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The Inequitable Treatment of English Learners in California's Public Schools

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Claims of *Williams v. State of California*

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English learners comprise one-fourth of the entire public school population in California, and one out of three students in the elementary grades (Rumberger & Gándara, 2000, Table 1). In total, they represent nearly 1.5 million students. Of these, the largest percentage—approximately 80 percent—speak Spanish and 88 percent of the students speak one of four major languages. There are very few California schools that report having no English learners among their student population. Today, the typical California school is composed of both English learners and English speakers, and in many schools more than one-quarter of the student body is not fluent in English.

Although most English learners are found at the elementary school level, a larger proportion of English learners (hereafter also referred to as ELs or EL students) is found in secondary schools than commonly believed. One-third of elementary students are ELs, but more than 18 percent of secondary school students are also English learners (Rumberger & Gándara, 2000, Table 1). Proportionately, the number of English learners in secondary schools has been growing at a faster rate than the number in elementary schools (California Department of Education, Language Census 2001). The increase in the population of these secondary level English learners presents a particular challenge for both the students and the schools that serve them. This is principally because older children have less time to acquire both English and academic skills in order to get ready for high school graduation and to prepare for post-

secondary options. Unfortunately the unique needs of these older EL students are often overlooked entirely in California's schools.

In California, the state is responsible for ensuring equality of educational opportunity for all of its students. Yet, with respect to English learners, the state has largely failed even to assess the conditions of education for these students. It has not adequately monitored their educational opportunities in terms of access to critical resources such as qualified teachers, appropriate instructional materials, coursework, and learning environments. Most of the data we present has been collected and analyzed by persons outside of the California Department of Education (CDE) because the Department does not track these conditions of education for English learners. Moreover, even when the critical nature of these conditions is brought to its attention, the state has failed in its duty. It has been unsuccessful in guaranteeing that EL students have the teachers, the curriculum, the instruction, the assessment, and the support services they need to achieve meaningful access to the same academic content as native English speaking students. Furthermore, when the state has become aware of specific substandard learning conditions for English learners through the CDE's review processes or through outside litigation, such as in the Oakland and Compton school districts, it has failed to act effectively to correct these problems. In other ways, for example, with an ill-planned class size reduction program and the poorly articulated implementation of Proposition 227, the state has worsened the learning conditions for these students.

In this study we first examine the achievement gap for English learners in California. Second, we review evidence in seven areas in which these students receive a substantially inequitable education vis-à-vis their English-speaking peers, even when those peers are similarly economically disadvantaged:

- (1) Inequitable access to appropriately trained teachers;
- (2) Inadequate professional development opportunities to help teachers meet the instructional needs of English learners.
- (3) Inequitable access to appropriate assessment to measure their progress, gauge their learning needs, and hold the system accountable for their progress;
- (4) Inequitable instructional time to accomplish learning goals;
- (5) Inequitable access to instructional materials and curriculum;
- (6) Inequitable access to adequate facilities.
- (7) Intense segregation into schools and classrooms that place English learners at particularly high risk for educational failure;

Third, we examine the failure of the state to monitor, prevent and correct substandard EL learning conditions. Finally, we discuss some possible ways for the state to equalize the opportunities for this significant sub-population of students.

Achievement of English learners

The overall achievement of English learners is significantly below that of other groups on a number of different measures.

California High School Exit Exam

The High School Exit Exam (HSEE) is a major element of California's education accountability system. All students in the class of 2004 and beyond must pass the exam in order to receive a high school diploma. The exam is a standards-based, criterion-referenced test that is designed to ensure that all California high school graduates have a similar set of fundamental skills in English language arts and mathematics (California Education Code section 60850-

60859). The need for improving the education provided by California's high schools is undeniable. Although accountability measures may be necessary to this effort, there is early evidence that the HSEE presents exceptionally high stakes for EL students.

By the end of their sophomore year, students from the class of 2004 had been given two opportunities to pass the HSEE. Thus far, the majority of EL students have yet to pass the exam. Whereas 48 percent of all students had passed the exam by the end of their sophomore year, only 19 percent of English learners had passed the exam (California Department of Education, 2002, Attachment 1).

Stanford 9

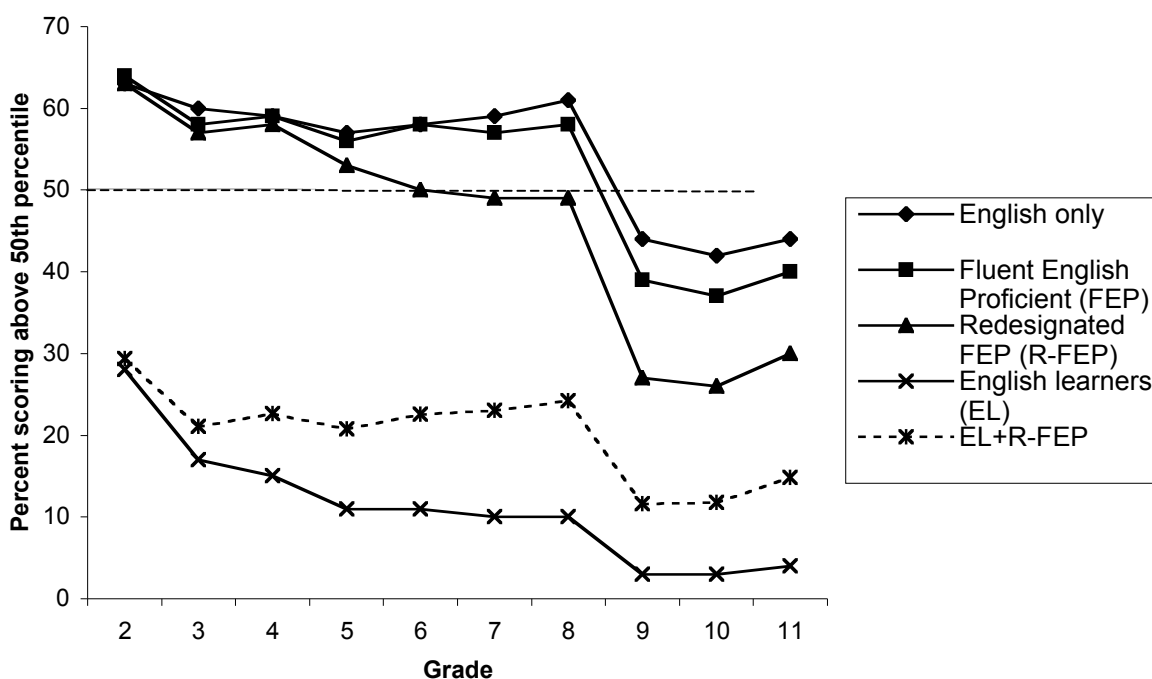
Between the years 1998 and 2001, the State used the SAT9—a norm-referenced, English-only achievement test—as the only metric by which to track the academic performance of all of its students, including English learners, who *by definition*, do not understand the test well enough to make it a valid form of assessment.¹ Given that the state has committed itself to the view that the SAT9 should be used across language groups, it ought to be concerned with cross-language group achievement comparisons. Therefore, in spite of the fact that we disagree with the State's judgment in this use of the test, we provide an analysis of the achievement of English learners vis-à-vis their English-speaking peers.

A persistent gap in test scores is a major factor in the school experience of English learners. As a group they continue to perform more poorly than English-speaking students throughout their entire school careers. This is clearly illustrated by the SAT9 English reading scores across grade levels (see Figure 1). As expected, English learners who, by definition, are

¹ In 1999, the state augmented the SAT9 with a test more closely aligned with the state's academic content standards, the California Standards Test. In 2003, the SAT9 will be replaced with another norm-referenced test, the California Achievement Test (see <http://star.cde.ca.gov/>).

not yet proficient in English, have low reading scores across all grade levels. Language minority students who enter school already proficient in English (Fluent English Proficient or FEP) start out comparable to native English speakers, but by third grade they fall behind and never catch up. Students who enter the schools as English learners and who are subsequently reclassified as proficient (R-FEP), also start out comparable, but by 5th grade they fall below native English speakers, and by 7th grade they fall even further behind these students. Such results challenge the belief that if all English learners demonstrated “proficiency”—as defined by early scores on the SAT9 test—in English in elementary school, then their achievement would be at least comparable to that of other students in secondary school.

Figure 1
2001 California SAT9 Reading Test Scores by Grade Level and Language Background



SOUCRE: California State Department of Education, *California Standardized Testing and Reporting (STAR) Program*. Retrieved February 7, 2002 from the World Wide Web: <http://star.cde.ca.gov/star2001/default.htm>

Even though the previous analysis shows a sizeable and growing achievement gap between English origin and non-English origin students across grade levels, there are some suggestions in the data that the gap has narrowed slightly. To investigate this issue, we examined SAT9 reading test scale scores between the years 1998 and 2001 compiled by Parrish et al. (2002) as part of their year two evaluation of Proposition 227. Scale scores show growth in achievement over time based on a common metric. Thus it provides a good indication of the amount of learning that has taken place over time.

The evaluation team had access to individual student test scores for all the students in California for the years 1998 through 2001 by language classification.² The evaluation team examined changes in test scores between 1998 and 2001 for each grade level and for three synthetic cohorts of students:³ (1) a cohort of students who were enrolled in grade 2 in 1998, grade 3 in 1999, grade 4 in 2000, and grade 5 in 2001; (2) a cohort of students who were enrolled in grade 4 in 1998, grade 5 in 1999, and grade 6 in 2000, and grade 7 in 2001; and (3) a cohort of students who were enrolled in grade 8 in 1998, grade 9 in 1999, grade 10 in 2000, and grade 11 in 2001. In order to compare non-overlapping cohorts, we replaced the second cohort with one that began when students were enrolled in grade 5 in 1998. One of the innovations of Parrish and his colleagues is that they compared English only students with a weighted average of current English learners and former English learners who were reclassified as Fluent English Proficient (R-FEP) in order to better assess the combined progress of all students who first entered California schools as English learners. Because an increasing number of EL students become proficient in English as they progress through school and are reclassified as fluent

² The State Department of Education provides aggregate test scores on its website for each year, but the data are only disaggregated by language groups for the years 1999 through 2001.

English speakers, the number of EL students tends to decrease among older grade cohorts while the number of R-FEP students tends to increase.

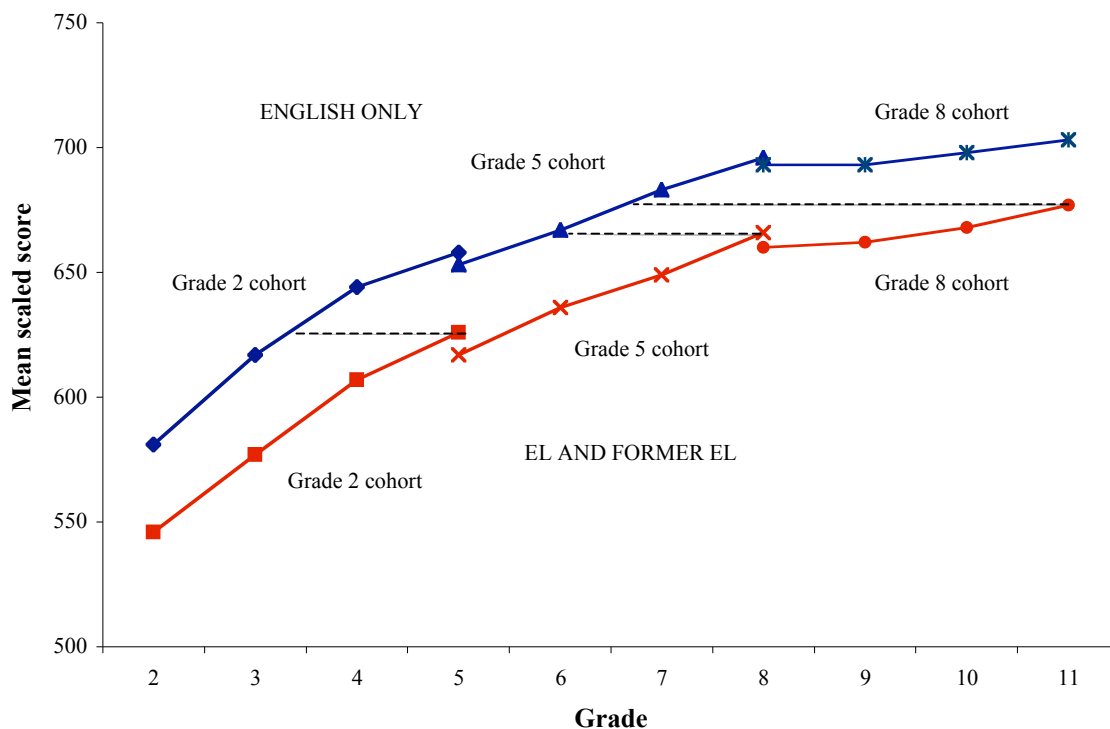
The results, shown in Figure 2, again show a sizeable achievement gap between English only students and current/former English learners. Both groups show more achievement growth in the early years than in the later years, which reflect the increasing difficulty of learning higher levels of more academic English (Scarcella & Rumberger, 2000). The data show a slight narrowing of the achievement gap across all three cohorts, as Parrish, et al. note in their evaluation study (Parrish, et al., 2002, page III-15). For example, the achievement level of English only students improved from 581 points in grade 2 to 658 points in grade 5, an increase of 77 points, while the achievement level of English learners and former English learners improved 80 points. As a result, the achievement gap narrowed by 3 points. Among all three cohorts and three subjects (reading, language, and math), the evaluation team found that the achievement gap narrowed by 1 to 8 points (Parrish, et al., 2002, Exhibits 10, 13, 16).

³ Because of migration and mobility, the cohorts are not necessarily composed of the same students each year, which illustrates the need for a longitudinal study of students (see Kaufman, 2002).

Figure 2

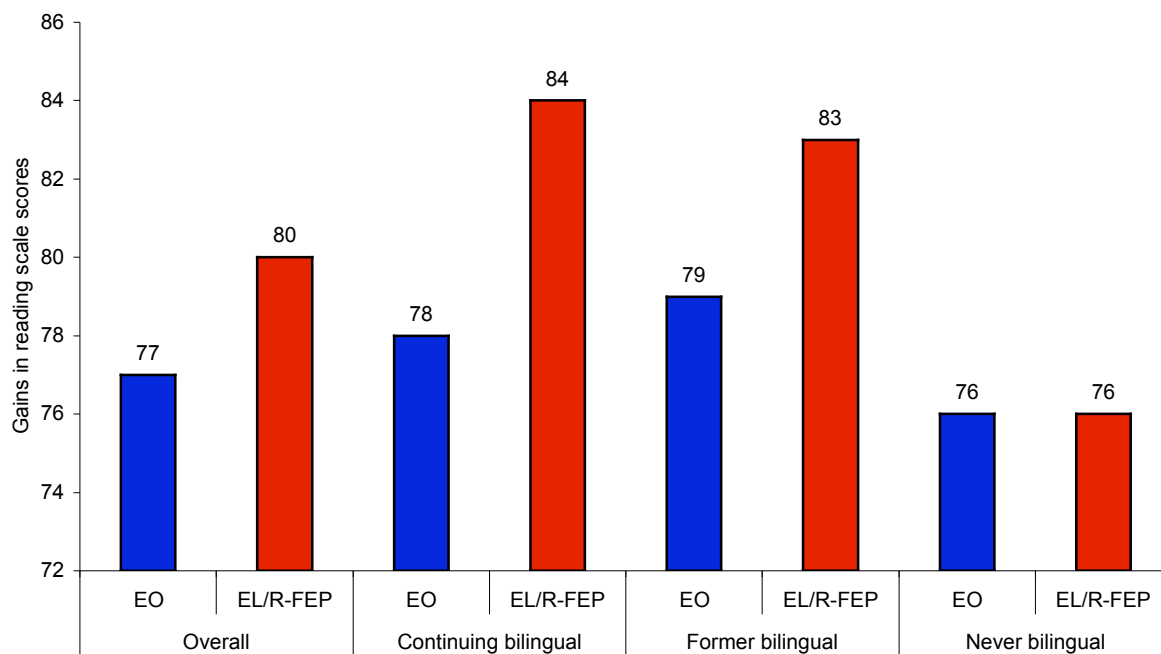
SAT 9 Reading Scores by Grade Cohort and Language Classification, 1998-2001

SOUCRE: Parrish, et al. (2002), Exhibit 1.



