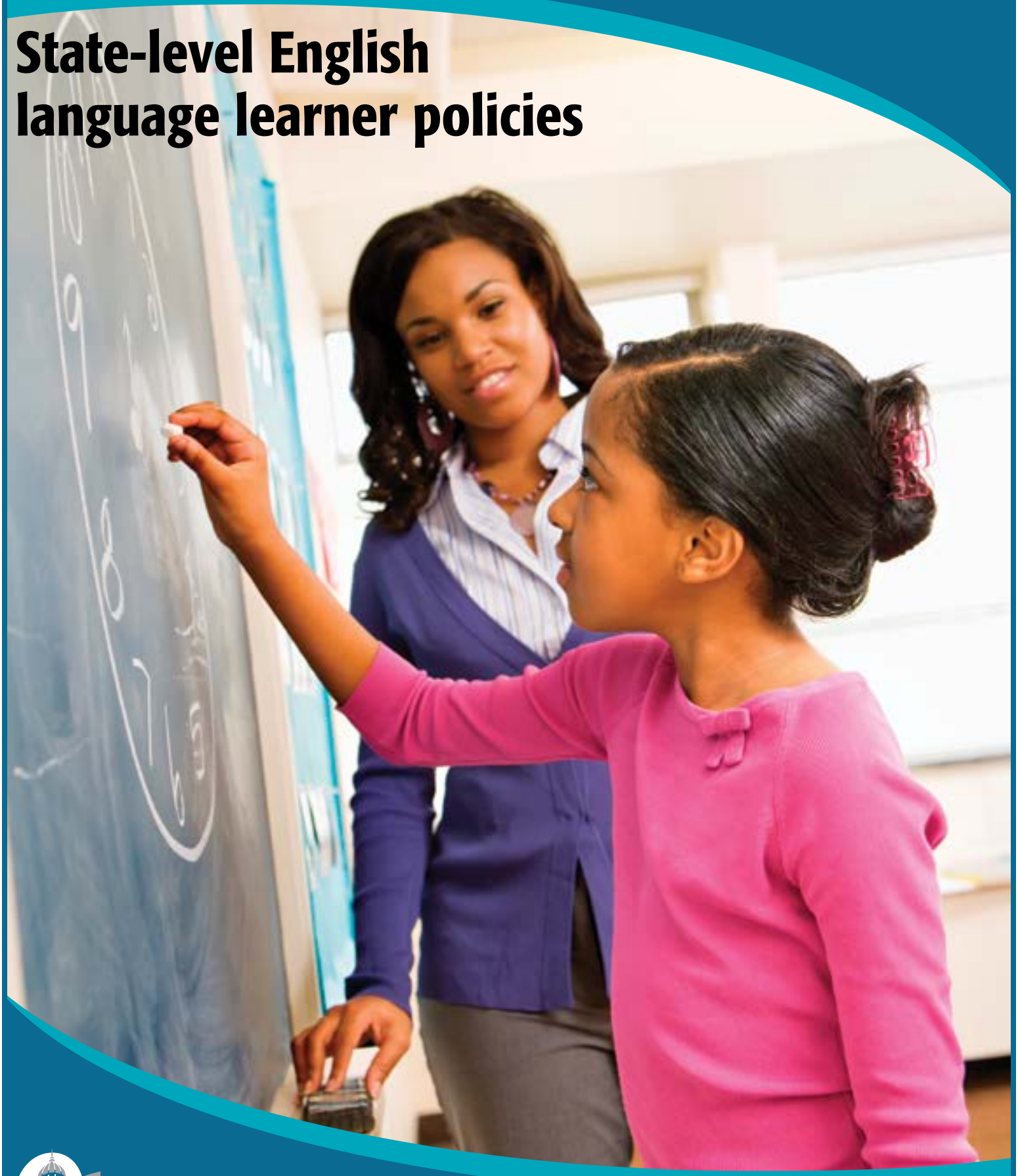
ECS AND NATIONAL EXPERTS EXAMINE:

Micah Ann Wixom
March 2015

State-level English language learner policies



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Author

Micah Ann Wixom is a policy analyst with Education Commission of the States. She has a master's degree in public administration. When not trying to change the world one education policy brief at a time, she enjoys spending time outside, cooking and not being in the snow. Contact Micah at mwixom@ecs.org or (303) 299.3673.

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INTRODUCTION

Most state policy and education leaders are keenly aware that the number of English language learners (ELLs) enrolled in the United States' public schools has increased significantly over the past several years and will likely continue to increase.[1] States with historically large populations of English language learners – like California and New Mexico – continue serving significant numbers of ELLs. Other states – like Hawaii, Kansas and Nevada – have seen substantial increases in the percentage of ELLs in their schools.[2]

> "ELL students benefit from a statewide culture encouraging clear parent communication and engagement."

