

1 July 2013

The Honorable John Kline, Chairman  
U.S. House Committee on Education and the Workforce  
United States House of Representatives  
Washington, DC 20515

Dear Chairman Kline:

Thank you for continued leadership and commitment to providing every child in the United States with the high-quality education he or she needs and deserves. On behalf of TESOL International Association (TESOL), a global education association representing approximately 13,000 English language educators in 150 countries, I am writing to provide you with TESOL's comments on the *Student Success Act* (H.R. 5). Although TESOL appreciates the efforts to produce a comprehensive bill to change many of the flaws in the *No Child Left Behind Act of 2001* (NCLB) and reauthorize the Elementary and Secondary Education Act (ESEA), the association has major concerns about several of the proposals in this legislation.

As statistics and census figures have consistently shown, English language learners (ELLs) continue to be the fastest growing segment of the school-age population in the United States. When it was signed into law, NCLB went further than any preceding version in holding schools accountable for the academic performance of all students—especially ELLs. As a result of holding schools and districts accountable for both the content-area achievement and English language proficiency development of their ELLs, there has been much greater national attention on the unique needs and academic performance of this student population. This heightened attention, and the resulting constructive actions to support academic achievement for ELLs, have been very positive and laudable outcomes.

However, this represents only one side of a very complex picture, as other elements of the current version of ESEA have not yielded positive outcomes for ELLs. Challenges in the law's implementation, and an overarching emphasis on academic performance at the risk of sanctions, have often had negative consequences for ELLs. More importantly, the accountability system at the heart of the current version of ESEA is flawed as it relates to ELLs. Specifically, the system is not built upon what research has shown about these students and the way academic language proficiency in English is achieved. Lastly—and perhaps most critically—the law has done little to build and expand the capacity to effectively support the education of the ever-growing population of ELLs.

TESOL appreciates the efforts within the *Student Success Act* to address some of these flaws

within NCLB, such as the additional flexibility as it relates to the language proficiency of ELLs and the timing of tests in English. In addition, TESOL values the support for language instructional programs based on evidence-based research and standards, the continued support for native language assessments for ELLs, the expansion of state reporting to include former ELLs and long-term ELLs, and the continued support for national activities that support professional development as well as the National Clearinghouse for English Language Acquisition (NCELA).

Although we appreciate these particular elements of the *Student Success Act*, TESOL has serious concerns about other proposals within the legislation.

### **Merger of Title III with Title I**

One of the most positive elements of NCLB was that it explicitly included ELLs for the first time in accountability provisions, and therefore brought a national focus to the needs of these students. This national focus was further supported by shifting what had been a competitive grant program to serve ELLs (Title VII under the *Improving America's Schools Act*) into a state formula grant program that provided additional resources to states and districts to support their ELLs (Title III of NCLB). This came at a time when the population of ELLs in US schools began to grow at much higher rate than it had in the past – a trend that continues today.

While TESOL is supportive of stronger accountability for English language development and instruction as part of the accountability provisions within Title I, the proposal to merge Title III funding into a sub-component of Title I would represent a major step backward in serving the needs of the growing population of ELLs in U.S. schools. Although many ELLs are served by Title I programs, merging the two programs into a single funding stream will not provide greater support for ELLs. In fact, by removing the national focus on ELLs as demonstrated by a distinct federal funding stream under Title III, it is likely to have the opposite effect. As this population of students will only continue to grow, it is critical to maintain a national focus on ELLs by maintaining a distinct funding stream to support these students.

### **Funding Flexibility**

TESOL is equally troubled by the proposal to provide states and districts the flexibility to transfer and pool federal resources targeted for specific populations, including ELLs. One of the primary goals of ESEA is to shorten the achievement gaps between students by providing each child with fair and equal opportunities to achieve an exceptional education. Federal programs that target special populations of students – such as disadvantaged students and ELLs – help achieve this aim. By no longer requiring states and districts to use these federal resources from these programs to support the special populations for which they are intended, the proposal would essentially roll back many gains that have been achieved over the years.

This, combined with the proposal to merge Title III and Title I, would be a crippling blow to ELLs in U.S. schools.

### **Professional Development**

Although the *Student Success Act* includes some support for professional development for teachers of ELLs, it is not maintained as a national priority. Rather, it is submerged as part of the revised Title I, and is subject to the funding flexibility proposal that endangers federal resources to support ELLs. Moreover, the bill diminishes current federal support for teacher quality and professional development. With new national developments such as the Common Core State Standards, the continued growing population of ELLs in U.S. schools, and the economic conditions that have diminished state and local resources for professional development, federal support for teacher quality and professional development needs to be strengthened, not weakened. Reducing support for teacher quality and professional development would have a major negative impact upon U.S. schools.

Because of our concern around these fundamental issues, TESOL International Association cannot support the *Student Success Act* in its present form. Great progress has been made under the current law in drawing attention to, and serving the needs of, ELLs. TESOL urges you to address the concerns herein so this progress is not lost. Specifically, TESOL urges you to continue to support ELLs and their academic achievement in U.S. schools through the continued funding of Title III, along with strong but fair accountability for ELLs.

Thank you for the opportunity to provide comments on this important legislation, and thank you again for your leadership on these issues. TESOL welcomes the opportunity to be a resource to you and your staff, and looks forwards to working with you in passing a reauthorization of ESEA.

Sincerely,



Rosa Aronson, PhD, CAE  
Executive Director

CC: Deena Boraie, President  
Yilin Sun, President-elect  
Suzanne Panferov, Past President