

JANIE TANKARD CARNOCK

PIONEERING CHANGE

Leveraging Data to Reform
English Learner Education in Oregon

AUGUST 2017

About the Author



Janie Tankard Carnock is a policy analyst with the Education Policy program at New America. She is a member of the Dual Language Learner National Work Group. Her work addresses policies and practices related to multilingualism, immigration, English proficiency, and educational equity. Her writing has appeared in the *Hechinger Report*, *Univision*, *Education Post*, the *Washington Monthly*, *RealClearEducation*, the *74*, *Sojourners*, *Pacific Standard*, and elsewhere. Before joining New America, she taught second grade in Baltimore City. Around half of her students spoke Spanish at home.

Acknowledgments

This work would not be possible without generous support from the Heising-Simons and McKnight Foundations. I thank the many individuals who spoke with me about their efforts to improve outcomes for English learners in Oregon, including David Bautista, Tim Blackburn, Taffy Carlisle, Parasa Chanramy, Joseph Gallegos, Martha Martinez, Kim Miller, Karen Thompson, Rudyane Rivera-Lindstrom, Josh Rew, and Danielle Winterhalter. Thanks also to New America colleagues Elena Silva, Amaya Garcia, Lindsey Tepe, Roxanne Garza, and Sabrina Detlef for their valuable insights and suggestions; and Tyler Richardett, who directed layout and publication of the final version. Tony Hanna provided research and editing support. I am especially grateful to H. Gary Cook, Elizabeth Dabney, and Matthew Weyer for sharing their expertise in feedback on an earlier draft.

Terminology

This paper uses the term English learner (EL) to refer to students between the ages of 3–21 enrolled in the PreK–12 educational system who have a native language other than English and are in the process of developing their academic English language proficiency. This definition aligns with that used in a recent consensus report by the National Academies of Sciences, Engineering, and Medicine, *Promoting the Educational Success of Children and Youth Learning English: Promising Futures*.

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Our work is made possible through generous grants from the Alliance for Early Success; the Buffett Early Childhood Fund; the Foundation for Child Development; the Bill & Melinda Gates Foundation; the Heising-Simons Foundation; the William and Flora Hewlett Foundation; the Joyce Foundation; the George Kaiser Family Foundation; the JPMorgan Chase & Co.; the W.K. Kellogg Foundation; the Kresge Foundation; Lumina Foundation; the McKnight Foundation; the Charles Stewart Mott Foundation; the David and Lucile Packard Foundation; the Pritzker Children's Initiative; the Siemens Foundation; the W. Clement and Jessie V. Stone Foundation; the Berkshire Taconic Community Foundation; and the Walton Family Foundation. The views expressed in this report are those of its author and do not necessarily represent the views of foundations, their officers, or employees.

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INTRODUCTION

In June 2015, Oregon Governor Kate Brown signed House Bill 3499 for English learner (EL) students into law, describing it as a “watershed moment” in the state’s educational system. The law broke new ground for how to use data to identify and support the lowest-performing districts for ELs across the state. Critically, it came with a dedicated, permanent funding stream: \$12.5 million every two years.

“We must be accountable and transparent,” Brown said at the time. “In signing HB 3499 into law today, we are on the path to achieving these objectives and supporting better outcomes for [EL] students.”¹

The reform was a major milestone for ELs. It prioritized a population historically marginalized within PreK–12 policy discussions. In the years since its passage, the law has triggered an important sequence of actions. From July 2015 to December 2016, the law required an advisory group of diverse stakeholders—educators, parents, researchers, and advocates—to convene and define data metrics and criteria to evaluate districts’ success with ELs. In January 2017, the state publicly identified low-performing districts and began working with district leaders to reform EL programming, supported by new state funding, coaching, professional development, and needs assessments. In June, the state passed legislation to codify an EL advisory group for the long haul.²

Oregon’s still-evolving example is an important one in light of the new federal education law, the Every Student Succeeds Act (ESSA). Under ESSA, states will have considerable autonomy to make decisions about evaluating and improving how school systems serve English learners. As detailed in our companion report, *Seeing Clearly: Five Lenses to Bring English Learner Data into Focus*, parsing EL data metrics and drawing valid insights from them is inherently complex work. Oregon provides an illustration of what it can look like to apply key principles related to EL data to concrete policy reforms.



In June 2015, Governor Kate Brown signed major reforms for English learners into law. Photo by Gordon Friedman, used by permission of the *Statesman Journal*.

Further Reading

A companion report, *Seeing Clearly: Five Lenses to Bring English Learner Data into Focus*, offers a framework of five corrective lenses to improve the collection, use, and interpretation of EL data:

1. The EL subgroup is not static.
2. Learning a language takes time—but not forever.
3. ELs at different stages progress at different rates.
4. English skills impact academic performance.
5. Poverty affects most ELs and, as a result, their educational outcomes.



