

June 19, 1992

MEMORANDUM

TO: Adam Sohn

FR: Mike Cohen

RE: National Hispanic Leadership Agenda education position

Adam, Bill Clinton should comfortably endorse nearly all of the items on the NHLA agenda; for the most part, the recommendations are sensible, and consistent with BC campaign positions and/or his track record at the state and national level.

In that context, here are the problematic issues:

- *National Test:* NHLA opposes a national test, on the grounds that (1) Hispanic kids will do poorly on the test (2) because they have unequal access to educational resources, and (3) any national test will inevitably be high stakes for students—kids performance will determine their subsequent opportunities for further learning, employment, etc; (4) therefore Hispanic kids will suffer if there is a national test.

Bill Clinton advocates the development of a national examination system and national standards. His response to NHLA should be along the following lines: (1) national standards and examinations are a critical way for increasing expectations for Hispanic kids—uniform and high national standards mean we will expect students in Edgewood Texas to learn the same things as those in Scarsdale NY; (2) raising expectations is an essential step towards forcing states and local school districts to create more equal opportunities for kids within and between schools and districts; (3) the kinds of tests BC envisions are not traditional multiple choice tests that often discriminate against minorities, but performance tests that reflect the ability of kids to apply what they've learned; these can be designed to be less biased (4) BC would not want to see states or districts attach consequences to performance for kids until they have taken significant steps to ensure more equal opportunities to learn for all kids. States and districts must first take steps to ensure that Hispanic and other minorities, poor kids, urban and rural kids, etc. have access to a high quality curriculum, well prepared teachers, and other support and service they need, *before* the tests count for kids.

- *Pell Grants:* NHLA calls for expansion of Pell Grants, and is opposed to increased reliance on loans to finance higher education. BC's G.I. Bill proposal represents a different approach, though he did also call for increases in Pell Grant funding during his education speech at LA Community College. The response to NHLA ought to be along the following lines: (1) BC supports expansion of Pell Grants, but recognizes that Pell grants alone won't suffice. (2) his loan program will be available to all, and won't burden students with unreasonable payments, because it is geared to income levels and because of the community service opportunities, (3) they therefore should support the loan program.

- *Holding school districts and universities accountable for design and implementation of programs to increase number of Hispanic educators,* BC should strongly support the goal of this position—school districts and colleges should have aggressive plans to recruit, attract, promote and retain Hispanic and other minority educators. However, it's not clear what they mean by 'holding districts and universities accountable for designing and implementing a plan' to do so. If this means intensive and bureaucratic complinace monitoring, and rigidly linking funding eligibility to the plan, I don't think that approach is

generally consistent with Clinton's view that the fed's need to provide flexibility to locals.

Having said this, the final call is more political than educational. If you want to endorse this part, you can construe its meaning in ways that would make Clinton reasonably comfortable with it.

Choice: They call for choice that includes 'community-based, non-sectarian schools, including alternative schools.' This seems to imply public funds could go to private institutions, a position Bill Clinton has consistently opposed. Don't give ground on this one unless you want to really alienate the entire education community and make Clinton look inconsistent.

DRAFT 8/13/97

Q. Since the fourth grade national reading test will be given only in English, can it be used for Title I assessment purposes?

A. States generally are required by Title I to test all students--including children with disabilities and limited English proficient children--in reading/language arts in the grades selected for assessment. Limited English proficient children are to be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what those students know and can do to determine their mastery of skills in subjects other than English. Thus, a State may use a particular test, such as the national test, for children for whom the test would be appropriate, and use other comparable tests that would be appropriate for limited English proficient children or children with disabilities.

We believe that the fourth grade test in reading English--with appropriate accommodations for children with disabilities and limited English proficient children--will be appropriate for most fourth grade children. Inclusion criteria for the tests will reflect that judgment. Limited English proficient students who may be excluded from the national reading test--i.e., children who have received instruction in English for less than three years--would need to be given another State reading/language arts test in, to the extent practicable, the language and form most likely to yield accurate and reliable information on what they know and can do. Title I requires the States to make every effort to develop assessments in languages other than English as they are needed and directs the Secretary, through the Office of Bilingual Education and Minority Languages Affairs, to assist the States, at their request, in identifying appropriate assessment measures in other languages. The Department is prepared to provide that assistance.

DRAFT 8/13/97

Q. May the national tests be used by the States, in part, as the assessments required under Title I of the Elementary and Secondary Education Act?

A. Yes. Title I requires a State to use challenging content and student performance standards developed for all students under the Goals 2000: Educate America Act or under another process or, absent such standards for all students, to develop for children served under Title I challenging content and student performance standards that reflect the State's expectations for all children. The State must also develop or adopt assessments aligned with these standards. Thus, if a State determines that the national tests are aligned with the State's standards, those tests may be used for Title I purposes. Because the national tests will be based on the content frameworks of the National Assessment of Educational Progress, they will reflect a national consensus among educators, testing experts, and other leaders on what children should know and be able to do in reading English at the fourth grade level and in mathematics at the eighth grade level. We therefore expect that the tests generally will be aligned with most, if not all, States' efforts to develop challenging content and performance standards in these subjects at the indicated grade levels. Moreover, the national tests will be developed according to the highest professional and technical standards; will be administered with accommodations for children with disabilities and limited English proficient children; will yield scores at three levels of performance; and will permit scores to be disaggregated in accordance with Title I provisions. The national tests thus can be an important resource to States in carrying out Title I's vital goal of holding students who participate in Title I to the same high standards expected of all students.

Q. Will use of the national tests by a State fully meet its assessment obligations under Title I?

A. For most children, use of the national tests will meet a State's obligations under Title I to assess performance in reading at the fourth grade level and in math at the eighth grade level. However, consistent with the inclusion criteria for the national tests, some students with limited English proficiency or with disabilities may not be included in the national tests. Other assessments would need to be administered for these students in reading/language arts and math to meet the Title I requirements. Moreover, Title I requires annual State assessments in at least reading/language arts and math in at least one grade in each of the following clusters of grades: grades 3 through 5; grades 6 through 9; and grades 10 through 12. Therefore, other assessments would be needed for the grades 10 through 12 cluster if there is a Title I program in the school. In addition, other State assessments in math in the grades 3 through 5 cluster and in reading/language arts in the grades 6 through 9 cluster would be required under Title I.



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PLEASE DELIVER THE FOLLOWING FAX AT ONCE TO:

To: Michael Cohen, Special Assistant to the President for Education

Recipients' Fax Number: (202) 456-5581 **Voice:** _____

From: Antonia Hernandez, President and General Counsel

Date: September 15, 1997

Please advise at once if the 4 page(s), including this page, have not been received at the end of transmission. Our regular phone number is (213) 629-2512; our Fax number is 213-629-8016.

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September 11, 1997

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VIA FACSIMILE AND U.S. MAIL

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

RE: National Testing Initiative

Dear Mr. President:

On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), I write to communicate our great disappointment and concern that limited English proficient (LEP) children will be excluded from the national testing initiative. As currently proposed, over three million LEP children and families will not benefit from the goal of the national tests -- high standards and improved accountability.

Throughout the debate on national testing, we maintained an open dialogue with your staff at the White House and the Department of Education. We along with other members of the education and LEP community, have held that LEP children and their families could have benefited the *most* from school accountability and improved educational opportunity. One need only consider longstanding segregation of schools in the Southwest coupled with the current statistics showing very low educational attainment to understand that LEP children are the most vulnerable and disenfranchised student population in our country. At the same time, LEP students are the fastest growing student population in our nation's schools. For particular school districts, such as Los Angeles, the enrollment of LEP students is a significantly high percentage of their student population and thus, the challenge to address the needs of LEP students is particularly urgent.

Since your State of the Union Address in February, 1997, the national test has been described as a test for fourth graders in reading and eighth graders in math.

Long after we discussed our concerns regarding appropriate accommodations for LEP students, the national test in reading was suddenly characterized as a "reading test in the English language." For English speakers, this test purports to measure *reading skills* and "serve as an indicator of when individualized, diagnostic assessment is warranted."¹ For LEP children, no such useful and educationally sound benefits are planned. LEP children will either:

- participate in the reading test but will receive test results that do not accurately measure reading or English language proficiency skills, or
- be excluded from the test.

Excluding LEP children from the national reading test or providing their parents and teachers with inaccurate information as to their skills sends the message that accountability is an urgent matter for some children but not others. We urge you to fully consider the direct impact of this "unintended" message on LEP children. Teachers, school administrators, community members, and students will set one standard of high expectations for English speakers and a significantly lower standard for LEP students. The test will be used as a tool to *perpetuate* the "tyranny of low expectations" rather than the goal of high standards for *all* children. Moreover, since testing often drives resources and curriculum, limited school resources will be redirected toward increasing reading literacy for only one group of students - English speakers.

Developing native language assessments would have been consistent with and in compliance with Title I of the Improving America's Schools Act² and the Bilingual Education Act³, as advanced by your own Administration. It would have also been consistent with all the research that supports the need to develop native language assessments. Instead, the current national testing initiative creates a two-tiered educational system---one for English speaking children and families who will reap the purported benefits of the national test and one for LEP children and families who will be excluded.

¹ Items and Test Specifications of the National Voluntary Reading Test, August 13, 1997.

² Title I requires that all students be tested in the language that will best enable them to demonstrate subject matter mastery. It further directs the Department of Education to assist states in developing native language assessments. 20 U.S.C. 2701 et seq., see P.L. 103-382 Sec. 101.

³ Title VII of the Elementary and Education Act, 20 U.S.C. 3281 et seq.

We urge you to reconsider developing native language assessments for the national reading test and to resolve that our entire country benefits from all your educational initiatives. MALDEF remains committed to ensuring that all of your educational initiatives truly improve educational opportunities for Latinos and all children. Our best hope for economic prosperity, global competitiveness and social wellness can only be achieved by making educational opportunities accessible to all its people.

Sincerely yours,


ANTONIA HERNANDEZ
President and General Counsel

cc: The Honorable Richard Riley, Secretary of Education
Michael Cohen, Special Assistant to the President for Education
The Honorable Xavier Becerra, Chairman, Congressional Hispanic Caucus

FIRST DRAFT**TALKING POINTS ON TESTING READING IN SPANISH**

Since most of the Spanish speaking students with limited English proficiency will not be taking the Voluntary National Test of Reading in English, there is an interest in testing these students in their ability to read in Spanish. Testing students in their ability to read in Spanish addresses two major concerns: that students may feel stigmatized by not taking a test and that schools would not be held accountable for helping students learn to read in Spanish.

We are working towards providing a test of reading in Spanish that would address both of these concerns. To determine the best way to reach these goals, we are forming a working group of district superintendents, state school officials, teachers, parents, leaders of the Hispanic community, experts in reading in Spanish, and testing experts.

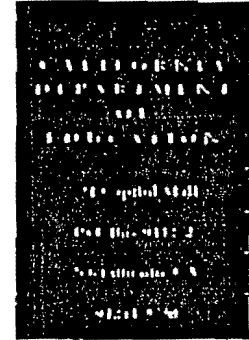
The working group will be charged with finding ways to:

1. Identify tests of reading in Spanish that are similar to the Voluntary National Test of Reading in English.
2. Administer a test of reading in Spanish at the same time as other students are taking the test of reading in English.
3. Report the results of the test of reading in Spanish that are similar to the methods of reporting the results of reading in English.
4. Pay for the test of reading in Spanish through the use of federal funds such as Title I, Title IV, Goals 2000, and others.
5. Make test items or comparable items from the test of reading in Spanish publicly available at the same time that items are released from the test of reading in English.

202-756-5581

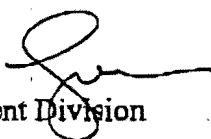


DELAINE EASTIN
State Superintendent of Public Instruction



September 16, 1997

To: District and County Superintendents of Schools
Testing Directors and Coordinators

From: K. Gwen Stephens, Division Director 
Standards, Curriculum, and Assessment Division

Subject: **Legislation Update**

Senate Bill 376, approved by the Legislature and currently on the Governor's desk, establishes the Standardized Testing and Reporting Program (STAR). The full text of the bill is available to those with Internet access:

URL: <http://www.sen.ca.gov> (Enter)
Click on Legislation
Click on Search Current and Prior Session Bill Information
Scroll to Search on Bill Number
Type sb376 (Enter)
Click on the bill title
Click on Current

Senate Bill 376 requires that all school districts use a single standardized test, designated by the State Board of Education (SBE), to test each pupil in grades 2-11 by May 15 of each fiscal year, beginning with the 1997-98 year. Pupils in grades 2-8 will be tested in the basic skills of reading, spelling, mathematics, and written expression. Pupils in grades 9-11 will be tested in reading, mathematics, writing, history-social science, and science. The designated test will be nationally norm-referenced and will provide individual pupil scores that will be reported in writing to the parents of each pupil tested.

Pupils of Limited English Proficiency

Senate Bill 376 requires the testing in English of all pupils in grades 2-11:

EC§ Section 60640 (f) At the school district's option, pupils of limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, may take a second achievement test in their primary language.

EC§ 60640(g) In addition to the test required by subdivision (b), pupils of limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, shall be required to take a test in their primary language if such a test is available, if less than 12 months have elapsed after their initial enrollment in any public school in the state.

Special Education Students

Some special education students are exempted from the requirement to test all pupils:

EC§ 60640(e) Individuals with exceptional needs who have an explicit provision in their individualized education program that exempts them from the testing requirement of subdivision (b) shall be so exempt.

Legislation Update
September 16, 1997

2

Funding

Senate Bill 376 provides that districts shall receive an apportionment that will cover the cost of testing. Each district will contract with the publisher of the designated test using a standard agreement developed by the California Department of Education:

EC§ 60640 (h) The Superintendent of Public Instruction shall apportion funds to enable school districts to meet the requirements of subdivisions (b), (f), and (g). The State Board of Education shall establish the amount of funding to be apportioned. The amount to be apportioned shall be up to eight dollars (\$8) per test administered to a pupil in grades 2 to 11, inclusive.

