NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Arizona English Language Learner Cost Study

Arizona
English Language Learner
Cost Study

Submitted to
The Arizona Legislative Council
by
The National Conference of State Legislatures

NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

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The National Conference of State Legislatures is the bipartisan organization that serves the legislators and staffs of the states, commonwealths and territories.

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PREFACE AND ACKNOWLEDGMENTS

In the summer of 2002, the Arizona Legislative Council contracted with the National Conference of State Legislature's (NCSL) National Center on Education Finance (NCEF) to identify the costs associated with educating English language learners (ELLs) in Arizona; obtain information from local educators on promising practices and personal experiences with Proposition 203 implementation; provide an analysis of Arizona Department of Education (ADE) compliance audits; and examine federal funding and promising practices in ELL education.In the summer of 2002, the Arizona Legislative Council contracted with the National Conference of State Legislature's (NCSL) National Center on Education Finance (NCEF) to identify the costs associated with educating English language learners (ELLs) in Arizona; obtain information from local educators on promising practices and personal experiences with Proposition 203 implementation; provide an analysis of Arizona Department of Education (ADE) compliance audits; and examine federal funding and promising practices in ELL education.

This information could not have been obtained without the outstanding efforts of numerous individuals and organizations throughout Arizona. NCSL would like to thank the district and school survey respondents, professional judgment panelists, principals and other school-level staff who freely gave their time and support to assist in the completion of this project. NCSL also would like to thank state government representatives from the Arizona Department of Education, the Office of the Auditor General, and the Legislative Council. Thanks also go to the Arizona Education Association. The time, patience and support of these people made this report possible.This information could not have been obtained without the outstanding efforts of numerous individuals and organizations throughout Arizona. NCSL would like to thank the district and school survey respondents, professional judgment panelists, principals and other school-level staff who freely gave their time and support to assist in the completion of this project. NCSL also would like to thank state government representatives from the Arizona Department of Education, the Office of the Auditor General, and the Legislative Council. Thanks also go to the Arizona Education Association. The time, patience and support of these people made this report possible.

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Executive Summary

In 2002, the Arizona Legislature contracted with the National Conference of State Legislature's (NCSL) National Center on Education Finance (NCEF) to identify the total and incremental costs associated with educating English Language Learners (ELLs) in Arizona. As they pertain to a school district's ELL programs, incremental costs are those that provide ELL programs and that are in addition to the regular costs of conducting programs for English-proficient students. Incremental costs to educate ELL students do not include costs that replace the same types of services provided to English-proficient students.In 2002, the Arizona Legislature contracted with the National Conference of State Legislature's (NCSL) National Center on Education Finance (NCEF) to identify the total and *incremental* costs associated with educating English Language Learners (ELLs) in Arizona. As they pertain to a school district's ELL programs, incremental costs are those that provide ELL programs and that are in addition to the regular costs of conducting programs for English-proficient students. Incremental costs to educate ELL students do not include costs that replace the same types of services provided to English-proficient students.

About NCSL and NCEF

NCSL and NCEF assist state legislatures by providing information for making sound policy decisions based on reliable, objective and comprehensive analyses. As such, this study provides the best available information in a nonpartisan and non-advocacy manner.

Scope of the Work

Costs the state incurs for ELL education that are in addition to the costs of educating English-proficient students are described in this report as incremental costs. To calculate the incremental cost inputs needed to reach an appropriate funding level for ELL students in the state, NCSL staff used school district surveys, convened state and national professional judgment panels, and collected and reviewed school, district, and statewide data from Arizona Department of Education records and previous state studies. This report also includes:

- A brief history of issues surrounding ELL education in Arizona.
- The results of ELL education costs determined through school district surveys .
- The results of the ELL education costs determined by the state and national professional judgment panels.

- The results of analyses conducted at the school level.
- Information gathered from school-site interviews with principals, teachers and district staff .
- An examination of compliance issues and procedures in place for ELL education in Arizona.
- Information about additional ELL funding available to the state of Arizona and nationally renowned promising practices in ELL education. This section includes an analyses of the 2005 budget proposed by the Bush Administration.
- Background information on the methodologies and findings.

Background on ELL Education in Arizona

The federal court case *Flores vs. Arizona* in 2000, the No Child Left Behind Act of 2001 (NCLB) and the voter-initiated Proposition 203 in 2002 have contributed to making significant changes to how English Language Learner (ELL) education is conducted in Arizona. These policy changes have had an impact on numerous laws governing many aspects of education, including teacher qualifications, the availability of educational programs and student assessment. This study examines the cost of educating the state's ELLs and the cost of attaining ELL education adequacy.

NCSL Study Methodology

The study involves inputs from national, state, district and school-level education experts regarding costs associated with implementing Proposition 203 and the classroom realities of providing ELL education in Arizona. As a means of identifying what works along with needed changes, the NCSL team has engaged in the following activities to identify the costs associated with providing an adequate ELL education:

- Distributed surveys to selected state school districts and collected and reviewed Arizona Department of Education data to determine local-level costs associated with educating ELLs.
- Convened two professional judgment panels with national and stare participants focusing on ELL educational needs, best practices in providing an adequate ELL education in the state and the costs of delivering ELL programming and services.
- Analyzed school performance data.
- Conducted school-site interviews.
- Reviewed recent required ADE compliance audits of the state's ELL programs.
- Reviewed promising practices in ELL programs.
- Investigated funding sources beyond the state for ELL education.

Each individual methodology has strengths and weaknesses. We have intentionally utilized a variety of methodologies in order to "triangulate" the research questions. For example, we examined Arizona data in detail; we conducted a district survey; we conducted professional judgment panels; and we interviewed people in the field. Each piece yields valuable data that, when taken together, provide a range of information on which to base our conclusions.

Incremental Cost Increases in ELL Education Recommended

An important aspect of the study was the identification of an incremental cost associated with educating ELLs in Arizona. Three incremental cost levels were calculated based on the school district survey, data collected from the Arizona Department of Education and previous studies, state panel findings and national panel findings.

School District Survey Summary

The state of Arizona identified 38 school districts that could be surveyed to identify the costs of educating ELL students. NCSL worked with state officials to craft an appropriate survey. NCSL initially received responses from 14 districts. After reviewing the responses from the initial survey, a simplified instrument was developed and used to collect a second round of data from the districts. Two charter schools were added to the second round of surveys.

Through an analysis of the school district surveys, an incremental cost of $670 per ELL student was identified. The largest cost component for the total incremental cost was for classroom teacher salaries for class size reduction, which was identified at $294.

Professional Judgment Panel Summary

The professional judgment methodology has been used in many states to identify adequate education funding levels and was the first methodology developed to address adequacy issues.

Using the professional judgment approach, "education experts" are identified and convened into a panel that discusses the appropriate inputs required for students to meet specified education standards. For this study, NCSL convened two panels, one with ELL education experts from Arizona, and one with national ELL education experts. NCSL received input from ADE officials, legislative staff and others on individuals who would be appropriate to participate in the panels. Multiple perspectives on ELL education were represented in the state and national panel discussions led by NCSL.

State Panel Findings

The state panel concluded that an average incremental spending increase of $1,550 per ELL in Arizona's K-12 system is needed in order to provide an adequate education. The state panel recommended that greater financial resources be directed at ELLs in kindergarten through grade two ($1,785), than in grades 3-12 ($1,447). Members of the state panel agreed that targeting resources at younger ELLs likely would facilitate the overall development of ELL student language, academic and social skills.

National Panel's Findings

The national panel concluded that various incremental costs were required for ELLs in Arizona based on their level of English proficiency (high need or lower need ELLs), grade level (elementary, middle, and high school), and socio-economic status (SES) as defined

by eligibility for the federal free and reduced price lunch program (FRPL). The range of incremental funding levels went from $1,026 for lower need high school ELLs, to $2,571 for high need elementary ELLs. The average incremental cost for the six ELL groups identified by the panel was ??.

Both the national and state panels found the newly adopted teacher quality requirements to be insufficient to meet ELL student needs.

School Level Analysis

An analysis of student performance within 137 schools in the 16 district sample was conducted to better understand the impact of teacher aides and small class sizes on student performance. Highlights of the analysis include:

* For third grade ELL students, more aides are related to higher math scores.
* For fifth grade ELL students, more aides are related to higher reading scores.
* For eighth grade ELL students, larger class size is highly related to higher math scores and, to some extent, more aides are related to higher math scores.
* For tenth grade ELL students, fewer aides and larger class size are related to higher math test scores; more aides and smaller class size are related to higher reading scores.

Local Educator Perspectives

To better understand the school level realities of providing ELL education in Arizona, NCSL conducted school site interviews and analyzed school performance data. Some of the suggestions from the interviews and surveys are below:

- Additional funding is needed to ensure ELL student success.
- There is an overall lack of school-level awareness of Proposition 203 and its mandates.
- More highly qualified teachers and ELL teacher training are needed.
- Supplemental materials for ELLs are needed.
- Parental involvement is needed.
- ELL student data collection and use efforts are insufficient.

State Compliance Audits Summary

As part of the study, NCSL was asked to investigate issues related to school district compliance with ELL education mandates. In 2004, ADE monitors found 34 school districts and charter schools to be out of compliance in at least one area related to state and federal requirements and local rules and regulations. The NCSL research team identified major compliance challenges below.

- Rules pertaining to parental waivers were relatively more difficult for elementary school districts than for K-12 districts;
- Identifying reasons for parental waivers was more difficult for charter schools and less difficult for elementary school districts;

- Assessing all primary home language other than English (PHLOTE) students was equally difficult among elementary districts, K-12 districts and charter schools;
- Reassessment of ELLs for progress in English proficiency was most difficult for K-12 districts; and
- Monitoring fluent English proficient (FEP) students was most difficult for K-12 districts.

National Sources for ELL Education Funding and Promising Practices

There are funding sources from the federal government that could benefit the state's ELL students. In this report, NCSL has identified some of these potential funding opportunities and provided a guide to the most promising practices in English language acquisition and evaluates them in relation to federal requirements for scientifically-based research. This information could serve to facilitate the coordination of state efforts to maximize ELL education quality and to secure additional funding. Current funding opportunities that are specific to ELL students include both flow-through formula-based monies from the state and discretionary grants from the federal Office of English Language Acquisition (OELA). These funds support programs to provide:

- Professional development activities for current educational staff who wish to work with ELL students in the classroom.
- Teacher education for pre-service teachers who wish to work with ELL students.
- Career ladder opportunities for paraprofessionals.
- Enhanced educational opportunities to Native American and Alaska Native students in schools.

In addition, schools receiving formula-based Title I funds must involve ELL students.

1. Cost of ELL Education in Arizona: An Overview

This section of the report discusses the contract between the Arizona Legislative Council and the National Conference of State Legislatures (NCSL) to perform a study of the cost of English Language Learner (ELL) education in Arizona. It examines the recent history of ELL education in the state and the policies that have changed the way it is delivered. Methodologies NCSL used to perform the study and definitions of relevant study terminology also are provided.

Studying the Cost of ELL Education in Arizona

In the summer of 2002, the Arizona Legislative Council contracted with the National Conference of State Legislatures to identify the total and incremental costs associated with educating English Language Learners (ELLs) in Arizona. An initial draft report was submitted to the Arizona Legislative Council in August 2004.[1] Upon receipt of comments on the initial draft report from the Arizona Legislative Council, NCSL extended its contractual arrangements with consultants who had contributed to the initial report—Dr. Judith Wilde's Beta Group and Dr. Craig Wood of the University of Florida—to provide further assistance in completing the study. In addition, Dr. James Finkelstein of George Mason University, an authority in research design and policy analysis contributed and Dr. Mark Fermanich, who joined NCSL in January 2005 as the director of NCSL's National Center for Education Finance, also contributed to the final report. Biographical sketches of all contributors are included in appendix A.

About NCSL

NCSL is a bipartisan, nonprofit organization that serves the nation's legislators and staff. NCSL was formed in 1975 to improve the quality and effectiveness of state legislatures; to foster interstate communication and cooperation; and to ensure states a strong, cohesive voice in the federal system. NCSL is a prime source of information on state policy issues and state-federal relations. NCSL provides research and publications, consulting services, and the opportunity for policymakers to exchange ideas and communicate with each other on the most pressing problems states face and on solutions that work.

NCSL provides valuable information to state legislatures so they can make sound policy decisions based on reliable, objective and comprehensive analyses. This study attempts to provide the best available information in a nonpartisan manner to help state policymakers make more informed decisions.

About NCEF

In November 2000, NCSL created the National Center on Education Finance (NCEF) to help legislatures wrestle with the increasingly complex issues within education finance. Since its inception, NCEF staff have provided technical assistance in 25 states, responded to more than 1,000 information requests, and worked on several state education finance projects.

Project Outline

The report is divided into the following sections:

- A brief history of issues surrounding ELL education in Arizona (Chapter 1).
- The results of ELL education costs determined through school district surveys (Chapter 2).
- The results of the ELL education costs determined by the state and national professional judgment panels (Chapter 3).
- The results of analyses conducted at the school level (Chapter 4).
- Information gathered from school-site interviews with principals, teachers and district staff (Chapter 5).
- An examination of compliance issues and procedures in place for ELL education in Arizona. (Chapter 6).
- Information about additional ELL funding available to the state of Arizona and nationally renowned promising practices in ELL education. This section includes an analyses of the 2005 budget proposed by the Bush Administration (Chapter 7).
- Background information on the methodologies and findings (Appendices).

Brief History on ELL Education in Arizona[2]

Two events—the *Flores vs. State of Arizona*[3] *(Flores*) ruling in 2000 and the voter-approved Proposition 203[4] in 2002—have significantly changed the legal landscape in Arizona for English Language Learners.[5] The *Flores* case imposed a number of duties on the state Board of Education and the state superintendent of public instruction related to identifying and providing appropriate services to ELLs. Proposition 203 changed the state law governing the required services and assessments for ELLs, mandating that " … all children in Arizona public schools shall be taught English by being taught in English."[6]

Flores vs. Arizona

Citing the Equal Educational Opportunities Act (EEOA) of 1974,[7] in 1992 Miriam Flores sued in federal District Court, accusing the State of Arizona of failing to provide ELLs with a program of instruction designed to make them proficient in English and enable them to master the standard academic curriculum. Plaintiffs in the class action complained of

under-qualified teachers, inadequate processes for identifying and monitoring ELLs, and lack of funding for bilingual education programs.

After winding its way through the federal court system since 1992, the *Flores* case resulted in a Consent Order[8] approved July 31, 2000, requiring the Arizona Department of Education (ADE) to provide detailed procedures to address the majority of complaints against the state. The consent order changed the process for monitoring the progress of ELLs. It assigned to the State Board and the superintendent of public instruction new requirements for monitoring districts in addition to standardized achievement testing: classroom observations, curriculum reviews, faculty interviews, student record reviews, and an ELL program review. The order also required an evaluation of students in each of two years following their exit from ELL status, assessing them in reading, writing, math and academic content area skills to determine if they are performing satisfactorily compared to other students of the same age or grade level in the state. Students who do not perform satisfactorily (subject to parental consent) will be re-enrolled in an ELL program, given compensatory instruction, or both.

The order left unresolved issues of teacher qualifications and funding (teacher qualifications would be addressed later). A bench trial focused on whether ADE adequately funded programs for ELLs, rather than on the adequacy of the programs themselves. The District Court found the state in violation of the Equal Educational Opportunities Act owing to inadequate funding of ELL programs. The court found numerous problems with a 1987-88 cost study presented in the trial, and further disapproved of the fact that the state was appropriating only an additional $150 per ELL student. On October 12, 2000, Judge Marquez ordered the state to conduct a new study to ascertain the true cost of successful ELL programs. In response, the ADE conducted a comparative survey of districts and found that the cost of services for ELL students ranged from $0 to $4,600 per pupil.[9] That study lacked a rationale for any specific funding recommendation, prompting the court to order a new study specifying appropriate services and the cost of providing them.

Proposition 203

Passage of the voter initiative Proposition 203 in 2000 significantly changed educational programs available to ELLs. The federal Bilingual Education Act of 1968[10] and the U.S. Supreme Court case *Lau vs. Nichols*[11]*(1964)* allowed districts flexibility to choose from a variety of program models for educating ELLs. Proposition 203 ended that flexibility in the state 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 Structured English Immersion (SEI).[12] Before passage of Proposition 203, only about one-third of ELLs were enrolled in any of the bilingual education programs offered in the state, with twice as many placed in English as a Second Language (ESL) programs (a model essentially identical to the SEI approach prescribed by Proposition 203).

An especially controversial aspect of Proposition 203 was its suggestion that children would become proficient in English in a year.[13] The assumption that ELLs can learn English quickly in an all-English instructional setting is a crucial component of the SEI framework. In *Lau vs. Nichols*, 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 respond to the Court's observation by contending that young

children learn English so quickly that they can readily catch up to other students once classroom instruction has become understandable.[14] Proponents of bilingual education, on the other hand, maintain that learning English well enough to get by in an all-English classroom takes years, not months, and that classroom instruction in the native language is necessary to help children keep up academically in the meantime. Thus, opponents of the measure warned that the negative effects of SEI are likely to show up most prominently in later years, when the accumulative effects of incomprehensible classroom instruction would begin to take a toll.[15]

Proposition 203 does permit exemptions to the SEI rule. 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," or children who "already know English." Waivers are granted at the discretion of the school superintendent.[16]

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 two and higher."[17]

Laws/Regulations/Rules Pertaining to ELL Students

Four principal sources of laws, regulations and rules currently govern language acquisition programs. The main federal law is the No Child Left Behind Act of 2001 (NCLB), Public Law 107-110. The specific parts of this law that are directly related to such programs are Title I: Improving the Academic Achievement of the Disadvantaged and Title III: Language Instruction for Limited English Proficient and Immigrant Students. In addition to NCLB, the U.S. Department of Education's Office of Civil Rights has stated that school districts cannot limit alternative services to students who are not yet able to participate meaningfully in English-only classrooms.

In addition to these federal laws and regulations several parts of the Arizona State Code have been amended as a result of Proposition 203 that specifically affect ELL students. Finally, a number of Arizona State Board of Education Rules have been promulgated. Table 1 summarizes specific requirements of the relevant laws, regulations and rules as they pertain to English Language Learners.[18]

Study Methodology

Through the contract between NCSL and the Arizona Legislative Council, NCSL was responsible for identifying:

- The total and incremental cost of providing appropriate educational services and programs to ELL students;
- Promising practices from around the state and country;
- Additional funding sources available to the state; and
- Compliance-oriented issues.

Table 1. Overview of Regulations Pertaining to ELL Students[1]

Regulations	Categories of Regulations[2]							
	Identifi-cation[3]	Language of instruction	Program	Staff qualifications[4]	English language proficiency	Assessment	Content achievement	Parent & community
U.S. Department of Education, Title I Part A & Title III Part A[5]								
Use approaches and methodologies based on scientifically-based research			§1112(c)(1), §1114(b)1), §1115((c)(1), §3113(b)(6) §3115(a), (c)(1), & (f), §3121(a)(1), §3123(b)(1-3)					
Provide high-quality professional development to all educational staff and other school or community-based personnel, including paraprofessionals			§1119, §3123(b)(4)	§1111(c)(5), §1119(a, c-g), §3115(c)(2)				
Districts must ensure that all teachers … teaching in a program supported with funds under this part are highly qualified				§1119, §3116(b, c)				
Academic achievement in core academic subjects		§3125	§1112(c)(1), §1114(b)1), §1115((c)(1)		§1111(b)(7), §3113(b)(2, 5), §3116(c)(1)	§1111(b)(3, 6)	§1111(b)(1), §3113(b)(2, 5), §3115(c)(1)	§3115(d)(6)
Attain English proficiency			§3115(d)(1-5, 7)		§3115(c)(1)			
Meet AYP and AMAOs				§1112(c)(1), §1114(b)1), §1115((c)(1)	§3116(b)(2-3), §3122	§1116(a-b)	§1111(b)(1-2), §3122	
Report percentage not receiving waivers for reading or language arts assessments								
If experiencing substantial increases in immigrants, provide enhanced instructional opportunities for them			§3115(e)(1)					
Demonstrate teacher language fluency including written and oral communication skills – English and other language as appropriate				§3116(c)				
Evaluate programs	Applies to all areas: §1111(h)(1-5). §3121							
Report percentage of students making progress in attaining English proficiency, including percentage who have achieved English proficiency			§3121(a)(3-4), §3123(b)(8)		§3121(c)(1)			
Report percentage of students who have made the transition into classrooms that are not tailored to LEP children					§3121(c)(1)			
LEA shall monitor for two years students who move into classrooms that are not tailored to LEP children					R7-2-306:G(5)			
Report percentage of children who are meeting same challenging state academic content and student academic achievement standards as all children are expected to meet							§3121(c)(1)	
Report percentage of students who are not receiving waivers for reading or language arts assessments						§1111(b)(3), §3121(c)(1)		
Assess students' English proficiency, including comprehension, speaking, listening, reading and writing					§1111(b)(7), §3121(d)(1), R7-2-306:G(1-4)			
Assess students' attainment of challenging state student academic achievement standards on same assessment(s) as						§1111(b)(3), §3121(d)(2), R7-2-306:F(4)		

Table 1. Overview of Regulations Pertaining to ELL Students (continued)

Regulations	Categories of Regulations[2]							
	Identifi-cation[3]	Language of instruction	Program	Staff qualifications[4]	English language proficiency	Assessment	Content achievement	Parent & community
all other students								
Assess LEP students in valid and reliable manner, including reasonable accommodations and, to the extent possible, assessments in the language and form most likely to yield accurate data						§1111(b)(3, 6)		
Parental/community involvement								§1111(d, h), §1118, §3115(d, e), §3116(b)
Coordinate with other entities that are carrying out programs that serve language-minority and LEP children			§1111(a), §1112(a, b), §3124					
Federal funds shall be used to supplement the level of federal, state and local public funds and in no case to supplant such funds			§1114(a)(2), §1120(b), §3115(g), §3124					
U.S. Department of Education, Office of Civil Rights								
Children learn at different speeds; districts cannot limit alternative services to students who are not yet able to participate meaningfully in English-only classrooms			OCR, 1998					
Arizona State Legislation								
Subject to waiver exceptions, all children in Arizona public schools shall be taught English by being taught in English		§15-752						
Subject to waiver exceptions, all children shall be placed in English language classrooms		§15-752						
LEP students shall be educated through sheltered English immersion, generally not more than one year			§15-752					
If a parental waiver is granted, child shall be transferred to classes teaching through bilingual techniques or other generally recognized educational methodologies permitted by law			§15-753A					
Any decision regarding a waiver is to be made subject to the examination and approval of the local superintendent, under established guidelines		§15-753B						
All school children will be provided with an English language public education			§15-754					
English language proficiency of LEP students will be assessed					§15-756			
Former LEP students will be evaluated						§15-756		
Parents must be notified of program placement								HB 2010
Supplemental funding for LEP students		§15-752						
Can use federal funds only for bilingual programs offered with waivers		§15-753						
Arizona State Board of Education ***Rules***								
Primary/home language of all students will be identified by parents on home language survey	R7-2-306:B(1)							
PHLOTE students in K and 1st grade will be administered an oral English assessment	R7-2-305:C(1)							

Table 1. Overview of Regulations Pertaining to ELL Students (continued)

Regulations	Categories of Regulations[2]							
	Identification[3]	Language of instruction	Program	Staff qualifications[4]	English language proficiency	Assessment	Content achievement	Parent & community
PHLOTE students in grades 2-12 shall be administered oral, reading and writing English language proficiency tests	R7-2-306:C(2)							
Students who score below publishers' designated score for FEP are LEP	R7-2-306:C(3)							
English proficiency testing must be done within 60 days of beginning of school or 30 days of enrollment, unless LEA receives NCLB Title III or other funding that requires earlier testing	R7-2-306:C(4)							
For students being assessed for special education purposes, the LEA will use alternate procedures for assessing English proficiency	R7-2-306:D							
LEP students may be concurrently enrolled in gifted program(s) and English language learning programs			R7-2-306:E					

[1] Key to shortened terms: PD = professional development AYP = Annual Yearly Progress (defined for the content areas) PHLOTE = Primary or home language other than English
AMAO = Annual Measurable Achievement Objective (defined for English language proficiency, English language attainment, & AYP) FEP = fluent English proficient
LEP = limited English proficient

[2] Regulations that have not been met, according to … are highlighted

[3] Students are identified for participation in Title III based on English language proficiency, schools are identified for participation in Title I schoolwide programs based on the percentage of low-income students/families - see §1113 for a description of school eligibility; individual students are identified for participation in Title I targeted assistance programs based on failure to meet the State's academic achievement standards – see §1115 for a description of student eligibility

[4] Staff refers to any or all of the following: teachers, paraprofessionals, principals, administrators, and/or other educational staff

[5] References to Title I are Sections that begin with "1", references to Title III are Sections that begin with "3"

Incremental Cost Definition

As these pertain to English Language Learners, incremental costs are those that provide ELL programs and that are in addition to the regular costs of conducting programs for English-proficient students. Incremental costs to educate ELL students do not include costs that replace the same types of services provided to English-proficient students. Incremental costs may be associated with meeting federal and state ELL program requirements. Such requirements include, but are not limited to, those required by the OCR, NCLB, Arizona Revised Statutes (ARS) 15-751 through 756.01, Arizona Administrative Code (AAC) R7-2-306, the *Lau vs. Nichols* decision, and the consent decree from *Flores vs. Arizona*.

The following general overview describes the methodologies used for each section of the report. More detailed information is included in each section of the report and in the appendices.

School District Survey

The Request for Proposals issued by the Arizona Legislative Council identified 38 districts that could be surveyed to identify the costs of educating ELL students. NCSL worked with state officials to craft an appropriate survey instrument. An initial survey was approved by personnel in the Arizona Auditor General's Office. After reviewing the responses from this initial survey, a simplified instrument was developed and used to attempt to collect additional data from the 14 public school districts that had responded to the initial survey and two charter schools. Research staff also sought additional information from Arizona Department of Education sources due to difficulties in obtaining adequate information from the districts. Findings from the district analysis are reported in chapter 2.

Professional Judgment Panels

This study examines appropriate inputs and cost components relating to providing an adequate ELL education in the state. The professional judgment panel methodology has been used in many states to identify adequate education funding levels. Using the methodology, education professionals are identified and convened into a panel that discusses the appropriate inputs required for students to meet specified education standards. For this study, NCSL staff convened two panels, one of which included state ELL experts and another that included national experts in ELL policy and practice.

NCSL received input from Arizona Department of Education officials, legislative staff and others about individuals who would be appropriate panel participants. Multiple perspectives of ELL education were represented in the state and national panel discussions led by NCSL.

Each of the two panels met for one and one-half days. The findings of the professional judgment panels are reported in chapter 3.

Feedback from Local Education Personnel

The professional judgment panels data presented in chapter 3 provides information regarding the cost of attaining adequacy in ELL education. To better understand the school-level realities of providing ELL education in Arizona, NCSL developed a school survey that was initially sent to 60 schools based on a stratified random sample that took the following into account: percentage of ELLs academic performance, and school types (such as charter school). In addition, 10 schools and 1 district were selected from this sample to conduct on-site interviews.

NCSL staff received only eight responses from this school survey. It was extremely difficult to convince school-level personnel to take the time to complete the survey. In addition, many did not have or know the information being sought. Many of the surveys that were returned contained responses that could not be verified or were in conflict with other data reported by schools to the Arizona Department of Education. Efforts to follow up on the returned surveys and to obtain additional responses were met with little response from local school officials.

To mediate the lack of survey data from individual schools, NCSL conducted an analysis of various data elements contained in the ADE Report Card for each of the schools in the 16 districts included in the district sample (134 public schools and the 2 charter schools). Specific variables examined include enrollment, attendance/drop out rates, testing data, and teacher experience. These findings are reported in chapter 4.

The findings from the school and district interviews are reported in chapter 5.

Appendix I provides a list of questions asked of local education personnel during on-site interviews along with a copy of the original school survey.

Review of Compliance Issues and Procedures

The ADE is required to perform annual compliance audits on a select number of school districts and charter schools. These audits help ensure that certain ELL practices, programs and procedures are implemented.

ADE personnel identify infractions within each district and help districts to create corrective plans of action. NCSL staff reviewed the most recent compliance audits performed by ADE personnel, detailed the types of infractions found in each district, and provided related summary information.

These data illuminate the most pressing issues facing ELL education in the state and provide a basis for the creation of effective policies to reduce the likelihood of future infractions. Issues regarding compliance are discussed in chapter 6.

National Sources for ELL Education Funding and Promising Practices

Consultants from Beta Group identified national funding resources for ELLs and provided information about about scientifically-based research findings on effective programs and practices that promote ELL student achievement. In addition, they have also provided

information about federal funding and funding opportunities. These findings are presented in chapter 7.

Commonly Used Acronyms in this Report

AEA—Arizona Education Association
AIMS—Arizona's Instrument to Measure Standards
ARS—Arizona Revised Statutes
ADE—Arizona Department of Education
CAL—Center for Applied Linguistics
DeLSS—Development of Literacy in Spanish Speakers
ELL—English language learner
EO—English only speaking students
ESL—English as a second language
FLAP—Foreign language assistance program
FEP—Fluent English proficient
FRPL—Federal free and reduced price lunch program
HQ—Refers to a "highly qualified" teacher under NCLB
IES—Institute of Education Sciences
LAS—Language Assessment Scale
LEA—Local education agency
LEP—Limited English Proficient
NCEO—National Center for Educational Outcomes
NCER—National Center for Education Research
NCELA—National Clearinghouse for English Language Acquisition
NICHHD—National Institute of Child Health and Human Development
NCLB—No Child Left Behind Act of 2001
OCR—Office of Civil Rights
OELA—Office of English Language Acquisition
PHLOTE—Primary or home language other than English
SS/HS—Safe schools healthy students
SDAIE—Specially designed academic instruction in English
SEI—Structured (or sheltered) English immersion
SAIS—Student Accountability Information System (ADE database)
SES—Socioeconomic status
TBE—Transitional bilingual education
TWB—Two-way bilingual education
WWELL—What Works for English Language Learners (NCELA database)
WICP—Written individualized compensatory plan

2. School District Survey Cost Identification

This section of the report describes the survey administered to selected Arizona school districts. This survey provided school districts with a means of reporting what materials and personnel costs are currently incurred for services to ELL students. The data from the district surveys provided the basis for estimating current expenditures made by school districts for providing ELL instruction in Arizona.

Site Selection

The Request for Proposal requires that "A minimum of 10 school districts and charter schools shall be recommended." The RFP sets for the following criteria for selecting school districts for inclusion in the sample:

> Urban and rural, size, percentage of ELL pupils, types of school districts (elementary, union and unified), including at least one Native American school district, at least two charter schools, one of which having at least 100 ELL students comprising at least 50 percent of the student population, one high school district, one rural district other than a Native American school district and one urban school district.

The RFP identifies 38 public school districts eligible for inclusion in the sample but does not identify eligible charter schools.

Public School Districts

The study sample includes 14 public school districts and two charter schools. The total number of students in each district was extracted from the National Center for Education Statistics, which is part of the U.S. Department of Education. Specifically, the data are from the Common Core of Data, District Detail for the most recent year available. The number of ELL students for each district was taken from the ADE Limited English Proficient (LEP Students ARS 15-754 for fiscal year 2002-03, the most recent year reported.) In addition, the Locale Code as reported by NCES was determined for each district for purposes of classification in terms of size and location.[1] These locale codes were used to determine compliance with the selection criteria specified in the RFP.

The public school sample includes a reported 122,189 pupils, which represents 39 percent of the total number of pupils in the 38 districts eligible for inclusion in the study. The total number of LEP students in the 38 eligible districts as reported in the above referenced ADE document is 80,834. There are 38,809 pupils classified as LEP in the 14 sample districts, which represents 32 percent of the total.

This sample was determined to be appropriate. The 38 eligible public school districts represent 32 percent of the states total enrollment, slightly less than the proportion represented by the sample in relation to the eligible districts. This proportionality, as well as the distribution of the sample across size and type, provides a high level of confidence in representativeness.

Beyond the requirements of the RFP, it was important to construct a sample that had a range in the concentration of ELL students. The percentage of ELL students in the 14 sample public school districts varied from a high of 68 percent to a low of 7.5 percent.

Charter Schools

In selecting charter schools to be included in the sample, it was determined that each school had to have current data reported to ADE in the form of a "Report Card." The RFP also set forth a criterion that at least one of the charter schools have "at least 100 ELL students comprising at least 50 percent of the student population." In reviewing the AYP data on charter schools, identifying a single school that met this criteria proved difficult. Ten charter schools met the criteria of having at least 100 ELL students enrolled according to the ADE ARS 15-754 report referenced above. However, only two of these charter schools met the criterion of having at least 50 percent of ELL students enrolled. One was eliminated from consideration because it did not meet AYP. The other was a high school and was not considered to be typical of charter schools in the state. Therefore, the two charter schools with the highest ELL enrollments were selected, both of which have ELL enrollments of more than 30 percent.

Table 2 summarizes the characteristics of each district/charter school included in the sample.

Conducting the Survey

As required by the RFP, "the contractor shall work with the Auditor General's office in developing the survey instrument." This requirement was met, and the resulting 131 question web-based survey (see appendix B) was made available to the 14 public school districts during the summer of 2004. These data were then analyzed by NCSL staff and reviewed by a panel of outside experts, including authorities in school finance, research design, policy analysis and English language acquisition. These experts raised a series of questions about the reliability and validity of the data, especially in terms of variance from data routinely reported by school districts to ADE. In reviewing the survey instrument itself, while understanding that it was approved by the Auditor General, the experts cautioned NCSL that such a long and involved instrument carried with it inherent problems, ranging from respondent fatigue to lack of expertise of any one individual to complete such a complex survey. In essence, this survey became the "beta test" of the school survey as described in NCSL's proposal.

