

Title Page

Monitoring English Language Learners Reclassified as Fluent English Proficient

Janet G. Raiche

Submitted in Partial Fulfillment of the Requirements for the Degree

Master of Science in Education

School of Education and Counseling Psychology

Dominican University of California

San Rafael, CA

June 2010

Acknowledgements

I would like to thank my professors at Dominican University of California: Dr. Madalienne Peters, Suzanne Roybal, and Linda Sartor for their guidance. I would like to thank my classmates who have also spent countless hours listening and reading my work and suggesting constructive changes. I would also like to thank my family-- my husband, Alan; my children, Raichel, Renee, and Isaac; and my mother, Joyce--for supporting me in this process; a process which took me away from them more than I care to admit.

Table of Contents

Title Page..... 1

Acknowledgements..... 2

Table of Contents..... 3

Abstract 5

Chapter 1 Introduction 6

Statement of Problem..... 11

Purpose..... 16

Research Question 16

Theoretical Rationale 17

 ESEA, NCLB, and the Education Code..... 17

 Language Theory: James Cummins..... 20

Assumptions 21

 Monitoring Process 21

 Applying Data in Decision Making 21

 Staffing..... 21

 Compliance..... 21

 Within District Variations 21

 Academic Language..... 22

 Frustration..... 22

 Limitation Assumptions 23

Background and Need..... 24

 Increased Numbers in U.S. 24

 California Demographics 24

 Importance to the U.S. for ELL success..... 25

 California vs. Federal Policy 26

 Some changes California did to comply with NCLB 28

Chapter 2 Review of the Literature..... 30

Theme One Federal Mandates..... 31

Theme Two California’s Implementation..... 34

Theme Three Transition into Mainstream Classes	37
Theme Four Monitoring.....	41
Conclusion.....	43
Chapter 3 Method	45
Chapter 4 Analysis.....	49
Chapter 5 Discussion	61
References	68
APPENDIX	81

Abstract

The No Child Left Behind Act of 2001 requires that English Language Learners, who are reclassified as Fluent English Proficient, be monitored for two years. Short of requiring states to annually submit numerical data on these students, there are no specific instructions on how this monitoring is achieved in practice and little has been written about the follow-up of students once they have been reclassified. This qualitative research report explores what monitoring entails during this two-year period; and whether this monitoring phase is viewed as sufficient and/or helpful in the opinion of the teachers that provide English language services. Given that NCLB may be reformulated, the paper also explores whether monitoring, in some form, should continue to be mandated. Research is based on interviews with experts on monitoring and information gathered from public schools in California.

Chapter 1 Introduction

During my teacher education studies, I heard teachers lament that English Language Learners (ELLs) were often prematurely reclassified as Fluent English Proficient (R-FEP) and exited into mainstream classes. One of the reasons attributed to this early exit strategy was that proficiency was determined by assessments, which measured basic English language proficiency, instead of the language of the classroom. Thus, students were conversationally proficient, but many lacked the academic English language needed to succeed in the content of mainstream classes (Zehr, 2007; Daniel, Ehlers-Zavala, Lenski, & Sun-Irminger, 2006).

I have since learned that the No Child Left Behind Act (NCLB) of 2001 and enacted in 2002, included mandates that were intended to help ELLs become successful not only with English proficiency, but also successful with the same academic content that all students must learn. One of the mandates in NCLB required that ELLs be assessed in reading and writing, in addition to the domains of listening and speaking, which were already being assessed by most states. NCLB also required states to craft English Language Development (ELD) standards that were aligned with the state's English Language Arts (ELA) standards. The English language proficiency tests then needed to match the state's ELD and ELA content standards.

At the time of passage of NCLB, only California and Minnesota had assessments that were in compliance with NCLB Title III (University of California, Davis, 2007). Only a few states had existing ELD standards, and the ELD proficiency tests being used at the time were typically not aligned with the state standards, in either ELA or ELD (University of California, Davis, 2007).

In addition, NCLB required that states devise or update procedures and policies to assess, classify, account for, and provide services for Limited English Proficient (LEP) learners.

Depending on a state's degree of centralization for educational policy making, the procedural and policy work have either been tooled by the state's educational bureau and standardized for all public schools within that state, or simply passed onto counties, school districts, or local schools to create or implement within their own context.

The criteria for reclassification of LEP students as proficient (R-FEP), has also been an area of change for most states. Just how students are reclassified as R-FEPs is dependent on the educational system within the state, county, school districts, or local schools. Furthermore, a student can be considered proficient in English under Title III, but not under Title I.

There are many driving forces behind the desire to have students reclassified as R-FEPs. The moral, and stated goal is so that ELL students can achieve academic success in the same state content standards as their English-speaking peers. One of the purposes that NCLB states in Title III, Part A, Sec. 3102 (1) is to:

help ensure that children who are limited English proficient, 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 (NCLB, 2001).

Parents of ELLs are assumed to be proud to know that their children have been deemed proficient in English and are glad that their children will have access to the same curriculum as native English-speakers (Cummins, 1994).

Schools also wish to see their ELL students become proficient in English. All students must take standardized tests. The results from all students affect the school's overall Adequate Yearly Progress (AYP). AYP, which falls under Title I of NCLB, was first begun under the Elementary and Secondary Education Act (ESEA) of 1994, and is intended to hold schools

accountable for all of its student performance. Although newcomers (ELLs in school less than twelve months) are exempt from taking the language arts test for one year, they must still take the math and science tests from their first year in public schools and onward (Sparks, 2009). The U.S. Department of Education (USDE) allows for accommodations to be made for standardized content tests, such as: testing in small groups, allowing extra time, reading directions aloud, providing dictionaries, or giving oral directions in the native language (USDE, 2008a). Such accommodations are only allowed for three years, or five years, under certain circumstances (USDE, 2008a). No accommodations are allowed for English proficiency tests.

AYP does have a subgroup for ELLs, which helps disaggregate low test scores due to a lack of language proficiency. However, given that this subgroup is continually evolving as new LEP students enter the schools, there is a propensity for these scores to be continually low. This is somewhat offset by a clause that allows R-FEPs' scores to be included in the ELL subgroup testing reports for two years after being reclassified (American Federation of Teachers, 2007).

Fiscal concerns also contribute to the desire to reclassify students as proficient as quickly as possible. Fewer LEP students within a school will result in lower costs required to address their needs. The flip side is that a reduced LEP population results in a decrease in categorical funding. Categorical funds come from the federal government and are directed for special populations, of which LEPs are considered one. Title III funds are based on English language services enrollment, not LEP status. Thus, some students are classified proficient according to English language assessment scores, but because they have not met other criteria to be reclassified as R-FEP and exited from the program, they still receive English language services

(Abedi, 2004). Thus, the school is entitled to federal funding for that student. Furthermore, a student could be technically deemed proficient and exited from Title III's linguistic services, but not deemed proficient and exited from Title I's academic services (Title III Interpretations, 2008, as cited in Sparks, 2009). Thus, a funding source is maintained (Mora, 2006).

In the past, as students were deemed R-FEP, the students no longer received language services, and were simply placed into mainstream classes. Many mainstream teachers and the students, themselves, expected the students to be fluent; after all, FEP means Fluent English Proficient (Pappamihiel, 2002). Thus, no targeted monitoring was required.

However, without monitoring, new problems occurred. Students, who had been assessed as proficient, had typically only been assessed in speaking and listening domains. As cognitive academic language ability was not assessed, this group of students were placed in mainstream classes and typically struggled (Albers, Boals, & Kenyon, 2008; Forrest, 2006). Not all teachers had the pedagogical training to instruct ELLs (Freeman & Riley, 2005). Nor did many teachers have the skills to "support the social academic development of ELLs" (Gebhard & Willett, 2008, p. 42), nor to understand the background of the ELL (Pappamihiel, 2002). As Forrest (2006) notes, teachers often assumed low cognitive ability and lowered expectations for these students. The implications of this mindset was that if a R-FEP student did not do well, then it must be a case of the student not being capable of the content versus the student not being yet capable of the content in English (When the child, 2007). Thus, many reclassified FEP students were placed in low-track classes (Abedi, 2006; Callahan, 2005; Roberge, 2003). Even if the mainstream teacher did not see low achievement as a result of cognitive ability, but as a result of lack of academic language, and placed back into language services, the ELD staff was typically not certified or trained in teaching content (Sparks, 2009).

The students often lost confidence and self-esteem plummeted (Pappamihiel, 2002) causing a snowball effect, which gathered momentum as the students progressed through grade levels. It became clear that this transition was much bigger than a transfer of classrooms.

Research began to focus on the topic of academic language. Cummins is an oft-quoted researcher on language acquisition who in 1979 introduced the distinction between Basic Interpersonal Communicative Skills (BICS) and Cognitive Academic Language Proficiency (CALP). The majority of research on academic language (Asher & Case, 2008; Blumenthal, 2002; Forrest, 2006; Harklau, Losey, & Siegal, 1999) focused on higher-grade levels. Higher-grade levels typically require more critical reading and writing skills for receptive and productive language expression. It was these two language domains, reading and writing, that had been mandated by NCLB for inclusion in language proficiency tests. That said, even with these domains current inclusion, there is still debate as to whether these tests adequately assess a student's ability to comprehend academic language, and if not, how they could effectively do so (Abedi, 2007).

Nonetheless, NCLB addressed via mandates some of the issues that had been of concern, including: ELD standards, assessments, standards and assessments alignment, and reclassification criteria. It also included an element that had been previously ignored: monitoring. NCLB mandated, in Title III Sec. 3121 (a) and Sec. 3121 (a) (4), that R-FEP students be monitored for two years after their exit from English language services (NCLB, 2001). It is this part of NCLB that my research paper intends to explore.

Statement of Problem

NCLB mandated a lot for states, counties, school districts, local schools, and teachers to process, plan, fund, and implement. It also left leeway as to how these stakeholders choose to carry out the mandates, thus resulting in inconsistencies in both what is planned and implemented, and the timetables accorded to such. Funding provided for ELL resources also varies among these entities (McNeil, 2009). In the section of NCLB that addresses the monitoring of reclassified Fluent English proficient students, the wording is particularly vague. The mandate in Title III Sec. 3121 (a) (4) reads:

IN GENERAL- Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation, in a form prescribed by the agency, that includes ...[a] description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services under this part (NCLB, 2001).

Within the NCLB Act, there are no explicit instructions as to what the federal government wanted schools to do to monitor students, or what data it expected schools to supply. Since then, the USDE has asked for specific data concerning Monitored Former Limited English Proficient (MFLEP) students annually, which need to be reported in the Consolidated State Performance Reports (CSPR). It should be noted that MFLEP is not an acronym used in NCLB. It was first used as an acronym for R-FEP students being monitored in the CSPR for the school year 2006-07. The USDE describes Monitored Former LEP (MFLEP) students as:

Students who have transitioned out of a language instruction educational program funded by Title III into classrooms that are not tailored for LEP students...[and] students who are no longer receiving LEP services and who are being monitored for academic content achievement for 2 years after the transition (USDE, 2009, p. 39).

According to the most recent published CSPR, from school year (SY) 2008-09, the data required concerning MFLEP students is contained in Section 1.6.3.6, Title III Served Monitored Former LEP Students, and includes:

The number of year one MFLEP students

The number of year two MFLEP students

The total number of MFLEP students

Section 1.6.3.6.2 contains the MFLEP students' results from state standard tests in Mathematics. It includes:

The number of MFLEP students tested

The number of MFLEP students who scored at or above proficient on the test

The percentage of MFLEP students who scored at or above proficient on the test

The number of MFLEP students who scored below proficient on the test

Section 1.6.3.6.3 asks for the same information in regard to the state standards Reading/Language Arts tests.

Section 1.6.3.6.4 asks for the same information in regard to the state standards Science tests. Science tests are not administered at every grade level.

How the school districts submit this information to the state is left to the state to decide. However, the NCLB act does give clear direction regarding the order of forwarding the data once in federal hands, as is detailed in Section 3121 and 3123 (NCLB, 2001). Schools report to

states, states report to the Secretary of Education, and the Secretary reports to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate (NCLB, 2001). This was originally stated to occur every two years (NCLB, 2001).

The Biennial Report to Congress for SY 2004-06, published in 2008, contained data, tables, and individual written summaries about ELLs for each state, as well as a written synopsis about monitored students within each of the two reported school years, SY 04-05 and SY 05-06. The USDE asked each state to include data on the number of students monitored and the number of monitored students scoring at least proficient in mathematics and reading or language arts. It then asked specific data on the number of year one and year two monitored students in each grade, as well as the total number of students not included in AYP results, from grades three and above. For those non-AYP students, states were requested to provide information as to whether or not those students met grade level academic standards. The USDE also asked what percentage of monitored former LEP students were returned to LEP services, if the state did such, and how this impacted Annual Measurable Achievement Objective (AMOA) II, which has to do with the number of students who have become proficient. Finally, the USDE asked what the state policy was if R-FEP students fail to meet state academic standards, and what state assistance the state provided to those subgrantees who have such students (USDE, 2008a).

In the CSPR for SY 2006-07, there was a notation next to Section 1.6.3.4.3, titled Status of Monitored Former LEP Students (MFLEP) which stated that this was “formerly 3.1 of the Title III Biennial Collection, modified” (USDE, 2008b, p. 48). The choice of the word modified is an understatement, because in CSPR, SY 06-07, the only data requested by the USDE of this subgroup, was the total number of MFLEPs and the number of those students used in AYP

calculations. However, in the CSPR for the SY 08-09, the USDE asked for more data that was similar to the Biennial Report of SY 04-06, although it did not ask about reenrollment of FMLEP students in English language services, or what the state does when FMLEP students fail to meet state academic standards. Once the federal government certifies a CSPR, it is then sent back to the state. At that point, the information becomes part of the public record of the state.

