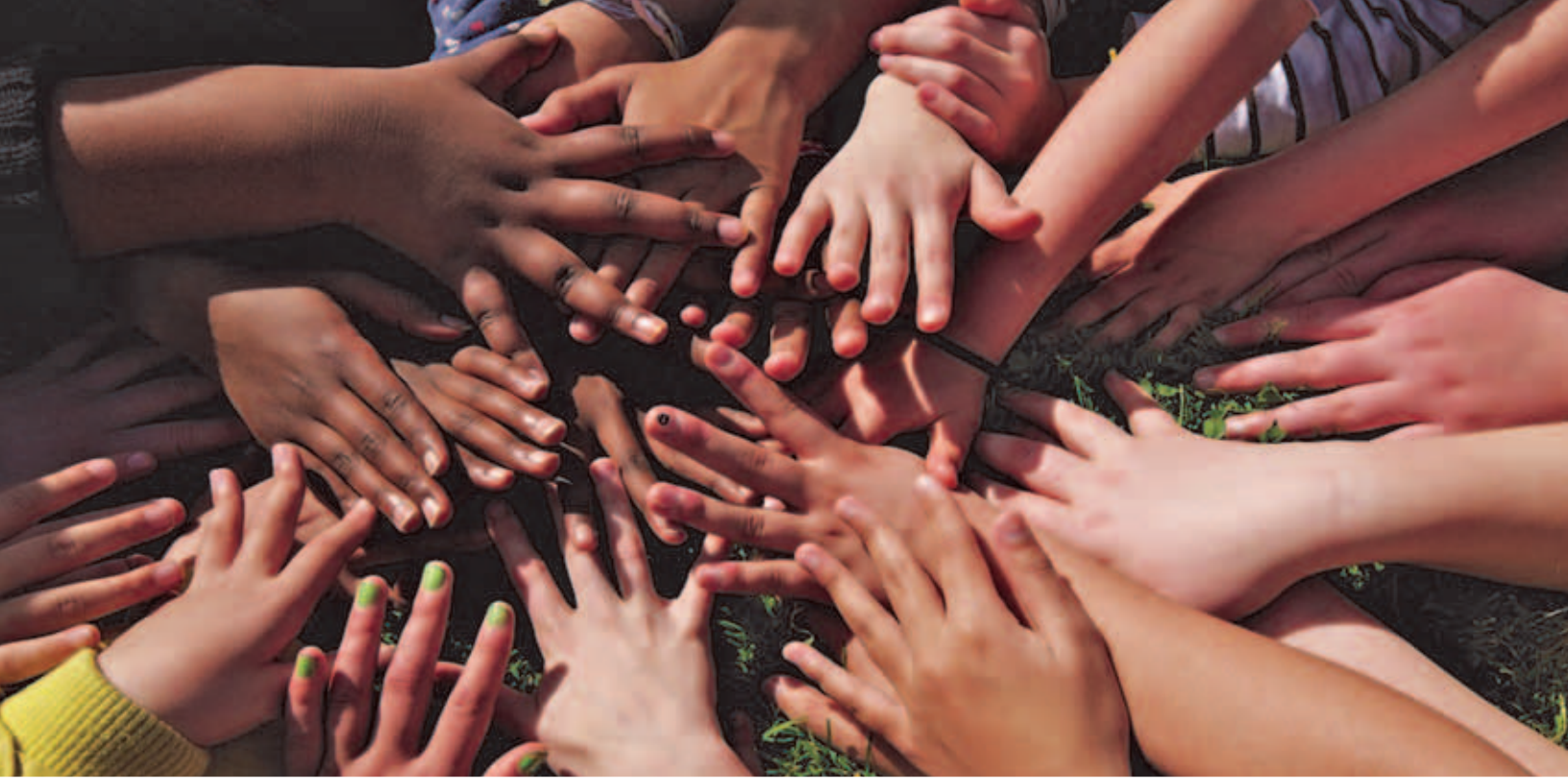

ISSUE BRIEF: Preventing Hispanic Students in Kentucky Schools from Being Lost in Translation

