

Lessons from AZ's EL Identification Issues: How Guidance Could Strengthen Process

By Alison L. Bailey



Last year's scrutiny by federal agencies regarding Arizona's use of a single-question Home Language Survey provides valuable insight into how systems for identifying English learners (EL) are failing elsewhere.

The investigation and subsequent resolution has spurred a productive public debate about the specific purpose of the Home Language Survey (HLS) and ways those surveys may be improved and even complemented to ensure ELs are properly identified for assessment and receive the services they may need (for more on the HLS process, see the July 2010 newsletter).

Where a student happens to be born and raised, or, for many, where their parents chose to settle, ultimately determines how a student will be initially identified as needing further screening for English language services. Although civil rights statutes mandate that English learners be given the appropriate service to enable them to access the general school curriculum, no federal law — including No Child Left Behind — requires a particular method for determining which children have a primary language other than English and will be further screened to determine their need for EL services. Students may encounter different methods in different places. Nonetheless, the vast majority of states employ some form of HLS for K-12 screening.

HLS Practices Vary

At least four distinct state practices have emerged: 1) the state education agency (SEA) creates a single HLS form and mandates statewide use; 2) the SEA mandates use of an HLS and creates a sample HLS form for local education agencies (LEAs) to adopt or substitute with their own versions; 3) the SEA mandates use of an HLS but requires that districts create their own set of local survey questions; and 4) the SEA does not mandate the use of an HLS.

This simple classification of practices belies the large variation across states in terms of the number and type of questions found on current surveys. Some states rely on as little as one question, while others prefer upwards of a dozen. Although the surveys of many states (and individual LEAs) fall somewhere between those two extremes, answers to just one or two "core" questions identifying the dominant language often are used to determine whether a student needs to take the state's English language proficiency (ELP) assessment.

But what *needs* to be asked on an HLS? Arizona may offer some answers.

At the start of the 2009-10 school year, Arizona families received copies of a revised state-mandated HLS which had been reduced to a single question:

What is the primary language

of the student? Possibly because officials in the Arizona Department of Education (AZDE) presupposed the wording of this question to have at least two interpretations (either the student's dominant language or the student's first-acquired language), the question was accompanied by a further direction that families should answer with "*the language used most often by the student,*" i.e., the dominant language (for more, see the December 2010 newsletter).

A real consequence of relying on just a single question is the under-identification of students for further ELP assessment and accurate placement in needed EL services. In an August 2010 determination letter and accompanying resolution agreement, the U.S. Departments of Education (ED) and Justice provided data to suggest that a single-question HLS is an inadequate instrument for initial identification. Moreover, in a report prepared for UCLA's Civil Rights Project/Proyecto Derechos Civiles, a social and civil rights research effort, Claude Goldenberg and Sara Rutherford Quach found that 11 percent of kindergarten students and 18 percent of K-5 students who were eligible for EL status in the two Arizona school districts they examined would have initially gone unidentified using the new single HLS question.

The cost of "missing" the right students in the initial survey process is extremely high. Interpreting English as a *primary* language as equivalent to having sufficient proficiency in English robs many students of timely screening and any subsequent EL services. Given that the majority of new EL students are young and still developing cognitively and linguistically, missing just a handful of weeks' exposure to formal English instruction can amount to a lot of lost acquisition time. If students are not identified in the initial pool of potential ELs needing further assessment, the mainstream classroom teacher is their next, and, most likely, last hope for an ELP assessment referral. But, as Goldenberg and Rutherford Quach report, very few students are ever caught by this back-up referral system. A survey of districts by AZDE turned up just 96 students statewide who were

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later referred by a teacher — a shockingly miniscule number.

Can the new Arizona HLS be so accurate as to have misidentified so few students? Not likely. In just two districts alone, Goldenberg and Rutherford Quach's analyses revealed approximately 1,200 students who still needed EL services and would have needed to rely on teacher referral as a consequence of the new HLS process. Either districts do not keep records on all referrals and thus referrals are not making their way into data bases at the state level, or teachers are failing to use the referral process. Without further study, we will not know to what degree each consideration is responsible for the low number of referrals, however.

Over-, Under-Identification

What is abundantly clear, however, is that an EL assessment and services system that takes comfort in a teacher-referral safety net for eligibility is sadly misguided. But if we can improve the teacher-referral system, we do have cause for optimism — when teachers make referrals the validity of their concerns is borne out by the subsequent ELP assessment results.¹

The HLS situation in Arizona resulted from concerns about *over*-identification of EL students; clearly, it can be a waste of resources for cash-strapped LEAs and SEAs to provide follow-up screening to students who are already English proficient or native-English speakers. The over-identification of students as potential ELs also may carry stigma and distress to students who must needlessly undergo further assessment. But is the lost time for vital language development worth the comparatively minor educational misstep associated with the over-identification? It seems the more tolerable “measurement error” surely must be to have too many rather than too few students initially thrown into the pool of potential ELs. Schools then can whittle down this larger pool of students more accurately by the state's screening or assessment processes. So wherever the HLS falls short of effectively identifying potential EL students, a reliable teacher-referral system becomes that much more critical.