Districts with Contractual Arrangements Pursuant to the Pupil Testing Incentive Program

Senate Bill 376 provides for districts that contracted for a standardized test approved for use in the Pupil Testing Incentive Program in 1997-98. Under specified conditions such districts may be reimbursed for testing students with that test; this testing will be in addition to the test designated for the STAR Program:

EC§60640.1. (a) For the 1997-98 fiscal year, a school district may receive reimbursement for costs of a test in addition to the test designated pursuant to Section 60642 if all of the following conditions are met:

- (1) On or before July 1, 1997, the school district can show that it had an executed contract with a test publisher to administer in the 1997-98 school year, pursuant to Section 60641 as that section read on June 30, 1997, a test approved by the State Board of Education.
 - (2) The school district certifies that, if the test is administered in the 1997-98 school year, the district will comply with the requirement of Section 60641 as that section read on June 30, 1997.
 - (3) The costs for which the school district seeks reimbursement pursuant to this section are not associated with the test that is designated pursuant to Section 60642.
- (b) The Superintendent of Public Instruction may apportion up to five dollars (\$5) per pupil in reimbursement for 1997-98 testing costs in accordance with subdivision (a).

Timeline

Education Code section 60642 specifies that the State Board shall designate the single test no later than November 14, 1997.

Additional Information

As additional information about Senate Bill 376 becomes available, we will provide it to districts in a timely manner. To determine if the Governor has signed the bill, look for the term "Enrolled" at the top of the version accessed on the Internet. If you have questions, please call the Standards, Curriculum, and Assessment Division at (916) 657-3011.



August 1, 1997

MEMORANDUM FOR: BRUCE REED
ELENA KAGAN

FROM: MIKE COHEN

SUBJECT: PROCESS FOR RESOLVING HISPANIC CAUCUS
CONCERNS ON NATIONAL TESTING INITIATIVE

It is critical that we have a final Administration position on the concerns raised by the Hispanic Caucus by the beginning of September, when Congress returns. Earlier would be preferable, though difficult. Below are my recommendations for how to proceed:

1. Education Department produces options memo

I have asked Secretary Riley to develop an options memo which can form the basis of a decision memo to the President.

Schedule

- preliminary draft by August 8
- feedback from DPC, OPL, Leg affairs by August 11
- final by August 13

Contents

- Option 1: No change in current policy -- testing in English only
this option must explain clearly Title 1 testing requirements already in place, as they affect reading assessment of LEP students
- Option 2: Test in English only; permit LEP students to take test after they have had specified amount of instructional time (e.g., 3 years) regardless of their grade level
- Option 3: Test LEP kids in English, and permit those who have less than 3 years of instruction take a Spanish language version as well
- Option 4: Local option approach -- Figure out some way of generating Spanish and other-language versions of test, (e.g., working with local districts to develop a test, or arranging for translation/development of Spanish language version for Puerto Rico) and let local school systems decide how to use the Spanish version of the test

The discussion of the options will address development and implementation issues, as well the pro's and con's of each option.

2. Internal White House review

I think we should plan on two internal meetings, including DPC, NEC, OPL, Leg. Affairs,

Political Affairs, Intergovernmental, Communications, etc.

August 18: review and discussion of ED options, and assignments for external consultations

August 22: review feedback from outside groups, determine views of key offices, and agree on basic themes for decision memo

3. Consultations during week of 18th

- Hispanic Caucus
- Hispanic groups
- urban districts
- other supporters (e.g., business groups, AFT, NEA,)
- states that have signed up or are likely to
- key governors (e.g., Romer)

4. DPC Decision Memo to POTUS

By August 25, we should send a decision memo to POTUS that presents all options for which there is significant support, and which lays out pro's and con's , including education impact, likely impact on overall testing initiative, likely impact on race initiative, and other political considerations.

Congress of the United States

Washington, DC 20515

July 21, 1997

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

JUL 23 PM12:15

Dear Mr. President:

We write to urge you to consider the educational needs of limited English proficient children as you continue to develop and implement the proposed national test. The current plan to develop and administer the national test in reading and math raises serious issues of equity for limited English proficient students ("LEP").

The proposed national test has been hailed as a tool to hold school districts accountable for providing a quality education for *all* students. If this goal is to be met, the test should be developed and administered in such a manner that will maximize inclusion of LEP students.

We are concerned that the current plan for the 4th grade reading test is being characterized as a "reading test in the English language." This will lead to the exclusion of 3 million LEP students. Allowing LEP students to be excluded from the test will perpetuate the educational marginalization of a sizeable portion of students and parents-- most of them Hispanic.

The national test in reading is purported to measure students' ability to read-- construct, extend and examine the meaning of what they read. However, for LEP students the test in English will only be measuring a students' proficiency in English when an assessment tool in their native language could assess their reading skills. Assessing the students' actual reading skills is vital as the skills are transferable to the second language.

To maximize inclusion of LEP students, we urge you to:

- a) **Fund the development of testing instruments that yield reliable and accurate results for LEP students, including assessments in native languages.**

- b) **Make a commitment to allow appropriate accommodations for LEP students taking the reading and math test in English.** We understand that the current plan does not specifically state what, if any, accommodations would be made for LEP students. The accommodations allowed for LEP students should be specifically outlined in the contract for the development of the test.
- c) **Make a commitment to communicate to the parents of limited English proficient students the purpose and use of the national test.** Current proposals leave test reporting strategies as state and local options. Parents who do not understand English should receive test results in the language the parents understand regardless of the language in which the student was tested.
- d) **To ensure equity, implement procedures to properly monitor the extent to which students are included and to appropriately evaluate the implementation of the national test.** One method of monitoring school districts for equity is to require school districts to disaggregate the national test data on the number of students taking and not taking the test by race, ethnicity, gender, disability, LEP status, and Title I status. Because Title I assessment results are mandated to be disaggregated within each State, local educational agency, and school by gender, major racial and ethnic group, English proficiency status, migrant status and disability population, disaggregation of national testing data is not unduly burdensome.

We understand that the current proposal includes plans for further research on assessments for LEP students. While we believe that more research in this area is needed, it alone is not sufficient to ensure equal access to educational opportunities for LEP students.

The Congressional Hispanic Caucus remains committed to ensuring that all of the educational initiatives improve education for Hispanics and all students. We look forward to discussing these concerns with you directly.

Sincerely,

Rubin Hingora

Mary B. Murphy

Carlos Romeo Bonelli

Salomon Ortiz

Francisco

Ciro Rodriguez

Frederick

Jose E. Serrano

Robert A. Underwood

Steve Py

Lucas V. Gutierrez

Nydia S. Lopez

Loretta Sanchez

Lucille Roybal-Allard

Ed Pastor

Esteban Ojeda

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MALDEF

July 23, 1997

VIA FACSIMILE

Carl Cohn, Superintendent
Long Beach School District
1515 N. Hughes Way
Long Beach, CA 98109

Re: The President's National Testing Initiative

Dear Mr. Cohn:

I write to urge you to consider the impact of the President's national testing initiative on limited English proficient students before the Long Beach School District agrees to participate in the national test. While the President has hailed this national test as a tool to improve education for *all* students, the current plan to develop and administer the reading test raises serious issues of equity for limited English proficient ("LEP") students, including 27,000 LEP students in your district.

Currently, the Department of Education is characterizing the 4th grade reading test as a "reading test in the English language." Thus, the reading test will not be available in languages other than English. For LEP students, the reading test in English will only be measuring LEP students' proficiency in the English language and not their literacy skills. The national test in reading is purported to measure students' ability to read --construct, extend and examine the meaning of what they read. Therefore, assessing the students' actual reading skills in their native language is vital as literacy skills are transferable to the second language.

The Department of Education has chosen to ignore the educational needs of LEP students by allowing school districts discretion to exclude LEP students who have not received instruction in the English language for more than three years. Excluding LEP students from the test is unacceptable and will further perpetuate the educational marginalization of a sizable portion of students and parents ---most of them Latino.

The Department of Education does plan to fund further research on assessments for LEP students. While it is appropriate to continue research on these issues, research alone is NOT sufficient to ensure equal access to educational opportunities for LEP students.

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Carl Cohn, Superintendent

July 23, 1997

Page 2

Thank you for the opportunity to share MALDEF's concerns regarding the national test. I know that you are committed to improving education for Latinos and all students. I look forward to working together to ensure equal educational opportunities for *all* of Long Beach's students. Please feel free to contact Patricia Loera, Education Legislative Staff Attorney in the Washington, D.C. office for more information, (202) 628-4074.

Sincerely,



GEORGINA VERDUGO
Regional Counsel

cc: L.A. MALDEF

Congress of the United States

Washington, DC 20515

July 21, 1997

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

We write to urge you to consider the educational needs of limited English proficient children as you continue to develop and implement the proposed national test. The current plan to develop and administer the national test in reading and math raises serious issues of equity for limited English proficient students ("LEP").

The proposed national test has been hailed as a tool to hold school districts accountable for providing a quality education for *all* students. If this goal is to be met, the test should be developed and administered in such a manner that will maximize inclusion of LEP students.

We are concerned that the current plan for the 4th grade reading test is being characterized as a "reading test in the English language." This will lead to the exclusion of 3 million LEP students. Allowing LEP students to be excluded from the test will perpetuate the educational marginalization of a sizeable portion of students and parents-- most of them Hispanic.

The national test in reading is purported to measure students' ability to read-- construct, extend and examine the meaning of what they read. However, for LEP students the test in English will only be measuring a students' proficiency in English when an assessment tool in their native language could assess their reading skills. Assessing the students' actual reading skills is vital as the skills are transferable to the second language.

To maximize inclusion of LEP students, we urge you to:

- a) **Fund the development of testing instruments that yield reliable and accurate results for LEP students, including assessments in native languages.**

Congress of the United States

Washington, DC 20515

July 22, 1997

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President of the United States
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Dear Mr. President:

We write to urge you to consider the educational needs of limited English proficient children as you continue to develop and implement the proposed national test. The current plan to develop and administer the national test in reading and math raises serious issues of equity for limited English proficient students ("LEP").

The proposed national test has been hailed as a tool to hold school districts accountable for providing a quality education for *all* students. If this goal is to be met, the test should be developed and administered in such a manner that will maximize inclusion of LEP students.

We are concerned that the current plan for the 4th grade reading test is being characterized as a "reading test in the English language." This will lead to the exclusion of 3 million LEP students. Allowing LEP students to be excluded from the test will perpetuate the educational marginalization of a sizeable portion of students and parents-- most of them Hispanic.

The national test in reading is purported to measure students' ability to read-- construct, extend and examine the meaning of what they read. However, for LEP students the test in English will only be measuring a students' proficiency in English when an assessment tool in their native language could assess their reading skills. Assessing the students' actual reading skills is vital as the skills are transferable to the second language.

To maximize inclusion of LEP students, we urge you to:

- a) **Fund the development of testing instruments that yield reliable and accurate results for LEP students, including assessments in native languages.**

- b) **Make a commitment to allow appropriate accommodations for LEP students taking the reading and math test in English.** We understand that the current plan does not specifically state what, if any, accommodations would be made for LEP students. The accommodations allowed for LEP students should be specifically outlined in the contract for the development of the test.
- c) **Make a commitment to communicate to the parents of limited English proficient students the purpose and use of the national test.** Current proposals leave test reporting strategies as state and local options. Parents who do not understand English should receive test results in the language the parents understand regardless of the language in which the student was tested.
- d) **To ensure equity, implement procedures to properly monitor the extent to which students are included and to appropriately evaluate the implementation of the national test.** One method of monitoring school districts for equity is to require school districts to disaggregate the national test data on the number of students taking and not taking the test by race, ethnicity, gender, disability, LEP status, and Title I status. Because Title I assessment results are mandated to be disaggregated within each State, local educational agency, and school by gender, major racial and ethnic group, English proficiency status, migrant status and disability population, disaggregation of national testing data is not unduly burdensome.

We understand that the current proposal includes plans for further research on assessments for LEP students. While we believe that more research in this area is needed, it alone is not sufficient to ensure equal access to educational opportunities for LEP students.

The Congressional Hispanic Caucus remains committed to ensuring that all of the educational initiatives improve education for Hispanics and all students. We look forward to discussing these concerns with you directly.

Sincerely,

Rubin Hingosa

Harry B. Gungor

Carlos Romeo Bonelo

Salman P. Ditz

James Sun

Ciro D. Rodriguez

William S.

Jose E. Serrano

Robert A. Underwood

Steve Ry

Luís V. Gutierrez

Nydia S. Lopez

Loretta Sanchez

Lucille Roybal-Allard

Ed Pastor

Esteban Ojores

Dear:

Thank you for your letter of July 21 regarding the educational needs of limited English proficient children in the context of my national standards and testing initiative. I believe strongly that we must have national standards and tests in the basic skills if we are to provide all of our students with the world-class education they deserve.

I know that you have met recently with Secretary of Education Riley to discuss the recommendations in your letter. As you know, members of my staff and officials of the Department of Education have been meeting with your staffs and with others in the Hispanic and education communities who share your concerns.

Thus, the issues you have raised have been the topic of ongoing discussions within the Administration. As a result, a number of the recommendations you have made are already being included in our plans for developing and implementing the national tests, while others are still under review. My Administration will continue to consult with you as this review proceeds, and before final decisions are made.

Let me share with you the steps we are taking in response to your recommendations.

Testing in native languages. The purpose of the 4th grade test is to test student proficiency in reading in English. I understand your concerns that the testing not be done in a fashion that excludes limited English proficient students who have not had sufficient time to learn English. I believe this is an important issue to address, and have asked the Department of Education to develop recommendations on how this can be done. My Administration will consult with you before any final determinations are made on this issue.

While this review is underway, it is useful to note that under Title 1 requirements, all students must be included in the required assessments, and students must be tested in the language that will best enable them to demonstrate subject matter mastery. Therefore, local school systems participating in Title 1, including those participating in the national testing initiative, must include LEP students in assessments, including in assessments of reading comprehension. While specific testing practices vary from school district to school district, many LEP students are already being tested in reading comprehension in their native language, and I fully expect this practice will continue.