Table 2. Characteristics of Each District/Charter School Included in the Sample

SCHOOL DISTRICT	NATIVE AMERICAN DISTRICT	CHARTER SCHOOL	CHARTER SCHOOL WITH 100 ELL AND 1/2 POPULATION	HIGH SCHOOL DISTRICT	RURAL DISTRICT (NON-NATIVE AMERICAN)	URBAN DISTRICT	OTHER	TOTAL STUDENTS	ELL STUDENTS
Alhambra School District #68						LCC/1		14608	7362
Balsz School District #31						LCC/1		3265	1442
Cartwright Elementary School						LCC/1		19780	7788
Chinle Unified School District	SMALL TOWN/6							4196	2389
Fowler School District #45						LCC/1		2759	1080
Isaac District						LCC/1		8545	5315
Littleton Elementary District No. 65					INSIDE CBSA/8			1824	501
Madison School District						LCC/1		5195	714
Murphy School District #21						LCC/1		2731	1663
PAGE UNIFIED SCHOOL DISTRICT							URBAN FRINGE/4	3096	979
Phoenix Union High School District				LLC/1				23616	4330
Santa Cruz Valley Unified SD#35							SMALL TOWN/6	2862	1527
Scottsdale Unified School District #48						MCC/2		27245	2041
Somerton School District #11							URBAN FRINGE/4	2467	1678
Espiritu Community Development Corp.		X	see text					639	248
Phoenix Advantage Charter School		X	see text					929	279

Based on this feedback and in discussion with the Arizona Legislative Council, NCSL conducted a second survey. Unlike the first survey in which the respondent was asked to provide all data, including that routinely reported to ADE, this survey asked only those questions that could be answered by the school district and were not available in ADE reports (see appendix C). This significantly reduced the amount of time necessary to complete the survey and also provided greater confidence in both the reliability and validity of the responses. The second survey was also followed up by a telephone interview for the purpose of obtaining missing data and clarifying unclear responses.

However, even with a telephone follow-up to the second survey, only seven of the 16 districts had responded by our deadline of February 11. Neither charter school participated in the survey. Comparable data obtained from the first survey were used to fill in missing data for those districts that did not respond to the second survey. Obtaining accurate and reliable data is an ongoing issue in attempting to assess the costs of ELL programs in Arizona and such difficulties have been noted in previous studies. There is also little detail on ELL program expenditures available from Arizona Department of Education sources. What is available is of questionable quality. Even though all 16 districts and charters included in this study serve a substantial number of ELL students, only nine reported any ELL program expenditures on their state Annual Financial Report. Due to the interest of ELL program costs in Arizona the state may wish to consider expanding the reporting requirements in the Annual Financial Report.

School District Survey Identifies ELL Program Costs

As they pertain to a school district's ELL programs, incremental costs are those that provide ELL programs in addition to the regular costs of conducting programs for English-proficient students. Incremental costs to educate ELL students do not include costs that replace the same types of services provided to English-proficient students. The following discussion provides a breakout of ELL incremental costs by program area for the districts that participated in the study.

Student Instruction

This component includes incremental costs associated with instructing ELL students in the classroom. These costs may include salaries, benefits and supplemental pay (such as stipends, bonuses and special pay) for teachers and classroom aides. This component also includes any other salaries and benefits, purchased services, textbooks, instructional aides and materials (such as computer software, workbooks, etc.), other teaching supplies, and travel. A description of each component appears below along with an average of the related cost figures reported by districts that responded to the survey.

Teacher Salaries and Benefits Cost: $294.00
The portion of ELL teacher salaries and benefits that can be attributed to ELL reduced class size as compared to the district's average non-ELL class size or to ELL resource teachers.

Classroom Aide or Paraprofessional Salaries and Benefits Cost: $101.00
The total salaries and benefits for additional aides placed in ELL classrooms. In addition, the portion of ELL classroom aide salaries and benefits that can be attributed to ELL reduced class size initiatives as compared to the average non-ELL class size.

Stipends, Bonuses and Special Pay Cost: $26.00
The costs of providing stipends, bonuses and special pay to ELL staff, such as having English as a Second Language (ESL) endorsement, working in ELL classrooms, and successfully moving ELL students into proficiency status.

Purchased Services Cost: $9.00
Items purchased for ELL instruction.

Textbooks and Other Teaching Supplies Cost: $36.00
Costs relating to ELL textbooks that replace English-proficient textbooks, additional textbooks and other teaching supplies.

Mileage Cost: $0.09
The costs of reimbursing mileage to ELL instructional staff for travel among schools.

Administering ELL Programs Cost: $53.00
This component includes incremental costs associated with the administration of ELL programs, such as communicating with parents, processing waivers, providing interpreters, and evaluating programs. Costs may include salaries, benefits, purchased services, supplies and travel.

Student Assessment and Testing : Cost: $36.00

This component includes incremental costs associated with assessing and testing students to identify ELL students, monitor their progress and follow up with exited students. These costs include salaries, benefits, purchased services, supplies (including testing materials), and accomodations.

Providing Compensatory Programs to Students: Cost: $56.00

This component includes costs associated with providing compensatory programs to ELL students or to former ELL students who are not making satisfactory progress. Compensatory programs are those programs provided in addition to normal classroom instruction to help ELL students achieve academic proficiency. These programs may include individual or small group instruction, extended-day classes, summer school, and after-school or intersession programs.

Costs related to compensatory programs include salaries, benefits and supplemental pay (such as stipends, bonuses, special pay) for teachers and classroom aides; any other salaries and benefits; purchased services; textbooks; instructional materials; and additional teaching supplies.

Costs related to transporting ELLs to compensatory programs also are included, which cover the costs of salaries and benefits, purchased services and supplies (such as gasoline).

The “Other Costs” category identifies costs associated with providing compensatory programs to students that could not otherwise be included in the specific line items.

Student Transportation: Cost: $0.73

This component includes costs associated with transporting ELL students to a school where ELL programs are offered, if such a program is unavailable at their home school. Costs include salaries, benefits, purchased transportation services and supplies (such as gasoline).

Staff Recruiting, Training and Development: Cost: $24.00

This component includes the incremental costs associated with recruiting ELL staff and providing professional development services for ELL staff. Costs include salaries, benefits, purchased services, supplies, and travel (such as hotel, transportation and per diem expenses). Also included are the costs for reimbursing tuition and books to staff for taking ELL courses. The "Other Costs" category identifies incremental costs for recruiting, training and developing staff that cannot otherwise be included in the specific line items.

Other costs: Cost: $34.00

This component includes the costs of staff and services for ELL programs that cannot be classified in the previous items. Examples include bilingual school-home liaison, interpreters and translators.

The expenditure data reported here should to be treated with some caution, however. This is due to the relatively small number of districts included in the sample, the need to combine data from two separate survey instruments administered at different points in time, and the general difficulty encountered when attempting to collect detailed fiscal data via surveys. A comparison to the 2001 ELL cost study conducted by the ADE[2] suggests that the results here may be somewhat understated. That ADE study of 174 school districts and charters in Arizona found that incremental costs for ELL programs ranged from zero to $4,676. Changes in the way the state's school districts track and report program data may be required before definitive current expenditure data can be collected and analyzed.

Summary of School District Survey Cost Identification

Student Instruction Costs		
Teacher Salaries and Benefits	$294.00	
Classroom Aide Salaries and Benefits	$101.00	
Stipends, Bonuses and Special Pay	$26.00	
Purchased Services	$9,00	
Textbooks and Other Teaching Supplies	$36.00	
Mileage	$0.09	
Total		$466.09
Administering ELL Programs		$53.00
Student Assessment and Testing Costs		
Salaries and Benefit Costs	$25.00	
Testing Accommodations	.53	
Purchased Services	$2.00	

Supplies	$9.00	
Total		$ 36.53
Compensatory Education Services		
Teacher Salary and Benefit Costs	$33.00	
Teacher Aides Salary and Benefit Costs	$13.00	
Textbook and Instructional Supplies	$10.00	
Total		$ 56.00
Student Transportation Costs		$ .73
Recruiting, Training and Developing Staff		
Recruiting	$4.00	
Professional Development	$17.00	
Tuition and Fee Reimbursement	$2.00	
Total		$ 23.00
Other costs		$ 34.00
School District Survey Total		$669.35

3. The Professional Judgment Panel Approach

To overcome some of the limitations of previous efforts to attach a cost to ELL education in Arizona, NCSL has sought to look beyond district-reported data and those data collected routinely by the Arizona Department of Education. Because budget line expenditures are not uniformly reported by school districts, the potential exists for wide variation and non-uniformity in reported school district ELL expenditures. To thoroughly examine available information on what an adequate ELL education in the state may entail, NCSL also employed the professional judgment panel approach. Although this methodology, as noted below, was developed specifically to address overall finance adequacy issues in education, NCSL determined, in consultation with experts in the field of school finance, that this approach would yield important information about the dollar amount of incremental costs required to comply with all state and federal laws relating to language acquisition programs, including the *Flores* consent decree.

The professional judgment approach used in this study is one of four methods commonly used for determining school finance adequacy. It has been applied in a number of states, including Arkansas, Kansas, Kentucky, Maryland, Massachusetts, Missouri, Montana, Nebraska, New York, North Dakota, Oregon, South Carolina, Vermont, Washington, Wisconsin, Wyoming. The following section describes the various approaches currently used to conduct adequacy studies in the field of school finance. It is included here to provide an overview of the various available methodologies and provide a justification of this approach.

Determining School Finance Adeqauacy[1]

Determining whether a state's school finance system is adequate is the newest and most dominant issue in school finance across the country (Ladd & Hansen, 1999). To be adequate, the school finance formula must provide sufficient of funds to enable schools to teach all—or at least all but the most severely disabled—students to state and district proficiency standards. This approach has great appeal for both policymakers and the courts; it seeks to link a funding level to a system performance level, a long sought goal. In many ways, this English Language Learners Cost Study could be considered a subset of a more broadly conceived school finance adequacy study.

But attractive though the adequacy goal is, it is not easy to define in specific, programmatic and dollar terms. Nevertheless, over the past ten years, education policy analysts have created four different methodologies for determining school finance adequacy (Ladd & Hansen, 1999; Odden & Picus, 2000):

- Economic cost function approach
- The successful district approach, i.e., identifying expenditure levels in districts/schools that meet performance benchmarks
- Professional judgment approach
- The evidence based, or the state-of-the-art approach.

Except for the cost function approach, different states are using various versions of the other three methods. Each is described in detail below.

Economic Cost Function Approach

The economic cost function approach relies on econometric techniques known as cost functions to estimate an adequate level of resources for schools. This method employs regression analysis with expenditure per pupil as the dependent variable, and student and district characteristics as well as *desired* performance levels as the independent variables.[2] The question this approach seeks to answer is: how much money per pupil is needed to produce a given level of student performance? The result produces an adequate expenditure per pupil for the average district. This figure could be used, for example, as the Base Guarantee portion of the SEEK formula. That amount is then adjusted by one overall "index" to account for differences in pupil need and educational prices, as well as diseconomies of both large and small size across districts. The expenditure level is higher (lower) as the expected performance level is increased (decreased). The index adjustment would replace all current SEEK add-ons, except for transportation.

No state currently uses this approach to determine adequacy, though cost function research has been conducted in New York (Duncombe, Ruggiero & Yinger, 1996; Yinger, 2001), Wisconsin (Reschovsky & Imazeki, 1999), Texas (Imazeki & Reschovsky, 1999; Reschovsky and Imazeki, 2002) and Illinois (Reschovsky & Imazeki, 2000). The Reschovsky and Imazeki cost function research found that the adequate expenditure levels in Wisconsin and Texas were close to the median spending levels in those states, when selecting state average performance as the student proficiency target. These studies indicated that there was substantial variation in the average adequacy level due to student and district needs, ranging from a low of 49 percent to a high of 460 percent of the average in Wisconsin, and a low of 75 percent to a high of 158 percent of the average in Texas. In most states, the adequate expenditure level estimated for large urban districts was 2-3 times the level estimated for the average district.

Reschovsky and Imazeki (2001) produced an overall assessment of the utility of the cost function approach, arguing that it is the only approach, using data from all districts, which links a specific spending level to a specific performance level and thus is the preferred approach in a standards-based environment. The approach is limited however, by extant management, governance and education strategies, and does not capture efficiencies that could be produced by more dramatic re-engineering or restructuring. Further, the system is so complicated that state policymakers shy away from using it, as too few legislators or

members of the taxpaying public understand how it works. Moreover, the procedure produces cost figures just at the *district* level. It has not been used at the *school* level, and conceptually it may not be possible to do so. Ultimately, it is the school level at which adequacy levels need to be determined.

The Successful District Approach, Or Linking Expenditure Levels in Districts/Schools That Meet Performance Benchmarks

This method, which is being used in part by Ohio (Alexander, Augenblick, Driscoll, Guthrie & Levin, 1995; Augenblick, 1997), Illinois (Augenblick, 2001; Hinrichs & Laine, 1996), Maryland (Augenblick, 2001), and Mississippi, identifies districts that have been successful in teaching their students to state proficiency standards, and sets the adequacy level at the weighted average of the expenditures of such districts. Usually, atypical districts are eliminated from such analysis. Unfortunately, atypical districts generally include all big city districts, as well as very wealthy and very poor districts, and often very small rural districts as well. The result is that the districts identified in the analysis are usually non-metropolitan districts of average size and relatively homogeneous demographic characteristics, which generally spend below the state average.

One major criticism of this approach is that the adequate expenditure level is not relevant to big city districts, even when adjustments for pupil needs and geographic price differentials are added to the base. This is because the districts identified as meeting the state standards under the successful district approach are often relatively small (approximately 3,000 students) school districts with a relatively homogeneous student population, making it hard to adjust the model to fit a large district of over 50,000 students with high percentages of poor and minority children. This approach also lends itself to manipulation. Though analysts suggest that the adequate expenditure level should be the weighted average of all the expenditures of the districts meeting the performance benchmark, some policymakers have suggested using the average of only the bottom half of that sample, using an unweighted average, or even using the value of just the lowest expenditure district in the sample – in order to drive down the value of, and thus the state cost of, the adequate foundation expenditure level.

Finally, these two different systems—cost function approach and successful district approach—produce widely varying estimates of an adequate expenditure level, suggesting that more research is needed to determine why the large differences emerge. While both the successful district and cost function approaches link spending levels to performance levels, which is what many policymakers want, neither of these two approaches indicate how funds distributed to school districts would be used. They theoretically identify an adequate revenue level, but are silent on the types of educational strategies those funds could support. The next two approaches attempt to remedy this shortcoming.

Professional Judgment Approach

A third approach to determining school finance adequacy is known as the professional judgment approach. Under this methodology, the state creates several teams of state and local education leaders who independently identify effective school wide strategies and their key ingredient—numbers of professional staff and other resources. The ingredients

are then priced out and added up to determine the adequate fiscal base for a school; the base can then be adjusted for the differing characteristics of students and districts. Originally developed by Jay Chambers and Tom Parrish as the Resource Cost Model (Chambers & Parrish, 1983, 1994,) the professional judgment model (Guthrie & Rothstein, 1999) is being used in Oregon (Calvo, Picus, Smith & Guthrie, 2000), Maine, Maryland (Management Analysis & Planning, 2001a; Augenblick, 2001) and Wyoming (Guthrie, 1997; Management Analysis and Planning, 2001b). Adequacy studies using this approach are being conducted or have just been completed in a number of other states including Kansas (Augenblick, Meyers, Silverstein & Barkis, 2002), Montana (Meyers & Silverstein, 2002), Nebraska, New York and South Carolina.

The basis of this approach is to bring together a group of educational professionals, ask them to identify the components of a "prototype" school that they believe would enable the professional staff to teach the students at that school to some predetermined standards level. Though this approach usually identifies effective educational strategies to some degree, and so provides a stronger linkage between funding levels and possible education programs, its major limitation is that it depends on the judgments of educational professionals in identifying strategies rather than research that actually shows a linkage between the strategy and student performance. Further, it sometimes provides for little differentiation between strategies for the average school and strategies for schools with higher concentrations of at-risk students (see for example, Management Analysis and Planning, 2001a). Nevertheless, it is becoming one of the most popular methods states are using to determine school finance adequacy.

The Evidence Based Approach[3]

The fourth approach takes research findings often though not always embodied in a high performance, or a comprehensive school design, identifies all the ingredients needed for all research identified educational strategies, determines a cost for each of those ingredients, and then uses that figure to determine an adequate spending base for each school. This system was developed in part because it identifies a set of specific educational programs and strategies that represent state-of-the-art knowledge about education effectiveness and puts a dollar figure on their costs. It combines many of the advantages of the preceding methods:

1. Because each comprehensive school design draws upon research that links several educational strategies to student performance, this method has a pragmatic orientation;
2. By drawing upon the compilation of strategies incorporated into several comprehensive school designs, it taps the craft wisdom of some of the best educators in the country who have compiled research on individual educational strategies into comprehensive, school wide strategies;
3. When used, this approach provides schools with a funding level that allows them to deploy any of a large number of school wide educational strategies. Each of those strategies represents the best of what both research and top practitioners claim are the most effective educational strategies and represent current state-of-the-art professional knowledge in education.

Odden (1997) identified the costs of seven school wide designs that were created by the New American Schools. In subsequent analyses he showed how via resource reallocation, they were affordable at schools spending at the average or median level of expenditure per pupil in the United States (Odden & Busch, 1998; Odden & Picus, 2000). His analysis, however, did not include adequate planning and preparation time for teachers and did not standardize costs across various designs, so his 1997 cost figures are underestimated.

New Jersey adopted this approach to adequacy in 1998 when its Supreme Court concluded that state's school finance system was adequate because it provided more than sufficient funds for schools to adopt and fund via resource reallocation an enriched version of the most expensive comprehensive school design—the Roots and Wings/Success for All design. Since Roots and Wings, along with the Modern Red Schoolhouse, are the most expensive school designs now on the market, funding in New Jersey was not only adequate for these designs, but there was enough money for any of the other school wide educational designs as well (Odden, 1998).

The last step in both the professional judgment and the evidence-based approach is appropriately pricing all ingredients, and setting teacher salaries. This is a step that usually uses a statewide average teacher salary, but such a strategy potentially understates or overstates what districts and the state might need to pay for quality teacher talent.

There are two approaches to estimating a teacher salary that reflect what it actually takes in dollar terms to recruit and retain teaching talent. The first is to apply to the state's average teacher salary a cost-of-education-index that has been developed by the National Center for Education Statistics. This district level index quantifies the different prices school districts in a state—such as Kentucky—must pay for a given set of teacher qualities. This adjustment insures equal purchasing power of teacher salary dollars across geographic regions in the state.

But this cost-index approach just quantifies price differences across regions/districts within a state; it does not indicate what the state average *should be* in relationship to the labor markets for teacher talent within which a state's districts compete for those teachers. A second pricing strategy, which this study is not able to deploy, is to determine salary benchmarks by labor market regions in a state; this approach would identify not only the salary benchmark for beginning-teachers, but also benchmarks for mid-career and top-career teacher salaries. And the benchmarks would be calculated for the various labor markets within which the state's districts compete for teachers.

Arizona ELL Cost Study Professional Judgment Panels

For the purposes of this study, NCSL formed two professional judgment panels. The State Professional Judgment Panel consisted of seven individuals, six of whom were from LEAs; the other was from Arizona State University. The National Professional Judgment Panel included five members. In order to provide an overview of the expertise of each panel, Appendix E is provided. It identifies the panel on which each individual participated. In addition, this table provides information on each panelist's professional role, i.e., as a teacher, administrator or researcher/evaluator and at what level the individual works. Also indicated is the area of language of instruction expertise for each member, if appropriate. This rubric is based the work Zelasko and Antunez (2000).[4] Areas of expertise for each

panelist not specifically related to language acquisition programs are identified including education finance, policy analysis, assessment and research/evaluation methodology. Because of the sensitive nature of this work, the names of individuals who participated in the state panel are not included. Biographical information for the members of the National Panel are included as Appendix F.

Professional Judgment Panels Process

The two panels met separately, each for one and one-half days, from June 10-12, 2004, in Scottsdale, Arizona. Each panel member was provided with the following documents prior to the meeting.

- Invitation Letter (email 6/8/04)
- Agenda
- Guidance Regarding the Implementation of A.R.S. 15-751-755 and Flores Consent Order
- SBOE Approved ELL Proficiency Standards-Writing
- SBOE Approved ELL Proficiency Standards-Listening and Speaking
- SBOE ELL Proficiency Standards-Reading
- Arizona Resource List
- Cutoff Scores for Arizona NCLB Requirements (http://www.young-roehr.com/nwea)

Steve Smith, former senior policy specialist at NCSL, facilitated both panels. Prior to the meetings, Mr. Smith wrote to the panelists asking them to be prepared to:

- Identify both levels and types of inputs;

- Discuss student-to-teacher ratios, along with information about the effectiveness of teacher aides, teacher/coaches, lead teachers, etc.

- Explore teacher professional development in terms of the number of teaching days required, and specific approaches that seem appropriate and beneficial.

Specifically, NCSL asked the professional judgment panels to identify the number of personnel and associated materials needs per 100 students at the school and district levels. Both panels worked under the understanding that, due to wide variation in school and district size and ELL student populations, appropriate adjustments to materials and personnel associated with ELL education adequacy would be needed. In each case, the professional judgment process began with identifying current costs associated with educating ELLs and non-ELLs in the state. Each panel then made appropriate adjustments based on compliance with the implementation of requirements stemming from Proposition 203, the *Flores* consent decree and the No Child Left Behind Act of 2001 (NCLB).

Average district and school staff salary figures were obtained by the Arizona Department of Education (ADE) and the Arizona Education Association (AEA). Corresponding costs for other educational materials and services have been provided per 100 pupils.

Overall costs per ELL, the incremental cost increase per ELL over non-ELL students that would be needed to cover these costs, and the percentage of the increase that would be

needed to meet adequacy standards through the application of identified cost inputs are provided in tables 2 and 3 for the state panel and 5-10 for the national panel. All of the cost data in these tables have been adjusted to reflect 2003-04 costs. For a description of these adjustments see Appendix G. For the purposes of this study, NCSL requested that panel experts exclude the costs of transportation, facilities and reimbursable special education services when considering appropriate input figures.

A preliminary draft of conclusions of both panels was prepared by NCSL staff and sent to all members of both panels for review. This allowed each panel member an additional opportunity to clarify any issues or recommendations and to "certify" their work. This additional step provides a high level of assurance that the findings presented below accurately reflect the work of both panels.

Among the panel's recommendations impacting the cost of educating ELL students are reduced class sizes, additional ELL support staff, compensatory education services, and after school programs. See table 3 for a list of the program factors driving incremental costs. The panels also identified other support staff and services required for an effective ELL program. However, since these staff and services are also available to non-ELL students and were not thought to be required in greater quantity for ELL students, such as the school principal, guidance counselors, psychologists, and custodians, no incremental cost was incurred.

State Panel Analysis

Table 3. Cost Factors Identified by State and National Professional Judgment Panels

Reduced class size: 5 students per class all grades state panel; 4-12 students per class depending on student SES and grade-level national panel
Lead ELL teacher
Additional paraprofessional
Additional library media
Technology
Professional development
Instructional supplies
Equipment
Technology
Assessments: state panel only
District ELL coordinator
District English language acquisition specialist
ELL specialist supervisor
Interpreter or translator
Parental involvement staff
Compensatory education
After school programs

The state panel recommended incremental spending increases based on grade level. Here, panelists agreed that, if educators have adequate resources to reach ELLs between kindergarten and grade 2, the students are far more likely to rapidly acquire English language skills and thrive in school. The panel concluded that the incremental spending for ELL students over non-ELL students would total an average of $1,785 per ELL student in grades K-2 and $1,447 per ELL student in grades 3-12. For details, see tables 4 and 5.

State Panel Findings

The associated costs of the inputs required to provide an adequate ELL education as identified by the state professional judgment panel are higher than current state spending averages. The panel concluded that spending increases are necessary to provide an adequate education for Arizona's ELLs.

State Panel Recommendations for State-Level ELL Education Improvements

This section contains recommendations from individual panelists for improving the state's current approach to educating ELLs. These observations were made as part of the professional judgment process. (See appendix G for details.)

Table 4. Professional Judgment Panel Inputs and Costs for ELLs in Grades K-2

Per 100 ELL Students

	# Personnel	Cost	Incremental Cost
Teachers	5.55	$3,051	$660
Lead ELL Teacher	1	$461	$461
Paraprofessional	0.5	$146	$73
Library Media	0.2	$118	$12
Technology	0.2	$118	$12
Guidance Counselor	0.15	$89	
Cook	0.75	$82	
Custodian	0.5	$97	
OPT	0.1	$60	
SLP	0.25	$150	
Nurses	0.1	$44	
Psychologists	0.075	$54	
Clerical	0.5	$121	
Principal	0.2	$180	
Asst. Principal	0.2	$165	
Substitutes	1	$32	
Professional Development Costs		$56	$56
Instructional supplies		$124	$21
Equipment		$31	$3
Technology		$227	$16
Student Activities		$21	
Safety		$15	
Assessments		$32	$40
District ELL Costs			
ELL coordinator	0.02	$18	$18
ELAS	0.1	$59	$59
ELL Specialist Supervisor	0.05	$34	$34
Interpreter orTranslator	0.003	$1	$1
Parental Involvement	0.003	$1	$1
Other District Costs		$77	
Compensatory Education		$258	$258
After School Programs		$62	$62
		$5,991	$1,785
Incremental Cost Percent Increase			42.4%

Table 5. Professional Judgment Panel Inputs and Costs for ELLs in Grades 3-12

Per 100 ELL Students

	# Personnel	Cost	Incremental Cost
Teachers	4.35	$2,392	$429
Lead ELL Teacher	1	$461	$461
Paraprofessional	0.5	$146	$73
Library/Media	0.2	$118	$12
Technology	0.2	$118	$12
Guidance Counselor	0.15	$89	
Cook	0.75	$82	
Custodian	0.5	$97	
OPT	0.1	$60	
SLP	0.25	$150	
Nurses	0.1	$44	
Psychologists	0.075	$54	
clerical	0.5	$121	
principal	0.2	$180	
asst. principal	0.2	$165	
Substitutes	1	$32	
Professional Development Costs		$56	$56
Instructional supplies		$124	$25
Equipment		$31	$3
Technology		$227	$16
Student Activities		$21	
Safety		$15.	
Assessments		$32	$32
District ELL Costs			
ELL coordinator	0.02	$18	$18
ELAS	0.1	$59	$59
ELL Spe Sup	0.05	$34	$34
Interpreter/Translator	0.003	$1	$1
Parental Involvement	0.003	$1	$1
Other District Costs		$77	
Compensatory Education		$155	$155
After School Programs		$62	$62
		$5,221	$1,447
Incremental Cost Percent Increase			38.3%

It should be noted that the state panel assumed that each teacher in the state would be highly qualified under NCLB. Among the panelists, there was some debate as to whether new state standards for ELL teacher training are sufficient to meet the needs of current ELL student populations. The majority of the panelists found the minimum teacher training standard to be insufficient.

ELL Assessment

- Develop Native Language Assessments for ELLs receiving bilingual instruction through waivers.
- Develop and distribute a blueprint for aligning ELL standards with the Stanford English Language Proficiency (SELP) assessments.

ELL Education Policy Recommendations

- Provide a clear ELL policy direction for districts and schools.
- Promote awareness of current state and federal mandates surrounding ELL education.
- Develop a manual that provides guidelines for the implementation of federal and state regulations regarding ELL student instruction.
- Provide a uniform definition of Structured (or Sheltered) English Immersion (SEI) and a working program model.
- Define the components of an effective SEI program; illuminate expectations and establish benchmarks for success.
- Establish rigorous state standards for ELL education.
- Recognize the need for appropriate translation services to comply with federal requirements.
- Help districts to coordinate the development of translation certification and translator services to maximize the use of financial resources.

ELL Student Data, Evaluations and Oversight Recommendations

- Refine ELL student data collection and annually publish student data.
- Conduct comprehensive program evaluations.
- Add an ELL program evaluation process to the existing Proposition 203 language use monitoring system.

ELL Teacher Training and Professional Development

- Effectively train teachers in requirements posed by state and federal laws, court rulings and standards.
- Require that teachers have at least 45 hours of specialized bilingual, English as a Second Language (ESL), or SEI endorsement within two years of employment.

State Panel Recommendations for District-Level ELL Education Improvements

This section reflects individual panelists' recommendations for improvement of the state's current ELL educational system. These observations were made during the course of the professional judgment process.

Oversight and Accountability

- Establish clear guidelines for ELL programs.
- Develop an instrument to monitor program effectiveness and school site implementation of guidelines.
- Emphasize language acquisition and literacy development in educator professional development activities.
- Ensure that the district consolidation plans address national ELL goals for achievement in language acquisition, literacy and mathematics required under NCLB.

State Panel Recommendations for School-Level ELL Education Improvement

This section reflects individual panelists' recommendations for improvement of the state's current ELL educational system. These observations were made during the course of the professional judgment process.

School Leadership Enhancement

Schools could benefit greatly if provided with an English language acquisition coach or specialist to work with staff on site-specific challenges with English language acquisition and meeting state and federal requirements.

School Improvement Plans

School improvement plans should include strategies for ELL instruction designed to address NCLB goals for students with limited English proficiency.

Native Language Support

Native language support programs for ELLs—such as dual language immersion programs and translation and interpretation services—are especially beneficial in schools that have large ELL student populations. Among districts with fewer ELLs, these programs likely can be shared to maximize the efficient use of resources.

National Professional Judgment Panel Analysis

The national professional judgment panel determined that incremental funding for ELL students should be based upon ELL student categories related to a number of factors that the panel agreed played significant roles in rapid English language acquisition.

Categories were based on ELL student achievement expressed through assessment scores and socioeconomic status (SES). As the panel continued to refine its cost input data, it also considered the extent of need for ELL educational services at the elementary, middle and high school levels. Panelists used all these factors to identify and categorize ELL student need for educational services.

The national panel initially created six categories for ELL student placement. From these six categories, the panel established the two broader categories: high need ELLs and lower need ELLs.

ELL Student Assessment Scores Help to Define Need

The national panel used ELL student performance on the Language Assessment Scale (LAS) as a factor in determining the appropriate ELL category of student need for educational services. The LAS measures student verbal, reading and writing proficiency. Students who score a 4 or 5 on the verbal section of the test, along with a 3 on the reading and writing portions of the test were not classified as ELLs.

Historically, many students who have scored 4 or 5 on the verbal portion of the LAS scored lower than 3 on reading and or writing portions of the test. Such scores allow eligibility for ELL funding. Therefore, the panel initially classified students as either low-, medium-, or high-proficiency ELLs.

Low Proficiency Based on LAS Scores
In this model, students who scored a 1 or 2 on verbal and less than 3 on the reading and/or writing portions of the test were categorized by the panel as low-proficiency.

Medium Proficiency Based on LAS Scores
The panel classified medium-proficiency students as those who score 3 on verbal, and less than 3 on the reading and/or writing portions of the test.

High Proficiency Based on LAS Scores
Students who score 1 or 2 on the verbal, and less than 3 on the reading and/or writing portions of the LAS were classified by the panel as high-proficiency.

ELL Student Socioeconomic Status Used to Define Need

The national panel also found that a student's eligibility for the federal free and reduced price lunch program (FRPL) plays a role in ELL student need. Panelists agreed that SES plays a significant role in English language acquisition.

During the course of these discussions, NCSL staff directed the panel to examine only the incremental costs associated with ELL students and not those for FRPL students. The national panel included SES as a component of the study because they found that environmental factors such as poverty play a critical role in language acquisition.

For these reasons, the panel concluded that lower SES ELL students require additional support beyond Title I funding in order to meet Proposition 203 requirement for rapid English acquisition.

National Panel Identifies Six Initial ELL Categories

ELL students who are eligible for the FRPL with three classifications of proficiency based on LAS scores:
- Low proficiency
- Medium proficiency
- High proficiency

ELL students who are ineligible for the FRPL with three classifications of proficiency based on LAS scores:
- Low proficiency
- Medium proficiency
- High proficiency

The national panel then reduced the six categories into two broad categories of ELL students:
- High-need ELLs
- Lower-need ELLs.

The panel categorized ELL students as high-need based on the following criteria:
- ELL students who are eligible for FRPL and identified as possessing low- or medium-proficiency based on LAS scores.
- ELL students who are ineligible for FRPL but identified as low-proficiency based on LAS scores.

The panel categorized ELL students as lower need based on the following criteria:
- ELL student LAS scores at the high-proficiency level with FRPL eligibility.
- ELL student LAS scores at the medium- and high-proficiency levels, while ineligible for FRPL.

Table 6 outlines the national panel's work to establish categories of ELL student need for educational services.

LAS Assessment in Arizona's Districts

Table 6. Categories of ELL Student Need for Educational Services

ELL Student SES	Low Proficiency	Medium Proficiency	High Proficiency
Eligible for free and reduced lunch	High Need ELL	High Need ELL	Lower Need ELL
Not eligible for free and reduced lunch	Lower Need ELL	Lower Need ELL	High Need ELL

The national panel used ELL student proficiency in standardized exams to establish and to categorize ELL student need for educational services. Although school districts in Arizona have been allowed to use one of four proficiency assessments, the LAS currently is the most commonly used assessment.

Members of the national panel mentioned that a uniform assessment developed by Harcourt currently is being implemented statewide. Because this assessment is so new, data are not yet available to suggest how this model could directly be applied in Arizona. The national panel recommends that the state adapt this model to assign multiple funding levels based on ELL student proficiency in the new assessment.

ELL Student Funding

Given the variations in ELL English proficiency, funding levels also should vary to ensure fairness and the efficient use of financial resources. Funding all ELL students at the same level could result in the state providing higher levels of funding than are needed for some ELL students. Creating multiple levels of funding for ELLs based on their proficiency might provide a means to approach equitable ELL funding levels while providing an opportunity to reduce state costs.

The national panel noted that many states provide differentiated funding levels for special education based on student needs, and a similar approach might be warranted for educating ELL students.

National Panel Findings

The national panel concluded that the following incremental costs were associated with providing an effective instructional program for high-need and lower-need ELLs in Arizona.

