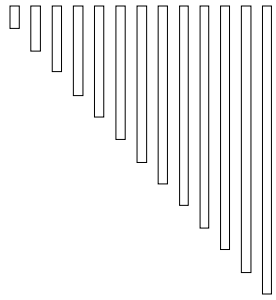


# First, Do No Harm: Accountability Systems for English Language Learners

James Crawford, Executive Director  
National Association for Bilingual Education

39th Annual TESOL Convention  
San Antonio, TX  
April 2, 2005

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# No Child Left Behind Act

*“There is always an easy solution to every human problem – neat, plausible, and wrong.”*

– H. L. Mencken

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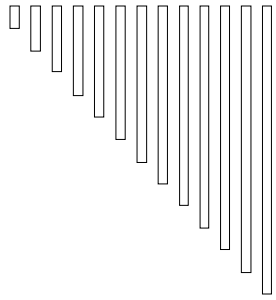


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# Accountability

## NCLB Is Just One Approach

- **Who** is “accountable” to whom?
    - *Schools & educators alone or authorities at all levels*
    - *Federal & state bureaucrats or local parents & communities*
  - **What** are they “held accountable” for?
    - *Basics in 2 subjects or all-round education*
  - **How** is accountability measured?
    - *Single multiple-choice test or multiple criteria*
  - **Why** maintain an accountability system?
    - *Score political points or improve instruction*
-

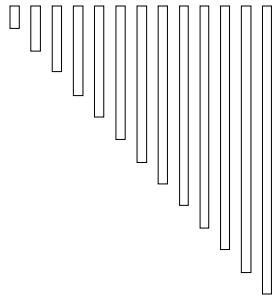


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# No Child Left Behind

## The Civil Rights Argument

- Educational neglect is largely responsible for achievement gaps
  - Schools must be held accountable for the performance of underserved groups
  - Including neglected students in accountability systems will force schools to “pay attention” to their needs
  - High-stakes testing, labels & sanctions are essential tools toward that end
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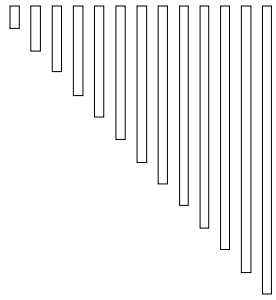


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# No Child Left Behind

## The Civil Rights Counter-Argument

- Schools are only one factor in achievement gaps
  - Yes, NCLB will bring increased attention to “problem groups,” BUT will it be beneficial or detrimental to children?
  - Misguided accountability systems can do more harm than good
  - Applied recklessly, labels & sanctions will destroy programs that are working
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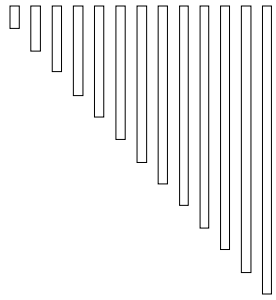
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## ***Lau v. Nichols***

U.S. Supreme Court (1974)

*“There is **no equality** of treatment merely by providing students with the **same** facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.”*

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# Three Inconvenient Realities

Ignored by NCLB

1. Assessment tools for ELLs are largely inadequate today, neither valid nor reliable
  2. ELLs are extremely diverse, making it difficult to set reasonable AYP targets
  3. ELL subgroup is unstable by definition  
– a treadmill on which students will never approach 100% proficiency
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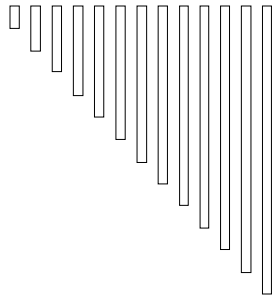


# Assessing ELL Achievement

## The State of the Art

NCLB, Sec. 1111(b)(2)(C): *“Adequate yearly progress shall be defined by the State in a manner that ... is **statistically valid and reliable**”*

- Standardized tests in English
  - English tests with accommodations
  - Native-language assessments
  - Limited research base, yet these tests are used for high-stakes purposes
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# **NCLB in Effect**

