



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,  
NY 12234

**TO:** P-12 Education Committee  
**FROM:** Ken Slentz   
**SUBJECT:** Raising the Academic Achievement of English Language Learners (ELLs)  
**DATE:** December 5, 2011  
**AUTHORIZATION(S):**

### **SUMMARY**

#### Issue for Discussion

Will the Board of Regents approve staff soliciting comments from the field on making revisions to current regulations pertaining to English Language Learners (ELLs)?

#### Reason(s) for Consideration

Review of regulation CR Part 154.

#### Proposed Handling

This question will come before the P-12 Education Committee for discussion at the December 2011 Board meeting.

#### Background Information

In November 2011, Department staff provided the Regents a report on raising the academic achievement of ELLs. The report provided an historical overview of key legislation, regulations, court decisions and policies that have shaped the provision of services for English language learners; summarized information about the demographics of the ELL population in New York and their academic performance; highlighted recent research on best practices in the education of ELLs; and reviewed a number of initiatives within the Regents Reform Agenda that aim to ensure that ELLs are able to achieve college and career ready standards. In the November Regents item, Department staff recommended that Commissioner's Regulation Part 154, as currently written, be reviewed to strengthen programs for ELLs in light of the latest research, data and performance of ELLs in New York State. At the meeting, the Regents asked staff to provide time at the

December meeting for discussion of the specific provisions of Part 154 that should be reviewed (detailed on page 17 of attachment A) and how such review should be undertaken.

Because the Regents did not have a chance to fully discuss this item, it is provided again as Attachment A.

Attachment B provides an update on additional initiatives that support the Regents Reform agenda, including the launch in November 2012 of a new program called the New York State Initiative for Emergent Bilinguals in partnership with the Research Institute for the Study of Language in Urban Society and the Ph.D. Program in Urban Education, both of the Graduate Center of the City University of New York (CUNY-NYSIEB).

### Recommendations

The Regents direct that Department staff engage with the field and collect input from key stakeholders for the purpose of making recommendations to the Regents on possible revisions to CR Part 154.

### Timetable for Implementation

It is anticipated that the proposed regulation and policy revisions will be submitted to the Board of Regents for discussion in spring 2012.

## **Appendix: A: Raising the Academic Achievement of English Language Learners (ELLs)**

### Background Information

For over forty years, the Regents have implemented policies and directed Department staff to provide resources to help English Language Learners (ELLs) become proficient in English and succeed in school. As early as 1972, the Regents issued the first State position paper on bilingual education. The policies adopted by the Board of Regents in 1989 regarding the education of ELLs remain germane today:

- All students in New York State become proficient in English, and to the extent possible, in another language, and that all students understand and respect their own and other cultures;
- Educational access, equity and excellence be promoted for language minority and limited English proficient students so that they become proficient in English and remain proficient in their first language;
- Programs for language minority and limited English proficient students be staffed by qualified professionals;
- Parents and guardians of language minority and limited English proficient students be actively encouraged to participate in their children's education;
- The needs of language minority and limited English proficient students be considered in the development of all State Education Department initiatives, and that appropriate measures be taken to address these needs.

The Regents policy has been supported by State Education Law 3204, which beginning in 1970 was amended to allow school districts to provide instruction in languages other than English to ELLs and further amended in 1982 to authorize expanded services to ELLs. To support programs for ELLs, the legislature began providing categorical funding for bilingual education in 1973 and, this year, the Department received a total of \$12.5 million to fund a variety of initiatives.

Commissioner's Regulation Part 154 (8 N.Y.C.R.R. § 154 et. seq), first enacted in 1981, specifies the requirements for provision of services and supports to ELLs and applies to any school district receiving New York State Foundation Aid. The Regulations:

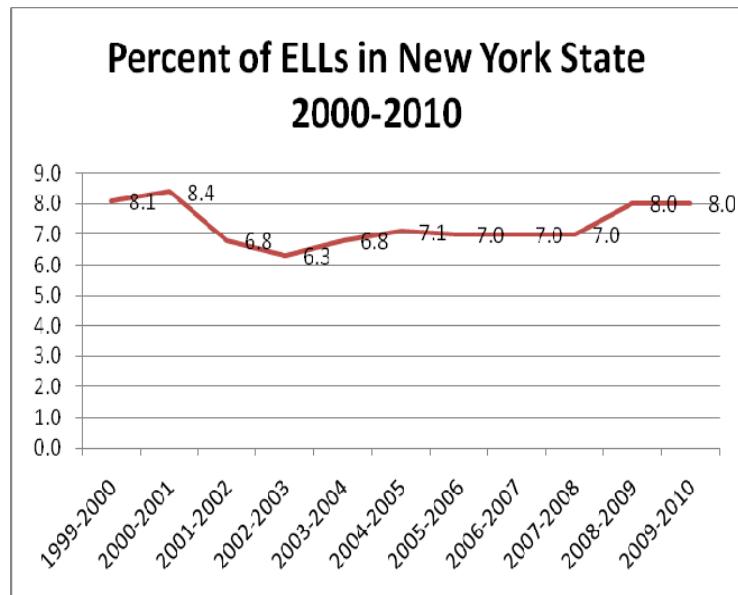
- Hold all school districts accountable for identifying and serving LEP students;
- Mandate the implementation of specific programs (English as a Second Language (ESL) or Bilingual Education) based on the numbers and native languages of ELLs;
- Prescribe the amount of ESL and Native Language Arts (NLA) instruction for ELLs based on their proficiency level in English; and
- Set entrance and exit criteria from these programs.

In addition to the provisions of State Education law and Commissioner's Regulations, several federal laws and regulations also protect the rights of ELLs and provide guidelines to states for how to develop and implement proper programming for these students. Among these laws are Title I and III of the Elementary and Secondary Education Act (ESEA), Title VI of the Civil Rights Act of 1964, and the Equal Educational Opportunities Act of 1974.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin under any program or activity receiving federal financial assistance. Supreme Court decisions, such as *Lau v. Nichols*, have interpreted this to prohibit discrimination on the basis of language, as part of the protection against national origin discrimination. The Equal Educational Opportunities Act of 1974 codified the *Lau v. Nichols* decision by prohibiting states from denying equal educational opportunities to an individual on account of his or her race, color, sex, or national origin, which includes "the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs." In addition to these civil rights laws, Title I and Title III of the ESEA ensure that emergent bilinguals are equally educated, provides funding streams to achieve that goal, and hold states accountable for results.

### Overview of ELL population in NY

As compared to other states that have seen very significant increases in the enrollment of ELLs in their schools during the last decade, the number and percent of ELL students in New York State has remained fairly stable over the past ten years, fluctuating between 6-8% of the total public school population. In 2010-11, there were a total of 238,792 ELL students in public schools throughout the State and an additional 84,746 ELLs in nonpublic schools. The overwhelming majority of ELLs are concentrated in New York City, which has 70% of the State's ELL public school population. No other district in the State makes up more than 2% of the State's public school ELL population. The district with the next largest ELL enrollment is Brentwood in Suffolk County, and Long Island school districts enroll 13% of the State's ELL public school population. The remaining four Large City School Districts (Buffalo, Rochester, Yonkers and Syracuse) together enroll 6% of the State's ELL public school population (and are listed above in order of their ELL population). The remaining 11% of ELL public school students are located in districts throughout the State, with particular concentrations in districts in Westchester and in Utica.