Allowing appropriate accommodations. The Education Department and its test development contractor, in consultation with an advisory committee that is developing test specifications as well as with other testing and language experts, are developing a set of accommodations for testing LEP students taking the reading and math tests in English. Accommodations may include, for example, giving LEP students extra time for completing the test, or making the test an "untimed test" in which all students are given the time they need. When the set of accommodations are finalized, test publishers that market the tests will be required to incorporate them into test administration procedures.

Reporting to parents. I agree that we must make every effort communicate to the parents of limited English proficient students the purpose and use of the national tests. To a large extent, the effectiveness of these tests rests on the ability of parents to fully understand the standards their children are expected to meet, and to use the test results to secure extra help for their children, where it is needed, and as a catalyst for school improvement. Therefore, the test results and other appropriate information will be provided to parents in languages they understand. In addition, the Education Department's Office of Bilingual Education and Minority Languages Affairs will be working with a group of urban districts which enroll large numbers of LEP students to support these districts with strategies and materials to help inform parents about the purposes of the tests, and to help prepare students to meet the standards.

Monitoring the implementation of the tests. The Education Department will contract with the National Academy of Sciences to evaluate the implementation of the tests. This evaluation will include random spot checks to determine the extent to which test administration procedures (including with regard to the inclusion of students in the testing program and the use of appropriate accommodations) are being properly implemented.

In addition, my Administration strongly supports the use of school district and school report cards, which include the disaggregated reporting of test results. Because Title 1 requires that test results be disaggregated, a growing number of states and local school districts have already adopted this practice. I fully expect that this trend will continue, and that national test results will be reported in this fashion. The Education Department will continue to monitor and encourage this process at the state and local levels. If necessary, it will provide appropriate assistance to strengthen these trends.

Secretary Riley and I are committed to working with you, with key local education leaders, and with others who support raising academic standards in the basic skills for all students, to continue to find constructive ways of addressing the needs of limited English proficient students as we proceed with the development and implementation of national tests in the basic skills.

Sincerely

Bill Clinton

Congress of the United States

Washington, DC 20515

July 21, 1997

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

We write to urge you to consider the educational needs of limited English proficient children as you continue to develop and implement the proposed national test. The current plan to develop and administer the national test in reading and math raises serious issues of equity for limited English proficient students ("LEP").

The proposed national test has been hailed as a tool to hold school districts accountable for providing a quality education for *all* students. If this goal is to be met, the test should be developed and administered in such a manner that will maximize inclusion of LEP students.

We are concerned that the current plan for the 4th grade reading test is being characterized as a "reading test in the English language." This will lead to the exclusion of 3 million LEP students. Allowing LEP students to be excluded from the test will perpetuate the educational marginalization of a sizeable portion of students and parents-- most of them Hispanic.

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Luis V. S. S.

Nydia S. S.

Loretta Sanchez

Lucille Roybal-Allard

Ed Pastor

Esteban Ojeda

THE WHITE HOUSE
WASHINGTON

July 30, 1997

Ms Belen B. Robles
National President
League of United Latin American Citizens
221 North Kansas, Suite 1200
El Paso, Texas 79901

Dear Belen:

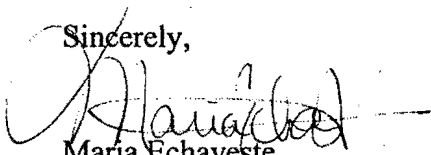
It was a pleasure to meet with you and the national staff of LULAC at the White House. I very much enjoyed our discussion and we are committed to strengthening the working relationship between the White House and LULAC during the President's second term.

Following up on our discussions, I have enclosed background material on the President's standards and testing initiative. Last week fifteen major urban school systems, including the three largest; New York City, Los Angeles, and Chicago, as well as San Antonio and El Paso, all pledged that their students will participate in the national tests beginning in 1999. The President firmly believes that the national tests will provide communities with concrete results that will enable parents to hold administrators and teachers accountable for performance. I hope LULAC can support this process and endorse this initiative.

I have also enclosed the highlights of President's balanced budget agreement, including information on the restoration of health and disability benefits for 350,000 legal immigrants in FY 2002 - a significant victory that you helped make possible!

I look forward to future dialogue centering around the issues we discussed. Once again, I hope this material is informative and helpful.

Sincerely,



Maria Echaveste
Assistant to the President and
Director of Public Liaison

cc: Brent Wilkes
✓ Michael Cohen

Melt

July 14, 1997

MEMORANDUM TO THE PRESIDENT

FROM: Michael Cohen

SUBJECT: Hispanic Concerns about National Tests

Over the past several weeks, DPC, OPL and Education Department staff have met with representatives of MALDEF, the Hispanic Congressional Caucus and other leaders from the Hispanic community to discuss their concerns regarding the national testing initiative.

Concerns of Hispanic Groups: The primary concern is that the 4th grade reading test will be given only in English. The Hispanic groups argue that there should be a Spanish-language version of the reading test as well. They have advanced several arguments for this position.

The first is that a Spanish-language version is necessary in order to enable Limited English Proficient (LEP) students to demonstrate their reading comprehension skills in their native language. For many students, a reading comprehension test in English would be a measure of proficiency in English rather than a true measure of reading skills, skills which are transferrable to any other language. Thus, the test will unfairly underestimate the reading comprehension skills of LEP students. The groups have pointed out that current Title 1 policy requires local school districts to test students in the language that enables them to best demonstrate proficiency in the subject area being tested. The Administration's plan for the 8th grade math test includes an English/Spanish bilingual version; the plan for the 4th grade reading test should be brought into line with Title 1 requirements and our 8th grade policy.

The Hispanic groups also argue that giving the reading test in English only will lead to the exclusion of many LEP students from the test, thereby eroding accountability for their performance. Further, they argue that this policy will lead teachers to prematurely emphasize the acquisition of English in ways that will be detrimental over the longer run to the same students' ability to master other subject areas.

Administration Position: In our discussions, White House and Education Department staff have made three basic points.

First, the purpose of the test is in fact to test student skills in being able to read in English, not in their first language. English is the language of school instruction and the language students must master to succeed in the larger society, and it is reasonable to expect students to learn to read in English, and to test their proficiency against that standard.

Second, we are looking into ways to minimize the difficulties testing in English will pose for LEP students. Among the steps we have discussed specifically include:

- **Development of appropriate criteria for including and excluding students from the test:** Education Department policy is that students who have not been instructed in English for at least three years may be exempted from the English reading test. Inclusion criteria may be further refined at the local level. Such refinements will include provisions for parent input into inclusion decisions, the definition of instruction in English, and procedures for deciding a student's participation in the test.
- **Development of accommodations that will support the inclusion of LEP students in the test.** These might include providing LEP students with extra time; testing in one-on-one or small group sessions; help with the test directions.
- **An R&D effort on the assessment of LEP students.** The focus of investigation will be address issues such as when testing in a second language yield meaningful results, and what accommodations are most appropriate for LEP students.
- **An initiative to work with urban districts which enroll large numbers of Hispanic students** is being developed. This initiative will support these districts with strategies and materials to ensure that all students are prepared successfully for the Voluntary National Test.
- **The Education Department in partnership with community organizations will develop strategies to help Hispanic parents use the test as tool for school improvement.** These strategies include disseminating information about the test in languages used in the community, checklists that parents can use to determine if their school is preparing students for the test, and technical assistance to school districts about the test.
- **The Department of Education will work with states to ensure that tests in languages other than English used for Title I are of comparable rigor to the Voluntary National Test.**

Third, we have indicated that we are open to continuing to discuss and consider the issue, and have been seeking opinions from others. The Education Department is developing a set of options (including continuing our current policy with no change). Preliminary discussions with bilingual education and assessment experts, as well as with superintendents in urban school systems with large LEP populations underscore the importance of addressing this concern, but also underscore the diversity of views on the subject.

If this issue is raised in your meeting, we suggest that you listen,



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF BILINGUAL EDUCATION AND
MINORITY LANGUAGES AFFAIRS

July 10, 1997

*Delia - C. G. H.
m*

Ms. Georgina Verdugo
Regional Counsel
MALDEF
1518 K Street, NW
Suite 410
Washington, DC 20005

Dear Ms. Verdugo:

The U.S. Department of Education, Office of Bilingual Education and Minority Languages Affairs, (OSEMLA) invites you to participate in determining a research agenda on the assessment of limited English proficient (LEP) students at a meeting in Washington, DC on August 26 - 27, 1997. At this working meeting, participants will be expected to contribute to an inventory on the status of LEP student assessment, identify and prioritize LEP assessment research questions and determine a plan of action for answering them.

Your expenses for travel, accommodations and per diem (at government rates) will be covered by the U.S. Department of Education. Enclosed is a registration form, specific instructions for making travel arrangements with Omega Travel and other literature. Please note that the registration form must be submitted before July 18, 1997 if you wish to participate in this meeting; travel arrangements must be made by no later than July 18th. Once your registration form has been received, the meeting agenda and additional information will be sent to you.

Your particular knowledge and expertise are of special importance to us, therefore, we request that this invitation not be transferred to another individual. We anticipate a productive meeting and look forward to working with you.

Sincerely,

Delia Pompa
Director

600 INDEPENDENCE AVE., N.W. WASHINGTON, D.C. 20202

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.



August 15, 1997

Gene Sperling, Director of the National Economic Council
Robert Shireman, OMB Staff Specialist for the Department of Education
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

M. R. Lee
Pl. 1, in case you
don't have it.
- Bob

RE: Voluntary National Test and Limited English Proficient Students

Dear Mr. Sperling and Mr. Shireman:

Teachers of English to Speakers of Other Languages, Inc. (TESOL) wants to report our association's concerns with proposals for a national test in reading and mathematics that fail to include adequately and address the needs of limited English proficient (LEP) students.

As the professional association advocating for high standards in the field of English as a second language (for the teachers as well as the students in ESL programs across the United States), we believe our voice should be heard. TESOL--an 18,000 membership association headquartered in Alexandria, Virginia--has just produced content standards for ESL students in PreK-12 programs. From this effort, we know that assessment is critical to the successful implementation of these standards, yet we wonder how national tests in reading and mathematics for grades 4 and 8 will appropriately measure the academic success of LEP students in these content areas, and at these grade levels.

General concerns regarding the assessment of LEP students in the administration's national test initiative can perhaps serve as a springboard for continued deliberation of national testing:

1. The tests for reading in grade 4 and mathematics in grade 8 assume that students will have sequenced and un-interrupted schooling in English up to and including the years of testing. Yet we know that LEP students:
 - * are enrolled in programs with a wide range of instructional practices (from no support to dual language instruction)
 - * bring unique linguistic and cultural characteristics to the test situations
 - * come to US schools with a range of educational and experiential backgrounds including inconsistent and interrupted schooling in languages other than English

These three factors mean that we cannot predict the degree of English language proficiency or math achievement students will have attained by either grade 4 or grade 8, nor will we be able to interpret results clearly.

2. When dis-aggregating the analyzed data, care should be used in making inferences or generalizations. The results should be contextualized (such as, in terms of Opportunity to Learn programs and services, as cited by the Department of Education) so that bias or discrimination is minimized. Let's not blame the victim, or the LEP student in this case.
3. One basis for validity is having an appropriate reference or norming group so that individual scores can be compared with confidence. Provisions should be made to ensure that test developers create appropriate norming groups for LEP students.
4. The basic design of the tests should include provisions for LEP students at the outset, and not be modified or accommodated for these students as an afterthought. The broad issue of modifications and accommodations will become more prominent in coming years as states devise large-scale assessments and use this route to "include" LEP students--without having data reporting the effect of such practices or indicating which practices are more (or less) effective for this special population.
5. Research needs to be conducted to understand what the policy implications of a national math test for grade 8 will be whatever decisions are made. We also need to examine some practical issues--if accommodations or modifications are used, what effect does this have on student scores?
6. When LEP students are included in the testing plans is of critical importance. TESOL fears that these students are often inappropriately included in testing plans. A related concern is that of exclusion of LEP students in testing plans. If all LEP students are systematically excluded from national testing, what are the implications for their full participation in schooling?

Exclusion of LEP students has major implications for accountability. When the issue becomes one of state or district level accountability, excluding LEP students means that their performance is not included in school, district, and/or state accountability measures. The intent of testing programs should be considered by school personnel. If the intent is, more broadly, to encourage the deliberation of performance standards, exclusion of LEP students is quite problematic.

Clearly, if such discussion centers on standards, TESOL's assessment experts want very much to become active players in this conversation. This team is currently drafting an assessment framework to accompany our new content standards for PreK-12 ESL students, so they would bring a depth and breadth to the investigation if called upon.

A particular concern about the reading test for grade 4:

1. TESOL fears that a test of reading in English alone in grade 4 will promote the demise of 30 years of research in bilingual education that supports literacy development in the native language as a spring board to literacy development in

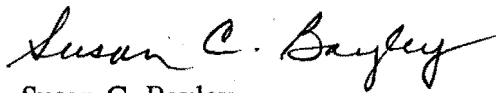
English. If programs serving LEP students prepare students to read in English by a certain grade level, they may pull back from literacy instruction in the native language, at detriment to their overall academic, cognitive development.

Particular concerns about the math test for grade 8:

1. The design for the math test should entail a blueprint for items in both English and other languages, rather than only translating the English version into those other languages, such as Spanish, Mandarin Chinese, Vietnamese, Russian, etc.
2. In the design of a second language version of the test, test developers should account for comparability of items and format, multicultural representation in the content of both English and other language versions, and bias in item design.

Thank you for considering TESOL's concerns about the education of LEP students when developing national tests in reading for grade 4 and mathematics for grade 8. Such tests will have an impact on LEP students, so their educational backgrounds and needs must be incorporated into the overall design of these tests. TESOL supports the administration's efforts to improve education for all students. LEP students cannot be ignored in your deliberations.

