



**TO:** The Honorable the Members of the Board of Regents

**FROM:** James A. Kadamus *James A. Kadamus*

**COMMITTEE:** Elementary, Middle, Secondary and Continuing Education Committee

**TITLE OF ITEM:** Report on the Status of Limited English Proficient/English Language Learners (LEP/ELLs)

**DATE OF SUBMISSION:** January 27, 2003

**PROPOSED HANDLING:** Discussion

**RATIONALE FOR ITEM:** Review of Regents policy

**STRATEGIC GOAL:** Goals 1 and 2

**AUTHORIZATION(S):** *Robert P. Miller*

**SUMMARY:**

Last fall you requested a status report on limited English proficient/English language learners (LEP/ELLs). The attached report presents key points related to LEP/ELLs in the following areas:

- achievement of LEP/ELLs in the 1996 and 1997 cohort of students who took the Comprehensive Regents Examination in English; achievement on the 2002 grades 4 and 8 English language arts Tests;
- students with interrupted formal education, including what districts are doing and programs that work;
- characteristics and statewide demographics of LEP/ELL students;
- shortage of bilingual and ESL teachers;
- monitoring compliance with the intensive English language arts requirement;
- technical assistance and professional development being provided to school districts and teachers to ensure that instruction is aligned with the English language arts and English as a second language standards;
- State assessments for LEP/ELLs, including a new test to determine English language proficiency of students first entering school in New York State;
- important policy considerations related to LEP/ELLs; and
- implementation strategies relating to monitoring and technical assistance.

This report is the first part of a comprehensive report. We do not have, at this time, achievement and dropout data for the 1998 cohort of LEP/ELL students. The data is still being collected and analyzed and will be provided later in the spring. For the first time, we

will be able to provide data by subgroup. Achievement data on the 1996 and 1997 cohorts of LEP/ELL students are provided in this report. Additional data on participation of LEP/ELLs in the new testing requirements under the No Child Left Behind Act (NCLBA) will be reported with next year's reports. Information on English-speaking Caribbean students will be presented in a separate report later this year.

An expanded report that provides greater detail on the areas mentioned in the attached report is included as Attachment 1.

Attachment

## Report on the Status of Limited English Proficient/English Language Learners (LEP/ELL)

This report discusses the status of LEP/ELL students in New York State. It identifies key issues, explains strategies being used and planned, and poses questions that have policy implications related to ensuring that all LEP/ELL students succeed in meeting the same high standards as all other students. Detailed descriptions of issues and programs are included in the expanded report provided as a supporting document.

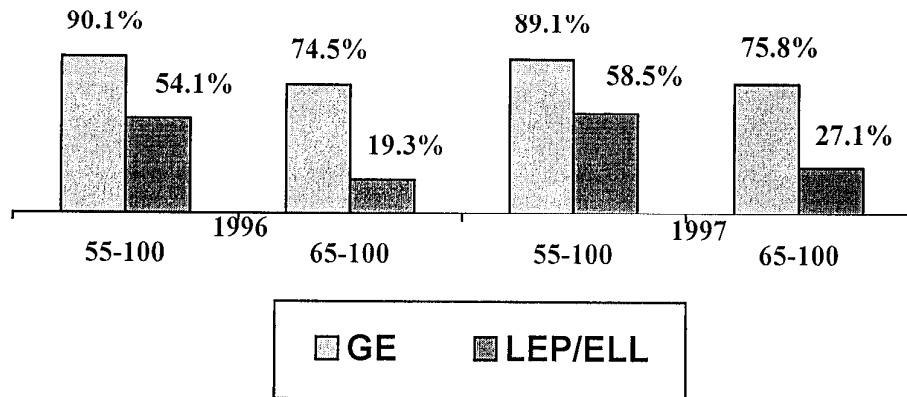
### **1. Performance data on English Regents examinations show the majority of LEP/ELLs in the 1996 and 1997 cohorts meeting the requirement.**

This report is the first part of a comprehensive report. We do not have, at this time, achievement and dropout data for the 1998 cohort of LEP/ELL students. The data is still being collected and analyzed and will be provided later in the spring. For the first time, we will be able to provide data by subgroup. Achievement data on the 1996 and 1997 cohorts of LEP/ELL students is provided in this report.

The chart that follows compares the data for general education students and LEP/ELL students in the 1996 and 1997 cohorts. In the 1996 cohort, 54.1 percent of LEP/ELLs who took the Comprehensive Regents Examination in English passed at a score of at least 55. For the 1997 cohort, that percentage increased by 4.4 percentage points to 58.5 percent. The additional instruction in English as a second language (ESL) and English language arts (ELA) required for LEP/ELLs, development of the ESL standards and statewide dissemination of the Resource Guide, the extensive professional development initiatives around the standards, redirection of funds for extended-day tutorial programs such as Bilingual ESL Staff Academies for Raising Standards (BESARS), building-based EXCEL grants, approved testing accommodations, as well as the 55 low-pass score, have helped many LEP/ELLs to meet the challenge successfully.

