

COMMENTS ON ELEMENTARY AND SECONDARY EDUCATION ACT FLEXIBILITY, ACCOUNTABILITY AND THE IMPACT ON ENGLISH LEARNERS AND LATINO STUDENTS*

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As an education leader who cares deeply about the success of all children, I strongly believe the Elementary and Secondary Education Act (ESEA) is an important tool to lead State Education Agencies (SEAs), Local Education Agencies (LEAs) and other education leaders to create accountability systems that help all students, specifically English learners (ELs) and Latino students, be ready for a career or college when they graduate from high school. Specifically, I believe the new ESEA legislation should address a few specific issues that have an impact on the academic success of ELs and Latino students. These issues are specified below.

Background

I am an Assistant Principal at Mountain View Elementary School and Administrator of the Glendale – Mountain View Community Learning Center in Salt Lake City, Utah. The Glendale – Mountain View campus serves students and families grades pre-K–8 and provides ESL, basic skills classes as well as technology and enrichment classes to adults. Over 96% of students in our schools receive free or reduced lunch. Many also eat breakfast and dinner at school. Salt Lake City is a refugee resettlement city which is one reason that nearly 70% of students come from homes where a language other than English is spoken. Eighty-nine percent are students of color; 67% are Latino. Salt Lake County’s Latino population increased by 600% between the years 2000 and 2010.



The faculty and staff at Glendale and Mountain View are committed to provide all students access to high-quality instruction, a rigorous core curriculum, and intervention based on need. In 2012–2013 Glendale won the “Top Performing Middle School in the Salt Lake School District” award for making the most growth in English Language Arts, Math, and Science. Mountain View won the “Top Performing Title 1 School in the Salt Lake School District” award the same year.

I am pleased to submit comments on the pending reauthorization of the Elementary and Secondary Education Act (ESEA).

Summary of Proposed Recommendations

ESEA must be improved and recent efforts to reauthorize it are an important step forward. While we want to ensure enough flexibility to make the law work, we can’t give up on core accountability provisions

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that ensure all students are provided the support they need to succeed. Too much flexibility in ESEA may reduce transparency of outcomes and accountability of underserved groups of students like ELs and Latino students. ESEA should:

- Prohibit the use of “super subgroups” in state accountability systems.
- Assess students at every grade level, not by grade span, to measure growth and achievement from year to year. Include annual targets for rigorous college and career ready standards for English learners.
- Establish an SEA accountability system that includes targets to account for time in program and progress toward English language proficiency for ELs.
- Require low-performing schools to show continuous improvement of students in all subgroups especially ELs and Latino students.
- Ensure the use of the common high school graduation rate formula established by the U.S. Department of Education in 2008 for accountability and reporting purposes.

Rationale

Achievement gaps between Latino students and White students have persisted over many years. Recent NAEP (National Assessment of Educational Progress) math achievement data¹ shows that the gap between Hispanic and White students did not change significantly at either grade four or eight from 2003 to 2012 with a gap persisting at 21–26 points. For eighth graders, scores increased for both Hispanic and White students from 2007 to 2009, but the gap remained at 26 points, which was not significantly different from the gap in 1990 or 2007.²

The reauthorization of ESEA is an opportunity to provide states with more flexibility. However, NCLB has some elements that are important to support educators in making good decisions about underserved groups of students like ELs and Latino students.

Since 2010, 45 states have submitted waivers to the U.S. Department of Education; 42 have been approved. In a recent study by the Center on Education Policy (CEP) at George Washington University, nearly all of the waiver states have replaced the NCLB goal of 100% of students reaching the proficient level on state tests by 2014 with other “ambitious but achievable” goals.³

Many waiver states have created complex systems of AMOs (annual measurable objectives) at different levels for different subgroups, setting lower expectations for some students, such as racial/ethnic minorities, ELs, or students with disabilities (SWDs).

In addition, since waiver states do not have to select all schools that fail to make AYP, some schools will not receive the support they need for appropriate interventions for students.⁴

There have been several years of increased flexibility and SEA development of accountability systems. As conversations around the reauthorization of ESEA occur, it is time to find the systems that are working well, find the parts that are reproducible across the nation and require high expectations of SEAs in how they report progress of all students.

Recommendations

SEAs and LEAs should:

Prohibit the use of “super subgroups” in state accountability systems.

Schools and districts have been required to meet every annual measurable objective (AMO) for their overall student population but also for each student subgroup such as Black, Asian American, Latino, Native American, low income, EL, and SWD. While states must still report progress toward AMOs for each student group most waiver states, especially those undergoing interventions, have chosen to make major accountability decisions on broader groups, super subgroups, like the “lowest-performing 25%” or “disadvantaged groups.”

Current practices of creating super subgroups are problematic because it is a way for states to aggregate groups of students not performing well rather than looking at how specific groups of students are progressing.⁵ This can lead to inappropriate or completely overlooked interventions for specific groups of students.

