

Dear members of the Oregon Board of Education,

I am writing regarding the rules being adopted for implementation of HB 3499. I am a member of the work group charged with implementing portions of the bill, and have been a teacher of English learners since 1987. I was in one of the first cohorts to obtain an ESOL endorsement from Portland State University, when the endorsement was first offered in this state during the 1990s. I am writing about concerns I have with the rules as currently stated.

During the workgroup discussion on December 1st regarding selection of progress measurements to be used for English Learners (ELs) in middle school, several of us expressed concerns about the use of statewide standardized assessments to evaluate their academic progress. The validity of using a statewide assessment such as SBAC or OAKS, given in English and designed to assess proficient English speakers, as an assessment of English learners academic progress for the purpose of program evaluation is highly questionable. It would be valid to count current EL's scores on English language statewide assessments of content knowledge and skills only after a number of years in a program, or after reaching a certain level of English proficiency, and many of us stated that.

There was also a discussion about what should be the definition of a "long-term English learner" (LTELL) in which research into average length of time needed in a quality program to achieve proficiency in academic English was discussed. Five to seven years is the *average* length of time widely acknowledged by researchers and practitioners in the field as necessary to reach such proficiency. The members of the workgroup who are experts in this field are all aware of that and agreed on that point.

In both cases, I was disappointed in the group process. The discussion was cut short in the case of appropriate metrics to be used for middle school. The rule we had seen stated in previous drafts regarding LTELL identification after 7 years or more was changed to 6 years or more due to "some comments received" recently. The group was somewhat split over the question of 6 vs.7 years, but my perception was that most people agreed that 7 years would be the better choice. Though some of us called for a vote to see which was actually preferred by the *majority* in the group and the ODE facilitator stated that the room was split, the new 6 year definition went unchanged, without a clear picture of by *how much* the room was split ever being finally determined.

I was especially disappointed by the the apparent lack of interest in listening to and learning what studies in the area of Second Language Acquisition have to say about these two questions. If we use what research shows to be inadequate or inaccurate measures of the progress and proficiency of English learners, we will be taking giant steps backward from the progress that those of us who have worked for years in this field have made towards recognition and respect of students' first languages as important assets, rather than focusing on English acquisition solely and to the detriment of the students' first languages and academic success. In Dual Immersion programs, which value not only English learners' first languages but their cultures as well, acquisition of English takes longer; yet these are the programs that have been proven by research to be most effective in the long term for student success and academic achievement. ([Please read here for a definitive national study](#), particularly the conclusions which begin on page 324. I am also attaching a graph from the same researchers which shows the average trajectory of students in various program models.)

While we received assurances that this aspect of high quality Dual Immersion programs would be considered as part of the subjective measures in selecting a district, it concerns me that what is

written in the rules does not favor these high quality programs but rather favors quick exit programs which research has shown to be far less successful long term. Having worked for decades around civil rights issues regarding over identification or non-identification of English learners through inappropriate measures, I would want any subjective measures used to focus on inclusion of ineffective programs rather than expend effort on excluding a large percentage of effective programs. And while the current occupants of the Department of Education may have every intent to exclude high quality DLI programs from selection even though they take longer, it has been my experience that people come and go, but rules are more enduring. We cannot be guaranteed that the next ODE officials will be proponents of Dual Immersion. Language learning has been a politically charged issue in the United States forever, and I see nothing that makes me believe that has changed, nor that we should trust benevolent subjectivity to do what is best for our English learners.

I well understand the need and urgency around figuring out how to best serve students who must acquire English at the level needed to be successful in our country. In my current school district, we undertook a study around our LTELLs in 2010. A summary of our results are attached. They include notes I took on the documents during the meetings, and all student names have been redacted for privacy. As you will see, our district has been very successful at serving most students. The number of ELs is reduced each year, and we have only a small number who continue in our program at the high school level. As you will also see, those students we identified as LTELLs who do not exit are very mobile, often dual identified as Special Education students, and profoundly impacted by poverty. I would hate to waste time identifying for intervention many successful programs based on inappropriate measures and fail to put the focus of our efforts on this small group of students that clearly has significant needs that must be addressed.

My district identified LTELLs as 7th grade and up with 4 or more years in the program.

Please consider using a definition similar to what my district uses to identify LTELLs as well as a research based, appropriate measure of academic progress for new to program English learners. Currently, ELPA is the closest thing we have to that.

Let's not repeat the mistakes of the past, when all students were evaluated based on English only measures, resulting in unfounded conclusions about the students and the programs that serve them.

Thank you for your time and attention to this important matter.

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