As the chart indicates, a high percentage of LEP/ELLs in both cohorts benefited from the low-pass score of 55-64. In the 1996 cohort, about 35 percent of LEP/ELLs scored between 55 and 64. In the 1997 cohort, 31 percent of LEP/ELLs scored between 55 and 64. This is a significant difference from the total general education population where the percentage of students scoring 55-64 was 15.6 percent for the 1996 cohort and 13.3 percent for the 1997 cohort. For the large number of LEP/ELLs who enter New York State schools in middle school or high school, even the low-pass score of 55-64 continues to be a challenging performance standard.

**Comparison of General Education (GE) and  
LEP/ELL Students at 55-100 and 65-100 in the 1996  
and 1997 Cohorts**



With the implementation of the System for Tracking Education Performance (STEP) this year, we will have 1998 cohort data files with individual student records that identify LEP/ELLs. In our next report, we will provide information on all LEP/ELL students by grade and the percentages of students in the 1998 cohort who have:

- passed (or scored at least 55) on each Regents examination;
- failed the Comprehensive Regents Examination in English one or more times;
- earned diplomas in 2001-02;
- passed all required Regents examinations, except Comprehensive English; or
- dropped out during the 2001-02 school year.

**2. LEP/ELL students who entered New York State schools in the early grades and participated in CR Part 154 programs transition into general education earlier and outperform students at the lowest scoring levels who were never-LEP/ELL.**

The Office of State Assessment tracked the achievement of LEP/ELL students on the 4<sup>th</sup> and 8<sup>th</sup> grade English language arts (ELA) tests. Students were classified into four categories:

- never having received program services (never-LEP/ELL);
- LEP/ELL and below the 30<sup>th</sup> percentile on a test of English reading;
- LEP/ELL and at or above the 30<sup>th</sup> percentile on a test of English reading; and
- received program services and exited from programs (former-LEP/ELL).

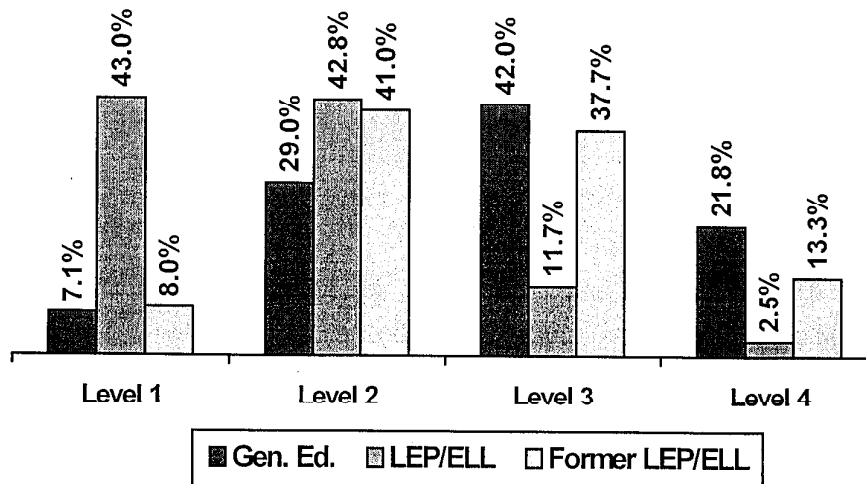
To control for factors that influence performance, the results were reported for six community types (need/resource capacity categories). The results indicate that as students advance in the bilingual/ESL programs, their performance on the English language arts tests increase until the former LEP/ELL students outperform students who were never-LEP/ELL. The table below provides the mean scale scores for LEP/ELL students in the Big Five school districts for the grades 4 and 8 English language arts tests.

**Mean Scale Scores for LEP/ELL Students  
Big Five Districts  
English Language Arts - Grades 4 and 8  
1999-2001**

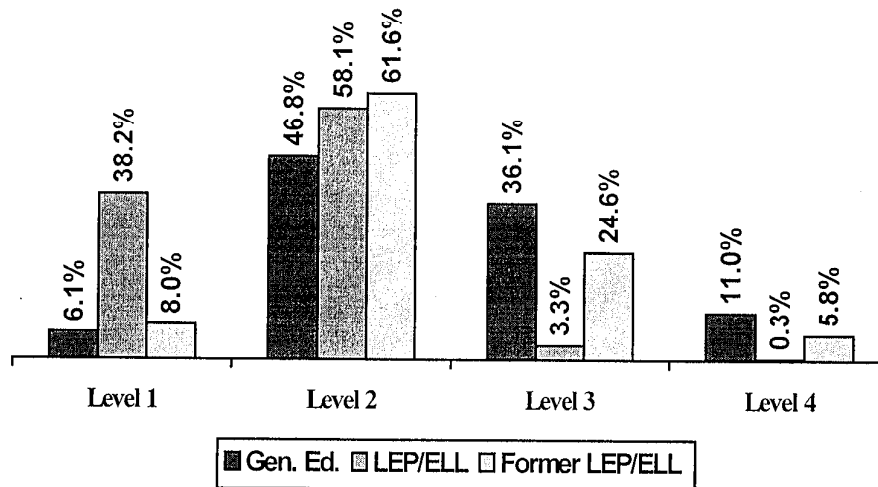
Year	Below 30 <sup>th</sup>	30 <sup>th</sup> or Above	Former	Never-LEP/ELL
<b>4<sup>th</sup> Grade ELA</b>				
1999	589	614	633	629
2000	605	622	640	637
2001	607	622	646	638
<b>8<sup>th</sup> Grade ELA</b>				
1999	656	668	691	690
2000	659	659	688	685
2001	657	663	686	684

