



LANGUAGE BARRIER: **Overcoming Obstacles for English Language Learners in North Carolina**



North Carolina
Justice Center

P.O. Box 28068
Raleigh, NC 27611-8068

Author:
Tyler Whittenberg
919/856-3195
tyler@ncjustice.org
www.ncjustice.org

OVER THE PAST DECADE, thousands of immigrants have moved to North Carolina to contribute to the state’s economy and culture. However, many of them do not speak English in their homes, and as a result many of their children have struggled in North Carolina’s public schools. These children have the potential to be vital members of the state’s workforce, but sadly, North Carolina schools are not equipping them with the skills needed to compete in a 21st century economy.

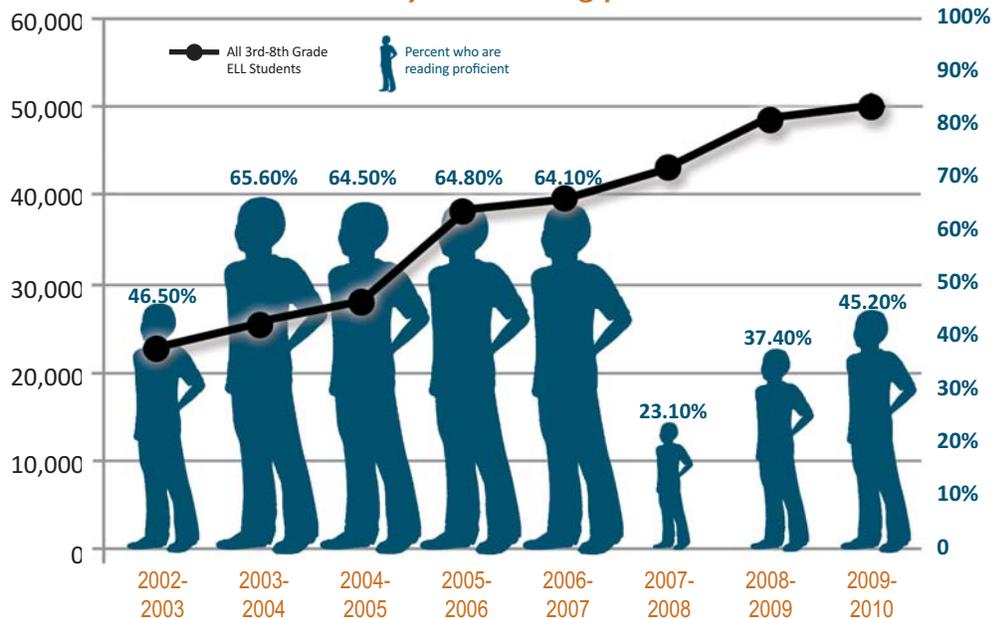
Although the state has taken minor steps toward improving the educational experience of English Language Learners, the extent of program implementation does not address the scope of the challenges. Even in these difficult economic times, there are strategies the state can implement to improve the educational outcomes for these students. By expanding specific professional development and academic intervention programs, North Carolina can improve the quality of English Language Learner (ELL) instruction in a manner that is both fiscally and administratively feasible.

One of the Fastest Growing Student Subgroups in the United States

School districts in North Carolina administer the Accessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS) assessment, designed by the WIDA Consortium, to determine students’ English proficiency. Students whose scores indicate they have limited English proficiency are classified as English Language Learners.

ELL students are one the fastest-growing and lowest-performing student subgroups in America. Currently, 21% of school-age children use a language other than English at home.¹ Analysts project that the number of school-age children of immigrants will rise from 12.3 million in 2005 to 17.9 million in 2020.² Students who use a language other than English at home and whose

As the number of ELL students grows, how many are reading proficient?



parents are foreign-born immigrants are far more likely to be classified as English Language Learners.

In North Carolina, most ELL students are the children of Hispanic immigrants. North Carolina is among a budding number of “new” Hispanic states, defined as states that have witnessed a 200% growth in their Hispanic populations and an increase of 200,000 or more Hispanic residents from 1980

to 2000.³ Foreign-born Hispanic students—who are more likely to be classified as ELL students than their native-born peers—are 21% more likely to live in new Hispanic states like North Carolina.⁴ Accordingly, the total number of ELL students in North Carolina has almost doubled in the past seven years, rising from 59,849 in 2002 to 113,823 in 2009.⁵ Furthermore, the number of ELL students in grades 3 through 8 alone has increased at a rate of 12.4% per year, more than doubling from 22,869 in 2002 to 50,372 in 2010.⁶ (Figure 1) Clearly, this growth necessitates a

comprehensive, statewide response to ensure that ELL students receive the high-quality education that the North Carolina Constitution guarantees.

