

# Teaching to the Test: How No Child Left Behind Impacts Language Policy, Curriculum, and Instruction for English Language Learners

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## Abstract

In the wake of the federal No Child Left Behind legislation, standardized tests have become increasingly high-stakes. Yet English language learners (ELLs) typically score far below native English speakers, creating pressure to “teach to the test.” This article shares findings from an intensive year long study in 10 New York City high schools, detailing how high-stakes tests become *de facto* language policy in schools. Most schools and individual educators have increased the amount of English instruction ELLs receive; however, some have instead increased native language instruction as a test preparation strategy. Curriculum and instruction focuses on test content and strategies, and English as a second language classes have become more like English language arts classes for native English speakers. In bilingual classes, tests are found to promote monolingual instruction with test translations guiding decisions about language allocation.

The passage of No Child Left Behind (NCLB, 2002) has carried sweeping educational reforms, and a focus on standardized testing that is now being felt on a daily basis in schools and classrooms across the United States. While the needs of English language learners (ELLs) have typically remained at the periphery of education reforms, recent federal policy has brought this student population into the national spotlight. In spite of the promises of this legislation, however, ELLs are disproportionately being “left behind,” performing far below native English speakers on standardized tests. The findings from this research expose how the national emphasis on testing dramatically impacts the ways that ELLs are educated in U.S. public schools today, in order to meet the demands of high-stakes testing.

This article shares findings from dissertation research that was conducted throughout the 2003–2004 academic year in 10 New York City high schools and details how educators prepare their ELL students to take the tests that “count” within the NCLB accountability system. Language proficiency mediates performance on the standardized tests that are widely being used in accordance with NCLB mandates, placing ELLs at a serious disadvantage when test results are used as the primary criteria for high-stakes decisions such as high school graduation. This research describes the different approaches taken to address the challenges of these exams, and documents how teachers and schools align their curriculum and instruction to the tests. In specific, this article examines changes schools have made to their language policies due to high-stakes testing, and explores what “teaching to the test” means within the context of bilingual and English as a Second Language (ESL) classrooms.

The body of research in language policy is concerned with such topics as which language(s) will be taught and/or used as the medium of instruction in school, how language education is implemented, as well as language ideology (Cooper, 1989; Corson, 1999; Crawford, 2000; Fettes, 1997; Fishman, 1979, 1991; Hornberger, 1996, 2004; Kaplan & Baldauf, 1997; Ricento & Hornberger, 1996; Ruiz, 1984). For Spolsky (2004), language policy encompasses all of the “language practices, beliefs and management of a community or polity” (p. 9). This inclusive definition of language policy is adopted in this article, as the preparation of students who are non-native speakers of English to take high-stakes standardized tests necessitates a wide range of decision making at the school and classroom level with regard to language (Shohamy, 2001). Specifically, I argue that within the current context tests have become *de facto* language policy in schools, driving teaching and learning.

### **Why the Test Is What Counts: Mandates of NCLB for ELLs**

Standards and assessment are pivotal themes in current reform efforts, and cut across much of the federal legislation passed by Congress in recent years to improve the education of all students. In 1994, the Elementary and Secondary Education Act (ESEA, 1965) was reauthorized and entitled the Improving America’s Schools Act (1994). This law required states to adopt academic content and performance standards, and assessments aligned with them. In the wake of this federal legislation, efforts were made to ensure student attainment of the standards, and standardized tests became high-stakes as they were used to ensure that students were progressing in the ways the law required. Additionally, new efforts were made to include ELLs in the same tests as those used to evaluate native English speakers (Menken, 2000).

The recently reauthorized ESEA, entitled NCLB, builds upon prior legislation and focuses more heavily on accountability than ever before. It mandates that accountability requirements apply to *all* students, requiring a 95% participation rate in state assessments, and emphasizes the inclusion of ELL students as a “subgroup” that must make measurable academic progress for schools to continue to receive federal funds without sanctions. An overriding premise of NCLB is that all students must achieve the level of “proficient” in state assessment systems by the 2013–2014 school year (NCLB, 2002).

Specifically, the new Titles I and III of the ESEA mandate two types of assessments for students who are ELLs: academic content and English language proficiency. In accordance with the new Title I, each state must now include “limited English proficient” students (also known as ELLs) into its academic assessment system and assess them in a valid and reliable manner. Furthermore, each state education association must develop measurable achievement objectives to ensure that ELLs make “adequate yearly progress” in their development and attainment of English proficiency, while meeting the same statewide academic standards in content areas as those set for native English speakers (NCLB, 2002).

For students with special needs, such as ELLs, the vision behind their inclusion in assessment and accountability systems is to improve the quality of educational opportunities available to them. As Goertz and Duffy (2001) summarize, “Holding educators accountable for test scores, the theory goes, will increase these students’ access to a high-quality, standards-based general education curriculum” (p. 9). In spite of this rationale, it is primarily the students themselves who are being held accountable; tests now carry higher stakes than ever before, as they are used in most states as the primary criteria for high school graduation, grade promotion, and placement into tracked programs (Blank, Manise, & Brathwaite, 1999; Heubert & Hauser, 1999). Yet the standardized tests that most states currently employ rely heavily on language proficiency and were developed for the assessment of native English speakers—not for ELLs. In this way, these tests are first and foremost language proficiency exams, not necessarily measures of content knowledge (García & Menken, 2006; Menken, 2000). In addition, analyses of existing test instruments point to continued cultural and linguistic complexity in test items that are further sources of measurement errors, and have yet to be properly addressed in the assessments being used for high-stakes decision making (Abedi & Dietal, 2004; Abedi, Hofstetter, & Lord, 2004; Solano-Flores & Trumball, 2003).

More states and districts are now requiring ELLs to pass the same English Language Arts exams as taken by native English speakers for high school graduation or grade promotion. These practices raise concerns with regard to the validity, reliability, and fairness of the inclusion of this student population in tests that carry such high stakes (Heubert & Hauser, 1999). The reality is

that ELLs consistently perform far below native English speakers on wide-scale assessments, in language arts as well as in content-area subjects, and across grade levels (Escamilla, Mahon, Riley-Bernal, & Rutledge, 2003; Valenzuela, 2005). The achievement gap between ELLs and other students on statewide assessments is wide, typically by 20 to 40 percentage points (Abedi & Dieta, 2004; Sullivan et al., 2005).

