



Our Students. Their Moment.

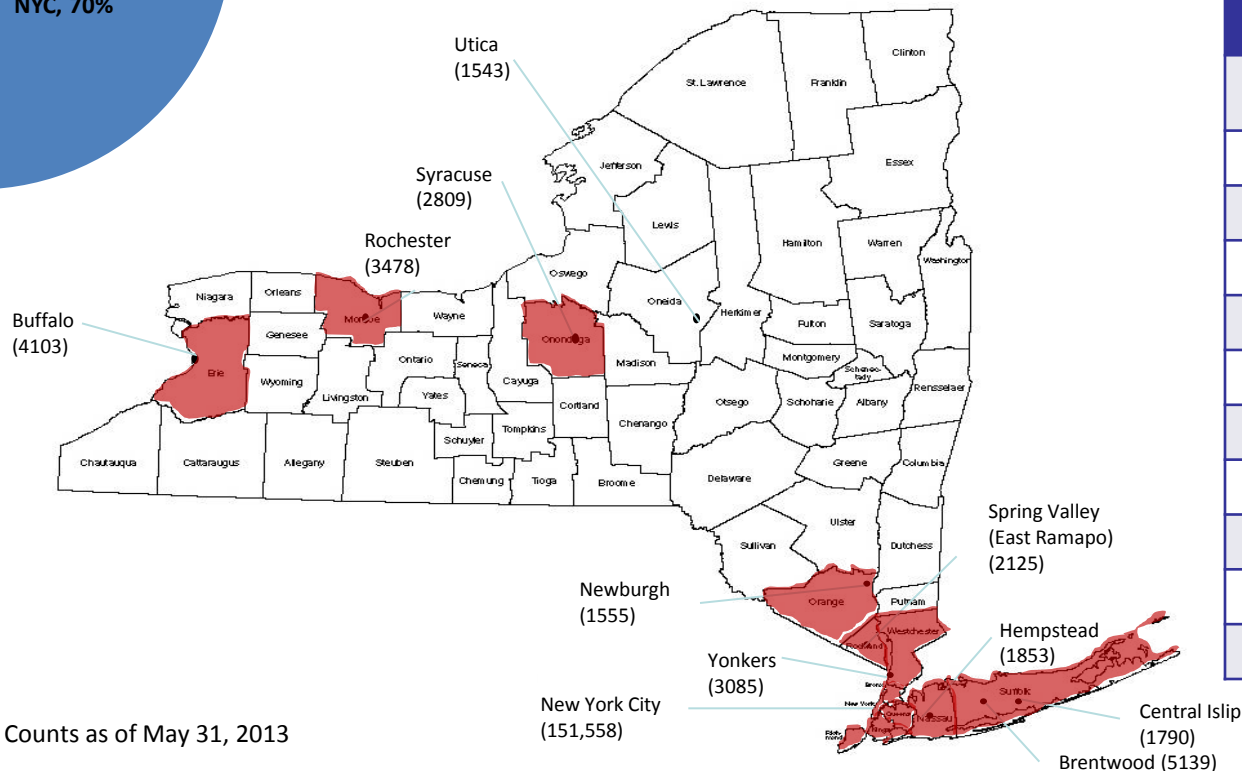
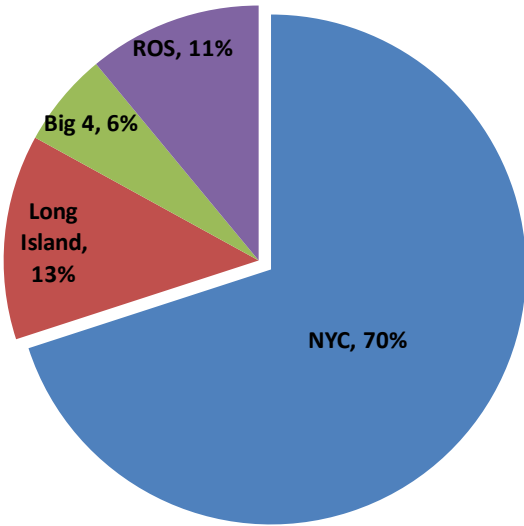
Ensuring Equal Educational Opportunities for English Language Learners

Enhance and Strengthen Commissioner's Regulations Part 154



New York State Demographics

Large geographic distribution, with ELLs concentrated in a handful of large urban or urban/suburban districts (NYC, Brentwood, Buffalo, Rochester, Syracuse, Yonkers), but many small rural and suburban districts that also have ELLs and have many LOTE programs.

