October 19, 2011

The Honorable Tom Harkin
Chairman
Committee on Health, Education
Labor and Pensions
U.S. Senate
Washington, DC 20510

The Honorable Mike Enzi
Ranking Member
Committee on Health, Education
Labor and Pensions
U.S. Senate
Washington, DC 20510

RE: The Elementary and Secondary Reauthorization Act of 2011

Dear Senator Harkin and Senator Enzi:

Thank you for continued leadership and commitment to providing every child in the United States with the high-quality education he or she needs and deserves. On behalf of TESOL International Association (TESOL), a global education association representing approximately 12,000 English language educators in 150 countries, I am pleased to provide you with TESOL’s comments on the Elementary and Secondary Reauthorization Act of 2011. TESOL commends your efforts to produce a bipartisan bill to reauthorize the Elementary and Secondary Education Act (ESEA), and to addresses many of the flaws present in its current authorization, the No Child Left Behind Act of 2011 (NCLB).

As statistics and census figures have consistently shown, English learners (ELs) continue to be the fastest growing segment of the school-age population in the United States. When it was signed into law, NCLB went further than any preceding version in holding schools accountable for the academic performance of all students—especially ELs. As a result of holding schools and districts accountable for both the content-area achievement and English language proficiency development of their ELs, there has been much greater national attention on the unique needs and academic performance of this student population. This heightened attention, and the resulting constructive actions to support academic achievement for ELs, have been very positive and laudable outcomes.

However, this represents only one side of a very complex picture, as other elements of the current version of ESEA have not yielded positive outcomes for ELs. Challenges in the law’s implementation, and an overarching emphasis on academic performance at the risk of sanctions, have often had negative consequences for ELs. More importantly, the accountability system at the heart of the current version of ESEA is flawed as it relates to ELs. Specifically, the system is not built upon what research has shown about these
students and the way academic language proficiency in English is achieved. Lastly—and perhaps most critically—the law has done little to build and expand the capacity to effectively support the education of the ever-growing population of ELs.

TESOL supports many of the efforts to improve on these flaws in NCLB, especially the provisions that will lead to a more equitable distribution of funds within districts, efforts to improve student outcomes including the promotion of college- and career-ready standards and assessments, and the development of a Commission on Assessment for ELs. However, TESOL has concerns with the following aspects of the bill:

**Academic Accountability for ELs**

TESOL supports the provisions in Title I to improve academic outcomes for ELs by maintaining accountability for their academic performance and requiring that states and districts work towards their achievement of college- and career-ready standards, and the inclusion of multiple measures. In addition, TESOL appreciates the efforts to connect English language proficiency (ELP) to academic achievement for ELs by providing a 2-year exemption from state English language arts assessments for students at the lowest proficiency levels in English.

Although the bill continues provisions that ELs be included in state accountability systems, the bill only calls for a demonstration of “continuous improvement” for academic performance. One of the positive outcomes of NCLB was increased attention on the needs of ELs due in part to the strong accountability measures for ELs under the law. While TESOL does not recommend continuation of the Annual Yearly Progress (AYP) accountability system under NCLB due to its flaws as it relates to ELs, a stronger academic accountability system is desired.

**Recommendation:** TESOL recommends a growth model for monitoring EL student achievement under Title I that distinguishes among students by language proficiency level, and aggregates ELs by language proficiency level within age groups for reporting purposes.

**Accountability for English Language Proficiency**

TESOL appreciates the attempt to connect ELP more closely to academic achievement for ELs by including accountability for ELP within Title I. However, the bill only asks for demonstration of “continuous improvement” as the measure of student performance in English development.
Under NCLB, a more meaningful accountability system for English language development—Annual Measurable Achievement Objectives (AMAOs) under Title III—currently exists. A strong accountability system for language acquisition is needed, similar to the accountability for academic achievement. TESOL advocates that a growth model for measuring student language acquisition similar to the current AMAO system be maintained.

**Recommendation:** TESOL advocates that a growth model for measuring student language acquisition similar to the current AMAO system be maintained.

**Authorization for Title III**

The current bill only uses the term “such sums as may be necessary” as guidance for authorizing funds for Title III. Under NCLB, the authorization level for Title III was set at $750 million, a benchmark that has rarely been met in the ensuing decade. Despite the fact that the population of ELs has continued to grow over the past 10 years, current authorization for Title III rests at only $733 million. Dropping the authorizing level altogether from the bill sends the signal that funding for serving ELs is all but guaranteed to be curtailed at a time when it is needed most.

The progress made over the past decade in serving ELs is due in part to the funding. Title III has provided for developing new state and district ELL educational systems and for professional development of educators. The funding ensures that the most effective, research-based instructional strategies are used to help ELs achieve grade-level literacy, English language skills, and academic proficiency in reading, mathematics, and science. This funding is critically needed, and so TESOL urges you to re-institute a funding reauthorization level of at least $850 million for Title III within the bill.

**Recommendation:** TESOL urges a funding reauthorization level of at least $850 million for Title III within the bill.

**Teacher English Fluency**

The proposed modification for section 3116(c) regarding fluency for teachers of ELs appears modest, but has significant impact. Under current law, the section fosters certification that teachers working with ELs “are fluent in English and any other language used for instruction.” However, the current proposal modifies the certification so that teachers working with ELs are only “fluent in the language used for instruction.”
This proposed modification reduces support for instructional methods that use native language support in the classroom, such as dual-immersion programs and bilingual education, and thus would be problematic for states and districts that have implemented such programs. In addition, the modification supports the misperception that one only needs to be fluent in English to be an effective English as a second language (ESL) instructor, a misperception that can lead to discrimination against fully trained and certified ESL instructors who may not be native English speakers. TESOL urges you to revert back to the language used in the current law.

**Recommendation**: TESOL urges you to revert back to the language under current law, which states that teachers working with ELs “are fluent in English and any other language used for instruction.”

**In Summary**

Great progress has been made under the current law in drawing attention to, and serving the needs of, ELs. TESOL urges you to address the concerns herein so this progress is not lost. Specifically, TESOL urges you to continue to support ELs and their academic achievement in U.S. schools in the ESEA Reauthorization bill through the continued funding of Title III, along with strong but fair accountability for ELs.

Thank you for the opportunity to provide comments on this important legislation, and thank you again for your leadership on these issues. TESOL welcomes the opportunity to be a resource to you and your staff, and looks forwards to working with you in passing a reauthorization of ESEA.

Sincerely,

Rosa Aronson, PhD, CAE
Executive Director

CC: Christine Coombe, President
    Suzanne Panferov, President-elect
    Brock Brady, Past President