Response from NJTESOL/NJBE to the NJ ESSA Plan

In reviewing the NJ ESSA plan, NJTESOL/NJBE, a statewide educational organization, which represents over 1500 bilingual/English as a Second Language educators, administrators and community members who teach and advocate for the over 70,000 English learners (ELs), would like to offer feedback and input on the NJ ESSA plan. NJTESOL/NJBE has participated in the Stakeholders' meetings and is gratified to see some of the recommendations included in the NJ ESSA plan. As a result, NJTESOL/NJBE is in support of several indicators of the plan:

1) strongly support the application of the count adjustment value to the scores on PARCC or any standardized content assessments according to English language proficiency level and years in the country, as cited in 4.1.(B)(iii)(b);

2) strongly support the state's plan for developing Spanish assessments in ELA, Math, and Science (as cited in the NJ ESSA plan 3(B)(iv)(1)), in addition to the exemption of the student's score from the academic progress indicator in the transition year from Spanish to English. We would like the state to consider this exemption for the academic achievement indicator as well due to the potential variation in language proficiencies.

3) strongly support including the five year cohort for the graduation rate and allowing districts to reset the cohort for Students with Interrupted Education (SIFE);

4) support using the Student Growth Percentile for elementary and middle school students;

5) support the establishment of a standardized entrance and exit process for ELs which includes multiple criteria;

6) support the expansion of the EL subgroup to include former ELs for up to four years after exit;

7) conditionally support the English language proficiency (ELP) growth-to-target

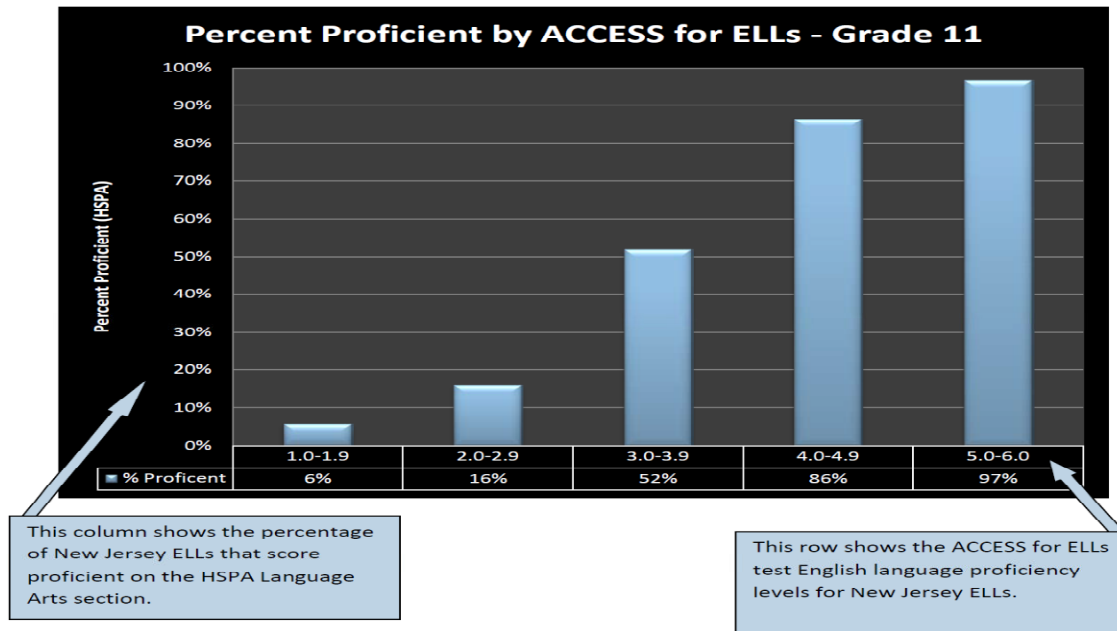accountability system based on initial ELP and years in program.

In order to support our positions, we offer research and further details and explanation of each

previous point in the following section.

1) Application of a Count Adjustment Value

In the National Evaluation of Title III Implementation Supplemental Report (2012, cited

in the ESSA plan), Cook, Liquanti, Chinen and Jung addressed the issue of "taking into account

an EL's ELP level when establishing academic progress and proficiency expectations" (p. 45).