According to 2009-10 data, ELL students speak nearly 200 different languages in New York State. The majority of ELLs speak Spanish, followed by Chinese, Arabic, Bengali and Haitian Creole. The other five languages that make up the top 10 are Urdu, Russian, French, Korean and Karen. The language breakdown of ELLs has remained fairly stable over the past decade, with Spanish and Chinese representing the main language groups; however there have been some demographic shifts with Arabic and Bengali replacing Russian and Urdu as the top third and fourth languages respectively. Some communities, however, have seen large influxes of refugee populations and thus the predominate language groups can differ by district. In Buffalo, for example, the top five languages are Spanish, Somali, Karen, Arabic and Burmese, which differs greatly from the five largest language groups statewide. (Note: Karen and Burmese are the two languages spoken by refugees from Burma). In contrast, the top five languages spoken by ELLs in New York City are Spanish, Chinese, Bengali, Arabic and Haitian-Creole.

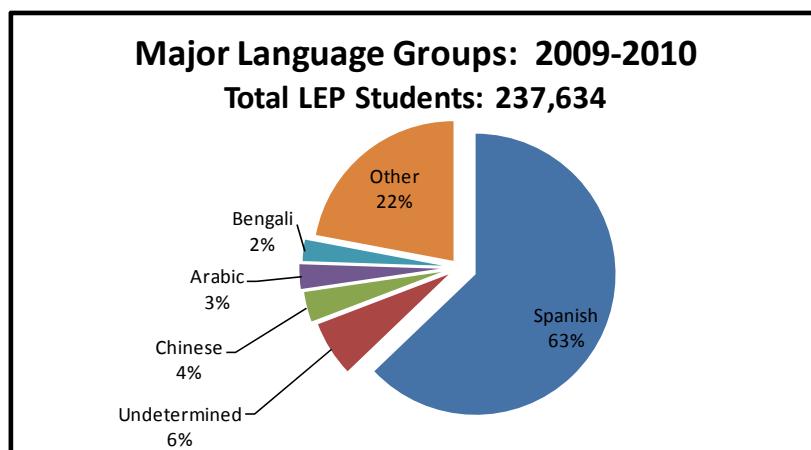


Chart Source: 2009-2010 CONSOLIDATED STATE PERFORMANCE REPORT: Parts I and II (p. 50).  
Retrieved from: <http://www2.ed.gov/admins/lead/account/consolidated/sy09-10part1/ny.pdf>.<sup>1</sup>

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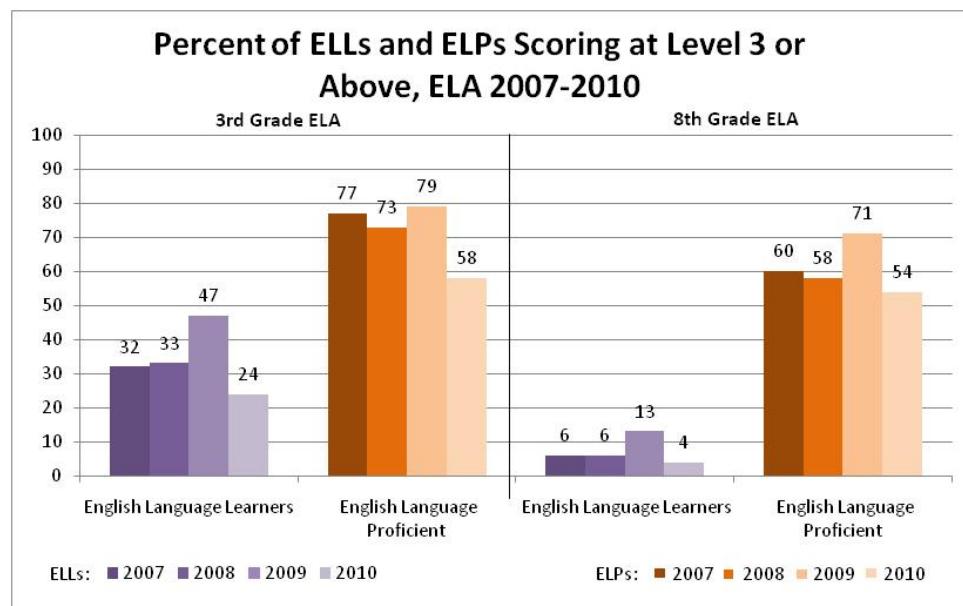
<sup>1</sup> Some language groups may be undercounted in this data, such as Chinese, because districts reported them as speaking an "undetermined" language. Many students are also reported as speaking English or "Miscellaneous."

## English Language Learner Performance

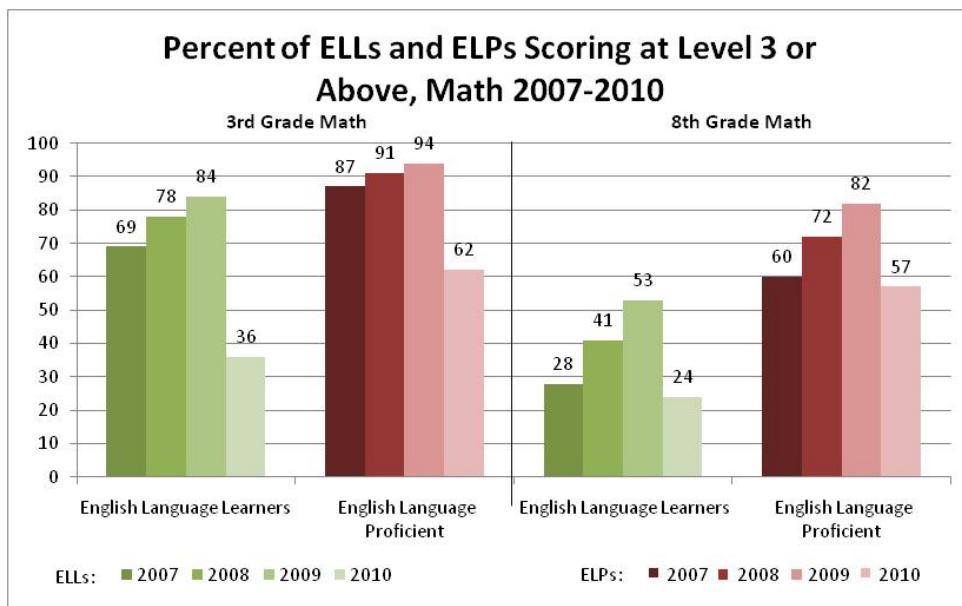
### *ELA and Math*

The performance of ELL students continues to lag behind their English proficient peers. The gaps between ELLs and English Language Proficient students (ELPs) are greatest in ELA, although gaps also exist in Math performance, and in both ELA and Math the gap tends to grow between Grades 3 and 8.