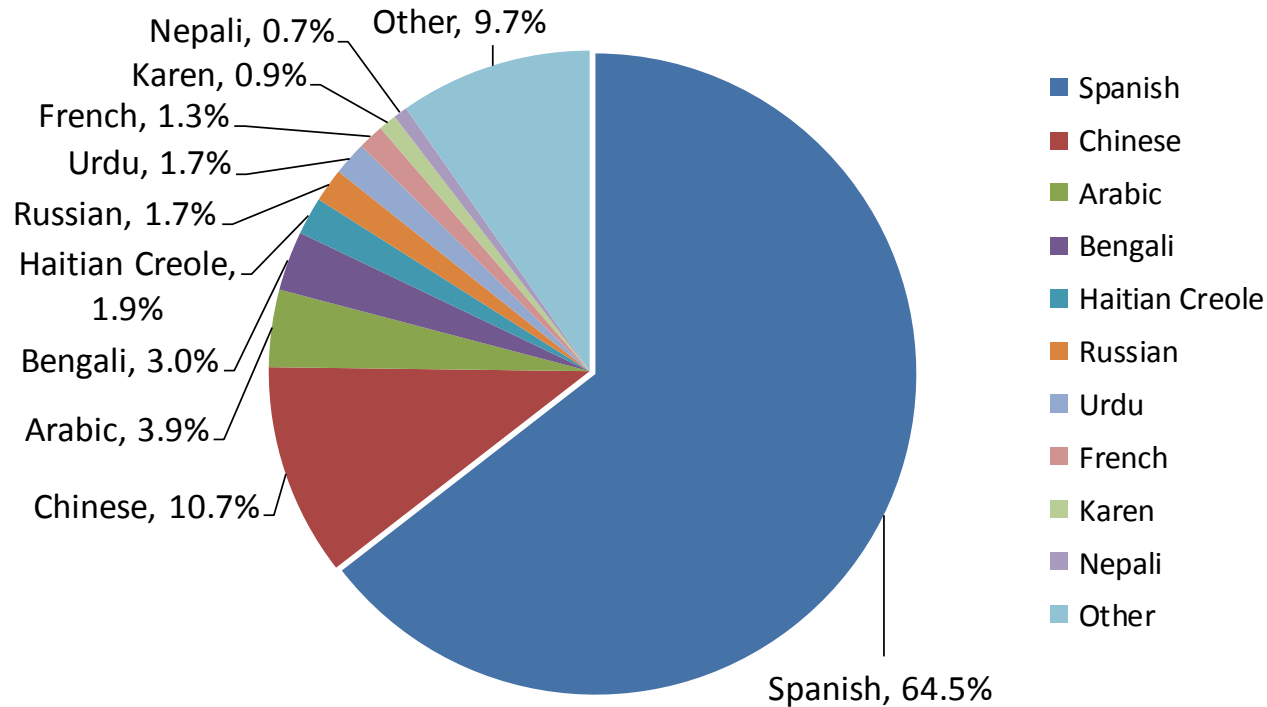


Top ELL Districts	# of ELLs
New York City	151,558
Brentwood	5,139
Buffalo	4,103
Rochester	3,478
Yonkers	3,085
Syracuse	2,809
Spring Valley	2,125
Hempstead	1,853
Newburgh	1,555
Central Islip	1,790
Utica	1,543

