

**Educational Program Designs and Practices
for English Learners' Academic Achievement**

**Expert Declaration of
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Qualifications

With over 25 years of experience in the field of education, as a researcher, teacher, administrator, and university professor, I currently serve as Associate Dean for Teacher Education at the College of Education at Temple University in Philadelphia, Pennsylvania. I joined the faculty of the Teaching English as a Second Language Program at Temple in 2011 to oversee the newly state mandated course in Pennsylvania for all teacher candidates on working with English Learners (ELs). For eight years, while overseeing the design and implementation of the course and associated fieldwork requirements, I received awards for Innovative Teaching, Graduate Teaching, and the Temple University Lindback Award for Excellence in Teaching. In 2016, I received a 5-year, \$2.7 million U.S. Department of Education grant to improve the experiences and outcomes for English Language learners in Philadelphia middle and high schools. I currently serve as co-principle investigator on Temple University's recently awarded U.S. Department of Education Teacher Quality Partnership Grant.

Prior to working at Temple, I was on faculty at Rowan University, supervising student teachers, teaching courses in language and content instruction, and serving as faculty-in-residence in a bilingual pre-K-5th grade school. I also held positions directing a college access program in Camden, NJ, teaching English as a second language in the United States and abroad, and led a national out-of-school time professional development program,

including over 130 workshops and webinars on English as a Second Language (ESL), standards-based experiential learning, family and community engagement, and staff development, evaluation, authentic assessment, and multiculturalism.

In addition to presenting in national and international conferences on English language teaching and bilingual education, I have co-authored and authored six guidebooks for pre-K-12th grade educators, including one on teaching ELs in content area instruction commissioned by the federally funded Center on Innovations in Learning. I have published on program evaluation, classroom discourse and teacher professional development in the *Harvard Family Research Evaluation Exchange*, *Journal of Pragmatics*, *Academic Exchange Quarterly* and *IGI Global*.

I hold a B.A. and M.A. in Linguistics and a Graduate Certificate in Teaching English to Students of Other Languages from the University of Florida and a Ph.D. in Educational Linguistics from the University of Pennsylvania. A complete copy of my C.V. is attached hereto.

Retention

I was retained by the law firm of Arnold & Porter Kaye Scholer LLP and the ACLU Foundation of Delaware, Inc. (ACLU-DE), attorneys for Delawareans for Educational Opportunity and the NAACP Delaware State Conference of Branches to provide consultation on *In re Delaware Public Schools Litigation*, C. A. No. 2018-0029-VCL. Specifically, I was asked to review and provide a professional opinion on Delaware's programs and policies for educating K-12 students who speak a language other than English at home and have been identified as ELs. As part of this review, I have been asked to provide my opinion on what research-based practices not in place would expectedly lead to better student outcomes for Delaware ELs, so that in considering plaintiffs' challenge to the state's educational funding process, the Court will be informed of

research-based practices that could improve student outcomes if school districts had the necessary funds to employ them broadly.

I am being compensated at a rate of \$300 per hour, plus expenses, for my services. I have spent 34 hours on this matter through March 12, 2020. As part of my engagement, I have reviewed reports and academic publications in the fields of education, linguistics, teacher education, literacy, and public policy. The scope of literature includes peer-reviewed empirical research on agency and diversity of learners, optimal learning conditions needed for English language learning in schools, language program design, relationship between teachers' preparations and student achievement, and social, cultural, and emotional aspects of language acquisition. I have also analyzed documents and data provided to me by the ACLU-DE, as well as material from websites maintained by the Delaware Department of Education and U.S. Department of Education. I have also reviewed and assumed the truth of facts listed in a letter from counsel dated March 6, 2020. In the report that follows, I reference the documents and literature on which I have relied.

Based on this review, it is my opinion that current programming and resources provided to Delaware public schools serving students who qualify for English language services fail to implement the policies, structures, and research-based practices necessary to provide ELs with an adequate education. Specifically, Delaware fails to implement the following policies, structures, and research-based practices which would improve the educational outcomes of ELs in Delaware:

1. **Program Design:** Delaware programs for EL are generally designed to separate language learning from content-area academic instruction.¹ Based on the *Delaware Department of Education English Learner Guidebook: Guide for District*

¹ Counsel's letter, ¶11-3

*Implementation of Programs for English Learners*² (Updated 9/6/19), in most of the models in Delaware offered to support the majority of ELs, learners spend 3 hours or less per week receiving English language support.³ Outside of this separate English language support, the rest of the ELs instructional time is spent in mainstream classrooms with teachers who are not required to have any training on how to teach ELs. Research shows that programs that implement the EL models in this way often have limited success because separating language learning from academic instruction causes students to miss out on lessons led by content experts and limits ELs' access to disciplinary literacy needed to understand and work with the content (Honigsfeld & Dove, 2010).

- 2. Sufficiently Trained Qualified Teachers:** Teaching content to students who are simultaneously acquiring the language of instruction (i.e. teaching content in English to students who are learning English at the same time) is more than “good teaching” and requires specialized training (Menken & Antuñez, 2001). In Delaware, the only licensed teachers required to have training on teaching ELs are those who hold a Standard Certification as a Teacher of English Learners⁴ or Bilingual Teacher Certification. Delaware does not require any other teacher preparation programs to include specific training for working with ELs,⁵ nor does it require integrated professional development on working with ELs as part of teachers' in-service professional development programming.⁶

Additionally, according to Delaware Regulations: Administrative Code: Title 14: 900, in reference to the English language support provided to ELs, “Instruction shall be delivered by individuals who meet Department licensure and

² <https://www.doe.k12.de.us/site/handlers/filedownload.ashx?moduleinstanceid=5113&dataid=22703&FileName=2019-2020%20Delaware%20Department%20of%20Education%20EL%20GUIDEBOOK.pdf>

³ Counsel's letter, ¶ 4.