In 2010, for example, where 58% of ELPs scored at levels 3 or 4 on the 3rd Grade ELA exam, only 24% of ELLs scored levels 3 or 4. Similarly, where 54% of ELPs scored at levels 3 or 4 on the 8th Grade ELA exam, only 4% of ELLs scored at levels 3 or 4.



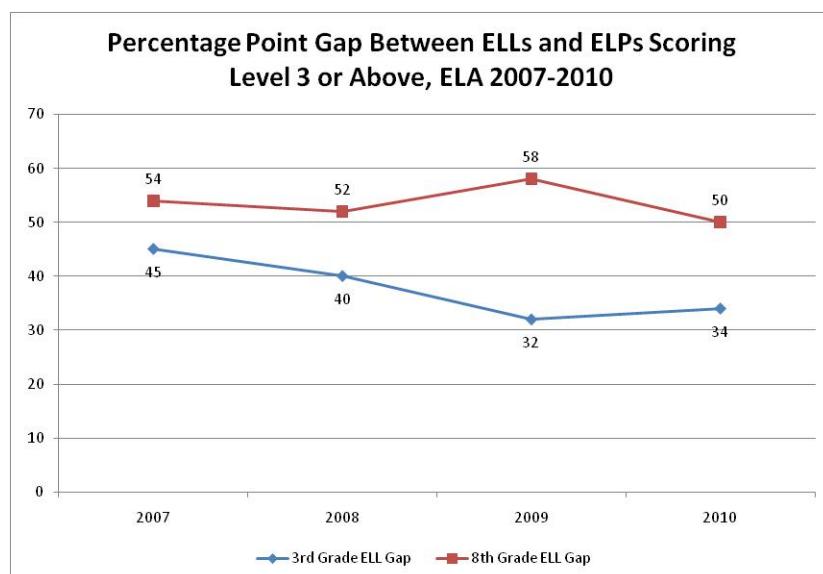
Performance gaps also exist between ELLs and ELPs in Math, although not as great as in ELA. In 2010, 62% of ELPs scored at levels 3 or 4 on the 3rd Grade Math exam, whereas only 36% of ELLs scored at levels 3 and 4. In 8th Grade, 57% of ELPs scored at levels 3 and 4 on the 2010 exam, while only 24% of ELLs scored at levels 3 or 4.



The gap between ELL and ELP performance in both ELA and Math grows between Grades 3 and 8. On the 2010 State ELA exam in Grade 3, for example, there is a 34 percentage point gap between ELLs and ELPs scoring at levels 3 and 4. This gap in performance grows to a 50 percentage point gap between ELLs and ELPs on the 2010 ELA exams in Grade 8.

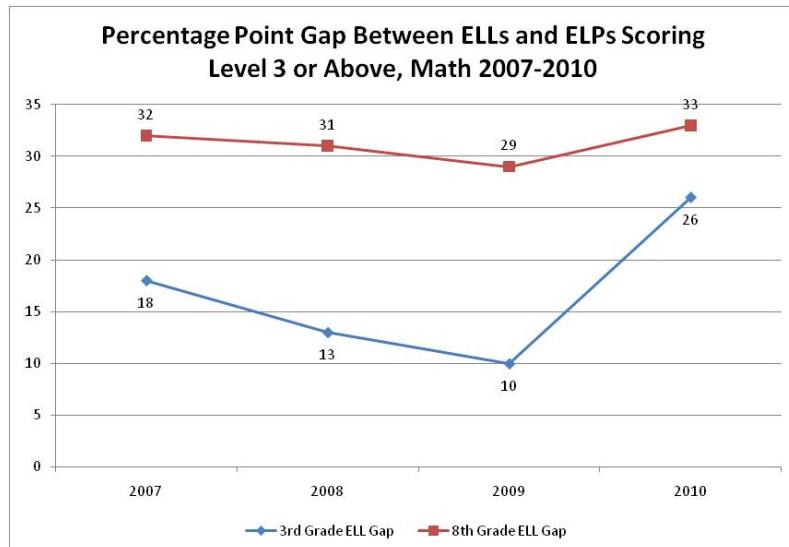
While a significant gap in performance exists, this gap has decreased over the past several years in ELA in Grades 3 and 8. The gap between ELLs and ELPs in Grade 3 ELA has decreased over time, from 45 percentage points in 2007 to 34 percentage points in 2010. There has also been a slight decrease in the gap between ELLs and ELPs on the Grade 8 ELA over time, from 54 percentage points in 2007 to 50 percentage points in 2010.

Similar to ELA, in Math, the gap between ELL and ELP performance grows between Grades 3 and 8. On the 2010 Math exam in Grade 3, for example, there is a 26 percentage point gap between ELLs and ELPs scoring at levels 3 and 4. This gap in performance grows slightly to a 33 percentage point gap between ELLs and ELPs on the 2010 Math exam in Grade 8.



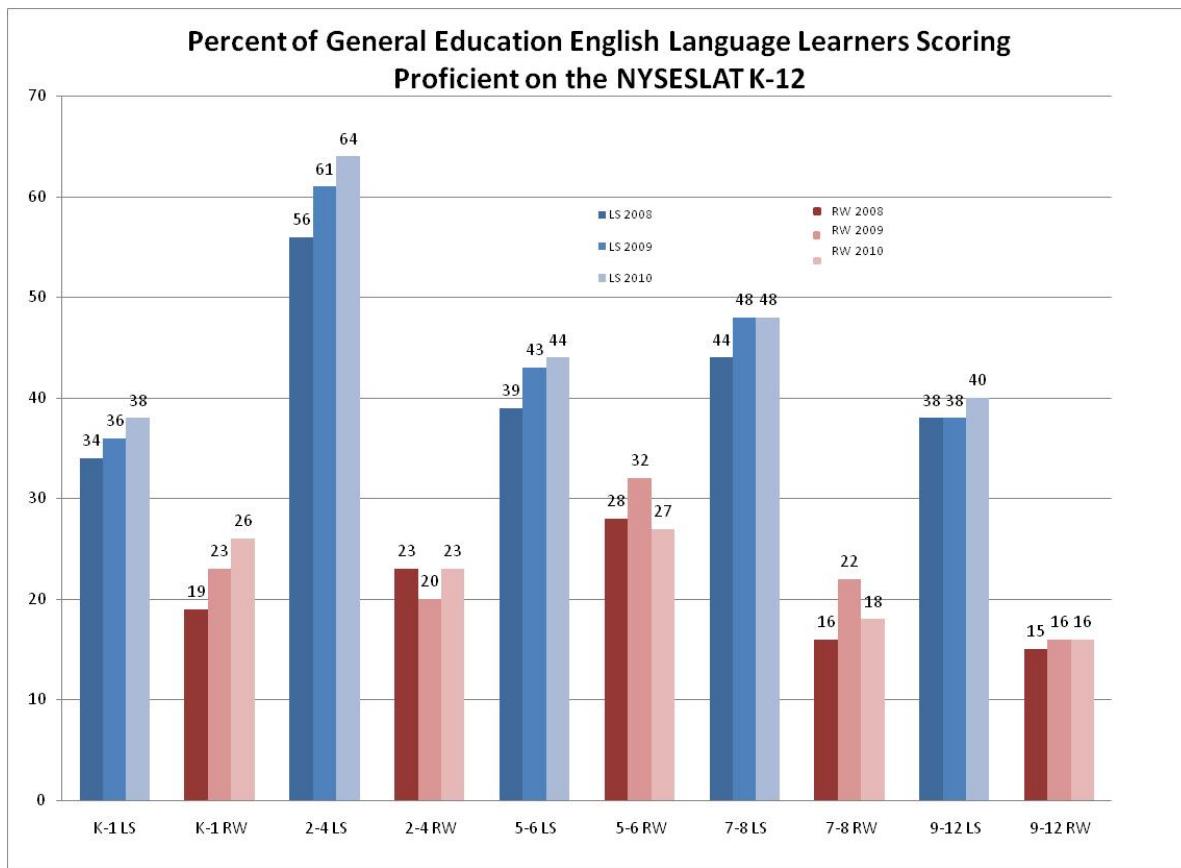
Unlike ELA, the gap between ELLs and ELPs in Math has not decreased but has actually increased over time. In Grade 3, the gap between ELLs and ELPs in Math was 18 percentage points in 2007, growing to 26 percentage points in 2010. The gap in Grade 8 Math has remained fairly stable, with a 32 percentage point gap between ELLs and ELPs in 2007 and in 2010 that gap was 33 percentage points.