### The New York City Testing Context

New York City is one of the most multilingual cities of the world (García & Fishman, 2002), and 13.8% of public school students are currently ELLs (New York City Department of Education [NYCDE], 2006). English, Math, Science, and Social Studies Regents exams are now required for all students to graduate from New York high schools—including ELLs, who previously did not have to take these exams in order to receive a diploma. Adding to the high stakes of these tests, Regents exam scores are the primary measure of “adequate yearly progress” in New York State in accordance with NCLB. The Center on Education Policy reports that New York is currently 1 of 20 states using high school exit exams to also meet the high school requirements of NCLB; it is predicted that nationally 87% of ELLs will have to pass high school exit exams in the coming years (Sullivan et al., 2005).

Performance by ELLs on the Regents exams to date has lagged far behind that of English proficient students. In 2005, only 33.2% of ELLs passed the English Regents exam as compared to a pass rate of 80.7% by all students. The ELL citywide pass rate in 2005 for the Math Regents exam was 58.1%, as compared to an overall pass rate of 81.5% (NYCDE, 2005). According to Del Valle (2002) and the NYCDE (2004), this corresponds to a recent increase in dropout rates which, at 30.5% for ELLs, is the highest of all students. Due to the challenges these tests pose, they have catalyzed major changes to school curricula and instruction and, thereby, to language policy for ELLs.

### Study Purpose and Methodology

This research examines the implementation of recent policy regarding assessment and high school graduation for ELLs in New York City in an effort to increase understanding of the complex national issues delineated above. Fieldwork was conducted in a purposeful sample of 10 New York City high schools serving ELLs to answer the following research questions:

- 1) In what ways have reforms emphasizing high-stakes tests influenced the instructional practices and the learning experiences of ELLs in high school?
- 2) What are the language policy implications of the focus on assessment?

The data consist of: (a) interviews; (b) observations; (c) state, district and school policy documents; (d) standardized test scores; and (e) graduation, promotion/retention, and dropout data. Interviews were conducted with New York City high school teachers, administrators, and ELL students. The 128 participants interviewed in-depth included: 61 students, 19 administrators (including school principals, assistant principals, and ESL and/or foreign language coordinators), 44 ESL and bilingual teachers, and 4 guidance counselors. Observations were conducted in classrooms where the teacher was also an interview participant, to contextualize the data gathered from interviews. Protocols guided interviews and classroom observations, as shown in Appendix A.

Characteristics considered in the selection of a balanced group of New York City high schools for the study include: school location by borough, student population, socioeconomic status, percentage of ELLs, language groups represented, and type of language programming. Of the 135 high schools that currently serve ELLs in New York City, this sample was narrowed to 10 schools selected on a stratified random sample basis and balanced by the characteristics above. This research implemented a “pyramid design” which can be seen in Appendix B, whereby schools were studied to varying degrees of depth in order to make this a manageable project. One high school was studied in greatest depth over the academic year, as a focal site for intensive ethnography. At three “2nd-tier” schools, I conducted the following: a) two or more site visits; b) interviews with administrators, teachers, and students; and c) classroom observations. A remaining set of six “3rd-tier” schools were visited at least once; interviews were conducted with at least two teachers and one administrator at each school.

For data analysis, interviews were recorded in the form of fieldnotes and audiotape recordings that were transcribed. Following the guidance of LeCompte and Preissle (1993) and Miles and Huberman (1994), the qualitative data were categorized in the initial stages of analysis and later coded according to themes that repeatedly emerged. A spreadsheet was used to keep track of the coding, indicating what was said in each interview and how often each topic arose. The findings were determined by the themes that arose most frequently in interviews; in this way, the findings shared in this article reflect topics discussed repeatedly in the data by different participants (for further detail on the methodology, see Menken, 2005).

## **Findings**

Educators of ELLs across the nation are now focused on preparing their students to pass the tests that “count” (Amrein & Berliner, 2002; McNeil & Valenzuela, 2000; Valenzuela, 2002, 2005; Wright, 2002). Because of the high-stakes consequences and the challenges these tests pose, educators in New

York and elsewhere across the United States are under strong pressure to “teach to the test.” Teachers and administrators frequently used the term “teaching to the test” during interviews conducted in New York City for this research, and data analysis indicates that participants raised this topic 94 times in interviews. They define “teaching to the test” as preparing students for high-stakes tests by focusing instruction on test content and skills or, more explicitly, by devoting class time to teaching test items and test-taking strategies. Under this definition, the vast majority of educators of ELLs who participated in this study teach to the test.

Results of this study illustrate the ways that educators “teach to the test,” and thereby establish language policy in schools—at the school-wide level by changes to the curriculum to align it to the tests, and at the classroom level through instruction. Participants across all of the school sites consistently reported how the tests have been used to determine language policy, curriculum and teaching. The schools and individuals differed, sometimes greatly, in how their policies and practices have changed to prepare students for the tests. Taken together, the findings from the different school sites offer a portrait of the complex effects of standardized testing in schools.

In order to contextualize the findings presented below, it is first necessary to explain why the exams have galvanized so many changes in schools serving ELLs. This research found that all of the high school graduation exams in New York, including Math, rely heavily on language proficiency, which poses enormous challenges for ELLs and ELL educators. The English Regents exam is challenging for all students, and particularly for ELLs. The exam is 6 hours long and entails such tasks as: listening to lengthy non-fiction passages, reading passages of different literary genres with which students must be familiar, identifying literary elements, writing persuasively, and tying together different works of literature around a common theme. Similarly, Math, Science and Social Studies Regents exams are also linguistically complex, involving essays as well as word problems and text-based questions where students must decipher the language to answer correctly. While there are benefits of including ELLs in the assessment and accountability mandates of NCLB, such as higher standards and expectations for these students, this research exposes how the drawbacks currently outweigh the benefits.