It is interesting to note that the greatest achievement growth for the grade 2 cohorts occurred in schools that offered bilingual instruction before Proposition 227 or continued to offer bilingual instruction after Proposition 227 (Figure 3). In addition, the slight narrowing of the achievement gap between English only and EL and former EL students, noted above, was due to reductions in the achievement gap in those two types of schools; while in schools that never offered bilingual education, there was no reduction in the achievement gap.

Figure 3
Reading Achievement Gains for Grade 2-5 Cohort by Language Group and Instructional Model



NOTE: EO is English only; EL is English learner; R-REP is reclassified Fluent English Proficient (formerly EL).
SOUCRE: Parrish, et al. (2002), Exhibits 10 and 19.

Despite these improvements, the achievement gap remains large, and increases at the higher grades. To illustrate: in grade 5, when many students have completed elementary school, the left-most horizontal line in Figure 2 shows that current and former English learners are reading at the same level as English only students between grades 3 and 4, a gap of about one and one-half years. By grade 8, when most students have completed middle school, the next horizontal line shows that current and former English learners are reading at the same level as English only students in grade 6, a gap of about two years. By grade 11, the right-most horizontal line shows that current and former English learners are reading at the same level as English only students between grades 6 and 7, a gap of about four and one-half years.

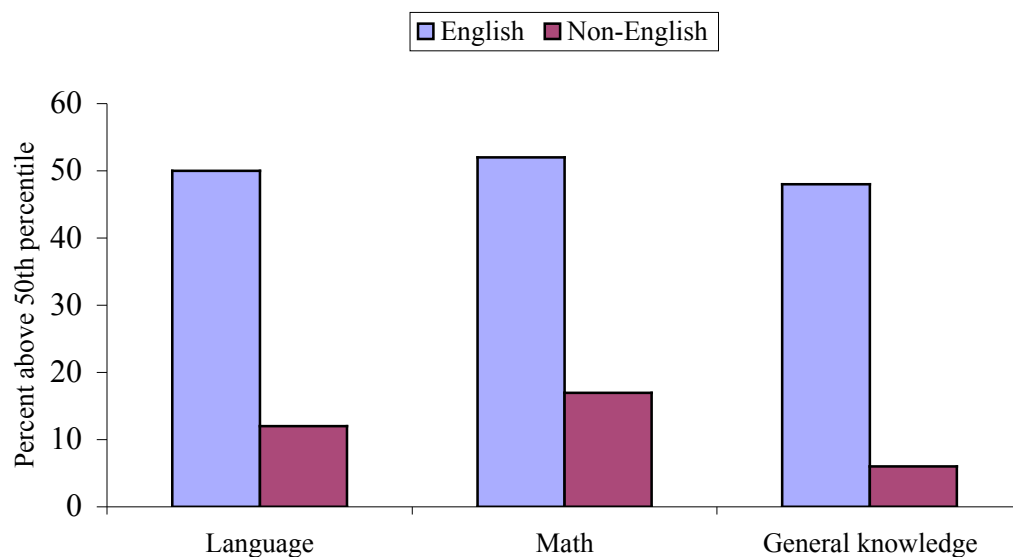
School Readiness

One reason for the underachievement of English learners is that they begin school significantly behind their English-speaking peers. Data from the Early Childhood Longitudinal Study (ECLS) show that about half of California kindergartners from English speaking backgrounds scored above the 50th percentile in fall assessments of language, mathematics, and general knowledge. However, no more than 17 percent of kindergartners from non-English speaking backgrounds scored above the 50th percentile (see Figure 4). One reason for this disparity is that many English learners begin school without a sufficient understanding of oral English that English background students acquire naturally in their home environment. According to the ECLS data, more than 60 percent of English learners who entered California kindergartens in the fall of 1998 did not understand English well enough to be assessed in English. Even after one year of school, 38 percent of the students were still not proficient enough in English to be assessed.⁴

Teachers and schools make judgments about students' abilities based on the information available to them, including test scores. Schools make class placement decisions based, at least in part, on students' standardized test scores. Moreover, when the teacher does not speak the language of the child, cannot communicate with the child's family, and has little other information to rely on, test scores can take on even greater importance. Students who score low on tests are likely to be placed in remedial education, even though such a placement is unlikely to help students close the educational gap with their mainstream peers. (Gottlieb, Alter, Gottlieb, & Wishner, 1994; Skirtic, 1991). In Hobson v Hansen (269 F. Supp. 401, 490; DDC 1967), the Washington D.C. Superior Court noted in a major test case on the viability of curriculum

tracking as an educational practice that “a sixth grade student nourished on a third-grade curriculum is apt to finish the year with a third-grade education. . .”

Figure 4
Cognitive Skills of California Beginning Kindergartners by Language Background, Fall 1998



Note: Results are weighted (C1CW0).

SOURCE: ECLS base year data for California public school kindergartners (N=2826).

Clearly, the gap in skills must be addressed early in the English learner’s schooling career. Without an enriched curriculum that extends across both home and school, these students are unlikely to ever catch up to their native English peers and they are at increased risk for placement into dead end special education classes.

Conditions of Inequity for English Learners

The achievement gap between English learners and their English-only counterparts can be attributed, in part, to a number of inequitable conditions that affect their opportunities to learn.

⁴ Based on analysis of Early Childhood Longitudinal Study (ECLS) Kindergarten Cohort, California sub-sample (N=2826).

(1) **Inequitable access to appropriately trained teachers**

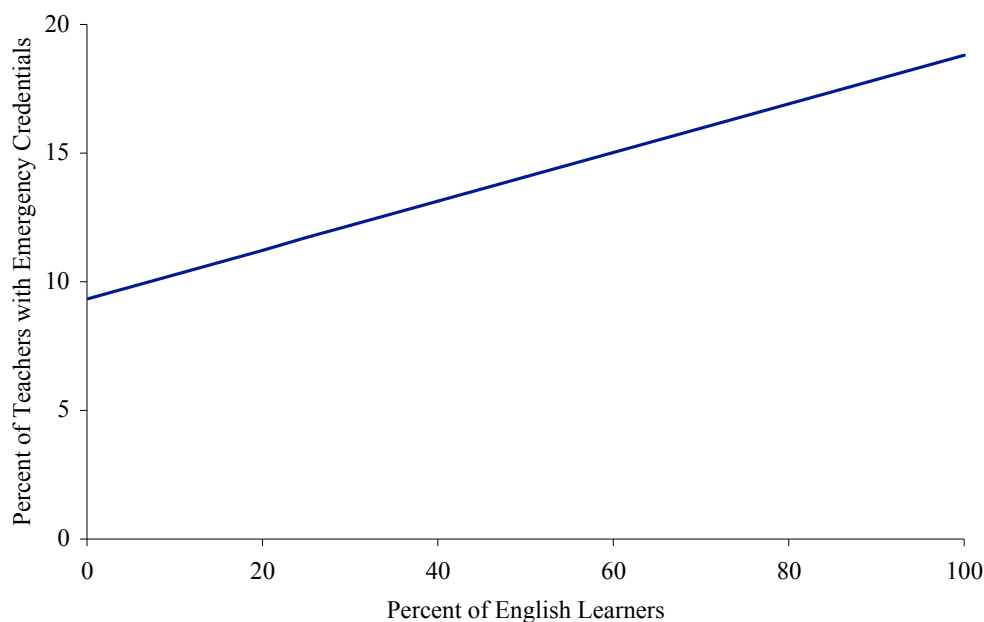
English learners are more likely than any other children to be taught by teachers with an emergency credential. Whereas 14 percent of teachers statewide were not fully credentialed, 25 percent of EL teachers were not fully certified (Rumberger, 2002). Figure 5 shows that as the concentration of ELs in a California school increases, so too does the percentage of teachers holding emergency credentials. Inasmuch as Figure 5 holds poverty constant, we would expect to see a flat line if the discrepancy in credentialed teachers were purely a function of poverty. These data show that English learners are significantly less likely to have a fully credentialed teacher than other low-income non-EL students. We will demonstrate that this is largely a problem of uneven distribution of qualified teachers among California's schools and classrooms.

Authorizations to Teach English learners

The current state of the art of teaching EL students employs three central methodologies for English learner instruction. The first strategy, specially designed academic instruction in English (SDAIE), is defined as “a set of systematic instructional strategies designed to make grade-level and advanced academic curriculum comprehensible to English learners with intermediate English language proficiency” (California Commission on Teacher Credentialing, 2001, p. 2). Another means of teaching EL students is through their primary language. This involves a continuum of strategies, from using the student’s primary language solely for clarification of concepts presented in English, to actually providing academic instruction in the primary language. The principal goal of each of these strategies is to provide English learners access to the curriculum. A third strategy is English language development (ELD). It is “systematic” instruction of English language that is designed to (1) promote the acquisition of English-listening, speaking, and reading and writing skills—by students whose primary language

is other than English, and (2) provide English language skills at a level that will enable equitable access to the core curriculum for English learners once they are presented with academic content. (CTC, 2001, p. 3).

Figure 5
The Relationship between the Percent of English Learners and the Percent of Teachers with Emergency Credentials, Holding Constant the Percent of Students on Free or Reduced Lunch, California Schools, 1999-2000



Note: Relationship estimated from the regression equation: $3.553 + .119 * \text{LUNCH} + .095 * \text{ELL}$ (N=6039), with LUNCH = 48.6 (sample mean). Source: 1999-2000 API Growth Data File. Retrieved October 4, 2000 from WWW: <http://api.cde.ca.gov/datafiles.html>.

The California Commission on Teacher Credentialing (CTC) issues basically two EL credentials meant to ensure that teachers have skills in some or all of the above instructional strategies (see Table 1): the Bilingual, Culture, Language and Development credential (BCLAD) and the Culture, Language and Development credential (CLAD). Many California teachers of English learners hold earlier versions of these specialized credentials that are generally considered equivalent and authorize them to teach English learners. These include the bilingual certificate of competence (BCC or the Bilingual Crosscultural Specialist credential, equivalent to

the BCLAD) and the Language Development Specialist certificate (LDS, equivalent to the CLAD).

Table 1
Authorizations for teaching English learners 2001⁵

Authorization	Can teach	Number teaching in 2001
CTC issued Bilingual specialist credential (BS)	L1, SDAIE, ELD	Unknown
BCLAD: CTC issued certificate bilingual cross-cultural and language development: added to regular credential	L1, SDAIE, ELD	8,450 teaching in L1
CLAD: CTC issued certificate cross-cultural and language development: added to regular credential	SDAIE or ELD	Unknown (48, 982 combined CLAD & BCLAD teaching ELD &/or SDAIE).
SB 1969 certificate of completion of staff development, issued by employer school district or county office of education	SDAIE and/or ELD	18,000 (includes 1969 & 395)
SB 395 certificate of completion of staff development, issued by the CTC	See SB 1969	See above
Teacher in training status authorized by CDE	SDAIE and/or ELD	33,514 (training for SB1969 or CLAD; 3,571 in training for (BCLAD)
SB 1059: all multiple and single subject credentials to infuse some knowledge or culture and second language learning	ELD and SDAIE	N/A (incrementally phased into all credential programs beginning in summer, 2002)

In addition to these credentials is a certificate of completion of staff development, originally issued by local providers of the training but now issued by the CTC. This effort originated with 1994 legislation (SB 1969) designed to provide existing teachers with basic knowledge about how to teach the growing numbers of EL students in California's classrooms. An additional major goal of the legislation was to “certify” teachers with EL experience in the face of ongoing difficulties in complying with state requirements that districts hire appropriately

⁵ Data from California Department of Education Demographics Unit. Data files available online at www.cde.ca.gov/demographics/files/lcstaff.htm

authorized teachers for EL students. Any teacher who held a teaching credential and who was a permanent employee of a district by January 1995 could earn SB 1969 certification for teaching SDAIE by taking the equivalent of one college level preparation course (45 clock hours) in either ELD, SDAIE, or a combination of the two. More experienced teachers could teach both SDAIE and ELD with this certificate. However, those who had less experience were required to take an additional 45 hours of staff development or its equivalent in order to be certified to teach both SDAIE and ELD. In 1996 the legislature passed SB 395, extending the preparation deadlines encompassed in SB 1969 and stipulating that staff development programs would have to be approved by the CTC.

Skills, knowledge, and instructional settings approved for each authorization

The most rigorous of the credentials, the Bilingual, Culture, Language, and Development (BCLAD) certification, requires that teachers have expertise in the areas of: 1) language structure, 2) methodology for first and second language development, and 3) cross-cultural competency. BCLAD teachers must also demonstrate competency in three additional spheres: 4) methodology for primary language instruction, and, 5 & 6) knowledge of a particular culture and language of emphasis (see Table 2). Many BCLAD teachers earn their expertise through a Master's Degree program or through a credential program with an emphasis on teaching English learners infused throughout the program's coursework and field placements.

Table 2
Skills and Preparation Required for EL Teaching Authorizations

Authorization and Skills	Preparation
<p style="text-align: center;"><i>Bilingual Specialist</i></p> <p>Language structure; Methodology for L1 & L2 language development; Cross-cultural competency; Methodology for L1 instruction; Knowledge of a particular culture; Proficiency in a particular language.</p>	University or college post baccalaureate program of instruction often in conjunction with a Master's Degree Program.
<p><i>Bilingual culture language and development (BCLAD).</i></p> <p>Same as bilingual specialist skills.</p>	<p>By exam⁶, college coursework, or a combination of the two. Teachers may earn by successfully completing:</p> <ul style="list-style-type: none"> • Six exams (see Bilingual specialist skills) OR • CLAD certification and exams 4-6 OR • CTC approved credential program with a BCLAD emphasis OR • CLAD college courses (12 semester units) & exams 4-6 OR • CLAD coursework, a single subject teaching credential (not emergency) in the BCLAD language, & exam 5.
<p><i>Culture language and development (CLAD).</i></p> <p>Language structure; Methodology for first and second language development; Cross-cultural competency.</p>	<p>By exam, college coursework, or a combination of the two (see footnote 1). Teachers must successfully complete:</p> <ul style="list-style-type: none"> • 3 exams OR • CTC approved credential program with a CLAD emphasis OR • 12 college upper div. or grad sem. units (18 qtr)⁷ OR • A combination of college units & SB1969/395 training
<p><i>SB 1969 certificate of completion of staff development</i></p> <p>Rudimentary knowledge of either ELD, SDAIE or both</p> <p>SB 1969 certificates are being phased out and will no longer be issued after 1/1/03 (when they will be replaced entirely by SB 395 certificates)</p>	<p>Teacher w basic credential and documented EL experience must take 45 hrs (equivalent to one semester course) of staff development in either (1) SDAIE, (2) ELD, or (3) SDAIE and ELD combined according to guidelines established by the CTC</p> <p>Teachers with less EL experience must take 90 hours or two courses in order to teach both ELD and SDAIE.</p>
<p><i>SB 395 certificate of completion of staff development</i></p> <p>See SB 1969</p>	<p>Same as SB 1969 however CTC actually approves staff development programs and issues the SB 395 certificates</p>
<p><i>Teacher in training status</i></p> <p>Agreement to gain above skills.</p>	<p>Teachers agree to complete 1969 or CLAD training (2 years) or BCLAD (3 years.)</p>

⁶ Preparation for the exams offered by 12 bilingual teacher-training programs statewide.

