



Facts about English Learners and the NCLB/ESSA Transition in Virginia

By Julie Sugarman and Kevin Lee

This fact sheet provides a sketch of key characteristics of the foreign-born and English Learner (EL) populations in Virginia. It is intended to equip community organizations with an understanding of the state demographic context and some of the basics of EL policies under the *No Child Left Behind Act* (NCLB, in effect from 2002 through December 2015) and its successor, the *Every Student Succeeds Act* (ESSA), enacted in December 2015.

The first section looks at the demographics of Virginia, including the entire state population using U.S. Census Bureau 2014 American Community Survey (ACS) data, and EL students as reported by the Virginia Department of Education. A discussion of EL student outcomes as measured by standardized tests follows, and the fact sheet concludes with a brief overview of Virginia accountability mechanisms that affect ELs under NCLB and major provisions of ESSA.

I. Demographic Overview of Foreign-Born and EL Populations in Virginia

In 2014, approximately 1,005,620 foreign-born individuals resided in Virginia, accounting for 12 percent of the state population—comparable to the share of immigrants in the United States (13 percent), as seen in Table 1. The growth rate of the foreign-born population in Virginia slowed from 83 percent in the period between 1990 and 2000 to 76 percent between 2000 and 2014.

Table 1. Foreign- and U.S.-Born Populations of Virginia and United States, 2014

	Virginia		United States	
	Foreign Born	U.S. Born	Foreign Born	U.S. Born
Number	1,005,620	7,320,669	42,391,794	276,465,262
Share of total population	12.1%	87.9%	13.3%	86.7%
Population Change over Time				
% change: 2000-14	76.3%	12.5%	36.3%	10.4%
% change: 1990-2000	82.9%	10.8%	57.4%	9.3%
Age Group				
Share under age 5	0.9%	6.8%	0.6%	7.1%
Share ages 5-17	6.5%	17.7%	5.3%	18.6%
Share ages 18+	92.6%	75.5%	94.0%	74.3%

Source: Migration Policy Institute (MPI) Data Hub, "State Immigration Data Profiles: Demographics & Social," accessed September 8, 2016, www.migrationpolicy.org/data/state-profiles/state/demographics/VA/US/.

Table 2. Children (ages 17 and younger) in Virginia and the United States, 2014

	Virginia		United States	
	Number	Share of Population (%)	Number	Share of Population (%)
Children between ages 6 and 17 with	1,191,859	100	46,968,394	100
Only native parent(s)	931,568	78.2	35,171,703	74.9
One or more foreign-born parents	260,291	21.8	11,796,691	25.1
Child is native born	208,737	17.5	10,011,547	21.3
Child is foreign born	51,554	4.3	1,785,144	3.8
Children in low-income families	603,258	100	30,272,597	100
Only native parents	453,686	75.2	20,793,941	68.7
One or more foreign-born parents	149,572	24.8	9,478,656	31.3

Note: The definition of children in low-income families includes children under age 18 who resided with at least one parent and in families with annual incomes below 200 percent of the federal poverty threshold.

Source: MPI Data Hub, “State Immigration Data Profiles: Demographics & Social.”

The immigrant population in Virginia is growing at more than twice the rate of the U.S. foreign born more generally, and it outpaces the growth rate of the native-born population. Age group trends in Virginia mirror broader national trends, with disproportionately fewer foreign-born individuals in the birth-to-age-17 brackets compared to the native born.

The share of school-age children with one or more foreign-born parents is lower in Virginia (18 percent) than the national share (25 percent) as shown in Table 2. Additionally, about 80 percent of children of immigrants in

Virginia were native born. In Virginia, 25 percent of children in low-income families had foreign-born parents, compared to 31 percent of low-income children nationally.

Virginia has a diverse immigrant population, as shown in Table 3, with a somewhat higher share of Asian-born individuals (42 percent) than the national rate (30 percent) and a somewhat lower share of Latin American immigrants (36 percent, compared to 52 percent nationally). Virginia’s share of African-born individuals (10 percent) is also twice the national share (5 percent).

