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Chaos for Dual Language Learners

An Examination of State Policies for
Exiting Children from Language
Services in the PreK-3rd Grades

About the Author



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EXECUTIVE SUMMARY

The 2014–2015 school year began with a remarkable announcement: the U.S. Department of Education projected that a majority of students enrolled this year would be non-white.¹ This is not the only way that the diversity of American schools has been growing. Approximately one in four American students speaks a language other than English at home, and that proportion is expected to continue rising in the coming decades. Students in the younger years are even more likely to speak another language at home.²

These children’s long-term success is critical to American prosperity. They arrive at school learning both English and their home language. In the U.S., these “dual language learners” (DLLs) are screened for English proficiency and designated for formal language services designed to support their academic and linguistic growth. These services generally continue until the student is deemed ready for instruction in English. The process of monitoring DLLs’ English proficiency and terminating language support services is known as “reclassification.”

In some states, DLLs are instructed in their home language and English through one of a variety of bilingual education models. In other states, these students receive direct English-language instruction in vocabulary and key language concepts.

While states’ reclassification policies generally attract less attention, these rules are extraordinarily important and notoriously challenging to set. Since they determine which students remain formally designated as DLLs, they also determine who will receive targeted language supports, accommodations on assessments, content instruction alongside native English-speaking peers, and much more.

This paper focuses on how young DLLs—generally those students enrolled in the PreK–3rd grades—are being served by current reclassification policies. It surveys recent research and existing state policies to identify


best practices for DLL reclassification into mainstream classroom settings.

The Problem

State reclassification policies vary widely. Some states allow districts to “sunset” formal language supports after a fixed period, while others provide no such limits. Some states exit language learners from these supports on the basis of a single English proficiency assessment, while others require multiple measures. Some states share these proficiency assessments with one another, though they often define English proficiency differently than their partner states. Others use an assessment they have developed. Some states only reclassify DLLs who pass the proficiency assessment multiple years in a row. Some states give districts wide discretion in setting reclassification procedures.

This policy chaos translates into widespread confusion for how DLLs experience public education. In most cases, reclassification standards seem arbitrary; they appear to be completely detached from states’ other DLL policies as well as the most recent research on what these students need. In addition, given that DLLs’ families appear to be especially likely to move during their children’s schooling, diverse reclassification standards can seriously disrupt these students’ educations. Finally, the seemingly random variation in these policies undermines the validity and credibility of various accountability systems. Students who are incorporated in one state’s school accountability systems as DLLs might be treated as “former DLLs” in another state—simply because the two states use different standards.

Most importantly, differences in reclassification standards and language assessments inform classroom instruction. For instance, states exclusively using English language proficiency assessments to determine DLLs’ reclassification may encourage districts, schools, and teachers to emphasize rapid English acquisition over access to challenging academic content.



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Research

Some studies suggest that it takes five to seven years to develop academic English proficiency, and other studies have found that it takes much more time. In general, it appears to take DLLs *at least* four years to develop academic English proficiency, assuming a structured, intentional program designed to support English acquisition while taking a child's age and cognitive and social development into account. But this sort of intentional educational practice is the exception, rather than the rule, in American public schools.

Indeed, since nearly all public schools in the U.S. are designed to provide academic instruction primarily in English, many assign their DLL students to English-only language support programs. There is an intuitive logic to this approach: if our priority is to rapidly improve someone's English skills, we should immerse her in English.

But a growing body of research suggests that this misunderstands DLLs' language development. Their

home language development can be a critical asset for developing proficiency in both that language *and* in English. As DLLs advance in their home languages, they begin to understand how languages work. Since DLLs are often more advanced in their home languages when they enroll in school, educators should view those as an asset for academic and linguistic growth.

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What Next?

States' reclassification policies suffer from two core challenges: 1) they are chaotic, and 2) they rarely deliver what research suggests about DLLs' linguistic and academic needs in the PreK–3rd grades.

Fortunately, several state efforts (backed by federal grants) are underway to improve and standardize how students are reclassified. These include adjustments to the English language standards, proficiency assessments, and benchmarks used to determine whether DLLs are prepared to leave support programs. This is an opportunity to make reclassification policy across the country more effective and research-based. If states are prepared to standardize their policies for determining when students have attained full English proficiency, they should choose those that best support language development and academic success.

States' reclassification policies are chaotic, and they rarely deliver what research suggests about DLLs' linguistic and academic needs in the PreK–3rd grades.

As states work towards a common system for determining when DLLs no longer need language support services, they are also taking the first step towards a more coherent approach to DLL education. Just as content standards and end-of-course content assessments inevitably shape the instruction that students receive in each grade, reclassification procedures shape how schools approach linguistic and academic development. As states move towards greater commonality in how they measure English proficiency, there are other helpful steps they should take.

Recommendations

Federal:

- Congress should substantially increase Title III funds to levels adequate to the growth in the number of DLLs.
- Congress should rewrite the Elementary and Secondary Education Act's monitoring requirement to require districts to provide a moderate level of

ongoing language support for DLLs for the two years after reclassification.

- Congress should require states to publish data on the percentage of DLLs exited each year, disaggregated by the number of years they spent in language support programs.
- The Department of Education should continue funding existing assessment consortia to help establish these groups' institutional capacity.

States and State Assessment Consortia:

- States should continue to pursue greater commonality of reclassification standards through existing testing consortia.
- States should work towards reclassification procedures for DLLs in the PreK–3rd grades that ensure that these students receive adequate language supports and are not reclassified until they are ready.
 - States should ensure that reclassification procedures for young DLLs include multiple measures beyond a standardized English proficiency assessment.
 - States should develop assessments that measure home language proficiency and include these in reclassification procedures for young DLLs.
 - States should require schools and districts to compile comprehensive evidence of English proficiency when seeking to reclassify young DLLs after fewer than three years of language support services.
 - States should make screening for DLL classification mandatory in all publicly-funded pre-K programs.
- States should increase their capacity for providing better language supports for young DLLs.

Districts and Schools:

- Districts and schools should make it a priority to hire teachers who are proficient in the home language(s) of DLLs in their area.
- Districts and schools should explore ways to combine the pedagogical expertise of teachers with the language abilities of assistant teachers, aides, other non-instructional staff, and parents.
- Districts and schools should work to improve data sharing practices between early education providers and the rest of their PreK–12 systems.

INTRODUCTION

The 2014–2015 school year began with a remarkable announcement: the U.S. Department of Education projected that a majority of students enrolled this year would be non-white.³ The diversity of American schools has been growing in other ways as well. Students in the United States who speak a language other than English at home represent a key, and growing, demographic.

In 2011, nearly 22 percent of students between ages five and 19 fit this description.⁴ There is evidence that these numbers are increasing particularly quickly in the early years. In 2013, approximately one in three Head Start participants was a “dual language learner” (DLL).⁵ The number and percentage of American students designated as language learners have both increased substantially over the last decade.⁶

While it is possible to view these demographic trends solely in terms of how they affect American schools, that is not the only relevant framing. DLLs are also a critically important economic resource. Between the aging Baby Boomer generation and falling fertility rates among native-born American women, the U.S. simply cannot afford to leave *any* child uneducated. In the future, there will be more seniors relying on public health (and other government) programs, and a smaller number of adult workers paying taxes to support them.⁷

Current—and future—DLLs are precious resources. Who are they? Nearly eight in 10 of these students speak Spanish at home, and the Pew Research Center notes, “Hispanics, already the nation’s largest minority group, are projected to continue to account for most population

Who Are Dual Language Learners?

Federal law generally refers to students who need language supports as “English Language Learners” (ELLs) or “Limited English Proficient” (LEP). State laws vary in their specific terminology. Researchers have argued that terms like LEP portray these students in terms of their deficits, rather than considering the assets they bring to school. Recent research suggests that the timing of English acquisition matters: young learners’ linguistic development differs from their older language-learning peers. Younger students who have yet to fully develop basic linguistic concepts in their home languages add a second language (i.e., English) as a parallel system. That is, they are learning English even as they continue critical development in their home languages. These students are best described as “dual language learners” (DLLs).

New America customarily uses ELL and DLL to reflect the specific designations suggested in that research: DLL refers to a student still developing in his home language while beginning to learn English. ELL refers to an older English-learning student whose development in his home language has reached a stable level. In general, DLLs are enrolled in the PreK–3rd grades, while ELLs are older.⁸

Note: American education policy uses a dizzying array of terms to refer to this group of students. Given that this paper is focused on the needs of younger language learners, it uses only “dual language learners” or “DLLs,” for ease of reading.

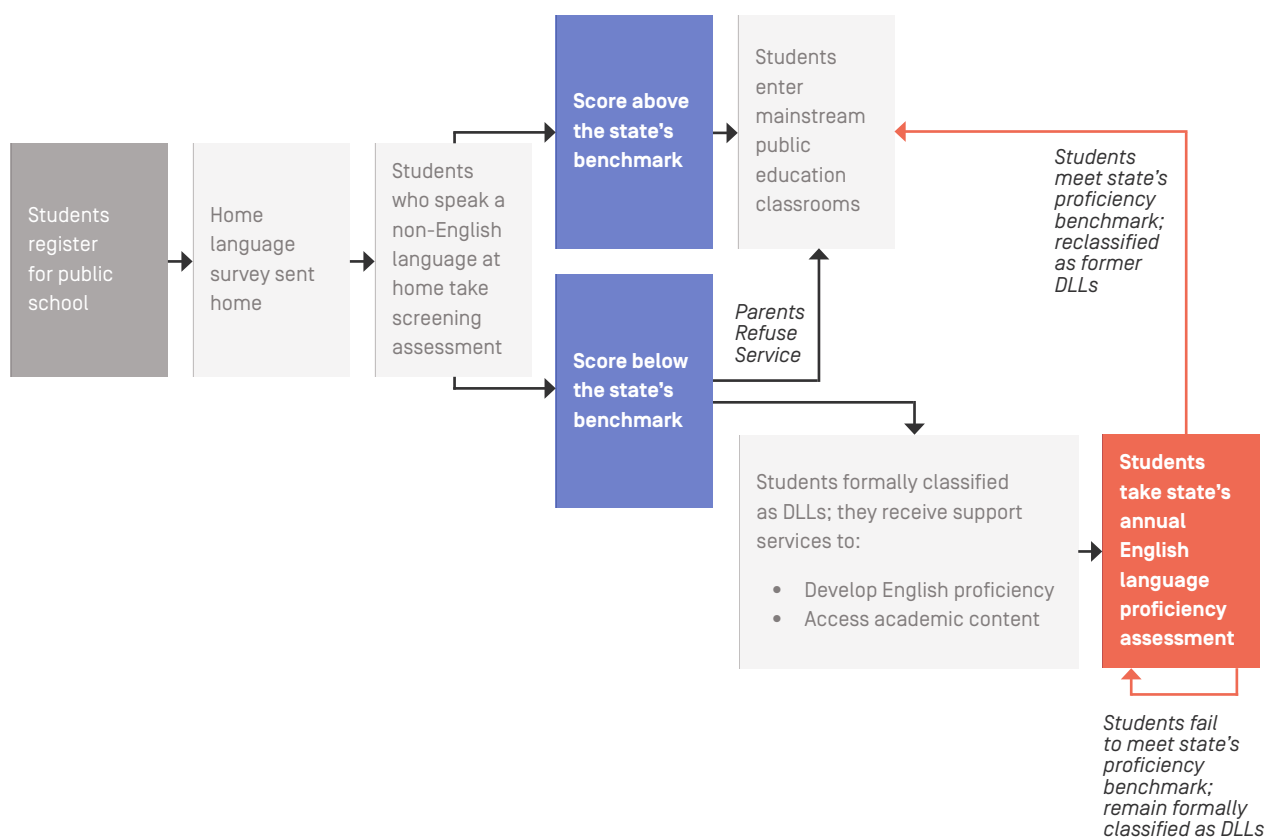
growth” by 2050.⁹ Inadequate support for these students would be both a moral failure and a missed economic opportunity.

