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Educating English Learners during the COVID-19 Pandemic

Policy Ideas for States and School Districts

POLICY BRIEF

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Executive Summary

The COVID-19 pandemic has brought into sharp relief the inequities that English Learners (ELs) and children from immigrant families experience in U.S. schools and in their communities. Many of the nation's 5 million ELs attend low-income, under-resourced schools, which often struggle—despite decades-old legal requirements—to provide high-quality instruction and necessary academic supports to these students. The shift to remote learning in March 2020 resulted in an enormously uneven response by states and districts, and the ongoing public-health crisis is likely to result in the widening of already significant opportunity and achievement gaps.

Despite enormous efforts on the part of educators to provide continuity of learning in Spring 2020 through remote learning, these efforts fell short for many ELs and their families. Some of the school systems with the greatest number of enrolled ELs estimated that less than half of ELs were logging in to online instruction. Among the most significant barriers to ELs' participation were: a lack of access to digital devices and broadband; parents' limited capacity to support home learning; inadequate remote learning resources and training for teachers; and school–family language barriers.

As a result, ELs may face setbacks in their English language development after five or more months without consistent opportunities to listen, speak, write, and read in English—especially the level of academic English that is foundational to educational success. Research suggests that these losses may linger for years to come. With many schools beginning the 2020–21 year either partly or entirely remotely, these losses may be even more acute. According to one estimate, if schools operate remotely through the fall, students participating in distance learning of poor quality could lose seven to 11 months of learning, and those who do not participate at all may find themselves up to 14 months behind.

The ongoing public-health crisis is likely to result in the widening of already significant opportunity and achievement gaps.

Finally, for many families of ELs, the pandemic and accompanied school building closures have compromised their access to food and income security as well as social and mental-health supports. Immigrant communities also appear to be especially vulnerable to the coronavirus, yet lack equitable access to health services. Some immigrants may also be hesitant to seek medical assistance out of fear—fueled by federal policies seeking to limit immigrants'

access to public benefits—that doing so could have immigration consequences. As such, school may be but one of many pressing concerns for many families for some time to come.

States, districts, and schools have a variety of opportunities to support EL and immigrant students during this period of intense uncertainty. The topline recommendations of this analysis offer ways in which education leaders can build and reinforce equity structures within school systems as a new academic year—and era—in education begins:

- **Prioritize ELs for in-person instruction when it is safe.** Some school districts have announced or begun to implement plans to allow students back into school buildings in phases. Given that ELs and other high-needs students are expected to experience higher levels of learning loss in a remote setting than their peers, schools should offer ELs in-person instruction as soon as it is safe to do so. Further, schools should increase the amount of learning time during the school day and academic year to provide ELs opportunities for language and academic enrichment.
- **Ensure all teachers participate in professional development on digital instruction that includes a focus on ELs.** Prior to COVID-19, few districts offered professional development that focused on digital instruction for ELs. As the EL student population continues to grow, however, it is important for all teachers—including those who teach core content—to have adequate preparation and training in low-tech and digital strategies to support EL learning.
- **Leverage the role of state education agencies to coordinate a systemic and equity-focused response.** State agencies are well placed to help districts build educator capacity to serve ELs as they continue remote learning and as regular instruction resumes. State EL leaders should play a key role in policymaking and tracking fiscal and educational impacts on ELs.
- **Attach a "maintenance-of-equity" requirement to the use of federal funds.** With budget cuts likely in the coming years, such a policy would require states to shield high-poverty districts from the brunt of the cuts and, likewise, limit staff and resource reductions in the highest-need schools within school districts. Particular consideration could be given to ensuring cuts do not disproportionately affect EL instructors.
- **Prioritize parent engagement.** Schools must ensure families of ELs receive meaningful communications and participate in decision-making around school reopening and recovery. Schools should also explore ways to help parents develop their digital literacy and systems knowledge so they can be effective partners in helping students navigate online and digital learning resources.
- **Foster partnerships between school districts and community-based organizations (CBOs).** Partnerships with CBOs that have strong relationships with immigrant communities can benefit both families and schools. CBOs are well positioned to enhance two-way communication, disseminating information from schools and providing educators updates on families' needs. They can also offer supports for ELs and immigrant students, such as mental-health care and afterschool enrichment.
- **Address issues related to how English language proficiency (ELP) data are used at the school, district, and state level.** Given the interruptions to ELP testing and

the likelihood that many ELs will backtrack in their development of academic English, states should consider how to interpret and use 2020 ELP test data and how to fairly evaluate ELP test results over the next few years. These data affect not only instructional decisions for individual ELs but also evaluation of school programs and the distribution of school funding.

The 2020–21 school year has begun with families, schools, and communities still coping with the day-to-day effects of the pandemic. One ray of hope is that, depending on how states and districts adapt in the coming year, schools could emerge from this crisis having built stronger and more resilient systems on a foundation of equity for ELs and immigrant-background students.

1 Introduction

As the school year came to an end in June 2020, more than 500 Sacramento City Unified School District students had been absent from instruction since their district closed its doors in mid-March due to the COVID-19 pandemic; 44 percent were English Learners (ELs).[1] In Chicago, just slightly more than half of ELs logged in to the district's remote learning platform at least three days during the district's most engaged week.[2] And in Los Angeles Unified School District, less than half of ELs participated in remote instruction each week from mid-March through mid-May—20 percentage points lower than their English-proficient peers.[3] As schools closed their physical classrooms and instruction went online, educators across the country reported that ELs, immigrant students, and low-income students were difficult to reach. Barriers related to technology, language, child care, and economic and food security contributed to a haphazard transition to remote learning that ultimately left many of these children behind.

Even before COVID-19, ELs and immigrant children were facing obstacles to achieving academic success. These barriers are related, among other things, to the effects of poverty, stress associated with increasing hostility to immigration, and attending under-resourced schools.[4] Civil rights groups have long pushed for states and school districts to rectify immigrant-background students' inequitable opportunities to learn. Beginning with the *Civil Rights Act of 1964*, a number of federal policies and court cases established the right of ELs and immigrant-background students to access the same educational opportunity as their English-speaking and native-born peers. Over the years, such policies have expanded to include the right of all students to a free, public K-12 education regardless of immigration status; a requirement to include ELs in public reporting of academic achievement at the school, district, and state levels; and the obligation schools have to translate communications to parents with limited English proficiency, so that they may meaningfully participate in their children's education.[5]

As schools closed their physical classrooms and instruction went online, educators across the country reported that ELs, immigrant students, and low-income students were difficult to reach.

However, despite these long-standing legal protections to ensure equitable access to education, the pandemic has shined a spotlight on how tenuous such policies are in many parts of the country. And despite heroic efforts on the part of many educators to provide their students access to instruction during school building closures, existing weaknesses within the school system—such as the widespread lack of teacher training in using computer-based learning with ELs—have rendered such efforts ineffective.

As Americans grapple with the ramifications of not only the pandemic and its economic fallout, but also widespread protests related to police brutality and racial discrimination, some communities are rethinking their approach to education, using racial and ethnic equity as a leading principle. With all of these factors under a magnifying glass—inequitable access to instructional and societal resources due to poverty; systemic disinvestment in schools serving communities of color and from immigrant backgrounds; and the compounding stressors of ill health, xenophobia, racism, and unemployment—how schools rise to meet the challenge in the 2020–21 school year could have profound and long-lasting consequences.