Source: Public School LEP Counts as of May 31, 2013

New York State Demographics

2012-13 Top 10 ELL Home Languages

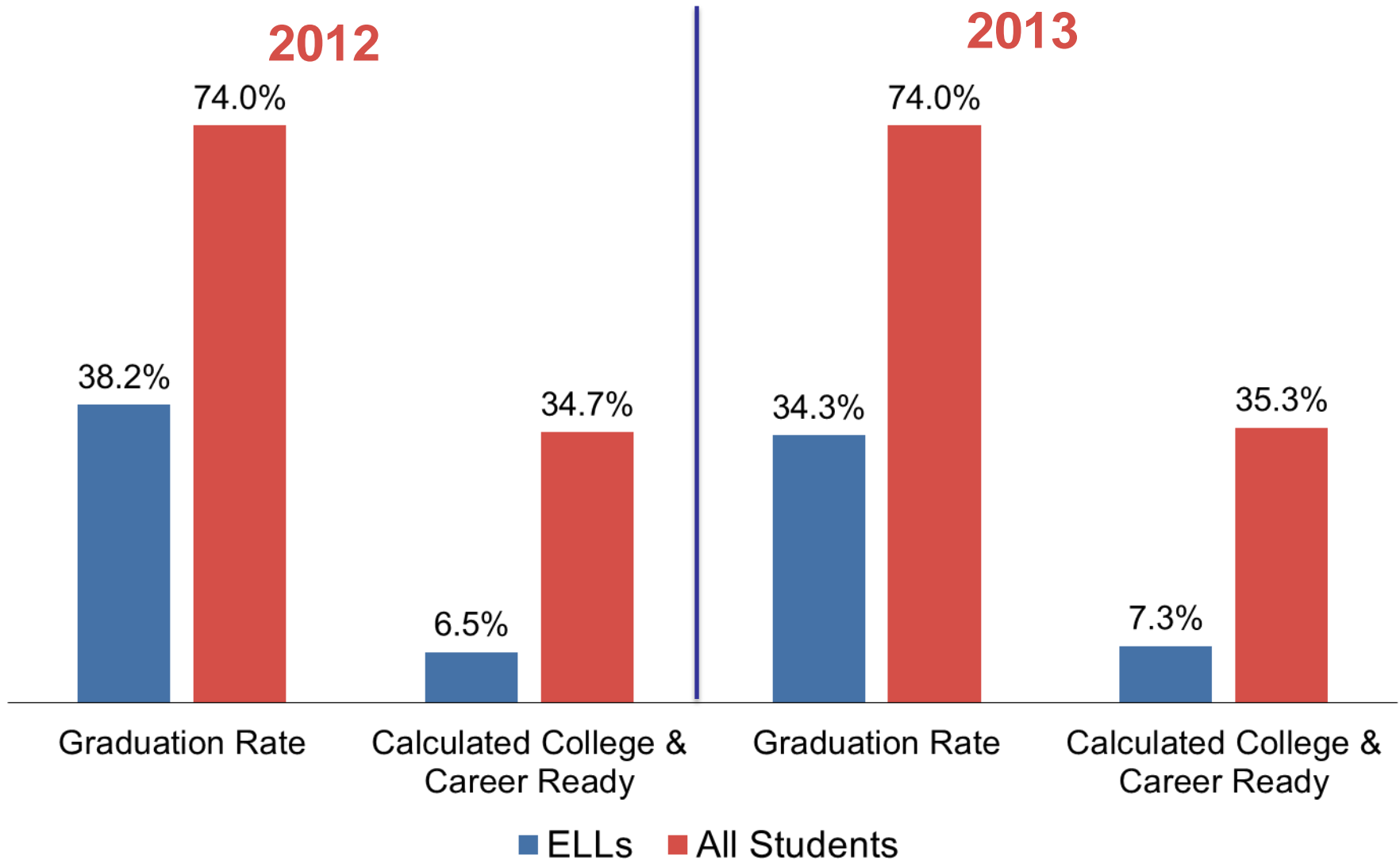


Linguistically diverse state with over 140 languages spoken by our students.