⁷ If lower-division units are included, a total of 25 semester or 36 quarter units are required.

BCLAD authorization requires extra expertise because it authorizes teaching in all settings with English learners. These teachers are authorized in the various methods of EL instruction for conveying academic content and promoting English language proficiency including primary language methods, "specially designed academic instruction in English" (SDAIE), and English language development. (ELD) Thus, these teachers have skills in a variety of strategies and concepts necessary to address a range of EL students' educational needs.

The next most comprehensive authorization, the CLAD certificate or credential includes the first three skill areas required of the BCLAD teacher: 1) language structure, 2) methodology for first and second language development, and 3) cross-cultural competency. Expertise in these areas is gained through a set of four college courses—or by passing exams on this content. CLAD teachers must have some experience of learning a second language but are not required to have the high level of expertise in a second language and culture that is required for BCLAD certification. CLAD holders are authorized to teach subject matter to EL students using SDAIE and other English language methods, and to teach English language development.

Staffing EL classrooms with BCLAD or CLAD teachers allows English learners to remain in self-contained classrooms. Classrooms without CLAD or BCLAD teachers may require that EL students be removed for ELD (or academic support), so called pull-out instruction (Brisk, 1998). Despite being ubiquitous in English learner education, pull-out instruction has been found to be among the least successful of instructional strategies for EL students (Lucas, 1997; Ovando & Collier, 1998). Although BCLAD certification is the most comprehensive, it is also the rarest. Only 8% of California teachers have a BCLAD authorization.

The 1969/395 certificate of staff development represents the State’s minimal level of EL teacher preparation. For teachers with experience teaching English learners, earning an SB 1969 and 395 certificate of completion of staff development entails only one course in either ELD, SDAIE, or a combination of the two. Those with less experience must take two such courses in order to teach both ELD and SDAIE. Furthermore, these do not have to be college courses. In fact, most often teachers fulfill these training requirements through staff development workshops. Until recently these staff development efforts were not approved or monitored by the CTC. Thus, the range in quality of these programs has been significant.

“Teacher in training” Status

According to the California Commission on Teacher Credentialing, the most widely used option to teach English learners is the “teachers in training” status, which does not require any certification. Rather, teachers in training are permitted by the CDE to teach ELD and SDAIE based upon a mere agreement to obtain the requisite training for either CLAD or SB 1969/395 certification within two years, or BCLAD certification within three years. Teachers in EL classrooms who sign agreements that they are participating in or will obtain the requisite training are conditionally allowed to continue in their positions by the CDE. Consequently, the most widely used option for teaching English learners is one that requires no training at all.

Unlike the various certifications discussed above, the teachers in training status is not monitored by the Commission on Teacher Credentialing. Rather, this status was developed by the California Department of Education as a “plan to remedy” the shortage of certified English language teachers in school districts that were found by the CCR to be non-compliant with matters concerning English learners. However, instead of remedying the shortage of certified English language teachers, the CDE’s re-labeling of untrained teachers has largely reinforced the

status quo. Currently, some 37,000 teachers are instructing in EL classrooms without the specialized training required to do so. Thus far, CDE monitoring and enforcement of these agreements has not resulted in any substantial reduction of the numbers of “teachers in training”.

Changing regulations

New regulations (Ducheny, AB 1059) will soon require that all credential programs address issues of culture and second language learning within their regular curricula. This training will be significantly less rigorous, however, than the current CLAD. For example, the current CLAD credential (when acquired through coursework, as opposed to examination) requires some coursework in the structure of English linguistics, six semester units of a second language, and specific content in instruction in the role of culture in learning. The proposed requirements eliminate all these competencies, and retain only the classroom methods for teaching English Learners and programmatic and legal foundations in English Learner methodology. As the new credential requirements are implemented, the status of the current CLAD and BCLAD authorizations is not certain. The way that the Commission on Teacher Credentialing has chosen to interpret and implement AB 1059 sends the message to the field that few additional competencies are needed to effectively teach English Learners when the research suggests just the opposite. Lily Wong Fillmore (UC Berkeley) and Catherine Snow (Harvard University), perhaps two of the most renowned experts in language acquisition, were recently requested by the U.S. Department of Education to summarize what teachers need to know about language to provide effective instruction for English learners. In their report, Wong Fillmore and Snow (2000) conclude that all teachers need a minimum of seven college level courses on

specified aspects of language⁸ to ensure a competency sufficient to teach children “academic English” –that form of the language that is used in academic texts and assessment. This is clearly a far higher standard than that established by the California Commission on Teacher Credentialing either in its proposed or existing multiple or single subject teaching credentials.

Supply of EL Authorized Teachers in California

To determine whether there are sufficient numbers of teachers qualified to teach English learners, we analyzed figures from the California Basic Educational Data System (CBEDS) for the year 1999-2000. CBEDS conducts an annual survey of every professional educator working in the public school system. Teachers are asked to indicate the type of California teaching credential they hold, including whether it is a "full" credential or an "emergency" credential. Teachers are also asked to indicate all the areas that their credential authorizes them to teach. We identified all teachers who indicated that they were authorized to teach in bilingual, English language development, or specially designed academic instruction in English (SDAIE) classes. We then compared the number of teachers with such special authorization to teach ELs with the number of EL students, both in the state as a whole and in each school that enrolled English learners. We also compared these figures with data on students who were not English learners and teachers without authorization to teach English learners.

The state does not collect data at the classroom level, and thus we cannot match specific EL students with specific teachers. This is unfortunate because classroom level data would allow the state to be more accountable for its English learners. The overall state figures for teachers with specialized preparation for teaching EL students are shown in Table 3.

⁸ These areas of competency include: Language and linguistics; Language and cultural diversity; sociolinguistics for educators in a linguistically diverse society; Language development; Second language learning and teaching; Language of academic discourse; and Text analysis and language understanding in educational settings.

Table 3
California Students and Teachers by Language Background, 1999-2000

	English Learner	Other	Total
Students	1,480,406	4,471,206	5,951,612
Teachers, <i>including</i> emergency permits/waivers	79,215 ^a	212,840	292,055
Students per teacher	18.7	21.0	20.4
Teachers per 100 students	5.4	4.8	4.9
Teachers <i>excluding</i> emergency permits/waivers	75,687 ^a	175,781	251,468
Students per teacher	19.6	25.4	23.7
Teachers per 100 students	5.1	3.9	4.2
Fully credentialed bilingual/ELD teachers	69,305 ^b		
Student per teacher	21.4		
Teachers per 100 students	4.7		
Fully credentialed bilingual teachers	26,539 ^c		
Students per teacher	55.8		
Teachers per 100 students	1.8		

^a Teachers authorized in any way to teach bilingual education, English Language Development, or specially designed academic instruction in English (SDAIE), including those with SB1969 authorizations.

^b Teachers authorized to teach bilingual education or English Language Development.

^c Teachers authorized to teach bilingual education.

SOURCE: 1999 CBEDS and 2000 Language Census.

The figures in Table 3 show that in the state as a whole, there were almost six million students and almost 300,000 teachers, which represents 20 students per teacher, or five teachers per 100 students. There were also about 1.5 million English learners and about 79,000 "EL" teachers, that is, those with some kind of special authorization (BCLAD, CLAD, 1969/395) to teach them through the primary language and/or ELD, and/or SDAIE. Ignoring for the moment whether such authorizations are adequate to the task of teaching English learners, this represents about 19 students per EL teacher or more than five EL teachers per 100 EL students. These figures suggest that there are slightly more teachers with some specialized preparation per EL

student in the state than the statewide student/teacher ratio. The same conclusion can be drawn if a similar analysis is done with only teachers who are fully authorized to teach English learners: there are actually more fully authorized EL teachers in the state per EL student than there are fully credentialed (non-EL) teachers per non-EL student. These conclusions hold even if we consider only teachers who are authorized to teach bilingual education or English language development (ELD), which would exclude teachers who were only authorized to teach SDAIE through SB1969/395.⁹

Comparing the number of teachers with the most rigorous training to teach English learners—those with the BCLAD, bilingual specialist, or BCC credentials—the picture changes dramatically. Based on the same procedure as above, there are only 1.9 fully credentialed BCLAD equivalent teachers (*i.e.*, those with the most comprehensive credential) for every 100 EL students, versus 3.8 fully credentialed teachers per 100 non-EL students, or half as many. Under this scenario, the state would need another 26,000 teachers with the most comprehensive credentials to reach the same proportion as for non-EL students taught by teachers with the most comprehensive training. The passage of Proposition 227 resulted in a reduction by more than half of the bilingual classrooms in the state, many of which were taught by teachers with full BCLAD certification. Because the state collects language census data on schools according to type of instructional services provided, rather than the credential held by the teacher teaching the class, we do not always know to which classrooms the BCLAD teachers who formerly taught in bilingual classrooms were reassigned.

⁹ Although the CBEDS data asks teachers to identify the type of credentials that they hold as well as what their credentials authorize them to teach, teachers are not asked whether they obtained their authorizations through the provisions of SB1969 and SB395.

Distribution of EL Teachers in California

While this statewide picture suggests that there are sufficient numbers of EL teachers with at least some authorization to teach English learners, it does not indicate how those teachers are distributed among schools. To investigate this issue, we classified schools based on the number of fully credentialed EL teachers they had for every 100 EL students. We divided schools into four groups: (1) schools with no EL teachers, (2) schools with a ratio of fewer than 2.5 fully credentialed EL teachers per 100 EL students, or half the state average, (3) schools with a ratio between 2.5 and 7.5, and (4) schools with a ratio of more than 7.5 EL teachers per student, or 50 percent above the state average. We then computed how many schools were in each category and how many EL students attended those schools (Tables 4 and 5).

Table 4
Number of Schools by EL Teacher/Student Categories and Level, 1999-2000

Fully Authorized EL ¹⁰ teachers per 100 EL students	Elementary		Middle		High	
	Number	Percent	Number	Percent	Number	Percent
No EL teachers	373	7.4	83	7.4	56	6.7
Fewer than 2.5	544	10.9	230	20.5	147	17.6
2.5 to 7.5	1910	38.1	459	40.9	348	41.7
Greater than 7.5	2185	43.6	351	31.3	283	33.9
Total	5012	100.0	1123	100.0	834	100.0

Source: 1999 CBEDS and 2000 Language Census.

Table 5
Number of English Learners by EL Teacher/Student Categories and Level, 1999-2000

Fully Authorized EL teachers per 100 EL students ¹¹	Elementary		Middle		High	
	Number	Percent	Number	Percent	Number	Percent
No EL teachers	18,689	1.9	5,703	2.4	1,675	0.7
Fewer than 2.5	193,205	19.7	81,954	35.3	74,119	31.3
2.5 to 7.5	610,629	62.3	120,153	51.7	132,402	55.8
Greater than 7.5	157,331	16.1	24,671	10.6	28,933	12.2
Total	979,854	100.0	232,481	100.0	237,129	100.0

Source: 1999 CBEDS and 2000 Language Census

¹⁰ EL teachers are defined here as those who have any of the following certifications that authorize them to teach in the accompanying situations: BCLAD (primary language, ELD and SDAIE), CLAD (ELD and SDAIE), SB 1969/395 (ELD and/or SDAIE, depending on the hours of professional development). This does not include teachers who hold only emergency permits.

¹¹ See above.

As the figures show, in 1999-2000 there were a large number of schools in California with no teachers authorized to teach English learners, although they enroll only a small fraction of all ELs. However, many more schools in the state had fewer than 2.5 EL teachers per 100 EL students—equivalent to a 40:1 student-teacher ratio. At the elementary level, more than 200,000 English learners—20 percent of the total—attended schools with 2.5 or fewer EL teachers per 100 English language learners. At the middle school level, more than 85,000 ELs attended such schools—almost 38 percent of the total. At the high school level, more than 75,000 attended schools with such low numbers of qualified EL teachers—almost one-third of all high-school EL students. Counting English learners who attend other types of schools (e.g., alternative, continuation, etc.), more than 390,000 English learners in California, one out of every four English learners, attended a school with fewer than half the state average of teachers with specialized authorizations to teach them.

Another indication of the shortage of teachers with the appropriate training to teach English learners is revealed from an analysis of the 2000 Class Size Reduction (CSR) teacher survey (Stecher & Bohrnstedt, 2002). According to those data, 37 percent of all teachers who taught grades 1-4 in 2000 held a CLAD credential, 10 percent held a BCLAD credential, and 45 percent held either a CLAD or BCLAD (see Table 6). In general, the higher the concentration of English learners in the classroom, the higher the proportion of teachers who held at least some authorization to teach them. Yet among classrooms where a majority of students are English learners, only about half of the teachers held an appropriate EL credential. Using data on the proportion of English learners in each type of classroom, we estimate that only 53 percent of all California English learners enrolled in grades 1-4 in the 1999-2000 school year were taught by a

teacher with any specialized training to teach them¹². If we assume that teachers with BCLAD credentials have the most appropriate training, only 22 percent of all English learners enrolled in grades 1-4 had such a teacher in 2000.

Table 6
Percent of Teachers in Grades 1-4 with CLAD and BCLAD Credentials
By Classroom Concentration of English Learners, 2000

Percent English Learners in the classroom	Percent of all English Learners	CLAD	BCLAD	CLAD or BCLAD
0	0	25	2	27
1-25	17	47	3	47
26-50	20	46	11	54
51-100	63	29	30	54
Total	100	37	10	45

NOTE: Results are weighted.

Source: 2000 Class Size Reduction Teacher Survey (N=774).

More recent data suggest a somewhat better picture. The data come from a statewide cross-sectional survey of 1071 teachers conducted by Louis Harris in January 2002 (Harris, 2002). A total of 829 respondents indicated that they had at least some English learners in the classes. According to these data, about 59 percent of all EL students statewide were taught by a teacher with a CLAD or BCLAD credential, and another 14 percent were taught by teachers who had authorizations provided under SB1969 or SB395 (Table 7). These data suggest some improvement from the CSR survey that was conducted in the spring of 2000, although the CSR survey only covered teachers in grades 1-4, while the Harris survey covered teachers at all grade levels. Moreover, the Harris survey suffered from an under-representation of non-credentialed teachers.¹³ Nonetheless, even the Harris survey indicates that more than one quarter of all teachers who have English learners in the classrooms have no specialized training to teach them.