In the U.S., DLLs are identified through a variety of measures, generally through home language surveys and English proficiency assessments.¹⁰ If these screening measures indicate that a student’s English ability would make it difficult for him or her to succeed in class, on state assessments, or in society, he is officially classified as a student who is still learning English (see “Who Are Dual Language Learners?” for notes on varying terminology and labels for these students).¹¹ This designation qualifies the student for language support services at school. It also influences how his academic progress is captured for the purposes of some school and teacher accountability systems. Students remain classified until they meet the state’s standards for English proficiency—that is, until the state reclassifies them.

Exit/Reclassification:

Students classified as DLLs qualify for additional language supports that ideally allow them to access content knowledge as well as English language skills. When a student meets the state (or local) standard for English proficiency, she is “exited” from these support programs and usually “reclassified” as a “former DLL.” This generally means that she joins her English-speaking peers in mainstream PreK–12 classrooms and no longer receives language support services. Title III of the Elementary and Secondary Education Act requires districts to monitor these students’ academic progress for two years after reclassification.

Here is a simplified version of how the process works in most states. The reclassification portion is in red:



In almost all states, this process begins when students arrive in public school, which usually means in kindergarten or, if they do not attend kindergarten, in first grade. In a few states, such as Illinois, public pre-K providers screen students' English proficiency. Head Start providers are also required to use "age appropriate screening procedures to identify concerns regarding a child's...language" skills, but they are prescribed no specific assessment, let alone a procedure for sharing this information with a student's future school.¹²

In an ideal world, after being classified, young DLLs would receive steady instructional support in their home languages while also being exposed to English in a structured way. The quantity and complexity of English would increase over time, and would be woven into age-appropriate academic content. This process would begin very early—by age three or four—and would continue through at least third grade. These conditions would support DLLs' academic improvement and full academic proficiency in English in a period that is closer to four years than ten (or more). In this ideal world, English proficiency would be assessed through a variety of measures, including, but not limited to, standardized language proficiency assessments. Finally, reclassified DLLs would not instantly lose all language supports. Title III currently requires states to monitor DLLs' progress for two years. In this ideal world, it would also provide funding for two years of slowly withdrawing home-language supports after reclassification.

Unfortunately, the current state of American early education of DLLs looks nothing like this orderly, supportive picture. Some states have specific early learning standards designed to guide educators' treatment of DLLs. Some do not mention them. Some states screen for students' language proficiency in early education settings. Most do not. Meanwhile, many Head Start providers have limited staff capacity for supporting DLLs' bilingualism. In a 2013 report to Congress, the Department of Health and Human Services concluded that while a majority of Head Start providers offered DLLs instruction in their home languages, "On average, instructional support in the Spring 2007 classrooms of DLLs...was low." It also found that DLLs' Head Start instructors are "less likely to have a lead teacher who had completed college" than their native English-speaking peers.¹³

In most states, data from these early learning settings are only incidentally shared with educators and schools

working in the rest of the PreK–12 grades. Early education curricula, language supports, and pedagogy are rarely aligned, even within a district, and interstate variety is even greater. This policy diversity is particularly pronounced when it comes to reclassification standards.

What Do We Mean By "Language Supports?"

Language supports are the programs schools offer DLLs to help them access challenging academic content and develop linguistically. These can range from minor supports like periodic classroom visits by specialists who offer structured English vocabulary instruction during mainstream lessons, to major supports like bilingual programs that provide students with both home language and English instruction throughout the day.

Absent the ideal system, states can still improve how they serve DLLs in the short term. For instance, they can consider articulating reclassification procedures and benchmarks for young DLLs that are distinct from those used for older language learners. They should—as some states already do—explore ways to ensure that young DLLs receiving high-quality supports in their home languages are not reclassified before they are ready. In an era when educational standards are rising and grade-level literacy is a top priority, it is critical that states find ways to assess language needs and meet them in PreK–3rd grade classrooms.

Reclassification standards are extraordinarily important—and notoriously challenging to set. Since they determine which students remain formally designated as DLLs, they also determine who receives targeted language supports, accommodations on assessments, content instruction alongside native English-speaking peers, and much more. This paper surveys recent research and existing state policies to identify best practices for DLL reclassification into mainstream classroom settings. How can these policies be changed to support DLLs' growth, instead of subjecting them to a wide range of misaligned policies and possibly segregating them from challenging academic opportunities?

THE CASE FOR REFORMING STATE RECLASSIFICATION POLICIES

To get reclassification policies right, we need to keep two questions in mind.

First: what sort of support do DLLs need? The basic educational equation for these students is straightforward: they need opportunities to access challenging academic content *as well as* a path to speaking, reading, and writing English proficiently. If students leave school without a strong academic background or command of the English language, they will face considerable barriers to full participation in American society and the broader economy.¹⁴

Since public schools in the U.S. are overwhelmingly designed to instruct in English, policymakers have often seen these two priorities sequentially: if they focus on improving DLLs' English as quickly as possible, it then becomes considerably easier to improve the rigor of their academic experience. Indeed, most federal and state legislation takes it as a given that these students—sometimes referred to as “Limited English Proficient”—are primarily defined by their lack of English. This has led to a bevy of policies and programs designed to immerse DLLs in as much English as possible. Some educators make a related error by throwing DLLs into mainstream instruction before they are prepared to participate without translation or other supports in their home language. These children often fall behind both in terms of academic content knowledge and linguistic development, and these gaps accumulate quickly.


While these approaches may suit (some of) our practical needs and minimize core changes to our current educational institutions, this is not the best way to support DLLs' English acquisition and academic success. A growing body of research suggests that programs that emphasize English proficiency above all other priorities can actually slow academic progress—and even the pace of English acquisition.

What is more, viewing these students exclusively through the lens of the English-acquisition process ignores their nascent bilingualism. Dual language learners come to school ready to begin learning English even as they continue developing in their home languages. Their potential proficiency in multiple languages can be a considerable asset in a globalizing economy. Research also suggests that bi- and multilingual students reap additional cognitive benefits as part of the process of developing proficiency in more than one language.

While we might agree that DLLs should receive additional instruction in their home languages, and that we should provide more rigorous academic opportunities for them even as they are learning English, there are considerable practical hurdles involved. This is why it is critical to attend closely to what we know about how long it takes for DLLs to develop in English and in their home languages—as well as the ways that our instructional choices influence that period of time.

Second: how many years of support do DLLs need to develop basic academic proficiency in English? The literature varies considerably on this point. Some research suggests that it takes five to seven years to develop academic English proficiency, and other studies have found that it takes much more time. In general, it appears to take DLLs *at least* four years to develop academic English proficiency, assuming a structured, intentional program designed to support English acquisition while taking into account a child's age and cognitive and social development. But this sort of intentional educational practice is the exception, rather than the rule, in American public schools.

In part, this is because policies governing the identification of DLLs, the sorts of language supports they receive, and the duration of these supports vary widely. The specific contours of these supports depend on an array of decisions made at the state, district, and



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school levels. A student officially classified for language support services in one state might not receive them in another. A student living in a district committed to offering bilingual education will have a dramatically different experience than one living in a district that provides all language supports in English. A student attending a school with a principal who carefully integrates DLLs into mainstream classrooms will get a different education than one attending a school where she is exclusively in classes with other DLLs. Beyond issues of equity, this wide policy diversity is particularly challenging for DLLs whose families move across district or state lines during their education.

Fortunately, several state consortia (backed by federal grants) have formed to improve and standardize how students are reclassified. These include—but are not limited to—adjustments to the English language standards, proficiency assessments, and “cut scores” used to determine whether DLLs are prepared to leave support programs. This is an opportunity to make

reclassification policy across the country more effective and research-based. If states are prepared to standardize their policies around determining when students have attained full English proficiency, they should coalesce around those that best support language development and academic success.

Unfortunately, there are many ways to step wrong with reclassification policies. For instance, recent research has found that some classification/reclassification policies are so poorly crafted that designating a student as a DLL can actually *slow* academic growth, as well as English language development.¹⁵ Similarly, policies that fail to exit DLLs from language supports once they become proficient in English can effectively segregate them from critical academic content instruction and high academic expectations. By contrast, reclassification policies that exit DLLs from language support programs before they are fully proficient in academic English can set these students up for frustration and undermine their academic progress.

RESEARCH ON DUAL LANGUAGE LEARNERS' LINGUISTIC AND ACADEMIC DEVELOPMENT

Research tells us that reclassification procedures can be conceptually problematic. The U.S. approach to reclassification implicitly treats DLLs as somehow abnormal until they reach a given level of English proficiency. Students are often seen as unsuitable for mainstream courses until they meet English proficiency standards. Some researchers believe that reclassification procedures are primarily designed to meet the needs of policymakers and accountability systems, not the needs of DLLs.¹⁶ While policymakers may have an interest in tracking DLLs' progress, most reclassification policies are designed to provide crisp, sortable data and definable categories of students, rather than to support linguistic and academic progress.

Is it obvious that a student who has reached a given level of English proficiency thereby ceases to need *any* support in her home language? Far from it. A student classified as a DLL does not become instantly identical to a native-

born, monolingual, English-speaking student the day that she is reclassified. Should we assume that we must prioritize English acquisition for DLLs over providing them with rigorous academic opportunities? Certainly not. There is no particular reason that American schools cannot pursue both of these goals simultaneously.

Still, these concerns do not eliminate the need for and utility of collecting data on DLLs' academic progress and language development. In other words, rethinking reclassification procedures does not mean abandoning all measures of DLLs' progress.

Research on DLLs'—and older ELLs'—developing bilingualism offers a complicated picture. *In Learning a New Land*, immigration experts Carola and Marcelo Suárez-Orozco note that “While conversational verbal proficiency can be developed within a couple of years, it takes, for most nonnative English speakers, five to seven

Academic English vs. Social English:

Researchers have long recognized that social usage of a second language is not equivalent to full “academic proficiency.” Carola and Marcelo Suárez-Orozco define “social proficiency” as “those language skills necessary to carry on a conversation.” In addition to being primarily informal, social proficiency is mostly a matter of speaking and listening. Academic proficiency, by contrast, consists of being able “to argue about the relative merits of an issue, write a quality essay, read quickly enough to be competitive on a timed test, or detect the subtle differences between multiple choice items,” skills which roughly align with some of the key priorities identified in recent efforts to revamp American education standards. That is, academic proficiency is formal, involves more complex speaking and listening abilities, and requires the development of writing and reading skills.¹⁷

DLLs may demonstrate dramatic improvements in oral English proficiency within several years. However, research shows that it takes at least four, and perhaps as many as ten, years for some students to reach full academic proficiency in a second language. This is very much at odds with policies that limit DLLs' language supports to a specific window of time.

years under optimal conditions” to reach full academic English proficiency.¹⁸ Other studies have found that DLLs can reach full academic proficiency in four years, and that significant home language supports make this more likely.¹⁹

This variation appears to be related to various factors, such as student gender and developmental stage, parental education, whether families are native-born or immigrants, and more.²⁰ This makes sense: a DLL who comes to the U.S. from Mexico at seven years old with no formal education to that point will have a different English acquisition trajectory than an American-born, Mandarin-speaking DLL who begins a pre-K program with a structured bilingual curriculum at age three. Both students will have a different path than a student who arrives in the U.S. at age 14 after seven years of formal Spanish-language education in El Salvador.

One of the critical factors here is linguistic development. Children in the PreK–3rd grades are still learning how to use language in general. This means that they are learning what language does, whether they are learning one or two tongues at that point. Harvard education professor Patton Tabors identifies a list of some of the “basics” under development at this point: “phonology—the sounds of the language(s); vocabulary—the words of the language(s); grammar—how words are put together to make sentences in the language(s); discourse—how sentences are put together to tell stories or make an argument, for example; and pragmatics—the social rules about how to use the language(s).”²¹

Consider the challenges that this process poses for young DLLs: while their monolingual peers are building a single language structure, with its own phonology, vocabulary, grammar, and so forth, DLLs are building two systems, which may not overlap a great deal. Differences between languages are substantial and varied, and they can influence the process language development.