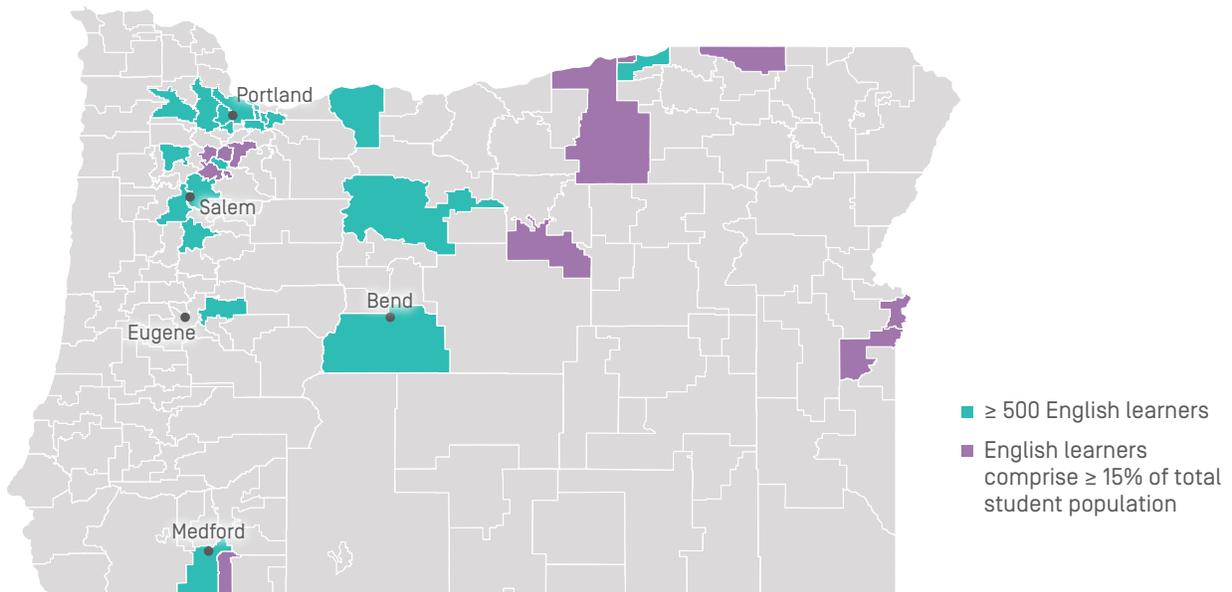
THE ROOTS OF REFORM

Momentum for EL reform in Oregon has been building for years as the state’s EL population has steadily grown.³ Jobs in canning, fishing, and other agricultural industries—such as hazelnut, raspberry, and blueberry farming and production—have attracted more Mexican and Central American immigrants to the region, many migrating up from California. The state is home to nine American Indian tribes. And the city of Portland has emerged as a hub for refugees from Bhutan, Burma, Cuba, Iran, Iraq, and Somalia.⁴

Historically, Oregon was an enclave for white, English speakers, founded as an anti-immigrant “whites only” state and, at one point, boasting the largest number of Ku Klux Klan members per capita in the entire country.⁵

Over the past 20 years, demographic shifts in local schools have been striking (see **Figure 1**). Fewer than one in ten students was Latino in 1998; by 2010, the number was one in five.⁶ The number of K–12 ELs rose by 330 percent from 1998 to 2012. Currently, students speak nearly 60 different

Figure 1 | Oregon Districts with the Greatest Numbers and Percentages of English Learners



Source: David Bautista, "State of the Lead State: Oregon," Oregon Department of Education, June 25, 2014, <http://slideplayer.com/slide/7336304/>.

Table 1 | An Overview of Oregon's English Learner Population

English Learners by Service		English Learners by Top Five Languages	
Receiving service	54,876	Spanish	44,413
Waiving service	2,282	Russian	1,895
English Learners by Grade		Vietnamese	1,453
Elementary school (K-5)	43,710	Chinese	993
Middle school (6-8)	7,780	Arabic	967
High school (9-12)	5,668		
Total number of English Learners	57,158		

Source: Taffy Carlisle and Rudyane Rivera-Lindstrom, "EL Program Advisory Group," April 18, 2016, <https://www.oregon.gov/ode/students-and-family/equity/EngLearners/Documents/elo4.18.16RevisedSlides.pdf>.

home languages, most notably Spanish, Russian, Vietnamese, Chinese, and Arabic (see **Table 1**).⁷

In the last decade, with changing student demographics as well as the state’s transition to more rigorous Common Core State Standards, concern about EL outcomes has grown.⁸ Local advocates pointed to a variety of achievement gaps surfacing (although the information used to show the gaps was often misleading because of data system design). For example, barely half of ELs graduated high school in four years compared to 68 percent of non-ELs.⁹ In 2010, EL third graders scored 20 points lower on standardized tests in math and 23 points lower in reading compared to non-EL peers.¹⁰ By these measures, EL students were already underperforming, and the Common Core would only set the bar for success higher.

Pressure for reform was coming from the bottom up, spurred by district-level leaders who wanted to better serve ELs. In 2010, Hillsboro Superintendent Mike Scott—who oversees a district with one of the largest EL populations in Oregon—started the ELL Collaborative, a group of superintendents from across the state convened to examine EL policies. The leaders were all grappling with changing communities and came together to propose concrete policy recommendations.¹¹

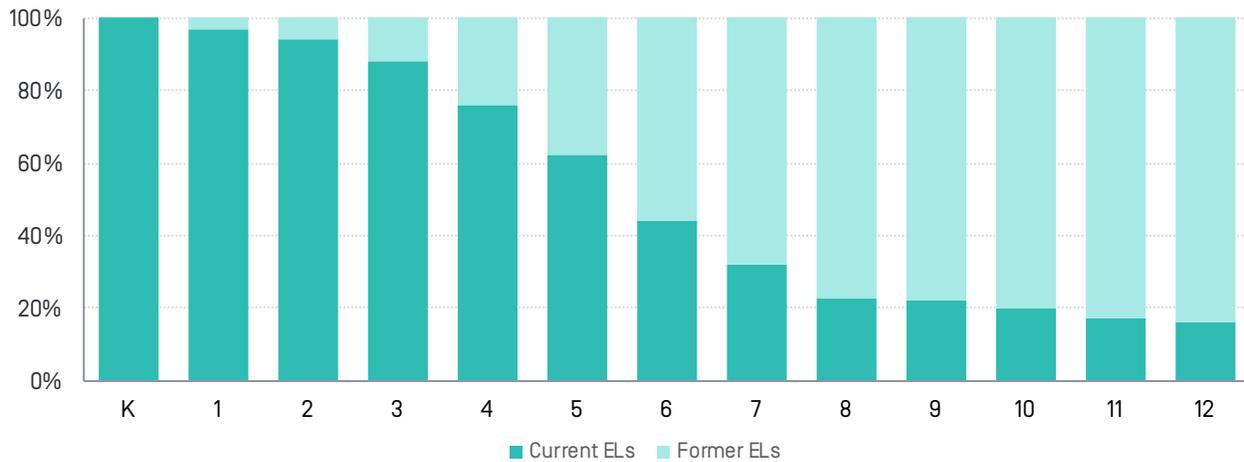
In 2013, the Oregon Department of Education (ODE) released a statewide EL Strategic Plan.¹² The plan drew on the work of the ELL Collaborative as well as input from 465 educators and 150 superintendents across the state.¹³ It presented a comprehensive strategy for ELs, situated within the state’s growing push to address inequities for students of color and low-income populations. In the document, state

Oregon’s English Learner Strategic Plan

1. Develop tools and resources to support implementation, benchmarking, and continuous improvement of instructional programs for ELs.
2. Develop systemic approaches to “capacity building” for all stakeholders to positively impact academic achievement for ELs.
3. Engage families and communities at the school district level to support and enhance programs designed for ELs.
4. Develop a team of expert practitioners and researchers to guide the development, improvement, and accountability for EL program models and practices.
5. Develop a process for replicating exemplar programs across the state.
6. Create and align assessment systems to support all EL program models that include the performance of both current and former ELs.
7. Support all educators so they have the knowledge and skills they need to better serve ELs.
8. Ensure that the Universal Preschool Program provides a quality early learning experience as a powerful foundation for ELs.