In our recent work through the ED-funded Evaluating the Validity of English Language Proficiency Assessments (EVEA) project, we are enabling participating states to create defensible validity arguments for the ways they identify the population of potential ELs.² Our review (Bailey & Kelly, 2010) revealed that all but four states currently use an HLS to initially identify the pool

of students who should be considered for further assessment. Consequently, the EL accountability systems and EL instructional services of nearly all states rest upon the quality of HLS-associated practices. Hence, the need for careful scrutiny nationwide is obvious.

To date, all HLS-based ELP assessment systems are built on the claim that their student-intake procedures appropriately identify the potential EL population. The underlying assumption is that the HLS accurately identifies potential ELs and, most critically, that the students determined not to need further screening have sufficient English skills to access the content in grade-level classes. Our review found no state-conducted empirical studies designed to address the veracity of these claims and assumptions. One unintended but positive outcome of the unfortunate situation in Arizona, however, is that the state has given us one of the few opportunities to study empirically the effects of different HLS questions on the accurate identification of students who need further assessment of their English language abilities.

In Arizona's resolution agreement, the federal government agencies identified — as representing the minimum necessary HLS content — the three questions used on the former Arizona HLS that was replaced by the single-question version. The former questions were used to determine: 1) the primary language of the home (i.e., language exposure); 2) the language most often spoken by the child (i.e., language dominance); and 3) the child's first language.

But the agencies did not make clear why they thought these three questions alone should take precedence over other potential questions. Question #3, in particular, only may be relevant in states offering families bilingual programming in English and a child's first language. By looking further afield at research studies of the connections between home language and language proficiency, however, we found not only current language exposure and dominance included in measures of student-language background, but several additional constructs. Specifically, the research literature accounted for differences in oral and literate forms of language dominance.

Research studies also included items that required parents to elaborate on the details of language exposure with questions about language(s) spoken in other settings, and the language used with the child and heard by the child in specific contexts (e.g., language used at the park, by the babysitter, etc.). Studies that correlated the home language constructs with student language proficiency paint a very complex picture and, in several instances, suggest a disconnect between home language background and English proficiency. Unfortunately, these conflicting results cast serious doubt on the ability

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1. According to Goldenberg and Rutherford Quach (2010) 94 of the 96 referred students in the AZDE survey went on to receive EL services.

2. Office of the Superintendent for Public Instruction of the State of Washington, with partner states Idaho, Indiana, Montana and Oregon received an Enhanced Assessment Grant for this project.

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to determine ELP from parent-reported language usage and preferences.³

Our review indicated that reliance on existing HLSs without immediate attempts to validate their claims and assumptions is untenable. Moreover, the reliance on most existing HLSs for initial identification seems wholly inadequate given the possibilities for the richer and more useful information that an enhanced and validated survey might afford. Further, this inadequacy is highlighted by relatively new sources of input regarding student language abilities, namely: 1) the availability of early-language and literacy-assessment outcomes for many students as a result of increased preschool enrollment, and 2) increased teacher knowledge and use of formative assessments in core content areas that can be expanded to include a greater focus on students' communicative abilities.

Valid and Reliable

In order to ensure that interpretations of the HLS are valid and reliable, states must provide clear and consistent guidelines. For all educators relying on accurate HLS information, I propose these four guidelines:

- *Teachers require guidance on interpretation of HLS questions and the subsequent follow-up decisions.* Once families return completed HLSs to schools, the teachers and administrators need clearer guidance from the state on how to interpret parent responses. As a precursor, states need to pilot the questions and conduct focus groups to explore how parents interpret the meaning of constructs such as “primary” language. If an HLS is enhanced to differentiate oral from literate language abilities, adequate guidance on interpretation will be even more vital as this may lead to other kinds of false positives, such as the case of language delays due to lack of prior schooling, transitory school experiences or other cognitive or behavioral needs. In our review, we found little existing guidance to teachers about how to weight a particular response compared to other responses, nor whether a preponderance of answers stating that a child was exposed to a language other than English should also be used to determine the need for assessment. Once HLS responses are interpreted and a student's probable need is determined, states also must guide teachers and administrators through all available options. A short screening or placement assessment may be the next step in some states; in others, the an-

3. Jim Littlejohn and Jamal Abedi amongst others highlight an additional drawback: those in vulnerable societal positions such as undocumented immigrant and Native American parents may prefer not to complete the HLS at all.

nual ELP assessment might be used to determine eligibility for EL services. Regardless, we found that some states, such as Texas, have created clear flow charts to guide teachers and schools through the set of decisions involved in EL identification. (For more, see Thompson's *Administrator's Guide to Federal Programs for English Learners*.)