A degree of caution should be used in interpreting these trends in data because of the change in proficiency standards enacted by the Regents in 2010.



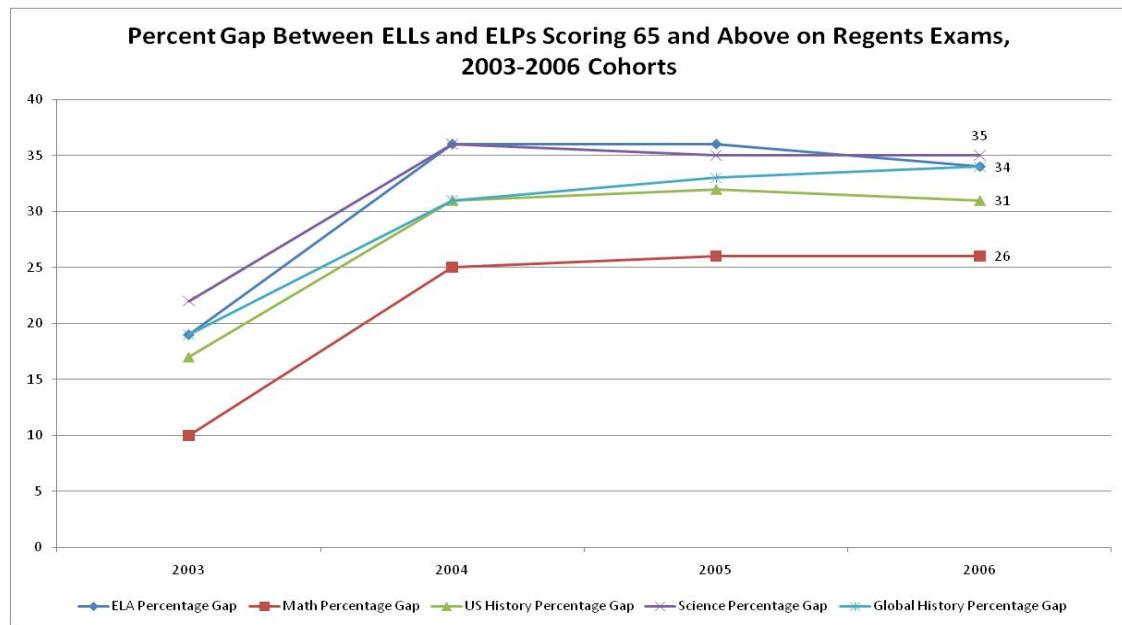
## New York State English as a Second Language Achievement Test (NYSESLAT)

The performance of general education ELL students on the NYSESLAT, the exam ELL students must pass in order to exit out of ELL status in the state, shows a gap between students scoring proficient on the listening and speaking portions on the exam, as compared to the reading and writing, suggesting that ESL and native language instruction needs to focus on reading and writing domains for ELLs. The gaps between the percent of students scoring proficient on the listening and speaking versus reading and writing sections are greatest at grades 2-4, 7-8 and high school. Instruction in these grades should put a greater emphasis on reading and writing, to improve the gap between ELLs gaining speaking and listening proficiency but lagging behind in reading and writing proficiency.



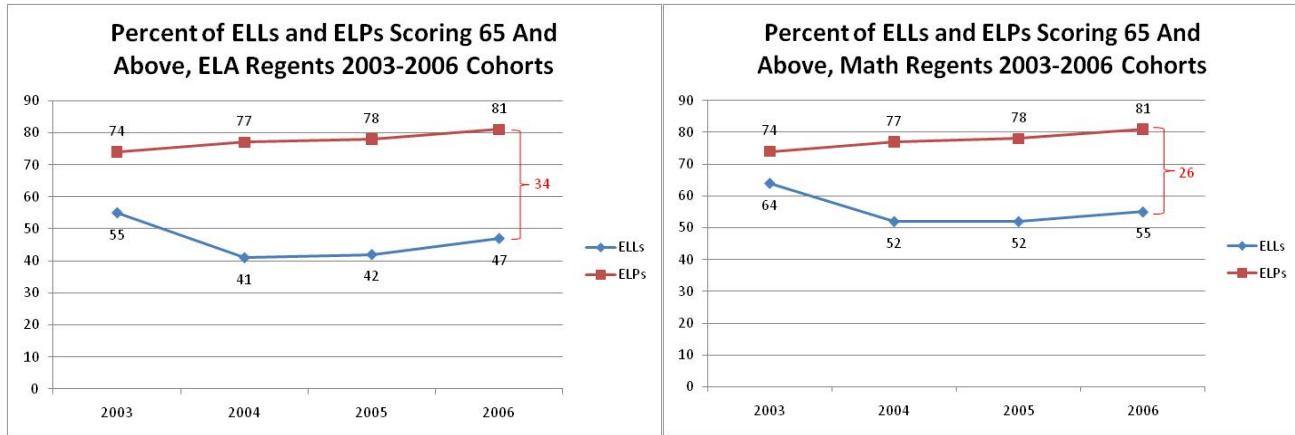
## Regents Passage and High School Graduation

Across all Regents exams, there has been an increase in the gap between ELL and ELP performance between 2003 and 2006 cohorts. As demonstrated in the graph below, the percentage gap is greatest between ELLs and ELPs scoring 65 and above on the ELA, Science and Global History Exams, with a 34%, 35% and 34% gap, respectively, for the 2006 cohort. The gap between ELLs and ELPs scoring 65 and above on the US History and Math exams is not as great, but still significant at 31% and 26%, respectively, for the 2006 cohort.