High-Need ELLs

- At the elementary school level, the national panel recommends an incremental cost increase of $2,571, which brings total spending to approximately $6,766 (table 7).
- At the middle school level, the national panel recommends an incremental cost increase of $2,323, which brings total spending to approximately $6,372 (table 9).
- At the high school level, the national panel recommends an incremental cost increase of $1,997, which brings total spending to approximately $6,124 (table 11).

Lower-Need ELLs

- At the elementary school level, the national panel recommends an incremental cost increase of $1,236 which brings total spending to approximately $5,434 (table 8).
- At the middle school level, the national panel recommends an incremental cost increase of $1,227, which brings total spending to approximately $5,287 (table 10).
- At the high school level, the national panel recommends an incremental cost increase of $1,026, which brings total spending to approximately $5,240(table 12).

Tables 7 through 12 provide the appropriate inputs identified by the national panel for high-need ELLs in elementary, middle and high schools.

Table 7. Professional Judgment Panel Inputs and Costs for High-Need ELLS in Elementary Schools			
Per 100 ELL Students			
	# Personnel	Cost	Incremental Cost
Teachers	7.14	$3,926	$1,726
Lead ELL Teacher	0.25	$115	$115
Para	1	$291	$146
Library/Media	0.183	$108	$11
Technology	0.22	$129	$13
Guidance Counselor	0.15	$89	
Cook	0.75	$82	
Custodian	0.5	$97	
OPT	0.1	$60	
SLP	0.25	$150	
Nurses	0.15	$66	
Psychologists	0.1	$73	
Clerical	0.5	$121	
Principal	0.2	$180	
Asst. principal	0.2	$165	
Substitutes	1	$32	
Professional Development Costs		$56	$56
Instructional supplies		$211	$53
Equipment		$52	$5
Technology		$227	$23
Student Activities		$21	
Safety		$15	
District ELL Costs			
ELL coordinator	0.05	$45	$45
ELAS	0.05	$29	$29
ELAS Supervisor	0.0055	$4	$4
Interpreter/Translator	0.003	$1	$1
Parental Involvement Coordinator	0.003	$1	$1
Other District		$77	
Compensatory		$284	$284
After School		$59	$59
		$6,766	$2,571
Incremental Cost Percent Increase			38.3%

Table 8. Professional Judgment Panel Inputs and Costs for Lower-Need ELLs in Elementary Schools			
Per 100 ELL Students			
	# Personnel	Cost	Incremental Cost
Teachers	5	$2,749	$550
Lead ELL Teacher	0.25	$115	$115
Para	0.5	$146	
Library/Media	0.183	$108	$11
Technology	0.22	$129	$13
Guidance Counselor	0.15	$89	
Cook	0.75	$82	
Custodian	0.5	$97	
OPT	0.1	$60	
SLP	0.25	$150	
Nurses	0.15	$66	
Psychologists	0.1	$73	
Clerical	0.5	$121	
Principal	0.2	$180	
Asst. principal	0.2	$165	
Substitutes	1	$32	
Professional Development			
Costs		$56	$56
Instructional supplies		$201	$40
Equipment		$52	$5
Technology		$227	$23
Student Activities		$21	
Safety		$15	
District ELL Costs			
ELL coordinator	0.05	$45	$45
ELAS	0.05	$29	$29
ELAS Supervisor	0.0055	$4	$4
Interpreter/Translator	0.003	$1	$1
Parental Involvement Coordinator	0.003	$1	$1
Other District Costs		$77	
Compensatory Education		$284	$284
After School Programs		$59	$59
		$5,434	$1,236
Incremental Cost Percent Increase			29.4%

Table 9. Professional Judgment Panel Inputs and Costs for High-Need ELLs in Middle Schools

Per 100 ELL Students			
	# Personnel	Cost	Incremental Cost
Teachers	6.25	$3,436	$1,473
Lead ELL Teacher	0.25	$115	$115
Para	1	$291	$146
Library/Media	0.24	$141	$14
Technology	0.22	$129	$13
Guidance Counselor	0.15	$89	
Cook	0.75	$82	
Custodian	0.5	$97	
OPT	0.1	$60	
SLP	0.25	$150	
Nurses	0.15	$66	
Psychologists	0.1	$73	
Clerical	0.5	$121	
Principal	0.2	$180	
Asst. principal	0.2	$165	
Substitutes	1	$32	
Professional Development Costs		$56	$56
Instructional supplies		$206	$52
Equipment		$67	$7
Technology		$247	$25
Student Activities		$52	
Safety		$15	
District ELL Costs			
ELL coordinator	0.05	$45	$45
ELAS	0.05	$29	$29
ELAS Supervisor	0.0055	$4	$4
Interpreter/Translator	0.003	$1	$1
Parental Involvement Coordinator	0.003	$1	$1
Other District Costs		$77	
Compensatory Education		$284	$284
After School Programs		$59	$59
		$6,372	$2,323
Incremental Cost Percent Increase			57.4%

Table 10. Professional Judgment Panel Inputs and Costs for Lower-Need ELLs in Middle Schools			
Per 100 ELL Students			
	# Personnel	Cost	Incremental Cost
Teachers	4.54	$2,496	$287.14
Lead ELL Teacher	0.25	$115	$115
Para	0.5	$146	
Library/Media	0.24	$141	$14
Technology	0.22	$129	$13
Guidance Counselor	0.15	$89	
Cook	0.75	$82	
Custodian	0.5	$97	
OPT	0.1	$60	
SLP	0.25	$150	
Nurses	0.15	$66	
Psychologists	0.1	$73	
Clerical	0.5	$121	
Principal	0.2	$180	
Asst. principal	0.2	$165	
Substitutes	1	$32	
Professional Development Costs		$56	$56
Instructional supplies		$206	$41
Equipment		$67	$7
Technology		$247	$25
Student Activities		$52	
Safety		$15	
District ELL Costs			
ELL coordinator	0.05	$45	$45
ELAS	0.05	$29	$29
ELAS Supervisor	0.0055	$4	$4
Interpreter/Translator	0.003	$1	$1
Parental Involvement Coordinator	0.003	$1	$1
Other District Costs		$77	
Compensatory Education		$284	$284
After School Programs		$59	$59
		$5,287	$1,227
Incremental Cost Percent Increase			30.2%

Table 11. Professional Judgment Panel Inputs and Costs for High-Need ELLs in High Schools

Per 100 ELL Students			
	# Personnel	Cost	Incremental Cost
Teachers	5.55	$3,051	$1,089
Lead ELL Teacher	0.25	$115	$115
Para	1	$291	$146
Library/Media	0.24	$141	$14
Technology	0.22	$129	$13
Guidance Counselor	0.25	$148	
Cook	0.75	$82	
Custodian	0.5	$97	
OPT	0.1	$60	
SLP	0.25	$150	
Nurses	0.15	$66	
Psychologists	0.1	$73	
Clerical	0.5	$121	
Principal	0.2	$180	
Asst. principal	0.2	$165	
Substitutes	1	$32	
Professional Development Costs		$56	$56
Instructional supplies		$180	$54
Equipment		$103	$10
Technology		$284	$77
Student Activities		$72	
Safety		$26	
District ELL Costs			
ELL coordinator	0.05	$45	$45
ELAS	0.05	$29	$29
ELAS Supervisor	0.0055	$4	$4
Interpreter/Translator	0.003	$1	$1
Parental Involvement Coordinator	0.003	$1	$1
Other District Costs		$77	
Compensatory Education		$284	$284
After School Programs		$59	$59
		$6,124	$1,997
Incremental Cost Percent Increase			48.4%

Table 12. Professional Judgment Panel Inputs and Costs for Lower-Need ELLs in High Schools

Per 100 ELL Students			
	# Personnel	Cost	Incremental Cost
Teachers	4.16	$2,287	$324
Lead ELL Teacher	0.25	$115	$115
Para	0.5	$146	
Library/Media	0.24	$141	$14
Technology	0.22	$129	$13
Guidance Counselor	0.25	$148	
Cook	0.75	$82	
Custodian	0.5	$97	
OPT	0.1	$60	
SLP	0.25	$150	
Nurses	0.15	$66	
Psychologists	0.1	$73	
Clerical	0.5	$121	
Principal	0.2	$180	
Asst. principal	0.2	$165	
Substitutes	1	$32	
Professional Development Costs		$56	$56
Instructional supplies		$206	$41
Equipment		$103	$10
Technology		$284	$28
Student Activities		$72	
Safety		$26	
District ELL Costs			
ELL coordinator	0.05	$45	$45
ELAS	0.05	$29	$29
ELAS Supervisor	0.0055	$4	$4
Interpreter/Translator	0.003	$1	$1
Parental Involvement Coordinator	0.003	$1	$1
Other District Costs		$77	
Compensatory Education		$284	$284
After School Programs		$59	$59
		$5,240	$1,026
Incremental Cost Percent Increase			24.3%

National Panel Looks at State-Level ELL Education Improvements

This section contains recommendations from individual panelists for improvement of the state's current ELL educational system. These observations were made during the course of the professional judgment process. (Appendix H contains details.)

- Accelerate English language acquisition to comply with Proposition 203
- Provide specialized teacher and administrator training
- Provide local flexibility
- Provide adequate funding
- Enhance data collection and use

It should be noted that national panel members assumed that each teacher in the state would be highly qualified under NCLB. Still, the panelists agreed that the recently adopted state standards for ELL teacher training are insufficient. Panelists also agreed that high-need ELLs should be taught by teachers with appropriate endorsements in ELL education. Here, the panel also found that higher minimum standards are likely are needed for teaching lower-need ELLs.

Strategies recommended by the national panel to promote ELL student achievement:

- Increase ELL English proficiency by using scientifically based, research-driven instructional methodologies; no single approach will work for all ELLs.
- Provide professional development for all school staff members who may work with ELLs; uniform guidelines on compliance issues are a critical component of such training.
- Increase the involvement of communities and families to promote English language acquisition, overall academic progress and good citizenship.

National Panel Recommendations for District-Level Improvements to ELL Education

Here, individual panelists made recommendations for more effective district-level ELL education strategies to improve the overall quality and efficiency of ELL education in Arizona. It should be noted that the national panel assumed that each teacher in the state would be highly qualified under NCLB. Panel members agreed that all high-need ELLs should be taught by a teacher with an ELL-appropriate endorsement. Panelists also agreed that the higher minimum standards for ELL teacher training would be needed for the effective instruction of lower-need ELLs.

- Enhance and unify school district oversight and accountability measures for ELL education.
- Provide specialized and consistent training for administrators regarding federal and requirements specified by the *Flores* consent decree, NCLB and Proposition 203.
- Recognize the need for translators to facilitate Office of Civil Rights (OCR) compliance and to promote rapid English acquisition.
- Set and communicate a clear and uniform policy for ELL education to facilitate compliance.
- Provide adequate funding to achieve an adequate level of training, materials and oversight for ELL programs.
- Adopt specific ELL curricula, then recognize and treat English language acquisition as any other core academic subject area.

- Adopt and share a train-the-trainer model such as Structured Immersion Observation Protocol (SIOP) so that district ELL coordinators and specialists can train school-level lead teachers and classroom teachers.

Effective Resource Management

Members of the national panel reported that district-level resources may be more effectively used by exploring the following options.

- Collaborate with universities to offer low-cost or free tuition programs for current teachers to enhance certification. One program option is Teachers of English for Speakers of Other Languages (TESOL).
- Enhance Teacher Certification. Dual-certified teachers are more likely to work effectively in content areas with ELLs at many proficiency levels; this provides greater flexibility for the district to meet the needs of changing demographics.
- Share costs with neighboring districts whenever possible to provide staff development opportunities that might otherwise be inaccessible to smaller districts; operate newcomer programs for communities with a low incidence of ELLs; and develop curricula aligned with new state standards.

Cost Implications of the Professional Judgment Panel Models

The ELL program models developed by the two professional judgment panels provide an estimate of the incremental cost of meeting all federal and state laws and regulations relating to language acquisition programs, including the *Flores* consent decree. The increase in the incremental cost per ELL student in the 14 school districts examined in the previous section may be determined by comparing the current ELL program incremental costs reported in the school district survey with the estimated cost of the panels' recommendations. On average, the current incremental cost of the ELL programs in the 14 districts included in the study is $670 per student. In order to implement the state panels models these districts would have to increase their incremental expenditures per ELL student by $1,115 for students in grades K-2 and by $777 for students in grades 3-12. The range of the increase required to implement the national panel's model is $356 to $1,901 per ELL student depending on an individual student's level of need and grade level.

4. Analysis of Schools to Identify "Success"

This section presents data about the schools in the sample. As described earlier in this report, the districts selected—a total of 16 school districts and charter school entities are representative of Arizona schools and meet the criteria originally set for this study. All schools within these districts and entities were selected, with the exception of special schools (e.g., special education schools or charter schools funded through districts).

Within this section, the statistics that describe these schools as a whole and the academic achievement of those schools are presented, as well as statistics on the English language learners within these schools. Unless listed otherwise, the data come from the Arizona School Report Card 2003-04 for each school; these are available at www.ade.az.gov/azlearns/. The data in the school report cards are by grade level (grades 3, 5, 8 and 11) for all students in the current and previous years, then are broken down by gender, ethnicity (African American, Hispanic, Asian/Pacific Islander, American Indian/Alaskan Native and White, as appropriate), students with and without disabilities, English language learners, migrant students, and economically disadvantaged and non-economically disadvantaged. Numbers are presented for each group present in a school; if at least 10 students are in the subgroup, achievement data (mathematics, reading and writing) are presented. These data include the number and percentage of students tested and the mean scale score for the subgroup. In addition, the percentage of students who fall within the "fall far below" the standard, "approach" the standard, "met" the standard, and "exceeded" the standard are presented.

General School Statistics

The 14 school districts and 2 charter school entities encompassed 137 individual schools that serve 121,811 students (an average of 889.1 students, standard deviation of 524.1); enrollment ranged from 12 students to 2,654 students. The smallest schools were charter schools, and the largest were high schools.

Arizona describes its schools as elementary, serving grades K through 6; midschool, serving grades 7 and 8; and high school, serving grades 9 through 12. However, there were schools

in this sample of various configurations. Some of the configurations include schools that serve students in:

- Grades K-12 – 1 school,
- Grades K-5– 43 schools,
- Grades 1-6 – 74 schools,
- Grades 6-8 – 41 schools
- Grades 7-8 – 48 schools
- Grades 9-12 – 22 schools, and
- Grades 11-12 – 1 school.

The School Report Cards reported on the number of staff serving each school. The typical school was served by:

- Administrators (average of 2.1, range from 1-5.4),
- Teachers (average of 49.3, range from 5-150),
- "Other: staff (average of 6.7, range from 0-75), and
- Educational aides (average of 10.7, range from 0-39).

NCLB requires that "highly qualified" teachers work in all core content areas (§1119), with each state defining the term "highly qualified." In these schools, the teaching staff typically can be described as follows:

- Of those with less than four years of teaching experience,
  - Eleven have college degrees,
  - Two have master's degrees,
  - None have doctorates, and
  - None have "other" degrees or certificates;
- Of those with four to six years of teaching experience,
  - Six have college degrees,
  - Four have master's degrees,
  - None have doctorates, and
  - None have "other" degrees or certificates;
- Of those with seven to nine years of teaching experience,
  - Four have college degrees,
  - Five have master's degrees,
  - None have doctorates, and
  - None have "other" degrees or certificates; and
- Of those with 10 or more years of teaching experience,
  - Seven have college degrees,
  - Fourteen have master's degrees,
  - Less than one have doctorates, and
  - None have "other" degrees or certificates.

The schools reported activity rates for the year. There were:

- ESL programs – 91 schools,
- After-school programs – 43 schools,
- Average attendance rates – 95 percent,
- Average percentage of students who withdrew to continue studies at another school or to be home schooled – 21 percent,

- Average percentage of students who transferred into the school from another Arizona school within the school district – 3 percent,
- Average percentage of students who transferred into the school who previously were enrolled in another school district – 10 percent,
- Average percentage of students who were promoted to the next grade or who met graduation requirements and received a traditional diploma at the end of the school year (including students who left school at age 22 or who had completed school and received a nontraditional diploma) – 98 percent,
- Average percentage of students who were retained at the end of the school year – 2 percent,
- Average percentage of students who were counted as withdrawn due to chronic illness, expulsion, or dropping out during the school year – 8 percent, and
- Average percentage of students who graduated within a five-year cohort at the end of the 2002-03 school year – 77 percent.

School Performance

Arizona provides achievement profiles for most schools (small schools, new schools and alternative schools did not meet the criteria to achieve an achievement profile). These profiles are based on achievement data from the Arizona's Instrument to Measure Standards (AIMS), maintaining longitudinal data, the effect of mobility on students, and so on (for further information see www.ade.az.gov/azlearns). Schools are classified as excelling, highly performing, performing or underperforming (more recently, a still lower classification of "failing to meet academic standards" has been added). Table 13 provides an overview of all schools, then of schools that serve grades three, eight and 11—as grades that represent elementary schools, midschools and high schools. There are schools that serve students in K-12, but their students are divided into these three grade groupings, as well. The table indicates that the majority of schools are not performing well; less than one-quarter of all schools—or any grade grouping of schools (22.5 percent of all schools, 22.6 percent of elementary schools, 24.4 percent of midschools, and 15.8 percent of high schools)—are achieving in the "highly performing" or "excelling" categories.

Table 13. Achievement Profiles for All, Elementary, Mid-, and High Schools

Grade grouping	Number		Underperforming	Performing	Highly performing	Excelling
	W/data	No data*				
All (K-12)	114	23	17.5%	57.9%	5.3%	19.3%
Elementary	71	16	21.8%	39.1%	3.4%	17.2%
Midschool	41	7	12.5%	52.1%	8.3%	12.5%
High school	19	3	-0-	72.7%	-0-	13.6%

*Small schools, new schools and alternative schools did not meet criteria for determining an achievement profile. In addition, some schools may not be represented because they do not include the grade level chosen (schools that serve third grade were defined as "elementary," schools that serve eighth grade were defined as "midschool," and schools that serve 11th grade were defined as "high school." These are grades at which AIMS is administered.

Title I requires that schools make Adequate Yearly Progress (AYP) in the core content areas of math and reading/language arts. To make AYP, a school must assess a minimum of 95 percent of students in each "significant subgroup;" a predetermined percentage of each "significant subgroup" must meet or exceed the standard in reading/language arts and mathematics; an average of at least 93.5 percent of students must attend the first 100 days

of school (or .5 percent more than the previous year); and, high schools must attain at least a 70.5 percent graduation rate (or .5 percent more than the previous year). Subgroups include major ethnicities, English language learners, students with and without disabilities, migrant students, and both economically disadvantaged and non-economically disadvantaged students. Data for groups of fewer than 10 students (e.g., third grade English language learners) are not calculated in order to ensure students' privacy (see NCLB §1116).

Schools that do not meet AYP for two consecutive years are identified for school improvement. In the first year of school improvement, the schools must develop and implement a plan for improvement, including teacher training, and must offer public school choice (transportation) to the parent's of all students who attend the school. Schools that do not meet AYP for three consecutive years are identified for school improvement for the second year. These schools must continue the school improvement requirements from year one and must offer supplemental educational services (tutoring) to the parents of eligible students who attend the schools. Schools that do not meet AYP for four consecutive years are identified for corrective action. These schools must continue the school improvement requirements from year two and must implement one of six possible actions listed in NCLB. Table 14 provides information about AYP for all schools, then for elementary schools, midschools, and high schools.

Table 14. AYP Determinations for All, Elementary, Mid-, and High Schools

		School Improvement Status**					
Grade grouping	AYP met	Year 1	Year 2	Achieve-ment	% Tested	Attend-ance	Gradu-ation
All (K-12)	71.5%	11.3%	14.3%	80.6%	81.9%	95.6%	N/A
Elementary	71.1%	10.5%	9.3%	78.6%	85.2%	100%	N/A
Midschool	59.6%	13.0%	19.6%	72.3%	72.3%	91.3%	N/A
High school	95.5%	9.5%	28.6%	95.5%	95.5%	83.3%	100%

*Small schools, new schools, and alternative schools did not meet criteria for determining an achievement profile. In addition, some schools may not be represented because they do not include the grade level chosen (schools that serve third grade were defined as "elementary," schools who serve eighth grade were defined as "midschool," and schools that serve 11th grade were defined as "high school."

** No schools were in the corrective action phase of school improvement.

The table indicates that that less than three-quarters of all schools met AYP; midschools had the lowest percentage of success, while high schools had the highest. More than one-quarter of all schools are in school improvement, with the highest percentage in middle school (28.8 percent) and the lowest percentage in high school (19.8 percent). In each case, there were multiple reasons the school did not meet AYP; the highest percentage of schools did not make their achievement targets for one or more student groups, and the lowest percentage of schools did not meet the attendance requirements. This pattern was reversed only in high school, where attendance was the largest problem and achievement was the least.

ELL Student Performance

One student group that must be reported upon is the limited English proficient, or English language learner. Data reported here are for mathematics and reading, since two content

areas currently are required by Title I (§1111(b)(1)(C)). One problem with the data should be noted. The State Report Card frequently indicates that well over 100 percent of the ELL students were tested; therefore, the minimum percentage that schools reported as tested is reported here.

Third grade ELL students: Mathematics

In 64 schools, an average of 60.5 ELL students in third grade were tested (range: 10-170 students tested). This number represents at least 73 percent of the third grade ELL students in each school. Only 37 schools had enough ELL students to report test scores in mathematics. The average scale score in mathematics is 468.1 (as opposed to 517.3 for "all" third grade students in the school). For these students, about

- 38% fall far below the standard,
- 44% approach the standard,
- 13% met the standard, and
- 6% exceed the standard.

Third grade ELL students: Reading

In 67 schools, an average of 60.1 ELL students in third grade were tested (range: 10-168 students tested). This number represents at least 75 percent of the third grade ELL students in each school. Only 37 schools had enough ELL students to report test scores in reading. The average scale score in reading is 483.6 (as opposed to 516.1 for "all" third grade students in the school). For these students, about

- 36% fall far below the standard,
- 39% approach the standard, and
- 19% met the standard.

Fifth grade ELL students: Mathematics

In 62 schools, an average of 56.3 ELL students in fifth grade were tested (range: 11-194 students tested). This number represents at least 45 percent of the fifth grade ELL students in each school. Only 54 schools had enough ELL students to report test scores in mathematics. The average scale score in mathematics is 461.6 (as opposed to 491.3 for "all" fifth grade students in the school). For these students, about

- 27% fall far below the standard,
- 55% approach the standard,
- 8% met the standard, and
- 9% exceed the standard.

Fifth grade ELL students: Reading

In 61 schools, an average of 56.2 ELL students in fifth grade were tested (range: 10-188 students tested). This number represents at least 49 percent of the fifth grade ELL students in each school. Only 53 schools had enough ELL students to report test scores in reading. The average scale score in reading is 487.2 (as opposed to 498.1 for "all" fifth grade students in the school). For these students, about

- 44% fall far below the standard,

- 38% approach the standard,
- 18% met the standard, and
- 1% exceed the standard.

Eighth grade ELL students: Mathematics

In 36 schools, an average of 65.2 ELL students in eighth grade were tested (range: 10-222 students tested). This number represents at least 43 percent of the eighth grade ELL students in each school. Only 29 schools had enough ELL students to report test scores in mathematics. The average scale score in mathematics is 424.4 (as opposed to 443.0 for "all" fifth grade students in the school). For these students, about

- 73% fall far below the standard,
- 25% approach the standard,
- 1% met the standard, and
- less than 1% exceed the standard.

Eighth grade ELL students: Reading

In 36 schools, an average of 65.6 ELL students in eighth grade were tested (range: 11-222 students tested). This number represents at least 45 percent of the eighth grade ELL students in each school. Only 29 schools had enough ELL students to report test scores in reading. The average scale score in reading is 465.1 (as opposed to 494.5 for "all" eighth grade students in the school). For these students, about

- 60% fall far below the standard,
- 26% approach the standard,
- 13% met the standard, and
- 1% exceed the standard.

Tenth grade ELL students: Mathematics

In 17 schools, an average of 87.1 ELL students in 10th grade were tested (range: 10-164 students tested). This number represents at least 29 percent of the 10th grade ELL students in each school. Only 14 schools had enough ELL students to report test scores in mathematics. The average scale score in mathematics is 460.0 (as opposed to 482.1 for "all" 10th grade students in the school). For these students, about

- 84% fall far below the standard,
- 8% approach the standard,
- 7% met the standard, and
- 1% exceed the standard.

Tenth grade ELL students: Reading

In 16 schools, an average of 89.9 ELL students in 10th grade were tested (range: 10-157 students tested). This number represents at least 32 percent of the 10th grade ELL students in each school. Only 12 schools had enough ELL students to report test scores in reading. The average scale score in reading is 475.3 (as opposed to 503.9 for "all" 10th grade students in the school). For these students, about

- 42% fall far below the standard,
- 44% approach the standard,

- 14% met the standard, and
- none exceed the standard.

Summary

When looking at the mathematics and reading scores of ELL students in third, fifth, eighth, and 10th grades in these school districts, the following general, overall statements can be made. On average,

- Too few students are tested (in few schools were the requisite 95 percent of students tested) – however, these numbers may be high because several schools reported that more than 100 percent of their students are tested;
- ELL students make up a relatively small proportion of students in these schools;
- ELL students score 19 to 40 standard score points (which range from 200 to 800 points total) below the average for all students in these schools in mathematics;
- ELL students score 11 to 29 standard score points (which range from 200 to 800 points total) below the average for all students in these schools in reading;
- Students score more poorly in reading than in mathematics;
- Only 8 percent to 19 percent of students are "successful" in mathematics (i.e., they meet or exceed the standard in math); and
- Only 14 percent to 19 percent of students are "successful" in reading (i.e., they meet or exceed the standard in reading.

Predicting ELL Success

Data from the school report cards do not allow for a full exploration of the elements that may lead to more success for ELL students. However, three key elements (enrollment, number of teachers, and number of aides) are included in each school report card. First, the number of students per teacher was calculated to use as a surrogate for class size. Because not all schools employed aides, a similar calculation could not be made, so the number of aides in a school was used as the variable of study. Finally, enrollment in the school was explored.

It was anticipated that number of students per teacher and enrollment might be related. A Pearson correlation analysis showed that this was not the case. Although there was a positive relationship (that is, greater enrollment was related to larger class sizes), the relationship is relatively small (r = .34), but large enough to be of concern. Enrollment will not be included in further analyses.

Two sets of linear regression analyses were performed: One for mathematics and one for reading. In each case, the dependent variable was the mean standard score on either math or reading for a particular grade level of ELL students (e.g., mean standard score on math for third grade ELL students). The independent variables were the number of students per teacher in the school and the number of aides employed within the school. The analyses determined that any relationships between the independent variables and the students' math or reading scores were linear (explained by a straight line that moves up or down) rather than curvilinear (explained by a line that changes direction, up or down, with different numbers of aides or teachers). In each case, any relationship was linear.

When more than one analysis is completed on the same set of subjects (in this case, LEP students), a major assumption of conducting analyses is violated. Simply stated, this assumption states that each subject's score(s) will be analyzed only once. If scores are used more than once, the likelihood of finding statistical significance by chance is increased. So, since the same students were used twice (once for math and again for reading), the probability level for determining significance was divided by two (a technique known as the Bonferroni adjustment). This means that finding significance in the analyses is more difficult, but also that the results are more reliable.

The purpose of regression analyses is to determine whether one or more "causes" for the students' test scores can be identified and, if so, to calculate the importance of each of these "causes." Although significance levels are important, they also can be misleading because larger numbers of subjects always lead to a greater chance of finding significance. Another statistic that is helpful is the "percent variance accounted for." To give an example specific to these analyses, we know that the students' test scores vary. We want to determine why they vary. If we were able to explain all the reasons why test scores vary, then 100 percent of the variance would be accounted for. In general, significance can be found with as little as 5 percent of the variance accounted for; larger numbers indicate that the variable being studied carry more weight in "determining" the students' test scores.

Third grade ELL students

Looking at the mean standard scores of third grade ELL students, the variables of number of students per teacher, and number of aides employed do not have an effect on either mean scaled score for math or mean scaled score for reading. However, the two variables account for over 11 percent of the variance in the mean scale score for math. Looking further, the analyses indicate that the number of aides employed is positively related to math scores. That is, the more aides employed by the school, the higher students score on the math achievement assessment.

Fifth grade ELL students

The two independent variables were not significantly related either to the mean standard score in math or the mean standard score in reading. However, ratio of teachers to students and the number of aides employed do account for over 8 percent of the variance in ELL students' reading scores. The more important of the variables was the number of aides employed, with more aides related to higher reading scores.

Eighth grade ELL students

The two independent variables were significantly related to mean standard score in math (F [2, 26] = 9.3, $p < .01$) (using the Bonferroni adjustment), accounting for 41.6 percent of the variance in math. With eighth grade students, the ratio of teachers to students was significant (higher ratio, higher test scores), with the number of aides employed also of some importance (more aides, higher test scores),

The two independent variables were also not significantly related to mean standard score in reading and the percent variance accounted for was not important.

Tenth grade ELL students

The two independent variables were not significantly related to mean standard scores in math but the relationship was important, with the number of aides employed and student/teacher ratio accounting for 16.8 percent of the variance in math. With these 10th grade students, the number of aides in the school is somewhat more important than the ratio of teachers to students—more aides are related to lower test scores, and larger classrooms are related to higher test scores, both of which are counter-intuitive.

The two independent variables also were not significantly related to mean standard score in reading but were important in explaining the reading scores, accounting for 20.8 percent of the variance in reading. With these 10th grade students, the number of aides and classroom size were about equally important—more aides, higher test scores and smaller class sizes, higher test scores.

Summary

The findings of these analyses were not anticipated. They can be summarized as follows:

- For third grade ELL students, more aides are related to higher math scores.
- For fifth grade ELL students, more aides are related to higher reading scores.
- For eighth grade ELL students, larger class size is highly related to higher math scores and, to some extent, more aides are related to higher math scores.
- For tenth grade ELL students, fewer aides and larger class size are related to higher math test scores; more adies and smaller class size are related to higher reading test scores.

It is interesting that class size, total enrollment, and number of aides had stronger effects on students in upper grades (8 and 10), but less effect on students in lower grades (3 and 5). It may be that the younger students already are in smaller classes supported by aides, so that the effects are at grade levels where smaller classes and more support from aides usually are not seen. This finding is important to this study because it supports the views of the National Panel and suggests that supports needed by students differ by age, not just by their proficiency levels. On the other hand, students in 10th grade had higher math test scores when they were in larger classes with fewer aides. We have no hypothesis for this finding, except that meta-analyses of class size in the past have indicated that class size has more effect on younger students and less effect on older students.

5. On-Site School Interviews

The professional judgment panels and analysis of individual school performance data provided information regarding the cost of the state's ELL programs and the cost of attaining adequacy in ELL education. To better understand the school-level realities of providing ELL education in Arizona, NCSL conducted school site interviews in late May and early June of 2004. Two teams of interviewers composed of NCSL staff and consultants visited 11 sites. The schools were selected from the original sample of 60 schools that were sent the school survey. These 10 schools and one district were willing to meet with us and available to meet during the period of time these site visits were conducted. Since the interviews were conducted with the assurance that no individual site be identified, the names of the schools are not included.

All of the sites visited are in the Phoenix metropolitan area. The sites include and seven elementary schools (including one elementary charter school), three middle schools, and one district office. The schools include a broad range of student populations, ranging from a school with a very small but growing ELL population, to a school with a very high percentage of EL learners.

The purpose of these interviews was to determine how school administrators and staff viewed the cost of educating English Language Learners with an emphasis on both the *Flores consent decree* and Proposition 203. Staff interviewed differed among schools, ranging from only the building principal at one site to 10 staff members at another site, including the principal, a district administrator and several teachers at various grade levels. Interview questions covered areas central to ELL program implementation, such as school-level ELL demographics, program types, Proposition 203 implementation practices and procedures, successful strategies in fostering ELL educational progress, student assessments, staffing requirements, and the credentials of instructional personnel. (See appendix I for a copy of the interview instrument.) As with the professional judgment panels, the write-up of each interview was sent to the school principal for review and comment. The following summary of the research team's findings includes responses to individual questions that were asked.

Summary of Interview Responses

This section provides an overview of common school-level personnel feedback provided to NCSL research team members.

- Additional funding is needed to ensure ELL student success.
- While there is a lack of clear understanding among school-level personnel of Proposition 203 and its mandates, there is an awareness of state compliance efforts.
- Interviewees stated that the state should move away from compliance activities and provide more guidance and useful strategies to schools and districts in educating ELL students.
- Educator professional development opportunities could be improved; "model professional development programs" could provide a means for affecting positive change in this area.
- There is great need to recruit and retain highly qualified teachers.
- Engaging ELL parents in order for them to be more involved in school activities and their children's education is of utmost importance.

School Site Interview Questions and Responses

The following are summary responses to selected questions that were asked of school-level personnel during the course of the interviews. Questions asked appear in italics. A response follows each question.

•*Does your school have Structured English Immersion (SEI) classrooms with only ELL students or are ELL students in mainstream classes?*
Most schools did not have SEI classrooms with only ELL students. In some schools, every class was designated an SEI classroom, with both ELL and non-ELL students in attendance. In other schools, ELL students with the highest need were grouped together for intense English training for part of the day with the most qualified teacher.

•*Please describe your experience with implementing Proposition 203. Has it been difficult? If so, why? If the implementation went smoothly, please explain the process.*
Many school level personnel expressed that implementing Proposition 203 has been challenging. Part of the challenge has been due to a lack of "buy in" from teachers. Several school personnel noted that undergoing such a significant change has required more guidance and leadership from the state. Specifically, adopting the new framework requires the state to provide effective strategies and programs in SEI along with corresponding training. For those schools that had less difficulty in implementing Proposition 203, strong support from the district was noted as a primary reason.

•*Please provide information about the performance of ELL students on state assessments.*
Respondents report that, overall, ELL students are not performing as well as non-ELL students on state assessments, although their performance has changed little since the passage of Proposition 203.