Table 3. Regions of Birth of the Foreign-Born Population in Virginia and the United States, 2014

Region of Birth	Virginia		United States	
	Number	Share of Population (%)	Number	Share of Population (%)
Africa	104,991	10.4	1,931,203	4.6
Asia	421,461	41.9	12,750,422	30.1
Europe	100,138	10.0	4,764,822	11.2
Latin America	361,237	35.9	21,890,416	51.6
Northern America	14,503	1.4	812,642	1.9
Oceania	3,290	0.3	241,200	0.6

Notes: Latin America includes South America, Central America, Mexico, and the Caribbean; Northern America includes Canada, Bermuda, Greenland, and St. Pierre and Miquelon. The region of birth data exclude those born at sea.

Source: MPI Data Hub, “State Immigration Data Profiles: Demographics & Social.”

Table 4. Nativity of Virginia and U.S. LEP Students, 2014

	Share of K-12 LEP Children Born in the United States		
	Grades K-5 (%)	Grades 6-12 (%)	Total (%)
Virginia	65	46	56
United States	83	56	71

Note: Analysis based on Limited English Proficient (LEP) children ages 5 and older enrolled in grades K-12.

Source: MPI analysis of U.S. Census Bureau 2014 American Community Survey (ACS) data, accessed through Minnesota Population Center, University of Minnesota, “Integrated Public Use Microdata Series,” accessed September 8, 2016, <https://usa.ipums.org/usa/>.

Number of ELs. ACS Census data on the Limited English Proficient (LEP) population rely on self-reporting of English proficiency, with LEP individuals counted as those who speak English less than “very well.” At the national level, ACS data indicate that 5 percent of U.S. children ages 5 to 17 are LEP,¹ while data submitted to the federal government by the states put the share of ELs amongst the total K-12 population at 10 percent in school year (SY) 2013-14.²

At the state level, ACS data indicate that 3 percent of Virginia children ages 5 to 17 are LEP.³ In contrast, the most recent data from the Virginia Department of Education, from SY 2016-17, indicate EL enrollment represents 12 percent of the total K-12 student population, or 154,020 students.⁴

Although ACS data seem to vastly undercount EL children, they can be used to examine (with

due caution) the nativity of ELs, which is not a variable captured by school data systems. Table 4 shows that slightly more than half of the Virginia school-age children who were reported as LEP were born in the United States, with a larger share among elementary school children than older students. In the nation more generally, almost three-quarters of school-age LEP children were native born.

The most recent data available on the top languages spoken by ELs in Virginia come from the Consolidated State Performance Reports submitted by each state to the federal government. Table 5 shows data from SY 2013-14 that indicate Spanish was spoken by two-thirds of Virginia ELs, with Arabic, Vietnamese, Urdu, and Korean rounding out the top five.

Among Virginia school divisions⁵ with enrollment of more than 2,000 ELs, the five with the

Table 5. Top Five Home Languages Spoken by Virginia ELs, SY 2013-14

	Number of ELs	Share of ELs (%)
Spanish	68,142	66.3
Arabic	5,746	5.6
Vietnamese	2,879	2.8
Urdu	2,464	2.4
Korean	1,987	1.9

EL = English Learner; SY = School Year.

Note: Share calculated based on 102,815 Limited English Proficient students reported by the state in 2013-14.

Source: U.S. Department of Education, “SY 2013-2014 Consolidated State Performance Reports Part I. Virginia,” updated October 30, 2015, www2.ed.gov/admins/lead/account/consolidated/sy13-14part1/index.html.

Table 6. Number and Share of K-12 ELs in Virginia School Divisions with More Than 2,000 ELs, SY 2016-17

	Number of ELs	Share of ELs in Division (%)
Fairfax County	54,565	29.7
Prince William County	23,478	26.6
Loudoun County	12,239	15.7
Arlington County	6,965	27.7
Alexandria City	6,170	41.7
Chesterfield County	4,975	8.4
Henrico County	4,886	9.7
Manassas City	3,665	49.3
Harrisonburg City	2,846	48.6
Richmond City	2,198	9.5
Stafford County	2,005	7.2

EL = English Learner; SY = School Year.

Source: Virginia Department of Education, “Fall Membership,” accessed January 6, 2017, http://bi.vita.virginia.gov/doi_bi/rdPage.aspx?rdReport=Main&subRptName=Fallmembership.

largest number of ELs in kindergarten through 12th grade are in northern Virginia. Table 6 also shows that in the divisions with the largest numbers of ELs, these students represent between 7 percent (Stafford County) and 49 percent (Manassas City and Harrisonburg City) of all students.