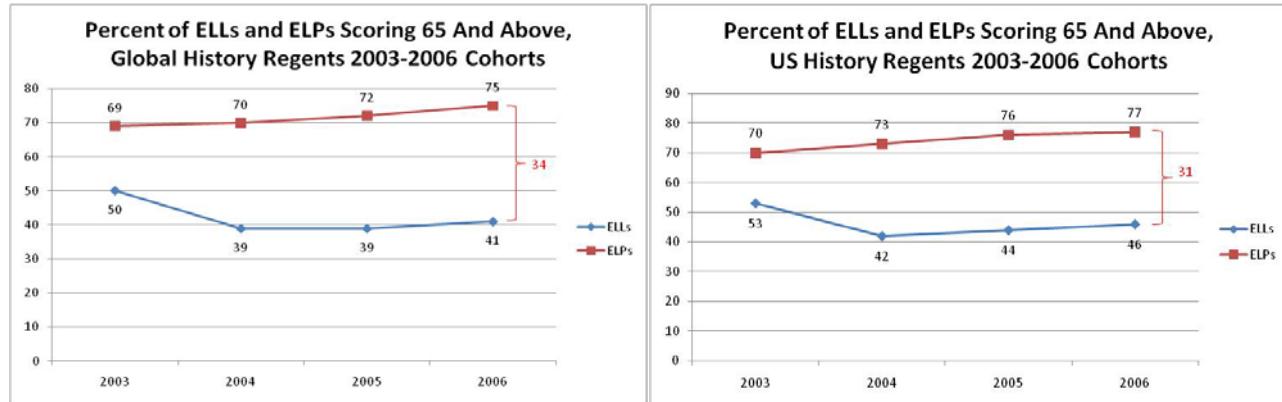


While the percent of ELP students scoring 65 or above on the Regents exams has steadily increased between the 2003 and 2006 cohorts, the percent of ELLs scoring 65 or above has steadily decreased during the same time period across all Regents exams. The percent of ELPs scoring 65 or above on the ELA Regents for example, grew from 74% to 81% from the 2003 to 2006 cohorts, while the percent of ELLs scoring 65 or above declined from 55% to 47% during the same time period.

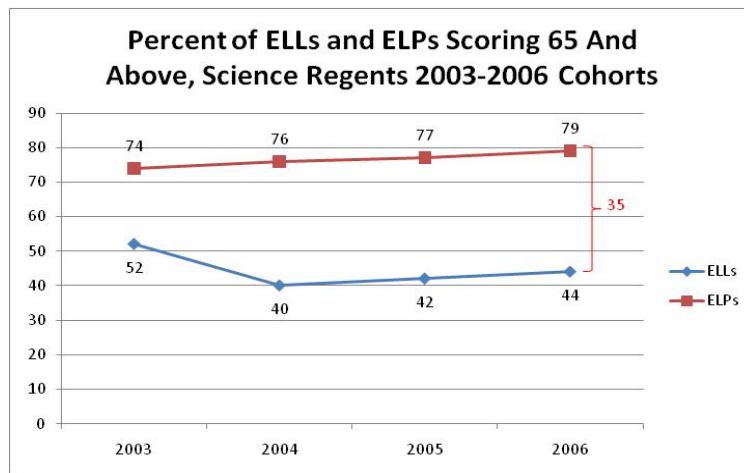
In Math, the percent of ELPs scoring 65 or above on the Regents exam grew from 74% to 81% from the 2003 to 2006 cohorts, while the percent of ELLs scoring 65 or above declined from 64% to 55% during the same time period.



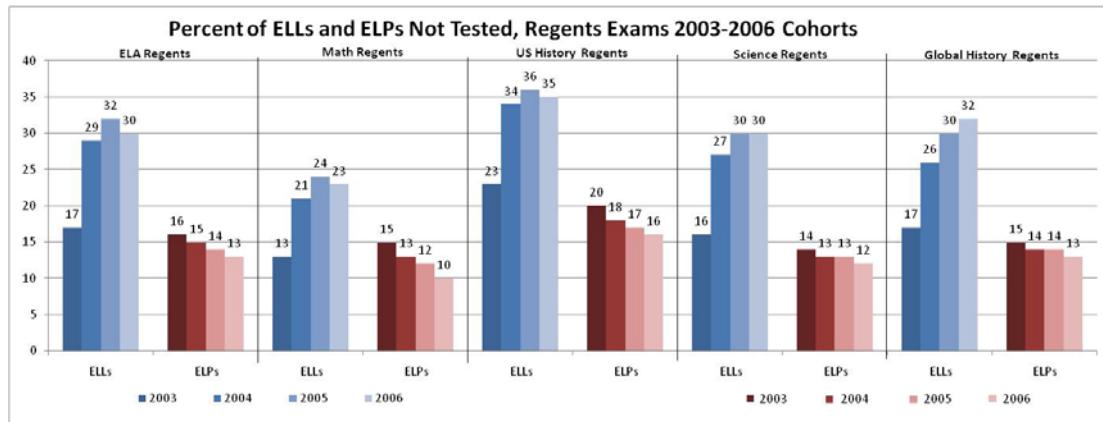
In US History similar trends exist with the percent of ELP students scoring 65 or above increasing from 70% to 77% between the 2003 and 2006 cohorts, while the percent of ELL students scoring 65 or above decreased from 53% to 46% between the 2003 and 2006 cohorts.



In Science, ELP students scoring 65 or above rose from 74% to 79% amongst the 2003 and 2006 cohorts, while ELL students scoring 65 or above declined from 52% to 44%. Finally, in Global History the percent of ELP students scoring 65 or above rose from 69% to 75% between 2003 and 2006 cohorts, while the percent of ELLs declined from 50% to 41% for the same cohorts.



On the whole, ELL students are less likely to take Regents exams than ELP students. While the percent of ELP students who did not take Regents exams generally decreased from the 2003-2006 cohorts, the percent of ELL students who did not take the Regents exams generally increased for the same cohorts.



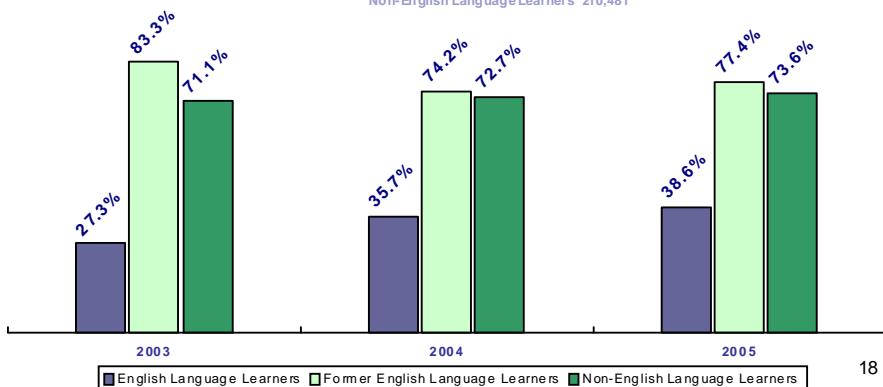
ELL students graduate at significantly lower rates than their English proficient peers. This gap in graduation rates decreases, however, when five and six year graduation rates are taken into account. Data also suggests that when ELL students are able to learn English successfully in high school, they graduate at even higher rates than their peers who have not been an ELL in high school.