There is increasing national and state attention to this issue and state policy leaders are committed to creating education systems that meet ELL needs and provide them with solid academic foundations.

In December 2014, the Education Commission of the States (ECS) convened a group of experts to reflect on available research, practice and state policy around this topic and to make recommendations in areas where potential impact at the state level is greatest (see the Appendix for a full list of the national experts who attended this meeting). At this meeting, experts discussed five key policy elements:

- Finance.
- Identification and reclassification.
- Educator quality.
- Pre-kindergarten services.
- Parent and family engagement.

The policy recommendations they suggested during the meeting are summarized in this report.

Accompanying this report, ECS also published an ELL database with an overview of multiple state policies affecting ELLs across and within states. http://www.ecs.org/html/educationIssues/ell/ell_intro.asp

KEY TAKEAWAYS

The experts agreed that adequate funding levels by themselves do not lead to improved student performance: states, districts and schools must also strengthen their ELL programs and program capacity.

ELL students benefit when states require teachers and administrators to be trained in ELL instruction methods and cultural competency.

Monitoring ELL and former ELL students throughout their school career is a valuable way to analyze the efficacy of ELL programs.

Finance

Current funding systems

Because ELLs need additional and often costly services, schools and districts require funding beyond the average per-student dollar amount. While federal grants – provided through Part A of Title III – are helpful, they are generally seen as insufficient. Most states allocate additional ELL funding.

The January 2015 ECS report ***State funding mechanisms for English language learners*** gives more detail on the funding models and also includes a 50-state chart showing the method each state uses to fund ELL students. http://www.ecs.org/clearinghouse/01/16/94/11694.pdf

There are three main ELL program funding models:

- **Formula funding:** Money for ELL programs is distributed through the state's primary funding formula; this is the most common funding method. Funding formulas typically use *weights, dollar amounts* or *teacher allocations* to distribute the funds.
- **Categorical funding:** Districts receive ELL funds outside of the state's primary funding formula through budget line items. Funding methods vary from state to state – for example, some states might provide a dollar amount per child while others might provide grants for specific programs.
- **Reimbursement:** The state reimburses districts for the cost of ELL programs after the costs are accrued and upon approval of the state superintendent. This model allows states to limit funding to certain, specific expenses.

Funding ranges among states vary significantly, even between states using the same type of funding model. In states with lower ELL funding levels, schools and districts must absorb the extra costs of educating ELLs.

State funding systems have the potential to incentivize districts to shuffle ELLs around different programs depending on funding availability, exit ELLs from language programs too quickly or let students remain in ELL programs longer than they should.

The ECS committee of experts agreed that adequate funding levels by themselves do not lead to improved student performance, nor will student performance improve until states, districts and schools strengthen their ELL programs and program capacity. This includes improving teacher training and development, identification methods and program delivery systems.

Maryland's ELL funding system – which is formula funded – includes a weight of 0.9 for ELLs, meaning districts could receive an extra almost 100 percent of funding for each student. This is the most generous ELL funding system in the country.

Alternative funding approach

Experts suggested a flexible, three-tiered funding approach rooted in the Castañeda standard (see sidebar). In the suggested approach, states would set broad parameters – providing flexibility for districts to address their ELL population's needs – but allow states to ratchet up control if performance expectations are not met. This approach assumes that states and districts will evaluate program outcomes and hold underperforming programs accountable if students do not improve.

This approach:

1. Provides districts with high-performing ELL programs the freedom to spend ELL funds as they see fit.
2. Requires lower-performing districts to report on their students' progress and ELL spending.
3. Establishes ELL funding mandates and requires districts to report out by subgroup only if their students do not improve.

The Castañeda standard – the major outcome from the 1978 lawsuit Castañeda v. Pickard – created a three-prong "common sense" test to determine if state or district English language instruction programs are addressing the needs of ELLs. Programs must be: based on sound theory; implemented effectively with sufficient and qualified staff; and proven to be effective through evaluation.[3]

Recommendations for states

Do:

- Base differentiated and/or tiered funding on:
  - Disabilities.
  - Interrupted education (when school attendance has been limited or inconsistent).
  - Concentration of ELLs in schools and districts.
  - Language diversity – for example, the needs of schools and districts will be different if their students speak one or two dominant native languages versus a large number of native languages.
  - When students initially enter the school system – ELLs entering school in early grades have different needs than students entering in later grades.
- Provide broad ELL funding and reporting parameters but require accountability from under-performing programs.
- Dedicate funding to support and monitor former ELLs after exiting.
- Provide separate ELL and at-risk funding streams that support integrated, coherent services for students who are eligible for both types of services.

Avoid:

- Allowing districts and schools to divert ELL funds into general budgets.
- Using arbitrary time limits for ELL program funding – ELL services should be supported until the services are no longer needed.
- Relying solely on federal Title III funds.

