

School Districts Struggle With English Fluency Mandate

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Body

Ten-year-old Claudia Hernandez, the daughter of Mexican immigrants, learned English in the schools here, and after her teacher gave her a dictionary as a gift, she studied at home, too, playing school with her younger brother. Claudia would be the teacher, she recalled, and together they would look up words.

"I'd write out the definitions and memorize them," she said, "and my English just kept getting better."

Claudia's recent certification as a fluent English speaker was a milestone for her and for her school, Butler Elementary, which like thousands of others across the nation has become eager to help students learn English as quickly as possible because a new federal law imposes sanctions on schools that do not.

But because of what experts call a Catch-22 in the law, Butler Elementary will obtain no credit for Claudia's achievement.

Under the law, school districts must show improvement in many categories of students, including those who have limited English proficiency. When the students improve enough, as in Claudia's case, though, they are taken out of the limited-proficiency category, making it virtually impossible for districts to demonstrate progress, many educators say.

"It's a big flaw in the law," said Jack Jennings, director of the Center on Education Policy in Washington, who is overseeing an extensive study of how the law is affecting school districts across the nation.

Polls have shown that many Americans have never heard of the law, known as No Child Left Behind, even though it is President Bush's main education initiative. But Mr. Jennings's study has found that the law is having a profound effect, and many educators worry that it will result in the labeling of a majority of the country's 90,000 public schools as failing.

Schools are adjusting to the law's new requirements as they teach the largest wave of non-English-speaking students in the nation's history. Jeffrey S. Passel, a demographer who studied the explosive recent growth of second-generation Hispanics, said American schools were educating about 11 million children of immigrants, more than ever before. About 5.5 million students, 10 percent of public school enrollment, speak English poorly or not at all.

The way the law treats test scores of students learning English is one of several features at issue. It requires schools to make "adequate yearly progress" in raising the achievement not only of English learners, but also of students in five racial and ethnic groups, as well as those who are disabled or are from low-income families.

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Schools where test scores for any group fail to rise for at least two consecutive years face increasing penalties over several years, including paying for private tutors and firing **school** staff members.

Kathleen Leos, associate deputy under secretary of education for **English** language acquisition, said officials from several states had complained to the department about the loophole. Two, California and Illinois, have already won approval for proposals that would allow them to receive credit for the rising scores of students like Claudia, and more may follow, Ms. Leos said.

"Over the years, our **English** learners have not been well taught," Ms. Leos said. "This law takes them seriously for the first time."

Many educators agree that the law forces **schools** to examine how effectively they have been teaching non-**English** speakers.

Many **districts** have long assumed, based on research, that it takes seven years to bring students who speak no **English** to full **fluency**. But the federal law gives **schools** just three years to do the job. Any student who has attended United States **schools** for three years must be given standardized tests in **English**, and **schools** are held accountable for their scores. The law allows for a two-year extension to continue testing students in their native language if the teacher requests one and is granted it.

One **district struggling** with the law is in Sheboygan, Wis., 60 miles north of Milwaukee. Its 17 **schools** teach students who speak 20 languages, including children of Hmong refugees from Southeast Asia and families from Bosnia and Albania.

John Pfaff, a principal whose duties include managing compliance with No Child Left Behind, said the **district** had long thought that seven years was a good pace for bringing students to **English fluency** but is now seeking to move faster.

But even if Sheboygan can accelerate the learning, Mr. Pfaff said, it faces a "huge challenge" raising the scores of foreign-born students to the same levels as their **English-speaking** counterparts, as the law requires.

"I see this as becoming a harder and harder task for every **school** in every **district**," Mr. Pfaff said.

The Department of Education has not reported how many **schools** failed to make adequate yearly progress based on standardized tests that were administered last spring. But a survey by the National Education Association, the teachers' union, has counted 22,000 **schools** in 44 states.

More **schools** failed because of the low scores of disabled students and ones limited in **English** than for other factors, experts said.

"This is part of the train wreck that is unfolding," said Richard P. Duran, an education professor at the University of California at Santa Barbara, referring to the law's effect on the educational system. "It is going to get increasingly difficult for **schools** to show rapid rates of growth for their students. Some **schools** will begin to treat their **English** learners as failures."

In Fort Lupton, 25 miles north of Denver, vegetable farms and meat-packing plants have attracted immigrants and migrant workers. Spanish-speaking students, most from low-income families and many with jobs themselves, make up nearly half of the **district's** 2,600 students.

Laura Flores, 18, a high **school** senior, arrived from Puebla, Mexico, three years ago. She threw herself into her **English** homework each night following her after-**school** job at a Burger King, poring over vocabulary lists until she was bleary-eyed. Today she is fluent.

"You **struggle** a lot, but it works," she said.

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But many other **English** learners here are making slower progress. Earlier this month, an 18-year-old born in Veracruz, Mexico, who has studied **English** at Fort Lupton High for four years, stumbled repeatedly in a classroom drill on the idiomatic uses of "the."

"Where are you going?" the teenager's teacher asked, pointing at the word "store" on the blackboard.

He said, "I'm going to store."

The teacher corrected, "No, you need to use 'the' before store," and pointed to the word "beach."

He said, "I'm going to beach." Again, she corrected him.

The superintendent, Stephen Morrison, acknowledged that Fort Lupton's record with **English**-language learners was not distinguished, and he praised the law for focusing attention on their needs. But Mr. Morrison criticized what he called "punitive measurements and sanctions."

"It seems like there's a no-win aspect to this law," he said.

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Graphic

Photo: Claudia Hernandez of Fort Lupton, Colo., was certified as fluent in **English**, but her **school** did not get credit. (Photo by Kevin Moloney for The New York Times)

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