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EDITORIAL

Editorial 7.3: Introduction to the thematic issue

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This thematic issue of *Language Policy* focuses on language education policy[1] in the United States through an examination of how current education reforms are being put into practice in California, Texas, and Florida—the states with the largest numbers of English language learners (ELLs).[2] The source of these recent reforms and the topic for this thematic issue is *No Child Left Behind* (NCLB), which was passed into law by U.S. Congress in 2001,[3] and is currently being implemented in all public school systems[4] across the country. The U.S. has long had a decentralized educational system, whereby much authority is allotted to state departments of education (Manna 2006). However, NCLB is the most invasive federal education policy in U.S. history, as there are stringent accountability measures built in to ensure federal funding is allocated according to the law's intents (Hill 2000). While there is some variation in how states interpret and implement the law, each state must still fully comply with the different mandates of NCLB in order to receive federal education funding.

The accountability system is largely based on student assessment, as a primary means for schools to demonstrate to the federal government that students are advancing; thus the law has generated a greater emphasis on wide-scale testing than

[1] Research in language education policy examines choices about which language(s) will be the medium of instruction in schools and how language is taught (Spolsky 2004).

[2] Children who come from homes in which a language other than English is spoken and who require language support services in school are referred to as 'English language learners' (ELLs) or 'English learners' (ELs) in the U.S.

[3] Though the law was passed in 2001, it was actually enacted in school in 2002; hence, some authors in this issue will date the law 2002.

[4] In the United States, the term 'public schools' refers to government-funded schools (these are what are termed 'state schools' in the United Kingdom).

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ever before in U.S. schools, and all states have in place high-stakes tests to meet the demands of NCLB.[5] As the U.S. Secretary of Education explained in a press release, "Testing is the lynchpin of the *No Child Left Behind Act*, created to bring every child to grade level in reading and math by 2014" (U.S. Department of Education, Office of the Education Secretary 2006). The legislation stipulates the inclusion of ELLs in the same assessments as those administered to native-English speakers, and schools must demonstrate that students are making what the law terms "adequate yearly progress" in English as well as in other subjects such as mathematics[6] (U.S. Department of Education 2001). Specifically, each state determines annual progress goals for English language learners at every school within the state, and achievement of these goals is measured by performance on a statewide standardized test. If students within a given school are not progressing in the ways that the legislation requires, because they fail the tests and/or do not make required gains, then the schools serving them risk sanctions such as closure or a reduction in federal funding. In most states, all testing is conducted only in the English language, so language proficiency mediates performance on the tests (Menken 2008). Beyond the testing mandates, NCLB also seeks to ensure teacher quality by requiring states to set and meet standards, and the law funds certain initiatives in literacy instruction. Consequently, the scope of NCLB is broad and intended to influence many aspects of teaching and learning.

The contributors to this thematic issue explore how NCLB has affected ELLs and language education policy since its passage, by examining how the law is put into practice in three different states. Schools are primary sites for the implementation and contestation of language policies, and thus of central concern (Cooper 1989; Corson 1999; Hornberger 2006; Spolsky 2004). NCLB influences many different dimensions of language education policy in the U.S., due to its involvement of ELLs. The law is of special interest and significance given that the U.S. has no official national language, making the country more open to the ad hoc creation of *de facto* language policies (Menken 2008). Empirical examinations of the relationship between NCLB and language education policy within the U.S.—such as those presented in this thematic issue—have the potential to reveal the national priorities underlying *de facto* language policies, which are often not stated explicitly (Shohamy 2006).

Schools in the U.S.—as elsewhere—frequently become the battleground for larger struggles over language, culture, and national identity (see for example Crawford 1999, 2000). More immigrants arrived in the U.S. during the last decade then ever before (U.S. Census Bureau 2000), thus many of the current battles are in response to new languages and cultures coming in great waves even to parts of the U.S. such as Kentucky and South Carolina, states that previously had not received so many immigrants (National Clearinghouse for English Language Acquisition 2007). There are over five million ELL students who are enrolled in U.S. schools, such that nationally one in nine public school students is an ELL, representing an

[5] NCLB permits each state to create its own assessment system, thus states use different tests to comply with the law.

