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El Noticiero

Newsletter of the New Mexico Association for Bilingual Education

Vol. 33, No. 4.2

September, 2009

The New English Language Development (ELD) Standards: A Giant Step Forward

On July 27-28, 2009 the Bilingual Multicultural Education Bureau of the NM Public Education Department held a "Trainer of Trainers" Summer Institute to unveil the New English Language Development Standards. Dr. Gladys Herrera Gurulé, Director of the Bureau, invited key personnel from districts across the state and partner organizations – the New Mexico Association for Bilingual Education (NMABE), Dual Language Education of New Mexico (DLeNM), and the Center for the Education and Study of Diverse Populations (CESDP). The NMABE also helped facilitate the logistics of the event. Participants were charged with introducing the new standards locally to their peers and administrators and eventually training personnel on how to use them.

The ELD standards were developed by a team of New Mexico teachers in collaboration with WIDA: the World-Class Instructional Design and Assessment Consortium. The WIDA Consortium is a non-profit, cooperative group



Engaged institute participants

whose purpose is to establish and promote standards and assessments for English language learners (ELL) that meet and exceed the goals of No Child Left Behind (NCLB). Through standards, assessments and professional development, WIDA provides meaningful tools and information to educators working with ELLs. These tools and information are anchored in knowledge about best practices for serving these diverse learners.

New Mexico has joined the 20 state consortium which is dedicated to the design and implementation of high standards and equitable educational opportunities for ELLs. The consortium believes in the concept of "Education First"; that is, the use of sound educational practices for each and every ELL.

Dr. Margo Gottlieb, Lead Developer for the WIDA Consortium, walked everyone through the standards one step at a time. Many hands-on experiences throughout the two-day institute grounded the group's understandings of the standards and the implications for instruction. The standards enable English language learners to access the content requisite for academic success through language.



Dr. Gottlieb shares ideas with audience.

The five standards

1. **Social and Instructional language:** *English language learners communicate for social and instructional purposes within the school setting*
2. **The language of Language Arts:** *English language learners communicate information, ideas and concepts necessary for academic success in the content area of Language Arts*
3. **The language of Mathematics:** *English language learners communicate information, ideas and concepts necessary for academic success in the content area of Mathematics*
4. **The language of Science:** *English language learners communicate information, ideas and concepts necessary for academic success in the content area of Science*
5. **The language of Social Studies:** *English language learners communicate information, ideas and concepts necessary for academic success in the content area of Social Studies*

The standards are organized in five grade level clusters: PreK-K, 1-2, 3-5, 6-8 and 9-12. Additionally, they are broken

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Supreme Court Upholds Students' Right to Learn English

By David Hinojosa,
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Fact Sheet on Supreme Court's Decision in *Horne v. Flores*

On June 25, 2009, the Supreme Court decided *Horne v. Flores*, a case involving the education of English Language Learner (ELL) students in Arizona public schools. The Supreme Court reversed and remanded the case back to the district court to determine a number of factual and legal issues in light of its opinion.

Background

The original action was filed in 1992 by a class of ELL students in Nogales, Arizona, claiming that the State had failed to assist ELL students in overcoming their language barriers under the EEOA by under-funding language programs. Plaintiffs prevailed at the trial level in 2000, proving that the State had violated the rights of ELL students under the EEOA, by failing to take "appropriate action." The district court ordered the State to provide adequate funding of programs for ELL students, an order with which the State never complied. Following a series of court orders attempting to enforce the 2000 funding order, the State filed a motion seeking dismissal of the case arguing that a series of significant programmatic improvements and funding for ELL programs made state compliance with the funding order insignificant. The motion was denied by the lower courts. Arizona then sought review with the Supreme Court.

Horne v Flores

On June 25, 2009, the Supreme Court decided *Horne v. Flores*, a case involving the education of English Language Learner (ELL) students in Arizona public schools. The Court rejected a challenge by Arizona's Superintendent and others seeking to diminish the State's role in affording ELL students the opportunity to learn English. The defendants had argued that the State's compliance under the No Child Left Behind Act (NCLB) amounted to compliance under the EEOA, but the Court instead held that compliance under NCLB is not determinative and remanded the issue.

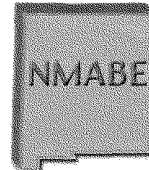
In support of the plaintiffs in this case, MALDEF and other national civil rights groups submitted an Amicus Brief and argued that Congress never intended to absolve a State of its responsibilities under the EEOA. The Court agreed.

In support of the plaintiffs in this case, MALDEF and other national civil rights groups submitted an amicus brief arguing that Congress never intended for a State to be absolved of its responsibilities under the EEOA by meeting its duties under NCLB. Founded in 1968, MALDEF, the nation's leading Latino legal civil rights organization, promotes and protects the rights of Latinos through litigation, advocacy, community education and outreach, leadership development and higher education scholarships. For more information on MALDEF, please visit: www.maldef.org.

Positive Points of the Decision

1. The significance of providing equal educational opportunities to ELL chil-

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El Noticiero

El Noticiero is published monthly by *Language Magazine* and provides information on current affairs concerning the education of language minority persons in New Mexico and the United States.

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PUBLICATION SCHEDULE

No. 33:1 Fall 2008: October
(Conference Edition)

No. 33:2 Winter 2009: January
(Board News, Bilingual Education Day,
Call to Action)

No. 33:3 Spring 2009: April
(Institutes Announcements)

No. 33:4 Summer 2009: July
(Summer Activities)

Monthly Inserts/Wraps in *Language Magazine*

Governor Bill Richardson Announces Graduate New Mexico Initiative

Plan To Bring Back 10,000 Dropouts

On August 4, 2009, Governor Richardson announced the next generation of Making Schools Work education reform initiatives: **Graduate New Mexico! It's Everybody's Business**. His announcement today - the first of several initiatives to be unveiled during the next several weeks - is designed to bring back 10,000 dropouts, address the achievement gap, and improve graduation rates in New Mexico.