Introduction

The influx of Hispanic students in public schools across the nation is well-documented. By 2025, a predicted 25% of all public school students will be Hispanic.[1] The Hispanic population is a substantial and growing portion of the student population, one that schools cannot ignore in an age where scores on standardized assessments bear a direct link to funding the district receives.[2]

Recently, the Hispanic population has grown significantly in Kentucky, creating a variety of new challenges for Kentucky school systems and communities. The Kentucky State Data Center at the University of Louisville estimates today there are 115,416 Hispanic residents of Kentucky, up from just shy of 60,000 in 2000.[3] This shows a sizable increase in the Hispanic population in the region, which naturally translates into more Hispanic students in Kentucky public schools. At the same time, Hispanic students and their families face challenges as they try to access public education in Kentucky, navigate the school system, and reach their academic goals.

This brief highlights four areas of concern regarding Hispanic students in Kentucky school systems; access to education, interpreters, academic achievement, and family involvement in the educational process.

First, Hispanic youth must have access to educational services without enrollment obstacles. Legal requirements for enrollment are established by the Kentucky Department of Education (KDE), but constitutional protections also ensure that youth are not needlessly denied the right to attend school.

However, enrollment is only a starting point. Once enrolled, a Hispanic student's academic achievement is vulnerable to statistically high dropout rates and poor performance on standardized assessments. Such figures suggest a clear achievement gap between Hispanic students and their peers, which widens as the Hispanic population grows.

A significant percentage of Hispanic students are English Language Learners (ELL) or have Limited English Proficiency (LEP). Of the one in five K-12 Hispanic students in the United States, 40% are involved in ELL programs.[4] Therefore, the academic achievement of the Hispanic population is closely tied to ELL or LEP programming and services, which strive to overcome language barriers. Surprisingly, schools do not consistently administer assessments in a student's native language, or provide other appropriate accommodations for ELL or LEP students in core subject testing. Professional development for teachers to work effectively with ELL or LEP students

is critical to enhancing students' achievement.

Interpreters are another important means for closing the achievement gap for Hispanic students, as well as for engaging parents within the school system. Schools are obligated to provide interpreters when students or parents do not understand English. However, interpreters do not always relay cultural aspects of Hispanic communication. Consequently, the cultural aspects of communication are oftentimes lost in translation. This pragmatic or cultural portion of communication aids a listener in appropriately interpreting the information beyond its pure literal meaning. Thus, when culture is misunderstood, or worse, ignored altogether, the interpreter is of little use.

Language barriers arising from insufficient interpreter services result in low parental involvement among Hispanic families, as parents often lack awareness of their rights and responsibilities as parents of public school children. Limited English proficiency may also intersect with social, economic, and other factors to limit parental involvement.

This report examines these issues in detail, and provides a series of recommendations for how Kentucky schools can better serve their growing populations of Hispanic students. The information draws upon legal authority and social research; but, also draws insights from surveys of school policies and procedures, as well as from focus group discussions with Hispanic families and service providers.

Access to Education: Enrollment Requirements

To enroll in Kentucky schools, KDE requires a proof of identity and age (i.e., a birth certificate), proof of immunizations, a physical, and an eye exam. The student must reside in the district, and if possible, provide transfer records from a previous school. Schools cannot require the student's social security number or documentation regarding residency or immigration status.[5]

Kentucky school districts adhere to these requirements inconsistently. For example, some district websites contain accurate enrollment information listed in both English and Spanish, but provide improper information in student handbooks. Some districts and schools still require a social security number or immigration status. Other schools assist parents with the enrollment process, and refer them to health care clinics where appropriate medical records and immunizations can be obtained.

Hispanic Students' Academic Performance

Hispanic children now account for 20.5% of all school-age children.[6] However, Hispanic students are considerably less likely to complete high school than white students.[7] The high dropout rates and poor performance on school assessments among Hispanic youth are evidence of a widening achievement gap between Hispanic students and white students.

