# The Effects of the No Child Left Behind Act on the Practice of Testing Students with Limited English Proficiency

by

Staci Docken

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**The Graduate School**
**University of Wisconsin-Stout**
**Menomonie, WI 54751**

**Author:** **Staci Docken**

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## ABSTRACT

The No Child Left Behind Act (NCLB) of 2001 has made a major impact on the practice of testing students with limited English proficiency. Mandated inclusion of English language learners (ELL) in the assessments required by NCLB, and the growing population of ELL students in schools across the country, calls for educators' attention to the utility of standardized tests with the ELL student population. This study completed a literature review with journals, texts, and other related articles to cover topics related to the assessing of ELL students. The study found that, while there are many issues with including ELL students in large-scale assessments like those mandated by NCLB, most educational professionals still believe students should be included in order to ensure ELL students' educational needs are met. However, it is necessary that the proper accommodations be provided to ELL students during testing to obtain the most valuable information from testing. Limitations of the study and recommendations that could be addressed in future research are also included.

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# Chapter One: Introduction

The United States has always been a place with a great amount of cultural and linguistic diversity. Diversity is one of the principles that the United States was built on. Cultural and linguistic diversity in the United States has increased in recent years. There has been a rise in the number of immigrants and refugees from Asia, Latin America and many other countries since the 1970's. The 2000 United States Census showed that 37% of the population comes from an ethnically diverse background. The most sizable ethnic group is Hispanics, which make up 12.5% of the population (United States Census Bureau, 2005).

Changes in linguistic diversity in the United States have had a major effect on public schools. The 2000 U.S. Census reported that one in every five school age students had at least one parent that was born outside of the United States. Kindler (2002) (as cited in Ochoa, Riccio, Jimenez, Garcia de Alba, & Sines, 2004) reported that limited English proficient (LEP) students, also known as English language learners (ELL), make up about 9.3% of the school age population in the United States. Kindler (as cited in Ochoa et al.) also found that the student population of English language learners has been growing at a faster rate than the general student population. The general student population grew about 24% during the 1990's; the English language learner (ELL) population increased 105%.

Although there is linguistic diversity all over the United States, there are a few geographic areas that have especially high concentrations of students with limited English proficiency. Kindler (2002) (as cited in Ochoa et al., 2004) reported that in general, the main population of LEP students is in large urban areas; however, the trend is beginning to change and populations in suburban and rural areas are growing. The area in the southwest known as the

Sunbelt and the industrial areas in the Northeast and around the Great Lakes also have highly concentrated population of ELL students.

In Minnesota, between the years of 1994 and 2004, the K-12 ELL population more than doubled in size (Minnesota Department of Education, 2005). According to the Minnesota Department of Education, since the 1970s, Minnesota has seen a new wave in international immigration. Some large influxes of immigrants have been a direct result of civil war and political instability in different parts of the world. Other immigrants came to Minnesota to work for high tech companies or to find work within the poultry, meat, and food processing industries. Immigrants in Minnesota are from a variety of different ethnic groups. The Minnesota Department of Education reported that the most recent wave of immigration in Minnesota (October 2003- September 2004) included Somalis, other Africans, Hmong, other Southeast Asians, and people from the former Soviet states. The diversity of countries that ELLs are from is reflected in the diversity of first languages spoken by the students in Minnesota.

As of March 2004, the Wisconsin Department of Public Instruction (2005) reported that there were over 35,000 students considered to have limited English proficiency. The two largest cultural and linguistic groups in Wisconsin were Spanish, with over 20,000 students, and Hmong, with over 10,000 students. The remaining 5,000 students came from a wide range of cultural and linguistic backgrounds, and represented over 75 different languages.

The population of English language learners is very heterogeneous. Kindler (2002) (as cited in Ochoa et al., 2004) found that there are over 400 different native languages spoken by ELL students in the United States today. Over 77% of ELL students are Spanish speakers. The other top four languages are Vietnamese (2.3%), Hmong (2.2%), Haitian Creole (1.1%), and Korean (1.1%).

In the same time period, when the population of English language learners has grown considerably, accountability has become a major theme in education. The most notable legislation, The No Child Left Behind Act of 2001 (NCLB), has led to increased assessment of all students, including English language learners (No Child Left Behind, 2002). The No Child Left Behind Act requires that states have standards for content and achievement. It also requires that states have assessment systems for monitoring schools and districts to ensure they are making progress towards educating all students to high standards.

*Statement of the Problem*

During this time of increasing linguistic and cultural diversity and increasing inclusive assessment requirements it is important to consider the implications of these two trends in public schools. It is important that educators are aware of the best practices for testing students that are linguistically and culturally diverse. It is necessary that educators are aware of the utility of standardized achievement tests with the population of students referred to as limited English proficient or English language learners.

*Purpose of the Study*

The purpose of this study is to explore the literature related to testing students with limited English proficiency. Specifically, the literature review will cover the identification methods and definitions for ELL or LEP students, how students acquire a second language and the different types of language proficiency, the legal history of how LEP students are educated in public schools, how NCLB affects testing students with LEP, how useful standardized achievement tests are with students that have limited English proficiency, and what accommodations can be provided to students with limited English proficiency during testing.