Source: Public School LEP Home Languages as of May 31, 2013

Our Challenge

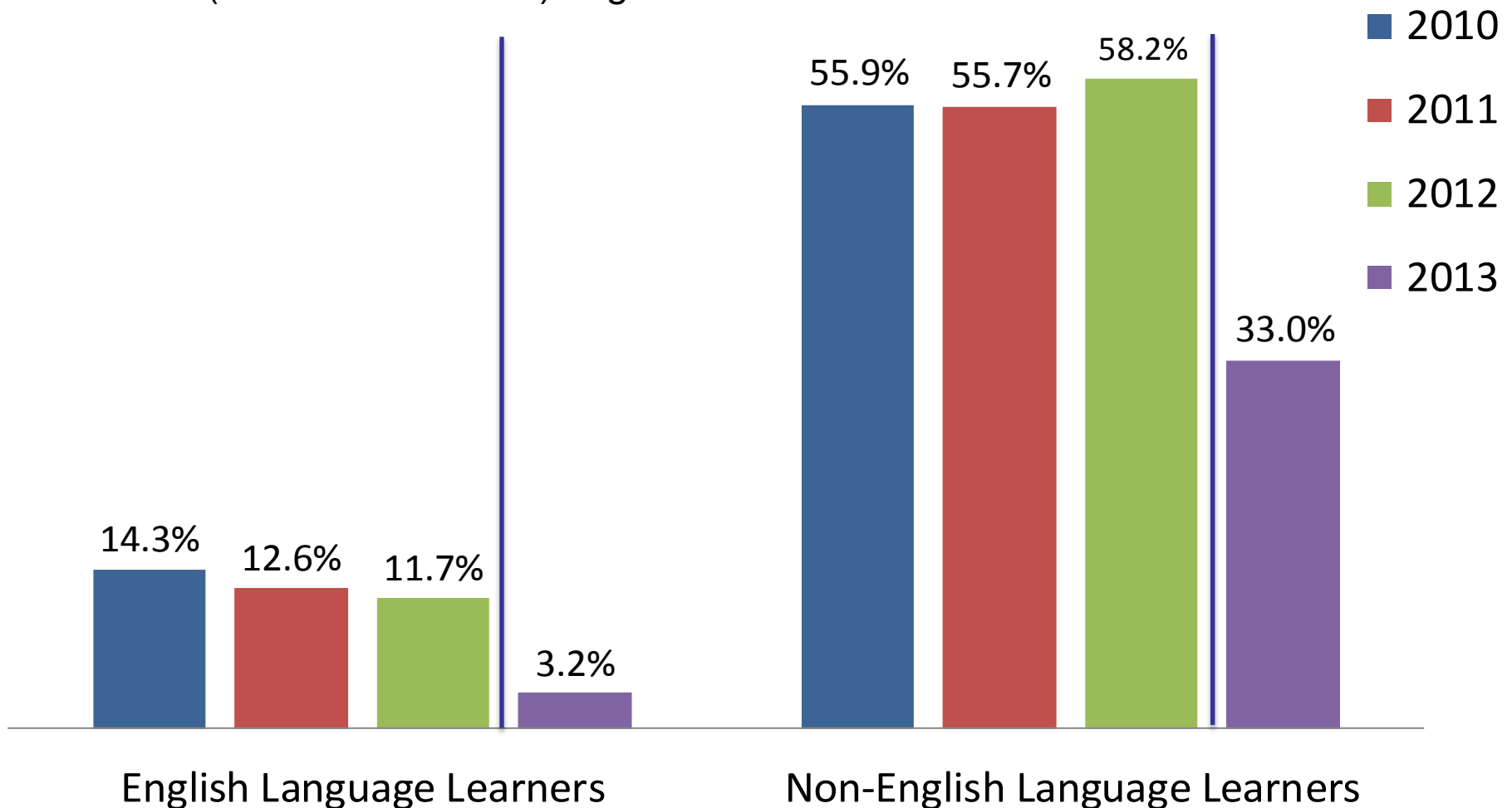
June 2012-2013 ELL Graduation Rates



ELA Outcomes

ELLs vs. Non-ELLs 2009-2013

3.2 percent of English Language Learners met or exceeded the ELA proficiency standard (NYS Levels 3 or 4) in grades 3-8