Sincerely,



Susan C. Bayley
Executive Director

cc: Richard Riley, Secretary of Education
Janet Murguia, Deputy Assistant to the President for Legislative Affairs
Representative Xavier Becerra, Chairman, Congressional Hispanic Caucus
Representative Ruben Hinojosa, Chairman Congressional Hispanic Caucus Education Task Force
Representative Loretta Sanchez, Second Vice Chair, Congressional Hispanic Caucus
Maria Echaveste, Director, White House Office of Public Liaison
Marshall Smith, Deputy Secretary of Education
Delia Pompa, Director, Office of Bilingual Education and Minority Language Affairs, Department of Education
Kenji Hakuta, School of Education, Stanford University

EDUCATIONAL TESTING SERVICE



PRINCETON, N.J. 08541

609-921 9000
CABLE-EDUCTESTSVC

FAX TRANSMITTAL

EDUCATION POLICY RESEARCH DIVISION

June 19, 1997

Mr. Michael Cohen
Domestic Policy Council
Old Executive Office Building, Room 218
Washington, DC 20502
Fax: (202) 456-6703

Dear Mr. Cohen:

I write to you in my personal capacity as a research scientist and scholar with long expertise on issues pertaining to educational measurement and student assessment.

I do so to express my hope that the Administration's initiative to develop national tests in reading and math not ignore the needs of language minority children in this country, and that the design, development, and implementation of this national test initiative give the proper attention and the sufficient positive efforts needed to ensure that the needs of all these children are properly and equitably met.

Sincerely yours,

A handwritten signature in cursive script that reads "Luis M. Laosa".

Luis M. Laosa, Ph.D.
Principal Research Scientist

Phone: (609) 734-5524
Fax: (609) 734-1755

cc: Secretary of Education Richard W. Riley
Deputy Assistant Secretary of Education R. Cortinez
MALDEF



June 10, 1997

VIA FACSIMILE AND U.S. MAIL

Mike Cohen
Office of Domestic Policy Council
Old Executive Office Building, Room 218
17th and Pennsylvania Avenue
Washington, DC 20502

Re: Voluntary National Test and Limited English Proficient Students

Dear Mr. Cohen:

On behalf of the Mexican American Legal Defense and Educational Fund ("MALDEF"), I write to request a meeting with you to discuss our concerns with proposals for a national test in reading and mathematics.

The current proposal for the national test fails to adequately include and address the needs of limited English proficient students ("LEP"). I have been discussing our concerns about the National Test and its impact on LEP students with the appropriate officials at the Department of Education. I have since learned that you are leading the Administration's educational initiative for the national test. I am enclosing for your information a copy of a letter sent to Mr. Sperling and Mr. Shireman which summarizes our preliminary concerns.

I would welcome the opportunity to discuss this issue with you directly. Please contact Patricia Loera at my office to schedule the meeting. Thank you for your anticipated courtesy and cooperation.

Sincerely yours,

GEORGINA C. VERDUGO
Regional Counsel

Enclosures

National Office

634 South Spring Street
11th Floor
Los Angeles, CA 90014
(213) 629-2512
FAX: (213) 629-8016

Regional Offices

542 South Dearborn Street
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Chicago, IL 60605
(312) 427-9363
FAX: (312) 427-9393

182 Second Street
2nd Floor
San Francisco, CA 94105
(415) 543-5598
FAX: (415) 543-8235

The Book Building
140 E. Houston Street
Suite 300
San Antonio, TX 78205
(512) 224-5476
FAX: (512) 224-5382

1518 "K" Street, N.W.
Suite 410
Washington, D.C. 20005
(202) 628-4074
FAX: (202) 393-4206

Fall Enrollment (1992-93)			
District	Total	LEP (1) Students	LEP as % of Total
Boston	62,407	13,744	22.02%
Chicago	411,582	46,600	11.32
Dade County	302,163	38,971	12.90
Dallas	142,833	30,118	21.09
Denver	62,935	13,329	21.18
El Paso	64,253	16,337	25.43
Fresno	77,388	22,503	29.08
Houston	198,209	47,076	23.75
Los Angeles	653,619	279,899	42.82
New York City	994,531	150,665	15.15
Newark	47,909	4,875	10.18
Oakland	51,234	13,470	26.29
Phoenix	19,693	2,255	11.45
Providence	22,031	4,022	18.26
Rochester	35,084	2,927	8.34
St. Paul	38,286	6,333	16.54
San Diego	128,569	29,159	22.68
San Francisco	64,986	17,988	27.68
Seattle	44,076	4,980	11.30
Tucson	58,729	10,304	17.54
Washington, D.C.	80,937	7,475	9.24

SOURCE: National Center for Education Statistics and the Council of the Great City Schools (1) U.S. Department of Education, OBEMLA States Education Agency Surveys, 1992-93



June 3, 1997

VIA FACSIMILE AND U.S. MAIL

Gene Sperling, Director of the National Economic Council
Robert Shireman, OMB Staff Specialist for the Department of Education
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Re: Voluntary National Test and Limited English Proficient Students

Dear Mr. Sperling and Mr. Shireman:

The Mexican American Legal Defense and Educational Fund (MALDEF) is concerned with proposals for a national test in reading and mathematics that fail to adequately include and address the needs of limited English proficient students ("LEP").

MALDEF is a national organization that protects and promotes the civil rights of the 27 million Latinos living in the United States. For the past twenty-nine years, MALDEF has sought to expand the opportunities for Latinos so that they may participate fully in our society and make a positive contribution toward its well-being. Headquartered in Los Angeles, California, MALDEF has regional offices in San Antonio, Texas; San Francisco, California; Chicago, Illinois; and Washington, DC. Across the country, MALDEF staff achieve the organization's goals through community education, advocacy, and litigation.

In accordance with the President's Education Initiative to provide national testing, the U.S. Department of Education's Statement of Work has defined methods proposed for a national test in reading and mathematics. Although the eighth grade math test will be developed in both English and Spanish, fourth graders will be tested for reading literacy only in English. Local school staff will have sole discretion to determine the English test-taking capacity of LEP fourth grade students, and may exclude LEP students that have not received English language instruction for more than three years. Local school staff do not have the option to exclude such students from the eighth grade math test, and eighth grade LEP students with more than three years of English instruction are prohibited from taking a bilingual or Spanish version of the math test.

National Office

634 South Spring Street
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FAX: (202) 393-4206

The purpose of the national test is to provide parents and educators with reliable information on the performance of *all* students in the important and foundation subjects of reading at the fourth grade and mathematics at the eighth grade level. However, the test must provide valid and understandable results for *all* students and their parents.

These inconsistencies in access and administration stand to affect a large number of students across the country, including LEP students which account for over 3 million of the students in the United States. LEP students are concentrated in the West with California having more LEP students than any other State. (See attached). LEP students are more concentrated in lower grade levels than higher ones. The Spanish language group dominates the LEP population representing approximately 80% of LEP students. All LEP students are NOT immigrants or recent arrivals. Forty-one percent of LEP students in elementary school were born in the U.S.

- **Evaluation Requires Appropriate and Valid Assessments For All Students, Including High Standards That Consider Language Acquisition Stages and Cultural Background**

It is bad public and educational policy to exclude LEP students by failing to develop and provide a fourth grade reading test in Spanish. LEP students should participate in high standards assessments and where appropriate, participate in assessments in their primary language, to ensure a valid measurement of student performance. For the LEP student, the assessment of core content learning in reading and mathematics must be done within a context of linguistic and cultural validity. Without these considerations, the test does not assess the knowledge of the LEP student, but only English language proficiency.

A national reading test can be developed in Spanish. Five states currently provide psychometrically equivalent assessments programs in languages other than English: Texas, Arizona, Hawaii, New Mexico and New York. In fact, Texas already administers a psychometrically sound literacy test for fourth graders in Spanish and English. By developing the reading test in Spanish, 80% of LEP students will have the opportunity to participate in the national test. Developing such alternatives may add slightly to the cost of developing the reading test, but the benefits of including all students are far outweighed.

Public and educational policy require accommodations for LEP students who may be receiving instruction in the English language but who are not yet sufficiently proficient in the English language. Appropriate accommodations in testing instruments and testing procedures include: allowing extra time to complete the test, small group administration of the test, flexible scheduling, such as dividing administration of an assessment into shorter sessions, simplified directions, instructions in native language, and the use of dictionaries. Without these measures, any test results obtained ultimately shortchange and exclude thousands of LEP students.

- **Failure to Provide Appropriate Accommodations for LEP Students Violates the Principles and Requirements of Title I**

Excluding LEP students from the proposed national testing stands completely contrary to the principles and legal requirements in Title I of the Improving America's Schools Act, as previously supported by the Clinton Administration¹. Under Title I, all students, *including LEP students* must stand in equal parity for all educational services provided by the Title. Further, LEP students must be held to the same high content and performance standards required of all Title I students and assessed to determine how well they are progressing toward these standards.²

Title I requires that assessments *must provide* for the following:

- (a) Participation of all students;
- (b) Reasonable adaptations and accommodations for students with diverse learning needs; and
- (c) Inclusion of LEP students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do, to determine such students' mastery of skills in subjects other than English.

The law further states that assessments shall be the same assessments used to measure the performance of all children; be aligned with challenging content and student performance standards and provide coherent information about student attainment.³

The President's initiative for the development of a national test to ensure high standards for all children should be consistent with the requirements of Title I as advanced by its own Administration.

- **Parents of Limited English Proficient Students Must Understand the Purpose and Use of the National Test**

In order to ensure that the test results are used to improve education for students, mechanisms must be developed to provide for effective reporting of the test results. For test results to serve as a loud and persistent wake up call to schools, educators, parents and

¹ Improving Americas Schools Act amended and reauthorized the Elementary and Secondary Schools Act of 1965

² Improving America's Schools Act, P.L. 103-382 Sec. 101 (3)

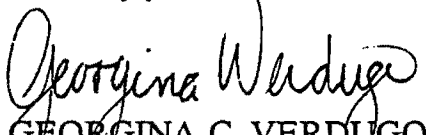
³ Improving America's Schools Act, P.L. 103-382 Sec. 101 (F) (i)-(iii).

communities, all test results must be communicated to the stakeholders in a manner that is useful. Parents who do not understand English should receive test results in the language the parent understands, regardless of the language in which the student was tested.

Current proposals leave test reporting strategies as state and local options. However, to ensure equity, it is vital that procedures for ensuring accurate reports on the number of students taking and not taking the test, be broken down by race, ethnicity, gender, disability, LEP status, and Title I status. This is critical to properly monitor the extent to which students are included and to appropriately evaluate the implementation of the national test. Because Title I assessment results are mandated to be disaggregated within each State, local educational agency, and school by gender, major racial and ethnic group, English proficiency status, migrant status and disability population, disaggregation of national testing data is not unduly burdensome. Rather than lose this valuable opportunity, the data will further serve to support the educational community and Administration's quest to improve education.

Thank you for the opportunity to share these preliminary views concerning the development of national test and its impact on LEP students. MALDEF remains committed to ensuring that all the President's educational initiatives truly improve education for Latinos and all students. The goal of quality education mandates accessibility and results to all students.

Sincerely yours,


GEORGINA C. VERDUGO
Regional Counsel

ENCLOSURE

cc: Richard Riley, Secretary of Education
Janet Murguia, Deputy Assistant to the President for Legislative Affairs
Representative Xavier Becerra, Chairman, Congressional Hispanic Caucus
Representative Rubén Hinojosa, Chairman Congressional Hispanic Caucus Education Task Force
Representative Loretta Sanchez, 2nd Vice Chair, Congressional Hispanic Caucus
Maria Echaveste, White House Office of Public Liaison

**Local Education Agencies with Highest
Limited English Proficient Student Enrollment (1993-94)**

Rank	District	No. LEPs	Total Enrollment	% LEP
1.	Los Angeles, CA	291,527	639,129	45.6%
2.	New York, NY	154,526	1,015,756	15.2
3.	Chicago, IL	57,964	409,499	14.2
4.	Dade County, FL	54,735	422,658	13.0
5.	Houston, TX	50,839	200,839	25.3
6.	Santa Ana, CA	33,540	48,407	69.3
7.	San Diego, CA	33,397	127,258	26.2
8.	Dallas, TX	31,522	142,810	22.1
9.	Long Beach, CA	26,042	76,783	33.9
10.	Fresno, CA	24,022	76,349	31.5
11.	Garden Grove, CA	17,856	41,664	42.9
12.	San Francisco, CA	17,673	61,631	28.7
13.	El Paso, TX	17,609	64,145	27.5
14.	Montebello, CA	14,988	32,321	46.4
15.	Glendale, CA	14,930	28,742	51.9
16.	Broward County, FL	14,622	236,885	6.2
17.	Boston, MA	14,518	59,613	24.4
18.	Oakland, CA	14,044	51,748	27.1
19.	Pomona, CA	13,381	29,880	44.8
20.	Sacramento, CA	12,290	49,997	24.6



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY
FOR EDUCATIONAL RESEARCH AND IMPROVEMENT

FAX COVER SHEET

DATE:

TIME:

TO: Mike Cohen

FAX#: 456-5581

FROM: Sue Betka

Number of pages including fax cover: _____

PLEASE CALL (202) 219-1335 IF THERE IS ANY PROBLEM IN
TRANSMITTAL.

Special Comments:

Author: Sue Betka at WDCR02
Date: 6/20/97 10:23 AM
Priority: Normal
TO: Mike Smith at WDCT01
TO: Judith Winston at WDCE04
TO: Ray Cortines at WDCB02
TO: Norma V. Cantu at WDCF01
TO: Delia Pompa at WDCC04
TO: Gerald N. Tirozzi at WDCJ01
TO: Cohen_Michael@a1.eop.gov at INTERNET
BCC: Sue Betka
CC: Jessica Levin at WDCT01
CC: Judy Wurtzel at WDCT01
CC: Catherine Jovicich at WDCJ03
CC: Sarah Lichtman at WDCB02
CC: Michele Cavataio at WDCB01
CC: Arthur Coleman at WDCF01
Subject: Notes on Meeting to Discuss MALDEF Concerns re Tests

----- Message Contents -----

On April 11 you met to discuss the concerns raised by MALDEF in its letter to Gene Sperling and Bob Shireman regarding the national tests. Mike asked that I provide a written summary of the discussion and the agreements reached. That summary follows. Please let me know about any inaccuracies or omissions. Thanks.

1. Regarding the Issue of the Inclusion of Limited English Proficient Students in the Tests

There was discussion of excluding from the tests students who have had less than three years of instruction in English, and it was agreed that parents should have the option of having students included even if they have had less than three years of instruction in English. (There may have been an assumption in this discussion that NAEP requires the exclusion of students with less than three years of English instruction. This is not the case. NAEP says that students with three or more years of instruction in English should be included in the assessment. It leaves open the possibility of including students who have had less than three years of instruction in English if the school determines that the students are able to participate meaningfully in the assessment.)