Identification and Reclassification

Identification

Federal policy and guidance from the U.S. Department of Education's Office for Civil Rights requires states and districts to identify students who need English language assistance,[4] and guidance issued jointly by the U.S. Departments of Education and Justice in January 2015 reminds schools of their obligation to "identify English learner students in a timely, valid and reliable manner."[5] Most states and districts use a two-step identification process:

1. A home language survey.
2. English language proficiency placement/screener assessment.

The design and administration of these identification tools affects the quality of data collected.

States may face issues of overidentification or underidentification – when students are identified as ELLs incorrectly or are not identified as being ELLs when they should have been.[6] These identification errors are costly and few states have mechanisms to easily correct them.

Home language survey

The home language survey (HLS), typically given to parents when enrolling a student in school for the first time, is used to identify students who potentially need English development services and *may* lead to an ELL classification. Survey design and questions vary among – and sometimes within – states. If the purpose of the survey is not clearly communicated to both parents and staff administering the survey, parents may be hesitant to fill it out carefully, correctly or at all. A few states, including **New York**[7] and **New Jersey**,[8] require the HLS to be administered by trained ELL teachers or staff who speak the parents' home language.

Placement screener/assessment

Students identified by the HLS as potentially needing services are given some type of English language proficiency placement/screener assessment. These tools assess a student's language proficiency and confirm the student's language proficiency status.[9] Students identified as ELLs and in need of services are then directed to a language development program.

Additional Resources

The Council of Chief State School Officers' recently published paper, *Strengthening Policies and Practices for the Initial Classification of English Learners: Insights from a National Working Session,* provides more discussion and insight about the issues around English language learner classification policies and practices.
http://www.ccsso.org/Documents/EL%20Classification%20Working%20Paper_FINAL_01%2026%202015.pdf

The Working Group on ELL Policy – a collection of researchers who study ELL issues – created a set of recommendations on how the reauthorization of the Elementary and Secondary Education Act can foster improved outcomes for ELLs. These recommendations center on five areas, including identification and classification of ELL students.
http://ellpolicy.org/

Reclassification

Reclassification occurs when it is determined that a student no longer needs ELL services. Generally this occurs at the same time a student leaves an ELL program and is fully integrated into the English-only general education system, also called "exiting." Per federal policy, states and school districts are required to annually assess all ELLs' English proficiency in reading, writing, listening and speaking.[10] Reclassification typically is based on the student's performance on this English proficiency exam.

States and districts determine their own reclassification criteria, but the criteria need to meet some basic standards to meet federal requirements:

- Exit criteria should be based on objective standards, like test scores.
- Students should only leave English language programs when they can read, write and comprehend English well enough to participate meaningfully in an English-only classroom setting.
- School districts should monitor former ELLs for two years after reclassification.[11]

Long-term data tracking

Monitoring ELL and former ELL students throughout their school career is a valuable way to analyze the efficacy of ELL programs. However, nearly all states stop tracking the progress of former ELLs two years after they leave a language development program, as required by federal policy. This short-term tracking disadvantages states, districts and schools, as they lack a complete picture of their ELL and former ELL students' progress.[12] **Washington** – an exception – has state policies directing the state superintendent to monitor former ELLs from reclassification until their K-12 career ends (see sidebar).[13]

Washington uses the classification "Ever ELL" to account for students who are currently or ever have been eligible for language development services in the state. This Ever ELL category can be broken down to the following categories:

- Current ELL (including a further breakdown based on students' proficiency levels).
- First year after exiting.
- Second year after exiting.
- More than two years after exiting.[14]

Recommendations for states

Do:

- Provide standardized tools and improve statewide communication.
  - Implement statewide, standardized identification and reclassification tools and processes to create more consistency in identification practices.
  - Implement a statewide communication strategy for personnel and parents about the identification and reclassification procedures.
    - Train any staff administering the tests on how to communicate to parents why these tools are important and how the results are used.
    - Train the staff administering and scoring the tests on uniform administration and scoring procedures to ensure reliable and valid results.
- Create a process, including mechanisms in state data systems, to correct initial identification errors.
- Implement long-term data monitoring for former ELLs, including a classification for former ELLs, to track their progress beyond the federally mandated two-year tracking period.
- Perform validation studies on state and district ELL programs and the long-term performance of former ELLs.

Avoid:

- Using multiple identification tools within the state to create consistent identification practices.
- Using academic proficiency assessments as an exit tool.

Educator Quality

Research suggests that the quality of the instruction a student receives is more important than the language of instruction but finds that ELLs "are disproportionately taught by less qualified teachers," and that many mainstream educators lack training in ELL teaching methods or cultural competency.[15] This is particularly acute in regions with few ELLs or where there are difficulties recruiting qualified ELL staff. As states implement new academic standards that require students to deeply engage with complex reading materials, this lack of preparation becomes even more worrisome.[16] Teacher preparation programs and states' professional development programs must prepare educators properly to support ELLs through the transition as well as to help them succeed with the new standards.