Although there are no simple characterizations of the performance of LEP/ELL students on these examinations, some patterns can be observed. Results showed that former LEP/ELLs are performing very well with respect to their peers, especially in the lower score ranges. Among former LEP/ELL students, the lowest scoring students seem to be most advantaged by the program intervention, as compared to the lowest scoring never-LEP/ELL group.

**2002 Elementary-Level English Language Arts  
Performance Levels for LEP/ELL Students**



### 2002 Middle-Level English Language Arts Performance Levels for LEP/ELL Students



The most powerful measure of program success is its long-term and sustained effect on the students. LEP/ELLs who participated in CR Part 154 programs, met the requirements, and entered the ranks of former LEP/ELLs, consistently outperformed students who were never-LEP/ELL in New York City and the Big 4 school districts on the four tests.

### 3. The number of LEP/ELL students entering the State with limited or interrupted schooling in their own country continues to grow.

The subgroup of LEP/ELLs at greatest risk of not meeting the standards and assessments and not graduating from high school in New York State before age 21 are those students who arrive in New York State high schools with limited or interrupted schooling. They comprise approximately 12 percent of the LEP/ELL population. These students need programs that provide them with strong literacy skills and other skills necessary for continuing education and entry into the work force.

School districts use academic intervention services and instructional supports provided through Title III NCLB and EXCEL grants to assist these students. New York City has seen success with a variety of literacy-based programs it has developed to help these students. Reflective of the shift in the LEP/ELL population, districts outside New York City are experiencing a growth in the numbers of students with interrupted formal education and are beginning to start programs for them.

**4. While the majority of immigrant students reside in New York City, their numbers have been declining. In the rest of the State, their numbers are steadily growing.**

LEP/ELLs fall into three broad groups: those entering New York State in elementary grades; those entering New York State in middle and secondary grades who had continuous education in their native countries; and those entering with limited or interrupted formal education.

**Distribution of LEP/ELL Students  
New York City/Rest of the State (NYC/ROS)**

	1995-1996		1996-1997		1997-1998		1998-1999		1999-2000		2000-2001	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
NYC	162,411	87	152,359	79	144,657	78	136,397	78	126,655	73	116,412	70
ROS	23,698	13	41,608	21	41,786	22	37,754	22	46,116	27	48,833	30

Title III of the federal No Child Left Behind Act (NCLBA) required that in 2002 all school districts count the number of immigrant children and youth in the public and nonpublic schools by country of origin. The count revealed 287 districts, including 35 in New York City, reporting a total of 120,539 immigrant students representing 201 countries globally. The following Table illustrates the count of immigrant students in New York City decreased by 33 percent (44,984 students) from 1996-97 to 2002-03. The number of eligible immigrant students outside New York City doubled to 30,026 in 2002-03.

**Immigrant Students in New York City and the Rest of the State**

	1996-97		1998-99		2000-01		2001-02		2002-03	
	Number	%	Number	%	Number	%	Number*	%	Number**	%
ROS	15,057	10	14,668	11	16,158	13	17,069	16	(30,026)	25
NYC	134,875	90	116,509	89	104,621	87	89,891	84	(89,891)	75
TOTALS	149,932	100%	131,177	100%	120,779	100%	106,960	100%	(119,917)	100%

\*For purpose of comparison only districts counted in previous year.

\*\*All districts statewide.

**5. A critical shortage of bilingual and ESL teachers persists.**

A net loss of 1,090 bilingual and ESL teachers was predicted for 2000. The loss was concentrated in New York City, which lost 1,037 bilingual and ESL teachers. The number of bilingual and ESL teachers over age 55, combined with the number using temporary licenses, exceeded the number of new permanent bilingual and ESL teacher certifications issued. In 2000, the number of bilingual and ESL teachers eligible to retire or only temporarily certified was 17 percent greater than the number of new bilingual and ESL teachers certified that year statewide.

It is anticipated that hundreds of ESL and bilingual teachers will retire at the end of this school year. Furthermore, there are over 700 teachers employed who must obtain a State certificate in bilingual or ESL before they can return to teaching in New York City in September 2003.

The New York City Department of Education has reported that local colleges and universities are not producing the certified bilingual and ESL teachers needed due to a lack of qualified full-time faculty and their inability to attract students into the programs. Potential students perceive the additional qualification requirements as excessive and cumbersome (e.g., must already be certified in subject area; must be proficient in two languages; must pass two more tests than their monolingual counterparts; must teach in two languages, which requires double planning; may also have to teach ESL in addition to bilingual education; and there are no additional benefits or remuneration for the bilingual education teacher).