•*What have been some of the major challenges to improving ELL student performance on state assessments?*

Respondents reported that the major challenge is that the test is in English, and one staff member noted a lack of access to the Spanish Assessment of Basic Education (SABE). Several others noted that teachers are allowed to translate directions orally, but not individual test items. Therefore, the tests are primarily measuring student English proficiency and not academic abilities in assessment areas such as mathematics.

•*Please describe the strategies and programs you have implemented for ELL education.*

Respondents reported a wide variety of strategies and programs are being implemented at schools, including:

- Attempts to get appropriate staff certified in ELL and or SEI, although some questioned if the new state requirements were synchronized with local efforts.
- Increasing collaboration among teachers on effective instructional techniques and the designation of lead ELL teachers.
- Providing supplemental materials for high-need ELL students.
- Using early intervention reading strategies for ELL students in grades K-3.
- Administering supplemental assessments throughout the year that allow for formative evaluations and appropriate feedback for teachers.
- Creating "Welcome Centers" to provide in-depth and individualized teaching for high-need ELLs and to foster parental involvement.

•*What types of ELL professional development activities does your school engage in?*

Some schools had weekly or biweekly in-service programs that allow teachers time to collaborate with other teachers across grade levels. Other schools had early release on a weekly or biweekly basis for some teachers to attend outside workshops and conferences. Co-teaching and mentoring were practiced in some schools. There was great variation in professional development training provided by district staff.

•*Do you feel that professional development activities are adequate for your school?*

Although some schools stated they had adequate professional development activities, most wanted additional support, especially in light of the changes brought about by Proposition 203. Several school personnel described the need for the state to be more proactive in providing districts and schools with model professional development activities.

•*What professional development activities have been most beneficial?*

Coach and mentoring training were most frequently mentioned as beneficial professional development activities. Other helpful activities reported by staff included training on incorporating technology into instruction, new reading strategies, teacher collaboration across grade levels, group instruction, and ongoing progress monitoring.

•*Overall, are you satisfied with the support that you receive from your school district?*

Most schools were satisfied with the support provided by their school districts, but said that additional support was needed.

•*What school district support is most beneficial?*

Specially Designed Academic Instruction in English (SDAIE) training, coaching initiatives and after-school tutoring commonly were cited as beneficial by interviewees. School personnel

said that a variety of curriculum options and corresponding training are required from the district. Early reading intervention strategies provided by the district also emerged as a beneficial strategy in improving ELL student achievement.

•*What additional activities/resources would be beneficial in improving the academic performance of ELL students?*

During the course of the interviews, a variety of recommendations for ELL program improvements commonly were cited by school-level personnel. Such activities and resources include:

- Smaller class sizes.
- Increased salaries and benefits and more teachers with National Board certification.
- Parent orientation and home visits.
- More balanced training for primary vs. intermediate teachers.
- Professional support for more teachers to obtain endorsements.
- Incentives beyond a salary schedule for teachers who go "above and beyond."
- Receive Title III funding earlier in the school year (typically, schools do not receive Title III funding until mid-spring).
- Teachers need guidance and assistance with ELL paperwork, especially when it relates to compliance issues.
- Stronger research base on "what works" in educating ELL students through SEI.
- Professional development activities that are more practice- than theory-oriented.

•*Please provide your overall thoughts on Proposition 203, its benefits and limitations, and what issues must be considered when educating ELL students in Arizona. Respondents said:*

- With the shifting demographics within the state of Arizona, growing numbers of ELL studentswill require an adequate education, and whatever approach is used, the state must provide appropriate resources and guidance.
- Proposition 203 sends mixed messages in that you can communicate with parents in home language but can teach only in English.
- The greatest challenge is the time needed to develop language skills. It is frustrating to know how much kids are learning but to see that their progress is not reflected in assessments, because they are conducted in English. This also affects student morale.
- Data-driven staff development with an emphasis on effective instructional practices is the key to school improvement.
- There is a need for more on-site courses to prepare teachers to comply with Proposition 203, especially for monolingual students.
- There is a need for more instructional aides to work individually with students.
- The state should emphasize practical support to schools and districts over compliance.
- The university system should better coordinate pre-service training of teachers with a focus on field training.

6. State Compliance Audits

The Arizona Department of Education (ADE) annually performs compliance audits of selected schools and districts to monitor school and district progress in meeting local rules and state and federal requirements for ELL education. To better understand the state mechanism for monitoring overall ELL education program compliance, NCSL performed an analysis of the data collected by ADE monitors in 2004. These data examine a facet of ELL education in the state which, when combined with those gleaned through the school district survey responses, professional judgment panels and school site interviews and surveys, provides a broad perspective of the state of ELL education in Arizona.

NCSL Analyzes ADE ELL Data

As part of the Arizona ELL cost study, NCSL was required to investigate issues related to district compliance of ELL rules and regulations. Although NCSL had hoped to identify an overall compliance cost, limited available data prevented calculation of a valid and reliable cost. However, the incremental costs identified through the school district survey and professional judgment panels would allow districts to meet compliance requirements.

Staff from the ADE continue to perform compliance audits on 30 to 50 school districts and charter schools per year. After reviewing the most recent compliance audits, NCSL was able to provide summary information and interesting trend data that will help ADE personnel conduct more informative and useful compliance audits.

Summary and Trend Information on ADE State Compliance Audits

Ten ADE staff members conducted on-site reviews of ELL programs in school districts throughout the state during spring 2004. The purpose of these visits was to monitor district (or school, in the case of charter schools) compliance with state and federal laws and state Board of Education rules pertaining to the education of ELLs. Each visit was conducted by a team of two (at most schools/districts) to six [at Sunnyside Unified School District (USD)]; each staff member conducted from one to 22 reviews.

Following each monitoring visit, letters were sent to district superintendents or school directors to provide them with the results of their reviews. The letters thanked the superintendent or director for hospitality and cooperation, cited the *Flores vs. State of Arizona* case, named the monitoring team, listed the statues/rules for which corrective actions are necessary, provided (in some cases) additional observations, listed a time line, and offered assistance should questions arise.

In each case, districts were informed that they were to provide ADE with corrective action plans within 60 days. ADE then would comment on the plans, and schools/districts then would have 60 days to implement the plans.

The state laws included in the review were those that define:
- The type of education required for ELL students;
- Means by which parents can request waivers for a different type of curriculum;
- Notification of parents of language proficiency test results; and
- Definitions of primary home language other than English (PHLOTE) students.

State Board of Education rules, some of which are listed as "pending," included those that indicate:
- Tests to be used, modes of language proficiency to be tested, and scores indicating LEP (limited English proficient) or FEP (fluent English proficient) status;
- How students should be identified for ELL, special education, and/or gifted programs;
- Items to be included on home language surveys and enrollment forms;
- Timing of initial language proficiency testing;
- The importance of, timing for, and tests to be used for reassessment of ELL students for progress in English language proficiency; and
- Identification and monitoring of RFEP (redesignated fluent English proficient) students.

ADE Audits Find Infractions

ADE monitors found 34 districts and charter schools to be noncompliant in at least one area. Districts, grades served and number of infractions identified are shown in table 15.

ADE monitors noted in their letter to Camp Verde USD that the department recognized that the district was in the process of hiring a new ELL coordinator. Therefore, rather than cite all regulations pertaining to ELL corrective action items, the monitor summarized the issues and provide a sample of policies and procedures that will assist the local education agency (LEA) in complying with various statutes and rules. Further data analyses do not include Camp Verde USD because that letter differed significantly from the others.

ADE Monitoring Team Examines Compliance

The ADE monitoring team reviewed student files and other school documents, conducted classroom observations, and interviewed staff. The team looked for compliance with federal and state statutes and state Board of Education rules, both current and pending. Compliance with Title III of the No Child Left Behind Act of 2001 (NCLB) legislation also was monitored.

Table 15. Nomcompliant Districts and Schools and the Number of Infractions Cited

District/School	Grades Served	Number of Monitors	Number of Infractions
Agua Fria Union High School District	Secondary	3	5
Aguila Elementary	Elementary	2	2
Camp Verde USD	K-12	2	*Not reported
Casa Grande Elementary	Elementary	3	4
Chinle USD	K-12	2	6
Congress Elementary	Elementary	2	5
Crown King School	Unknown	2	1
Deer Valley USD	K-12	2	3
Gadsden Elementary	Elementary	2	5
Ganado USD	K-12	2	8
Glendale Elementary	Elementary	2	4
Humboldt USD	K-12	2	7
Kyrene Elementary	Elementary	2	1
Laveen SD	K-12	2	3
Liberty Elementary	Elementary	3	6
Litchfield Elementary	Elementary	3	1
Mayer USD	K-12	2	4
Mesa USD	K-12	3	4
Mountain English Spanish Academy	Unknown	2	5
Nadaburg Elementary	Elementary	2	4
New Joy Charter	Unknown	2	4
Paloma Elementary	Elementary	2	9
Paradise Valley SD	K-12	2	2
Pine-Strawberry Elementary	Elementary	2	2
Pinon USD	K-12	2	5
Prescott USD	K-12	2	5
Roosevelt Elementary	Elementary	5	7
Sabis International Charter School	Unknown	2	9
Sanders USD	K-12	2	3
Sentinel USD	K-12	2	6
Sunnyside USD	K-12	6	9
Tonto Basin Elementary	Elementary	2	2
Tucson USD	K-12	4	8
Washington Elementary	Elementary	3	7
Total	34		156

*This letter "summarized issues" rather than citing all regulations pertaining to ELLs.
Source: NCSL analysis of compliance audits, July 2004.

ADE Monitoring Team Findings

Those statutes or rules for which compliance was an issue are shown in table 16. Two notes should be made pertaining to the data coding. First, in reviewing the monitoring teams' letters, some inconsistencies and errors were found, particularly in reference to the state Board of education Rules. In a few letters, for example, all references were to "Rule R7-2-306" rather than to the subsections of the rule, and occasionally the wrong rule citation was provided (e.g., B3, related to the necessity of assessing primary home language other than English (PHLOTE) students' English proficiency rather than C1-C3, which identified the types of tests and scores to be used). In each case, corrections were made and all analyses were conducted on the corrected data.

Table 16. Statutes, Legislation and Rules for Which Schools Were Found Noncompliant

Citation	Description	Short Name	Number of Infractions
State Statutes			48
ARS 15-752	Subject to the exceptions provided in 15-753 (waivers), all children in Arizona public schools shall be taught English by being taught in English and all children shall be placed in English language classrooms.	English classrooms	4
ARS 15-753 A	If a parental waiver has been granted, the affected child shall be transferred to classes teaching English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law.	Parental waivers	3
(1)	Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child.	Waiver explanation	3
(2)	If a parent waiver has been granted the affected child shall be transferred to classes teaching English and other subject through bilingual education techniques or other generally recognized educational methodologies permitted by law.	Bilingual waiver	1
ARS 15-753 B	Any (decision regarding an individual waiver) is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local governing board and ultimately the State Board of Education. Parental exception waivers may be applied for if:	Reason for waivers	N/A
(1)	a child already knows English;	Child knows English	3
(2)	the child is age 10 or older and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's overall educational progress and rapid acquisition of basic English skills;	Age 10	3

Table 16. Statutes, Legislation and Rules for Which Schools Were Found Noncompliant (continued)			
Citation	Description	Short Name	Number of Infractions
(3)	it is the informed belief of the school principal and educational staff that the child has such special and individual physical or psychological needs, above and beyond the child's lack of English proficiency, than an alternative course of educational study would be better suited to the child's overall educational development and rapid acquisition of English;	Alternate education	2
(4)	the child already has been placed for a period of not less than 30 calendar days during that school year in an English language classroom;	In English classroom	1
(5)	the waiver application must contain the original authorizing signature of both the school principal and the local superintendent of schools.	Signatures	1
ARS 15-756	The English language proficiency of all pupils with a primary or home language other than English shall be assessed through the administration of English proficiency exams. The process of reassessment of English learners for the purpose of determining language proficiency shall be conducted. The evaluation of former English learners shall be conducted.	Assess all PHLOTE	3
HB 2010	The English learner notification and consent form shall be completed annually by either school district or charter school personnel and the classroom teacher within 30 days of the receipt of the language proficiency test results. The form shall be signed and dated by both the primary classroom teacher and the student's parents or legal guardian. The signed and completed form shall be kept on file by the school district or charter school.	Parent notification	24
Federal Legislation: Title III of NCLB			2
§3116	All teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.	Teacher fluency	1
§3121	A state shall approve evaluation measures … that are designed to assess: (1) the progress of children in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English.	Five modes of proficiency	1
State Board Rules or *Pending* State Board Rules			106
R7-2-306:B (1)	The primary or home language of all students shall be identified by the students' parent or legal guardian on the enrollment forms and on the home language survey. These documents shall inform parents that the responses will determine whether their student will be assessed for English language proficiency.	Enrollment/HLS	10
(2)	A student shall be considered as a PHLOTE if the home language survey or enrollment form indicates that one or more of the following are true: (1) the primary language used in the home is a language other than English, regardless of the language spoken by the student; (2) the language most often spoken by the student is a language other than English; or (3) the student's first acquired language is a language other than English.	PHLOTE definition	4

Table 16. Statutes, Legislation and Rules for Which Schools Were Found Noncompliant (continued)

Citation	Description	Short Name	Number of Infractions
R7-2-306:B:3	A student shall be considered as a PHLOTE student if the parents answered any language other than English to the questions on the home language survey.	Parents PHLOTE	2
R7-2-306:C:1	PHLOTE students in kindergarten and first grade shall be administered an oral English language proficiency test approved by the board.	K-1 proficiency	6
R7-2-306:C:2	PHLOTE students in grades 2 through 12 shall be administered the oral, reading and writing English language proficiency tests approved by the board.	2-12 proficiency	9
R7-2-306:C:3	Students who score below the publisher's designated score for fluent English proficiency shall be classified as ELLs.	ELL definition	3
R7-2-306:C:4	The LEA shall assess the English language proficiency of all PHLOTE students as prescribed … within 60 days of the beginning of the school year or within 30 days of a student's enrollment in school, whichever is later, unless the LEA receives funds under Title III of NCLB, 20 USC & 6301 et seq. or another federal grant that requires earlier assessment and parental notification.	PHLOTE testing	9
R7-2-306:D	Assessment of students in special education or in the special education referral process: If a multidisciplinary evaluation or IEP team finds the procedures prescribed in subsections (B) and (C) inappropriate for a particular special education student, the LEA shall employ alternate procedures for identifying such students or assessing their English language proficiency.	Special education identification	1
R7-2-306:E	ELLs who meet the qualifications for placement in a gifted educational program shall receive programmatic services designed to develop their specific areas of potential and academic ability and may be concurrently enrolled in gifted program and English language learning programs.	GATE identification	1
R7-2-306:F:4	ELLs who are not progressing toward achieving proficiency of the Arizona Academic Standards, evidenced by the failure to improve scores on the AIMS test or the nationally standardized norm-referenced achievement test, shall be provided compensatory instruction. A Written Individualized Compensatory Plan (WICP) describing the compensatory instruction provided shall be kept in the student's academic file.	WICP	10
R7-2-306:G:1	The purpose of reassessment is to determine if an ELL has developed the English language skills necessary to succeed in the English language curricula [in a mainstream classroom].	Reassessment purpose	5
R7-2-306:G:2	ELLs may be reassessed for reclassification at any time, but shall be reassessed for reclassification at least once per year.	Reassessment time	9
R7-2-306:G:3	ELLs … shall be reassessed with … the oral, reading and writing English language proficiency tests.	Reassessment mode	1
R7-2-306:G:4	ELLs in kindergarten and first grade shall be reassessed with an alternate version of the oral test of English proficiency used for initial assessment. ELLs in grades 2 through12 shall be reassessed with an alternate version of the oral, reading and writing English language proficiency tests used for initial assessment, unless the same test is no longer published or available when a student is to be reassessed.	Reassessment tests	5

Table 16. Statutes, Legislation and Rules for Which Schools Were Found Noncompliant (continued)

Citation	Description	Short Name	Number of Infractions
R7-2-306:G:5	Students who score at or above the test publisher's designated score for English language proficiency, or such other score adopted by the board, in all of the tests shall be reclassified as FEP. LEAs shall notify the parents or legal guardians in writing that their child has been reclassified as FEP when the student meets the criteria for such reclassification.	Reassessment notification	11
R7-2-306:I-3	(1) The LEA shall monitor exited students during each of two years after being reclassified as FEP to determine whether these students are performing satisfactorily in achieving the Arizona Academic Standards adopted by the board. The LEA shall use AIMS test scores to determine progress toward achieving the Arizona Academic Standards unless no score is available. Performing satisfactorily will be measured by whether a student meets or exceeds the state standards in reading, writing and mathematics as measured by AIMS. Such students will be monitored in reading, writing and mathematics skills and mastery of academic content areas, including science and social studies. The criteria shall be grade-appropriate and uniform throughout the LEA and, upon request, is subject to board review. (2) If an AIMS test score is not available because the test is not administered in the student's grade or to assess progress in academic subjects not assessed by AIMS, the LEA shall use one or more of the following criteria in its evaluation to determine progress toward achieving the Arizona Academic Standards in monitoring FEP students after exit from ELL programs … (3) Students who are not making satisfactory progress shall, with parent consent, be provided compensatory instruction or shall be reenrolled in an ELL program. A WICP describing the compensatory instruction provided shall be maintained in the students' ELL files.	Monitoring FEPs	18
Total infractions			156

Source: NCSL analysis of ADE school district compliance audits, July 2004.

ADE Monitors Cite Board Rules

Second, each portion of the law includes several subsections. Cited here are only those in which noncompliance was an issue. Some subsections were cited often, while others were cited only in tandem. For instance, State Board Rule R-7-306:B deals with forms to be used for enrollment and the home language survey (subsection 1) and operationally defines "PHLOTE" (subsection 2). In general, districts were found to be noncompliant with one of these subsections, not both. Therefore, the subsections of this rule are coded separately.

On the other hand, State Board Rule R-7-306: I deals with three issues pertaining to monitoring Fluent English Proficient (FEP) students. In each case in which this rule was cited, all three subsections were cited. Therefore, this rule was coded as a single unit. Finally, not all subsections of all rules were identified as compliance issues; only rules and subsections that were actually identified in the letters have been coded for analysis.

ADE Data Monitoring Analysis

In an attempt to determine whether differences existed in the number or type of infractions identified, the data were analyzed for elementary school districts, secondary school districts, K-12 school districts, and charter schools.

Table 17 provides the findings, by school type and by the general types of statutes and rules. It would be anticipated that the larger percentage of infractions would be found in elementary school districts and K-12 school districts, both due to the fact that K-5 students are more frequently identified as ELL students. In general, this was found to be the case in all statute and rule areas.

For some statutes and rules, however, the expectation was not met. Overall, there were slightly more infractions at charter schools than anticipated and fewer infractions at elementary schools than anticipated.

Compliance Challenges

- Rules pertaining to parental waivers were relatively more difficult for elementary school districts and less difficult for K-12 districts;
- Identifying reasons for parental waivers was more difficult for charter schools and less difficult for elementary school districts;
- Assessing all PHLOTE students was equally difficult in elementary districts, K-12 districts and charter schools;
- Reassessment of ELLs for progress in English proficiency was most difficult for K-12 districts; and
- Monitoring FEP students was most difficult for K-12 districts.

Table 17. Statutes, Rules and Legislation for Which Schools Were Found Noncompliant, by School Type

School Type	Number of Schools	Percent of Schools	Number of Infractions	Percent of Infractions
ARS 15-752: English classrooms				
Elementary school district	15	44.1%	2	50.0%
Secondary school district	1	2.9%	0	0%
K-12 school district	14	41.2%	2	50.0%
Charter school	2	5.9%	0	0%
ARS 15-753A, 1-2: Parental waivers				
Elementary school district	15	44.1%	5	71.4%
Secondary school district	1	2.9%	0	0%
K-12 school district	14	41.2%	2	28.6%
Charter school	2	5.9%	0	0%
ARS 15-753B, 1-4: Reasons for waivers				
Elementary school district	15	44.1%	5	29.4%
Secondary school district	1	2.9%	1	5.9%
K-12 school district	14	41.2%	7	41.2%
Charter school	2	5.9%	4	23.5%
ARS 15-756: Assessing all PHLOTE students				
Elementary school district	15	44.1%	1	33.3%
Secondary school district	1	2.9%	0	0%
K-12 school district	14	41.2%	1	33.3%
Charter school	2	5.9%	1	33.3%

Table 17. Statutes, Rules and Legislation for Which Schools Were Found Noncompliant, by School Type (continued)

School Type	Number of Schools	Percent of Schools	Number of Infractions	Percent of Infractions
NCLB Title III, §3116 (teacher fluency) & §3121 (5 modes of language proficiency)				
Elementary school district	15	44.1%	1	50.0%
Secondary school district	1	2.9%	0	0%
K-12 school district	14	41.2%	1	50.0%
Charter school	2	5.9%	0	0%
R7-2-306B, 1-3: Enrollment and defining PHLOTE				
Elementary school district	15	44.1%	5	29.4%
Secondary school district	1	2.9%	1	5.9%
K-12 school district	14	41.2%	7	41.2%
Charter school	2	5.9%	4	23.5%
R7-2-306C, 1-4: Assessing PHLOTE proficiency				
Elementary school district	15	44.1%	14	53.8%
Secondary school district	1	2.9%	1	3.8%
K-12 school district	14	41.2%	6	23.1%
Charter school	2	5.9%	5	19.2%
R7-2-306D: Special Education identification				
Elementary school district	15	44.1%	1	100%
Secondary school district	1	2.9%	0	0%
K-12 school district	14	41.2%	0	0%
Charter school	2	5.9%	0	0%
R7-2-306E: Gifted and Talented Education identification				
Elementary school district	15	44.1%	0	0%
Secondary school district	1	2.9%	0	0%
K-12 school district	14	41.2%	1	100%
Charter school	2	5.9%	0	0%
R7-2-306F, 4: Written Individualized Compensatory Plan				
Elementary school district	15	44.1%	4	40.0%
Secondary school district	1	2.9%	0	0%
K-12 school district	14	41.2%	5	50.0%
Charter school	2	5.9%	1	10.0%
R7-2-306G, 1-5: Reassessment of ELLs				
Elementary school district	15	44.1%	12	38.7%
Secondary school district	1	2.9%	1	3.2%
K-12 school district	14	41.2%	18	58.1%
Charter school	2	5.9%	0	0%
R7-2-306I, 1-3: Monitoring FEPs				
Elementary school district	15	44.1%	6	35.3%
Secondary school district	1	2.9%	1	5.9%
K-12 school district	14	41.2%	10	58.8%
Charter school	2	5.9%	0	0%
Total*				
Elementary school district	15	46.9%	65	41.7%
Secondary school district	1	3.1%	2	1.3%
K-12 school district	14	43.8%	72	46.2%
Charter school	2	6.3%	17	10.9%

*Numbers of schools do not sum to previous numbers because the two schools for which the grade span is unknown are not included. NCSL Analysis of Compliance Audits, July, 2004.

Source: NCSL Analysis of Compliance Audits, July 2004.

ADE Monitoring Team Comments

It also is important to note the actual comments included in the letters. Some comments are extensive and some are quite brief. Some point out important errors that need correction (e.g., testing only oral proficiency to determine ELL status), while others censure based on small details (e.g., using a district-generated form rather than the state-generated form, even though both contain the same information).

Reviewers noted in several of the letters that "….the provisions of [state law] cannot be waived, modified, or set aside by any elected or appointed official or administrator…" and often state that the cited compliance issues "have the effect of not supporting the law" or that they "support the exceptions to the law and not the law itself." However, there seemed to be no specific pattern to the comments and, for the most part, the comments and examples were helpful and informative.

Triggers for Noncompliance

According to the reviewers' suggestions and comments, many of the noncompliance issues were related to:

- *Timeliness of actions*
  - ELL identification and testing,
  - Parental notification, and
  - Reassessment;
- *Testing procedures*
  - Not using appropriate assessments,
  - Testing ELL students' oral English proficiency only, and
  - Noting differences between requirements for K-1 students and 2-12 students;
- *Issues with forms*
  - Forms not developed,
  - Forms missing signatures and/or dates,
  - Forms not maintained in files, and
  - Forms not shared with appropriate personnel; and
- *Identification of special populations*
  - Lack of procedures for identifying ELL students for special education services,
  - Lack of procedures for identifying ELL students for gifted services,
  - Lack of procedures for identifying students who are not making progress, and
  - Lack of procedures for monitoring students reclassified as FEP.

Overall, the letters were detailed and helpful. It was obvious that ADE staff took a great deal of thought and time to complete the visits and to create the letters sent to the schools and districts.

Costs of Compliance

The costs to school districts of complying with federal and state laws and regulations relating to language acquisition programs can be separated into two categories. The first is the cost of meeting procedural requirements, such as reporting or providing parental notice.

The second is instructional, or the provision of effective programming that enables ELL students to become English proficient and meet federal and state academic standards. The number and type of infractions identified by the ADE and listed in Table X indicates that the large majority of infractions are of a procedural nature and would require little significant cost to remedy in most cases. The more significant costs are related to the instructional requirements. For the purposes of this study the professional judgment panels' recommendations represent the best estimate of the cost of meeting these instructional requirements. And, as stated within the federal legislation, all costs attributed to the education of ELL students must be of a supplemental nature, and must not supplant those costs that are related to educating all students.

7. ELL Funding, Federal Requirements and Successful Classroom Teaching Practices

While the previous sections of this report provide a broad perspective of the state of ELL education in Arizona, this section provides a brief overview of the criteria used in determining effective classroom practices as required under the No Child Left Behind act, reviews the major models of language instruction, identifies the models that meet federal and state mandates, summarizes the findings of important research studies on English acquisition programs, and examines criteria to be used in assessing effective programs specifically for Arizona.

The No Child Left Behind act (NCLB) states that programs for ELL students must "use approaches and methodologies based on scientifically based research" (§3115(a), (c)(1), and (f)). In fact, phrases such as "evidence-based decisions" and "scientifically-based research" occur 111 times in NCLB. The statutory provisions describe "scientifically-based research" as that which:

(i) at minimum, employs systematic, empirical methods;
(ii) involves rigorous data analyses that, when relevant to the line of inquiry or purpose of the investigation, are adequate to test a stated hypothesis and to justify general conclusions drawn;
(iii) relies on measurements or observational methods that provide reliable and valid data from the investigators and observers involved in the study, and provides reliable and valid data from multiple measurements used, and observations made in the study; and
(iv) uses every opportunity to conduct experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest (§9101(37)).

More recently, and under the auspices of NCLB, the Institute of Education Sciences developed a series of three steps for determining whether the evidence supports the effectiveness of an intervention—curriculum, program or educational service (see figure 1).

Figure 1. An Overview of the Evaluation of an Educational Intervention

Step 1: Is the intervention backed by "strong evidence of effectiveness?				
Quality of studies needed to establish "strong" evidence: • Randomized controlled trials that are well-designed & implemented	+	Quantity of evidence needed: Trials showing effectiveness in – • Two or more typical school settings, • Including a setting similar to that of your schools/classrooms	=	"Strong" evidence
Step 2: If the intervention is not backed by "strong" evidence, is it backed by "possible" evidence of effectiveness?				
Types of studies that can comprise "possible" evidence: • Randomized controlled trials whose quality/quantity are good but fall short of "strong" evidence; and/or • Comparison-group studies in which the intervention & comparison groups are *very closely matched* in academic achievement, demographics, and other characteristics.		Types of studies that do not comprise "possible" evidence: • Pre-post studies; • Comparison-group studies in which the intervention & comparison groups are not closely matched; and/or • "Meta-analyses" that include the results of such lower-quality studies.		
Step 3: If the answers to both questions above are "no," one may conclude that the intervention is not supported by meaningful evidence.				

Coalition for Evidence-Based Policy, *Identifying and Implementing Educational Practices Supported by Rigorous Evidence: A User Friendly Guide* (Washington, D.C.: U.S. Department of Education, Institute of Education Sciences, December 2003), v.

Language Instruction Educational Models

A major problem in discussions about instructional programs and the students they serve is that definitions have changed over the years, often are vague, and may be inconsistent. Some definitions culled from the literature may be useful in explaining table 18.[1] Four types of students generally are involved:

- English only (EO) – Students who speak English as a native or home language and do not speak any other language.

- Language minority (LM) – Students from homes where the primary language spoken is not English, but the students may be limited or fluent English proficient.

- English learner (EL) or limited English proficient – Language minority students whose difficulty comprehending, speaking, reading or writing English affects their school performance.

- Fluent English proficient (FEP) – Language minority students who have been assessed as able to comprehend, speak, read and write English such that they can function in a mainstream English classroom without any special language services or accommodations. In some areas, this group is further delineated as initially fluent English proficient (IFEP) who were initially assessed as not EL and therefore have never received any special language services or accommodations; and redesignated fluent English proficient (RFEP) who were initially identified as EL, have received special services, have achieved English proficiency (according to local criteria), and have been transitioned out of supporting services and into mainstream classes with English-speaking peers.

Table 18. Types of Educational Programs for EL Students[1]

	Typical name of program	Native language of EL students	Literacy Instruction	Content Instruction	Linguistic goal of program	Evidence
Instruction in English & Native language	▪ Two-way bilingual ▪ Bilingual immersion ▪ Dual language immersion	Ideally, 50% English-speaking and 50% EL students sharing same native language (could be 33% EO, 33% EL, & 33% LM)	Both L2 and L1 from beginning	L1 & L2 - Concept development may be in L1 with sheltered English for subjects	Full bilingualism	Yes, acad through c experime hoc resea
	▪ Late-exit ▪ Developmental or maintenance bilingual	All students speak the same (one) Native language	L1 literacy first, then gradual shift to L2; program is 4-6 years	Most subjects in L1 with ELD; gradually all subjects in L2	Late exit: ELD Developmental : Bilingualism	Yes, some English tl experime hoc resea
	▪ Early-exit ▪ Transitional bilingual (TBE) ▪ Integrated TBE	All students speak the same (one) Native language; Integrated TBE includes EOs	L1 literacy first, with quick progression to all or mostly L2; program is 2-3 years	Some L1, rapid shift to L2	English acquisition; rapid transition to English-only classroom	Yes, for c English (r English) t hoc resea
	▪ Bilingual immersion	All students speak the same Native language	L1 and English	Concept development in L1 plus sheltered English	Partial bilingualism, ELD	Very effec academic content k hoc and c experime
Instruction in English	▪ Specially designed academic instruction in English ▪ Structured English immersion ▪ Content-based ESL	Students can share the same native language or be from different language backgrounds	English adapted to the students' proficiency level, and supplemented by gestures and visual aids	English with some limited L1	English acquisition	Some, thr research (conversat not acade
	▪ Pull-out ESL	Students can share the same native language or be from different language backgrounds; students may be grouped with all ages and grade levels	English adapted to the students' proficiency level, and supplemented by gestures and visual aids	English; students leave their English-only classroom to spend part of their day receiving ESL instruction	English acquisition	Little, stu "lose" wh learning i focuses or and gram

Key:
L1 = Native or Home Language
L2 = English
EL = English Learner
ELD = English Language Development
EO = English Only
ESL = English as a Second Language

Note:

1. P.A. DiCerbo, "Common practices for uncommon learners," *Framing Effective Practice* (Washington, DC: National Clearinghouse for Bilingual Education, 2001, 3-12, available at http:/www.ncela.gwu.edu/pubs/tasynthesis/framing.htm; Robert Linquanti, *Fostering Academic Success for English Language Learners: What Do We Know?* (San Francisco: WestEd, 1999), available at http://www.wested.org/policy/pubs/fostering/definitions.htm; and N Zelasko, N. and B. Aritunez, *If Your Child Learns in Two Languages* (Washington, D.C.: National Clearinghouse for Bilingual Education, 2000),. Available at http://www.ncela.gwu.edu/pubs/parent.htm.

The professional literature generally recognizes 11 language instruction educational models. *Bilingual education models* begin instruction in the ELL's home, or native, language while developing his or her English language skills. The goal of most models that fit within this rubric is English proficiency only, using the home language to develop initial literacy skills or to facilitate access to academic content while English is developed; in two models, the goal is full bilingualism. The models include:

- Early-exit transitional bilingual education,
- Late-exit transitional bilingual education,
- Developmental or maintenance bilingual education,
- Bilingual immersion,
- Integrated (nonsegregated) transitional bilingual education, and
- Dual-language or two-way immersion.

Immersion education models initiate instruction in the student's non-native language, teaching the second language and academic content largely or completely in this language. Note that the goal of two of these models is full bilingualism, one for language-majority students (Canadian-French immersion), and the other for students of endangered indigenous languages (such as Navajo). These models include:

- English language development (ELD) or English as a second language (ESL) pull-out,
- Structured English immersion,
- Submersion with primary language support,
- Canadian French immersion (language-majority students), and
- Indigenous language immersion (endangered languages).

The Canadian-French immersion model is not of interest to this report as it serves a different population of students (language majority students) with a different economic status (generally middle class) from students served by Title I and/or Title III. Indigenous language immersion programs are considered here within the full bilingual models of two-way immersion or late-exit transitional bilingual education.

Methods and Techniques for Teaching ELLs that Meet Federal Mandates for Instruction

According to NCLB, programs that serve ELL students must develop students' English proficiency (§1111(b)(7) and §3115(c)(1)(A)) and academic achievement in the core content areas (§1111(b)(1) and §3115(c)(1)(B)). In addition, if schools or school districts are experiencing substantial increases in immigrant students, they may provide "enhanced instructional opportunities" for them (§3115(e)(1)). The difficulty is in determining the best program to serve the students. Based on the new federal mandates for what constitutes scientifically based (or evidence-based) research, there is little guidance on what programs work best for EL students. In general, the types of programs available are described in table 18, along with a brief overview of the type(s) of research that support each type of program.