*Research questions that will guide this research*

- Who are limited English proficient students and how are they identified?
- How does one develop second language skills, and what is considered to be English proficiency?
- What are some of the important laws governing how students with limited English proficiency are educated in public schools?
- What is the No Child Left Behind Act 2001, and how does it affect students that have limited English proficiency?
- What are the positive reasons for using state mandated achievement tests, and are these tests appropriate to use for accountability purposes with LEP students?
- What accommodations are provided to students with limited English proficiency during state mandated achievement tests?

*Definition of Terms*

*Accommodation:* As defined by Butler and Stevens (1997) (as cited in Abedi, Hofstetter, & Lord, 2004), "Support provided students for a given testing event either through modification of the test itself or through modification of the testing procedures to help students access the content in English and better demonstrate what they know" (p. 6).

*Accountability:* As defined by Levin (1974), related to education, "A periodic report of the attainments of schools and other educational units" (as cited in Munoz, 2002, p. 5).

*Bilingual education:* As defined by Cohen (1975), "The use of two languages as a media of instruction for a child or a group of children in part of all of the school curriculum" (as cited in Baca & Cervantes, 2004, p. 26).

*English language learners (ELL):* According to the Minnesota Department of Education (2003), "A more positive term that is gradually replacing limited English proficiency in many schools" (p. 2). It is still used interchangeably to mean the same thing as limited English proficient.

*English as a second language (ESL):* An educational program that, "relies exclusively on English as the medium of teaching and learning English" (Baca & Cervantes, 2004, p. 28). A bilingual aide might be utilized in the classroom.

*Fully English proficient*: Students that have complete command of the English language and can apply the language to academics (No Child Left Behind, 2002).

*Language acquisition:* The process by which one learns the skills necessary to use a language effectively in academic and social situations (Krashen, 1982) (as cited in Ortiz, 2004).

*Limited English proficiency:* "Term used by federal and state governments to describe students" (Minnesota Department of Education, 2003, p. 2) who come from homes where English is not the language used for communication and the students have difficulty speaking, writing, reading, or understanding English (No Child Left Behind, 2002).

*No Child Left Behind Act of 2001* (PL 107-110): An act passed by President George W. Bush that attempts to improve the performance of America's primary and secondary schools by increasing the standards of accountability for states, school districts, and schools, as well as providing parents more flexibility in choosing which schools their children will attend. Additionally, it promotes an increased focus on reading and re-authorizes the Elementary and Secondary Education Act (ESEA) of 1965 (No Child Left Behind, 2002).

*Standardized achievement test:* "Usually created by commercial test publishers, standardized tests are intended to give a common measure of students' performance. Because large numbers of students throughout the country take the same tests, they give educators a common yardstick or "standard" of measure" (Project Apple Seed, 2005, para 2).

# Chapter Two: Literature Review

This chapter will explore the current research relevant to The No Child Left Behind Act and the standardized testing of students with limited English proficiency (LEP) that has resulted from the legislation. The first section covers the definition used for identifying students that are LEP and guidelines for identification. Then, the different types of language proficiency and the stages of language acquisition will be discussed. Following that is a discussion of some of the relevant laws that have influenced educating students with limited English proficiency. Next, the accountability movement, including The No Child Left Behind Act (2002), and its implications on the testing of LEP students will be covered. Then, a discussion of the literature about the issues pertaining to the achievement testing of LEP students will be covered. Finally, there is a discussion of the accommodations that can be provided to English language learners during state mandated achievement tests.

## *Definition and Identification of Students with Limited English Proficiency (LEP)*

The federal government provides a definition of LEP students for funding purposes. According to Federal PL 107-110, The No Child Left Behind Act of 2001 (2002) Title IX:

> The term 'limited English proficient', when used with respect to an individual, means an individual—
>
> (A) who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C) who was not born in the United States or whose native language is a language other than English; (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

> i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3); (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society. (p. 537)

Although this definition provides a framework for who could potentially be identified as having limited English proficiency, there is varying interpretation from state to state and school district to school district (Bailey & Butler, 2003).

Although each state has specific criteria for identifying students with limited English proficiency, the Teachers of English to Speakers of Other Languages (TESOL) organization has some basic guidelines. The TESOL organization followed *Evaluation & Assessment for Title VII (Bilingual Education Act) Projects — Handouts* (1996) for their identification guidelines. The first aspect that is evaluated to identify a student with limited English proficiency is the language background of the student. The language background is often determined using a home language survey or a home language questionnaire. A second component of language that is assessed is the student's proficiency in English and in his or her native language. Language proficiency is measured in three areas: oral language, reading proficiency, and writing proficiency. The third component of language that is evaluated is the student's English and Native Language subject content achievement, which can be done through a review of grades, standardized achievement tests, or a functional language assessment. A final element that TESOL gauges, when identifying a student with limited English proficiency, is his or her previous instructional experience, which can be accomplished through interviews, reviews of records, or observation.

