

## **Section One: School Leadership**

### **The Web of Reclassification for English Language Learners—a Cyclical Journey Waiting to Be Interrupted: Discussion of Realities, Challenges, and Opportunities**

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#### **Abstract**

*In this article we unpack the obstacles and opportunities associated with language minority student classification practices and, more specifically, English language learners' reclassification to fluent proficient status. First, we discuss classification permanency for language minority students. Second, we provide an overview of national reclassification practices. Third, we discuss the practical application of California Department of Education's (CDE) guidelines for reclassification of students from English Language Learner (ELL) to Fluent English Proficient (FEP). We conclude with recommendations for school and district leaders on how to apply the liberty afforded to districts by the CDE in a way that best meets the students' needs and is socially just.*

Conversations around the academic obstacles affecting language minority students frequently permeate educational circles and spaces. Yet, how language minority students are stratified within public school systems is less frequently discussed. In this article, we argue that the way language minority students are classified and reclassified deserves much attention.

The practice of student classification is more than one-fold. Although commonly used in education subfields (e.g., special education, gifted and talented education, Native American education, English language development, among others), classification itself carries a high potential not only to impact classified students' K-12 experiences (Okhremtchouk, 2014), but also to shape their long-term and even life trajectories, as the two are intertwined and not mutually exclusive. In the case of language minority students, being classified is unavoidable. From the very first day language minority students enroll in a public school, they are classified based on their deemed proficiency level in the English language through an assessment measure used by a school district of enrollment.

For example, if a language minority student is found to be fluent in the English language, he or she is classified Initially Fluent English Proficient (I-FEP/FEP). If a student is deemed not fluent in the English language by the district of enrollment, he or she is classified as an English Language Learner (ELL). When an ELL student eventually reaches proficiency in the English language as determined by her/his district of attendance, he or she is then reclassified to Fluent English Proficient or R-FEP (please find a more comprehensive definition of terms in Appendix A). Indeed, language minority students are subjected to classification throughout their careers in the K-12 public education system.

It is noteworthy to highlight that unlike classification practices used in other education subfields, classification for language minority students, and specifically English learners, is meant to be temporary as the students learn the English language. However, this classification becomes anything but temporary for this student population. As we engage our readers in the forthcoming discussion, we stress the often-unintended permanent nature (or permanency) of classification for language minority students in order to emphasize its significance on the in-school stratification of this student population. We encourage our readers to keep this classification's permanency (and its effects on language minority students in general) in mind as they engage in key decision making relating to reclassification criteria for ELLs.

## **U.S. Reclassification Practices for ELLs**

All states in the Union adhere to predetermined classification criteria for language minority students based on guidelines typically set by state departments of education. Likewise, they also adhere to set reclassification criteria. To offer states a starting point, in 2015 the U.S. Department of Justice's Civil Rights Division and the U.S. Department of Education's Office of Civil Rights sent states a reminder of their recommendation advising school districts to implement procedures that are both accurate and timely when identifying potential ELL students (U.S. Department of Justice Civil Rights Division & U.S. Department of Education Office for Civil Rights, 2015). Additionally, the guidelines explicitly suggest that school districts use a home language survey at the time of enrollment to gather information about language background and to identify students whose primary/home language is other than English. Finally, the guidelines require that the final step in classification process involve "a valid and reliable test that assesses English language

proficiency in speaking, listening, reading and writing” (U.S. Department of Justice Civil Rights Division & U.S. Department of Education Office for Civil Rights 2015, p. 1). However, in terms of reclassification, federal government’s only guideline is that “an EL[L] student must not be exited from EL[L] programs, services, or status until he or she demonstrates English proficiency on an English language proficiency assessment in speaking, listening, reading, and writing” (U.S. Department of Justice Civil Rights Division & U.S. Department of Education Office for Civil Rights 2015, p. 3). Further, the post-reclassification requirements state that: (a) reclassified students must be monitored for a period of two years to ensure that their exit from ELL programs is not premature, and (b) any academic deficits ELL students incurred during their time in ELL programs must have been remedied.

Whereas the identification process for ELLs shares a number of similarities across the nation (i.e., starting with home language survey, followed by language proficiency assessments), states do differ in the number of criteria used to reclassify their ELL students to FEP. Roughly half U.S. states use a single-criterion system, whereas the remainder use multiple criteria to reclassify students. Objective measures differ from state to state as they pertain to reclassification practices.