NCLB does not mention who should monitor the students. It could be trained English language development specialists, mainstream teachers, or other staff. There are also no specific triggers or mandated policy as to further planning if the monitoring process discovers that a student is not doing well academically. As the law only requires data to be submitted, a school could technically simply have administrative staff forward the data, with no actual interaction with the student, and still be in compliance of the law.

Another problem with the current monitoring mandate, and a common complaint about the NCLB Act in general, is the lack of federal funding to offset the cost of compliance (Mathis, 2003, as cited in Kaetsu, 2004). Section 3111 of NCLB (2001) addresses formula grants to states, but the formula grants are not specific as to how they are distributed per mandate. The key phrase, whenever the USDE speaks about funding through Title III is that federal funds are to be used only to supplement, not supplant state and local funding, per Sec. 3115(g) of ESEA (USDE, n.d.). In essence, if law requires a program, then the state, district, or school needs to pay for it, even if it is the federal government who is prescribing the law. Even outside of the cost of compliance, the list of needs for ELLs is long. As monitoring is at the end of the process of servicing ELLs, it may be the last item considered when planning, implementing, and budgeting. Despite the fact that federal funds for Title III rose to \$700 million dollars, as

reported in 2009, compared with the \$200 allocated when NCLB was written in 2001, that amount is still considered insufficient by many (McNeil, 2009).

McNeil (2009) describes how the states allocate the funds for ELL programs and disparity is the key word. Thus, a student's place of residence determines what services, and to what degree of services, including monitoring, a student receives. This disparity becomes a problem if the student moves. Furthermore, as there are no standardized assessments and reclassification procedures across states, a student who is reclassified in one state and then moves to a different state may not be proficient in the eyes of the new state of residence (University of California, Los Angeles [UCLA], 2008).

As described above, states, school districts, and individual schools have had to develop or alter a vast array of procedures, policies, and resources in order to comply. This has understandably not been possible overnight, or even over years. Not all states are in compliance with all elements of NCLB yet, and many never will, as the goals, although admirable, are lofty. For example, a Title I goal is that, by 2014, one hundred percent of ELLs will become proficient on state content standard testing within three years of entering a public school (Neill, 2005). That said, the AMAO III goals of Title III, which can be accounted for through AYP, as is done in Title I, does not strive for 100 percent proficiency in content tests by ELLs (University of California, Davis, 2007, George & Linqanti, Chapter 8). The current U.S. administration, under President Obama, has acknowledged the unrealistic goals, set in NCLB. On March 13, 2010, Obama announced a need to overhaul NCLB (White House, 2010). Thus, many of these mandates and timelines may become moot. Although some educators may view this as good news, the downside is that given the possibility of change, states or school districts may stop or stall making any changes for the better until a new plan is determined.

Monitoring, in full, takes the form of advocating for the student and doing whatever is possible for that student to succeed. Monitoring, in its simplest form, is passing on R-FEP students' standardized test scores to the federal government for two years.

Purpose

The purpose of my research is to help improve the academic success rate of ELLs through analysis of the current state of monitoring in California public schools, with an emphasis on discovering good practices.

First, I describe exactly what some schools are doing in terms of monitoring reclassified Fluent English Proficient students. I explore who, what, when, and how this monitoring process takes place using a small purposive sample of convenience. I interview some people affiliated with educational services in a few public school districts in Marin County, California. I examine public information about monitoring on the Internet provided by other schools throughout California.

California was a leader in enacting policy, which benefited ELLs, even before the federal government passed and enacted NCLB. The goal of this research is to highlight some effective and highly developed practices of monitoring R-FEP students, which can be shared with other states, districts, and schools, who are in the earlier phases of complying with NCLB's monitoring mandate.

Research Question

My research questions revolve around the following threads:

1. How is the two-year monitoring mandate in NCLB for reclassified Fluent English Proficient students being implemented in California? Assuming that implementation is occurring, in the opinion of those who are familiar with the monitoring process, is this monitoring effective and adequate in increasing students' chances for academic success in the state content standards?

2. If current monitoring is believed to be effective, what are the best practices?

3. If current monitoring is not believed to be effective, what recommendations do those involved have that could improve the success rates for R-FEP students and better the monitoring practice of current and future R-FEP students?

Obama's recent announcement to overhaul NCLB could be a golden opportunity for those closest to the needs of ELLs to share their insight and knowledge. They are in a position to formulate new policy that could best serve a student who has been reclassified as Fluent English Proficient. My research lends a voice to these educators.

Theoretical Rationale

The rationale for policies that revolve around ELLs' reclassification, and monitoring stem from federal and state law. As the samples of schools being researched in this paper are located in California, I reference California law when referring to state law. In addition, California uses the acronym EL for English Language Learner. For purposes of this paper, I will ELL unless quoting California law or a title of reference.

ESEA, NCLB, and the Education Code

NCLB is based on previous federal policies, such as the Elementary and Secondary Education Act, The Improving America's Schools Act of 1994. The part of NCLB that

addresses most of the mandates regarding ELLs is located in Title III of the NCLB Act of 2001. Title III is called Language Instruction for Limited English Proficient and Immigrant Students. Title III prescribes a wide variety of mandates for states, counties, school districts, and schools to heed, although technically, the state educational agency (SEA) is the one accountable for insuring compliance. As noted earlier, Title III mandates include; creating state English Language Development standards; creating or obtaining English Language Development testing that include reading, writing, speaking, and listening domains, all of which need to be based on the ELD standards and the state's ELA content standards; offering or improving English language programs for its LEPs; reclassifying students who are proficient in English: and monitoring these reclassified students for two years.

As noted earlier, California had some elements of these mandates already in place. California Education Code (EC) Section 313 describes the need to establish procedures for assessment and reclassification (Official California Legislative Information, n.d).. Section 313, however, stops with procedural mandates at the reclassification stage and does not mention the monitoring phase.

California EC 400 begins by stating a rationale for California educational codes that have to do with ELL students. It states:

- (a) The Legislature finds and declares that English language proficiency is critical to academic success. It is, therefore, the intent of the Legislature to enact the English Language Acquisition Program to improve the English proficiency of California pupils, so that those pupils are better able to meet the state's academic content and performance standards. It is the intent of the

Legislature that the pupils participating in this program meet grade level English language development standards established pursuant to Section 60811, as well as grade level standards in reading, writing, mathematics, science, and history/social science established pursuant to Section 60605 (Official California Legislative Information, n.d.).

This program, the English Language Acquisition Program (ELAP) has great potential for use in monitoring a R-FEP. It also expands the need to meet grade level standards in content areas to include history/social science. Currently, the USDE only monitors the R-FEP's standardized test results in math, English, and science. Unfortunately, the funding for implementation of ELAP is contingent upon the annual Budget Act appropriation. If accepted, "the State Superintendent of Public Education allocates \$100 annually for each English learner (EL) in grades four through eight" (California Department of Education, [CDE], 2009g, p. 1). However, "if funding is insufficient, then priority is given to schools with the highest proportion of ELs in grade four through eight, as compared to the school's total student population" (CDE, 2009g, p. 1). The good news is that funding can be used to supplement existing English language programs, including tutors, mentors, before and after school programs, summer school, special materials, newcomer centers, ELP software, and/or professional training (CDE, 2009g). All these items could be helpful to the ELL. There is also a provision within this program, that allows for a "one-time allocation of \$100 per EL in K-12 who is reclassified to English fluent status" (CDE, 2009g, p. 2). This would be very helpful for monitored FEPs who were struggling in an area to get targeted instructional support. That said, this one-time funding for reclassification has "historically not been available" (CDE, 2009g, p. 2).

Education Code 305 describes the transition procedure to mainstream classes and goes on to state: “Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms” (Official California Legislative Information, n.d.). There is no explanation as to exactly what a good working knowledge entails.

Besides the legal rationale, there is also language theory, which provides for a more organic rationale than simple compliance.

Language Theory: James Cummins

The language theory surrounding Cognitive Academic Language Proficiency (CALP) and Basic Interpersonal Communication Skills (BICS) were described first by Cummins in 1979 to distinguish between two different acquisition levels of a second language. BICS describes the oral conversational language, which language learners typically acquire within the first two years of language exposure (Cummins, 1979). CALP describes the academic language needed to succeed with content knowledge, which takes at least five years for a non-native speaker to learn (Collier, 1987, Cummins, 1981 & Klesmer, 1994, as cited by Cummins, 2000).

The importance of this theory for this research is that, until recently, most states did not test ELLs on their CALP ability, but only on their BICS ability. NCLB changed this. Given the short time lag since NCLB’s passage, conclusive evidence has not been made as to whether the new form of assessment mandate of NCLB has increased the success rate of R-FEPs in mainstream classes.

Assumptions

Monitoring Process

I assume that this monitoring time period of two years is helpful for the R-FEP relative to the pre-NCLB scenario of no monitoring. I am not assuming that it is adequate or effective as currently being implemented. I also assume that schools did not monitor before the legal requirement to do so, simply because it would have been the right thing to do.

Applying Data in Decision Making

Although I am aware that the federal government is collecting data on MFLEP students, I am not assuming that this information is being used properly, or at all, for analysis and procedural or policy improvement.

Staffing

I assume that there is a school staff member or a contracted specialist who is responsible for assessing and possibly monitoring the ELL population within the districts' schools from the time the Home Survey triggers a need to assess to the end of an R-FEP student's two-year monitoring timeframe. I am not assuming that this person is properly trained for such.

Compliance

I also assume that the school districts analyzed are attempting to be in compliance with NCLB and California state monitoring mandate, although this may not be the case. If this is not the case, I realize that I may encounter a resistance to answer my research questions.

Within District Variations

Although all of the schools I personally interviewed are in the same county, I assumed that each selected school district monitors R-FEP students slightly differently due to the varied population statistics of ELLs within the different school districts, the size of the school districts

and their respective schools, and the different levels of direct or indirect financial resources available for the ELL student population. The school districts, from which I gather information solely from the Internet, are from various parts in the state.

The differences in monitoring may be as simple as who monitors the students, such as mainstream teachers, ELD teachers, or others. Or it may be a large difference, such as having individuals go above and beyond the required monitoring policies of the state, school district, county, or school itself.

Academic Language

I base my research on the assumption that CALP is needed to succeed in understanding and mastering grade appropriate content, and ultimately to succeed in the educational arena. Cummins theories about BICS and CALP introduced in 1979 have long been acknowledged, although not without criticism. It is my assumption that the reported lack of academic language in ELLs, who were actually reclassified as fluent proficient in English, was one of the driving forces in changing laws, policy, and regulations regarding assessments, reclassification criteria, and monitoring.

Frustration

Furthermore, I assume that there is frustration among teachers, students, and parents who do not feel as if they have the support needed to make the transition into mainstream classes as effectively as possible for everyone involved.

The relevance of monitoring is important with this assumption, because if a student is closely monitored, and is doing poorly due to academic language, that student could be placed into a more appropriate class, such as a sheltered class, before negative situations snowball.

With minimal monitoring, such as only collecting test scores, a year or more could pass before problems are noticed and addressed.

Limitation Assumptions

Although NCLB did create multiple mandates that have affected ELLs and schools servicing them, the reality is that these mandates have not been standardized or applied consistently nationally. I assume the reasoning is because the NCLB act is a federal law, but the authority responsible for implementing the changes is delegated to the states, counties, school districts, or schools. The lack of consistency makes it impossible to properly correlate a small sample of convenience as the norm for monitoring in other states and schools.

Marin County, as a whole, has around one quarter of one percent (.28 %) of the total ELLs in the state of California (4,262 ELL students in Marin, out of California's 1,515,074 total ELL population) (CDE, 2010g). This is statistically a small percentage. Some of the conclusions or recommendations from this research based on interviews are hard to transfer to a place that has a more significant ELL student population within its midst. I reduced this limitation by looking at the publicly posted information on the Internet from other public school districts in the state. Through solely accessing information via the Internet, I target three different sample groups of California public school districts; districts with the largest total student population, districts with the largest percentage of ELLs relative to its total student population, and districts with detailed monitoring policy posted on the Internet.

Background and Need

Increased Numbers in U.S.

In the 2003-04 school year, 3.8 million students, 11% of all students, in the U. S. were considered ELL (USDE, 2006). “Nationally, growth in English-language learners jumped 57 percent between the 1995-96 and 2005-06 school years“ (McNeil, 2009, p. 41). This surge of ELLs in schools necessitates policies and programs to ensure that these students learn the same academic standards as non-ELLs. Monitoring is part of that process.

California Demographics

In California, in the 2008-2009 school year, almost one quarter (24.2 %) of the total student population is considered ELL (Education Data Partnership, 2010c). Another 19.4 percent is considered FEP, and 10.8% were reclassified as R-FEP (ed-data, 2010c).

There were 56 different primary languages, besides English, represented in California schools in the SY 2008-2009 (CDE, 2010e). California’s current and historical statistics of having a large ELL population accounts for California moving ahead of other states in developing ELD standards, testing based on the standards, and other policies that help ELLs.