### **Graduation rates of Former ELLs are higher than those of ELLs and non-ELLs.**

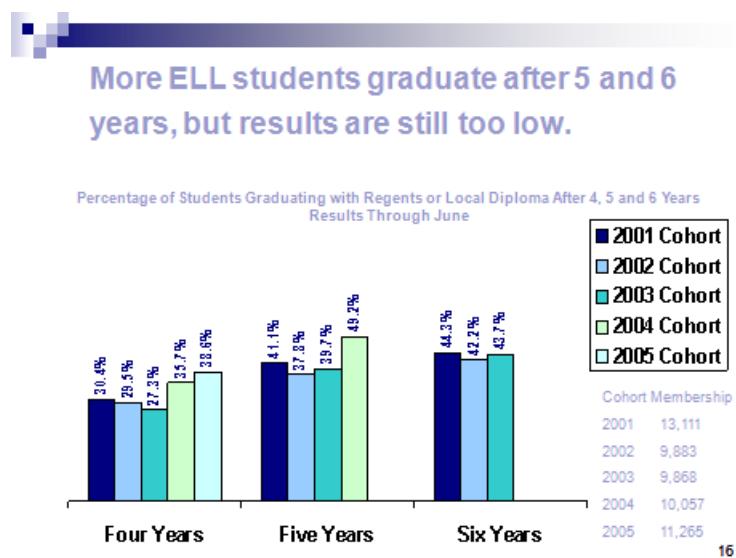
**Percentage of students who started 9<sup>th</sup> grade in 2003, 2004, or 2005 who graduated by June 2007, 2008, or 2009, respectively**

For the first time in 2007, graduation results were collected and disaggregated for students who were formerly English language learners. Federal rules define this as a student who has left ELL status within the past two years.

2003 Cohort Membership  
English Language Learners 10,057  
Former English Language Learners 3,527  
Non-English Language Learners 203,615  
  
2005 Cohort Membership  
English Language Learners 11,265  
Former English Language Learners 2,038  
Non-English Language Learners 211,519  
  
2004 Cohort Membership  
English Language Learners 10,846  
Former English Language Learners 2,399  
Non-English Language Learners 210,481



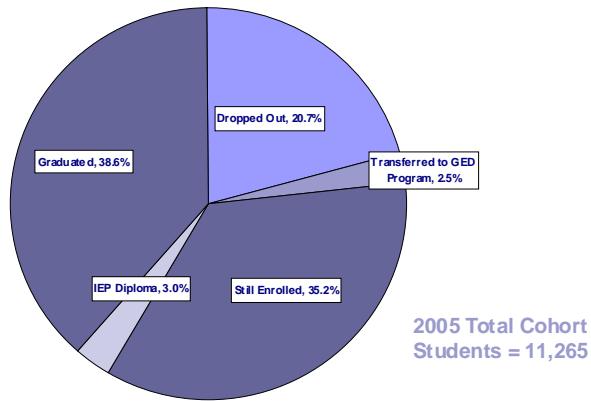
Data for the 2005 cohort indicate that 38.6% of ELL students statewide who started 9<sup>th</sup> grade in 2005 had graduated by June 2009, while 35.2% were still enrolled, and 20.7% had dropped out. Five and six year graduation data show that many of the ELLs who remain enrolled in school are able to work towards a high school diploma. The 2003 Cohort of ELLs illustrates this, as their four year graduation rate was 27.3%, which grew to 39.7% over five years, and 43.7% over six years. Research on English language development shows that ELL students need four to seven years to become proficient in English. For ELLs entering the New York school system at the high school level, their increase in graduation rate over five and six years is consistent with this research, as students need to both learn English and master content knowledge in a short time period.



A comparison of 2001 to 2005 cohorts, also shows a general upward trend in graduation rates for ELLs, which is encouraging. However, the graduation rate for ELLs is significantly below their English proficient peers. Additionally, the percent of ELLs who are graduating college and career ready is very low, with only 6% of the 2006 ELL cohort graduating college and career ready, as defined by the State.

Former ELLs, students who have become proficient in English and have exited out of ELL status in the previous two years, tend to outperform the general population, demonstrating that when ELLs are given proper language instruction they can be very successful in school. Four year graduation rates for former ELL students were 83.3% for the 2003 cohort; 74.2% for the 2004 cohort; and 77.4% for the 2005 cohort, as compared non-ELLs whose graduation rates were 71.1% for the 2003 cohort; 72.7% for the 2004 cohort and 73.6% for the 2005 cohort.

**38.6% of ELL students statewide who started 9<sup>th</sup> grade in 2005 had graduated by June 2009, while 35.2% were still enrolled and 20.7% had dropped out.**



### Data Limitations

ELLs are a very diverse group of students with varied educational needs. To better understand their educational and linguistic needs, LEP/ELL students may be classified into several sub-groups: Long Term ELLs/LEPs (LTEs); Bilingual Special Education (BSE); New Immigrants/Newcomers; and Students with Interrupted Formal Education (SIFE). At present, New York State does not collect data on all of these subgroups. As NYSED implements the State's new P-16 data system, these groups will be tracked, which will allow the Department to disaggregate performance and demographic data to better understand the needs of the state's ELL population.

In addition to collecting additional information on subgroups of ELLs, NYSED also is working to improve collection of data on former ELLs, students who were once classified as ELLs but have become English proficient and transitioned out of ELL programs. The number of ELL students in the State is a constant cycle of new ELLs entering into school systems and currently enrolled students exiting out of ELL status. The ability to track former ELL data will allow NYSED to follow cohorts to measure progress over time. ELLs by definition will always perform below non-ELLs, particularly on ELA exams, as they acquire the English language skills necessary to demonstrate knowledge in ELA and in other content areas. Thus, understanding how former ELLs perform over time will allow the Department to better evaluate the effectiveness of programs designed to support ELLs in successfully meeting college and career ready standards.

### English Language Learner Programs:

Due to some of the data limitations identified above, SED is not currently able to track statewide performance of ELLs by program type. We know from national research, however, that ELL students in bilingual education programs tend to outperform their peers

in all other ELL programs. Research also tells us that English language development can be accelerated by teaching English through content. A longitudinal study, for example, that compared ELL student achievement on national standardized tests and high school graduation in different types of ELL programs (immersion, ESL, bilingual, dual language, etc) found that for students who entered the US with little or no English language proficiency in grades K-1, the strongest predictor of their achievement in English was the amount of formal schooling (grade level) they received in their native language. (Wayne, T. & Collier, V., A National Study of School Effectiveness for Language Minority Students' Long-Term Academic Achievement, Center for Research on Education, Diversity & Excellence (2002)).