⁴ <https://regulations.delaware.gov/AdminCode/title14/1500/1562.shtml>

⁵ Counsel's letter, ¶ 9.

⁶ Counsel's letter, ¶ 8.

certification requirements and who are trained in the delivery of instruction to ELs.”⁷ In practice, however, instructional responsibility for ELs is often given to uncertified paraprofessionals⁸ who are not required to have training in working with ELs and who often lack strong supervision of a Certified Teacher of English Learners. Consequently, outside of the limited 3 hours or less per week, which should be with a certified Teacher of English Learners⁹, the majority of ELs in Delaware spend the majority of their instructional time with teachers who have no training or certification in how to meet their unique instructional needs.¹⁰

3. **School Culture:** In Delaware, the school leaders charged with overseeing the program model to serve ELs in their schools are not required to have training or background in working with ELs.¹¹ The in-service trainings offered to school leaders with EL programs focus exclusively on instruction.¹² However, research shows that students’ sense of belonging, safety, and appreciation both in and out of the classrooms impacts their educational experiences and outcomes (Nieto, 1999, Menken & García, 2010). Thus, principals need professional learning and support to create whole school environments that foster EL success.
4. **Assessment and Monitoring:** In Delaware, students identified as ELs are assessed annually on their English language proficiency using a single assessment.¹³ The scores set subsequent growth measures and exit students from EL programs, without adequate regard for other factors that are also informative on what the students need.¹⁴ This is counter to recommendations

⁷ <https://regulations.delaware.gov/AdminCode/title14/900/920.shtml>

⁸ Counsel’s letter, ¶ 5

⁹ Counsel’s letter, ¶ 4.

¹⁰ Counsel’s letter, ¶ 6.

¹¹ <https://regulations.delaware.gov/AdminCode/title14/1500/1595.shtml#TopOfPage>; Counsel’s letter, ¶ 10

¹² <https://www.doe.k12.de.us/site/handlers/filedownload.ashx?moduleinstanceid=7725&dataid=23014&FileName=2019-20%20English%20Learner%20Menu%20of%20Offerings--%20Professional%20Learning.pdf>; Counsel’s letter, ¶ 8

¹³ Counsel’s letter, ¶ 16

¹⁴ Delaware Department of Education English learner Guidebook: Guide for District Implementation of Programs for English Learners, (Updated 9/6/19),

by The National Governors Association Center for Best Practices and the Council of Chief State School Officers, (2015), which acknowledges the wide range of factors diversifying this population of students, such as first language, literacy levels, and educational experiences, and need for diverse, on-going and holistic assessment measures.¹⁵ ELs are best served by an assessment system that lead to individualized pathways flexible enough to address differences in language proficiency, formal education, literacy skills, culture, and more (Janokowski, et. Al., 2018).

To elaborate, each of the following sections focuses on one of four key areas impacting the achievement of English learners in Delaware’s current educational system (1) language acquisition program design (2) sufficiently trained qualified teachers, (3) whole school culture that values diversity and (4) assessment and monitoring.

Program Design

Educational language program policies are a central gatekeeper to education (Tollefson and Tsui, 2004) and are typically guided by one of three general orientations, *language-as-problem*, *language-as-right*, and *language-as-resource* (Ruiz, 1984). The *language-as-problem* orientation views languages apart from the target or mainstream language as a “deficit to be overcome” as part of the assimilation process for newcomers (de Jong, Yilmaz & Marichal, 2019; Freeman, 1996). Programs operating under this perspective aim to quickly build proficiency in English only such that non-native English-speaking students can engage in mainstream classroom instruction without additional English language support. Their supporters often see the student’s first language as getting in the way, despite well-documented research on bilingualism and learning, which indicates that learning content and literacy in two languages throughout primary and secondary

<https://www.doe.k12.de.us/site/handlers/filedownload.ashx?moduleinstanceid=5113&dataid=22703&FileName=2019-2020%20Delaware%20Department%20of%20Education%20EL%20GUIDEBOOK.pdf>, 84

¹⁵ <http://www.corestandards.org/assets/application-for-english-learners.pdf>

schooling (bilingual education) leads to better academic outcomes (Moll, et al. 1992). For learners of all ages, the denial or marginalization of first language development impacts social identity, academic development, and family relationships (Hornberger, 1991). Studies show, especially among young children, who may still be developing home language skills, the absences of first language use in schools, or even the attitudes expressed towards their first language, can stagnate their development in that language, or worse, reverse it (Lambert, 1974).

Language-as-right and *language-as-resource* perspectives, on the other hand, are asset-oriented and promote the value and cultivation of bilingual/multilingualism. These programs recognize that bilingual/biliteracy skills are correlated to stronger communication skills, greater cognitive abilities, and eventual higher earnings. The goals of these programs are to build language and literacy proficiency in two languages, through long-term language instruction, such that students can engage in academic work in both languages.¹⁶ One example of this type of program is the Delaware's Language Immersion (DLI) initiative. Launched in 2011 and citing "more than forty years of consistent research [that] documents the power of immersion education," (p. 1), these programs are designed to engage students in long-term language education while providing grade-level content instruction. Delaware offers two versions of this models - *one-way* and *two-way* immersion. In the current *two-way* immersion programs, half of the students are native English speakers with little-to-no knowledge of Spanish and the other half are native Spanish speakers, typically ELs. *One-way* immersion programs consist largely of native English speakers with little-to-no experience or proficiency in the new target language. According to the Delaware Department of Education Immersion Model published on the Join Delaware Schools Website¹⁷:

¹⁶ <https://www.doe.k12.de.us/Page/1090>

¹⁷ <https://www.joindelawareschools.org/wp-content/uploads/2018/02/DE-Immersion-Model.pdf>

The instructional day is split so that students spend 150 minutes with their Chinese or Spanish language teacher and another 150 minutes with their English teacher. The Immersion-language teacher is responsible for teaching math, science, and Language Arts in the immersion language. In some districts, the immersion teacher also teaches portions of the social studies curriculum. The English language teacher teaches English Language Arts as well as elements of social studies from the Delaware Recommended Curriculum. They also reinforce math and science content by planning collaboratively with their partner teacher.