Even if NCLB is completely rescinded, the need to help ELLs will not disappear. Immigration will continue to grow. The U.S. Census Bureau predicted in 2008 that by 2050, the nation’s population of children is expected to be 62 percent minority [based on the groups considered minority today], up from 44 percent today. Thirty-nine percent are projected to be Hispanic (up from 22 percent in 2008), and 38 percent are projected to be single-race, non-Hispanic white (down from 56 percent in 2008) (U.S. Census Bureau, 2008). A prediction that this will correlate to an increase of non-English speakers within the school systems is fairly probable. Therefore, the needs of R-FEP students are not expected to dissipate.

NCLB requires that ELLs be provided services so that they can achieve grade level content and state standards. Proficiency levels in content areas are determined by standardized content tests or grades, depending on the grade level and state. Note that this falls under Title I, and is about academic proficiency, not linguistic proficiency. Lesaux and Ragan (2006), who researched the reclassification criteria of ten states with the largest ELL populations, discovered that: of the 10 states studied, only four states, California, New Jersey, New Mexico, and Texas, require academic achievement performance in every subject area, either through grades or standardized test performance, to be reviewed before reclassification.

Further, only California requires comparison to native English speakers using standardized tests in all subjects (Lesaux & Ragan, 2006). The newly mandated monitoring period of two years of R-FEP students begins after the student has become proficient linguistically, under Title III, and is no longer receiving language services. Close monitoring could ensure that the student receives the services offered by Title I in order to become proficient in content areas as well. This sometimes requires advocacy on the part of student or student's family.

However, some ELLs come from backgrounds that do not have the cultural capital to know how to effectively interface with the U.S. educational system and to access appropriate intervention services (Lareau, 2003). Thus, the school staff responsible for monitoring needs to take on that role and avert any problems that arise while transitioning into mainstream classes.

Importance to the U.S. for ELL success

The ELL student population can no longer be ignored. It is in the best interest of the country to do whatever is possible to ensure this population's success. R-FEP students who have achieved success in content area classes and have at a minimum proficiency in two languages,

one being English, have a lot to offer the U.S. when they enter the workforce, particularly in this global economy. This is a sub-group we want to guarantee the possibility of success, not a group we wish to limit its potential. At the very least, our nation's future economy depends on it.

California vs. Federal Policy

As mentioned earlier, California has been at the forefront of change, in some cases leading the way for federal policy. This can be partially attributed to the fact that there are high numbers of ELL students in California schools. California is also considered as a state whose educational policy is fairly centralized (Spring, 2005), so that state law dictates its schools' procedures and policies.

As early as 1997, California had authorized the development of ELD standards and the California English Language Development Test (CDE, 2009c). ELD standards were developed by 1999 (CDE, 2009c). Although the state used another English language proficiency test prior to CELDT, the current test, CELDT, was first given in 2001-2002, around the same time as NCLB was passed and enacted (CDE, 2009c). The tests used by California were already assessing all four domains in their assessments.

NCLB caused a flurry of activity in other parts of the U.S. where states needed to create, borrow, or buy ELD standards and assessment tools. Zehr reports that all states now have new English language proficiency tests (Zehr, 2007). Yet, there is no required consistency among the assessments given, short of the fact that the tests must include reading, writing, listening, and speaking. In addition, states must align their assessment to their own state ELD standards. California aligned CELDT to the California ELD standards by the 2003-2004 school year (CDE, 2009c)

NCLB specifically talks about ELLs needing to meet state content academic standards. Yet, as with ELD standards, every state has different content standards in the various subjects. This results in a disparity between the states on what qualifies a student to be considered proficient in state content standards, and in some states, whether or not they are ready to be reclassified and moved into mainstream classes. The problem with inconsistency between standards may be alleviated, however, given the current U.S. administration's push to have more consistency between state standards (PBS Newshour, 2010).

Another area in which inconsistency has arisen is in the reclassification process. The level of inconsistency is even greater than that of state assessments and state standards, because in some states reclassification criteria is set by the school districts, under some minimal guidelines developed by the state. Thus, the range of what classifies a student as proficient enough to be redesignated and moved into mainstream classes can alter even between neighboring school districts. A report published by UCLA in 2008 stated that twelve states used solely ELD tests to reclassify, while other states used up to six different criteria to reclassify. Eighteen states had school districts deciding on the criteria (UCLA, 2008).

In California, local school boards decide upon the reclassification process (CDE, 2009d). California EC Section 313d states that R-FEP classification is determined by multiple criteria, not just the formal English language development test, although that must be one of the criteria. It must also include, "but not limited to" to: teacher evaluations, parental opinion and consultation, and comparison of "basic skills against an empirically established range of performance in basic skills based on the performance of English proficient pupils of the same age" (Official California Legislative Information, n.d.).

Once a California ELL student has acceptable marks in all of these four areas, the student is eligible to be reclassified as Fluent English Proficient and exited from English language services. The actual timing of this transition is at the discretion of the local school.

Thus, proficiency is a moving target, whether one talks about language levels, academic achievement, or classification, depending on geographic location. This becomes a bigger problem if a student moves. One can also imagine the mixed levels of preparedness that colleges and universities are presented with, as these students move into higher education.

The NCLB law did spur a change for ELL students, even before progressive California had done so. NCLB mandates that a student be monitored for two years post-reclassification. According to NCLB, the monitoring is to begin after exiting from an English language program. The USDE refers to these students as MFLEP (Monitored Former Limited English Proficient) students. It appears that the term MFLEP will be the term for R-FEP in the future, although California has yet to use it in its policies and laws. For purposes of this paper, I continue to use R-FEP unless directly quoting the USDE's use of MFLEP. What exactly transpires during this two-year monitoring phase is not mandated. After two years of monitoring, the school is no longer legally required to monitor the R-FEP student, although this may occur, particularly if intervention was required during this process.

Some changes California did to comply with NCLB

Although California was relatively ahead of many states in many regards concerning ELL mandates, it did need to alter some of its policies and procedures to comply with NCLB. In 2006-2007, the State Board of Education (SBE) separated the listening and speaking parts of CELDT into two separate domains (CDE, 2009c). A new comprehension score was also added to the results, which reflected the combined scores from the listening and reading domains, as

per Title III (NCLB, 2001). In 2008-09, changes were also made to California EC 60810, which allowed the CDE to develop an early literacy test for Kindergarten and first graders in reading and writing, in addition to the speaking and listening domains (CDE, 2009c). This took effect in the 2009-2010 school year (CDE, 2009c).

Chapter 2 Review of the Literature

There are four overriding themes surrounding the research in this paper about the monitoring of reclassified Fluent English Proficient (R-FEP) students.

The first theme focuses on the federal law, No Child Left Behind Act of 2001, in particular, section 3121 (a) (4), which mandates the two-year monitoring phase (NCLB, 2001). This theme includes the impact of the law, its implementation, and the inconsistency amongst its implementation by states, counties, districts and schools. It also includes statistics submitted to the USDE about MFLEP students.

The second theme has to do with California's laws and efforts on behalf of monitoring reclassified Fluent English Proficient students. This second theme is particularly important because California has typically been in the lead in enacting and implementing services for ELLs, so it is possible that good and/or established practices may be discovered in this research. This theme also touches upon the information about reclassification and proficiency levels and how they are important to the issue of monitoring. It also provides some monitoring statistics specific to California.

Theme three addresses the transition into mainstream classes. It looks at the role of academic language in monitoring and analyzes how academic language and academic success are linked together. It also explores other issues that affect ELLs as they begin to attend mainstream classes.

The last large theme is directed on research that specifically mentions monitoring itself, and the methods and policies used. At this juncture, there is little research specific about monitoring short of law and the data required in Section 1.6.3.6 (Title III Served Monitored Former LEP) on the annual Consolidated State Performance Report.

This researcher uncovered best practices for other school districts to use when constructing or revising their own model of monitoring. It is an effort to offer districts a chance to increase the overall academic success rate for reclassified Fluent English Proficient students.

Theme One Federal Mandates

The No Child Left Behind Act, Title III, Language Instruction for Limited English Proficient and Immigrant Students, and in particular, Section 3102, is specifically pertinent to my research. As a federal law, there are enormous ramifications if school districts and states do not comply. The language of this law is particularly of interest because it continually refers to its objective to have ELLs “meet the same challenging State academic content and student academic achievement standards as all children are expected to meet,” as quoted in Section 3102, 1 (NCLB, 2001). As noted earlier, the law leaves a lot of the implementation to the states, which results in very inconsistent application in assessments, programs, and funding. The section in the law that discusses the need to monitor reclassified Fluent English Proficient students is particularly vague, leaving much to interpretation.

Although the current climate in the federal government suggests that NCLB, as it is written today, will not be reauthorized in 2010, it cannot yet be determined if the law will be completely scrapped or whether elements will be kept. There has been much public debate about NCLB’s shortcomings, and suggestions for change, but little has been voiced about the pros and cons of monitoring. The few comments that have addressed monitoring have been voiced by states in their explanations as to why they have not been in complete compliance with monitoring. In the Biennial Report to the Nation about the two school years, SY 2004-05 and SY 2005-2006, the USDE listed a series of reasons as to why all states have not complied with

submitting data. Reasons included: states tracked the numbers of students monitored as opposed to tracking them as year 1 monitored and year 2 monitored; there was no system to collect data for cohorts of students; data collection was to begin the following year; and data was incomplete (USDE, 2008a).

Despite these shortcomings, the incomplete data that was collected from 50 states plus the District of Columbia and Puerto Rico, are summarized in the table below.

School year 2004-2005			School year 2005-2006		
# of students monitored	# of students monitored scoring at least proficient		# of students monitored	# of students monitored scoring at least proficient	
	Math	Reading or Language arts		Math	Reading or Language arts
380,894	184,920 (49%)	190,109 (50%)	439,536	213,782 (49%)	224,940 (51%)

Source: Data extracted from USDE, 2008, Biennial Data Report to Congress, SY 2004-2006, Table 10, p. 38 (Percentages extrapolated).

For this Biennial report, the USDE also asked states to supply data about the monitored students who did not get tested for AYP. These students are not included in the data above. In SY 2004-05, only three grade levels were required to take standardized content tests, from which scores would be included in AYP (USDE, 2008a). This means that students from more grade levels are not included in the above data for SY 2004-05, than are included. To help offset this concern, the USDE inquired as to whether or not these non-AYP students were achieving grade level standards (USDE, 2008a, p. 39). This data was found challenging for most states to provide. Nonetheless, “more than 50,000 monitored students [who] were in grades that were not tested for AYP [in SY 05-06],...were deemed to be meeting grade-level academic achievement standards” (USDE, 2008a, p. 39). In the subsequent school year, 2005-06, it was required that seven grade levels take standardized content tests from which scores would be included in AYP (USDE, 2008a).

In the school year 2006-2007, based on data submitted to the CSPRs, all but California, Nebraska, Pennsylvania, and Puerto Rico supplied data about MFLEP students (USDE, 2007). California, wrote in its CSPR for the SY 06-07, that it “is unable to provide Biennial data on an annual basis” (2008, p. 48). Of the 47 remaining states, plus the District of Columbia, that did report, there were a total of 622,903 MFLEP students (USDE, 2007). Had California submitted data, the number would have been much larger. Of those MFLEP students who took the math content standards tests that school year, 70.32% tested as proficient or above in mathematics (USDE, 2007). This was 2.81 % better than the results from all of the students that took those same math tests that year (USDE, 2007). Of those MFLEP students who took the language arts content standards tests, 70.64 % tested as proficient or above in language arts (USDE, 2007). This was only 7.63 % lower than for all students, which included native English speakers, who took those same language arts tests (USDE, 2007).

Besides a lack of compliance due to data collection or data systems being incongruent, funding can possibly also be a reason for non-compliance. McNeil (2009) summarizes what both the federal government and states are doing to comply with the NCLB act, in terms of what services and funding are being provided (if at all) for this group of learners. Although not specifically addressing the monitoring element of NCLB, McNeil points out that that some states do not fund any additional money for ELLs than that provided by the federal government, despite an increasing number of ELL students within those states (McNeil, 2009). That said, NCLB funding is meant to supplement, not supplant funding (USDE, n.d). Thus, states or local educational agencies (LEAs) that do not use their own funding first for mandates that are already required for ELLs are out of compliance, per Section 3115 (g) of ESEA (USDE, n.d). The only

exception to the supplement, not supplant rule, is when a school is considered a schoolwide Title I school. In that case, the school can mix funds (Sparks, 2009).

Theme Two California's Implementation

Given California's large ELL population, it is not surprising that it has created numerous policies, laws and procedures concerning ELLs. The creation of ELD standards, an ELD test that correlates to those standards (CELDT), levels of proficiency, and guidelines for reclassification, are all intended to help the ELL. Although the standards, tests, and levels of proficiency are state determined, reclassification is determined by school districts, based on minimal guidelines set by the state. As we have seen with other similar decentralized policies, inconsistency abounds.

California allows school districts to consider reclassification as early as a student reaches an overall performance of Early Advanced, with a minimum of Intermediate or higher in each domain. Even a student whose overall performance level is in the upper end of the Intermediate level can be considered for reclassification if other criteria show a high degree of proficiency (CDE, 2009d).

CELDT results are only one out of four suggested criteria that must be considered. As noted in CA EC Section 313d, another is 'performance on basic skills' (Official California Legislative Information, n.d.). The California English-Language Arts Standards Test (CST-ELA) is typically used for this measure. In this case, a score in the lower half end of the Basic level could indicate that an ELL is prepared to be mainstreamed (CDE, 2009d).