Have progress goals been met?			
School year	Number of 3rd-8th Grade ELL Students	Reading: Percent Proficient	Annual Yearly Progress
2002-2003	22,869	46.50%	Not Met
2003-2004	25,593	65.60%	Not Met
2004-2005	28,020	64.50%	Not Met
2005-2006	38,387	64.80%	Not Met
2006-2007	39,723	64.10%	Not Met
2007-2008	43,254	23.10%	Not Met
2008-2009	48,969	37.40%	Met w/SH
2009-2010	50,372	45.20%	Met

English Language Learners and the Achievement Gap

Prior to the enactment No Child Left Behind (NCLB), educating ELL students was primarily a concern for states with high ELL student populations, such as Texas and California. However, the dramatic nationwide increase in the number of

school-age children with limited English proficiency and NCLB’s emphasis on disaggregated data have brought the inadequacies of ELL education to the national stage.

Although high-stakes testing has several important disadvantages, the testing mandated under NCLB has enabled analysts to better compare the academic achievement of various student subgroups. NCLB requires that states disseminate disaggregated data on student performance

Why Educating English Language Learners in North Carolina Matters

North Carolina's Supreme Court has stated that all school-age children living in the state have the right to the "equal opportunity to receive a sound basic education."¹⁴ According to the court, a sound basic education minimally provides students with the following: 1) sufficient capacity to read, write and speak English as well as sufficient math and science knowledge to operate within a swiftly changing society, 2) societal knowledge that enables the student to make educated decisions regarding issues affecting their community, 3) skills that enable the student to successfully participate in a post-secondary education or vocational training, and 4) sufficient academic and vocational skills to compete equally for furthered education or employment.¹⁵

However, the need to sufficiently educate English Language Learners transcends constitutionality. Both national and state-level education leaders emphasize the social and economic importance of providing students with the skills needed to compete in a 21st century economy. Nevertheless, ELL students in North Carolina are not reaching content proficiency in math or reading at the same rate as their non-English learning peers. Demographic and academic trends suggest that increasing numbers of ELL students will be entering the worst job market in recent history without a high school diploma or the tools needed to earn a living wage. ELL students will make up a significant percentage of the future workforce, and failure to adequately educate these students limits their ability to contribute to the state's economy and society. Thus, providing North Carolina's English Language Learners with a high-quality education is not only a constitutional obligation, but a social and economic necessity.

and set Adequate Yearly Progress (AYP) benchmarks for the academic growth of each subgroup. Additionally, the federal law mandates that states participate in the National Assessment on Education Progress (NAEP), which is administered to a representative sample of 4th, 8th and 12th grade students. NAEP allows for a more accurate comparison of student achievement between states.

Across the nation, elementary and middle school ELL students exhibit double-digit achievement gaps in both math and reading.⁷ Only 30% of ELL students performed at or above basic levels in reading in 2007, compared to 69% of their English-fluent peers. The achievement gap widens as students grow older (possibly due to the increased use of oral instruction as grade levels increase). Only 29% of tested ELL 8th graders reached or surpassed basic reading levels, compared to 75% of non-ELL students. In 2007, English Language Learners in North Carolina performed slightly better than the national average with 36% of 4th graders tested scoring at or above basic reading levels, compared to 66% of non-ELL students. Overall, however, ELL students are performing lower academically than their black, Hispanic and white peers.

North Carolina has failed to meet AYP for 3rd through 8th grade ELL students in all but two years and has yet to meet AYP for 10th grade ELL students even once.⁸ Moreover, North Carolina's Hispanic students—many of whom are classified as ELL—exhibited the lowest four-year graduation rate of all racial subgroups in 2010.⁹ These statistics highlight North Carolina's failure to adequately educate English Language Learners and to provide these students with the sound, basic education mandated by the state

constitution. (See box "Why Educating English Language Learners in North Carolina Matters")

English Language Learners are largely isolated in schools with higher student-teacher ratios, higher concentrations of poverty and other characteristics frequently associated with poor academic performance.¹⁰ Nearly 70% of elementary ELL students attend only 10% of America's elementary schools.¹¹ North Carolina's largest school districts are racially and economically

segregated, and many of these districts are moving toward student assignment policies that exacerbate this isolation.¹² As these already low-performing schools take on greater concentrations of disadvantaged students, research shows that teacher quality will decrease, resources will become increasingly scarce and overall academic achievement will decline.¹³ The result will be increased segregation for English Language Learners and other low-income minority students, whose education is being sacrificed in the name of “neighborhood schools.”

