

The Condition of English Language Learners in Arizona: 2005

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Background

Two events – *Flores v. State of Arizona (1999)*¹ (*Flores*) and the passage of Proposition 203² – continue to direct English Language Learner (ELL) education policy in Arizona.³ The *Flores* case imposed a number of duties on the State Board of Education and the Superintendent of Public Instruction related to identifying and providing appropriate services to ELLs. Proposition 203 changed the state law governing the range of educational programs for ELLs, mandating that “all children in Arizona public schools shall be taught English by being taught in English.”⁴

Flores v. Arizona

In 1992, Miriam Flores, individually and as the parent of a minor child, filed an action against the State of Arizona in Federal District Court accusing the state of failing to provide ELLs with a program of instruction designed to make them proficient in English and enabling them to master the standard academic curriculum. The suit was predicated on the Equal Educational Opportunities Act (EEOA) of 1974.⁵ The major complaints of the suit were that ELLs were taught by under-qualified teachers, that the state lacked adequate processes of identifying and monitoring ELLs, and lacked adequate funding for appropriate educational programs for these students.

A Consent Decree resulting from the *Flores* case led to many changes in the process for monitoring the progress of ELLs. In addition to standardized achievement testing, the court required the Arizona Department of Education (ADE) to include classroom observations, curriculum reviews, teacher interviews, student record reviews, and an ELL program review. ADE was further required to evaluate students in each of two years following a student's exit from ELL status. Exited students who do not perform satisfactorily are to be re-enrolled in an ELL program (subject to parental consent), be given compensatory instruction, or both.

Funding for ELLs has also been a focal point of the *Flores* case. A court-ordered cost study in May of 2001 surveyed multiple Arizona districts and found that the cost of services for ELL students ranged from \$0 to \$4,600 per pupil. The cost study, however, did not provide a rationale for any specific funding recommendation, and the court ordered a new study to specify both appropriate services and the cost of providing such services.

The *Flores* case pressed the issue of qualifications for ELL teachers. The State Board opened a rule-making docket for ELL teacher qualifications proposed by the Flores' attorney and the Bilingual Consortium, and requested that ADE develop recommendations. Meeting on February 23, 2004, the State Board of Education decided to reduce the qualifications required for teachers to work with ELLs from 21 credit hours to 4 credit hours. The Board considered three different options drafted by ADE for

endorsing Arizona teachers to work with ELLs, and voted in support of the least demanding plan. The new requirements state that all persons who currently hold a valid K-12 Arizona teaching certificate must obtain a provisional structured English immersion (SEI) endorsement by completing a one-credit-hour course in SEI methods by August 1, 2006, and obtain a full SEI endorsement by August 1, 2009, by completing a three-credit-hour course in SEI. Equivalent training provided by a school district's professional development staff may be substituted for the college coursework. Teachers who hold a valid bilingual or ESL endorsement are exempt. Persons who obtain a teaching certificate after August 1, 2006, must obtain a provisional endorsement by completing a three-credit-hour SEI course and then must complete a second three-credit-hour SEI course within three years to obtain the full SEI endorsement.

Proposition 203

Educational programs available to ELLs were significantly changed in 2000. The passage of the voter initiative Proposition 203 ended local flexibility regarding program options for educating ELLs by repealing Article 3.1 of the Arizona Revised Statutes, which sanctioned a variety of program models, and replaced it with a requirement that all ELLs in the state be taught using SEI unless they obtain a waiver.⁶ Only about a third of ELLs were enrolled in any of the bilingual education programs offered in the state prior to the passage of proposition 203, while twice as many were placed in English as a second language (ESL) programs, a model similar to the newly mandated SEI approach.⁷

In addition to prescribing a specific language education program for ELLs, Proposition 203 also provided that “a standardized, nationally-normed written test of academic subject matter [be] given in English each year for children in grades 2 and higher.”⁸ Prior to the implementation of Proposition 203, state law⁹ did not require students not yet proficient in English to take an academic achievement test in English; a district's governing board could exempt students classified as ELLs from such tests for up to three years, beginning with second grade, provided that a suitable alternative academic assessment was used.¹⁰ Prior to the implementation of Proposition 203, many districts used the *Apranda*, a Spanish-language test of academic subject matters, for

students who had been exempted from the statewide English-medium test of academic achievement.