The CDE reported that for the 2006-07 school year, 29.1 percent of ELLs met the CELDT criterion for reclassification, however, only 9.2 percent reclassified, which means that

the other criteria (parents approval, teachers input, and CST results must have brought the percentage down) (CDE, 2008b, p. 5). In the school year 2008-2009, a slightly higher percentage of students, 10.8% were reclassified as R-FEP from the prior year (Educational Data Partnership, 2010c).

In the Biennial Report to the Nation concerning the school year 2004-2006, California reported:

School year 2004-2005			School year 2005-2006		
# of students monitored	# of students monitored scoring at least proficient		# of students monitored	# of students monitored scoring at least proficient	
	Math	Reading or Language arts		Math	Reading or Language arts
139,138 (36 %)	23,843 (17%)	19,968 (14%)	132,891 (30%)	10,285 (8%)	4,950 (4%)

Source: Data extracted from USDE, 2008, Biennial Data Report to Congress, SY 2004-2006, Table 10, p. 38 (Percentages extrapolated).

As mentioned earlier in this paper, California did not supply MFLEP student information to the USDE on its CSPR for the 2006-07 school year. Also, in a 2005 summary report of an on-site audit by the USDE of CDE's administration of Title III, Part A (which has to do with ELLs), the USDE cited the California Department of Education for the lack of "a data system in place to meet all Title III data requirements including capacity to follow Title III served students for two years after exiting" (USDE, 2005, p. 6).

Part of the problem could be that the CDE has been in process of creating California Longitudinal Pupil Achievement Data System (CALPADS), which will replace the "numerous aggregate data collections" it currently uses (CDE, 2010a, p. 1). CALPADs will help educational agencies meet state and federal reporting requirements. As of 2010, it is still being monitored and stabilized (CDE, 2010h). California has also been in the process of redesigning its Categorical Program Monitoring (CPM), which includes Title III and Title I programs (CDE,

2009f). In this process of redesign, it suspended non-mandated on-site reviews for one year, which started in February 2009 (CDE, 2009h).

The Categorical Program Monitoring Division of the CDE has devised instruments for each category based on state and federal laws and statutes for the CDE to use when reviewing local school agencies for compliance (CDE, 2010b). The instrument that concerns English learners and monitoring, under IV, Standards, Assessment, and Accountability, states that, “the LEA monitors for a minimum of two year the progress of pupils reclassified to ensure correct classification, placement, and additional academic support, if needed” (CDE, 2010b, p. 14). This is written as a combination of 20 USC 6841 and 5 CCR 11304 (CDE, 2010b). However, the phrase “[ensure] additional academic support, if needed” is not explicitly stated in either law (Findlaw, 2010 and California Office of Administrative Law, 2010).

The state also acknowledges the potential problems that can result if intervention is not provided in a timely fashion, and looks for compliance that “actions to overcome academic deficits are taken before the deficits become irreparable” (CDE, 2010b, p. 20).

The Categorical Program Monitoring department has updated its instruments for monitoring school sites over the years. This has transpired by adding more language that would help ensure that a MFLEP student is being properly monitored, or by adding to the documentation used for evidence of compliance. For example, in the SY 2007-08, schools are asked to supply not only a list of students reclassified as FEP, but also to “include [the students] academic achievement data” (CDE, 2007, p. 7). That same year, CPM also added a “list of ELs by time spent in program, including CELDT scores, and academic achievement data” to the list of documentation checked (CDE, 2007, p. 7). In the SY 2008-2009, CPM added to the request for records of reclassification follow-up monitoring for two years, to include “evidence of

intervention, as applicable” (CDE, 2008a, p. 9). In this same school year, the LEAs were also asked to provide a “plan for monitoring student progress (including criteria and benchmarks)” (CDE, 2008a, p.15).

A major addition was added to the instruments in SY 2008-09, which directed the LEAs to show evidence that they have “implement[ed] a process and criteria to determine the effectiveness of programs for ELs... and an ongoing mechanism...to improve program implementation” (CDE, 2008a p. 8). Although not directly targeting the monitoring phase, this addition acknowledges that data is meant to drive program assessment and improvement.

In an English Learner Programs Update, written in September 2009, it indicates non-compliance with item EL 15.2 concerning monitoring (referenced as EL 7.2 in 2009) by stating that; “reclassified students are not-monitored; there is no evidence of monitoring reclassified students; or reclassified students who are not progressing do not receive any additional support” (CDE, 2009f, p. 7).

Theme Three Transition into Mainstream Classes

As noted earlier, Cummins work (1979, 1981, 1994, and 2000) is oft quoted when one is talking about academic language, given his research on Cognitive Academic Language Proficiency (CALP). Cummins argues the importance of teaching academic language. However, Aukerman argues that “CALP-oriented instruction is decontextualized,” and thus not effective (2007, p. 633). Aukerman notes that contextualizing content is even more important to students’ comprehension of content than ensuring that students already know academic language (Aukerman, 2007). This researcher also points to research by Scribner and Cole (1981) and Cummins himself (2000), that argues that cognitive language is socially construed, which leads

Aukerman to conclude that “CALP is no less dependent on social norms and interactions than BICS” (Aukerman, 2007, p. 630). Other researchers see CALP as “little more than ‘testwiseness’” (Edelsky et al, 1983, as cited in Cummins, 2000, p. 77). Edelsky and others also believe that “the notion of CALP promotes a ‘deficit theory’ [attributed to the student]...rather than to inappropriate schooling “ (Edelsky, 1990; Edelsky et al., 1983; Martin-Jones and Romaine, 1986, as cited in Cummins, 2000, p. 77). Cummins has responded to his critiques “pointing to the elaborated socio-political framework within which the BICS/CALP distinction was placed” (Cummins, 1986, 1996, as cited by Cummins, 2000, p. 77). Cummins, in his encyclopedia entry, for BICS and CALP, concludes that “at the theoretical level...the distinction is likely to remain controversial” (Cummins, 2000, p. 78).

It should be noted that California clearly defines that “CELDT is a test of language proficiency, not an academic achievement test” (CDE, n.d., p. 3). In a *Questions and Answer* publication about CELDT, the CDE poses and responds to the question as to whether or not R-FEP students have been assessed in academic language via CELDT, given the new assessments in reading and writing. The CDE writes:

CELDT assesses ‘basic social conventions, rudimentary classroom vocabulary, and ways to express personal and safety needs’ to assess ELP. In addition, a portion of CELDT test questions are developed to assess student performance at the early advanced and advanced proficiency levels and as such appropriately incorporate classroom language. To this end, CELDT test questions engage academic language functions, such [as] explaining, questioning, analyzing, and summarizing (CDE, 2008, p. 1).

According to the CELDT, 2009-2010 Test Interpretation Guide, and in regard to academic language, Intermediate students “begin to tailor the English language to meet

communication and learning demands with increasing accuracy” (CDE, n.d., p. 4). Early Advanced students “are able to use English as a means for learning in academic domains” (CDE, n.d., p. 4). Advanced students demonstrate ability for “oral and written productions [which] reflect discourse appropriate for academic domains” (CDE, 2009d, p. III-3).

Whether the English proficiency tests across the nation can be deemed as testing academic language is not clear-cut. However, Zehr in a 2007 article about the newer assessments, which now nationally include reading and writing, quotes Abedi, a researcher on assessments as saying that there has been “systemic improvement” in this newer form of testing, but it is still unclear as to whether this change “actually translate[s] into performance of English-language learners” (Zehr, 2007, p. 1).

Even with the new assessments and assuming increased ability of using academic language amongst those being reclassified as R-FEP, the transition into mainstream classes is fraught with potential problems and concerns for students.

To start, it may be the first time that the students sense their minority status or ‘otherness’ relative to the majority of the students in the mainstream classes (Cummins, 1996, Horwitz, Horwitz, & Cope, 1986, as cited in Pappamihel, 2002). This is particularly of concern if the student comes from a neighborhood highly segregated by ethnicity and the school has a large ELL population who are mostly in English language programs. Pappamihel (2002) describes the anxiety that arises for ELLs entering mainstream classes, and the resulting negative effects and the possible withdrawal from learning. This sense of feeling different in mainstream classes could make integration difficult and affect one’s ability to feel comfortable sharing one’s actual ability (Pappamihel, 2002).

Self-esteem can also play into the mix, as students who were considered advanced in English language development classes are possibly now at the opposite end of the spectrum in English skills relative to the mainstream students (Pappamihiel, 2002). Pappamihiel's research also concluded that mainstreamed ELLs "were more stressed about the social aspects of interactions with peers in the mainstream classroom and more anxious about their academic performance in ESL classes" (Pappamihiel, 2002, p. 23). This is significant if one considers researchers like Vygotsky and others that state that "learning is dependent upon the social interact that occur in the classroom" (Vygotsky, 1978, as cited by Pappamihiel, 2002, p. 8). There is also a potential social loss for mainstreamed R-FEP students, as they may possibly no longer have long-time friends in the same classes, particularly if their friends have not been reclassified and exited.

In addition, if the student has previously been predominately instructed in pull-out English language classes, there may be needed catch-up in the area of actual content matter (Neill, 2005). As noted earlier, NCLB mandates that teachers are supposed to be teaching content based on state content standards to all students, even those classified as Limited English Proficient. Many teachers are struggling to teach content in English to students who do not yet understand English (Forrest, 2006), especially as some states, such as California, which have English only policies (Official California Legislative Information, n.d.), such as in CA EC Sec 305. Yet, it is implied that if a student is ready to be placed completely in mainstream classes, then that student will have had the content already. As noted earlier, reclassification criteria vary vastly across states and school districts. Some criteria is much less stringent than other criteria, and some states and school districts put more emphasis on the linguistic side than the academic content side of reclassification criteria. If content knowledge was not absorbed while one was

learning English, and that void of knowledge is not noticed before or during the reclassification process, then the student enters mainstream classes already behind academically from grade level peers.

Teachers may not have the pedagogical training to recognize this, or remedy this. Instruction in mainstream classes is typically less scaffolded. Scaffolding is a common instructional strategy used by teachers of ELLs to provide a temporary bridge between contextualized and decontextualized content. Teachers may not be trained in how to scaffold instruction.

Theme Four Monitoring

Lesaux and Ragan (2006) authored one of the few articles that mention monitoring. This policy analysis paper discusses the entry and exit requirements for English language designation for the top ten states and the top ten school districts with the largest ELL populations in the nation (Lesaux & Ragan, 2006).

The top ten ELL states and the top ten ELL school districts account for more than 80% of the ELLs in the nation (Lesaux & Ragan, 2006). States from largest to smallest are: California, Texas, Florida, New York, Arizona, Illinois, Colorado, New Mexico, Georgia and New Jersey (Lesaux & Ragan, 2006). Although Lesaux and Ragan's paper targets entry and exit requirements, there are similarities between these authors' research and findings and my own about monitoring. For one, the NCLB act was the impetus for changes in both the reclassification and the monitoring process. For two, the inconsistencies between various states and districts are rampant and of noted concern for entry and exit requirements, as well as during monitoring.

Furthermore, results from Lesaux and Ragan's study suggested, "that entry and exit criteria for ELL programs are overly broad, focusing on the language proficiency of ELLs. Often the importance of the overall long-term academic achievement of these learners is not considered" (Lesaux & Ragan, 2006, p. 17). This is also similar to what I am assume happens when monitoring is only composed of data transfer.

Lesaux and Ragan suggested that, "longitudinal studies that track academic achievement of language minority learners, particularly learners who are designated as R-FEP, are needed" (Lesaux & Ragan, 2006, p. 21). Although it did not specify that this study should cover the two-year monitoring phase, the mention of follow-up on the performance of R-FEPs is similar to what two-year monitoring would hope to achieve. Thus, it was exciting to see this mentioned as a recommended future study.

Lesaux and Ragan (2006) narrowed their research to states or school districts that were most likely to have effective and/or historical perspective as to what works and what does not work. This is similar in my approach to looking at California schools, which have been, in many regards, in the forefront of addressing ELL needs in schools. Some of the names that these authors mention, such as Linqanti (2001), who "coined the 'redesignation dilemma' in regard to misclassification" are names that are prevalent to my research as well (Lesaux & Ragan, 2006, p. 4). Robert Linqanti, a Senior Research Associate and Project Director, is with WestEd, a non-profit educational service agency, which holds a special collection of research, weblinks, and training that has to do, among many other things, with accountability for services for ELLs (west-ed.org).

In the brief mention of monitoring, Lesaux and Ragan state that "in Texas, language proficiency assessment committees (LPACs) can re-enroll a student in language support

programs is he or she struggles in mainstream classrooms because of limited English proficiency” (Lesaux & Ragan, 2006, p.14). It is evident that the USDE also allows for this, as it specifically asked in its Biennial report for the SY 2004-06, as to how many monitored students had, in fact, been returned to ELD classes (USDE, 2008a). The report stated that no student had been reported returned to ELD services during or after monitoring (USDE, 2008a, p. 37).

Conclusion

Monitoring is currently mandated by NCLB, although NCLB, in its current form, is unlikely to be reauthorized. Thus, it is unclear what the federal government will require in regard to monitoring in the future. Meanwhile, California has been creating data systems to assist in its monitoring based on current mandates.

It is evident that states do not have consistent policy on English proficiency levels and ELD and content standards. Furthermore, even school districts within the same state do not have consistent policy on reclassification criteria. This creates difficulties with students that transfer schools or states. ELLs are one of the most transient student populations (Roberge, 2003).