Under the NCLB accountability measures, researchers have consistently recognized that the

academic accountability regulations were challenging when applied to the EL subgroup, since

the data clearly indicate that low proficiency in academic English impacts the child's ability to

demonstrate knowledge on English academic assessments (Abedi 2004; Francis and Rivera

2007; cited in the Cook, et al., 2012). It is essential that ELs are included in the accountability

measures so that this subgroup does not become invisible. However, that inclusion, while

perhaps creating an illusion of "equality" has not actually been "equitable" in the aggregation of

data. By counting all English language proficiencies together and equal to native English

speakers' ability in academic English, schools were not able to create a clear picture of how their

ELs were performing in relation to their ELP level. The Count Adjustment Method takes into

consideration the ELP level of the child as well as the number of years in the program. The

student's score is adjusted accordingly (Cook, et al., 2012, p. 59). This method provides a more

"equitable" accountability system.

The underlying fact which impacts these concerns is that this particular subgroup is very dynamic since an EL's status is ever-changing. Students may remain in the EL subgroup for up to nine years, potentially, (five years in the program and four years as a former EL); but their English language proficiency grows every year. Those of us who work directly with ELs very well know that their ELP level has a dramatic impact on their achievement scores on standardized content assessments. Abedi and Levine (2013) have stated that, "creating assessments that are less impacted by construct-irrelevant sources (such as unnecessary linguistic complexity and cultural biases) could lead to a promising assessment system" (p. 28). Therefore, the most effective and valid assessment method would be to develop assessments aligned to the linguistic levels identified in the WIDA performance definitions. These performance definitions clearly identify the level of academic English that an English learner can understand and produce. Unfortunately, that idea has not been considered. In lieu of this most equitable alternative to assessing ELs' academic proficiency, the count adjustment method is strongly supported.

An analysis completed by the NJDOE comparing passing rates of ELs on the grade 11 HSPA to the ELP level further illustrates the equitable nature of the count adjustment method and therefore, necessary for ELs (see below). This graph perfectly demonstrates the relationship between academic English proficiency (ACCESS scores) and achievement on the HSPA. This is the underlying, fundamental fact when trying to capture an equitable picture of academic achievement and accountability for ELs.

Percent Proficient by ACCESS for ELLs - Grade 11

	1.0-1.9	2.0-2.9	3.0-3.9	4.0-4.9	5.0-6.0
% Proficent	6%	16%	52%	86%	97%

This column shows the percentage of New Jersey ELLs that score proficient on the HSPA Language Arts section.

This row shows the ACCESS for ELLs test English language proficiency levels for New Jersey ELLs.

The NJ ESSA plan states: "By 2030, at least 80 percent of all students and at least **80 percent of each subgroup** in each tested grade will meet and exceed grade level expectations…." Without taking into consideration the ELP level of the ELs who completed those assessments, our students, teachers, and districts are doomed for failure. There is no way to guarantee that 80 % of ELs who would be included in that calculation perform at ELP level 4 and 5 or are former ELs, as they would be the only ELs who could possibly pass the standardized tests. The plan also states that to accomplish that goal for all students (to achieve a score of Level 4 or 5 on PARCC), scores would have to "nearly double" for the general population. However, if we look at the EL data, with their current passing rate of 11.3% in ELA and 14.3% in math, districts would obviously need to *septuple* the number of ELs meeting expectations. Those of us in the field know that only former ELs or ELs at the highest proficiency levels have acquired the requisite level of academic English to perform at those levels on a PARCC or any standardized assessment.

The two additional goals also do not take into consideration the developmental nature of an English learner's educational journey: "(i) 100 percent of all students will be approaching, meeting or exceeding expectations); (ii) 20 percent of all students and subgroups will be exceeding expectations (Level 5)." As much as everyone agrees that ELs must ultimately succeed, these goals are not only overambitious for ELs who are still in the developmental process of acquiring an additional language; they are also totally unrealistic, again, unless the NJDOE can ensure that only former ELs and ELs at ELP levels 5 and above take the assessments.

