Why Current Reforms Again Fail Emergent Bilinguals: From NCLB to the Common Core
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This presentation shares a macro-level analysis (Spolsky, 2008) of US federal language education policies from No Child Left Behind (NCLB) of 2001 to the recently adopted Common Core State Standards (CCSS of 2010), focusing on the provisions within these policies for emergent bilinguals (also known as English language learners or ELLs). There is strong precedent for employing discourse analysis in language policy research, particularly critical discourse analysis, as a means to think through how policy texts at the macro level impact the education of emergent bilinguals at the micro level of the classroom (Johnson, 2011; Palmer, 2008; Wright, 2005).

Specifically, the purpose of the present study is to analyze several key policy texts – NCLB, CCSS, and the corresponding assessment provisions for emergent bilinguals by the two state consortia charged with developing CCSS assessments: Partnership for Assessment of Readiness for College and Careers (PARCC) and the Smarter Balanced Assessment Consortium (SBAC). It is too early to say how the CCSS and their assessments will impact the instruction and educational experiences of emergent bilinguals, so the present study offers textual analyses of the language of these policies, and thereby a means to make predictions about their effects. These predictions are informed both by past experience, with the implementation of NCLB, and the explicit assertions and implicit ideologies embedded within the CCSS, PARCC, and SBAC frameworks for emergent bilinguals. Specifically, I analyzed the NCLB text within the context of its implementation over the past 12 years, and then analyzed the CCSS documents highlighting how much of the discourse surrounding emergent bilinguals – particularly certain ‘monoglossic’ views (García, 2009) – have been retained verbatim and perpetuated (as per Blackledge, 2009; Johnson, 2011; Rogers et al, 2005).

This presentation begins by offering a chronology of U.S. language education policy over the past 20 years for emergent bilinguals (please see Figure 1), including general education policies that
are in actuality *de facto* language policies in schools (Menken, 2008; Menken & Shohamy, forthcoming; Shohamy, 2001).

[Figure 1 here]

**Shortcoming #1: Emergent Bilinguals Again at the Periphery**

Findings from this study reveal how the Common Core are in implementation thus far repeating three of the gravest mistakes made by NCLB for emergent bilinguals. First, emergent bilinguals are again left at the periphery of education reform efforts, much as they were in the federal education policies preceding the latest wave of education reforms. As shown in Figure 1, in 1994 states were required by the federal education policy of the time, the *Improving the America’s Schools Act*, to develop academic content standards for all students. However, standards for emergent bilinguals were typically not adopted until several years later. For instance, New York adopted its ‘Performance Standards for ELLs’ in 1997 and it was not until 1999 that Philadelphia adopted what it termed ‘ESOL Curriculum Frameworks.’ NCLB was then passed into law in 2001 and required that all students be assessed to ensure their attainment of state standards, including emergent bilinguals, but because most states by then already had standards-based assessments in place, states simply began including emergent bilinguals in the assessments already being taken by all students (Menken, 2008).

The validity and fairness of doing so has repeatedly been drawn into question in the years since then (e.g., Menken, 2008; Solórzano, 2008). Under NCLB, tests have become increasingly high stakes, with test scores attached to consequences for individual students as well as for their teachers, schools, and school districts in compliance with the law’s accountability requirements. Yet for emergent bilinguals, any test administered in English is really a language proficiency exam even if it is intended to assess academic content knowledge (Menken, 2008). For instance, language proficiency level is correlated to performance on content tests regardless of accommodations used
What is more, studies of the effectiveness of accommodations for emergent bilinguals are inconclusive and highlight how many problems remain (Pennock-Roman & Rivera, 2011; Schissel, 2010; Solórzano, 2008). Even with test accommodations, the reality is that emergent bilinguals consistently underperform in comparison to their English monolingual peers, making these students, their teachers, and the schools that serve them disproportionately likely to be penalized under the accountability requirements of NCLB (Menken, 2010). Nationally, emergent bilinguals score an average of 20-50 percentage points below their peers on state assessments of English language arts and other content-area subjects, and thus the majority of emergent bilinguals fail to achieve a score of proficient or meet adequate yearly progress goals (Abedi & Dietal, 2004; Government Accountability Office, 2006; Sullivan et al., 2005). Therefore, the accommodations framework has proven problematic in the years since NCLB was passed into law – a point to which I will return later in this paper.