Despite differing opinions on the value of cognitive academic language between linguistic experts, and the link that the CDE made between academic language and critical thinking, few will argue that contextualized teaching that includes academic language and engages students in critical thinking skills is good pedagogy. Few would also argue that adding reading and writing to the assessments does make for a more complete assessment of language proficiency, particularly in the older grade levels. Whether or not the new assessments have made a large difference in helping determine reclassification readiness may still need more time to be ascertained.

The monitoring process recognizes that the transition from R-FEP is not a simple fluency issue. There is more to the transition. As noted earlier in this paper, separation from long-standing friendships, a feeling of otherness, self-esteem and confidence issues, a need to catch up in content areas, and a potential lack of scaffolded instruction, are all tied up in how smoothly, or not, this transition occurs. Close monitoring can help catch and address any of these issues long before scores on standardized tests will raise potential red flags.

Chapter 3 Method

The method used for my research was primarily narrative design through interviews. I interviewed three people who have integral knowledge about ELLs and the two-year monitoring phase. They all work for local school districts in Marin County, and have work experience in other school districts with a larger ELL population and more ELD services.

This study adheres to the ethical standard of the American Psychological Association in the protection of human subjects used in research. Additionally, I completed the Dominican University of California application for the Institutional Review Board for Protection of Human Subjects (IRBPHS). The applications were submitted to the program director for review and received approval #8078.

The interviewees signed their Consent to be a Research subject prior to their interview. Their signature acknowledges their understanding of the purpose of the interview, the procedures, the risks, discomforts and benefits of the interview, and contact information if they had further questions. The IRBPHS also confirms the interviewees' rights to confidentiality. The questions were similar for each interviewee, only slightly altering in ways that were specifically relevant to the interviewee's job.

I asked primarily questions that related to monitoring and how it was known, observed, and considered from the viewpoint of the interviewee, both in one's official role and one's personal insight. I reminded the interviewees of my contractual written and spoken promise of confidentiality, so that personal insight could be shared openly. Although most of my questions followed the predetermined question list, I sometimes asked follow-up questions if an answer elicited such. This did not bother the interviewees and they were free at any point to not answer a question, an option no one chose.

Interviews took place in person or via phone. I did not record the interview, besides taking paper and pencil notes. I was cognizant during the in-person interview not to take notes when it was evident that the interviewee was speaking off the record.

The three school districts interviewed are located in Marin County, California. One school district has multiple elementary schools and one middle school; one school district is a multiple high school district, and the third school district has a wide variety of school types, ranging from elementary schools to high schools. Two districts interviewed have a relatively small total ELL population. The third district interviewed has a moderate number of ELLs, with about a third of its schools with over 25% of its school population being composed of ELLs (CDE, 2010d). A fourth district in the county, which was unavailable for an interview, was also analyzed strictly through its website. Its relevance to this research was important because its ELL numbers were close to 100% in a quarter of its districts' schools (CDE, 2010d). However, the remaining 75% of this particular district's schools had very low ELL populations in its schools (CDE, 2010d). The difference in ELL percentages reflected the demographics of the neighborhood of the schools. Even in the school district with the next largest total ELL population in the county, the disparity in demographics was wide within its various schools, also a reflection of the location of the school (CDE, 2010d). In all four of the school districts analyzed, the largest population of ELLs is Hispanic, which is true for the California and the nation.

The percentage of students, in SY 2008-09, receiving free and reduced meals, within the four school districts in the county interviewed or analyzed, ranged from just over 50 % to around 4 % (Educational Data Partnership, 2010a). Only two of the four school districts, made AYP, in

the SY 2008-09, for all of its respective schools (CDE, 2010c). Thus, one cannot state that the county is singularly white, wealthy, and high achieving.

That said, I expanded my research, in the time frame allowed, and used the Internet to access public information about schools that were significantly different from the small local sample group. This resulted in three more different sample groups: extremely large school districts, extremely large ELL populations throughout an entire district, and school districts that had detailed monitoring description posted on-line.

For the largest public school districts in California, Futernick (2004) listed: Los Angeles Unified (LAUSD), San Diego City Unified, Long Beach Unified, and Fresno. With LAUSD having close to 700,000 students, and the others with populations closer to 100,000 students, these large districts differ in population significantly from the local sample group, in which the largest had around only 8,000 students.

I also looked at the statistics and websites, if they existed, of the six public school districts in California with the highest percentage of ELL students; Lost Hills Union Elementary, Montebello Elementary, San Ardo Union Elementary, Allensworth Elementary, Earlmart Elementary, Chualar Union (Educational Data Partnership, 2010a). All of these districts had ELL populations at about 80% of their total student population.

I also searched on the Internet for any public school districts in California that posted descriptions about its monitoring process of R-FEP students. The search resulted in a handful of school districts, which I then reviewed, by using the information the districts' posted and by researching the districts' statistics available through public sites such as Dataquest and Educational Data Partnership. I report on three of these school districts that had relatively well-

defined monitoring policies posted on-line: Hayward Unified School District, Ventura Unified School District, and Las Lomas Elementary.

By exploring data from other school districts, I offset some of the limitations relating to the size or demographics of the local school districts that I personally interviewed or analyzed. This also gave me insight as to whether or not school districts tend to follow similar procedures when it comes to monitoring. In addition, it helped uncover public information that could be used to develop best practices. In total, in addition to the four local school districts in which I held personal interviews or analyzed, I researched 13 plus other school districts on-line to analyze their description of monitoring.

Chapter 4 Analysis

During my interviews and research, the topic of reclassification criteria kept arising. The school districts interviewed emphasized how stringent reclassification criteria helped to ensure that students were successful in mainstream classes (personal communications, March 13, 2010, March 22, 2010, & April 23, 2010). Most of the school districts added to what the state required in terms of reclassification. As noted earlier, in California, school districts determine the criteria, based off state-developed minimal criteria. One of the criterion developed by the state, per 5 CCR 11303 and CA EC 313d 4, includes the “comparison of student performance in basic skills, such as California Standards Test for English-Language Arts [CST-ELA]” (California Office of Administrative Law, 2010 & Official California Legislative Information, n.d). One of the school districts I interviewed was in the process of adding the standards content test for mathematics to its current criteria (personal communication, March 22, 2010). Another district, which only used the CST for ELA, was considering raising the acceptable score for reclassification from 315 to 350, as 315 was only 15 points within the ‘basic’ range (personal communication, April 23, 2010). The interviewee stated that the school district felt that reclassified students should demonstrate proficiency on the CSTs, not just basic skills (personal communication, April 23, 2010). Another school district required high school students to have met success in two of the of academic performance tests from the following list: the English section of the California High School Exit Exam (CAHSEE), the Direct Writing Assessment, the Core Literacy Portfolio, or the reading portion of the California Standards Test (STAR) (personal communication, March 13, 2010). The CAHSEE was cited as criterion in some other school districts, as well.

Another criterion for reclassification, per 5 CCR 11303 and CA EC 313d 4, include “teacher evaluation that includes, but is not limited to, the pupil’s academic performance” (California Office of Administrative Law, 2010 & Official California Legislative Information, n.d). One of the school districts interviewed cites in its ELL Master plan, which was given to me, that the teacher evaluation should include the student’s English language proficiency, academic literacy, and curriculum mastery (personal communication, March 13, 2010). This school district also includes a fifth criterion: that the student has the ability to earn a “C” or better in social studies, English, and Science courses ((personal communication, March 13, 2010).

The letter ‘C’ grade was used as a criterion in a few other school districts researched, although districts differed in the number and type of content classes, in which the ‘C’ was required.

Once reclassified, the size of a school district or the schools within that district also appears to have an effect on how the student was being monitored. In small school districts with a limited amount of ELL students, the staff member responsible for monitoring R-FEP students is able to personally connect with each of the R-FEP students through frequent face-to-face contact. One district interviewee shared how the districts’ ELD staff member maintained contact with the students during the school day, and also attended weekend functions or family events for his assigned students (personal communication, March 13, 2010). The interviewee also stated that this school district tried to convince all ELL students to attend the same high school within its district so that it could consolidate services at one site and create a community of students with similar needs (personal communication, March 13, 2010). Furthermore, all ELLs were also assigned the same guidance counselor, so there was more than simply the ELD staff member looking out for these students (personal communication, March 13, 2010). At this

district, the interviewee stated, “it is hard for these students to slip through the cracks” (personal communication, March 13, 2010).

Looking at student statistics for that district, it appears that almost 100% of the ELLs were indeed attending one high school (Dataquest, 2010). This grouping of ELLs at one particular high school was also evident via statistics in another school district interviewed, although the attempt to consolidate was not explicitly stated (Dataquest, 2010).

Smaller districts interviewed also seemed to have more contact between ELD staff and mainstream teaching staff. The flip side of the smaller districts is the lack of class options. One small school district that I interviewed did offer sheltered classes in English, math, social studies, and science, which gave R-FEP students options should they begin to struggle in mainstream classes (personal communication, March 13, 2010). However, sheltered classes are not the norm in smaller districts given the limited enrollment of ELLs. Schools with higher ELL enrollments, in general, can offer more services for the ELL and their families.

As is often the case in school districts, finances play a major role in how many services and options are available its students. This goes beyond the students’ socio-economic status, although it has been shown that schools with many ELLs typically have a large percentage of students who come from low socio-economic backgrounds (Neill & Guisbond, 2004, as cited in Neill, 2005). Three of the interviewees had worked in other districts with much larger ELL populated school districts, prior to their current jobs. These interviewees mentioned that although finances were tighter at their prior districts, there were more course options and instructional variations offered for the ELLs (personal communications, March 13, 2010, March 22, 2010, & April 23, 2010). That said, as illustrated by one of school districts interviewed, even a small district can offer specialized classes, such as sheltered content classes, given adequate

financial resources and a honest commitment to address the needs of all one's students. The interviewee at this district also explained how the district recommends that ELL students take their required government class in summer school when the course load is not as intense (personal communication, March 13, 2010). Although many school districts have had to cut summer school programs over recent years due to financial issues, this small district decided to offer summer school classes this coming summer. That said, it has also decided to forego any summer program in 2011 to help balance the district's budget.

Finances also contribute to what interventions are provided during monitoring. One district had in its policy that if R-FEP students are found to be struggling in mainstream classes, they are offered intervention and support through "supplemental instruction, ELD aides, tutoring, technology, and/or summer school " (personal communication, March 13, 2010). Another district's interviewer stated that in the four years she has been at that district, there has never been a need to provide intervention such as reenlisting the student in language support classes, but that the district would do so, if needed (personal communication, March 22, 2010). That district currently has the mainstream teacher submit a form twice a year, which indicates whether their R-FEP student is meeting benchmarks (personal communication, March 22, 2010). The twice a year monitoring of a student's progress through a paper report of grades and/or standardized test scores seems the norm for most districts analyzed, although one interviewee was suggesting to the school district to up the monitoring to three times a year, to be coordinated around report card timelines (personal communication, April 23, 2010). This same interviewee stated that although teachers are supposed to attach an Intervention Plan if the current student is receiving one, most teachers simply write the student is receiving "language" intervention, without supplying any details (personal communication, April 23, 2010).

One interviewee, who spoke on behalf of one of the districts with high schools, stated that monitoring continued until graduation (personal communication, March 13, 2010). This can technically be longer than the two year mandated phase. Another interviewee chuckled when I asked if the district monitored for more than the required two years, and expressed a personal opinion that this was a key flaw with the law (personal communication, April 23, 2010). This interviewee felt that monitoring needed to continue for the student's remaining education (personal communication, April 23, 2010). In one of the high schools in this district, there were only 29 R-FEP students being monitored, but 199 R-FEP students in total (personal communication, April 23, 2010). In the interviewee's opinion, that meant that 170 R-FEP students were not being monitored, and possibly struggling (personal communication, April 23, 2010). This interviewee stated that "63% of all R-FEP students [not just those being monitored] were scoring below proficient on their CSTs in ELA" (personal communication, April 23, 2010). Although, the district does not technically follow these post-monitored R-FEP students, this interviewee felt strongly that the district should, and was presenting evidence to the district, that the poor CST scores suggest a need for closer attention to all R-FEP students (personal communication, April 23, 2010). It was my impression that the interviewee was not feeling hopeful that much would be changed. Again, staff-student ratio and money can influence whether this practice occurs or not.

One thing that remains unclear from my research is whether intervention is legally mandated for a struggling R-FEP student. In the 2010 instruments listed within Categorical Program Monitoring, which is under the auspices of the CDE, it is written: "The LEA monitors for a minimum of two years the progress of pupils reclassified to ensure correct classification, placement, and additional academic support, if needed (20 USC 6841: 5 CCR 11304)" (CDE,

2010b). This is clearly written as a combination of two laws. However, neither 20 USC 6841 nor 5 CCR 11304 talk about ‘ensur[ing] additional academic support, if needed’ (Findlaw, 2010 and California Office of Administrative Law, 2010). This additional crucial bit of verbiage appears to be more of an inference than a legal mandate. However, the semantic difference between inference and legal mandate is critical, especially during a time when schools are looking at any way to cut costs.

Of the four school districts that I analyzed closely in Marin County (three of in which, I held interviews), two met AYP in the SY 2008-09, both in schoolwide growth targets and all of the subgroup growth targets, in all of their respective schools (CDE, 2010c). LEP students are considered one of those subgroups, although as noted before, R-FEP students can have their scores included in the LEP subgroup for two years after reclassification. Another of the districts I interviewed had mixed AYP results amongst its schools, although more schools met AYP, than those that did not meet AYP (CDE, 2010c). In fact, in one of its schools, the subgroups made AYP, but the schoolwide group did not (CDE, 2010c). In the other school district that I analyzed, the majority of its schools not make AYP, both in schoolwide and subgroup growth targets (CDE, 2010c).