"To sustain New Mexico's growing economy and workforce, all New Mexican's must, at the very least, graduate from high school. We must accept that, in the 21st century, to secure a job that will support a family and provide a decent quality of life, a high school diploma is a must," said Governor Richardson.

"Incremental gains are good, but not good enough. We must take bold steps in our reform effort," said Education Secretary Veronica C. García.

The total investment in new education reform is \$8.9 million dollars from federal stimulus money. Governor Richardson announced the first six components of **Graduate New Mexico! It's Everybody's Business**:

1. An expansion of IDEAL-NM (Innovative Digital Education And Learning). The Public Education Department will make online courses available to up to 10,000 students who need to make up credits to graduate. The credit recovery program will provide on-line courses that students can take anywhere that there is internet access. Students must go to their high schools to register.

2. The appointment of a task force for the Schools Most In Need of Improvement. The task force will examine the schools that have consistently failed to improve over the last five years and will make recommendations about intensive interventions to consider in order to improve its persistently low performing schools. The task force will be headed by Education Secretary,

Dr. Veronica C. García.

3. The establishment of the Office of Hispanic Education at the Public Education Department. The office will liaison with the Hispanic community to engage in meaningful ways to address the achievement gap.

4. Three Governor Summits on the Achievement Gap, each with a separate focus on Hispanic, Native American, and African American student achievement are to be held in October, November and December of 2009. The purpose of the summits is threefold: 1) to call attention to educational challenges, 2) to collaboratively arrive at solutions, and 3) to engage parents and community in the process.

5. The availability of online cultural competence training for teachers. This course will be offered in collaboration with NM Highlands University Center for the Study and Education of Diverse Populations, to train teachers in culturally relevant teaching techniques and materials.

6. The creation of an annual report card clearly reporting achievement, graduation rates, dropout rates, college attendance, college remediation rates, and post-secondary attainment levels for each ethnic group. The first baseline report will be released no later than December 31, 2009.

"It's going to take a statewide community effort if we are to ensure that every New Mexico high school student graduates from high school ready to contribute to New Mexico's economy. **Graduate New Mexico. It's everybody's business!**" said Richardson.

Continued from page 1 - New ELD Standards

into the four language domains of Listening, Speaking, Reading and Writing across six levels of English language proficiency. They are applicable to each and every teacher and administrator who has ELLs in classrooms and school districts.

"The introduction of the new ELD standards mark the beginning of a New Mexico relationship with WIDA." said Dr. Gladys Herrera Gurulé. "Their full-time professionals and researchers are very well regarded nationally." This partnership and continued professional development will help because teachers will understand how to teach the language of the content areas in linguistically appropriate ways.

ELL Summit Report
 available at the New Mexico
 Public Education Department website:
<http://www.ped.state.nm.us/>

Continued from page 2 - *Horne v. Flores*

dren cannot be understated. The Court said: “There is no question that the goal of the EEOA (Equal Educational Opportunities Act- overcoming language barriers) - is a vitally important one, and our decision will not in any way undermine efforts to achieve that goal.”

2. Under the EEOA, states have continuing obligations to develop effective programs that will allow ELL children to become proficient in English.

3. The Court rejected Arizona school officials’ claim that the State’s mere compliance with the No Child Left Behind Act (NCLB) constitutes compliance with the EEOA. Courts may now consider whether substantial state educational changes made pursuant to NCLB (including funding increases as well as programmatic and monitoring improvements to language programs for ELL students) amount to “appropriate action” under the EEOA and help ELL students become proficient in English.

4. Focusing solely on funding of ELL programs is insufficient to prove a violation of the EEOA, but funding remains relevant because courts must still determine whether available funding for general education and from local revenues supports “EEOA-compliant ELL programming.”

5. Returning control to the State by possibly dissolving the lower court injunction is important, but can only occur if the public’s interest is served and this State can prove that it has satisfied its obligation of providing “appropriate action” under the EEOA.

6. No ultimate determination has been made on any of the claims by the plaintiffs in the case. The lower court must still determine whether the following changes were significant enough to satisfy the State’s obligation under the EEOA and, therefore, to dissolve the injunction: a change from Bilingual Education programs to Structured English Immersion programs; a change in ELL programs and funding resulting from NCLB; and a change in Nogales’ local structural and management reforms.

Negative Points of the Decision

1. The Court further relaxed the standard to dissolve injunctions under *Fed. R. Civ. P.* 60(b)(5), thus providing an avenue for defendants to circumvent compliance with an existing injunction and to argue other changed circumstances.

2. The Court held that, although the district court must resolve whether the State has provided sufficient funding for ELL programs, the court must take into account funding for general programs and other local sources, rather than looking at targeted ELL funding alone. Thus, districts may be forced to “rob Peter to pay Paul.”

3. The Court stated that compliance with NCLB is not per se compliance under the EEOA, but the Court also discussed in detail how the language program changes made by the State pursuant to NCLB may, along with other changes, provide the basis for significant changes and “appropriate action.”

4. The Court ignored, in essence, some of the data reflecting the overall lack of success of ELL students, especially at the secondary level. The Court held, however, that the record at this time is insufficient to make a final determination.

5. The Court’s majority opinion seemingly endorsed Structured English Immersion programs over Bilingual Education programs and indicated that putting more money into education does not matter. Those rhetorical comments carry no legal weight. As the dissenting opinion notes, there is substantial research proving that Bilingual Education is far more successful than Structured Immersion programs in helping students learn English and that providing sufficient funding for quality educational programs will make a difference. Clearly, the debate is not over.