Teachers

Federal requirements state that districts and schools must provide high-quality professional development to any teachers, administrators and staff working with ELLs, and districts are required to provide enough staff to properly implement their English language instruction program.[17]

ELL teachers

While most states require ELL and bilingual teachers to have a specialist certification or endorsement, a handful of states lack specialist certification requirements. This leaves school districts to decide whether to require ELL certification even if state policy does not. For example, **Colorado** does not have state policies requiring ELL teachers to have specialist certification, but some school districts require the certification anyway.[18]

Mainstream teachers

Requirements for mainstream teachers to have training in ELL instruction methods vary widely. Although some states require all educators to have some kind of preservice training in ELL teaching methods, other states do not. Two states – **Arizona** and **California** – require all staff to have state specialist certification whether they teach ELLs or not.[19]

Administrators

Administrators need training in cultural competency and ELL teaching methods so they understand how to support and evaluate teachers who instruct ELLs. Their depth of understanding of cultural competency plays a crucial role in creating school or district ELL programs, and administrators often lead efforts around community and family engagement. Some states require administrators to have ELL-specific training, professional development or certification (see sidebar for an example).

Recommendations for states

Do:

- Build local capacity, particularly in areas with instructor shortages:
  - Encourage former ELL students to pursue teaching careers.
  - Help bilingual parents get paraprofessional or ELL teacher training.
  - Use a career lattice program to find potential instructors from the pools of paraprofessional and early childhood teachers.
  - Create and fund loan forgiveness programs for ELL teachers, particularly in high-needs areas.

Massachusetts

By 2016, all current and future core academic teachers who work with ELL students must have a Sheltered English Immersion (SEI) endorsement. The state will also require an SEI administrator endorsement for any administrator supervising and evaluating core academic teachers. These SEI standards will be incorporated into teacher preparation programs so any educator graduating from a preparation program in Massachusetts will earn the endorsement.[20]

- Include ELL-specific criteria in teaching evaluation rubrics and systems.
- Ensure that continuing education credits and professional development include training in ELL instruction for *all* educators.
- Strengthen teaching competencies:
  - Require all ELL teachers to have a specialist certification.
  - Require all teaching certificate candidates to have training in ELL instruction methods and proficiency in differentiating instruction.
  - Differentiate certification requirements for teachers based on the nature of the ELL population being taught – needed skills and training vary based on the concentration and composition of ELL students, length of time students have been classified as ELLs, the age students entered the school system and so on.
  - In districts or schools without enough qualified ELL staff, provide core coursework training to educators assigned to teach ELLs but lacking specialist certification.
- Strengthen administrator competencies:
  - Provide an administrator ELL endorsement or certification for administrators supervising and evaluating ELL teachers.
  - Provide administrators with training in ELL instruction and cultural competency so they understand how to work with ELL teachers, students and their parents.

Avoid:

- Treating certification, licensure and professional development for ELL teachers as the "only answer" for improving ELL outcomes.

Pre-kindergarten Services

Although limited, there is research suggesting that the benefits of pre-K programs are particularly important for young ELLs.[21] For example, young ELLs who attended early childhood programs were more ready for school, exhibiting fewer behavioral problems and greater social skills than their peers.[22]

Yet, it is rare for states to provide services to young ELLs. Only four states – **Alaska**, **Illinois**, **New York** and **Texas** – have policies requiring state-funded pre-K programs to provide ELL instruction.[23] Illinois created pre-K ELL policies to bridge the gap between pre-K and K-12 ELL services. These new regulations require that any state policies governing the education of ELLs must also apply to state-funded and district-administered pre-K programs, meaning these programs must now provide ELL services.[24] Although these changes are recent – the policies were to be fully implemented by 2014 – and their impact is yet to be determined, Illinois' policies for ELLs in state-funded pre-K programs are some of the most comprehensive in the country.[25]

Changes to Illinois' state ELL pre-K policies fall under three categories:

- **Screening and identification:** Pre-K students must be screened and assessed for English language proficiency, although no screening tool is mandated.
- **Curriculum:** School districts and pre-K providers may select their own program model and curriculum.
- **Teacher certification:** Pre-K teachers responsible for ELL instruction must now have a bilingual or ESL credential.[26]

Additional Resources

The **California** Department of Education's resource guide for preschool English learners (http://www.cde.ca.gov/sp/cd/re/documents/psenglearnersed2.pdf) is a thorough overview of the information and tools needed to effectively teach young ELLs. Although it was written for preschool teachers, it would also be helpful for state and district leaders.

