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The Redesignation Dilemma: Challenges  
and Choices in Fostering Meaningful  
Accountability for English Learners

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WestEd

# The Redesignation Dilemma: Challenges and Choices in Fostering Meaningful Accountability for English Learners

## Abstract

This policy report focuses on the tensions and dilemmas surrounding one of the most common milestones used for defining and measuring English Learners' (ELs) progress: their redesignation or reclassification from limited to fluent English proficient (FEP). Although reclassification can have important consequences for students and for the education programs that serve them—determining instructional services, performance expectations, and evaluative judgments of programs—the concept of reclassification, as currently defined and implemented, cannot credibly carry this responsibility. In fact, it may actually be contributing to educational inequity, lack of accountability, and student failure.

After briefly reviewing the purposes and methods of identifying, classifying, and serving language-minority students, the report identifies three problems with the current situation. First, the complex nature of what ELs must demonstrate in order to be reclassified FEP is often poorly understood by policymakers, by educators not trained to serve this population, and by much of the general public. In school contexts, FEP is expected to connote sufficient mastery of several basic and academic language skills, and also requires meeting academic achievement standards in grade-level subject matter using English. While the latter is a necessary expectation, the consequences are significant: The common misconception that EL students only need to learn English and their academic achievement will naturally follow can hamper appropriate and timely support for them.

Second, reclassification policies and procedures in many schools and districts are inadequate. Chief among the concerns examined are using standardized, norm-referenced academic achievement tests (NRTs) to “trigger” reclassification reviews. Apart from the validity issues of testing language-minority students with NRTs designed for and normed on largely monolingual English-speaking populations, using NRTs to trigger reviews can easily lead to confusion and misinterpretation about the causes of low performance and impede timely, appropriate interventions. In addition, the multiple measures used to assess the

various criteria for redesignation are not administered, recorded, or reviewed regularly. Many of these measures are labor-intensive and time-consuming, and those that are not standards-based yield little of value to inform instruction. Also, most school and district databases are not currently set up to store and use these data.

Third, the methods currently used to calculate reclassification rates from EL to FEP— one of the most commonly referenced statistics in assessing effectiveness of a district or school in serving English Learners—greatly distort the reality of student progress and program effectiveness, thereby diminishing accountability. The report recommends a number of strategies to improve the current situation. Among these, it argues that, beginning long before and continuing long after reclassification, a much longer trajectory of progress — in academic language development and in access to and achievement in the academic core —must be monitored, reported, and acted upon. The implications for how educators assess language-minority students, collect and analyze data, and use them to target and improve instruction are significant; so too are the responsibilities of policymakers to ensure that adequate financial, human, and technical resources are provided to improve accountability for the success of EL students.

The number of English Learners in the nation’s K-12 student population has grown exponentially in recent decades, especially in states such as California, Texas, Florida and New York. Coinciding with this growth has been increased efforts to hold educators at all levels more accountable for students’ academic achievement, resulting in the most significant inclusion ever of English Learners (ELs) in both local and state assessment and accountability systems. Thus, monitoring the progress of English Learners has never been more important. The most common milestone of educational progress has been their redesignation or reclassification from an official status of English Learner (EL) or limited English proficient (LEP) to one of fluent English proficient (FEP).(1)

This change in status may have important consequences for students and for the education programs that serve them. For students, a classification as EL or FEP can affect what instructional services they receive, the curriculum to which they have access, how they are assessed, and the academic performance standards to which they are held. For educators, a student’s classification should help inform how they work with and assess that student. For programs, classifications affect resource allocation, and reclassification rates influence the degree to which they are judged as effective or not. However, the concept of reclassification, as currently defined and implemented, cannot credibly carry this responsibility. In

fact, it may actually be contributing to educational inequity, lack of accountability, and student failure. This policy report attempts to show why.

This report begins with a brief review of the origins, purposes, and methods of identifying language-minority students and classifying some as ELs. Next, it examines several key issues that generate the tensions and dilemmas regarding reclassification. Finally, it draws some conclusions about what is needed to improve the current situation.

While this report offers no easy solutions to the problems it identifies, it does attempt to provide state and local administrators and policymakers with some guidance for reviewing their current reclassification policies and procedures. Its ultimate aim is to stimulate reflection and discussion about options for building a more coherent system to better ensure academic success for English Learners and accountability for the programs that serve them.

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**University of California**

**LINGUISTIC MINORITY  
RESEARCH INSTITUTE**



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## Abstract

This policy report focuses on the tensions and dilemmas surrounding one of the most common milestones used for defining and measuring English Learners' (ELs) progress: their redesignation or reclassification from limited to fluent English proficient (FEP). Although reclassification can have important consequences for students and for the education programs that serve them—determining instructional services, performance expectations, and evaluative judgments of programs—the concept of reclassification, as currently defined and implemented, cannot credibly carry this responsibility. In fact, it may actually be contributing to educational inequity, lack of accountability, and student failure.

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Second, reclassification policies and procedures in many schools and districts are inadequate. Chief among the concerns examined are using standardized, norm-referenced academic achievement tests (NRTs) to “trigger” reclassification reviews. Apart from the validity issues of testing language-minority students with NRTs designed for and normed on largely monolingual English-speaking populations, using NRTs to trigger reviews can easily lead to confusion and misinterpretation about the causes of low performance and impede timely, appropriate interventions. In addition, the multiple measures used to assess the various criteria for redesignation are not administered, recorded, or reviewed regularly. Many of these measures are labor-intensive and time-consuming, and those that are not standards-based yield little of value to inform instruction. Also, most school and district databases are not currently set up to store and use these data.

Third, the methods currently used to calculate reclassification rates from EL to FEP—one of the most commonly referenced statistics in assessing effectiveness of a district or school in serving English Learners—greatly distort the reality of student progress and program effectiveness, thereby diminishing accountability.

The report recommends a number of strategies to improve the current situation. Among these, it argues that, beginning long before and continuing long after reclassification, a much longer trajectory of progress—in academic language development and in access to and achievement in the academic core—must be monitored, reported, and acted upon. The implications for how educators assess language-minority students, collect and analyze data, and use them to target and improve instruction are significant; so too are the responsibilities of policymakers to ensure that adequate financial, human, and technical resources are provided to improve accountability for the success of EL students.