Source: Oregon English Learners Statewide Strategic Plan (Salem: Oregon Department of Education, 2013).

Figure 2 | Among 2015–16 Oregon Students Ever Classified as ELs, the Proportion Who Are Current ELs and the Proportion Who Are Former ELs, by Grade



Source: Karen D. Thompson, Josh Rew, Martha Martinez, and Chelsea Clinton, “Understanding Outcomes for English Learners: The Importance of the ‘Ever EL’ Category,” Institute of Education Sciences, June 16, 2017, <https://ies.ed.gov/blogs/research/post/understanding-outcomes-for-english-learners-the-importance-of-the-ever-learner-category>.

leaders acknowledged that the approach to ELs historically had been “varied, unorganized, and often driven by compliance instead of research.” They said, “Now is the time for all educators to take action together across the state through a collaborative, systematic and expedient process.”¹⁴

The plan served as an anchor for the state’s multi-pronged efforts for ELs, similar to New York’s *Blueprint for [EL] Success* released the next year.¹⁵ Few other states have articulated an EL vision and mission with such breadth, depth, and intentionality. Oregon’s plan laid out eight goals with action steps sequenced over four years (see **Oregon’s English Learner Strategic Plan** on page 5).¹⁶

The plan articulated the need to use EL data in more meaningful and appropriate ways, beyond the federal mandates of No Child Left Behind. Karen Thompson of Oregon State University (OSU), a former fourth-grade bilingual teacher, was an effective partner in the state’s efforts to execute this part of the work. She started an Oregon English Learner Alliance between the ODE, OSU, and the nonprofit research

organization WestEd in 2012, now grant-funded by the Institute of Education Sciences (IES) and the Spencer Foundation.¹⁷ Thompson had developed expertise over five years at Stanford as a research assistant to Kenji Hakuta, an authority on EL policy and research who formed the Working Group on ELL Policy, a network of 17 experts from across the country.¹⁸

Through Thompson and others, the collective wisdom and institutional capital of Hakuta’s national network diffused into Oregon’s EL policy ecosystem. In 2013, the same year as the EL Strategic Plan’s release, Thompson helped create an “ever-EL” flag in the state’s data systems.¹⁹ The ever-EL flag combines current and former ELs into one category to provide clearer information on students who have “ever” been ELs (see **Figure 2**).

The longitudinal category alleviates the “revolving door” nature of the EL subgroup. It represented a major change in how Oregon framed its English learner population. With the EL Strategic Plan’s release and the ever-EL flag in place, promising shifts were starting at the state education department.

HOW LEGISLATIVE REFORM HAPPENED

State representative Joseph Gallegos also began to take notice of the EL population and its needs. He was alarmed by the low graduation rates of current English learners. EL parents had also voiced concerns over inappropriate instructional services, such as keeping students classified as ELs beyond a reasonable period and isolating them from the core curriculum.²⁰

As Gallegos sought policy solutions, he soon recognized that key data points were lacking. Transparency concerns were twofold. The first concern was related to finances. While districts received extra funding for ELs, there was no uniform coding system to report on EL-related spending, which meant it was hard to see, and judge, how dollars were spent. Advocacy and community-based organizations had concerns over misuse of the money. For example, some schools were using their EL funds to reduce class sizes rather than targeting resources for ELs.²¹

Second, the indicators for EL outcomes made it hard for leaders to meaningfully identify low-, average-, and high-performing districts. This, in turn, made it difficult to know where to channel state resources and assistance. “Overall, ... we didn’t have a clear

understanding of where dollars were going and whether or not they were having an impact,” said Parasa Chanramy, Policy and Advocacy Manager for Stand for Children Oregon.²²

In response to these issues, Gallegos introduced House Bill 3499 in March 2015.²³ Republican representative Gene Whisnant also worked closely with Gallegos, a Democrat, on the bill. A broad coalition of advocacy groups and organizations pushed for its passage, including Adelante Mujeres, the American Civil Liberties Union of Oregon, Asian Pacific American Network of Oregon, Chalkboard Project, the Coalition of Communities of Color, Confederation of Oregon School Administrators, the Latino Network, NAACP Eugene-Springfield, Northwest Health Foundation, Oregon Alliance for Education Equity, Oregon Education Association, Oregon School Boards Association, the Salem-Keizer Coalition for Equality, Stand for Children Oregon, and Unite Oregon.²⁴

On June 22, the bill passed the legislature unanimously, framed in bipartisan terms that portrayed EL issues as a matter of fiscal responsibility. Eight days later, the bill arrived on Governor Brown’s desk and was signed into law.²⁵

WHAT THE NEW LAW REQUIRES AND THE ROLE OF DATA

The new law overhauled core components of the state’s EL policy. Leveraging data—for both financial and outcomes-related transparency—was a key feature. The bill required uniform coding of EL spending, directing the state to convene an advisory group to develop a reporting system to be adopted by the board of education. But the bill also took on the much larger task of building the foundation of an entirely new system of state support for ELs driven by EL outcomes data. The bill required the following actions, in sequence:

- creation of a diverse group of advisors—including educators, parents, community members, and experts on EL policy and data analysis—to identify criteria to determine the lowest-performing districts for ELs and share recommendations for technical assistance
- development, with ODE, of a comprehensive intervention plan for ELs in low-performing districts, establishing expected growth goals on EL progress indicators

- increased technical and financial support from ODE for selected districts for four years after identification
- intervention from ODE to direct district spending if, after four years, districts fail to meet EL progress goals²⁶

The bill also set EL reporting requirements to feature a great degree of openness and detail. Districts were charged with preparing an annual report on expenditures and EL progress on the indicators determined by members of the outcomes advisory group. The next year, Senate Bill 1564 tweaked this requirement, shifting reporting responsibility to state officials at ODE. Moving responsibility to the state was intended to avoid duplicative reports, ensure properly audited data, and relieve the extra burden on districts.²⁷ The senate law requires ODE to make a comprehensive EL data report available on its website annually by June 30. It also mandates that districts post the report on their websites by September 1 of each year and make it available in print at each district’s main office.²⁸

RETHINKING DATA DILEMMAS TO BETTER TARGET SUPPORTS

The EL Outcome Improvement Advisory Group—established by the law—serves as an important illustration of a state-level effort to grapple with EL data quandaries in a thorough, open way with a diversity of perspectives represented. While there are always trade-offs in any decision-making process, the group attacked complexity head-on and thoughtfully navigated metric selection.

