

**Position Paper on Assessment and Accountability of English Language Learners
Under the No Child Left Behind Act of 2001 (Public Law 107-110)**

Since its passage, the No Child Left Behind Act of 2001 (NCLB) has fundamentally altered the educational landscape in the United States. Its purpose is laudable: “to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind” (1425). However, its implementation has presented significant challenges to schools as they serve the growing number of English language learners--a group NCLB was specifically intended to help. These challenges derive in part from requirements regarding the assessment of English language learners that are at odds both with research-based understandings of language competency and accepted practices in educational testing as outlined by the Joint Committee of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education in *Standards for Educational and Psychological Testing* (1999).

As currently implemented, NCLB requires that English language learners be assessed in content-area subjects such as math and science using the same instruments and under the same conditions as fully-proficient English speakers. The Joint Committee’s Standard 9 (Testing Individuals of Diverse Linguistic Backgrounds) states: “any test that employs language is, in part, a measure of [test takers’] language skills. This is of particular concern for test takers whose first language is not the language of the test” (p. 91). In short, when English language learners take a mathematics or science test, it is not clear the degree to which the results reflect their knowledge of English instead of their content-area knowledge. The Joint Committee’s statement of acceptable practice advocates that when test results are used to make significant decisions, as is the case with NCLB, it is important “to consider the possible use of alternative information-gathering tools (e.g., additional tests, sources of observational information, modified forms of the chosen test) to ensure that the information obtained is adequate to the intended purpose” (p. 94). Therefore, TESOL urges that local authorities, in consultation with ESL-trained educators, be permitted to provide approved accommodations for English language learners when warranted, and to determine when these learners have attained sufficient English proficiency that their academic progress can be assessed without further accommodations and wholly in English as required by

TESOL Position Paper on Assessment and Accountability of English Language Learners Under No Child Left Behind (continued)

the Act (Gottlieb, 2003). Additionally, TESOL calls for the approved accommodations to allow for changing aspects of the test (e.g., administering only the parts of the test that are appropriate given the learner's current language ability) and/or the administration procedures (e.g., giving the learner more time or administering the test individually rather than in a group).

Second, under NCLB, standards for the annual yearly progress (AYP) of English language learners are set based on the number of years the learners have attended U.S. schools. This practice implies that all individuals designated as English language learners progress in their new language at the same rate, an assumption that contradicts the findings of numerous research studies in the field of second language acquisition. Textbooks in second language acquisition theory, for example, generally include as a commonly accepted principle that while language learners pass through similar developmental stages, the rate at which they do so varies significantly among individuals because of factors such as learning aptitude and style, individual motivation, and their respective native languages (Mitchell & Myles, 2004; Gass & Selinker, 2001) as well as learning context and educational background. This conclusion is further supported by actual studies of learners in U.S. public schools that have shown considerable discrepancies in the number of years necessary to achieve proficiency in academic language (Collier, 1987; Thomas & Collier, 2002). In short, the length of residency in an English-speaking country is not automatically a reliable and trustworthy indicator of English language proficiency. Therefore, TESOL advocates that English language learners be grouped by language proficiency within age groups for the purposes of tracking their AYP in academic subjects.

Finally, standards for performance on many of the testing instruments utilized under NCLB have been established using sample populations that either do not include English language learners or for which no information is available on the percentage of learners included. Because test users make decisions about acceptable performance based on the percentage of test takers in the sample population that performed at different levels the comparison group must be sufficiently large, balanced, diverse, and scientifically selected to ensure adequate representation of the population at large (Bachman & Palmer, 1996). Therefore, TESOL urges that any standardized test used to assess the academic achievement of English language learners should provide evidence that the comparison group included English language learners and that these learners were selected and represented in such a way as to permit valid and reliable inferences to be made about their performance on the test. If a test of academic achievement in a state's

TESOL Position Paper on Assessment and Accountability of English Language Learners Under No Child Left Behind (continued)

accountability system does not meet this requirement, TESOL recommends that local authorities, in consultation with ESL-trained educators, be permitted to modify these tests, use alternatives to them, or utilize multiple instruments as a way of providing confirmatory evidence.

TESOL's position on the assessment and accountability of English language learners under the No Child Left Behind Act of 2001 is therefore one that exhorts the government to make reference to the guidelines set out in the widely adopted *Standards for Educational and Psychological Testing* (American Educational Research Association et al., 1999) and, specifically, to address issues of fairness in testing for English language learners as set out in this statement.

References

Bachman, L. F., & Palmer, A. S. (1996). *Language testing in practice*. Oxford: Oxford University Press.

Collier, V. (1987). Age and rate of acquisition of second language for academic purposes. *TESOL Quarterly*, 21(4), 617–641.

Gass, S. M., & Selinker, L. (2001). *Second language acquisition: An introductory course*. Mahwah, NJ: Lawrence Erlbaum.

Gottlieb, M. (2003). *Large-scale assessment of English language learners. Addressing educational accountability in K-12 settings*. Alexandria, Virginia: TESOL.

Joint Committee of the American Educational Research Association, American Psychological Association, & National Council on Measurement in Education. (1999). *Standards for educational and psychological testing*. Washington, DC: American Educational Research Association.

Mitchell, R., & Myles, F. (2004). *Second language learning theories*. (2nd ed.). London: Hodder Arnold.

No Child Left Behind Act of 2001, 20 U.S.C. 6301 (2002).

Thomas, W. P., & Collier, V. P. (2002). *A national study of school effectiveness for language minority students' long-term academic achievement*. Retrieved September 4, 2004, from http://www.crede.uscc.edu/research/llaa/1.1_final.html

*Approved by the Board of Directors
October 2005*