When looking at the statistics throughout my research, there were few statistics specific to monitored students, short of what was provided to the USDE in Biennial Reports and Consolidated State Performance Reports. As noted earlier, even within these reports, there were often missing data. This does not necessarily imply that schools were not monitoring, but that possibly official records were not being kept about the ongoing monitoring, or that the data collected about monitoring or the system set up to transfer such data was not yet aligned with that of the federal government and NCLB mandates. One of the state’s CPM division’s jobs is to

do on-site reviews of every local educational agency (LEA) (CDE, 2009, March 23). Given the number of LEAs in California, the reviews are typically on a four-year cycle, although as noted earlier there was a one year moratorium from on-site reviews for most of 2009 (CDE, 2009, March 23). However, in general, these on-site reviews are the opportunity to ensure that compliance is occurring and accurate, even if the data system is not yet set up to be in full compliance of the law. In essence, CPM monitors the monitoring.

Although it is important that monitoring is happening, and that the state is monitoring the monitoring, information about monitored students is not easily accessible to the public. When researching statistics using Dataquest or Educational Data Partnership or when reviewing reports about the education of ELLs published by the CDE, there is a large amount of data and types of reports available about a wide array of categories, such as: schools, students, teachers, assessments, and accountability. When concerning ELLs, however, the furthest these databases disaggregate students in the monitoring phase is by giving the number of FEP students or providing the number of students reclassified in the prior year. Unfortunately, these numbers are not particularly specific to the total number of R-FEP students in each of the years of being monitored (year one or year two). Fluent English Proficient students include not only students that have been reclassified as fluent from LEP (R-FEP), but also students who were initially classified as I-FEP. It also includes all of those students that are classified FEP in the given site, not just the FEP students who are being monitored for two years.

One statistic that one can find, the number of students reclassified in the prior year, does indeed give the number of R-FEP students who are in year one, but not the total number of students being monitored, which includes year one and year two R-FEP students. Given the transient nature of many ELLs, this number is not necessarily accurate on the number of current

students being monitored even if one pulled up statistics from two years prior to extrapolate a total figure of R-FEP students from that school district.

One can also create reports of the percentages of students reclassified at a school site, but these statistics are not particularly useful, in isolation, particularly, if the number of ELLs are low at that school site, or if the current population of ELLs is close to proficient to start with. For example, in a school with a only a few LEP students, all at about the same level of proficiency, it is possible that they all will reclassify in the same year, giving that school a particularly high reclassification percentage rate that year. The school will have a low percentage reclassification rate, for subsequent years, however, until a new set of LEP students enter and go through the program. In schools with a large ELL population, however, given the range of proficiency levels, the reclassification percentage rate is typically more stable. In this scenario, a school district would hope to have steady upward moving percentages of reclassification over time.

The problem that results from student data not being disaggregated into I-FEPs, R-FEPs being monitored, and post-monitored R-FEPs is that any information about FEP students does not give details as to where in the FEP spectrum that any given statistic is derived. The same can be true for the term ELL, which is often used generically for anyone who is or has had to learn English. Detailed subcategories could help determine where in the path of ELLs is intervention needed most and where success is typically noticed. This information could help drive instruction and programs development, as well as refining both processes.

When it came to finding school district policy of what is actually expected to happen during the two year monitoring process, there was a scarcity of information easily accessible by the public, such as being posted on the school district's website. This information is typically

written in a district ELL Master Plan, but that is more likely to be seen in a binder on a bookshelf than on a district's website. Only two out of the four local districts I analyzed had such information on its district website.

As I noted earlier, I also researched other California public school districts on-line to help offset any limitations that arose from the sample of school districts I interviewed or analyzed from Marin County. Los Angeles Unified School District is, by far, the largest district within California. It had close to 690,000 students in the 2008-09 school year, of which 32 % were ELL and 75% were receiving free and reduced lunch (Educational Data Partnership, 2010a). The largest ethnic group was Hispanic (Educational Data Partnership, 2010a). This district had easily accessible information directly from the Internet about its monitoring of R-FEP students; including to a very thorough training PowerPoint about reclassification and monitoring. The PowerPoint also included a sample of a well laid out letter of Notification of Annual Progress of Elementary Reclassified Students, which is sent home to parents of monitored R-FEP students (LAUSD, 2008). That said, the next three largest districts, which had student population numbers closer to 100,000 had little or no details about monitoring on their webpage, although one of these three, Long Beach Unified School District, had a very complete resource page on ELD for teachers, parents, and students. That school district had close to 24% of its total population classified as EL in the 2008-09 SY (Educational Data Partnership, 2010a).

When I tried to access the websites of the six school districts with the largest percentage of ELL students relative to the district's total population, I found little success. The districts either did not have a website or there was very scant or no information about ELLs on the districts' websites. These school districts had ELL populations ranging from 78 to 82 percent of the total district population (Educational Data Partnership, 2010a).

The best success in finding districts that discussed their monitoring process was through Internet searches. The ones that came up ranged from districts with relatively small to medium ELL populations (8% to 34 % of total student population), from small to medium total school district populations (1,000-22,000 students), to a wide percentage range of students receiving free and reduced lunch (2% to 76 % of total student population) (Educational Data Partnership, 2010a). I chose three of these school districts to review further, as they had relatively well-defined monitoring policies posted on-line. Of the three, Hayward Unified School District, had the largest population (22,000) and the largest ELL percentage of that population (34%), in SY 2008-09 (Educational Data Partnership, 2010a). It also had the most thorough description, although this correlation was not necessarily evident with other school districts researched. Hayward Unified School District lists very clear cut scores on various assessments, which are to be used to determine whether or not a student is succeeding or not, both for reclassification purposes and during monitoring (Hayward Unified School District, 2006). Services available for those being monitored, if needed, are: “specialized academic assessment, tutoring, specialized reading instruction, ELD instruction, reentry into a Sheltered English Immersion or Alternate Bilingual Alternative program, primary language support, or participation in benchmark, strategic or intensive interventions provided by the school” (Hayward Unified School District, 2006, p. 64). It also states that I-FEP students can be monitored and can access the above interventions, as well, if needed. I-FEP students do not legally have to be monitored. It was noted, during one of my interviews, that Hayward Unified School District is known as a good model for other schools looking for resources to help ELLs (personal communication, April 23, 2010).

Another of the three districts, Ventura Union School District lists potential modifications for students not demonstrating academic progress, which are similar to that of Hayward Unified School District. However, Ventura also mentions some other modifications, such as: more frequent home-school communication regarding student progress, school sponsored homework help, supplemental instructional materials, and/or study skills support (Ventura Union School District, n.d., p. 47).

Another school district, Las Lomas Elementary School District, also has posted policy concerning I-FEP students. It states that I-FEP students “entering in Kindergarten and First Grade will be monitored for two years” (Las Lomas Elementary School District, 2007, p. 17). It also states that R-FEP students who consistently fail to reach grade level work will qualify for ELD service (Las Lomas Elementary School District, 2007). Although most school districts mention that intervention will be given, if needed, not all school districts go as far as reenrolling a student into the ELD program. Las Lomas’ website also posts well-constructed action plan charts that delineate policy, procedures, personnel, resources, timeline, and accountability for ELL services.

I asked one of my interviewees about the monitoring of I-FEP students, particularly at the younger ages. Sparks (2009) had mentioned how important it was to make sure that the person intaking the Home Language Surveys be knowledgeable about ELLs and the various cultures that the school services, as sometimes these surveys are not filled out correctly. Sparks noted that some parents are eager to state that their child speaks another language because the child has a relative or nanny who speaks another language when visiting the home, or that the child watches a bilingual television show. The interviewee, I questioned, however, was more concerned about parents stating ‘English only’ on the form for fear that stating another language

could label the child, place them in a lower track class, or cause immigration issues (personal communication, April 23, 2010). In such a case, English services for this child may be delayed until a teacher brings the lack of language ability to the attention of the school.

Other districts that posted information about monitoring on the Internet mostly varied from the above practices as to how often and when the R-FEP students were assessed, observed, or reviewed. Records of monitoring ranged from occurring twice a year to four times a year. Report card dates appeared to be the most common time frame mentioned.

One topic that was never mentioned in any of the interviews or monitoring materials was the flip side of intervention: honors classes, GATE, and advanced placement classes for ELLs. I know through my own past research on GATE and while perusing research for this paper, that there is concern that ELLs do not get properly considered for these programs. Just as many ELLs are misdirected into lower track or special education classes because of language issues, many deserving ELLs are not placed into these higher track classes because of concerns about students' language ability (Roberge, 2003). It was inspiring to note that in the SY 2005-06, the graduation rate of R-FEP students at the Los Angeles Unified School District had a 15% higher graduation rate than the district's graduation rate as a whole (78.8 % vs. 63.8%) (LAUSD, 2008). ELLs, not reclassified, only had a graduation rate of 48.8% (LAUSD, 2008).

Chapter 5 Discussion

Close monitoring is clearly helpful, but given the current tenuousness of the reauthorization of NCLB and a poor national economy, it is unclear that it will continue to be mandated.

It is easy to visualize a best-case environment for proper monitoring; good financial resources, school and district administration open to listening and change when needed, a teaching staff that has been trained in strategies to help ELLs learn, involved parents, a strong English language program, stringent reclassification criteria, and an ELD team which is sufficiently staffed to allow for a small staff-student ratio. Best case monitoring would involve frequent face-to-face contact between ELD staff and the R-FEP student, including classroom observation, as well as check-in with mainstream teachers on a regular basis. Lines of communication, by all, would be honest and open. Resources for one-to-one tutoring, counseling, and targeted ELD or content instruction would also be easily available, if needed.

That is the perfect world, and even in the better funded schools in Marin County with a relatively low ELL population, all those ingredients were not necessarily present. What were present, however, in districts that appeared to have best practices in regard to monitoring, were strong reclassification criteria and monitoring that was more than simple data collection and compliance. Targeted intervention, as needed, is a vital piece of monitoring, as well as monitoring past the two-year time frame.

However, not all school districts are as small as those interviewed in Marin County, nor have the financial resources that some of the schools that had best practices possess. Other school districts may also have such a large percentage of ELLs that a small ratio between ELD staff and students is realistically harder to achieve. Limited time, energy, and funds can result in

data replacing face-to-face contact. Sheer number of students alone could make it hard to establish personal rapport with each and every R-FEP student that the staff is assigned to monitor. If this is the scenario, it is important, that the data that is used to monitor is current and frequent, and includes formative assessments and report cards. Standardized tests are not adequate, as they only represent one point in time, and the results are delayed, making their effectiveness less valid. If the staff assigned to monitoring cannot do a classroom observation of each and every student, than that staff should still make time to connect with the mainstream teachers' involved to check in on their insight as to the student's day-to-day performance. Finally, redesignation criteria must be stringent so that the R-FEP students start off in mainstream classes well prepared. High expectations should be required both for reclassification and post-reclassification.

High expectations go beyond state mandates. The school districts that required scores beyond basic in the ELA standardized tests felt that this was an important aspect to their reclassification criteria. CELDT only tests language proficiency. Ability to understand content in the English language is critical to success in that content area. Thus, it is important that R-FEP students are proficient in assessments in mathematics, science, and social studies, as these are core subjects in which most students must take to graduate. This is also true during the monitoring phase. Proficiency in all content areas should be sought, or targeted intervention should be triggered.

Intervention needs to be targeted to the student's specific needs instead of simply placing a student back into language classes. Otherwise, there could be a log-jam of students who score high on language proficiency tests and can succeed in ELD classes, but cannot perform well on classroom assignments or score proficient on content standardized tests.

Meanwhile, mainstream teachers need to be trained in instructional strategies, which help those who need more scaffolded instruction. Despite statistics clearly showing a continual increase of ELLs in the classrooms, the National Center on English Language Acquisition noted that only four states, Arizona, California, Florida, and New York, require “specific coursework or certification for teachers to work with LEP students” (Sparks, 2009, p. 26). This goes beyond LEP and R-FEP students’ needs, as many other students do better in clearly contextualized and visual instruction. It is also important that teachers learn about cross-cultural communication to better understand the needs and actions of their R-FEP students and their families. Knowledge can alleviate misunderstandings or misconceptions.

ELD teachers should also be treated as all other teachers in the district. This includes access to resources, sufficient workspace, reasonable workloads, professional development, and mutual respect. They should be credentialed teachers so that they can help the students with their content instruction.

Besides pinpointing potential causes for academic weakness, the staff assigned to monitor R-FEP students can help correct the problems by being the link between students, families, teachers, and administration. The ELD monitor can assist the student by directing him or her to classes, tutoring, or other services that may help with academic language or content issues. The earlier these issues are noticed and addressed via monitoring, the more likely that the student will have a chance at academic success in the state-mandated content standards. This could also help the student to develop positive self-esteem and to integrate more easily into the classroom, making constructive social and emotional connections.

This ELD monitor could also easily catch a newly transferred student who comes from a school with less stringent proficiency levels and reclassification criteria, or lax or absent monitoring methods.

The ELD monitor can help families find services that can help the family feel more comfortable in a mainstream classroom environment or the community. They can help teachers with strategies to scaffold instruction. The ELD monitor can advise administration on the need for professional development in the area of ELL pedagogy. In addition, the monitor can alert administration to potential problematic situations that could affect students and the school's performance numbers. The ELD monitor has enormous potential to help ensure the success of an R-FEP student and the school, as a whole.

