



American-Arab Anti-Discrimination Committee

Testimony, Recommendations, and Comments

to the

U.S. Department of Education

at hearing on

Title I Implementation Under the

Every Student Succeeds Act

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Introduction:

I am writing to you on behalf of the American-Arab Anti-Discrimination Committee (ADC), the country's largest Arab-American organization. ADC is committed to protecting civil rights, promoting mutual understanding, and preserving the Arab cultural heritage. ADC has protected the Arab-American community for over thirty five years against defamation, discrimination, racism, and stereotyping. ADC has a vigorous commitment to work on education policy objectives and laws that impact Arab American students and English Language Learners. ADC respectfully takes this opportunity to submit the following comments and recommendations to the United States Department of Education on the implementation of Title I under the Every Student Succeeds Act ("ESSA").

Statement:

The Arab American population is estimated at over 3.5 million, and represents one of the largest growing minority communities in the United States ("U.S.").¹ Arab Americans are diverse, with ethnicity and heritage spanning 22 countries, but the Arabic language connects us together.² Our children are part of the English Language Learners ("ELL") student community. For many of our children Arabic is their native language, exclusively speak Arabic at home, and/or their parents do not speak English or possess English proficiency skills. Many of our children serve as translators between their parents and teachers, translating all school related information and documents.

The Spanish speaking population is no longer the only English language learner community. The Arabic speaking community is one of the largest growing ELL communities in the U.S., but our community is underserved. Our children should not have to fight or result to litigation and consent decrees to make sure their right to quality education is upheld, to make sure they have qualified interpreters and translators, to make sure they have modern and culturally appropriate language materials. With this in mind, ADC requests for the Department to detail regulations, guidance, and technical assistance to states, school districts, local educational agencies, and schools on how to address the particular needs of Arabic speaking ELLs.

¹ The 2014 American Community Survey reports approximately 2 million people residing in the United States report Arab ancestry. This number does not reflect Arab persons such as Somalians and Sudanese among others which the Census classifies as sub-Saharan African or African.
http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_1YR_B04006&prodType=table.

² It is important to note that this includes Americans with national origin from some North African countries including Djibouti, Algeria, Egypt, Algeria, Morocco, and Somalia.

Now, during 1980s and even the 1990s, there was a stereotype or assumption that Arabs were wealthy, highly educated, and possessed competent English skills. In some cases, this was the reality as like all communities the wealthy were more capable of sending their children to the U.S. for school, could afford private English tutors, or had economic support from their families whom have lived in the U.S. for generations. But a key fact to this was their access to wealth and/or economic support from relatives. But this is not the reality for a majority of Arab children living in the United States today, especially disadvantaged subgroups within the Arab community.

Wealth has always equated to access to quality education and opportunity. This is no longer acceptable and is precisely what Title I aim is to eliminate.

Since the 1990s there has been a dramatic increase in the household income gap amongst Arabs. The 2010 Census Report found that while the average Arab American household income was approximately 56,000, the average household for a person of Iraqi or Yemeni ancestry was more than 20,000 less than the average. This is a 40%-45% gap. In the future, this income gap will likely grow with: 1) the refugee crisis (Syria, Yemen, Palestine); and 2) reports of families and children settling in the U.S. from economically poor Arab nations (including but not limited to Djibouti, Mauritania, Sudan, Morocco) and where many our first generation immigrants. As such, Arab students from disadvantaged groups within the population, where their national origin may be a factor, will disproportionately be made up of students from low-income families with limited to no English skills, attending schools in poor districts, and uniquely subject to achievement gaps as compared to other students.

This background is necessary to demonstrate that there are particularly disadvantaged groups within the Arabic speaking population, that have a particular need and will be directly impacted by the implementation of Title I and Title I funding. Based on the forgoing, ADC makes the following recommendations and comments to the U.S. Department of Education (“Department”):

Intervention and Support

The Department has the authority and responsibility to regulate ESSA, and intervene where schools or school districts fail to remedy disparities and substantively address achievement gaps, and groups or subgroups of students are underperforming. The Department must issue regulation on how subgroups are defined, as the definition is instrumental to school reporting and have consequential impact on how resources are allocated and when intervention is determined.

The Department must actively provide advice and continuous consultation with states as they are building their accountability systems so that low performance of any one group and subgroups, namely ELL, triggers identification for targeted intervention and support.

The Department must take proactive measures to make sure states are accurately identifying schools where subgroups are underperforming and that English language proficiency are appropriately weighed as an indicator. Identification is footnotes and any other embedded arbitrary identification that masks low performance must not be allowed.