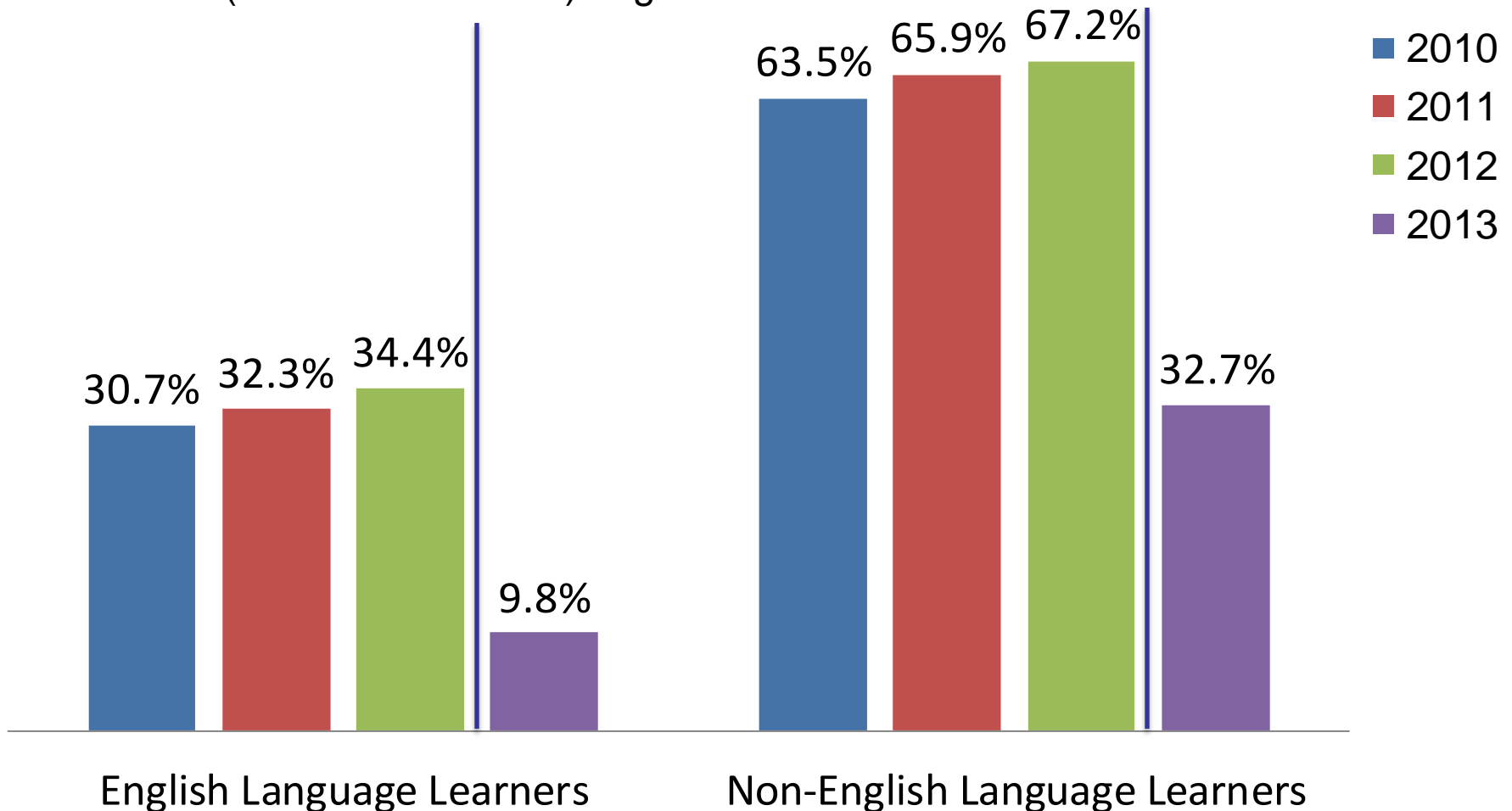


*Note: 2013 performance is measured against the more rigorous NYS Common Core Learning Standards.

Math Outcomes

ELLs vs Non-ELLs 2009-2013

9.8 percent of English language learners met or exceeded the math proficiency standard (NYS Levels 3 or 4) in grades 3-8



*Note: 2013 performance is measured against the more rigorous NYS Common Core Learning Standards.