In 2005, 39% of Hispanic children in U.S. public schools were enrolled in ELL or LEP programs. However, not all of those students were immigrants.[8] In fact, 65% of LEP students were native-born citizens, and 17% of their parents were also native-born.[9] In addition, Hispanic students represent 79.6% of the total ELL student population.[10] For these reasons, Hispanic students' academic achievement is closely tied to their achievement in learning English. Schools are required to:

- Provide programs so LEP students can compete academically with their English-speaking peers. [11]
- Ensure non-English fluent students do not suffer educational or academic deficits because of their English-language limitations.[12]
- Ensure LEP programs result in students overcoming language barriers. [13]

No Child Left Behind (NCLB) has significant implications for LEP instruction. Because NCLB requires schools

to annually assess students' performance in math, reading and science, schools no longer have discretion in LEP students' instruction. NCLB requires schools to maintain ELL and LEP students' achievement at grade-level in content education, the same as their English-speaking peers. In addition, NCLB requires that annual tests follow state-developed standards, and that test results are reported within student subgroups defined by race, ethnicity, economic disadvantage, *and* limited English proficiency. NCLB further requires that teachers of language acquisition programs be qualified in the field.

Despite NCLB's standards, LEP students' performance continues to lag behind their English-speaking peers. In 2007, just 29% of LEP eighth-graders met the basic achievement level for reading, compared to 75% of English-speaking eighth graders. Math scores indicated a similar discrepancy.[14] It is not surprising, then, that Hispanic LEP students drop out at a higher rate than English-speaking Hispanic students. In 2000, for example, 60% of Hispanic LEP students did not graduate.[15] In fact, only 58% of Hispanic students, whether LEP or English-speaking, graduate high school in four years.[16]

Kentucky is a non-traditional Hispanic and immigrant state, yet the Hispanic population is growing dramatically.[17] The ELL student population in Kentucky grew 200% between 1995 and 2005.[18] Most of these students speak Spanish at home.[19] Kentucky schools must now provide services for over 13,641 Spanish-speaking students.[20]

> ***Interpretation is not a literal translation of what is said or written but rather a more nuanced conversion of one language and culture into another language and culture.***
>
> *~ Student at Lexington forum addressing concerns of Hispanic students*

KDE has partnered with the World-Class Instructional Design and Assessment (WIDA) Consortium to identify ELL candidates and determine their proficiency levels.[21] Once students are identified through assessments and monitoring,[22] Kentucky schools use many different types of language instruction programs and methods. [23]

For instance, one Kentucky district implements a specific process to identify, assess, and place LEP students. Based on academic information and test results, English as a Second Language (ESL) teachers develop individual Services Plans for LEP students. The plan incorporates a variety of specific English-language instructional methods. Program participation is voluntary, and parents may opt out. When the student is not receiving instruction pursuant to an individual Service Plan, the student attends regular classes. The district also offers parents the option of enrolling new students in the ESL Newcomer Academy, where students entering middle or high school learn English simultaneously with grade-level core content. Enrollment in the Academy ranges from one to two years, at which point the student transitions into a mainstream school with an ESL program for ongoing pull-out instruction or ESL support. Despite the district's highly-structured program, LEP students in that district did not meet Annual Yearly Progress in math or reading during the 2008-2009 school year.

Another district also implements ESL programs based on pull-out instruction pursuant to individual service plans. The goals of such instruction include:

- Enabling LEP students to communicate in the English language and function in American culture;
- Addressing both linguistic and academic needs;
- Instruction in content-area classes to meet grade promotion and graduation standards;
- Teaching listening, speaking, reading, writing, and cultural understanding needed to participate in the school's mainstream activities; and
- Promoting parental and community participation.

The program appears comprehensive, where 3,000 students primarily speak Spanish, and 8% of the student population is Hispanic. However, in 2009, just over 50% of LEP students were proficient in reading, compared with 76% of their English-speaking peers in that district. Among Hispanic LEP students, 61% were proficient, compared with almost 83% of all white students. Math scores for 2009 showed similar discrepancies. Nevertheless, the district reported a significant improvement.