The number of English Learners in the nation's K-12 student population has grown exponentially in recent decades, especially in states such as California, Texas, Florida and New York. Coinciding with this growth has been increased efforts to hold educators at all levels more accountable for students' academic achievement, resulting in the most significant inclusion ever of English Learners (ELs) in both local and state assessment and accountability systems. Thus, monitoring the progress of English Learners has never been more important. The most common milestone of educational progress has been their redesignation or reclassification from an official status of English Learner (EL) or limited English proficient (LEP) to one of fluent English proficient (FEP).<sup>1</sup>

This change in status may have important consequences for students and for the education programs that serve them. For students, a classification as EL or FEP can affect what instructional services they receive, the curriculum to which they have access, how they are assessed, and the academic performance standards to which they are held. For educators, a student's classification should help inform how they work with and assess that student. For programs, classifications affect resource allocation, and reclassification rates influence the degree to which they are judged as effective or not.

However, the concept of reclassification, *as currently defined and implemented*, cannot credibly carry this responsibility. In fact, it may actually be contributing to educational inequity, lack of accountability, and student failure. This policy report attempts to show why.

This report begins with a brief review of the origins, purposes, and methods of identifying language-minority students and classifying some as ELs. Next, it examines several key issues that generate the tensions and dilemmas regarding reclassification. Finally, it draws some conclusions about what is needed to improve the current situation. While this report offers no easy solutions to the problems it identifies, it does attempt to provide state and local administrators and policymakers with some guidance for reviewing their current reclassification policies and procedures. Its ultimate aim is to stimulate reflection and discussion about options for building a more coherent system to better ensure academic success for English Learners and accountability for the programs that serve them.

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## **Identifying Students and Providing Services**

Since the 1970's, based on federal civil rights legislation and federal case law, states have been required to ensure that their schools are identifying and serving English Learners. The intent of this requirement is to ensure greater educational equity for students whose limited knowledge of English prevents them from benefiting from academic instruction provided in English. Identification of ELs was also intended to allow for a more accurate count of these students, and to determine their impact on a given educational system so specific resources could be allocated to develop or improve educational services for them (O'Malley and Valdez-Pierce, 1994).

Students are defined as "language minority" when a language other than, or in addition to, English is used in their home, a circumstance raising the possibility that their English proficiency may be limited. Language-minority status is usually determined through a brief survey of language use in the student's home, typically when the student first registers at the school or district office. Language-minority students are then assessed for possible classification as limited English proficient.<sup>2</sup> For younger children, such as kindergartners, this initial language assessment usually addresses only listening and speaking skills. For older children, typically beginning at third grade, assessment also encompasses students' reading and writing skills in English. When possible, some districts additionally assess students' abilities (including literacy) in their primary language, particularly if instructional services in the student's primary language are an option. Based on this initial assessment, students are then classified either as LEP or as "initially fluent English proficient" (I-FEP). To better ensure that all students needing language-assistance services are properly identified and served, the I-FEP criteria are usually stringent.

Noteworthy here is that a student's designation as limited English proficient is based primarily on linguistic criteria, not academic.<sup>3</sup> In fact, there is good reason not to use achievement tests administered in English for LEP identification, and for only their most cautious use in program placement: the tests were not designed for this purpose, and students' lack of English proficiency may be easily confused with a learning disability leading to their inappropriate

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<sup>2</sup> While no universal definition exists, federal Title VII statute defines as limited English proficient the language-minority student, Native American, or Alaskan Native who "has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English, or to participate fully in our society," P.L.103-382, Sec.7501, cited in Crawford, 1999, pp.291-2.

<sup>3</sup> For older students, however, academic criteria may also be applied. See below.

placement in special education or remedial content classes (De Avila, 1990; CCSSO, 1992; Zehler et al., 1994).

Once identified as English Learners, students are placed in a program intended to address their second language needs and their academic needs. Although programs go about it in different ways, in theory, the primary goals of any special services provided to English Learners are two-fold: ensuring that students develop adequate English language skills to enable them to benefit from content instruction delivered in English, and helping them progress in academic core subjects. It is worth noting here Gándara and Merino's observation that while language assistance programs are based on a belief that language proficiency drives academic development, and while there is a correlation between language development and academic development, "a causal notion is overly simplistic and unjustified" (1993, p.321). In other words, though interrelated, second language development and academic development are two separate sets of competencies, each needing to be explicitly addressed in instruction and in assessment. This is especially important since, while the goal of English language development is central to why students are classified as LEP to start with, students' *academic achievement* is key to their subsequent reclassification as FEP. It is critical to keep this shift in mind when considering the services necessary to ensure appropriate reclassifications and ELs' success in school.

It is the quality of this education program and the particular approach it takes that is central to the relative success of ELs. Broadly speaking, strategies for supporting English Learners in English language development and academic content learning tend to fall into two categories, which for discussion's sake, can be called *sequential* and *simultaneous*. A sequential approach initially focuses on intensive English language development. Access to grade-level academic curriculum is postponed until the student is considered to have attained a knowledge of English adequate for effectively participating in either an all-English, mainstream classroom or a classroom where instruction, though in English, is specially designed and delivered to make academic content accessible to English Learners. This contrasts with a simultaneous approach in which the student is taught English as a Second Language (ESL) while at the same time receiving access to grade-level (or near grade-level) academic content. The latter occurs either through instruction (or instructional support) in the student's primary language or through an infusion of academic content via more content-based ESL and carefully scaffolded instructional methods and materials.<sup>4</sup>

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<sup>4</sup> Some programs use a *transitional bilingual education* model, in which a teacher initially uses the student's native language to provide early literacy skills and ensure access to cognitively challenging

In theory, these two approaches are viewed as categorically distinct. In practice, EL-serving programs can incorporate some of both, with variation among schools and even between grade levels depending on program design, materials, and teacher qualifications. Whatever the approach, federal law requires districts to adopt “catch-up” plans for any ELs incurring academic deficits during the period they are acquiring English skills. While the law specifies neither the rate at which nor the time by which students are expected to “catch up,” there is an implied recognition that students falling too far behind for too long will suffer irreparable harm. Clearly, longitudinal monitoring of the academic progress and success of ELs — both current and former — is essential. If, in fact, such monitoring reveals a lack of either adequate progress or consistent academic success, it should trigger an evaluation of program strategies and implementation, the quality of program components and services, and the appropriateness of fit with student needs (August & Hakuta, 1997).