This policy brief identifies the potential impacts of the nationwide response to the pandemic on the education of ELs and immigrant children, as well as the key challenges states and schools must overcome to ensure these students are adequately supported in this academic year and beyond. It also outlines recommendations for state and district leaders to support ELs and immigrant children during these unprecedented times.

2 Demographic Context

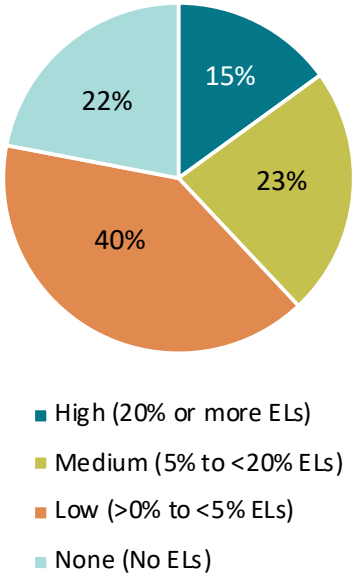
ELs and immigrant-background children and their families—and the schools that serve them—experienced a number of challenges when schools closed their doors in Spring 2020 and teaching went online. Structural inequalities in the nation's communities and school systems, such as inadequate broadband access and school funding, combined with the demographic characteristics of ELs and their families exacerbated some of these challenges. As schools have resumed their operations in Fall 2020, using virtual learning to different degrees, many of these challenges remain in play.

Roughly 5 million public school students are ELs, accounting for about 10 percent of the K-12 population. Not only has this population grown by more than 1 million students over the last 20 years,[6] but it has grown quickly in states and districts that were not previously common immigrant destinations.[7] In 2000–01, 19 states plus the District of Columbia reported that ELs made up 5 percent or more of their student population; by 2017–18, that had increased to 34 states plus Washington, DC.[8]

This geographic diffusion also holds at the local level. According to a U.S. Department of Education analysis of 2014–15 data, 78 percent of schools enrolled at least one EL (see Figure 1).[9] ELs in "low-impact" schools and districts (those in which they make up small shares of the student population) may have been particularly disadvantaged by pandemic-related school building closures, as their needs may have been overshadowed by those of the student body as a whole.

FIGURE 1

Share of U.S. Schools Serving High, Medium, and Low Concentrations of ELs, 2014–15



Source: U.S. Department of Education, "Our Nation's English Learners: What Are Their Characteristics," accessed July 1, 2020.

As of 2018, around 18 million U.S. children were living with at least one immigrant parent, and 88 percent of those children were born in the United States

and are thus U.S. citizens.[10] The enormous diversity of this population has posed a particular challenge for school systems during the pandemic as they work to meet interpretation and translation needs when communicating with students' parents and families. Although federal data indicate that about three-quarters of ELs speak Spanish at home,[11] this varies regionally, and many schools serve families who speak dozens of languages. For example, Minnesota students speak 311 languages other than English. Moreover, 22 percent of local education agencies (LEAs) in Minnesota serve student populations that speak ten or more languages, and 5 percent serve students speaking 50 languages or more.[12] For such districts, ensuring meaningful communication with families is challenging even under normal circumstances.[13]

In many immigrant families, parents may struggle to help their children with schoolwork due to their own limited English proficiency or educational background. As of 2017, 21 percent of children of immigrants were living in households where no parent had completed a high school education, compared to 5 percent of children of native-born parents.[14] Similarly, in 2018, 18 percent of children of immigrants were living in families where all members of the household over the age of 14 were limited English proficient.[15]

As will be discussed in the sections that follow, families living in poverty have faced particular challenges during the pandemic. Children who live with at least one foreign-born parent are disproportionately likely to live in low-income families: 47 percent did so as of 2018, compared to 36 percent of children with only native-born parents.[16] Likewise, most ELs attend a Title I school—that is, a school receiving funds based on enrolling a high number or high percentage of low-income students. In school year 2017–18, 79 percent of ELs were served by Title I programs, compared to 51 percent of all children.[17]

3 COVID-19's Impacts on English Learners and Immigrant Students

In ordinary times, school attendance is not typically an issue for ELs. National data indicate that ELs are 1.2 times less likely to be chronically absent from school than non-ELs.[18] However, in the shift to remote learning following the outbreak of COVID-19, schools were not able to reach large numbers of ELs and immigrant children. And with many school systems reopening virtually in the fall, these students' schooling may remain disrupted in spite of districts' best efforts to reach them. As a result, ELs and immigrant children are experiencing reduced access to opportunities to support their English language development, academic success, and socioemotional well-being.

A. English Language Development

Schools provide a variety of important services and resources to support ELs' English language development, including formal language instructional programs. These programs vary in their approach across schools, though research generally finds bilingual education to be more effective than English-only programs.[19] One important component of all EL instructional programs is facilitating opportunities to engage in collaborative peer learning and "productive talk" in English with classmates, which is critical to oral language development.[20]

Unsurprisingly, school disengagement limits these important learning moments. By definition, ELs have a home environment in which English is not the primary language spoken. This may also be true of their neighborhood and broader community. For many ELs, school may be their main or only source of exposure to listening, speaking, writing, and reading

in English—especially the academic English that is foundational to success in classwork and on standardized academic achievement tests.

Without persistent school engagement, ELs' English language development may stall. Although not yet empirically demonstrated, some researchers have made inferences about the effects of remote learning on learning loss based on existing research. Some research suggests that ELs experience setbacks in their vocabulary during the summer months.[21] In addition, studies of chronic absenteeism that include ELs indicate that the effects of missed schooling can influence English language development years later; in one study, ELs who were chronically absent in kindergarten and first grade scored lower on their second and third grade English language proficiency assessments than other EL students.[22] With many ELs logged out of school since the Spring 2020 closures, some may be coming into the 2020–21 academic year with limited growth—or perhaps even new deficits in their English language skills.

B. Academic Gains, or Losses

ELs who transition out of English as a Second Language (ESL) support generally perform as well or better on academic assessments than peers who were never ELs. However, far too many languish in EL status beyond the five to seven years research suggests is needed to gain academic English skills.[23] These long-term ELs—along with immigrant students arriving in their middle and high school years—are substantially less likely to pass academic tests and graduate from high school.[24] In this context, the prospect of ELs falling further behind their English-fluent peers due to remote instruction is especially worrisome.

These concerns are layered on top of those experts have voiced about the impact of pandemic-related disruptions on all students. Some estimates suggest students will have lost 30 percent of their annual reading gains and up to 50 percent of their math gains for school year 2019–20 as a result of the Spring 2020 school building closures.[25] However, with many school districts starting the fall remotely instead of in person, these initial estimates could be on the lower end. If in-school instruction does not resume until January 2021, a McKinsey & Company analysis estimates that students who participate in remote instruction of average quality could lose three to four months of learning, seven to 11 months with lower-quality distance learning, and a full year to 14 months if they do not participate in remote instruction at all.[26]

The stakes are especially high for newcomer ELs in secondary schools, who even before the pandemic were among the students at greatest risk of dropping out.