*Development of Second Language Skills*

The use and mastery of English language is critical for school success. There is variability in the amount of time it takes an individual to learn English well enough to be nearly equal or equal to fully English proficient students. The most common length of time cited is from four to ten years (Thomas & Collier, 1997) (as cited in Moore & Zainuddin, 2003). Age, length and intensity of exposure to the target language, level of native language proficiency, and previous schooling all play an important role in language acquisition.

Cummins (1985) outlines two basic types of English that students need to develop to be proficient. The first type is Basic Interpersonal Communication Skills (BICS), which is the surface level of language. BICS includes the ability to communicate basic needs and wants and carry out basic social conversations. BICS usually takes one to three years to develop. BICS is not enough to facilitate academic success. The second type of language acquisition is Cognitive Academic Language Proficiency (CALP), which is the deeper structure of language ability. CALP includes the ability to communicate thoughts and ideas with clarity and efficiency and carry on advanced interpersonal conversations. CALP also includes vocabulary, grammar, and rhetoric. CALP generally takes five to seven years to develop and is required for academic success.

Krashen (1982) (as cited in Ortiz, 2004) outlines four stages of language development. The first stage of language acquisition is called the Pre-production/ Comprehension stage. At this stage of development, students often spend a lot of time being observers, and it is sometimes referred to as the silent period. The individual is focusing most of his or her energy on finding out what the new language means without production. This usually lasts from one to six weeks. During this stage the student has not developed BICS or CALP.

Krashen's (1982) (as cited in Ortiz, 2004) second stage of language acquisition is the Early Production stage. During this stage, speech begins to develop naturally, but the primary process continues to be the development of listening comprehension. During this stage, speech will contain many errors. Students will often be able to answer yes/no questions, produce one-word answers, and produce short phrases. This is the earliest stage of BICS development.

According to Krashen (1982) (as cited in Ortiz, 2004), the third stage of language acquisition is called Speech Emergence. During this stage, speech production continues to improve through consistent input. Sentences will become longer, more complex and have a wider vocabulary range. The number of errors students make will continue to slowly decrease. During this stage, intermediate BICS should have developed.

Krashen's (1982) (as cited in Ortiz, 2004) fourth stage of language development is Intermediate Fluency. When students are continuously exposed to adequate language models and opportunities to interact with fluent speakers, comprehension and speech will contain even fewer errors. The students will often have a variety of opportunities to use the second language, and their language skills will develop more fully. Students will be able to give opinions, analyze ideas, and make evaluation statements. During this stage, BICS is very advanced and CALP is emerging.

The goals and standards for educating ELL students, set up by various organizations, are based on what is known about the various stages of language development and language proficiency. According to the English Language Learner KnowledgeBase (2004), TESOL has three primary goals for educating students with limited English proficiency, and each goal has three related standards. Every goal represents the overall skills needed to be competent in the

English language. TESOL's three goals are, "to use English to communicate in a social setting, to use English to achieve academically in all content areas, and to use English in socially and culturally appropriate ways" (English Language Learner KnowledgeBase, 2004, TESOL Standards Pre-K- 12, para 4). The related standards are detailed descriptions of what the students should know and be able to do as a result of instruction.

The Wisconsin standards for English proficiency were set by the Wisconsin, Delaware, and Arkansas (WIDA) Consortium (Gottlieb, 2004). Eventually, five more states and the District of Columbia joined the effort to develop English proficiency standards for ELL students. Gottlieb writes that there are five English language proficiency standards for students in grade levels K-12. Each of the five standards is divided into four grade level clusters: K-2, 3-5, 6-8, and 9-12. "Overall, the language proficiency standards center on the language needed and used by English language learners to succeed in school" (Gottlieb, p. 7). The first standard is, "ELLs communicate in English for social and instructional purposes within the school setting" (Gottlieb, p. 7). The second through fifth standards are, "ELLs communicate information, ideas, and concepts necessary for academic success in language arts, mathematics, science and social studies" (Gottlieb, p. 7), where each content area is its own standard. Students can be performing at five different levels on any of the five standards. The levels range from Entering, which is the most basic level, to Bridging, which is the most advanced level.

*Important Laws Pertaining to Educating Students with Limited English Proficiency*

Historically there has been a great deal of controversy involved in determining the best methods to teach students with limited English proficiency. From the colonial era until World War I, bilingual and vernacular education was widely available (Crawford, 1998). For

example, Crawford reported, "In 1900, contemporary surveys reported that 600,000 elementary school children were receiving part or all of their instruction in German" (p. 64). After WWI, fear of speaking a language other than English, especially German, led a campaign to Americanize immigrants as quickly as possible. In 1923, thirty-four states passed laws banning native languages in schools. Crawford stated that as a result, bilingual education basically disappeared until the 1960's, and LEP students were faced with English immersion or a "sink-or-swim" method of instruction.