### **What Does It Mean to be Fluent English Proficient?**

There is no simple definition of what it means for a student initially classified as LEP to become fluent English proficient. Part of the difficulty in defining “proficient” lies in specifying *for what purposes*, since, to a great extent, language performance must be considered in the context of the particular language tasks to be performed, the subject matter or topic, the audience or interlocutors (i.e., who is communicating with whom), and the setting (Bachman et al., 1998). Most researchers and professionals in the field of second-language acquisition define second-language proficiency for K-12 students in ways that acknowledge the multiple dimensions of language competence and use needed in school settings.

Two prominent definitions often cited include the goals and standards identified for K-12 students by Teachers of English to Speakers of Other Languages, the national professional association of ESL educators (TESOL, 1997); and the Council of Chief State School Officers’ 1992 definition of what an FEP student should be able to do (see Appendix A.).

In looking at these examples and others, it is clear that, in school contexts, FEP is expected to connote three things.

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academic content. When the student’s English is strong enough to serve as the student’s sole academic language, teacher and student begin using only English. Other programs use *dual immersion* or *maintenance bilingual* models, in which two languages are used for bi-literacy development and academic study. A fourth model — *structured English immersion* — largely immerses the student in English from the start.

**First, the student has sufficient linguistic skills to comprehend and communicate effectively at the given age or grade level.** In a school setting, EL students must, minimally, be able to demonstrate basic control of grammatical rules governing word and sentence structure (morphology and syntax); knowledge of vocabulary (lexicon); and adequate perception and pronunciation of sounds in the second language (phoneme discrimination and phonological control).

**Second, the student has sufficient academic language skills to engage in cognitively-demanding, grade-level work without modifications or accommodations.** EL students must also be able to use language to successfully engage in complex cognitive tasks related to grade-level subject matter in formal, academic settings. This means they must be able to read, speak, and write about more abstract — that is, less contextualized — concepts and topics and do so using the more formal language structures and functions associated with critical thinking (Cummins, 1991; Chamot & O’Malley, 1994). Examples of these uses include comparing and contrasting different objects or ideas, inferring and predicting outcomes from known information, or justifying a point of view and persuading others with evidence. To effectively understand and perform these functions requires very specific vocabulary and knowledge of sentence constructions and discourse rules that do not typically come up in informal, social interaction outside of school. Most students, including English Learners, must master them at school (Heath, 1986; Wong-Fillmore & Snow, 2000).<sup>5</sup>

While not often formally assessed, there is another aspect of language competence that frequently influences teacher expectations and student opportunities. Included here are such *interactional* and *sociolinguistic* skills as being able to notice and appropriately switch register or dialect; to interact effectively with others by drawing from context and prior experiences; and to compensate for breakdowns in communication (Bachman, 1990). Students with these skills are better able to gain the support of peers and “convey a ‘good attitude’ toward school, which receives heavy weighting both in teachers’ evaluation of ‘readiness’ and ‘progress’ and in determining students’ opportunities to learn” (Saville-Troike, 1991, p.3). Clearly, the above aspects of proficiency interact with and affect the quality of instruction provided, and may influence teacher perceptions and expectations as well as the educational opportunities students receive.

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<sup>5</sup> Wong-Fillmore & Snow point out that these more academic language functions have socio-cultural dimensions: Children of academics and highly-educated professionals, for example, are much more likely to be read to and engaged in discussions across a variety of topics using this kind of language.

**Third, the student is ready to meet grade-level performance expectations, as demonstrated by *academic achievement in grade-level subject matter using English*.**

The inclusion of academic achievement criteria reflects an equity and accountability requirement rooted in civil rights legislation and case law. The intent is to ensure that EL students receive high-quality instruction in academic subject matter even as they develop language skills for school. Without it, the likelihood of their falling behind academically increases greatly. Also, since reclassification precipitates a withdrawal of specialized services, readiness to perform academically is essential.

A common notion among policymakers, educators not specially trained to serve this population, and much of the general public is that students only need to learn English and their academic achievement will naturally follow. But this misconception can hamper appropriate and timely support for EL students. In reality, students' ability to meet this final criterion is predicated on having received the kinds of instructional opportunities necessary to develop grade/age-appropriate second language skills, to continually acquire appropriate academic language forms, and to effectively apply the full range of their cognitive and literacy skills to the learning of core academic subjects. Simply put, educators must be prepared to ensure that English Learners catch up and/or keep up with their native-English-speaking peers.

While academic achievement is a necessary expectation, requiring it for reclassification to FEP opens the door to a gray area where language proficiency, opportunities for language use, prior schooling, learning ability, academic aptitude, and substantive access to and engagement with academic subject matter all intersect. Further complicating the picture are issues of equity of educational resources (e.g., qualified teachers, high-quality materials), test validity and bias, and legal compliance. In short, as federal, state, and local stakeholders negotiate the meaning of "high standards for all students" in a context of standards-based accountability and high-stakes testing, they need to fully understand the importance and consequences of including academic achievement as a criterion for FEP status. Specifically, educators and policymakers might consider the following questions:

1. If an EL is not achieving academically, to what extent are the reasons for this investigated? Is it assumed that poor academic performance is primarily an issue of language proficiency? How is this determined?
2. Are services that English Learners receive likely to help them achieve academically at grade level in a reasonable timeframe? How is a given timeframe determined to be reasonable? How is this monitored?

3. How does being labeled “EL” for several years affect teacher expectations and students’ access to the high-quality academic instruction needed to meet achievement standards? Particularly when students enter high school, what restrictions are placed on LEP students’ participation in college-track courses?

While there are no simple answers to the definitional challenges inherent in the concept of FEP, being explicit and clear about the varying needs of English Learners and the expectations placed on them will help minimize potential harm to these students. These challenges are reflected and magnified in the procedural and reporting issues described later.

### **LEP or FEP? Potential Benefits and Risks**

Part of the tension surrounding reclassification has to do with what educators, policymakers, and the public understand to be the benefits, risks, and meaning of students being classified in particular language categories. How do LEP students profit — or not — as a result of their classification? What do FEP students gain — or possibly lose — as a result of their reclassification?

In being designated LEP or EL, students should receive substantive, daily instruction in English language development for their age/grade and proficiency level, as well as appropriate access to grade-level academic subject matter. With well-designed, quality instruction, English Learners can move forward linguistically and academically, keeping pace with their peers who are native English speakers.<sup>6</sup> ELs who are not adequately taught academic English or grade-level content are at risk of falling further behind and not meeting reclassification criteria, which increase in difficulty with each grade. Without timely and appropriate program interventions, ELs may find themselves isolated in “ESL ghettos,” stigmatized by long-term LEP status, placed in remedial courses with unchallenging material, and subjected to low, self-fulfilling expectations, (Valdés, 1998, 2001).