Delaware currently has over 40 dual immersion programs, and the Chinese or Spanish language teachers in these programs are required to have bilingual or EL certification to teach content in those languages. Specifically, according to the *Governor’s World Language Expansion Initiative: Preparing a Globally Competitive Delaware Workforce District Applications*¹⁸ “Teachers hired to teach the target-language in the immersion programs must hold or be eligible for the following: a Delaware Teaching License, a certificate in Elementary Education (K-6) AND a certificate in either World Language (K-12) of Bilingual (K-12)” (p 7). As a result, the English-speaking students can expect to receive instruction in their second language and grade-level content upwards of 2.5 hours each day with specially trained teachers. For the ELs participating in the two-way immersion programs, according to the *Delaware Department of Education English learner Guidebook: Guide for District Implementation of Programs for English Learners*¹⁹ (Updated 9/6/19), “[the] English partner teacher provides English language development and content simultaneously” (p 48). They too, then, can expect to receive approximately **2.5 hours a day** of instruction from a teacher who is prepared to foster simultaneous English language and content learning.

¹⁸ https://www.doe.k12.de.us/site/handlers/filedownload.ashx?moduleinstanceid=7892&dataid=18749&FileName=WorldLanguageExpansionInitiative_ProposalInstructions_Cohort6.pdf

¹⁹ 58

In contrast, the majority of ELs in Delaware can expect **1-3 hours less each week** with a Certified Teacher of English Learners, based on page 50 of the *Delaware Department of Education English learner Guidebook: Guide for District Implementation of Programs for English Learners*²⁰ (Updated 9/6/19). Some schools may offer Sheltered English Instruction, taught by content certified teachers who have received training on strategies to make subject-area content rigorous, culturally relevant, and comprehensible for ELs (p. 48). More commonly, ELs in Delaware participate in pull-out, meaning an ESL Certified teacher takes students out of their regular classes to provide language support.²¹

To be effective, EL programs require a sufficient number of EL teachers to provide adequate time for English language development. In Delaware, this has been established to be 1-3 hours a week. As mentioned earlier, this instruction is expected to be provided by a Certified Teacher of English Learners, but in practice, uncertified paraprofessional often provide this service.²² The impact on student learning when the availability of teachers with certification is limited can be seen in student data. For example, North Georgetown Elementary, one of the schools identified as a High-Needs, High-Performing Delaware School in *SREB Spotlight Series April 2016, Effective Teaching Communities Lessons from High-Needs, High-Performing Delaware Schools*²³ experienced a drop from 55% of their ELs meeting their growth targets on the ACCESS assessments in 2018 to 46% in 2019, when the ratio of ELs to Certified ESL teacher increased from 32 students per teacher to 45.²⁴ In other words, as EL teachers had more students to serve, fewer ELs in the school reach the state assigned target growth goals.

Hopkins, et. al. (2013) and Saunders and Marcelletti (2012) argue that when programs are designed to quickly exit students from EL services, they tend to prioritize intensive

²⁰58

²¹ Counsel's letter, ¶ 4.

²² Counsel's letter, ¶ 5.

²³ SD_0021725

²⁴ SD_49980, SD_0015689 and SD_0150216

language intervention at the expense of content instruction. In these programs, there can be a disconnect between the English taught in the pull-out sessions and the content, and students can miss content when taken from their regular classes. Similarly, Milley and Farmer (2017) found, although ELs achieved WIDA levels that exited them from their EL programs, the students' overall performance on academic content assessments lagged behind their English-speaking peers. In other words, while focused on achieving English language proficiency, they did not receive the content instruction needed to be on par with their non-EL peers. To avoid these pitfalls, two additional factors are required for effective implementation (1) on-going collaboration between EL and content area teachers and (2) content area teachers with whom ELs spend the majority of their time trained on how to modify their instruction to meet the needs of English Learners (see following section for details).

In Delaware, ELs separately receive language instruction with ESL teachers and spend most of their other instructional time with content teachers who are not required to have coursework or professional development in working with ELs.²⁵ As a result, the teachers with whom ELs spend the majority of their day likely have not been trained on how to differentiate their instruction to make the content accessible to students learning English and subject matter at the same time. Additionally, teachers and school leaders in Delaware receive no guidelines for collaboration between Teachers of English Learners and content area teachers.²⁶ This lack of support in content instruction, either through collaboration between ESL teachers and content teachers or through modified instruction by content teachers to meet ELs' needs, seems to be reflected in Delaware's assessment data (see Table 1).

²⁵ Counsel's letter, ¶ 3-4.

²⁶ Counsel's letter, ¶ 12.

In sum, the program structure and teacher certification requirements for the *language-as-a-resource* Delaware dual language immersion programs suggests that the Department of Education in Delaware is aware that teaching students learning content in a language they are still developing takes consistent, on-going instruction and specialized teaching skills. The program models provided to the majority of ELs reflect a *language-as-a-problem* orientation, isolating English language development from content and limiting time with specially trained teachers (see next section).