Qualifications for Waivers

Proposition 203 permits alternatives to the SEI requirement. Waivers allowing students to participate in alternative educational programs such as bilingual education are available for “older children” (at least age 10), children with “special individual needs” (physical or psychological), or children who “already know English.” To apply for a waiver, parents must submit a written request at the start of each school year at a time when they personally visit the school and receive from a school official a full description of the educational materials to be used in the alternative program. Once these requirements are met, waivers are granted at the discretion of the district superintendent.¹¹

According to the law, a child who already knows English is one who “possesses good English language skills, as measured by oral evaluation or standardized tests of English vocabulary, comprehension, reading, and writing, in which the child scores approximately at or above the state average for his grade level, or at or above the fifth grade average, whichever is lower.”¹² Because the grade-level average for students in Arizona on English oral language assessments is not known, many districts had been using their own district testing data to estimate the state average in order to determine the required minimum score for a waiver.

In response, Superintendent of Public Instruction Tom Horne issued guidelines insisting that children qualifying for waivers under this provision must meet the test publisher’s “passing score” rather than the district’s estimated statewide average for the appropriate grade level. Despite challenges to the superintendent’s guidelines by state politicians and an Attorney General’s Opinion, the superintendent’s guidelines remained in place with slight modifications, and many of the state’s few remaining bilingual education programs were disbanded.¹³

Time Needed to Learn English

An especially controversial aspect of Proposition 203 was the suggestion in the text of the initiative that children would become proficient in English within a year's time: "Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year."¹⁴ The assumption that ELLs can learn English very quickly in an all-English instructional setting plays a key role in the underlying rationale for SEI. In *Lau v. Nichols* (1974), the Court found that "students who do not know English are effectively foreclosed from any meaningful education" because they cannot understand classroom instruction. SEI advocates believe that young children learn English so quickly under conditions of immersion that they can readily catch up to other students once classroom instruction has become understandable.¹⁵ Proponents of bilingual education, on the other hand, have maintained that classroom instruction in the native language is necessary to help children keep up academically during the time it takes to learn English well enough to get by in an all-English instructional setting. The time frame required to learn English is understood to be a matter of years rather than months.¹⁶ Thus, opponents of the measure warned that the negative effects of SEI are likely to show most prominently in later years, when the cumulative effects of incomprehensible classroom instruction would begin to take a toll.¹⁷

Because children who have limited knowledge of English cannot fully participate in an all-English school curriculum, the SEI approach has the effect of deferring aspects of the academic curriculum until children have learned English well enough to follow English-medium instruction. Thus, whether students will learn English at the hypothesized rate is of crucial importance. If indeed children learn English within a year's time, then they might reasonably be expected to catch up on missed content the following year. If children require much more time to learn English than the SEI method assumes, however, then the approach may have the effect of deferring academic instruction for a prolonged period, possibly leading to long-term negative effects on the academic achievement of ELL children.

Charter Schools and Proposition 203

In 1994, the Arizona Legislature authorized the establishment of public charter schools to serve as alternatives to traditional public schools.¹⁸ Following the passage of Proposition 203, Superintendent Horne asked the state Attorney General to address the question of whether charter schools, as public schools, are subject to its provisions. On July 25, 2003, the Attorney General released an opinion stating that charter schools are not subject to the requirements of Proposition 203 unless its charter provides otherwise, because “[c]harter schools are not operated within the oversight framework that governs traditional public schools” and “are exempt from all statutes and rules relating to schools, school districts, and school district governing boards unless the statutes that govern charter schools or their own charters provide otherwise.”¹⁹

Superintendent Horne reacted to the opinion by stipulating that charter schools permitting bilingual education are not eligible to receive the state-allotted \$300 per pupil earmarked to help schools teach ELL students.²⁰ Nonetheless, interest in charter schools as a locus of multilingual education for ELLs and majority language students appears to have grown.