The New York City Department of Education and SED Offices of Higher Education, EMSC, and VESID have worked together to identify strategies to address this teacher crisis. Some strategies are planned or are still in discussion. Some will require regulatory changes to implement. These strategies include limited certificates for currently employed monolingual teachers who have passed up to three required tests; limited certificates with a bilingual extension for individuals in certain circumstances; Intensive Teacher Institute to support Transition B Bilingual/ESL certificate programs for bilingual or ESL teachers who have passed certain examinations; allowing licensed speech pathologists who are bilingual to receive a bilingual extension in an expeditious fashion; and streamlining programs leading to bilingual extensions at teacher education institutions. These strategies are discussed in greater detail in the expanded report.

**6. Monitoring implementation of the intensive English language arts (ELA) requirement shows an improvement in the percentage of students who received the required instruction. However, there still needs to be significant improvement in the number of schools in compliance with the intensive English requirement.**

An amendment to Part 154 of the Commissioner's Regulation increased the English language arts instruction for LEP/ELLs. The Department monitors implementation of the requirement through on-site surveys of student records and evaluation of comprehensive district plans. Of 1,649 student records reviewed in 32 school districts in 2001, 823 (or 49.9 percent) revealed that those students did not receive the required periods of English language arts instruction. In 2002, on-site surveys at 32 school districts revealed that, of 1,185 students, 286 (or 24.1 percent) were not receiving the required English as a second language (ESL) and/or ELA instruction. This is an improvement of approximately 26 percentage points. As the New York State English as a Second Language Achievement Test (NYSESLAT) goes into effect in 2003, we will use the results of this test to assess the progress of the students and monitor ESL and bilingual education programs.



7. **A number of products and strategies for technical assistance and professional development have been implemented. These efforts need to be continued and coordinated statewide to reach all teachers and students who need them.**

These products and strategies include:

- 13 Bilingual Education Technical Assistance Centers (BETACS);
- Bilingual Glossaries – 46 glossaries in Mathematics, U.S. History, Global History, Living Environment and Earth Science have been produced;
- Bilingual/ESL Teacher Leadership Academy (BETLA) – 30 teachers from New York City were trained in 2002; more teachers will be trained in 2003;
- Bilingual Staff Academy for Raising Standards (BESARS) – In 2001-02, over 3,000 students and over 350 teachers from 22 school districts (100 schools) statewide participated in the academies (the Professional Development Academy, the Instructional Academy and the optional Parent Academy);
- Training of Trainers: *The Teaching of Language Arts to Limited English Proficient/English Language Learners: A Resource Guide for All Teachers* – Over 250 trainers successfully completed the training, which they, in turn, conducted in their districts;
- ESL Standards Training: Professional Development Institute on Standards-Based Teaching and Learning in ESL – As of December 2002, 685 teachers have been trained statewide; and
- Bilingual/FSL Teacher Institutes - All Roads Lead to Passing the English Regents.

The following chart reflects the extent of professional development activities conducted since 1998 by the Department that focused on the implementation of the New York State learning standards.

<b>Year(s)</b>	<b>Activity</b>	<b>Number of Participants</b>
1998-2002	Regional Teacher Institutes: All Roads Lead to Passing the English Regents	9,500
1998-2002	Training of Trainers/Regional Training: The Teaching of Language Arts to LEP/ELLs: A Resource Guide for All Teachers	7,500
1998-2002	Standards Training for Bilingual and ESL Teachers: BETLA, BESARS, ESL Standards, Authors in the Classroom, Learning Experiences and Peer Review	2,380
1998-2002	Conferences on the Education of Arab, Asian, Bengali, Eastern European/Russian, Haitian and Mexican LEP/ELL Students	2,800

- 8. The No Child Left Behind Act (NCLBA) has necessitated a modification to the testing requirements and approved accommodations for LEP/ELLs on State assessments. There are now statewide assessments available for identifying students with limited English proficiency and for assessing growth in English proficiency.**

Beginning in 2003, two new tests will be used to identify LEP/ELLs and assess their progress in English:

- *The Language Assessment Battery (LAB-R)*. The New York City Department of Education revised the Language Assessment Battery (LAB) and aligned it with the State's new English as a second language standards. The test will be used statewide to help identify students with limited English proficiency. The LAB-R has been field tested statewide and has been used in New York City since September 2002. Plans are under way to train teachers from the rest of the State on the administration of the LAB-R, which will be the required identification instrument starting in August 2003.
- *The New York State English as a Second Language Achievement Test (NYSESLAT)* is a new test that was developed by the Department's Office of State Assessment, in collaboration with the Educational Testing Service. This achievement test will be administered annually for five grade clusters: PreK-1, 2-4, 5-6, 7-8, and 9-12. It will assess speaking, writing, listening and reading. New York State is introducing the New York State English as a Second Language Achievement Test (NYSESLAT) as the assessment of English language proficiency for LEP/ELL students. Beginning in May 2003, all LEP/ELL students, regardless of grade, must take the NYSESLAT. LEP/ELL students must take this assessment to evaluate English proficiency in the spring of 2003 even if they take a grade 4 or 8 English language arts assessment, the Regents examination in Comprehensive English, or, for certain LEP/ELL students with disabilities, a Regents competency test in reading or writing.