For instance, if a pre-K student’s home language uses no indefinite articles (e.g., “a” or “an” in English), has gendered nouns (e.g., “male” nouns like “*el coche*” [the car] and “female” nouns like “*la guerra*” [the war] in Spanish), and has a fixed sentence structure, it may be difficult to build a parallel system for English (which uses indefinite articles, does not have gendered nouns, and has a relatively fluid sentence structure). Furthermore, because they are building two structures simultaneously, DLLs may seem to have smaller vocabularies than

monolinguals when only one of their languages is measured. However, their combined vocabulary across both languages may actually be similar.²²

Some have taken this as proof that DLLs should be exposed to as much English as possible as early as possible. If developing two language systems slows DLLs’ progress on key metrics like English vocabulary and word retrieval, presumably their development could be sped by focusing on building just one system. There is an intuitive logic to this approach: if our priority is to rapidly improve DLLs’ English skills, schools should surround them with English. As a result of this line of thinking, many policymakers assume that DLLs’ shortest path to academic English proficiency lies through full English immersion.

Unfortunately, research shows that this approach is almost certainly bad for DLLs’ linguistic development, academic achievement, *and* English acquisition. In 2002, George Mason University Professors Wayne Thomas and Virginia P. Collier published a five-year, multi-state study showing that unstructured English immersion beginning between kindergarten and first grade led to “large decreases in reading and math achievement by Grade 5,” as well as lower graduation rates and very low reading achievement by high school graduation.²³ The study also found that structured English as a Second Language (ESL) courses could improve students’ long-term academic outcomes. Most importantly, however, it showed that various instructional models providing DLLs with instruction and support in their home languages generally produced academic outcomes *at least as strong as* the ESL model, and sometimes produced much stronger results (see the box on page 12 for examples of models for supporting DLLs in their home languages).

There were additional linguistic benefits beyond academic achievement. Thomas and Collier concluded that programs supporting DLLs’ home language development “are the only programs we have found to date that assist students to fully reach the 50th percentile in both [their home language] and [English] in all subjects and to maintain that level of high achievement, or reach even higher levels through the end of schooling. The fewest dropouts come from these programs.”²⁴ That is, even when ESL programs performed as well as programs that support DLLs in their home languages on English development or academic achievement metrics, those incorporating home language still outperformed ESL in terms of supporting bilingualism.

A Sampling of Language Supports:*

- **Dual-Immersion:** these programs take a number of forms, but generally consist of a mixed class of DLLs and native English-speakers receiving instruction in two languages. Some models begin with a 90 percent to 10 percent ratio of classroom instruction conducted in the DLLs' home language to English, and shift steadily towards a 50/50 balance over a period of years. Other dual-immersion programs begin at 50/50.
- **Maintenance or Developmental Bilingual:** These programs generally consist of a class of DLLs receiving instruction in both the home language and English, with an eye towards developing proficiency in both languages.
- **Transitional Bilingual:** These programs generally consist of a class of DLLs receiving instruction in both the home language and English with the goal of moving them into mainstream English instruction as quickly as possible.
- **English as a Second Language:** These programs usually provide instruction in English that is structured in such a way as to support DLLs' English acquisition.
- **Push-In/Pull-out:** This model provides DLLs with periodic, targeted instructional support from a specially-trained educator. Push-in services usually occur in the student's mainstream classroom. Pull-out services usually involve tutoring outside the mainstream classroom during the school day.

*Note: these are rough definitions. Some of these terms are used in different ways in different parts of the country.

More recent research has expanded on these findings. This year, a Stanford study of language support programs in San Francisco found that DLLs in a variety of different bilingual education programs from kindergarten were just as likely to be reclassified by fifth grade as were DLLs in English-Immersion programs. That is, they met English proficiency standards at the same rates. Another 2014 Stanford study found that Latino DLLs were more likely to remain classified for language services throughout their entire PreK–12 schooling if they were in English immersion programs compared to Latino DLLs in various bilingual programs. The researchers found that the Latino students in English immersion courses “reach a virtual plateau when they enter middle school.”²⁵ The San Francisco research also found that DLLs in dual-immersion programs performed better on California’s English Language Arts assessments than those in other support programs—including English-immersion. The dual-immersion programs also yielded stronger math gains over time.²⁶

Why is it that English immersion does not support quicker English acquisition? Why might DLLs do

better when supported in their home languages? Some research suggests that the intuitive view—more English exposure leads to more rapid English acquisition—rests upon a misunderstanding of language development and bilingualism. It turns out that DLLs’ development in their home languages can be a critical asset for developing proficiency in both that language *and* in English. This is known as the “common underlying proficiency” model for language acquisition. It suggests that DLLs’ “experience with either language can promote development of the proficiency underlying both languages, given adequate motivation and exposure to both either in school or in the wider environment.”²⁷ What DLLs learn about the core elements of language—phonology, grammar, and the like—from developing their home tongues can support their acquisition of English. As Tabors puts it, “The older the child is, the more cognitive experience can be brought to the task of learning a new language.”²⁸

This is why it is critical that DLLs receive support for fully developing in their first languages even as they begin learning English. Some research suggests that

interrupting a student's home language development to begin English immersion may slow his language development and academic progress in the long term.²⁹ By contrast, Tabors writes, "Young children who have already gained some competence in a first language are able to bring their language-learning skills to the new language. They do not need to relearn what language is all about; they just have to learn what this *new* language is all about."³⁰

Research also shows that bilingualism is an asset with benefits beyond supporting English acquisition. For instance, DLLs who become fully bilingual manage and focus attention on cognitive tasks better than monolingual peers. Researchers theorize that this advantage is a result of neural pathways developed as part of the challenge of regularly switching between two language systems. There is also some evidence that the development of two languages improves the ability to learn new words in the future. Finally, one study

found evidence that bilingualism may delay the onset of dementia.³¹

The U.S. approach to reclassification implicitly treats DLLs as somehow abnormal until they reach a given level of English proficiency.

In sum, research indicates that DLLs do best when supported in their home languages and exposed to English over time as part of a structured program. It also suggests that those who are immersed in mainstream English instruction before they are ready will suffer academically in the short and long term. But DLLs who remain segregated in language support programs for an extended period of time can also stagnate academically.

Research indicates that DLLs do best when supported in their home languages and exposed to English over time as part of a structured program



POLICY ENVIRONMENT

While the federal government provides funds and regulations for serving DLLs, states have considerable leeway in identifying which students fall into this group and how their language needs will be met. This is especially true in terms of policies for reclassifying DLLs out of language support services. Title III of the Elementary and Secondary Education Act (the most recent version of which is commonly known as “No Child Left Behind”) authorizes funding—and attendant

regulations—for serving these students. In fiscal year 2002, Congress appropriated \$750 million for Title III. In fiscal year 2013, it was just shy of \$694 million.³² While funding has dropped, the number of formally-designated language learners has risen from 4.1 million in the 2002–2003 school year to 4.4 million in the 2011–2012 school year.³³ The number of children in the U.S. who speak a language other than English at home has increased even more, from 9.8 million in 2002 to 12 million in 2012.³⁴

A Brief History of Federal DLL Law and Policy:

1968

Title VII of the Elementary and Secondary Act (ESEA) provides competitive federal grant funding to districts for programs supporting DLLs’ education.

1974

In *Lau v. Nichols*, the U.S. Supreme Court concludes that English-only education was a form of educational discrimination against students who do not speak English.

1974


The Equal Educational Opportunities Act follows up on *Lau*: “No state shall deny educational opportunities to an individual on account of his or her race, color, sex, or national origin by...the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.”

1978 and 1988

Amendments to Title VII prioritize English acquisition for DLLs and generally limit student participation to three years.

2001

The “No Child Left Behind” reauthorization of ESEA converts Title VII into Title III. The new law replaces competitive grants with formula funding for districts serving DLLs. It also expands requirements for states and districts to report on DLLs’ academic progress.



In fiscal year 2002, Congress appropriated \$750 million for Title III. In fiscal year 2013, it was just shy of \$694 million

As the country's primary public investment in these students' education, Title III sets the outer boundaries and contours of state and district language learner policy. It provides a standardizing influence on policy; above all, it sets baseline delivery and reporting requirements for language supports. Title III requires states receiving funds to regularly assess DLLs' English proficiency and adopt plans with curricula "tied to scientifically based research" and "demonstrated to be effective" for these students. But it offers little guidance as to *which* students must be included in these programs. The Elementary and Secondary Education Act's Title IX defines these students as those whose English proficiency interferes with their ability to succeed academically and in society, but allows states to operationalize that definition through their own policies.³⁵

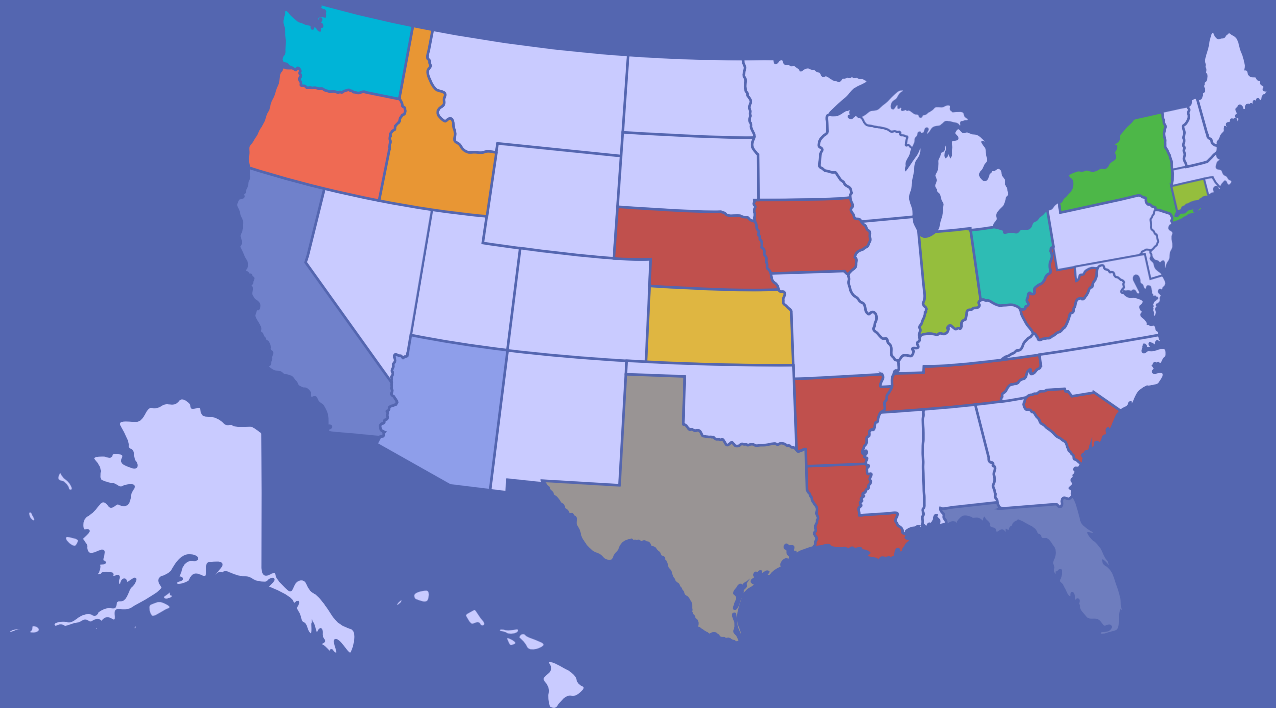
States are truly serving as "laboratories of democracy" in this area. Some states allow districts to "sunset" formal language supports after a fixed period, while others provide no such limits. Some states exit language learners from these supports on the basis of performance on a single English proficiency test, while others require multiple measures like portfolios, family consultation, and other considerations. In fact, while most states provide standardized reclassification policies, several allow districts to set their own benchmarks and procedures. One state, Texas, allows districts to choose from a list of English proficiency assessments.

This policy diversity has real consequences for DLLs. Depending on where reclassification proficiency benchmarks are set and the forms of language supports available in each state (or district), DLLs can be artificially segregated from crucial academic experiences, or forced into English immersion before they are prepared.

To capture this variety, New America conducted a scan of the reclassification policies in place in all 50 states and the District of Columbia. We collected this data from states' school codes, department of education websites, and staff development materials. On several occasions, when reclassification standards were not clear from online materials, we contacted states' departments of education by phone. Table 1 offers the results of this effort. A note of caution: while each state's policies were verified to the best of our abilities as accurate and current when recorded, these rules are both fluid and arcane. Several states changed their policies during the period when this paper was being written. It is likely that other states have recently done so, or will soon do so. Since these changes are rarely broadcast beyond small slices of each state's education community, if at all, they are exceedingly difficult to track. As a result, this table should not be used as a permanent guide to any one state's reclassification policies. It is intended to capture the status of reclassification policies in the lead up to current efforts at standardization.