In August 2015, the advisory group began to meet.²⁹ The group was tasked with establishing criteria for evaluating EL progress and performance. These indicators would be used to identify districts for technical assistance, and the information would also form the basis of the newly required annual state EL reports.³⁰

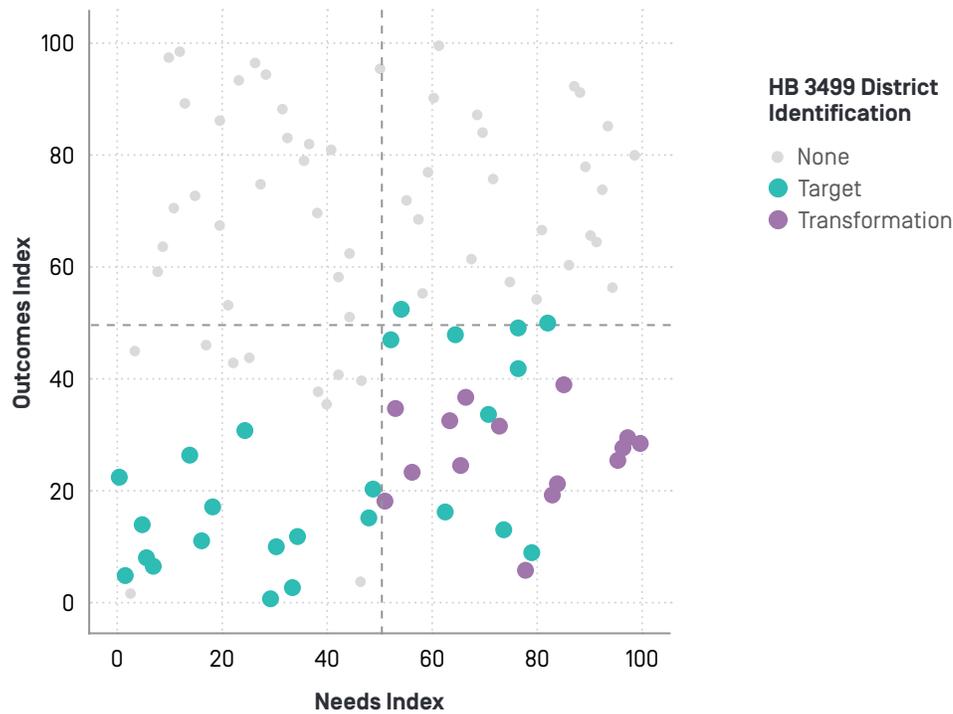
Convening a diversity of stakeholders at the table, as legally mandated, was a clear strength: university researchers, advocates, legislators, and educators all were able to voice preferences, concerns, and questions. OSU's Thompson and University of Oregon's Ilana Umansky, as well as analysts and psychometricians within ODE's Office of Accountability, Research, and Information Services helped advise from a technical standpoint.³¹ Over the course of 17 months, the group engaged in a robust dialogue, with meetings open to the public and detailed minutes published on ODE's website. "There was meaty discussion and conflicting views—

which is a good thing," said Taffy Carlisle, an EL Education Program Specialist in ODE's Equity Unit.

In part, the group aimed to design metrics more meaningful than those used for the Annual Measurable Achievement Objectives (AMAOs) of Title III in No Child Left Behind (NCLB). Both Thompson and Carlisle felt that NCLB was an important first step to bringing attention to the EL population.³² However, according to Thompson, the AMAOs were flawed because they were "very prescribed....with nothing about long-term outcomes." In addition, the emphasis on the academic achievement (AMAO 3) was of concern, as was the fact that there was little distinction between "achievement" and "opportunity" gaps facing all students, including ELs.³³

Ultimately, the advisory group decided to incorporate two kinds of data: outcomes and needs.³⁴ Calculations from these two indexes were plotted on a graph with four quadrants. The fourth quadrant was the focus: districts with the highest needs and lowest outcomes. Leaders also considered various factors—such as district funding, leadership, and geographic diversity—to select 40 districts for intervention. Districts were then sorted into two categories: a) 15 higher-priority "transformation" districts to receive technical assistance with \$180,000 per year in state funding and b) 25 "target" districts" to receive technical assistance and \$90,000 per year.

Figure 3 | Oregon's Data Metrics Clarify the Highest-Priority Districts for ELs



Outcomes Index	Needs Index
<p>The outcomes index combined the following weighted variables:</p> <ul style="list-style-type: none"> • English language progress: English Language Proficiency Assessment (ELPA) growth for current English learners in grades 1-12. <i>Weight = 0.45</i> • Graduation rates: Five-year adjusted cohort graduation rate for current and former English learners. <i>Weight = 0.35</i> • Academic growth: Smarter Balanced mathematics growth for current and former English learners in grades 6-8. <i>Weight = 0.15</i> • Postsecondary outcomes: Percentage of current and former English learners enrolling in postsecondary institutions. <i>Weight = 0.05</i> 	<p>The needs index combined the following variables, unweighted:</p> <ul style="list-style-type: none"> • EL Population: Percent of students who are current or former ELs. • EL Poverty: Percent of current and former ELs who are economically disadvantaged. • Homelessness: Percent of current and former ELs who are homeless. • Migrant Status: Percent of current and former ELs whose parents or guardians relocate seasonally for agricultural or temporary work. • Recent Arrivals: Percent of current and former ELs who are recent arrivals to the U.S. • Mobility: Percent of current and former ELs who are mobile, changing schools within a school year. • Diverse Languages: Number of home languages spoken by current ELs. • District Poverty: District small area income and poverty estimate (SAIPE).

Source: "HB 3499 Indices and Plots," Oregon Department of Education, 2016, <http://www.ode.state.or.us/superintendent/priorities/hb-3499-indices-and-plots.pdf>.

How Oregon Addressed Key EL Data Challenges

As detailed in our companion report, *Seeing Clearly: Five Lenses to Bring English Learner Data into Focus*, the following lenses are vital when designing and interpreting EL data metrics. Oregon considered many of these principles in its efforts to more accurately identify the highest-need districts for ELs.



1. The EL subgroup is not static.

- **Problem:** EL outcomes are a moving target in data systems, which biases data interpretations against current ELs.
- **Related data points:** Current EL academic achievement, graduation rates.
- **Oregon's approach:** All of the relevant outcomes-based metrics—academic growth, graduation rates, and postsecondary outcomes—factor in both current and former ELs. The use of both current and former ELs addresses the “revolving door” nature of the EL group, illustrating a more accurate picture of how students do over time after exiting EL status.