All fourth- and eighth-grade LEP/ELL students who have attended school in the United States (not including Puerto Rico) for three or more consecutive school years are required to take the grade 4 or 8 English language arts assessment in 2003, unless an exemption is granted as described below. This policy supersedes the Department's previous policy that allowed LEP/ELL students who scored below the 30th percentile on a standardized test of English to use alternative reading tests to meet assessment requirements. LEP/ELL students now enrolled in grade 4 or 8 who were enrolled in United States (not including Puerto Rico) schools on January 2, 2000 and in each succeeding year must take the appropriate English language arts assessment in 2003.

NCLBA allows for some exemptions to this rule. For LEP/ELL students who have attended school in the United States (not including Puerto Rico) for four or five consecutive years, districts or charter schools may determine annually, on an individual basis, that the NYSESLAT, rather than the grade 4 or 8 English language arts assessment, would likely yield more accurate and reliable information on what a student knows and can do. Districts

and charter schools must ensure that records of such individual exemptions are maintained. No exemption is available beyond the student's fifth year, and the student must take the grade 4 or 8 English language arts assessment.

Most students become English proficient by the end of three years in the program. Education Law §3204 and CR Part 154 allow districts to request Department approval to extend services up to six years for each student needing additional time to acquire English proficiency. The table below shows the number and percent of requests and approvals for extension of services for students in the Big Five school districts.

**Requests/Approval for Extension of Services  
for LEP/ELL Students in the Big Five School Districts  
2002-2003**

District	Number of LEP/ELL Students	Number of Requests	Requests as a Percentage of Total LEP/ELL Students	Number Approved
Buffalo	2,695	267	10	267
Rochester	2,998	443	15	344
Syracuse	1,369	122	9	122
Yonkers	4,740	1,092	23	548
NYC	119,242	12,869	11	11,779

As indicated previously, LEP/ELL students in grades 9 through 12 must take the NYSESLAT annually as a measure of English proficiency. LEP/ELL students **must** pass the Comprehensive Regents Examination in English to earn a high school diploma, unless they are eligible under the safety net to take the Regents competency tests for graduation credit. All LEP/ELL students who meet the criteria for the high school cohort must be included.

A revised chart on State tests and accommodations for LEP/ELL students reflecting the provisions of NCLBA is included in the expanded report.

With the exception of tests of English language arts, all of the required elementary and intermediate State tests are available to LEP/ELLs in Spanish, Chinese and Haitian-Creole. Required Regents examinations are also available in Russian and Korean.

### **Important Policy Issues Related to LEP/ELL Students**

#### High School Completion

- Should the Regents maintain a low-pass score of 55-64 on the Comprehensive Regents Examination in English for students from non-English-speaking countries who arrive in a New York State school in grades 9, 10, 11, or 12 or are 14 years of age or older?

- Should the State create a formal arrangement with post-secondary institutions so that recently arrived LEP/ELLs (enter grade 9 or later; or are 14 years of age or older), who have met all other graduation requirements but have not passed the Comprehensive Regents Examination in English, may be permitted to advance to college without earning a diploma? Those students would be permitted to retake the Comprehensive Regents Examination in English while in college and to earn a high school diploma on passing the examination.

#### Dropout Prevention and Alternative Programs

- What can be done to help school districts provide alternative educational programs for students from non-English speaking countries who arrive in New York State schools in grades 9, 10, 11, or 12 or are 14 years of age or older, and have little or no formal education? Such programs would provide students with both the academic and vocational skills to continue in adult education programs and to enter the work force.

#### Teaching

- What can be done to help schools of education expand undergraduate programs in English as a second language and bilingual education to ensure an adequate supply of qualified teachers to meet the needs of LEP/ELLs from Pre-K through grade 12?
- Should the Regents policy permit individuals who have passed the Liberal Arts and Sciences Test, ATS-W and CST (where available) to receive a limited certificate with a bilingual extension under specified circumstances?
- Should post-secondary institutions expand the use of the Alternative Teacher Certification Program to convert temporary bilingual extensions into Transitional-B Certificates for bilingual education? At present, approximately 715 individuals hold temporary licenses and bilingual extensions.

#### **Important Monitoring and Technical Assistance Strategies**

Department staff will undertake the following strategies:

- Use the New York State English as a Second Language Test (NYSESLAT) to monitor performance of students and schools to target technical assistance.
- Use BETACs and other programs to provide technical assistance to schools to fully implement the intensive English requirement.
- Review demographic shifts in LEP/ELL populations and target revenue distribution to those shifts.
- Document and disseminate strategies used by schools that have been successful in ensuring LEP/ELL students achieve the State learning standards and graduation requirements.