### Tests as Language Policy: How Schools Change Their Language Policies to Prepare Students for the Tests

This study found that by definition “teaching to the test” involves changes to language policy where ELLs are concerned. Schools in this research were found to have changed their language policies after it was decided that ELLs would be included in the state’s high-stakes tests, the Regents exams, as a strategy to improve their students’ test scores. Schools shifted their policies in divergent ways: While most schools increased the amount of English

instruction ELLs receive in a school day, some schools were actually found to increase native language instruction. Regardless, all of the changes to school language policies described in this section were done in the name of Regents testing. In this way, the link between testing and language policy is clear: Regents exams determine language policy in New York City high schools.

### *Implicit English-only policy*

In response to the pressure of Regents exams, most schools studied were found to have increased the amount of English instruction ELLs receive, in spite of New York City's strong support for bilingual education since the passage of the Aspira Consent Decree in 1974 (Rappaport, 2002). These changes were influenced by New York State mandates, because the State Commissioner's Part 154 increased the minimum amount of English instruction high school ELLs are required to receive; before 1999, ELLs at all grades and levels of English proficiency were entitled to just one period of ESL per day, while now they are entitled to at least two periods per day (New York State Department of Education, [NYSDE] 1999). The amount of English instruction increased for ELLs with the belief that "if they were to be prepared to pass English Language Arts Regents exams, and all the other Regents exams, then they needed a more intense ESL program" (C. Perez-Hogan, personal communication, June 23, 2004). This mandate is significant because by increasing the minimum amount of English instruction that ELLs are to receive, the State has in essence acknowledged that embedded within the Regents exams is *de facto* language policy promoting English.

This research found most schools have responded to the mandate that ELLs pass the Regents exams to graduate from high school, in particular the English Regents exam, by providing as much English instruction for their students as possible. Schools No. 2 to 4 and 7 to 10, all interpreted the Regents testing requirement by emphasizing English instruction in the education for ELLs. Of these, school No. 4 has actually gone above and beyond the mandated amount of English that ELLs are to receive under Part 154 in New York. This school serves approximately 4,000 students, of whom 606 (15%) are ELLs speaking over 29 different languages and receiving bilingual education and/or ESL instruction. This school was found to have increased how much English is offered to ELLs, in an effort to increase their scores on the English Regents exam. The school is open for 12 periods a day due to its large student population, with English proficient students attending eight periods of the day on a rotating schedule to avoid overcrowding. School administrators are quoted explaining how ELLs there attend an extended school schedule, often attending all 12 periods per day. School administrators and teachers also require that all students, including ELLs, receive a score of at least 65 on the English Regents exam, although the actual statewide passing score is 55, thereby ensuring that the school will perform well on external measures of adequate yearly progress and overall school performance.

The passage below is taken from an interview with the assistant principal for ESL and bilingual education at School No. 4. Ms. O describes how an extended school day and a Saturday school program are used to offer students more English instruction:

Researcher: Do standardized tests, in particular the Regents, affect you and your school and ELL students? And if so, how?

Ms. O: It has affected, it has affected the way we program, the classes we offer and it's affected the strategies and the methodology we use. What we have done to address it, we've done it in several ways. We now have a [Regents] class expressly for the cohort of 2004, strictly devoted to those students. . . . We have Saturday programs and our ELLs are urged, encouraged, pushed to attend these Saturday classes. I mean, attendance is taken. There's an accountability. That's a lot different from the way it was in prior years and before the Regents. And now there is a distinct goal which is they must pass the Regents, so the focus of your lessons has to be the ELA [English language arts] standards. You have to be very aware and methodical in your teaching and in your strategies. And teaching, aligning what you are doing to standards and curriculum so they will pass the Regents. You know it's a definite, definitive focus...

Researcher: So are students getting more ESL now than they were before?

Ms. O: In this building they are. They exceed the mandated amount of minutes in this building.

In this quotation, Ms. O makes several key points relevant to the focus of this article. First, new ESL courses were added at her school when they realized ELLs there were not performing as well as native English speakers on the Regents exams. Changes to their ESL programming and curricula resulted from pressure on the school to have a positive annual yearly progress report for city and state accountability under NCLB, which is based on Regents scores. To do this, as she describes, the school requires ELLs who are about to take the English Regents to enroll in a daily double-period English Regents preparation course, and Saturday Regents preparation classes have essentially become mandatory at this school—both of these courses involve explicit test preparation, which center on practicing test items from previously administered exams. This administrator also mentions how the Regents exams have caused changes in the content, curriculum, and pedagogy of ESL classes, which is a point addressed in greater detail below. With regard to language policy, the Regents promote English at School No. 4, where they have increased the quantity of English instruction ELL students there receive.

### *Preserving native language instruction within a high-stakes testing climate*

Focal School No. 1 offers a contrasting example, where the school has increased how much instruction ELLs receive in their native language as a strategy to help improve their performance on the English Regents exams. This finding is very significant because this school has made these changes within a testing context which, as described above, implicitly promotes English; the school has thereby found a way to promote native language maintenance and development in spite of the current high-stakes testing climate. The focal school is overcrowded, serving well over 5,000 students. The vast majority of ELLs at the school are Spanish speakers, with a smaller number of speakers of other languages represented as well (from Eastern Europe, Asia and Africa); all of these students receive ESL, and Spanish speakers also receive bilingual instruction in math, science, and social studies. At this school, educators found that the skills on the Advanced Placement (AP) Spanish exam and in the national curriculum for the AP course are similar to the skills demanded on the English Regents exam. The school began requiring Latino ELLs to enroll in Spanish as a Native Language courses at the lower levels and AP Spanish at the more advanced levels as an English Regents test preparation strategy.

The former assistant principal of ESL and foreign language at School No. 1, called Mr. C, explains the reason behind the Spanish programming in the following:

Our goal now is everyone takes [Spanish] AP literature because that's the English Regents, you pass one you'll pass the other... They're preparing for it for 4 years, from the beginning. They are preparing, they have 4 years to prepare for that test. Teachers said, "Oh my God, [the AP Spanish exam] looks like the English Regents!" ... Then we re-did their curriculum for foreign language, the whole outlook. It was mandatory that at the end of the term kids must analyze a radio program. You know what I'm really doing is English Regents preparation for Task One [listening comprehension]. Am I teaching to the test? Absolutely. Am I doing it covertly? Absolutely.