Figure 1 | Current English Language Proficiency Assessment by State

States are required to adopt an English language proficiency assessment to determine when Dual Language Learners (DLLs) are ready to exit language support services, but they have wide latitude:

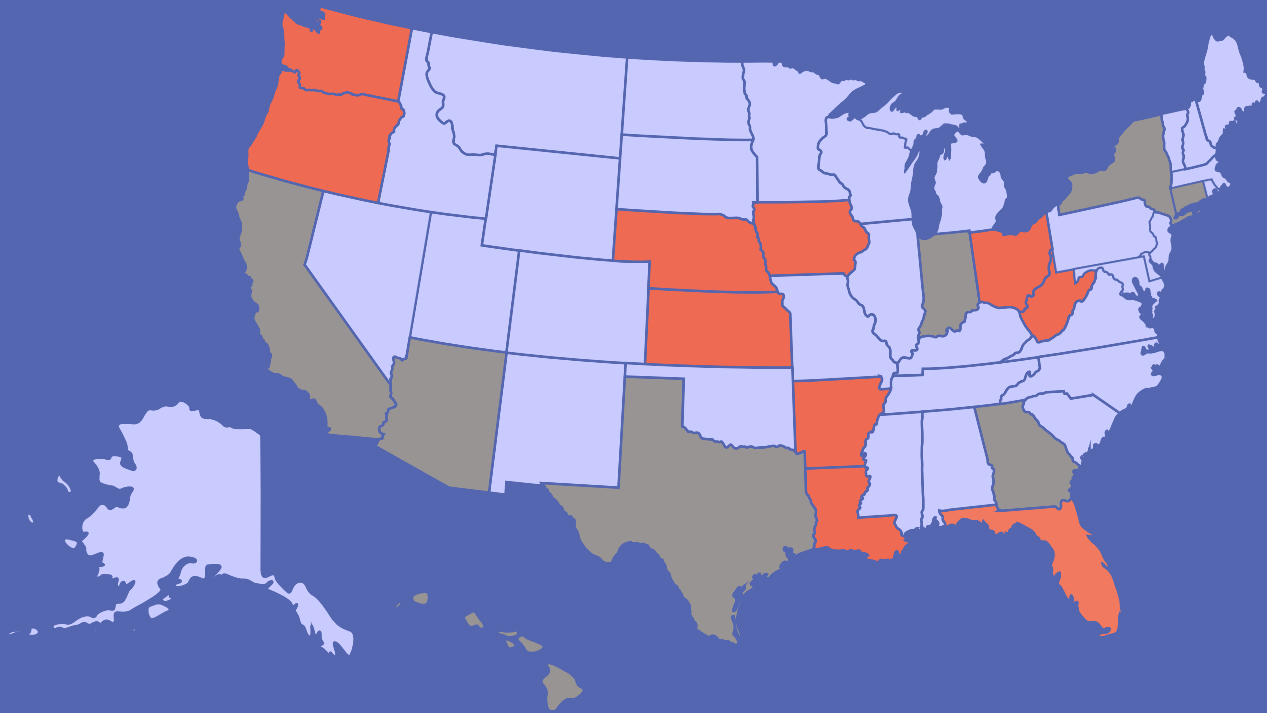


Current Assessment Method:

- | | | |
|---|--|---|
| ACCESS
Assessing Comprehension and Communication in English State-to-State for ELLs | ELDA
English Language Development Assessment | LAS Links
McGraw-Hill Language Assessment Scales Links |
| AZELLA
Arizona English Language Learner Assessment | ELPA
English Language Proficiency Assessment | NYSESLAT
New York State English as a Second Language Achievement Test |
| CELDT
California English Language Development Test | IELA
Idaho English Language Proficiency Exam | OTELA
Ohio Test of English Language Acquisition |
| CELLA
Comprehensive English Language Learning Assessment | KELPA
Kansas English Language Proficiency Exam | WELPA
Washington English Language Proficiency Assessment |
| Multiple Assessments Permitted | | |

Figure 2 | Future English Language Proficiency Assessment Consortia by State

Two state consortia are revising and updating their English language proficiency assessments—with support from federal grants—which offers the possibility of more consistency for American DLLs:



Future Assessment Method:

ASSETS [ACCESS 2.0]
Assessing Comprehension
and Communication in English
State-to-State for ELLs 2.0

ELPA 21
English Language Proficiency
Assessment for the 21st Century

Not Participating in Consortia

Figure 3 | Determination of Reclassification Status by State

Some states make reclassification decisions about DLLs solely based on their scores on English language proficiency assessments. Others include other considerations, such as GPAs, state content assessment scores, teacher input, parental consultation, and samples of student work.

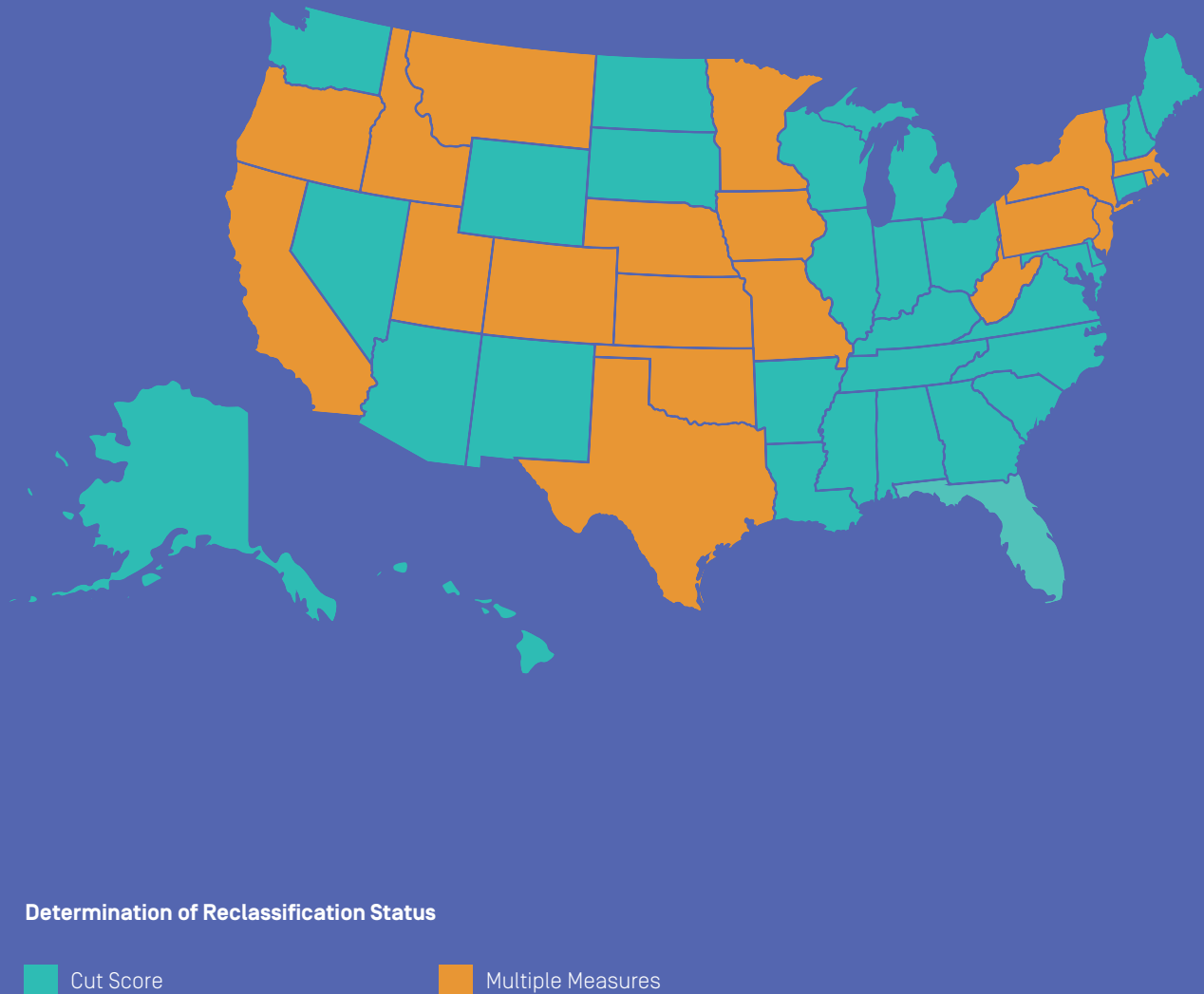


Figure 4 | Comparison of ACCESS States' Exit Rules

State	Composite Score	Domain Scores*	Multiple Measures	State	Composite Score	Domain Scores*	Multiple Measures
Alabama	4.8	None	No	Nevada	5.0	5.0 [Literacy]	No
Alaska	5.0	4.0	No	New Hampshire	5.0	4.0	No
Colorado	5.0	None	Yes	New Jersey	4.5	None	Yes
Delaware	5.0	None	No	New Mexico	5.0	None	No
DC	5.0	None	No	North Carolina	4.8	None	No
Georgia	5.0	None	No	North Dakota	5.0	3.5	No
Georgia	5.0 ⁱ	4.8 ⁱⁱ [Literacy]	No	Oklahoma	5.0	4.5 [Literacy]	Yes
Hawaii	4.8	4.2 [Literacy]	No	Pennsylvania	5.0 ^{vi}	None	No
Illinois	5.0	4.2 [Literacy]	No	Rhode Island	None	4.5 [Literacy] 5.0 [Comprehension]	Yes
Kentucky	5.0	4.0 [Literacy]	No	South Dakota	4.7	4.5 [Reading] 4.1 [Writing]	No
Maine	6.0	None	No	Utah	5.0 ^{vii}	None	Yes
Maryland	5.0	4.0 [Literacy]	No	Vermont	5.0	4.0 [Literacy]	No
Massachusetts	6.0 ⁱⁱⁱ	None	No	Virginia	5.0	5.0 [Literacy]	No
Michigan	5.0	None	Yes	Wisconsin	6.0 ^{viii}	None	No
Minnesota	Varies by district	None	No	Wyoming	5.0	4.0	No
Mississippi	4.0-5.0 ^{iv}	None	No				
Missouri	6.0 ^v	None	No				
Montana	5.0	4.2 [Writing]	Yes				

* Reading, writing, speaking, listening. All unless otherwise stated.

ⁱ May also be reclassified with composite score of 4.0, literacy score of 4.8, and teacher approval.

ⁱⁱ Not applicable to kindergarten students.

ⁱⁱⁱ Alternatively: composite score of 5.0 + literacy scores of 5.0 + ability to perform coursework.

^{iv} Can be 4.0, 4.5 or 5.0, depending on age.

^v Alternatively: Composite score of 5.0 + proficiency on state ELA assessment + multiple measures; Composite score of 4.7 + proficiency on state ELA assessment + multiple measures

^{vi} Alternatively: Composite score of 4.5 + proficient on state reading assessment + multiple measures

^{vii} Students can be exited without meeting these criteria if local educators so decide

^{viii} 4–12 grades: Composite score of 5.0 + literacy score of 5.0; 4–12 grades: Composite score of 5.0 + clear evidence of English

Same Assessment, Varying Standards of English Proficiency

Some states' policies make it probable that DLLs are reclassified before research suggests they are likely to be ready for mainstream instruction. For instance, in Illinois, DLLs retain language supports until they reach 1) an overall score of 5.0 (on a 6.0-point scale) on the state's language proficiency assessment, and 2) at least a 4.2 on both the reading and writing sections of the assessment. In part because of these rules, one-third of reclassified DLLs/ELLs test out of language services in less than one year. Nearly six in ten are reclassified in less than three years.³⁶ Recall that research suggests that DLLs generally need much more time to fully develop academic proficiency in English.