Last Congress, former Congressman Miller and the Tri-Caucus—Congressional Asian Pacific American Caucus (CAPAC) Judy Chu, Congressional Hispanic Caucus (CHC) Rubén Hinojosa and Congressional Black Caucus (CBC) Marcia Fudge—submitted a letter to the administration citing concern about the establishment of super subgroups and their adverse impact on the ability to capture student performance for subgroups. “We are concerned about the use of “super subgroups,” where states combine student subgroups for accountability purposes. Subgroup accountability is essential to ensure we do not mask the performance of students through averages, and to ensure schools report and act on achievement gaps.”

More importantly, a 2012 study conducted by researchers at the University of North Carolina studied the NCLB requirement of subgroup accountability and found that it alone impacted minority student achievement the next year. They report “small accountability-induced increases for Blacks and poor students, larger effects for Hispanics, and effects in reading that are roughly comparable in size to effects in math.”⁶

ESEA legislation should require SEAs to report and be held accountable for student achievement by subgroup so educators can see what is and be able to intervene based on the needs of that specific subgroup. Too much flexibility given to SEAs and LEAs may mask poor performance of ELs and Latino students drawing resources away from addressing achievement gaps.

Assess students at every grade level, not by grade span, to measure growth and/or achievement from year to year. Include annual targets for rigorous college and career ready standards for English learners.

One of the best outcomes of NCLB was the requirement that SEAs and LEAs assess students annually and disaggregate the outcomes of those assessments by race/ethnicity and language proficiency level. For the first time the shroud covering achievement gaps was lifted exposing an ugly truth. Educators could no longer ignore the lack of progress of their ELs and Latino students. Moreover, as assessment outcome data was collected and analyzed year-to-year, it becomes even clearer that the achievement gap for some students was getting wider over time.⁷ A lot of pressure came with this knowledge to work to close those gaps. While there is still a long way to go, the gaps are beginning to close.

Systemic requirements of year-to-year assessments have given educators the tools they need to be able to be more prescriptive and intentional in classroom instruction and also individual and small group interventions. Along with the systematic structures of annual assessments to measure growth and achievement is the skill and will of an educator. An educator’s belief or lack of belief that Latino students are capable of high academic outcomes contributes to whether or not a student reaches high equitable outcomes. Standards that are set at a low bar do not help educators see that students can succeed at high levels. This creates a vicious cycle of low expectations and low achievement. It is imperative that SEAs and LEAs set targets toward rigorous college- and career-ready standards for all students including ELs.

Rigorous standards taught by skilled teachers who believe their students have the capacity to realize high equitable outcomes is a recipe for success. Student growth models must be based on standards and assessments that maintain high expectations and educators, SEAs and LEAs should be held accountable for students reaching and exceeding these standards.

Establish an SEA accountability system that includes targets to account for time in program and progress toward English language proficiency for ELs.

The assessment and evaluation department in the Salt Lake City School District recently analyzed achievement outcomes of ELs (over 30% of the students in the district). As ELs became proficient English speakers, readers and writers on the WIDA Access English language proficiency assessment, they also became proficient on the state English Language Arts summative assessment. Moreover, they often outperformed their English-only peers. It is imperative that we account for ELs' progress toward English language proficiency.

Newcomer ELs (the newest ELs) can make very quick progress moving from emerging English language proficiency to developing proficiency. However, all too often students get stuck there. They sound like English speakers and may stop getting the explicit language instruction they need. If this happens, they are not able to access the instruction they need to be able to become proficient on state English Language Arts summative assessments nor can they manage the language on math and science assessments.

SEAs and LEAs must develop accountability systems that account for ELs progress through English proficiency levels but also in the shortest amount of time possible. Students stuck in intermediate or advanced levels of English proficiency must be explicitly shown the way to proficiency.

Require low-performing schools to show continuous improvement of students in all subgroups especially ELs and Latino students.

SEAs and LEAs should be required to identify all schools that fail to meet state-designed performance targets for all students and subgroups for two consecutive years and implement evidence-based school improvement plans created in collaboration with an outside agency. While current law requires the lowest-performing schools to develop plans for improvement, some SEAs and LEAs have many more schools that are

failing to meet performance targets but are not required to implement corrective plans. In school districts like the Los Angeles Unified School District (LAUSD), there are many schools that fail to meet goals, but because they are not the lowest-performing 5% or 10% of schools, they go without being held clearly accountable for improving the academic achievement of their students. This is problematic for the hundreds, and in some cases thousands, of students who will continue to fall through the cracks and go without supports to help them succeed academically.

While current law requires that SEAs and LEAs with low-performing schools and those with the largest achievement gaps demonstrate continuous improvement toward the goal of sustained academic improvement and high performance for all students, including subgroups, not all schools are doing this. Limited resources and capacity to be able to hold all low-performing schools accountable make it difficult for school districts to support all of its schools. However, these existing flexibilities have shown to produce inequities among subgroups and to further increase achievement gaps among these students in already low-performing schools. Furthermore, complex performance targets and different goals prevent proper accountability of the lowest-performing schools.⁸ Congress should continue to examine this issue in order to propose cost-effective and meaningful solutions that will hold all schools accountable and ensure that all students and teachers are being supported to achieve improved academics.