In 2015, we conducted our own investigation of reclassification practices to help understand the nation’s reclassification criteria from ELL to FEP (Okhremtchouk, Archibeque, Clark, Baca, & Sellu, 2016). In summary, we found that 27 states (Alabama, Alaska, Arizona, Connecticut, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Minnesota, Nevada, New Hampshire, New Mexico, New York, North Dakota, Ohio, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming), or little over half of the total (54%), did not allow their districts to use subjective measures for ELL reclassification, whereas the other 23 states (Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, and Texas) did allow their districts to use discretionary measures. Although both of these practices could be criticized on both theoretical and practical grounds, it could be argued that not having subjective discretionary measures ensures more consistency in reclassification practices. In other words, subjective measures lead to greater variation in what defines “language proficiency” (Abedi, 2008; Cook & Linqunti, 2015). That being said, it can also be argued that multiple measures (including that of a subjective nature) are needed to determine whether a student is proficient in the English language or not.

The use of discretionary measures on top of multiple criteria creates much variability within any given state as well as between states. Although the existing variation in language minority student re/classification criteria and practices might not be an issue for local systems, the systemic differences in re/classification practices can easily shape and ultimately alter a student’s K-12 trajectory. That is, local systems and individual states (at least on some level) exist in a vacuum consumed by their own needs and specific state standards, which therefore, used to shape policies for re/classification practices.

However, the students themselves do not experience the system in a vacuum. They are dynamic. They move from school to school, district to district, and/or from state to state, and much of their K-12 experience is shaped by socioeconomic and other factors impelled by parental/caregiver choices or lack thereof. In fact, language minority students as a group, including migrant students and students who have been classified as ELL, are one of the

identified high-mobility subgroups that typically experience at least one mobility event in a four-year period (Fong, Bae, & Huang, 2010; U.S. Government Accountability Office, 2010).

As we advance our discussion, we turn to California's reclassification criteria. For the remainder of this article, our intent is to highlight the problems and possibilities to ensure that school administrators and educational leaders think intentionally about the issue of reclassification criteria for ELLs (and about classification practices for language minority students more broadly) when leading schools and districts.

### **Case in Point: California**

We focus on California as a case in point due to the state's large enrollment numbers for ELL and language minority students. In the last several years, it is estimated that California has enrolled roughly 22% of the nation's ELLs (National Center for Education Statistics, 2017) and more than 55% of the state's total enrollments are language minority students.<sup>1</sup> The state also uses multiple criteria to reclassify ELLs, which affords much discretion to its districts and allows much room for interpretation of what determines language proficiency.

In California (as in other states) the initial classification is based on the Home Language Survey (HLS), which serves as a trigger for language proficiency testing. After the initial classification, results from statewide standardized tests, language proficiency tests, as well as other subjective measures such as students' grade-point average (GPA), grade-level standards, teacher recommendations, written assessments, and other academic factors detailed later in this article play a significant role in determining whether students qualify to exit ELL classification. In sum, the reclassification from ELL to R-FEP status in California is a complicated process that involves multivariable criteria. As a result, ELL reclassification practices are largely conditional upon the processes adopted by the local educational agency (LEA), that is, school districts and their corresponding sites.

Such practices, in turn, create inconsistent reclassification outcomes for ELLs across the state (Cook & Linqanti, 2015; Okhremtchouk, 2014). These subjective, non-uniform criteria for reclassification set forth by individual districts make the definition of R-FEP not as straightforward as the acronym suggests (Cook & Linqanti, 2015). To shed light on this significant issue, we further decipher the reclassification practices that California's districts utilize to reclassify their ELL students to R-FEP status.

### **Past and Present RFEP Guidelines from the CDE**

California gives LEAs a great deal of latitude when it comes to determining the requirements for reclassification of ELL to R-FEP. Prior to the R-FEP guidelines adjustment in 2015–16, the CDE required schools to use four components in assessing students: (a) the California Standardized Test (CST), (b) one or more academic achievement measures, (c) the California English Language Development Test (CELDT), and (d) parent consultation. For both standardized tests (CST and CELDT), the CDE defined minimum score requirement but did not cap them, giving LEAs the freedom to designate higher minimum scores for their students. For example, on the CELDT, the CDE requires that students score Early Advanced or higher overall, and

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<sup>1</sup> Data by California Department of Education, Ed-Data (2015). Retrieved from <http://www.ed->

Intermediate on each individual subtest. A school district, however, could decide that students must score Early Advanced on each subtest if it chooses to. Furthermore, LEAs have much liberty when it comes to evaluating a student's academic performance. They are required to use at least one marker—a teacher recommendation, for example—but can use as many as they want.