While North Dakota uses the same assessment to gauge English language proficiency, and also requires DLLs to score a 5.0 overall (again, out of 6.0), it only requires them to score a 3.5 on individual components of the exam, such as reading and writing. Maine also uses this assessment, but it sets yet a different proficiency standard. In Maine, DLLs must reach an overall score of 6.0, but the state sets no specific benchmarks for the reading and writing sections of the exam.

Varying Interpretations of English Proficiency Data

State policies do not simply vary in terms of the specific assessment score they use to define English proficiency. They also vary in terms of data collection and assessment procedures. For instance, Indiana and West Virginia both require DLLs to pass their English language proficiency assessments for *two* consecutive years before they may be fully reclassified.

Including Multiple Measures for Determining English Proficiency

In New Jersey, meanwhile, reclassification involves measures beyond language proficiency assessments. While DLLs still must meet a basic English language proficiency benchmark—4.5 on the state's assessment (on the same 6.0 scale used in Illinois, North Dakota, and Maine)—this is only part of the process. The state's Bureau of Bilingual/ESL Education puts it this way: "A student can be eligible for exit if they [sic] score a 4.5 at any tier, but multiple measures must be taken into account before exiting."³⁷ In the Garden State,

reclassification involves feedback from families and teachers, as well as a review of academic growth and proficiency, including examples of student work.

Multiple Measures, Multiple Standards Within a State

There are still other models. In California—where 22.7 percent of students were classified as DLLs in the 2013–2014 school year—the state prescribes a number of measures districts must consider, but allows local officials to set their own benchmarks within these categories.³⁸ Students must:

- meet a locally-determined language proficiency cut score on the California English Language Development Test (CELDT);
- meet a locally-determined benchmark on assessments of basic skills—usually the ELA portion of the California Standards Tests (CST), though nearly half of districts also consider math proficiency and some districts use science and history assessments;
- pass a locally-shaped teacher evaluation of their academic performance, which usually includes consideration of grades and GPA, but sometimes includes other variables, such as attendance and behavior; and
- have had an opportunity for their families to discuss their reclassification status with school officials.

California's policies highlight the difficulty of getting these standards right (in contrast with Illinois', for example). While California's rules have the virtue of incorporating measures beyond a single standardized English language proficiency assessment, these rules have been applied in such a way that many students appear to remain classified as DLLs after they have already become proficient in English. A student must meet district requirements for all elements in a single year, which means that he might meet the CELDT benchmarks and miss the CST cutoff one year, only to reverse that situation the following year, but still remain classified as a DLL. One report found that California districts using higher reclassification benchmarks showed "a 30 percent reduction in the number of students reclassified" compared with districts setting lower benchmarks. The report found some data suggesting that higher reclassification standards may increase long-term DLLs' dropout rates.³⁹

THE CONSEQUENCES OF CURRENT STATE RECLASSIFICATION POLICIES

Arbitrary Standards

This panoply of policies has several frustrating consequences. First, the distinctions appear to be almost entirely arbitrary: is there any reason to believe that DLLs in Maine should have to meet a higher bar—on the same assessment—for reclassification than DLLs in Illinois or North Dakota? In light of the improved research on DLLs' path to attaining full academic proficiency in English, state policies should be converging, not diverging.

Given the research showing that young DLLs develop their bilingualism differently than older language learners, states should be particularly cautious about reclassifying students before they exit the PreK–3rd grades. South Carolina makes this explicit in its reclassification rules: “No [DLL] can exit [DLL] status in K–2.” The state also offers a compelling justification: “The K–2 test is based solely on teacher observation and students have not encountered enough academic English at these grade levels to be appropriately exited.”⁴⁰ Other states have similar provisions in place to prevent DLLs from being reclassified before they are prepared for mainstream, English-only instruction, but they are exceptions, rather than the rule.⁴¹


Of course, the variance in state policies hints at a core truth: it is difficult to effectively reform reclassification policies to better meet young DLLs' needs without considering the specifics of which supports states and districts provide. Recall the San Francisco research cited above. For instance, if a district's language supports consist of periodic “push-in” or “pull-out” visits to a DLL's mainstream English-instruction classroom, there is little reason to expect that remaining formally designated as a DLL will segregate that student from rigorous academic opportunities. However, if a district's language supports consist of extensive English-as-a-Second-Language classes that keep DLLs from their monolingual peers and mainstream coursework,

delayed reclassification may leave these students with considerable academic deficits. Finally, if a DLL is participating in a structured dual-immersion program that provides both academic rigor and native language supports, there may be no reason to rush him to reclassification.

Reclassification in the Context of Broader Accountability Policies

This indicates a second, related, challenge: reclassification influences how DLLs are incorporated into various school and teacher accountability systems. Students formally classified as DLLs are often treated differently than other students in the context of state and federal assessment, data-collection, and accountability rules. In other words, if a state's reclassification policies lead to more children remaining designated as DLLs, this could have a significant effect on educators serving large percentages of these students. For instance, if a state raises its reclassification score from 4.8 to 5.0 one year—as Illinois did in January 2014—this could lead to a number of students that were on the cusp of reclassification that year to fall just short of meeting the benchmark.⁴²

These sorts of changes can have consequences under No Child Left Behind's (NCLB) accountability mechanisms. They provide federal rules for how and when schools should assess DLLs, along with consequences for schools that do not appear to be making progress. But by allowing states to set their own reclassification standards, the law gives them room to determine which students would be subject to these mechanisms. In other words, a state could change its policies defining the DLL population to influence how these students are incorporated in the statewide data reported to the federal government. While there is little evidence suggesting that states have consciously taken advantage of this situation, it is a useful reminder that the seemingly-



Given the research showing that young DLLs develop their bilingualism differently than older language learners, states should be particularly cautious about reclassifying students before they exit the PreK–3rd grades

arbitrary variance in states' reclassification standards has real consequences.

This dynamic complicates states' development of school and teacher accountability systems. If DLLs are left out of the system—or marginalized—there is a danger that they will be ignored in the classroom. But many of these systems rely heavily on standardized math and literacy assessments and do not take DLLs' levels of English proficiency into account in valid or reliable ways. This can mean that these students struggle on content assessments in ways that provoke unfair consequences for school and teachers in new accountability systems.

The Obama Administration's NCLB waivers have complicated the ways that DLLs are included in accountability mechanisms. While the administration's guidelines maintain some of the law's basic structure as it relates to DLLs' education, they give states considerable flexibility in how they incorporate these students into accountability systems.⁴³ While states are using waivers in a variety of ways related to DLLs, the aggregate effect has been to decrease the importance of

whether or not students are formally classified as DLLs, as far as accountability systems are concerned.

States have taken this flexibility in a host of different directions. Some have aggregated DLLs' achievement data into so-called “super subgroups” that include other subgroups (such as students with disabilities or Native American students). This strategy aims to increase the size of the group, thereby increasing its relevance in terms of accountability systems and making included students harder to ignore. However, some advocates have worried that this could allow districts that serve DLLs poorly to avoid consequences.⁴⁴

Some states have tried to retain NCLB's basic wager by tying accountability systems to DLLs' progress and English proficiency. In Arizona, for instance, most schools can earn three additional points towards their A–F accountability score by reclassifying at least 23 percent of their DLLs (provided that at least 95 percent of their DLLs are assessed). It is worth noting, however, that those three points are a tiny incentive: Arizona's system is on a 200-point scale. Furthermore, it is far

from clear that the state should be encouraging, even in such a miniscule way, schools to rush to exit DLLs from language supports.⁴⁵

Systemic Chaos

Third, the variety in state reclassification policies leads to confusing variations in how DLLs in different states experience American public education (or, in several states, how DLLs in different districts experience public education). Not only are they exposed to pedagogical and instructional priorities that vary by state, district, school, and even classroom, but they face different expectations for exiting language supports and (often) gaining access to mainstream academic courses. This would not necessarily be a problem for students, since, for example, DLLs in California do not have a particular reason to care if DLLs in South Carolina are treated differently. Students are not entirely spared the consequences of varying state reclassification policies, however. There is evidence that families with DLLs move more frequently than other students.⁴⁶ The flowchart at the outset of this paper becomes considerably more complicated if a formally-classified DLL's family moves across state lines. The different assessments and cut scores for DLLs make it harder for families to get clear information on language proficiency and progress over time.

Consider the following: a young DLL in Mississippi can be reclassified into mainstream education if she scores a 4.5 (out of a possible 6.0) on the state's English language proficiency assessment as well as "proficient" on Mississippi's state language arts exam. If her family then relocates to Alabama, she might be moved back into a language support program. That is, if Alabama's assessment for screening students for initial classification as DLLs identifies the student as a DLL, she will be classified once again—and will now need to score a 4.8 on the same language proficiency assessment that she took the preceding year in Mississippi.

The converse can also occur: a young DLL in Maine who has yet to reach a score of 6.0 on the English language proficiency assessment could move to Vermont and end up being reclassified earlier by virtue of that state's lower benchmarks on the same language proficiency assessment (a 5.0 overall score with at least a 4.0 on the assessment's reading and writing sections).

And these two situations are still relatively straightforward. Consider the case of a young Nevadan

DLL, who is making steady progress towards a 5.0 on one English language proficiency assessment, only to arrive in Oregon to discover that it uses an entirely different assessment. This shift makes it extremely difficult for the student and his family to get an idea of his progress towards English proficiency and eventual reclassification.

Given that assessment data only provide a rough measure of students' abilities, none of these scenarios are necessarily problematic. Perhaps the former Mainer was ready to leave language support programs by the time he arrived in Vermont. Perhaps the erstwhile Mississippian needs the additional supports she might receive in Alabama. Perhaps the ex-Nevadan's family is savvy to the differences between the assessments used in their former state and the new information given in Oregon.

But these possibilities are far from certainties. Nor are they even the most worrisome part of the situation, which is that differences in reclassification standards and the accompanying assessments inform instruction in the classroom. For instance, states exclusively using English language proficiency assessments to determine reclassification may encourage districts, schools, and teachers to emphasize rapid English acquisition over access to challenging academic content. In Illinois, fully one-third of DLLs are exited after less than one year of language supports, which falls far short of what research suggests they need.⁴⁷

Reclassification standards influence the instruction DLLs receive. Given the lack of commonality in approaches to instruction across various states, districts, schools, and even classrooms, it is exceedingly unlikely that DLLs moving from one state to another will find their new schools' programs well-aligned with the language supports and curricular demands of their old schools. As a result of these arbitrary and disjointed policies, it is nearly impossible for educators, schools, and districts to design a coherent approach to supporting DLLs' linguistic and academic growth.⁴⁸

Above all, this chaos makes it difficult for families to get useful information about their students' progress. This can make it more likely that they will refuse language support services. That is, even though research suggests that DLLs do better when provided with structured language supports, especially if these include instruction in the home language, parents confused about their children's academic and linguistic progress may be more likely to waive their access to these programs.

SHARED ASSESSMENTS AND COMMON CUT SCORES?

Interstate heterogeneity has been the norm in policy for decades. There has been little adjustment to the basic policy structure: the federal government provides funds and (relatively limited) standardization for how these students should be served, but states and districts retain considerable local flexibility in determining which students belong in this category.

However, the last several years have seen some changes to the status quo. Two state consortia, Assessment Services Supporting English Learners through Technology Systems (ASSETS) and English Language Proficiency Assessment for the 21st Century (ELPA21), have begun work developing common English proficiency assessments. These consortia aim to modernize and standardize these assessments with an eye to improving states' reclassification processes in tandem with the shift towards college- and career-ready standards—such as the Common Core State Standards. In exchange for federal funds supporting their work, the U.S. Department of Education requires that participating states develop a “common definition” of DLL. In terms of reclassification, this “means an identical definition of [DLL] with respect to...the summative assessments and associated achievement standards used to exit students from [DLL] status.”⁴⁹

But the consortia updating states' English language proficiency assessments are not the only ones challenging the heterogeneous state of states' DLL reclassification policies. The U.S. Department of Education also requires the two state consortia developing new academic content assessments aligned with the Common Core to “define [DLLs] in a manner that is uniform across member States and consistent with section 9101(25) of the ESEA.”⁵⁰ This means that states in the Partnership for Assessment of Readiness for College and Careers (PARCC) and Smarter Balanced assessment consortia will *also* be working out ways to standardize reclassification policies.