[6] NCLB requires the participation of ELLs in the following two types of English exams: the same English Language Arts exams as those taken by native-English speakers, and also English language proficiency exams which are only taken by ELLs.

increase of approximately 60% in the last decade (National Clearinghouse for English Language Acquisition 2006). In most cases Spanish is the mother tongue and home language of these students, as it is the most commonly spoken language in the U.S. after English (National Clearinghouse for English Language Acquisition 2007; U.S. Census Bureau 2000). Within this context of demographic diversification and rapid change, voters in California, Arizona, and Massachusetts have in recent years passed anti-bilingual education mandates, greatly curtailing the possibility for English learners to receive instruction through the medium of their native language in those states.[7]

Within this sociopolitical environment where the languages of immigrants are increasingly being restricted and marginalized in school, *No Child Left Behind* was passed into law. Significantly, the law replaced the 'Bilingual Education Act' of 1968 with what is now entitled 'Language Instruction for Limited English Proficient and Immigrant Students' (U.S. Department of Education 2001). In fact, NCLB eliminated the term 'bilingual education' from federal education policy altogether (Crawford 2002). Recent research has demonstrated how the law promotes English-only instruction, particularly due to its assessment mandates, because NCLB requires assessments of English proficiency and content knowledge in tests that are usually administered only in English (Crawford 2004; Evans and Hornberger 2005; Menken 2008; Wiley and Wright 2004). English-only testing thus lends itself to English-only teaching because, as Shohamy (2001, 2006) notes, testing policy will become *de facto* language policy in the classroom due to the phenomenon of washback[8] and the power of tests.

The New York case

The state of New York, which is the state with the fourth largest ELL population in the U.S. (National Clearinghouse for English Language Acquisition 2007), offers a case in point with regard to the translation of testing policy into language education policy. Secondary students in New York must pass high school exit exams called the Regents, which are required statewide in order for a student to graduate. As found elsewhere across the U.S., ELLs perform poorly in comparison with native-English speakers on the high-stakes tests used to show 'adequate yearly progress' in compliance with NCLB (Abedi 2004; Government Accountability Office 2006). The ELL passing rate in New York City is typically 47 percentage points below native-English speakers on the English Regents exam, and on the Regents exam for mathematics the ELL passing rate is an average of 25 percentage points below other students (Menken 2008).

According to Menken (2008), many schools have responded to testing pressures by changing their language education policies. In New York City, bilingual

[7] California passed Proposition 227 in 1998, Arizona passed Proposition 203 in 2000, and Massachusetts passed Question 2 in 2002; all of these were ballot initiatives aimed at ending bilingual education.

[8] 'Washback' is a term from language testing research referring to the ways that tests affect teaching and learning (Cheng et al. 2004; Wall 1997).

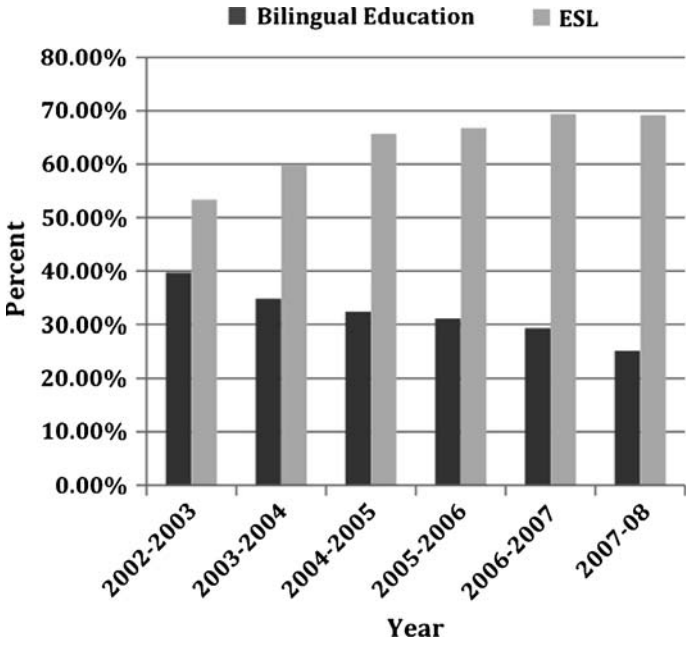

Fig. 1 Program Enrollment of New York City ELLs by School Year, 2002–2008 Source: New York City Department of Education, 2008

education programs have consistently been replaced by English as a second language (ESL) programs[9] in the years since NCLB came into effect. As can be seen in Fig. 1, in the 2002–2003 school year, 39.7% of all ELLs were enrolled in some form of bilingual education programming, while 53.4% of all ELLs were enrolled in ESL programs. By contrast, in the 2007–2008 school year, only 25.2% of ELLs were in bilingual education programs while 69.2% were enrolled in ESL programming. As bilingual education enrollment decreases, ESL enrollment increases.