Although many of the guidelines for ELL reclassification after the 2015–16 academic year remained the same, several components of the CDE's reclassification criteria have become even more ambiguous. Based on the CDE's Reclassification Guidance for the 2017–18 academic year, and because the CST has been eliminated, LEAs are now given the autonomy and flexibility to choose not just the threshold scores that students must achieve on the test/standardized measures to be eligible for reclassification, but also the test itself. Schools must use a “comparison of student performance on an objective assessment of basic skills [against] an empirically established range of performance in basic skills based on the performance of English proficient students of the same age” (Cadiero-Kaplan & Hernandez, 2014). It is noteworthy that this added discretion for LEAs is in conflict with prior expert recommendations calling for more consistent criteria across school districts (Abedi, 2008; Cook & Linqanti, 2015), and it can be viewed as counterproductive to achieving a fairer system for reclassifying state's ELLs.

### **Conceptual Model of Education System and Experiences: ELL vs. English-Only Students**

When examining what has been documented in the academic literature, it can be inferred that the way language minority students, and more specifically ELLs, experience the K-12 education system is cyclical in nature, which is different from how the English-only mainstream student population (in a broader sense) experiences the same system (see Gándara, 2015; Gándara, Rumberger, Maxwell-Jolly, & Callahan, 2003). This is true both in terms of the subject areas the students have access to and in terms of the programmatic areas of the curriculum.

The systemic structure for mainstream students is designed to resemble building blocks that increase in intensity as students progress to different levels (i.e., years/grades) and that grant access to different programs that better align with the students' interests/needs (e.g., Advanced Placement, STEM track, etc.). On the contrary, ELLs commonly repeat the cycle that is broadly designed to address the same subject area, i.e., English (see Figure 1). For example, if a student who has been classified as ELL does not make sufficient progress, his or her academic schedule (and therefore course offerings) will continue to reflect more English classes that are habitually remedial (Gándara, 2015). This cyclical nature could quite possibly continue throughout the students' academic trajectories in K-12, with little to no change to the nature of the educational experience or diversity of content/subject areas they are exposed to.