Although some Kentucky schools comply with NCLB assessment and reporting requirements, there is limited accountability for schools. Some schools fail to report data in groups, lumping economically disadvantaged or former LEP students with the general student population. Furthermore, some schools do not consider native language assessments in core content subjects. While LEP students are afforded some accommodations during core content testing such as reading help, and extra time, these schools

do not follow the NCLB suggested model of accountability. Implementing this model would involve the following changes:

- Include former ELL and LEP students as a student subgroup to measure annual yearly progress (AYP) for up to two years to better inform future instruction.[24]
- Native language assessments should be administered if practicable. If not practicable, schools should provide reasonable accommodations for ELL and LEP students during core content testing.[25]

There is a need for teacher development and professional preparation for all teachers to work with ELL and LEP students towards achievement in both English language development and content education. Kentucky requires ESL teachers to complete a college program specific to English language instruction and to pass a certification test. To assist, schools may hire non-certified persons as Bilingual Associate Instructors or ESL Assistants at lower salaries. However, some schools are not providing teacher development in ESL instruction. For instance, one Kentucky district hired uncertified instructors because the district was simply unprepared for the sudden influx of Hispanic students in the region.

Additionally, many ESL instructors do not have professional training or have limited English language skills themselves. All teachers should acquire a specific set of skills that will allow them to work effectively with LEP students in content-based education. Although a wide array of courses relate to ESL instruction methods and practices, these are not required as part of undergraduate teaching-degree programs unless the teacher completes a specific ESL instruction program. One reason Kentucky ESL instruction falls short is the funding needed to support teacher development and hire certified ESL instructors is not available. Out of 87 ESL teachers, only 3 are paid with federal funds.

Many Hispanic LEP students do not participate in pre-K or early education programs, and therefore lack the oral foundation needed for Kindergarten. Hispanic LEP students that first come to the United States at high school age are not receiving effective English language instruction or the necessary assistance to meet graduation requirements. Many fail simply because they do not know English. Because of this, Hispanic high school students are often unsuccessful in more complex content-area subjects taught in English.

On the other hand, some Kentucky schools implement programs to help at-risk youth. In Jefferson County, Olmstead Academy North offers an after-school program together with Adelante Achievers for Hispanic students in grades 6 through 8. This course provides mentoring and cultural enrichment programs, after school tutoring, homework help and college readiness. Other schools implement dropout prevention programs that provide tutoring, counseling and other support. The dropout programs use a holistic approach, involving teachers, parents, and the student, to tackle an array of risk factors affecting Hispanic youth, such as limited English proficiency, teen pregnancy, gang involvement, and lack of parental involvement.

> ***"When I would ask the interpreter to ask a question if I did not understand something the teacher had explained, the interpreter would simply give me the answer without explaining the reasoning instead of interpreting my questions to the teacher. I would not learn."***
>
> *~ Hispanic student in Kentucky*

Interpreters for Hispanic Parents and Students

Many of the families and students of Hispanic origin in Kentucky do not speak or understand English. Schools have an obligation to provide interpreters in situations where students or parents cannot understand English or prefer to speak in another language. Therefore, classroom instruction, school forms, parent-teacher conferences, and disciplinary meetings require interpreter-services. Kentucky schools have failed to fully meet this obligation. Consequently, parents are often uninformed about how to be involved in their children's education.

Families and service providers also question the cultural competency of interpreters and school personnel. Interpretation is not a literal translation of what is said or written, but rather a more nuanced conversion of one language and culture into another. Hispanic parents often feel schools do not understand their culture and, as a result, negatively misinterpret parents' actions. Cultural competency training should be available for interpreters, school officials, and teachers to improve the relationship of the schools with the Hispanic community.

One Kentucky student failed high school because

she was unable to understand her teachers in content-area subjects. As a high school LEP student, she was assigned an interpreter to accompany her during classes, but the interpreter was not helpful. "When I would ask the interpreter to ask a question if I did not understand something the teacher had explained, the interpreter would simply give me the answer without explaining the reasoning instead of interpreting my questions to the teacher. I would not learn." The student also expressed the interpreter condensed information and seemed disinterested in assisting her. The student explained that she had no way of complaining about the interpreter since, to do so, she would have to use the interpreter's services. She is now a parent who wants to obtain a GED and higher education so she can provide her child with a better future.

While Hispanic parents and students may know of their rights to an interpreter, they may not know the process to complain when the request is not met. They may also not know which organizations outside the school system may assist if the school fails to provide them with the services they are entitled.