On the other hand, reclassifying English Learners prematurely when they lack needed academic language skills or content-area knowledge and abilities also puts them at risk. If all special language services and instructional supports are withdrawn, and subsequent teachers are unaware of or inattentive to the continuing needs of these students, the students are effectively placed at risk for academic failure. In fact, even when students have been appropriately reclassified, their academic language learning and development needs to continue, and all teachers

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<sup>6</sup> Although, as shown below, even Fluent English Proficient students generally fail to reach the same achievement levels on English norm-referenced tests as native English speakers.

need to attend more carefully and deliberately to this learning and development (Wong-Fillmore and Snow, 2000).

The entire concept of reclassification provokes some significant questions: If EL students are not to be reclassified to FEP status until they meet grade-level academic achievement standards in all subjects, using English, can we guarantee that they receive the necessary support to do this in a reasonable timeframe? Or does being labeled LEP or EL year after year make it progressively *less* likely that these students will ever catch up? Does the fact that they remain LEP for a lengthy period reflect on their learning abilities, or does it signify a lack of appropriate services and opportunities? Regarding those who do attain FEP status, are they subsequently monitored well enough to ensure that they recoup any academic deficits and that their academic language skills continue to improve appropriately in later grades? Do they receive necessary services?

The monolithic, reductive categories of LEP and FEP mask an enormous amount of variation among students within each category. With that in mind, educators need to move beyond the “entry/exit”, “services/no services” dichotomy that current LEP/FEP reclassification policies encourage. To do so, they must regularly monitor students’ progress in academic language development and their academic achievement long before and long after the point of reclassification.

### **The Problem with Reclassification Procedures**

States and districts tend to adopt similar operational criteria and procedures for reclassification. This is not surprising, because states tend to receive guidance from similar sources, share information with one another, and issue guidelines for districts to follow. Some common reclassification measures are listed in the table below, along with specific performance criteria from a sample of districts within the WestEd region. Note that reclassification criteria typically include components addressing 1) basic language proficiency standards, 2) more cognitive/academic language dimensions, 3) academic achievement standards, and 4) consent or notification of a parent or guardian. Almost all districts sampled include a certain cut-score on standardized, norm-referenced achievement tests and minimum teacher-assigned grades as performance standards. Districts usually require that all the criteria be met before a student is reclassified.

**Table: Reclassification criteria of sample districts.**

	Measures Used & Performance Standards					
	Language proficiency (some may include academic language dimensions)			Academic Achievement		Other Requirements
Sample Districts	Oral Proficiency proficiency	Reading/writing sample	Extended Writing	Subject grades (%ile=NPR)	Standardized NRT levels for reclassification	Parent consultation; minimum grade
District A	LAS 4 or 5	LAS R/W 3 (or NRT)	District rubric 4 (of 5)	All "C" or higher	Total Reading: 33 %ile (or LAS R/W 3)	Parent consult.; Grades 3–12 only
District B	LAS 4 or 5	n/s	"Judged comparable to EO peer"	Teacher progress report	Total Reading: 36%ile	Parent consult.
District C	SOLOM 19 or better (of 25) LAS 4 or 5	IPT R & W "competent" or LAS R & W (80% each part)	n/s	"C" or higher in Math, ELA	n/s	Teacher recommendation; Grades 3–12 only
District D	District Oral Assess. Rubric 3 (of 4)	District R & W Assessment Rubric: Score 3 (of 4)	District rubric: Score "advanced" on 5 of 6 items	"C" or higher in Reading, ELA, Math, SS	Total Reading & Math: 36%ile	Parent and resource teacher approval
District E	LAS 4 or 5	LAS R/W 3 (or NRT)	W/NRT (sic)	Teacher judgment; in HS: "C" avg.	Total Reading & Language: 36%ile OR LAS R/W 3	Parent notification & opportunity for conference
District F	IPT 3 (fluent)	IPT R & W: Competent	n/s	Sci.& SS: "C" or higher (gr.7–12)	Total Reading & Math : 40%ile	n/s
District G	LAS 4 or 5; SOLOM indicating fluent	n/s	n/s	All "C" or higher	Total Reading, Language & Math: 36 %ile	Parent approval; Grades 3–12 only

n/s = not specified; IPT = Idea Proficiency Test; LAS = Language Assessment Scales; LAS R/W = Combined reading/writing score; NPR = Norm percentile rank; NRT = Standardized, norm-referenced test; SOLOM = Student Oral Language Observation Matrix.

Obviously, reclassification determinations are intended to be based on multiple measures that capture the broad array of proficiency and academic expectations discussed above. Nevertheless, educators need to carefully consider how and when these particular measures are applied, and what they understand them to be measuring. In fact, current reclassification procedures in many schools and districts are inadequate, and can undermine accountability and equity for three reasons:

1. The use of standardized, norm-referenced tests to “trigger” reclassification reviews;
2. The collection, storage, frequency and timing of assessments used to reclassify students;
3. The methods used to calculate reclassification rates.

### **The use of standardized, norm-referenced tests to “trigger” reclassification reviews**

One of the most troublesome areas of reclassification, and one most in need of revision, concerns the procedures used for identifying potential reclassification candidates. Of particular concern is the choice of a “trigger” assessment or indicator to initiate the reclassification review process. Most districts choose to rely on the results of a standardized, norm-referenced achievement test (NRT) in English. They do so in part because most states or districts now administer some version of a standardized NRT in English to all students each year. (ELs typically take these tests either in their first year or within three years of entering the district.) Another reason many districts rely on an NRT score as a trigger is that this academic achievement criterion (along with the writing performance standard) is usually the most difficult for students to meet. Although often unstated, there is an implicit policy not to take on the effort and expense of administering the other assessments absent assurance that a student can meet this criterion.