¹² The survey did not identify teachers who had authorizations acquired through SB1969 or SB395.

¹³ Because of the problem of under-representation of uncredentialed teachers in the sample, the sample was weighted accordingly. This addresses the problem, but does not entirely solve it.

Thus, English learners are twice as likely as students generally to have a teacher who is not qualified to teach them.¹⁴

Table 7
 Credentials of teachers with EL students in the classes
 by EL concentration, January 2002
 (percent distribution)

	30% or less EL	Over 30% EL	Total
CLAD (or equivalent)	45	56	49
BCLAD (or equivalent)	4	22	10
SB-1969/395 Certificate	15	11	14
None	35	11	28
Total	100	100	100

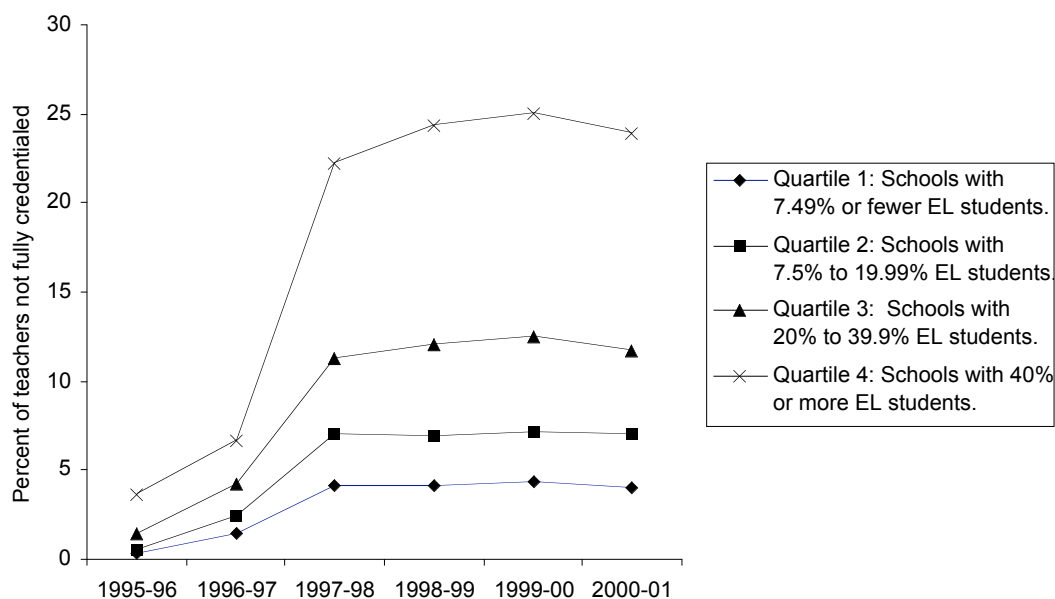
NOTE: Results exclude respondents who did not answer question or answered "not sure." Results are weighted. All column differences are statistically significant at .05 level or better. Numbers may not add to 100 because of rounding.

SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002 (N=829).

Class size reduction had some largely unanticipated consequences for EL students because of the relative concentration of English learners in the state's poorest schools. The migration of credentialed teachers away from these schools to those in more affluent areas with better working conditions was a significant feature of the class size reduction initiative in California (Stecher & Bohrnstedt, 2002). For example, the percentage of teachers not fully credentialed in schools with the smallest proportion of English learners (less than 8 percent) only increased from .3 percent in 1995-96 to 4.0 percent in 2000-01 (see Figure 6). However, the percentage in schools with the greatest proportion of English learners (40 percent or more) increased from 3.7 percent to 23.9 percent over the same five-year period. As a result, schools with the most English learners benefited the least from class-size reduction, at least in terms of access to fully credentialed teachers.

¹⁴ Statewide, 13.6 percent of all teachers are not fully certified in 2002 (Data retrieved February 21, 2003 from: <http://data1.cde.ca.gov/dataquest/TchExp1.asp?RptYear=2001-02&TheRpt=StTchExp>).

Figure 6
 Percentage of Public K-3 Teachers Not Fully Credentialed
 by School Quartiles of English Learners: 1995-96 to 2000-01



SOURCE: Brian M. Stecher and George W. Bohrnstedt (Eds.), *Class Size Reduction in California: Findings from 1999-00 and 2000-01* (Palo Alto: American Institutes for Research, 2002), Table B.17.

Teachers who have received appropriate preparation for working with English learners can call on a significant body of empirical and practical knowledge to benefit their students, yet the state is relying more and more on teachers with the least preparation for teaching EL students. Currently more than 37,000 teachers lack any certification to teach English learners and their employment is conditioned upon a mere agreement to obtain the requisite training required for certification. Additionally, more than 18,000 teachers with SB 1969 certification (about one quarter of those teaching ELs) staff the state's English learner classrooms. Thus, well over half, 55,000 out of 96,000, of the teachers in classrooms with EL students have either no or the most limited preparation for meeting these students' particular education needs

The Relationship between Teacher Competency and Student Outcomes

There is reason for the concern about the low number of teachers who have the greatest preparation for teaching English learners. An increasingly large body of research has established that teachers with good professional preparation make a difference in students' learning (Darling-Hammond, 2002; Haycock, 1998; Sanders & Horn, 1995; Sanders & Rivers, 1996). Moreover, a recent study conducted in Los Angeles City Unified School District (LAUSD) investigated the relationship between student achievement gains and the credential held by the teachers who taught them in 29 schools and 177 classrooms with large numbers of EL students. Hayes and Salazar (2001) found that "state/district authorization of teachers does have an impact on student outcome. For example, [Model B¹⁵] students of teachers holding no state or district authorization achieved largely negative or very small positive. . . . adjusted gains in reading and language" (pp. 37-38). These results are summarized in Table 8.

Table 8
Actual and Adjusted Gains by Teacher Authorization Grade 2, Selected Schools, LAUSD

	Reading		Language	
	Actual Gains	Adjusted Gains	Actual Gains	Adjusted Gains
BCLAD	1.8 (n=142)	1.6 (n=142)	4.1 (n=148)	2.4 (n=148)
CLAD/LDS	2.0 (n=32)	2.7 (n=32)	1.0 (n=34)	0.4 (n=34)
SB1969	*	*	*	*
A Level@	1.8 (n=155)	1.6 (n=155)	0.3 (n=155)	-1.5 (n=155)
No Authorization	-2.4 (n=74)	-2.9 (n=74)	0.5 (n=93)	-1.8 (n=93)

*Actual and adjusted gains were not reported here due to the small sample size.

@ LAUSD certifies language competencies of its teachers if they do not already hold a BCLAD; A Level indicates fluent bilingual.

Source: Hayes & Salazar (2001), page 36

¹⁵ LAUSD divides its Structured English Immersion classes into two types: Model A, which is English only and Model B, which allows some primary language support. Data are more difficult to interpret for Model A because cell sizes are smaller and the authors report a lack of confidence in these small numbers.

A follow up study of grades 1–3 classrooms in the same schools during the subsequent school year (2001) found again that “students of credentialed teachers out-performed students of emergency permitted teachers” (Hayes, Salazar & Vukovic, 2002, p. 90).

At the same time that EL students are less likely than others to have a qualified teacher, the challenges associated with teaching them are even greater than for the typical student. The large number of English learners who are immigrants frequently come from circumstances in which their early lives and education have been disrupted by war, loss or estrangement of family members, poverty, and residential mobility (Ruiz de Velasco & Fix, 2000; Olsen, 1998). As such, teachers must know how to intervene educationally with students whose personal and educational backgrounds are significantly different from the mainstream English-speaking student. Moreover, the age and grade placements of these students often do not match their skill levels.

Necessary Competencies of EL Teachers

The earlier mentioned paper by Wong Fillmore and Snow (2000), entitled *What Teachers Need to Know about Language*, outlines the critical knowledge base that teachers must have for language learning in order to effectively teach children who do not speak standard English. They note that teachers need to know the units of language and how they operate differently across languages and dialects. For example, knowing how tense and plurality are formed in the child’s native language can help the teacher to uncover difficulties in English and facilitate learning for ELs. Wong Fillmore and Snow also argue that by knowing the fundamental characteristics of words in the primary language of the student, the teacher can facilitate more rapid acquisition of English vocabulary and word construction. They point out, for example, that if a teacher can explain that the suffix *idad* in Spanish has the same consistent meaning as *ity* in English, the

student's vocabulary and word usage can be expanded significantly. These authors also assert that teachers must understand the norms for language usage in the primary culture of the student in order to know how to encourage English learners in their acquisition of English. Another critical competency that Wong Fillmore and Snow argue teachers must have is a clear understanding of what constitutes *academic English* and how to support the acquisition of this particular form of the language for English learners. Academic English is the language of texts and often of tests, and it is not normally acquired in the course of conversation outside of academic contexts. For students who are not likely to “absorb” this form of English discourse in their homes or communities, it must be explicitly taught.

Of course, one of the most controversial of all topics in education is the best method for teaching reading. Most experts argue that there is no single best method. Rather there are a number of strategies that are more or less effective with different students at different points in the process of learning (Snow, Burns & Griffin, 1998), and it requires the expertise of a well-trained teacher to know which strategy to use when, and with which children. There is even less agreement, however, on how best to teach English learners to read in a language they do not understand: English. The National Research Council (Snow, Burns & Griffin, 1998) concluded that if reading instruction is not done initially in the primary language of the child, then educators should consider delaying it until English is acquired. This runs counter to the “catch up” philosophy of many Structured English Immersion programs, and points out the degree to which the field continues to depend upon the skills of highly qualified teachers to make judgments about how best to teach reading to English learners. There simply are no “tried and true” strategies for teaching children to learn to read in a language they do not understand, and it is a vexing problem even to the experts in the field. It strains the imagination to believe that

teachers with no experience teaching reading at all, and no specialized experience with English learners, could do this well.

Finally, there are significant issues associated with the cultural backgrounds of immigrant and non-English speaking students that bear on how they learn. Wong Fillmore and Snow (2000) argue that a critical role for all teachers is to socialize students to the demands of schooling. Certainly, this is made more difficult if the teacher does not understand both the cultural and linguistic norms of the students he or she is teaching. They point out that in correcting some students, or encouraging others to participate in linguistically-based activities in the classroom, teachers may inadvertently squelch the motivation of English learners to participate at all. Without understanding the cultural and linguistic expectations of these students' communities, teachers can undermine their students' learning by failing to acknowledge culturally appropriate behavior. For example, many teachers reward students for questioning behaviors and active participation in discussion, but some immigrant students are socialized to believe that such behavior is inappropriate in the classroom.

Teachers themselves have cited their need for greater expertise in working with EL students. In a survey of all 1999-2000 graduates of teacher credential programs in the California State University system (total of 10,512) one-fourth responded that they felt they were only "somewhat prepared" or "not at all prepared" to teach English learners (Office of the Chancellor, 2002). We note that these are the "cream of the crop" of teachers of English learners--those who have completed a full credential and in most cases have training at least at the level of the CLAD (Culture, Language and Development preparation (CLAD) credential.¹⁶

¹⁶ The Chancellor's Office of the California State University reports that 70% of its credential graduates completed either a CLAD or BCLAD credential.

Many teachers of English learners also report difficulty in communicating with the parents of their students. In the Harris survey¹⁷, 23 percent of teachers of English learners reported that they had a hard time communicating with their English learners' parents about their children's educational progress and needs (Table 9). Not surprisingly, teachers with no special preparation to teach English learners were more likely to report difficulty, while most teachers with BCLAD credentials reported that they were able to communicate with their students' parents.

Table 9
Percent of teachers with EL students in their classes who reported difficulty in communicating with parents by teacher credential, January 2002

Teacher credential	Percent reporting difficulty
CLAD (or equivalent)	25
BCLAD (or equivalent)	7
SB-1969/395 Certificate	10
None	30
Total	23

NOTE: Results exclude respondents who did not answer question or answered "not sure." Results are weighted. Overall differences are statistically significant at .05 level or better.

SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002 (N=820).

While it is difficult to explain why teachers with an SB1969/395 certificate would encounter less difficulty communicating with parents than their colleagues who hold a CLAD credential, the very low percentage of BCLAD teachers who report such difficulty is consistent with their likely expertise in the language and culture of the students' homes. It is notable that in the Hayes, et al. (2002) study of the LAUSD implementation of Proposition 227, the largest concern noted by non-English speaking parents was lack of communication with teachers.

A common critique of teacher preparation programs, both in California and elsewhere, is that the extant knowledge of how to teach English learners is not often incorporated into teacher

¹⁷ This survey, conducted in 2002 by the Lou Harris Polling group, included 1,071 California teachers, both randomly and representatively sampled to approximate a profile of all the state's teachers; 27% were male; 84% were White.

preparation efforts (Wong-Fillmore & Snow, 2000; Reagan, 1997; Tomas Rivera Center, 1994; Milk, 1990). In effect, we know considerably more about how to prepare teachers than we act on in schools of education. This is generally viewed as a problem in translating research into practice. The reasons for this have been debated at great length in the education literature (cf. Cochran-Smith & Fries, 2001), but the only firm conclusion that can be drawn is that there is a clear disjunction between research and practice in teacher education. It is nowhere more painfully evident than in the preparation of teachers for English learners, where it is commonly argued that the field lacks research-based methods, when in fact this is not the case (cf. August & Hakuta, 1997). Inasmuch as a significant body of knowledge does exist for the preparation of teachers of English learners, we will also argue that the credentialing requirements in the State of California are, in many cases, too low to assure that a teacher has the expertise to accomplish this challenging task.

Working Conditions for EL Teachers

Given the opportunity, teachers vote with their feet for where they want to work, and school conditions appear to influence this vote. In fact, recent research suggests that working conditions influence teachers' decisions about where to teach more than salaries (Hanushek, Kain, & Rivkin, 2001; Loeb & Page, 2000). Data for California demonstrate this clearly. Table 10 demonstrates that the differences between conditions in schools with high and low numbers of EL students are dramatic, even with respect to characteristics that would not intuitively seem to be related to the concentration of English learners. However, it is evident that when working and learning conditions are poor, they affect the attitudes of staff, and no doubt the ability of the school to attract competent and amiable people to work there.

Table 10
 Characteristics of the Environment of California Elementary Schools
 by EL Concentration, Spring 1999

	25% or less	Over 25%	Total
Problems in neighborhood where school is located:			
Selling or using drugs or excessive drinking in public	16	50	29
Gangs	32	77	50
Crime	24	77	45
School climate:			
Parents not active in programs	4	40	18
Problem with overcrowding	25	50	34

NOTE: Results are weighted (S2SAQW0). All column differences are statistically significant at .05 level or better.

SOURCE: ECLS base year data for California public elementary schools (N=69).

Using the Harris database, we find that teachers in schools with high percentages of EL students report poorer working environments (Table 11). With respect to overall working conditions, almost one-third of teachers in schools with over 25% English learners reported only fair or poor working conditions, compared to 18 percent of teachers in schools with fewer English learners. Twice as many teachers in schools with high percentages of English learners also report that their schools did a fair or poor job of involving parents. Teacher turnover and filling teaching positions was also more problematic in schools with high concentrations of English learners.