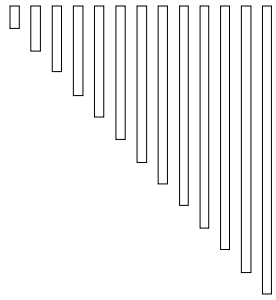
“Holds Schools Accountable” for

Inability of existing assessment tools to measure what ELLs really know

NOT for

Quality of instruction

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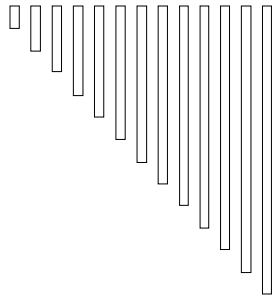


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# ELL Diversity & Expectations

## Variables To Consider

- Socioeconomic status
  - Linguistic & cultural background
  - Initial level of English
  - Prior education
  - Program experience & stability
  - Individual differences in pace of English acquisition
    - Social language – 3-5 years
    - Academic language – 4-7 years
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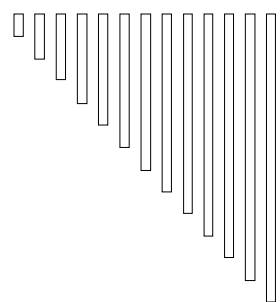
# **NCLB in Effect**

“Holds Schools Accountable” for

- Demographic profile of their students
- Variability in children’s linguistic & academic development

NOT for

- Quality of instruction
-



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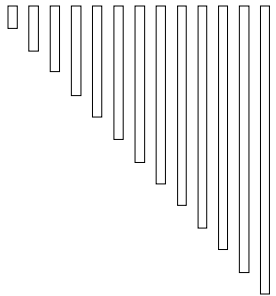
## ELL Subgroup Defined

NCLB, Sec. 9101(25)(D)

A limited-English-proficient (LEP) student is one:

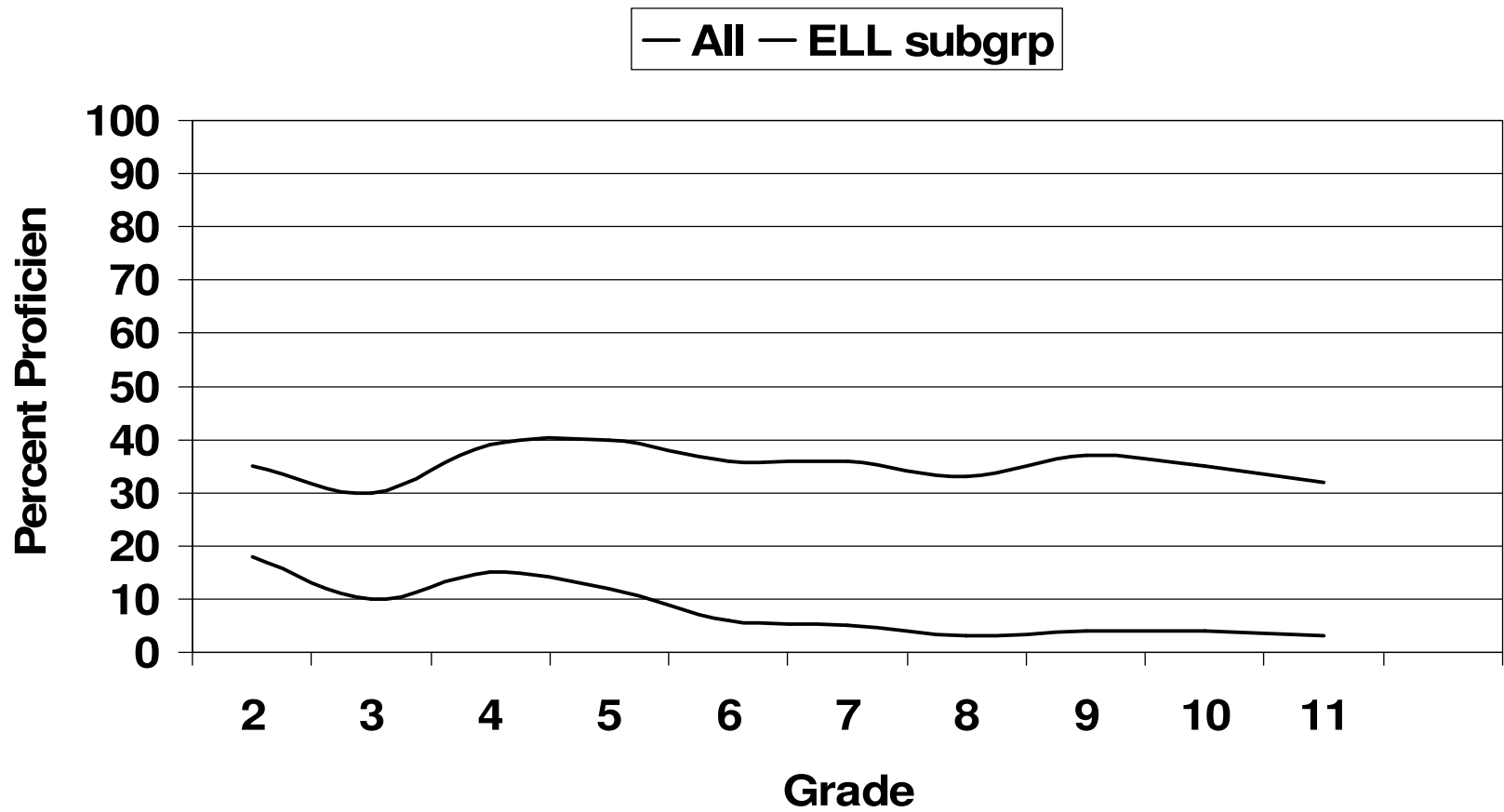
*“whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the **ability to meet the State’s proficient level of achievement on State assessments.**”*

