

*Education is the movement from darkness to light. ~Allan Bloom*

A national system of education does not exist in the United States in the same sense that it does in other countries. Education is considered both a state and local function. Schools have always been a regional domain of the towns and cities of the United States, but the federal government has always had some say in public education. Even though education is not specified in Article I of the Constitution, the language is general enough for the government to use public tax monies to support the nation's schools and school programs and to enact educational laws for the welfare of the people (Lunenburg & Ornstein, 2008).

As part of a new federalism, starting with the Clinton administration and accelerated by the George W. Bush administration, the national standards movement has been gained significant momentum (Lunenburg & Ornstein, 2008). On January 8, 2002 the *No Child Left Behind Act* (NCLB) became the law of the land under the presidential administration of George W. Bush. NCLB is a reauthorization of the Elementary and Secondary Education Act, the central federal law in K-12 education. Since the law was first enacted in 1965, it has been reauthorized and renamed several times. It is nation's largest and most comprehensive federal education law: more than ninety percent of America's school districts receive funding for more than forty federal educational and supportive services programs covered by the act. The

federal government's role in the nationalization of the standards has proven to be inconsistent and unequal for different populations of students. ELL students have historically been the children who have been "left behind." While many think that NCLB and maintaining high standards and a challenging students to meet them is a step in the right direction, there are still changes that need to made to move ELLs beyond English proficiency and towards academic success. NCLB currently requires that schools accurately measure the achievement of all students, including ELLS. However, it leaves the task of creating assessments that evaluate ELL students on their English language skills and their academic knowledge to the states. NCLB provides almost no guidance as to how to develop these assessments (Impact of NCLB on English Language Learners, 2007). The inadequacy of these assessments for ELLs has denied these students the full benefit of NCLB's key reforms .

There are currently between five and six million ELL students enrolled in the United States public school system. Contrary to popular stereotypes, eighty percent of ELL students are U.S. citizens, as they are often the children of immigrants who speak their native languages at home. Over the past fifteen years, ELL enrollment has almost doubled, and experts predict that twenty-five percent of the total public school system will be made up of ELLs by 2025 (Impact of NCLB on English Language Learners, 2007). Academic performance levels of ELLs has been significantly

below those of their peers in nearly every measure of academic progress for years, if their results are even reported. Educators know that accurately and validly assessing what elementary and secondary school students know and can do is an enormously complex task. This complexity is magnified when the students are ELLs (Antunez, 2003). Many ELL students may be capable of the academic work demanded of them, but may not have the language skills to demonstrate or express their abilities on assessments (Lessow-Hurley, 2005). It is very clear that our public schools need to do a better job in meeting the needs of and assessing the large and growing ELL population.

ELL students require assessments that are tailored to their specific academic and linguistic needs. This is required not only by NCLB and sound educational practice, but by the Supreme Court's decision in *Lau v. Nichols*. *Lau* held that Title VI of the Civil Rights Act of 1964 requires schools to deliver academic services to ELLs that are tailored to their linguistic abilities and academic needs. Furthermore, a central tenet of the *No Child Left Behind Act* is that all students must be assessed on their attainment of high academic standards in Reading, Math, and Science. For ELLs, this means being assessed in how well they master English (via the ACCESS test) and how well they are doing in their content courses (via ISATs). This new federal law makes it clear that it wants ELL students who have often been excluded because of their limited English proficiency

to be full participants in and beneficiaries of America's educational system. They will be held to the same standards as all other students, taught in the same content, and subject to the same assessments. The challenge for educators involves how to accomplish these important goals and how to do so validly, accurately, and fairly. This task raises numerous and important issues that many educators are just beginning to face (Antunez, 2003).

The National Research Council states, "The central dilemma regarding the participation of English language learners in large scale assessment programs is that, when students are not proficient in the language of the assessment (English), their scores on a test given in English will not accurately reflect their knowledge of the subject being assessed (except for a test that measures only English proficiency)" (Antunez, 2003). Policymakers, teachers, administrators need to understand and take into account how differently ELL students learn so that they can finally begin creating classrooms and assessments that are equitable and appropriate for ELLs.

According to Crawford and Krashen, children vary significantly in their oral language development (2007). Second language acquisition may depend on a number of variables, including age and previous schooling (Lessow-Hurley, 2005). ELL students generally need two to four years to catch up with native speakers in conversational English. Conversational English is the kind of language that ELLs

pick up through social interactions with English speaking classmates, beginning ELL classes, the media, and their day-to-day experiences. This type of language development is important for ELL students, but it is not advanced enough for the purposes of school. Academic English refers to the cognitively challenging language used in school. This type of language acquisition takes much longer for ELL students to master. ELLs usually need five to eight years to catch up to native speakers in academic English. "Catching up" is when ELL students can score at the 50<sup>th</sup> percentile level on tests of reading comprehension in English. This is an extremely challenging task for any child, which half of native English speakers never reach. So, in reality, it is quite misleading to say that it takes five to eight years to acquire academic English (Crawford & Krashen, 2007).

Assessment involves making determinations about appropriate standards, identifying where students start, figuring out what constitutes adequate performance, and deciding when students have achieved it (Lessow-Hurley, 2005). Due to the complex and multifaceted nature of schooling, assessing student performance is a difficult and daunting task. Consequently, test results on ELLs and the cultural and linguistic variations they bring to the classroom are open to interpretation (Antunez, 2003). Educators who test second language learners must address the following issues in order to make sound judgments about ELLs' needs and capabilities: validity, content bias,

construct bias, procedure, and norming. According to Lessow-Hurley, validity asks the question of whether the testing instrument is testing a student's ability with reference to content when that student is working in a new language (2005). Even if ELL students have mastered the content, they might not be able to fully understand the questions, or express themselves as fully as they would in English. Content bias refers to the language that is used in standard achievement tests, which may also interfere with test validity. Vocabulary may differ among regions and social classes. Languages also have different lexicons and grammatical structures. Therefore, simply translating tests into the native language does not produce an accurate assessment of a student's ability. In addition, there is construct bias in most standardized tests because they are created around the values and experiences of mainstream white middle-class culture. The correct answers often reflect these values and experiences, so to some degree these tests measure a child's degree of assimilation into American culture (Lessow-Hurley, 2005). ELL children lack these experiences and may be unable to answer these questions. Actual test procedures may also be culturally biased. As Solano-Flores and Trumbull note, "Tests are cultural products, and taking a test is an event for which each student has a 'conceptual frame.' Students varying cultural and linguistic backgrounds may prepare them with different 'scripts' (schemes) or principles for approaching

such an event (2003, p.3) Finally, all standardized tests are normed. The test is given to a group of people and from the outcomes test developers determine what constitutes a "normal" performance (Lessow-Hurley, 2005). What is normal to one group of people may not be normal to another. These normed standardized tests are invalid for ELLs on the basis that the majority of the people in these norming groups were not of their race, culture, or ethnicity. Despite all of these concerns, assessing ELLs in valid and accurate ways still remains an important goal in schools.