Improvements:

Delaware could improve EL outcomes, Delaware programs by adding more on-going, consistent, and deliberate integration of language and content instruction. This can be done by:

- (1) Expanding the offering of two-way dual language immersion programs in areas that have large populations of the speakers of Spanish, Arabic, or another language group, as has been done in Texas. (TEC, §89.1201)²⁷ In some schools, this would entail a shift or expansion from One-Way Immersion to Two-Way. In others, this would require new program development.
- (2) Expanding the offering of Sheltered English Instruction. As described by the US. Department of Education, “An instructional approach used to make academic instruction in English understandable to ELL students. In the sheltered classroom, teachers use physical activities, visual aids, and the environment to teach vocabulary for concept development in mathematics, science, social studies, and other subjects.”²⁸
- (3) Enabling schools, with necessary resources and guidelines, to arrange ELs’ schedules so that they spend the majority of their instructional time with teachers

²⁷ Chapter 89. Adaptations for Special Populations: Subchapter BB. Commissioner’s Rules Concerning State Plan for Educating English Learners <http://ritter.tea.state.tx.us/rules/tac/chapter089/ch089bb.html>

²⁸ <https://www2.ed.gov/about/offices/list/ocr/ell/glossary.html>

who have specialized training to teach English and content together, as has been done in California. (California Commission on Teacher Credentialing²⁹).

Sufficiently trained Teachers

Teaching ELs is not a matter of just “good teaching.” Rather, studies show that general preparations and general professional development are inadequate for ensuring teachers are able to effectively teach ELs (Lucas, Villegas, & Freedson-Gonzalez, 2008; Zeichner, 2003). Diaz-Ricos and Weed (2002) explain, that what distinguishes a classroom that explicitly addresses the needs of ELs from the “just good teaching” classroom is that “English is very much present and accounted for [and] teachers extend practices of good teaching to incorporate techniques that teach language as well as content” (p. 117). Facilitating this requires the use of research-based instructional practices that build on students’ diverse backgrounds, interests, and language abilities (Gutierrez & Rogoff, 2003; August & Shanahan, 2006; Goldenberg, 2008). In the context of the content area classroom, skills and knowledge to foster students’ development of disciplinary literacy and discourse are particularly critical to academic success (Meyer, et. al., 2015). These skills and knowledge include:

- Attentiveness to the central role and function of language for acquiring new knowledge³⁰ and the ability to foster those connections;
- Deep understanding of their content and discipline-specific language and literacy (i.e. complex grammatical and discourse structures specific to the content)³¹;
- Background knowledge in second language acquisition and factors that impact the pathway and progress of students’ learning;
- Ability to manage the cognitive load of ELs so that they are not required to process new content points and new language elements at the same time³²;

²⁹ <https://www.ctc.ca.gov/credentials/creds/english-learners-faq>

³⁰ Beacco, et.al, 2016, p. 20

³¹ Harper & de Jong, 2004; Lucas et al., 2008; Samway & McKeon, 2007; Schleppegrell, 2004

³² Swain & Lapkin, 2013

- Skills in supporting students in using their full linguistic repertoire to facilitate their learning (i.e. using first and second language knowledge)³³; and,
- Abilities in modifying learning tasks, classroom language, texts and assessments to ensure access to academic content, which can be elusive to ELs without appropriate intervention.³⁴

While highly qualified to teach in their area of specialty, many content teachers lack the background and training to address these unique linguistic needs (de Jong & Harper, 2005; Gándara, Maxwell-Jolly, & Rumberger, 2008; Menken & Antunez, 2001). Mainstream teachers, with whom the majority of ELs spend the majority of their instructional day, perpetually report that they feel ill-prepared and under-supported in their efforts to meet the needs of EL in their classrooms (Combs et. al., 2005; DelliCarpini & Alonso, 2009; Ballantyne, Sanderman, & McLaughlin, 2008; Buckingham, 2012; Gándara, Maxwell-Jolly, & Driscoll, 2005; Mantero, 2005).

Without specialized training, teachers often develop negative attitudes towards ELs when they have not received specialized training to work with this population. (Walker, Shafer, & Iiams, 2004). Other studies have shown that without specialized training teachers typically rely on their own instincts and experiences which do not align with research on effective language and content teaching strategies (Rubinstein-Avila 2003, 2006; Berg, Petron, and Graybeck 2012; Gandara and Contreras, 2009; Newman, Samimy, and Romstedt, 2010; Reeves, 2006; Walker et al., 2004). In some cases, well-meaning teachers may water down the content to make it “easier” for the student, rely on low-level recall activities, or refrain from asking ELs to participate (de Jong & Derrick-Mescua, 2003; Kinsella, 2000; Schinke-Llano, 1983; Verplaetse, 2000). Wang, Many, and Krumenaker (2008) argue that even when mainstream teachers attempt to engage students, they could

³³ García, 2009, p. 140

³⁴ Christie & Derewianka, 2010; Gibbons, 2006; Rose & Martin, 2012; Schleppegrell, 2013; Turkan, de Oliveira, Lee, & Phelps, 2014

undermine the intellectual complexity of learning. Some content experts underestimate the role of language in teaching (Raitbauer, et. al. 2018), while others presume language learning will happen automatically. Walden (2018) and Moore, Schleppegrell, and Palincsar (2018) found that untrained teachers who attempt to elevate the role of language in content can focus too heavily on forms, independent of meaningful usage, and undermine the content goals of the lesson.