The 1960's marked a new wave for how students with limited English proficiency were educated. Baca and Cervantes (2004) discussed the two very important pieces of legislation passed during this decade. The first piece of legislation was the Civil Rights Act of 1964. Title VI of the Civil Rights Act determined that individuals could not be discriminated against based on race, color, or national origin, which was extended to include English proficiency, in any programs that receive federal funds. Therefore, public schools could not deny the benefits of an education to students based on English proficiency. The second important piece of legislation was the Bilingual Education Act of 1968, which was Title VII of the Elementary and Secondary Education Act (ESEA). The Bilingual Education Act led to funding for bilingual education programs for English language learners that came from low-income households. It also determined that the United States government would be involved in helping schools develop and implement bilingual education programs.

Baca and Cervantes (2004) reported that the Bilingual Education Act needed to be amended due to some of its' limitations. In 1974, the most significant change made to the original law was the removal of the requirement of students to be from a low-income family in order to receive funding. In 1978, the Bilingual Education Act was amended and the target

population changed from limited English speaking ability to limited English proficiency, which expanded the number of eligible participants to include those that were not proficient in reading, writing, speaking, or understanding English. It also formally included Native American and Native Alaskan language groups.

According to Baca and Cervantes (2004), Title VII of ESEA was reauthorized in the 1980's and 1990's. In 1984, amendments to Title VII allowed for some native language maintenance, funding was set up for LEP students with special needs and for family literacy programs, and teacher training was emphasized. In 1988, changes to Title VII included more funding for alternative programs, in which only English was used to teach students, and a 3-year limit on participation in most Title VII programs.

The changes to Title VII in 1988 reflected what was happening across the United States at the same time. In the 1980's, California was the first state to make English the official language of the state, and since then, 22 other states have made English the official language (Baca & Cervantes, 2004). To this point, English had never been singled out as the "official language" of the nation or of any state. The English only movement has led to decreasing support for bilingual education programs. Critics of bilingual education programs claim it focuses on native language and ethnic pride at the expense of learning English (Crawford, 1998). In states with English only policies, educating students with limited English proficiency is often a one-year English immersion program followed by full time instruction of all subjects in English (Baca & Cervantes). In 1998 California voters passed Proposition 227, which eliminated most native-language instruction. With 40% of the nations LEP students living in California, the future of bilingual education is uncertain (Crawford).

Proponents of bilingual education point to research supporting bilingual education as an effective means of educating ELL students. Troike (1986) (as cited in Baca & Cervantes, 2004) reported, "Bilingual programs can raise achievement scores to or above the national norms and the effect of the program is cumulative, with the greatest gains being made after five to six years of participation" (p 39). Thomas and Collier (2002) (as cited in Baca & Cervantes, 2004) found that bilingual models have lower dropout rates and have higher achievement rates in all subject areas, as compared to the English immersion models. Advocates for bilingual education also argue that the self-concept of students is enhanced by bilingual education, which also helps the students to learn better (Baca & Cervantes, 2004).

In 2001, President Bush passed the No Child Left Behind Act (NCLB), which is the reauthorization of ESEA. It authorizes programs for students with limited English proficiency under Title III. The focus of Title III of NCLB is on "promoting English acquisition and helping LEP students meet challenging content standards" (Baca & Cervantes, 2004, p. 91). Although NCLB does not directly outlaw bilingual education, critics say that because NCLB focuses support on enabling all LEP students to learn English as quickly and effectively as possible, the importance of bilingual and biliterate programs is being lost. There is no emphasis on the importance of the student's first language and culture to their learning (Forrest, 2004).

*Accountability and No Child Left Behind*

According to Rich (1985) (as cited in Munoz, 2002), the accountability movement has been a major force in public education since the 1970's. Accountability related to education was defined by Levin (1974) as "a periodic report of the attainments of schools and other educational units" (as cited in Munoz, 2002, p. 5). The overall goal of performance accountability systems is

to provide a standard upon which a school can compare its own progress over time. Proponents of this movement believe the answers to qualitative questions are in evidence from quantitative data. Russell, Higgins, and Raczek (2004) reported, "Efforts to hold schools accountable for student learning dominate strategies for improving the quality of education. At both national and state level, student testing stands at the center of educational accountability programs" (p. 1). Performance accountability uses objective data to make decisions about the quality of education students are receiving in the various content areas. The objective data is most often gathered through the use of large-scale standardized achievement tests (Munoz, 2002). Schools are responsible for increasing student achievement, demonstrated through test scores, in order to be accountable to the standards (Russell et al.).