Learning loss may be greater for Black, Latino, and low-income students, who are more likely to be on the receiving end of lower-quality remote instruction, based on their low participation rates in online learning in the Spring 2020.[27] In addition, research on the impact of summer breaks on academic learning suggest that the effects of school building closures for ELs could be much more pronounced.[28]

The stakes are especially high for newcomer ELs in secondary schools, who even before the pandemic were among the students at greatest risk of dropping out. As they already face obstacles to meeting rigorous high school graduation requirements before aging out of the system, interrupted schooling, together with added health and economic distress, may cause some ELs to disconnect altogether and drop out.[29] Some estimates anticipate that an additional 9 percent of high school students, or 1.1 mil-

lion, could drop out as a result of the pandemic and school building closures.[30]

C. *Socioemotional Impacts*

The pandemic and associated school building closures have disrupted more than classroom learning, particularly for some of the nation's most overburdened and under-resourced families. Food security, child care, and mental-health supports have been interrupted or disappeared altogether. Many immigrants, who are disproportionately represented in occupations that are critical to the nation's response to the pandemic, are being forced to choose between their job and ensuring their children have adequate child care.[31] Some youth in immigrant families may now be responsible for caring for younger siblings, even while they juggle school work. Meanwhile, immigrants, Latinos, and less-educated workers have been among those most affected by pandemic-related job losses.[32]

Some racial and ethnic groups are also disproportionately likely to be infected by COVID-19. Black and Latino children are experiencing higher hospitalization rates—a particularly concerning finding that could have implications for schools' in-person instructional plans.[33] Immigrant communities are especially vulnerable to the easily transmissible virus due to inequitable access to health-care services, often living in close quarters in multigenerational households, and fear of seeking treatment due to immigration status, among other challenges.[34] Immigrants also made up an estimated 27 percent of the total U.S. uninsured population prior to the outbreak of COVID-19, further limiting their access to care.[35]

For some immigrant and refugee parents, the shutdown of public services and businesses and the unchecked spread of disease may be reminiscent of past traumas in their origin countries.[36] Further, many immigrant families are simultaneously dealing with stress from racist and anti-immigrant rhetoric, family separation due to immigration enforcement, and Trump administration policies targeting immigrants' use of public benefits and the Deferred Action for Childhood Arrivals (DACA) program.[37] In short, while recognizing the value of education more generally, classwork may be just one of a number of urgent priorities in many homes.

4 Key Policy Recommendations for States and School Districts

As schools use the 2020–21 school year to begin to address students' learning losses and recalibrate their trajectories toward graduation, they will need to pay special attention to the needs of ELs and other students who have been most disadvantaged by the interrupted learning that look place in Spring 2020. The policy recommendations in this section focus on how states, districts, and schools may direct resources to support EL and immigrant students and how they can build on and reinforce equity structures within school systems.

A. *Deciding When and How to Restart In-Person Instruction*

In its updated August 2020 guidelines, the Centers for Disease Control and Prevention stated that opening schools for in-person instruction in Fall 2020 is important because of the critical role that schools play in supporting the well-being of communities, whole-child development, and academic achievement. The guidelines acknowledge that "[i]n-person instruction may be particularly beneficial for students with additional learning needs," including ELs who may have limited access to quality instructional

supports through a virtual medium.[38] Nevertheless, allowing in-person instruction for the beginning of the 2020–21 school year has been complicated by the worsening of the pandemic in many communities and concerns that antipathy to safety measures, such as mask-wearing, would endanger the lives of teachers, students, and their family members.

Only a handful of states are requiring districts to deliver in-person instruction at the start of the school year, and in most cases, it must be paired with remote instruction.[39] Most states are deferring the bulk of the decision-making authority regarding reopening plans to school districts. In fact, according to a July 2020 analysis of states' guidance documents, few states are playing an active role to support districts' transition to in-person instruction.[40]

In an effort to facilitate social distancing on campus, some districts are phasing in in-person attendance and prioritizing ELs, students with disabilities, and other groups of students who have been at the greatest disadvantage with remote learning. For example, the school district in Albemarle County, Virginia, opened in September with in-person access for a limited number of students, including ELs in grades 4 to 12 with the lowest levels of English proficiency because the academic content in these older grades is more rigorous.[41] Meanwhile Boston Public Schools, which has both a hybrid and a remote option, is offering more days of in-person instruction to ELs and students with disabilities than to other students—four days versus two days per week.[42]

The majority of states require or recommend that districts assess student learning needs with diagnostic tests.[43] Many states also explicitly require or recommend that districts implement strategies to address student learning loss. Louisiana, for example, recommends that districts develop individual academic plans for students who re-enter school with the greatest learning gaps.[44] In addition, districts must continue to develop and refer to an instructional support plan for each EL that outlines the supports needed to access grade-level content.[45] While many schools will incorporate some of these practices—especially ongoing assessment of learning needs—into remote instruction, it is likely that efforts to more formally diagnose learning loss will take place once schools reopen full time.

Policy Recommendations

There is broad consensus that remote learning has worked least well for certain groups of students, including ELs, students with special needs, and low-income students. In addition, the degree of learning loss will likely be greatest for these children. While some school districts immediately offered in-person instruction when the 2020–21 school year began, others are operating under a hybrid in-person/remote schedule. As school districts transition to in-person instruction, state and district officials should consider the following:

- **Prioritize ELs for in-person instruction when it is safe.** Assuming school districts use a phased-in approach for in-person instruction, states should strongly encourage districts to offer ELs, along with other students who have reduced access to or benefit least from remote learning, the option to attend school in person as soon as it is safe to do so.
- **Use diagnostic and formative assessments.** State and school leaders should employ diagnostic and formative assessments to evaluate students' learning loss and track their progress. These assessments provide teachers with immediate data and feedback about student learning and can help outline individualized student learning progressions. California has provided districts detailed guidance on how to use such assessments to determine where students

are in their learning progression, including how to employ the state's English language proficiency practice and training tests in formative ways.[46]

- **Increase learning time.** Even during typical school years, research suggests that ELs are among those who benefit most from increased learning time. Increased learning time can include a longer school day or year, summer school, and before- and after-school programming. ELs could use this time to focus on language enrichment and catch up on academic content they might have missed.[47]

- **Fully fund needed resources to address learning loss among ELs.** States and school districts will likely need to increase resources for planning and implementing services to support ELs, particularly where instructional models are changing and learning losses are identified. Yet, many find themselves in an environment of drastic budget cuts. Where investments can be made, schools might consider increasing EL specialist staffing, incorporating planning time into teachers' work schedules for curriculum development to address learning losses revealed by diagnostic assessments, and purchasing supplementary learning materials.

- **Leverage the role of state education agencies to coordinate a systemic response to learning loss.** These are unprecedented times for school and district leaders. States need to play a coordinating role for their school districts and ensure that they have the capacity, pedagogical supports, and resources to address the needs of ELs. State EL administrators, especially, should be at the table for critical discussions about resources and educational priorities.

B. Improving Remote Learning for ELs

As of September 2020, 73 of the country's 100 largest school districts had announced an entirely virtual start for the 2020–21 academic year.[48] In preparing for the fall semester, many schools undoubtedly reflected on the experience of offering remote learning in the spring. While some of these lessons reflect the chaotic nature of a wholesale transformation of instruction—mostly without research guidance, training, or planning time—other lessons are more enduring. Among these enduring lessons were three major barriers to remote learning: the lack of access to digital devices and broadband internet, particularly in rural and impoverished communities; circumstances that limit parents' capacity to support their children's schoolwork at home; and a lack of instructional resources and training for teachers on how to support ELs in the remote learning environment.