An example of misguided efforts to support ELs is offered in *SREB Spotlight Series April 2016, Effective Teaching Communities Lessons from High-Needs, High-Performing Delaware Schools*. In that *Spotlight Series*, the authors explain that testing accommodations are important to make sure students do not feel “knocked down” when they don’t do well. As an example, the authors describe the practices of a teacher who has ELs in her class but is not listed among educators with Certificate as a Teacher of English Learners.³⁵ According to the publication, the teacher makes sure her spelling tests include multiple options, such as a multiple-choice version of the test, while others write out whole words. The compassion for ELs is evident, as is the lack of training in second language teaching. The presented activity offered as a best practice is actually a low-level recall task (spelling test) and in leading students in the task, the teacher removes the recall aspect to make it “easier” for the students. In other words, she takes an already low-level task and reduces the thinking skills needed even further.

The results of such ill-informed practices are not surprising. Studies show that ELs academically and linguistically typically fair quite poorly in mainstream classrooms in which teachers do not have specialized training in working with ELs (Clair, 1995; Duff, 2001; Gunderson, 2000; Harklau, 1994; Harper & Platt, 1998; Kanno & Applebaum, 1995; Mohan, 2001; Garcia & Ortiz, 2006). In Delaware, where most ELs spend the majority of their instructional time with teachers who are not specially trained, data show ELs are not

³⁵ SD_0021725

on par with their English-speaking peers (see Table 1). Across grade levels, over 78% of ELs in 201, 74% in 2018, and 73% in 2019 scored Below (Level 2) or Well-Below (Level 1) proficiency in math.

According to Delaware System of Student Assessments (DeSSA) Executive State Summary,

“The Level 1 student demonstrates minimal understanding of and ability to apply the English language arts and literacy (mathematics) knowledge and skills needed for success in college and career, as specified in the Common Core State Standards.”

Table 1: ELL and Non-ELL Outcomes on Delaware Smarter Math and ELA Assessments³⁶

| | | 2017 ELL | 2017 Non-ELL | 2018 ELL | 2018 Non-ELL | 2019 ELL | 2019 Non-ELL |
|------|------------|-------------|-----------------|-------------|-----------------|-------------|-----------------|
| | | % | % | % | % | % | % |
| Math | Well Below | 49.28 | 24.67 | 45.48 | 26.81 | 45.72 | 27.48 |
| Math | Below | 28.55 | 30.82 | 28.25 | 29.56 | 28.45 | 28.63 |
| Math | Meets | 15.51 | 24.38 | 17.96 | 23.71 | 17.87 | 23.31 |
| Math | Exceeds | 6.66 | 20.13 | 8.31 | 19.92 | 7.96 | 20.58 |
| ELA | Well Below | 53.9 | 20.35 | 46.52 | 21.1 | 46.04 | 22.37 |
| ELA | Below | 26.18 | 23.34 | 27.4 | 22.86 | 27.38 | 22.2 |
| ELA | Meets | 13.81 | 34.75 | 17.87 | 33.96 | 19.47 | 33.24 |
| ELA | Exceeds | 6.11 | 21.55 | 8.22 | 22.08 | 7.1 | 22.19 |

While a lack of time with EL trained content teachers is problematic in elementary years, the lack of content specific language support becomes more detrimental in middle and secondary grade levels as the content and language demands become more complex. In Delaware, this increased demand in middle and high school are met by a significant reduction in number of educators Certified as a Teacher of English Learners available in middle and high schools. In other words, as Delaware ELs advance in grade-level their access to specially trained teachers diminishes.

³⁶ SD_0015691; SD_0150217

In 2018-2019, 297 educators in Delaware held certifications as Teacher of English Learners³⁷. Among those, approximately 72 teachers were Secondary Education teachers, 173 were Elementary teachers, and 20 were special education teachers in elementary and middle grades. The remainder were administrators, instructional support specialists, librarians, and other staff. Among the teachers in Secondary Education with the certification, 37 held positions as ESL teachers. This means that of the 3769 teachers in the state working at the secondary level, less than 1% were certified EL teachers leading 'regular' classes. In total, .027% of all teachers in Delaware held Certificates as Teachers of English Learners in 2019. In 2020, the number has increased to 352.³⁸ If the state has maintained the same total number of teachers as the previous year, the percent of teachers with Certification as Teachers of English Learners raises to .036% of all teachers. This is not in keeping with the growing EL K-12 student population, which is now 9.83%, according to the Delaware School Report Card website.³⁹

In sum, Delaware's current teacher certification, professional development, and school staffing policies and practices pose a challenge to ensuring equitable access to education, career and college opportunities. Unlike many other states,⁴⁰ Delaware pre-service teacher preparation programs for elementary, middle and secondary certifications have no requirements to include content on working with English learners. Some approved programs, such as University of Delaware include a course, but other institutions and pathways to teaching have no specific coursework. Having content teachers start their careers with the education they need to best work with ELs is valuable because, with the growing EL population in Delaware⁴¹, there is an increasing likelihood that new teachers will have ELs in their classes in their first year in the classroom.⁴² Among in-service

³⁷ SD_0149980

³⁸ SD_0149775

³⁹ <https://reportcard.doe.k12.de.us/>

⁴⁰ <http://ecs.force.com/mbdata/mbquestNB2?rep=ELL1415>

⁴¹ Counsel's letter, ¶ 18.

⁴² Counsel's letter, ¶ 19.

teachers, trainings are offered as isolated workshops⁴³ rather than on-going, integrated professional development as supported by research (Darling-Hammond et al. , 2009).