The U.S. Department of Health and Human Services' Home Instruction for Parents of Preschool Youngsters (HIPPY) program model provides instruction to parents of at-risk or vulnerable preschool-aged children to help them prepare their children for school. Parents receive instruction through weekly home visits and monthly group classes. As of 2013, there were programs in 22 states and the District of Columbia.[27]

Recommendations for states

Do:

- Provide state funding for pre-K programs to serve young ELLs.
- Provide family supports to help parents develop and support early language skills in young ELLs.

Parent and Family Involvement

Parent and family involvement is an important factor in ensuring students do well in school, but cultural and language barriers make it challenging to involve ELLs' parents. For example, parents of ELLs may have difficulty helping their children with homework or communicating with teachers, and parents' culturally driven expectations about the roles of teachers and parents in the education process may differ from the expectations of staff. In addition, schools can be an overwhelming environment for immigrant parents, discouraging involvement.[28]

Federal policies and guidance require schools and districts to create an outreach program for parents of ELLs to help them learn how to be supportive of their children's education.[29] Although some states codify these requirements in state policy, these efforts are typically carried out at the district, school and even classroom levels without state legislative directives.

Some states have created more robust parent engagement policies. For example, school districts in **Minnesota** are encouraged to implement family involvement plans that promote communication with ELL parents in their native language.[30] Many states have policies directing districts or schools to create ELL parent advisory councils, typically charged with guiding parent outreach efforts or providing input on ELL programs.[31] **New York** state's ELL parent engagement policies are some of the most detailed in the country (see sidebar).

Recommendations for states

Do:

- Coordinate state-level efforts to foster a state-wide culture encouraging ELL parent engagement.
- Encourage clear parent communication.
  - Communication with parents, both verbal and written, should be in the parents' native language (when possible).
  - Parent liaisons are a low-cost and very effective way to engage ELLs' parents.
- Increase cultural competency, or "educating the educators:" All school employees – including administrators, teachers and school and district staff – should receive cultural competency training through teacher or administrator preparation programs and ongoing professional development.
- Develop and/or support programs that assist families and parents in their language development efforts. For example:
  - Family literacy programs help parents create a home environment where their children are encouraged to read and write, even before formal schooling begins. For example, some programs encourage parents to read to their children in their native language every day; another might provide classes in parents' native language on how to help their children with homework.[33] Some provide English language classes for parents. In addition, these programs can help parents understand the U.S. educational system.
  - Adult education programs can have a symbiotic relationship with school or district ELL programs. ELL programs can reach parents of ELLs enrolled in local adult education programs, while adult education programs can use school and district ELL programs to find parents eligible for the adult education program.

New York

- School districts and schools are required to provide an orientation session for the parents of all newly identified ELLs in their native language (when possible) with information about school expectations, ELL program requirements and assessments, among other details.
- Starting with the 2015-16 school year, school district staff must meet individually with the parents of each ELL at least once a year to discuss their child's progress, in addition to parent-teacher conferences or any other meetings.
- Districts are encouraged to provide adult education programs particularly targeting ELLs' parents.[32]

Additional Resources

Colorín Colorado, a national organization, provides resources for educators and families of ELLs. Their publication, *A Guide for Engaging ELL Families: Twenty Strategies for School Leaders,* (http://www.colorincolorado.org/pdfs/guides/Engaging-ELL-Families.pdf) provides school-level ideas and resources to teachers and school leaders on better engaging ELL parents.

Other Recommendations

Recognize the implications of different ELL program approaches

Effective ELL programming is dependent upon strong leadership from school, district and state leaders. Federal policies do not specify an ELL program approach – allowing districts to select a research-based program. Likewise, the committee of experts did not recommend a specific program approach, recognizing that although some states prescribe certain English language development programs, much of the ELL programming happens at the district level rather than the state level. However, the experts recommended that state leaders consider the following:

- Although states may not select specific program approaches, state policy leaders can provide philosophical guidance on program approaches and "set the tone" for a state culture that supports ELL students and encourages high academic achievement.
- State leaders should recognize that different programs will be effective in different contexts. For example, rural school districts with few ELLs and urban districts with high concentrations of ELLs will need different program approaches. Likewise, long-term ELLs, students exiting ELL programs in the early grades and ELLs with interrupted education, for example, all need different kinds of supports and services.

Elevate the level of ELL leadership within the state department of education

Departments of education can work to ensure the agency has a strong, creative, strategic ELL leader within the agency who is included in overall department decision making. Doing so will help ensure that ELL needs are considered system wide.

Eliminate the terms *limited English proficient* and *English language learner*

Replace the terms *English language learner* and *limited English proficient* in state policy and vernacular with a term recognizing that the student is developing *additional* language skills. Meeting participants suggested some terms to consider: *English learner, English as a new language, emerging bilingual* or *English as a second language learner.* (Note: Terminology is an important issue for policymakers to consider. For purposes of this report, English language learner was applied as it is still the most widely recognized term in use today.)

