

**Testimony presented by Rhode Island Teachers of English Language Learners (RITELL) to
the Rhode Island House Health, Education, and Welfare Committee
Regarding Proposed Legislation H-5527
AN ACT RELATING TO EDUCATION-THE PAUL W. CROWLEY RHODE ISLAND STUDENT
INVESTMENT INITIATIVE**

February 27, 2013

Rhode Island Teachers of English Language Learners (RITELL) is the state's professional organization for teachers of English Language Learners (ELLs). It is the official Rhode Island affiliate of TESOL International. We represent Rhode Island teachers of ELLs Pre-K through Adult.

RITELL urges you to vote for the passage of H-5277 as introduced by Representatives Naughton, E. Coderre, Slater, Diaz and Palumbo on February 6, 2013.

We do so for the following reasons:

1. It is well known that giving tests in English to students who are in the process of learning English is neither valid nor reliable (National Research Council and Institute of Medicine, 1997)*:
"Every assessment is an assessment of language," the Committee wrote in *Improving Schooling for Language-Minority Children*. "
This is even more the case given the advent of performance assessments requiring extensive comprehension and production of language. To base graduation on such linguistically-demanding assessments administered in English to students the state has itself verified have limited English proficiency is indefensible based on all we know about the effect of limited proficiency on test results. Furthermore, recently arrived students have not been exposed to the curriculum that is tested on the assessments. Therefore, content bias may exist and this also may lower the scores of students.
2. Causing students sit for tests that are administered in English after they have been in the country as little as a month, as is done in the case of the Mathematics NECAP assessment, is punishing to ELLs and their teachers. The students cannot read or understand the tests and teachers must administer them anyway, causing emotional distress to both parties. When students are at the *Entering, Emerging and Developing* proficiency levels as measured by the WIDA ACCESS test, they cannot read and interpret the questions sufficiently to demonstrate their mathematical abilities. It is equivalent to asking English-speaking children to take the test in Japanese; they might know the content, but would not be able to understand the test questions in order to respond appropriately. Therefore, when giving tests in English, it's important to remember that they are reading tests as much as they are content tests (as can easily be seen in the case of word problems on mathematics assessments).
3. To use the results of such assessments to place children in interventions they may not require or to determine if they should earn a Rhode Island diploma is an egregious practice. There is no diagnostic capability of tests given in English for students whose proficiency does not allow them to process the questions. Instead, teacher knowledge of student abilities should weigh more heavily on the assignment of students to interventions, given that tests administered in English have all the aforementioned flaws.
4. To take and retake the same test, administered in English, does not improve the situation for ELLs, particularly in short time frames such as is suggested by RIDE policies. (*see Commissioner's February 2013 letter regarding graduation in which it states that those not meeting standards in October can take it the following spring*). The requisite proficiency cannot grow that quickly for students who have just begun to learn English. It could also

lead to instructional practices focused on “doing better on the test” or “teaching to the test”, rather than the provision of high quality instruction. While the secondary regulations also have a “waiver” provision that might apply in the case of ELLs, districts may only apply for this after following the test-retest procedure and only in “rare cases”. The state also permits ELL students to continue working towards successful completion of Rhode Island graduation requirements beyond the equivalent of the 12th grade year. But this treats ELLs unfairly, as they must stay in school longer than other students only because they are still developing English proficiency sufficient to demonstrate content mastery on tests administered in English, if no alternate assessments are identified (as is currently the case in Mathematics).

5. While RITELL applauds the fact that the state has provided alternate testing provisions for the English Language Arts NECAP assessment, to date, no provisions are in place that would offer a reasonable alternative to ELLs for the Mathematics assessment. RITELL further acknowledges that these testing policies are driven by federal regulations that all students be included in accountability assessment systems, but the state needs to consider a “Plain English” version of the Mathematics NECAP or any future tests it may use to assess student performance if administered in English. *Plain English* is a form of test wording in which all phrasing is made as simple and understandable as possible to aid learners in interpreting the questions; it does not influence their results; it just makes sure they can comprehend the questions being asked. This would provide some relief to students taking the test in English. Even “Plain English” testing should be coupled with teacher knowledge of student abilities. This bill would ensure the appropriate use of assessments for diagnostic purposes and prevent questionable results of tests given in English to determine high school graduation. If possible, RITELL further recommends that districts test skills in native language upon entry to identify students in need of support as early as possible as is the intent of the secondary regulations.
6. We urge the passage of this bill as it focuses on supports given to students and denies linkage of accountability measures for “high-stakes” purposes, such as is proposed for high school graduation. We further urge a focus on support given to students because:
 - Teachers are not well prepared to work with ELLs. The state should spend money here instead of on testing in order to improve schooling outcomes for ELLs.
 - ELL students are often in under-resourced schools. Many RI districts are in desperate financial shape; large numbers of teachers receive layoff notices each year. Yet at the same time large amounts of funding are being allocated to testing. If permitted by *Race to the Top* funding guidelines, allocating resources to hire more teachers to lower class size, advance teacher skill in serving ELLs and to purchase ELL-responsive teaching resources would be a far better use of these and other available monies.

It is for all these reasons that RITELL urges passage of H-5527.

These arguments have all been shared previously with the Rhode Island Department of Education at various public hearings and meetings they have held regarding the graduation requirements.

* This position is further elaborated in “High Stakes: Testing for Tracking, Promotion, and Graduation,” National Academies Press, 1999, Chapter 9, by *Jay P. Heubert and Robert M. Hauser, Editors; Committee on Appropriate Test Use, National Research Council.*