Remote Learning in Spring 2020

Over the course of two weeks in mid-March 2020, every state issued orders requiring or recommending that school buildings close due to the pandemic. With the clock ticking on the end of the school year, educators scrambled to figure out how to provide instruction for the remainder of the year while students sheltered at home.

The planning and implementation of distance learning varied enormously across the country. Some districts engaged in extensive planning and coordination, while others left teachers more or less to their own devices. Schools used a variety of instructional modalities, including synchronous classes (where teachers and students see and hear each other in an online space), asynchronous digital learning (where teachers provide videos and other online resources for students to complete on their own schedule), and low-tech learning (such as photocopies and workbooks).[49] In general, remote learning in

high-poverty districts relied more on paper packets than live instruction and digital materials, and was more likely to primarily involve reviewing content taught earlier in the year compared to remote learning in affluent districts.[50] And while some districts maintained strict policies regarding daily attendance and grades, others turned to pass/fail grading and suspended attendance reporting.[51]

Digital Access, Privacy, and Literacy

One of the most widely reported aspects of the transition to remote learning was uneven access to technology. According to one analysis of 2018 Census data, 17 million U.S. children live in homes without internet subscriptions, and 7 million have no access to computers or tablets. The digital divide is far more pronounced in low-income, Black, Latino, Native American, and rural homes. Nearly one-third of Latino families with children do not have high-speed internet, and 17 percent lack computer access.[52]

> *The digital divide is far more pronounced in low-income, Black, Latino, Native American, and rural homes.*

While many schools were able to distribute devices in the spring, reports abounded of students accessing wireless internet hotspots in restaurant and school parking lots. And even in homes that have access to digital devices and internet, problems may remain. In homes where parents and children need to work online at the same time, there might not be enough devices or strong enough broadband to go around. Tablets and phones might suffice for some tasks, but students may still lack the access to computers needed to complete more complex work.[53]

Digital privacy is also a widespread concern. It is an issue that pertains to all families[54] but has particular resonance for immigrant-background families, especially households in which some members are unauthorized immigrants. Such families may be concerned about whether information about them—including videos taken inside students' homes that show their locations and who they live with—could potentially reach U.S. Immigration and Customs Enforcement (ICE) if it were to be shared intentionally or unintentionally (that is, via hacking, unauthorized individuals joining online meetings, or the sharing of data such as students' locations and what they say or write).[55] Although personally identifiable information is protected—to an extent—by privacy laws,[56] unauthorized-immigrant and mixed-status families may be concerned about how those laws will apply in the new context of online learning.

Another concern for ELs' families is digital literacy and the ability to access help with technology. One analysis of employed adults in the United States found that 62 percent of immigrant workers have limited or no digital skills; that number rises to 67 percent for limited English proficient workers.[57] Although these findings are an imprecise proxy for the EL parent population, they suggest that many ELs are not able to rely on their parents to help them with online learning. And even among those with some digital skills, limited English proficiency is another likely barrier for some ELs' parents. Some larger school districts have published technical help on their websites in multiple languages.[58] Metro Nashville Public Schools issued such guides in five languages other than English, but it has also gone further. The district lists a telephone number on its tech support homepage that students and their families can use to reach a district translator for help with technology issues and, when needed, to bring in the district's technical support team for extra help.[59]

Home Supervision and Support

Aside from technology issues, families have also faced other challenges supporting their children's remote learning. With large shares of immigrant

adults working in "essential" jobs,[60] some parents of ELs have not been able to supervise their children's schoolwork during the day. Additionally, older youth may have jobs or supervise younger children, thus making it difficult for them to focus on completing their own schoolwork. Some homes lack basic learning materials, including paper and pencil, let alone the resources that middle- and upper-class families may use for enrichment, such as home gardens, access to nature trails, and scientific equipment such as telescopes. And with low-income families and people of color disproportionately feeling the effects of the virus itself,[61] many such families have been dealing with personal struggles as well as the need to support their children's learning.

While the above issues apply to many families living in poverty, the specific circumstances of parents with limited English proficiency may pose extra challenges. For example, such parents might struggle to help children understand their teachers' instructions or answer questions about lesson content. Immigrant parents are also more likely than native-born parents to have lower levels of education themselves, as noted in Section 2, and some lack familiarity with U.S. school norms. This can make it difficult for them to help children working asynchronously through online learning or with paper packets.

Pedagogical Issues

Transitioning from in-person to remote learning was a struggle for educators as well as for families when schools closed their doors at the onset of the pandemic. With only about 800 virtual schools operating in the United States prior to the pandemic,[62] few educators had experience with teaching, administration, curriculum planning, or assessment via online learning. Collectively, U.S. teachers had even less expertise with digital learning for ELs: A national study found far fewer districts offered teacher training on incorporating digital learning resources into the instruction of ELs (38 percent of districts surveyed) than of general education students (75 percent). The same study found that EL teachers reported fewer hours of training in using digital learning resources than general education teachers.[63]

Within the first few weeks of remote schooling in Spring 2020, educators and professional developers began sharing resources on Twitter and other social media sites. Schools and districts also provided long lists of online educational resources to teachers and parents. But many of the resources circulated were not vetted for quality, nor were they checked for their alignment to school curricula. Further, resources for teachers of ELs were in short supply. For such teachers, some of the greatest needs were for online learning resources to support language development through the content areas and bilingual resources of all kinds.[64]

In addition to a lack of appropriate resources, teachers also struggled with how to adapt the strategies they typically use in the classroom to build language skills and make content comprehensible to students in the online environment. For example, effective lessons for ELs typically involve students practicing speaking in pairs or small groups before sharing their ideas with the whole class—activities that would not seem to lend themselves to the online environment. Teachers needed time to identify strategies that would work online and to learn how to use them. They also needed to adapt lesson plans and activities, and to create new supports for ELs and students with other learning needs.

Remote learning may also challenge the way EL specialists and general education teachers plan and teach cooperatively. As the role of EL teachers has shifted over the last two decades to provide more support to ELs in their content classes—and, likewise, as general education teachers have recognized their role in supporting ELs' language development—it has become more important for the two types of teachers to work closely together. It is

likely that some of the factors that make such collaboration challenging in a face-to-face setting may be even more acute in remote learning, and perhaps doubly so in Fall 2020 as more schools attempt instruction of new concepts than did in the spring (see Box 1). For example, EL and general education teachers may find it difficult to schedule common planning time while working remotely, and core content teachers may struggle to find time for important language development activities during general education classes.[65]

Making things even more complicated, some ELs receive a number of interventions during a normal school day, such as special education services, physical or occupational therapy, and reading or math remediation. Administrators may find it difficult to schedule students for such services online or in a shortened in-person school day. For students able to come to school buildings, administrators may also find it challenging to find space for small group instruction outside the classroom to accommodate social distancing protocols.

Policy Recommendations

Schools will need a mix of high- and low-tech strategies to ensure that ELs are well served for as long as remote learning is necessary. EL teachers and administrators—as well as ELs' parents and community members—should be involved in all key decision-making, including curriculum planning and budgeting, in order to make sure that ELs' needs are prioritized.