Parental Choice and Involvement

The dropout rate among Hispanic students is higher than any other group in the country. However, increased personal attention and a close working relationship between schools, parents, and the community could lower the disproportionately high dropout rate of Hispanic students.

The language barrier is the primary reason for low parental involvement in the Hispanic student population. Because of poor language access in many schools, parents must often rely on their own children for translation or interpretation when dealing with school matters. Also, parents are often unaware of their rights and responsibilities. They need to know where they can obtain information about the educational system, and where to go if an issue arises. "Our children are going to face a reality that we, the parents, do not even know and thus we are afraid. We pass this fear to our children. There is a need to know…what resources are available in order [for our children] to go to university... As Hispanics that contribute to society, we want to have the same rights." When it comes to parental choice on educational or disciplinary matters, parents tend to follow "what is recommended or most available, or simplest." Schools must be more inclusive. As one Hispanic parent in Kentucky said, "I assimilate, but I find there is a lot of resistance to certain customs and things that are an essential part of my identity and that I want to instill in my children. Schools also need to be educated about my culture and respect it."

The language barrier for Hispanic parents intersects with social and economic issues affecting many Hispanic families. This leads to low parental involvement at school. Many Hispanic parents work long hours and have more than one job, which is not conducive to parental participation. Lack of transportation also prevents participation. In schools where officials make Hispanic families feel welcome, parents' participation is stronger. When school officials do not get to know the parents or the program, participation drops drastically.

Recommendations

A variety of resources could play a role in making these changes happen. The starting point is awareness among KDE and district officials with the power to implement change. A strong community of service providers that assist the Hispanic population could give families the resources to hold schools accountable for violations.

Conform enrollment requirements to give Hispanic students equal access to education

Community organizations and other actors working with the Hispanic community should promote awareness among Hispanic families of the right of all children to a free public school education, regardless of immigration status. These organizations should also work with local public schools to ensure they only require documentation for enrollment that is legally necessary. School districts

and KDE should increase accountability for schools to ensure enrollment requirements conform to what is required by law.

Improve ELL & LEP programming to close the achievement gap between Hispanic students and their peers

All students should be held to the same academic goals. Kentucky should continue to research and develop reliable content assessments for ELL students. Schools should continue to categorize test scores and graduation rates by subgroup,[26] and should include former ELL students in these reports as a separate category.[27] Kentucky schools should develop and implement native language assessments, simplified English assessments, or other tools to measure ELL students' academic content knowledge.[28] In the absence of native language assessments, ELL students should be offered assessment accommodations as needed.[29] Schools should provide appropriate instruction for new LEP students both for the development of their English skills and core content skills.

Kentucky schools should adopt a common definition of "graduation rate" and categorize graduation rates per student subgroup to provide accurate data.[30] High schools should work closely with LEP students to address "at-risk" factors to improve graduation rates for Hispanic youth,[31] and provide Hispanic youth with the necessary tools to transition into post-secondary education.

Improve interpreter services to Hispanic students and parents

The most important component of improving access to interpreters is to inform families of their rights. School districts lagging behind in providing interpreters should look to successful schools as models to improve. Interpreters hired by schools should be more carefully monitored in order to ensure they provide the services required of them, and interpretation is culturally sensitive.

Implement Hispanic community involvement programs to encourage parent choice and involvement

Parents will be able to advocate for their children if they know what they can demand. Community organizations and school districts should conduct seminars for parents on their rights and responsibilities. Schools should implement parent literacy programs that focus on bolstering parents' knowledge so that they can work with their students effectively at home.[32] Organizations and school districts should utilize NCLB funding to develop Parental Assistance and Local Information Centers to address parents' language needs.

1 AFT Teachers, policy brief, *Closing the Achievement Gap: Focus on Latino Students*, Number 17 (March 2004), *available at* http://www.aft.org/pdfs/teachers/pb_latino0304.pdf.

2 Erika Beltran and Iris Chavez, *Recommendations on the Re-authorization of the Elementary and Secondary Education Act* (March 26, 2010), *available at* http://www.publiceducation.org/pdf/NCLB/2010/HEC.pdf.