The CCSS were adopted in 2010 with little guidance for emergent bilinguals. Seeking greater commonality between states’ content-area standards and emphasizing non-fiction and text complexity, amidst other shifts from past policies, the CCSS basically leave states to determine where emergent bilinguals are meant to fit into these standards, if at all. The CCSS document offers a mere 2.5 page discussion in a document located outside the main policy text, leaving little discourse to actually analyze. This is a telling omission, which has left states and various organizations scrambling to incorporate emergent bilinguals into implementation efforts. With private funding from the Gates Foundation, the Understanding Language initiative was made publicly available in 2013 with information about how to support emergent bilinguals in their acquisition of the new CCSS, but by then most states were already implementing CCSS in schools. In terms of standards development, states like New York had needed to move forward in their
efforts to adopt standards for emergent bilinguals aligned to the Common Core, so did so without outside support.

**Shortcoming #2: English-Only Orientation**

Secondly, like NCLB, CCSS propagate an English-only orientation, threatening pedagogy and programming that use students’ home languages in instruction (García & Flores, 2013; Menken & Solorza, 2014; Wiley & Wright, 2004). The termination of the *Bilingual Education Act* with the passage of NCLB and the deletion of the word ‘bilingual’ altogether from the NCLB legislation was a federal policy shift noted by language policy scholars who analyzed the text of the law (Crawford, 2002; Wiley & Wright, 2004; Evans & Hornberger, 2005). NCLB describes the purposes of Title III for emergent bilinguals as follows:

(1) to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet. (NCLB, Title III, Part A, Sec. 3101)

As this first line of Title III makes clear, English over bilingualism is the desired educational outcome along with standards attainment. Additionally, there is repeated mention of sameness with regard to emergent bilinguals, in the context of meeting the same standards, with those standards described as ‘challenging’ and ‘rigorous’ at various point throughout the policy.

The language of NCLB is echoed in the CCSS, as exemplified in the first line of its *Application of Common Core State Standards for English Language Learners*:

The National Governors Association Center for Best Practices and the Council of Chief State School Officers strongly believe that all students should be held to the same high expectations outlined in the Common Core State Standards. This includes students who are English language learners (ELLs). However, these students may require additional time, appropriate instructional support, and aligned assessments as they acquire both English language proficiency and content area knowledge. (National Governors Association Center for Best Practices and Council of Chief State School Officers, 2010b: 1)
As in NCLB, the document states the goals for emergent bilinguals are English and content knowledge, thereby emphasizing English over bilingualism as the main educational goal along with the attainment of the standards. The document also notes setting the 'same high expectations,' echoing the rhetoric of sameness promoted through NCLB.

This is a marked departure from educational thinking during the Civil Rights era, when the Lau vs. Nichols ruling set a legal precedent against sameness by arguing the following:

[I]dentical education does not constitute equal education under the Civil Rights Act . . . by merely providing students with the same facilities, textbooks, teachers and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education (Lau vs. Nichols, 1974)

In this groundbreaking case, the court mandated that sameness was insufficient, and that the San Francisco Unified School District must take affirmative steps to overcome educational barriers faced by emergent bilingual students who speak Chinese through the provision of language support services (ESL and/or bilingual education). In more recent work, Reeves (2004) notes how the focus on sameness – what she terms ‘difference blindness’ – causes inequities for emergent bilinguals within schools and is thus unequal in its results. Moreover, I would argue in light of the recent research in neurolinguistics and applied linguistics showing how the minds of bilinguals function differently from those of monolinguals (e.g., Bialystok et al., 2009; Pavlenko, 2014) that this way of viewing students is ultimately monoglossic, imposing a monolingual norm and setting forth an implicit expectation that students will over time become more like English monolinguals, without recognizing the students’ bilingualism as a lifelong resource that is worth cultivating in its own right.

Shortcoming #3: The Accommodations Paradigm (Read: Deficit)

And third, the CCSS assessment approaches currently being developed by individual states and by two state consortia (Partnership for Assessment of Readiness for College [PARCC] and the Smarter Balanced Assessment Consortium [SBAC]), continue to operate from the same accommodations paradigm that has already proven ineffective and detrimental for emergent
bilinguals under NCLB, leaving these students disproportionately likely to fail high-stakes tests and face their consequences (Menken, 2008; Sólorzano, 2008).

NCLB requires in Title I (sec. 1111) the same academic assessments be used to measure the achievement of all children under the same state accountability system, with provisions for:

…[T]he inclusion of limited English proficient students, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments.

Since the passage of NCLB, states have included emergent bilinguals into their testing regimen in order to comply with the law’s accountability requirements by using test accommodations that vary from state to state. The assumption is that the provision of accommodations will level the playing field, making the test results for emergent bilinguals with accommodations equivalent to those of English monolinguals.

While assessment of the CCSS is meant to begin in the 2014-15 academic year, we can expect that testing under the CCSS will largely remain unchanged. In 2013, the U.S. Department of Education conducted a technical review of PARCC and SBAC, and criticized both consortia for failure to pay sufficient attention to how emergent bilinguals are to be assessed (U.S. Department of Education, 2013). In response, both consortia recently published guidelines outlining allowances for emergent bilinguals, both of which echo the discourse of accommodations promoted under NCLB.