New York State Education Department Initiatives for English Language Learners

- Bilingual Common Core Progressions
- NYSESLAT CC Alignment
- Blueprint for ELL Success
- ELL Curriculum
 - Students with Interrupted Formal Education (SIFE)
 - Native Language Arts (NLA)
 - ELL Scaffolds
 - Math Translations (5 languages)
- SIFE Diagnostic Tool
- Commissioner's Regulation Part 154
- Seal of Biliteracy
- Educating All Students*
- Clinically Rich Intensive Teacher Institute for ELS and Bilingual Teachers

**For new Teachers and Principals*

Theory of Action

Based on Research and Feedback

- Bilingualism is a desirable outcome for students and program options that support bilingualism should be expanded.
- ESL instruction should be done primarily through an integrated approach.
- Identification and Exiting ELL status should be based on several measures and sources of information rather than one high stakes exam.
- All teachers and administrators need better preparation to meet the needs of ELLs.
- Parents of ELLs need the information necessary to make informed decisions and be partners in their children's education.
- SED needs to carefully monitor implementation to ensure that districts understand their obligations and are meeting them.

These recommendations are reflected in the new ***Blueprint for ELL Success*** released earlier this month.

Part 154: History & Context

Civil Rights Movement

- Landmark court decisions to ensure equal educational opportunities:
 - *Lau v. Nichols* (brought on behalf of non-English speaking Chinese students) (1974)
 - *Aspira v. New York City Board of Education* (brought on behalf of non-English speaking Puerto Rican and other Latino students) (1974)
- Part 154 implements Education Law 3204.

Recent Enforcement

- US DOE Office of Civil Rights and the US DOJ Civil Rights Division find, in districts such as Boston Public Schools and Los Angeles, that many conditions that brought rise to the *Lau* and *Aspira* lawsuits continue to exist today.
- NYSED approves Corrective Action Plan that requires New York City Department of Education to open more bilingual programs, ensure parent choice and hold school principals accountable for implementing the plan.

Opportunity for New York to build on history and recent enforcement to ensure regulations meet the goals of educational equity spearheaded by the civil rights movement

Part 154 Revisions: Field Engagement

- **At the direction of the Board of Regents at the December 2011 meeting, the Department spent the last three years engaging the field in areas of Part 154 that should be revised or enhanced to better serve the needs of ELLs.**
 - **Focus Groups (over 100 key stakeholders statewide)**
 - **Survey to the Field (over 1500 respondents)**
 - **Review of Draft Recommendations by key stakeholders**
 - **Review of Draft Recommendations by US DOJ, US OCR, USDE Title I, USDE Title III**
 - **Review of Draft Recommendations by members of the Board of Regents**

Field Engagement

- **Stakeholders* included:**
 - **Principals and Teachers of 25 Schools with Strong Outcomes for ELLs**
 - **ELL District Staff and ELL Leadership Council**
 - **Institutes of Higher Education with ESL and Bilingual Programs**
 - **SED funded programs**
 - **Parent and community advocacy groups**
 - **ESL and Bilingual statewide teacher associations and NYS Teachers' Union**

**See attached addendum for specific information*

Areas of Feedback From the Field and Recommendations

- **Identification and Placement**
- **Exit Criteria**
- **Parent Information and Program Placement**
- **Types of Programs and Instruction**
- **Support Services and Transitional Services**
- **Graduation Requirements**
- **Certification and In-Service Professional Development**
- **District Planning and Reporting Requirements**

Public Review of Draft Recommendations

- In August 2013, after review and consultation with members of the Board of Regents, the Department released draft recommendations for review by stakeholders.
- Comments were received through October 2013.
- In late December 2013 and early January 2014, the Department met with USDE and US DOJ to review draft recommendations.

Recommendations

Identification and Placement

Implement a four step identification process to ensure holistic and individualized decisions can be made by qualified staff. In the case of ELLs who have or are suspected of having a disability, require consultation with the CSE about how the language needs of the student should be identified.

Allow the identification process to begin up to a month before the beginning of the school year and no later than the date of initial enrollment. Require placement within 10 school days after initiating the identification process.

Allow for a review process by qualified staff within the first 45 days of school, if a parent or teacher requests a review based on a suspicion that the student was misidentified upon enrollment.