The No Child Left Behind Act (NCLB) (2002) is the most recent example of accountability in education. Title I, "Improving the Academic Achievement of the Disadvantaged" (p. 15), provides the most general account of the purpose of The No Child Left Behind Act:

> The purpose of this title is to ensure that all children have a fair, equal and significant opportunity to obtain a high quality education and reach, at minimum, proficiency on challenging state academic assessments. This purpose can be accomplished by ensuring that high quality academic assessments, accountability systems, teacher training and preparation, curriculum, and instructional materials are aligned with challenging state and academic standards so that students, teachers, parents and administrators can measure progress against common expectations for student academic achievement. (pp.15-16)

As a result of NCLB, changes were made in assessment procedures. States are now responsible for developing challenging academic content and achievement standards for all students (No

Child Left Behind, 2002). NCLB also mandates statewide assessment systems for monitoring schools and seeing that all schools are making Adequate Yearly Progress (AYP) to educate all students. The assessments are often standardized content tests in areas such as math, reading, writing, science, and social studies. The assessments that are used must be technically sound and reliable and valid indicators of student achievement.

*How NCLB Affects English Language Learners (ELL)*

In the past, English language learners were excluded from accountability related testing because the students lacked the English skills needed to participate in the mainstream curriculum (Bailey & Butler, 2003). This is no longer the case. The testing procedures set out by NCLB must be inclusive. The only LEP students that are exempt from taking most statewide tests are those students that have not attended school for a full academic year (No Child Left Behind, 2002). Despite research that indicates that language acquisition cannot be accelerated (Ortiz, 2004), and the fact that the vast majority of students do not reach the important language acquisition level of academic language for a number of years (Moore & Zainuddin, 2003), ELL students are expected to be academically proficient after one year and participate in testing that could affect their promotion and graduation (Thomas & Collier, 1997) (as cited in Moore & Zainuddin, 2003).

Title III of The No Child Left Behind Act (2002), "Language Instruction for Limited English Proficient and Immigrant Students" (p. 265), contains the details related to educating LEP students and meeting the accountability requirements of NCLB. Some of the purposes of Title III include:

> To help ensure that children who are LEP, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the

> same challenging State academic content and student academic achievement standards as all children are expected to meet. To hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring: demonstrated improvements in the English proficiency of limited English proficient children each fiscal year and adequate yearly progress for limited English proficient children, including immigrant children and youth as described in section 1111. (No Child Left Behind, 2002, pp. 266-267)

Not surprisingly, there has been a fair amount of controversy surrounding the inclusion of LEP students in large-scale assessments. Russell, Higgins, and Raczek (2004) provided an example from the California public schools to demonstrate one problem with including ELL students in assessments for accountability purposes. In California, schools are required to close the gap between their Academic Performance Index, which is obtained through student test scores, and their interim target of 800 by at least 5% each year. This means schools must increase test scores by 5% each year. The 5% gain that must be made by students does not take into consideration that the school has not been responsible for teaching all students since the previous school year. Some students will be new arrivals because they are just entering kindergarten. Others will be new arrivals from another school or another country. On average, English language learners achieve lower scores on achievement tests than fully English proficient students. Therefore, the larger the LEP population of the new arrival group, the greater the number of students that will be performing below the mean on the achievement tests. For schools that have a significant population of ELL students, this can pose a problem, because students that are fully English proficient will be expected to perform better to make up for the

LEP students' scores. For example, a school with a 20% LEP population would require 96% of non-LEP students to perform above the 60th percentile. This becomes only one of the hurdles facing schools with a significant population of English language learners (Russell et al., 2004).

The concept of Adequate Yearly Progress (AYP) and the consequences of not meeting AYP also contribute to controversy of including ELL students in state mandated assessments for accountability purposes. Abedi and Dietel (2004) explained that the category grouping of ELL students is always changing; new students are added and other students achieve proficiency and exit the program. The constant turnover in the ELL student grouping makes it difficult for this category to demonstrate AYP. The U.S. Department of Education decided that in order to combat this problem they would allow students to be included in the ELL data for up to two years after they have exited programs. This is still not a perfect solution. States, districts, and schools with growing ELL populations will see a continuous growth in low-achieving ELL students, and as a result will continue to struggle to make the necessary gains in academic achievement on the content standards. By the 2013-2014 school year 100% of students, including ELL students, are expected to be academically proficient (Duran, 2005). Many education experts believe 100% proficiency is a lofty goal for a population of students who may have only been educated in our public school systems for a few years.

*Standardized Achievement Testing*

There are two different camps that have conflicting opinions on the place that accountability through standardized achievement testing has in schools. Proponents believe that standardized achievement tests are a mechanism for rewarding high performing schools and helping or sanctioning low performing schools (Abedi, Hofstetter, & Lord, 2004). Critics of the use of achievement tests say the tests are not actually measuring achievement, but

instead are measuring socioeconomic status, innate ability, and non-instructionally related material.

*Positive Reasons for Using Achievement Tests*

High stakes standardized achievement tests increase motivation of students, teachers, and administration, which results in higher test scores. According to Phelps' (2004) literature review on the effectiveness of standardized testing there have been hundreds of studies that have demonstrated increased achievement as a result of high stakes testing. Phelps stated, "Students study harder when in the face of a test with consequences" (p. 85). It appears that students respond to extrinsic motivators. Fusarelli (2004) also reported that there is a growing body of research that supports that standards based accountability measures had a positive effect on student achievement.