Table 11
 Characteristics of California Schools
 by Percentage of English Learners in Teachers' School, January 2002
 (percent of teachers reporting condition)

	25% or less	Over 25%	Total
Working conditions for teachers ONLY FAIR OR POOR	18	31	23
The way school involves parents ONLY FAIR OR POOR	13	32	20
Turnover of rate of teachers is very or somewhat serious	13	38	22
Had teaching positions that couldn't be filled for long periods of time or could only be filled by substitutes	17	32	22
A lot of trouble getting substitutes	11	17	13

NOTE: Results exclude respondents who did not answer question or answered "not sure." Results are weighted. All column differences are statistically significant at .05 level or better.

SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002 (N=1071).

Given the difficult working conditions and the added demands placed on teachers of English learners, it would be expected that the State would provide both training and guidance on how to address these challenges. The data, however, show otherwise. Teachers of English learners are largely left to fend for themselves with inadequate guidance, resources, and training. Moreover, the State has no systematic program to train mainstream teachers, many who teach some English learners in their classrooms, to address these students' needs.

(2) Inadequate professional development opportunities to help teachers address the instructional needs of English learners.

The instructional demands placed on teachers of English learners are intense. They must provide instruction in English language development while simultaneously or sequentially attempting to ensure access to the core curriculum. Yet, they have been provided very little support for these activities. Data collected for the state Department of Education's Class Size Reduction Study (Stecher & Bohrnstedt, 2000) show that even where teachers are teaching a majority of English learners, the professional development they receive that is dedicated to helping them instruct these students is minimal. The percent of professional development time that teachers reported focusing on the instruction of English learners in 1999-2000 ranged from three to 10 percent with a mean of only seven percent (Table 12).

Table 12
Professional Development of Teachers in Grades 1-4
by Classroom Concentration of English Learners, 1999-2000

Percent English Learners in the classroom	Mean number of days	Mean number of hours ^a	Percent of hours on teaching English Learners
0	3.5	28	3
1-25	3.6	30	8
26-50	3.3	32	9
51-100	3.8	35	10
Total	3.6	31	7

^aNumber of hours estimated by recoding responses (8 hours or less = 4 hours; more than 8 = 12 hours).

NOTE: Results are weighted.

SOURCE: 2000 Class Size Reduction Teacher Survey (N=774).

Teachers responding to the Harris survey also reported disparities in the amount of professional development provided to them. Teachers in schools with high percentages of English learners were more likely than teachers in schools with low percentages of English learners to report that the quality of professional development at their schools was only fair or poor (Table 13).

Table 13
Condition of Professional Development in California Schools
by Percentage of English Learners in Teachers' Schools, January 2002
(percent of teachers reporting condition)

	25% or less	Over 25%	Total
The quality of professional development ONLY FAIR OR POOR	22	29	25

NOTE: Results exclude respondents who did not answer question or answered "not sure." Results are weighted. All column differences are statistically significant at .05 level or better.

SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002 (N=1071).

These data are corroborated by several other recent studies. Hayes and Salazar (2001), in their study of 177 classrooms in the LAUSD, noted that teachers discussed "the problematic lack of resources and training to assist them to provide quality services to ELLs (p23)." A report on the results of a California Department of Education (CDE, 1999) survey of every California school district during the first year of Proposition 227 implementation showed that professional development to help teachers with English learner instruction was one of the most significant unmet needs in the aftermath of the passage of the Proposition. The later, more ambitious, CDE-sponsored study of the implementation of Proposition 227 being conducted by American Institutes for Research (AIR) (Parrish, et al., 2001, 2002) likewise reports a similar theme emerging from their investigation. The study documents a significant lack of guidance from the state about the nature of the instruction that should occur in the Structured English Immersion

classrooms, and as a result, “teachers were not provided appropriate materials or guidance on how to use materials appropriately” (Parrish, et al., 2001, p. 36). Again, in the most recent report of this five-year study, researchers concluded that “ Barriers to the implementation of the Proposition include insufficient guidance for implementing regulations in the law; confusion over what the law requires and allows; and lack of clear operational definition for the various instructional approaches for EL students. In particular, educators lack clarity on what constitutes best practice within structured English immersion instruction” (Parrish, et al., 2002, p. ix).

The State has funded the University of California to provide professional development for the state’s teachers through Professional Development Institutes (CPDIs). This is not the only professional development activity in the state, in fact many districts sponsor extensive professional development programs, but it is the largest state-wide effort, with more than 45,000 teachers participating in these workshops in 2000-01. In that same year, a total of \$50,866,000 was provided for this purpose. Of this amount, only \$8,358,104 was earmarked for professional development in the area of English Language Development (Office of the President, University of California, 2002). This constituted about 16% of the professional development budget, although English learners constitute fully 25% of the students in the state and, as we have argued, are the most educationally deprived by their schools of all students. The AIR study of the implementation of Proposition 227 in California found that only 18% of the teachers in their sample had even heard of the ELD CPDIs, and only 8% had attended one or more (AIR, 2002, p. IV-40), suggesting that relatively little is being done to disseminate information about resources that may be available to teachers of English learners.

(3) **Inequitable access to appropriate assessment to measure EL achievement, gauge their learning needs, and hold the system accountable for their progress**

While English learners must be incorporated into the state’s accountability system in order to insure that their educational needs are being met, the current system is of little value for monitoring their academic progress. Furthermore, the state has made no attempt to notify parents and educators of the inappropriate interpretations and uses of information that could result from its accountability system when applied to ELs, nor does the state make any sensible provision of guidelines about reasonable accommodations for these students. In addition, evaluation of the High School Exit Exam (HSEE) indicates that this part of the accountability system has much higher stakes for English learners than their English proficient peers (Wise, et al., 2002).

English Language Testing of the Academic Progress of English Learners

According to the National Academy of Sciences, “when students are not proficient in the language of the assessment (English), their scores on a test in English will not accurately reflect their knowledge of the subject being assessed” (NRC, 1999, p. 214). Therefore such assessments provide neither accurate data for accountability purposes, nor do they help teachers to provide enhanced instruction. These tests can, moreover, have serious negative effects on the schooling of English learners. This can occur in at least two ways: (1) positive changes in test scores over time can give the inaccurate impression that students have gained subject matter knowledge when, in fact, they may have simply gained proficiency in English. This can lead schools to continue to provide a curriculum that fails to emphasize comprehensible subject matter for students because of a misperception that they are making academic progress. (2) On the other hand, consistently low scores on tests can lead educators to believe that students need low-level

or remedial education, when in fact, they may have mastered the curriculum in another language, but are unable to express these competencies through an English language test. Later in this document we cite the evidence that, indeed, English learners are penalized by their test scores and are too frequently placed in special education as a result. As the National Research Council noted, “if a student is not proficient in the language of the test, her performance is likely to be affected by construct-irrelevant variance—that is, her test score is likely to underestimate her knowledge of the subject being tested” (NRC, 1999, p. 225).

The current state accountability practice for English learners is as follows:

- All EL students in Grades 2-11 must take the Stanford 9 (SAT9), a nationally norm-referenced test in reading and math (and science and social studies in the higher grades) administered in English, unless parents or a guardian provides a written request for a waiver.
- “ELLs who have been in the district for 12 months or more may not use nonstandard accommodations unless they have individualized education plans (IEPs) or Section 504 plans that include accommodations.”¹⁸
- English learners who have been in a district for less than one year (except for entering ninth graders in high school districts as of 2000) are excluded from the Academic Performance Index (API).¹⁹
- “Spanish-speaking English language learners who had been enrolled in California public schools less than 12 months when testing began [are] required to take the SABE/2 in addition to taking the Stanford 9...”²⁰

¹⁸ Standardized Testing and Reporting (STAR) Spring 2001 STAR Administration: Frequently Asked Questions. <http://www.cde.ca.gov/statetests/star/qanda/smar212001.html>

¹⁹ Academic Performance Index Home Page. <http://www.cde.ca.gov/psaa/api/>

- The API is used to measure each school's performance based on student test scores. Through the Governor's Performance Award (GPA) Program, there are monetary and non-monetary awards based on positive changes in the API. In addition, through the Immediate Intervention/Underperforming Schools Program (II/USP), failing schools are identified for local and state intervention to improve programs.
- Finally, the High School Exit Exam is the gatekeeper of graduation that all students, including English learners and other students with exceptional needs, must pass in order to receive a high school diploma.

Clearly, the state must include English learners in an accountability system designed to assess and address students' academics. However, currently, none of these policies serves the interests of EL students.

The exclusive reliance on an English-language norm-referenced achievement test for EL students is inappropriate and violates several standards established by the authoritative AERA/APA/NCME Standards for Educational and Psychological Testing:²¹

Standard 11.22. When circumstances require that a test be administered in the same language to all examinees in a linguistically diverse population, the test user should investigate the validity of the score interpretations for test takers believed to have limited proficiency in the language of the test.

Regardless of this standard, there is no evidence of systematic inquiry by the state or by the test publisher as to what levels of English proficiency are needed in order for the test to produce valid results. Research on second language acquisition shows that it takes English

²⁰ About STAR 2001. <http://star.cde.ca.gov/star2001/help/AboutSTAR.html>

²¹ American Educational Research Association, American Psychological Association, National Council on Measurement in Education (1999).

learners on average between four to seven years to meet various standards of English proficiency.²² The burden is on the state to demonstrate that SAT9 scores for English learners who have been in the United States for less than four years are valid. There is no indication that the state has made any attempt to obtain information to shed light on this question²³.

Standard 11.15. Test users should be alert to potential misinterpretations of test scores and to possible unintended consequences of test use; users should take steps to minimize or avoid foreseeable misinterpretations and unintended negative consequences.

The only cautionary statement by the CDE on the interpretation of SAT9 scores appears on a web page and says: “Since the Stanford 9 norming sample was representative of the United States as a whole, it does not necessarily match California's student population.”²⁴ There is no acknowledgement such as that of the San Diego Education Association that explicitly states that the California population is vastly different from the norming group: “The norming sample, while representative of the nation, does not reflect the huge diversity of California's student population. For example, 40.5% of California's students are Hispanic, but only 9.6% are in the Stanford 9 norming sample. While 24.6% of the state's students are of limited English proficiency, only 1.8% are in the sample.”²⁵ Since the test scores are reported with respect to the national percentile rank (NPR), failure to issue an explicit warning with respect to Hispanics and to English learners is a clear violation of this standard.

²² Hakuta, Butler, & Witt, D. (2000).

²³ The United States Department of Education, Office of Educational Research and Improvement has recently commissioned ARC Associates to conduct a study using San Francisco Unified School District data to help answer this question. We would hope that the findings from this study will inform California testing policy.

²⁴ Score Explanations. <http://star.cde.ca.gov/star2001/help/ScoreExplanations.html>

²⁵ San Diego Education Association, CTA Reports, November, 1999

Standard 11.20. In educational, clinical, and counseling settings, a test taker’s score should not be interpreted in isolation; collateral information that may lead to alternative explanations for the examinee’s test performance should be considered.

The state requires the collection of data using a comparable test in Spanish, the SABE/2. This may be construed as an attempt to follow standard 11.20. However, the state gives no guidance on how this information might be used to augment information from SAT9. Indeed, while requiring SABE/2 for students who have been here for less than 12 months, the state explicitly rejects the use of SABE/2 in its Academic Performance Index (API). Among the reasons for this, according to the Superintendent’s Advisory Committee for the Public Schools Accountability Act of 1999, is that “SABE/2 is not aligned with state content standards”, leading to “consensus in the API subcommittee to not include the SABE/2 in the 1999-2000 API.”²⁶ That SABE/2 is not aligned with the state content standards is uncontested. But neither was the SAT9 at the time the API system was developed. More recently, the SAT9 has been augmented with new and revised items to bring it into alignment with state standards. The same could be done with the SABE/2 or another similar achievement test in Spanish. Given the importance of API as a policy instrument in driving rewards and sanctions for school academic performance, it is inconceivable that the state makes no provisions for the use of information from a native language test, indeed one that the state requires students to take. This point is made particularly salient by the discrepancies between English learner scores on the SABE/2 and on the SAT9. Well over half (59%) of all 4th graders taking the SABE/2 reading test in 2001 scored at or above the 50th percentile on this test, which was normed on a Spanish-speaking

population. In contrast, only 15 percent of English learners in the 4th grade performed as well on the SAT9²⁷. The tests are not strictly comparable, but the discrepancies raise serious questions about the appropriateness of current practice of educational planning based on clearly faulty and incomplete information about what EL students know and need to know.

Moreover, while the state requires that Spanish speakers who have been in U.S. schools for less than 12 months be administered the SABE/2, it does not monitor this. In a review of test score data for 16 school districts in the aftermath of the passage of Proposition 227, Gándara and Maxwell-Jolly (2000) found few districts actually adhering to this policy. However, the state has not pressured schools to conform to policy and provides no sanctions for failing to do so.

California High School Exit Exam

As we showed earlier, EL students are much less likely to pass the High School Exit Exam (HSEE). Students with exceptional needs, as defined in Title 20 of federal law, may take the exams with accommodations to meet their special needs. However, English learners do not have exceptional needs according to this definition and do not therefore qualify for accommodations. The law does allow for districts to defer the requirement that students pass the exam until the pupil has completed six months of instruction in reading, writing, and comprehension in the English language. Nonetheless, no student, including those who are still classified as English learners, will receive a high school diploma without passing the exit examination in English.

An important feature of the law authorizing the HSEE is a requirement that the exam have curricular and instructional validity:

²⁶ <http://www.cde.ca.gov/psaa/minutes/9905.htm>

²⁷ www.cde.ca.gov/starpresscharts.pdf

(2) "Curricular validity" means that the examination tests for content found in the instructional textbooks. For the purposes of this section, any textbook or other instructional material adopted pursuant to this code and consistent with the state's adopted curriculum frameworks shall be deemed to satisfy this definition.

(3) "Instructional validity" means that the examination is consistent with what is expected to be taught. For the purposes of this section, instruction that is consistent with the state's adopted curriculum frameworks for the subjects tested shall be deemed to satisfy this definition (Education Code Section 60850, f, 2 & 3).

The evidence that EL high school students do not receive the same instruction or have access to the same range of courses as their English-speaking peers puts in serious question the curricular validity of these tests for English learners (see Section 5)(what is "section 5??). Moreover, evaluation of the early administrations of the test found that passing rates on the math exam are significantly correlated with completion of Algebra I (Wise, et al., 2002). Yet, EL students are often on a high school trajectory of ELD and basic classes , which does not include algebra. Furthermore, the condition of these students as English learners—students who by definition do not have the same level of understanding of all-English instruction as fluent English proficient students—raises questions about the instructional validity of the High School Exit Exam. This is particularly true for EL students in classrooms with teachers who do not have special certification or preparation in English learner teaching strategies. Unfortunately, the dearth of such prepared teachers (discussed in Section 1) (I don't think you've numbered your sections??) is even greater at the secondary than the elementary school level.