BOX 1
Questions of Equity and Civil Rights Protections in Remote Learning

In the initial weeks of remote learning in Spring 2020, some states, districts, and schools told teachers not to introduce any new concepts to students, and to instead simply review what students had already learned. Administrators were concerned that schools could be charged with civil rights violations if some students were not able to access the remote educational program or special services to which they were entitled while others were. A spokesperson for the Oregon Department of Education, for example, stated that if distance learning could not be accessible for ELs, students with disabilities, and students without computers or internet access, it could not be offered to any student for equity reasons.

In response to these concerns, the U.S. Department of Education released guidance on March 21 admonishing school systems for this practice and reminded them of their legal obligation to serve all students, including students with disabilities. The department acknowledged that it would allow flexibility, where possible, in its oversight functions (for example, recognizing services provided online rather than in person, as was written into school planning documents). Subsequent guidance from the department, issued on May 18, reiterated a similar message in regard to ELs, stating that services must be offered but may be provided in a different manner to those offered to other students.

However, neither memo addressed the concern implicit in the Oregon statement: that systems were unable to replicate specialized services with the time and resources available to them, nor were they able to fully remedy the digital divide that disproportionately affected students such as ELs. It remains to be seen whether schools had sufficient planning time over the summer to effectively close those gaps.

Sources: Eder Campuzano, "Coronavirus Closure Won't Lead to Online Classes in Oregon Public Schools. This Is Why," *The Oregonian*, March 19, 2020; U.S. Department of Education, "Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities" (fact sheet, U.S. Department of Education, Washington, DC, March 21, 2020); U.S. Department of Education, "Providing Services to English Learners During the COVID-19 Outbreak" (fact sheet, U.S. Department of Education, Washington, DC, May 18, 2020).

Although remote learning in 2020–21 will ideally be a short-term proposition, it would be wise for administrators to make decisions that can also serve long-term digital learning planning goals. With that in mind, ongoing decision-making around digital learning should prioritize:

- **Increasing access to internet connectivity and digital devices.** Many states and school districts worked over the summer to ensure students—especially those in rural and low-income communities—would start the fall with improved access to digital devices and internet access.[66] However, narrowing the digital divide to ensure that all students have connectivity and access to appropriate devices, including a sufficient number per family, will require further federal and state investments and leveraging partnerships with local technology providers. In the interim, school districts have implemented innovative temporary solutions, such as outfitting mobile buses with Wi-Fi hot spots and issuing devices to families that are pre-loaded with data.[67]
- **Providing digital literacy support for parents.** State and district leaders should support parents in developing digital literacy skills that will allow them to supervise and engage with their children's online learning. Creating adult education programming that focuses on digital literacy skills, navigating web platforms utilized by schools, and other topics related to supporting children's academic success can help to close equity gaps and lift longer-term education trajectories for children in immigrant families. Parents of children in preschool and elementary grades should be a top priority for such programming, given that younger children are heavily reliant on their parents to mediate and guide their participation in remote instruction. In addition, for both the short and the long term, state and local education leaders should ensure that students and parents of ELs have access to multilingual technological support so they can immediately troubleshoot tech glitches and barriers that might disrupt learning.
- **Expanding access to a curated selection of low-tech and digital learning materials.** State leaders, with input from teachers and EL experts, might consider selecting and purchasing supplementary materials to support ELs' home learning. Digital materials should be paired with multilingual and English language development support. In addition, state leaders might encourage software developers to incorporate multilingual versions and English language development elements into upgrades and new products.
- **Ensuring all teachers participate in professional development that includes a focus on EL instruction.** Both language instruction teachers and general, core-content teachers can benefit from increased professional development that focuses on supporting EL instruction in the digital sphere as well as low-tech strategies that support home learning. Teachers should also continue to share ideas with each other on what is working well, including strategies they have shared with parents to foster home language development and less-formal learning activities. Training opportunities should also touch on how EL and general education teachers can effectively collaborate in a remote learning environment.
- **Tracking attendance metrics for all students.** States should provide districts and schools with specific guidance to ensure all school systems are tracking the same data across the state. As an example,

researchers from FutureEd and Attendance Works propose recording metrics related to contact (such as percentage of families with working contact information); connectivity (percentage of students who log on to a school learning platform); engagement (percentage of students and families engaging with teachers at least three times per week); and participation (percentage of students completing all assignments).[68]

C. *Navigating a Difficult Funding Environment*

Schools must be adequately funded in order to meet the challenges of the COVID-19 pandemic and to recover from its effects. Although federal funds accounted for only about 8 percent of education spending in 2018,[69] the federal government is uniquely positioned to provide relief to states and localities whose tax base has shrunk due to slowdowns in economic activity.

In addition to supplementing state and local spending, federal education funding is intended to enhance education for students at risk of academic failure or who need extra support. For example, Title III of the *Every Student Succeeds Act* (ESSA), which supports instruction and services for ELs, provides critical funds to LEAs based on how many EL and recent immigrant students they have. Congress increased Title III to $787.4 million for the 2019–20 school year after five years of flat funding at $737.4 million.[70] Although many civil rights and education policy groups cite Title III funding as evidence of how well or poorly EL education is funded, it is also supported by a number of federal, state, and local funding streams. Outside of Title III, it can be difficult to track spending on EL education within school finance systems. Because of this, and because many EL services may be provided by educators who are not EL specialists, it can be challenging to estimate the total amount LEAs and schools spend on ELs. As a result, the overall financial health of the school system is as relevant as targeted EL funding for understanding how well ELs are served.[71]

Before the pandemic, U.S. schools were still recovering from drastic funding cuts due to the 2008 recession. In 2017–18, 20 states were still spending less on primary and secondary education than they had before the recession.[72] Inequities within school finance systems can be barriers to supporting students who need the most resources to meet rigorous academic goals. Although about half of states send more money to high-poverty districts than low-poverty ones, most do not go far enough to fully bridge gaps. Nationwide, spending in high-poverty districts is about 70 percent of the amount schools need to ensure students meet state academic standards.[73] In this context, the prospect of deep cuts to education funding for 2020–21 and beyond could have a particularly detrimental impact, given the urgent need to build new infrastructure for social distancing and/or distance learning and to support students' socioemotional needs.

Emergency Federal Funding in Response to COVID-19

Education policy groups estimate that the costs of safely reopening schools will run into the billions of dollars. One analysis suggested that the average-sized district would require $1.8 million in additional spending just for health and safety measures.[74] Yet, state and local budget cuts may result in the loss of 10 percent to 20 percent of annual revenue in 2020–21, and potentially even more the next year, leading experts to suggest the total shortfall will be in the $100 billion to $200 billion range nationwide.[75] Because states are generally limited in how much money they can borrow—in ways the federal government is not—states will be looking to the U.S. Congress for help.

In late March 2020, Congress passed the *Coronavirus Aid, Relief, and Economic Security Act*, or CARES Act. This was the third emergency funding bill passed but the first to provide significant funding to schools. Within the CARES Act, the Educational Stabilization Fund had two measures for K-12 education: the Elementary and Secondary School Emergency Relief (ESSER) Fund, worth $13.2 billion, and the Governor's Emergency Education Relief (GEER) Fund, worth $3 billion.