State Funding for ELL Education: Small Drops in a Large Bucket

North Carolina provides supplemental funding to educate students with limited English proficiency, but the funding formula does not properly support school districts with larger populations of ELL students. State funding provided for students with limited English proficiency

cannot exceed a cap equal to 10.6% of the funding school districts receive based on average daily membership (ADM). Thus, districts with high populations of ELL students are unfairly forced to support an increasingly heavy financial burden. During the 2007-2008 school year, 16 school districts in North Carolina had ELL populations warranting supplemental funds that exceeded the 10.6% ADM cap.¹⁶ Charlotte-Mecklenburg Schools was one of these districts, with a Hispanic population that rose 14.8% a year between 2000 and 2006.¹⁷ The state’s formula for

The Elephant in the Room

There is a perception that a considerable number of English Language Learners may be undocumented immigrants. It is well-established that immigration status has no bearing on whether a student can receive a free public education. In *Plyler v. Doe*, the United States Supreme Court held that all children, regardless of immigration status, are entitled to equal protection under the law. Therefore, states cannot deny undocumented children access to public schools.²⁰ Furthermore, districts are prohibited from asking students and parents about their immigration status.

The bottom line is that every school-age child in North Carolina is constitutionally guaranteed equal access to a sound, basic education. Regardless of budgetary limitations or immigration status, ELL students in North Carolina have for years been recipients of a subpar public education and must not be ignored if the state wishes to improve economically and socially.

funding students with limited English proficiency must more accurately reflect both the differing needs of school districts and the actual cost of properly educating students with limited English proficiency.

Federal Law Requires States to Fund Programs that Help ELL Students Overcome Language Barriers

Thus far, the North Carolina State Board of Education has projected a 10% reduction in funds allocated specifically to support students with limited English proficiency.¹⁸ Given the persistent academic failure of ELL students and the state’s failure to expand ELL funding and programs to match the increases in the ELL population, it is clear North Carolina has failed to make the necessary investments in the education of these students over the past decade. Cutting ELL funding would not only worsen an already difficult and worrisome situation, it could put North Carolina in violation of federal law.

In *Horne v. Flores*, the U.S. Supreme Court ruled that the Nogales Unified School District in Arizona was in violation of the Equal Educational Opportunities Act of 1974, which mandates that states take “appropriate action to overcome language barriers” in school.¹⁹ The court found that the funding allocated to educate students with limited English proficiency did not reflect the actual cost of properly educating these students. Should North Carolina scale back already underfunded ELL programs as proposed, it risks future litigation.

Preparing North Carolina's ELL Students for the 21st Century

The adequate education of North Carolina’s ELL students is an economic and social imperative. Bearing in mind North Carolina’s current fiscal crisis, the following recommendations are designed to improve the education of ELL students while requiring only a small additional investment.

I. PERSONAL EDUCATION PLAN (PEP) FOR EVERY ENGLISH LANGUAGE LEARNER:

In 2001, the North Carolina state legislature passed a statute mandating that every student at risk of academic failure receive a Personal Education Plan (PEP).²¹ PEPs inexpensively prevent academic failure through the following interventions: 1) establishment of individual academic

The need for teachers well-trained in SIOP or other dual-language techniques will continue to grow with the number of English Language Learners in North Carolina.

benchmarks that guide instruction, 2) implementation of academic interventions tailored specifically to the student’s strengths and weaknesses, and 3) increased collaboration between parents, teachers, and school administrators. The statute includes factors that are used to identify students at risk of academic failure, such as

scoring a I or II on End-of-Grade/Course examinations and demonstrating an inability to perform at grade level. Although some ELL students may not display these at-risk characteristics, the ELL student subgroup has consistently exhibited these characteristics as a whole. Thus, it is both appropriate and necessary to provide PEPs for every English Language Learner shortly after the student is classified as such. Through the development and implementation of PEPs, students, families and teachers can collectively foster an educational experience that increases the likelihood of academic success.

