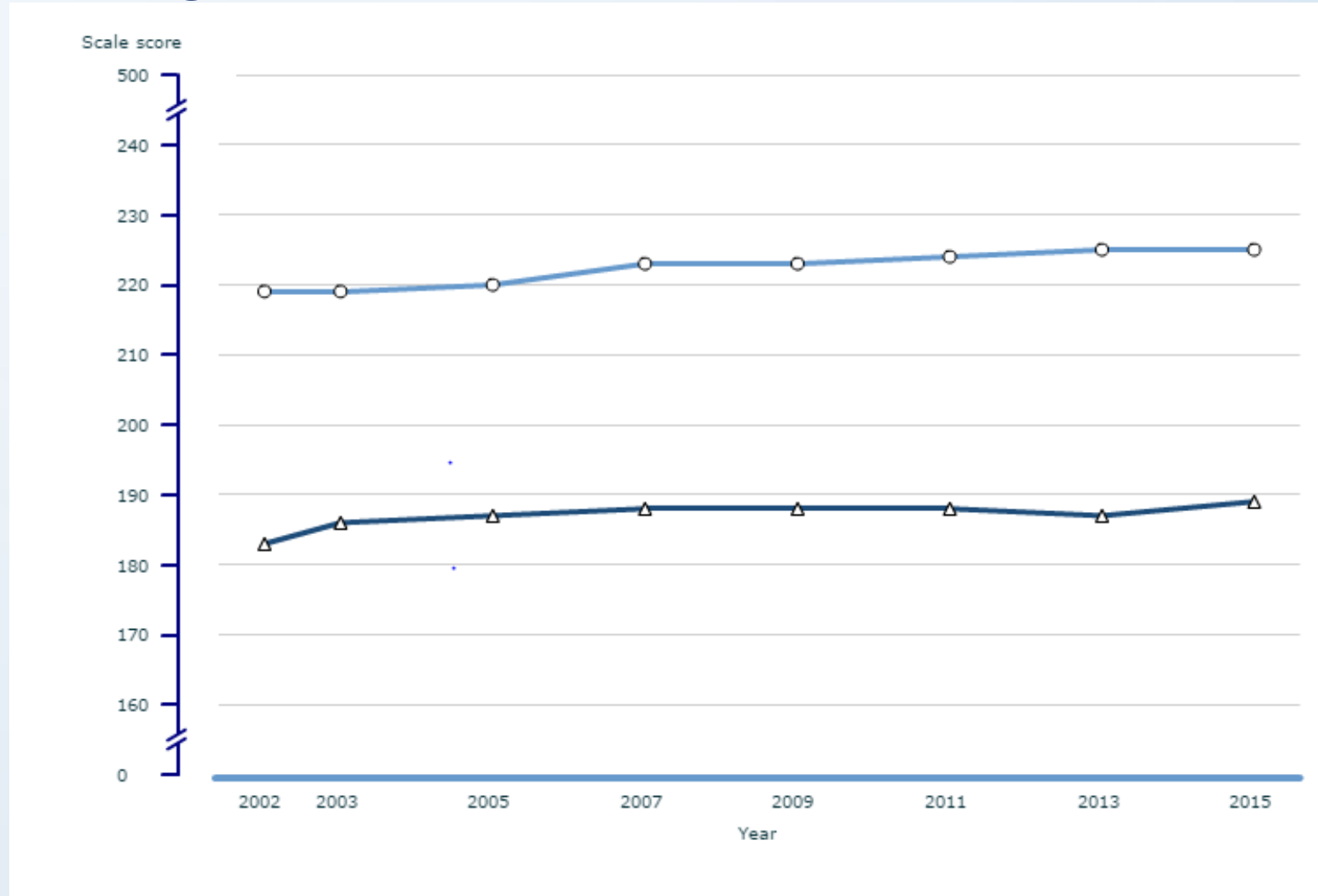# Top 15 School Districts by EL Enrollment SY 2011-12

District/Agency Name	State	EL Enrollment	Total K-12 Enrollment	Share of ELs among K-12 Students (%)
Los Angeles Unified	CA	152,592	659,639	23.1
New York City*	NY	142,572	968,143	14.7
Clark County	NV	68,577	313,398	21.9
Dade County	FL	66,497	350,239	19.0
Dallas Independent	TX	56,650	157,575	36.0
Houston Independent	TX	54,333	203,066	26.8
City of Chicago	IL	53,786	403,004	13.3
Fairfax County	VA	36,551	177,606	20.6
San Diego Unified	CA	36,453	131,044	27.8
Santa Ana Unified	CA	32,170	57,250	56.2
Orange County	FL	28,311	180,000	15.7
School District 1 County of Denver	CO	25,417	80,890	31.4
Hawaii Department of Education	HI	24,750	182,706	13.5
Broward County	FL	24,143	258,478	9.3
Hillsborough County	FL	22,474	197,041	11.4

2015 DC NAEP 4ᵗʰ Grade Reading Score, by EL status

Civil Rights Data on ELs

- Nationally, population of ELs has grown, however funding is roughly $100 per EL *in federal funds*

- English learners represent 5% of students in schools that offer AP courses, but 2% of the students enrolled in at least one AP course

- English learners, students with disabilities, and students of color are more likely to be retained or held back in high school: English learners are 5% of high school student enrollment , but 11% of high school students held back or retained.