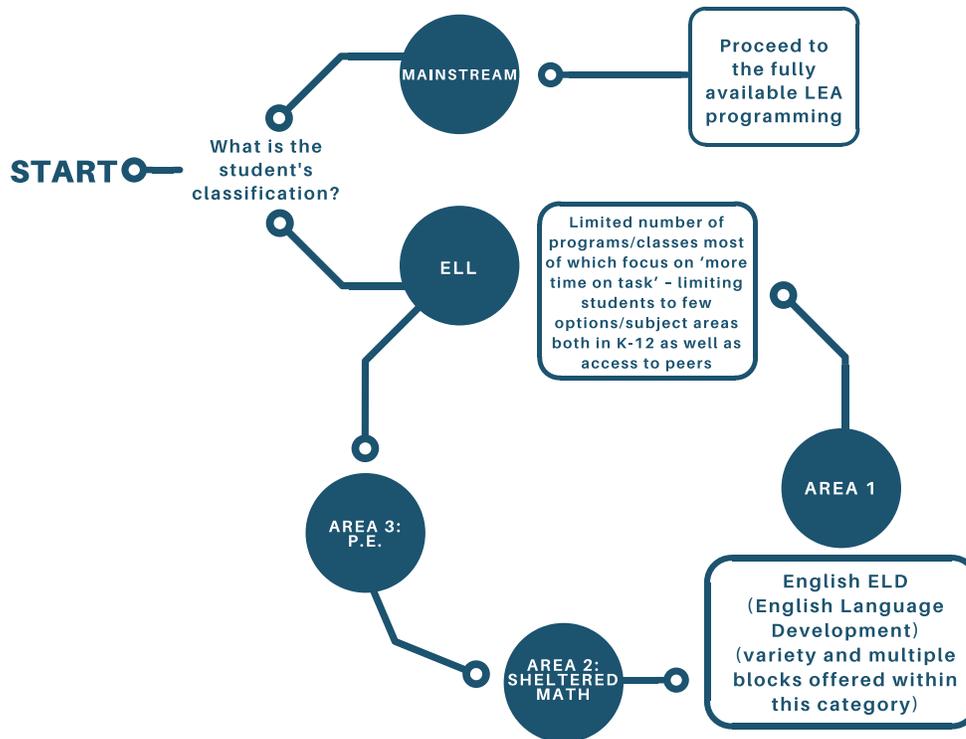


Figure 1. Conceptual Model of Typical Education Experience: ELL vs. English-Only

Reclassification often serves as a gateway that breaks the cycle and is supposed to allow former ELL students to experience the system in a similar way to English-only mainstream student; however, ELLs’ “equal” access to the “same” system is not to be taken for granted. In addition to meeting reclassification criteria in their district of attendance, students are expected to navigate a system that is unlike what they have previously experienced/have been socialized to. This is arguably a change for the better, except that it also presents a challenge: Especially for those students who have been subjected to prolonged enrollment in English Language Development (ELD) programs, this can feel like being thrown into the deep end of a swimming pool without having ever taken a lesson and being told to swim. Additionally, the reclassified students still carry a classification label (and therefore are subjected to classification permanency, as previously discussed), which quite possibly continues to facilitate placements in classes that are less challenging and more remedial. One study of ELLs at a California school ( $n = 355$ ) found that English learners were far less likely to take college preparatory courses or were enrolled in courses that covered less material compared to their mainstream counterparts (Callahan, 2005). Academic literature on long-term ELLs and students who have reached reclassification but then have “regressed” attest to these situations (Kim & Herman, 2010).

## Problems and Opportunities

California gives LEAs much room to interpret and implement the criteria that language minority students must meet in order to become reclassified as English proficient. The implications of this for students and the correlated responsibility taken on by district leadership when it comes to establishing district policy cannot be overstated. Although carrying an ELL classification in the short run can support ELL students' academic trajectories, the long-term impacts of ELL classification and, therefore, in-school stratification practices affect students' academic trajectories as well as college and career opportunities (Kanno & Harklau, 2012; Núñez, Rios-Aguilar, Kanno, & Flores, 2016). For example, many long-term ELL students take ELD classes at the expense of other content areas and are denied access to college-track courses while still classified as ELL, which puts them behind their peers in ways that may be impossible to overcome (Callahan, 2005; Kanno & Kangas, 2014). This has the secondary impact of segregating students by language ability, depriving them of access to the kinds of scaffolding that students with differing language skills can provide for each other (Gándara et al., 2003). Finally, because ELL students are a highly mobile population (on average, they move three times during their K-12 career; see Fong et al., 2010; USGAO, 2010), they run the risk of being subjected to different criteria for reclassification as they move districts and are susceptible to misclassification based on nothing more than a change in zip code (Jepson & de Alth, 2005).

All of this begs the question: If the stakes of reclassification are so high for our students, and California policy remains as it is—vague and subjective—what is an individual LEA to do to make sure that its reclassification policies are serving the best interests of the students? In order to address this question, we must dig deeper into the wide range of reclassification criteria currently used in school districts around California and measure them against the purpose of reclassification and the intended meaning of FEP.

Presumably, to be FEP should mean that a student can speak, understand, read, and write English as a native speaker of the same age would do. When evaluating the options available to school districts, then, the focus should be on ways of measuring and assessing these skills and these skills alone.

Of the four areas that the CDE requires LEAs to use, the academic requirement is the area most subject to interpretation and, not surprisingly, the area with greatest variety among individual LEA policies. As Okhremtchouk et al. (2016) found, 53% of school districts use grades beyond those taken, for example, in an ELD class, and 19% use overall GPA as a marker. Students in such districts with identical English fluency, but who vary in their understanding (or, rather, assessed performance) of math and science, may therefore be classified differently. Additionally, 39% of school districts require a written assessment in spite of the fact that the CELDT test includes a written component. Forty percent of LEAs require a teacher recommendation (Okhremtchouk et al., 2016). Although teachers may have the best intentions when writing these recommendations, this measure is so subjective that a child's re/classification risks being determined by which teacher he or she has.