> *While the CARES Act provided states and schools with much-needed aid in the initial months of the school building closures, there is a general consensus ... that schools need additional support.*

ESSER funding was distributed to states, and in turn to LEAs, using Title I student population counts from 2019–20.[76] However, there is no requirement to spend these funds on Title I activities for students living in poverty. Funds may be used for any purpose, and states are not allowed to restrict LEAs' use of ESSER funds. Normal provisions forbidding schools from using federal dollars to replace state and local dollars do not apply, but the "maintenance-of-effort" provision does, forbidding LEAs from spending substantially less on educational programs from one year to the next.[77] The GEER Fund allows governors to allocate funds to LEAs, institutes of higher education, or other entities that provide educational services in the localities most affected by COVID-19. Sixty percent of the fund was distributed to states based on the number of residents ages 5 to 24, and 40 percent based on the number of children ages 5 to 17 living in poverty.[78]

While the CARES Act provided states and schools with much-needed aid in the initial months of the school building closures, there is a general consensus among researchers and advocates of school funding that schools need additional support, particularly as the pandemic continues to affect school systems. Lawmakers have proposed several other measures to support schools. Notably, in addition to contributing additional dollars to the ESSER and GEER Funds, the *Coronavirus Child Care and Education Relief Act*, introduced in the Senate in June 2020, would allocate an additional $300 million to the Migrant Education Program and $1 billion to Title III programs for ELs and recent immigrant students.[79] Whether or not this proposal passes, incorporating such measures into future federal relief will be critical to ensure states can fully support EL education.

What the Funding Situation Means for ELs

Congress and the U.S. Department of Education are providing LEAs with as much flexibility as possible in their use of CARES Act funding. While this allows money to flow as quickly as possible to schools and gives administrators flexibility to meet local needs, the tradeoff may be less transparency in the extent to which funds are benefiting specific populations, such as ELs. Further, distributing the ESSER Fund based on Title I allocations calls into question whether states and districts will prioritize funding needs beyond those associated with students living in poverty.

One state has made such a consideration to ensure CARES Act dollars are allocated to support high-needs students outside of Title I. In addition to ESSER and GEER Fund allocations, Colorado Governor Jared Polis has directed $510 million from other CARES Act funds to K-12 education. These funds will be distributed to LEAs on the basis of their population, with twice the standard per student amount allotted for ELs.[80] The governor also created an opening for local actors to prioritize EL education through the state's GEER funding, three-quarters of which will be awarded on a competitive basis, with priority given to proposals that address the needs of students and

families disproportionately affected by the pandemic, including ELs.[81] Other states, such as California, Kansas, and Pennsylvania, have set out GEER Fund plans that call out ELs as one population to be prioritized in the use of funds.[82]

Although most states do not track total spending on ELs,[83] EL equity advocates can monitor the effect of budget cuts—and the use of federal funds to mitigate them—through how schools and districts spend their money. Some spending decisions that would be detrimental to ELs include cutting EL teacher and instructional assistant positions or eliminating transportation options that help students access their programs of choice, such as dual language programs. On the flip side, school and district spending decisions that would benefit ELs include funding professional development focused on supporting language development, purchasing multilingual materials, and conducting multilingual outreach to parents of ELs.

Policy Recommendations

If economic predictions come to pass, some degree of state and local budget cutting is inevitable. One suggestion to keep across-the-board cuts—used widely in the 2008 recession—from disproportionately harming high-needs students is for Congress to attach a "maintenance-of-equity" requirement to the use of federal funds. Under this policy, states must shield high-poverty districts from the brunt of budget cuts, and in turn, districts must protect their highest-need schools from staff reductions. A maintenance-of-equity requirement could include separate consideration for ensuring cuts do not disproportionately affect EL instructors. The policy proposal also suggests that in the coming months and years, states and districts should report on how budget cuts are affecting their most and least economically disadvantaged schools.[84]

In addition to enacting a maintenance-of-equity requirement, federal and state policymakers should consider the following:

- As educators and education policy groups nationwide have stated, Congress should prioritize additional funds for public education in future coronavirus relief packages. Given well-documented disparities in outcomes between ELs and other students, Congress might include the number of EL and recent immigrant students (and other groups who might need additional resources) in each state in the formula used to allocate future economic relief to schools.
- While ESSER funding is distributed on the basis of Title I student counts, oversight of the fund at both the state and district level should not solely be the responsibility of Title I administrators; EL administrators should also be included to ensure that appropriate attention is given to the unique needs of ELs.
- For federal and state funds not distributed on the basis of Title I allocations, state and local EL directors should be included in the process of deciding how funds are directed. These decisions should also be made in consultation with community and parent groups that are representative of EL and immigrant-background families.
- State fiscal oversight for the use of federal funds and the implementation of budget cuts should track fiscal impact on ELs.
- As states reconsider their budget priorities, including how to spend new dollars once in economic recovery, policymakers should explore ways to make formulas more equitable, not just along economic lines but also to prioritize the needs of ELs and students in immigrant families.

D. *Strengthening Language Access and Parent Engagement*

In addition to protecting EL students' rights to equitable instruction, civil rights laws require schools to ensure parents can meaningfully engage with their children's education.[85] For some districts, communicating with immigrant-background and limited English proficient families has been a long-standing challenge, one that has only intensified during the pandemic. For many years, researchers and practitioners have pointed out potential barriers to home–school communication, including:

- inadequate interpretation and translation services for parents and families, compared to what is required by law;
- lack of support for immigrant parents to learn about U.S. educational systems and expectations;
- use of communication styles and channels that are not culturally appropriate or effective for reaching these families (such as relying on electronic communication instead of more personal forms of contact, and scheduling parent–teacher conferences at times that may conflict with parents' work schedules); and
- lack of trust and mutual understanding between parents and educators.[86]

Adding to these perennial issues, many immigrant families have in recent years become more distrusting of public institutions, including schools, and wary of interacting with them. These concerns have arisen in the wake of stepped-up immigration enforcement and the introduction of policies such as the Trump administration's public-charge rule,[87] which expanded the circumstances under which the government can deny admission or permanent residency to individuals who have used or are deemed likely to use certain public benefits.[88]

Educators writing about communication with ELs' parents frequently suggest making communication more personal, by reaching out via telephone or with home visits, in order to build trust and ensure that important messages are conveyed. The loss of in-person communication during the pandemic may be a significant barrier not just to the transmission of information but also to opportunities for parents to build relationships with educators and thus develop two-way trust and understanding. This may, in turn, have a negative impact on student academic achievement.[89]

The challenges to communicating with immigrant parents since school building closures began have been numerous. Given the well-documented digital divide, schools that rely on their websites to disseminate critical information are sure to have left out many families. Likewise, in an effort to get new information out quickly, some schools have released English versions of announcements hours or days before translations, thus leaving some families in the dark or allowing misinformation to be spread in immigrant communities.[90] Additionally, translators have faced an overwhelming number of new communications from administrators and teachers. To meet demand, schools may be relying on untrained interpreters—including school staff with other primary duties and students themselves—and on tools such as Google Translate, which may not adequately translate complicated or technical information, especially if the English version is full of education jargon.[91]

Many of these language access issues compound existing frustrations. For example, EL parents filed a lawsuit in August 2020 against the Fresno Unified School District outlining violations of their rights to meaningful communication with schools. One of the complaints in the suit is that the district refused to

use the online meeting platform that provided better translations and security and that it did not communicate effectively with EL parents about remote learning.[92]

Community-based organizations (CBOs) have also played an important role in helping schools and districts communicate with immigrant families, especially in the chaotic early days of school building closures.