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# CAT Language Arts Scores

All California Students & ELL Subgroup, 2004

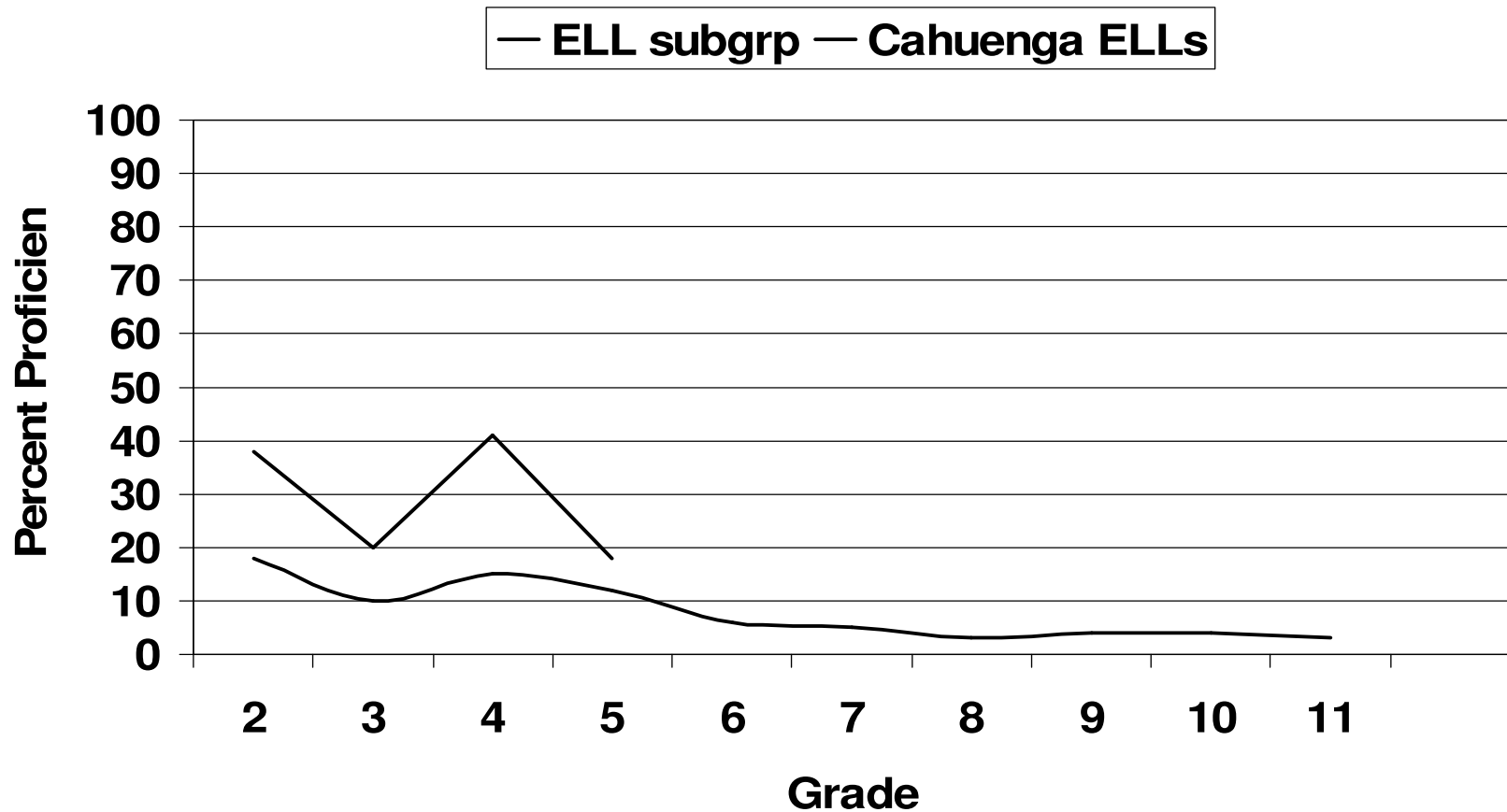


