



LEGISLATIVE EDUCATION COMMITTEE

May 27, 2014

Dear Members,

The Latino Leadership Council is a community group based in Southern Nevada focused on policy advocacy for the benefit of Latino and other historically underrepresented communities. Leaders from the following organizations comprise the LLC education committee: Latin Chamber of Commerce, *Las Mujeres*, Project 51, NSEA, CCEA, *Mi Familia Vota*, PLAN, SEIU, Hispanics in Politics, and Hispanic Educators Association of Nevada.

The Committee has asked for our testimony regarding -- *Definition of "English Language Learner" (ELLs) and Assisting Students Who Fall Outside the Definition*. Specifically, the Nevada Black Caucus is proposing that the state should consider expanding the definition of ELLs to include all students who are struggling with academic English language in accessing curriculum. While we do not recommend that the state change the definition of ELL, we do agree that Nevada's educational policy should broaden its focus regarding the issue of language development to include all children who come to school with vulnerabilities similar to those of ELL children. Children who are Second generation immigrants from Latino, Native American, Pacific Islander ethnicities, as well as whites and African Americans from impoverished backgrounds may not speak standard English or have sufficiently large vocabulary to be able to access the curriculum without instructional assistance. Similar to ELL children, these children will need supports to be able to have an educational opportunity to succeed.

1. ELL definition should not be changed because federal mandates legally obligate Nevada to provide ELL children with instructional supports so that they can succeed.

The federal statute, No Child Left Behind (NCLB), defines an ELL student in detail, using the term "limited English Proficient" (LEP), as students having a native language other than English by foreign birth or ancestry, living in an environment in which a language other than English is dominant, and having a degree of difficulty with speaking, reading, writing, or understanding the English language that interferes with social interactions and academic tasks. NCLB requires each state to keep track of achievement gaps according to ELL status.

States and school districts that receive federal funds contractually agree to comply with the NCLB, Title VI of the Civil Rights of 1964 (prohibiting discrimination by recipients of federal funds on the basis of race and national origin), and the 1974 Equal Educational Opportunities Act (requiring state educational agencies and school districts to take action to overcome language barriers that impede ELL students from participating equally in school districts' educational programs). In receiving federal education funds, Nevada has agreed to provide services to ELL students in compliance with federal civil rights statutes.

In *Lau v. Nichols*,¹ the US Supreme Court provided firm guidance that federal civil rights law should protect the rights of language minorities. The Court held that children who did not speak English were guaranteed an opportunity to a "meaningful education," regardless of their language background. ELL children cannot be left to sink or swim – "[i]mposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education." The Court further stated, "[w]e know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful."

In sum, the ELL classifications comes to Nevada through federal law, and Nevada must comply with these reporting and civil rights requirements in order to continue to receive millions of federal education funds.

2. Nevada has made significant progress in building infrastructure for ELL student support, because of Legislative policies under SB504.

In passing SB 504, the Legislature took a significant step in improving services to ELL students. SB 504 clearly articulates Nevada policy "*[i]t is the intent of the Legislature that children who are limited English proficient be provided with services and instruction which is designed to address the academic needs of such children so that those children attain proficiency in the English language and improve their overall academic and linguistic achievement and proficiency.*"

Recognizing that Nevada's future growth depended on ensuring that ELL students had an equal opportunity to succeed, the Legislature in 2013 set about enacting the following reforms for a set of "zoom schools" located in CCSD and Washoe:

- PreK for children whose parents choose to enroll them
- Full Day Kindergarten
- Literacy centers
- Extended instructional time during the summer

¹ 414 U.S. 563 (1974)

² Hart, B. & Risley, T.R. "The Early Catastrophe" (2004). *Education Review*, 77 (1), 100-118.

SB504 also set up the English Mastery Council (EMC), an advisory group made up of the state's foremost experts in ELL, to recommend reforms to improve teaching instruction for ELLs. The EMC has been instructed to recommend to NSHE how they should reform their training programs for teachers in order that ALL teachers who graduate from NSHE institutions are highly competent in teaching ELL students.

As well, SB 504 instructs each district to develop strategic plans to close ELL-nonELL achievement gaps, and report on these plans to the EMC and NDOE.

3. The umbrella of supports that the state has enacted for ELL students should be extended to all vulnerable children who do not come to school with the standard English or vocabulary that they need to access Common Core curriculum.