II. PARENT/GUARDIAN OUTREACH:

A debilitating language barrier often exists between the schools and parents of ELL students. This barrier can severely impair the quality of education ELL students receive because parental involvement is a key factor in the academic achievement of all students.

Understandably, most school districts in North Carolina do not have the resources to hire an interpreter or translate all school-related documents for every non-English speaking parent/guardian. However, in a memorandum entitled “Improving Access to Services for Persons with Limited English Proficiency,” the U.S. Department of Justice encourages schools to consider four factors when determining what steps they should take to communicate with parents of students with limited English proficiency: 1) the number of LEP students served, 2) the frequency of contact between LEP students and the school’s program or activity, 3) the context and significance of the program or activity, and 4) the resources available to the school. Considering these four factors when communicating with and preparing correspondence for ELL parents/guardians will improve the overall quality of education received by ELL students.

At a minimum, school districts with ELL populations must include Spanish or other foreign-language proficiency among the essential job qualifications for teacher and staffing positions. In addition, all crucial school forms, such as those notifying parents of a student suspension,

classroom grades, parent-teacher conference or other important school function, must be translated into the native language that the limited-English-proficient parent speaks and reads.

III. IMPROVEMENT OF PROFESSIONAL DEVELOPMENT REGARDING ENGLISH LANGUAGE LEARNING INSTRUCTION:

The North Carolina Department of Public Instruction is holding many content-area teachers accountable for student performance without the guidance or support vital to effective ELL instruction. The NC Department of Public Instruction encourages school districts to adopt instructional programs meant to improve ELL instruction. However, the extent to which districts are implementing these initiatives fails to reflect the rising population of ELL students. Regardless of whether this discrepancy is attributable to inadequate funding or administrative disregard, the insufficient education ELL students receive is an issue that North Carolina must address. Increasing the frequency and improving the quality of professional development regarding ELL instruction will allow North Carolina to more effectively educate English Language Learners in a more cost effective and administratively feasible manner.

A. Increased Professional Development Regarding Sheltered Instruction Teaching Practices:

Sheltered Instruction Observation Protocol (SIOP) is a dual-language pedagogy that makes grade-level content more accessible and promotes English acquisition by accommodating the developmental needs of each English Language Learner. Research illustrates that ELL students receiving SIOP from well-trained teachers outperform comparable peers receiving tradition instruction.²² Additionally, studies have

...parental involvement is a key factor in the academic achievement of all students.

found that teachers reached high levels of SIOP implementation after only one to two years. This alludes to the major impact comprehensive SIOP implementation could have on the overall academic achievement of ELL students in North Carolina.

Although SIOP trainings are offered through the NC Department of Public Instruction and some local education agencies, the frequency and depth of trainings vary across districts. The need for teachers well-trained in SIOP or other dual-language techniques will continue to grow with the number of English Language Learners in North Carolina. To improve the educational experience of ELL students without dramatically altering the administrative infrastructure or current budget, each school district should provide incentives for teachers to receive the training, increase the availability of SIOP training, and improve the depth of SIOP training (especially in districts with larger populations of ELL students).

B. Improving Professional Development Regarding the ACCESS Examination:

The Accessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS) assessment is administered annually to English Language Learners across the state. This assessment measures the listening, speaking, reading, and writing skills of ELL students within four major content areas. However, if and when ACCESS scores are disseminated, many teachers lack the professional training needed to properly use the scores to differentiate instruction for ELL students. Professional development conducted to improve ELL teaching practices should overtly illustrate how ACCESS scores can be used to tailor ELL instruction to the strengths and weaknesses of each student. In addition, teachers and parents may use ACCESS scores when developing recommendations for students' PEPs. Because ACCESS is an established statewide form of ELL evaluation, improving the quality of professional development pertaining to the test will ensure that funds already allocated for test administration are being effectively utilized.

IV. MIGRANT EDUCATION PROGRAM:

North Carolina, to its credit, has implemented a Migrant Education Program (MEP) in compliance with Title I, Part C of the Elementary and Secondary Education Act. The program assists migrant students with meeting academic challenges in ways that overcome the obstacles of migratory life. MEP works with school districts and communities to identify migrant students and provide academic and social supports. In North Carolina, 29 counties currently administer the program. Adequately funding and expansion of MEP to reflect increasing populations of migrant children will support ELL instruction implemented within schools and ensure that these students have access to an equitable education experience.