The ultimate consequences for English learners of the HSEE are yet to be determined because students in the class of 2004 will be the first to be denied a high school diploma if they fail to pass the exams. Nonetheless, periodic independent evaluations of the first test administrations provide initial evidence that EL students are unequally affected by the HSEE

requirements. One of these effects is in the area of student confidence in their ability to achieve high school graduation. At the end of the exams, students completed a questionnaire on their reactions to the test. English learners, and to a lesser extent economically disadvantaged students, indicated that graduation would be harder for them to achieve because of the test (Wise, et al., 2002). As we showed earlier, passing rates for these students also showed a marked difference from their English fluent peers. Evaluators found that students who were still classified as English learners passed the exam at much lower rates in comparison to their peers who had been reclassified as English proficient. These evaluations strongly suggest that students who are not yet proficient in English will not be able to pass the exams.

This evidence makes it clear that the California High School Exit Exam has potentially high stakes for the state's English learners, and that English learners are more vulnerable to these high stakes than other students. Among the strongest recommendations of the test evaluators was that the legislature specify in more detail how students with special circumstances such as English learners be treated by the CAHSEE requirements. Evaluators suggested greater accommodations, longer time allowed to meet the requirements, alternate degrees, and deferment of the implementation of the graduation requirement for these students.

Accommodations

When English tests are used to assess English learners, it is common practice in many states to use accommodations. Examples of test accommodations include: using a parallel form of the same test content in the native language; administering the test in small groups; repeating directions; having a person familiar with the child's language and culture give the test; giving more time breaks; reading questions aloud in English; translating directions; extending the session over multiple days; simplifying directions; and using word lists or dictionaries (National

Research Council, 1999: 218). California, however, does not allow accommodations for those EL students who have been here for over one year. CDE guidelines state: “

English Language Learners may use nonstandard accommodations only if the local board of education adopts a policy before testing begins that includes the criteria each school is to use to identify ELLs eligible to use nonstandard accommodations. ... After the policy is adopted English Language Learners who will have been enrolled in the district less than 12 months when testing begins may use any of the nonstandard accommodations including having the directions translated and using bilingual dictionaries. ELLs who have been in the district for 12 months or more may not use nonstandard accommodations unless they have IEPs or Section 504 Plans that include accommodations.”²⁸ Yet since the API index counts only those English learners who have been here for over one year, the API does not include assessment results for students who were allowed by a local school board to use accommodation practices.

The need for making accommodations available by at least allowing EL students additional time is clear from inspection of the data on the number of items and the time allotted, according to a table available on the CDE website²⁹. For example, the reading vocabulary section of the test, at each grade level, has 30 items given in an allotment of 20 minutes, and for reading comprehension there are 54 items to be completed in 50 minutes for most grades. This pattern is also found in the mathematics items. That is to say, the speed of the test is less than one minute per item. While this may be sufficient for native speakers of English, this is hardly sufficient for most English Learners. The SAT9 purports to be a test of achievement, not of speed (what in the language of testing is called a “power test”).

²⁸ Standardized Testing and Reporting (STAR) Spring 2001 STAR Administration: Frequently Asked Questions. <http://www.cde.ca.gov/statetests/star/qanda/smar212001.html>

²⁹ 2002 Stanford 9, Form T, and California Standards Tests. Number of Test Items and Testing Time at Each Grade Level. <http://www.cde.ca.gov/statetests/star/2002/staritemstimesSAT9.pdf>

(4) Inadequate instructional time to accomplish learning goals

There is a significant body of research that shows a clear relationship between increased time engaged in academic tasks and increased achievement³⁰, however there are many ways in which English learners experience less time on academic tasks than other students:

- With the passage of Proposition 227, English learners who enroll in a California school for the first time must remain in a structured English immersion program for at least 30 days before being assigned to a permanent classroom. In a recent study of schools implementing the Proposition, many teachers complained that they did not know what to do with students during this interim period, and that a great deal of instructional time was lost trying to accommodate students who would not be continuing on in the same classroom. Particularly where parents had sought a waiver to have their child attend a bilingual classroom, teachers reported not knowing how to instruct these students. They lacked the necessary curricula and materials for the 30 days of all-English instruction before they began what would be their bilingual program for the remainder of the school year (Gándara et al, 2000).
- A common way that elementary schools organize instruction for English learners is to take them out of their regular classes for English language development. This strategy has been demonstrated to create further inequities in the education of “pulled out” students because they miss the regular classroom instruction (Cornell, 1995; Fleishman & Hopstock, 1993; Anstrom, 1997). Nevertheless, the practice continues to be relatively routine for English learners. There is generally no opportunity for students to acquire the instruction they have missed during the pull-out period (Lucas, 1997; Ovando & Collier, 1998).

³⁰ There is a long literature on the importance of “time on task” for learning. Carroll (1963) devised the classic model that showed learning is a function of the amount of time needed to learn something divided by the amount of time allotted to learn it. Karweit (1989) showed that “engaged time” on task was more important than simply the time allotted.

- In secondary schools, English learners are often assigned to multiple periods of English as a Second Language (ESL) classes while other students are taking a full complement of academic courses. Commonly, when not enough courses are available in either SDAIE or other formats, students are given shortened day schedules, resulting in significantly less time devoted to academic instruction (Olsen, 1998).

English learners are also more likely to be assigned to multi-track year-round schools designed to accommodate more students on a campus. The year-round plan that accommodates the most students is Concept 6, a schedule in which students attend school for only 163 days per year, instead of the 180 mandated by state law.³¹ As Table 14 shows, English learners comprise fully half of the students assigned to Concept 6 schools. Students on the Concept 6 calendar attend school for 4 months twice a year, with two month breaks in between. This provides English learners less time to assimilate critical academic material and to be exposed to English language models. Just as important, however, is the loss of learning that occurs with two month breaks in school every four months. A significant body of research has now established that low income children (and English learners) are more disadvantaged by these lengthy breaks from school than middle income children. There is a demonstrably negative effect on their achievement (Cooper et al., 1996). Thus, the very students who need the most exposure to schooling, to English language models, and to opportunities to “catch up” to their English speaking peers are more likely to be assigned to school calendars that provide them with fewer school days than other students and less exposure to English in a school setting. After being subjected to this inferior education, English learners are required to pass an exit examination in high school designed to test whether they have learned the requisite curriculum. If they fail to

pass this examination, they can be denied a diploma, even if they have excelled in the courses that have been provided to them.

Table 14
Distribution Characteristics of California Schools, 2001
Percent English Language Learner Enrollment by School Calendar

Measure	Statistic	Calendar		
		Traditional/ Single-Track	Multi-Track Not Concept 6	Multi-Track Concept 6
Percent English Learners	Mean	21	36	51
	Median	15	35	53
□	Number of Schools	5,913	735	221

Source: California Department of Education, Policy and Evaluation Division (<http://cde.data.com.hosting.pacbell.net/api2001base/dbapi01b.zip>) and School Facilities Planning Division (<http://www.cde.ca.gov/facilities/yearround/direct00.htm>)

- Classrooms with large numbers of English learners have fewer assistants in them to help the teacher provide individualized time for the students. Table 15 shows the number and types of person hours devoted to classrooms by percent EL.

Table 15
Hours of Assistance on Instructional Activities in Classrooms of Teachers in Grades 1-4
by Type and Classroom Concentration of English Learners, 1999-2000
(Mean hours)

Percent English Learners in the classroom	Regular aides	Special education aides	LEP or bilingual aides	Parents or adults	Students	Other specialists	Total
0	3	2	<1	4	1	1	11
1-25	3	1	<1	2	1	1	8
26-50	2	<1	2	1	1	<1	7
51-100	3	<1	2	<1	1	1	7
Total	2	1	1	2	1	1	8

NOTE: Results are weighted.

SOURCE: 2000 Class Size Reduction Teacher Survey (N=774).

While the district is apt to provide more bilingual aide time for classrooms with high percentages of English learners, there is significantly less time spent in these classrooms by

³¹ School districts manage to stay within the law by adding a few minutes at the end of each day to total the same number of

parents or other adults. The result is that classrooms with no or few English learners enjoy more adult time in the classroom, which means that more of these children will receive individualized instructional attention which exacerbates the gaps in instruction and achievement outcomes between English learners and English speakers. While it is not necessarily the school's or the district's "fault" that some schools enjoy more parent participation, it is a fact that must be considered in distributing resources among schools. Furthermore, when EL students are taught by bilingual teachers these teachers are provided with much less paraprofessional assistance than their non-bilingual colleagues. In the view of many teachers this constitutes "penalizing" the most prepared teachers, and their students, for their extra expertise.

(5) Inequitable access to instructional materials and curriculum

All students need appropriate instructional materials to meet the State's curriculum standards. But English learners need additional materials in two areas. First, all English learners need developmentally appropriate materials to learn English and to master the state's English Language Development standards. Second, English learners receiving primary language instruction need appropriate materials in their native language. However, the evidence suggests that many are not gaining access to such materials. In the second year report of the AIR study, researchers report that 75% of the teachers surveyed said they "use the same textbooks for my English learner and English only students" and fewer than half (46%) reported using any supplementary materials for EL students (Parrish, et al., 2002, p. IV-34). This raises the question of how much EL students can be expected to learn without materials adapted to their linguistic needs. It is not particularly surprising, then, that only 40.9% of teachers report they are "able to cover as much material with EL students as with EO students" (Parrish, et al., 2002, p. IV-35).

hours as students who are on 180 day schedules. The research, however, suggests that extra minutes do not

There is ample evidence in the research literature that when students cover less material than their peers, their skills decline relative to other students and they are prone to be placed in low academic groupings or tracks where educational opportunities are limited (Barr & Dreeben, 1983; Oakes, 1985; Goodlad, 1984).

The quality of instructional materials appears to differ by concentration of English learners in the school as well. Data from the Harris survey show that teachers with high percentages of English learners are less likely than teachers with low percentages of English learners to have access to textbooks and instructional materials, in general, and materials needed by English learners in particular. Almost half of teachers with high percentages of English learners report that the textbooks and instructional materials at their schools were only fair or poor, compared to 29 percent of teachers with low percentages of English learners (Table 16). Teachers with high percentages of English learners were also almost twice as likely as teachers with low percentages of English learners to report that the availability of computers and other technology was only fair or poor. Moreover, almost two-thirds of teachers with high percentages of ELs in their classes reported not enough or no reading materials in the home language of their children, and more than one quarter reported that they did not have any or enough reading materials at students' reading levels in English.

Weak Curriculum

There is a common perception that English learners are clustered in the early years of school, and so most attention is applied to students in this age group. However, about one-third of English learners in California are found in grades 7–12. And, these students are often shortchanged by their schools because of lack of appropriate coursework offerings or materials to support courses for English learners. In secondary schools, English learners are often assigned

to multiple periods of ESL or ELD classes while other students are taking a full complement of academic courses. Commonly, when not enough courses are available in either SDAIE or other formats, students are given shortened day schedules, resulting in significantly less time devoted to academic instruction (Olsen, 1998).

Table 16
Condition of Instructional Materials in California Schools
by Percentage of English Learners in Teachers' Schools or Classrooms, January 2002
(percent of teachers reporting condition)

	School EL		Total
	25% or less	Over 25%	
Reported by all teachers (N=1071)			
Textbooks and instructional materials are ONLY FAIR OR POOR	14	22	17
Availability of computers and other technology is ONLY FAIR OR POOR	26	40	31
	Classroom EL		
	30% or less	Over 30%	
Reported by teachers who have EL students in their classes (N=829)			
Not enough or no reading materials in home language of children	44	68	51
Not enough or no reading materials at students reading levels in English	19	29	22

NOTE: Results exclude respondents who did not answer question or answered "not sure." Results are weighted. All column differences are statistically significant at .05 level or better.

SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002.

We selected a random sample of transcripts of secondary English learners from two different northern California districts. In district #1, we compared a random sample of English learners with a random sample of English speaking students. For English only students (20) with GPAs from 1.6 to 4.1, 58% of their courses were college preparatory. For the English learners (8), with GPAs from 1.3 to 3.3, 21% of their courses were college preparatory. The following are samples of English learner programs for the sophomore and senior years:

District #1

Saul (Two years in U.S., attended 9th grade in Mexico where he was in a college preparatory curriculum and took advanced mathematics courses) Sophomore year (2001):

Period 1: No class
 Period 2: Language Development 1
 Period 3: Language Development 2
 Period 4: Native Spanish1
 Period 5: U.S. History (in Spanish)
 Period 6: Math A (general, low level)
 Period 7: Weightlifting

(two courses meet college preparatory requirements: Spanish and U.S. History. No science is provided.)

Jose Luis (One year in the U.S. Uneven academic history prior to immigration) Sophomore (2001):

Period 1: No class
 Period 2: Language Development 1
 Period 3: Language Development 1
 Period 4: General Math (in English)
 Period 5: Native Spanish 1
 Period 6: Drawing 1
 Period 7: No class

(One class prepares student for college requirements: Spanish. No science or social science offered. Student failed English only math because he could not understand the teacher.)

District #2

Marcos (Long term EL student, enrolled in California schools prior to entering high school). Sophomore (2000):

Period 1: English 10 SDAIE
 Period 2: World History SDAIE
 Period 3: Pre Algebra A SDAIE
 Period 4: Court Sports
 Period 5: Integrated Science 2 SDAIE
 Period 6: ELD 5

(Only two courses could be used to meet college preparatory requirements: World History and Integrated Science as an elective, not as a science course. Student never took

a college preparatory science, math or English course through the junior year of high school.)

Marisela (Long term EL student, enrolled in California schools prior to entering high school) Senior year (2002):

Period 1: Power English

Period 2: Weight training

Period 3: ELD 5C

Period 4: Business Math

Period 5: Consumer Foods

Period 6: Floral Design

(None of the student's courses meets college preparatory criteria. Student took no laboratory science or math beyond Algebra 1 which she failed and received no credit.)

These are students who have been attending California schools with caring administrators and school personnel, but the schools did not have the resources—human or otherwise—to provide an appropriate program of study for these students. They were selected randomly from among a pool of students like them for illustrative purposes, but they represent typical scenarios in many of California's high schools.

Because the state does not effectively monitor the quality of instruction that English learners receive, or the amount of time they spend in Structured English Immersion settings, we do not know to what extent the educational services provided for these students meet high standards of quality. We can guess at this figure, given the large numbers of unprepared teachers who teach them. It is worth noting, however, that more than 82,000 English learners in California receive *no special instruction whatsoever*. For some of these students this is based on parental request, but even this requires greater scrutiny. The AIR study of the implementation of Proposition 227 (Parrish, et al, 2002) noted that there remained a great deal of confusion among parents about what options existed for them, and that “in some cases, teachers are discouraged

from discussing educational alternatives for students” (p. IV-41). In this environment, some parents are certainly making uninformed decisions about their children’s educational program. The state has not monitored the extent to which schools and districts provide full disclosure to parents about the programs they may and do offer.

Over-placement in Special Education resulting in weak curriculum

The persistent and pervasive inequities in access to well-prepared teachers, school resources and facilities, appropriate assessment and time to accomplish learning goals result in large and growing gaps in achievement for English learners vis-à-vis their English speaking peers, and ultimately to misplacement into some special education classes. In the consent decree resulting from the *Diana v California State Board of Education* (U. S. D. C., ND, Cal.1970), a class action suit on behalf of English learners inappropriately placed in special education, the state agreed to the following:

- To test Mexican American children in their own language and in English;
- To test them on the non-verbal sections of intelligence tests;
- To re-test all Mexican American who are in Educable Mentally Retarded (EMR) classes using non-verbal sections of intelligence tests;
- Develop and norm a test of IQ that reflects Mexican American culture;
- Require school districts throughout the state who show a significant disparity between their overall district racial-ethnic representation and the racial-ethnic representation in their EMR classes to submit an explanation for the overrepresentation.