Methods and Techniques for Teaching ELLs that Meet State Mandates

According to Arizona state legislation, all school children will be provided with an English language public education (§15-752 and 754), and will be taught English by being taught in English, preferably through sheltered English immersion techniques (§15-752). Students whose parents' request for a waiver is granted are transferred to classes where teaching is conducted through bilingual techniques or "other generally recognized educational methodologies permitted by law" (§15-753A). Although Arizona statutes indicate that ELLs should receive services for "generally not more than one year" (§15-752), the U.S. Department of Education's Office of Civil Rights has stated that "children learn at different speeds" so districts " … cannot limit alternative services to students not yet able to participate meaningfully in English only classrooms" (1998). Thus, although most of the techniques and methods listed in table 18 should be available to students in Arizona, structured English immersion is the preferred technique.

Review of the Literature on Effective Language Instruction Educational Programs/ Models

The federal legislation, NCLB, specifically does not require any particular model or program, nor does it limit the choice of model or program (§3125 and §3129), but does require that programs be effective, as demonstrated locally (§3116(b)(5-6)) or through scientifically based research (§3115(a, c(1)). The research reported herein follows the guidelines of the National Clearinghouse for English Language Acquisition (NCELA) on determining the quality of research; only research that meets NCELA's minimum criteria for "acceptable" research has been included.[2] In considering programs for Arizona, the focus is on English-medium instruction, but also includes more bilingual approaches, since waivers do allow students to be placed in programs other than structured english immersion (§15-753:A).

The following review of the literature is not complete. Rather, it introduces some of the "classic" studies in the field, provides findings from recent studies that meet the NCLB definition of "scientifically based research" that is based on the medical model (Type IA or IB as defined in table 19, or §9101(37) of NCLB), and summarizes a broader set of research studies in the field.

In one of the first in-depth descriptive studies of successful instruction strategies for English learners, Tikunoff[3] identified five instructional features exhibited by 52 teachers working with EL students that were considered "significant" in terms of students' reaching the two goals of EL education: acquisition of English proficiency and progress toward acquisition of academic or basic skills proficiency. "Significant" was defined as

- Identified in the research literature as producing positive instructional results for EL and other students.
- Occurred frequently and with high quality in each of the classrooms studied,
- Recognized by the teachers as being important and successful in their instruction, and
- Associated with desirable consequences for EL students, based on specific features or cluster of features.

Table 19. Advantages and Challenges of Instructional Programs

Model		Advantages	Concerns/Challenges
Instruction in L1 & English	Early-exit transitional (TBE)	▪ Makes efficient use of limited bilingual teachers by concentrating them at early grades ▪ Maintains L1 oral fluency ▪ Builds in bilingual communication with parents ▪ Improves skills in math, English language, and reading better than expected in comparison to at-risk students in general populations	▪ L1 skills may not be fully enough developed to allow transfer to English ▪ Most students remain in this program longer than expected ▪ Success of early-exit TBE often measured more by speed at which students are mainstreamed than content-area learning ▪ Model aspires to monolingualism and does little to address the causes of bilingual students' underachievement
	Late-exit TBE, Developmental, or maintenance	▪ Encourages proficient bilingual students ▪ Strong promotion of students' L1 literacy skills not only develops a conceptual foundation for academic growth but also communicates clearly to students value of cultural and linguistic resources they bring to school ▪ Increased involvement of minority-language speaking families in children's education because of L1 use	▪ Students entering late or exiting early from the program (transience) ▪ Maintaining continuity of program model across grades and schools
	Bilingual immersion, integrated TBE	▪ Appear to improve language arts achievement compared to TBE ▪ Increase academic and social contact of minority and majority students through integrated classrooms ▪ Supports bilingual students who have been mainstreamed	▪ Students may be unprepared for transition to mainstream classrooms ▪ In practice, may become submersion with L1 support, if teachers and languages do not have equal status
	Dual language immersion or two-way bilingual	▪ Students learn language and acquire positive cross-cultural attitudes from each other and teachers ▪ Integrates minority children and English-speaking peers ▪ Evaluations indicate effectiveness in promoting academic achievement and high levels of language proficiency for both groups of students	▪ Language used in early grades of immersion may be modified to accommodate English-speaking students, affecting language development of language minority students ▪ Privileged status may be conferred on participating language-majority students
	Canadian French immersion	▪ Students achieve high level of fluency in L2 ▪ Students score at or above norm of English speakers in monolingual English programs in tests of reading and math	▪ Students' L2 is "fossilized" since there is no contact with native L2 speaking peers ▪ Limited interpersonal communication skills

Table 19. Advantages and Challenges of Instructional Programs (continued)

Model	Advantages	Concerns/Challenges
Canadian French immersion	▪ Students achieve high level of fluency in L2 ▪ Students score at or above norm of English speakers in monolingual English programs in tests of reading and math	▪ Students' L2 is "fossilized" since there is no contact with native L2 speaking peers ▪ Limited interpersonal communication skills
Indigenous language immersion	▪ Programs shaped and supported by local people with authority to mold social environment of the school ▪ Arizona-Navajo/English program improved academic achievement, scoring higher than neighboring schools, other Navajo-speaking students on the reservation, & other Indian students on CAT reading test	▪ Few texts and curricula available in indigenous languages ▪ Few programs extend beyond elementary school ▪ Some indigenous languages have no orthography
ELD/ESL Pull out	▪ Students with different L1 can be in the same classroom ▪ Flexible in accommodating small numbers of ELLs with diverse languages ▪ Teachers do not need to be fluent in primarily language(s) of students	▪ Very costly as additional ESL resource teachers must be used ▪ Does not build on students' L1 for academic development ▪ Pull-out may stigmatize students ▪ Pull-out may require students to miss content instruction
SEI	▪ Allows for English content instruction for ELLs with intermediate English language fluency and literacy ▪ Students with different L1 in the same class	▪ Complex subject matter content could be diluted ▪ Rapid mainstreaming before development of sufficient English proficiency ▪ Much variation in models ▪ Definitional blurring common in research
Submersion with L1 support	▪ Provides some support and access to comprehensible input	▪ Largely a "sink or swim" method ▪ Neglects literacy development ▪ Insufficient access to academic content

The study sites represented a broad range of educational approaches, curricula and program content, instructional goals and objectives, ethno-linguistic groups, and instructional materials. There also was a broad range of school district policies and educational philosophies, and teachers' theories differed with respect to appropriate instructional approaches for developing EL students' English language proficiency and content knowledge. Nevertheless, all 58 teachers exhibited all five significant instructional features frequently, consistently and with high quality. The five instructional features are:

- Exhibiting "active teaching" behaviors, including communicating clearly, obtaining and maintaining students' engagement, and monitoring students' progress and providing immediate feedback;
- Using both L1 and English effectively for instruction and alternating between the two when necessary for clarity of instruction for ELs;
- Integrating English language development with academic skills developing, enabling EL students to acquire English terms for concepts and lesson content even when L1 is used for some portion of instruction;
- Responding to and using information from the EL students' home culture(s) for instructional purposes and observing the values and norms of the students' home culture(s) while teaching majority cultural norms and values; and
- Communicating high expectations for students and a sense of self-efficacy in terms of their own ability to teach all students.

It is important to note that no research was identified for this report that contradicted any of these significant features. Rather, many of these features are evident in nearly all successful programs for EL students and many successful programs for all students.

In another study that now is considered classic, Ramírez studied three different instructional methods—structured English immersion, early-exit transitional, and late-exit transitional—for Spanish-speaking EL students in California.[4] At the time of the study, early-exit transitional programs were the most typical program funded by the U.S. Department of Education. The purpose of the longitudinal eight-year study was to compare that method to structured English immersion (SEI) and late-exit strategies to early-exit strategies to determine their relative effectiveness.

Across the years of the study, Ramírez found that the three programs did represent three distinct instructional modes, differing primarily in the amount and duration of English an Spanish used for instruction. … Data show that the programs … are more similar than different in the instructional strategies used. … With two exceptions, the three programs are comparable with respect to the qualilty of instruction provided (i.e., engaged academic time, use of realia, complexity of language, content, or context of utterances). Two indicators of program quality suggest an advantage of late-exit programs. First, late-exit teachers assign and correct homework more often than either immersion strategy or early-exit teachers. Second, late-exit language minority parents are more involved in their children's schooling than parents of children in the immersion strategy or early-exit programs.

Other findings included:

- Neither SEI nor early-exit programs reclassified or mainstreamed their students early, but kept them in the program for at least five years;
- Late-exit students were reclassified more slowly, generally being mainstreamed after grade 6;
- Late-exit teachers were more like their students – they tended to speak Spanish, had similar backgrounds to their students, and had advanced training in meeting the needs of their students;
- SEI and early-exit teachers were not Hispanic, spoke little Spanish, and had less advanced training;
- ELL students can be provided with substantial amounts of L1 instruction without impeding their acquisition of English language and reading skills;
- ELL students who received 40 percent of their instruction in L1 continued to increase their achievement in content areas while acquiring English skills;
- ELL students who were quickly transitioned into English-speaking mainstream classes tended to grow more slowly than the norming population; and
- By the end of third grade, after four years of schooling, there were no differences in the level of achievement or the rate of growth in achievement in mathematics English language, or English reading between students in SEI and students in early-exit transitional programs.

In 1982, Virginia Collier and Wayne Thomas began a 14-year study of more than 700,000 students, primarily from five large school districts in geographically disparate areas where instructional programs were well-implemented.[5] In this study, "success" or "effectiveness" was defined as " … English learners reaching eventual full educational parity with native-English speakers in all school content subjects (not just in English proficiency) after a period of at least 5-6 years." A brief summary of their findings indicate that:

- Students who use L1 for academic work are more successful academically in English;
- The type of English instructional support is key and must be used to provide students with access to the full curriculum through ESL content or sheltered academic instruction;
- Learning must be interactive and active, with students working cooperatively together in a socioculturally supportive environment; and
- Bilingual/ESL program models that find ways to integrate with grade-level classes in the mainstream instructional program can be highly effective.

Finally, Thomas and Collier found a distinct pattern in academic achievement, when that achievement is measured through English-language standardized tests. The average performance of native-English-speaking student is 50 normal curve equivalents (50 NCEs), with NCEs ranging from 1 to 99. Only students in two-way immersion programs and programs using developmental bilingual education with content ESL scored above 50 NCEs by high school. The other program types (late-exit transitional bilingual education with content ESL, early-exit transitional bilingual education with traditional ESL, ESL taught through academic content, and traditional ESL pullout), scored from 24 through 40 NCEs by high school and continued to grow, but not outgrow their English-speaking peers, by about midschool.

It should be noted that the Thomas and Collier studies have remained somewhat controversial, primarily because they have given only very general descriptions of the school districts or schools they studied. However, the findings cited here have, for the most part, been confirmed by other researchers using other methodologies. As two examples, Thomas and Collier's conclusions concerning early-exit transitional bilingual education, late-exit transitional bilingual education, and SEA are supported by the work of the Ramírez study (Ramírez et al., 1992) and their conclusions regarding building on students' background knowledge, drawing on students' personal experiences, and supportive techniques for academic learning are supported by reports by the Center for Applied Linguistics[6]

Rather than looking for differences or similarities across various populations, Berman, Minicucci, McLaughlin, Nelson and Woodworth conducted a four-year study in which the first phase was to identify highly successful schools that were funded through then-Title VII (now Title III) five-year schoolwide reform grants.[7] The case studies presented " … show how exemplary pedagogical practice within a framework of support provided by the school, district, and/or external factors can create effective and exciting education for LEP students." They summarize their overall findings across the case studies in seven lessons:

1. A comprehensive, schoolwide vision provided an essential foundation for developing outstanding education for LEP students.
2. Effective language development strategies were adapted to different local conditions in order to ensure LEP students access to the core curriculum.
3. High-quality learning environments for LEP students involved curricular strategies that engaged students in meaningful, in-depth learning across content areas led by trained and qualified staff.
4. Innovative instructional strategies that emphasize collaboration and hands-on activities engaged LEP students in the learning process.
5. A schoolwide approach to restructuring schools' units of teaching, use of time, decision making, and external relations enhance the teaching and learning environment and foster the academic achievement of LEP students.
6. External partners had a direct influence on improving the educational program for LEP students.
7. Districts played a critical role in supporting quality education for LEP students.

Studies that Meet the NCLB Definition of "scientifically based research"

A few studies in the area of ELL education meet the mandates of NCLB regarding scientifically based research. The most promising and eagerly awaited is under way at the Center for Applied Linguistics (CAL). Called the *Development of Literacy in Spanish Speakers* (DeLSS), the research by these investigators has as its goal the development of new knowledge relevant to the critical factors that influence the development of English-language literacy (reading and writing) competencies among children whose first language is Spanish; to date, 5,600 students have been included in the studies. This initiative, jointly organized and funded by the National Institute of Child Health and Human Development (NICHD) and the Institute of Education Sciences (IES) of the U.S. Department of Education, was funded in 2000. The funding period runs through 2004 (although some of the smaller projects were funded for only two years). The research is aimed at addressing three overarching questions:

1. How do children whose first language is Spanish learn to read and write in English? Specifically, what skills and abilities are required, and what types of home, preschool, child care, school, and cultural experiences and environments are most supportive of English-language literacy development at different phases of development?
2. Why do some Spanish-speaking children have difficulties acquiring English-language reading and writing skills? What specific cognitive, linguistic, environmental, sociocultural, neurobiological, and instructional factors impede the development of accurate and fluent English reading and writing skills, and what are the most significant risk factors that predict difficulties in the development of literacy skills?
3. For children whose first language is Spanish which instructional approaches and strategies are most beneficial, at which stages of reading and writing development, and under what conditions? Also, what teacher knowledge, teaching skills, and instructional strategies are required to ensure optimal outcomes?

The DeLSS study about which most has been reported aims to evaluate the effectiveness of various instructional models for ELLs. The title of the project is "Study on The Effects of Transitional Bilingual Education, Two-Way Bilingual, and Structured English Immersion Programs on the Literacy and Oracy of Spanish-Dominant Children." The study addresses the question of what language should be used to instruct ELLs. It is important because current studies of effective models are inconclusive, very little research on innovative two-way bilingual programs exists, and selection bias is a problem with most studies of bilingual models because entrance is usually by parent choice. This four-year study randomly assigned students in grades K–3 to various instructional models. Two sub-studies focused on 1) comparing Structured English Immersion (SEI) to Transitional Bilingual Education (TBE) and 2) comparing SEI to Two-Way Bilingual Education (TWB). The study was conducted in 30 schools throughout the country and, for consistency, involved the implementation of the *Success for All* reading program in all models (adaptations existed for two-way bilingual and transitional programs). Development and pre-planning with schools took place during the 2003-2004 school year. Extensive training for all teachers was part of the study. A full-time facilitator was at each site, and leadership institutes were held for principals of participating schools. Workshops in Spanish and English were implemented for parents in order to increase parental involvement and communication. (It will be important to watch the CAL Web site as data analysis continues: www.cal.org/delss/index.html.)

One of the few completed studies deals with teaching ELL students to read. As noted by Robert Slavin:[8]

> The debate about effective reading programs for English language learners has revolved primarily around the question of language of instruction. Teaching reading to English language learners presents a dilemma. How can these children learn an unfamiliar language and learn to read that language at the same time? Native English speakers learn to read primarily by applying phonics skills to put sounds together until they match words in their speaking vocabulary (National Reading Panel, 2000). It's easy to put the sounds /c/ /a/ /t/ together into the word "cat," but what if you don't know the word "cat"?

Two schools of thought have addressed this problem in very different ways. Both groups agree that success in English reading is the essential goal, but they believe in different paths to that goal. Advocates of native language, or bilingual, instruction, argue that it is

essential to teach reading in the native language first, and only after the child is proficient in that language and has developed substantial proficiency in spoken English should he or she be transitioned to English-only reading instruction. A related school of thought advocates paired bilingual instruction, in which English language learners are taught reading both in their native language and in English at different times of the day. This is at the core of two-way bilingual instruction, where ELLs and native English speakers both learn to read in both languages.

Slavin and Cheung completed a review of the research by applying consistent standards to the reading studies they identified. The studies had to compare bilingual instruction to English-only instruction with ELL students, and there had to be evidence that the two groups were comparable in reading performance before the reading programs began. The programs had to be in place for at least one year, and a quantitative, objective measure of reading had to be used. These criteria made the study "scientifically based" as defined within NCLB. For elementary reading, 17 studies met the criteria. As stated in the report, "Most studies found significant positive effects of bilingual education on reading performance, and others found no differences, but in no case did results from an English-only strategy exceed those from a bilingual strategy."

Some techniques work within the framework of content-based ESL and sheltered curricula. Through research at CAL, the Sheltered Instruction Observation Protocol (SIOP model) was developed over several years. The purpose of SIOP is to identify features of sheltered instruction that can enhance and expand teachers' instructional practices, particularly in the content areas. SIOP originally was developed as an observation and rating tool for researchers to use when working with teachers in classrooms. However, teachers discovered its potential as a tool for lesson planning and reflection. These teachers were using sheltered instruction in a variety of settings, including traditional English as a second language (ESL) classrooms, content-based ESL classes, and sheltered content classes. The basics of SIOP include:

1. Preparation (teacher prepares a lesson using SIOP methodology),
2. Building background schema for ELLs by knowing students needs and developing activities based on their background,
3. Comprehensible input,
4. Using strategies that can help students include scaffolding techniques and paraphrasing,
5. Interaction among students and within larger groups,
6. Practice and application involving students and using different techniques,
7. Lesson delivery using different methods that allow students to be readers, speakers and writers, and review and assessment of students' achievement of content and language objectives.

Teachers using SIOP have participated in research studies. Students in these class-rooms, when compared to students whose teachers did not use SIOP, showed much greater increases in writing (language production, focus, support/elaboration, organization and mechanics). (See www.cal.org for further information and details about SIOP.)

Programs for secondary ELL students

The studies described above, and most of those in the literature, are devoted to the education of younger ELL students. Nearly one-half of the ELL student population is in grades K-3 and over one-third are in grades 4-8. However, the 19 percemt of students who are in high school have very different needs that cannot be met merely by changing a few elements of programs designed for younger students.[9]

The Northwest Regional Education Laboratory (NWREL) identified 73 studies that documented educational achievement of secondary students when educated with specific language instruction educational programs, less than 20 of which met the NCLB standards for scientifically based research (including many that named the instructional approach but did not provide a description of the approach).[10] This review defined "secondary" as students in middle school, junior high school or high school. As explained in the report:

> As early as the fourth grade, NAEP data indicate that Latino students as a group are behind their white, non-Latino counterparts. This distance builds up through secondary school. Middle school and high school grades nine and ten are when the problems of early schooling come to a head or are detected, when it is more of a challenge for schools to address foundational learning and for students to effectively catch up.

NWREL identified:

- Problems with the education of secondary ELL students (e.g., failure to recognize the diversity of secondary ELL students and the complexity of their needs, lack of support services, shortage of trained teachers, and inadequate assessment).
- Effective school features for secondary ELL students (e.g., a positive, safe, inclusive, and caring school climate; adequate funding; quality leadership; professional development for teachers; and linked curriculum and assessment).
- Other school factors that appear to support ELLs in language acquisition and school retention (e.g., teachers and other influential adults who speak students' L1, a climate that empowers staff to implement best practices,, and flexibility in both content and delivery of the curriculum.

With respect to language instruction educational programs, the results are more mixed than for younger students. In fact, NWREL states that " … it is clear from reviewing the literature that no one program is the best for all secondary-level ELL students or schools. Student and staff characteristics and local context are important … " so that " … a number of the ELL authors recommend that teachers and administrators understand and implement principles of general school improvement and classroom effectiveness to make a long-term positive impact on all student behaviors and performances." Although they do note that curriculum must include " … articulation and coordination within and between schools, some use of native language and culture in the instruction of ELL students, value placed on diversity (especially linguistic and cultural backgrounds of students … " as well as a curriculum " … that includes both basic and higher-order skills, explicit skills instruction, … use of instructional strategies that enhance understanding, … systematic student assessment, and problem solving."

The authors also identified some student variables that appear to be associated with student academic success in language instruction educational programs:

- Students' ability to become English proficient varies depending on their age at arrival in the United States.
- Students' ability to succeed academically (i.e., in content areas) was affected by their level of schooling and literacy levels before arrive in the United States, with greater success on the part of students who are strong readers, have access to books, are literate in L1, and have had some content learning in L1.
- Students' individual learning styles and personality factors can lead to differential success in school.
- Students who are able to assimilate to the culture of the school and community are more successful.

Teacher behaviors, attitudes and skills

For students to succeed in the classroom, teachers must exhibit behaviors and attitudes that have a positive effect on students and who must have the skills necessary to implement the program with fidelity and with understanding. A major focus of NCLB, in both Title I and Title III, is the preparation of teaching staff – Title I requires teachers and paraprofessionals to be "high quality:"

1. All newly hired teachers who teach in a program supported by Title I funds must be highly qualified (HQ).
2. All teachers teaching core academic programs must be HQ by 2005.
3. Teachers must be highly qualified NOW if they are paid with Title I funds, teach in a schoolwide school program, or teach in a private school used as a Title I alternative.
4. To be highly qualified, the requirements are a bachelor's degree, full state certification, and subject matter competency.
5. Teachers also can meet certification requirements through requirement of years you have taught, or if they are in an alternate route to certification program.
6. Teachers must receive professional development before and after starting to teach.
7. In charter schools, to be highly qualified, teachers must meet subject-matter competency, have a bachelor's degree, and meet state standards for charter school teachers.
8. New teachers in elementary schools must pass a rigorous state test in reading, math, writing and other areas, or have an equivalent degree.
9. New teachers in middle and high schools must pass a written test, or have an equivalent degree.

Alternative standards, referred to as the Highly Objective Uniform State Standards of Evaluations, also can be used to determine whether veteran teachers are highly qualified. Teachers in content-based ESL classes and bilingual education classes must meet the Title I requirements for "highly qualified" and the Title III requirements, which basically state that teachers in content areas must have at least a bachelor's degree and a full (not provisional or waivered) teaching credential. ESL teachers who do not provide core subject instruction do not need to meet the highly qualified requirements, but they still must meet Title III requirements. Although ESL currently is not considered a core academic subject area, this is an issue of continuing debate in professional organizations.

Walsh and Snyder have conducted a study to determine how states are responding to the NCLB requirement to have a highly qualified teacher in every classroom by 2005.[11] New teachers must show that they are highly qualified by majoring in a subject area or passing a content exam. Experienced teachers may show that they are highly qualified through the two same means, or through a third option offered by NCLB: *High Objective Uniform State Standard of Evaluation* (HOUSSE). According to HOUSSE, teachers must meet a set of standards for subject matter knowledge:

- Set for grade appropriate subject matter knowledge and teaching skills;
- Aligned with state's content standards;
- Provide objective, coherent information on teachers' subject matter competency
- Applied uniformly;
- Take into consideration, but not be based primarily on, the time a teacher has been a teaching a subject;
- Made available to the public; and
- Optionally, involve multiple, objective measures of teacher competency.

Walsh and Snyder found that two states (Colorado and Oregon) elected not to offer experienced teachers a HOUSSE option but are requiring all teachers to show coursework, equivalent hours Iofprofessional development, or testing. The other states tended to choose one of three HOUSSE plan models:

1. A point system in which teachers earn points toward highly qualified status (usually 100 points), including earning points retroactively – 30 states;
2. Observation and evaluation based on a series of teaching criteria that includes a strand for the teacher's content knowledge, generally similar to traditional teacher performance evaluation – 11 states; and
3. Asserting that their current system of certification is sufficient to show that their teachers are highly qualified because they have rigorous subject requirements – 7 states.

All states were given grades from "A+" (one state, Colorado) to "F" (eight states). The findings indicate four general categories into which states fall. In hierarchical order:

- Nine states have implemented rigorous systems that demonstrate objective evidence of teachers' subject matter knowledge.
- Nine states have put great thought into their HOUSSE plans, but have not been able to implement them, often due to intensive paperwork requirements that place a burden on teachers, schools, and districts.
- Twenty-one states have plans that "add no value." In some instances they rely too heavily on old systems of certification or evaluation, and in other instances they consist of elaborate plans that have little to do with content knowledge.
- Eleven states have not completed their plans, but current drafts indicate that they range from strong to failing.

The state of Arizona was given a "D" grade. As indicated by the authors:

> A basic point system that also misses the point with its disregard for the value of academic coursework in the teacher's subject area. Up to half of a teacher's points can be earned through experience and all of a teacher's points can be earned through

> professional development—which would be fine if the professional development was [sic] specific to a teacher's content area, but the state doesn't say that needs to be the case. Instead, HOUSSE-related professional development can include such irrelevant activities as committee work. Elementary and middle school teachers are allowed to count any coursework they took in methods, child development, or child psychology in place of content coursework. One plus is that the system places a limit on the number of points a teacher can earn through some of the less content-related activities (professional service, awards and presentations), but given all of the other ways to pile up points, these limitations may not sufficiently strengthen the plan.

Finally, four organizations in California created a joint position paper on policies and practices that should be required for teachers in preparation to work with ELL students.[12] The Joint Committee created seventeen standards, in six areas for teaching ELL students. They are listed here because they support the review of the literature on effective programs for ELLs and because they support other literature on teacher behaviors and activities that promote the educational success of ELLs.

- Engaging and supporting all students in learning –

  Acknowledge that "engaging" needs to be interpreted as providing quality instructional practices that explicitly engage and support the language and culture of English language learners;
  Support ELLs' oral language development in L! as a bridge to literacy in both L1 and English;
  Encourage that native language knowledge and cultural experiences be integrated into the curriculum in a meaningful and consistent way; and
  Recognize that the language of greatest understanding be used to give increased access to academic content learning.

- Creating and maintaining effective environment for student learning –

  Reaffirm, through this standard and related "elements," the crucial link between language, culture, self-esteem, and fairness in the classroom;
  Ensure that non-English languages be respected and awarded status in the classroom; and
  Encourage the use of student's L1 at appropriate times during classroom instruction and to include the use of L1 reading materials as well.

- Understanding and organizing subject matter for student learning –

  Allow for a bi-literacy model of instruction for ELLs as a means of organizing subject matter for student learning. And, that biliteracy should be encouraged where students' first language and English co-exist daily in the classroom to provide meaningful educational experiences; and
  Encourage teachers to organize language resources to provide L1 and English instruction and to make grade level content comprehensible to ELLs.

- Planning instruction and designing learning experiences for all students –

  Recognize that planning instruction and designing learning experiences for ELLs explicitly consider the nature of language and subject matter goals, and, since SDAIE-only instruction[13] prevents many ELLs from receiving grade level content, native language instruction be encouraged as a means of teaching subject matter.

- Assessing student learning –
  Eliminate the mandate to test ELLs on English standardized tests i.e., SAT 9, until they reach a predetermined academically competitive literacy level in English and/or their native language. Furthermore, that scores on the SAT 9 or any other English standardized test not be used to retain ELLs. Finally, that test results of these measures not be included in ELLs' cumulative school records.
  Require that academic performance measures allow ELLs to demonstrate achievement of content standards. Those measures need to fairly and accurately assess what students know and can do.
  Require that tests be used for the purpose for which they were developed, thus, assuring proper validity, reliability, "norming populations," and that the language of the tests be considered when administering them to ELLs.

- Professionalism –
  Encourage teachers to view school staff community, and parents as partners in the education of their children and proactively seek their assistance with lalngauge resources to benefit ELLs;
  Encourage school/district staff development programs and beginning teacher training programs to continually offer training on how to diagnose, prescribe, and assess instruction for all students, including ELLs;
  Encourage teachers, schools, and community to work collaboratively to ensure that language resources are available for ELLs for academic instruction and counseling; and
  Support the continuance of [ESL-type] and [bilingual-type] teacher credential/certificate programs as pedagogically sound ways to prepare teachers to educate ELLs.

At the secondary level, NWREL also identified teacher classroom behaviors or attitudes that the literature indicated seemed to support the success of ELL students. Their major finding was that " … teacher isolation appears to hamper knowledge sharing between teacher specialists for ELLs and content-area teachers and may also hamper staff members from sharing a strong commitment to assist ELL students schoolwide". In addition teacher pedagogical behaviors that may affect English acquisition include the amount of interaction between teachers and students and among students, how negative and positive feedback is given, attentiveness to assisting students' academic vocabulary development so they can become part of academic "discourse communities," and the sequencing or scaffolding of content.

Tracking also may affect the both the attitudes of teachers and ELLs' experience in the English-language classroom. As with many students, those who are tracked into lower ability classrooms with diminished English language environments have a less positive experience than students who are not tracked into lower ability classrooms. In addition, it appears that immigrant students may fare better within the school " … in negotiating their way to higher academic-ability classes and with their teachers, due to their aspirations"[14]

As might be expected, teachers who value ELL students' language and culture, and value the families, appear to be an important factor.

Assessment of ELLs

Finally, as well as having appropriate curricula and well-prepared teachers, ELL students also must be assessed fairly and accurately. States and local school districts must involve all students, including ELLs, in large-scale testing. NCLB specifically says that states must include all ELL students in their state assessment system beginning immediately when the student enrolls in school (§1111(b)(3)(C)(x)). Both Title I and Title III require states to provide reasonable accommodations on state academic content assessment for ELL students, including, to the extent practicable, native language versions of the assessments. In so doing, NCLB acknowledges that accommodations will provide more accurate and reliable information about what ELL students know and can do in meeting the state academic content and achievement standards.[15] However, when and how ELLs should use accommodations remains problematic. For this reason, many states and schools, as well as researchers, have turned to the legislation that supports the use of accommodations for students with disabilities. Although the two populations of students are quite different, both face certain testing situations in which it is unclear whether they have an equal opportunity to show what they know and can do – to show their achievement. An accommodation is a change in testing conditions that does not interfere with the validity or reliability of the test's results.[16]

Accommodations may permit a change in presentation format, response format, timing or scheduling format, test setting, and/or language in which the test is written. Whether to allow accommodations for ELL students, and which accommodations to allow, currently is a state-by-state decision, with several states providing lists of "approved" accommodations from which local districts can choose. Many accommodations are fairly commonly used or suggested for ELL students. Some are specific to ELL students (e.g., providing customized glossaries), while others may assist native English speakers as well (e.g., allowing students to mark their answers in testing booklets). Abedi, Lord, Hofstetter and Baker[17] suggest that an accommodation that benefits both ELLs and native Engilsh speakers or fluent English proficient students is not valid because an accommodation for ELL students, by definition, must be used only with those students and must benefit only those students. In support of this, Abedi and Lord found that accommodations that help ELLs get through the language barriers of the assessment may be the most useful and do not assist EO students, making them both practical and valid.

When a district selects accommodations that is believes is appropriate for its students, it will be important to consider:

- The proficiency levels (in English and home language) of their students;
- Home language(s) of students – both the number of languages and which languages are represented;
- The length of time students have been attending schools in the United States;
- The resources available for creating, maintaining and providing accommodations (including personnel, physical space, time, and finances);

- Whether accommodations should be provided to ELL students or to both ELL and EO students.
- The reliability, validity, and fairness of the selected accommodations;

The accommodations that current research indicates are the most effective and fair for ELL students are listed below.

- Modification of linguistic complexity — Reduce the use of low-frequency vocabulary and language structures that are incidental to the content knowledge being assessed.[18]

- Glossaries — Provide glossaries or customized dictionaries that include only words that appeared in the test items and definitions that do not give away answers to test questions.[19]

- Home language assessment — Provide assessment in the native language for students who are receiving or have recently received instruction in that language.[20]

- Linguistic modification of test directions — Oral translations, explanations in English or the home language, and simplified instructions may help ELL students.[21]

- Answers written directly in test booklet—indicating answers directly in the test booklet—an accommodation that may be especially appropriate in states with populations of American Indian students.[22]

Summary and Conclusions

Perhaps the best summary of the research cited in table 19, modified from one created by Robert Linquanti. This table lists the instructional models and the advantages and concerns or challenges of each. The literature on which the exhibit is based has been, for the most part, cited in this document.

Effective Programs for Arizona

What are the essential elements for a language instruction educational program that meets federal and state legislative requirements? In examining table 19 in combination with the literature reviewed, a program can be briefly described as having several components, each of which is aligned with and supports each of the others. The description of the program, and the laws on which the recommendation is based, are provided in table 20.

Table 20. Description of Basic Program, as Required by Federal and/or State Laws

Description of program		Required by:	
		NCLB	AZ
Identification	Parents identify primary/home language of student on home language survey completed on enrollment in the school/district. Primary or home language other than English = PHLOTE		×
	Assess PHLOTE students for English language proficiency	×	×
	If district receives federal funds, PHLOTES must be assessed within 30 days of school opening	×	
	If district does not receive federal funds, PHLOTES must be assessed within 60 days of school opening		×
	Based on English language proficiency, students will be placed in appropriate program	×	×
Proficiency	State/district will develop English language proficiency standards that are aligned with achievement of the state academic content and student academic achievement standards	×	
	Students must be assessed at least annually	×	×
	Students must show annual progress in English proficiency (AMAO #1)	×	×
	Students will attain English language proficiency (AMAO #2)	×	
	District/state will report percentage of students meeting AMAOs	×	
Achievement	State/district will develop challenging academic content and student achievement standards in core subjects	×	
	Schools/districts will meet annual yearly progress (AYP) in core content areas (AMAO #3)	×	
	Schools/districts will report important subgroups' (e.g., ELLs') achievement of AYP	×	
	Annual assessment of students at specific grade levels/grade groupings	×	
	Assess students in valid and reliable manner, including reasonable accommodations and, to the extent possible, assessments in language and form most likely to yield accurate data	×	
	Multiple, up-to-date assessments	×	
	Report percentage of students not receiving waivers for reading or language arts assessments	×	
Program	Use approaches and methodologies shown to be effective through scientifically based research	×	
	Provide instruction using any type of instruction the state or district chooses (as long as choice is evidence-based or can show local effectiveness)	×	
	Provide instruction in a structured English immersion setting unless parents request, and are granted, a waiver bilingual setting		×
	Program must be aligned: standards, curriculum, instruction, assessment	×	
	Report percentage of students who have transitioned into classrooms not tailored to ELL children	×	
	Monitor former ELL students who have transitioned out of the program for two years	×	×

Table 20. Basic Description of Program, as Required by Federal and/or State Laws (continued)

Program	Monitor former ELL students who have transitioned out of the program for two years	×	×
	Provide state with annual evaluation, including data	×	
	Use funds to supplement and not supplant other funds	×	
Staff	Teachers must be highly qualified	×	
	Paraprofessionals must be highly qualified (if funded through Title I)	×	
	Provide high-quality professional development to all educational staff and other school or community-based personnel, including paraprofessionals	×	
	Districts must demonstrate that teacher fluency, including written and oral communication skills, in English and other language(s) as appropriate for the language instruction educational program	×	
Parents	Parents must be notified of their student's achievement in a form and a language they will understand	×	
	Parents must be informed of program placement	×	×
	Parents/community should be involved to the extent possible	×	
	Program may include parent outreach component	×	
	Program may provide family literacy services, including assisting parents to help children improve their academic achievement and become active participants in education of the children	×	
Immigrant students	If a district is experiencing substantial increases in immigrant children & youth, it may receive special funding to provide enhanced instructional opportunities.	×	
	Family literacy, parent outreach, and training for parents in helping children achieve	×	
	Support for personnel to provide services	×	
	Tutorials, mentoring and academic or career counseling	×	
	Identify and acquire curricular materials, educational software, & technologies	×	
	Basic instructional services	×	
	Coordinate with CBOs, IHEs, and private sector entities to assist parents and youth	×	

Investigating Federal Funding for the State of Arizona

The federal government has changed the way it provides funding for ELL programs.[23] Historically, discretionary funds were available to school districts, universities, nonprofit agencies and other educational organizations, with funding based on discretionary grant competitions. Under such a system, the role of the state was one of leadership to informed districts of available funds and help coordinate state-level activity.