The new program that this school administrator implemented funnels Latino students into the AP Spanish literature course after they have completed Spanish native language arts courses. As Mr. C describes, the skills and format of the AP Spanish exams are similar to those of the English Regents, so preparing students in their native language for the AP Spanish exam in actuality prepares them for the English Regents as well. At School No. 1, they also added an English Regents preparation course that was offered entirely in Spanish, and foreign language courses were infused with preparation for the English Regents.

They found at this school that students able to pass the AP Spanish courses were very likely to pass the English Regents exams as well. The approach taken by this school proved to be so successful in improving the performance of ELLs on the English Regents, increasing their pass rates by 50 percentage points, that it is now being implemented in schools across the region where it is located. While to some it may seem counterintuitive to increase Spanish instruction as a way to improve English performance on a standardized test, it is consistent with bilingual education research which shows that developing literacy in a student's first language helps them develop literacy in their second language, because core knowledge developed in the first language transfers (Cummins, 1992; 2000). With regard to language policy, School No. 1 decided to promote a bilingual language policy emphasizing Spanish language instruction, even though the requirement that students pass the English Regents exam would seem to promote an English-only policy and is interpreted as such elsewhere. This school has found a way to preserve native language instruction within a context that implicitly promotes English only.

### When ESL Becomes English Language Arts: Alignment of Curriculum and Instruction to the Tests

Some of the most observable changes in schools catalyzed by the national testing emphasis have been to school curricula and instruction, where what is taught is now closely aligned to the tests in order to prepare students to pass. The English Regents exam is extremely challenging for ELLs; not surprisingly, it is the English proficiency level of ELLs which negatively impacts their performance on English Language Arts exams (Uebelacker, 2005). In New York City, it is primarily ESL teachers who are now responsible for preparing ELLs to pass the English Regents exam, which has caused major changes to ESL at the classroom level. Teachers and school administrators report that the material covered in their classes focuses on what is covered in the exams. In all 10 schools that were studied for this research, the curriculum for ELLs is closely aligned to the Regents exams and teachers employ a wide range of strategies in the classroom to prepare their students for the tests. Yet these changes are often inappropriate for ELLs, particularly in ESL classes.

#### *Changes to the ESL curriculum*

For ELLs in New York City, preparation for the English Regents typically starts at the beginning levels of ESL class and the ESL curriculum often looks similar to that of English language arts for native English speakers, where literary analysis rather than communicative competence are the new focus. In the passages that follow, this article shares findings which show the ways in which schools have aligned their curricula to the tests, and the effects this has on teaching and learning.

Immediately after it was mandated that ELLs take the English Regents exam as a high school graduation requirement, the ESL program at Focal School No. 1 was restructured in order to prepare students for the exams in a direct, explicit way. In addition to extending the AP Spanish program, Regents preparation was incorporated into every level of ESL. For example, according to Mr. C, former assistant principal of ESL and foreign language, ESL Benchmarks in this school require students in ESL Level 1 (beginning) through ESL Level 8 (advanced) listen to a dialogue, paraphrase what they heard, use a graphic organizer related to the dialogue, and write about it. Students must demonstrate their attainment of these benchmarks as part of their course grade and promotion. These skills mirror those demanded by the English Regents exam; listening, paraphrasing and notetaking are required in Part 1 of the English Regents and using graphic organizers is required in Part 2. All ESL courses at the focal school prepare ELLs to pass the English Regents exam from the very beginning of their high school career, regardless of a student's level of English proficiency when they arrive. This point is echoed elsewhere, as the majority of the schools in this sample begin Regents preparation as early as possible.

School No. 3, however, was the only school in all 10 studied that offers an opposing example. In the passage below, the principal explains how Regents exams change teaching and learning, and describes his school's rationale for limiting Regents preparation to only 11th and/or 12th grades. This principal's school is small, serving 225 students, all of whom are ELLs and new arrivals to the United States. Regarded as a model school for ELLs, School No. 3 employs a demanding portfolio process to determine grade promotion and high school graduation. As the principal, Mr. S, states:

Mr. S: The minute the Regents get shifted to 10th grade, it would affect how those teachers are teachers. They want to give them all the subjects and [Regents] undermine the language development we want to do. We're looking really closely at what other schools are doing. As a result, most are more homogeneous and doing direct instruction, where teachers do more talking and students less...

Researcher: What would you do if there weren't Regents?

Mr. S: I think we would have much more. Our curriculum wouldn't shift into just coverage of content and we would take more time with each subject area, and have a more rigorous portfolio project.

Mr. S acknowledges how the current focus on testing alters curriculum and instruction, and explains how this is in direct conflict with the high-quality model they had developed to successfully meet the needs of ELLs. In this way, the need to prepare students for high-stakes tests comes into conflict with this school's effective programming for ELLs.<sup>1</sup>

### *Changes to instruction*

For this research, I observed hours of explicit test preparation in classrooms where this occurs every day. According to Mr. T, the English Regents preparation teacher from school No. 1, teachers often gave students questions from prior exams to practice and used an English Regents preparation guide as a primary course text. Beginning ESL students who have just arrived from other countries are placed immediately into English Regents preparation courses, which are advanced, before they have learned any basic fundamentals of the English language. The following quotation from Ms. T, ESL coordinator at school No. 4, offers an example:

Researcher: What sorts of things do you do in the English Regents class you mentioned, and how do you “teach to the test” like you said?

Ms. T: You can’t say in this school you’re teaching to the test because you’re supposed to say that you have all these wonderful lesson plans that take into account techniques of the test, rather than “I’m teaching to the test.” But, that’s the only way, giving them old tests, old exams to practice. . . . Juniors that just came to this country, let’s say we’re supposed to place them in Level 1 or 2. Well, we can’t do that. We have to place them right away in Regents prep class. See how I’m saying it’s unfair for them to be in a situation like this?

This quotation offers an example of how ESL curricula have changed to focus on testing, emphasizing “drill-and-kill” approaches which require that students spend many hours practicing exam questions in order to prepare for the tests. In addition, this quotation mentions how ELLs with low levels of English proficiency must engage in explicit test preparation which bars them from attending a beginning ESL class because of their need to pass the test. While doing so may improve these students’ chances of passing the Regents exams, it prevents them from receiving pedagogy appropriate for their level of language proficiency.