Of course, “defining” English language learners is not solely an exercise in word choice. State grantees “define”

DLLs by means of their identification and reclassification policies. As a practical matter, states use home language surveys, English language proficiency assessments, and other tools to determine which students enter the DLL category, and when they exit it.

In a discussion of comments on the initial language used to announce the grants competition for updating states' English language proficiency assessments, the Department of Education specifically emphasized that its intention was to fund “identical,” not simply “similar,” standards for reclassifying DLLs.⁵¹ However, since there are four consortia involved—two working on new Common Core assessments and two working on new English language proficiency assessments—working towards the aforementioned “common definition” will be challenging.

Changes to reclassification policy might seem relatively straightforward for states participating in the same English language proficiency assessment consortium and academic content consortium. That is, states—like Delaware and Maine—that are members of both ASSETS and Smarter Balanced might have a reasonably straightforward path towards harmonizing their reclassification policies. But what about states—like Delaware and Oregon—that are both members of the Smarter Balanced consortium, but participate in different English language proficiency assessments? Delaware is a member of ASSETS, and Oregon is a member of ELPA-21. There are numerous such combinations to be made out of the various consortia memberships, which means that the definition of DLL that each develops will need to be harmonized with the definitions developed in the other three. Furthermore, efforts to bridge various English language proficiency assessments suggest that setting meaningfully common standards between various assessment consortia may be difficult.⁵²

How far will these standardization efforts go in pursuit of an “identical definition” of DLL? There are at least three components of reclassification policy that could be affected, which are depicted in Figure 5.

Figure 5 | How ‘Common’ Will States’ ‘Common Definition’ of DLLs Be?

What Could States Standardize?	How?	Current Context	Likelihood
<i>Common English language proficiency assessments</i>	States could agree to use the same assessments as other states.	This has already been the case for years in most states. Most states have been sharing English language proficiency assessments as part of existing assessment consortia. In 2002, there were at least four major assessments in development: WIDA, ELL SCASS, CELLA, and the Mountain West Assessment. ⁵³	The grants will narrow the number of major consortia-developed assessments in use to two: WIDA and ELPA21, though several states, such as New York, will continue to use their own homegrown assessments.
<i>Common proficiency cut scores</i>	States could agree to set a common standard for English proficiency on the assessment they develop.	To date, cut score overlap has been mostly incidental.	The two consortia aim to coalesce around a common standard, though the consortia members may not agree on a specific score.
<i>Common reclassification procedures</i>	States could agree to use a common assessment, cut score, and process for reclassifying DLLs.	State policies vary considerably in this regard. Some peg English proficiency solely to a test score, some use multiple measures, etc.	This appears very unlikely.

Common Assessments

Surprisingly, interviews with officials at the Department of Education and the assessment consortia reveal some uncertainty on the question of standardizing reclassification policies. Here is what is certain: states *are* coalescing around common assessments. But this does not represent much of a change. Most states have been participating in English language proficiency assessment consortia for many years already, well before this round of grants calling for a common definition of DLLs. While the two English language proficiency assessments of tomorrow will be somewhat more

standardized than the four to six major assessments of the recent past, this is not substantial progress towards a common reclassification policy.⁵⁴

Common Cut Score

Are states willing to go beyond a common assessment to a common cut score? Interviews suggest that the consortia *are* pursuing this objective. Still, neither the Department nor experts working with the consortia expect the consortia to deliver, at least not in the short term. Gary Cook, a researcher working with the ASSETS consortium, suggested that states in each consortium

might be able to settle on a common band of cut scores that would define when a DLL or ELL has reached proficiency. In an interview, officials at the Department of Education explained that they understood the various grants' calls for a common definition similarly. In their view, the consortia should be working towards ensuring that the existing definition of DLLs/ELLs—as outlined in federal law—is “operationalized” in a common way across state lines. They believe that this can be accomplished by bringing state standards for academic English proficiency closer together, without necessarily making them identical across state lines. This may not quite meet the goal—“identical” reclassification standards—but it is a step in that direction.⁵⁵

Common Procedures

Finally, while the consortia are not tasked with standardizing reclassification procedures, they may be able to serve as institutional avenues for states to share best practices. States' work towards common assessments and proficiency standards should serve as prompts for further collaboration on how to support DLLs' academic growth and English acquisition through reclassification procedures.

How might this cooperation spark further progress towards a truly common definition? Perhaps as state education agencies roll out the new English language proficiency assessments, they will begin to develop a better understanding of how the exams work best. The periodic meetings of each consortium's member states will give them an opportunity to communicate best practices and areas of concern to their peers. As these meetings gain institutional momentum, they will serve as venues for various state leaders to develop and codify protocols for how the assessments can best be used. This, in turn, will reinforce the institutional competence and prestige of the consortia and make it easier for them to make bigger decisions on standardization in the future.

This hypothetical model should not be taken as prophecy, however. State education agencies answer to elected officials. The political context of their states may dictate how much education officials are able to cooperate with their counterparts in other states. Furthermore, the incentives for states to standardize their treatment of DLLs are relatively mild; it may seem that Pennsylvania officials gain no benefits from changing their reclassification policies to match Rhode Island's, and vice versa.

That said, there are benefits to standardization that may help states advance further cooperation. First, it can reduce costs in the long run. Just as states save funds by working together to develop a common English proficiency assessment, they can save resources and time by opting into common reclassification cut scores and procedures that are integrated with other standardized pieces of their education systems, such as the new Common-Core-aligned content assessments.

Second, the shared assessments are designed to provide a valid measure of English proficiency. As they improve at that task, this should put pressure on states to coalesce around a common cut score. In other words, as each consortium's assessment gets better, states will find that they work best at sorting students who need language supports from those ready to be reclassified. Once it becomes clear that a 5.0 on the new exam does, in fact, represent a meaningful baseline for English proficiency, it will be in states' interest to adopt that score for their own DLLs and perhaps attendant reclassification procedures, for example. Given the variance in states' language supports for DLLs and their PreK–12 academic curricula, some slight diversity may remain. Perhaps Massachusetts will find that DLLs perform better if it holds reclassification standards at 5.2, while Minnesota finds that 4.8 works best for its students.

States' work towards common assessments and proficiency standards should serve as prompts for further collaboration on how to support DLLs' academic growth and English acquisition through reclassification procedures.

Even if states do not end up at a single score, they will almost assuredly coalesce around a small range of reclassification scores. States that set scores at levels misaligned with the test's design will find that: 1) their DLLs are either being thrown into mainstream education too early or late, and 2) either of those outcomes carries a host of headaches and additional costs for their education systems.⁵⁶

CONCLUSION

What does all of this tell us about DLLs and reclassification? First, that while there is no easy, one-size-fits-all answer to the question of how long academic English proficiency takes to acquire, current state reclassification policies do an extremely poor job of tracking what research suggests DLLs need. Second, that efforts to gauge DLLs' language proficiency must take these students' unique linguistic development path into account. Third, that the window of time needed to acquire a second language varies with the instructional approach taken. Fourth, that while English acquisition is critical for DLLs' long-term academic success, it does not follow that they should be instructed exclusively in English.

Too often, DLLs have been thought of as a niche population for specialized educators, or as a uniquely difficult educational challenge. But given the increasing size of this group of young students, it is clear that schools, districts, states, and even the federal government need to think harder about how to build systems that support their success. This is particularly true given recent research on the relative benefits of investing in these students' linguistic and academic growth in the PreK–3rd grades—and the relative costs of failing to support them.

There is much work to do. At present, state and district policies related to DLLs rarely fit together in any coherent way. Early education programs serving DLLs are rarely connected to, or in communication with, programs in the rest of the PreK–12 system. Most states apply the same reclassification policies to all students, young and old, regardless of the specific language supports they have received. And the arbitrary, misaligned jumble governing DLLs' education is not limited to intra-state policies. States' reclassification policies align only by accident. Students who satisfy South Dakota's reclassification requirements could well be several years away from meeting Michigan's benchmark.

Reclassification policies are a key part of the project of knitting this mess into a coherent system. As states

work towards a common system for determining when DLLs no longer need language support services, they are also taking the first step towards a more coherent approach to DLLs' education. Just as content standards and end-of-course content assessments inevitably shape the instruction that students receive in each grade, reclassification standards and procedures shape how American schools approach DLLs' linguistic and academic development.

These improvements would make a particular difference for language learning students in the early years, since current reclassification policies are rarely designed with their needs in mind. These students are learning English even as they continue developing proficiency in their home languages. Policies that encourage rapid reclassification and subsequent immersion in English-only instruction can add enormous obstacles to these students' academic development—and frequently cost them their bilingualism. Instead, states should design reclassification policies that align with efforts to build coherent, comprehensive PreK–3rd grade systems.

So: how can policymakers improve their approach to reclassification so that it better supports DLLs' needs?

Recommendations

Federal:

- **Congress should substantially increase Title III funds to levels adequate to the growth in this student demographic.** Even as the number and percentage of DLLs in the United States continues to grow, federal Title III funds have decreased. The U.S. now spends less on Title III services—without adjusting for inflation—than we did in 2002.
- **Congress should rewrite the Elementary and Secondary Education Act's monitoring requirement to require districts to provide a moderate level of ongoing language supports for DLLs for the two years after reclassification.** When Congress reauthorizes the Elementary and

Secondary Education Act, it should rework Title III's requirements to encourage states to re-conceptualize reclassification as an intermediate stage in the language development continuum. At the moment, Title III requires districts to monitor former DLLs for two years after reclassification to ensure that they are progressing. Additional years of language supports would reinforce recently reclassified DLLs' continuing progress towards academic English proficiency while also giving them fuller access to mainstream academic coursework.

- **Congress should require states to publish data on the percentage of DLLs exited each year, disaggregated by the number of years they spent in the state's language support programs.** Some states, like Illinois, already publish these data. This information would help policymakers and educators better track how DLLs are being served.⁵⁷
- **The Department of Education should continue funding the existing assessment consortia to help establish these groups' institutional capacity.** This funding could support effective implementation of existing assessments, development of best practices for using the assessments, and work on further standardization of reclassification scores and procedures between states.

States and State Assessment Consortia:

- **States should continue to pursue greater commonality of reclassification standards through existing testing consortia.** Their work stands to make DLLs' education more stable and consistent. The consortia should establish timelines for states to commit to further integration of their approaches to DLL reclassification.
- **States should work towards reclassification procedures for DLLs in the PreK–3rd grades that ensure that these students receive adequate language supports and are not reclassified until they are truly ready.** These should be different than the procedures set for older ELLs. There is evidence that young DLLs' path to learning English is somewhat different than for older students. Specifically, young DLLs have not yet developed basic proficiency in their home languages, and thus cannot draw upon a general understanding of key language concepts while acquiring a second language. This means that DLLs particularly benefit from ongoing supports in their home languages.