The new federal system for distributing the majority of federal funds to state education agencies (SEA) is formula-based. At this time, the federal government still is modifying the formula, but requirements for SEAs have been established. The new NCLB requires that a large percentage of funds be distributed to school districts. How the funds are distributed is determined by individual states. The remaining small percentage can remain within a state department of education. With these funds, state departments of education is required to coordinate professional development activities, provide other types of technical assistance, engage in program planning and evaluation, and oversee interagency agreements.

Since 1965, the federal Elementary and Secondary Education Act (ESEA) has supported programs to improve educational opportunities for ELLs. The most recent reauthorization of ESEA, the *No Child Left Behind Act of 2001*, provides two primary sources of funding for English language learners. The first two sources of funding listed in this section, Title I and Title III of NCLB, both are formula-driven, with specific funds going to each state that requests them. The state departments of education then distribute funds to individual school districts or schools, either through further formulae or, in some cases, through competitive applications. A school district or school need only 1) serve the minimum number of students required, 2) create a Consolidated Application with local plans for using the funds, and 3) complete the appropriate paperwork requesting funds from the state—the funds then should be forthcoming. In general, these funds are available each fiscal year.

The remaining sources listed are discretionary, or competitive, funds. These funds are more difficult to obtain. In each case, a school or district must create an application requesting some amount of funding, within limits specific by the *Request for Applications* (information is available from the Web site of the National Clearinghouse for English Language Acquisition: www.ncela.gwu.edu). After a 30- or 45-day period for writing, applications are sent directly to appropriate federal or private offices, with copies to the state education agency. The offices then arrange for a review of all proposals. Those proposals that most closely match the priorities of the organization and describe a program that receives high marks from the reviewers receive funding. Although these programs may be authorized for several years, Congress and/or the president may choose not to appropriate funds in any given year. The *Federal Register* lists all requests for proposals from the departments and offices within the U.S. government. Each listing provides the program's background; the funding source and contacts within that office; the high, low and average anticipated funding for applications; the number of applications that may be funded; and the full application package.

The following section describes Title I and Title III of NCLB and how these specifically relate to language acquisition programs for English Language Learners. The programs described are those authorized by legislation. Authorization does not guarantee that the

president will request funding or that Congress will appropriate funding. Therefore, the reader is cautioned that not all programs described are either currently funded or will be funded in the future. A second section contains an analysis of the proposed budget for the U.S. Department of Education as presented in the 2006 federal budget, submitted by the president to Congress on February 7, 2006.

U.S. Department of Education, Title I

By far the largest funding source within NCLB is *Title I: Improving the Academic Achievement of the Disadvantaged*. The key purposes of Title I as related to ELL students are to ensure that all children have a fair, equal and significant opportunity to obtain a high-quality education and to reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments. This purpose can be accomplished by:

- Ensuring that high-quality academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are aligned with challenging state academic standards so that students, teachers, parents, and administrators can measure progress against common expectations for student academic achievement; [and]

- Meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, limited English proficient children, migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance (§1101(1-2)).[24]

These funds are distributed to the states on a formula-grant basis, with the states then funding local school districts through either formula or discretionary (competitive) grants. Title I funds several different programs, the most important of which for local school districts are:

- Part A: Improving basic programs operated by local educational agencies;
- Part B: Student reading skills improvement grants, including Even Start Family Literacy Programs;
- Part C: Education of migratory children;
- Part D: Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk;
- Part F: Comprehensive school reform; and
- Part H: School dropout prevention.

As they relate to ELL students, parts A, B and C are most notable.

Part A provides formula funding to local districts and schools. Specific schools may be designated as either "schoolwide" programs or "targeted assistance" programs. A school district may " … consolidate and use funds [for schoolwide programs], together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40% of the children are from low-income families, or not less than 40% of the children enrolled in the school are from such families" (§1114(a)(1)). Targeted assistance programs are for schools

" … that are ineligible for a schoolwide program under §1114, or that choose not to operate such a schoolwide program, [and … they] may use funds received under this part only for programs that provide services to eligible children … identified as having the greatest need for special assistance" (§1115(a)).

Part B involves several different subparts; funding for all four subparts is a combination of formula and competitive, primarily to districts. *Subpart 1 — Reading First* funds are to " … provide assistance to State educational agencies and local educational agencies in establishing reading programs for students in kindergarten through grade 3 that are based on scientifically based reading research, to ensure that every student can read at grade level or above not later than the end of grade 3" (§1201(1)). The priority is for states to fund local school districts and schools that serve a minimum percentage or number of low-income children.

Subpart 2 – Early Reading First funds are to " … support local efforts to enhance the early language, literacy, and prereading development of preschool age children, particularly those from low-income families, through strategies and professional development that are based on scientifically base reading research" (§1221(a)).

Subpart 3 – William F. Goodling Even Start Family Literacy Programs funds are to " … help break the cycle of poverty and illiteracy by:

(1) improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start'" (§1231(1)).

Finally, *Subpart 4: Improving Literacy through School Libraries* is to provide students with increased access to up-to-date school library materials, technologically advanced school libraries, and professionally certified school library media specialists (§1251(a)).

The final Title I area that carries special import for ELL students is *Part C – Education of Migratory Children,"* a formula-driven source of funding. The purpose of Migrant Education, as it is known commonly, is to:

(1) Support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

(2) Ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner; [and]

(3) Design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment (§1301(1, 3, 5)).

Not only are ELL children and youth specifically referenced in numerous places throughout Title I: Part A and in Title I: Part C, but ELL children and youth tend to be from economically disadvantaged families and tend to be enrolled in schools that serve a high number of low-income families, which is addressed throughout Title I. As referenced above, Title I funding is extremely large. However, many people are not aware of the extent to which Title I can, and should, serve ELL students. These are funds that can be used to:

- Develop or purchase educational programs,
- Develop or purchase assessments,
- Purchase software and other technological aids,
- Provide professional development for all educational staff,
- Require high-quality, highly prepared teachers (particularly in Subpart A),
- Require high-quality, highly prepared educational aides (particularly in Subpart A),
- Provide educational programs for ELL students' extended families,
- Involve ELL students' extended families in the education of their children,
- Improve school libraries (particularly in Subpart B), and
- Improve statewide databases (particularly in Subpart A).

U.S. Department of Education, Title III

Other federal funding that is specific to ELLs comes from NCLB's *Title III: Language Instruction for Limited English Proficient and Immigrant Students*. The key purpose of Title III is to " … help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet" (§3101(1)).

States received Title III funding based on 1) the number of ELL students identified in the last census count (80 percent of funding formula) and 2) the self-reported number of immigrant students identified in the past year (20 percent of formula). Two special considerations for states as they provide funds to local school districts are: 1) the states may reserve up to 15 percent of the funds for districts that have experienced a "significant increase, as compared to the average of the two preceding years, in the percentage or number of immigrant children and youth" enrolled (§3114(d)(1)); and 2) funds are passed to school districts based on enrollment figures, except that they " … shall not award a subgrant … if the amount of such subgrant would be less than $10,000" (§3114(b)). Districts that have small numbers of ELLs may, however, identify other small districts and request funding as a consortium.

It is also important to note that, although the majority of ELL students currently are born outside the United States, this is not a "requirement." In fact, ELL, or limited English proficient, students specifically are defined as:

- [Having] sufficient difficulty speaking, reading, writing or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society due to one or more of the following reasons:

- Was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant;
- Is a native American or Alaska native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had significant impact on such individual's level of English language proficiency; or
- Is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant" (Public Law 103-382, §7501).

Overall, Title III funds may be used to:

- Develop or purchase language instruction educational programs;
- Develop or purchase educational materials, including software;
- Develop or purchase appropriate assessment instruments;
- Provide high-quality professional development activities to educational staff and/or community-based organizations;
- Provide tutorials, academic or vocational education, and intensified instruction; and
- Provide community participation programs, family literacy services, and parent outreach and training activities (from §3115(c,d)).

Title III is tied intrinsically to Title I by statements such as Title III programs are " … to assist all limited English proficient children, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with §1111(b)(1)." As noted, above, many students served by Title III are the same as those served by Title I.

U.S. Department of Education: Title III Discretionary Grants for Professional Development

Professional development projects are awarded to colleges and universities, in consortia with state departments of education and/or school districts, for periods of up to five years. Their purpose is to provide " … professional development activities that will improve classroom instruction" for ELL students and " … assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure" (§3131). More specifically, these grants may be used:

(1) For preservice professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals;
(2) For the development of curricula appropriate to the needs of the consortia participants involved; and
(3) In conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve limited English proficient children (§3131(1-3)).

These grants are not available every year and tend to be competitive. However, they also allow flexibility in providing career ladder programs for educational aides, preservice programs for those who currently are in college to become teachers, inservice programs for licensed teachers to upgrade their skills and knowledge in specific techniques for working with ELL students, and/or to provide educational staff who have never worked with ELL students with some general, introductory knowledge.

Other Authorized Programs

Department of Education: Foreign Language Assistance Program (FLAP)

In recent years, the ability to speak more than one language and to understand other cultures has become critical to the U.S. national security, diplomatic efforts and economic future. Programs designed to increase proficiency in languages other than English continue to grow in popularity and importance. Funds are available under NCLB's Title V, Part D, Subpart 9: Foreign Language Assistance Program for innovative model programs to provide for the establishment, improvement or expansion of foreign language study for elementary school and secondary school students. Although "foreign" language programs traditionally are designed for native English-speaking students, other language instruction educational program models, such as two-way immersion, offer the opportunity to both language-majority and language-minority students to become proficient in two languages.

Department of Education: Native American and Alaska Native Children in School

Schools (elementary, secondary or postsecondary) operated predominantly for Native American children may elect to receive Title III funds through this special set-aside from the federal Office of English Language Instruction rather than through regular Title III formula-based allotments from the state departments of education. As this applies to Arizona, the eligible entities include:

(1) An Indian tribe.
(2) A tribally sanctioned educational authority.
(3) An elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.
(4) An elementary school or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or tribal or community organization.
(5) An elementary school or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary school or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization. (§3112(a)(1-2,4-6))

Future Federal Funding Opportunities

Although all of the above programs are authorized by Congress as part of NCLB, the level of appropriation may vary in any given year. In fact, some programs may have no appropriation. The Court requested that NCSL explore potential federal funding sources for ELL activities and programs and report on those that educational entities in Arizona might pursue. This task is difficult, at best, due to the uncertainty of future federal funding

for education. In the president's proposed 2006 budget, more than 150 programs across government would be eliminated, 48 of which are in the Department of Education. An additional 16 programs are proposed to receive less funding than in the previous year. The total reductions proposed for the Department of Education exceed $4.3 billion.

An analysis follows of the president's proposed fiscal year 2006 federal budget for the U.S. Department of Education, which was submitted to the Congress on February 7, 2005. As is often the case, the final budget passed by Congress and signed by the president can differ significantly from that proposed. At this time, however, this is the best information available on programs that might be available to support English Language Learners beginning in fiscal 2006. The program descriptions provided in the analysis are verbatim from the *Budget of the United States Government Fiscal Year 2006-Appendix (Education),* which can be found at: http://www.whitehouse.gov/omb/budget/fy2006/appendix.html.

The funding information is organized by relevant office of the U.S. Department of Education. Within each office, general program areas are identified. These are then further broken down into individual activities. Not all activities are identified; those the President proposes to eliminate are omitted, as are those that, in the judgment of NCSL, have little or no specific relationship to supporting programs for English Language Learners. A notation at the end of the description for each activity identifies whether the president's proposed budget suggests that funding will decrease, remain the same (level funding), or increase.

Of special significance is the proposed reduction noted below in the Office of English Language Acquisition (OELA). This is the only office within the U.S. Department of Education that funds programs specifically for English Language Learners. The proposed reduction is slightly more than 1 percent of OELA's budget for "grants, subsidies, and contributions." If adopted by Congress, this will result in overall less funding being available to serve the ELL population nationally. Since OELA provides formula grants to states, the effect on Arizona will depend upon its growth in the population of ELLs as compared to other states.

Finally, although it is not included in the analysis below, it should be noted that many of the programs proposed for reductions or elimination, although they do not appear to have a direct bearing on language acquisition programs for English Language Learners, at least some may be of indirect benefit. For example, various activities funded by the Office of Vocational and Adult Education are proposed for significant reductions or elimination. Many of these programs have traditionally benefited immigrant populations and other historically underserved populations.

Office of Elementary and Secondary Education

Education for the Disadvantaged

Grants to local educational agencies—Funds are allocated through four formulas—Basic Grants, Concentration Grants, Targeted Grants and Education Finance Incentive Grants—for local programs that provide extra academic support to help raise the achievement of eligible students in high-poverty schools or, in the case of schoolwide programs, help all

students in high-poverty schools to meet challenging State academic standards. States must annually assess participating students in at least reading and mathematics, and school districts must identify for improvement, and provide assistance to, schools that for two consecutive years do not make adequate yearly progress toward helping all groups of students reach the proficient level on the State assessments. Districts must provide students attending such schools the choice of attending another public school that is not identified for improvement. After three or more years of a school not making adequate progress, students who remain in the school are permitted to obtain supplemental educational services from a public- or private-sector provider. Schools that do not improve are subject to progressively stronger corrective actions and, after six years of not making adequate yearly progress, reconstitution under a restructuring plan. (Increased funding over FY 2005, but below FY 2004.)

Reading First state grants—Funds provide assistance to state and local educational agencies in establishing reading programs for students in grades K–3 that are grounded in scientifically based reading research, in order to ensure that every student can read at grade level or above by the end of third grade. (Decreased funding over FY 2005, but slight increase over FY 2004.)

Early reading first—Funds provide assistance to support local efforts, through competitive grants, to enhance the school readiness of young children, particularly those from low-income families, through scientific, research-based strategies and professional development that are designed to enhance the verbal skills, phonological awareness, letter knowledge, pre-reading skills, and early language development of children ages three through five. (Level funding.)

Striving readers—Funds support the development, implementation, and evaluation of scientifically based reading interventions for middle school or high school students reading significantly below grade level. The program complements the Reading First program, which improves reading in elementary schools. (Significant increase.)

Literacy through school libraries—Funds support competitive grants to local educational agencies to provide students with increased access to up-to-date school library materials and certified professional library media specialists. (Level funding in FY 2006 which is one-half of FY 2004 funding.)

High school interventions.—This new initiative would support formula grants to states that would, in turn, award the funds competitively to local educational agencies to enable those entities to implement targeted interventions in high need secondary schools in order to increase student achievement and narrow achievement gaps between students from different ethnic and racial groups and between disadvantaged students and their more advantaged peers. (New program with significant funding.)

State agency migrant program.—Funds support formula grants to states for educational services to children of migratory farm workers and fishers, with resources and services focused on children who have moved within the past 36 months. (Slight decrease.)

School Improvement Programs

Improving teacher quality

Improving teacher quality state grants—Funds support state and school district activities to prepare, train, and recruit high-quality teachers to improve student achievement. (Decrease.)

Early childhood educator professional development— Funds support competitive grants to improve the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty. (Level funding.)

Mathematics and science partnerships—Funds support State and local efforts to improve students' academic achievement in mathematics and science by promoting strong teaching skills for elementary and secondary school teachers, including integrating teaching methods based on scientifically-based research and technology into the curriculum. (Significant increase.)

21st Century community learning centers—Funds support formula grants to states, which award subgrants to communities to provide academic enrichment opportunities and related services to students, primarily students who attend high-poverty schools, and their families during before-school, after-school, weekend, and summer hours. (Decrease.)

State grants for innovative programs—Funds support formula grants to states and local educational agencies to help implement innovative strategies for improving student achievement. (Significant decrease.)

State assessments—Funds support formula grants to states to develop and implement the assessments, and related accountability efforts, that states use to test children in reading, mathematics, and science. (Level funding.)

High school assessments—Funds would support formula grants to states for the development of reading/language arts and mathematics assessments for high school students. (New program.)

Education for homeless children and youth—Funds support formula grants to states to provide educational and support services that enable homeless children and youth to attend and achieve success in school. (Slight decrease.)

Rural education—Funds support formula grants under two programs: Small, Rural Schools Achievement and Rural and Low-Income Schools. Funds under the Small, Rural Schools Achievement program, which provides rural local educational agencies with small enrollments with additional formula funds and flexibility in the use of other Federal formula funds, are allocated by formula directly from the department to eligible local educational agencies. Funds under the Rural and Low-Income Schools program, which targets rural local educational agencies that serve concentrations of poor students, are allocated by formula to states, who in turn allocate funds to eligible local educational agencies within the states. (Level funding.)

Office of Indian Education

Grants to local educational agencies—Formula grants support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students, with the goal of ensuring that such programs assist participating students in meeting the same academic standards as all other students. In 2004, the department made 1,166 formula grants to local educational agencies and tribal schools serving more than 458,000 students. (Level funding.)

Special programs for Indian Children—The department makes competitive awards for demonstration projects in early childhood education, professional development grants, American Indian Teacher Corps grants, and grants for the American Indian Administrator Corps. The professional development awards in this activity are designed to improve the quality of teachers and administrators in school districts with concentrations of Indian students. (Level funding.)

Office of Innovation and Improvement

Recruiting and training high-quality teachers and principals

Teacher incentive fund—Funds will reward teachers and schools that are raising student achievement and closing the achievement gap, provide incentives for effective teachers who choose to teach in low-income schools, and provide funds for the development of performance-based teacher compensation systems. (New program with significant funding.)

Troops-to-teachers—Funds assist eligible members of the armed forces to obtain certification as teachers and to become highly qualified teachers. (Level funding.)

Transition to teaching—Funds support competitive grants to establish programs to recruit and retain highly qualified mid-career professionals and recent college graduates as teachers in high-need schools. (Level funding.)

Advanced credentialing—Funds support the development of an advanced credential based on the content expertise of master teachers. Funds also support related activities to encourage and support teachers seeking advanced certification or advanced credentials. (Significant reduction.)

School choice and flexibility

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Reading is fundamental/inexpensive book distribution— Funds support reading motivation activities, including the distribution of free books to children. (Level funding.)

Office of English Language Acquisition

Language acquisition state grants—This program provides formula grants to states to improve services for limited English proficient and immigrant students. States are accountable for demonstrating that limited English proficient students are learning English and meeting

the same high state standards as all other students. The statute also authorizes national activities including professional development and evaluation, and requires funding for a national information clearinghouse on English language acquisition. (Slight decrease.)

Various Offices

The following programs that may have been used to support English Language Learners during prior fiscal years are proposed for elimination:

- Comprehensive School Reform,
- Migrant Education Projects,
- Educational Technology State Grants,
- Foreign Language Assistance,
- School Dropout Prevention,
- Ready to Teach,
- Parental Information and Resource Centers,
- Safe and Drug-free Schools and Communities State Grants,
- Elementary and Secondary School Counseling, and
- Civic Education.

Investigating Federal Funding for the State of Arizona

The federal government has changed the way it provides funding for ELL programs.[25] Historically, discretionary funds were available to school districts, universities, nonprofit agencies, and other educational organizations, with funding based on discretionary grant competitions. Under such a system, the role of the state was one of a leadership role that informed districts of available funds and helped coordinate state level activity.

The new federal system for distributing the majority of federal funds to state education agencies (SEA) is formula based. At this time, the federal government is still modifying the formula, but requirements for SEAs have been established. The new NCLB requires that a large percentage of funds be distributed to school districts. How the monies are distributed is determined by individual states. The remaining small percentage can stay within a state department of education. With these funds, state departments of education is required to coordinate professional development activities, provide other type of technical assistance, engage in planning and evaluation of programs and oversee interagency agreements.

Since 1965, the federal Elementary and Secondary Education Act (ESEA) has supported programs to improve the educational opportunities for ELLs. The most-recent reauthorization of ESEA, the *No Child Left Behind Act of 2001*, provides two primary sources of funding for English language learners. The first two sources of funding listed in this section, Title I and Title III of NCLB, are both formula-driven, with specific monies going to each state requesting them. The state departments of education will then distribute funds to individual school districts or schools either through further formulae or, in some cases, through competitive applications. A school district or school need only (1) serve the minimum number of students required, (2) create a Consolidated Application with local plans for using the funds, and (3) complete the appropriate paperwork requesting monies

from the state—the funds then should be forthcoming. In general, these monies are available each fiscal year.

The rest of the sources listed are discretionary, or competitive, funds. These are more difficult monies to receive. In each case, a school or district must create an application requesting some amount of funding, within limits specific by the *Request for Applications* (information is available from the website of the National Clearinghouse for English Language Acquisition: www.ncela.gwu.edu). After a 30- or 45-day period for writing, applications are sent directly to appropriate federal or private offices, with copies to the state education agency. The offices then arrange for a review of all proposals. Those proposals that most closely match the priorities of the organization and describe a program that receives high marks from the reviewers receive funding. Although these programs may be authorized for several years, Congress and/or the President may choose not to appropriate funds in any given year. The *Federal Register* lists all Requests for Proposals from the departments and offices within the US government. Each listing provides the background of the program; the funding source and contacts within that office; the high, low, and average anticipated funding for applications; the number of applications that may be funded; and the full application package.

The next section is a description of Title I and Title III of NCLB and how these specifically relate to language acquisition programs for English Language Learners. The programs described are those authorized by the legislation. Authorization does not guarantee that the President will request funding or that Congress will appropriate funding. Therefore, the reader is cautioned that not all programs described are either currently funded or will be funded in the future. This is followed a section that contains an analysis of the proposed budget for the U.S. Department of Education as presented in the 2006 Federal Budget submitted by the President to Congress on February 7, 2006.

U.S. Department of Education, Title I

By far the largest funding source within NCLB is *Title I: Improving the Academic Achievement of the Disadvantaged*. The key purposes of Title I as relates to ELL students are to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments. This purpose can be accomplished by:

1) ensuring that high-quality academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are aligned with challenging State academic standards so that students, teachers, parents, and administrators can measure progress against common expectations for student academic achievement; [and]

2) meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, limited English proficient children, migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance (§1101(1-2)).[26]

These funds are distributed to the states on a formula-grant basis, with the states then funding local school districts through either formula or discretionary (competitive) grants.

Title I funds several different programs, the most important of which for local school districts are:

- Part A: Improving basic programs operated by local educational agencies, Part B: Student reading skills improvement grants, including Even Start Family Literacy Programs
- Part C: Education of migratory childrenPart D: Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk
- Part F: Comprehensive school reformPart H: School dropout prevention

As relates to ELL students, Parts A, B, and C are the most notable.

Part A provides formula funding to local districts and schools. Specific schools may be designated as either "schoolwide" programs or "targeted assistance" programs. A school district may "consolidate and use funds [for schoolwide programs], together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40% of the children are from low-income families, or not less than 40% of the children enrolled in the school are from such families" (§1114(a)(1)). Targeted assistance programs are for schools "that are ineligible for a schoolwide program under §1114, or that choose not to operate such a schoolwide program, [and … they] may use funds received under this part only for programs that provide services to eligible children … identified as having the greatest need for special assistance" (§1115(a)).

Part B involves several different subparts; funding for all four subparts is a combination of formula and competitive, primarily to districts. *Subpart 1 — Reading First* funds are to "provide assistance to State educational agencies and local educational agencies in establishing reading programs for students in kindergarten through grade 3 that are based on scientifically based reading research, to ensure that every student can read at grade level or above not later than the end of grade 3" (§1201(1)). There priority is for states to fund local school districts and schools serving a minimum percentage or number of low income children.

Subpart 2 – Early Reading First funds are to "support local efforts to enhance the early language, literacy, and prereading development of preschool age children, particularly those from low-income families, through strategies and professional development that are based on scientifically base reading research" (§1221(a)).

Subpart 3 – William F. Goodling Even Start Family Literacy Programs funds are to "help break the cycle of poverty and illiteracy by:
(2) improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start'" (§1231(1)).

Finally, *Subpart 4: Improving Literacy through School Libraries* is to provide students with increased access to up-to-date school library materials, technologically advanced school libraries, and professionally certified school library media specialists (§1251(a)).

The final area of Title I that carries special import for ELL students is *Part C – Education of Migratory Children,"* a formula-driven source of funding. The purpose of Migrant Education, as it is known commonly, is to

(4) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;
(5) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner; [and]
(6) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment (§1301(1, 3, 5)).

Not only are ELL children and youth specifically referenced in numerous places throughout Title I: Part A and in Title I: Part C, but ELL children and youth tend to be from economically disadvantaged families and tend to be enrolled in schools that serve a high number of low income families – which is addressed throughout Title I. As referenced above, Title I funding is extremely large. However, many people are not aware of the extent to which Title I can, and should, serve ELL students. These are funds that can be used to:

- develop or purchase educational programs,
- develop or purchase assessments,
- purchase software and other technological aids,
- provide professional development for all educational staff,
- require high quality, highly prepared teachers (particularly in Subpart A),
- require high quality, highly prepared educational aides (particularly in Subpart A),
- provide educational programs for ELL students' extended families,
- involve ELL students' extended families in the education of their children,
- improve school libraries (particularly in Subpart B), and
- improve statewide databases (particularly in Subpart A).

U.S. Department of Education, Title III

Other Federal funding that is specific to ELLs comes from NCLB's *Title III: Language Instruction for Limited English Proficient and Immigrant Students*. The key purpose of Title III is to "help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet" (§3101(1)).

States received Title III funding based on (1) the number of ELL students identified in the last Census count (80% of funding formula) and (2) the self-reported number of immigrant students identified in the past year (20% of formula). There are two special considerations for States as they provide monies to local school districts: (1) the states may reserve up to 15% of the funds for districts that have experienced a "significant increase, as compared to

the average of the 2 preceding years, in the percentage or number of immigrant children and youth" enrolled (§3114(d)(1)) and (2) funds are passed to school districts based on enrollment figures, except that they "shall not award a subgrant … if the amount of such subgrant would be less than $10,000" (§3114(b)) – districts with small numbers of ELLs may, however, identify other small districts to request monies as a consortium.
It also is important to note that while the majority of ELL students currently are born outside the US, this is not a "requirement." In fact, ELL, or limited English proficient, students specifically are defined as [having]:

- sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society due to one or more of the following reasons:
- was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant;
- is a native American or Alaska native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had significant impact on such individual's level of English language proficiency; or
- is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant" (Public Law 103-382, §7501).

Overall, Title III funds may be used to:

- develop or purchase language instruction educational programs,
- developing or purchasing educational materials, including software,
- develop or purchase appropriate assessment instruments,
- provide high quality professional development activities to educational staff and/or community-based organizations,
- provide tutorials, academic or vocational education, and intensified instruction, and
- provide community participation programs, family literacy services, and parent outreach and training activities (from §3115(c,d)).

Title III is tied intrinsically to Title I by statements such as Title III programs are "to assist all limited English proficient children, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with §1111(b)(1)." As noted, above, many of the students served by Title III are the same as those served by Title I.

U.S. Department of Education: Title III Discretionary grants for Professional Development

Professional Development projects are awarded to colleges and universities, in consortia with state departments of education and/or school districts, for periods of up to 5 years.

Their purpose is to provide "professional development activities that will improve classroom instruction" for ELL students and "assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure" (§3131). More specifically, these grants may be used:

(4) for preservice professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals;
(5) for the development of curricula appropriate to the needs of the consortia participants involved; and
(6) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve limited English proficient children (§3131(1-3)).

These grants are not available every year and tend to be very competitive. However, they also allow quite a bit of flexibility in providing career ladder-type programs for educational aides, preservice programs for those who are currently in college to become teachers, inservice programs for licensed teachers to upgrade their skills and knowledge in specific techniques for working with ELL students, and/or to provide educational staff who have never worked with ELL students before with some general, introductory knowledge.

Other Authorized Programs

Department of Education: Foreign Language Assistance Program (FLAP).

In recent years, the ability to speak more than one language and to understand other cultures has become critical to our country's national security, diplomatic efforts, and economic future. Programs designed to increase proficiency in languages other than English continue to grow in popularity and importance. Funds are available under NCLB's *Title V, Part D, Subpart 9: Foreign Language Assistance Program* for innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary school and secondary school students. Although "foreign" language programs traditionally are designed for native English-speaking students, other language instruction educational program models such as *two-way immersion* offer the opportunity to both language-majority and language-minority students to become proficient in two languages.

Department of Education: Native American and Alaska Native Children in School.

Schools (elementary, secondary, or postsecondary) operated predominantly for Native American children may elect to receive Title III funds through this special set-aside from the federal Office of English Language Instruction rather than through regular Title III formula-based allotments from the state departments of education. As this applies to Arizona, the eligible entities include:

(6) An Indian tribe.
(7) A tribally sanctioned educational authority.

(8) An elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.
(9) An elementary school or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or tribal or community organization.
(10) An elementary school or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary school or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization (§3112(a)(1-2,4-6))

Future Federal Funding Opportunities

While all of the above programs are authorized by Congress as part of NCLB, as noted previously, in any given year the level of appropriation may vary. In fact, some programs may have no appropriation. The Court requested that NCSL explore potential federal funding sources for ELL activities and programs and report on those that educational entities in Arizona might pursue. This task is difficult, at best, due to the uncertainty of future federal funding for education. In the President's proposed 2006 budget, over 150 programs across government would be eliminated with 48 of these being in the Department of Education. An additional 16 programs are proposed to receive less funding than in the previous year. The total reductions being proposed for the Department of Education exceed $4.3 billion.

The following is an analysis of the President's proposed fiscal year 2006 Federal Budget for the U.S. Department of Education, which was submitted to the Congress on February 7, 2005. As is often the case, the final budget passed by Congress and signed by the President can be significantly different from that which was proposed. However, at this time, this is the best information available on programs that might be available to support English Language Learners beginning in fiscal 2006. The program descriptions provided in the analysis are verbatim from the *Budget of the United States Government Fiscal Year 2006-Appendix (Education)* which can be found at: http://www.whitehouse.gov/omb/budget/fy2006/appendix.html

The funding information is organized by relevant office of the US Department of Education. Within each office, general program areas are identified. These are then further broken down into individual activities. Not all activities are identified — those that the President proposes eliminating are omitted as are those which, in the judgment of NCSL, have little or no specific relationship to supporting programs for English Language Learners. A notation at the end of the description for each activity identifies whether the president's proposed budget suggests that funding will decrease, remain the same (level funding), or increase.

Of special significance is the proposed reduction noted below in the Office of English Language Acquisition. This is the only office within the U.S. Department of Education that funds programs specifically for English Language Learners. The proposed reduction is slightly over 1% of OELA's budget for "grants, subsidies, and contributions." If adopted by the Congress, this will result in overall less funding being available to serve the ELL population nationally. Since OELA provides formula grants to states, the effect on Arizona will depend on its growth in the population of ELLs as compared to other states.

Finally, although not included in the analysis below, it should be noted that many of the programs proposed for reductions or elimination while not appearing to have a direct bearing on language acquisition programs for English Language Learners, at least some of these may be of indirect benefit. For example, various activities funded by the Office of Vocational and Adult Education are proposed for significant reductions or elimination. Many of these programs have traditionally benefited immigrant populations and other historically underserved populations.

Office of Elementary and Secondary Education

Education for the Disadvantaged

Grants to local educational agencies.—Funds are allocated through four formulas—Basic Grants, Concentration Grants, Targeted Grants and Education Finance Incentive Grants—for local programs that provide extra academic support to help raise the achievement of eligible students in high-poverty schools or, in the case of schoolwide programs, help all students in high-poverty schools to meet challenging State academic standards. States must annually assess participating students in at least reading and mathematics, and school districts must identify for improvement, and provide assistance to, schools that for two consecutive years do not make adequate yearly progress toward helping all groups of students reach the proficient level on the State assessments. Districts must provide students attending such schools the choice of attending another public school that is not identified for improvement. After three or more years of a school not making adequate progress, students who remain in the school are permitted to obtain supplemental educational services from a public- or private-sector provider. Schools that do not improve are subject to progressively stronger corrective actions and, after six years of not making adequate yearly progress, reconstitution under a restructuring plan. (Increased funding over FY 2005, but below FY 2004.)

Reading first State grants.—Funds provide assistance to State and local educational agencies in establishing reading programs for students in grades K–3 that are grounded in scientifically based reading research, in order to ensure that every student can read at grade level or above by the end of third grade. (Decreased funding over FY 2005, but slight increase over FY 2004.)

Early reading first.—Funds provide assistance to support local efforts, through competitive grants, to enhance the school readiness of young children, particularly those from low-income families, through scientific, research-based strategies and professional development that are designed to enhance the verbal skills, phonological awareness, letter knowledge, pre-reading skills, and early language development of children ages three through five. (Level funding.)

