

## NCLB Assessment Issues for English Language Learners

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The No Child Left Behind Act (NCLB; Public Law No. 107-110, 115 Stat. 1452, 2002), the most recent reauthorization of the Elementary and Secondary Act of 1965, holds states using federal funds accountable for student academic achievement. States are required to develop a set of high-quality, yearly student academic assessments that include, at a minimum, assessments in reading/language arts, mathematics, and science. Each year they must report student progress in terms of percentage of students scoring at the “proficient” level or higher. This reporting is referred to as adequate yearly progress (AYP). Each state establishes a timeline for all students to reach the “proficient” level or higher, which must be no more than 12 years after the start date of the 2001-2002 school year, provided that the first increase occurs within the first 2 years.

AYP will be reported for schools, school districts, and the state for all students. In addition, AYP must be reported for the following subgroup categories of students: (a) economically disadvantaged students, (b) students from major racial and ethnic groups, (c) students with disabilities, and (d) students with limited English proficiency (LEP). Students in the LEP subgroup provide a useful focus for discussing critical issues regarding AYP subgroup reports. Students in the other three subgroup categories share some of the issues pertinent to assessing LEP students, and many LEP students are also members of at least one other subgroup categories. Through these mandates, NCLB establishes high expectations for all students and seeks to reduce the achievement gap between advantaged and disadvantaged students.

As indicated above, NCLB requires that all children, including English Language

Learners (ELLs) reach high standards in English language arts and mathematics. In addition, Title III of NCLB require English language learners reach proficiency in English in several areas including reading, writing, listening, and speaking and that their progress be assessed annually. Schools and districts must help ELLs, among other subgroups, make continuous progress toward this goal as measured by performance on state tests, or risk serious consequences.

These are worthy goals that require extraordinary improvement in student learning. The challenges for English Language Learners are especially difficult, involving both educational and technical issues. These technical issues relating to the testing of LEP students merit discussion. However, a thorough discussion of issues related to the education and testing of LEP students is beyond the scope of this short paper. The focus on AYP reporting for LEP students at this juncture is important because, although issues concerning their assessment have received attention for many years, educational inequity issues have yet to be resolved. This is especially pertinent as this population continues to increase rapidly in size, with particularly high concentrations in a few states. According to the most recent educational statistics (i.e., those for the 2000–2001 school year), the total number of students labeled as LEP in the nation’s public schools is more than 4.5 million (or 9.6% of total enrollment; National Center for Education Statistics [NCES], 2002). This short paper discusses six LEP assessment issues as they relate to AYP reporting:

1. *Inconsistency in LEP classification across and within states.* Different states and even different districts and schools within a state use different LEP classification criteria, thus causing inconsistencies in LEP classification/reclassification across different educational agencies. This directly affects the accuracy of AYP reporting for LEP students.

2. *Sparse LEP population.* The number of LEP students varies across the nation, and, in

the case of a large number of states and districts, the number of LEP students is not enough for any meaningful analyses. This might skew some states' accountability and adversely affect state and federal policy decisions.

3. *Lack of LEP subgroup stability.* A student's LEP status is not stable over time, and a school's LEP population is a moving target. When a student's level of English proficiency has improved to a level considered "proficient," that student is moved out of the LEP subgroup. Those who remain are low performing, and new students with even lower levels of language proficiency may also move into the subgroup. Therefore, even with the best resources, there is not much chance for improving the AYP indicator of the LEP subgroup over time.

4. *Measurement quality of AYP instruments for LEP students.* Students' yearly progress is measured by their performance on state-defined academic achievement tests, but studies have shown that academic achievement tests that are constructed and normed for native English speakers have lower reliability and validity for LEP populations (Abedi, Leon, & Mirocha, 2003). Therefore, results of these tests should not be interpreted for LEP students as they are for non-LEP students.

5. *LEP baseline scores.* Schools with high numbers of LEP students have lower baseline scores, which have year-to-year progress goals that are much more challenging and might be considered unrealistic, considering that their students may continue to struggle with the same academic disadvantages and limited school resources as before.

6. *LEP cutoff points.* Earlier legislation adopted a compensatory model in which students' higher scores in content areas with less language demand (such as math) could compensate for their scores in areas (such as reading) with higher language demands. NCLB, however, is based on a conjunctive model in which students should score at a "proficient" level in all content areas

required for AYP reporting. This makes the AYP requirement more difficult for schools with many LEP students.

While it is quite clear that the NCLB legislators' intention is to improve the performance of subgroups of students who have lagged behind for many years, it might unintentionally place undue test performance pressure on schools with large numbers of targeted students. This is especially unrealistic when schools may still struggle with the same limited school resources as before. Test performance pressure may still be a reality in spite of extra resources NCLB provides to prevent achievement lag (as part of both Titles I and III). The situation might also create divisiveness between parents and even students. For example, students in poor-performing subgroups might be blamed for a school's poor performance rating. Parents of other students might make the AYP situation worse by moving their children to other schools. Teachers might blame students if the school receives sanctions. The following elaborates on these points.

It is therefore imperative that the NCLB legislators pay serious attention to the assessment and accountability issues for the four subgroups of students identified in the law, particularly issues related to accountability for English language learners.

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