



December 2, 2002

Mr. Reed Hastings, President  
State Board of Education  
970 University Avenue  
Los Gatos, CA 95032

Dear Mr. Hastings:

I write on behalf of the National Council of La Raza (NCLR), the nation's largest Hispanic organization, on a matter of great importance, the implementation of education reform legislation approved earlier this year by President George W. Bush. Specifically, I write to urge you to reconsider State Board of Education proposals for implementing provisions of the No Child Left Behind Act (NCLB).

As a preliminary matter, I would like to remind the Board that Congress and the Bush Administration made perfectly clear that improving academic and English language acquisition outcomes for English language learner (ELL) students is a national priority. Given that the largest proportion of ELLs are attending California's schools, the academic progress of California's ELLs will receive special attention. Thus, we urge you to leverage this new legislation to increase learning for ELLs, professional development opportunities for the teachers who work with them, and reading instruction assistance for the schools these children attend.

#### **Testing Policies for English Language Learners**

The NCLB requires that a state include ELLs in its academic assessment system. The NCLB requires states to assess ELLs in a valid and reliable manner that includes, "to the extent practicable, assessments in the language and form most likely to yield accurate and reliable information on what those students know and can do to determine the students' master of skills in subjects other than English until the students have achieved English language proficiency." Additionally, the NCLB states that students must be tested in English for reading/language arts if they have attended schools in the U.S. for three consecutive years.

Current California policy requires all ELLs to take norm referenced and standards based assessments in English, regardless of: 1) the amount of time they have been enrolled in a public school; 2) whether they are proficient in English; and 3) the language of instruction (i.e. whether they are in a bilingual/alternative program). A primary language assessment is available to ELLs who have been enrolled in a public school for less than a year. However, only the scores for the English language assessments are used in determining academic progress and growth for ELLs and their teachers. These scores are also used to determine monetary incentives for students, schools and teachers, and to determine "adequate yearly progress" for these students.

We believe that this policy is inconsistent with the intent of the NCLB. The NCLB is intended to produce accurate measures of student achievement and progress. In addition, this data shall be used to hold schools accountable for helping students meet academic benchmarks and make adequate progress. Congress and

the Bush Administration recognize that for ELLs this may mean native-language assessments. Moreover, it is clear that testing in reading and mathematics is “practicable” in Spanish. Therefore, we urge you to ensure that California policy is consistent with the requirements of the NCLB. This would produce accurate information about how well California’s schools are fairing in educating ELLs, which would lead to improved educational outcomes for these students. Unless these changes are made, California’s accountability system would be out of sync with the NCLB requirements, would not yield useful information about students’ progress, and would lead to the misidentification of schools in need of improvement as required under the NCLB.

### **Highly Qualified Teachers**

The NCLB defines a “highly qualified teacher” as a teacher who has obtained full state certification or passed the State teacher-licensing exam and holds a license to teach in the state. In addition, with respect to teachers instructing ELLs, states must certify that all teachers in language instruction educational programs for ELLs are fluent in English and any other language used by that program, including written and oral communication skills.

California’s plan does neither. The plan does not require local educational agencies to certify that all teachers are fluent in any other language used in instructing ELLs. Additionally, the plan includes teachers with “emergency” credentials in the definition of a “highly qualified teacher.”

Again, it is critical that teachers, especially those instructing English Learners in bilingual/alternative programs, possess the required skills and certification to be able to do so. In California, this means that teachers should possess the CLAD and BCLAD credentials. Additionally, teachers with “emergency” credentials should not be included in the definition of a “highly qualified teacher.” As you are well aware, public schools with high enrollment of low socioeconomic and ELL students have for too long been staffed by teachers with “emergency” credentials. It is time this changed. California’s plan should reflect NCLB requirements by allowing only teachers with credentials to be included in the “highly qualified teacher definition” and ensuring that teachers instructing ELLs, especially teachers in bilingual/alternative programs, possess the appropriate certification required by California law.

### **Reading First Grant Implementation**

Schools and associated school districts with alternative/bilingual classrooms have been informed that they cannot participate in the federally funded *Reading First* program unless the district discontinues teaching students to read in Spanish and adopts English Language Arts material for instruction. A school can only apply if every K-3 classroom agrees to the conditions of the funding. Hence, if a school primarily has English classrooms with the exception of two or three bilingual classrooms, it must terminate its alternative/bilingual program so that English classrooms are not denied access to the *Reading First* program.

Again, the requirements for using one English language instrument for evaluation of all students and implementation of the English Language Arts materials, by design, forecloses over 150,000 students and teachers from utilizing these federal funds. We respectfully request that the State Board reconsider their stance on this issue and allow bilingual/alternative programs to participate in the *Reading First* program.

Thank you for considering our views. If you have any questions, please feel free to contact Cristina Huevo of our Sacramento Policy Office at (916) 448-9852.

Sincerely,



Raúl Yzaguirre

President

CC: Members, State Board of Education