Educators in many districts have gone to great lengths to communicate with families, including making phone calls and writing letters. A few weeks into remote learning, several large school districts with high levels of poverty reported that sizable shares of families had not responded to attempts to communicate.[93] In districts that employ them, multilingual family liaisons have taken on much of the task of connecting with EL families, including helping them navigate new technologies used for distance learning and access community resources.[94] Community-based organizations (CBOs) have also played an important role in helping schools and districts communicate with immigrant families, especially in the chaotic early days of school building closures.[95] These organizations are critical partners for expanding school district capacity, especially given their ability to connect with translators and interpreters for less commonly spoken home languages.

Policy Recommendations

Federal laws—including civil rights provisions and ESSA—require schools to meaningfully communicate with parents of ELs and, to the extent practicable, to do so in languages parents understand.[96] Although remote education in Spring 2020 was marked by a chaotic rollout, states and districts must uphold their legal obligation to reach the families of ELs and immigrant-background students as remote learning continues into the fall. Specifically, schools should consider:

- **Revisiting school districts' Lau plans**. All LEAs that receive Title III funds are required to complete comprehensive plans outlining how a school district will approach its responsibilities to serve ELs. Often called Lau Plans after the landmark 1974 *Lau v. Nichols* U.S. Supreme Court decision, these plans include district policies on parent involvement, including document translation and interpretation.[97] States may consider requiring school districts to update their Lau plans and/or other language access policies to reflect communication needs that have emerged or changed as a result of the pandemic, and to submit them for review.
- **Disseminating clear guidance and offering resources to local school officials and educators.** States should provide guidance to districts regarding their obligations to communicate with parents of ELs in the context of the pandemic and remote or hybrid learning. States should also facilitate school use of translation and interpretation services by sharing information on vetted service providers and, where possible, negotiating a master contract with such providers to reduce unit costs for schools and school districts.
- **Building community partnerships to strengthen communication.** Districts and schools may benefit from building or enhancing their partnerships with CBOs that have a strong relationship with immigrant communities and the families of ELs. These relationships can enhance communication in both directions, as schools may rely on such organizations to transmit key messages—especially to families they have struggled

to reach—and to gather information on the needs of ELs' parents and immigrant families in this period of uncertainty.

- **Fully funding parent engagement programs.** Although many school systems will face tough financial decisions during what is expected to be a prolonged economic downturn, schools should continue to prioritize parent and family engagement as part of family outreach more generally as well as in their strategies to enhance equity in the recovery from the pandemic. Activities should include developing parents' digital literacy and systems knowledge so they may be effective partners in helping students navigate online and digital learning resources.

E. Exploring Strategies to Meet Students' Nonacademic Needs

With the pandemic and its economic fallout taking a disproportionate toll on immigrant families, many are experiencing a great deal of stress, trauma, and economic hardship.[98] Meanwhile, the Trump administration has doubled down on its immigration agenda since the pandemic began, instituting some of its boldest actions to date. While the administration has narrowed its enforcement actions in response to the pandemic, it has used the public-health crisis as an opening to pursue some of its other goals, including suspending immigration for most family- and employment-based visa categories.[99] Such actions have created additional uncertainty and stressors for immigrant communities.

In addition, children of Asian and Pacific Islander descent may be experiencing additional social and mental hardships due to an upsurge of xenophobia and discrimination against their communities since the pandemic began.[100] In a March 2020 letter addressed to education leaders, the U.S. Department of Education's Office for Civil Rights urged schools nationwide to "take special care to ensure that all students are able to study and learn in an environment that is healthy, safe, and free from bias or discrimination."[101] The letter also reminded school officials of their obligations under Title VI of the *Civil Rights Act of 1964* to investigate and take steps to end discrimination and bias.

School building closures have reinforced the role that schools play both as centers of learning and in supporting the health and well-being of communities. At the same time, the pandemic has exposed the limitations of schools' reach and capacity to effectively serve ELs. In this context, CBOs have functioned as a critical lifeline for immigrant families by helping them secure food, mental-health supports, and direct financial assistance during these uncertain times.[102]

Policy Recommendations

The pandemic and school closures have compromised a variety of supports that are critical to providing ELs and immigrant children with a safe, supportive environment for learning. School leaders will want to ensure that these children and their families are well positioned to endure the challenging year ahead by identifying and addressing barriers that could affect their active participation. In doing so, state and district leaders may find it helpful to consider the following:

- **Foster partnerships between school districts and CBOs.** Given the disparities and enormous challenges facing ELs and children in immigrant families, states should encourage school districts to formalize partnerships with CBOs that have experience working with immigrant communities. For example, states may consider stipulating such partnerships as a condition for targeted funding for interventions and wrap-around supports for these students.

- **Conduct ongoing student and family needs assessments.** State and district leaders should encourage schools to survey families to identify unmet needs, including those related to physical and mental health, child care, and financial security. School staff can, in turn, help connect families with relevant agencies, CBOs, and other providers that can offer support so students can fully engage in school and learning.

F. *Identifying and Assessing ELs in the Remote Learning Context*

When school buildings closed in March 2020, educators suspended procedures for screening and identifying ELs (which take place year-round as new students enroll) and summative testing (annual tests administered to all ELs to support instructional decisions for individual students and school accountability).[103] However, most states had already completed or nearly completed their 2020 summative testing for English language proficiency (ELP), as it generally takes place in the winter months so as not to overlap with state reading and math tests. And by June 2020, the WIDA Consortium, which includes 35 states plus the District of Columbia, estimated that the consortium had received completed tests for 95 percent of students scheduled to take one.[104]

Almost all other states had several weeks to administer their 2020 ELP tests prior to school building closures. One notable exception is New York State, whose ELP testing window was not scheduled to open until April 6,[105] almost three weeks after school buildings closed.[106] California completed only about one-quarter of its summative ELP testing before the end of the 2019–20 academic year, but it plans to have the remaining students complete testing between mid-August and the end of October. The state will allow screening and summative ELP testing to be completed remotely, with teachers using online learning systems to monitor test administration for each student.[107]

Under normal circumstances, educators review students' summative ELP test results in late spring or summer in order to make decisions about whether they should exit EL status or what their placement should be for the next school year. This year, some students will not have Spring 2020 test scores to use for that purpose. And even for those ELs who do, learning losses over the months of remote learning may mean that educators need to revise placement and exit decisions for 2020–21.[108] Federal guidelines require schools to monitor the academic progress of ELs for two years after they have exited EL status in order to ensure they were not exited too early and that they continue to be able to access the general education curriculum without support.[109] Those processes will take on increased importance in 2020–21 for students who were exited from EL status on the basis of early 2020 scores, especially those who then received inadequate instruction through remote learning.

Guidance Regarding Identification, Placement, and Exit

In May 2020, the U.S. Department of Education's Office of Elementary and Secondary Education released a fact sheet reminding states and LEAs of their obligations with regard to ELs and making the following suggestions for how to comply with federal policy:

- **Screening new students.** LEAs that enroll new students while school buildings are closed should "attempt to identify ELs remotely to the greatest extent possible."[110] Home language questionnaires and family interviews may take place in writing or over the phone. In the absence of ELP screening tests, schools may use home language questionnaires, interviews, and reviews of past schoolwork, as well as any ELP

testing that can be conducted remotely, to temporarily place students in EL services. LEAs may communicate that placement to parents and discuss their options over the phone. Educators must follow up with standardized ELP tests to confirm EL identification once that becomes possible.