Recent Policy Developments

Following is a summary of policy developments affecting ELLs in Arizona since last year’s *Conditions* report.²¹

Funding

A new court-ordered cost study, following from the *Flores* case and undertaken by the National Conference of State Legislatures,²² was released in February 2005. Using school district surveys, professional judgment panels, school performance data, school-site interviews, and a review of the relevant scholarly literature, the study concluded that adequate funding for ELL students ranges from \$703 to \$6,455 per student, depending on grade level, specific needs, and other school- and child-level factors. All estimates were significantly higher than the state’s present allocation for ELL students.

On May 12, 2005, the Legislature responded to the funding requirement of the *Flores* case by passing HB 2718. The new bill, strongly opposed by Tim Hogan, the attorney for the Flores family, provides an increase in funding of \$28 million for one year only; then schools would have to apply to ADE on an individual basis. Funding under the program is only available if a school's costs exceed all other state, federal, and local money available for ELL students. At the time of this writing, the governor is considering a recommendation of a veto by opponents of the bill.

Teacher Quality

In December 2001, the Arizona Legislature had passed House Bill 2010,²³ which doubled funding for ELLs by providing funds for materials, teacher tuition reimbursements, reclassification bonuses, and compensatory education programs. It also required the State Board of Education to adopt an SEI endorsement. The Board adopted standards for qualifications for teachers of ELLs to comply with federal and state law. House Bill 2010 also provides that universities overseen by the Board of Regents that offer a degree in education must require courses necessary to obtain a provisional SEI endorsement as prescribed by the State Board.

The Superintendent of Public Instruction notified school personnel on February 8, 2005, that all certified teachers and administrators in the state must obtain a provisional SEI endorsement by August 31, 2006, and a full SEI endorsement by 2009. The provisional endorsement requires 15 clock hours (or 1 university credit) and the full SEI endorsement requires an additional 45 clock hours (or 3 university credits).

These requirements have been highly controversial and have been criticized as inadequate. A majority of the Professional Judgment Panel interviewed by the National Conference of State Legislatures for the cost study believed these standards to be "insufficient."²⁴ Indeed, the policy may have precisely the opposite effect of what the *Flores* Decree intended, namely, the creation of a context permitting schools to place ELLs in classrooms with teachers who have only minimal training to provide appropriate services. Hence, it may in fact result in a reduction in teacher quality for ELL students rather than an increase.

Language Assessment Policy

On August 25, 2003, the State Board of Education approved a motion by the Superintendent of Public Instruction that school districts be permitted to continue using four standardized oral language assessments for ELLs, including the *Language Assessment Scales (LAS)*, the *IDEA Proficiency Test (IPT)*, the *Woodcock-Muñoz Language Survey (WMLS)*, and the *Woodcock Language Proficiency Battery (WLPB)*. Effective in the 2004-2005 school year, all schools were required to begin using the Stanford English Language Proficiency (SELP) test of English, developed by Harcourt. The change in policy is pursuant to the requirement of the No Child Left Behind (NCLB) Act, which is generally interpreted as requiring a single statewide assessment for all ELL students. The SELP is offered in four test levels: Primary (K-2), Elementary (3-5), Middle grades (6-8) and High school (9-12).

Available Data

Research on the effectiveness of the state's English Language Learner (ELL) policies is of crucial importance and goes to the heart of Arizona's policy debates about how language of instruction affects the academic success of ELLs. In this section several studies and analyses of state data are reviewed that speak to this issue. Also addressed is an important and related question: Are Arizona's ELLs learning English at the rate expected by proponents of the SEI approach?

How Does Language of Instruction Affect Academic Success for ELLs?