Striving readers.—Funds support the development, implementation, and evaluation of scientifically based reading interventions for middle school or high school students reading significantly below grade level. The program complements the Reading First program, which improves reading in elementary schools. (Very significant increase.)

Literacy through school libraries.—Funds support competitive grants to local educational agencies to provide students with increased access to up-to-date school library materials

and certified professional library media specialists. (Level funding in FY 2006 which is one-half of FY 2004 funding)

High School Interventions.—This new initiative would support formula grants to States that would in turn award the funds competitively to local educational agencies to enable those entities to implement targeted interventions in high need secondary schools in order to increase student achievement and narrow achievement gaps between students from different ethnic and racial groups and between disadvantaged students and their more advantaged peers. (New program with significant funding.)

State agency migrant program.—Funds support formula grants to States for educational services to children of migratory farm workers and fishers, with resources and services focused on children who have moved within the past 36 months. (Slight decrease.)

School Improvement Programs

Improving teacher quality.—

Improving teacher quality State grants.—Funds support State and school district activities to prepare, train, and recruit high-quality teachers to improve student achievement. (Decrease.)

Early childhood educator professional development.— Funds support competitive grants to improve the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty. (Level funding.)

Mathematics and science partnerships.—Funds support State and local efforts to improve students' academic achievement in mathematics and science by promoting strong teaching skills for elementary and secondary school teachers, including integrating teaching methods based on scientifically-based research and technology into the curriculum. (Significant increase.)

21st Century community learning centers.—Funds support formula grants to States, which award subgrants to communities to provide academic enrichment opportunities and related services to students, primarily students who attend high-poverty schools, and their families during before-school, after-school, weekend, and summer hours. (Decrease.)

State grants for innovative programs.—Funds support formula grants to States and local educational agencies to help implement innovative strategies for improving student achievement. (Significant decrease.)

State assessments.—Funds support formula grants to States to develop and implement the assessments, and related accountability efforts, that States use to test children in reading, mathematics, and science. (Level funding.)

High school assessments.—Funds would support formula grants to States for the development of reading/language arts and mathematics assessments for high school students. (New program.)

Education for homeless children and youth.—Funds support formula grants to States to provide educational and support services that enable homeless children and youth to attend and achieve success in school. (Slight decrease.)

Rural education.—Funds support formula grants under two programs: Small, Rural Schools Achievement and Rural and Low-Income Schools. Funds under the Small, Rural Schools Achievement program, which provides rural local educational agencies with small enrollments with additional formula funds and flexibility in the use of other Federal formula funds, are allocated by formula directly from the Department to eligible local educational agencies. Funds under the Rural and Low-Income Schools program, which targets rural local educational agencies that serve concentrations of poor students, are allocated by formula to States, who in turn allocate funds to eligible local educational agencies within the States. (Level funding.)

Office of Indian Education

Grants to local educational agencies.—Formula grants support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students, with the goal of ensuring that such programs assist participating students in meeting the same academic standards as all other students. In 2004, the Department made 1,166 formula grants to local educational agencies and tribal schools serving more than 458,000 students. (Level funding.)

Special programs for Indian Children.—The Department makes competitive awards for demonstration projects in early childhood education, professional development grants, American Indian Teacher Corps grants, and grants for the American Indian Administrator Corps. The professional development awards in this activity are designed to improve the quality of teachers and administrators in school districts with concentrations of Indian students. (Level funding.)

Office of Innovation and Improvement

Recruiting and training high quality teachers and principals.—

Teacher incentive fund.—Funds will reward teachers and schools that are raising student achievement and closing the achievement gap, provide incentives for effective teachers who choose to teach in low-income schools, and provide funds for the development of performance-based teacher compensation systems. (New program with significant funding.)

Troops-to-teachers.—Funds assist eligible members of the armed forces to obtain certification as teachers and to become highly qualified teachers. (Level funding.)

Transition to teaching.—Funds support competitive grants to establish programs to recruit and retain highly qualified mid-career professionals and recent college graduates as teachers in high-need schools. (Level funding.)

Advanced credentialing.—Funds support the development of an advanced credential based on the content expertise of master teachers. Funds also support related activities to encourage and support teachers seeking advanced certification or advanced credentials. (Significant reduction.)

School choice and flexibility.—

Charter schools grants.—Funds support competitive grants to State educational agencies and charter schools to support the planning, design, initial implementation, and dissemination of information regarding charter schools. These schools are created by teachers, parents, and members of the community, and are exempt from certain local, State, and Federal regulations. (Slight increase returning to FY 2004 level.)

Credit enhancement for charter school facilities.—Funds support competitive grants to State and local governments, nonprofit entities, and public and nonprofit consortia, to assist charter schools in acquiring, leasing, and renovating school facilities. Funds above $200 million are used for the Per-Pupil Facilities Aid program, which provides funds to States to assist charter schools in obtaining facilities. (Level funding.)

Voluntary public school choice.—Funds support competitive grants to State educational agencies and local educational agencies to implement programs that provide students, particularly students who attend low-performing schools, with expanded public school choice options. (Level funding.)

Magnet schools assistance.—Funds support competitive grants to local educational agencies to establish and operate magnet school programs that are part of an approved desegregation plan. (Level funding.)

Choice incentive fund.—Funds will support grants to States, local educational agencies, and community-based nonprofit organizations with a proven record for securing educational opportunities for children. These grants will support efforts to increase the capacity of high-quality public and private schools to serve additional students. (New program.)

Advanced placement.—Funds support grants to States to pay test fees for low-income students if they are enrolled in an Advanced Placement course and competitive grants to State educational agencies, local educational agencies, and national nonprofit educational entities to expand access for low-income individuals to Advanced Placement classes. (Significant increase.)

Ready-to-learn television.—Funds support the development, distribution, and production of educational video and accompanying materials and services for preschool children, elementary school children, and their parents to facilitate student academic achievement. (Level funding.)

FIE programs of national significance.—Funds support nationally significant projects to improve the quality of elementary and secondary education in order to help all children meet challenging State content and student achievement standards. (Significant reduction.)

Adjunct teacher corps.—Funds will support partnerships between school districts and appropriate public and/or private institutions to enable well-qualified professionals to teach specific high-school courses in the core academic subjects, particularly in mathematics and science. (New program.)

State scholars capacity building.—Funds will support business and education partnerships in every State to encourage high school students to complete a rigorous curriculum in the core academic subjects. (New program.)

Reading is fundamental/Inexpensive book distribution.— Funds support reading motivation activities, including the distribution of free books to children. (Level funding.)

Office of English Language Acquisition

Language acquisition State grants.—This program provides formula grants to States to improve services for limited English proficient and immigrant students. States are accountable for demonstrating that limited English proficient students are learning English and meeting the same high State standards as all other students. The statute also authorizes national activities including professional development and evaluation, and requires funding for a national information clearinghouse on English language acquisition. (Slight decrease.)

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The following programs that may have been used to support English Language Learners during prior fiscal years are proposed for elimination:

- Comprehensive School Reform,
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- School Dropout Prevention,
- Ready to Teach,
- Parental Information and Resource Centers,
- Safe and Drug-free Schools and Communities State Grants,
- Elementary and Secondary School Counseling, and
- Civic Education.

APPENDIX A. ABOUT THE CONTRIBUTORS

Julie Davis Bell, Ph.D. is the Education Program Director for the National Conference of State Legislatures. She has been with NCSL for 14 years and has directed the Education Program for 12 years. In that capacity she oversees the 10 person Education Program staff and is responsible for setting Program priorities, responding to constituent needs and requests, developing new education projects, and interfacing with other national education policy organizations. She also serves as the program policy specialist for higher education issues. Dr. Bell received her Ph.D. in Political Science from the University of California at Davis in 1986. Prior to joining NCSL she was a policy associate with the Center for Policy Research in Denver and taught political science courses at the University of Colorado.

Greta Durr was a Policy Associate with NCSL and participated in the first draft of this report. Durr managed NCSL's Legislative Education Summary Service (LESS) and covered several education issues, including those related to youth at risk of academic failure. Before joining NCSL, Durr worked as a journalist, specializing in education and technology. She also has received teacher training in English language acquisition, tutored students learning English, and completed internships in bilingual and special education.

Mark Fermanich, Ph.D. joined the National Conference of State Legislatures in January 2005 as Program Manager for Education Finance and Director of the National Center on Education Finance. Dr. Fermanich has most recently served as an Associate Professor of Educational Leadership at Sonoma State University. He has experience as a compensatory education coordinator for St. Paul Public Schools and intergovernmental relations manager for Minneapolis Public Schools. Fermanich has been a consultant on school finance, including funding equity and adequacy, and the design and implementation of school-based budgeting systems for public school districts. He served as a legislative analyst for the Minnesota Senate for five years.

Jim Finkelstein, Ph.D. is Senior Associate Dean and Professor of the School of Public Policy at George Mason University in Fairfax, Virginia. He has held several positions at the University since 1989, including Administrator and Professor of the Institute of Public Policy, Associate Director of the Prince William Campus, and Associate Dean of the Graduate

School of Education. His expertise is in the areas of educational administration, policy analysis, qualitative research and evaluation design and implementation, educational technology, and program development for various areas within the field of education and policy. His recent work has involved the impact of university presidents participating on corporate boards, analyzing the benefits and problems for both the individuals and the universities. Dr. Finkelstein is a senior research scientist and chief financial officer for Beta Group.

Steve Smith served as manager of NCSL's National Center on Education Finance (NCEF) from 2000-2004 and oversaw this study from 2002 through summer 2004. Smith was an expert on trends and issues in education finance and litigation. He provided technical assistance to 25 states, testified as an expert in state adequacy litigation, and worked on several state education finance studies.

Judith Wilde, Ph.D. is the Director and Proprietor of Beta Group, a small consulting organization specializing in educational design, research and evaluation. She specializes in the development and evaluation of programs for educationally at-risk populations such as English learners, American Indians, and students living in poverty. She has provided staff training for the U.S. and several state departments of education, local education agencies and the federal Office for Civil Rights (OCR). She has developed guidance on evaluating Title VII programs that is used by the Office of English Language Acquisition (OELA) and has conducted research on comprehensive school models for linguistically and culturally diverse students. Dr. Wilde is the Associate Director of the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA). Her most recent work has been with the Council of Great City Schools and NCELA to develop standards for testing English learners. Dr. Wilde has reviewed hundreds of biennial evaluation reports and teacher training programs federally funded projects. She has also worked with OELA to provide staff training in the areas of scientifically based research and assessment of ELL students.

University of Florida Smith Research Professor *Craig Wood*, Ph.D., is a prolific author in U.S. education finance and law. His publications include approximately 100 book chapters and journal articles for publications such as the *American Education Finance Association, Journal of Education Finance, Education Law Reporter, School Business Affairs, Government Union Review*, and the *Journal of Collective Bargaining in the Public Sector*. His books include *Principles of School Business Management* (ASBO), *Fiscal Leadership for Schools: Concepts and Practices*, *Education Finance Law: Constitutional Challenges to State Aid Plans*, an *Analysis of Strategy*, and *Money and Schools*. Wood serves on the editorial boards of *Education Law Reporter, Journal of Education Finance*, and *NOLPE Reporter*. He has presented his research and has conducted education finance litigation workshops for NCSL and the National Association of Attorneys General (NAAG). His education finance litigation activities include serving plaintiff school districts and attorneys general in approximately 12 states. Wood also is a past-president of the American Education Finance Association.

APPENDIX B. SCHOOL DISTRICT COST SURVEY ARIZONA ENGLISH LANGUAGE LEARNER (ELL) COST STUDY

We need your help to ensure that this study is thorough and valid. To obtain the information needed to respond to the Legislature's request, NCSL has created the following survey that is being sent to 38 school districts and charter schools across Arizona.

The main purpose of this survey is to capture the total and incremental costs of ELL programs provided by school districts in FY 2002-03, and to learn more about ELL programs.

Below you will find the definitions of incremental costs and overviews of the various cost components. This information was also provided in a Microsoft Word document attached to the email that linked you to this survey, and you may want to print out a copy of the definitions to reference as you complete the survey.

Thank you for your time and help with this important study. If you have any questions, please feel free to contact me at (303) 856-1531.

Sincerely,
Steve Smith

Definitions and Overviews of Variables
Arizona School District Survey for ELL Cost Study

Incremental Costs Definition
As they pertain to a school district's ELL programs, incremental costs are those which provide ELL programs that are ***in addition*** to the normal costs of conducting programs for English proficient students. Incremental costs to educate ELL students do not include costs that replace the same types of services provided to English proficient students.

Provide the district name, and the number of total students and ELL students (the same average number of students provided to the Arizona Department of Education's SAIS ELLS10-1 report for FY 2002-03).

Federal and State Costs
Please provide the incremental costs associated with meeting federal and state ELL program requirements for each of the cost components (which will be defined in the following paragraphs). Such requirements include, but are not limited to, those required by the Office of Civil Rights (OCR), *No Child Left Behind (NCLB)*, Arizona Revised Statutes 15-751 through 756.01, Arizona Administrative Code R7-2-306, the *Lau vs. Nichols* decision, and the consent decree from *Flores vs. Arizona.*

Supplemental Costs
Please provide the incremental costs for each of the cost components within ELL programs that are in addition to those costs of meeting federal and state ELL program requirements and those costs for complying with district-specific obligations under a consent decree or compliance agreement, if applicable.

Overview of the ELL Cost Components
Instructing Students
This component should include incremental costs associated with instructing ELL students in the classroom. Costs may include salaries, benefits and supplemental pay (i.e., stipends, bonuses and special pay) for teachers and classroom aides, any other salaries and benefits, purchased services, textbooks, instructional aids (i.e., computer software, workbooks, etc.), other teaching supplies and travel. The following are descriptions of such costs:

•*Teacher Salaries and Benefits:*
Include in this line item the portion of ELL teacher salaries and benefits that can be attributed to ELL reduced class size as compared to the district's average non-ELL class size. An example of how this may be calculated would be:

1-(average ELL class size/average non-ELL class size) x average teacher salary and benefits x number of ELL teachers.

Example: If the average non-ELL class size is 25 students; the average ELL class size is 20 students; the average salary and benefits of the district's teachers is $30,000 (excluding stipends, bonuses and special pay); and there are 4 ELL teachers. Then the incremental cost to include on the worksheet would be [1-(20/25)] x $30,000 x 4 = $24,000.

•*Classroom Aide Salaries and Benefits:*
Include the total salaries and benefits for additional aides placed in ELL classroom. In addition, include the portion of ELL classroom aide salaries and benefits that can be attributed to ELL reduced class size initiatives as compared to the average non-ELL class size. Use the same calculation for classroom aides as is used for teacher salaries and benefits shown above.

•*Stipends, Bonuses and Special Pay:*
Include the costs of providing stipends, bonuses and special pay to ELL staff, such as having an English as a Second Language (ESL) endorsement, working in ELL classrooms, and successfully moving ELL students into proficiency status.

•*Other Salaries and Benefits:*
Include the portion of salaries and benefits for other staff attributed to supporting ELL instruction, such as curriculum development.

•*Purchased Services:*
Include items purchased for ELL instruction.

•*Textbooks, Instructional Aids and Other Teaching Supplies:*
For ELL textbooks that replace English-proficient textbooks, include the costs of ELL textbooks, if applicable. Also include costs for additional textbooks, instructional aids, and other teaching supplies. Please provide the total costs and how this compares to the costs for English-proficient students.

•*Travel:*
Provide the costs of reimbursing mileage to ELL instructional staff for traveling between schools, if applicable.

•*Other:*
Provide the incremental costs of services and products for instructing ELL students that cannot be classified in the previous items. Also include a brief description of these services and products.

Administering ELL Programs
This component should include incremental costs associated with the administration of ELL programs, such as communicating with parents, processing waivers, providing interpreters, and program evaluation. Costs may include salaries, benefits, purchased services, supplies and travel. The "Other Costs" field should be used to identify incremental costs of administering ELL programs that cannot otherwise be included in the specific line items, and should include a brief description of corresponding products and/or services.

Student Assessment and Testing
This component should include incremental costs associated with assessing and testing students to identify ELL students, monitor their progress and to follow-up with exited students. These costs may include salaries, benefits, purchased services, supplies (including testing materials), and related travel expenses. Please discuss how these costs compare to the costs for English proficient students.

Also include the cost of salaries/benefits, purchased services and supplies (i.e., gasoline) for transporting students for assessment if applicable. The "Other Costs" should identify incremental costs for assessing and testing students that cannot otherwise be included in the specific line items, and should include a brief description of the corresponding products and/or services.

Providing Compensatory Programs to Student

This component should include costs associated with providing compensatory programs to ELL students or to former ELL students who are not making satisfactory progress. *Compensatory programs* are programs that are provided in addition to normal classroom instruction to assist ELL students in achieving academic proficiency. These programs may include individual or small group instruction, extended day classes, summer school, and after-school or intersession programs. Costs may include salaries, benefits and supplemental pay (i.e., stipends, bonuses and special pay) for teachers and classroom aides, any other salaries and benefits, purchased services, textbooks, instructional aids, and additional teaching supplies. Also, include the cost or salaries/benefits, purchased services and supplies (i.e., gasoline) for transporting ELL students to compensatory programs. The "Other Costs" field should be used to identify costs for providing compensatory programs to students that cannot otherwise be included in the specific line items.

Transporting Students

This component should include costs associated with transporting ELL students to a school where ELL programs are offered, if such a program is not available at their home school. Costs may include salaries, benefits, purchased transportation services, and supplies (i.e., gasoline). The "Other Costs" should be used to identify costs for transporting students that cannot otherwise be included in the specific line items.

Note: The costs of transporting ELL students for assessing and testing and for compensatory programs should be included in those specific components.

Recruiting, Training and Developing Staff

This component should include incremental costs associated with recruiting ELL staff and providing professional development services for ELL staff. Costs may include salaries, benefits, purchased services, supplies and travel (i.e., hotel, transportation, and per diem expenses). Also include costs for reimbursing tuition and books to staff for taking ELL courses. The "Other Costs" field should be used to identify incremental costs for recruiting, training, and developing staff that cannot otherwise be included in the specific line items. Please compare these costs with those for English proficient students.

Other Costs

This component should include incremental costs associated with ELL programs that cannot otherwise be included in any other component listed. Costs may include welcome centers, adult education and parental involvement programs. Please provide the corresponding costs with each cost component.

1. School District Name:

2. Name of individual completing survey:

3. Contact's phone number:

4. Contact's email address:

5. Total number of students in district:

6. Number of ELL students in district:

Teacher Salaries and Benefits for ELL teachers

7. Federal and State Costs

8. Supplemental Costs

9. Additional Costs as Compared to English Proficient Students (as percentage)

Classroom Aide Salaries and Benefits for ELL Aides

10. Federal and State Costs

11. Supplemental Costs

12. Additional Costs as Compared to English Proficient Students (as percentage)

Stipends, Bonuses and Special Pay for ELL Teachers and Aides

13. Federal and State Costs

14. Supplemental Costs

15. Additional Costs as Compared to English Proficient Students (as percentage)

Salaries and Benefits for other personnel responsible for ELL instruction

16. Federal and State Costs

17. Supplemental Costs

18. Additional Costs as Compared to English Proficient Students (as percentage)

Purchased Services for ELL instruction

19. Federal and State Costs

20. Supplemental Costs

21. Additional Costs as Compared to English Proficient Students (as percentage)

Textbooks, Instructional Aids, and Other Teaching Supplies for ELL Instruction

22. Federal and State Costs

23. Supplemental Costs

24. Additional Costs as Compared to English Proficient Students (as percentage)

Travel Costs (i.e., reimbursing mileage to ELL staff for traveling between schools, if applicable)

25. Federal and State Costs

26. Supplemental Costs

Other Costs (please specify)

27. Name of Service(s) and/or Product(s)

28. Corresponding Federal and State Costs (please specify for each component)

29. Corresponding Supplemental Costs (please specify for each component)

Administering ELL Programs: Salaries and Benefits

30. Federal and State Costs

31. Supplemental Costs

32. Additional Costs as Compared to English Proficient Students (as percentage)

Administration of ELL Programs: Purchasing Services

36. Federal and State Costs

37. Supplemental Costs

38. Additional Costs as Compared to English Proficient Students (as percentage)

Administering ELL Programs: Travel

39. Federal and State Costs

40. Supplemental Costs

Administering ELL Programs: Other Costs (Please Specify)

41. Name of Product(s) and Service(s)

42. Corresponding Federal and State Costs (please specify for each component)

43. Corresponding Supplemental Costs (please specify for each component)

Assessing and Testing ELL Students: Salaries and Benefits

44. Federal and State Costs

45. Supplemental Costs

46. Additional Costs as Compared to English Proficient Students (as percentage)

Assessing and Testing ELL Students: Purchased Services

47. Federal and State Costs

48. Supplemental Costs

49. Additional Costs as Compared to English Proficient Students (as percentage)

Assessing and Testing ELL Students: Supplies

50. Federal and State Costs

51. Supplemental Costs

52. Additional Costs as Compared to English Proficient Students (as percentage)

Assessing and Testing ELL Students: Travel

53. Federal and State Costs

54. Supplemental Costs

Assessing and Testing ELL Students: Other Costs (please specify)

55. Name of Product(s) and Service(s)

56. Corresponding Federal and State Costs (please specify for each component)

57. Corresponding Federal and State Costs (please specify for each component)

Providing Compensatory Programs to ELL Students: Teacher Salaries and Benefits

58. Federal and State Costs

59. Supplemental Costs

Providing Compensatory Programs to ELL Students: Classroom Aide Salaries and Benefits

60. Federal and State Costs

61. Supplemental Costs

Providing Compensatory Programs to ELL Students: Stipends, Bonuses and Special Pay for Teachers and Aides

62. Federal and State Costs

63. Supplemental Costs

Providing Compensatory Programs to ELL Students: Other Personnel Salaries and Benefits

64. Federal and State Costs

65. Supplemental Costs

Providing Compensatory Programs to ELL Students: Purchased Services

66. Federal and State Costs

67. Supplemental Costs

Providing Compensatory Programs to ELL Students: Textbooks and Other Teaching Supplies

68. Federal and State Costs

69. Supplemental Costs

Providing Compensatory Programs to ELL Students: Other Costs (please specify)

70. Name of Product(s) and Service(s)

71. Corresponding Federal and State Costs (please specify for each component)

72. Corresponding Supplemental Costs (please specify for each component)

Transporting ELL Students: Salaries and Benefits

73. Federal and State Costs

74. Supplemental Costs

Purchased Transportation: Services

75. Federal and State Costs

76. Supplemental Costs

Transporting Students: Supplies

77. Federal and State Costs

78. Supplemental Costs

Transporting Students: Other Costs (please specify)
79. Name of Product(s) and Service(s)

80. Corresponding Federal and State Costs (please specify for each component)

81. Corresponding Supplemental Costs (please specify for each component)

Recruiting, Training and Developing ELL Staff: Salaries and Benefits

82. Federal and State Costs

83. Supplemental Costs

84. Additional Costs as Compared to English Proficient Students (as percentage)

Recruiting, Training and Developing Staff: Purchased Services

85. Federal and State Costs

86. Supplemental Costs

87. Additional Costs as Compared to English Proficient Students (as percentage)

Recruiting, Training and Developing Staff: Supplies

88. Federal and State Costs

89. Supplemental Costs

90. Additional Costs as Compared to English Proficient Students (as percentage)

Recruiting, Training and Developing Staff: Travel

91. Federal and State Costs

92. Supplemental Costs

93. Additional Costs as Compared to English Proficient Students (as percentage)

Recruiting, Training and Developing Staff: Other Costs (please specify)

94. Name of Product(s) and Service(s)

95. Corresponding Federal and State Costs (please specify for each component)

96. Corresponding Supplemental Costs (please specify for each component)

The Following Questions Center Around Programmatic Issues that Relate to Funding Issues

97. How many ELL students are in a Structured English Immersion classroom with only ELL students?

If some students are in more than one type of classroom setting throughout the day, count them in the category where they spend most of their time.
98. How many ELL students are in a Structured English Immersion classroom with some non-ELLS?

99. How many ELL students are in bilingual education classrooms with only ELL students?

100. How many ELL students are in a bilingual education classroom with some non-ELLs?

101. How many ELL students are in a dual language program with ELLs and non-ELLs?

102. How many ELL students are in a mainstream classroom, but receive some additional academic support through compensatory instruction, resource teachers, bilingual aides, pullout programs, etc.

103. How many ELL students are in a mainstream classroom and not receiving any ELL services?

104. Was the district or individual school responsible for notifying parents that their child was being classified as ELL?

105. If the district was responsible for notifying parents, how much time did the district spend in notification? (Please provide time on an average per-pupil basis.)

106. Was the district involved in identifying strategies to make students English proficient, and informing parents on how they could help students become English proficient?

107. If the district was involved, how much time did the district spend on such activities? (Please provide time on an average per-pupil basis.)

108. How many waiver requests did the district receive during the 2002-03 school year?

109. How many waivers were granted, and what types of waivers were granted?

110. If any waiver requests were processed at the district office, please provide how much time was spent on each.

111. How many new ELL students did your district enroll during the 2002-03 school year?

112. What percentage of ELL students were reclassified as English proficient in 2002-03?

113. How many of your ELL students have Spanish as their native language?

114. Please list other native languages for ELL students in your district, and corresponding number of students.

115. For how many ELL students does the district have at least two years of results for the Stanford 9 and/or AIMS test?

116. For how many of those students did the district compare the results to see if there was improvement from one year to the next?

117. How many ELL students, for whom the above comparison was made, did not show an improvement on their scores?

118. How many students, who did not show improvement on their scores, received compensatory instruction?

119. How many ELL students did not have two years of either AIMS or Stanford 9 test results?

120. For those students without two years of AIMS and/or Stanford 9 data, how many were evaluated to see if academic progress was made through other assessments/evaluations (i.e., review of report cards, language proficiency scores, etc.)?

121. How many ELL students who received alternative assessments were not meeting academic progress?

122. Of those ELL students who had alternative assessments and were not showing progress, how many of them received compensatory instruction?

123. For those students not making academic progress, what percentage was receiving compensatory education?

124. Please describe the types of compensatory instruction programs offered to ELLs?

125. What type of ELL teacher recruitment strategies does your district engage in?

126. Describe the terms of any tuition reimbursement program offered by your district for college courses necessary for a bilingual, SEI, or ESL endorsement. Please include: what percentage is reimbursed; whether books, transportation and class time are reimbursed, and whether a certain grade is necessary in order to receive reimbursement.

127. How much did your district spend for tuition reimbursements during the 2002-03 school year?

128. Did your teachers receive a stipend for completing or having an ESL, SEI or bilingual education endorsement? If so, please describe the terms.

129. How much did your district spend for stipends during the 2002-03 school year?

130. Does your district pay for training and/or testing of ELL aides in order to meet "highly qualified" provisions under NCLB?

131. If yes, please describe activities and their estimated total cost.

APPENDIX C. SECOND SCHOOL DISTRICT COST SURVEY: ARIZONA ELL COST STUDY

State of Arizona

Department of Education

Tom Horne
Superintendent of
Public Instruction

February 15, 2005

Dear School Administrators:

The National Conference of State Legislatures has been contracted to conduct a study of the costs of English Language Learners in Arizona. Your district/school is a part of the sample drawn for study. The success of this study in large part depends on the quality of the data collected in these surveys. While I know this is a busy time, I would urge you to take a few minutes to compile the information requested in the survey and convey that information to the researchers at NCSL.

Sincerely,

Tom Horne

TH:jb

Arizona School District Survey of
English Language Learner Program Resources

The Arizona Legislature has contracted with the National Conference of State Legislatures (NCSL) to conduct a study of the additional costs incurred by school districts and schools to assist English Language Learner (ELL) students to become proficient in English and to meet state K-12 academic standards. The purpose of this survey is to identify those additional, or incremental, ELL program costs.

You were extremely helpful to us last year by completing an initial survey about your district. We are now finalizing the report and have found that there is some additional information we need in order to provide the best information available to the Legislature as it reviews state ELL program policy. We are therefore asking you once again, if you would spend some time to collect the information requested on the enclosed survey and to report that information to an NCSL researcher, who will be telephoning you shortly.

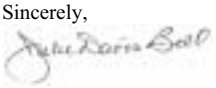
The incremental costs of an ELL program are those costs for instructional, administrative and support services provided to English language learners that are above and beyond the normal costs of providing a regular education program for all students. These incremental costs may include smaller class sizes, special instructional materials, specific staff professional development, or transportation services that are not provided as part of the standard regular education program, but are provided as a supplement to the regular education program to assist ELL students to become proficient in English and to learn the regular education curriculum.

A representative of NCSL will be contacting you in a day or two to schedule a time to personally go through this survey with you. Prior to that conversation, you might find it useful to collect as much of the information requested in the survey as possible. This should make the process more efficient.

We are grateful to you for spending time on this study. Your participation is very much appreciated.

Note: All of the survey questions pertain to expenditures made and revenues received in the 2003-04 school (fiscal) year.

Sincerely,



Julie Davis Bell
Education Program Director

Arizona School District Survey of English Language Learner Program Resources

School District Name: _____

Name of Person(s) Completing this Survey: _____

_____

Contact Phone Number: _____

Contact Email Address: _____

***Please report all data for the 2003-04 school (fiscal) year**	
1. What is the average teacher's salary plus benefits in your district?	$
Costs of ELL Instruction The following questions pertain to the costs of providing ELL instruction to eligible students. Please include only the costs of specialized instruction required for ELL students to become proficient in English or to assist them in learning standard subject area content in a regular education classroom setting or a sheltered English immersion classroom. Do not include the costs of the regular education program of ELL students that are shared with non-ELL students.	
2. Do the schools in your district provide smaller class sizes for classrooms with **a large proportion of** ELL students? If no, skip to question 4.	☐ Yes ☐ No
3. If you answered Yes to question 2 above:	
3a. What is the average class size for classrooms with a large proportion of ELL students (do not include instructional aides)?	
3b. What is the average class size for regular (non-ELL) classrooms, or classrooms with few ELL students (do not include instructional aides)?	
4. What is the total full-time equivalent (FTE) of certified teachers teaching in classrooms with a large proportion of ELL students and a smaller class size? Please include only that portion of the person's time during which he/she teaches in a classroom with a large proportion of ELL students.	FTE:
5. Do any of your ELL teachers work as resource teachers to assist the regular	

classroom teacher with instructing ELL students in their regular education classroom? If no, skip to question 7.	☐ Yes ☐ No
6. If you answered Yes to question 5 above, what is the total amount of time, in FTEs, that ELL teachers provide ELL resource assistance in the regular education classroom?	FTE:
7. Do the schools in your district employ instructional aides who work part or all of the day assisting ELL instruction? If no, skip to question 9.	☐ Yes ☐ No
8. If you answered Yes to question 7 above, what is the total cost of salaries and benefits of the instructional aides providing assistance to ELL students? Please include only that portion of the person's salary and benefits for the time during which he/she works with ELL students.	$
9. Does your district provide special pay such as stipends or bonuses for teachers or instructional aides providing or assisting in ELL instruction or for having or obtaining a Bilingual Education, English as a Second Language or Structured English Immersion endorsement? If no, skip to question 11.	☐ Yes ☐ No
10. If you answered Yes to question 9 above, what is the total cost of this special pay?	$
11. Do schools in your district use any supplemental textbooks or other instructional materials and supplies for instructing ELL students in the general curriculum that are not provided to English proficient students (for instance, do ELL students use 3 textbooks for math while English proficient students use one – meaning 2 supplemental texts for ELL students)? If no, skip to question 13.	☐ Yes ☐ No
12. If you answered Yes to question 11 above, what is the total cost of these supplemental textbooks or instructional materials and supplies?	$
13. Does your district contract with outside service providers to provide ELL instruction or to provide instructional support services *other than professional development*, such as ELL program or curriculum development or program evaluation? If no, skip to question 15.	☐ Yes ☐ No
14. If you answered Yes to question 13 above, what is the total cost of these purchased services?	$
15. Does your district provide for mileage reimbursement for ELL instructional staff traveling between schools? If no, skip to question 17.	☐ Yes ☐ No

16. If you answered Yes to question 15 above, what is the total cost of mileage reimbursement for ELL instructional staff?	$
Costs of ELL Program Administration The following questions pertain to the costs of administering and managing ELL programs, including such activities as monitoring compliance with federal and state laws and regulations, evaluating staff, processing waivers, communicating with parents, or evaluating the program.	
17. Has your district hired additional administrators to administer your ELL program? If no, skip to question 19.	☐ Yes ☐ No
18. If you answered Yes to question 17 above, what is the total cost of the salaries and benefits of the additional administrators hired to administer your ELL program? Please include only that portion of the person's salary and benefits for the time during which he/she works on ELL program administration.	$
19. What is the total cost of materials and supplies for ELL program administration?	$
20. Does your district provide for mileage reimbursement for ELL administrative staff traveling between schools? If no, skip to question 22.	☐ Yes ☐ No
21. If you answered Yes to question 20 above, what is the total cost of mileage reimbursement for ELL administrative staff?	$
Costs of ELL Testing and Assessment The following questions pertain to the costs of assessing and reassessing ELL students for English proficiency and for providing necessary accommodations for ELL students when they are taking standardized tests that are administered to all students in your district.	
22. What is the cost of salary and benefits of individuals who administer English proficiency tests to ELL students? Please include only the cost of their time used specifically for administering English proficiency assessments and reassessments to ELL students. If teachers or administrators included in the questions above administer these tests, do not include the costs of their salaries and benefits again here.	$
23. Does your district provide any of the following accommodations for standardized testing to ELL students: translating test instructions, orally administering the test, simplified language in test items, or administering the test to smaller groups of students? If no, skip to question 25.	☐ Yes ☐ No

24. If you answered Yes to question 23 above, what is the cost of providing these accommodations? Please include the costs of salaries and benefits of translators, interpreters, or other staff providing these accommodations if they are not already listed above, or other costs related to providing these accommodations.	$
25. Does your district contract with outside service providers to assist with your ELL proficiency testing (test scoring by the test vendor, for example)? If no, skip to question 27.	☐ Yes ☐ No
26. If you answered Yes to question 25 above, what is the cost of the contracted services associated with proficiency testing of ELL students?	$
27. What is the cost of testing and assessment materials and supplies for English proficiency tests?	$
Costs of Compensatory or Supplemental Programs for ELL Students The following questions pertain to the costs of providing compensatory programs for ELL students who are not making satisfactory progress. Compensatory programs are supplemental activities that are provided in addition to the regular classroom instruction to help ELL students achieve English and academic proficiency. These programs may include individual or small group instruction or tutoring, extended day programs, summer school, or intersession programs specifically provided to help ELL students attain proficiency. Do not include any staff, materials and supplies, or other items already included in the costs listed above.	
28. Does your district provide compensatory services specifically targeted to help ELL students that are not provided to non-ELL students? If no, skip to question 32.	☐ Yes ☐ No
29. If you answered Yes to question 28 above, what is the cost of salaries and benefits of the certified teachers providing these compensatory services to ELL students? Please include only that portion of the person's salary and benefits for the time during which he/she works with ELL students. Do not include teachers who have already been listed above.	$
30. What is the cost of salaries and benefits of instructional aides or other staff, excluding teachers, who provide these compensatory services to ELL students? Again, do not include the costs of aides or other staff who have already been listed above.	$
31. What is the cost of materials and supplies used in these compensatory services for ELL students?	$
Costs of Transporting ELL Students	

The following questions pertain to the costs of transporting ELL students to the school or other location where ELL programs are offered if these programs are not available in their home school. Do not include the costs of regular home-school transportation. Costs may include staff salaries and benefits, contracted transportation services, or supplies such as fuel.	
32. If ELL programs are not available in ELL students' home schools, does your district provide transportation to another school where ELL programs are offered? If no, skip to question 34.	☐ Yes ☐ No
33. If you answered Yes to question 32 above, what is the total cost of providing transportation between schools for ELL students? Do not include any costs of regular home-school transportation.	$
Costs of Recruiting and Developing ELL Staff The following questions pertain to the costs of recruiting and training ELL staff. Include only those additional costs specifically associated with recruiting and training ELL staff. Costs could include additional staff salaries and benefits, contracted services such as consultants, advertising, conference or workshop fees, tuition, books and other course materials, travel and transportation, or per diems.	
34. Does your district have a program, or make efforts to recruit ELL staff that is in addition to the recruiting and training procedures used for all other staff? If no, skip to question 36.	☐ Yes ☐ No
35. If you answered Yes to question 34 above, what is the total cost of the special recruiting efforts for ELL staff?	$
36. Does your district provide ELL-related professional development for ELL staff that is above and beyond the amount of professional development typically provided for all other teachers and instructional aides? If no, skip to question 38.	☐ Yes ☐ No
37. If you answered Yes to question 36 above, what is the total cost of the additional professional development for ELL staff?	$
Other ELL Program Costs The following questions pertain to any other costs specifically for your district's ELL program that have not been accounted for above.	
38. Are there any other costs associated with your district's ELL program that are not reported above? If no, skip to question 40.	☐ Yes ☐ No
39. If you answered Yes to question 38 above, briefly describe these other ELL program activities	

and list their costs.