In New York City, most teachers and school administrators interpret the demands of testing by increasing English instruction (Menken 2008). 'Teaching to the test,' whereby the material covered is limited to what is on the exam, is commonplace; in classrooms with ELLs, this results in changes to language policies. This example is even more striking given that New York permits native language testing for math, science, and social studies, and also has a long history of supporting bilingual education; these supports for minority languages are overshadowed by the need for ELL students to pass an English language arts exam. When I recently asked an official from the New York City Department of Education why the number of bilingual programs has decreased so dramatically in recent years, the response I received was that city schools are "under the same pressures as everywhere else in

[9] While bilingual education programs involve mother tongue instruction to some degree, ESL programming is in English only.

the country—accountability and adequate yearly progress" (education official, personal communication, May 2008). Consequently, the national emphasis on testing has resulted in *de facto* language policy.

As a further side effect of high-stakes testing, the high school dropout rate among ELLs has increased since it was first required that they pass the same high school exit exams as those taken by native-English speakers in order to receive a high school diploma. The ELL dropout rate in New York City was 21.2% in 1999 just prior to the testing mandate, whereas the dropout rate in the years since then has been on average 29.3%, which is the highest dropout rate of all students in New York City. In a given year, roughly one-third of all high school ELLs will dropout, one-third will graduate, and one-third will stay in school beyond the traditional four-year time frame (New York City Department of Education 2008).

Due to its reliance on student test scores as the measure of school success or failure, the NCLB accountability system is fundamentally punitive of ELLs and the schools serving them (Menken 2008). Within this system, ELLs as a group will by definition always be considered "low performing" because once an ELL successfully passes an English language proficiency exam, s/he is no longer counted as an ELL. This, combined with the entrance of new arrivals who do not speak any English, causes overall ELL test scores to always remain low (Abedi 2004; Abedi and Dietal 2004). In fact, in two-thirds of the 48 states studied, the Government Accountability Office (2006) found that the percentage of ELLs achieving a score of "proficient" on a state's language arts and math tests was lower than the state's annual progress goals for NCLB. The recent listing of 'failing schools' in New York City illustrates this issue. In March 2007, 35 schools in New York City failed to meet annual progress goals; enrollment data for each school revealed that ELLs were overrepresented at the majority of these schools. In other words, it seems that schools serving large numbers of ELLs run a great risk of being labeled 'failing,' likely due to the population of students that they serve.

As the data from New York indicate, just the assessment provisions of NCLB result in numerous language policy byproducts. It appears that the law is not merely an educational policy, but rather it is a language policy impacting many different facets of education for English language learners. To increase our understandings of how NCLB affects ELLs across the entire U.S., it is necessary to turn to data gathered from a wide range of states; thus, the articles in this issue address an important gap in research.

Articles in this issue

This thematic issue brings together articles by major scholars in bilingual education and language education policy who explored the impact of *No Child Left Behind* in the three states with the largest numbers of ELLs in the U.S. (ELL population is noted in parentheses): California (1,591,525), Texas (684,007), and Florida (299,346) (National Clearinghouse for English Language Acquisition 2007). Because the U.S. education system is decentralized, there is variation in how each state interprets NCLB. The significance of this thematic issue of *Language Policy* is

that it shows how the law is negotiated in several states serving large numbers of ELLs; when taken together, these cases begin to offer a national portrait of the relationship between NCLB and language education policy for ELLs in the U.S. In spite of state-level differences, a striking commonality is that the law is shaping language education policy for ELLs in each state, and appears to be mainly a drawback rather than a benefit for these students.

Each article shares empirical data that were gathered to investigate different aspects of the connection between *No Child Left Behind* and language education policy in the United States. The authors use a range of methods to examine how NCLB affects policymakers, school administrators, teachers, and ELL students with attention to curriculum, teaching, and learning. A set of recommendations for the improvement of NCLB is provided in each article, which is particularly timely as the law is scheduled to be reauthorized relatively soon after the publication of this issue of *Language Policy*.[10] The research articles are accompanied by a number of book reviews, all of which pertain to NCLB and related topics in U.S. language education policy.