There was discussion of requiring that students who have had three or more years of instruction in English be required to take the mathematics test in English, i.e., not permitted to take the bilingual version of the mathematics tests. It was agreed that students should probably have the option of taking the bilingual version of the test no matter how many years of English instruction they have had. (NAEP does not permit students who have had three or more years of instruction in English to take the bilingual version of the mathematics test. Students who use the bilingual version must be permitted extra time for the test, and the concern is that students who do not need the bilingual version might be given that version just so that they would have the extra time. Such nonstandard administration conditions affect the comparability of scores.)

2. Regarding the Issue of Test Accommodations for Limited English

Proficient Students

There was discussion of what the test guidelines would say about accommodations for limited English proficient students. It was clarified that the plan is to develop and make available a bilingual version of the mathematics test, rather than as some had understood a Spanish language version of the test. The bilingual version will provide the test in both English and Spanish, side-by-side.

It was agreed that the accommodations suggested in the attachment to the MALDEF letter appeared reasonable and that they should be pursued. A small group to be convened by OERI will meet to outline accommodations that the test developers will be required to investigate. The test development RFP as published was somewhat more explicit about accommodations for students with disabilities than for limited English proficient students. The work of the small group will correct that omission.

3. Regarding the Issue of Communicating with Parents about the Purpose of the Tests and Test Results

There was discussion of communicating test results to parents in languages they understand. It was agreed that as much as possible should be done, and that test guidelines should encourage this, although at least initially such communications may be limited to Spanish and perhaps a few other languages.

There was discussion of the community partnership activity recommended by MALDEF. It was agreed that the Department should involve MALDEF and other groups in its materials development efforts related to the national tests. It was also agreed that we need to do this throughout Department efforts, not just related to the reading and math teams. There was also agreement that we need a piece on the national tests directed specifically at parents.

4. Regarding the Issue of Title I Requirements and the National Tests

There was discussion of Title I requirements and whether the national tests could be used for Title I purposes. There was agreement about the desirability of being able to say that the national test in reading could be used in the grade 3-5 band for the purpose of assessing performance in reading in English. There was discussion about a test of reading in Spanish, but no agreement that such a test should be developed at this time. It was agreed that we need to develop a good answer to the question of why the national test is a test of reading in English. Mike and Gerry will have a follow-up decision-making meeting regarding the Title I issue.

5. Regarding the Need for More Research on Assessment and Limited English Proficient Students

There was discussion of the need for more research on a host of issues related to the inclusion of limited English proficient students in assessment activities. It was agreed that OBEMLA and OERI should work together to pursue these issues. Delia indicated the range of issues that need investigation.



Illinois Resource Center

1855 Mt. Prospect Road, Des Plaines, Illinois 60018-1805
(847) 803-3112 • (847) 803-3535 • Fax (847) 803-2828

June 16, 1997

Mr. Michael Cohen
Domestic Policy Council
Old Executive Office Building, Room 218
Washington, DC 20502

Mr. Cohen:

I am writing to you regarding the potential impact of the President's proposal for national testing in reading and mathematics on limited English proficient students. The question of whether bilingual students who may not be highly proficient in English should be tested or exempted from testing is confusing to say the least. On the one hand, opponents argue that results of tests from such students are invalid because of students' limited proficiency in the language of the test, and that the tests cause undue frustration for both students and their teachers. On the other hand, proponents argue that testing forces school districts to account for what they are doing with bilingual students. I believe that the disadvantages of including bilingual students in high-stakes testing are far outweighed by the need for accountability, especially since steps can be taken to increase the validity of both the testing situation itself and the interpretation of test results for this population of students.

Assessment is a critical issue affecting the educational success of language minority students, especially within the context that characterizes much of educational assessment these days. We need to remind ourselves that, despite researchers' and educators' warnings against the use of single indicators of performance in academic achievement, most high-stakes decisions in education are still being made on the basis of single test scores typically obtained from standardized norm-referenced tests. In other words, people pay great attention to test results. Hence, it is essential that bilingual students not be left out of the limelight that testing brings with it and the accountability that it forces schools to face. Unfortunately, some schools need that external push in order to remain accountable to this group of students and their parents.

However, testing students for academic achievement through a language that they are not proficient in certainly has its drawbacks. Lack of full proficiency in the language of instruction and sometimes in the language of assessment is a confounding factor that will interfere with obtaining valid and reliable information no matter how sophisticated the assessment procedures are: a concept can rarely be assessed separately from the language that represents it.

However, the following steps can be taken to add some validity to the process of testing of bilingual students:

1. Accommodations can be made to the time allowed for taking the test; it takes longer to process information and conceptual relationships in a language that one is not highly proficient in.
2. Accommodations can be made to allow bilingual students to use bilingual dictionaries; this would allow for better comprehension of the common language of the test that English-proficient peers automatically have.
3. Accommodations can be made to allow bilingual students to use content area specific glossaries; this would allow for better comprehension of the content-specific language that English-proficient peers would normally have, regardless of their achievement in that content area.

cites
However, just by allowing bilingual students these accommodations, we cannot possibly make their performance on tests of academic achievement (given in English) comparable to the performance of English-speaking peers. Research clearly shows that it takes students who are learning English as a second language seven to ten years to become proficient enough in English to survive in an academic setting where English is the language of instruction. So, lack of proficiency in English is going to continue to act as a confounding factor in testing. Developing a native-language version of the test, which can be done for at least Spanish-speaking students, and allowing students to take the test bilingually would be a tremendous step in the right direction.

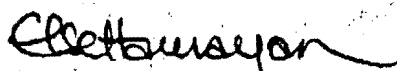
The next thing that needs to happen is to figure out how to interpret these students' scores on these standardized tests. In order to do this, we must have a clear understanding of the knowledge base that defines language proficiency and academic achievement for second language learners. And this task is not easy: it is muddled by the enormous variety in characteristics of linguistically and culturally diverse students and, more importantly, in the instructional environments created for them. What can we expect of a student who enters a US American school at the age of 13 having a total of two years of formal schooling in her life? What can we expect of a student who comes to school at the age of eight speaking both English and the native language but neither at the expected level of complexity that you would expect from an eight-year old? What can we expect of a student who enters school at kindergarten with the full array of language skills in her native language and very little or no proficiency in English? Fortunately, we can take some guidance from the recent work that has been done by TESOL (Teachers of English to Speakers of Other Languages) on ESL standards for Pre-K-12 students. These standards can help define the general communicative abilities that characterize different levels of language proficiency in social and academic settings for students who are learning English as a second language. We must also develop a strong data base over the next few years, as more and more bilingual students take these tests. This will eventually help us develop standards and expectations for the performance of different types of students on these tests.

*ESL
Standards*

Finally, it is difficult to discuss issues of assessment of linguistically and culturally diverse students without bringing up the role of advocacy. As long as what we do is governed by the paradigm that places the burden of learning primarily on the student, and as long as there are enormous inequities among communities in the access to a decent education and as long as many linguistically and culturally diverse students are receiving their education in poor schools, advocacy and assessment must go hand in hand. The questions we need to pose must push the case for interpreting assessment results within the context of the learning environment that has been created for those students. A student's score on the test cannot be looked at without noting the fact that several days of the month that student cannot cross the street to get to the school because members of the rival gang control that street. A score on the test cannot be looked at without noting the fact that the teacher does not have access to a copy machine on which to copy relevant articles for her students.

Mr. Cohen, if I may take a little more of your time, and change roles for a few minutes, from that of a researcher to that of someone who was a language minority child. When I was an eight-year-old child, who did not speak the language of school, I was sent home one day because the rest of my class was to take "the big test." I remember clearly walking home, somewhat happy at the prospect of a free day but mostly confused and embarrassed at not being deemed worthy of taking the test that all my friends were taking. When I got home, my mother's reaction was even more severe; she was angry and shamed. She said something to the effect that if her child was not worthy of taking the test, she must not be worthy to teach, and that was simply not acceptable. Mr. Cohen, many of these children do not have parents who can push for their rights in school as my mother did. You and I and others like us must advocate on their behalf. If we don't, we will not have done right by the future of our country, for the future clearly lies in their hands.

If I can answer any questions, please don't hesitate to get in touch with me.



Else Hamayan, Ph.D.
Director of Training and Services
e-mail: ehamayan@irc-desplaines.org

cc. Secretary of Education. Richard Riley
Deputy Assistant Secretary Ramon Cortines
MALDEF

EDUCATIONAL TESTING SERVICE



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EDUCATION POLICY RESEARCH DIVISION

FAX TRANSMITTAL

June 19, 1997

Mr. Michael Cohen
Domestic Policy Council
Old Executive Office Building, Room 218
Washington, DC 20502
Fax: (202) 456-6703

Dear Mr. Cohen:

I write to you in my personal capacity as a research scientist and scholar with long expertise on issues pertaining to educational measurement and student assessment.

I do so to express my hope that the Administration's initiative to develop national tests in reading and math not ignore the needs of language minority children in this country, and that the design, development, and implementation of this national test initiative give the proper attention and the sufficient positive efforts needed to ensure that the needs of all these children are properly and equitably met.

Sincerely yours,

A handwritten signature in cursive script that reads "Luis M. Laosa".

Luis M. Laosa, Ph.D.
Principal Research Scientist

Phone: (609) 734-5524
Fax: (609) 734-1755

cc: Secretary of Education Richard W. Riley
Deputy Assistant Secretary of Education R. Cortinez
MALDEF

DEMOGRAPHIC DATA AND ISSUES RELATED TO LANGUAGE MINORITY STUDENTS

NUMBER OF LIMITED ENGLISH PROFICIENT STUDENTS

Nationwide, the total number of limited English proficient students enrolled in schools has surpassed 3 million since 1993-94. An estimated 3.185 million LEP students were enrolled during the 1994-95 school year. The LEP enrollment reported for 1994-95, reflects an increase of 146,774 LEP students, or 4.8%, over the LEP students enrolled in 1993-94. Since 1990-91, increases in the number of LEP students averaged 8% annually, with the highest increase (16%) occurring from 1993-94 to 1994-95.

Based on data collected by the U.S. Department of Education (which is not exhaustive since not all states are required to report such data), the estimated number of LEP students over the past five years is as follows:

Total Number of LEP Students Enrolled in U.S. Schools (numbers in thousands)		
School Year	LEP Students	% Increase from Prior Year
1994-95	3,185	4.8%
1993-94	3,038	15.9%
1992-93	2,735	7.9%
1991-92	2,430	10.5%
1990-91	2,199	2.0%

Where are LEP Students enrolled?

Total enrollment for 1994-95 was 47.746 million, thus 3.185 million LEP students represent 6.7% of total enrollment. The figures below for states with the highest number of LEP enrollment indicate that LEP students are not distributed equally across the states.

STATE	1994-95 LEP ENROLLMENT	% OF NATIONAL LEP ENROLLMENT
California	1,262,982	39.9%
Texas	457,437	14.5%
New York	236,356	7.5%
Florida	153,841	4.9%
Illinois	107,084	3.4%
Arizona	98,128	3.1%
New Mexico	84,457	2.7%
New Jersey	52,081	1.6%
Washington	51,598	1.6%
Subtotal	2,503,964	79.0%

Similarly, the unequal distribution of LEP enrollments across the states is reflected in higher concentrations of LEP students, reflected as a percentage of total state enrollments.

State	State LEP Enrollment	% of State LEP Enrollment
California	1,262,982	21.3%
Texas	457,437	12.1%
Arizona	98,128	12.8%
Nevada	23,390	8.9%

The National Center for Education Statistics has projected that many of the states listed above will experience among the highest enrollment growth in the nation between 1995 and 2005:

- ◆ Projected enrollment growth for the South is 10.8%, with Texas projected to see a 12.4% and Florida a 10.1% increase in total enrollment.
- ◆ Projected enrollment for the West is 18.8% with California experiencing a 21.9% increase, New Mexico an 18.9%, Washington a 17.6%, Nevada a 17.1%, and Arizona a 15.8% increase in their respective enrollments.
- ◆ In regions that are projected to experience a smaller enrollment growth, the states with large numbers of LEP students have larger enrollment growth rates. For example, the Northeast's enrollment is expected to increase by 5.6% yet New York's will increase by 6.0% and New Jersey's by 14.4%.

HOW MANY SCHOOLS DISTRICTS NEED ASSISTANCE TO ADDRESS THE EDUCATIONAL NEEDS OF LEP STUDENTS?

For particular school districts, the enrollment of LEP students is a significantly high percentage of their student population and thus, the challenge to address the needs of LEP students is particularly urgent. However, this challenge is widespread throughout the nation with 46.3% of the schools reporting enrollment of LEP students. It is generally known that many schools in the Southwestern states have high levels of LEP enrollments, yet a surprising percentage of schools in Southern states and in parts of New England are also serving LEP students:

SOUTH	% of Schools with LEP students	NORTHEAST (New England)	% of Schools with LEP students
Alabama	14.5%	Delaware	62.0%
Arkansas	28.4%	Maine	24.2%
North Carolina	48.1%	New Hampshire	24.2%
South Carolina	32.7%	Pennsylvania	34.0%
Tennessee	19.6%	Rhode Island	58.0%

The regional distribution of schools with LEP students indicates that ensuring a high quality education for language minority children cannot be a concern of only 10 or so states.

Schools with LEP Students

Region	Number	Percentage
Northeast	7,126	52.2%
Midwest	6,285	26.6%
South	11,733	44.4%
West	12,275	72.3%
Total	37,419	46.3%

Schools in all regions of the nation are confronting the challenge of educating LEP students. Thus, providing LEP students with equal access to quality education must be a national priority to which critical resources and attention are devoted to.

According to the NCES, in urban communities, 61.4% of the schools have LEP students and almost the same percentage of schools in suburban communities (60.7%) have LEP students. In rural communities, 31.1% of the schools have LEP students. However, given the large enrollments in urban districts, there is a significant concentration of LEP students. The table below, using 1993-94 data, ranks school districts according to the number of student identified as limited English proficient.