**Attachment 1**

**Report on the  
Status of Limited English Proficient  
English Language Learners**

**EXPANDED REPORT**

**February 2003**

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## Introduction

In recognition of the unique needs of limited English proficient/English language learners (LEP/ELLs), when the New York State Board of Regents raised educational standards and revised high school graduation requirements for all students, it also approved a policy to provide intensive English language instruction to all LEP/ELLs (see the Program Implementation section for instructional requirements). The New York State Education Department (SED) committed to building the capacity of the system to implement the language policy and to ensure that LEP/ELLs meet those learning standards and graduation requirements. To assist in the accomplishment of these goals, SED's Office of Bilingual Education conducted research and tapped into the collaborative knowledge and guidance of prominent State and national experts, researchers, policymakers, legislators, parents and practitioners in the field of English language arts (ELA), bilingual education (BE), and English as a second language (ESL).

This major undertaking was launched in 1996, through "The Invitational Roundtable on the Implications of the New Standards and High Stakes Assessment for Limited English Proficient Students" where the participants identified the key issues and proposed strategies to ensure that LEP/ELL students would succeed in meeting the same high standards as all other students, pass the required assessments and graduate from high school. Two closely related initiatives resulted from this extensive consultation and research: "Essential Elements of Effective Programs for Limited English Proficient/English Language Learners" and the Regents policy statement "Twelve Action Steps to Assist Limited English Proficient/English Language Learners Meet the English Language Arts Standards."

A panel of practitioners representing outstanding programs from states with the largest LEP/ELLs populations (California, Florida, Illinois, and New York) confirmed by consensus the "Essential Elements of Effective Programs for Limited English Proficient/English Language Learners." (See Appendix I.) The research and the panel's findings indicate that the most effective models meet the special language needs of their LEP/ELLs and provide quality bilingual and English as a second language (ESL) instruction that prepares LEP/ELLs to meet the higher standards. The seven elements clearly interrelate and overlap, providing a framework for what works best for schools in order to help LEP/ELLs achieve the greatest success possible. These have been disseminated extensively throughout the State and integrated into Department programs and initiatives.

The second initiative, "Twelve Action Steps to Assist Limited English Proficient/English Language Learners Meet the English Language Arts Standards," describes strategies needed to build the system's capacity to enable LEP/ELLs to reach the standards and complete graduation requirements. (See Appendix II for a summary of the accomplishments under each action step.) The accomplishments in carrying out the Department's commitment to ensure that LEP/ELL students meet the standards, pass the tests and graduate from high school align with most areas of the requirements of the new No Child Left Behind Act -- Title III Part A: Language Instruction for LEP and Immigrant Students. It also provides information on alignment of State and Federal programs, policies and requirements.



## 1. Characteristics and Demographics of LEP/ELL and Immigrant Students

**Definition of LEP/ELLs:** According to Part 154 of the Regulations of the Commissioner of Education (CR Part 154) for the Education of Pupils with Limited English Proficiency, limited English proficient students (LEP) are defined as "pupils who by reason of foreign birth or ancestry, speak a language other than English, and either understand and speak little or no English; or score at or below the 40<sup>th</sup> percentile, or its equivalent as determined by the commissioner, on an English language assessment instrument approved by the commissioner."

**Identification and Continued Eligibility of LEP/ELLs:** Until this year, the Language Assessment Battery (LAB), an assessment instrument developed by the New York City Board of Education, was used in New York City for the purposes of initial identification and continued eligibility of LEP students. It was also used to evaluate annual achievement in English. Districts in the rest of the State used identification and evaluation instruments selected from a short list of approved tests. There was a need to develop an improved and uniform statewide system to identify LEP/ELL students and measure their progress in acquiring English proficiency as recommended in Action Step 9 of the "Twelve Action Steps to Assist Limited English Proficient/English Language Learners Meet the English Language Arts Standards."

Starting in 2002-2003, the procedures and instruments used for the identification, continued eligibility and measurement of annual growth in English proficiency will be uniform for all students across the State. One instrument will be used to determine initial identification and another to measure achievement. Starting with the academic year 2003-2004, the newly revised Language Assessment Battery Revised (LAB-R) will be used statewide to identify students who are LEP/ELL. The newly developed New York State English as a Second Language Achievement Test (NYSESLAT) will be administered for the first time in the spring of 2003 to all LEP/ELL students in grades K-12, and will be integrated into the New York State testing and accountability program to measure achievement in English proficiency and to determine continued eligibility for LEP/ELL. These important changes will require regulatory amendments of CR Part 154.