Improvements:

Research shows that EL instructional practices and efficacy improve after taking ESL endorsement courses or earning ESL or bilingual certification (Tran, 2015; Rader-et. al.,2008; Howley, 2014). To this end, Delaware could significantly improve the education provided to ELs by ensuring their teachers are well-prepared to teach them. For example, it could:

- (1) Require integrated professional development, with necessary funding support, on working with ELs as part of all on-going professional development programs⁴⁴. As Darling-Hammond et al. (2009) has shown, longer, integrated professional development have stronger impact on teachers and student learning.
- (2) Require all teacher candidates to complete coursework on working with ELs that addresses language acquisition, language structure, learner identity, disciplinary literacy, and pedagogy. Pennsylvania, for example, mandates a 3 credit course with fieldwork requirements as part of all initial certification program.
- (3) Provide financial support for practicing teachers to earn Certificate as Teacher of English Learners or Bilingual Teacher, particularly in the middle and secondary grades. This could include scholarships, grants and/or a loan-forgiveness program that eliminates student loan debt after a period of service.
- (4) Provide more structured guidelines,⁴⁵ with necessary funding, for collaborations between content area teachers and ESL teachers, including common planning times, partnering in meetings with families, data sharing, and program recommendations, and modify teacher workloads to create sufficient time for that.

⁴³ Counsel's letter, ¶ 7.

⁴⁴ Counsel's letter, ¶ 8

⁴⁵ Counsel's letter, ¶ 11; ¶ 12

Whole School Culture that Values Diversity

Much of the focus on supporting English learners is on the teachers' execution of instructional practices. However, research shows that ELs' success is greatly improved when schools have established norms and expectations that value multilingualism and multiculturalism school-wide (Nieto, 1999). The US Department of Education ELL Tool Kit (2015)⁴⁶, states that "improving the academic achievement of ELs involves more than instructional strategy and traditional bilingual education models... and also means creating an environment conducive to implementing and sustaining district-wide reform efforts" (p. 7). Several studies document how students' sense of belonging leads to a strong sense of school membership, increases in academic performance, effort, motivation, and decreases violence, gang-related incidents in schools, and drop-out rates, despite conditions that might put the students at risk of academic failure (Ma, 2003; Ominizo, Ominizo, Honda, 1997; Reep 1996). Ostermann (2000) contends that belonging is essential to student communities, while Ma (2003) connects students' sense of belonging with higher self-esteem, general health, and academic achievement. Osterman (2000) equates to a sense of community with a sense of belonging, and claims this experience of belonging is related to positive student outcomes, behavior, and overall school performance and can even lead to students self-reporting that they enjoy school more. Malsbury (2014) explains that "belonging" is inherently different for ELs in schools and, for immigrant families and children the importance of belonging is heightened because they have "left behind familiar cultural, linguistic practices and norms, and possibly even family" (p. 1314).

Developing and managing schools with large populations of ELs requires district and school leaders who are knowledgeable in best practices for ELs in both school climate and culture, family and community engagement. Delaware currently does not make this background and training a requirement for school principals,⁴⁷ but the state does charge

⁴⁶ https://ncela.ed.gov/files/english_learner_toolkit/OELA_2017_ELsToolkit_508C.pdf

⁴⁷ <https://regulations.delaware.gov/AdminCode/title14/1500/1595.shtml#TopOfPage>; Counsel's letter, ¶ 10.

them with the responsibility for implementing a program to meet the needs of their ELs. As Maria Paxton explained in her December 2, 2019 deposition, “We have it in a data system so that every educator or every district personnel or leader could pull their own reports to determine how to best move forward with using that data to make decisions”⁴⁸ ... Ultimately, the districts have the control to do with that what they please.”⁴⁹

Delaware’s Website for Educator Resources offers a page of links related to teaching, but none inform administrators how to lead whole-school programs.⁵⁰ According to Delaware’s English Learner Professional Learning Menu of Offerings, school and district-level leaders are offered four all-day professional development trainings throughout the academic year, but are not required to attend. Additionally, these four sessions all focus on implementing teaching practices, again, not whole school models.⁵¹ It is not clear how many principals participate. In contrast, principals who lead schools with dual language immersion programs are required to attend quarterly professional learning sessions, engage in periodic conference calls and participate in a council with other principals leading similar programs. When a new principal comes on board, they are encouraged to attend a 3-day Institute that recognizes the critical role of the school leader and “will provide participants with foundational learning to build and sustain successful programs.”⁵²

Improvements:

Research shows that school climate and culture impacts student outcomes. To ensure that school leaders have the knowledge, skills, and resources to create school environments that norm multilingualism and multiculturalism and are welcoming of students of all

⁴⁸ Deposition of Maria Paxton, 26:9-12

⁴⁹ Ibid., 107:9-11.

⁵⁰ <https://www.doe.k12.de.us/Page/2378>

⁵¹ <https://www.doe.k12.de.us/site/handlers/filedownload.ashx?moduleinstanceid=7725&dataid=23014&FileName=2019-20%20English%20Learner%20Menu%20of%20Offerings--%20Professional%20Learning.pdf>

⁵² <https://www.doe.k12.de.us/Page/3801>

language and cultural backgrounds as well as ensure that they are provided quality instruction, Delaware could:

- (1) Expand and intensify professional training for school leaders. These could be through a partnership with the dual language immersion professional development programing for school leaders, such as the Delaware Institute for Novice Immersion Principals.⁵³ Additionally, the dual language immersion program application materials⁵⁴ specify that once accepted, “Administrators shall be actively involved in IPAC, the Immersion Principal and Administrator Council, and participate in quarterly professional learning sessions and periodic conference calls specific to their needs as administrators” (p. 8)
- (2) Require coursework on programs, instruction, staff training, and school environmental factors that impact the experiences and outcomes for ELs as part of principal certification, and compensate existing principals for taking those courses.
- (3) Follow the model of other states, such as Pennsylvania, and provide a detailed toolkit or guidelines for selecting, implementing, and monitoring quality instructional programing for ELs. Require school leaders to establish a protocol to monitor personnel practices that demonstrate an awareness and deep understanding that multiple perspectives, norms, and beliefs that exist among the students, families, and school personnel so that those are welcomed at the school. Provide necessary resources to effectively implement this model.
- (4) Institute a Multilingual Parent Advisory board. For example, in New York, the “Multilingual Advisory Council (MPAC) is a vehicle for ELL parents to collaborate for the purpose of problem-solving, program enhancement, communicating with parents, and recognition of student achievement. The purpose of MPAC is to support