Poverty students come from backgrounds that have very similar challenges to ELLs. Their vocabulary and language skills are not as developed as children from middle class backgrounds when they enter K-12. Children living in poverty hear less than one-third of the words heard by children from high-income families. According to research,² when extrapolated to the words heard by a child within the first four years of their life these results reveal a 30 million word difference; that is, a child from a high-income family will experience 30 million more words within the first four years of life than a child from a low-income family. This gap does nothing but become larger through the academic careers of each group of children -- slow growth for children who are economically disadvantaged and accelerated growth for those from privileged backgrounds.

Data presented by the Clark County Black Caucus today, prepared by CCSD, shows that there is a literacy crisis among FRL students, and particularly among Black FRL students. Their needs and this achievement gap should be addressed by state and district policy. For example, Los Angeles Unified School District's master plan for ELL students³ includes not only ELLs, as defined under federal law, but as well *Standard English Learners (SELs)*, students whose native language is English, but who have not yet mastered Standard English and whose home language utilize unique linguistic features that differ from Standard English.⁴

Policies that would benefit SELs are as follows:

a) **TRANSPARENCY.** NCLB requires transparency around achievement gaps of ELLs, FRLs

² Hart, B. & Risley, T.R. "The Early Catastrophe" (2004). *Education Review*, 77 (1), 100-118.

<http://www.gsa.gov/graphics/pbs/The_Early_Catastrophe_30_Million_Word_Gap_by_Age_3.pdf>

³ available at

http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/FLDR_ORGANIZATIONS/FLDR_INSTRUCTIONAL_SVCS/INSTRUCTIONALSUPPORTSERVICES/LANGUAGE_ACQ_HOME/LANGUAGE_ACQUISITION_MASTER_PLAN_REWRITE/TAB1211308/MASTER%20PLAN%20UP%2008-24-12.PDF

⁴ id. at Iv.

and children from historically underrepresented minorities. The state of Nevada track achievement gaps of FRL/African American; FRL/Asian Pacific Islanders; FRL/Latina/o in order that parents and policy makers better understand the achievement gaps of groups that are likely to have high number of SELs.

b) Early assessments to determine vulnerabilities. SELs may speak conversational English well, but their shortcoming comes in their inability to access academic texts at their grade level. Their teachers' lack of understanding about the linguistic differences that SELs exhibit will prevent teachers from using the right strategies to help SELs get on track. To prevent adverse academic deficits from occurring, it is imperative that teachers understand linguistic differences as differences, not deficits. It is also important for teachers to monitor and provide "sheltered" instructional support for SELs.

California, for example, has invested in its own early assessments for vulnerable children, who are identified by teachers in preK and K as struggling in basic literacy skills. Nevada could also innovate to identify early this vulnerable group.

c) pre K for vulnerable children. Consensus is coming together that vulnerable children – ELLs, those from impoverished backgrounds, and SELs greatly benefit from preK.⁵ Nevada has the right policies in place, as state policy is that "Nevada's children will be safe, healthy, and thriving during the first eight years of life, and the system will support children and families in achieving their full potential."⁶ However, Nevada is ranked 36th in access to preschool services because of lack of funding.⁷

d) TESL endorsed teachers can provide high quality instruction to SELs.

TESL endorsed teachers help SELs access the curriculum, because such teachers are trained to use instructional approaches appropriate to the specific language and learning needs of SELs. TESL trained teachers will have the skills necessary to build academic language and provide scaffolded learning for ELLs and SELs.

e) Cultural competency for all teachers.

The Nevada teacher performance framework put in place evaluation standards that require that teacher demonstrate cultural competence. At least one researcher has found widespread lack of cultural competency in Nevada schools.⁸ Whether the new Teacher Performance Framework will deliver in ensuring that all Nevada teachers will become culturally competent is still a question mark. Yet, culturally and linguistically responsive

⁵ See research cited by National Institute for Early Education Research (www.nieer.org)

⁶ See Nevada Early Childhood Council.

⁷ Barnett, W.S., Carolan, M.E., Squires, J.H., Clarke Brown, K. (2013). *The state of preschool 2013: State preschool yearbook*. New Brunswick, NJ: National Institute for Early Education Research

⁸ Aida Walqui, CCSD ELL report (2012)

teaching is essential for the academic progress of all vulnerable children, both ELLs and SELs. A culturally competent teacher sets high expectations for vulnerable children. She also uses an instruction style that uses minority children's cultural knowledge, prior experiences, frames of reference, to make their learning more relevant and effective. Along with improving academic achievement, these approaches help culturally diverse children gain confidence in the classroom.

Thank you for the opportunity to weigh in on this important issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sylvia R. Lazos". The signature is fluid and cursive, with a large initial "S" and a stylized "L" at the end.

Sylvia Lazos,

Co-chair Education Committee, Latino Leadership Council

Cc: members of LLC