Examine the role of technology in ELL instruction

Examine the role of technology in current and future state ELL policies while recognizing that a technology fix will not necessarily be the best approach. Also consider using massive open online courses (MOOCs) as a tool to support educator training.

Use federally funded technical assistance providers

Take advantage of what Regional Educational Laboratories (RELs) and other comprehensive assistance centers have to offer for technical assistance and capacity building. These federally funded services are often an underutilized resource for state capacity building.

Federal ELL Policies – Room for Improvement

State ELL policies are inextricably intertwined with federal ELL requirements, found in Title III of the Elementary and Secondary Education Act (ESEA).[34] This intertwining can create an additional layer of complexity or enhance a compliance approach that fails to look beyond surface requirements for root causes of program and student lack of success.

The federal government can improve its existing ELL policies to help states refine their ELL policies and better serve their students.

Recommendations on federal policies

Do:

- Invest in building the capacity of existing RELs and the comprehensive center system to support states' efforts and make serving ELLs a priority – for example, prioritize state ELL efforts in REL grant and contract renewals.
- Provide better articulation between Title I (Improving the Academic Achievement of the Disadvantaged) and Title III (Language Instruction for Limited English Proficient and Immigrant Students) of the ESEA and provide better coordination with the Individuals with Disabilities Education Act.
- Rethink the timing of when congressional actions become effective, as it is unrealistic to create policies that require immediate state action or implementation.
- Allow states to use their waiver applications to build creative approaches to serving ELLs.
- Add ELL teachers as one of the high-needs areas eligible for loan forgiveness programs.
- Invest in better methods of reporting and communicating important ELL data – disseminating these data through a website is not sufficient.

Minnesota House File 2397 (2014)

The Minnesota legislature enacted House File 2397 in 2014, substantially revising the state's ELL policies. This piece of legislation, one of the most comprehensive in the country, made sweeping changes to state ELL policies in numerous and diverse areas such as early childhood education, testing requirements, adult education and parent engagement. Notably, Minnesota now requires all teachers and administrators to have training in ELL teaching methods.

Key elements of H.F. 2397:

- Creates voluntary state bilingual and multilingual diploma seals for high school graduates who have native proficiency in one or more languages.
- Requires assessments to be culturally responsive.
- Requires school district strategic plans to include strategies for supporting ELLs' academic achievement and native language development.
- Encourages districts to use teaching strategies that help ELLs develop literacy in both English and their native language, including reading assessments in students' native languages.
- Requires adult basic education programs to include English instruction.
- Defines "interrupted formal education."
- Requires professional development to include strategies for supporting ELLs' native language development.[35]

APPENDIX

Experts Attending the ECS ELL Thinkers' Meeting

December 4-5, 2014 ~ Las Vegas, Nevada

Jesus Aguirre
State Superintendent of Education, District of Columbia

Diane August
Managing Researcher, American Institutes for Research

Maria-Paz Beltran Avery
Education Development Center, Inc.

Christopher Cross
ECS Distinguished Senior Fellow

Dale Erquiaga
Superintendent, Nevada Department of Education

Lisa A. Escárcega
Chief Accountability and Research Officer, Aurora Public Schools (Colorado)

Kenji Hakuta
Lee L. Jacks Professor of Education, Stanford Graduate School of Education

Robert Linquanti
Project Director for English Language Learner Evaluation and Accountability Support, WestEd

Dorina Sackman
2014 Florida Teacher of the Year; 2014 National Finalist; B.E.L.I.E.V.E! Consulting, LLC

Roy Takumi
Representative, State of Hawaii

Jeremy Anderson
President, Education Commission of the States

Kathy Christie
Vice President, Knowledge/Information Management and Dissemination, Education Commission of the States

Michael Griffith
Senior Policy Analyst, Education Commission of the States

Micah Ann Wixom
Policy Analyst, Education Commission of the States

Jennifer Zinth
Director, High School Policy Center and STEM Policy Center, Education Commission of the States

Related ECS Products:

ELL Database (http://www.ecs.org/html/educationIssues/ell/ell_intro.asp)

State funding mechanisms for English language learners (http://www.ecs.org/clearinghouse/01/16/94/11694.pdf)

Progress of Education Reform – English Language Learners: A growing – yet underserved – student population (http://www.ecs.org/clearinghouse/01/10/20/11020.pdf)

Learning English in rural America (http://www.ecs.org/clearinghouse/01/15/59/11559.pdf)

ENDNOTES

1 U.S. Department of Education, National Center for Education Statistics, The Condition of Education 2014, "English Language Learners" (May 2014), http://nces.ed.gov/programs/coe/indicator_cgf.asp (accessed Feb. 6, 2015).