Having an accountability system in place that is based on standardized achievement test results forces administrators, teachers, and parents to pay attention to how all students are performing because every student counts. When administrators have the information that the test results provide, they are able to see any achievement gaps that may be occurring in their schools and classrooms (Fusarelli, 2004). The idea is, as the gap becomes evident, school officials can work together to come up with a plan for how to close the achievement gap. Often, this means providing interventions. For example, in Texas, teachers have found that having access to the data on student achievement gives them the information needed to develop individual and small group plans to help students that are struggling in a specific subject area to gain the skills needed to succeed in that weak area (Fusarelli). From experience working in various Minnesota schools, some schools offer classes for students that have not

passed the content tests in reading, mathematics and writing. The goal is to use the data from the testing to provide resources to those students that the school system seems to be failing.

*Issues with Using Standardized Achievement Tests with LEP Population*

There are many issues pertaining to standardized achievement testing of students with limited English proficiency that call test fairness, validity, and reliability into question (Abedi, 2002). The first issue is the norms that the tests are based on often do not include students with limited English proficiency (Linn, 1995) (as cited in Abedi, 2002). The second issue is that many of the tests are culturally loaded (Jones & Ongtooguk, 2002). The third issue is that linguistic factors are being assessed instead of the content standards (Abedi, 2002).

Linn (1995) (as cited in Abedi, 2002) reported that one major criticism of using standardized achievement tests with ELL students is that often the norms of standardized achievement tests do not include students with limited English proficiency. Navarrette and Gustke (1996) (as cited in Abedi, 2002) also expressed concerns about the exclusion of LEP students from the norming groups of standardized achievement tests: "Not including students from linguistically diverse backgrounds in the norming group, and not considering the match or mismatch between a student's culture and school experiences have led to justified accusations of bias and unfairness in testing" (p. 233).

Achievement tests are often culturally loaded. Achievement tests often include specific elements that require prior knowledge of and experience with the U.S. culture (Ortiz, 2004). For example, on a math test, a student may be asked to solve problems that require knowledge of U.S. money. Achievement tests are based on the familiar culture of the majority group in the United States (Abedi, 2002). Often states are responsible for developing content and

achievement tests, and it is important that test developers take adequate precautions against test bias when developing assessments (Schellenberg, 2004).

Bailey and Butler (2003) suggest that linguistic factors are being assessed with achievement tests more than content standards. It is impossible to gather valid information about a student's achievement in science or reading when tests are given in a language that the student is not academically fluent in (Abedi, 2002). Until limited English proficient students have reached the CALP level of language development, it seems inappropriate for achievement testing in English to be used for student and school district performance accountability. The content-based achievement tests act as language proficiency tests instead of content-based tests (Munoz, 2002). Although the student may have Basic Interpersonal Communication Skills, many times LEP students are unfamiliar with the linguistically complex structure of test questions (Abedi, 2002).

Literature on the assessment of ELL students suggests that language factors confound the test results. A study by Abedi (2002) found that ELL students consistently did worse than non-ELL students on standardized achievement tests. The higher the language demands of the test, the larger the performance gap. English language learners did significantly worse on tests of writing and reading compared to non-ELL students and performance in science and math of ELL students, while also lower, did not have as large of a performance gap compared to non-ELL students because science and math are less language dependent (Abedi, 2002). A study by Moore and Zainuddin (2003) found that on a standardized writing test, LEP students with less then two years of instruction passed the test at a significantly lower rate than fully English proficient students in grades four, eight and ten. A literature review, conducted by Adam (2005) presented yet another example of ELL students lower performance on standardized

achievement tests. She found evidence in four different states, Arizona, Massachusetts, Texas and Washington, of ELL students' lower performance than the Caucasian fully English proficient population on statewide content tests in both language arts and mathematics. In every state the gap was greater for language arts than it was for mathematics, which supports Abedi, Moore and Zainuddin's finding that the greater the importance of language on a test, the greater the achievement gap.

Although language is an important contributor to LEP student's performance on content achievement tests, it is not the only variable that may be a contributing factor. Parent education and family income also have been found to contribute to test performance (Bailey & Butler, 2003). However, based on Abedi's (2002) research, language seems to have more of an impact on test performance then parent education or socioeconomic status.

*Reasons to Include ELL Students in State Mandated Achievement Tests*

Achievement tests may be an imperfect measurement of ELL students' content knowledge. However, many experts do support the inclusion of the students in testing. If the students are not tested, the quality of instruction could be affected and the needs of the students could be ignored (Bailey & Butler, 2003). As previously stated, there are positive reasons for using standardized testing. The most relevant of these for ELL students is that students' test results force school officials to look at the students' performance and at students that are not reaching the standards who should be provided with additional support to achieve those standards (Fusarelli, 2004).

