

English Learners and ESSA

Implications for States and Charter Schools

Charter public schools were conceptualized twenty-five years ago to serve the diverse needs of students and families. Today, forty-three states and the District of Columbia serve over 3.1 million students in more than 6,900 schools. We estimate that nearly 10 percent of the students in charter schools are considered English learners (EL). No Child Left Behind placed a special focus on serving the needs of all students, with an increased federal role holding schools accountable for academic progress of subgroups, such as EL students.

The recent reauthorization of the Elementary and Secondary Education Act as the Every Student Succeed Act (ESSA) provides states with greater flexibility to administer federal funds, but this change should not detract from the importance of serving students most in need. To support the education community in better understanding the changes under ESSA and serving the needs of EL students, the National Alliance partnered with the National Council of La Raza to produce this brief guide for state charter school leaders and operators outlining the key levers to serve our EL students most effectively.

States are responsible for setting high standards and administering rigorous assessments for English learners.

WHAT IT MEANS FOR YOUR STATE

The state will need to set standards for math, reading or language arts, and science that align with entrance standards for credit-bearing coursework in the state's public postsecondary institutions and with relevant career and technical education standards. The state will also need to have in place English Language Proficiency (ELP) standards, which must align with content standards for reading and language arts and define multiple levels of proficiency. ELP standards must also include all four domains of language development: reading, writing, listening, and speaking. Final regulations would require a single statewide ELP assessment that is aligned with the ELP standards in grades K-12, and the law requires that local educational agencies (LEAs) assess EL students' proficiency annually.

WHAT IT MEANS FOR YOUR SCHOOL

Your school may be required to adopt a new state assessment for English learners that aligns with your state's ELP standards. It may be necessary to revise the curriculum.

Table 1: Flexibilities Available Under the Every Student Succeeds Act

Applicable Students	Flexibility
<p>Recently arrived English learner (EL)—a student who has been enrolled in schools in the U.S. for less than 13 months</p>	<p>States have two options:</p> <ol style="list-style-type: none"> 1. States may exclude an EL from one administration of the reading/language arts assessment and have the option to exclude from the accountability system any or all of the English/language arts (ELA), math and English-language proficiency exams for one year. 2. A state would assess and report on the performance of recently arrived English learners in reading/language arts and math but: <ul style="list-style-type: none"> • in the first year would exclude recently arrived ELs’ assessment results from the school’s accountability determinations, • in the second year would include a measure of recently arrived ELs’ academic growth in those determinations, and • in year three and succeeding years would include a measure of recently arrived ELs’ proficiency in those determinations.
<p>Students previously identified as an English learner who have achieved English language proficiency consistent with the statewide entrance and exit criteria</p>	<p>Under final regulations, a state may include a student’s performance with the English learner subgroup for up to four years after the student exits English learner status for the purpose of calculating any indicator that uses results from the state’s reading/language arts and math assessments in the state’s accountability system.</p> <p>They may also be included in four-year adjusted cohort graduation rate calculations for the subgroup if the student was identified as part of subgroup at any time during high school for reporting purposes.</p>
<p>Students who have attended schools in the U.S. for three or more consecutive years (NCLB and ESSA)</p>	<p>Such students must take the ELA assessment in English.</p> <ul style="list-style-type: none"> • Exception: An LEA may assess a student’s knowledge in a language other than English for two additional years if assessing that student in English would not produce valid and reliable information.

In addition to flexibilities that were available under NCLB, states have new additional flexibilities on how to test English learners and how to use the results of these tests.

WHAT IT MEANS FOR YOUR STATE

Your state will need to make important choices about what tests to use, when and how to test English learners, and how to incorporate assessment results for exited English learners and newly arrived students. ESSA maintains certain flexibilities that were in place prior to ESSA, with some updates and modifications (Table 1).

WHAT IT MEANS FOR YOUR SCHOOL

Your school will need to stay aware of changes happening at a state level and communicate clearly with staff, students, and parents about how changes will affect assessments.

States must standardize the process for identification of students as English learners across the state.

WHAT IT MEANS FOR YOUR STATE

If your state does not have a standardized entrance and exit process for identification of English learners, it will need to develop one and implement it statewide.

WHAT IT MEANS FOR YOUR SCHOOL

Your school's policy must comply with the statewide policy. Your school should review its own processes for this in preparation for statewide uniform policy.

States are responsible for creating their own accountability plans—and there are special requirements for English learners.

WHAT IT MEANS FOR YOUR STATE

The state needs to make decisions about what kinds of accountability indicators to include and how important each will be. ELP is one of the required indicators for the school rating system, and it must receive "substantial weight," and the other indicators will be required to account for the performance of English learners. Your state will also need to make decisions

about which schools need the most support. Schools where English learners (or any other subgroup) are consistently underperforming may also be identified for targeted improvement and support.

WHAT IT MEANS FOR YOUR SCHOOL

English learners might need to receive more attention in your school. Your school will need to demonstrate that English learners are making progress toward English language proficiency in addition to meeting the reading/language arts and math requirements for school accountability and track the performance of English learners on the other indicators established by the state.

States are subject to new requirements for accommodations and native language assessments.

WHAT IT MEANS FOR YOUR STATE

ESEA requires states to provide appropriate accommodations for ELs, including assessments in languages other than English if needed and practicable. States must make "every effort" to make available assessments in languages other than English that are present "to a significant extent in the student population of the state." "To a significant extent" is a new requirement under ESSA but is defined by each state. Final regulations require that states designate languages that are "present to a significant extent" and then make every effort to develop assessments in those languages, in addition to the language most commonly spoken by ELs in the state.

Final regulations also require states to consider designating other languages, including languages spoken by distinct populations of ELs, by migratory students, by EL students not born in the U.S., by Native Americans, and by a significant number of ELs in one or more LEAs in the state, and to develop timelines for developing these assessments.

WHAT IT MEANS FOR YOUR SCHOOL

Additional EL students in your school may be able to access assessments in their native language depending on how your state determines whether a language meets the appropriate threshold.

Title III funds may be allocated using different data sources than under prior law, which may change the funding allocated in some states.

WHAT IT MEANS FOR YOUR STATE

Your state's allocation of federal Title III funds to schools may change. Under ESSA, states may use a combination of Census and state counts of students assessed for English language proficiency. While some states already use this combination of data, others may change their method of allocation.

WHAT IT MEANS FOR YOUR SCHOOL

Your school's Title III budget may change as a result of changes to federal formulas. The \$10,000 minimum grant size is unchanged.