Students must be identified and placed in an appropriate program during the 10 day enrollment period and prior to placement in a school.

US DOJ cases have required districts to implement multiple steps to identify students. See e.g., U.S. District Court Consent Decree 2012, Denver Public Schools and Settlement Agreement 2004 North Plainfield, NJ.

Recommendations

Exit Criteria

Allow an additional path to determine proficiency, including combinations of NYSESLAT scores and 3-8 ELA assessment scores, or ELA Regents scores.

Create a process for ELLs with disabilities that involves the CSE (with qualified staff) making recommendations to superintendent or his or her designee.

US DOJ cases have required districts to implement multiple criteria to influence a final determination that a student is no longer an ELL. See e.g., U.S. District Court Consent Decree 2012, Denver Public Schools.

Recommendations

Parent Information and Program Placement

Ensure parents are provided with a high quality orientation session that includes, among other things, detailed information on program options.

Propose that school staff meet with parents or persons in parental relation at least once a year, in addition to other generally required meetings with parents, to discuss their child's content and language development progress and needs.

US DOJ cases have required districts to inform parents about program options through brochures, written documents, and meetings with parents. See e.g., U.S. District Court Consent Decree 2012, Denver Public Schools.

Recommendations

Types of Programs

Propose that districts annually estimate the number of ELLs by school, grade and home language to ensure programs are in place when students enroll.

Consistent with state law and regulation, propose that districts offer bilingual programs in addition to ESL programs based on estimates, if a threshold number (20) of students in the same grade in a school and/or in the district speak the same home language.

Propose that any new programs triggered by this requirement be placed in Schools in Good Standing, or Focus schools in cases where a School in Good Standing does not exist in the District. In New York City, allow parents to transfer to a bilingual program in another district if the program triggered by this requirement can only be placed in a Priority or Focus school.

Recommendations

Types of Instruction

Explore allowing Integrated ESL classes taught through either co-teaching or dually certified teachers (ESL and content area) as well as Stand-alone ESL classes for students in early levels of language development.

Propose that bilingual programs offer, at minimum, two content areas bilingually in addition to Language Arts instruction in English and home language.

US DOJ cases have determined that ELL students can be taught content area classes (Language Arts/English/reading, math, science and social studies) through a co-teaching model, a dually certified teacher or a content area teacher trained in specific ELL techniques. See e.g., Settlement Agreement 2013 Prince William County School District.

Recommendations

Support and Transitional Services

Propose that districts annually identify students not making adequate language and/or academic progress and require that schools take into account several sources of data and information about each student to determine support needed, including both academic supports as well as social/emotional supports.

Propose that any academic support services offered are aligned to the district's and school's intervention plans.

Propose that districts continue to provide at least one unit of Integrated ESL instruction to a student for two school years after the student exits ELL status.

US DOJ cases have required districts to evaluate performance quarterly for current and former ELLs and develop a system to identify and implement steps to address any difficulties such students experience in the mainstream classroom setting. See e.g., Settlement Agreement 2013 Prince William County School District.

Recommendations

Graduation Requirements*

Explore allowing for additional options, only for ELLs who enter the United States in 9th grade or above, including:

- Scoring 65 or higher on all Regents except the ELA, and passing a rigorous exam of English proficiency such as the TOEFL, that has been approved as an alternative to the Regents examination, to receive a Regents diploma.
- Using a variation of the appeals process for accessing the local diploma using multiple measures including a prescribed minimum score for language-intensive assessments

Recommendations

Certification and In-Service Professional Development

Consider creating certification areas for bilingual teaching assistants by language and tenure areas for bilingual teaching assistants and bilingual teachers.

Propose that all prospective teachers complete coursework on ELL instructional needs, language acquisition and cultural competency.

Propose that a specific percentage (e.g., 15 percent) of professional development hours for all teachers and administrators be specific to the needs of ELLs, language acquisition and cultural competency.

Propose that a specific percentage (e.g., 50 percent) of professional development hours for all ESL and bilingual teachers be specific to the needs of ELLs.