The large amount of flexibility that CDE policy allows, however, also presents school leaders with some opportunities. The CDE's flexibility provides much autonomy to individual districts, which is consistent with the notion that the district leadership and governance structures know their students best and can make more informed decisions. In other words, more flexibility translates into a greater value attributed to LEAs. Increased flexibility, however, also creates

heightened responsibility and the need for precise decision making in establishing local criteria by LEAs. The flexibility itself is intended and must be viewed by district/school leadership as an opportunity to afford language minority students the same level of advancement and choices as their English-only counterparts. This shift in paradigm—that is, thinking of flexibility as an opportunity to afford language minority students more options in both the long and the short term—not only creates a greater chance for success for ELLs and language minority in general, but it also allows LEAs to establish classification practices that can open more doors as language minority students progress through various stages in their K-12 careers.

## **Recommendations**

### **1. Creating Criteria for Reclassification That Are Socially Just**

As we have established, individual LEAs have considerable power in determining what hoops students have to jump through to become reclassified as R-FEP. It is imperative, then, that districts develop reclassification requirements that center students' needs through a social justice lens. That is, if the bar is set too low, students may be reclassified too early and be denied access to supports that they need. If the bar is set too high, students may be kept for too long in a program that is ill suited to their academic needs and may be excluded from rigorous academic courses that would challenge them and allow them to thrive.

We recommend that school districts adopt guidelines that focus on English language proficiency and that alone. Overall GPA and grades taken outside of ELD or ELA have the potential to hinder students who are proficient in English from being reclassified due to struggles in other academic arenas. Although it could be argued that overall GPA and academic performance in other core subject area classes (e.g., math) can indicate “readiness” for reclassification, these factors should not hamper reclassification and should only be used as a source of supplementary advice if deemed important by a LEA. We recommend, too, that districts refrain from doubling up on assessment criteria. For example, the CELDT test includes a writing component. If a district decides to include an additional writing assessment as a measure, it risks providing students with greater opportunities for failure.

As far as teacher recommendation, we recommend providing professional development concerning: (a) how teachers can make those assessments/recommendations, as these are highly subjective; (b) what it means to be proficient in the English language (including providing objective data on language proficiency from English-only mainstream students); (c) what the implications are for students in a particular district based on their classification; and (d) how to determine proficiency in a classroom setting. In other words, if the goal is to ensure that students will be successful in mainstream classrooms, it makes sense for all teachers to receive this professional development and for ELD teachers to receive advice from content-area teachers, who may have information about whether students in their classrooms are affected by academic language knowledge or lack thereof.

When it comes to standardized test scores, we circle back to our recommendation for consistency. In this case, consistency would require close adherence to California's state guidelines across districts. We suggest an agreement among LEAs concerning score caps and acceptable score ranges to ensure less variation among districts and a more consistent approach to reclassification practices. We further suggest that the county offices of education should lead

the charge in establishing more uniform criteria for reclassification in collaboration with LEAs in their region. This will ensure greater consistency without infringing too much on local autonomy.

## **2. Classification as an Opportunity Model: Avoiding Deficit Pitfalls**

A socially just view of reclassification practices would start from the students' needs (e.g., what they are getting out of the ELD curriculum vs. what they are missing outside of it) and plan backwards from there. It would also require that districts view their students as competent, capable, and full of strengths (that is, valuing bilingualism and biculturalism) rather than as coming with deficits that need to be filled (that is, lacking proficiency in the English language). To this end, an opportunity-minded approach to reclassification would include not only a socially just reclassification system, but also an educational system that across all stages of the process gives students the space to learn a new language while keeping their first language and without withholding rigorous academic content until proficiency is met (Gándara, 2017).

Making sure that students who are learning English can access to primary/home language support during content area classes, rather than being put in remedial classes because of their English knowledge, has two beneficial impacts. First, students' home language, which is an integral part of every human's identity, is validated and respected, and thus students are more likely to feel heard, seen, and valued (Miller, 2000; Ogbu, 1999). Second, this mitigates the potential impact of classification—namely, the fact that students' academic (and career and life) trajectories can be inalterably hindered by their language minority status. This, as opposed to a simple deficit approach, would allow for alternative linguistic paths to success.

Giving students access to curricula that reflect their lives and their communities fosters engagement and creates a space for appreciation and validation among minority students, regardless of their primary language. Schools can design curricula that teach about the histories of the communities represented among the language minority student population at the school, and they can use personal narratives of students and their families as a basis for English development. This can include elements of culturally responsive teaching, which calls for highly contextualized teaching practices that can be challenging for pre-service teachers coming from monolingual, mono-ethnic contexts (Gay & Kirkland, 2003).