Using an NRT as a trigger has commonsense appeal, but educators should be wary of the inherent potential for confusion and inequity in this approach. An NRT is intended as an indicator of grade-level academic achievement, but there is great temptation for educators and other program decision-makers to also see it as an indicator of English proficiency. Although performance on an NRT undoubtedly correlates with the test-taker’s language proficiency, such assessments are not developed, intended or valid for the purpose of measuring language proficiency. They function at best as only a very crude indicator of fluency. Even for the intended purpose of assessing academic achievement, these tests have been — and continue to be —

seriously challenged regarding their reliability and validity in measuring achievement in language-minority populations, whether English Learners or FEP students. (See, for example, Valdés & Figueroa, 1994; Figueroa & Hernández, 2000, García & Pearson, 1994, and AERA, 1999, for ample discussions of norming, content, linguistic, and cultural biases found in these kinds of assessments, all of which can easily render EL performance results invalid.)<sup>7</sup>

In fact, low performance on an NRT could be caused by any number of factors. If, for example, an EL does not reach the performance standard for an NRT's Total Reading battery, is it because the student's English proficiency is inadequate? Because he or she has not received adequate access to English Language Arts curriculum? Because the test is insufficiently aligned to the curriculum taught? Because instruction has been delivered by an under-prepared teacher? Because test items are biased against certain non-mainstream groups, including the ethnic and socioeconomic groups of this English Learner? Because the student had a bad day when he or she took the test?

At the very least, it would be unwise to automatically conclude that an LEP student who seriously under-performs on norm-referenced achievement tests administered in English is simply not yet sufficiently English proficient. Minimally, one would want to also assess the student's concomitant progress and performance on a range of language proficiency measures, including listening comprehension, grammatical control, literacy, and academic language functions. Indeed, the National Research Council committee on high-stakes testing suggests that achievement tests administered in English be given only after a student has attained a different milestone. Citing an earlier recommendation of the National Center for Educational Statistics, the committee notes that the best criterion for determining an English Learner's readiness to meaningfully participate in an academic assessment administered in English is the student's *level of English literacy*, rather than years of English-only instruction, native-language instruction, or oral English proficiency (Heubert et al., 1999, p. 229; see also Hakuta et al., 2000).

These issues argue for the need to regularly and systematically monitor progress on *all* reclassification criteria (both linguistic and academic achievement). Only then, based on these multiple measures, can more informed judgments be made about the progress of English Learners and how to support their learning.

### **The collection, storage, frequency and timing of assessments used in reclassification**

The “trigger” assessment approach highlights another serious issue with many current reclassification procedures: the collection, storage, frequency, and timing of assessments. Many districts do not regularly collect or consistently maintain data on English-language-development assessments in reading, writing and speaking for their English Learners. For example, English reading and writing proficiency tests are often not given until third grade.<sup>7</sup> Even then, many districts give them only every other year, and prior results are often not stored but, instead, overwritten on electronic databases. These practices prevent the regular examination of student progress in different domains. They also undermine any effort to correlate these English-language-development measures with academic achievement measures over time. Site and district leaders are less able to discern whether their EL students might be attaining some dimensions or domains of proficiency even as the students struggle with others. This, in turn, hinders appropriate targeting of resources and attention to critical areas of need. There are many reasons that these practices prevail, including the high costs and logistical difficulties of annually testing the language proficiency of all English Learners. Schools and districts with large EL populations and high student mobility rates often lack the human and material resources needed to conduct these assessments consistently. In addition, when proficiency assessments are not tied closely enough to standards or curriculum, their results are not helpful in guiding instructional decision making. As a result, teachers do not see them as credible, relevant, or feasible, and often choose teaching over testing.

Another challenge concerns the *timing* of a particular “trigger” assessment to initiate a reclassification candidacy review: In practice, several months could pass before the other criteria are even applied. For example, a student may score well on her oral language proficiency measure in November, yet need to wait until April or May before taking the English norm-referenced test. Since NRT results are not typically received until June, a student may not actually be reclassified before fall of the following academic year — assuming a reasonably efficient reclassification review process. In addition, should other measures (such as a district writing sample or SOLOM) need to be given in August or September, the student may be tested at a relative “low tide” in his or her English proficiency (i.e., immediately after summer break). This increases the likelihood that performance on these assessments will not reflect the abilities the student might demonstrate if given time to readjust to an academic English register.

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<sup>7</sup> With the advent of ELD standards including reading and writing in K-2, this is beginning to change.

The converse may also occur. Some districts have an implicit policy that once attained, a criterion is “checked off” and not reassessed. On the face of it, this may appear to be reasonable in relation to oral language measures. Yet, while the oral presentational skills expected of a second grader are very different from those expected of a fifth grader, it would not be unusual to find that students judged orally “fluent” in the second grade were not reassessed in that domain even if it took them several more years to meet other performance criteria and be reclassified. (One may assume oral abilities are embedded in other criteria, particularly class grades, but it is critical to ensure that these or other academic language abilities are being defined through standards, fostered through high-quality educational opportunities, and assessed regularly.)

With the enormously increased focus on accountability for student performance occurring across the nation, recent initiatives to develop and administer an annual, standards-based English Language Development (ELD) assessment to all ELs — such as those in California, Illinois, and Texas — will very likely help to address some of these issues. However, whether these tests attempt to address all skill domains, as does California’s recently implemented ELD Test, or focus on a single domain in depth, as does Texas’s Reading Proficiency test, districts will continue to use other, locally determined criteria to evaluate academic language ability or readiness to meet performance standards. These should be carefully monitored and coordinated so that the process itself does not prevent a timely focus on students’ real needs, and affix long-term “LEP” status on students who may be linguistically proficient, but have not been receiving necessary academic opportunities and supports.

### **The calculation of reclassification rates**

The reclassification rate from EL to FEP is one of the most commonly referenced statistics in assessing effectiveness of a district or school in serving its English Learners. The rate is often referred to as a measure of how quickly students are becoming proficient in English. Yet, as illustrated in the section above, the rate can be influenced by a number of other factors, among them, administrative processes, coordination of group and individual assessments, and parental input or decisions — all of which can affect the time interval to reclassification. In fact, as currently calculated, reclassification rates “often lead to erroneous conclusions about a program’s effectiveness and actually *underrepresent* English Learner’s progress and achievement in acquiring English” (Proposition 227 Taskforce, 1999, p. 21).