- 20% of all English learner high school students are chronically absent.

New Opportunities in ESSA

EL Accountability Requirements in ESSA

- States must set goals for increases in the percentage of students making progress in achieving EL proficiency defined by the state and measured by the ELP exam, within a state determined timeline

- Former ELs *may* be included in EL subgroup up to four years after they exit

- States have three options for including EL newcomers in accountability system

Reporting Requirements

- The number and percentage of ELs meeting standards including **4** years after no longer receiving Title III services, disaggregated by ELs with a disability

- The number and percentage of ELs that have not reached proficiency within 5 years

ELP Indicator

- (iv) … progress in achieving English Language Proficiency, as defined by the state and measured by the [ELP exam], within a state determined timeline for all English learners.

*Must be in the indicators that "weigh more heavily"

What does "Progress" mean

Lessons from NCLB:

- Moving one level on ELP assessment

- Proficiency in 1 or more domain: reading, writing, listening or speaking

- Differentiated targets: students years in program, grade level or previous proficiency level

- "consecutive cross sections" progress one years class to the next on ELP

- **Below proficient to proficient level**

*Depending on what states use, targets will be easier/ harder to miss

English proficiency inclusion in state accountability systems

- 35 states use WIDA assessment; 10 states use ELPA 21assessment

- Other states, including California, Florida, New York and Texas, use other ELP assessments

- Proportion of ELs in states range from 24.5% in California to .08 in West Virginia

- *Current English proficiency assessments are not aligned to most updated standards (implementation issue)*

States must have standardized EL entry/exit procedures

- How will "procedures" be interpreted? Does standardization apply to cut scores? Selection of assessment instruments?

- Approximately 15 states allow districts to choose which screeners and assessments they will use (including Texas and California)

- Many states allow for parent or teacher input

Other States

- AZ- reclassification rate

- GA - % ELs making progress on ACCESS

- IL- % ELs making progress on ACCESS

*Weighting of indicator varies by state

Former ELs may be included in EL subgroup up to four years after they exit

- Inclusion of former English learners provides a long term picture of how ELs do over time

- This provision has the potential to mask performance of current English learners

- Disaggregating current and former EL student outcomes provides a more accurate picture

- *Address "revolving door" issue– higher performing students are reclassified leaving this a perpetually low performing group*

States have three options for including EL newcomers in accountability systems

- May exclude a student who has been in U.S. schools less than 12 months from one administration of the English language arts test and may exclude from the accountability system any or all of the ELA and Math for one year

- May assess and report on ELA and math for the first year a student is enrolled, but not include in accountability system. Second year compare first and second year scores to establish a measure of growth and include in accountability system. Third year include in accountability system like all EL students.

- Include newcomers in accountability systems in the same manner as all students

General Concerns

- What elements will states consider in setting their long-term goals and determining what is meant by a "measure of progress?
- Does "making progress in achieving English language proficiency" include the number of students reaching proficiency?
- How will SEAs take into account the grade distribution, geographic distribution and the proportion of newcomers and long term ELs in developing their ELP indicator
- Is weighting outcomes a fair way of accounting for ELP? What are other ways to include ELP as an indicator?
- Is timeline a concern given the alignment of standards and the mandatory inclusion of the ELP assessment?
- Are there checks in place for misclassification of students?

Recommendations

- For standardized entrance and exit criteria- focus on reaching proficiency

- Disaggregate current and former ELs in reporting

- Set maximum for "making progress"

- Include time in program in the indicator

Ten Principles for Equity- and Improvement-Focused Accountability Systems

1. Focuses on improvement for all students in all schools.

2. Makes the main thing the main thing.

3. Sets clear improvement expectations both for students overall and for every group of young people.

4. Clearly communicates to families, educators, students and the public whether schools are meeting expectations for all groups of students.

5. Expects immediate action whenever any group of students is struggling.

6. Generates additional data to inform the improvement process.

7. Incentivizes and supports evidence-based solutions.

8. Makes families full partners in the improvement process.

9. Holds districts accountable for doing the parts that only they can do.

10. Keeps close tabs on progress and doesn't keep kicking the can down the road.

Questions?