Thirty years hence, the State of California has still not acted to implement the consent decree with respect to the development of appropriate assessment for English learners that could stem the over-diagnosis and placement of these students in special education. Nor does

California keep reliable data on the numbers of EL students in special education. About to be published is a study based on data from eleven school districts and over 700,000 students in the Los Angeles area for the 1998-99 school year. The researchers, Artiles and Rueda (in press) report that “ELs are over-represented in special education, particularly in specific learning disabilities (SLD) and language and speech impairment classes (SLI), especially at the secondary grade level where language support is minimal” (pg.2). Even more distressing is that, “highly vulnerable ELs (those who have low proficiency in both English and their primary language) are 1.5 times more likely to be diagnosed as Speech Impaired and Learning Disabled than their English speaking peers during the elementary school years. During the high school years, “highly vulnerable ELs” are twice as likely to be diagnosed as Mentally Retarded, Speech Impaired, and Learning Disabled. The state of being highly vulnerable –or having low proficiency in two languages—is often a product of inadequate instruction, just as proficiency in at least one language is the usual outcome of schooling and this it true for all children, regardless of their ability level. We know, for example, that many mentally disabled children acquire a reasonable proficiency in their primary language (Rueda, R. & Smith,1983; Whitaker, Rueda, & Prieto,1985). Table 17 shows that English learners and highly vulnerable English learners are significantly over-represented in special education programs in the sampled districts.

Table 17
Percent Students in Special Education, Elementary (K-5) & Secondary (6-12) Compared to
Percent of Total School Population by language status and White (non EL),
11 Los Angeles Area School Districts

	White	Typical EL	Highly Vulnerable EL
Elementary	(9%)*	(28%)*	(22%)*
SLI	14%	17%	<u>48%**</u>
SLD	13%	29%	<u>48%**</u>
Secondary	(12%)*	(12%)*	(13%)*
MMR	14%	9%	<u>26%**</u>
SLI	11%	10%	<u>27%**</u>
SLD	9%	<u>17%**</u>	<u>23%**</u>

*p<.05; **p<.01

Source: Artiles & Rueda, in press

As was the case with the 1982 report by the National Academy of Sciences (Heller, Holtzman & Messick, 1982), an important finding is underscored by Artiles and Rueda: where there are few if any primary language support services offered, special education misdiagnosis and misplacement tends to occur. This is almost certainly related as well to the inequitable distribution of psychologists in the schools who can meet the assessment needs of English learners. The National Association of School Psychologists reports that only 160 out of all school psychologists in California report having bilingual competency. There are currently 1,949 school psychologists employed in California schools. If all of the bilingual psychologists were employed in the schools (which they almost certainly are not) then only 8% of psychologists would be bilingual and capable of conducting an assessment in a student's primary language. And, if all of these psychologists were assigned only to English learners, then 8% of the psychologists would be assessing 25% of the students.

Placement in special education, especially when it is not warranted, can have devastating effects on students' access to opportunities later in life. Evidence has existed for years documenting the massive rates of high school non-completion, underemployment, poverty, and

adult marginalization of special education students after they leave high school (Guy, Hasazi, & Johnson, 1999). Placed in a special education track, it is unlikely for students to rejoin the mainstream. Robert Peckham, the presiding judge for the *Diana* case, summarized the evidence on the effectiveness of California’s special education program, calling it a “dead-end educational program” (*Crawford v. Honig*, 1988).

(6) Inequitable access to adequate facilities

Teachers of English learners are more apt than teachers of English speakers to respond that they do not have facilities that are conducive to teaching and learning. In the Harris survey close to half of teachers in schools with higher percentages of English learners reported the physical facilities at their schools were only fair or poor, compared to 26 percent of teachers in schools with low percentages of English learners (Table 18). Teachers in schools with high percentages of English learners were 50 percent more likely to report bathrooms that were not clean and open throughout the day and having seen evidence of cockroaches, rates, or mice.

Table 18
Condition of Facilities of California Schools
by Percentage of English Learners in Teachers’ Schools, January 2002
(percent of teachers reporting condition)

	25% or less	Over 25%	Total
The adequacy of the physical facilities is ONLY FAIR OR POOR	26	43	32
Bathrooms ARE NOT clean and open for throughout day.	13	23	17
HAVE seen evidence of cockroaches, rates, or mice in past year.	24	34	28

NOTE: Results exclude respondents who did not answer question or answered “not sure.” Results are weighted. All column differences are statistically significant at .05 level or better.

SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002 (N=1071).

ECLS data show the same picture with regard to facilities. More than a third of principals in schools with higher concentrations of English learners reported that their

classrooms were never or often not adequate, compared to 8 percent of principals with low concentration of EL students (Table 19).³²

Table 19
Characteristics of California Elementary School Facilities by EL Concentration, Spring 1999

	25% or less	More than 25%	Total
Principal questionnaire responses:			
Classrooms never or often not adequate ³³	8	35	19

Note: Results are weighted (S2SAQW0).

SOURCE: ECLS base year data for California public elementary schools (N=69).

(7) **Intense segregation into schools and classrooms that place them at particularly high risk for educational failure**

English learners are highly segregated among California's schools. While most schools have some English learners, the vast majority of these students attend a relatively small percentage of California's schools. Thus, English learners are much more likely than their English-only peers to attend schools with large concentrations of EL students. As shown in Table 20, while 25 percent of all students in California attend elementary schools in which a majority of the students are English learners, more than half of all English learners (55%) are enrolled in such schools. At the middle school level, only eight percent of the schools have more than 50 percent of the English learners. Very few high schools have such high concentrations of English learners. Nonetheless, almost half of all EL students attend high schools with more than 25 percent English learners. Thus, the distribution of English learners across schools is uneven and these students tend to be clustered in a relatively small percentage of schools.

³² It is interesting to note that 19 percent of all principals in California reported that their classrooms were never or often not adequate, compared to 9 percent of principals in the rest of the United States.

³³ This question did not require the respondent to specify in what way the classroom was inadequate

Table 20
Schools, Students, and English Learners by Concentration of English Learners and School Level,
1999-2000
(Percent Distribution)

Percent English Learners	Elementary			Middle			High		
	Schools	Students	ELs	Schools	Students	ELs	Schools	Students	ELs
0	6	1	0	<1	1	0	8	2	0
1-25	51	48	15	65	62	30	73	76	49
26-50	24	26	30	26	28	44	17	21	46
51-100	19	25	55	8	9	25	1	1	5
Total percent	100	100	100	100	100	100	100	100	100
Total number	5,306	3,124,107	979,854	1,158	1,059,767	232,481	909	1,538,617	237,129

Note: ELs = English learners.

Source: CBEDS and Language Census.

English learners are even more concentrated at the classroom level. In 2000, researchers from the California Class Size Reduction Study surveyed a representative sample of California teachers who taught grades 1-4 (Stecher & Bohrnstedt, 2002). They found that more than three quarters of all teachers had at least some English learners in their classrooms, and almost one-quarter taught in classrooms with more than 50 percent English learners (Table 21). Even more striking, almost two-thirds of English learners enrolled in grades 1-4 attended classrooms in which more than 50 percent of their fellow students were English learners. Thus, while classrooms in grades 1-4 enrolled an average of six English learners (see Table 22) in 2000, the distribution of these students across classes was highly uneven.

Table 21
Teachers, Students, and English Learners in Grades 1-4
by Classroom Concentration of English Learners, 2000
(Percent Distribution)

Percent English Learners in the classroom	Teachers	Students	English Learners
0	24	23	0
1-25	38	39	17
26-50	16	16	20
51-100	22	22	63
Total percent	100	100	100

NOTE: Results are weighted.

SOURCE: 2000 Class Size Reduction Teacher Survey (N=774).

The concentration of English learners in classrooms and schools in California jeopardizes their opportunity to receive an education that is comparable in quality and scope to that of their non-EL peers. This is because of (1) the lack of peer English language models, which limits the development of English; (2) the lack of models of children who are achieving at high or even moderate levels which inhibits academic achievement, (3) the inequitable environmental conditions and resources of segregated classrooms and schools, and (4) the lack of highly qualified, experienced, teachers in these particular classrooms.

The first source of inequity stems directly from the segregation itself—English learners are more likely to attend classes and schools surrounded by other students who are not proficient in English. This hurts English learners’ ability to become proficient in English because research has shown that the composition (relative numbers of English-language learners and fluent English speakers) and structure (opportunities for interaction) of the classroom can inhibit meaningful second language acquisition (Hornberger, 1990; Wong Fillmore, 1991). A recent California study found that the higher concentrations of English learners in schools, the lower rates of reading development in first grade (Rumberger & Arellano, 2003). If English learners

were clustered in classrooms in order to provide core academic instruction in the primary language and were then mainstreamed for part of the day to receive instruction in English (preferably in highly interactive and non-high stakes settings like arts, music, physical education), the segregation of EL students would not only be defensible, but would constitute a valid educational treatment. However, in the wake of Proposition 227, most English learners are simply segregated into classrooms populated disproportionately by other English learners where the opportunity to learn both English and academic content is compromised by the lack of appropriate models and instruction targeted to their linguistic strengths.

The educational achievement of English learners is also hurt by their segregation because they are less likely than other students to be surrounded by peers who excel in school. As shown in Table 22, classrooms with high concentrations of English learners also have a higher number of students who are below grade level in reading and math than classrooms with low concentrations of English learners. Research has shown that the academic achievement of peers influences students' own academic achievement, in part, because students learn from each other (Epstein & Karweit, 1983; Mounts & Steinberg, 1995; Hurd, in press). Thus, the concentration of English learners in California's schools and classrooms not only makes it more difficult for them to learn English, it also makes it more difficult for them to achieve academically.

Table 22
Average number of Students with Selected Characteristics in Classrooms of Teachers in
Grades 1-4 by Classroom Concentration of English Learners,
1999-2000

Percent English Learners in the classroom	Total students	Black and Hispanic	English Learners	Free or reduced lunch	Below grade level in reading	Below grade level in math
0	20	4	0	6	4	3
1-25	22	9	3	9	5	4
26-50	21	12	8	14	7	5
51-100	21	17	17	19	9	7
Total	21	10	6	11	6	5

NOTE: Results are weighted.

SOURCE: 2000 Class Size Reduction Teacher Survey (N=774).

In addition to the effects of peers, as shown in the previous sections, the segregation of English learners is accompanied by more challenging classroom conditions, by a lack of resources, and by a lack of appropriately trained teachers. Moreover, these conditions are not independent, but rather highly interrelated and cumulative, and exacerbated by segregation.

The State's role in creating and perpetuating the existing inequities

The preceding analysis shows that the State has played a major role in both creating and perpetuating inequities in the schooling of English learners in California in several key areas:

Teaching and Instruction

- The State has failed to ensure that English learners have teachers who are appropriately credentialed to teach them. Although EL students are significantly more likely than all other students to have a teacher who lacks any credential, and more particularly, lacks a specialized credential to teach them, the state has failed to mount any significant system of incentives or recruitment to ensure EL student access to appropriate teachers. While substantial new emphasis has been placed on strengthening the skills of California's teachers through

increased accountability and professional development, quite the opposite appears to be true for teachers of English learners. We have shown that these teachers have significantly fewer professional development opportunities provided for them that focus on the needs of English learners than for other students. Furthermore, standards for EL teacher certification have been lowered through legislative mandates (SB1969 and SB395) that provide authorizations for teachers to teach English learners with minimal preparation. Moreover, the State implemented the “teachers in training” program, which is the most widely used option to teach English learners, and which conditionally allows teachers to teach English learners based solely upon a promise that the requisite training will be obtained. However, the State has failed to devise a meaningful process by which these agreements can be enforced and/or monitored. In effect, the State has lowered the standards for EL teachers to the extent that teachers are allowed to teach English learners without any appropriate training.

- Preparation for one of the most common authorizations (SB1969/395)—a certificate issued by the California Department of Education rather than the Commission on Teacher Credentialing—varies significantly among districts and counties in the depth and breadth of its scope, and for many teachers requires no more than 45 hours of instruction (equivalent to one college course) and may take place over as little as two weekends. To make matters worse, the Commission does not even monitor these programs so that it is difficult to know exactly what kind of instruction they offer. It is also hard to determine the degree to which teachers assimilate that information in the short period of time (only 45 hours) allowed since there is no standard assessment of their knowledge at the end of the course
- Since the passage of Proposition 227, the State has failed to provide particular guidance about what kinds of teachers are needed in what kinds of classrooms to teach English

learners. As the AIR report noted, there is a “lack of clear operational definitions for the various instructional approaches for EL students. In particular, educators lack clarity on what constitutes best practice. . .” (Parrish, et al., 2002, p. IX) Since EL authorizations qualify teachers to use only specific types of approaches (e.g., in some cases only SDAIE, but not ELD, in other cases primary language support), without clarity of approach, and without understanding what constitutes best practice, it is not possible to match the specific skills of the teacher with the specific needs of the students.

- The American Institutes for Research report on the implementation of Proposition 227 further notes the widespread finding in their case study districts that teachers were not provided adequate professional development on how to implement structured English immersion. And, although these researchers noted improvement in the satisfaction of teachers with the professional development they received in the 2000-01 school year, still very few teachers (8%) actually attended the ELD institutes. Although the state knew that it had very high numbers of teachers with no preparation to teach their EL students, the state did not mandate this training.
- A large body of literature has demonstrated the importance of time on task for learning (cf., Wiley & Harnischfeger, 1974; Walberg, 1993). While English learners have more tasks to learn owing to the fact that they must acquire a new language in addition to gaining grade appropriate academic skills, the State has provided no additional time for EL students to accomplish this. By providing instruction initially in a language that the students cannot understand, the State has pursued a strategy of “catch up” in which English learners are expected to acquire the same academic skills as their English speaking peers once they have developed proficiency in English. However, no additional time has been provided for these

students in which to effect the “catch up.” To the contrary, in many ways, the state has structured an educational system that provides ELs with less time on task than is available to other students. The State has effectively endorsed a system in which *it is virtually impossible for most English learners to ever close the achievement gap with their English speaking peers*, and the data we have presented clearly demonstrates this.

- Both the Department of Education’s own 1999 survey of teachers and the American Institutes for Research Year One and Year Two reports on Proposition 227 note a great deal of confusion about appropriate instructional materials to use with EL students in structured English immersion classes. The State has failed to provide guidance about what types of materials are appropriate and has failed to provide appropriate materials. Moreover, both the AIR study as well as the University of California consortium study of the implementation of Proposition 227 (Gándara, et al. 2000) found that primary language materials were forbidden from use and removed from many classrooms. Thus, teachers, students, and families had no further access to these comprehensible materials for any instructional purposes—whether at home or at school.

Testing and Assessment

- In spite of the acknowledgement of officials in the State Department of Education that standardized tests such as the SAT9 are invalid for purposes of assessing the academic skills of English learners, the State has continued to assess these students with this instrument, in English, and without reference to appropriate norms. The use of these tests has given the inaccurate impression that English learners in California are making significant academic progress although scores on these tests are incapable of providing accurate information on which to base such a conclusion. Further, while representatives of the California Department

of Education acknowledge the shortcomings of the tests, the CDE has made no effort to refute the claims about English learners' academic progress that have been based on misinterpretation of the SAT9 scores. Nor has the Department provided information to parents or the general public about the lack of validity of these tests in assessing the skills of English learners.