- **Placement for existing students.** Because 2020 ELP scores may not exist or may not represent students' skill level once school resumes, teachers may use other relevant information about their ELP, such as informal assessments, to make placement decisions for 2020–21.
- **Exiting EL status.** Schools may not formally exit students from EL status in the absence of scores from a standardized ELP test. States may exit students if they have scores for the 2019–20 school year, and they may waive additional requirements such as teacher input when those are typically used in conjunction with ELP test scores to determine which students may exit.
- **Monitoring current and former ELs' progress.** In 2020–21, educators should monitor the academic progress of students placed in or exited from EL services on the basis of ELP scores from tests given before school building shutdowns. If students exhibit evidence of learning loss, educators may consider adjusting placements or readmitting students to EL services.
- **Communicating policy changes.** States must publicly communicate adjustments of EL identification and assessment policies.

In order to accommodate delayed testing, many states are planning to complete the 2020 summative testing cycle at the beginning of the school year or when school buildings open. Accordingly, state guidance may direct LEAs not to code students as ELs in their data systems based on a provisional designation.[111]

Implications for Data and Accountability

In addition to using ELP test results for student placement, states also use them for school accountability calculations. Under ESSA, every state has developed an ELP indicator that reports the share of students who meet annual goals related to progress made toward English proficiency. School ELP outcomes are combined with measures of academic achievement, graduation rates, and a measure of school quality to identify the lowest performing schools. However, this entire accountability cycle was essentially cancelled for 2019–20.

In March 2020, the U.S. Secretary of Education authorized states to apply for waivers to cancel all ELP and academic achievement testing and to waive requirements to report student achievement and identify low performing schools for 2019–20.[112] Within two weeks, every state had been granted such a waiver.[113] In Summer 2020, several states began the process of requesting waivers for 2020–21,[114] but the secretary of education has stated they are unlikely to be granted.[115]

Because ELP test data are used for a variety of purposes, testing interruptions and waivers of accountability requirements raise a number of questions about what will happen without these data:

- **Student counts.** The annual count of identified ELs is used by the federal government in conjunction with Census data to allot Title III grants to states.[116] States use the EL student count to distribute Title III grants to LEAs and—in most states—to allocate supplementary state funds for EL education.[117] If schools are not able to formally identify new ELs and exit English

proficient students from EL status, the counts used in 2020–21 for these purposes are likely to be inaccurate.

- **Years in EL status.** Over the last ten years, schools have increasingly recognized the importance of ensuring students exit EL status in a timely manner. As a result, Title III of ESSA requires states to report the number of students who remain ELs for more than five years.[118] It is unclear how states and LEAs may use 2020 ELP data when identifying individual students as long-term ELs and how learning loss due to school building closures may affect future interpretation of such data.[119]

- **ELP growth.** The ELP indicator used for accountability under ESSA is a measure of whether students' English skills improve from year to year; therefore, it can only be calculated for students with two consecutive years of scores. As a result, students without 2020 scores will not have a growth score for 2019–20 or for 2020–21, even if they are tested in Winter 2021. However, as noted above, many students do have 2020 scores, and schools may test students in 2021 even if assessment and accountability measures are waived again. Therefore, systems may be able to calculate ELP indicators for more informal use.

- **ELP student-level growth targets.** Because ELs are likely to experience learning loss due to school building closures, states will need to consider whether the student ELP growth trajectories they developed for their ESSA plans in 2017 should be used once accountability systems return to normal. For example, students may not get "credit" for ELP growth if they have exceeded the state maximum timeline to proficiency.[120] States may need to make exceptions to this provision for students affected by the pandemic. States may also have to work with psychometricians to investigate whether their ELP indicators require adjustment after schools reopen, due to the likelihood that some data will be missing and that outcomes will not be representative of what students can do under normal circumstances.

In short, schools will be able to use 2020 ELP data or employ alternative methods to effectively serve students, especially if they use multiple measures for decision-making—something always recommended by research. However, numerous questions remain as to what the pandemic means for data collection and analysis, with the potential to have an impact even years after schooling returns to normal.

Policy Recommendations

Federal and state policymakers have provided guidance to districts and schools on one of the two uses of ELP test data—making decisions about individual students—to minimize interruptions to the provision of important academic services. In the coming months, they will also need to address issues related to how ELP data are used at the school, district, and state level. When doing so, states should consider:

- **Providing guidance on tools and processes for provisional screening and placement in EL services.** States should indicate how districts may use pre-shutdown scores from standardized ELP tests in conjunction with data collected during the spring and fall to ensure students are receiving the appropriate amount of support for their ELP level.

- **Monitoring students exited from EL status based on early 2020 scores more frequently than usual.** States should provide tools and processes for schools to provisionally reclassify struggling students and to identify students who should be

formally tested for reclassification once those processes are reinstated.

- **Tracking how many ELs are provisionally identified, even if schools are not formally marking them in their data systems.** This will help ensure that LEAs are following federal and state guidelines for providing services to students even in the absence of a formal identification. States should also provide guidance on whether such provisional identifications will be used to count EL students for funding purposes in 2020–21.
- **Exploring whether and how to use 2020 and 2021 ELP data.** To do so, states should work with their ELP testing consortium (WIDA and ELPA21) or with independent researchers. Even if data are not used for accountability purposes, 2020 data collection may have been sufficient to provide feedback to schools and districts on questions such as how many students are long-term ELs. Likewise, test developers and researchers will need to advise states on whether their ELP indicator will provide accurate information on student language development and how to interpret ELP test data over the next few years.

5 Conclusions

The COVID-19 pandemic has resulted in an unprecedented upheaval for millions of U.S. schoolchildren. For ELs and children in immigrant families, a combination of circumstances may exacerbate the negative impact of school building closures and the ensuing learning loss. Some of these are related to these students' disproportionate likelihood to live in poverty, with many families unable to support remote learning due to a lack of technology or ability to supervise online learning. Others bring into relief the ways that many school systems have failed—despite decades of civil rights law and policy—to create resilient systems of support for ELs and immigrant students.

Although the 2020–21 school year is well underway, many questions remain unanswered about the impact of the sudden closure of school buildings in Spring 2020 and the rocky transition to remote learning. And with the public-health crisis that forced the closures ongoing, it is unclear how long it will be before schooling can return to normal. Once it does, schools will feel the full weight of the heightened academic, linguistic, and socioemotional needs students are experiencing. They will also likely have fewer resources to draw on to support students and mitigate the effects of learning loss.

State education agencies must ensure schools are prioritizing robust instructional supports, parent engagement, and the building of capacity to weather future crises.

The federal government will play a key role in supporting schools financially as communities face budget cuts that may equal or exceed those that followed the onset of the 2008 recession. However, it will be up to states and districts to ensure that EL education will be supported—or at least that it will not take a disproportionate hit—in the years to come. State education agencies must ensure schools are prioritizing robust instructional supports, parent engagement, and the building of capacity to weather future crises. In a best-case scenario, schools may emerge from these trying times having built stronger and more resilient systems, not just for instruction, but in terms of student assessment, multilingual and meaningful two-way communication with ELs' parents and immigrant families, and developing technology that all students can access and benefit from.

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