In the same way that schools align their curriculum for ELLs to the English Regents, teachers are similarly pressured to align their teaching to the English Regents and are found doing so in schools across New York City. One such example is provided in the following quotation, in which an ESL teacher, Ms. K, describes her teaching:

Researcher: Do standardized tests like the Regents affect you and your instruction? And if so, how?

Ms. K: In many ways there are days when I feel like an English teacher and not an ESL teacher. I’m teaching literary terminology and I’m teaching, sort of, formulas for writing in exam essays. That’s something very different that I didn’t anticipate I would have as an ESL teacher. It’s just on a daily basis; it definitely influences what I do. It’s in the

back of my mind, along with ESL standards are English standards and the Regents requirements. So every lesson I'm planning I'm thinking towards those ends. So I'm always conscious, does this relate to Part 1 of the Regents? Does this relate to Part 2 of the Regents? How does this relate to Part 3? . . . So, actually, this whole unit was planned around different parts of the Regents.

This quotation shares how one teacher “teaches to the test” in response to the pressure she feels to improve the scores her ESL students receive on the English Regents exam—a test that was developed to measure the English achievement of native English speakers. Many ESL teachers and administrators in this study say that ESL classes have grown increasingly similar to English language arts classes because of the testing movement. Furthermore, in the passage of the Commissioner’s Part 154, New York State mandated that one advanced level ESL course be taught by a certified English language arts teacher rather than by an ESL teacher; this is significant as it adds to the push for ESL to become more like English language arts courses for native English speakers.

The focus on developing “communicative competency” in English (Hymes, 1972) has been a popular approach of ESL classes for the past 25 years, whereby authentic communication by students or “communicative language teaching” replaced previous rote memorization and repetition approaches (Richards & Rodgers, 2001). However, as the example above shows, ESL pedagogy in the high-stakes testing era has now moved away from a focus on communicative competence to a focus on essays and literary elements, as well as memorization, signifying a major change in both the content and approach of ESL classes. The problem with this change is that topics such as persuasive writing and literary elements are not explored in addition to developing basic academic proficiency and communicative competency in English, but rather have largely replaced those other skills. In addition, infusing an English language arts focus into ESL instruction limits the possibility for content-based language instruction (e.g., teaching language through math activities or art) which is an effective approach for second language learning (Richard-Amato & Snow, 1992; Richards & Rodgers, 2001).

In essence, the Regents exams in New York City are redefining ESL, making ESL classes more like the English language arts classes taken by native speakers of English. This reflects a change in language acquisition policy, whereby literature and literary analysis are now the central aspects of the English language an ELL must acquire. Regents exams do not fully address the needs of ELLs to acquire both written and oral English, in an academic register and also spoken for daily use, because this exam was not intended to do so.

## Changes to Curriculum and Instruction in Math, Science, and Social Studies

The changes to curriculum and instruction in ESL classes described above are echoed in other subject areas as well. This section explores the impact of high-stakes testing on the instruction that occurs across different subject areas, both in bilingual and English-only classes. Returning to Spolsky's (2004) definition of language policy, the ways that language practices have changed in classrooms to prepare ELL students for high-stakes exams, as detailed below, are interpreted here as language policymaking.

### *The tension between standardized testing and bilingual instruction.*

At present, almost equal numbers of high school ELLs in New York City participate in bilingual education programs and ESL programs; NYCDE (2002) reports that 17,301 high school ELLs receive bilingual education, while 17,318 receive a "free standing" ESL program. While all ELL students in New York City receive ESL instruction, because ESL is also a component of bilingual programs, students enrolled in bilingual programs study subjects such as math, science, and social studies in both English and their native languages. In the instruction that occurs in content-area subjects, testing is found to have a polarizing impact on bilingual education programs with regard to its effects on language allocation, by promoting monolingual instruction. New York is one of a minority of states that permits the use of test translations on statewide assessments as an accommodation for ELLs taking tests intended for native English speakers. Math, Science, and Social Studies Regents Exams are available in Spanish, Korean, Chinese, Haitian Creole and Russian, though all ELLs must still pass the English Regents which is offered in English only (NYSDE, 2003).

Although the majority of schools in this sample increased the quantity of English instruction students receive on a daily basis, as documented above, the existence of test translations has ensured that minority-language instruction still occurs—in some cases, the existence of translations have even led to an increase in native language use at the classroom level. While translations help many students understand test items, they also affect the language of instruction in bilingual classrooms because many educators will use language strategically in their classrooms as a test preparation strategy.

Several bilingual content teachers were found in this study to match their language of instruction to the language of the exam, for instance by offering instruction solely in students' native language when their students take translated versions of the tests. The following is a quotation from an interview with a Spanish-English bilingual social studies teacher called Mr. B in this study:

Researcher: Do standardized tests such as the Regents affect you and the school? If so, how?

Mr. B: The whole system is geared towards numbers and percent. In all honesty I don't see myself as an English teacher, and I'll explain to you what I mean by that. We are forced to teach certain concepts, which is cool, about American History and as a result of that we have to get as many of our kids as possible to pass the Regents exams. It's about numbers, it's about percentages, and I'm cool for that. However, because my students take that Regents exam in Spanish, that's the way I basically teach most of my class—in Spanish. I don't see myself as forcing English on the kids because if I'm there to teach concepts in American History and I'm there to teach in order for them to pass a Regents exam which is in Spanish, then I see myself really teaching those concepts in Spanish. Okay.

In this passage, Mr. B explains that because most of his students take the Regents exam in Spanish then teaching them English is not a priority for him; rather, he has adopted a language policy in his classroom whereby he mainly offers monolingual instruction in Spanish rather than bilingual instruction in Spanish *and* English. This teacher's test preparation approach is successful, in that his students have very high passing rates on the exams, and his practices are in accordance with research which argues that the language of an exam must be aligned to the language of instruction for the exam results to be valid (Abedi et al., 2004). In a contrasting example, students in bilingual math classes at School No. 4 take the Math Regents exams in English and, correspondingly, bilingual instruction at that school heavily favors English.