- While the state maintains an extensive accountability system for students and schools, it has no functional accountability system for English learners. These students have not been incorporated into the state's system of accountability in any meaningful way. The only assessment that the state takes account of fails to meet the most basic test of validity—that the students be able to understand the language of assessment. Primary language test scores are not incorporated into the statewide performance index and schools are not held accountable for testing students in a language they understand.

Conditions of Schooling

- The state has allowed the level of segregation of English learners to grow to intolerable rates. English learners are even more segregated than all other poor children and this creates a particular impediment for their learning since they lack appropriate language models in their environment to be able to develop a command of English. Moreover, the *segregation of aspirations* is as pernicious an effect as any other. These children have few high achieving peers to provide models of success and a window on opportunity. And, without the presence of parents of high achieving peers there are few voices to advocate for these students' academic needs. Rather than to devise methods to integrate these students into more diverse schooling communities, the state has turned its back on this problem.

- The state has allowed English learners to be placed in the poorest facilities, with the worst conditions for learning. Moreover, the evidence suggests that the attitudes and competencies of the teaching, support, and administrative staff are of a poorer quality than in schools with few English learners and that this is probably related to the unattractive conditions in which these individuals must work.. (We surmise this since schools with English learners tend to have disproportionately high numbers of new, inexperienced, and uncredentialed staff, suggesting that many individuals with other options do not choose to work in these schools.) English learners are also disproportionately concentrated in Concept 6 schools where they are provided with fewer days of instruction than the average student in California. This is especially egregious given that these students need *more, not less*, exposure to English models in the school and more time on task in order to close the large achievement gap between themselves and their English speaking peers.
- Both the Department of Education’s own 1999 survey of teachers and the American Institutes for Research Year One report (2001) note a great deal of confusion about appropriate instructional materials to use with EL students in structured English immersion classes. The State has failed to provide guidance about what types of materials are appropriate and has failed to provide appropriate materials. Moreover, both the AIR study as well as the University of California consortium study of the implementation of Proposition 227 (Gándara, et al. 2000) found that primary language materials were often removed from classrooms. Thus, teachers, students, and families had no further access to these comprehensible materials for any instructional purposes.

Data collection and Monitoring (Comité)

- The State has failed to adequately monitor the nature of the instruction that English learners are receiving. The Director of the Comité Compliance Unit of the CDE is quoted in deposition as stating that the State does not collect data at the classroom level on the qualifications of teachers of English learners, that no data are collected on the availability of materials for students in English immersion classrooms, that students are not talked to as a part of the compliance reviews, and that reports are not sent to the State Board of Education or any other watchdog agencies of the education system. Moreover, when provided with requests for increasing staffing for the Comité and CCR compliance units, the Department of Education chose to make hires in other areas, leaving these units with insufficient personnel to adequately carry out their monitoring functions. The compliance system which includes the CCR (see above) and the Comité Compliance Unit has been inadequate to ensure that ELs receive the instructional and curricular services that will provide them equal access to the mainstream educational program. The Comité compliance unit grew out of the 1985, *Comité de Padres de Familia et al. v The State Superintendent of Public Instruction*. In the consent decree resulting from the case, the California Department of Education (CDE) agreed to monitor every school district that enrolls English learners once every three years--changed to every four years in 1996 in exchange for agreeing to substantially increasing the number of consultants assigned to monitor EL programs (META, 1996). The purpose of this monitoring activity is to determine if the district has in place appropriate programs for these students pursuant to state and federal statutes. The CDE also agreed to more closely monitor a subset of districts as part of the Comité settlement. Although the State agrees that on-site review is necessary for true accountability of district actions, it conducts such thorough

reviews of only 10 districts annually among those that have been found out of compliance with the provisions of law for EL education. This is out of the more than 1,000 California school districts of which a large percentage have been out of compliance with requirements of law for EL programs in years past (deposition of Norm Gold, January 22, 2001, p. 368, lines 10-22).

- The State does not collect data on the language competencies and distribution of its counselors. As such, it is not possible to address the issue of providing bilingual counselors for the state's schools in any systematic way. Neither is it possible to monitor the types of counseling services provided for English learners and their families. This is in spite of the findings of some well-publicized studies such as those conducted by the University of California Latino Eligibility Task Force. These studies have found that the single greatest impediment to participation in postsecondary education for Latino students (especially those from Spanish speaking homes) is lack of information for both students and parents about the requirements for college admission.
- The State does not collect adequate information about the placement of English learners into special education and other remedial tracks, nor does it monitor the progress of these EL students once placed in special education to ascertain if they receive any benefit, or harm, from such placements.
- The State has failed to monitor and remedy the disproportionate placement of English learners into certain categories of special education where there is no evidence that they make any real educational progress.

Remedies

There are many things that the State could do to create a more equitable education for English learners. Among these are:

Teaching and Learning

- **The State should provide every English learner with a qualified teacher with appropriate skills to teach him or her.**

In order to provide a more equitable education for English learners, the state of California must develop incentives to more equally distribute the qualified teachers that are now in the educational system so that English learners have the same chance as any other student of having a fully certified teacher. In addition, the state must commit resources to preparing more teachers with appropriate qualifications to teach English learners. Gándara and Maxwell-Jolly (2000) have spelled out a blueprint for increasing the numbers of qualified teachers for English learners, and this includes seeking, and supporting, more teacher candidates from the communities in which these students reside.

- **The State should provide appropriate professional development for teachers of English learners focusing on strategies for developing early literacy and closing the achievement gap with English speaking peers.**

Even experienced teachers who do not have training in teaching English learners need professional development to help them meet these students' needs. Teachers who lack experience and appropriate credentials must be provided such instruction before they enter the classroom.

- **The State should ensure that the CTC standards are sufficiently high to guarantee that EL teachers are qualified to teach these students.**

In recent years, the legislature and the Commission on Teacher Credentialing (CTC) have made the authorization procedure for teaching English learners less rigorous. SB1969 and SB395 have both set standards so low that they fail to adequately equip teachers with the skills they need to teach these students. The most widely employed State approval for teaching English learners, the “teacher in training” status, requires no additional training but merely an agreement to obtain the training required for certification. Moreover, the CTC has recently proposed new credentialing standards that would incorporate a watered down version of the CLAD credential into the standard teacher certification, eliminating the more rigorous CLAD. Furthermore, there have been no efforts at the state level to significantly increase the numbers of the most comprehensively trained (BCLAD) teachers that are best prepared for the classroom. This credential is the most rigorous of all, and provides the best preparation for teachers of English learners, yet it is not certain what its fate will be under the new credentialing plan. Given the very basic nature of the current CLAD credential, no teacher in California should be authorized to teach English learners with less training than this credential provides.

- **The State should provide materials and instruction for students and their parents in English, and in the primary language, to the extent possible, to strengthen emergent literacy skills.**

The National Academy of Sciences concludes that “Children who are frequently read to will then 'read' their favorite books by themselves by engaging in oral language-like and written language-like routines.” Through a program at the *Para los Niños* preschool, David Yaden³⁴, a professor of education at the University of Southern California, and his colleagues, have demonstrated that specific educational interventions targeted to emergent literacy can

significantly enhance these skills. Families with children in this urban Los Angeles preschool are provided with a lending library of books that they can take home to read to their children. In addition to this at-home reading component, children are instructed in emergent literacy skills –concepts of print, use of books, letter identification, and word awareness. The *Para los Niños* students have shown significant growth in these concepts prior to school entry and have outperformed other comparison pre-school children who have not had the benefit of this enriched curriculum. In addition, this research confirmed the principle of language transfer. Children participating in the study who received literacy instruction in the primary language (Spanish) demonstrated knowledge of the same concepts in English.

The native language of English learner parents and children is an important learning tool in the early literacy-learning context. The research confirms that literacy training transfers from a child's first language to the second (Durgunoglu, 1998). In addition, the known relationship between being read to and reading achievement among young children³⁵ should compel the schools to use their resources to help ensure that low income English learners have the opportunity to be read to in their homes. This likelihood is significantly increased if 1) children have books their parents can read to them, and 2) these books are in a language that the parent can understand and read. For the vast majority of English learners in California, such books do exist, and most schools serving large numbers of English learners have, or did have, such books on hand. However, the state has allowed schools and districts to remove such books, denying parents access to them.

³⁴ Yaden, et al, (2000)

³⁵ Hess, & Holloway, (1984). In this review of the research Hess and Holloway demonstrate the relationship between several specific literacy practices, including reading to and with young children, and their likelihood of developing into competent readers.

- **The State should provide real opportunities for non-English speaking parents to become involved in their children’s education.**

Just as the research has identified the importance of parental involvement for the academic achievement of all children, so too is parental involvement important for English learners. The State, however, has not provided reasonable opportunities for parents of English learners to support their children’s education. Opportunities for non-English speaking parents to come into the classroom and read with the English learners have been precluded by the absence of materials that such parents can use. The research is clear that (1) modeling reading behavior in any language, and (2) reading to children in any language is important for the development of reading in children. The failure to provide such opportunities for one class of students –English learners—constitutes discriminatory behavior on the part of the state, and places these students at special risk.

- **The State should provide preschool educational opportunities for English learners.**

There is now definitive research that shows that early intervention in the form of high quality instruction and basic medical support (e.g., regular checkups, vision and hearing screening, nutritional monitoring) that extends over a significant period of time can have a real and sustained impact on students’ achievement (Ramey, et al, 1998; Schweinhart, et al 1993: Currie & Duncan, 1995). Ironically, however, for many children the gains made in preschool are only sustained if they are placed in adequate K-12 schools thereafter. But English learners tend to benefit especially from good preschool instruction, demonstrating increased achievement over time (Currie & Duncan, 1995).

- **The State should provide more time during the school year to learn English and close the educational gap with their English- speaking peers.**

The State's obligation does not end with preschool education. English learners will continue to need additional time for at least 4–7 years³⁶ as they attempt to master English and academic subjects. Students beginning school in the secondary years will not even have this amount of time, so efforts must be redoubled here.

It is not possible to close the education gap that now exists between English learners and English speakers without providing more high quality instructional and learning time for EL students. These students start school significantly behind their English speaking peers, and they are expected to close that gap, learn new academic material at the same pace as English learners, while they learn a whole new language. They are expected to accomplish this in the same time that English speakers are given to accomplish only one of those tasks.

- **The State should eliminate Placements in Concept 6 schedules for English Learners**

It is not clear that *any student* should be assigned to a Concept 6 year-round education plan, but English learners are in the greatest need of extra time on task and of consistent exposure to English language models. Therefore the practice of assigning EL students to such a program places them at even greater risk for school failure than the typical student.

Testing and Assessment

- **To the extent the State is using test-based accountability vis-à-vis English learners, it should incorporate them in a meaningful way**

The current testing regime in California was designed for English speaking students without any consideration to its effects or its validity for English learners. No other state with large numbers of English learners compels them to take the state-wide test in English with as little as one year in the country, and when they are classified as not understanding enough

³⁶ We remind the reader that the research on time to master English is consistent (Hakuta, et al, 2000;) in finding that under the

English to make the test meaningful. For good psychometric reasons, the American Psychological Association and the American Educational Research Association advise against such practice. Many experts consider this an unethical use of testing. English learners need to be part of the state's accountability system, but they need to be incorporated in a meaningful way such that real monitoring of their progress can occur. Furthermore, they should not be held to standards, such as a High School Exit Exam, that they have not been prepared to meet.

- **The State should monitor the administration of primary language tests where they are currently mandated, and mandate that this information be used to help design appropriate curriculum for these test-takers.**

The State currently mandates that Spanish speaking students who have been in the schools for less than 12 months be given the SABE/2. However the state does not provide sufficient economic incentive for schools to conduct this test administration, it does not monitor whether the tests are indeed given, and it does not analyze, or otherwise the use the data for purposes of developing the curricula for these students or the API rating for schools.

Conditions of Schooling

- **The State should provide support and incentives for school districts to develop high quality, dual language programs³⁷ that serve both English learners and English speakers. High quality programs that guarantee proficiency in two languages for all children can reduce economic and linguistic segregation in schools and provide enhanced opportunities for all children to learn.**

Social, economic, and linguistic segregation is difficult to legislate away. Several decades of frustrating attempts to truly desegregate the nation's schools have resulted in higher levels of

best of conditions, a minimum of 4 – 7 years is necessary for the average student to acquire full mastery of English.

segregation today than existed for some groups in the early 1970's (Orfield & Yun, 1999). The most effective strategies to desegregate schools, while not perfect, appear to be those that work to attract high status students—enriched programs with high standards and high quality instruction. Dual language programs tend to exist in more affluent, communities where parents are better educated and have both the desire and the resources to support their children's acquisition of a second language. High quality programs such as those that exist in Culver City, Davis, and the Napa Valley can be mounted in other parts of the state where students suffer from linguistic isolation.

- **The State should guarantee that teachers have appropriate materials for teaching English learners.**

Every study that has looked at classrooms of EL students in the last several years has found schools and classrooms with inadequate materials for teaching these students. Many teachers have not been provided with guidance on how to use English only texts nor have they been provided materials appropriate for instruction in the Structured English Immersion classes. The quality of instructional materials is found to be consistently lower in the classrooms of EL students. The State must develop appropriate materials for use in Structured English Immersion classrooms as currently few such materials exist. It must also provide transitional materials and guidance for teachers on how to use mainstream English-only materials for instruction of EL students. The State must provide primary language materials to the extent possible to help support student literacy and learning.

- **The State should guarantee that every child has a safe, adequate (clean, functioning bathrooms, adequate classroom space, outdoor space to exercise, heating, cooling,**

lighting, electrical outlets, that work, and access to technology) facility in which to learn. English learners, too, deserve this.

Monitoring and Accountability

- **The State needs to collect data at the classroom level so that it is possible to know which teachers are assigned to which children, and to know what type of materials and curriculum to which students are exposed.**

In order to monitor who is teaching English learners, it is necessary to have data that shows which children are assigned to which teachers. Currently our knowledge of who is serving these students comes from studies conducted outside of the Department of Education. This should be a routine function of the CDE in the course of monitoring the education that is provided for these EL students.

- **The State should provide more effective monitoring of special education placements of English learners.**

We have shown data that demonstrate that English learners continue to be disproportionately assigned to some types of special education classes –and labeled with disabilities that they likely do not have. The state of California entered into a consent decree to reverse this process and monitor these placements, but it has not done so. A primary reason is that EL students are more at risk for being placed in these classes.

Conclusions

Most English learners are immigrants or the children of immigrants. There is mounting evidence that immigrant students, and the children of immigrants are more academically ambitious than native-born students (see, for example, Suárez-Orozco & Suárez-Orozco, 1996). This suggests that there is a critical window of opportunity in which to affect these children's academic futures. If we seize the opportunity and apply the resources while they are in the public schools, we may be able to set these young people on a solid upward trajectory. On the other hand, if we allow this opportunity slip by, the challenge will be greater in succeeding generations. English learners in California, and in the nation, represent a potentially rich social and economic resource. It is up to the education system to tap it.

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