2. Learning a language takes time—but not forever.

- **Problem:** It is unrealistic to set a one-size-fits-all timeframe for language acquisition.
- **Related data points:** Reclassification rates, or ELP achievement.
- **Oregon's approach:** The advisory group decided not to identify districts using a measure related to English language achievement within a certain time frame, either through reclassification rates or a long-term EL category. There was a lot of concern around setting a one-size-fits-all timeline for such a diverse set of learners. And yet, Oregon's new law required the group to define how many years would constitute “long-term” for technical

assistance. Stakeholders considered ESSA's new Title III requirement for states to report on ELs who had not exited in five years. Ultimately, leaders saw six years as a more reasonable benchmark.³⁵ They defined long-term ELs as students in grades 6 to 12 identified as ELs for six or more years, diverging from the five-year federal benchmark.³⁶



3. ELs at different stages progress at different rates.

- **Problem:** It is unrealistic to set one-size-fits-all expectations for year-to-year English language proficiency (ELP) growth.
- **Related data points:** ELP growth.
- **Oregon's approach:** Leaders used growth percentiles to compare growth rates of ELs with similar past test scores. This allows for fairer comparisons between similar ELs. Going forward, Oregon plans to adjust for additional factors with this measure: years identified as an EL along with grade, special education, and interrupted formal education status. In this way, the metric accounts for the fact that ELs in younger grades and at lower ELP levels typically make more growth over a year than older ELs or those at higher ELP levels. State administrators are also aware that there is an inherent trade-off in the design of this particular growth model: the metric is essentially a ranking of students. This means all comparisons are relative, and so there is no sense of whether ELs are meeting some set criteria of adequate growth. To address this, Oregon plans to use an “on track to ELP” indicator as part of the state's

ESSA plan, which will also be incorporated in updates to the state law. The indicator will set differentiated trajectories of ELP progress, adjusting for student characteristics.



4. English skills impact academic performance.

- **Problem:** Below a certain threshold of English proficiency, it is impossible to make valid claims about academic proficiency in English.
- **Related data points:** Current EL academic achievement.
- **Oregon's approach:** English ability significantly affects how well ELs perform academically. As such, measuring academic growth—instead of achievement—is a more valid measure for this population. Even still, because language and academics are so related, growth in academics will depend on ELP levels; certain ELs will be more likely to show more academic growth than others. With this in mind, the advisory group used scores from grades 6–8 and not the elementary level, where many ELs have lower English proficiency.³⁷ The group also decided to use only math scores, which members felt would allow for a more valid score than in

reading. On the math assessment, students are able to use accommodations that are not allowed in the reading assessment, such as side-by-side question translation and native language dictionaries.³⁸



5. Poverty affects most ELs and, as a result, their educational outcomes.

- **Problem:** Without consideration of how poverty impacts the EL population, interpretations of EL data may misdiagnose root causes.
- **Related data points:** All outcomes.
- **Oregon's approach:** In addition to the outcomes indicators, the group decided on a needs index with eight factors, including student poverty, district poverty, homelessness, and student mobility. As ODE's Taffy Carlisle explained, the needs-based index was crucial, as "these are things that the districts have no control over...and can't really do anything about."³⁹ The needs data help to more honestly diagnose root causes of poor EL performance, which impacts the selection of remedies that will be most constructive.

INITIAL RESPONSE FROM THE FIELD

The State Board of Education passed the advisory group’s final criteria for district identification and rules for technical assistance in December 2016.⁴⁰ In January 2017, the state publicly announced the districts identified as target and transformation districts. Reaction from advocates and practitioners was mostly positive.⁴¹ “We are excited about the potential for change,” Jeanice Chieng, policy manager for Asian Pacific American Network of Oregon, told *The Oregonian*. “I don’t think many other states have this level of comprehensive reform and transparency.”⁴²

For some districts, being identified on the list for intervention—determined by the new data indicators—came as a surprise. Several had not been formerly flagged for improvement under the old system of AMAOs.⁴³ Moreover, some felt anxious about the “teeth” of accountability—the potential for ODE to dictate EL spending decisions—that would kick in if goals were not met by June 2020. However, on the whole, ODE’s Carlisle said that the majority of districts were excited about new opportunities to improve EL services, which came with an injection of new funding. “Many districts are saying, ‘finally—we can do something for our EL students,’” she said.⁴⁴

Instead of a one-size-fits-all approach, districts are now creating custom goals, in coordination

with the state, based on EL needs. To analyze root causes of low performance, ODE has used a needs assessment tool developed by Education Northwest. Piloted with the Beaverton School District, the tool features a rubric of over 60 items in eight topic areas for districts to use to evaluate the coherence and quality of their EL programming.⁴⁵

From this self-assessment, districts are working with ODE to submit improvement plans for how to spend the new funds and measure goals to determine success. Preliminary analysis from ODE showed that districts planned to use funding in a variety of ways: for professional development (70 percent of districts), parent engagement strategies (60 percent), an additional staff coach (53 percent), extended school day (20 percent), instructional materials (23 percent), new technology (23 percent), and more.⁴⁶ For example, one district recognized its ELs struggled in math. In response, it proposed extending the school day and providing transportation to offer Friday morning math activities for ELs. In addition, the district would host “math nights” at school to engage parents in supporting their children academically.⁴⁷

In addition to technical assistance plans driving new strategies, the state EL report has also started to shift the status quo for data transparency. The first report,

It's getting people to see that we can't treat our English learners like they're invisible students.

— Parasa Chanramy, Policy and Advocacy Manager,
Stand for Children Oregon

published on the state's website, included over 160 pages of data on EL outcomes, demographics, and finances, disaggregated by district.⁴⁸ It was also released with a shorter, 35-page summary.⁴⁹ No other student group in the state has a report like it.

However, Carlisle said that several districts lagged in publishing the report on their own websites and were reluctant to present findings in person to their boards, as the law requires. As she began to visit “target” districts in the fall 2016, she estimated that around 60 percent had not yet posted the report online. After she brought this to their attention, they updated their sites.⁵⁰

“The reports have been helpful in getting out the information objectively,” Stand for Children's Chanramy said. “It's getting people to see that we can't treat our English learners like they're invisible students.”⁵¹ Carlisle echoed this, reflecting on the report's significance: “It just feels like the students are getting actually seen...in a different way now that makes them more important. Never before have our ELs and their needs been so exposed.”⁵²

Coherence with ESSA

Oregon is mindful about creating coherence between its new law and federal requirements under ESSA, which passed six months after the state-level reform. Leaders do not want the two

systems to compete or send mixed messages to districts, schools, and families. Administrators also view the ESSA plan as a way to further build on what the state law has stipulated.⁵³

The state plan submitted to federal officials in May 2017 uses two indicators for English learner accountability: 1) ELP growth and 2) the percent of ELs on track to ELP achievement. The ELP growth measure is similar to the growth percentile indicator used for the new state law but adjusts even further for additional factors, such as enrolled grade, prior achievement, and time identified as an EL.⁵⁴ The state also plans to adjust for disability status and whether a student has had interrupted formal education.