⁵³ https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/68/DINIP2018_Flyer_extended.pdf

⁵⁴ https://www.doe.k12.de.us/site/handlers/filedownload.ashx?moduleinstanceid=7892&dataid=18749&FileName=WorldLanguageExpansionInitiative_ProposalInstructions_Cohort6.pdf

parental involvement and participation in the English Language Learners' programming and academic achievement. The council is constituted of multiple collaborators, including ELL parents, community members, and district staff.”⁵⁵

Assessment and Monitoring

Knowing which students would benefit from English language support, how much support, and whether or not the support is assisting their development is essential “for achieving intended policy outcomes of improving teaching under Race to the Top policy and Common Core State Standards” (Kim, et al. 2014, p. 228). In Delaware, screening to identify students eligible for English language support begins with a home language survey, which is provided to families enrolling a child in a Delaware school.⁵⁶ If the individual completing the form indicates a language other than English is used in the home, the school initiates a screening protocol, which usually leads to an English placement test.⁵⁷ As a member of the World-class Instructional Design and Assessment (WIDA) Consortium, Delaware uses ACCESS for ELLs, including WIDA Screener for grades 1-12, WIDA MODEL for kindergarten, or Delaware Alternative Identification Protocol for students with special needs.⁵⁸

⁵⁵ <https://www.rcsdk12.org/domain/13025>

⁵⁶ Counsel's letter, ¶ 13; <https://regulations.delaware.gov/AdminCode/title14/900/920.shtml>

⁵⁷ Delaware Department of Education English learner Guidebook: Guide for District Implementation of Programs for English Learners, (Updated 9/6/19),

<https://www.doe.k12.de.us/site/handlers/filedownload.ashx?moduleinstanceid=5113&dataid=22703&FileName=2019-2020%20Delaware%20Department%20of%20Education%20EL%20GUIDEBOOK.pdf>, 26

⁵⁸Ibid., 29

WIDA clusters proficiency on a scale of 1- 6, with 1 = “entering” and 6= “reaching,” meaning students have achieved a level in which they can perform grade level academic work without English language support. Based on their level, students are assigned a total number of years in which

they are expected to achieve proficiency and the annual growth measure or target they must achieve each of those years. According to *Delaware Department of Education English*

EL ACCESS Growth Targets - Annual Calculation Method

| Year 1 Baseline ACCESS PL | Growth Target | | | | |
|---------------------------|--|--|--|--|---------------------------------|
| | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 |
| 5.0 or Higher | | | | | |
| 4.0 - 4.9 | SS progress from Year 1 to AT divided by 2 | SS for 5.0 two grades out (AT) | | | |
| 3.0 - 3.9 | SS progress from Year 1 to AT divided by 3 | SS progress from Year 2 to AT divided by 2 | SS for 5.0 three grades out (AT) | | |
| 2.0 - 2.9 | SS progress from Year 1 to AT divided by 4 | SS progress from Year 2 to AT divided by 3 | SS progress from Year 3 to AT divided by 2 | SS for 5.0 four grades out (AT) | |
| 1.0 - 1.9 | SS progress from Year 1 to AT divided by 5 | SS progress from Year 2 to AT divided by 4 | SS progress from Year 3 to AT divided by 3 | SS progress from Year 4 to AT divided by 2 | SS for 5.0 five grades out (AT) |

learner Guidebook: Guide for District Implementation of Programs for English Learners (Updated 9/6/19)⁵⁹, the student’s baseline proficiency level is set with the student’s first annual ACCESS assessment. Students are then assigned a number of years they are expected to need support in order to attain proficiency, between 3 and 6. (p. 84) In Delaware, if a student falls into the level 3 cluster on the WIDA scale, they will have three years to reach level 6. If they fall into the level 1 cluster, they will have 6 years; 5 years if they fall into level 2; 4 years for level 3, and 3 years for levels 4 and 5.⁶⁰

The increment of their expected growth is calculated by subtracting the student’s current score from the target score and dividing it by the years in which they are expected to reach level 6. Each subsequent year, they are assessed using the ACCESS for ELs assessment. If they do not meet their target score increase, the following year’s target is recalibrated using the difference, added to the total points needed to reach proficiency and divided by the remaining number of years in the original plan. In other words, each

⁵⁹ Ibid, 8

⁶⁰ Ibid.

time a student does not meet the set target, their expected growth increment is increased for each of the remaining years to reach proficiency.

As shown in Table 2 below, in 2019, 30% of all ACCESS tested ELs in Delaware met their annual growth target and close to 8% achieved proficiency (i.e. exited from EL services). This is down from 36% the year before. In fact, all grade levels, outside of Kindergarten and 5th grade, show a decrease in achievement among assessed ELs in meeting their state-established growth target. In 2018, among 4th grade EL, almost 72% of those assessed met their growth target, whereas less than 59% of 4th graders met their targets in 2019. In 12th grade in 2018, approximately 35% met their targets, whereas less than 17% met theirs in 2019.