However, a primary tenet of bilingual education programs is that both language and content be taught simultaneously (Baker, 2001; Brisk, 2005; Cummins, 2000). The problem with Mr. B's approach is that his school's policy is for his course to be taught in both English and Spanish to ensure that students receive enough English instruction in the school day. While many bilingual programs do offer instruction solely through the minority language in certain subjects, with instruction through the majority language in other subjects, this is not the language policy at this particular school. Although matching the language of instruction to the language of the exam increases the validity of a student's test score, it places bilingual teachers in a bind created by a disjuncture between testing that is *monolingual* and instruction that is *bilingual*. The trouble is that it is typically not a clear and cohesive school-wide language policy that decides instruction will be in one language or the other; rather, language policies are being created by tests in ad hoc, uncoordinated, and often competing ways—without regard for theories or effective practices in bilingual education.

*Narrowing of curriculum content to exam material: “No time for the atom bomb.”*

As schools work to align their practices to the tests, a topic that frequently arose in interviews with teachers is how Regents exams have narrowed the curriculum and, correspondingly, teaching. This point is exemplified in the following quotation by Ms. M, bilingual social studies teacher at school No. 9:

I came here a little angry and flustered today. I was teaching my Regents Four class and we were talking about the atomic bomb, and the students were really interested. But at some point I felt we have to wrap this up and move on. This isn't on the curriculum...It's not even an 'aim.' They give out the aims, you get a list of aims you need to cover, so you know it's part of the Regents. The tests have taken more importance in the sense that if I don't cover Regents material, have I shortchanged these points? If I'm just doing breadth and no depth, have I shortchanged the kids? It's a no win situation. . . . And I've had to make choices, and eliminate things.

School No. 9 infuses into their social studies curriculum a proscribed set of aims to ensure teachers remain focused on Regents preparation (for this course, the Global History and Geography Regents exams). In order to prepare for the test, Ms. M explains how certain topics must be reduced or cut completely; as such, the curriculum is narrowed to those topics on the tests. This quotation provides a clear instance of “teaching to the test” where the test limits the number of concepts studied in class and/or the depth of study, and topics that are not part of the exam are seen as “off task” and only covered in a cursory way, if not dropped completely.

This issue is critiqued as much by educators as by students interviewed for this research. The following passage was taken from a focus group interview<sup>2</sup> with nine ELLs at School No. 3, where Regents preparation is concentrated into what is called the “Senior Institute:”

Ms. J: Moving from Junior to Senior Institute is a big change. Tell Kate what classes were like before, in Junior Institute. What was it like before, what is it like now, and what do you think of it?

S1: . . . . But now it's a big change, because now all the classes we are taking now they are all prep classes. We not really learning anything, we're only learning the content of the tests and not what we're supposed to know and go to college. So now this Regents thing is making our classes be prep classes. Not like real classes I'm supposed to be taking, so I feel very bad staying in class.

S2: In the ninth grade we used to, like, work on projects that we enjoyed and really feel like you're learning. But in [10th grade] you just

get into something, but by the time you start enjoying it, it's over. You just understand it and the teachers they say, "We don't have time, we need to move on."

In this passage, students share how the need to prepare for Regents exams has changed their educational experiences in school. The students discuss how quickly they must learn each topic that is presented, in order to cover everything they need for the exams, and how the topics that are studied are limited only to those that will be on the exams. The students and teacher quoted above express their frustration at the limitations of narrowing the curriculum in this way.

## Conclusion

This article has detailed how standardized tests become *de facto* language policy when attached to high-stakes consequences, shaping what content schools teach, how it is taught, by whom it is taught, and in what language(s) it is taught. Schools and individual educators in the sample changed their language policies because of the Regents exams, increasing how much English or native language is taught. Most schools have responded to testing pressures by focusing their efforts on English instruction. In the case of bilingual educators, "teaching to the test" promotes monolingual instruction, and has meant creating and adopting language allocation policies in their classrooms where language is purposefully used as a test preparation strategy. Some bilingual teachers do not alternate languages at all, finding monolingual instruction in the students' native language to be the best strategy for ELLs who will take a version of the exam that is translated into their native language. Curriculum and teaching for ELLs are now aligned to Regents exams, which has resulted in a narrowing of the curriculum to the material on the tests and a new definition of ESL that is more similar to English language arts classes taken by native English speakers. These changes are troubling because they are being driven by the tests, which were not developed to meet the specific educational needs of ELLs; as a result, many of these changes reduce the quality of education that ELLs receive.

For example, while it sets high expectations for ELLs to strive to pass the English Regents, it is pedagogically unsound to place beginning level ESL students in daily English Regents preparation courses like those native English speakers take; instead, teachers of ELLs must have the space for pedagogy that goes beyond testing "drill and kill," allowing for individualized instruction. Similarly, school language policies should be carefully planned and decided upon by educators, administrators, and community members to meet the individual needs of the students (Corson, 1999), instead of being determined in an ad hoc way by high-stakes testing. Moreover, tests now are a great

influence on choices about how and what ELLs are taught, which undermines years of research in the areas of bilingual education and ESL, and educational practices which have been shown to be effective. While the recent passage of anti-bilingual education legislation in the states of California, Arizona, and Massachusetts offer explicit examples of language policymaking, testing is also shaping language policy, albeit in an implicit way.

These issues have arisen because rather than being individually tailored to the needs of each child, NCLB is essentially a “one-size-fits-all” educational reform into which ELLs are now awkwardly being included. Their inclusion has occurred as an afterthought, years after states like New York developed test-based accountability systems, by simply requiring that ELLs also participate in statewide exams that were developed to evaluate native English speakers. The needs specific to ELLs must be distinguished because, as this research shows, a disproportionate number of these students are unable to pass the high-stakes standardized tests and the tests now drive the education these students receive, with great implications for the ways ELLs are taught as well as their learning. While the New York case is unique, this is a broader national issue as ELLs across the United States are being included into statewide assessment systems that were not intended for them, and the exams are being used to make high-stakes decisions.