The “on track to ELP” indicator incorporates initial and current ELP levels as well as years identified as an EL. It sets a trajectory over seven years for current ELs (and eight years for ELs with interrupted formal education and disabilities).⁵⁵ Notably, this timeline differs from the long-term EL definition set as six years by the state law's advisory group in 2016. State administrators intend to address this discrepancy and establish timelines that differentiate according to student characteristics. They anticipate establishing several timelines. Some will be shorter, such as five years, and others longer, such as nine years.⁵⁶

A major distinction between state and federal guidelines is that Oregon law focuses on district-level data, whereas the ESSA metrics focus on school-

level data (see **Table 2**). According to ODE, the district-level emphasis under the state law “ensures that even if only particular schools are identified under the ESSA process, a system approach can provide resources to both schools and districts who

need additional support for [ELs].”⁵⁷ Both the state- and federally-required indicators will appear on Oregon’s ESSA reports and ODE is working to create streamlined reporting systems for districts that go “above and beyond current Title III requirements.”⁵⁸

Table 2 | Oregon’s English Learner Data: Indicators for State and Federal Requirements

Data Element	HB 3499 District Indicators	ESSA School Indicators
Chronic absenteeism	No	Yes
Achievement in ELA and math	No	Yes
Growth in ELA and math for grades 3–5	No	Yes
Growth in ELA and math for grades 6–8	Yes	Yes
Growth in English language proficiency (all grades)	Yes	Yes
Freshmen on-track	No	Yes
Four-year graduation rate	No	Yes
Five-year graduation rate	Yes	Yes
Five-year completion rate	No	Yes
Postsecondary enrollment of ELs	Yes	No (but reported)

Source: Oregon Department of Education, “Oregon’s Consolidated State Plan Under the Every Student Succeeds Act, 2017,” 123, http://www.oregon.gov/ode/rules-and-policies/Documents/OR_consolidatedStateplan.pdf.

LESSONS LEARNED

While its new EL policies are still in early stages of implementation, Oregon’s story provides a compelling example of policy innovation for other leaders to consider. While other states may make important changes to EL evaluation in reaction to new ESSA requirements and flexibilities, Oregon took a more proactive posture in advance of federal shifts. In their efforts, policymakers in Oregon viewed clarity from data as foundational: “seeing” the state of EL education drove conversations and actions.

While a handful of other states have reformed EL data policies in recent years, few have done so in such holistic and transparent manner.⁵⁹ Leaders in Oregon rethought multiple outcomes measures, prioritizing more longitudinal data, growth metrics, and differentiated expectations for language development. Simultaneously, they elevated demographic “needs” data—such as levels of poverty, homelessness, and student mobility—to highlight underlying disparities that impact students’ success.

In sum, Oregon engaged the core challenges inherent to designing effective EL data systems, grappling with the fact that: 1) the EL subgroup is not static, 2) learning a language takes time—but not forever, 3) ELs at different stages progress at different rates, 4) English skills impact academic performance, and 5) poverty affects most ELs and, as a result, their educational outcomes.

Beyond the nuts and bolts of the metrics’ design, there are also several strengths to Oregon’s data approach more broadly. The state’s data policies:

- Required the publication of all the data metrics in a stand-alone, annual EL report on the state’s and districts’ websites. This mandate brings prominent visibility and focus to EL issues, enabling stakeholders—including educators, advocates, families, and journalists—to locate outcomes data much more easily.
- Linked the data to concrete supports and technical assistance from the state—with additional dollars attached. This is an example of a *funded* mandate with state officials working with district leaders as partners. In this way, the law balances a nurturing state dynamic with one of accountability, setting a four-year timeline for districts to reach goals before the state can intervene more directly.
- Passed as bipartisan legislation. In contrast to shifts to regulatory or administrative codes, such legislation typically has more staying power and carries a higher profile in statewide K–12 education discussions.
- Joined with the state vision for ELs as laid out in the EL Strategic Plan. The policies were integrated into other key initiatives, like

the state’s ESSA implementation and equity framework for students of color and low-income populations,⁶⁰ helping create coherence for practitioners at various levels.

Taken together, Oregon’s reforms provide a model—in process and content—to guide other states in stronger data use to pursue equity for ELs in the ESSA era. This example shows how leaders can redesign data policies to pinpoint where the greatest needs lie, funnel resources accordingly, and disrupt the status quo to better see and serve EL students.

METHODOLOGY

This project is the third in a series of New America case studies on state-level policy innovations for English learner (EL) students. Previous reports highlighted efforts in Minnesota and New York. Our state selection was informed by a 2015 report by the Education Commission of the States that articulated state-level policy changes related to ELs in key areas, such as financing, identification and reclassification, educator quality, pre-K services, family engagement, and state-level leadership. Each of the states—Minnesota, New York, and Oregon—illustrates attempts at significant, research-based reform for ELs in these areas, codified through either legislation or regulation within the past several years. They also represent a diversity of geographic location, size, demographics, and assessment consortia.

Research for this report on Oregon came from a review of academic studies on EL policies, publicly accessible documents from governmental, non-profit, and journalistic sources, and information shared at the Confederation of Oregon School Administrators English Learner Alliance Conference in March 2016. In-person and phone interviews were conducted with over a dozen non-profit and university-affiliated experts, state leaders, advocates, and educators, including six Oregon Department of Education administrators.

Notes

¹ Kate Brown, “Remarks as Prepared” (HB 3499 Signing, Salem, OR, June 30, 2015).

² Oregon State Legislature, *Relating to an English Language Learner Advisory Group; and Declaring an Emergency*, 79th Assembly, HB 3358 (2017).

³ Betsy Hammond, “As Teaching Methods Improve, Oregon Cuts Years off English-Language Instruction,” *OregonLive*, February 21, 2015; Betsy Hammond, “Oregon, Dissatisfied with Chronic Poor Outcomes for Limited English Students, Plans Wholesale Change Next Fall,” *OregonLive*, October 1, 2012.

⁴ Rudyane Rivera-Lindstrom (ODE EL specialist), interview with author, February 27, 2017; Oregon Department of Human Services, “Refugees in Oregon Data,” 2016, <http://www.oregon.gov/DHS/ASSISTANCE/REFUGEE/Pages/data.aspx>; Oregon Department of Education, “Native American Education,” <http://www.oregon.gov/ode/students-and-family/equity/NativeAmericanEducation/Pages/default.aspx>.

