



HAVE WE REALLY MADE PROGRESS AND PROVIDED ACCESS IN 35 YEARS?

1974

COURT FINDING: LAU v NICHOLS

Landmark U.S. Supreme Court case *Lau v. Nichols*, ruled in favor of plaintiffs and declared that, “. . . where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district. . .”

COURT’S SOLUTION:

“. . . the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.”

WHAT IT REALLY MEANT: Language and Academic Content

Language may not be a barrier to academic content. This extraordinary affirmation extended the 601 Civil Rights Act of 1964 that bans discrimination of individuals based on “the ground of race, color, or national origin, in “any program or activity receiving federal assistance” and must not exclude students whose heritage language is a language other than English from participating in any aspect of high quality educational programs.

STEPS TAKEN BY EDUCATORS:

Since this ruling became law, states, districts, schools and communities have struggled to find and implement systemic and systematic approaches that provide English language learners (ELLs) access to academic content at grade level and include them in all aspects of a U. S. public education including national and state standardized assessments.

2002

FINDING:

A huge gap in academic achievement between ELLs and non-ELLs continues to exist. U.S. Congress determines that changes in law must occur in order to rectify the academic discrepancies between ELLs and non-ELLs.

SOLUTION: 2002 ESEA reauthorization

Title III of No Child Left Behind, section 3113 which states, “each state must submit to the Secretary of Education a plan to develop English language proficiency standards and the corresponding assessments that are aligned to the academic content and academic achievement standards set by the state for all students”.

WHAT IT REALLY MEANT:

Implicit in this legislation is an assumption that the new English language proficiency standards will match the academic content standards and provide a bridge or (access) from learning the English language to academic knowledge at grade level (fulfilling *Lau*).

STEPS TAKEN BY EDUCATORS:

Eight years later, states continue to attempt to develop and implement an integrated system of standards and assessments; however, achievement results don't document growth or narrowing of achievement gap.

2009

FINDING ELLs

The National Assessment of Educational Progress (NAEP) recently published scores in reading and math document that states and districts are still challenged to find meaningful ways to effectively implement the solutions required by the Courts and U.S. Congress. The present and historical outstanding achievement gap that exists and has existed between students who are learning the English language and their mono-lingual English speaking peers still remains at 28-30 percent.

Why have “WE” not made the progress and provided the access to ELLs?

Although there are numerous reasons that can be cited, a close analysis of state English language proficiency standards aligned to state academic content standards in reading and math, reveals a wide gap between the language demands inherent in academic content standards and the language requirements outlined in the newly developed English language proficiency standards.

We at the Global Institute for Language and Literacy Development have dubbed this discovery as, “the language gap.”

Recently, researchers have published several studies on the importance of ELLs learning vocabulary or academic language embedded in reading and math content. Even, the distinguished scientist, Dr. Catherine Snow, who chaired the National Adolescent Literacy panel funded by the Carnegie Foundation, reported that the core reason all students struggle with reading academic texts in middle and high school is due to the complexity of the language inherent in the text. To quote Dr. Snow, “it's all about language.”

Dr. Snow and Dr. Lily Wong Fillmore have published a report titled, “What Teachers Need to Know about Language” and in it describe the lack of linguistic study available in teacher preparation programs in most Institutions of Higher Education.

To the credit of this distinguished panel formed to recommend policies to NAEP on increased inclusion of ELLs in NAEP testing, many of the recommendations cited focus on not only disaggregating data based on an ELLs' English language proficiency level, but target learning more about the confluence of language development fused through the lens of English language proficiency levels and the additional scientific research needed to understand “how language and what language” provides access to academic content knowledge.

2010

CREATING A NEW FRONTIER – TO EXPEDITE PROGRESS AND ACCESS

The Global Institute for Language and Literacy Development supports and applauds all of the recommendations listed by the panel and would like the panel to consider one more. Just as scientists

revolutionized education when Congress legislated the formation of the National Reading Panel to study how English speaking students learn to read and later the National Literacy Panel specific organized to understand how ELLs learn to read, we request that this panel as organized by NAGB, NAEP, NCES consider using its expertise, credibility and influence to ask Congress to convene a new research panel:

The *National Language Panel* to study the various aspects of language development and language acquisition in order for educators to understand a basic set of language components based on evidence-based research and science agreed to by known and trusted experts in linguistics, neuroscience, language development and first and second language acquisition. The focus of such study should be to analyze and synthesize the science of language into a set of guiding first principles on which a foundation of language development knowledge can form the basis of not only the second round of English language proficiency standards but incorporated into the NAEP assessments as well.

It seems that a glaring deficiency in our knowledge and agreement as researchers and educators is a firm understanding based on science of how language and what components of language impact comprehension at different levels of learning and provide access to the core academic content demands.

Learning language and academic content simultaneously is a challenge and assessing academic content without the corresponding level of English language mastery is impossible as noted in all of the recommendations listed by NAEP's expert panel.

However, GILD understands that this complex area of unpacking language development, language acquisition and its impact on academic content knowledge that can then be more accurately assessed by state standardized tests and the NAEP is the "New Frontier" in science for ELLs.

Our team of experts hopes that this panel will seriously consider this recommendation and add it to the already well-articulated list. We believe that the final piece of the civil rights journey in education for English language learners can be accomplished through this effort of understanding language and its impact on grade level knowledge and comprehension.

Thank you for your time and consideration.

Kathleen Leos
President

Lisa C. Saavedra
Vice President

The Global Institute for Language and Literacy Development (GILD) LLC.