Specifically, districts and states currently calculate reclassification rates by placing the number of ELs reclassified in the numerator, while placing *all* English Learners in the denominator, regardless of whether all these students can be realistically expected to meet the criteria.<sup>8</sup>

This is equivalent to calculating a high school graduation rate that includes a given year’s graduates in the numerator, and *all* enrolled freshman, sophomores, juniors, and seniors in the denominator, regardless of their likelihood of meeting graduation requirements. This calculation method effectively renders the reclassification rate meaningless, because it ignores critical factors — such as age, grade, literacy level, prior schooling, mobility, time in the U.S. or district — that indicate a student’s likelihood of reclassification. It also ignores administrative procedures that can greatly influence the timing of reclassification. This practice distorts the reality of achievement by needlessly deflating the ratio of students meeting FEP status. It also focuses attention on only a small part of the performance picture (those exiting LEP status), largely ignoring the entire trajectory of progress that leads toward that “exit” point, as well as the subsequent academic performance of reclassified students as they continue in the educational system. Finally, in those states where districts can tailor their own reclassification standards, cross-district comparisons and statewide aggregate rates may be unreliable despite state guidelines on minimum performance criteria.

All of the issues discussed above should prompt educators and policymakers to be circumspect about the meaning, accuracy, and comparability of reclassification rates across districts with differing local criteria. Nevertheless, in view of the popularity and widespread use of reclassification rates as an accountability measure for programs serving English Learners, the next section provides a simple example of how calculating the rate of reclassification can be made more meaningful.

**How reclassification rate calculations could be made more meaningful: an example<sup>9</sup>**

One way to diminish the distorting effects of current approaches to calculating reclassification rates and to increase their meaningfulness is to specify criteria that explicitly identify those English Learners expected to be in the “reachable range” of reclassification for a given year. For example — and simply for purposes of illustration — a district or state could decide to include only those students who meet one or both of the following criteria:

- At advanced ELD proficiency level in reading and writing (preferably as defined by state-level performance standards and accepted measures),

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<sup>8</sup> Some states, such as California, try to mitigate this distorting effect slightly by including all ELs present in the district the previous year, eliminating those ELs who have entered the district in the current year of calculation.

<sup>9</sup> Material in this section was originally drafted by the author for the California Superintendent’s Proposition 227 Taskforce, though it was not published in the Taskforce’s Report.

- Enrolled in the school district for at least four years (a timeframe that could vary based upon particular instructional program goals or the student’s age/grade at entry).<sup>10</sup>

Students *not* expected to be in the “reachable range” of reclassification might include:

- Those at beginning or intermediate levels of English proficiency,
- Those in Kindergarten through Grade One or who are otherwise pre-literate in English,
- Those recently arrived in the school district with little or no experience in US schools.

Consider the following example of how these criteria might change a district’s measure of its performance with English Learners and help educators target services more precisely.

**Table: Revised Reclassification Calculation**

English Learners by Time in district/ELD level	Reclassifiable*:		Reclassified:	
	#	% Total	#	%
in District 4 years or more	2230	73.0%	1052	47.0%
ELD-Advanced (< 4 years)	827	27.0%	702	85.0%
Totals	3057		1754	57.4%**

\* An English Learner is considered “reclassifiable” if in district at least 4 years (regardless of ELD level), or if at advanced proficiency level, regardless of time spent in district.

\*\* Equals the number reclassified divided by number reclassifiable.

Using the revised calculation method described above, more than 57% of the “reclassifiable” English Learners met all of the linguistic and academic performance criteria to be reclassified. Although 85% of those with advanced proficiency *who were enrolled in the district fewer than four years* were reclassified, only 47% of those who had been in the district four years or more met the criteria. Many of those in the district four years or more who were not reclassified were at early-advanced proficiency levels or were below grade level academically, particularly in the linguistically-demanding subjects of English Language Arts and Social Studies. The district’s professional development plan will, therefore, emphasize sheltered English instructional methods for teachers in key grade levels and

<sup>10</sup> In a recent empirical study of the time ELs need to develop academic English proficiency, Hakuta, Butler, and Witt (2000) found it took 4-7 years for those ELs enrolled in the same district since kindergarten.

subject areas.

This reclassification rate calculation, while more meaningful, still presents only a myopic, snapshot-in-time view. Other, more appropriate ways to measure and report progress in English language development and academics are needed for those EL students not in the “reachable range,” while the academic progress of reclassified students needs to be monitored and reported as a function of time since reclassification.

### **What Does Reclassification Say and not Say about EL Students’ Progress or Challenges?**

As can be seen from the preceding examination, reclassification, while an important milestone in any English Learner’s journey toward proficiency and achievement, hardly captures the whole story. In fact, there is an enormous trajectory of progress, both in English language development and academic subject matter, that is critically important for educators to monitor, understand, and act on. The reclassification process alone does not — and cannot — adequately measure or reflect that full trajectory. Therefore, the point at which reclassification is considered is no more or less important than any other point of the English Learner’s academic journey. It should certainly not serve as either the sole or primary index of a district’s effectiveness in serving English Learners. Properly situated, reclassification would not be the focal point, but merely one by-product of a regular review of EL students’ progress in developing English language proficiency and learning academic subject matter.

Educators need to pay much more attention to the heart of the educational matter: Ensuring high-quality educational opportunities in ELD and the academic core. Yet, educators have not generally conceived, designed, and delivered services in ways that reflect the dynamic, evolving linguistic and academic needs of language-minority students. This is in part because of the historical circumstances of establishing language assistance programs and using placement and exit criteria to decide whether students are moved in or out of them. But the broad categories of LEP and FEP conceal great variations in both second language development and grade-level academic performance and programs must recognize that variation. As Gándara and Merino concluded some years ago, “We need to think of LEP students as individuals with changing [language and academic] needs, rather than as students who are either in a program or not,” (p. 335).

Just as reclassification should not be treated as the whole story of EL progress, nor should it be seen as the *end* of the story. Reclassified students who “exit” language-assistance