US DOJ cases have required districts to create annual PD plans for all teachers to receive a minimum amount of training on working with current or exited ELLs, and mandate an amount of training for both teachers and administrators on various issues including co-teaching and evaluating teachers on their knowledge and implementation of ELL instructional strategies. See e.g., Settlement Agreement 2013 Prince William County School District, Settlement Agreement 2012 Mercer County School District, and Settlement Agreement 2012 Boston Public Schools.

Recommendations

District Planning and Reporting

Propose that districts annually submit a comprehensive plan for serving ELLs by a date established by the Commissioner.

Propose that districts provide additional information in reports and plans regarding programs for subpopulations of ELLs including program information by subpopulations and languages spoken in the district.

Propose that districts submit assurances that programs, services, parent choice, teacher training and equal opportunity is provided as required by Part 154.

Propose that districts include additional information in their plans regarding information for parents, methods to annually measure and track ELL progress, and systems to identify, assess, and exit students from ELL status, including subpopulations of ELLs.

Next Steps

- **Present draft regulations to the Board.**
- **Continue to seek funding for:**
 - The development of a new Native Language Arts exams for Grades 3-8 and High School \$8.0M; and
 - Tools, resources, capacity, and professional development \$2.0M.

Addendum: Stakeholders Included

ESL & Bilingual Statewide Teacher Associations and Union	ELL Districts and ELL Leadership Council
<p>New York State Association of Bilingual Education New York State Teachers of English to Speakers of Other Languages New York State United Teachers Bilingual-ESL Committee of Practitioners</p>	<p>Buffalo Rochester Syracuse Utica Brentwood Central Islip Port Chester Hempstead Newburgh New York City East Ramapo Yonkers</p>
Community and Advocacy Organizations	Institutes of Higher Education
<p>New York Immigration Coalition Advocates for Children Asian American Legal Defense and Education Fund Center for Puertorican Studies Committee for Hispanic Children and Families, Inc. Flanbwayan Haitian Literacy Project Sauti Yetu Consulate General of Mexico in New York Chinese Community Center of the Capital District Journey's End Refugee Services, Inc. Mid-Hudson Migrant Education Outreach Program Long Island Immigrant Alliance Centro Cívico Hispanoamericano, Inc Hudson Valley Community Coalition Long Island Language Advocates Coalition New York Lawyers for the Public Interest</p>	<p>CUNY-Graduate Center College of Saint Rose Long Island University-Brooklyn Campus Pace University-New York CUNY Brooklyn College Nazareth College Rochester St John's University Touro College Long Island University SUNY Brockport CUNY Lehman College CUNY Hunter College CUNY Queens College Pace University-Pleasantville Mercy College-Main Teachers College CUNY City College</p>

Addendum Continued...

Principals and Teachers of 15 Schools with Strong ELL Outcomes	Regional Bilingual Education-Resource Networks
<p>Columbus School at The Franko Bldg Trinity Elementary School Northern Parkway Elementary School Great Neck Road Elementary School PS 154 PS 189 Lincoln Terrace PS 116 Elizabeth L Farrell PS 247 PS 22 Thomas Jefferson PS 257 John F Hylan PS 66 Jacqueline Kennedy-Onassis PS 84 Steinway MS 247 Dual Lang Middle School High School-Dual Language & Asian Studies Lower East Side Prep High School It Takes a Village Academy Newcomers High School Franklin D Roosevelt High School College Academy (Formerly HS For Int'l Business & Finance) New World High School Liberty High School Academy for Newcomers Academy for Language and Technology Gregorio Luperon High School For Science and Mathematics Brooklyn International High School Manhattan Comprehensive Night and Day High School</p>	<p>NYS Language RBE-RN (Statewide): New York University Metro Center</p> <p>NYS Regional RBE-RNs: Capital District RBE-RN at Questar III BOCES Hudson Valley Mid/Lower RBE-RN at Ulster BOCES Long Island RBE-RN at Eastern Suffolk BOCES Mid-State RBE-RN at OCM BOCES Mid-West RBE-RN at Monroe 2 - Orleans BOCES New York City RBE-RN at Fordham University West Region RBE-RN at Erie I BOCES</p>