I earlier made the assumption that some monitoring is better than no monitoring. After all my research, I still believe this to be true, as the simple accountability requirement forces schools to acknowledge a population that could easily be forgotten. That said, the resulting differences between simple monitoring, which I refer to as simple data transfer, to that of close monitoring, which requires face-to-face interaction between the monitor and the student, is huge.

The downside with simple monitoring via an annual data transfer of standardized test scores can best be illustrated using a hypothetical example. A newly reclassified FEP student begins attending solely mainstream classes in the fall of a said school year. Standardized testing does not occur until the spring of the following year, and the results do not come out until the late summer of that following year. Thus, a whole year has passed, during which the student may have felt lost and frustrated. The student does not know how or to whom to go to for help. Poor grades and possible behavioral problems may result. Meanwhile, the teacher may have also become frustrated, at the student, at the English language program, at the parents, at previous

teachers who promoted the student, and so on. Lessons may have had to be altered to fit the current student's language ability, which may be viewed by the teacher as taking away prep time, and instructional time from classmates who do not have language issues. The teacher, for a variety of reasons, including confidence and tenure, may not know how or to whom to address the problem. The parents, for a variety of reasons, including cultural capacity and immigration concerns, may not know how or to whom to address the problem. A whole year has passed, and until two or three tests scores, depending if science is tested at that grade level, indicate that the student is struggling, nothing has happened. Those test scores affect the school's AYP results, as well. If this problem is prevalent amongst a large number of R-FEP students, the school could be heading towards Program Improvement status, a situation no school wants to be in. The story continues, however, as the school needs to report those scores to the state who then must file a Consolidated State Performance Report. That is done in the fall, and it is closer to the following spring that the federal government has looked at the report and realized that the state may have very few R-FEP students that are scoring proficiently on standardized testing. It is now closer to two years that have passed since the R-FEP student was reclassified, and thus, at the end of the term when monitoring is required to exist for that student. If the school was simply waiting to be cited from the state or the federal government for its failings, too much time has elapsed to help that student. That is why monitoring must exist in a form that is much more expansive than submitting test scores annually. The implications of not catching problems up front have consequences that span much further than a failing student's report card.

No matter what comes out of an overhaul of NCLB, proper assessment, targeted instruction, stringent reclassification criteria, and available intervention services are critical areas to ensure an ELLs success. Although in a situation where all things are done one hundred

percent effectively, the need for monitoring should not need to exist. Yet, this goal is as unrealistic as Title I's goal of having 100% proficiency in all content areas by ELLs who have been in public schools for three years or more by 2014. Success should be based on sufficient progress and proficiency, not extreme deadlines, percentages, and time frames. Monitoring must continue to be an element of the ELL process to ensure that the transition into mainstream classes is the correct educational plan needed for the R-FEP student. This cannot always be determined in a two-year time frame. Monitoring should at least remain until proficiency levels are attained in all subject matter, so that intervention is no longer needed. Meanwhile, schools should not be penalized for doing all they can to help a student to attain proficiency.

Given the tenuousness of NCLB, there is no better time than now to share input with the federal government on the need for monitoring and what that monitoring should look like. However, there is a huge socio-political element that must be considered. As noted by a former lead education staff member, Bethany Little, for the late Senate Education Chairman Edward Kennedy, D-Mass, "Every time we start talking about educating 'immigrant children' we end up talking about immigration itself, and it winds up less about the needs of the children and more about the adults in the system and what they want" (Little, as cited by Sparks, 2009, p. ix). We must also remember that even currently, the majority of ELL students are not foreign born, but native students (Urban Institute panel, May 2009, as cited by Sparks, 2009, p. ix). Although we cannot change socio-political issues overnight, we can at least spread the word that ensuring ELLs success is as important to the students, as it is to the nation.

It may be wise to voice the needs of ELLs in terms of the needs of all students. As demographic predictions have indicated, ELLs may likely become the majority of the population in coming years. As noted earlier, all students benefit from contextualized instruction, and all

students can benefit from targeted intervention when needed. High expectations need to be placed on all students, and all schools, but with the understanding that the starting points are very different for different populations, thus proof of progress is more important than rigid targets.

Monitoring a student who has been reclassified Fluent English Proficient can ascertain that progress is being made, and direct a student to intervention, when necessary. Thus, monitoring needs to be part of the process to ensure academic success. It is my hope that any overhaul of NCLB includes a monitoring element that includes some of the best practices described in this paper. In the meantime, schools districts can learn from those districts, which already have best practices in place. We are all part of the educational system, and united we can make it work.

References

- Abedi, J. (2004). The No Child Left Behind act and English language learners: Assessment and accountability issues. *Educational Researcher*, 33(1), 4-14. Retrieved September 25, 2009, from Jstor database.
- Abedi, J. (2006). Psychometric issues in the ELL assessment and special education eligibility. *Teachers College Record*, 108(11), 2282-2303. Retrieved September 25, 2009, from Wilson Web database.
- Abedi, J. (2007). Summary and Recommendations. In J. Abedi (Ed.). *English language proficiency assessment in the nation: current status and future practice*. (pp. 121-129). Davis, California: University of California, Davis, School of Education. Retrieved February 25, 2010 from www.wested.org/cs/we/view/rs/863
- American Federation of Teachers. (2007). Questions and answers about No Child Left Behind. English Language Learners and NCLB testing requirements. Retrieved November 2, 2009 from http://www.aft.org/pdfs/teachers/qa_ell0407.pdf
- Albers, C.A., Boals, T. J., & Kenyon, D. M. (2009, originally published online May 5, 2008). Measures for determining English language proficiency and the resulting implications for instructional provision and intervention. *Assessment for Effective Intervention*, 34(74) DOI: 10.1177/1534508408314175
- Asher, C., & Case, E. (2008). A generation in transition: A study of the usage and attitudes toward public libraries by generation 1.5 composition students. *Reference & User Services Quarterly*, 47(3), 274-279. Retrieved September 16, 2009 from ebscohost database.

Aukerman, M. (2007). A culpable CALP: Rethinking the conversational/academic language proficiency distinction in early literacy instruction. *Reading Teacher*, 60(7), 626-635.
doi:10.1598/RT.60.7.3

Blumenthal, A. J. (2002). English as a second language at the community college: An exploration of context and concerns. *New Directions for Community Colleges*, (117), 45-53. Retrieved September 16, 2009 from Wilson web database.

California Department of Education. (n.d.). *CELDT, 2009-10 edition test interpretation guide-English*. Retrieved from November 12, 2009
www.celdt.org/documents/CELDT_TRIG_English_09-10.pdf

California Department of Education. (2006). English learner (EL) instrument for categorical program monitoring (CPM): an ongoing monitoring process, school year 2006-07. *Categorical program monitoring instruments: Review documents: instrument 2006-2007*. Retrieved March 26, 2010 from <http://www.cde.ca.gov/ta/cr/cc/06instruments.asp>

California Department of Education. (2007). English learner (EL) instrument for categorical program monitoring (CPM): an ongoing monitoring process, school year 2007-08. *English learner*. Retrieved March 26, 2010 from
<http://www.cde.ca.gov/ta/cr/cc/07instruments.asp>

California Department of Education. (2008a). English learner (EL) program instrument for categorical program monitoring (CPM): an ongoing monitoring process, school year 2008-09, *English learner*. Retrieved March 26, 2010 from
<http://www.cde.ca.gov/ta/cr/cc/08instruments.asp>

- California Department of Education. (2008b). Questions and answers about the California English language development test. *CELDT questions and answers*. Retrieved November 12, 2009 from <http://www.cde.ca.gov/ta/tg/el/celdtfaq.asp>
- California Department of Education. (2009a). *2009 adequate yearly progress report, information guide*. Retrieved December 28, 2009 from <http://www.cde.ca.gov/ta/ac/ay/documents/infoguide09.pdf>
- California Department of Education. (2009b). California English language development test, (CELDT), Communicating 2009-10 individual results with parents and guardians, information for school district and school staff. *Resources for school district and schools, communicating individual results with parents and guardians*. Retrieved November 12, 2009 from <http://www.cde.ca.gov/ta/tg/el/resources.asp>
- California Department of Education. (2009c). California English language development test, (CELDT), Explaining 2008-09 summary results to the public. *Resources for use by school districts and schools, explaining 2008-09 summary results to the public*. Retrieved November 12, 2009 from <http://www.cde.ca.gov/ta/tg/el/resources.asp>
- California Department of Education. (2009d). California English language development test, (CELDT), Understanding and using 2009-10 individual results, information for school district and school staff. *Assistance for school district and school staff, understanding and using individual 2009-10 results*. Retrieved November 12, 2009 from <http://www.cde.ca.gov/ta/tg/el/resources.asp>
- California Department of Education. (2009e). CELDT, April 2009, *Assessment notes*. Retrieved November 12, 2009 from <http://www.cde.ca.gov/ta/tg/el/celdt0409notes.asp>

- California Department of Education. (2009f). *English learner programs update*, September 2009. Retrieved March 1, 2010 from http://www.scoe.net/elcn/multimedia/cde_newsletters/2009/09cde_el_newsletter.pdf
- California Department of Education. (2009g). *Frequently asked questions, English Language Acquisition*. Retrieved December 28, 2009 from <http://www.cde.ca.gov/sp/el/ii/elapfaq.asp>
- California Department of Education. (2009h). Correspondence between State Superintendent of Public Instruction, Jack O'Connell and county and district superintendents and charter school administrators. *Suspension of non-mandated CPM visits*. Retrieved April 10, 2010 from <http://www.cde.ca.gov/ta/cr/cc/onsitecpmhalt.asp>
- California Department of Education. (2010a). *CALPADS background/history*. Retrieved April 10, 2010 from <http://www.cde.ca.gov/ds/sp/cl/background.asp>
- California Department of Education. (2010b). English learner (EL) instrument (including No Child Left Behind [NCLB], Title III) for 2009-10 cycle D categorical program, school year 2009-10. *English learner*. Retrieved March 26, 2010 from <http://www.cde.ca.gov/ta/cr/cc/cycledreviews.asp>
- California Department of Education. (2010c). Report of 2008-2009 accountability progress reporting (APR). *Data and statistics, Data-Quest, level: county, subject: school performance, Adequate yearly progress (AYP), school year: 2008-2009, select county: selected, select report: 2009 AYP - List of Schools in the County*. Retrieved April 26, 2010 from <http://dq.cde.ca.gov/dataquest>
- California Department of Education. (2010d). Report of selected district level data. *Data and statistics, Data-Quest, level: district, subject: Student demographics, English learners,*

school year: 2008-2009, select district: selected, Num. and Percent of Students

Redesignated to FEP (with school data). Retrieved April 26, 2010 from

<http://dq.cde.ca.gov/dataquest>

California Department of Education. (2010e). Report of statewide English learners by language

and grade. *Data and statistics, Data-Quest, level: State, subject: Student demographics,*

English learners, school year: 2008-2009, language census data-2008-09, state level

report: Number of English learners by language. Retrieved April 26, 2010 from

<http://dq.cde.ca.gov/dataquest>

California Department of Education. (2010f). Report of statewide English learners enrolled in

and receiving instructional services. *Data and statistics, Data-Quest, level: State, subject:*

Student demographics, English learners, school year: 2008-2009, language census data-

2008-09, state level report: English learners, instructional settings and services).

Retrieved April 26, 2010 from <http://dq.cde.ca.gov/dataquest>

California Department of Education. (2010g). Report of statewide English learners enrolled in

and receiving instructional services (with county data). *Data and statistics, Data-Quest,*

level: State, subject: Student demographics, English learners, school year: 2008-2009,

language census data-2008-09, state level report: English learners, instructional settings

and services (with county data). Retrieved April 26, 2010 from

<http://dq.cde.ca.gov/dataquest>

California Department of Education. (2010h). CALPADS update flash #19.

CALPADS update FLASH-issue #19. Retrieved April 16, 2010 from

<http://www.cde.ca.gov/ds/sp/cl/communications.asp>

California Office of Administrative Law. (2010). *California Code of Regulations, 5 CA ADC 11303*. Retrieved March 21, 2010 from

<http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>

California Office of Administrative Law. (2010). *California Code of Regulations, 5 CA ADC 11304*. Retrieved March 21, 2010 from

<http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>

Callahan, R. M. (2005). Tracking and high school English learners: Limiting opportunity to learn. *American Educational Research Journal, 42*(2), 305-328. Retrieved October 1, 2009 from Jstor database.

Cummins, J. (n.d.). *BICS and CALP*. University of Toronto. Retrieved October 1, 2009 from <http://faculty.tamu-commerce.edu/jthompson/resources/BICS%20and%20CALP.doc>

Cummins, J. (1979). Cognitive/academic language proficiency, linguistic interdependence, the optimum age question and some other matters. *Working Papers on Bilingualism 19*, 121-129. Toronto: Ontario Institute for Studies in Education.

Cummins, J. (1981). Age on arrival and immigrant second language learning in Canada: A reassessment. *Applied Linguistics 2*: 132-49.

Cummins, J. (1994). Knowledge, power, and identity in teaching English as a second language. In F. Genesee, (Ed.), *Educating second language children: the whole child, the whole curriculum* (pp. 33-56). Cambridge, England: Cambridge University Press.

Cummins, J. (2000). BICS and CALP, In *Routledge encyclopedia of language teaching and learning*, p. 76-79. Retrieved April 2, 2010 from Education Research Complete.