Additional research shows that, whether in ESL or Bilingual programs, the use of native language instruction can help students learn English. To date, five separate meta-analyses have been done on the effects of using a student's primary language (also referred to as native language or home language) to promote achievement in English, and all studies reached the same conclusion about the positive effects of teaching children to read in their home language. (See Claude Goldenberg & Rhoda Coleman, Promoting Academic Achievement Among English Language Learners: A Guide to Research 25-33(Corwin Press, Inc. 2010)).

Research has also been conducted over the years on the best forms of instruction to teach English Language Development in English as a Second Language classes and programs. These include a combination of stand-alone English language instruction focusing on academic language, not just conversational English; combining language and content instruction; and an explicit focus on academic language development; to name a few. (Claude Goldenberg & Rhoda Coleman, Promoting Academic Achievement Among English Language Learners: A Guide to Research (Corwin Press, Inc. 2010)).

A recent report by Rivera, Moughamian, Lesaux, & Francis (2008), confirms the importance of building academic language skills and recommends that instruction be delivered in a Response to Intervention model (RtI) where explicit, intensive instruction is closely matched to student difficulties. Current research also focuses on the question of whether and how children's first language should be used in an instructional program, as discussed in *Instructional Models and Strategies for Teaching English Language Learners* (Moughamian, Rivera, & Francis, 2009).

The critical nature of this research has prompted the United States Department of Education Office of English Acquisition to host a spring (2011) series of National Conversations in order to gather ideas surrounding academic achievement and gap closing for ELLs. Several themes emerged; each accompanied by recommendations. The themes listed below also reflect the Regents' Reform Agenda and the State's RTTT priorities:

- Since the development, norming, and piloting of content assessments have not traditionally included ELLs, and since these tests are given in the language of instruction (English), there is inadequate consideration of issues related to linguistic modifications and the learning of academic English.

- The fact that performance achievement data for Former LEP/ELLs is not disaggregated and publicly reported as a demonstration of success threatens to compromise the accountability reporting system for these students.
- Given the fact that currently there are no national English Language Proficiency Standards, the instructional needs of English language learners must be included as districts adopt and implement the Common Core Standards.
- As a result of the lack of teacher/administrator preparation during in-service or pre-service to teach and make decisions for the benefit of English learners, the need for professional development in this area is critical.

### English Language Learners and the Regents Reform Agenda

In keeping with the Regent's commitment to close achievement gaps and prepare all students to meet college and career ready standards, ELLs are an important focus of the Regents Reform Agenda. To address the critical issue of the shortage of qualified staff, NYSED has developed a number of programs to recruit, evaluate and develop ESL and bilingual teachers throughout the state, including the Intensive Teacher Institute (<http://www.p12.nysed.gov/biling/bilinged/iti.html>), which provides tuition assistance for bilingual and ESL coursework in general and special education. The Department also recently awarded a total of \$20 million dollars to several institutions of higher education to create clinically rich graduate teacher programs that target high needs schools. Of the eleven awards made, five were made to institutions that will focus on bilingual and ESL teachers, including:

1. Adelphi University Science Teacher Bilingual Residency Program, which will train a cohort of teachers to work with ELLs in grades 7-12 (focusing on bilingual science education) in high needs schools in Long Island.
2. Fordham University Teacher Residence for Initial Practitioners, which will train several cohorts leading to master degrees (including a master's in TESOL) and target five low-performing schools in the Bronx.
3. Lehman College Mathematics Achievement for Teachers of High Need Urban Populations (MATH-UP), which will train Bronx students to work in South Bronx schools, with a particular focus on math and strategies for working with ELLs.
4. SUNY OSWEGO Residency Initiative for Teacher Excellence, which will graduate candidates in dual certification in math or science and special education or TESOL to work in none high-needs schools in Syracuse, Oswego County and New York City.
5. Union Graduate College Master of Arts in Teaching Program, which will integrate a special emphasis on ESL in a math and science, to target high needs schools in urban school districts in the Greater Capital Region.

Also, through several RFPs the Department has already issued, such as the Model Induction RFP (<http://usny.nysed.gov/rttt/rfp/gt-06/>), and others NYSED will soon issue, such as the undergraduate clinically rich teacher preparation program, NYSED will use \$30 million of RTTT dollars to fund institutions of higher education, districts and partnership organizations to prepare and place more teachers in high needs schools, with a particular focus on placing ESL and bilingual teachers in high needs schools.

NYSED is also using \$10 million of RTTT funds for principal preparation programs to train principals and give them techniques to ensure excellence in teaching of and learning by ELLs and then place these principals in high needs schools with large ELL populations.

To improve the principal and teacher certification process to ensure that all newly certified teacher and principal candidates are prepared to work with ELLs, all initial candidates for teacher and principal certification, graduating May 2013 and thereafter, must pass an "educating all students" assessment. The exam will be available for candidates starting in September 2012. Candidates will have to demonstrate their knowledge of pedagogy that addresses the specialized needs of ELLs in order to become certified. This effort will help to address the issue of training of teachers in culturally responsive pedagogy and raising awareness of the challenges facing ELL students.

### *Common Core and Assessments*

As schools and districts begin to implement a new statewide Common Core curriculum, NYSED is developing guidance and tools to assist educators of ELLs. The Department will be contracting with vendors to develop curricular modules in ELA and math to guide educators on how to implement common core instruction. These curriculum modules are required to have additional educational teaching and learning systems and pathways embedded in the curriculum to support ELLs. By building the needs of ELLs directly into the Common Core curriculum, the Department will address one of the key reasons for why ELLs complete school at rates below those of many other groups of students.

NYSED's attention to Data-Driven Inquiry and assessment of student achievement as a foundation to the Regents Reform Agenda is also reflected in the current effort to align (by 2013) the NYSESLAT exam with the new Common Core ELA standards. NYSED has awarded a contract to a vendor to study and align the exam to ELA Common Core standards. This will ensure that ELL students who pass the NYSESLAT are truly prepared to enter into mainstream English classes that will be using common core curriculum and assessments. The LEP/ELL Program Evaluation Toolkit is an initiative designed to encourage schools to engage in self-assessment and evaluation of programs for LEP/ELL students.

In addition to the above, the Department uses State categorical bilingual funding to support the Regional Bilingual Education Resource Networks (RBE-RN), the Intensive Teacher Institute (ITI), and the Bilingual ESL Leadership Academies (BETLAs).