Finally, Table 7 shows that there were roughly the same share of ELs in grades K to 2 and grades 3 to 5 in SY 2016-17, and that the share of ELs then decreased in middle and high school.

II. EL Student Outcomes in Virginia

This section looks at outcomes of the EL subgroup on state standardized assessments. It is important to note two things about the participation of ELs on these assessments. First, compared to other student subgroups based on ethnicity, poverty, gender, and special education status, ELs are a much more dynamic population: as students gain proficiency, they exit the EL subgroup and new ELs are identified as they enter the U.S. school system. By definition, students who remain in the EL subgroup are not

Table 7. Number and Share of ELs in Virginia, by Grade, SY 2016-17

	Grades K-2	Grades 3-5	Grades 6-8	Grades 9-12
Share of ELs	15.1%	15.6%	11.4%	8.2%
Number of ELs	42,543	46,021	32,753	32,078

EL = English Learner; SY = School Year.

Source: Virginia Department of Education, “Fall Membership.”

Table 8. Share of Virginia ELs and All Students Passing Reading and Writing SOLs, by Grade (%), SY 2015-16

	Reading						Writing		
	Grade 3 (%)	Grade 4 (%)	Grade 5 (%)	Grade 6 (%)	Grade 7 (%)	Grade 8 (%)	High School (%)	Grade 8 (%)	High school (%)
Share of ELs passing	69	63	66	52	52	41	64	34	56
Share of all students passing	76	77	81	77	82	75	89	71	83

EL = English Learner; SOL = Standards of Learning; SY = School Year.

Source: Virginia Department of Education, "State Report Card," generated January 3, 2017, <https://p1pe.doe.virginia.gov/reportcard/report.do?division=All&schoolName=All>.

performing at a level where their achievement on mainstream assessments is comparable to that of their English-proficient peers.

Second, under NCLB, states were allowed to exempt EL students from taking the English language arts (ELA) test for one year and to exclude the math scores of those newcomers from accountability reports. For that reason, the results below do not include all Virginia ELs.

Virginia administers the Standards of Learning (SOLs) for accountability purposes. SOLs in reading and math are given in grades 3 to 8; history and social studies in grade 3; writing in grades 5 and 8; and science in grades 3, 5, and 8. End-of-course tests for high school students are given for Algebra I, Geometry, and Algebra

II, as well as a variety of science, history, and social studies courses.⁶

Table 8 shows considerable achievement gaps between the share of ELs and of all students who passed the reading test, with that gap growing larger at successively older grade levels; from 7 points in 3rd grade, the gap grew to 34 points in 8th grade before decreasing slightly to 25 points for high school students. In writing, there was a 37 point gap in 8th grade and a 27 point gap in high school.

In math, Table 9 shows that there are moderate and fairly stable gaps between ELs and all students between grade 3 and the high school end-of-course exams. The gap was lowest in 4th grade (9 points) and highest in 7th grade (23 points).

Table 9. Share of Virginia ELs and All Students Passing Math SOLs, by Grade (%), SY 2015-16

	Grade 3 (%)	Grade 4 (%)	Grade 5 (%)	Grade 6 (%)	Grade 7 (%)	Grade 8 (%)	Algebra I (%)	Geometry (%)	Algebra II (%)
Share of ELs passing	66	74	69	71	49	51	66	60	76
Share of all students passing	77	83	79	82	72	73	83	80	89

EL = English Learner; SOL = Standards of Learning; SY = School Year.

Source: Virginia Department of Education, "State Report Card."

Table 10. Share of Virginia ELs and All Students Passing Social Studies SOLs, by Grade (%), SY 2014-15

	Grade 5 History and Social Science (%)	Grade 8 History and Social Science (%)	Virginia and U.S. History (%)	World History I (%)	World History II (%)	World Geography (%)
Share of ELs passing	94	88	63	65	64	57
Share of all students passing	93	92	86	84	86	86

EL = English Learner; SOL = Standards of Learning; SY = School Year.
 Source: Virginia Department of Education, "State Report Card."

ELs scored better or almost as well as all students on the history and social science tests in 5th and 8th grade. However, there were gaps of 19 to 29 points on the various end-of-course social studies assessments taken in high school (see Table 10).

Across the various science SOLs, there were significant variations both in terms of the share of students passing and the size of the gap between ELs and all students (see Table 11). The gap was smallest in 5th grade (18 points) and largest in 8th grade (38 points).