_____

_____

_____

_____

_____

_____

ELL Program Revenues

40. What is the amount, if any, from the following revenue sources that your district uses to fund the costs of your ELL program that you reported above?	
40a. ESEA Title I, Part A Improving Basic Programs	$
40b ESEA Title I, Part B Student Reading Skills Improvement Grants	$
40c: ESEA Title I, Part C Education of Migratory Children	$
40d: ESEA Title III (all parts), Language Instruction for Limited English Proficient and Immigrant Students	$
40e: ESEA Title VII, , Part A Indian, Native Hawaiian and Alaska Native Education	$
40f: Other federal revenues:	$
40g: State revenues other than Group B Funding generated by the add-on ELL student weighting of .115:	$
40h: Local revenues:	$

40i: Other private or public sources of revenue not listed above:

_____

_____	
_____	
_____	
_____	
ELL Teacher Certification	
41. How many of your district's teachers have obtained the following endorsements to their teaching certificate?	
41a: Bilingual Education K-8 or 7-12	
41b: English as a Second Language	
41c: Structured English Immersion	
42. Does your district reimburse teachers for any of the costs of obtaining a Bilingual Education, English as a Second Language or Structured English Immersion endorsement? These costs may include tuition and fees, books, mileage, time, or other costs. If no, skip to question 45.	☐ Yes ☐ No
43. If you answered Yes to question 42 above, what percentage of these costs is reimbursed?	%
44. How much did your district spend on such reimbursements during the 2003-04 school year?	$
45. Other comments:	
_____	
_____	
_____	
_____	

THANK YOU FOR PARTICIPATING IN THIS SURVEY!

Supplemental Arizona School District Survey of English Language Learner Program Resources for Charter Schools

***Please report all data for the 2003-04 school (fiscal) year**	
1. Was your school responsible for notifying parents that their child was being classified as ELL? If no, skip to question 3.	☐ Yes ☐ No
2. If you answered Yes to question 1 above, how much time did your school spend on parental notification? Please report the amount of time in minutes per case.	Minutes:
3. Was your school involved in identifying instructional strategies for making ELL students proficient in English and informing their parents of how they could help their children become proficient? If no, skip to question 5.	☐ Yes ☐ No
4. If you answered Yes to question 3 above, how much time did your school spend on such activities? Please report the amount of time as average hours/minutes per pupil.	Hours/minutes:
5. How many waiver requests did your school receive during the 2003-04 school year? If none, please enter 0.	
6. If your school received waiver requests during the 2003-04 school year, how much time was spent processing these waiver requests? Please report the amount of time as average hours/minutes per request.	Hours/minutes:

APPENDIX D. FISCAL INFORMATION USED TO CALCULATE COST FIGURES

Salary and Other Cost Information

There was great deal of debate over the reliability and validity of recent teacher salary information. Research staff decided to use teacher salary information provided by the ADE for the 2001-02 school year, inflated to 2003-04 levels using the Bureau of Labor Statistics' Compensation Index for local government workers. Other personnel salary information was obtained from ADE for the 2002-03 school year and was also inflated using the Compensation Index for local government workers. Fringe benefits were calculated at 26 percent of salaries, a figure suggested by both the Arizona Education Association (AEA) and ADE.

Cost information for textbooks and supplies, compensatory education, technology, and other cost factors was identified by the panels at 2002-03 price levels. These were inflated to 2003-04 levels using the Western CPI-U from the Bureau of Labor Statistics.

APPENDIX E. NATIONAL AND STATE PANEL PANELIST QUALIFICATIONS

PANELIST	STATE	NATIONAL	ROLE					
			TEACHER		ADMINISTRATOR			RESEARCHER/EVALUATOR
			CLASSROOM	RESOURCE	BUILDING	DISTRICT	STATE	
Judith Wilde		X						X
Jim Finkelstein		X						X
Keith Buchanan		X				X		
Keith Baker		X						X
Amy Schlessman		X						X
State Panelist #1	X							X
State Panelist #2	X		X					
State Panelist #3	X					X		
State Panelist #4	X				X			
State Panelist #5	X				X			
State Panelist #6	X		X					
State Panelist #7	x					x		

PANELIST	ENGLISH AND THE NATIVE LANGUAGE		
	TWO-WAY BILINGUAL BILINGUAL IMMERSION DUAL LANGUAGE IMMERSION	LATE EXIT DEVELOPMENTAL BILINGUAL	EARLY -EXIT TRANSITIONAL BILINGUAL
Judith Wilde	X	X	X
Jim Finkelstein			
Keith Buchanan			
Keith Baker			
Amy Schlessman	X	X	X
State Panelist #1	X	X	X
State Panelist #2	X		
State Panelist #3	X		
State Panelist #4	X	X	X
State Panelist #5	X		
State Panelist #6	X		
State Panelist #7			x

PANELIST	LANGUAGE OF INSTRUCTION	
	ENGLISH	
	SHELTERED ENGLISH SDAIE STRUCTURED IMMERSION CONTENT-BASED ESL	PULL-OUT ESL
Judith Wilde	X	
Jim Finkelstein		
Keith Buchanan	X	X
Keith Baker	X	
Amy Schlessman	X	X
State Panelist #1	X	X
State Panelist #2	X	
State Panelist #3	X	
State Panelist #4		X
State Panelist #5	X	X
State Panelist #6	X	
State Panelist #7	x	

PANELIST	NON-ENGLISH LANGUAGE	
	FOREIGN LANGUAGE PROGRAM	FOREIGN LANGUAGE IMMERSION
Judith Wilde		
Jim Finkelstein		
Keith Buchanan		
Keith Baker		
Amy Schlessman	X	X
State Panelist #1	X	X
State Panelist #2		
State Panelist #3		
State Panelist #4		
State Panelist #5		
State Panelist #6		
State Panelist #7		

APPENDIX F. BACKGROUND OF THE MEMBERS OF THE NATIONAL EXPERT PANEL

Dr. Keith Baker is a consultant in educational policy research, program evaluation, bilingual education, research metholodogy, and other topics. working on … He is Presdient and Founder of Research on English Acquisition and Development and worked in the US Department of Education and the US Department of Health, Education and Welfare. He has written nine books and nearly 100 other chapters and articles.

Dr. Keith Buchanan is ESOL program coordinator for Fairfax County Public Schools, Virginia. Located in the Washington D.C. area, the program serves 29,000 ELL students from diverse linguistic backgrounds. Buchanan coordinates activities for Title III, staff development and involvement of parents of ELLs in the schools. He has served as chair of Secondary Schools interest section of Teachers of English to Speakers of Other Languages (TESOL) and is a member of the TESOL NCATE task force. His publications include *School Administrators' Guide to the TESOL Standards* and *Reforming Mathematics Instruction for Literacy Students.*

Dr. Jim Finkelstein is Senior Associate Dean and Professor of the School of Public Policy at George Mason University in Fairfax, Virginia. He has held several positions at the University since 1989. His expertise is in the areas of educational administration, policy analysis, qualitative research and evaluation design and implementation, educational technology, and program development for various areas within the field of education and policy. His recent work has involved the impact of university presidents participating on corporate boards, analyzing the benefits and problems for both the individuals and the universities. Dr. Finkelstein is a policy advisor and financial officer for Beta Group.

Dr. Amy Schlessman is President of Evaluation, Instruction and Design in Tucson, Arizona. She is also a Professor of Northern Arizona University at Flagstaff. She is Past President of Teachers of English to Speakers of Other Languages (TESOL).

Dr. Judith Wilde is the Director and Proprietor of Beta Group, a small consulting organization specializing in educational design, research and evaluation. She specializes in the development and evaluation of programs for educationally at-risk populations such as

English learners, American Indians, and students living in poverty. She has provided staff training for the US and several state departments of education, local education agencies and the federal Office for Civil Rights (OCR). She has developed guidance on evaluating Title VII programs that is used by the Office of English Language Acquisition (OPELA) and has conducted research on comprehensive school models for linguistically and culturally diverse students. Recent work has been with the Council of Great City Schools and NCELA to develop standards for testing English learners. Wilde has reviewed hundreds of biennial evaluation reports and teacher training programs. Wilde also has worked with OELA to provide staff training in the areas of scientifically based research and assessment of ELL students.

APPENDIX G. STATE PANEL RECOMMENDATIONS FOR ELL EDUCATION IMPROVEMENTS

The suggestions below are paraphrased -and recommendations made by individual panelists during the professional judgment process. It also contains notes on panel discussions where the majority of panelists reached a consensus on a particular aspect of ELL education in the state. These notes, comments and observations were made over the course of the professional judgment process.

- *Developing AIMS math and science assessments in Spanish would allow the state to more accurately measure the progress of the 10,000 Arizona ELLs currently receiving math and science instruction in bilingual education programs through waivers. Such a practice would be consistent with current testing guidelines recommending that the language of assessment match the language of instruction. Such a practice likely would help to boost adequate yearly progress (AYP) measures under NCLB.*

- *The SEI endorsement should be rigorous and include courses of instruction which cover topics such as language acquisition and the rights of students to use their native languages. Teachers could benefit from developing a better, more uniform understanding of the requirements posed by state and federal laws.*

- *The state should also annually publish the average number of years students have been in ELL programs prior to being reclassified. This would allow the public to determine whether schools are complying with the legal [Proposition 203] requirement that students remain in SEI programs only "for a period not normally intended to exceed one year."*

- *Increase the Group B Weight Funding for ELL students.*

- *The majority of panelists agreed that, from their perspectives as school and district educators, there has been a lack of clear guidance from the state regarding the implementation of state and federal ELL education requirements. Panelists discussed how such a lack of clarity contributes to confusion in the implementation of ELL policy.*

- *Several panelists said that without a clear and uniform guidance from the state, it is unlikely that accurate program evaluations may be conducted. From these discussions, state panelists recommended several state actions that they believe could improve the condition of ELL education in the state.*

- *Develop a manual that provides guidelines for the implementation of federal and state regulations regarding ELL student instruction. Such a publication likely would provide a much-needed knowledge base for educators of all levels.*

- *Currently, there is a great deal of confusion and concern among educators regarding what compliance really looks like in the classroom. This consternation on the part of educators could be relieved with some state level action to illuminate expectations and establish benchmarks for success.*

- *The majority of panelists agreed that the state has yet to provide a uniform SEI definition or working program model. This contributes greatly to the challenges associated with its implementation. Providing such a model for SEI would carve a clear path for educators to get the job done. In providing a uniform model, the state should also effectively define the components of an effective SEI program. Once this is accomplished, the state will be in a position to more easily collect data on ELL progress that's in line with the language use monitoring system that already is in place. Data helps educators to effectively hone their ELL resources and craft more effective programs.*

- *More refined student data collection regarding ELL success in SEI or other English language acquisition programs should provide districts with the tools they need to publish annual academic reports of SEI program effectiveness and ELL student progress.*

- *The state should provide a numbering system for newly developed and implemented ELL state standards. In its current format, data are not useful at the district or classroom levels.*

- *The state should develop a blueprint for aligning ELL standards with the Stanford English Language Proficiency (SELP) assessments. Such a plan should reflect the number of test items matched to ELL standards. The blueprint's structure could be gleaned from the state-established Reading Blueprints.*

State Panel Recommendations for District-Level ELL Education Improvements

The suggestions below are paraphrased observations and recommendations made by individual panelists during the professional judgment process. It also contains notes on panel discussions where the majority of panelists reached a consensus on a particular aspect of ELL education in the state. These notes, comments and observations were made over the course of the professional judgment process.

Oversight and Accountability

- *The state should develop an instrument to monitor program effectiveness and school site implementation of guidelines.*

- *Educator professional development activities for those teaching ELLs should emphasize language acquisition and literacy development.*

- *When developing and implementing district consolidated plans specified under NCLB, the state should ensure that the plan addresses the national goal of ELLs with specific strategies in the areas of language acquisition, literacy and mathematics.*

- *The state should require that teachers have at least 45 hours of specialized Bilingual, ESL, or SEI endorsements within 2 years of employment.*

State Panel Recommendations for School-Level ELL Education Improvement

The suggestions below are paraphrased observations and recommendations made by individual panelists during the professional judgment process. It also contains notes on panel discussions where the majority of panelists reached a consensus on a particular aspect of ELL education in the state. These notes, comments and observations were made over the course of the professional judgment process.

- *Schools could benefit greatly if provided with an English language acquisition coach or specialist to work with staff on site specific challenges with English language acquisition.*

- *School Improvement Plans should address effective strategies for ELL instruction. The plans also should effectively be aligned to the district addresses all NCLB goals.*

- *Native language support programs for ELLs, such as dual language immersion programs and translation/interpretation services should be available at all schools having significant numbers of ELLs. Among districts with fewer ELLs, these resources likely can be shared to maximize the efficient use of resources.*

APPENDIX H. NATIONAL PANEL RECOMMENDATIONS FOR STATE-LEVEL ELL EDUCATION IMPROVEMENT

The suggestions below are paraphrased observations and recommendations made by individual panelists during the professional judgment process. It also contains notes on panel discussions where the majority of panelists reached a consensus on a particular aspect of ELL education in the state. These notes, comments and observations were made over the course of the professional judgment process.

Accelerate English Language Acquisition

The only ways to accelerate student English language acquisition at the rate specified by Proposition 203 is to increase individual student-to-teacher communication time in English. This can be accomplished through the establishment of smaller classes and the expansion of educational programming options for ELLs through vehicles such as a longer school year, Summer School, tutoring and after school programs.

Specialized Teacher Training

For the state to comply with the requirements of the Flores Consent Decree, Proposition 203 and NCLB, it must offer specialized training for all educators from pre-kindergarten through grade 12. ELLs must be taught by qualified and trained teachers. Under the current system, there has been a lack of guidance from the state that is resulted in the inconsistent interpretations of Structured English Immersion (SEI), and its essential components. This complicates the implementation of any plan for educator training or ongoing professional development.

Teachers with second language experience should be recruited and rewarded for their skill sets as parents must be able to understand the expectations schools have for their children and the progress that their children are making. Given the state's demographics
teachers who are bilingual or who at least have some second language skills could be immensely useful in helping to avert complaints to the federal Office of Civil Rights (OCR). As we have seen in Tucson, such complaints can be very costly.

Local Flexibility

The state should afford schools flexibility to provide bilingual education for ELL students, as is being done in California and Massachusetts, where measures similar to Proposition 203 have

passed. Increasing bilingual education opportunities for students likely would ultimately result in assessing ELLs in their native languages. Such an opportunity could help the state to boost its Adequate Yearly Progress (AYP) under NCLB.

Texas for example, has found that such a practice boosts the state's bottom line. Recent reports have shown that approximately 94 percent of the state's ELLs have passed the state assessment in their native languages. This stands in stark contrast to past failure rates of nearly 90 percent of ELLs on Arizona state tests offered only in English.

The state eventually will face massive failure rates in terms of its limited English proficient (LEP) subgroup making AYP on state tests unless students are allowed to take the test in the language they understand the most at the time of the test. Such flexibility should not detract from the state's emphasis on rapid English language acquisition. Rather it should build upon it.

Adequate Funding

Arizona must find a remedy for its disparity in education funding. By doing this, the state can ensure that all students attend adequately funded schools with well-trained teachers At the very least, the state should provide schools with sufficient guidance on and funds to secure ELL curricula that are in-line with current mandates, teacher preparation efforts and ELL student population needs.

Enhance Data Collection and Use

The state clearly needs to do a better job in monitoring ELL programs. Currently state education leaders are using the student monitoring requirements stated by the Flores Consent Decree to enforce a narrow interpretation of Proposition 203, rather than ensuring that ELLs are receiving an adequate education. State guidelines should be established to monitor the quality of instruction as well as the language of instruction. Reports should be available for public review, as is required.

By focusing on the educational priorities established by NCLB, the state is likely to improve the overall qualify of education for all students – including ELLs. The state already has submitted plans to the United States Department of Education to meet these goals. These plans should be used as a framework for implementation of the following strategies to ensure adequacy of ELL education in the state:

Increase ELL English proficiency by using scientifically-based research-driven instructional methodologies. No single approach will work for all ELLs.

Provide professional development for all school staff members who may work with ELLs; uniform guidelines on compliance issues are a critical component of such training.

Increase the involvement of communities and families to promote English language acquisition, overall academic progress and good citizenship.

National Panel Recommendations for District-Level Improvements to ELL Education

The suggestions below are paraphrased observations and recommendations made by individual panelists during the professional judgment process. It also contains notes on panel discussions where the majority of panelists reached a consensus on a particular aspect of ELL education in the state. These notes, comments and observations were made over the course of the professional judgment process.

District Oversight and Accountability

Arizona school districts clearly could benefit from the inclusion of an oversight or evaluation program for ELL education. With a nominal cost, district staff could be empowered to design and implement ELL program evaluations.

District Level Training Needs

Training for administrators regarding requirements specified by the Flores Consent Decree, NCLB and Proposition 203 is absolutely critical. The state must work with districts to set clear policy for ELLs in order to comply with the various requirements. Administrators should not have to interpret the law on their own. Placing administrators in such a position places the entire district at risk of legal action, poor student achievement and potential challenges with OCR. Once the policy is set, administrators have a clear path to follow and can more efficiently work with local school board members, principals, educators, parents and communities to ensure adequacy in ELL education

Districts need funding to provide an adequate level of training, materials, and oversight for their ELL programs. Districts should adopt specific ELL curricula, and should recognize and treat English language acquisition as they would any other core subject area.

Districts could benefit greatly from using and sharing a train-the-trainers model where district ELL coordinators and specialists can train school level lead teachers and classroom teachers. They should focus on helping teachers to effectively use the district's ELL curricula. Principals evaluating teachers, receive training in how to recognize good ELL teaching. SIOP provides one such model for achieving this goal.

Effective Resource Management

According to panel consensus regarding improving ELL education in Arizona, district level resources may be more effectively used by exploring the following options:

- *Collaborating with universities to offer low cost/free tuition programs for current teachers to add ESOL certification. Advantages of dual-certified teachers: dual certified teachers work very effectively in content areas with ELLs at many proficiency levels; increased flexibility for the district to meet the needs of changing demographics.*

- *Sharing costs with neighboring districts when possible to: provide staff development opportunities; run newcomer center schools for low-incidence communities; and jointly develop curricula aligned with new AZ standards.*

APPENDIX I. QUESTIONS TO DISCUSS WITH SCHOOL LEVEL PERSONNEL ARIZONA ELL COST STUDY

Name of School:

Total Number of Students in School:

Total Number of ELL Students in School:

What percent of your ELL students have Spanish as their native language?

What other native languages can be found in your school?

How many teachers are in the school?

How many teacher aides are in the school?

Does your school have Structured English Immersion (SEI) classrooms with only ELL students, or are ELL students in mainstream classes?

Please explain why you choose to have the types of classrooms you have (i.e., SEI classes, or mainstream classes with ELL students in attendance).

Please describe your experience with implementing Prop 203? Has it been difficult, if so why? If the implementation went smoothly, please explain the process.

What percentage of your ELL students are also eligible for "free and reduced lunch"?

Please provide information on the performance of ELL students on state assessments?

What have been some of the major challenges in ELL students performing well on state assessments?

Please describe the strategies and programs you have implemented for ELL education.

Which of these strategies have been successful and why?

Which of these strategies have not been successful and why?

Are you considering new strategies for ELL education, and if so, what are they?

How many teachers have a full SEI, ESL, or bilingual endorsement?

What strategies and programs are in place to help teachers obtain endorsements?

What types of professional development activities does your school engage in?

Are there specialized professional development activities for ELL teachers?

Do you feel that professional development activities are adequate for your school?

If yes, please provide information on those activities that are most beneficial.

If no, please provide information on additional activities/resources that would be required for adequate professional development activities.

Overall, are you satisfied with the support you receive from your school district?

If yes, please provide information on those activities that are most beneficial.

If no, please provide information on additional activities/resources that would be required for adequate district services.

What types of curriculum do you provide ELL students?

Has the curriculum been appropriate and effective?

If no, what problems do you see with the curriculum?

Overall, what additional services, curriculum, products, support etc. have allowed you to be successful, or what do you need in order to be successful?

Please provide your overall thoughts on Prop 203, its benefits and limitations, and what issues must be considered when educating ELL students in Arizona.

NOTES

Notes for Chapter 1

1. The work reported in the initial draft was conducted under the leadership of NCSL Senior Education Policy Specialist Steve Smith, manager of NCSL's National Center on Education Finance (NCEF) and NCSL Education Policy Associate Greta Durr. Mr. Smith is no longer employed with NCSL. The initial draft report was completed after his departure by Greta Durr who is also no longer on NCSL staff. In addition, NCSL engaged two consultants who contributed to the initial draft report. These were Judith Wilde, Ph.D., president of Beta Group, who is an expert in language acquisition research and Craig Wood, Ph.D., professor at the University of Florida and past president of the American Education Finance Association (AEFA.) Dr. Wilde's participation in this project was solely through Beta Group, of which she is the principal.

2. This section is taken from "The Condition of English Language Learners in Arizona: 2004—Background," Kate Mahoney, Marilyn Thompson and Jeff MacSwain, which appears as Brief #3 in, *The Condition of Pre-K-12 Education in Arizona: 2004*, Alex Molnar (ed.), Education Policy Research Unit, Arizona Policy Research Initiative, Arizona State University, May 28, 2004 (http://www.asu.edu/educ/epsl/AEPI_annual_reports.htm). Used by permission of lead author, Kate Mahoney. A copy of the full brief is included as an appendix. While NCSL believes that this document contains information that may be of use to the Arizona Legislative Council, it has not verified the accuracy of any data or analysis. Further, the conclusions and recommendations are those of the authors and are not endorsed by NCSL.

3. *Flores vs. Arizona*, 48 F. Supp.2d 937 (D. Ariz. 1999).

4. A.R.S. §15-751-755.

5. For additional information regarding ELLs in the state, readers are referred to the brief on "Minority Participation" in this report.

6. A.R. S. §15-752.

7. Equal Educational Opportunities Act (EEOA), 20 United States Code Section 1703.

8. *Flores Consent Order* (CIV 92-596 TUC ACM).

9. E. Sjoberg, and The READ Institute, *English Acquisition Program Cost Study—Phases 1 through IV* (Phoenix, Ariz.: Arizona Department of Education , 2001).

10. Enacted in 1968 as Title VII of the Elementary and Secondary Education Act, the Bilingual Education Act indicated that bilingual education programs were to be seen as part of federal educational policy.

11. A failure to provide bilingual education was alleged to violate both the equal protection clause of the 14thAmendment and Title VI of the Civil Rights Act of 1964. The verdict outlawed English submersion programs and resulted in nationwide "Lau remedies."

12. A.R.S. §15-751-755.

13. According to A.R. S. §15-752, "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. C. Rossell, *Different Questions, Different answers: A critique of the Hakuta, Butler and Witt report, "How long does it take English learners to attain proficiency?"* (Washington, D.C.: The Read Institute, 2000); C. Rossell, "Dismantling Bilingual Education, Implementing English Immersion: The California Initiative." (Boston University, 2002, Manuscript).

15. S. Krashen, *Under Attack: The Case Against Bilingual Education* (Culver City, CA: Language Education Associates, 1996); J. Crawford, *Bilingual Education: History, Politics, Theory and Practice,* 4th ed. (Los Angeles: Bilingual Education Services, 1999).

16. A.R.S §15-753.
17. A.R.S. §15-755.
18. Excluded from this table are decisions of the federal courts that have affected the education of language minority learners. The two major decisions include Lau vs. Nichols (1974) and *Castaneda vs. Prickard* (1981). Other decisions include *Plyler vs. Doe* (1982), *Serna vs. Portale*s (1974), *Cintron vs. Brentwood* (1978), *Rios vs. Reed* (1978), *Keyes vs. School District #1* (1983) and *Gomez vs. Illinois* (1987).

Notes for Chapter 2

1. Locale codes were developed by the U.S. Bureau of Census. This system is used by the National Center for Education Statistics to identify an individual school's proximity to metropolitan areas as well as population size and density. According to NCES, the Locale code determination for a school district is based on the sums of enrollment for the various Locale codes within the district. The Locale code assigned to the district is based on the plurality of students.
2. Arizona Department of Education, 2001.

Notes for Chapter 3

1. This section is taken in its entirety from Lawrence O. Picus and Associates, "A Professional Judgment Approach to School Finance Adequacy in Kentuck," (May 2003). It is used here with minor modifications with permission of the authors. It is intended to provide a rationale for the methodology used in this section.
2. To economists, the cost function is the dual of a production function.
3. This section draws from A.R. Odden, S. Archibald, M.L. Fermanich, "Rethinking the Finance System for Improved Student Achievement," in *American Educational Governance on Trial: Change and Challenge*, ed. W.L. Boyd and D. Miretzky (Chicago: The University of Chicago Press, 2003).
4. Adapted from Nancy Zelasko and Beth Antuner, *If Your Child Learns in Two Languages* (George Washington University: National Clearinghouse for Bilingual Education, 2000), http://www.ncela.gwu.edu/about/lieps/4_desc.html.

Notes for Chapter 7

1 Robert Linquanti, *Fostering Academic Success for English Language Learners: What Do we Know?* (San Francisco: WestEd, 1999). Retrieved from the web December 31, 2004; www.wested.org/policyi/pubs/fostering/definitions.htm.
2 J. Wilde, *What Works for English Language Learners: Definitions of Research that Meets NCLB Requirements (*Washington, D.C.: NCELA, The George Washington University, 2004).
3W. J. Tikunof, *Applying significant Bilingual Instructional Features In the Classroom (*Washington, D.C.: InterAmerica Research Associates, Inc., 1985). Retrieved (January 2, 2005) from the Web: www.ncela.gwu.edu/pubs/classics/applying/index.htm.
4 J.D. Ramírez, S.D. Yuen, S.D., and Ramey, D.R. *Final Report: Longitudinal Study of Structured English Immersion Strategy, Early-Exit and late Exit Transitional Bilingual Education Programs for Language-Minority Children* (San Mateo, CA: Aguirre International, 1991): Retrieved (January 15, 2005) from the web: www.ncela.gwu.edu/pubs/ramirez/longitudinal.htm.
5 Thomas, W.P. and Collier, V. (1997). *School Effectiveness for Language Minority Students*. NCBE Resource Collection Series ¹9. Washington, DC: National Clearinghouse for Bilingual Education, The George Washington University.
6 Center for Applied Linguistics (1999). *Promoting Successful Transition to the Mainstream: Effective Instructional Strategies for Bilingual Students.* Digest EDO-FL-99-05. Washington, DC: Author. Retrieved (Januaray 2, 2005) from the Worldwide Web: www.cal.org/resources/digest/promoting.html.
7 Berman, P.; Minicucci,j C.; McLaughlin, B.; Nelson, B.; and Woodworth, K. (1995). *School Reform and Student Diversity: Case Studies of Exemplary Practices for LEP Students*. Washington, DC: National Clearinghouse for English Language Acquisition, The George Washington University. Retrieved (January 2, 2005) from the Worldwide Web: www.ncela.gwu.edu/pubs/schoolreform/10lessons.htm.

8 Slavin, R.E. & Cheung, A. (December 2003). *Synthesis of Research on Beginning Reading Programs for Englis.h L.anguage Learners.* Paper presented at the OELA Summit II: Catch our Rising Stars, Washington, DC. Available from the Worldwide Web available at www.ncela.gwu.edu/oela/summit2003/ Presentations/ synthesis.pdf.

9. Kindler, A. (2002).

10. Center for School and District Improvement (2004); *English Language Learner (ELL) Programs at the Secondary Level in Relation to Student Performance;* Portland, OR: Northwest Regional Education Laboratory. Cited in the current report as NWREL, 2002.

11. Walsh, K. and Snyder, E. (December 2004). *Searching the attic: How states are responding to the nation's goal of placing a highly qualified teacher in every classroom*. National Council on Teacher Quality, Page 17.

12 .Joint Policy Committee of the California Council on the Education of Teachers, the California Association of Colleges of Teacher Education, the State of California Association of Teacher Educators, and the Independent California Colleges and Universities Council on the Education of Teachers (2001). Success for English language learners: Teacher preparation policies and practices. Reprinted from the *Teacher Education Quarterly, 28*(1), no pages given. Referred to hereafter as the Joint Policy Committee (2001).

12. SDAIE = specially designed academic instruction in English, similar to content-based ESL, Page 22.

13. (Harklau, 1994, cited in NWREL, 2004, p 23).

14. (US Department of Education, 2003).

15. National Center for Educational Outcomes [NCEO], 1999, Decision-making matrix for students with limited English proficiency: Graduation standards and statewide accountability testing. Minneapolis: Author. Retrieved (February 6, 2004) from the Worldwide Web: www.coled.umn.edu/NCEO/MAP/LEP1.html.

16. Abedi, J; C. Hofstetter, & C. Lord (April 2003). *Research on Accommodations for English Language Learners*. Paper presented at the Annual Meeting of the National Council on Measurement in Education, Chicago, IL.

17.(Abedi & Lord, 2001 – reported in Abedi, Hofstetter, & Lord, 2003).

18. (Abedi & Lord, 2001 – reported in Abedi, Hofstetter, & Lord, 2003).

19. Menken, K. (2000). *What are the Critical Issues in Wide-Scale Assessment of English Language Learners?* Washington, DC: National Clearinghouse for Bilingual Education, The George Washington University. Retrieved (February 5, 2004) from the Worldwide Web: www.ncela.gwu.edu/pubs/tasynthesis/framing/ 3criticalissues.htm.

20. Butler, F.A. and Stevens, R. (1997). *Accommodation strategies for English language learners on large-scale assessments: Student characteristics and other considerations*. CSE Technical Report 448. Los Angeles: Center for the Study of Evaluation, UCLA.

21. Schau, C.G. and Busch, J.W. (1984). *Evaluation of the Gallup McKinley County Public School District's Basic Skills Test Battery.* Part I – Reliability, Part II – Construct Validity, Part III – Criteriion referenced evaluation. Technical reports created under contract with Gallup McKinley County Public Schools, Gallup, NM.

22. For a review of the history of federal funding as it relates to English Language Learners, see "Evolution of Federal Policy and Implications of No Child Left Behind for Language Minority Student," Wayne E. Wright, Education Policy Studies Laboratory, Language Policy Research Unit, Arizona State University, 2005. http://www.asu.edu/educ/epsl/EPRU/documents/EPSL-0501-101-LPRU.pdf.

23. References in the sections on Title I and Title III are from the No Child Left Behind Act of 2001, Public Law 107-110, as signed January 8, 2002.

24 .For a review of the history of federal funding as it relates to English Language Learners, see "Evolution of Federal Policy and Implications of No Child Left Behind for Language Minority Student," Wayne E. Wright, Education Policy Studies Laboratory, Language Policy Research Unit, Arizona State University, 2005. http://www.asu.edu/educ/epsl/EPRU/documents/EPSL-0501-101-LPRU.pdf.

25. References in the sections on Title I and Title III are from the No Child Left Behind Act of 2001, Public Law 107-110, as signed January 8, 2002.