A considerable number of studies and reviews of studies have been conducted nationally to examine whether and to what extent native language instructional support is beneficial to ELLs. Researchers have used a variety of research synthesis methods to summarize findings from effectiveness studies for ELL education. One approach, known as meta-analysis uses statistical methods to provide such summaries.²⁵ A 1998 meta-analysis of bilingual education programs, conducted by Jay Greene of the Manhattan Institute, found that "bilingual programs are effective at increasing standardized test scores measured in English."²⁶ In another report, using "best evidence" as an approach to

research synthesis, Robert Slavin and Alan Cheung of Johns Hopkins University identified studies that they believed used sound research methods to investigate the relative strengths of different program options for ELLs. These researchers reported that most of the studies that met their criteria for inclusion favored bilingual approaches over immersion approaches. While some found no difference, none significantly favored immersion over bilingual education.²⁷ The National Research Council reached similar conclusions in two separate reviews of the scholarly literature.²⁸

Locally in Arizona, before the passage of Proposition 203, several studies were conducted to examine academic achievement among ELLs in bilingual education classes and English-only classes, and findings concurred with those in the national literature. A recent meta-analysis of Arizona studies of program effectiveness, conducted by Arizona State University researchers, found “positive effects on all measures in English, and especially positive effects for all native language outcome measures” for students in bilingual education programs.²⁹ The results indicate that ELLs exposed to bilingual education programs outperformed ELLs who were exposed to English-only programs on all measures.

Studies attempting to address the question of ELL program effectiveness using Arizona state-level data have been less successful. Analysis of state achievement data has been shown³⁰ to be of limited use for evaluating program effectiveness primarily due to two problems: (1) the lack of a reliable way to track individual students across years³¹ and (2) lack of reliable coding of program types. For example, a group of Arizona State University researchers, in partnership with the Arizona Department of Education (ADE), attempted a longitudinal (over time) analysis of existing academic achievement data (Stanford-9 scores) collected by the state, and included the entire state population of over one million students who were in grades three through nine during the five-year period from the 1996-1997 academic year through 2000-2001.³² Students’ scores were linked across years using an algorithm developed by researchers at ADE, a method estimated to have 80 percent accuracy. Although an analysis of mean growth revealed a slightly positive effect for bilingual education over students in English immersion, the program placement variable shifted erratically from one year to the next in the longitudinal dataset.³³ Many of the observed sequences of classroom placements were not consistent

with approved or known program models. Because data were in most cases coded by teachers and students, the authors interpreted the observed shifts to reflect errors in the data coding, and expressed concern about the reliability of the findings.

Two years later, ADE, using 2003 statewide Stanford 9 scores only, relied on the same thread of data to conduct its own analysis to determine whether students in SEI or bilingual education had performed better. The study³⁴ examined program advantage in terms of grade equivalence differences in average test scores in 2003. In the comparisons among Spanish-background students, SEI students reflected a 0-2 month advantage in the lower grades and a 3-8 month advantage in the higher grades.

In addition to the program coding inaccuracies, the study also had several major methodological shortcomings. First, it was based on a single measure of achievement rather than on longitudinal growth. Thus, there was no control for prior test scores or English proficiency levels across the program groups, and it was therefore not known whether students in one group initially had an advantage unrelated to the program in either of these domains. Second, students' program placement in prior years was not considered. For example, because bilingual programs include progression to ESL classroom placements in later grades, students reported to be in ESL classrooms in 2003 may actually have been in a later phase of a bilingual education program. A third limitation was that the study did not consider socioeconomic status, which is known to independently predict academic achievement gaps; this is very important in the present context, as children enrolled in bilingual education classes are twice as likely to be enrolled at a school with lower socioeconomic status than children enrolled in English-only classes.³⁵

A recent study by Joseph Guzman³⁶ on the long-term benefits of bilingual education deserves discussion because it has been frequently cited in public by the Superintendent and others as evidence that English-only programs are more beneficial to students than bilingual programs, contrary to the conclusions of most published research. The study found that students who participated in bilingual education completed about a half-year less of school than students taught in an English-only approach. It further concluded that students taught through bilingual education were less likely to be in a

high-skill occupation and earned less than students taught using English-only approaches, but the differences in wages earned was not statistically significant.