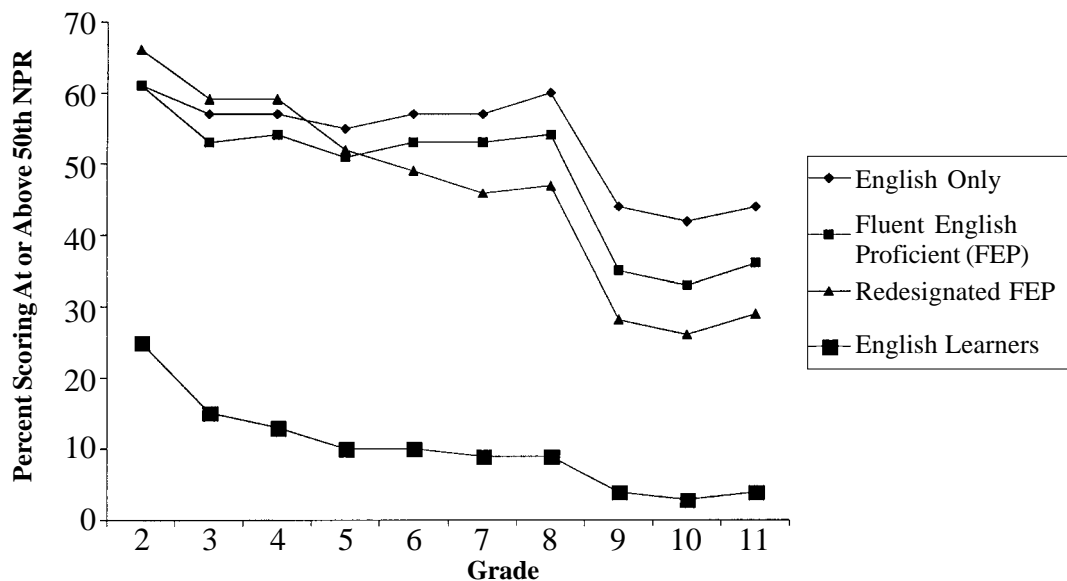
services may very well have academic language needs that remain, perhaps emerging two or three years later as they progress through the grades. This is particularly true for students reclassified in elementary grades, because they face enormously increasing academic language demands in core subject areas in middle school and high school. The fact that a student who is reclassified FEP at 4<sup>th</sup> grade may “re-emerge as LEP” upon transfer to another school in the 7<sup>th</sup> or 8<sup>th</sup> grade may indicate low R-FEP criteria. However, it might simply reflect increased academic language demands in subject matter content at higher grades. The Council of Chief State School Officers’ Advisory Committee on LEP Students acknowledged this issue back in 1992, noting:

Services for LEP students should represent a continuum of appropriate programs, not be dichotomous (i.e., provided or not, based on entry or exit requirements). Once a student enters a mainstream English-only class, he or she may need language development and other types of support beyond the normal classroom instruction. An important component of language assistance programs should be that students can be reclassified, yet continue receiving (or resume receipt of) language-development services, if needed, in the mainstream classroom. (p.8)

Do current policies and instructional service strategies address this dynamic, evolving set of language and academic needs, or do they reflect a simplistic, unidirectional before/after dichotomy? (This is a particularly vital concern now that more schools are “mainstreaming” their English Learners in early grades before they are reclassified, based either on locally defined criteria of “good working knowledge of English” or arbitrary time limits.) How this question is answered has enormous implications, both for the design and delivery of needed language and academic instructional services, and for the sustained professional development required. Many more teachers and administrators will need to attend to the ongoing academic language development of their language-minority students, *before and after* reclassification. Moreover, these students’ academic progress and achievement also need to be *monitored before and after* reclassification.

If this sounds overly ambitious and not particularly pressing, a small display of empirical data compiled on nearly a million ELs in California may help highlight the urgency of these needs. The following figure, taken from Rumberger (2000), plots cross-sectional performance on the Total Reading battery of the SAT-9 for students by grade level and language classification. Specifically, it plots the percent of each grade level scoring at or above the 50<sup>th</sup> national

**Figure: 2000 CA SAT-9 Reading Performance  
by Grade Level & Language Proficiency Status**



SOURCE: California State Department of Education, *California Standardized Testing and Reporting (STAR), Additional Demographic Reports* (Sacramento, California: author). Retrieved September 11, 2000 from the World Wide Web: <http://207.87.22.181/star/report.idc?co=0&dist=0&schl=0&grpl=4&groupcat=1>. As cited in Rumberger, 2000.

percentile rank (NPR), which is currently California’s stated performance standard.

A few striking patterns stand out. First, the percentage of students considered to be reading “at standard” drops substantially for all groups after the eighth grade, whether monolingual English speakers, initial FEP students, English Learners, or students reclassified as FEP (R-FEP).<sup>11</sup> Most notably, though, the percentage of R-FEP students reading at standard begins to drop sharply *after 4th grade*. It continues to decline at a faster rate until the 8th grade, where the percentage change more closely parallels the other groups. But the proportion of R-FEP students “at standard” still remains much lower than monolingual-English-speaking and I-FEP peers. These data strongly suggest that reclassified students continue to have academic (and

<sup>11</sup> While the EL percentages may appear alarmingly low, recall that most ELs by definition score below the 36<sup>th</sup> percentile in reading on this NRT. Conversely, it may surprise some that any appreciable percentage at all of ELs score above the 50<sup>th</sup> percentile. While this could reflect the population of ELs that may be ready for reclassification, perhaps other R-FEP criteria are keeping them in the status – most commonly English writing, but also total math, total language, or subject grades, depending upon local criteria.

possibly second language) challenges that need intervention. They also suggest that educators need to closely monitor the subsequent academic performance of reclassified students, and they raise important questions that current data collection and analysis capacities do not allow us to answer. For example:

1. Which reclassified students are more often falling below the standard — those recently reclassified, or those reclassified several years before (i.e., is lower performance a function of time since reclassification)?
2. What is the cause of this disproportionate, decreasing percentage of students meeting the standard? Is it premature reclassification? Emerging or unaddressed academic language demands? Insufficient “catch-up” strategies? Inappropriate literacy instruction or insufficient opportunities in the “mainstream”?
3. Are these declines also reflected in other, more standards-based performance measures of literacy? In other subject areas?
4. For those ELs meeting the standard, is this their first time doing so?
5. For ELs not meeting this standard, what proportion have been in their school (or district) since Kindergarten?

These questions are not easy to answer. However, absent even the kind of simple data display shown above, it is unlikely that these questions will even be asked, or seen as relevant to pursue. The final section of this report summarizes the key points in this complex set of issues and suggest ways to improve on the current situation.

### **Summary and Recommendations**

This report has identified several key issues and problems with the redesignation of English Learners to “Fluent English Proficient (FEP).”

FEP as a concept includes sufficient linguistic skills, academic language skills, and readiness to meet grade-level performance standards, as demonstrated by academic achievement in subject matter using English. The inclusion of academic achievement criteria in the FEP concept reflects an equity and accountability requirement that is rooted in civil rights legislation and case law. The intent is to ensure that EL students receive high-quality instruction in academic subject matter even as they develop language skills for school. At the heart of this requirement is the understanding that students have the right to and the need for a meaningful education *while* obtaining proficiency in English. Without such instruction, the likelihood of their falling behind academically increases greatly. EL students are expected to participate equally with and perform

similarly to their native English-speaking peers. This fits with a “simultaneous” approach to teaching language and academics; it does not easily fit with “sequential” approaches that delay academic instruction for any significant length of time.

