



MITESOL and MABE Statement on Michigan's 3rd Grade Reading Law & English Learners

Michigan Teachers of English to Speakers of Other Languages (MITESOL) and Michigan Association for Bilingual Education (MABE) are deeply concerned about how MCL 380.1280f, commonly known as the “third grade reading law,” will affect English learners (ELs) in Michigan. MITESOL and MABE call for a review and modification of the current legislation to address the failures of the law for this growing population of Michigan students.

MITESOL is an affiliate organization of TESOL International that provides support for professionals involved in teaching English to speakers of other languages by collaborating with educational institutions to identify and resolve issues in English as a Second Language (ESL) instruction as well as advocating for quality standards in instructional programs of ESL. MABE encourages and promotes multilingual education in the State of Michigan so that all children may participate in expanded education opportunities. As organizations that support teachers and students in fostering the comprehensive development of language literacy, MITESOL and MABE strongly oppose the “one-assessment-fits-all” third grade reading law that leaves no exemptions for those students with varying English language abilities.

The legislation stipulates that, starting in 2020, a third-grader who doesn't meet a certain reading proficiency level will have to repeat that grade. Besides ignoring extensive research that shows retention is not an effective intervention for learners, the legislation notably fails to acknowledge the differences in how ELs progress in reading proficiency compared with native English speakers. The approved initial assessment list from MDE does not include research-based assessments specific for English Learners. These assessments are selected under the assumption that if administered under the same conditions, they are consequently equitable for all students. However, validity concerns arise systematically across the test development process when assessments are not designed specifically with linguistically and culturally diverse students in mind (Weir, 2005). Culture shapes thinking and must be taken into account in test construction and test-taking (Basterra, Trubull, & Solano-Flores, 2011). Research-based guidelines for the assessment of ELs state that ELs should have multiple opportunities and multiple options to show what they know, and that assessment specifications should include a variety of item and response types that enable ELs to demonstrate their strengths through response types such as performance tasks, items with visuals, or oral responses (Pitoniak, et. al., 2009). The approved assessments outlined in the legislation assess English proficiency rather than reading fluency and comprehension for English



learners. All assessments in English are assessments of English; therefore, the very basis of the legislation is entirely inappropriate for this growing population of students.

Consequently, we call on members of the Michigan legislature to :

- Approve the WIDA ACCESS for ELLs as an alternative assessment measure
- Approve the WIDA Screener as an initial reading assessment for Newcomer ELs, K-3

39 U.S. State Education Agencies belong to the WIDA Consortium and recognize WIDA for its commitment to providing quality standards, assessment, research, and professional learning for children and youth who are culturally and linguistically diverse. The WIDA ACCESS and WIDA Screener meet and exceed federal requirements for monitoring and reporting ELs' progress toward English language proficiency.

Although MITESOL and MABE appreciate the law provides for “good cause exemptions” in which school officials can override retention, the legislation fails to adequately define the good cause exemptions specifically for ELs, a significant group of learners that data shows would be marginalized. Of those students who are currently testing below proficient at the current cut point for retention, only 31% of Michigan ELs would pass. This would leave more than 2/3 of students requiring interventions, which are required in the law, or good cause exemptions, both of which would overwhelm educational administration and staff. The legislation outlines an exemption if, “The pupil is a limited English proficient student who has had less than 3 years of instruction in an English language learner program” (Subsection (8)(b)). This blanket statement does not adequately address the complexity of second language acquisition, or the diverse backgrounds of English learners in the State of Michigan. Many factors influence an individual’s second language development process including linguistic background, level of proficiency in English, level of proficiency in the native language, and degree of exposure.

Furthermore, in its entirety, the third grade reading law violates EL’s civil rights and they should be automatically exempted. Title VI of the Civil Rights Act of 1964 states, “No person in the United States shall, on the ground of race, color, or national origin be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.” We believe the legislation discriminates against English learners and denies them their right to an equal opportunity for quality education. Decades of research has concluded that expectations, attitudes, and behaviors toward students, particularly those from disadvantaged backgrounds, have a direct and profound impact on the way these students view themselves and on academic performance (Brophy 1983; Boser, Wilhelm, and Hanna 2014; Rosenthal and Jacobson 1968). Education should promise opportunity. Students learning English are capable of thinking and reasoning at high levels and must be exposed to



rigorous, high-quality curriculum. By requiring students to repeat third grade based on reading proficiency scores in English, ELs are being denied access to appropriate grade-level content.

MITESOL and MABE call on members of the Michigan legislature to modify and enact a more realistic version of MCL 380.1280f that demonstrates an unwavering commitment to education and provides all students, including Michigan's growing population of English learners, with the support that they need to succeed.

References

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