**Characteristics of LEP/ELLs:** LEP/ELLs represent diverse economic, experiential, educational, and linguistic backgrounds. Many students enter New York schools with well-developed literacy skills in the primary language and may have fluency in more than one language. For others, education was temporarily suspended or unavailable in their own country due to political, social or economic problems, and they enter with less than an age-appropriate level of literacy development in their first language. In summary, LEP/ELLs fall into three broad groups relative to New York State's testing requirements for graduation:

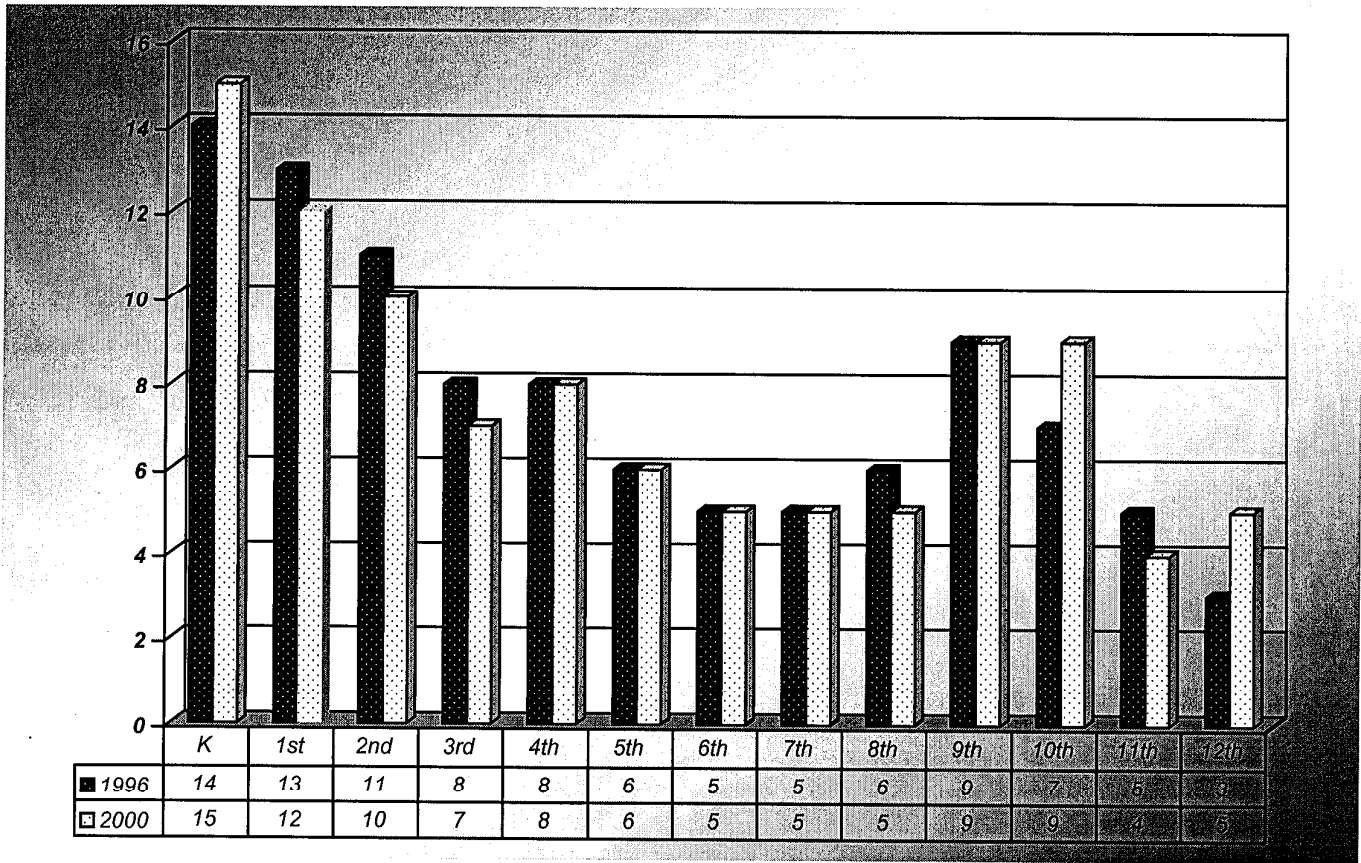
1. **Those entering in elementary grades:** LEP/ELLs who enter New York State schools in the elementary grades become English proficient and exit bilingual/ESL programs by the time they enter high school. They comprise the majority of the LEP/ELL population and as "former LEP/ELLs" take all the required State examinations in English with the general never-LEP/ELL population.

2. **Those entering in middle and secondary grades:** LEP/ELLs who enter New York State schools in the middle or secondary grades with comprehensive/continuous education in their native country usually have the experiential and educational background to enable them to meet the Regents standards in the core subjects. Some will require intensive tutorial assistance to help close curricular gaps that may exist between their native country and New York, and **all** will require intensive assistance with English in order to pass the Comprehensive Regents Examination in English. Research and experience show that those with strong literacy skills in their native language will be able to make a smoother and more rapid transition to English. Some will also join the ranks of "former LEP/ELLs" and take the tests in English, while others will take them in their native language. Some will need more time in order to pass the Comprehensive Regents Examination in English.
3. **Those with limited or interrupted formal education:** LEP/ELLs with limited or interrupted formal education in their native country enter the New York school system at all grade levels. For a variety of reasons, they have not attended school regularly if at all, have limited literacy and other academic problems, and are at risk of not meeting the standards and graduation requirements before 21 years of age.