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# CAT Language Arts Scores

ELL Average vs. ELLs in Exemplary Program, 2004

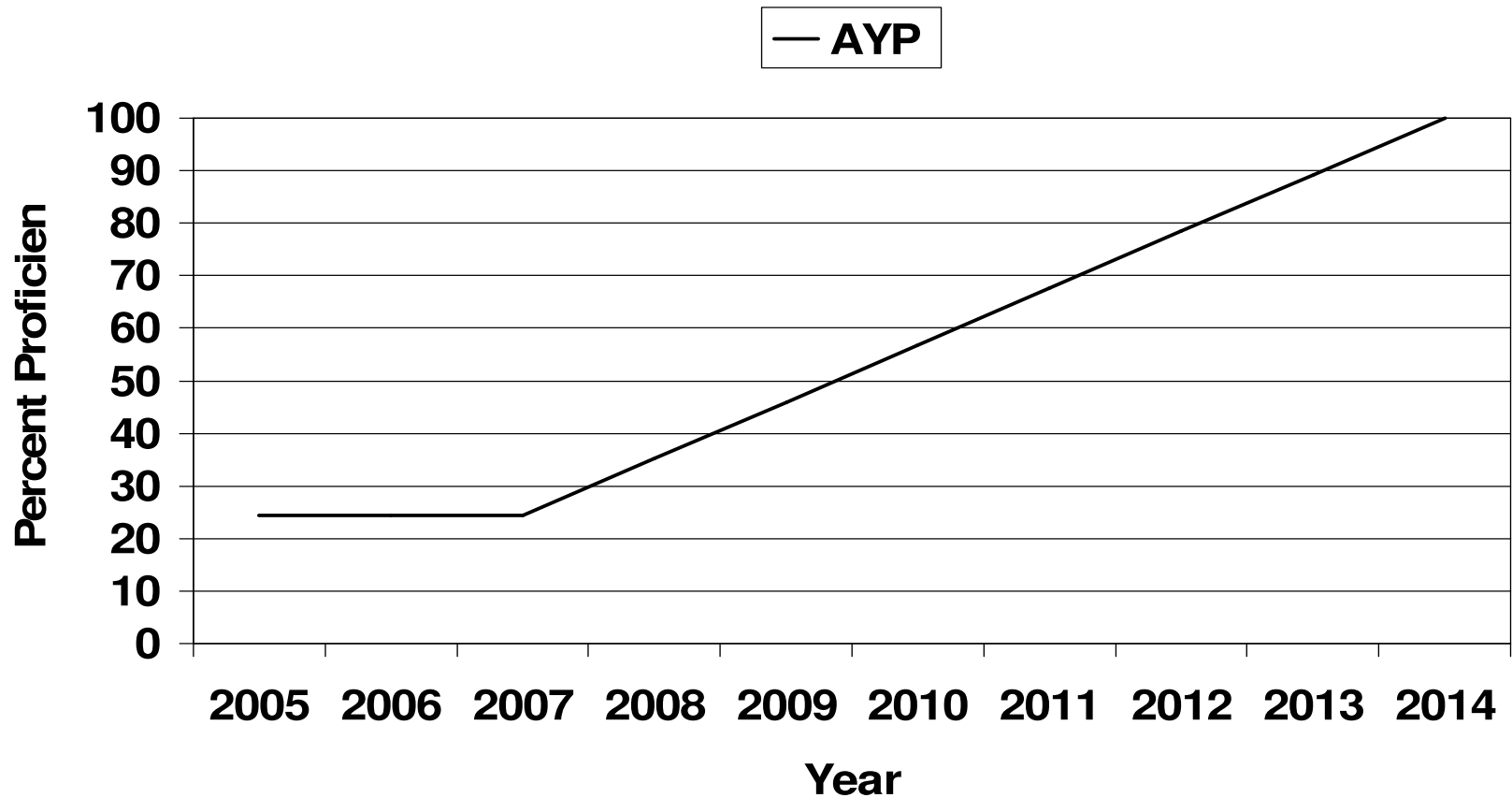


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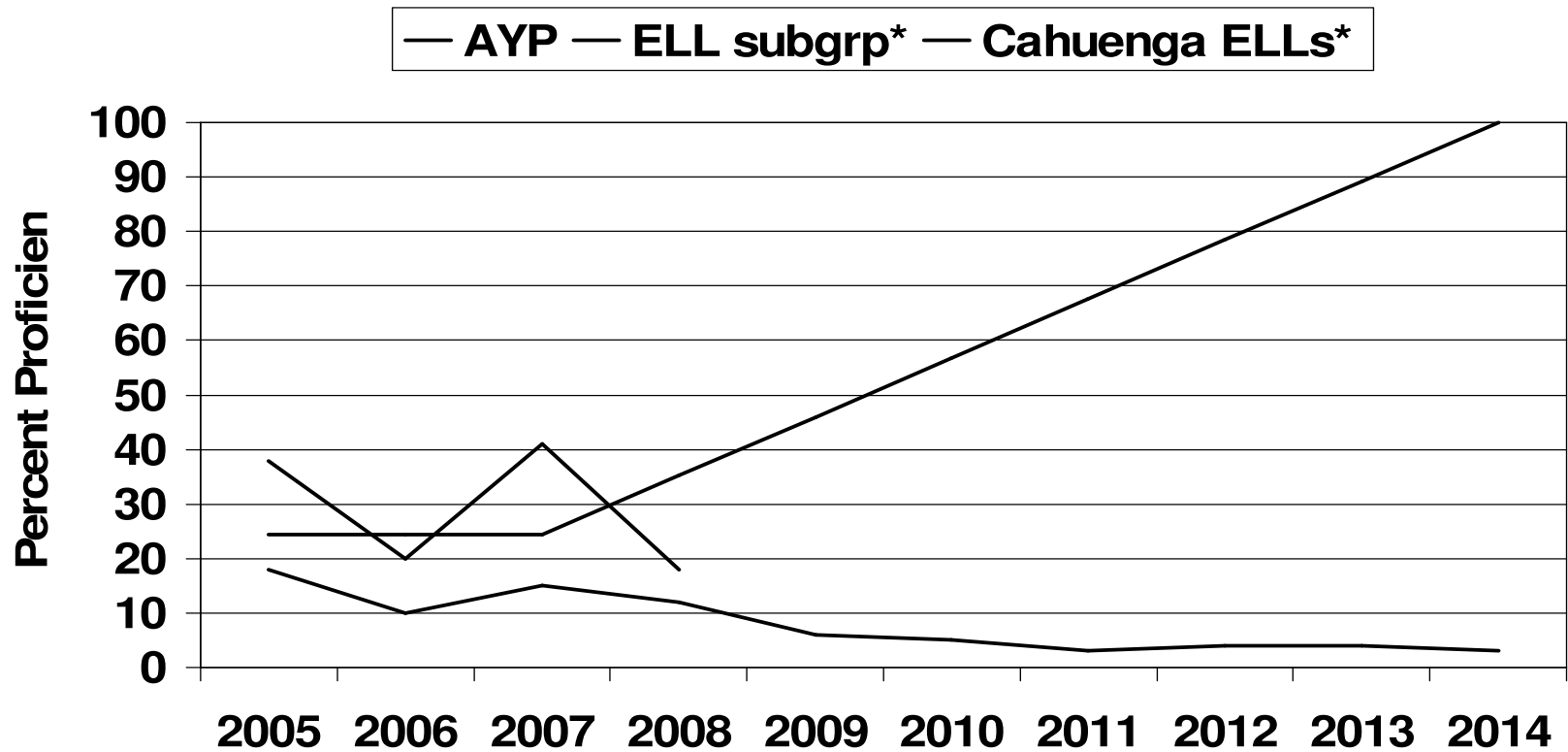
# Adequate Yearly Progress (AYP)