A more equitable accountability system for ELs would impact the academic achievement indicator which subsequently would impact the overall percentile ranking and determine comprehensive or targeted school status. Currently, schools were targeted as Focus or Priority schools due to the "achievement gap" between their general education population and the EL subgroup. In reality, it may have been that the school had a disproportionate rate of newcomers or ELs at the lower proficiency levels. Therefore, NJTESOL/NJBE strongly supports using the "Count Adjustment Value" (National Evaluation of Title III Implementation Supplemental Report, 2013, p. 59) when calculating the academic achievement of ELs. It is also recommended that a graphic example of the count adjustment model be included in the plan.

2) Plan to develop Spanish assessments in ELA, Math and Science

As stated in the ESSA plan,

"As of the date of the state plan submission, Spanish is the most common language other than English spoken by the tested English learner population in New Jersey. No additional languages are present "to a significant extent," according to the definition

[provided]. Nevertheless, NJDOE will continue to monitor population growth and demographic shifts each year and adjust its assessment development plan accordingly."

NJTESOL/NJBE appreciates the fact that the NJDOE will continue to monitor population growth and demographic shifts in order to respond to any growing language minority population. As it currently stands, Math and Science assessments are already offered in Spanish. NJTESOL/NJBE wholeheartedly supports the development of ELA in Spanish as well. New Jersey's bilingual code mandates that districts implement a bilingual program when the numbers of ELs in the same language group meet a critical mass. Consequently, many students receive Language Arts instruction through their native language but have not been able to demonstrate their abilities. ELs will demonstrate their true competency when provided with a standardized assessment aligned to the language of instruction (Gottlieb, 2006).

As a result of administering assessments in Spanish, it is critical to allow for the exemption for the academic growth indicator during the transition year. The lower performance in academic achievement when the student transitioned from Spanish to English was evident in the data from NJASK. This is a necessary exemption so that schools and students are not penalized for following the bilingual code and implementing a bilingual program.

3) Five Year Cohort for Graduation Rate and Cohort Reset for SIFE

It is very challenging for ELs who arrive in high school to meet the rigorous demands for graduation. These students often need additional time to acquire the academic English as well as the requisite academic abilities. Over five thousand unaccompanied minors have been placed in New Jersey during the last four years. These students often arrive not only with limited English but also with limited schooling. Many districts have created special programs for these students

to address their needs but subsequently get penalized for not meeting the cohort graduation rate. It is incumbent upon our state to recognize and celebrate these students and districts who are doing the right thing despite knowing they may miss the target graduation rate. As evident in the NJ ESSA plan, ELs already have the lowest graduation rate. In order to improve that data we must take their special circumstances into consideration.

Although PARCC testing every year in high school is not a part of the ESSA plan, it is worth noting that this practice is a disincentive for ELs. To sit in front of a computer and randomly select answers for four days does not improve their academic abilities. They would be better served attempting an assessment when they have acquired the needed academic English and benefit from instruction rather than taking a test that we all know they can cannot complete. These types of experiences tend to "push out" students rather than encourage them to complete their high school diploma. Moreover, ultimately only offering one assessment in grade 10 will also not increase the graduation rate for this subgroup. Schools need to provide appropriate services and support and the NJDOE must develop an appropriate measurement for these students.

Defining a Student with Interrupted Formal Education (SIFE) and allowing districts to reset the cohort for those students will provide them with a more appropriate placement and setting and encourage districts to create specialized classes and programs for this sub population. Research consistently demonstrated the value of a high school diploma (Leubsdorf, 2015 in Wall Street Journal). We should be doing all that we can to ensure that minimally students achieve that goal without the school suffering repercussions.

4) **Student Growth Percentile as an Academic Indicator**

Measuring student growth is a much more valid indicator for all students but especially for English Learners. Therefore, NJTESOL/NJBE supports the inclusion of this measure on the accountability profile with the caveat that students' scores are exempt in the transition year from Spanish assessment to English assessment. In the past, teachers' evaluations were impacted in the SGP calculation when that factor was not taken into consideration.