⁵ Julie Sabatier, “The History of the KKK in Oregon,” *Oregon Public Broadcasting*, November 17, 2015.

⁶ Sherrilynn Rawson, Steve Larson, Esperanza De La Vega, Maria Dantas-Whitney, David Bautista, and Leonard Terrible, *Policies to Close Oregon’s ELL Achievement Gap: ELL Taskforce Recommendations* (Portland, OR: Stand for Children, September 2011), <http://stand.org/sites/default/files/Oregon/Policies%20to%20Close%20Oregon’s%20ELL%20Achievement%20gap.pdf>.

⁷ *An Annual Report to the Legislature on English Language Learners 2014–2015* (Salem: Oregon Department of Education, 2015); *A Summary to the Legislature of the Annual Report to the Legislature on English Language Learners 2014–2015* (Salem: Oregon Department of Education, 2015); *English Learners in Oregon’s Education System* (Salem: Oregon Education Investment Board, June 2013).

⁸ *Oregon English Learners Statewide Strategic Plan 2013–2016* (Salem: Oregon Department of Education, 2013).

⁹ Sherrilynn Rawson, Steve Larson, Esperanza De La Vega, Maria Dantas-Whitney, David Bautista, and Leonard Terrible, *Policies to Close Oregon’s ELL*

Achievement Gap: ELL Taskforce Recommendations (Portland, OR: Stand for Children, September 2011), <http://stand.org/sites/default/files/Oregon/Policies%20to%20Close%20Oregon’s%20ELL%20Achievement%20gap.pdf>; *Summary of 2010–11 Cohort Graduation Rates Four-year Cohort (2007–08 to 2010–11) Revised* (Salem: Oregon Department of Education, August 15, 2012), http://www.ode.state.or.us/wma/data/schoolanddistrict/students/docs/summarycohortgrad1011_revised.pdf.

¹⁰ Oregon Department of Education, “Test Results—2009–2010 through 2013–2014,” <http://www.oregon.gov/ode/educator-resources/assessment/Pages/Test-Results-0910-through-1314.aspx>.

¹¹ Wendy Owen, “Record Number of Oregon Students Proficient Enough to Move out of English-Learning Programs,” *OregonLive*, November 1, 2011.

¹² *Oregon English Learners Statewide Strategic Plan 2013–2016* (Salem: Oregon Department of Education, 2013), http://www.ode.state.or.us/opportunities/grants/nclb/title_iii/or-el-statewide-strategic-plan.pdf.

¹³ Taffy Carlisle and Rudyane Rivera-Lindstrom, “EL Program Advisory Group,” April 18, 2016, slide 25, <https://www.oregon.gov/ode/students-and-family/equity/EngLearners/Documents/el04.18.16RevisedSlides.pdf>.

¹⁴ *Oregon English Learners Statewide Strategic Plan 2013–2016* (Salem: Oregon Department of Education, 2013).

¹⁵ For more on New York’s vision for English learners, see Jamie Tankard Carnock, *From Blueprint to Building: Lifting the Torch for Multilingual Students in New York State* (Washington, DC: New America, November 2016), <https://www.newamerica.org/education-policy/policy-papers/blueprint-building/>. California has developed an EL Roadmap, which serves a similar purpose. See California Department of Education, “English Learner Roadmap,” <http://www.cde.ca.gov/sp/el/rm/>.

¹⁶ Oregon’s original EL plan was set for 2013 to 2016. State administrators are currently working on the next iteration of the plan, as required by state law.

¹⁷ Spencer Foundation, “Oregon English Learner Alliance: An Ongoing Partnership to Understand and

Improve Outcomes for Current and Former English Learners in Oregon,” grant, 2015, <http://www.spencer.org/oregon-english-learner-alliance-ongoing-partnership-understand-and-improve-outcomes-current-and>; Institute of Education Sciences, “The Oregon English Learner Alliance: A Partnership to Explore Factors Associated with Variation in Outcomes for Current and Former English Learners in Oregon,” grant, 2014, <https://ies.ed.gov/funding/grantsearch/details.asp?ID=1497>.

¹⁸ The Working Group on ELL Policy, “About Us,” <http://ellpolicy.org/about/>. Thompson was involved from the start. University of Oregon’s Ilana Umansky serves as the other Oregon-based member.

¹⁹ Karen Thompson (assistant professor, Oregon State University), interview with author, May 10, 2017.

²⁰ Joseph Gallegos (former member of the Oregon House of Representatives), interview with author, April 27, 2017; Sara Garcia Gonzalez, “Testimony in Support of HB 3499” (Oregon House Education Committee, Salem, OR, March 30, 2015), <https://olis.leg.state.or.us/liz/2015R1/Downloads/CommitteeMeetingDocument/57400>.

²¹ Parasa Chanramy (policy and advocacy manager, Stand for Children Oregon), interview with author, February 24, 2017; Taffy Carlisle (EL education program specialist, Office of Equity, Diversity & Inclusion, Oregon Department of Education), interview with author, February 15, 2017, 2017.

²² Parasa Chanramy, interview with author, February 24, 2017.

²³ Oregon House Committee on Education, Staff Measure Summary, Regular Session, April 17, 2015, HB 3499A, <https://olis.leg.state.or.us/liz/2015R1/Downloads/CommitteeMeetingDocument/60618>.

²⁴ Oregon Alliance for Education Equity, letter to Oregon House Education Committee in support of HB 3499, April 6, 2015, <https://olis.leg.state.or.us/liz/2015R1/Downloads/CommitteeMeetingDocument/60618>.

²⁵ “House Bill 3499,” *OregonLive*, 2015, <http://gov.oregonlive.com/bil/2015/HB3499/>.

²⁶ The bill charged the advisory group with developing recommendations for technical assistance and an

online resource bank of best practices for ELs related to parent engagement, assessments, bilingual materials, and more. It also required the group to define a “long-term” EL category. See <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=39516148>.

²⁷ Oregon State Legislature, Relating to English language learner programs; and declaring an emergency, Regular Session, 2015, HB 3499B; Taffy Carlisle, interview with author, February 15, 2017.

²⁸ Taffy Carlisle and Rudyane Rivera-Lindstrom, “EL Program Advisory Group,” April 18, 2016, <https://www.ode.state.or.us/students-and-family/equity/EngLearners/Documents/elo4.18.16RevisedSlides.pdf>.

²⁹ The new law required two workgroups: one on financial budget coding and the other EL outcomes. Given the scope and focus of our report, this section examines the latter.

