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essay-From NES to ELL: The Struggle for the Language Rights of Public School Children in the United States

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FLC: Mentoring Pre-Service Teacher Candidates.

Reflective Submission of Dr. Nena Torrez

From NES to ELL: The Struggle for the Language Rights of Public School Children in the United States

The Lau v. Nichols case, 414 U. S. 563 (1974) decided by the Supreme Court of United States in 1970, found that immigrant children and children of immigrants were denied equal & "meaningful" access to education in most public school classrooms. They were viewed as deficit based on their lack of mastery of the English language.

"With Lau v. Nichols the U.S. Supreme Court guaranteed children an opportunity to a "meaningful education" regardless of their language background. No longer would limited-English-proficient (LEP) students be left to sink or swim, offered no help in understanding their lessons, and shunted onto dead-end tracks for slow learners. Henceforth the schools would have to assume responsibility for overcoming language barriers. The Lau decision did not prescribe a pedagogical means to this end; "affirmative steps" might involve bilingual instruction, English as a second language (ESL) classes, or perhaps some other approach. But the mandate was clear: language-minority students must be ensured access to the same curriculum provided to their English-speaking peers. Perhaps most significant, in 1975 the U.S. Department of Health, Education, and Welfare issued the Lau Remedies, a set of guidelines that translated schools' legal obligations into pedagogical directives." Crawford, James, *Summing up the Lau Decision: Justice Is Never Simple*, a paper delivered in San Francisco in 1994.

The Lau Remedies 1975 mandated by the Office of Civil Rights states that: If schools have 20 or more students of the same language having a primary language other than English, they need to:

Establish a means for **identifying** all students whose primary language is something other than English

Evaluate the English-language proficiency of these students

Provide them with meaningful education

So to meet the state of California & federal mandates arising from the Lau Remedies, California students have been taking the California English Language Development Test (CELDT), since 2001 as a formal assessment of their proficiency of English standards. Coincidentally California began to assess its prospective multiple subject teacher candidates using the Teachers Performance Expectations (TPEs) and Teacher Performance Assessments (TPAs). The TPAs have always been focused on whole class instruction and the specify instruction for designated students both a student whose home language was not English and a student designated with special needs. As we reviewed the data for both CSUSB multiple subject candidates and the California statewide data it was apparent that our candidates' knowledge around the design, implementation, and assessment was an area of needed further examination and development.

Just as the multiple subject program has been in a realignment phase to strengthen students' familiarity with the common core standards, the TPAs have been reformatted by the state to change from the original four to only two TPA cycles.

So, who was to take the CELDT? All students in kindergarten through grade twelve, whose primary language is not English, must take the CELDT. These students must take the test within 30 calendar days after they start at a California public school for the first time.

Based on the duration of the use of CELDT scores in California, most currently working teachers in California will have been educated to CELDT vocabulary & expectations. As all CSUSB current multiple subject teacher candidates are assessed via the Teacher Performance Assessments Cycle 1 and 2, these students need to understand the evolution of services and assessments that are now used with students. California now uses the English Language Proficiency Assessments for California (ELPAC). A review of the CELDT and ELPAC clearly demonstrates what has happened in regard to how these students are viewed, evaluated, classified, and provided "meaningful" education. The state of California has moved from the deficit label of Non-English Speaking, Limited English Speaking, Proficient English Speaking to a focus Proficient with the resultant label of Non-English Proficient, Limited English Proficient, English Proficient. These label encompass the full range of literacy which entail listening, speaking, reading & writing which was a move in the right direction but still label the students based solely on their ability to perform in English.

The shift to the ELPAC focuses on the students and what skills they have and how they are demonstrating those skills and by using the label of English Language Learner the students are more positively centered. The onus shifts

to the teacher candidates to evaluate the skills the ELLs currently have and to modify their instructional practices in clearly defined ways to meet the grade level English Language Development (ELD) standards and specific needs of each of their students. The candidates must explore their students' strengths and skills to build instruction that will lead students to mastery of the English Language Arts and English Language Development standards.

The English Language Proficiency Assessments for California (ELPAC) replaced the CELDT as of the 2018-19 academic year. What are the comparisons and are they improvements for meeting the needs of students?

Some of the changes from the CELDT to the ELPAC are examined in *Out with Old, in with the ELPAC: The New English Language* found at Thefivekeysbite.org 4/20, 2018

Whereas the CELDT was a single test given to students who are recent arrivals to this country and was given repeatedly to others who have been tested with this same exam for many, many years, the ELPAC will have two different tests: one Initial test, and one Summative ("Annual" in CELDT terms) test.