LEAs with Highest LEP Student Enrollment (1993-94)

District	No. of LEP Students	Total Dist. Enrollment	District's % LEP
1. Los Angeles, CA*	291,527	639,129	45.6%
2. New York, NY**	154,526	1,015,756	15.2%
3. Chicago, IL*	57,964	409,499	14.2%
4. Dade County, FL*	54,735	422,658	13.0%
5. Houston, TX*	50,839	200,839	25.3%
6. Santa Ana, CA*	33,540	48,407	69.3%
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9. Long Beach, CA*	26,042	76,783	33.9%
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17. Boston, MA**	14,518	59,613	24.4%
18. Oakland, CA*	14,044	51,748	27.1%
19. Pomona, CA*	13,381	29,880	44.8%
20. Sacramento, CA*	12,290	49,997	24.6%

* Data obtained from State Education Agency.

** Data obtained from Local Education Agency.

INSTRUCTIONAL PRACTICES FOR LEP STUDENTS VARY BY SEVERAL SCHOOL CHARACTERISTICS.

Schools across the nation do not provide educational services to LEP students with a uniform approach. Arriving at the decision as to which methodology a school or school districts will use to serve their language minority students requires consideration of a whole set of pedagogical elements as well as administrative and instructional capacity issues. However, 3 specific types of instruction for LEP students fall into a distinct distribution illustrated in the table below. The table provides data on the percentage of LEP students receiving different types of instruction, by selected school characteristics.

School Characteristics	Teaching English to non-English speaking students	Improving fluency in home language	Teaching subject in home language
<i>Community type</i>			
Urban	75.1	43.8	48.8
Suburban	80.5	27.5	27.9
Rural	69.4	33.3	35.4
<i>School type</i>			
Elementary	77.2	41.7	45.1
Secondary	71.6	21.9	24.7
Combined	68.6	38.0	24.8
<i>Minority Enrollment</i>			
less than 20%	74.6	15.3	18.2
equal/greater than 20%	75.9	39.0	42.1
<i>% Students Recv'g Free or Reduced Price Lunch</i>			
less than 20%	75.9	15.8	16.4
equal/greater than 20%	75.6	41.0	44.8

Students who are taught subjects in their home language are more likely to be in urban elementary schools where the minority enrollment is at least 20 percent and at least 20 percent of the students are eligible to receive free or reduced-price lunch.



DR. MARIA "CUCA" ROBLEDO MONTECEL
Executive Director

June 20, 1997

The Honorable William J. Clinton
President of the United States of America
White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Clinton:

The U.S. Department of Education is working to implement your initiative to develop a national test in reading for fourth graders and math for eighth graders. I understand that while the eighth grade math test will be developed in both English and Spanish, the department is planning to develop the fourth grade reading test in English only. As executive director of the Intercultural Development Research Association (IDRA), an independent, non-profit organization that advocates the right of every child to a quality education, I am deeply concerned about this.

Spanish-speaking students who are limited-English-proficient need to be tested in Spanish. There are more than 3 million limited-English-proficient students in the country, and that number is growing rapidly – particularly in certain areas. Excluding them from your national testing program would mean that the program is not really national. A significant number of children across the country would not be represented in the test results.

Testing limited-English-proficient children through an English-language test penalizes those children. Although they may be reading at grade level in their home language, the test results will not show their achievement. Furthermore, the affects could be detrimental to children if the results are used to determine school grades, retention or assignment to special programs.

The 1994 reauthorization of the ESEA brought about significant improvements that incorporated years of research findings on what constitutes best teaching practices and supports the educational development of children. For language-minority children, the redesigned educational programs acknowledge the U.S. Department of Education's perspective of the importance of developing competencies in the child's native language. For many limited-English-proficient students, fourth grade is still primarily a Spanish-language reading grade.

At a time in which increasing numbers of schools are making improvements to their instructional programs for language-minority students, the lack of a national test in Spanish will send a confusing message to state agency and local district educators. Title I of the ESEA, in particular, *requires* that states develop assessments for their students who cannot be appropriately tested in English. Your initiative for national testing should remain consistent with the laws that govern public schools.

In addition to including limited-English-proficient children in this testing initiative, we should ensure that parents are provided meaningful information in a language and format that they understand so

they can hold schools accountable for the education of their children. Other national leaders on the whole agree that students should be tested in the appropriate language. This includes the Council of Chief State School Officers that specifically proposed: "Educators should develop tests and assessments in non-English languages to test a student's understanding of content in his or her native language... Without native, non-English language testing or assessment in content areas, it is difficult to determine the extent of content knowledge of children with limited English proficiency."

The U.S. Department of Education has laid a firm foundation to promote high standards for all children. It must now ensure that as it embarks on new initiatives, they remain consistent with statutes and policies that advocate the meaningful inclusion of limited-English-proficient children, including their participation in national assessment programs.

- The current initiative perpetuates the educational marginalization of a sizable portion of students and parents, most of them Hispanic.
- The national test in reading is at best an English proficiency test and at worst a separate and unequal reading test that discriminates based on language and national origin.
- Official documents reflect minimal analyses and regard for the educational needs of language-minority students.

It is entirely feasible to create a national fourth grade reading test in Spanish. We also have the ability to administer such an exam so that limited-English-proficient children are held to the same high standards expected of English-proficient children.

Concerns regarding limited time available should not preclude commitment of a Spanish-language measure by the year 2000. This commitment should not only include the department's intent but also should specify a time line for completion and procedures for integration of the results in the national data collection and reporting systems.

At IDRA, we are working to create schools that work for all children, families and communities. Help us make this goal a reality for every child; we simply cannot afford the alternatives. I thank the U.S. Department of Education for its work in assuring excellent education for all students.

Sincerely,



María "Cuca" Robledo Montecel, Ph.D.
Executive Director

cc: Richard Riley, Secretary of Education
Ramon Cortines, Acting Assistant Secretary
Mike Cohen, Domestic Policy Council

IDRA is an independent, non-profit organization that advocates the right of every child to a quality education. For more than 20 years, IDRA has worked for excellence and equity in education in Texas and across the United States. IDRA conducts research and development activities, creates, implements and administers innovative education programs and provides teacher, administrator, and parent training and technical assistance.



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

THE GENERAL COUNSEL

June 10, 1997

TO: Marshall Smith
Acting Deputy Secretary

Ray Cortines
Assistant Secretary (OERI)

FROM: Judith A. Winston *JAW*

SUBJECT: MALDEF Meeting

On Monday, June 9, 1997, I had a meeting with Georgina Verdugo and Patricia Loera of MALDEF, at their request, to hear their concerns about the National Tests and Limited English Proficient (LEP) Students. MALDEF is concerned that the current Statement of Work (SOW) fails to adequately include and address the needs of LEP students. In particular, I would like to share four points that they raised.

- First, they expressed concern that the fourth grade reading test will only be in English, thereby excluding many LEP students from participation. They suggested that a test in literacy in other languages such as Spanish would more accurately reflect the abilities of LEP fourth graders and asserted that Texas, New Mexico, Arizona, New York, and Hawaii, as well as Puerto Rico, administer psychometrically equivalent literacy assessments in languages other than English. Their position is that a national exam funded by the government should do no less.
- Second, they were concerned that the SOW does not specify accommodations that should be considered for LEP students, as contrasted ^{with} to the extensive discussion of accommodations that should be considered for individuals with disabilities.
- Third, they recommended that the Department issue guidance encouraging States and districts to report the number and scores of students taking and not taking the test, disaggregated by race, gender, disability, LEP status, and Title I status. They argued that such reporting would make the information provided to parents more useful and would assist in monitoring the impact of the test on LEP and other students, and that encouraging, but not requiring, such reporting, should not discourage voluntary participation in the tests.

- Fourth, they encouraged us to include guidance to States and schools which promotes a partnership/community model of education for parents and schools, to better understand and utilize their students' test results.

MALDEF's concerns are more fully set forth in the attached letter.

Although not all of these options may still be open, I think we need to discuss these points, as well as related issues raised by the Leadership Conference on Civil Rights.

Attachment

cc: Norma Cantu
Delia Pompa
Judith Heumann



June 3, 1997

VIA FACSIMILE AND U.S. MAIL

Gene Sperling, Director of the National Economic Council
Robert Shireman, OMB Staff Specialist for the Department of Education
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Re: Voluntary National Test and Limited English Proficient Students

Dear Mr. Sperling and Mr. Shireman:

The Mexican American Legal Defense and Educational Fund (MALDEF) is concerned with proposals for a national test in reading and mathematics that fail to adequately include and address the needs of limited English proficient students ("LEP").

MALDEF is a national organization that protects and promotes the civil rights of the 27 million Latinos living in the United States. For the past twenty-nine years, MALDEF has sought to expand the opportunities for Latinos so that they may participate fully in our society and make a positive contribution toward its well-being. Headquartered in Los Angeles, California, MALDEF has regional offices in San Antonio, Texas; San Francisco, California; Chicago, Illinois; and Washington, DC. Across the country, MALDEF staff achieve the organization's goals through community education, advocacy, and litigation.

In accordance with the President's Education Initiative to provide national testing, the U.S. Department of Education's Statement of Work has defined methods proposed for a national test in reading and mathematics. Although the eighth grade math test will be developed in both English and Spanish, fourth graders will be tested for reading literacy only in English. Local school staff will have sole discretion to determine the English test-taking capacity of LEP fourth grade students, and may exclude LEP students that have not received English language instruction for more than three years. Local school staff do not have the option to exclude such students from the eighth grade math test, and eighth grade LEP students with more than three years of English instruction are prohibited from taking a bilingual or Spanish version of the math test.

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The Book Building
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Suite 410
Washington, D.C. 20005
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The purpose of the national test is to provide parents and educators with reliable information on the performance of *all* students in the important and foundation subjects of reading at the fourth grade and mathematics at the eighth grade level. However, the test must provide valid and understandable results for *all* students and their parents.

These inconsistencies in access and administration stand to affect a large number of students across the country, including LEP students which account for over 3 million of the students in the United States. LEP students are concentrated in the West with California having more LEP students than any other State. (See attached). LEP students are more concentrated in lower grade levels than higher ones. The Spanish language group dominates the LEP population representing approximately 80% of LEP students. All LEP students are NOT immigrants or recent arrivals. Forty-one percent of LEP students in elementary school were born in the U.S.

- **Evaluation Requires Appropriate and Valid Assessments For All Students, Including High Standards That Consider Language Acquisition Stages and Cultural Background**

It is bad public and educational policy to exclude LEP students by failing to develop and provide a fourth grade reading test in Spanish. LEP students should participate in high standards assessments and where appropriate, participate in assessments in their primary language, to ensure a valid measurement of student performance. For the LEP student, the assessment of core content learning in reading and mathematics must be done within a context of linguistic and cultural validity. Without these considerations, the test does not assess the knowledge of the LEP student, but only English language proficiency.

A national reading test can be developed in Spanish. Five states currently provide psychometrically equivalent assessments programs in languages other than English: Texas, Arizona, Hawaii, New Mexico and New York. In fact, Texas already administers a psychometrically sound literacy test for fourth graders in Spanish and English. By developing the reading test in Spanish, 80% of LEP students will have the opportunity to participate in the national test. Developing such alternatives may add slightly to the cost of developing the reading test, but the benefits of including all students are far outweighed.

Public and educational policy require accommodations for LEP students who may be receiving instruction in the English language but who are not yet sufficiently proficient in the English language. Appropriate accommodations in testing instruments and testing procedures include: allowing extra time to complete the test, small group administration of the test, flexible scheduling, such as dividing administration of an assessment into shorter sessions, simplified directions, instructions in native language, and the use of dictionaries. Without these measures, any test results obtained ultimately shortchange and exclude thousands of LEP students.

- **Failure to Provide Appropriate Accommodations for LEP Students Violates the Principles and Requirements of Title I**

Excluding LEP students from the proposed national testing stands completely contrary to the principles and legal requirements in Title I of the Improving America's Schools Act, as previously supported by the Clinton Administration¹. Under Title I, all students, *including LEP students* must stand in equal parity for all educational services provided by the Title. Further, LEP students must be held to the same high content and performance standards required of all Title I students and assessed to determine how well they are progressing toward these standards.²

Title I requires that assessments *must provide* for the following:

- (a) Participation of all students;
- (b) Reasonable adaptations and accommodations for students with diverse learning needs; and
- (c) Inclusion of LEP students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do, to determine such students' mastery of skills in subjects other than English.

The law further states that assessments shall be the same assessments used to measure the performance of all children; be aligned with challenging content and student performance standards and provide coherent information about student attainment.³

The President's initiative for the development of a national test to ensure high standards for all children should be consistent with the requirements of Title I as advanced by its own Administration.

- **Parents of Limited English Proficient Students Must Understand the Purpose and Use of the National Test**

In order to ensure that the test results are used to improve education for students, mechanisms must be developed to provide for effective reporting of the test results. For test results to serve as a loud and persistent wake up call to schools, educators, parents and

¹ Improving Americas Schools Act amended and reauthorized the Elementary and Secondary Schools Act of 1965

² Improving America's Schools Act, P.L. 103-382 Sec. 101 (3)

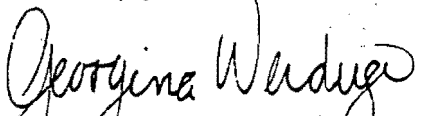
³ Improving America's Schools Act, P.L. 103-382 Sec. 101 (F) (i)-(iii).

communities, all test results must be communicated to the stakeholders in a manner that is useful. Parents who do not understand English should receive test results in the language the parent understands, regardless of the language in which the student was tested.

Current proposals leave test reporting strategies as state and local options. However, to ensure equity, it is vital that procedures for ensuring accurate reports on the number of students taking and not taking the test, be broken down by race, ethnicity, gender, disability, LEP status, and Title I status. This is critical to properly monitor the extent to which students are included and to appropriately evaluate the implementation of the national test. Because Title I assessment results are mandated to be disaggregated within each State, local educational agency, and school by gender, major racial and ethnic group, English proficiency status, migrant status and disability population, disaggregation of national testing data is not unduly burdensome. Rather than lose this valuable opportunity, the data will further serve to support the educational community and Administration's quest to improve education.