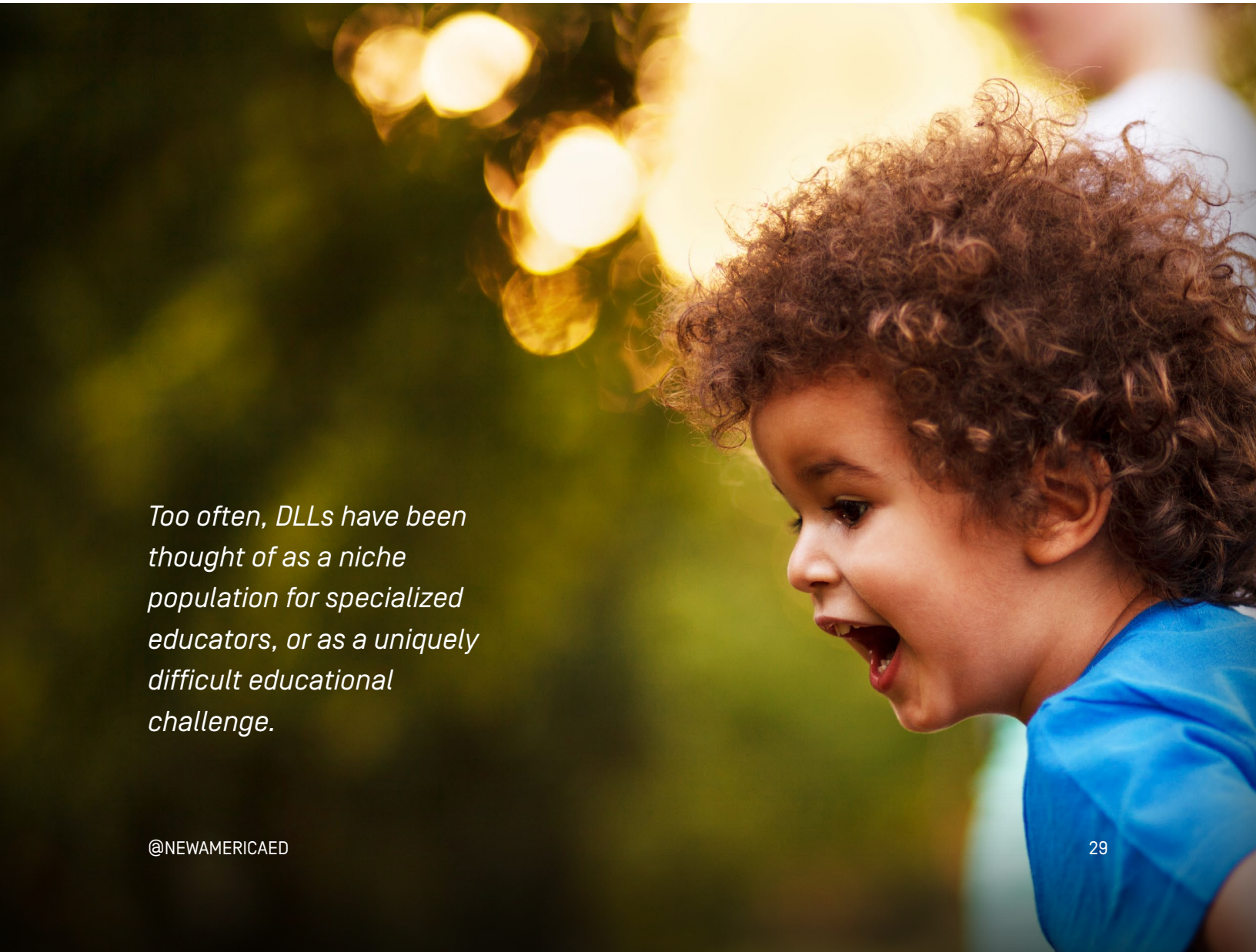
What's more, young students' rapid improvement in oral language proficiency may lead teachers and administrators to push for reclassification before these students have developed full academic English proficiency.

- **States should ensure that reclassification procedures for young DLLs include multiple measures beyond a standardized English proficiency assessment.** Some states, like California, do not allow DLLs to be reclassified before a certain point—often third grade. While this may protect against early reclassification, it may also prevent some students from exiting when they are ready. States' multiple measures should include teacher and administrator judgment, parental consultation, a portfolio of student work, and available data on the student's academic progress in core courses.
- **States should develop assessments that measure DLLs' home language proficiency and include these in reclassification procedures for young DLLs.** Research suggests that DLLs' development in their home languages can support their academic growth and English language acquisition. Collection of these data could help states improve the validity of their reclassification procedures for young students.
- **States should require schools and districts to compile comprehensive evidence of English proficiency when seeking to reclassify young DLLs after fewer than three years of language support services.**
- **States should make screening for official DLL classification mandatory in all publicly-funded pre-K programs.** Research suggests that students who begin adding a second language early in their lives can capture long-term cognitive benefits. Furthermore, states' focus on grade-level reading in English by third grade makes it important that DLLs begin developing their bilingualism early. This emphasis should not be used, however, to justify immersing DLLs in English in the PreK–3rd grades.
- **States should increase their capacity for providing better language supports for young DLLs.** States should require that all teacher candidates take at least one course on specific strategies for supporting DLLs' literacy and English acquisition. The National Council on Teacher Quality's recent review of the country's teacher prep programs suggests that this would be a big change. Only 57 percent of the programs offered significant

information on how they prepare teachers to serve DLLs, and only 24 percent of *those* programs regularly gave teacher candidates “any strategies for teaching reading to students for whom English is a second language.”⁵⁸ There is precedent for moves of this sort: when Illinois expanded its bilingual education regulations to include pre-K in 2008, some teacher preparation programs (such as DePaul University) began requiring all teacher candidates to take courses in bilingual education or English-as-a-Second-Language.⁵⁹

Districts and Schools:

- **Districts and schools should make it a priority to hire teachers who are proficient in the home language(s) of DLLs in their area.** Research suggests that home language supports are critical for young DLLs.
- **Districts and schools should explore ways to combine the pedagogical expertise of teachers with the language abilities of assistant teachers, aides, other non-instructional staff, and families.** This would allow schools to provide an increased degree of home language support for DLLs even when their teachers are monolingual English speakers.
- **Districts and schools should work to improve data sharing practices between early education providers and the rest of their PreK–12 systems.** While the quality of language supports DLLs receive in early education settings varies a great deal, the benefits of excellent programs are often lost because of lack of communication with schools and districts. Critically, better data sharing would support districts aiming to build better alignment between early education providers and their PreK–12 systems.



Too often, DLLs have been thought of as a niche population for specialized educators, or as a uniquely difficult educational challenge.

Notes

1. William J. Hussar and Tabitha M. Bailey, *Projections of Education Statistics to 2022* (Washington, DC: National Center for Education Statistics, 2014), <http://nces.ed.gov/pubs2014/2014051.pdf>.
2. Camille Ryan, “Language Use in the United States: 2011” (Washington, DC: U.S. Census Bureau, August 2013), <http://www.census.gov/prod/2013pubs/acs-22.pdf>.
3. Hussar and Bailey, *Projections of Education Statistics to 2022*.
4. Ryan, “Language Use in the United States: 2011.”
5. “Head Start Program Facts, Fiscal Year 2013” (Washington, DC: U.S. Department of Health and Human Services, May 2014), <http://eclkc.ohs.acf.hhs.gov/hslc/data/factsheets/2013-hs-program-factsheet.html>.
6. Wayne P. Thomas and Virginia P. Collier, *A National Study of School Effectiveness for Language Minority Students’ Long-Term Academic Achievement* (Santa Clara, CA: Center for Research on Education, Diversity & Excellence, University of California-Santa Cruz, 2002): 10; “Number and Percentage of Public School Students Participating in Programs for English Language Learners, By State: Selected Years, 2002–03 through 2010–11” (Washington, DC: National Center for Education Statistics, November 2012), https://nces.ed.gov/programs/digest/d12/tables/dt12_047.asp; Karina Fortuny, Donald J. Hernandez, and Ajay Chaudry, “Young Children of Immigrants: The Leading Edge of America’s Future” (Washington, DC: Urban Institute, 2010), <http://www.urban.org/publications/412203.html>.
7. Mark Mather, “Fact Sheet: The Decline in U.S. Fertility,” World Population Data Sheet 2012 (Washington, DC: Population Reference Bureau, 2012), <http://www.prb.org/Publications/Datasheets/2012/world-population-data-sheet/fact-sheet-us-population.aspx>; Jeffrey S. Passel, Gretchen Livingston, and D’Vera Cohn, “Explaining Why Minority Births Now Outnumber White Births” (Washington, DC: Pew Social and Demographic Trends, May 2012), <http://www.pewsocialtrends.org/2012/05/17/explaining-why-minority-births-now-outnumber-white-births/>; *The Mexican-American Boom: Births Overtake Immigration* (Washington, DC: Pew Hispanic Center, July 2011), <http://pewhispanic.org/files/reports/144.pdf>; “An American With Fewer Children,” New America (video of Dowell Myers presentation, June 18, 2013), http://newamerica.net/events/2013/an_america_with_fewer_children.
8. Megan Dunn Davison, Carol Hammer, and Frank R. Lawrence, “Associations Between Preschool Language and First Grade Reading Outcomes in Bilingual Children,” *Journal of Communication Disorders* 44 (2011): 444–58; Jeff MacSwan and Kellie Rolstad, “Modularity and the Facilitation Effect: Psychological Mechanisms of Transfer in Bilingual Students,” *Hispanic Journal of Behavioral Sciences* 27, no. 2 (May 2005): 224–243.
9. Jeanne Batalova and Margie McHugh, “Top Languages Spoken by English Language Learners Nationally and by State,” ELL Information Center Fact Sheet Series (Washington, DC: Migration Policy Institute, 2010), http://www.migrationinformation.org/ellinfo/FactSheet_ELL3.pdf; Passel, et al. “Explaining Why Minority Births Now Outnumber White Births.”
10. Mary Ann Zehr, “Screening Students Proves to Be Crucial,” *Education Week*, December 31, 2008, <http://www.edweek.org/ew/articles/2009/01/08/17screening.h28.html>.
11. Note that federal and state laws use a variety of terms to refer to these students, from “Limited English Proficient” to “English Learner” to “English Language Learner” to “Dual Language Learner.”
12. *Serving Head Start’s Diverse Children and Families: What Is the Law? What Are the Regulations?* (Washington, DC: National Center on Cultural and Linguistic Responsiveness, Office of Head Start, 2013), 11, <http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/cultural-linguistic/docs/serving-head-starts-diverse-families-laws-regs.pdf>.
13. “Snapshot of References to Dual Language Learners (DLLs) in State Early Learning Guidelines” (Washington, DC: National Center on Cultural and Linguistic Responsiveness, Office of Head Start, 2013), <http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/cultural-linguistic/state-guidelines/snapshot.html>; *Report to Congress on Dual Language Learners in Head Start and Early Head Start Programs*, (Washington, DC: Administration for Children and Families, U.S. Department of Health and Human Services, 2013), http://www.acf.hhs.gov/sites/default/files/opre/report_to_congress.pdf.
14. *No Child Left Behind Act of 2002*, Public Law No. 107–110, 115 Stat. 1425 (2002). Title IX, Section 9101(25): “The term limited English proficient, when used with respect to an individual, means an individual [student]... whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual — (i) the ability to meet the State’s proficient level of achievement on State assessments...(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society.”
15. Edward Flores, Gary Painter, Zackary Harlow-Nash, and Harry Pachon, *¿Qué Pasa? Are English Language Learning Students Remaining in English Learning Classes Too Long?* (Los Angeles, CA: The Tomás Rivera Policy Institute, October 2009), http://trpi.org/wp-content/uploads/archives/ell_report.pdf.
16. Patricia Gándara, email message to author, April 7, 2014.
17. Carola Suárez-Orozco, Marcelo M. Suárez-Orozco, and Irina Todorova, *Learning a New Land: Immigrant Students in American Society* (Cambridge, MA: The Belknap Press of Harvard University Press, 2008), 151; James Cummins, “Language Development and Academic Learning,” in *Language, Culture, and Cognition*, ed. Lillian M. Malave and Georges Duquette (Clevedon, UK: Multilingual Matters, 1991).
18. Suárez-Orozco, et al, *Learning a New Land: Immigrant Students in American Society*, 42.
19. Thomas and Collier, *A National Study of School Effectiveness for Language Minority Students’ Long-Term Academic Achievement*.
20. “Factors Associated with Development of Dual Language Learners: Results from a Secondary Analysis of the ECLS-B” (Chapel Hill, NC: The University of North Carolina, Center for Early Care and Education Research—