Although the advantages Guzman reported for English learners taught through English-only approaches were modest, it is important to point out that the conclusions of the report were incorrect because of a critical flaw in the research design. Guzman identified bilingual education students in his study as those who indicated on a survey that they had received "foreign language instruction in a non-language topic" but had not received special instruction in English for non-English speakers. As mentioned, however, bilingual education programs provide both native language support and special instruction in English for non-English speakers. Thus, Guzman's group of "bilingual education" participants was not correctly defined. In a brief footnote,³⁷ Guzman indicated that including students who reported both treatments (as one would expect in a properly designed bilingual education program) in the statistical analysis increased the effect of bilingual instruction on years of education completed, but he offered no details.³⁸ Another significant problem was that program participation was self-reported in Guzman's study years later, and no effort was made to corroborate their recollections.

In sum, language of instruction has been shown to have an impact upon students' academic achievement, but not in the direction that current Arizona education policy suggests. Although attempts to analyze Arizona statewide academic achievement data have not lead to meaningful conclusions due to limitations inherent in the data, research syntheses of scientifically designed studies conducted nationally and in the state converge on the conclusion that bilingual education programs can effectively increase students' academic achievement scores in English, with results superior to those typical of SEI programs.

Is SEI Working in Arizona?

SEI programs theorize that ELLs will learn English very fast under conditions of total immersion, typically within a year's time, so that all-English instruction in academic subjects will be comprehensible to children soon enough to prevent potential negative consequences that might otherwise follow from being instructed in a language they

cannot understand. This section examines changes in English language proficiency test scores for children participating in the state's language testing program in school years 2002-2003 and 2003-2004 to evaluate whether the underlying theory of the SEI program appears to be working in Arizona.

By specifying research interests and signing a confidentiality agreement with ADE, authors of this brief obtained student language test score information along with relevant demographic indicators such as home language and ethnicity. Unique student identifiers, introduced in 2002-2003, made it possible to accurately track students over a two-year period. Growth in oral language development was computed, as measured on four different tests used during this period: the *Language Assessment Scales-Oral* (LAS-O), the *IDEA Oral Proficiency Test* (IPT), the *Woodcock-Muñoz Language Survey* (WMLS), and the *Woodcock Language Proficiency Battery* (WLPB).

Table 1: Number of ELL Students in Arizona's Oral English Language Proficiency Testing Programs by Year, Grade Level, and Test

Grades K – 3				
	2003		2004	
Test	Number of Students	Percentage	Number of Students	Percentage
IPT Oral	28,429	58.7	42,315	67.4
LAS-O	14,697	30.3	14,976	23.9
WLPB	48	0.1	0	0.0
WMLS	5,260	10.9	5,455	8.7
Total	48,434	100	62,746	100
Grades 4 – 8				
	2003		2004	
Test	Number of Students	Percentage	Number of Students	Percentage
IPT Oral	25,254	63.2	39,162	72.9
LAS-O	11,490	28.7	11,702	21.8
WLPB	25	0.5	1	0.0
WMLS	3,156	7.6	2,879	5.3
Total	39,925	100	53,744	100
Grades 9 – 12				
	2003		2004	
Test	Number of Students	Percentage	Number of Students	Percentage
IPT Oral	7,495	57.3	10,750	65.5
LAS-O	4,278	32.6	4,066	24.7
WLPB	5	0.0	33	0.2
WMLS	1,327	10.1	1,572	9.6
Total	13,105	100	16,421	100

Source: Computed from Statewide English Language Proficiency data file provided by the Arizona Department of Education.