3 Kentucky State Data Center, 2010 Census Data, *available at* http://ksdc.louisville.edu/1census.htm.

4 Sarah L. Dolan, NCLR Statistical Brief, *Missing Out: Latino Students in America's Schools* (2009).

5 *See, e.g.* Plyer v. Doe, 457 U.S. 202 (1982).

6 Dolan, *supra* note 4.

7 *Id*.

8 *Id*.

9 *Id*.

10 *Id*.

11 *See* Equal Education Opportunities Act of 1974, 20 U.S.C. § 1703 (2010).

12 *See id.*

13 *See id.*

14 Dolan, *supra* note 4, at 7.

15 *See id.*; *see also* Michael Fix & Jeffrey S. Passel, Nation Association for Bilingual Education Report, *U.S. Immigration: Trends and Implications for Schools* (Jan. 2003).

16 *See Diplomas Count: Graduation by the Numbers*, 29 Education Week 4-5 (2010).

17 Dolan, *supra* note 4, at 3.

18 *Id.*

19 Kentucky Department of Education, *Kentucky Education Facts* (Feb. 22, 2011), *available at* www.education.ky.gov/KDE/HomePageRepository/News+Room/Kentucky+Education+facts.

20 *See* Kentucky Department of Education , *Definition of Limited English Proficient (LEP) and Immigrant Status* (Nov. 26, 2009), *available at* http://www.education.ky.gov/kde/instructional%20resources/high%20school/language%20learning/english%20language%20learning/definition%20of%20limited%20english%20proficient%20and%20immigrant%20students.htm ("An LEP student as an individual (A) who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C)(i) who was not born in the United States or whose native language is a language other than English…(II) who comes from an environment where a language other than English, and who comes from an environment where a language other than English is dominant; and (D) whose difficulties in speaking, reading, writing or understanding the English language may be sufficient to deny the individual (i) the ability to meet the State's proficient level of achievement on State assessments. Described in section 1111(b)(3); (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society").

21 *See* WIDA Consortium, brochure, *available at* http://www.wida.us/assessment/ (listing the levels of English Proficiency identified by WIDA).

22 *See* WIDA Assessment Tools, *available at* http://www.wida.us/assessment/ACCESS/index.aspx; *See also ACCESS For ELLs: Overview of Tiers*, *available at* http://www.wida.us/assessment/ACCESS/tiers.aspx; s*ee also ACCESS for ELLs Criteria for Tier Selection*, *available at* http://www.wida.us/assessment/ACCESS/tier_criteria.aspx.

23 The Children's Law Center conducted several community forums and surveys in large Kentucky school districts. Among those surveyed were parents, students, and ESL Directors and services providers for the districts. Data compiled also includes the districts' formal plans for ESL instruction and district data regarding achievement among ESL students.

24 *See* 20 U.S.C. 6311 (West 2010).

25 *See* 20 U.S.C. 6892 (West 2010).

26 *See* Josef Lukan, NCLR White Paper, *Strengthening Accountability to Ensure Hispanic Success: An Analysis of NCLB Title I Regulations*, October 2009, *available at* http://www.nclr.org/index.php/publications/strengthening_accountability_to_ensure_latino_success_an_analysis_of_nclb_title_i_regulations/.

27 *See* F.R. 06-7646; *see also* National Counsel of La Raza (NCLR), Issue Brief, *A Teacher's Guide to State English Language Learner Assessment and Accountability*, 10 (2009).

28 *See* 20 U.S.C. 6892 (West 2010).

29 *See id.*

30 *See* Lukan, *supra* note 26.

31 *See* NCLR, *supra* note 27.

32 *See, e.g.,* Project Flame, *available at* http://www.uic.edu/educ/flame/flameobjectives.html.

CLC Mission Statement:

The Children's Law Center exists to protect and enhance the legal rights of children through quality legal representation, research and policy development, and training and education of attorneys and others regarding children's rights issues. The Center currently provides direct services in Ohio and Kentucky, but collaborates with other organizations within the region and nationally on a variety of topics.

Children's Law Center, Inc.

1002 Russell Street, Covington KY 41011 p (859)431-3313
772 Winchester Road, Lexington KY 40505 p (859)253-0152