Other experts suggest that ELL students could be included in assessments, but the standard of performance could be different. According to Duran (2005), "Requiring the same content and performance standards creates a number of concerns because all students are

expected to achieve, at a minimum, a proficient level of academic ability at benchmark grades. This is a difficult task because not all children are able to learn the same curriculum in the same amount of time" (p. 81). ELL students have not had the same opportunities to learn as fully English proficient students; therefore, why would the same requirements be in place for both groups of students? Linn (2001) (as cited in Duran, 2005) suggests that having high standards of performance at a specific grade level does not have to be interpreted as having the same standards for all students.

*Accommodations Available for ELL Students on State Mandated Achievement Tests*

English language learners that participate in state mandated achievement tests can and should be provided with reasonable accommodations. Accommodations are sometimes provided to level the playing field for ELL students. Abedi, Hofstetter, and Lord (2004) reported that the most common accommodations provided to ELL students are extended time, small group administration, individual administration, testing in a separate location with more breaks, use of bilingual dictionary, and translated tests. ELL students are a very heterogeneous group; therefore, accommodations should be decided on an individual basis. Individual states and school districts make decisions about who is eligible for accommodations. Very often, eligibility is partially determined though a language proficiency test.

The Minnesota Department of Education (2005) provides guidelines for providing accommodations to LEP students. All decisions about what accommodations should be provided should be made on an individual basis. Also the accommodations provided during testing should be similar to that which is typically provided to students during classroom activities. The Minnesota Department of Education recommends that no accommodation

should be provided to a student during statewide or districtwide assessments for the first time because the change could be confusing to the student.

There are specific accommodations that are allowed for each assessment given to students. In Minnesota, directions can be translated/clarified on math, reading, and written composition tests as long as the directions are still within the limits of the provided scripts (Minnesota Department of Education, 2005). During the math test, there are a number of accommodations that are allowed that are not allowed during the written composition or the reading test: oral reading of test in English and/or native language, written translation of test in native language, bilingual version of test, and compact disc (C.D.) administration.

According to the Wisconsin Department of Education (2005), schools in Wisconsin also provide specific accommodations for different tests. Translators are allowed to read directions or test items in the student's native language for any test other than those that assess reading competency. Small group or individual testing opportunities are allowed on all tests. Students are allowed to use dictionaries and other educational aids during testing. Also, students are allowed to use as much time as possible to complete the tests.

Although accommodations are necessary, it is important to consider the extra toll on ELL students when taking tests with accommodations. Dawson (2003), a teacher in Wisconsin, stated that while it took fully English proficient students about 6.5 hours total to complete the five tests, it took LEP students, with accommodations, about 17.5 hours to complete the same tests. She reported that the accommodations that are provided to students on the science, math and social studies tests make for the most grueling tests because each item is read aloud to students twice in English, then twice translated, and then students are given time to think and come up with an answer. Dawson also gave examples of how students

described the tests. Fully English proficient students stated that the test "was fun because we did it for an hour and then we got to play math games and read for the rest of the morning" (p. 3). The LEP students that were provided with accommodations during testing reported that the test "was hard because it took so much time, and I got tired" (p. 3).

# Chapter Three: Summary and Recommendations

Linguistic diversity in the public schools has increased in the past decade due to a rise in the number of immigrants and refugees from places such as Asia, Latin America, the former Soviet states, and various African countries. Kindler (2002) (as cited in Ochoa et al., 2004) reported that limited English proficient (LEP) students make up about 9.3% of the school age population. Although the population of LEP students is the greatest in the industrial area around the Great Lakes, the Sunbelt, and large urban areas, rural and suburban areas are also seeing a growing population of LEP students. Minnesota and Wisconsin are both experiencing a tremendous growth in LEP students. Nation-wide there are over 400 different languages spoken by English language learners; however, 77% of English language learners' native language is Spanish. In Wisconsin there are over 75 different native languages spoken by English language learners (Wisconsin Department of Public Instruction, 2005).

The federal government defines "limited English proficient," and the definition is used by the states and local school district to come up with a means for identifying students. A limited English proficient student is a school age individual whose native language is not English and who has difficulties speaking, reading, writing or understanding English (No Child Left Behind, 2002). Educators working with students use interviews, questionnaires, observation, language proficiency assessments, and any other means, which are culturally appropriate, to determine if a student qualifies for services under this definition. Once the student qualifies, instruction to help the student gain English language skills begins.

It is critical to school success that students learn English. According to Krashen (1982) (as cited in Ortiz, 2004), students develop language at various rates, but in general follow four basic stages. As students move through the stages, their skills become more advanced, and the

two basic types of language skills develop: Basic Interpersonal Communication Skills (BICS) and Cognitive Academic Language Proficiency (CALP). BICS includes the ability to carry out basic needs and wants and carry out basic social communication, but is not enough to facilitate academic success (Cummins, 1985). CALP includes the ability to apply language to academics. Educators of students with limited English proficiency work to help develop both BICS and CALP.