Table 1 shows the number of ELLs who participated in Arizona’s oral English proficiency testing programs by year, grade level, and instrument for school years 2002-2003 and 2003-2004. Table 2 shows the ethnicity and home language breakdowns for all students who participated in any part (oral, reading, writing) of the language proficiency testing program between 2003 and 2004. Although 46 languages were coded in the data set, only the three largest language groups – Spanish (81.9 percent), English (7.5 percent), and Navajo (5.8 percent) – are reported in Table 2. Other languages coded but not reported here comprise the remaining five percent of students; examples include Vietnamese (0.7 percent), Arabic (0.4 percent), Korean (0.2 percent), Romanian (0.2 percent), Russian (0.2 percent), and Yugoslavian (0.2 percent).

Table 2: Ethnicity and Home Language (English, Spanish, Navajo) of Students Participating in Arizona’s Oral English Language Proficiency Testing Programs in 2003 and 2004.

Ethnicity				
	2003		2004	
	Number of Students	Percentage	Number of Students	Percentage
Asian	2,721	2.2	3,502	2.2
Black	683	0.6	985	0.6
Hispanic	104,039	85.6	132,596	83.4
Indian	11,082	9.1	18,208	11.5
White	2,995	2.5	3,707	2.3
Total	121,520	100	158,998	100
Home Language				
	2003		2004	
	Number of Students	Percentage	Number of Students	Percentage
English	9,170	7.5	14,917	9.4
Spanish	99,570	81.9	126,323	79.4
Navajo	7,000	5.8	9,556	6.0

Source: Computed from statewide English language proficiency testing data file provided by the Arizona Department of Education. Note: This section does not include totals because data on only the three largest language groups were analyzed.

Table 3 shows the proficiency level changes for oral language over the course of one school year by grade level (in 2004) and test.³⁹ Zero indicates no gain in proficiency level, negative numbers indicate the number of proficiency levels a student declined in one year, and positive numbers indicate the number of levels a student increased. For example, 60 percent of younger students (grades 1 through 5) experienced no change in English proficiency between 2003 and 2004, whereas 70 percent of older students (grades 6-12) had no change in English proficiency.

Table 3: One-Year Change in Fluency Level for Students Taking the IPT Oral and LAS-O by Grade Level Grouping and Oral Proficiency Test, 2003–2004

Grades 1 – 5										
	Gain									
	-2		-1		0		1		2	
Test	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
IPT Oral	34	0.2	1,468	7.9	11,784	63.7	4,744	25.6	476	2.6
LAS-O	12	0.2	291	3.8	3,850	50.9	3,001	39.7	408	5.4
All	46	0.2	1,759	6.7	15,634	60.0	7,745	29.7	884	3.4
Grades 6 – 12										
	Gain									
	-2		-1		0		1		2	
Test	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
IPT Oral	13	0.1	900	8.3	7,446	68.9	2,352	21.8	109	2.3
LAS-O	33	0.7	294	6.2	3,441	72.3	873	18.5	94	0.9
All	46	0.3	1,194	7.7	10,887	70.0	3,225	20.7	203	1.3

Source: Computed from Statewide English Language Proficiency data file provided by the Arizona Department of Education.

The percentage of ELLs who experienced a zero or negative change in English proficiency between 2003 and 2004 (71 percent) dramatically exceeds the number of students who had any gain (29 percent).

Finally, Table 4 shows changes in English language proficiency status over a one-year period for students who tested non-proficient in 2003. Among students in grades 1-5, who are subject to the waiver requirement of Proposition 203 and therefore most heavily impacted, 41 percent tested non-proficient again in their second year. Approximately 48 percent of students achieved intermediate proficiency, and only 11 percent achieved oral English language proficiency in one year's time. In all, 89 percent of non-English proficient ELLs failed to achieve English proficiency in the one-year period considered here. The number of years of schooling these children may have had prior to testing non-English proficient in 2003 is unknown.