Closing Achievement Gaps and Assessments

English Language and Math Assessments – The Department should publish Best Practice Guidance on the intersection of closing achievement gaps, meeting college and career readiness, and assessments of English Language learners. The Department must mandate that schools and districts appropriately balance content mastery for ELL while still developing English proficiency, affirming that English language acquisition alone is not sufficient.

The Department should revise regulations to address where an ELL student performs poorly on a content assessment, educators and policymakers need to put in place measures that aim to understand whether this is due to: 1) insufficient English language proficiency to demonstrate content knowledge; 2) a lack of content knowledge or opportunity to learn content; 3) systematic interference (use of unnecessarily complex language); or 4) other sources of bias or error (cultural barriers, rater misinterpretation). The Department shall enforce the right of ELL students to have content assessments conducted in their native language as an appropriate accommodation. This will yield more accurate and reliable information on what a student knows or does not know in core subjects.

The Department must discourage ELL exemptions from state accountability systems for both math and English, and exemptions for more than 1 year from the state accountability system. This should not be an option and the Department must stand against. This should not be an option. The Department must affirm that assessment is necessary to ensure ELL have the supports they need to quickly obtain English proficiency and core skills.

The Department should vigorously enforce the 95% participation rate in assessments. This is vital for both the Department and States to know where intervention is needed and when reevaluation of resource allocation is needed. The Department must take proactive measures in regulation to ensure that states are actually setting legitimate achievement and graduation goals for all students and subgroups, including ELL. The Department must also ensure that local assessment administered by a local educational agency in lieu of the state designed assessment is neither of lower quality nor arbitrary and bias methodology. The Department should articulate recommendation and factors that should be used in such assessments.

Ensure schools and school districts are measuring student acquisition of English through cognitive adaptive assessments. This is crucial to instructional planning that is specific to each student's individual and particular needs. There is no one size fits all approach, and we must make sure schools, districts and local educational agencies do not take this approach.

Educator Equity and Instruction

The Department should conduct annual review and collaboration with States on implementing assessments that tailor instruction to ELL based on the student's specific needs used by local educational agencies, schools districts, schools, and teachers. Actively encourage and support schools investment into updated, modern and culturally appropriate materials for ELL.

Encourage teacher diversity - This is it important for student growth and objective understanding of their peers, as reflective of the society we live in. Teachers from diverse backgrounds are assets to schools and districts as they bring a level of understanding and perspective to engagement and learning with particular communities and subgroups from personal experience.

The Department must make clear through regulation that educator equity and resource equity means qualified translators and interpreters. Qualified translators and interpreters are vital to ELL growth and adequate assessment of math and other core subject skills.

Resource Equity

The Department through regulation should proactively push for schools and school districts to invest in qualified translators and interpreters, and specifically Arabic translators and interpreters where appropriate upon evaluation of the need. Actively push for states to use the data reporting proactively to identify and address resource equity disparities and gaps in access to state and local resources within schools and school districts, but also throughout the state. Actively push for compliance with Title III by schools, districts and states, with the understanding that ESSA must be enforced in its entirety, not segregated out, to truly defend all children's right to a quality education.

Data Reporting and Cross Tabulation

The Department must actively enforce school and school districts to report and make publicly available the disaggregation of data on all subgroups, including English proficiency status. The Department must actively enforce school and school districts requirements to report on the following indicators:

1. academic achievement- performance on annual assessments;
2. Four-year graduation rate (high schools) meaningful measure of student growth (elementary schools);
3. Progress of English language proficiency.

The Department must strongly encourage schools and districts to apply the following meaningful indicators to measure school quality and student success:

1. student access to and completion of advanced coursework;
2. postsecondary readiness;
3. school climate and safety.

The Department should publicly report where schools fail to use student academic growth as a substantive measure in their respective state accountability systems. The Department must take active measures to make sure states are making cross-tabulation data publicly available and easily accessible.

Meaningful Engagement, Input and Rights of Parents

The Department must regulate to ensure parents have a substantive role in schools funding priorities, school and school district plans, and continued consultation throughout the school year to ensure informed on progress and how needs based on assessment are being met. Input includes sufficient time to review and provide feedback that is actively considered.

The Department must regulate to ensure that state and schools districts with significant Arabic speaking populations, even if the students understand English, that all vital education documents and student assessments are readily accessible in Arabic. The Department must ensure that education related documents are provided to parents in a language they understand, and that parents are inconspicuously notified of this right.

Discipline in Schools- The Department must support LEA plan efforts to detail how it plans to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by each student sub-group (race/ethnicity, English Learner status, disability status).

Conclusion:

ADC strongly encourages the U.S. Department of Education to take the necessary measures to ensure Arabic-speaking English Language Learners are not overlooked or fall through the cracks. We believe that the Department's implementation of our recommendations is crucial to strong enforcement of the Every Student Succeeds Act and preserving civil rights.