TABLE 2: 2019⁶¹ and 2018⁶² ACCESS Scores

| Grade Level | 2019 Students Assessed | 2019 % Met Target | 2019 % Achieve Proficiency | 2018 Students Assessed | 2018 % Met Target | 2018 % Achieve Proficiency |
|-------------|------------------------|-------------------|----------------------------|------------------------|-------------------|----------------------------|
| KG | 1544 | 3.37 | 5.05 | 1725 | 3.25 | 6.09 |
| 1 | 1727 | 57.5 | 3.01 | 1634 | 50.61 | 2.88 |
| 2 | 1670 | 33.35 | 3.95 | 1843 | 40.86 | 3.91 |
| 3 | 1808 | 22.01 | 5.53 | 1760 | 37.67 | 6.82 |
| 4 | 1717 | 58.24 | 22.89 | 1647 | 71.58 | 23.74 |
| 5 | 1315 | 40.3 | 23.04 | 930 | 37.74 | 19.14 |
| 6 | 802 | 8.85 | 1.5 | 525 | 13.33 | 0.57 |
| 7 | 599 | 12.69 | 1.67 | 464 | 24.78 | 2.16 |
| 8 | 496 | 19.76 | 1.61 | 416 | 24.28 | 1.68 |
| 9 | 713 | 24.96 | 3.65 | 589 | 31.92 | 2.72 |
| 10 | 518 | 19.88 | 3.28 | 452 | 26.33 | 5.53 |

⁶¹ SD_0150216

⁶² SD_0015689

| | | | | | | |
|-------|-------|-------|------|-------|-------|------|
| 11 | 367 | 16.08 | 3.27 | 352 | 25.28 | 3.98 |
| 12 | 342 | 16.08 | 2.05 | 221 | 34.84 | 5.88 |
| TOTAL | 13618 | 30.62 | 7.96 | 12558 | 36.53 | 7.97 |

Additionally, when comparing groups of ELs as they advance in grade level, apart from 3rd to 4th grade, scores show a consistent decrease in achievement from 2018 to 2019. For example, among 2nd graders in 2018, a little less than 41% met their targets and in the following year, as 3rd graders, less than 23% met their targets. ELs in 4th grade achieved at a rate of 71.48% in 2018 and in 2019, as 5th graders, they achievement rate dropped to below 41%. Among 5th graders in 2018, less than 38% met their targets, but as 6th graders in 2019, less than 9% achieved their goals. In the upper grades, approximately 25% met their targets as 11th graders in 2018, but as 12th graders in 2019, it drops to 16%.

As stated earlier, the challenge with the Delaware system is that it offers no insights as to why scores vary the way they do. Specifically, there are a wide range of factors that might account for a students' performance, including "social context, language aptitude, types of inputs and interactions, cognitive processing, first language, and prior educational experiences" (Cook, 2008, p. 6). The National Governors Association Center for Best Practices and the Council of Chief State School Officers' offer the following in their Recommendations for the Application of Common Core State Standards for English Learners (2015).⁶³

ELLs are a heterogeneous group with differences in ethnic background, first language, socioeconomic status, quality of prior schooling, and levels of English language proficiency. Effectively educating these students requires diagnosing each student instructionally, adjusting instruction accordingly, and closely monitoring student progress.

⁶³ <http://www.corestandards.org/assets/application-for-english-learners.pdf>

To be more impactful, when considering assessment for accountability, the focus needs to be truly on student learning (Janokowski, et.al, 2018; Umansky and Reardon, 2014). In Delaware, more comprehensive assessments are recommended but not compulsory. The Delaware Department of Education English learner Guidebook: Guide for District Implementation of Programs for English Learners⁶⁴ (Updated 9/6/19) states, “while not required, an English Language Acquisition Plan (ELAP) is great way to ensure that we are meeting the needs of each English Language Learner.... This should be updated every year and shared with the classroom teacher and other team members who will be responsible for helping the student attain English Language Proficiency and academic success. All teachers (including those offering specialized classes such as Gym, Technology, electives, etc.) should review and understand the plan and implement it within the school setting on a daily basis.” (p. 51) The document goes on to explain that the purposes of this measure are to ensure educators understand who the students are and to promote collaboration among ESL and mainstream teachers. Similarly, as indicated earlier, the assessment policies do not require review or evaluation of instructional practices and learning conditions impacting student testing outcomes.

Improvements:

To meet the needs of EL learners, Delaware needs to expand its assessment system to include more comprehensive collection and analysis of student data as well as more structured evaluations of the learning contexts in which these students spend most of their schooling. This can be done by:

- (1) Expanding assessment of ELs to include more comprehensive data collection and on-going program monitoring, including establishing English Language Acquisition Plans as requirements rather than suggestions.

⁶⁴ <https://www.doe.k12.de.us/site/handlers/filedownload.ashx?moduleinstanceid=5113&dataid=22703&FileName=2019-2020%20Delaware%20Department%20of%20Education%20EL%20GUIDEBOOK.pdf>

- (2) Providing professional development to administrators and teachers on how to use data as well as how to evaluate program structures and implementation.
- (3) Ensuring that school leaders are qualified to observe and provide feedback to teachers on their instruction of ELs and use a breadth of student data to inform practice.

Conclusion

To summarize, in order to succeed in college, career, and life, ELs are required to master increasingly sophisticated language skills to succeed in their academic work (Valdes, 2001). The complex and dynamic nature of language and language acquisition necessitates a specialized and concerted effort to review and adapt the ways schools instruct children who are learning a second language while acquiring grade-level content and literacy. Delaware can improve EL academic outcomes by revising program structures to reflect appreciation for students increasingly complex academic and language needs, mandating that ELs spend the majority of their instructional time with teachers who are qualified to teach them, i.e. have the specialized training they need, requiring school leaders, who oversee instruction, program design, and the climate and culture of the school, to have the resources and training needed to promote the academic success of the diverse student body they serve, and expanding the assessment system to gather and provide more comprehensive and individualized data.

/s/ Tamara Sniad

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