Finally, in terms of graduation rates, there are gaps between ELs and all students. For the class of 2015, the four-year high school graduation rate for ELs was 68 percent compared to a rate of 91 percent for all students.⁷ The national rates for that year were 65 percent for ELs and 83 percent for all students.⁸

III. Accountability under NCLB and ESSA

Although many mechanisms within Virginia’s accountability system are in the process of changing, it is important to have a sense of the tests, benchmarks, and accommodations for ELs that have been implemented for the last 15 years in preparation for ESSA accountability planning.

A. Identification and Reclassification of ELs

School divisions in Virginia may use a home-language survey or collect other identifying information during the enrollment process that identifies potential ELs in a consistent manner. The state recommends asking about

Table 11. Share of Virginia ELs and All Students Passing Science SOLs, by Grade (%), SY 2014-15

	Grade 5 (%)	Grade 8 (%)	Earth Science (%)	Biology (%)	Chemistry (%)
Share of ELs passing	63	41	58	54	65
Share of all students passing	81	79	84	84	88

EL = English Learner; SOL = Standards of Learning; SY = School Year.
 Source: Virginia Department of Education, "State Report Card."

the language used most often in the home and what language the child acquired first and speaks most often at home.

If students are identified as potential ELs, they are administered either one of the screening assessments developed by the WIDA consortium⁹ or a locally developed or selected screening assessment. Once identified, ELs are given the WIDA ACCESS for ELLs annually until they meet reclassification requirements. As per NCLB guidelines, the ACCESS tests proficiency levels in the four language domains of listening, speaking, reading, and writing. To exit EL status, students must earn an overall composite score of 5.0 out of 6.0 on the ACCESS and a 5.0 literacy composite score.¹⁰

B. Accountability for EL Performance

Under Title III of NCLB, EL performance was monitored at the district and state level through Annual Measurable Achievement Objectives (AMAOs). Although these are no longer part of Title III of ESSA, states will include a measure of English proficiency and include EL subgroup scores on state grade-level assessments in their new accountability plans.

Under NCLB, states set ever-increasing targets for the number of students achieving benchmarks for the three AMAOs:

- 1) Progress (improving English proficiency from year to year)
- 2) Proficiency (exiting EL status)
- 3) Adequate yearly progress (AYP) in academic achievement for the EL subgroup (indicators included state standardized tests in reading and math, participation in assessments, and graduation rate).¹¹

Originally, NCLB called for parental notification if districts missed AMAO targets, and the development of a school improvement plan (involving program and/or staffing changes) for schools that missed AYP targets for any subgroup (including ELs) over multiple years. The AYP benchmarks and rules for developing school improvement plans were significantly changed in many states with the NCLB waiver program instituted in 2012, and will be revised again as states create accountability plans under ESSA.

C. Changes under ESSA

The following are some of the changes in federal law under ESSA, enacted in 2015, which affect EL students:¹²

- ***EL accountability moved from Title III to Title I.*** EL subgroup accountability for measures such as reading, math, and high school graduation rates continues to be included in district accountability under Title I, and a measure of progress in English language proficiency moved from Title III to Title I, thus giving it more weight.
- ***Additional option for including recently arrived ELs in assessment.*** Under NCLB, states could exempt ELs enrolled in U.S. schools for less than 12 months from taking ELA tests and exclude results of their ELA (if taken) and math tests from accountability calculations for that first year. States can continue with this option, or they can assess ELs in ELA and math in the first year but exclude their scores from accountability calculations, use a measure of growth in reading and math in the second year, and then report proficiency levels as for other students in the third year and thereafter.

- ***Inclusion of former ELs in subgroup.*** Under NCLB, students were included in the EL subgroup for up to two years after they had been reclassified; ESSA extends this period to up to four years.
- ***Disaggregation.*** States must now report the number of EL students with disabilities who are making progress toward English proficiency and in academic achievement, and report the number of ELs who have not attained English proficiency within five years of identification.
- ***Standardization of entrance and exit procedures.*** States must develop standardized procedures for identifying and reclassifying EL students.

The U.S. Department of Education issued regulations regarding accountability on November 28, 2016.¹³ These regulations also address English learners. The regulations require that

states consider at least one unique student characteristic, including students' initial English language proficiency level, in determining ambitious but achievable targets for English learners' progress toward English language proficiency, within a state-determined maximum number of years. These targets are then used to set state-level, long-term goals and measurements of interim progress, and may also be used in the state's indicator of progress in achieving English language proficiency, which can include all English learners in grades K-12.