## References

- Abedi, J., & Dieta, R. (2004, Winter). Challenges in the No Child Left Behind Act for English language learners. (CRESST Policy Brief No. 7). Los Angeles: National Center for Research on Evaluation, Standards, and Student Testing.
- Abedi, J., Hofstetter, C., & Lord, C. (2004). Assessment accommodations for English language learners: Implications for policy-based empirical research. *Review of Educational Research*, 74(1), 1–28.
- Amrein, A., & Berliner, D. (2002). *An analysis of some unintended and negative consequences of high-stakes testing*. Retrieved March 15, 2003, from Arizona State University, Education Policy Studies Laboratory and Education Policy Research Unit Web site: <http://www.asu.edu/educ/eps/EPRU/documents/EPSSL-0211-125-EPRU.pdf>
- Baker, C. (2001). *Foundations of bilingual education and bilingualism* (3rd. ed.). Clevedon, England: Multilingual Matters.
- Blank, R., Manise, J., & Brathwaite, B. (1999). *State education indicators with a focus on Title I*. Washington, DC: U.S. Department of Education.
- Brisk, M. (2005). *Bilingual Education: From Compensatory to Quality Schooling* (2nd ed.). Mahwah, NJ: Lawrence Erlbaum Associates.

- Cooper, R. L. (1989). *Language planning and social change*. Cambridge, England: Cambridge University Press.
- Corson, D. (1999). *Language policy in schools: A resource for teachers and administrators*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Crawford, J. (2000). *At war with diversity: U.S. language policy in an age of anxiety*. Clevedon, England: Multilingual Matters.
- Cummins, J. (1992). Language proficiency, bilingualism, and academic achievement. In P. Richard-Amato & M. Snow (Eds.), *The multicultural classroom: Readings for content-area teachers* (pp. 16–26). White Plains, NY: Longman.
- Cummins, J. (2000). *Language, power, and pedagogy: Bilingual children in the crossfire*. Clevedon, England: Multilingual Matters.
- Del Valle, S. (2002). *A briefing paper of the Puerto Rican legal defense fund on the new English regents exam and its impact on English language learners*. New York: Puerto Rican Legal Defense and Education Fund.
- Elementary and Secondary Education Act. Pub. L. No. 89–10, 79 Stat. 27 (1965).
- Escamilla, K., Mahon, E., Riley-Bernal, H., & Rutledge, D. (2003). High-stakes testing, Latinos, and English language learners: Lessons from Colorado. *Bilingual Research Journal*, 27, 25–49.
- Fettes, M. (1997). Language planning and education. In R. Wodak & D. Corson (Eds.), *Encyclopedia of language and education: Vol. I. Language policy and political issues in education* (pp. 13–22). Boston: Kluwer Academic.
- Fishman, J. (1979). Bilingual education, language planning and English. *English World-Wide*, 1(1), 11–24.
- Fishman, J. (1991). *Reversing language shift*. Clevedon, England: Multilingual Matters.
- García, O., & Fishman, J. (Eds.). (2002). *The multilingual apple: Languages in New York City* (2nd ed.). Berlin, Germany: Mouton de Gruyter.
- García, O., & Menken, K. (2006). The English of Latinos from a plurilingual transcultural angle: Implications for assessment and schools. In S. Nero (Ed.), *Dialects, Englishes, creoles, and education* (pp. 167–185). Mahwah, NJ: Lawrence Erlbaum Associates.
- Goertz, M., & Duffy, M. (2001). *Assessment and accountability systems in the 50 states*. Retrieved Retrieved January 15, 2003, from University of Pennsylvania, Consortium for Policy Research in Education Web site: <http://www.cpre.org/Publications/rr46.pdf>
- Heubert, J., & Hauser, R. (Eds.). (1999). *High stakes testing for tracking, promotion, and graduation*. Washington, DC: National Academy Press.

- Hornberger, N. (Ed.). (1996). *Indigenous literacies in the Americas: Language planning from the bottom up*. Berlin, Germany: Mouton de Gruyter.
- Hornberger, N. (2004, September/October). Nichols to NCLB: Local and global perspectives on U.S. language education policy. Paper presented at *Imagining Multilingual Schools: An International Symposium on Language in Education*, Teachers College, Columbia University, New York.
- Hymes, D. (1972). On communicative competence. In J. Pride & J. Holmes (Eds.), *Sociolinguistics: Selected readings* (pp. 269–293). Harmondsworth, England: Penguin Education.
- Improving America's School Act. Pub. L. No. 103–382, 108 Stat. 3518 (1994).
- Kaplan, R., & Baldauf, R. (1997). *Language planning: From practice to theory*. Clevedon, England: Multilingual Matters.
- LeCompte, M., & Preissle, J. (1993) *Ethnography and qualitative design in educational research* (2nd ed.). San Diego, CA: Academic Press.
- McNeil, L., & Valenzuela, A. (2000, April). The harmful impact of the TAAS system of testing in Texas: Beneath the accountability rhetoric. In G. Orfield & M. Kornhaber (Eds.), *Raising standards or raising barriers? Inequality and high stakes testing in public education* (pp. 127–150) Boston: Harvard Civil Rights Project.
- Menken, K. (2000, September). What are the critical issues in wide-scale assessment of English language learners? (NCBE Issue Brief No. 6). Washington, DC: National Clearinghouse for Bilingual Education.
- Menken, K. (2005). *When the test is what counts: How high-stakes testing affects language policy and the education of English language learners in high school*. Unpublished doctoral dissertation, Columbia University, New York.
- Miles, M., & Huberman, A. (1994). *Qualitative data analysis: An expanded sourcebook* (2nd ed.). Thousand Oaks, CA: SAGE publications.
- New York City Department of Education. (2006). *Statistical summaries*. Retrieved July 25, 2006, from <http://www.nycenet.edu/offices/stats/default.htm>
- New York City Department of Education, Division of Assessment and Accountability. (2004). *The class of 2003 four-year longitudinal report and 2002–2003 event dropout rates*. New York: Author.
- New York City Department of Education, Division of Assessment and Accountability. (2005). *2004–2005 annual school reports*. Retrieved June 26, 2006, from [http://www.nycenet.edu/daa/reports/Class%20of%202005\\_Four-Year\\_Longitudinal\\_Report.pdf](http://www.nycenet.edu/daa/reports/Class%20of%202005_Four-Year_Longitudinal_Report.pdf)