Ensure the use of the common high school graduation rate formula like the four-year adjusted cohort graduation rates and extended-year adjusted graduation rates for accountability and reporting purposes.

Many SEAs and LEAs have proposed changes in how they report graduation rates within their complex waiver proposals, deviating from the common formula established by the U.S. Department of Education in 2008. The varying graduation reporting methods and calculations make it difficult to discern if the data being reported is in fact reflective of actual graduation rates for students, including

subgroups like English learners. Further it complicates the ability to make comparisons between SEAs and LEAs for research and accountability purposes.

In a recent letter to the Secretary of Education, the Chairs of Asian Pacific American, Black, and Hispanic Caucuses and the Chair of the Education and Workforce Committee and Subcommittees authored a letter expressing their concern that some states “have weakened graduation rate policies” given that “graduation rate accountability is essential to ensure students are not pushed out of school to inflate test scores, and subgroup accountability is essential to ensure all students are served well by the system.” These U.S. Congressional representatives asked that this problem be fixed during the extension process. A review of the 35 waiver applications by Education Weekly revealed that approaches to graduation rate accountability varied significantly.⁹ Most states are reporting their four-year graduation rate as required, but in many cases, the graduation rates reported are watered down by multiple factors including the use of extended-year rates, or counting GED degrees as a graduation rate.

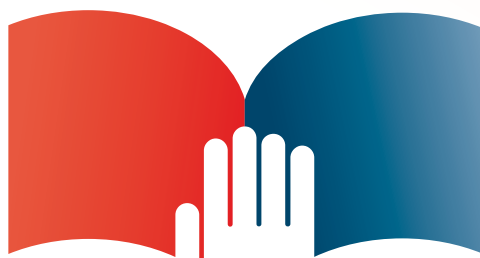
The American Council on Education reported that graduation rates are “an obvious, commonsense indicator of how well an institution is serving its students.”¹⁰ However, in order to assess this indicator’s impact carefully, all SEAs and LEAs must be on the same page about how to measure these. In addition, flexibility should not allow states and school districts to vary the importance of their graduation rates in their overall accountability and reporting. This is critical to ensure that states and school districts are being held accountable for preparing students for 21st-century college and careers.

Conclusion

I strongly urge you to give these ESEA recommendations your highest consideration. All of our children need an ESEA law that will ensure that they have access to all the necessary tools to be ready for career and/or college. I welcome the opportunity to provide more information and work with Congress to ensure that a reauthorized ESEA accomplishes our shared goals. Please contact me at Jennifer.mayer-glenn@slcschools.org or call (801) 633-4211 if you would like further information or to set up a meeting to continue the conversation.

Endnotes

- 1 National Center for education Statistics, “NAEP Data Explorer,” <http://nces.ed.gov/nationsreportcard/lttdata/> (accessed June 2015).
- 2 F. Cadelle F. Hemphill, Alan Vanneman, and Taslima Rahman, *Achievement Gaps: How Hispanic and White Students in Public Schools Perform in Mathematics and Reading on the National Assessment of Educational Progress* (Washington, DC: National Assessment of Educational Progress, 2011) <http://nces.ed.gov/nationsreportcard/pdf/studies/2011459.pdf>.
- 3 Wayne Riddle and Nancy Kober, *Major Accountability Themes of Initial State Applications for NCLB Waivers* (Washington, DC: Center on Education Policy, 2011).
- 4 Daria Hall, *A Step Forward or a Step Back? State Accountability in the Waiver Era* (Washington, DC: The Education Trust, 2013). <http://edtrust.org/resource/a-step-forward-or-a-step-back-state-accountability-in-the-waiver-era/>.
- 5 Douglas Lee Lauen and S. Michael Gaddis, “Shining a Light or Fumbling in the Dark? The Effects of NCLB’s Subgroup-Specific Accountability on Student Achievement,” *Educational Evaluation and Policy Analysis*, 34, no. 2 (June 2012): 185–208.
- 6 Ibid.
- 7 Barbara Mantel, “No Child Left Behind,” *CQ Researcher* 15, no. 20 (May 2005): 469-492.
- 8 Wayne Riddle, *Major Accountability Themes*.
- 9 Michelle McNeill, “Graduation Rates Latest NCLB Waiver Flash Point,” *Education Week*, October 30, 2012, <http://www.edweek.org/ew/articles/2012/10/31/10graduation.h32.html>.
- 10 Bryan Cook and Terry W. Hartle. “Why Graduation Rates Matter—and Why They Don’t,” *American Council on Education*, 2011, <http://www.acenet.edu/the-presidency/columns-and-features/Pages/Why-Graduation-Rates-Matter%E2%80%94and-Why-They-Don%E2%80%99t.aspx>.



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