The complex nature of what English Learners must demonstrate in order to be reclassified as FEP is not widely understood by policymakers, by teachers who have not been specifically trained to serve this population, and by much of the general public. The common notion is that students only need to learn English and their academic achievement will naturally follow. This misconception can hamper appropriate, effective, and timely support for EL students.

As currently defined and operationalized, reclassification is troublesome for several reasons. First, trigger criteria based on academic achievement, especially when measured by performance on an NRT, can easily lead to confusion about the causes of low performance. If the reasons for low performance are misinterpreted, it can impede timely, appropriate interventions. The practice of assessing English Learners with NRTs that are normed on mainstream, monolingual English speakers is a problem, but probably one that is unavoidable for the foreseeable future. However, no decision should be made based on a single performance measure (AERA, 1999; Heubert et al., 1999). Using multiple measures is a complex endeavor, but doing so increases the possibility that those closest to the student will be able to make better judgments. Formulas and rules for combining these measures for large-scale use present validity and reliability issues (especially when some criteria are locally defined), but they are still too important to forego.

Second, the multiple measures used to assess the various criteria for redesignation are not administered, recorded, or reviewed regularly. Many of these measures are labor intensive and time-consuming, and those that are not standards-based yield little of value to inform instruction. Also, most school and district databases are not currently set up to store and use these data.

Third, reclassification rates greatly distort the reality of student progress and achievement and program success. They can be made much more meaningful, yet at their best will reveal only a very small part of the overall performance picture. A number of things can be done to improve the current situation:

1. Situate reclassification within a much broader framework of both short- and long-term educational goal setting for *all* language-minority students. This includes grade-level instructional planning; ongoing, standards-based assessment; annual monitoring of progress; strategic interventions, and professional development planning. Start by

considering the following guiding questions:

- What performance expectations and progress indicators do we have for English Learners in English Language Development and English Language Arts?
  - When do we expect English Learners to reach grade level performance in academic subjects?
  - How carefully do we monitor which ELs are making adequate progress, and which are not?
  - How well are former ELs meeting grade-level standards, as a function of time since reclassification?
  - What interventions are we providing to ELs and former ELs who are not progressing, and when do we provide them?
2. Review current policies and procedures to ensure, as suggested above, that EL progress is monitored regularly, both in ELD and academic subjects. This monitoring could be annual, for internal accountability purposes, and more frequent for informing instructional interventions. For example, districts can measure and report on:
    - percent of ELs at each ELD proficiency level (e.g., in reading) by time in district,
    - percent of ELs and former ELs meeting grade-level standards in an academic subject area (e.g., in mathematics) by grade level and time in district (e.g., 5<sup>th</sup> grade EL in district 2 years, in district since Kindergarten). Cohort analyses of EL and former EL performance by year of first enrollment may also be helpful (see CDE, 1999).
  3. Evaluate the academic performance of reclassified FEP students by time since reclassification, and by grade level, for two purposes: 1) to identify any patterns of premature reclassification that could suggest systemic problems in implementing reclassification procedures; and 2) to identify any premature reclassification of individual students or emerging needs and target appropriate support in language development and academics. For example, districts can measure and report on:
    - percent of R-FEPs meeting grade-level performance standards in English Language Arts by number of years since reclassification,
    - percent of R-FEPs not meeting performance standards in English Writing by grade level.
  4. Ensure that, to the extent possible, measures used to monitor students' progress are based on standards and high expectations. This approach will more accurately and

- clearly reflect students' performance gains (as compared to a norm percentile rank) and may be benchmarked to key standards, such as those used in high-school graduation examinations. Also, standards-based assessments can be used to help the student reflect on his or her own performance, as well as to guide instructional interventions.
5. Statewide, monitor progress of ELs in ELD by time in district, and academic performance on standards-based assessments by ELD proficiency level.
  6. At state and local levels, allocate the financial, human, and technical resources that are critically needed to administer these assessments, collect and analyze these data, and foster their use in accountability reporting and decision making.

More useful data, collected more regularly and analyzed more carefully, are critical for an accurate assessment of the effectiveness of school and district efforts. Although the attention paid to English Learners has never been greater, the stakes have also become enormously high for them and those who educate them. Educators need to rethink their policies, procedures, and program designs with the intent of more effectively, and in a more timely fashion, distributing and delivering the right kinds of services to English Learners. Reclassification is a very good place to begin, but it's important to remember that reclassification is neither the whole story, nor the end of the story — though it is often seen as both. There is a much larger trajectory of EL progress — in academic language development, and in access to and achievement in the academic core — that must be monitored, reported, and acted on. The story begins long before reclassification, and continues long after it. True accountability for the success of these students requires better monitoring of this full trajectory.

## Appendix A

### English Language Acquisition Goals & Standards (TESOL, 1997)

- **Goal 1: Use English to communicate in social settings**
  - Participate in social interaction
  - Interact in, through, and with spoken and written English for personal expression and enjoyment
  - Use learning strategies to extend communicative competence
- **Goal 2: Use English to achieve academically in all content areas**
  - Interact in the classroom
  - Obtain, process, construct, and provide subject matter information in spoken and written form
  - Use appropriate learning strategies to construct and apply academic knowledge
- **Goal 3: Use English in socially and culturally appropriate ways**
  - Use appropriate language variety, register, and genre according to audience, purpose and setting
  - Use nonverbal communication appropriate to audience, purpose and setting
  - Use appropriate learning strategies to extend socio-linguistic and socio-cultural competence

### Council of Chief State School Officers (1992): Definition of FEP student

A fully English-proficient (FEP) student is able to use English to ask questions, to understand teachers and reading materials, to test ideas, and to challenge what is being asked in the classroom. Four language skills contribute to proficiency:

- **Listening:** The ability to understand the language of the teacher and instruction, comprehend and extract information, and follow the instructional discourse through which teachers provide information.
- **Speaking:** The ability to use oral language appropriately and effectively in learning activities (such as peer tutoring, collaborative learning activities and question/answer sessions) within the classroom and in social interactions within the school.
- **Reading:** The ability to comprehend and interpret text at the age- and grade-appropriate level.
- **Writing:** The ability to produce written text with content and format, fulfilling classroom assignments at the age- and grade-appropriate level.

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