2 U.S. Department of Education, National Center for Education Statistics, Fast Facts, "English language learners," http://nces.ed.gov/fastfacts/display.asp?id=96 (accessed Feb. 6, 2015). ECS also analyzed data from the National Center for Education Statistics to identify the states with large percentage increases in ELLs from the 2002-03 to 2011-12 school years. U.S. Department of Education, National Center for Education Statistics, Digest of Education Statistics, "Number and percentage of public school students participating in programs for English language learners, by state: Selected years, 2002-03 through 2011-12," Table 204.20, http://nces.ed.gov/programs/digest/d13/tables/dt13_204.20.asp (accessed Feb. 24, 2015).

3 U.S. Department of Education, Office for Civil Rights, *Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited-English Proficiency* (1991), http://www2.ed.gov/about/offices/list/ocr/docs/lau1991.html (accessed Jan. 28, 2015).

4 U.S. Department of Education, Office for Civil Rights, *The Provision of an Equal Education Opportunity to Limited-English Proficient Student*s (August 2000) http://www2.ed.gov/about/offices/list/ocr/eeolep/index.html (accessed Jan. 20, 2015).

5 U.S. Department of Education, "U.S. Departments of Education and Justice Release Joint Guidance to Ensure English Learner Students Have Equal Access to High-Quality Education," January 7, 2015, http://www.ed.gov/news/press-releases/us-departments-education-and-justice-release-joint-guidance-ensure-english-learner-students-have-equal-access-high-quality-education (accessed Feb. 25, 2015). Also see the August 2000 guidance from the U.S. Department of Education's Office for Civil Rights "Schools' Civil Rights Obligations to English Learner Students and Limited English Proficient Parents," http://www2.ed.gov/about/offices/list/ocr/ellresources.html.

6 Alison L. Bailey and Kimberly R. Kelly, "Home Language Survey Practices in the Initial Identification of English Learners in the United States," *Educational Policy*, vol. 27, no. 5, (2013): 770-804.

7 N.Y. Comp. Codes R. & Regs. tit. 8, § 117.3; N.Y. Comp. Codes R. & Regs. tit. 8, § 154-2.3(a)

8 N.J. Admin. Code § 6A:15-1.3

9 Robert Linquanti and Alison L. Bailey, *Reprising the Home Language Survey: Summary of a National Working session on Policies, Practices, and Tools for Identifying Potential English Learners* (Washington, D.C.: Council of Chief State School Officers, 2015), http://www.ccsso.org/Documents/2014/CCSSO%20Common%20EL%20Definition%20Reprising%20the%20Home%20Language%20Survey%2001242014.pdf (accessed February 25, 2015).

10 20 U.S.C § 6311(b)(7)

11 U.S. Department of Education, Office for Civil Rights, *Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited-English Proficiency* (1991), http://www2.ed.gov/about/offices/list/ocr/docs/lau1991.html (accessed February 25, 2015); 20 U.S.C § 6841(a)(4).

12 For further recommendations, see: *Working Group on ELL Policy, Improving Educational Outcomes for English Language Learners: Recommendations for ESEA Reauthorization* (2011), http://ellpolicy.org/wp-content/uploads/PolicyBrief.pdf (accessed February 25, 2015).

13 Wash. Rev. Code § 28A.180.090

14 Mea Moore and Deb Came, *Update: Transitional Bilingual Instruction Program (TBIP) 2013-14* (Olympia, Washington: Office of Superintendent of Public Instruction) 8-9, http://www.k12.wa.us/LegisGov/2015documents/TBIPJan2015.pdf (accessed February 25, 2015).

15 Francesca López, Martin Scanlan and Becky Gundrum, "Preparing Teachers of English Language Learners: Empirical Evidence and Policy Implications," *Education Policy Analysis Archives*, vol 21, no. 20, (2013), http://epaa.asu.edu/ojs/article/view/1132/1086 (retrieved February 25, 2015); Ballantyne, Keira Gebbie, Alicia R. Sanderman and Jack Levy, *Educating English Language Learners: Building Teacher Capacity Roundtable Report* (Washington, D.C.: National Clearinghouse for English Language Acquisition, 2008), http://files.eric.ed.gov/fulltext/ED521360.pdf (accessed February 25, 2015).

16 Maria Santos, Linda Darling-Hammond and Tina Cheuk, *Teacher Development to Support English Language Learners in the Context of Common Core State Standards* (Stanford, California: Stanford Graduate School of Education, 2012), http://ell.stanford.edu/sites/default/files/pdf/academic-papers/10-Santos%20LDH%20Teacher%20Development%20FINAL.pdf (accessed February 3, 2015).