Plenty of Room for Improvement

North Carolina has a responsibility to provide every school-age child with the skills necessary to compete in a 21st century economy. Yet English Language Learners continue to struggle within a system of public education that offers little support to ELL students, their parents, or the teachers and school staff who are committed to providing these students with a sound basic education. As the ELL population grows, so too will the need to better educate these students. North Carolina's ability to attract new businesses and residents will be contingent upon its ability to adequately support ELL instruction and address stagnant and unacceptable achievement disparities.

There is plenty of room for improvement, but little time and less money. Building upon initiatives already in place, providing more support to local education agencies and establishing Personal Education Plans for every ELL student will allow the state to make the major improvements with only minor adjustments to the current system.

- 1 National Center for Education Statistics; Fast Facts, Elementary and Secondary, English Language Learners; accessed 12/31/2010 at 11:10 AM; <http://nces.ed.gov/fastfacts/display.asp?id=96>.
- 2 Fry, Richard. *The Role of School in the English Language Learner Achievement Gap*. Washington, DC: PEW Hispanic Center, 2008.
- 3 Fry, Richard and Felisa Gonzales. *One-in-Five and Growing Fast: A profile of Hispanic public school students*. Washington, DC: PEW Hispanic Center, 2008.
- 4 Ibid
- 5 National Center for Education Statistics; Common Core of Data chart on ELL population by state and year; accessed 12/31/2010 at 11:28 AM.
- 6 North Carolina Department of Public Instruction. See disaggregated state testing data on Adequate Yearly Progress for English Language Learners from 2002 to 2009.
- 7 National Assessment of Educational Progress; Average reading scale scores of 4th graders in public schools and percent performing at or above selected achievement levels by English Language Learner status and state.
- 8 North Carolina Department of Public Instruction. See disaggregated state testing data on Adequate Yearly Progress for English Language Learners from 2002 to 2009.
- 9 North Carolina Department of Public Instruction. See disaggregated state graduation data for racial subgroups in 2010.
- 10 Fry, Richard. *The Role of School in the English Language Learner Achievement Gap*. Washington, DC: PEW Hispanic Center, 2008.
- 11 Ibid
- 12 Flono, Fannie "CMS, Wake linked in school battles," *Charlotte Observer*, November 19th, 2010.
- 13 Kahlenberg, Richard D. *All Together Now: Creating middle-class schools through Public School Choice*. Washington, DC: The Century Foundation, 2003.
- 14 *Hoke County Bd. of Educ. v. State*, 358 N.C. 605, 599 S.E.2d 365 (2004)
- 15 Ibid
- 16 Fiscal Research Division (2007a) "School Finance in North Carolina," presentation to the Joint Legislative Study Committee on Public School Funding Formulas, December 13, 2007, p 123.
- 17 Clotfelter, C., Ladd, H., & Vigdor, J; *School Segregation Under Color-blind Jurisprudence: The case of North Carolina*. Center for the Analysis of Longitudinal Data in Education Research, 2008.
- 18 North Carolina Department of Public Instruction, *Public School budget- Possible Reduction Options for Discussion*. December 6th, 2010.
- 19 *Horne v. Flores* 129 S.Ct. 2579 (2009)
- 20 *Plyler v. Doe*, 457 U.S. 202 (1982)
- 21 North Carolina General Assembly, Statute G.S. § 115C-105.41
- 22 Echevarria, Jana, Powers, Kristin, & Short, Deborah, "School Reform and Standards-based Education: A Model for English Language Learners," *The Journal for Educational Research* 99, (2006): 195.

Acknowledgements:

Special thanks go to Johnice Moore, an MPA candidate at North Carolina Central University, for assisting with policy recommendations.

NORTH CAROLINA JUSTICE CENTER
EDUCATION & LAW PROJECT

www.ncjustice.org



NORTH CAROLINA JUSTICE CENTER

Opportunity and Prosperity for All

224 S. Dawson Street • P.O. Box 28068 • Raleigh, NC 27611
919/856-2570 voice • 919/856-2175 fax • www.ncjustice.org • contact@ncjustice.org

© COPYRIGHT 2011

NO PORTION OF THIS DOCUMENT MAY BE REPRODUCED WITHOUT PERMISSION.