SBAC and PARCC permit many of the same accommodations that states currently use under NCLB, such as: the use of bilingual dictionaries, oral dictation of responses, translation of directions with clarifications, and extended time (PARCC, 2013; SBAC, 2014). A main area of difference is that while SBAC permits test translations for students in what they term ‘dual language education’ on the math exam, PARCC does not permit translations at all.

As noted above, the reality is that the results of accommodations vary, with some having greater potential than others to actually help emergent bilinguals show what they know and are able to do on an exam. For instance, the use of modified English in test items is one of the more
promising accommodations for emergent bilinguals, as Abedi and Ewers (2013) in fact report in a literature review they conducted for Smarter Balanced; even so, neither PARCC nor SBAC permit it. Moreover, the accommodations paradigm is fundamentally flawed as it rests on the faulty assumption that bilinguals can become just like monolinguals with a few minor adjustments in a test’s administration; in fact, as research cited above explains, the minds of bilinguals function differently and their daily language practices are highly complex, fluid, and dynamic (García, 2009).

Accommodations allow policymakers and the general public to believe that emergent bilinguals are being given help that others do not receive, permitting the interpretation of their test scores as scientific truths rather than as numerical performance in ways that are both problematic and dangerous. New York City offers a case in point: 1) emergent bilinguals in New York City high schools have had the highest dropout rates and lowest graduation rates of all students since the state began requiring that they be included in the same high school exams used to assess English monolinguals in compliance with NCLB accountability mandates (Menken, 2010); 2) the pressures of accountability in New York City have resulted in the widespread elimination of bilingual education programs in city schools (Menken & Solorza, 2014); and, 3) the fact that emergent bilinguals are repeatedly labeled as test failures within the current accountability system results in a number of perverse testing byproducts such as, for instance, schools not admitting these students for fear that they will create a downward drag on schoolwide test scores (Menken & Solorza, 2014). Testing with accommodations remains rooted in monoglossic ideologies that will continue to frame emergent bilinguals as deficient in English, in the absence of a major paradigm shift.

Discussion

While the next step in this research project will be to conduct ethnographic research to better understand how the policy discourse outlined above is impacting classroom practices, some preliminary results support the findings reported here. In the spring of 2013, New York – a state
that is not a member of either the PARCC or SBAC consortia - implemented new Common Core tests for grades 3-8 that had been developed for the state by Pearson within a shroud of secrecy (no one can even see past administrations of the test), and the statewide passing rate for emergent bilinguals dropped to a paltry 3.2% on the English language arts test and 9.8% on the math test (these rates had been 13% and 30% respectively). In New York, where schools are required to adopt Common Core curricula, many city schools were pressured to select new curricula from a drop-down menu of several options aligned to the CCSS. For the purposes of this paper, I interviewed bilingual education teachers and administrators at four elementary schools with longstanding bilingual education programs and found that all four schools adopted a new curriculum called ReadyGen (also developed by Pearson) in the current school year. The teachers explained that the curriculum is only available in English, and is therefore undermining their provision of Spanish instruction. As the principal of one of these schools bemoaned, “It has been a terrible year for my teachers and me, but because we didn’t do well on the Common Core tests last year, we had to try something new and this is what the district pushed us to try” (interview notes, 1/22/14). It remains to be seen if their efforts will result in improved scores on this year’s test, and several teachers noted they are unsure if their schools will even keep the curriculum next year.

Concluding Remarks

Locating CCSS within an historical context in this way, through critical discourse analysis, highlights how history is repeating itself. Although we are still at the early stages in the development, adoption, and implementation of CCSS and corresponding assessments, I describe the ways that current policies are built upon past stipulations, which have literally and metaphorically failed emergent bilinguals. This analysis thus uncovers how national policy is on track to fail these students once again.

References


Menken, K. (2010). No Child Left Behind and English language learners: The challenges and consequences of high-stakes testing. Theory Into Practice, 49(2), 121-128.


Figure 1. Common Core State Standards in Language Policy Context

- Improving America’s Schools Act (1994)
- Proposition 227 (1997)
- Proposition 203 & Question 2 (1998)
- Race to the Top (1999)
- Understanding Language Project (2000)
- No Child Left Behind (2001)
- Common Core State Standards (2009)
- Philadelphia ESOL Framework (2011)
- NY Bilingual Common Core Progressions (2013)
- PARCC & SBAC Accommodations Guidelines (2014)
- NY Common Core Tests (2014)
- PARCC & SBAC Assessments Begin (2014-15)
- NY Performance Standards for ELLs (1994-2014)