³⁰ ELL Outcome Improvement Advisory Group, meeting minutes, Oregon Department of Education, July 21, 2015, <http://www.ode.state.or.us/superintendent/priorities/6.-minutes-7.21.15.pdf>.

³¹ Parasa Chanramy, interview with author, February 24, 2017.

³² Taffy Carlisle, interview with author, February 15, 2017; Karen Thompson, interview with author, May 10, 2017.

³³ Rudyane Rivera-Lindstrom, interview with author, February 27, 2017. It is notable that even as the advisory group sought to address the weaknesses of NCLB, it also drew on the federal law’s tiered approach to school improvement. NCLB required states to identify “focus” and “priority” schools for interventions under Title I. Similar to the federal approach, Oregon’s advisory group wanted to craft metrics to select “transformation” and “target” districts for ELs. In this way, the group opted for larger investments in focused areas instead of smaller ones across all districts.

³⁴ “HB 3499 Indices and Plots,” *Oregon Department of Education*, 2016, <http://www.ode.state.or.us/superintendent/priorities/hb-3499-indices-and-plots.pdf>.

³⁵ ELL Outcome Improvement Advisory Group, meeting minutes, Oregon Department of Education, April

18, 2016, <http://www.oregon.gov/ode/students-and-family/equity/EngLearners/Documents/el04.18.16minutes.pdf>. Members debated how realistic a five-year period would be for many refugee and late-entry ELs who arrive with limited or interrupted formal education. Others noted that students in dual immersion programs—which the state was moving to invest in—typically take a longer time to reach English proficiency.

³⁶ Leaders intentionally avoided using the “long-term EL” label in final rules or reports, worried that labeling a kid a “long-term” EL could stigmatize the student and impede progress. For more see Oregon State Board of Education, “English Language Learners/OAR 581-020-0600 to 0624,” October 20, 2016, <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=39516148>; and Oregon State Board of Education, “English Language Learners District and School Improvement, OAR 581-020-0600 to 581-020-0624,” December 8, 2016, <http://www.oregon.gov/ode/students-and-family/equity/EngLearners/Documents/ELSchoolDistrictImprovementDec2016Draft.pdf>.

³⁷ Josh Rew (education program specialist, Office of Accountability, Research and Information Services, Oregon Department of Education), e-mail to author, April 25, 2017. Even though statistical models could account for ELP level in academic growth, the advisory group did not pursue those at the time of decision-making.

³⁸ Josh Rew, e-mail to author, July 17, 2017.

³⁹ Taffy Carlisle, interview with author, February 15, 2017.

⁴⁰ Oregon State Board of Education, “English Language Learners District and School Improvement, OAR 581-020-0600 to 581-020-0624,” December 8, 2016, <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=39752059>.

⁴¹ For the full list of identified schools see Oregon Department of Education, “HB 3499 Transformation/Target List,” August 1, 2016, <http://www.ode.state.or.us/superintendent/priorities/hb-3499-si-identification-cohort-1.pdf>. For more districts’ reactions, see Kailey Fiscaro, “State Gives \$180,000 for ELL Programs,” *Bulletin*, February 12, 2017, <http://www.bendbulletin.com/localstate/5060872-151/state-helps-local-districts-in-area-they-are>;

and Betsy Hammond, “Oregon Throws Lifeline to Districts Worst at Helping Students Learning English,” *OregonLive*, January 7, 2017, http://www.oregonlive.com/education/index.ssf/2017/01/oregon_unveils_plans_to_fix_di.html.

⁴² Betsy Hammond, “Oregon Throws Lifeline to Districts Worst at Helping Students Learning English,” *OregonLive*, January 7, 2017, http://www.oregonlive.com/education/index.ssf/2017/01/oregon_unveils_plans_to_fix_di.html.

⁴³ Rudyane Rivera-Lindstrom, interview with author, February 27, 2017.

⁴⁴ Taffy Carlisle, interview with author, February 15, 2017.

⁴⁵ Rudyane Rivera-Lindstrom, interview with author, February 27, 2017.

⁴⁶ Oregon Department of Education, “District Data and Trends: Preliminary HB 3499 District Activities And Self-Assessment Rubric,” 2016, <http://www.oregon.gov/ode/students-and-family/equity/EngLearners/Documents/el4.4.17DistrictAndTrendsUpdate.pdf>.

⁴⁷ Taffy Carlisle, interview with author, February 15, 2017.

⁴⁸ *An Annual Report to the Legislature on English Language Learners 2014–2015* (Salem: Oregon Department of Education, 2015).

⁴⁹ *A Summary to the Legislature of the Annual Report to the Legislature on English Language Learners 2014–2015* (Salem: Oregon Department of Education, 2015).

⁵⁰ Taffy Carlisle, interview with author, February 15, 2017.

⁵¹ Parasa Chanramy, interview with author, February 24, 2017.

⁵² Taffy Carlisle, interview with author, February 15, 2017.

⁵³ Josh Rew, e-mail to author, April 25, 2017; Josh Rew, e-mail to author, July 17, 2017; Oregon Department of Education, “Oregon’s Consolidated State Plan Under the Every Student Succeeds Act, 2017,” 123, http://www.oregon.gov/ode/rules-and-policies/Documents/OR_consolidatedStateplan.pdf.

⁵⁴ In this way, the “on track to ELP” indicator is criterion-referenced, establishing a set expectation for ELP achievement. The ELP growth indicator is norm-referenced, comparing ELs to similar peers.

⁵⁵ *Oregon’s Consolidated State Plan Under the Every Student Succeeds Act* (Salem: Oregon Department of Education, 2017), 43–45. Oregon will use 20 as the minimum number of students for purposes of the state accountability system (“n-size”).

⁵⁶ Josh Rew, e-mail to author, July 17, 2017.

⁵⁷ *Oregon’s Consolidated State Plan Under the Every Student Succeeds Act* (Salem: Oregon Department of Education, 2017), 119–121.

⁵⁸ Ibid.

⁵⁹ For example, advocates drove California to pass legislation in 2012 to require the state to collect data on long-term ELs. In addition, states like Washington and New York recently changed administrative rules to create an ever-EL category (like Oregon’s) to monitor former ELs over their entire K–12 careers after reclassification. These changes are important developments. However, Oregon’s reform represented more of a unified overhaul.

⁶⁰ Education Investment Board, “Equity Lens,” Oregon Department of Education, <http://www.ode.state.or.us/superintendent/priorities/final-equity-lens-draft-adopted.pdf>; Oregon Department of Education, “Welcome to the Office of Equity, Diversity and Inclusion,” <http://www.oregon.gov/ode/students-and-family/equity/Pages/default.aspx>.



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