In the first article, Gándara and Baca characterize recent language policy developments in California as a "Perfect Storm," wherein Proposition 227 (a recent anti-bilingual education ballot measure) combines with NCLB to effectively eliminate bilingual education in the state. These two educational policies, one federal and one state, converge in a complementary way, in large part due to the state's decision to test in English only. The authors describe an ongoing lawsuit by several school districts and organizations against the state of California for its English-only testing policy and for failing to provide an equitable education to ELLs. This article displays the power when two seemingly divergent policies come together cohesively in a given context to advance a shared language education policy. A contribution of this article is that it explores the potential for using the court system to combat language policies that promote linguistic dominance.

The second article is by Palmer and Lynch, who deepen our understandings of how testing becomes *de facto* language policy when attached to high-stakes consequences. The authors present data from research in Texas where the use of test translations is permitted, and find that bilingual teachers tend to match the language of instruction to the language of the test, and teach monolingually in either Spanish or English as a result. This article highlights how testing can have a polarizing effect in bilingual classrooms, where teachers are pressured to teach in one language or the other, but not in both. This places bilingual teachers in a complex bind created by conflicting policies, as matching the language of instruction to the language of the test is likely to improve test scores, but will undermine the bilingual education program the teachers are meant to implement. Unlike the California case, which examines policy convergence, Palmer and Lynch's example from Texas explores the tensions that competing language education policies can create.

[10] As this issue of *Language Policy* goes to press, the reauthorization of NCLB is tentatively planned for sometime in 2009, though the timing for this will likely be determined by the candidate who wins the 2008 U.S. presidential election.

The third article, by Wright and Li, quickly dispels the myth that mathematics does not involve language. Instead, in this article, the authors analyze math test items to expose their linguistic complexity, and highlight the mismatch between ELL students' prior preparation and the knowledge the exams demand. Wright and Li focus on the experiences of the students themselves, documenting in great detail the challenges that new arrivals face when confronted with high-stakes tests, and illustrate for readers how math exams pose unique challenges for English language learners. This research, based on a case study of two Cambodian students, also demonstrates what happens when students speak a less commonly spoken language that is low in status within a state; these students are unable to benefit from the use of the translations discussed in the article by Palmer and Lynch, because the exams are not available in their language. Moreover, this article highlights the social justice implications of language education policies that marginalize linguistic minorities.

The final article in this issue is by Harper, de Jong, and Platt, who examine two different parts of *No Child Left Behind*, the Teacher Quality and Reading First components, with attention to how they affect ESL teachers in Florida. These authors argue that the profession of teaching English to speakers of other languages (TESOL) has been undermined because the law fails to recognize it as an academic discipline, which negatively impacts ESL teachers. This problem is intensified by NCLB's Reading First program in Florida, which has led to the misplacement of ELLs into remedial reading programs, pedagogy that contradicts research on effective language teaching, and the reduction of ESL instruction to a focus on reading skills. While other researchers primarily concentrate on the assessment mandates of NCLB, the parts of the law examined by Harper, de Jong, and Platt also shape language education policy and therefore merit further attention.

Taken together, this thematic issue illustrates the strong influence of NCLB on various aspects of language education policy for immigrant students in the U.S. It also highlights different interpretations of the law, the difficulties in meetings its goals, and how it is unfair for certain populations. The authors are in agreement that the ways this educational policy is enacted in schools is detrimental for ELLs. The research reported in the articles spotlight how current education reforms can marginalize ELL students and their teachers, and can lead to changes in teaching practices that are at odds with research on effective language teaching, as documented by Palmer and Lynch and by Harper, de Jong, and Platt. As shown by Gándara and Baca, as well as by Palmer and Lynch, bilingual education programs are being undermined in some places and entirely eradicated in others, as NCLB pushes monolingual instruction. Students are unable to pass crucial high-stakes tests, as illustrated by Wright and Li, which bars them from future opportunities and jeopardizes their school's standing and funding prospects.

There are many lessons to be learned from the present U.S. context. For the immediate future, each of the articles offers important, practical recommendations for the reauthorization of *No Child Left Behind* based on the research findings presented here. Furthermore, because of the implicit nature of language policy-making in many places around the world, it is important that researchers in language policy and educators carefully examine educational policies to determine if they are

de facto language policies. It is notable that at the time when NCLB was passed into law there was no discussion of the multiple language policy byproducts it would create in its wake, and nor was the law ever presented to the public as a language policy; thus, it slipped into schools with little fanfare or public debate. The articles in this thematic issue document many changes in language education policy and the education of ELLs that have occurred as a result of NCLB's passage, most of which are negative. As the recommendations presented in this issue make evident, however, it is entirely practical and possible to turn the tide.

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