- *Teacher insight is crucial when developing and piloting enhanced HLS questions.* To our knowledge, nothing prevents schools from supplementing the state- or LEA-mandated HLS questions with additional questions. Teachers should be invited to create questions that may better discriminate between students in the general population and those who may need further assessment for EL services. Such items can be tailored to local conditions and should focus on the language used by students and their families (e.g., students in some communities may be considered “balanced bilinguals” speaking two or more languages including fluent English). Surveys that include items that distinguish comprehension (listening) from production (speaking), oral from literacy skills, and a student's language preferences from language abilities can be used for initial identification, and can later be helpful to teachers for language programming decisions.
- *A teacher-created referral process provides a smart, proactive complement to current HLS implementation.* The biggest contribution teachers can make is in their interpretation of multiple sources and kinds of data. Ideally, the HLS should be just one piece of evidence that triggers further ELP assessment. Other evidence that can be collated by a new student's classroom teacher, such as information on English-language preschool attendance and prior performance in English reading and writing for older students new to the school or district, can be made part of the equation in initial identification and not simply be revealed later when a teacher suspects a child is failing in class due to a lack of EL services. All school and district personnel responsible for intake forms and assessments can benefit from teacher input, but in return, teachers need support from their schools and districts to play this preemptive role, including the timely creation of student databases and administration of the HLS by schools or districts.
- *Improving the safety net.* Teachers alone cannot and should not constitute the sole safety net for the HLS process, but if efforts fail to identify a student as eligible for EL services, or fail to be well-implemented by states and districts, then teachers will remain the chief backstop. Teachers

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with suspicions of student language difficulties later in the school year are at least additionally armed with first-hand experience of teaching the student and should document a student's language needs so these can be used as rationale for and during the referral process (see below).

As unfortunate as the HLS situation has been for the students and families of Arizona, many important and timely lessons have been learned. Of course, as happened in Arizona, ignoring these lessons could prompt a puni-

tive response by federal agencies. But a more positive lesson would be to turn what we have learned from one state into more robust procedures across all states. Then we may see much-needed improvement in the process of identifying EL students, regardless of where they reside. 

For Further Information

- “The Use and Validity of Home Language Surveys in State English Language Proficiency Assessment Systems: A Review and Issues Perspective,” can be found online at <http://www.eveaproject.com/doc/HLS%20White%20Paper%202010.pdf>.
- Goldenberg and Rutherford Quach's report, “The Arizona Home Language Survey and the Identification of Students for ELL Services,” is online at <http://civilrightsproject.ucla.edu/research/k-12-education/language-minority-students/the-arizona-home-language-survey-and-the-identification-of-students-for-ell-services/AZ-PHLOTEGO8-17-10revision.pdf>.
- Texas' “Limited English Proficient Decision Chart (version 2)” is online at <http://www.tea.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=2147486285&dlibID=2147486284>.

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Improving the Existing ‘Safety Net’

Here are some specific ways teachers can assemble the needed “evidence” for student referral to ELP assessment. They include:

1. Creating a portfolio of existing student information, including HLS responses, available language and literacy assessment results from prior schools, including preschool, etc.
2. Adding to the portfolio regular notes based on informal observations of the student's communicative abilities during instructional and non-instructional contexts. Expectations will differ by grade and suspicions of struggle may differ by content area and contexts (e.g., oral display of mathematics learning and lunchtime chatter may not reveal weaknesses in reading and writing, whereas English language arts and social studies may).
3. Talking with the teachers of the student's siblings if applicable and asking questions such as, “Were any siblings identified as EL students?” and “Were they ever referred for EL services?”
4. Talking with parents and asking questions that the HLS did not ask or asking follow-up questions to probe for more detail. For example, a teacher may ask, “What out-of-school chances to speak English does your child receive?” or “Did your child attend preschool in English?”
5. Using deliberate elicitation techniques (e.g., asking the student to retell four key processes in a recently read text) and formative assessments to set content and language learning goals (e.g., student accurately conveys processes using easily followed connected sentences), as well as to define success criteria for meeting these goals (e.g., the student will name all four processes using full sentences connected by words such as *first*, *then*, *finally*). Teachers should keep a running checklist to document whether the student can meet both content *and* language learning goals.

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The National Education Association (NEA) highlighted the work at Gholson Middle School, one of the organization's “Priority Schools,” during an early December 2010 roundtable that included U.S. Education Secretary Arne Duncan, NEA President Dennis Van Roekel, school district leaders and teachers from multiple subject areas. The NEA's Priority Schools Campaign, according to a press release, “supports strategies for school transformation and emphasizes collaboration by all community stakeholders.”

Maryland's SIG Support

Under the SIG program (NCLB Section 1003(g)), states subgrant their share of funding to districts that target their lowest-achieving 5 percent of schools for reform, based on one the four models prescribed in the final rules. The \$3.5 billion total for the 2009-10 cycle (with implementation beginning this school year) includes more than \$500 million in regular fiscal 2009 appropriations and \$3 billion in stimulus funding (for program specifics, see the January 2010 newsletter).

See *SIG Model*, p. 9