Finally, giving language minority students and English-only students the opportunity to interact as frequently as possible, particularly around language, is of potential benefit to everyone. It is widely acknowledged that in the globalized world of the 21st century, and in particular in the state of California, with its significantly large community of speakers of languages other than English, speaking English alone will not be enough. Giving ELLs the chance to support English-only students in non-English-language classes would empower these young emergent bilinguals to use the social capital that they bring with them to school (Okhremtchouk, 2014). Conversely, ensuring that all classes integrate students with a variety of English proficiency levels would allow our English-only students to scaffold ELLs' English development. By supporting the notion that English-only students should become bilingual in order to be successful global citizens, and by highlighting the benefits of bilingualism, including recruitment and retention of teachers with similar heritage as our ranks of students, educators, educational leaders, and experts can productively challenge the deficit model.

### **3. Ongoing Assessment for Post-Graduation Opportunities**

We suggest that LEAs take a proactive step in examining and reexamining post-graduation opportunities for language minority students early in their K-12 careers and frequently as the students move through the K-12 pipeline. Taking into account the permanency associated with language minority student classification and its potential impact on the students' academic as well as life trajectories is a solid start in addressing the opportunity factor. That is, academic placements must be carefully thought through, especially for those language minority students who have been reclassified or are initially classified as fluent proficient. These two classifications should not drive key decisions pertaining to academic opportunities/offerings. We also suggest a cautious examination of academic placement decisions pertaining to ELLs, especially if the students have carried ELL classification for more than two years.

It is absolutely paramount for district leaders to ensure that the academic opportunities for language minority students are similar to those of English-only mainstream students. To this end, language minority students must be offered classes and experiences that serve as a gateway to post-secondary offerings.

### **4. Need for Uniformity and Further Discussion in Leadership Circles**

Drawing from our earlier discussion, there are two issues with the current flexibility in California's (as well as other states') policies regarding reclassification of ELLs. One issue is with the subjectivity and/or relevance of some of the measures used. Whether a student's math grades should affect their classification and how (and if it is possible) to make teacher recommendations less subjective are two examples of this.

Another major problem is the lack of consistency among LEAs and among states. The idea that where a student lives could determine his or her learner status is troublesome. If one's classification is as arbitrary as the place in which one is born, how can the classification be achieving its purpose? We argue that it cannot.

We challenge educational leaders to become a part of the policy conversation around classification and reclassification. There is work to be done, starting with conversations around the purpose of classification and reclassification. Designing curricula centered around student strengths and needs, with the intent of helping students develop the skills they do not have yet and deepen those they bring with them, is one important step. So is doing everything possible to avoid delaying students' access to rigorous content material until language proficiency is reached. Designing assessment tools (or implementing the use of current ones) that consistently and accurately measure when students become likely to succeed in mainstream classes is critical.

In the absence of these conversations, California (along with many other states) has put the responsibility of making these determinations onto its LEAs. It is our hope that each LEA will use this opportunity to implement policies that are student centered and focused on social justice, and that district leaders will use their influence to bring these conversations to the fore among leaders in the state as a whole.

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## Appendix A

### Definition of Terms

<b>Term</b>	<b>Definition</b>
<i>English Language Learners (ELLs)</i>	In California, a student is classified as English language learner when a primary language other than English is reported on the state-approved Home Language Survey (HLS) and the student is consequently identified (through state and/or local assessments) as lacking the necessary reading, writing, speaking, and listening skills to be successful in mainstream instructional programs.
<i>Initially Fluent English Proficient (I-FEP)</i>	A student with a primary language other than English who through state and/or local assessment is determined to be fluent in the target language.
<i>Reclassified Fluent English Proficient (R-FEP)</i>	A language minority student who was initially classified as ELL but is subsequently reclassified according to the multiple criteria, standards, and procedures adopted by the district of attendance (in California), which requires demonstration of target language proficiency comparable to that of an average native English speaker.
<i>Language Minority</i>	The term language minority student includes all subgroups of language minority students with varying levels of English and home language proficiencies, including those who are fully bilingual (Okhremtchouk, 2014). As such, for the purposes of this article, students who are classified as IFEP/FEP, ELL, and RFEP all fall under the language minority category.
<i>Home Language Survey (HLS)</i>	The HLS is a survey that is typically used upon new school enrollment to determine the primary language(s) spoken in the home of a student. The purpose of the survey is to determine which students may need further assessment for ELL support services.