Table 4: English Proficiency Status in 2004 for ELL Students Not Proficient in 2003 (LAS-O and IPT)

Grades 1 – 5						
	Not Proficient		Limited English		Fluent English	
Test	Number	Percentage	Number	Percentage	Number	Percentage
LAS-O	895	31	1,609	55	408	14
IPT Oral	2,519	47	2,364	44	476	9
<i>All</i>	<i>3,414</i>	<i>41</i>	<i>3,973</i>	<i>48</i>	<i>884</i>	<i>11</i>
Grades 6 – 12						
	Not Proficient		Limited English		Fluent English	
Test	Number	Percentage	Number	Percentage	Number	Percentage
LAS-O	726	58	421	34	109	9
IPT Oral	678	40	921	54	94	6
<i>All</i>	<i>1,404</i>	<i>48</i>	<i>1,342</i>	<i>46</i>	<i>203</i>	<i>7</i>

Source: Computed from statewide English language proficiency testing data file provided by the Arizona Department of Education.

Note: Percentages may not add up to 100 because of rounding.

Proficiency levels for the WLPB and WMLS could not readily be combined with those of the IPT Oral and LAS-O in Tables 3 and 4 because the WLPB and WMLS use a different coding system for proficiency levels than do the IPT Oral and the LAS-O.⁴⁰

However, because only a small proportion of the ELL population took the WLPB and WMLS (9.7 percent in 2003, 7.5 percent in 2004; see figures in Table 1), and because independent empirical evidence indicates that these tests have a lower pass rate than the IPT Oral and the LAS-O,⁴¹ including them in the data summaries presented here would not likely improve the overall perception of student outcomes on the language proficiency measures.

Regrettably, we cannot calculate the number of years students need to learn English under Proposition 203 from these data, as the unique identifier which links students across years is only available in 2003 and 2004. However, we can observe that extremely few achieved proficiency within a single year, and a very large number of students, across the range of proficiency levels, showed zero or negative score changes in their second year of language testing.

Because program coding data are believed to be unreliable in this data set and other important variables are not available, rates of English acquisition across different program types cannot be meaningfully assessed. However, the question of comparable rate of acquisition may be illuminated by a recently completed analysis of district-level language proficiency data collected from students enrolled in a bilingual education program prior to the passage of Proposition 203. Using a longitudinal data set from Spanish-background children enrolled in a bilingual education program in Central Arizona, Arizona State University researchers found that ELLs achieved linguistic parity with native English speakers in a range of 1 to 6.5 years and in an average of 3.31 years.⁴² These results suggest that students enrolled in bilingual education programs learn English at a reasonable pace.

Findings reported here based on the state's language proficiency data contradict the Superintendent's public statements suggesting that students tend to achieve oral language proficiency within a year under the SEI program.⁴³ These findings also cast doubt on the feasibility of the underlying theory of SEI. These data indicate that a majority of students did not experience an increase in proficiency level between 2003 and 2004 when enrolled in SEI programs. A possible implication is that students do not learn English at a rate fast enough to prevent the development of academic deficiencies

resulting from instruction in a language they cannot understand. On the other hand, longitudinal language proficiency data obtained from a bilingual education program in Arizona prior to the passage of Proposition 203 indicate that children achieve parity with native speakers of English in an average of about three years. Academic deficiencies are not expected to accrue during the time needed for children to learn English because a bilingual education program provides instruction in academic subjects in both English and Spanish.

Policy Implications

The central implication of the present discussion relates to the desired effects of the English-only law and the restrictive manner in which it has been implemented and enforced in Arizona. Although the state's data have not been useful for program comparison purposes, a substantial amount of rigorous and scientifically designed evaluation research now exists that suggests structured English immersion (SEI) may have negative effects on student learning relative to bilingual alternatives. A review of the state's English language proficiency data suggests that students are not achieving English fluency at the rate anticipated by proponents of Proposition 203 and that the theory underlying the model is false. Other research evidence suggests that children in Arizona's bilingual education programs learned English at a reasonable rate while receiving instruction in academic subjects in their native language. As Arizona continues to study realistic options for ELLs, the state should move toward a more tolerant policy for different theoretically and empirically defensible approaches to the education of ELL students. The current climate is one that not only prevents justifiable alternatives, but also makes serious and meaningful study of alternative programs essentially impossible.