CELDT	ELPAC
Aligned with the 1999 California English Language Development (ELD) Standards with five proficiency levels	Must be aligned with the 2012 California ELD Standards, which have three proficiency levels (Emerging, Expanding, and Bridging)
One test used for two purposes: initial assessment and annual assessment	Two separate tests for two purposes: (1) initial identification; and (2) annual summative assessment. The initial identification will be brief and locally scored.
Paper-pencil tests	Paper-pencil tests with a potential to transition to computer-based tests
July 1–October 31 Annual Assessment window	Annual Summative Assessment window to be a four month period after January 1 (proposed February 1–May 31), allowing for more pre-test instructional time
Five grades/grade spans: K–1, 2, 3–5, 6–8, and 9–12	Seven grades/grade spans: K, 1, 2, 3–5, 6–8, 9–10, and 11–12
Five performance levels	Four performance levels
Reporting domains: Listening, Speaking, Reading, and Writing	Reporting domains: Listening, Speaking, Reading, and Writing

These levels are represented numerically 1-5, The five levels of the CELDT are: Beginning, Early Intermediate, Intermediate, Early Advanced, and Advanced.

1. Beginning – Students performing at this level of English-language proficiency may demonstrate little or no receptive or productive English skills. They are beginning to understand a few concrete details during unmodified instruction. They may be able to respond to some communication and learning demands, but with many errors. Oral and written production is usually limited to disconnected words and memorized statements and questions. Frequent errors make communication difficult.

2. Early Intermediate – Students performing at this level of English-language proficiency continue to develop receptive and productive English skills. They are able to identify and understand more concrete details during unmodified instruction. They may be able to respond with increasing ease to more varied communication and learning demands with a reduced number of errors. Oral and written production is usually limited to phrases and memorized statements and questions. Frequent errors still reduce communication.

3. Intermediate – Students performing at this level of English-language proficiency begin to tailor their English-language skills to meet communication and learning demands with increasing accuracy. They are able to identify and understand more concrete details and some major abstract concepts during unmodified instruction. They are able to respond with increasing ease to more varied communication and learning demands with a reduced number of errors. Oral and written production has usually expanded to sentences, paragraphs, and original statements and questions. Errors still complicate communication.

4. Early Advanced – Students performing at this level of English-language proficiency begin to combine the elements of the English language in complex, cognitively demanding situations and are able to use English as a means for learning in content areas. They are able to identify and summarize most concrete details and abstract concepts during unmodified instruction in most content areas. Oral and written production is characterized by more elaborate discourse and fully-developed paragraphs and compositions. Errors are less frequent and rarely complicate communication.

5. Advanced – Students performing at this level of English-language proficiency communicate effectively with various audiences on a wide range of familiar and new topics to meet social and learning demands. In order for students at this level to attain the English-proficiency level of their native English-speaking peers, further linguistic enhancement and refinement are still necessary. Students at this level are able to identify and summarize

concrete details and abstract concepts during unmodified instruction in all content areas. Oral and written production reflects discourse appropriate for content areas. Errors are infrequent and do not reduce communication.

See appendix 1 for score levels.

ELPAC Performance Descriptors

Proficiency Levels: Emerging Expanding Expanding/Bridging Bridging

ELPAC Performance Level Descriptors

Level 1 – Minimally Developed

Level 2 – Somewhat Developed

Level 3 – Moderately Developed

Level 4 – Well Developed

ELPAC Performance Level 1 Description

English learners at this level have minimally developed oral (listening and speaking) and written (reading and writing) English skills. They tend to rely on learned words and phrases to communicate meaning at a basic level. They need substantial-to-moderate linguistic support to communicate in familiar social and academic contexts; they need substantial linguistic support to communicate on less familiar tasks and topics. This test performance level corresponds to the “Emerging” proficiency level as described in the CA ELD Standards.

ELPAC Performance Level 2 Description

English learners at this level have somewhat developed oral (listening and speaking) and written (reading and writing) skills. They can use English to meet immediate communication needs but often are not able to use English to learn and communicate on topics and content areas. They need moderate-to-light linguistic support to engage in familiar social and academic contexts; they need substantial-to-moderate support to communicate on less familiar tasks and topics. This test performance level corresponds to the low- to mid-range of the “Expanding” proficiency level as described in the CA ELD Standards.

ELPAC Performance Level 3 Description

English learners at this level have moderately developed oral (listening and speaking) and written (reading and writing) skills. They can sometimes use English to learn and communicate in meaningful ways in a range of topics and content areas. They need light to minimal linguistic support to engage in familiar social and academic contexts; they need moderate support to communicate on less familiar tasks and topics. This test performance level corresponds to the upper range of the “Expanding” proficiency level through the lower range of the “Bridging” proficiency level as described in the CA ELD Standards.

ELPAC Performance Level 4 Description

English learners at this level have well developed oral (listening and speaking) and written (reading and writing) skills. They can use English to learn and communicate in meaningful ways that are appropriate to different tasks, purposes, and audiences in a variety of social and academic contexts. They may need occasional linguistic support to engage in familiar social and academic contexts; they may need light support to communicate on less familiar tasks and topics. This test performance level corresponds to the upper range of the "Bridging" proficiency level as described in the 2012 California English Language Development Standards, Kindergarten Through Grade 12 (CA ELD Standards).

Hopefully, teacher candidates who understand the history and changes in how California public education via the California Department of Education and its website, www.cde.ca.gov will be socialized to the ELPAC and take its positive, descriptive, and prescriptive nature linked to the ELD standards as the roadmap to meet their future students' needs and successfully meet the challenges of the TPAs.