Thank you for the opportunity to share these preliminary views concerning the development of national test and its impact on LEP students. MALDEF remains committed to ensuring that all the President's educational initiatives truly improve education for Latinos and all students. The goal of quality education mandates accessibility and results to all students.

Sincerely yours,


GEORGINA C. VERDUGO
Regional Counsel

ENCLOSURE

cc: Richard Riley, Secretary of Education
Janet Murguia, Deputy Assistant to the President for Legislative Affairs
Representative Xavier Becerra, Chairman, Congressional Hispanic Caucus
Representative Rubén Hinojosa, Chairman Congressional Hispanic Caucus Education Task Force
Representative Loretta Sanchez, 2nd Vice Chair, Congressional Hispanic Caucus
Maria Echaveste, White House Office of Public Liaison

Fall Enrollment (1992-93)			
District	Total	LEP (1) Students	LEP as % of Total
Boston	62,407	13,744	22.02%
Chicago	411,582	46,600	11.32
Dade County	302,163	38,971	12.90
Dallas	142,833	30,118	21.09
Denver	62,935	13,329	21.18
El Paso	64,253	16,337	25.43
Fresno	77,388	22,503	29.08
Houston	198,209	47,076	23.75
Los Angeles	653,619	279,899	42.82
New York City	994,531	150,665	15.15
Newark	47,909	4,875	10.18
Oakland	51,234	13,470	26.29
Phoenix	19,693	2,255	11.45
Providence	22,031	4,022	18.26
Rochester	35,084	2,927	8.34
St. Paul	38,286	6,333	16.54
San Diego	128,569	29,159	22.68
San Francisco	64,986	17,988	27.68
Seattle	44,076	4,980	11.30
Tucson	58,729	10,304	17.54
Washington, D.C.	80,937	7,475	9.24

SOURCE: National Center for Education Statistics and the Council of the Great City Schools (1) U.S. Department of Education, OBEMLA States Education Agency Surveys, 1992-93

**Local Education Agencies with Highest
Limited English Proficient Student Enrollment (1993-94)**

Rank	District	No. LEPs	Total Enrollment	% LEP
1.	Los Angeles, CA	291,527	639,129	45.6%
2.	New York, NY	154,526	1,015,756	15.2
3.	Chicago, IL	57,964	409,499	14.2
4.	Dade County, FL	54,735	422,658	13.0
5.	Houston, TX	50,839	200,839	25.3
6.	Santa Ana, CA	33,540	48,407	69.3
7.	San Diego, CA	33,397	127,258	26.2
8.	Dallas, TX	31,522	142,810	22.1
9.	Long Beach, CA	26,042	76,783	33.9
10.	Fresno, CA	24,022	76,349	31.5
11.	Garden Grove, CA	17,856	41,664	42.9
12.	San Francisco, CA	17,673	61,631	28.7
13.	El Paso, TX	17,609	64,145	27.5
14.	Montebello, CA	14,988	32,321	46.4
15.	Glendale, CA	14,930	28,742	51.9
16.	Broward County, FL	14,622	236,885	6.2
17.	Boston, MA	14,518	59,613	24.4
18.	Oakland, CA	14,044	51,748	27.1
19.	Pomona, CA	13,381	29,880	44.8
20.	Sacramento, CA	12,290	49,997	24.6

Statewide Assessment Programs: Policies and Practices for the Inclusion of Limited English Proficient Students

*Charlene Rivera, Carolyn Vincent
The George Washington University
Center for Equity and Excellence in Education*

Anne Hafner, California State University, Los Angeles

Mark LaCelle-Peterson, State University of New York, Geneseo

The standards-based educational reform initiatives of the 1990s call for assessment innovations in support of high standards. The move to standards requires consideration of how assessments, both those currently used and those that states and school districts are currently developing, will enable all students, including LEP students, to demonstrate what they know and can do (LaCelle-Peterson & Rivera, 1994).

The assessment of LEP students' educational progress has long posed a dilemma for state departments of education, which generally use state assessment data to report student achievement. LEP students have typically been either exempted from state assessments or included inappropriately. Because kindergarten through twelfth grade students whose first language is not English constitute a large and growing segment of the U.S. population (Waggoner, 1995), it is critical that state education departments be able to monitor and report on the academic progress of all students, including LEP students, through statewide assessment programs.

To document state assessment policies and to develop policy recommendations, The George Washington University (GW) Center for Equity and Excellence in Education (CEEE) surveyed state assessment directors in 1994¹. The GW/CEEE survey, *Policies and Practices, 1993-1994 Statewide Assessment Programs: Participation of Limited English Proficient Students*, was sent to all state assessment directors and was augmented with relevant data regularly collected through the CCSSO/NCREL annual state directors' assessment survey (Bond, van der Ploeg, and Braskamp, 1995).

Survey data from the fifty states and the District of Columbia were aggregated and analyzed to examine state policy/practice questions related to (1) the nature and extent of statewide assessment programs, (2) the extent to which LEP students are included in statewide assessment programs, (3) the extent to which individual state assessments are modified to include LEP students, and (4) the extent to which state assessments are used for accountability purposes.

Context of the Study

Although a federal definition of limited English proficiency exists (see Improving America's Schools Act, Title VII, Part E, Sec. 7501 (8)), there is no common operational definition used by states to identify LEP students. The variation among states in the criteria and instruments used means, in effect, that a student *could* be considered LEP in one state but *not* in another. In the school year 1993-94, when the GW/CEEE survey was conducted, 3,037,922 LEP students were identified out of a total of 45,443,389 students enrolled in U.S. public schools in the 50 states and the District of Columbia (Donly, Henderson, & Strang, 1995).

Response to the GW/CEEE State Directors Survey

Fifty states and the District of Columbia responded to the survey. In 45 of the states (88%), the directors of assessment or a designated person in the assessment office completed the survey. Six of the states (12%) delegated completion of the survey to the state Title VII (bilingual education) director. New Hampshire provided partial data.

Findings

The nature and extent of statewide assessment programs

Forty-eight states, including the District of Columbia, reported using 117 assessment programs (an average of about 2.3 assessment programs per state), covering a range of grades and subjects. Minnesota, Nebraska, and Wyoming were the only states that reported not conducting statewide assessment programs in 1993-1994. Iowa and Montana reported that they permit local district choice of assessment instruments, although student achievement data are compiled and reported by the state.

The extent to which LEP students are included in statewide assessment programs

Forty-five states indicated including some or all LEP students in at least one statewide assessment program, although only 15 (33%) reported the actual number of LEP students assessed.

Of the 48 states with statewide assessment programs, 44 reported allowing exemptions for LEP students on at least one statewide assessment. The most frequently reported criteria for exempting LEP students from statewide assessments in all states are shown in Table 1.



ERIC Clearinghouse on Assessment and Evaluation, 210 O'Boyle Hall,
The Catholic University of America, Washington, DC 20064 • 800 464-3742



Exemption Criterion	States reporting each exemption criterion (N=44)	
	Number	% of total
English language proficiency level	27	61
Time in U.S. or school district	20	45
Teacher/administrator recommendations	16	36
Special program participation	15	34

The extent to which individual state assessments are modified to include LEP students

As shown in Table 2, 27 states (52%) reported that they allowed test modifications for LEP students on at least one statewide assessment. Four states—Arizona, Hawaii, New Mexico, and New York—reported developing, translating or using commercially available instruments for LEP students in languages other than English. California and Texas reported piloting statewide assessment programs in a language other than English².

Table 2—Most frequent test modifications reported by states

Type of modification	No. of states using (N=27)	% of total
Extra time	22	81
Small group administration	20	74
Flexible scheduling	17	63
Simplified directions in English	15	56
Use of dictionaries or word lists	14	52

The extent to which state assessments are used for accountability purposes

Seventeen states, about one-third, reported having a policy requiring students to pass a high school graduation test to receive a standard diploma. These states are Alabama, Florida, Georgia, Hawaii, Louisiana, Maryland, Mississippi, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Virginia. Eleven of these states (65%) permit a range of modifications in statewide assessment instruments. Four of the states reported having test alternatives to the high school graduation test. New Mexico and New Jersey reported permitting the use of alternative assessments designed for non-native English speakers. Hawaii and New York reported allowing alternative tests (not specifically targeted to LEP students) for all students. Two states—New Mexico and New York—provided versions of the required high school graduation test in one or more non-English languages. Texas reported that it was developing a Spanish language version of the statewide assessment program for the lower grade levels; however, no plan is in place to

Conclusions

The findings provide insights into overall trends in state policies for including LEP students in state assessment programs and suggest directions for further research.

Overall, the findings suggest that states are struggling to develop appropriate policies to include LEP students in statewide assessment programs. The evidence indicates that states have not regularly included LEP students in most state assessment programs. Furthermore, policies for testing LEP students are sometimes inconsistent within and across states. For example, some states have policies to exempt LEP students from taking statewide assessments and at the same time have another policy that allows LEP students to take certain statewide assessments with modifications.

In addition, the findings suggest several areas for the development of policies and extended research. First, states need to refine policies for reporting LEP student data and to include them in state accountability reports. Second, since there is little documentation of their effectiveness, test modifications identified through the survey should be studied further. Implications for using test modifications with LEP students who possess varying levels of English language proficiency should be tracked and evaluated. Third, in states that offer certain assessments in languages other than English, further study is needed to ensure high technical quality of the translated tests (Stansfield, 1996). In addition, studies are needed to evaluate the best strategies for administering translated tests (e.g., test format). And, finally, for the seventeen states that require high school graduation tests, there is a need to study the validity of the assessments for LEP students and to identify strategies for allowing LEP students to participate in these assessments early on and in meaningful ways.

1. This research was carried out with funding from grant # T003H1C002 from the U.S. Department of Education. The views expressed in this document are those of the authors and do not represent an official position of the Department of Education.

2. The initiative in California has since been abandoned.

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- Stansfield, C. (1996). *Content assessment in the native language*. ERIC Digest. Washington, DC: ERIC Clearinghouse on Assessment and Evaluation.
- Waggoner, D. (1995). Language minority population increased by more than one third between 1980 and 1990. *Numbers and Needs*, 5 (1).

Region III Comprehensive Center

Facsimile

To: Patricia Loera, MALDEF
Fax # : 202-628-4206
Pages: 2, including cover sheet.
Date: June 4, 1997

Attached are three sets of accommodations that school districts in the metropolitan area use. In addition, there is another set that involves equipment which I will list.

I talked with my colleague Carolyn Vincent regarding your question about state assessments that are being challenged in the courts. She said Susan Phillips at Michigan State University might be a person to consult. We don't have a phone number but do have a mailing address for her which is: College of Education, 458, Erickson Hall, Michigan State University, East Lansing, MI 48824.

Equipment accommodations.

Large print test materials.

Bilingual dictionary (a synonym dictionary in the student's native language, which is provided in daily instruction).

Finally, an issue you might want to raise if you haven't already is whether the reading test can be scored both as a norm referenced test and a criterion-reference test. If the latter is possible, districts conceivably could score LEP students to chart their progress to inform instruction rather than for accountability purposes.

From the desk of

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Research Scientist
Region III Comprehensive Center
The George Washington University
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I. Scheduling Accommodations:

- ☐ Periodic "breaks" given, within a continuous testing session, without exceeding total time allowance.
- ☐ "Breaks" away from testing situation are provided, without exceeding total time allowed within same day.
- ☐ Tests given regularly within a single day/session may be administered over multiple days without exceeding total time allowances (e.g., student takes only one or two subtests per day).
- ☐ Tests are administered at best time of day for student.
- ☐ The order of tests administered is altered.

II. Setting Accommodations:

- ☐ General education classroom, with special seating (front of room, carrel, etc.)
- ☐ General education classroom, with adjusted grouping.
- ☐ General education classroom, with additional school support person (bilingual/ESL teacher, instructional assistant, etc.). Support person is not to help student read or respond to items.
- ☐ Small group setting with bilingual/ESL teacher as examiner.
- ☐ Individual administration within the school building.

III. Presentation Accommodations:

- ☐ Repetition of directions, as needed.
- ☐ Simplification of oral directions.
- ☐ Student is allowed to use masks or markers to maintain place.

IV. Response Accommodations:

- ☐ For constructed response (brief or extended) items, students responds in native language.

=====

DEMOGRAPHIC DATA AND ISSUES RELATED TO LANGUAGE MINORITY STUDENTS

NUMBER OF LIMITED ENGLISH PROFICIENT STUDENTS

Nationwide, the total number of limited English proficient students enrolled in schools has surpassed 3 million since 1993-94. For 1994-95, 3.185 million LEP students were enrolled during the 1994-95 school year. The LEP enrollment reported for 1994-95, reflects an increase of 146,774 LEP students, or 4.8%, over the LEP students enrolled in 1993-94. Since 1990-91, yearly increases in the number of LEP students averaged 8% annually, with the highest increase (16%) occurring from 1993-94 to 1994-95.

Based on data collected by the U.S. Department of Education (which is not exhaustive since not all states are required to report such data), the estimated number of LEP students over the past five years is as follows:

Total Number of LEP Students

Enrolled in U.S. Schools

(numbers in thousands)

School Year	LEP Students	% Increase from Prior Year
1994-95	3,185	4.8%
1993-94	3,038	15.9%
1992-93	2,735	7.9%
1991-92	2,430	10.5%
1990-91	2,199	2.0%

Where are LEP Students enrolled?

Total enrollment for 1994-95 was 47.746 million, thus 3.185 million LEP students represent 6.7% of total enrollment. LEP students are not distributed equally across the states. States with the largest numbers of LEP enrollments, for 1994-95 are listed below.