### *New York City Corrective Action Plan*

On October 12, 2011 the State approved a corrective action plan for New York City, after nearly a year of discussions between the New York City Department of Education (NYCDOE) and the NYSED (see <http://www.p12.nysed.gov/biling/docs/NYCCAPFinal.pdf> for a copy of NYCDOE's approved plan). The corrective action plan requires the NYCDOE to provide more program options, supports, and services for ELLs and their families. Under the agreement, NYCDOE has committed to opening 125 new bilingual programs in the

next three years, concentrated in areas with greater need for dual language and transitional education programs. The agreement also addresses the timely administration of the language proficiency screening exam (LAB-R), increasing the number of certified bilingual and English as a Second language teachers, and holding school principals accountable for implementing this plan in their schools. The State is committed to ensuring that this plan is implemented and will be working closely with the NYCDOE to monitor their progress towards established goals and benchmarks, through bimonthly meetings and regular progress reports.

### Examining Commissioner's Regulation Part 154

As noted above, Commissioner's Regulations Part 154 were first adopted in 1981 and have only been modified modestly since then. The Regulations as currently written should be reviewed in light of the latest research on ELLs and data on the recent performance of ELLs in New York State based upon the types of programs, services and support they have received. As the Regents move forward with implementing their reform agenda, now is an opportune time to review whether these regulations should be amended to better align with the goal of ensuring that all students receive an education that prepares them to achieve success in relation to college and career ready standards. In particular the Department will seek comment on the provisions of the Regulations pertaining to:

- How students are identified as English language learners and subsequently exited from services;
- The duration, intensity and types of instruction and support services provided to students in English as a Second language and bilingual education programs;
- Credit accumulation options and graduation requirements for English language learners;
- Parent notifications and options in terms of services and programs for their children who are English language learners;
- Certification and in-service professional development requirements for staff; and
- District planning and reporting requirements.

In engaging with stakeholders, Department staff will encourage stakeholders to provide responses to the following questions:

- How well do former ELLs students perform after achieving proficiency? How do they perform in middle school? How do they perform in high school?
- What is the quality of the State's bilingual and ESL programs: What works? Which practices are effective?
- What are the educational needs of Long Term LEP/ELs? How can the State address those needs?
- For students with disabilities (SWD) who are ELLs, how does each disability affect the results on exams?
- What are the educational needs of Students with Interrupted Formal Education (SIFE)?

Any changes recommended in the regulations will reflect current research concerning equity of access to quality models of instruction and appropriate assessments for language acquisition and content knowledge and will address the critical social-cultural and emotional issues faced by these students.

#### Proposed New Resources to Support ELLs

The performance of our ELL students in the state must improve in order for all students to be on track to meet college and career ready standards. In order to do this effectively, additional resources are needed to recruit, develop and retain highly effective staff; implement professional development for teachers working with ELLs; expand program options; improve the quality of programming throughout the state; identify and expand best practices and model programs; create additional curriculum and resources for teachers working with ELLs; improve monitoring and compliance systems; and increase family involvement initiatives to better support the engagement of parents of ELLs in their children's education. Department staff propose that the Regents advocate for additional federal or state funds that the Department may utilize to help districts achieve these objectives.

## **Appendix B: English Language Learners and the Regents Reform Agenda, Supplemental Information**

### New Program to Create and Support High Quality Programs for ELLs

In November 2011, the Department launched a new program called the New York State Initiative for Emergent Bilinguals in partnership with the Research Institute for the Study of Language in Urban Society (RISLUS) and the Ph.D. Program in Urban Education, both of the Graduate Center of the City University of New York (CUNY). The initiative will be carried out over a two-year period and has three main components all aimed at improving programming and services to ELLs (referred to as “emergent bilinguals”):

1. Leadership: A principal training program to create high quality programs to turn around low performing schools in New York State. The program will target 30-35 principals in schools in need of improvement in New York City, Long Island and Westchester that have above average numbers of ELL students. The program includes a series of five seminars for principals, and two additional staff identified by the school leadership for select seminars; Research Teams assigned to each school that will conduct four to five on-site visits to schools to identify areas of needs and provide technical support; and the development of an improvement plan through an Emergent Bilingual Leadership Team of school staff, created at each school. The program includes a quantitative and qualitative evaluation component to measure the impact on the school and emergent bilingual student outcomes.
2. Documentation: A study to document historical efforts made by New York State in educating emergent bilinguals and identify current elementary, middle and high schools throughout the state that have high quality programs in order to document their effective practices. The documentation process will include interviews with school staff, students and parents; on-site visits to the schools; and the coordination of video production to capture best practices. The findings will be published and made available for dissemination to schools throughout the state.
3. Native Language Arts Standards and the Common Core: An exploratory study to inform the Department on how to align New York’s Native Language Arts Standards to the state’s P-12 ELA Common Core Learning Standards.

The CUNY-NYSIEB will be lead by Professor Ricardo Otheguy, Director of RISLUS and member of the faculty of the Graduate Center’s Ph.D. Programs in Linguistics, Urban Education, and Hispanic & Luso-Brazilian Literatures and Languages; Professor Ofelia García, a RISLUS Associate and a member of the faculty of the Ph.D. Programs in Urban Education and Hispanic & Luso-Brazilian Literatures and Languages; and Associate Professor Kate Menken, a RISLUS Fellow and a member of the faculty in the Department of Linguistics & Communication Disorders at Queens College and in the Ph.D. Program in Urban Education at the Graduate Center. Their work will be supported by a team of six faculty of the senior colleges of CUNY, including Professors Brian Collins and Anne Ebe from Hunter College, Professor Tatyana Kleyn from City College, Professor Vanessa Perez from Brooklyn College and Professor Maria Victoria Rodriguez from Lehman College. In addition the work will be coordinated by a project director and a team of

doctoral students at the Graduate Center pursuing Ph.D degrees in the relevant areas. The initiative will also be informed through an Advisory Board of key stakeholders throughout the state, including members of other initiatives of the Department's Office of Bilingual Education.

"The Graduate Center, and the University as a whole, are proud to join forces with the New York State Education Department to launch this initiative on behalf of emergent bilingual students. The Graduate Center faculty of the Program in Urban Education, and the fellows, associates, and administrators of RISLUS are looking forward to a close collaboration with the State authorities, one that we are certain will redound to the benefit of bilingual children and adolescents, and their parents and teachers, throughout the State," said the Directors of the CUNY-NYSIEB, Professors Ricardo Otheguy, Ofelia García and Kate Menken.

### English Language Learners and the Common Core

As part At the November 29<sup>th</sup> Network Teams Institute, Diane August, from the Center for Applied Linguistics, presented on scaffolding techniques for English Language Learners in ELA classes. Dr. August is working with the Department to embed scaffolding and activities for ELLs in the Gettysburg Address exemplar, which we will soon publish on engageny.org as an updated Common Core resource for teachers.

As part of Race to the Top Assurance B, the Department is also working on a proposal to align New York's English as a Second Language (ESL) and Native Language Arts (NLA) standards to the NYS P-12 Common Core ELA standards, and develop Common Core curriculum and resources for ESL and NLA classrooms as well as for ELLs in ELA and Math classes in both ESL and Bilingual Education programs.