Historically, there has been controversy over how to best help students achieve English language proficiency. The 1960's were the beginning of the bilingual education movement. Throughout the 1970's bilingual education was the primary means students with limited English proficiency were educated. In the 1980's and 1990's the English only movements caused many bilingual education programs to lose popularity (Baca & Cervantes, 2004). No Child Left Behind does not outlaw bilingual education, but it does favor educating LEP students as quickly and effectively as possible (Forrest, 2004).

President Bush passed the No Child Left Behind Act in 2001. The general purpose of NCLB is to, "ensure that all children have a fair, equal, and significant, opportunity to obtain a high quality education and reach minimum proficiency on challenging state academic assessments" (No Child Left Behind, 2002, p. 15). The No Child Left Behind Act mandated statewide assessments to monitor schools and student achievement, which are usually standardized content tests in areas such as math, reading, and language arts. ELL students are required to be included in the assessment procedure mandated by NCLB.

There is controversy over the inclusion of ELL students in statewide assessments. As a group, English language learners do not perform as well on content achievement tests as fully English proficient students. When ELL students are included in testing, the scores they earn

bring down the school scores, which hurt the school's chances of earning the required 5% yearly progress goal of many states (Russell, Higgins, & Raczek, 2004).

Other concerns with testing ELL students come up when examining the actual tests mandated by NCLB. The norms that the tests are based on often do not include English language learners (Linn, 1995) (as cited in Abedi, 2002). Many tests are culturally loaded, meaning the tests require knowledge and experience with the U.S. culture (Ortiz, 2005). Also, various studies have demonstrated that linguistic factors appear to be what is being assessed instead of content standards, which results in an invalid reading of the student's abilities (Abedi, 2002).

Despite the debate over the high stakes tests mandated by NCLB, there is a lot of support for testing students. Proponents say testing provides the valuable information needed to hold schools accountable for their performance. Other supporters cite the research evidence that high stakes testing improves motivation and student performance (Phelps, 2004). Additionally, testing leads people to pay attention to all students' performance and use the data to help close the achievement gap by providing intervention to the students in need of assistance (Fusarelli, 2004).

Although high stakes achievement tests may not be the most favored means of assessing ELL students, some experts believe this group of students should be tested because if students were not included in testing, their educational needs would not be met (Bailey & Butler, 2003). In order to give ELL students the best possible chance of succeeding on assessments, accommodations are provided to the students. Among the most common accommodations are small group and individual administration, extended time, more breaks during testing, use of dictionary, and translated tests (Abedi et al., 2004).

*Limitations*

There are a few limitations to the research used in this literature review. Literature related to students with LEP or ELL students is extensive and the literature related to testing students that are English language learners is also very extensive. For this reason, literature specific to standardized achievement testing of ELL students was the focus. Also, due to the most recent legislation being the No Child Left Behind Act (NCLB), testing requirements specific to NCLB, most often state mandated standards based accountability tests, are the main focus of the literature review. Due to this, research literature included in this paper was limited to that which was deemed appropriate to this specific issue.

Another limitation is that because testing is a topic that many have very strong opinions about, it is difficult to assume that all researcher bias was absent from the published materials used for this literature review. As Phelps (2004) reported about critics of standardized testing,

> Many articles written acclaiming the contrary begin with statements like 'Much research has shown that standardized testing, particularly when it is high stakes, produces mostly negative consequences.' Follow the references and look at the details, however, and one is likely to find, as I have, that the articles cited may consist of little more than unsupported declarations, and most of the rest found positive effects on students achievement (p. 84).

Further limitations of this review of the literature are due to the recency of the No Child Left Behind Act. There are not as many research-based studies directly related to the content tests mandated by NCLB. Also, because testing ELL students in high stakes assessments was not common practice prior to NCLB, there is not as much research on the topic available. Additionally, because it is such a recent piece of legislation, there are likely to be many

changes to it in the coming years, and it is possible that changes could make this paper obsolete.

*Recommendations*

Considering that presently, English language learners must be included in assessments mandated by No Child Left behind, it would seem important to look further into how to make the assessments more meaningful for ELL students. There were some suggestions from the literature. However, findings in this area were limited and further research would seem to be needed to fully understand how to make the inclusion of ELL students in testing meaningful.

Currently, ELL students can be assessed with tests that are in their native language in some cases, which seems to be a more appropriate means of determining a student's content knowledge. According to Goertz (2005), the major problem with this is that only 1/3 of the states offer this option and the states that do, typically only have a few language options, most often Spanish. A further problem with using tests in native languages is it is unknown how valid these tests are for measuring the content knowledge of the students. It would seem that creating valid content tests in students' native languages would be the first option for making the inclusion of students in testing more meaningful.

There seem to be a few other options for making the process of assessing students with limited English proficiency more reliable, valid and meaningful. State mandated achievement tests in English could be normed to include ELL students. Additionally, alternative performance assessments that require the student to demonstrate competency by performing a task could be utilized (Ortiz, 2004). Further, it seems more research about which accommodations are effective to use with ELL students and how valuable those accommodations are for "leveling the playing field" would be beneficial. If the tests were a

more valid measure of the student's skills, then more accurate information would be available about the achievement gap facing ELL students.

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