STATE	LEP ENROLLMENT	% OF NATIONAL LEP ENROLLMENT
California	1,262,982	39.9%
Texas	457,437	14.5%
New York	236,356	7.5%
Florida	153,841	4.9%
Illinois	107,084	3.4%
Arizona	98,128	3.1%
New Mexico	84,457	2.7%
New Jersey	52,081	1.6%
Washington	51,598	1.6%
Subtotal	2,503,964	79.0%

Similarly, the unequal distribution of LEP enrollments across the states is reflected in higher concentrations of LEP enrollments in selected states:

State	State LEP Enrollment	% of State LEP Enrollment
California	1,262,982	21.3%
Texas	457,437	12.1%
Arizona	98,128	12.8%
Nevada	23,390	8.9%

The National Center for Education Statistics has projected that many of the states listed above will experience among the highest enrollment growth in the nation, between 1995 and 2005:

- ◆ Projected enrollment growth for the South is 10.8%, with Texas projected to see a 12.4% and Florida a 10.1% increase in total enrollment.
- ◆ Projected enrollment for the West is 18.8% with California experiencing a 21.9% increase, New Mexico an 18.9%, Washington a 17.6%, Nevada a 17.1% increase, and Arizona a 15.8% increase in their respective enrollments.
- ◆ In regions that are projected to experience a smaller enrollment growth, the states with large numbers of LEP students have much larger enrollment growth rates. For example, the Northeast's enrollment is expected to increase by 5.6% yet New York's will increase by 6.0% and New Jersey's by 14.4%.

HOW MANY SCHOOLS DISTRICTS NEED ASSISTANCE TO ADDRESS THE EDUCATIONAL NEEDS OF LEP STUDENTS?

For particular school districts, the enrollment of LEP students are a significantly high percentage of their student population and thus, the challenge to address the needs of LEP students is particularly urgent. However, this challenge is widespread throughout the nation with 46.3% of the schools reporting having LEP students. It is generally known that the many schools in the Southwestern states have high levels of LEP enrollments, yet a surprising percentage of schools in Southern states and in parts of New England are also serving LEP students:

SOUTH		NEW ENGLAND STATES	
	% of Schools with LEP students		% of Schools with LEP students
Alabama	14.5%	Alabama	14.5%
Arkansas	28.4%	Arkansas	28.4%
North Carolina	48.1%	North Carolina	48.1%
South Carolina	32.7%	South Carolina	32.7%
Tennessee	19.6%	Tennessee	19.6%

The regional distribution of schools with LEP students indicates that ensuring a high quality education for language minority children cannot be a concern of only 5 to 10 states nor should it be left to certain ethnic groups to raise the issue.

Region	Schools with LEP Students	
	Number	Percentage
Northeast	7,126	52.2%
Midwest	6,285	26.6%
South	11,733	44.4%
West	12,275	72.3%
Total	37,419	46.3%

The children in the nation's schools hold our future in their hands and schools in all regions of the nation are confronting the challenge of educating LEP students. Thus, providing LEP students with equal access to quality education must be a national priority to which critical resources and attention are devoted to.

THE CHALLENGE TO MEET THE EDUCATIONAL NEEDS OF LEP STUDENTS FURTHER COMPOUNDS THE DIFFICULT HURDLES TO OVERCOME BY THE NATION'S MOST NEEDY SCHOOLS.

Report after report, issued by the National Center of Education Statistics and the U.S. Department of Education, illustrate the adverse conditions of the poorest and most needy schools. Moreover, the U.S. General Accounting Office further found that the most adverse physical conditions also afflicted these same needy schools. Findings from three reports are listed below:

I. School Facilities: Conditions of America's Schools, U.S. General Accounting Office, June 1996:

Schools with at least one inadequate building. The greatest percentage and number of students attending schools with at least one inadequate building were found:

- ◆ in central cities;
- ◆ where the student body was 50.5 percent or more minority;
- ◆ where 70 percent or more of the students were eligible for free or reduced-price lunch.

Schools with at least one unsatisfactory environmental condition. The greatest number and largest percentage of students affected by unsatisfactory environmental conditions were

- ◆ located in central cities ;
- ◆ in large schools;
- ◆ in student populations that had 50.5 percent or more minority enrollment ; or
- ◆ in student populations that had 70 percent or more of students eligible for free or reduced-price lunch.

II. Public schools with high levels of students in poverty were less likely to be connected to the Internet, according to the *Survey of Advanced Telecommunications in U.S. Public Elementary and Secondary Schools, Fall 1996* conducted by the U.S. Department of Education.

No Access to the Internet. The disparity between the schools with high concentrations of low-income children and minority enrollment and those with low figures is pronounced regarding

schools that currently have no access to the Internet. A total of 35% of all schools reported not having access to the Internet.

- ◆ For schools where 71% or more students are eligible for free or reduced lunch, 47% of these schools reported having no access to the Internet. In contrast, for schools with less than 11% student eligibility for free or reduced lunch, 22% reported no access to the Internet.
- ◆ Of schools with at least 50% minority enrollment, 44% reported having no access to the Internet. In contrast, of schools with minority enrollments between 6-20%, only 28% reported having no access to the Internet.

III. According to NCES data on school size, poor, and LEP enrollments, the most difficult conditions converge on the same set of schools.

The 100 districts with the largest number of poor children house over 40% more children per school building than the nation's average. The nation's average number of students per school in public elementary and secondary schools was approximately 511 in 1993-94. In contrast, this same average was 713 for the 100 districts with the largest number of poor children. The difference is 40% above the nation's average of 511.

- ◆ Schools with 20% or more of its students receiving free or reduced-price lunch are twice as likely to have LEP students than those that have less than 20% eligible for free or reduced-price lunch.
- ◆ Seven out of 10 schools with student enrollments of 750 and above have LEP students, while less than 4 out of 10 schools with less than 500 students have LEP students.
- ◆ Six out of 10 schools with minority enrollments of 20% and above have LEP students, while only 3 in 10 schools with less than 20% minority enrollment have LEP students.

According to the NCES, in urban communities 61.4% of the schools have LEP students almost the same percentage of schools in suburban(60.7%)—have LEP. In rural communities, 31.1% of the schools have LEP students. However, given the large enrollments in urban districts, there is a significant concentration of LEP students. The table below, using 1993-94 data, ranks school districts according to the number of student identified as limited English proficient.

LEAs with Highest LEP Student Enrollment (1993-94)

District	No. of LEP Students	Total Enrollment	% LEP
1. Los Angeles, CA*	291,527	639,129	45.6
2. New York, NY**	154,526	1,015,756	15.2%
3. Chicago, IL*	57,964	409,499	14.2%
4. Dade County, FL*	54,735	422,658	13.0%
5. Houston, TX*	50,839	200,839	25.3%
6. Santa Ana, CA*	33,540	48,407	69.3%
7. San Diego, CA*	33,397	127,258	26.2%
8. Dallas, TX*	31,522	142,810	22.1%
9. Long Beach, CA*	26,042	76,783	33.9%
10. Fresno, CA*	24,022	76,349	31.5%
11. Garden Grove, CA*	17,856	41,664	42.9%
12. San Francisco, CA*	17,673	61,631	28.7%
13. El Paso, TX*	17,609	64,145	27.5%
14. Montebello, CA*	14,988	32,321	46.4%
15. Glendale, CA*	14,930	28,742	51.9%
16. Broward County, FL*	14,622	236,885	6.2%
17. Boston, MA**	14,518	59,613	24.4%
18. Oakland, CA*	14,044	51,748	27.1%
19. Pomona, CA*	13,381	29,880	44.8%
20. Sacramento, CA*	12,290	49,997	24.6%

* Data obtained from State Education Agency.

** Data obtained from Local Education Agency.

INSTRUCTIONAL PRACTICES FOR LEP STUDENTS VARY BY SEVERAL SCHOOL CHARACTERISTICS.

Schools across the nation do not provide educational services to LEP students with a uniform approach. Arriving at the decision as to which methodology a school or school districts will use to serve their language minority students requires consideration of a whole set of pedagogical elements as well as administrative and instructional capacity issues. However, 3 specific types of instruction for LEP students seem to fall into a distinct distribution illustrated in the table below. The table provides data on the percentage of LEP students receiving different types of instruction, by selected school characteristics.

School Characteristics	Teaching English to non-English speaking students	Improving fluency in home language	Teaching subject in home language
<i>Community type</i>			
Urban	75.1	43.8	48.8
Suburban	80.5	27.5	27.9
Rural	69.4	33.3	35.4
<i>School type</i>			
Elementary	77.2	41.7	45.1
Secondary	71.6	21.9	24.7
Combined	68.6	38.0	24.8
<i>Minority Enrollment</i>			
less than 20%	74.6	15.3	18.2
equal/greater than 20%	75.9	39.0	42.1
<i>% students rec'g free or reduced price lunch</i>			
less than 20%	75.9	15.8	16.4
equal/greater than 20%	75.6	41.0	44.8

- ◆ Students who are taught subjects in their home language are more likely to be in urban elementary schools where the minority enrollment is at least 20 percent and at least 20 percent of the students are eligible to receive free or reduced-price lunch.
- ◆ The assessments used to measure academic progress of the LEP students must be aligned to the type of instruction they receive. For example, for the 49% of the LEP students in urban schools that likely are taught subject areas in their home language, native language would be used in their assessment if it is appropriately aligned to instruction.



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June 16, 1997

Mr. Michael Cohen
Domestic Policy Council
Old Executive Office Building, Room 218
Washington, DC 20502

Mr. Cohen:

I am writing to you regarding the potential impact of the President's proposal for national testing in reading and mathematics on limited English proficient students. The question of whether bilingual students who may not be highly proficient in English should be tested or exempted from testing is confusing to say the least. On the one hand, opponents argue that results of tests from such students are invalid because of students' limited proficiency in the language of the test, and that the tests cause undue frustration for both students and their teachers. On the other hand, proponents argue that testing forces school districts to account for what they are doing with bilingual students. I believe that the disadvantages of including bilingual students in high-stakes testing are far outweighed by the need for accountability, especially since steps can be taken to increase the validity of both the testing situation itself and the interpretation of test results for this population of students.

Assessment is a critical issue affecting the educational success of language minority students, especially within the context that characterizes much of educational assessment these days. We need to remind ourselves that, despite researchers' and educators' warnings against the use of single indicators of performance in academic achievement, most high-stakes decisions in education are still being made on the basis of single test scores typically obtained from standardized norm-referenced tests. In other words, people pay great attention to test results. Hence, it is essential that bilingual students not be left out of the limelight that testing brings with it and the accountability that it forces schools to face. Unfortunately, some schools need that external push in order to remain accountable to this group of students and their parents.

However, testing students for academic achievement through a language that they are not proficient in certainly has its drawbacks. Lack of full proficiency in the language of instruction and sometimes in the language of assessment is a confounding factor that will interfere with obtaining valid and reliable information no matter how sophisticated the assessment procedures are: a concept can rarely be assessed separately from the language that represents it.

However, the following steps can be taken to add some validity to the **process** of testing of bilingual students:

1. Accommodations can be made to the time allowed for taking the test; it takes longer to process information and conceptual relationships in a language that one is not highly proficient in.
2. Accommodations can be made to allow bilingual students to use bilingual dictionaries; this would allow for better comprehension of the common language of the test that English-proficient peers automatically have.
3. Accommodations can be made to allow bilingual students to use content area specific glossaries; this would allow for better comprehension of the content-specific language that English-proficient peers would normally have, regardless of their achievement in that content area.

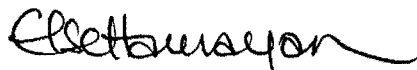
However, just by allowing bilingual students these accommodations, we cannot possibly make their performance on tests of academic achievement (given in English) comparable to the performance of English-speaking peers. Research clearly shows that it takes students who are learning English as a second language seven to ten years to become proficient enough in English to survive in an academic setting where English is the language of instruction. So, lack of proficiency in English is going to continue to act as a confounding factor in testing. Developing a native-language version of the test, which can be done for at least Spanish-speaking students, and allowing students to take the test bilingually would be a tremendous step in the right direction.

The next thing that needs to happen is to figure out how to **interpret** these students' scores on these standardized tests. In order to do this, we must have a clear understanding of the knowledge base that defines language proficiency and academic achievement for second language learners. And this task is not easy: it is muddled by the enormous variety in characteristics of linguistically and culturally diverse students and, more importantly, in the instructional environments created for them. What can we expect of a student who enters a US American school at the age of 13 having a total of two years of formal schooling in her life? What can we expect of a student who comes to school at the age of eight speaking both English and the native language but neither at the expected level of complexity that you would expect from an eight-year old? What can we expect of a student who enters school at kindergarten with the full array of language skills in her native language and very little or no proficiency in English? Fortunately, we can take some guidance from the recent work that has been done by TESOL (Teachers of English to Speakers of Other Languages) on ESL standards for Pre-K-12 students. These standards can help define the general communicative abilities that characterize different levels of language proficiency in social and academic settings for students who are learning English as a second language. We must also develop a strong data base over the next few years, as more and more bilingual students take these tests. This will eventually help us develop standards and expectations for the performance of different types of students on these tests.

Finally, it is difficult to discuss issues of assessment of linguistically and culturally diverse students without bringing up the role of advocacy. As long as what we do is governed by the paradigm that places the burden of learning primarily on the student, and as long as there are enormous inequities among communities in the access to a decent education and as long as many linguistically and culturally diverse students are receiving their education in poor schools, advocacy and assessment must go hand in hand. The questions we need to pose must push the case for interpreting assessment results within the context of the learning environment that has been created for those students. A student's score on the test cannot be looked at without noting the fact that several days of the month that student cannot cross the street to get to the school because members of the rival gang control that street. A score on the test cannot be looked at without noting the fact that the teacher does not have access to a copy machine on which to copy relevant articles for her students.

Mr. Cohen, if I may take a little more of your time, and change roles for a few minutes, from that of a researcher to that of someone who was a language minority child. When I was an eight-year-old child, who did not speak the language of school, I was sent home one day because the rest of my class was to take "the big test." I remember clearly walking home, somewhat happy at the prospect of a free day but mostly confused and embarrassed at not being deemed worthy of taking the test that all my friends were taking. When I got home, my mother's reaction was even more severe; she was angry and shamed. She said something to the effect that if her child was not worthy of taking the test, she must not be worthy to teach, and that was simply not acceptable. Mr. Cohen, many of these children do not have parents who can push for their rights in school as my mother did. You and I and others like us must advocate on their behalf. If we don't, we will not have done right by the future of our country, for the future clearly lies in their hands.

If I can answer any questions, please don't hesitate to get in touch with me.



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