- New York City Department of Education, Division of English Language Learners & Parent Outreach. (2002). *Facts and figures 2001–2002*. Retrieved April 1, 2003, from <http://www.nycenet.edu/offices/oell/Facts%20%20Figures%202001%20-%202002.pdf>
- New York State Department of Education, Bilingual/ESL Network. (2003). *Announcements*. Retrieved April 3, 2003, from <http://www.emsc.nysed.gov/ciai/biling/announce.html>
- New York State Department of Education, Commissioner of Education (1999). Part 154: *Apportionment and services for pupils with limited English proficiency*. New York: Author.
- No Child Left Behind Act. Pub. L. No. 107–110 (2002).
- Rappaport, S. (2002). *Beyond bilingual education: Meeting the needs of English language learners in the New York City public schools*. New York: Puerto Rican Legal Defense and Education Fund.
- Ricento, T., & Hornberger, N. (1996). Unpeeling the onion: Language planning and policy and the ELT professional. *TESOL Quarterly*, 30 (3), 401–427.
- Richard-Amato, P., & Snow, M. (Eds.). (1992) *The multicultural classroom: Readings for content-area teachers*. White Plains, NY: Longman.
- Richards, J., & Rodgers, T. (2001). *Approaches and methods in language teaching*. Cambridge, England: Cambridge University Press.
- Ruiz, R. (1984). Orientations in language planning. *NABE Journal*, 8(2), 15–34.
- Shohamy, E. (2001). *The power of tests: A critical perspective on the uses of language tests*. London: Longman/Pearson Education.
- Solano-Flores, G., & Trumball, E. (2003). Examining language in context: The need for new research paradigms in the testing of English language learners. *Educational Researcher*, 32(2), 3–13.
- Spolsky, B. (2004). *Language policy*. Cambridge, England: Cambridge University Press.
- Sullivan, P., Yeager, M., Chudowsky, N., Kober, N., O'Brien, E., & Gayler, K. (2005). *State high school exit exams: States try harder, but gaps persist*. Washington, DC: Center on Education Policy.
- Uebelacker, K. (2005). *Fair Testing*. Retrieved March 27, 2006, from San Francisco Education Fund Leadership Institute Web site: <http://www.teachersnetwork.org/tnli/research/prep/uebelacker.htm>
- Valenzuela, A. (2002). High-stakes testing and U.S.-Mexican youth in Texas: The case for multiple compensatory criteria in assessment. *Harvard Journal of Hispanic Policy*, 14, 97–16.
- Valenzuela, A. (Ed.). (2005). *Leaving children behind: How Texas-style accountability fails Latino youth*. New York: State University of New York Press.

Wright, W. (2002). The effects of high stakes testing in inner-city elementary school: The curriculum, the teachers, and the English language learners. *Current Issues in Education*, 5(5). Retrieved December 1, 2002, from <http://cie.ed.asu.edu/volume5/number5/>

### **Endnotes**

<sup>1</sup>It is worth noting that in spite of this principal's efforts at the time of this study to curtail the impact of the Regents exams on the school's programming by limiting preparation to the later years of high school, I have learned that the school administration began preparation for the Science Regents exam in the ninth grade in the 2000–2006 school year, driven by a need for high passing rates.

<sup>2</sup>Ms. J is the Social Studies teacher, S1 is a student from Sierra Leone, and S2 is a student from the Dominican Republic.

## Appendix A

### Data Collection Protocol

#### Teacher and Administrator Interview

Below are sample interview questions with related follow-up questions:

- 1) Do standardized tests such as the Regents affect you and the school? If so, how?
  - a) *For experienced teachers:* How would you describe your teaching strategies and the curriculum now, as compared to before the new testing requirements of 2000?
  - b) *For all:* Could you describe for me or show me an example of these effects/changes?
- 2) How are the standardized tests affecting your ELL students?
  - a) What are the greatest challenges of the tests for ELLs?
  - b) How does their performance compare to that of native English speaking students?
  - c) Can you tell me a story to describe this?
- 3) What do you perceive to be the benefits and drawbacks of standardized testing (for you, ELL students, your school)?
  - a) Could you describe this with specific examples?
- 4) Do the Regents exams send students a message about language (i.e., which languages are important)? If so, why? What is the message about language that the Regents send?
  - a) *For bilingual teachers:* Approximately how much English do you use in your instruction and how much [students' native language]?

#### ELL Student Interview Questions

Below are sample interview questions with related follow-up questions:

- 1) What do you know about the different Regents exams?
  - a) Have you taken any of them?
  - b) In what language did you/will you take the content exams (e.g., Math, Science, Social Studies)?

- 2) Are the exams difficult or easy? Why?
- a) Are there difficult questions that the English Regents ask? Can you give an example?
  - b) Are there difficult questions that the Math Regents ask? Can you give an example?
  - c) Are there difficult questions that the Science Regents ask? Can you give an example?
  - d) Are there difficult questions that the different Social Studies Regents ask (U.S. and Global)? Can you give an example?
- 3) How do you feel about the Regents exams? Are they important? Why or why not?
- a) The English Regents exam is the same test as the one that native speakers of English take. How do you feel about this?
- 4) Are you preparing for the English Regents exam? If yes, could you describe for me or show me an example of how you are preparing?

### **Classroom Observation Protocol**

Name of Teacher: \_\_\_\_\_

Subject: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

Number of Students Present: \_\_\_\_\_

Description of Physical Appearance of Classroom (arrangement of desks, wall hangings, visible materials):

Topic & Content of Lesson:

Description of materials used (textbook and/or handouts, language of materials, what is written on blackboard or chart paper):

Language(s) of instruction & spoken by students (during group work and in informal interaction):

Fieldnotes/Transcript (noting what happens, what is said by teacher and students, and in which language[s]):

## Appendix B

### Pyramid Project Design

The figure below displays the pyramid research design with regard to depth. The focal school is at the top of the pyramid, as this is the school that was studied in greatest depth.