Daniel, M. C., Ehlers-Zavala, F., Lenski, S. D., & Sun-Irminger, X. (2006). Assessing English-language learners in mainstream classrooms. *The Reading Teacher*, 60(1), 24-34.

Retrieved September 26, 2009 from Jstor database.

Educational Data Partnership. (2010a). Report of district comparison results, fiscal year 2008-2009, percentage of English learners. *Reports: district, Select report: district, county: selected, Year: 2008-09, district: selected, student tab, related links: compare districts, submit, compare districts in: selected, of type: all, focus on districts: % of English learners*. Retrieved April 26, 2010 from <http://www.ed-data.k12.ca.us>

Educational Data Partnership. (2010b). Report of English learners, county reports, 2008-09. *Reports: county, Select report: county, county: selected, Year: 2008-09, student tab, English learners. Data sourced from California Department of Education, Educational Demographics Office (language census elsch09 8/19/09)*. Retrieved April 26, 2010 from <http://www.ed-data.k12.ca.us/>

Educational Data Partnership. (2010c). Report of English learners, state of California, 2008-09. *Reports: state, Select report: Profile of state, county: selected, Year: 2008-09, student tab, English learners. Data sourced from California Department of Education, Educational Demographics Office (language census elsch09 8/19/09)*. Retrieved April 26, 2010 from <http://www.ed-data.k12.ca.us/>

Findlaw. (2010). *20 U.S. Code-Section 6841*. Retrieved March 21, 2010 from <http://codes.lp.findlaw.com>

- Forrest, S. N. (2006). Three foci of an effective high school generation 1.5 literacy program. *Journal of Adolescent & Adult Literacy*, 50(2), 106-112. Retrieved September 19, 2009 from ebscohost database.
- Freeman, D., & Riley, K. (2005). When the law goes local: One state's view on NCLB in practice. *The Modern Language Journal*, 89(2), 264-268. Retrieved October 1, 2009 from Jstor database.
- Futernick, K. (2004). *What California's 10 largest school districts are doing to ensure that all of their students have access to "highly qualified" teachers, an exclusive report*. Retrieved February 26, 2010 from edfordemocracy.org/TQI/TQI_Big10_2003.htm
- Gebhard, M., & Willett, J. (2008). Social to academic. *Journal of Staff Development*, 29(1), 41-45. Retrieved October 1, 2009 from Wilson web database.
- George, C., & Linqunti, R. (2007). Establishing and utilizing an NCLB Title III accountability system: California's approach and findings to date. In J. Abedi (Ed.). *English language proficiency assessment in the nation: current status and future practice*. (pp. 105-120). Davis, California: University of California, Davis, School of Education. Retrieved February 25, 2010 from www.wested.org/cs/we/view/rs/863
- Harklou, L., Losey, K. M., & Siegal, M., (Eds.). (1999). *Generation 1.5 meets college composition: Issues in the teaching of writing to U.S. educated learners of ESL*. Mahwah, N.J: Erlbaum Associates, Inc.
- Hayward Unified School District. (2006). Monitoring of student progress and reclassification, Chapter 3. In *A design for excellence, a master plan for English language learners*. Retrieved April 28, 2010 from www.haywardell.org/hayward_ELL_master_plan.pdf

- Justia (n.d.). *California Education Code, Section 60810-60812*. Retrieved January 13, 2010 from <http://law.justia.com/california/codes/edc/60810-60812.html>
- Kaetsu, M. (2004). No Child Left Behind, *Hohonu, A journal of academic writing, University of Hawaii at Hilo Hawaii Community College*, 2(2), Retrieved October 1, 2009 from <http://www.uhh.hawaii.edu/academics/hohonu/writing.php?id=39>
- Lareau, A., (2010). Unequal childhoods. In M. Andersen & P. Hill Collins, (Eds.). *Race, class & gender, an anthology*, 7th ed., (2010). (pp. 343-352). Wadsworth Cengage Learning: Belmont, CA, First published in *Unequal childhoods: class, race, and family life*. Los Angeles: University of California Press, 2003.
- Las Lomas Elementary School District. (2007). *Master plan for English language learners*. Retrieved April 28, 2010 from <http://www.llesd.k12.ca.us/MasterPlanELL.pdf>
- Lesaux, N. & Ragan, A. (2006). Federal, state, and district level English language learner program entry and exit requirements: Effects on the education of language minority learners. *Education Policy Analysis Archives*, 14(20), 1-29. Retrieved December 10, 2009 from Wilson Web database.
- Los Angeles Unified School District, (2008). *Reclassification of English learners and monitoring of RFEF students secondary*. Retrieved April 28, 2010 from <http://lausd.net>
- McNeil, M. (2009). Uneven scales: Funding disparities squeeze ELL efforts. *Education Week*, 28 (17), 41, 43. Retrieved October 1, 2009 from Wilson Web database.
- Mora, J. K. (2006). Arguments regarding standard & criteria for EL reclassification, *San Diego State University*, Retrieved October 26, 2009 from <http://coe.sdsu.edu/people/jmora/MoraModules/RedesignationDebate.htm>

Neill, M. (2005). *Assessment of ELL students under NCLB: Problems and solutions*. Retrieved October 26, 2009 from

www.fairtest.org/files/NCLB_assessing_bilingual_students_0.pdf

No Child Left Behind Act of 2001 (2001). *Title III, Language instruction for limited English proficient and immigrant students*. Retrieved September 17, 2009

from <http://www.ed.gov/policy/elsec/leg/esea02/pg39.html>

Official California Legislative Information. (n.d.). *California Education Code, Section 305*.

Retrieved January 13, 2010 from [http://www.leginfo.ca.gov/cgi-](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=00001-01000&file=305-306)

[bin/displaycode?section=edc&group=00001-01000&file=305-306](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=00001-01000&file=305-306)

Official California Legislative Information. (n.d.). *California Education Code, Section 313*.

Retrieved January 13, 2010 from

[http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=00001-](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=00001-01000&file=313)

[01000&file=313](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=00001-01000&file=313)

Official California Legislative Information. (n.d.). *California Education Code, Section 400-410*.

Retrieved January 13, 2010 from [http://www.leginfo.ca.gov/cgi-](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=00001-01000&file=400-410)

[bin/displaycode?section=edc&group=00001-01000&file=400-410](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=00001-01000&file=400-410)

Onecle. (2010.). *California Education Code, Section 52164.1*. Retrieved January 13, 2010

from <http://law.onecle.com/california/education/52164.1.html>

Pappamihel, N. E. (2002). English as a second language students and English language anxiety:

Issues in the mainstream classroom. *Research in the teaching of English*, 36(3), 327-355.

Retrieved September 26, 2009 from Jstor database.

- PBS Newshour. (2009, March 10). *Obama outlines five top education priorities*. Retrieved April 16, 2010 from http://www.pbs.org/newshour/updates/education/jan-june09/education_03-10.html
- Roberge, M. (2003). *Generation 1.5 immigrant students: What special experiences, characteristics and educational needs do they bring to our English classes?* Presented at the 37th Annual TESOL Convention, Baltimore, MD. Retrieved September 26, 2009 from http://www.sfsu.edu/~etc/?q=system/files/Roberge_article.pdf
- Sparks, S.D. (2009). *Coordinating services for English Language Learners, A guide for district and school administrators*. Horsham, Pennsylvania: LRP Publications.
- Spring, J. (2005). *Conflict of interests: The politics of American education*, 5th Ed., Queens College: New York.
- U.S. Census Bureau News. (2008). *An older and more diverse nation by mid-century*, U.S. Department of Commerce, Washington, D.C., [Press Release]. Released August 14, 2008, Retrieved October 26, 2009 from <http://www.census.gov/Press-Release/www/releases/archives/population/012496.html>
- U.S. Department of Education. (n.d.). *Supplement not supplant provision of Title III of the ESEA*. Retrieved April 16, 2010 from <http://www2.ed.gov/programs/sfgp/supplefinalattach2.pdf>
- U.S. Department of Education. (2005). State monitoring report, California Department of Education, September 26-30, 2005. *Office of English language acquisition*. Retrieved December 28, 2009 from <http://www2.ed.gov/programs/sfgp/statemonitor/california.pdf>
- U.S. Department of Education. (2006). Fast facts. *Institute of education sciences (IES), national center for educational statistics*. Retrieved December 28, 2009 from <http://nces.ed.gov/fastfacts/display.asp?id=96>

- U.S. Department of Education. (2007). *Monitored former LEP achievement information SY 2006-07*, Retrieved March 30, 2010
from www2.ed.gov/about/offices/list/oela/mflepyrs0607.xls
- U.S. Department of Education. (2008a). *The biennial report to Congress on the implementation of the Title III state formula grant program, School years 2004-06*. Retrieved January 13, 2010 from <http://www2.ed.gov/about/offices/list/oela/title3biennial0406.pdf>
- U.S. Department of Education. (2008b). *Consolidated state performance report: Part 1, for reporting on school year 2006-07, No Child Left Behind*. Retrieved January 13, 2010 from <http://www.cde.ca.gov/nclb/sr/rt/documents/cspr0607part1.pdf>
- U.S. Department of Education. (2009). *Consolidated state performance report: Part 1, For reporting on school year 2008-09, No Child Left Behind*. Retrieved January 13, 2010 from <http://www2.ed.gov/admins/lead/account/consolidated/csprpart10809.pdf>
- University of California, Davis, School of Education. (2007). *English language proficiency assessment in the nation: current status and future practice*. J. Abedi (Ed.). University of California, Davis, School of Education. Davis, California. Retrieved March 28, 2010 from www.wested.org/cs/we/view/rs/863
- University of California, Los Angeles, National Center for Research on Evaluation, Standards & Student Testing [CRESST]. (2008). *New CRESST study reviews states' ELL testing: recommendations made, executive summary*. National Center for Research on Evaluation, Standards, & Student Testing, UCLA, Graduate School of Education & Information Studies. Retrieved October 26, 2009 from www.cse.ucla.edu/ELL_ExecSumm_F0708.pdf

Ventura Union School District, (n.d.) *Reclassification*. Retrieved April 16, 2010 from

<http://www.venturausd.org/training/parentresources/HTMLobj->

[5373/reclassificationenglish.pdf](http://www.venturausd.org/training/parentresources/HTMLobj-5373/reclassificationenglish.pdf)

When the child in question is 'Andrew'. (2007). *American Teacher*, 91(7), 11. Retrieved

September 18, 2009 from Wilson web database.

White House. (2010). Weekly address: President Obama to send updated Elementary and

Secondary Education Act blueprint to Congress on Monday. *The White House, President*

Barack Obama. Retrieved March 28, 2010 from [http://www.whitehouse.gov/the-press-](http://www.whitehouse.gov/the-press-office/weekly-address-president-obama-send-updated-elementary-and-secondary-education-act-)

[office/weekly-address-president-obama-send-updated-elementary-and-secondary-](http://www.whitehouse.gov/the-press-office/weekly-address-president-obama-send-updated-elementary-and-secondary-education-act-)

[education-act-](http://www.whitehouse.gov/the-press-office/weekly-address-president-obama-send-updated-elementary-and-secondary-education-act-)

Zehr, M. A. (2007). States clear initial hurdle on ELL tests. *Education Week*, 27(14), 1, 17.

Retrieved September 19, 2009 from Wilson web database.

Zehr, M. A. (2008). Consistent ELL guides proposed. *Education Week*, 27(37), 1-19. Retrieved

from ebscohost database.

APPENDIX

The Procedural Path of an ELL in a California School

A Home Language Survey is given to every student entering California public schools. It asks about the language(s) spoken at home. Per CA EC 52164.1, a response of any language besides English is the prescribed signal to the student's school that a language assessment must be undertaken with this student within 30 days (Onecle, 2010).

All ELLs are required, per CA EC 313, to have their English language development tested (Official California Legislative Information, n.d.). California cites that "the legal basis for requiring English proficiency testing is that all student have the right to an equal and appropriate education and any English language limitations (left unidentified and/or unaddressed) could preclude a student from accessing that right" (CDE, 2009b). The current English language proficiency test in California is the CELDT.

Once tested, a student will be classified as either Initially Fluent English Proficient, (I-FEP) or Limited English proficient (LEP). A student classified as I-FEP does not receive English language services and is placed into mainstream classes. It is assumed that these students are capable of grade-level content work.

Per CA EC Sec. 306, LEP students are entitled to receive English language services of some type (Official California Legislative Information, n.d.). The services offered vary, depending on the school or district, and could include: English Language Development (ELD) services, ELD and Specially Designed Academic Instruction in English (SDAIE) classes, ELD and SDAIE with primary language support, ELD and academic subjects through primary language, or other forms of language intervention (CDE, 2010f). SDAIE is the most common instructional service currently being given in California (CDE, 2010f).

LEP students are also classified, using the CELDT results, into one of five levels of English proficiency. The levels include: Beginning, Early Intermediate, Intermediate, Early Advanced, and Advanced (CDE, 2009b).

Once a student has a CELDT composite score of Early Advanced and Advanced, and all domain levels are at least at the Intermediate level, the student is deemed proficient (CDE, 2009d). Proficiency and exiting from language services do not always occur simultaneously, as there are other criteria involved in reclassification. Once a student is reclassified and exited out of the program (Reclassified Fluent English Proficient, R-FEP), the student is put into mainstream classes. It is assumed that this student is capable of grade level content work (Lesaux & Ragan, 2006, p. 3). The student is to be monitored for two years after exiting language services.