Similarly, in the important arenas of teacher preparation and educational funding, continued work must be done to determine appropriate funding levels to ensure quality programs, and the availability of teachers appropriately trained to meet the needs of ELL students. Current policy trends appear to have the potential of lowering overall quality of ELL teacher preparation far below pre-*Flores* requirements.

Recommendations

What follows are suggestions for improving statewide efforts to collect data and evaluate policy, building on recommendations from last year's brief.⁴⁴

It is recommended that:

1. The Arizona Department of Education (ADE) continue to refine and expand the statewide student database. Longitudinal studies will provide optimal data for addressing policy questions, so it is critical to have accurate and thorough data collected annually and linked across years. ADE has implemented a unique student identification code for each student, which will permit more reliable tracking of students across multiple years of schooling.

In addition to student achievement scores and general demographic indicators (such as socioeconomic status and ethnicity), evaluation of educational policy for English Language Learners (ELLs) requires the collection and coding of richer program-specific information. Reliable coding procedures are required to collect data such as ELL status (including length of time classified as ELL and criteria met for exiting ELL status), program placement, and language proficiency scores. One of the initial complaints in the *Flores* case was that ELLs were being mainstreamed into regular classrooms without the language skills needed to compete with their native English speaking peers. Creating a system of evaluation that includes multiple measures of success over time will support examination of this and many other unanswered policy questions.

2. ADE make qualitative and quantitative data more accessible to researchers. A system of accessibility that makes data available to researchers and is permanent, remaining in place through administration changes, is likely to encourage rigorous and well-designed research projects.
3. ADE engage in collaborative ventures with the state's university research communities. The policy community, research community, and general public are all concerned with the academic success of ELLs. How is

Proposition 203 being implemented? Is SEI effective? How should academic progress be measured for ELLs? Arizona's public university resources offer the state an opportunity to assist in deriving meaningful answers to important policy questions regarding ELL students.

4. The Arizona State Legislature commission a scientifically rigorous evaluation study of Proposition 203. In May of 2000, two years after the passage of Proposition 227 – a measure essentially identical to Arizona's Proposition 203 – the California State Legislature commissioned and funded an evaluation study of the effectiveness of the new law. The study could provide much-needed input to help the Legislature evaluate its options to modify Proposition 203 as more is discovered about its effects.
5. ADE and the State Board of Education require alternatives to standardized language testing for the statewide accountability system. Relatively little is known about the Stanford English Language Proficiency (SELP) test, now the state's official instrument for measuring language development among ELLs. A language test has far-reaching consequences for ELL students. It determines their eligibility to qualify for services, exit from services, and to qualify for a waiver from the English-only law. The validity of the SELP and its usefulness for these discrete purposes must be carefully examined over the next several years. Having a single measure for all students in the state may help policy makers compare students and schools, but policy makers should remain wary of the problem of potential measurement error and misuse of scores for such tests. Arizona would be better served by collecting multiple measures of language ability for each ELL, and might benefit by using separate tests for distinct assessment purposes.

Notes and References

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² English Language Education for Children in Public Schools: Definitions, A.R.S. § 15-751.

English Language Education for Children in Public Schools: English Language Education, A.R.S. § 15-752.

English Language Education for Children in Public Schools: Parental Waivers, A.R.S. § 15-753.

English Language Education for Children in Public Schools: Legal Standing and Parental Enforcement, A.R.S. § 15-754.

English Language Education for Children in Public Schools: Standardized testing for monitoring education progress, A.R.S. § 15-755.

All statutes were retrieved May 20, 2005, from

<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=15>

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Retrieved May 20, 2005, from <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=15>

¹² *Ibid.*

¹³ See for example:

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