17 20 U.S.C § 6825(c); 20 U.S.C § 6826(c); 20 U.S.C § 6912(a)(2)(A)

18 ECS, ELL Database (2014), http://www.ecs.org/html/educationIssues/ell/ell_intro.asp (accessed February 26, 2015).

19 Ibid.

20 Massachusetts Department of Elementary & Secondary Education, *The RETELL Initiative: Rethinking Equity & Teaching for English Language Learners*, http://www.doe.mass.edu/retell/2012-02-27bese.pdf (accessed February 3, 2015); Massachusetts Department of Elementary & Secondary Education, "Rethinking Equity and Teaching for English Language Learners (RETELL), http://www.doe.mass.edu/retell/ (accessed February 3, 2015).

21 Julia Gelatt, Gina Adams and Sandra Huerta, *Supporting Immigrant Families' Access to Prekindergarten* (Washington, D.C.: Urban Institute, 2014), http://www.urban.org/UploadedPDF/413026-Supporting-Immigrant-Families-Access-to-Prekindergarten.pdf (accessed February 26, 2015); Espinosa, Linda M., *Early Education for Dual Language Learners: Promoting School Readiness and Early School Success* (Washington, D.C.: Migration Policy Institute, 2013), http://fcd-us.org/sites/default/files/DualLanguageLearners.pdf (accessed February 26, 2015).

22 Michael A. Gottfried, "ELL School Readiness and Pre-Kindergarten Care," *Educational Policy* (2014): 0895904814558011.

23 Education Commission of the States, "Are State-Funded Pre-Kindergarten Programs Required to Provide ELL Instruction," ELL Database (2014), http://ecs.force.com/mbdata/mbquestNB2?rep=ELL1408 (accessed March 5, 2015).

24 Reyna P. Hernandez and Karen McCarthy, Illinois State Board of Education, telephone interview, February 17, 2015.

25 Maggie Severns, *Starting Early with English Language Learners: First Lessons from Illinois* (Washington D.C.: New America Foundation, 2012), http://newamerica.net/sites/newamerica.net/files/policydocs/Starting_Early_With_English_Language_Learners.pdf (accessed January 27, 2015).

26 Ibid; Illinois State Board of Education Division of English Language Learning, *Serving English Language Learners in Preschool Programs in Illinois Public School Districts* 23 Ill. Adm. Code Part 228 Frequently Asked Questions (2014), http://www.isbe.net/bilingual/pdfs/preschool_faq.pdf (accessed February 26, 2015).

27 U.S. Department of Health & Human Services, "Implementing Home Instruction for Parents of Preschool Youngsters (HIPPY) Program Model Overview," April 2013, http://homvee.acf.hhs.gov/Implementation/3/Home-Instruction-for-Parents-of-Preschool-Youngsters-HIPPY-/13 (accessed February 24, 2015).

28 Beatriz M. Arias and Milagros Morillo-Campbell, *Promoting ELL Parental Involvement: Challenges in Contested Times* (Tempe, Arizona: Arizona State University, Education Policy Research Unit, 2008), http://epsl.asu.edu/epru/documents/EPSL-0801-250-EPRU.pdf (accessed Feb. 25, 2015); Robin Waterman and Beth Harry, *Building Collaboration Between Schools and Parents of English Language Learners: Transcending Barriers, Creating Opportunities* (Tempe, Ariz.: Arizona State University, National Center for Culturally Responsive Educational Systems, 2008), http://www.nccrest.org/Briefs/PractitionerBrief_BuildingCollaboration.pdf (accessed Feb. 25, 2015).

29 20 U.S.C § 7012

30 2014 Minn. Laws 272

31 Education Commission of the States, ELL Database (2014), http://www.ecs.org/html/educationIssues/ell/ell_intro.asp (accessed Feb. 26, 2015).

32 N.Y. Educ. Law § 3204(2-a)(8); N.Y. Educ. Law § 2590-b(5); N.Y. Comp. Codes R. & Regs. tit. 8, § 154-1.3(k); N.Y. Comp. Codes R. & Regs. tit. 8, § 154-23.3(f)

33 Lydia Breiseth, Kristina Robertson and Susan Lafond, *A Guide for Engaging ELL Families: Twenty Strategies for School Leaders* (Washington, D.C.: Colorín Colorado, 2011), http://www.colorincolorado.org/pdfs/guides/Engaging-ELL-Families.pdf (accessed February 25, 2015).

34 20 U.S.C. § 6811, seq.

35 2014 Minn. Laws 272; Williams, Conor P. and Colleen Gross Ebinger, *The Learning for English Academic Proficiency and Success Act: Ensuring Faithful and Timely Implementation* (Minneapolis, Minnesota: The McKnight Foundation, 2014), https://www.mcknight.org/system/asset/document/696/McK.LEAPS_FINAL.pdf (accessed February 5, 2015).