## California Targets in Language Arts

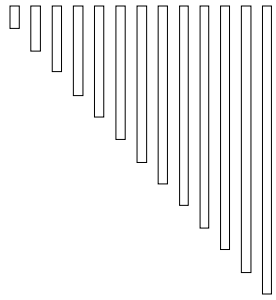


# Adequate Yearly Progress (AYP)

Arbitrary Targets vs. Ideal Cohorts of ELLs



\*2004 Cohort, CAT Language Arts



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# **NCLB in Effect**

“Holds Schools Accountable” for

Failing to achieve what is mathematically impossible

NOT for

Quality of instruction

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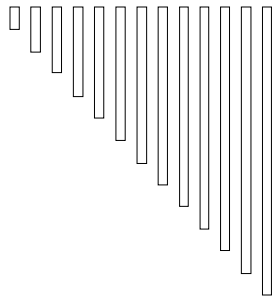
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# **Authentic Accountability**

## **What NABE Proposes**

- Track cohorts of ELLs over long term
  - Use multiple measures – not single test
    - Grades; graduation, promotion & dropout rates; alternate assessments
  - Answer to local parents & communities
  - Consider “inputs” as well as “outputs”
    - Program designs; teacher qualifications; adequate resources; academic outcomes
-

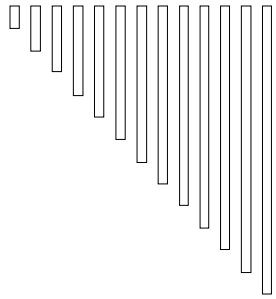


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## ***Castañeda v. Pickard***

5th U.S. Circuit Court of Appeals (1981)

1. Programs for ELLs must be based on educational theory recognized as sound by experts
  2. Resources, personnel, and practices must be reasonably calculated to implement program effectively
  3. Programs must be evaluated and, if necessary, restructured to ensure that language barriers are overcome
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# Political Prospects

## How to Reform the “Reform”

- NCLB, passed with bipartisan support, is now attracting bipartisan opposition
  - Many provisions, crafted by politicians without consulting educators, are on a **collision course with reality**
  - “Attention” to underserved groups also extends to **advocates** for these groups
  - New opportunities are created to educate the public & policymakers
-