As states move forward with ESSA accountability plans, policymakers are taking the opportunity to revise existing regulations on funding, program requirements, teacher training, and other aspects of school administration. Provisions that affect the EL students should be scrutinized closely by stakeholders at all levels, whether parents, teachers, or community organizations. Data on EL demographics and performance, such as those provided in this fact sheet, will prove an important tool in this effort.

Endnotes

- 1 Migration Policy Institute (MPI) Data Hub, “State Immigration Data Profiles: Language & Education,” accessed September 8, 2016, www.migrationpolicy.org/data/state-profiles/state/language/VA/US/.
- 2 U.S. Department of Education, National Center for Education Statistics, “Table 204.27: English Language Learner (ELL) Students Enrolled in Public Elementary and Secondary Schools, by Grade and Home Language: Selected Years, 2008-09 through 2013-14,” accessed January 17, 2017, <http://nces.ed.gov/programs/digest/d15/tables/xls/tabn204.27.xls>.
- 3 MPI Data Hub, “State Immigration Data Profiles: Language & Education.”
- 4 Virginia Department of Education, “Fall Membership,” accessed January 6, 2017, http://bi.virginia.gov/doe_bi/rdPage.aspx?rdReport=Main&subRptName=Fallmembership.
- 5 Virginia uses the term school division where other states use the term school district.
- 6 There are four performance levels for grades 3 to 8 reading and math: below basic, basic, proficient, and advanced. The latter two (proficient and advanced) count as a passing score. For all other tests there are three levels: does not meet (standards), proficient, and advanced (or advanced/college path for Algebra II). See Virginia Department of Education, “Performance Level Descriptors,” accessed January 6, 2017, www.doe.virginia.gov/testing/scoring/performance_level_descriptors/index.shtml.
- 7 Virginia Department of Education, “State Level Cohort Report, Four Year Rate” (data table, September 29, 2015), www.doe.virginia.gov/statistics_reports/graduation_completion/cohort_reports/cohort_state_rate_4_results_2015.pdf.
- 8 National Center for Education Statistics (NCES), “Common Core of Data (CCD),” updated September 15, 2016, http://nces.ed.gov/ccd/tables/ACGR_RE_and_characteristics_2014-15.asp.
- 9 Although “WIDA” was previously used as an acronym with different definitions, it now stands alone as the name of the consortium. See WIDA, “Mission & the WIDA Story,” accessed February 2, 2017, www.wida.us/aboutus/mission.aspx.
- 10 Stacy Freeman, “Identification, Screening, and Placement of English Learners” (presentation at Title III University, January 14, 2016), www.doe.virginia.gov/federal_programs/esea/title3/toolkit/university/identification-screening-placement.pptx.
- 11 Andrea Boyle, James Taylor, Steven Hurlburt, and Kay Soga, *Title III Accountability: Behind the Numbers. ESEA Evaluation Brief: The English Language Acquisition, Language Enhancement, and Academic Achievement Act* (Washington, DC: U.S. Department of Education, 2010), www2.ed.gov/rschstat/eval/title-iii/behind-numbers.pdf.
- 12 Delia Pompa, “New Education Legislation Includes Important Policies for English Learners, Potential Pitfalls for their Advocates” (commentary, MPI, December 2015), www.migrationpolicy.org/news/new-education-legislation-includes-important-policies-english-learners-potential-pitfalls-their; Council of Chief State School Officers (CCSSO), *Major Provisions of Every Student Succeeds Act (ESSA) Related to the Education of English Learners* (Washington, DC: CCSSO, 2016), www.ccsso.org/Documents/2016/ESSA/CCSSOResourceonESSAELLS02.23.2016.pdf.
- 13 U.S. Department of Education, “Title I—Improving the Academic Achievement of the Disadvantaged— Academic Assessments,” *Federal Register* 81, no. 236 (December 8, 2016): 88886, www.gpo.gov/fdsys/pkg/FR-2016-12-08/pdf/2016-29128.pdf.

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For more information on the impact of the *Every Student Succeeds Act* on EL and immigrant students, see www.migrationpolicy.org/programs/nciip-english-learners-and-every-student-succeeds-act.

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