5) **Standardized Entrance and Exit Process for ELs**

Currently, districts can choose the placement assessment from an approved list of tests, which identifies the students eligible for services. Districts also create their own set of multiple exit criteria. Standardizing the entrance and exit process across the state addresses some of the inconsistencies across districts especially since the EL subgroup tends to have a high mobility rate. NJTESOL/NJBE supports the establishment of a standard entrance and exit process. Nevertheless, there are some concerns:1) how will ELs who met the first exit criterion but not the second be included in the growth-to-target accountability measure in the subsequent year; 2) flexibility needed to address the issue of ELs with special needs who may not be able to meet the first exit criteria (4.5 on ACCESS 2.0) due to their disability; 3) can districts who offer bilingual programs include native language proficiency as an additional criteria; 4) the availability of translations of the Home Language Survey (HLS); and 5) who will complete the HLS and how it will be completed. We are requesting further clarification on these matters.

6) Expansion of EL subgroup

Research indicates that it may take four to seven years for ELs to attain grade level proficiency (Thomas & Collier, 1986; Hakuta, Butler, & Witt, 2000). For that reason, expanding the EL subgroup to include students for up to four years after exit will demonstrate the success of ELs as these former ELs have acquired the level of academic English proficiency needed to be equivalent to English speakers.

7) English Language Proficiency

The growth-to-target formula which is based on initial ELP level and years in program is a reasonable precept. Nonetheless, NJTESOL/NJBE has some reservations about setting the interim targets. WIDA has identified a trend in language proficiency growth that "lower is faster and higher is slower;" meaning that the lower the proficiency level, the faster the growth; the higher the proficiency level the slower the growth and the lower the grade level the faster the growth. When we examine the example of a Student who arrives at ELP level 1, it is reasonable to expect that he/she may make more than the expected .8 growth in each of the first two years. However, there is no guarantee that they will exceed those expectations in order to balance out that expected growth at higher proficiency levels.

This model also concerns districts which have implemented a bilingual or dual language program. Research notes that students enrolled in dual language or bilingual programs may not make the same initial growth in English proficiency as students enrolled in English-only programs, but the benefits of bilingual instruction are evident over the course of time (Umansky, Valentino, & Reardon, 2016; Thomas & Collier, 1986). Consequently, these districts may not meet the interim targets and thus potentially could become targeted schools. NJTESOL/NJBE

recommends that the type of program services be taken into consideration when evaluating whether or not a district meets the interim target. This indicator may inadvertently encourage districts to abandon or minimize the dual language or bilingual approach. When the data is collected, it is recommended that these factors be considered.

Another concern is the English Learners with special needs. As previously stated in the standardized exit process, these children may not be able to score a 4.5 nor make the expected growth due to their disability rather than language ability. We again request that this issue be taken into consideration.

In addition, NJTESOL/NJBE requests clarification for students who remain in the program because they did not meet the multiple exit criterion, even though they scored 4.5 or higher on the ACCESS 2.0. There is a concern of how they will be included in the ELP growth-to-target formula.

Overall, the NJ ESSA plan is an improvement over the previous NCLB model. Is it perfect for our subgroup? No, since we are still not able to assess our students at their appropriate level of English proficiency. But the Count Adjustment Method and the expansion of the subgroup to include former ELs up to four years helps to mitigate the inclusion of ELs at lower ELP levels. The addition of academic growth as an indicator is also a more equitable measurement for this population. Moving the English Language Proficiency indicator to Title I accountability will highlight the needs of this population and ensure that the students are receiving appropriate services. Moreover, allowing for a five year cohort and a cohort reset for SIFE students are much-needed expansions for this special population. These students are hard-working and understand the need for a high school diploma, so whatever we can do to increase their chances to succeed is indeed an improvement. The major concern is the implementation of

the growth-to target model of English Language Proficiency. We do not want our schools who

have created bilingual programs to be disadvantaged or to consider abandoning bilingual

programs due to the concern of the initial growth in ELP level. At the same time, we are

concerned about our ELs with special needs and their ability to score a 4.5 in the ACCESS 2.0.

The possibility exists that they may languish in the ESL program due to the fact that their low

scores are more related to their disability than their language ability.

NJTESOL/NJBE thanks the New Jersey Department of Education for the opportunity to

provide this feedback.

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