- Dual Language Learners, Frank Porter Graham Child Development Institute, 2011), <http://cecerdll.fpg.unc.edu/sites/cecerdll.fpg.unc.edu/files/imce/documents/Brief%20%238%20SDA1Final%20Rvsd%2010-31-11.pdf>.
21. Patton Tabors, "How Do Young Learners Develop First and Second Languages?" in *Young Dual Language Learners*, ed. Karen N. Nemeth (Philadelphia, PA: Caslon Publishing, 2014), 58–60.
 22. Linda M. Espinosa, *PreK–3rd: Challenging Common Myths About Dual Language Learners, An Update to the Seminal 2008 Report, PreK–3rd Policy to Action Briefs*, no. 10 (New York, NY: Foundation for Child Development, August 2013), <http://fcd-us.org/sites/default/files/Challenging%20Common%20Myths%20Update.pdf>.
 23. Thomas and Collier, *A National Study of School Effectiveness for Language Minority Students' Long-Term Academic Achievement*.
 24. Thomas and Collier, *A National Study of School Effectiveness for Language Minority Students' Long-Term Academic Achievement*.
 25. Rachel A. Valentino and Sean Reardon, "Effectiveness of Four Instructional Programs Designed to Serve English Language Learners: Variation by Ethnicity and Initial English Proficiency," in press, (Palo Alto, CA: Stanford University Graduate School of Education, 2014), http://cepa.stanford.edu/sites/default/files/Valentino_Reardon_EL%20Programs_14_0326_2.pdf; Ilana M. Umansky, "Reclassification Patterns among Latino English Learner Students in Bilingual, Dual Immersion, and English Immersion Classrooms," in press, (Palo Alto, CA: Stanford University Graduate School of Education, 2014), http://cepa.stanford.edu/sites/default/files/Umansky%20Reardon_Latino%20Reclass_Under%20Review.pdf.
 26. Valentino and Reardon, "Effectiveness of Four Instructional Programs Designed to Serve English Language Learners: Variation by Ethnicity and Initial English Proficiency."
 27. James Cummins, "The Role of Primary Language Development in Promoting Educational Success for Language Minority Students," in *Schooling and Language Minority Students: A Theoretical Framework* (Los Angeles, CA: California State University Evaluation, Dissemination, and Assessment Center, 1981).
 28. Tabors, 59.
 29. Yuko Goto Butler and Kenji Hakuta, "Bilingualism and Second Language Acquisition," in *The Handbook of Bilingualism*, ed. Tej K. Bhatia and William C. Ritchie (London: Blackwell, 2004), 129–34. Cf. Suárez-Orozco, et al, *Learning a New Land*, 157: "When students are well grounded in their native language and have developed reading and writing skills in that language, they appear to be able to efficiently apply that knowledge to the new language when provided appropriate instructional supports."
 30. Tabors, "How Do Young Learners Develop First and Second Languages?" 59; Alyssa McCabe, Catherine S. Tamis-LeMonda, Marc H. Bornstein, Carolyn Brockmeyer Cates, Roberta Golinkoff, Alison Wishard Guerra, Kathy Hirsh-Pasek, Erika Hoff, Yana Kuchirko, Gigliana Melzi, Alan Mendelsohn, Mariela Pérez, and Lulu Song, "Multilingual Children: Beyond Myths and Toward Best Practices," *Social Policy Report* 27, no. 4 (2013), <http://fcd-us.org/sites/default/files/Multilingual%20Children%20Beyond%20Myths%20and%20Towards%20Best%20Practices.pdf>, 9: "There is no evidence that giving up a heritage language will result in improved language outcomes in L2."
 31. Ellen Bialystok, Fergus M. Craik, Raymond Klein, and Mythili Viswanathan, "Bilingualism, Aging, and Cognitive Control: Evidence from the Simon Task," *Psychology and Aging* 19, no. 2 (2004): 290–303; Raluca Barac and Ellen Bialystok, "Bilingual Effects on Cognitive and Linguistic Development: Role of Language, Cultural Background, and Education," *Child Development* 83 (2012): 413–22; Hanako Yoshida, "The Cognitive Benefits of Early Multilingualism," *Zero to Three* 29, no. 2 (Nov. 2008): 26–30; McCabe, et al. "Multilingual Children Beyond Myths and Toward Best Practices."
 32. "Fiscal Years 2013–2015 State Tables for the U.S. Department of Education" (Washington, DC: U.S. Department of Education, 2014), <http://www2.ed.gov/about/overview/budget/statetables/15stbyprogram.pdf>.
 33. National Center for Education Statistics, "Number and Percentage of Public School Students Participating in Programs for English Language Learners, by State."
 34. "Children Who Speak a Language Other Than English at Home" (Baltimore, MD: Kids Count Data Center, Annie E. Casey Foundation, 2014), <http://datacenter.kidscount.org/data/tables/81-children-who-speak-a-language-other-than-english-at-home?loc=1&loc2=2#detailed/1/any/false/868,13/any/396,397>.
 35. *No Child Left Behind*, Title IX, Section 9101(25); *No Child Left Behind*, Title I, Section 1111(b)(2)(B), Title III, Section 3313(b)(6).
 36. *Bilingual Education Programs and English Language Learners in Illinois: SY 2012 (2011–2012 School Year) Statistical Report* (Chicago, IL: Data Analysis and Accountability Division, English Language Learning Division, Illinois State Board of Education, July 2013), http://www.isbe.net/research/pdfs/ell_program_stat_report12.pdf.
 37. "ACCESS for ELLs and Exiting Students," State of New Jersey Department of Education, <http://www.nj.gov/education/bilingual/ells/exiting.htm>.
 38. "CELDT Initial/Annual Scale Score Ranges," California Department of Education, <http://www.cde.ca.gov/ta/tg/el/cutpoints.asp>; "Number and Percent of Students Redesignated to FEP," California Department of Education, Data Reporting Office, 2014, <http://dq.cde.ca.gov/dataquest/Cbeds1.sp?Enroll=on&PctEL=on&PctFEP=on&PctRe=on&cChoice=StatProf1&cYear=2013-14>.
 39. Laura E. Hill, Margaret Weston, and Joseph M. Hayes, *Reclassification of English Learner Students in California* (San Francisco, CA: Public Policy Institute of California, January 2014), http://www.ppic.org/content/pubs/report/R_114LHR.pdf. Cf. Laurie Olsen, "Reparable Harm, Fulfilling the Unkept Promise of Educational Opportunity for California Long Term English Learners" (Long Beach, CA: Californians Together, 2010), <http://www.californiantogether.org/docs/download.aspx?fileId=227>.
 40. "South Carolina Accountability Workbook, Revisions as Approved by the United States Department of Education on June 9, 2010" (Washington, DC: U.S. Department of Education, 2010), <http://ed.sc.gov/agency/programs->

- services/77/documents/SCAccountabilityPlanJune92010.pdf, 35.
41. *Language Proficiency Assessment Committee Framework Manual, 2013–2014*, (Austin, TX: Texas Education Agency Curriculum Division, 2013), http://portal.esc20.net/portal/page/portal/doclibraryroot/publicpages/bilingualesl/BESL%20LPAC%20Framework/Files/LPAC_Manual_Resources_2013-2014.pdf, 221.
 42. Division of English Language Learning, Illinois State Board of Education Memo: “Re: New ‘proficiency’ definition for identifying English Learners, notification pursuant to 23 Illinois Administrative Code 228.25(b)(2),” June 27, 2013, <http://www.isbe.state.il.us/bilingual/pdfs/proficiency-def-mod-memo0613.pdf>.
 43. “ESEA Flexibility: Frequently Asked Questions Addendum,” U.S. Department of Education (Washington, DC: March 5, 2013), <http://www2.ed.gov/policy/eseaflex/fqaqaddendum.doc>.
 44. James J. Lyons, “Opportunity Lost: The Promise of Equal and Effective Education for Emerging Bilingual Students in the Obama Administration,” Bueno National Policy Center for Bilingual and Multicultural Education (Boulder, CO: University of Colorado, January 1, 2014), http://www.buenopolicycenter.org/documents/Policy_Review_Opportunity_Lost_2013.pdf, 37.
 45. *2013 A–F Letter Grade Accountability System Technical Manual* (Phoenix, AZ: Arizona Department of Education, 2013), <http://www.azed.gov/research-evaluation/files/2013/11/2013-a-f-technical-manual.pdf>, 19. Note: the waiver granted to California’s CORE Districts also includes a promise to build DLLs’ reclassification rates into the districts’ School Quality Improvement System. *California Office to Reform Education: Local Educational Agencies’ Request for Waivers under Section 9401 of the Elementary and Secondary Education Act of 1965* (Washington, DC: August 2013), <http://www2.ed.gov/policy/eseaflex/approved-requests/corerequestfullredacted.pdf>, 94.
 46. *Many Challenges Arise in Educating Students Who Change Schools Frequently* (Washington, DC: United States Government Accountability Office, November 2010), 40. Cf. Mary Ann Zehr, “Mobility for Arizona’s ELLs is Higher Than for Other Students,” *Education Week*, October 25, 2010, http://blogs.edweek.org/edweek/learning-the-language/2010/10/mobility_for_arizonas_ells_is.html.
 47. *Bilingual Education Programs and English Language Learners in Illinois: SY 2012 (2011–2012 School Year) Statistical Report*.
 48. It is worth noting that these examples gloss over the difference between classification and reclassification. In reality, arriving students would be unlikely to take the state’s English language proficiency assessment at their new schools. Rather, their parents would complete a home language survey that could prompt students to take a diagnostic assessment that might—or might not—result in classification as a DLL. This only amplifies the chance that our hypothetical students would fall through the cracks of their new states’ education systems.
 49. U.S. Department of Education, “Applications for New Awards; Enhanced Assessment Instruments Grants Program—Enhanced Assessments Instruments,” *Federal Register*, Vol. 76, no. 75, 21978–21984 (April 19, 2011). Cf. U.S. Department of Education, “Applications for New Awards; Enhanced Assessment Instruments Grants Program—Enhanced Assessment Instruments (English Language Proficiency (ELP) Competition),” *Federal Register*, Vol. 77, no. 83, 25457–25463 (April 30, 2012).
 50. H. Gary Cook and Robert Linquanti, *Toward a “Common Definition of English Learner”: A Brief Defining Policy and Technical Issues and Opportunities for State Assessment Consortia* (Washington, DC: Council of Chief State School Officers, 2013), http://www.ccsso.org/Documents/2013/Common%20Definition%20of%20English%20Learner_2013.pdf; U.S. Department of Education, “Overview Information; Race to the Top Fund Assessment Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010,” *Federal Register*, Vol. 75, no. 68, 18171–18185 (April 9, 2010): “English learner means a student who is an English learner as that term is defined by the consortium. The consortium must define the term in a manner that is uniform across member States and consistent with section 9101(25) of the ESEA.”
 51. U.S. Department of Education, “Applications for New Awards; Enhanced Assessment Instruments Grants Program,” *Federal Register*, Vol. 76, no. 75.
 52. *Allocating Federal Funds for State Programs for English Language Learners*, Committee on National Statistics and Board on Testing and Assessment, National Research Council (Washington, DC: The National Academies Press, 2011), 69–76.
 53. While these four assessments were the most commonly used, a 2011 National Academy of Sciences report found eight different English language proficiency assessments still in use. *Allocating Federal Funds for State Programs for English Language Learners*, 66.
 54. Lesli Maxwell, “New Guide to Help States Commonly Define English Language Learners,” *Education Week*, August 30, 2013, http://blogs.edweek.org/edweek/learning-the-language/2013/08/new_guide_for_states_on_how_to.html; Robert Linquanti and H. Gary Cook, *Toward a “Common Definition of English Learner.”*
 55. Interview with H. Gary Cook, Wisconsin Center for Education Research, April 8, 2014. Interview with Erin Schaeckel, Supreet Anand, Laura Jimenez, and Patrick Rooney, U.S. Department of Education, April 16, 2014.
 56. Interview with H. Gary Cook, April 8, 2014. Cook suggested that a single score was unlikely, but that a “relatively narrow band” for cut scores was a reasonable outcome in the long run.
 57. *Bilingual Education Programs and English Language Learners in Illinois: SY 2012 (2011–2012 School Year) Statistical Report*.
 58. Julie Greenberg, Kate Walsh, and Arthur McKee, *2014 Teacher Prep Review: A Review of the Nation’s Teacher Preparation Programs* (Washington, DC: National Council on Teacher Quality, 2014), http://www.nctq.org/dmsView/Teacher_Prep_Review_2014_Report, 20 and 38.
 59. Maggie Severns, *Starting Early with English Language Learners: First Lessons from Illinois* (Washington, DC: New America, 2012), http://newamerica.net/sites/newamerica.net/files/policydocs/Starting_Early_With_English_Language_Learners.pdf; DePaul University College of Education, “Autumn 2014–2015 University Catalog, Major Requirements—Early Childhood Education (BS),” <http://www.depaul.edu/university-catalog/degree-requirements/undergraduate/education/early-childhood-education-bs/Pages/major-requirements.aspx>.



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