**Grade Distribution of LEP/ELLs:** LEP/ELLs are enrolled in New York State schools every day, at any of the grade levels, although the majority first enter in kindergarten and grade 1, as observed on Graph I. There have been few changes in the pattern of statewide grade distribution of LEP/ELL students as reported by the CR Part 154 programs between 1996 and 2000. Although there has been a decrease in numbers from 186,109 in 1996 to 165,245 in 2000, the majority continues to be enrolled in the early elementary grades (54 percent in K-4), and the number and percentages decrease in grades 5-8.

A change in distribution is observed in the high school grades. While there again is an increase in grade 9 in 2000, it is also extended to grade 10 with the same percentage of students. The number and percentage of students in grade 12 has also increased. This may be due to the challenges faced by late arrivals in passing the tests required for graduation. It may also reflect that more LEP/ELLs are staying in school longer in order to graduate. Practitioners attribute such changes also to strengthened and improved procedures at the local level for evaluating student records of new arrivals and more accurate grade placement of high school LEP/ELL students.

**GRAPH 1**  
**Grade Level Distribution of LEP Students**  
**Identified in CR Part 154 Programs**  
**(General Education Only)**  
**1996 and 2000**



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**Languages of LEP/ELLs:** LEP/ELLs represent 176 languages, although 81 percent speak only five of those and 88 percent speak the top nine. Historically, natural or political events throughout the world have had a significant impact on the linguistic background of the LEP/ELLs in our schools. Consequently, there have been some changes in the top five and top nine languages spoken by LEP/ELL students between 1996 and 2000 to the present as shown in *Tables 1 and 2*.

A review of the top nine languages over the past six years shows the percentage of students in the top five decreasing with the percentage of students of other languages slowly increasing, resulting in a gradual increase in the linguistic diversity of the student population. The effect is most noticeable for the Urdu language. In the 1995-1996 school year, Urdu was not one of the top five languages. By 2000-2001, it had risen to the fourth position, outnumbering both Korean and Haitian. It is also important to note that the level of Spanish-speaking students declined approximately five percent between 1995-1996 (67percent) and 2000-2001 (62 percent), while the level of Chinese-speaking students increased from 8 to 10 percent during the same period.

This fluctuation impacts on policy relative to translations and most especially in the testing program. It is current policy and practice to provide required content area Regents exams in the core subjects and the 4<sup>th</sup> and 8<sup>th</sup> grade core subject tests in Spanish, Chinese, Russian, Haitian and Korean, the top five languages of 1996. The development of native language versions of the State tests is a costly process that also requires the identification of individuals of diverse language backgrounds who are able to translate tests in each of the subject areas. Given present economic realities, it is fiscally and logistically difficult to provide translated versions of the State tests in any new top five languages. As an alternative, glossaries have been developed for the five subject areas of the Regents exams required for graduation. Many have been translated into up to 13 languages, including the current top nine, with the exception of Urdu. Plans are under way to prepare glossaries in Urdu. (See the section on Technical Assistance and Professional Development for more information on the Department's glossaries.) Additionally, districts are permitted to identify translators locally who may provide oral translations of the tests for those languages in which glossaries are not available.

**TABLE 1**  
**Languages Spoken by LEP/ELLs**  
**Enrolled in CR Part 154 Bilingual Education and Free Standing ESL Programs**

Language	1995-1996		1996-1997		1997-1998		1998-1999		1999-2000		2000-2001	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Spanish	124,956	67	126,079	65	119,324	64	114,903	66	112,466	65	102,833	62
Chinese	14,012	8	11,368	6	16,789	9	13,606	8	13,354	8	16,673	10
Russian	8,514	5	7,759	4	7,958	4	5,628	3	5,154	3	5,009	3
Haitian	6,732	4	4,011	2	5,093	3	4,672	3	4,499	3	4,365	3
Korean	3,454	2	3,711	2	3,728	2	2,507	1	2,625	2	3,188	2
Arabic	2,695	1	3,412	2	3,691	2	3,190	2	3,032	2	3,033	2
Bengali	2,879	2	3,302	2	3,567	2	3,619	2	3,293	2	3,419	2
Urdu	2,516	1	1,996	1	3,412	2	3,597	2	4,220	2	4,514	3
Polish	2,340	1	1,912	1	1,929	1	1,695	1	1,358	1	1,506	1
<b>Top 9 Total</b>	<b>168,098</b>	<b>91</b>	<b>163,550</b>	<b>85</b>	<b>165,491</b>	<b>88</b>	<b>153,417</b>	<b>88</b>	<b>150,001</b>	<b>88</b>	<b>144,540</b>	<b>88</b>
<b>Other</b>	<b>18,011</b>	<b>9</b>	<b>30,111</b>	<b>15</b>	<b>20,946</b>	<b>12</b>	<b>20,734</b>	<b>12</b>	<b>22,770</b>	<b>12</b>	<b>20,705</b>	<b>12</b>
<b>Grand Total</b>	<b>186,109</b>		<b>193,661</b>		<b>186,437</b>		<b>174,151</b>		<b>172,771</b>		<b>165,245</b>	

**TABLE 2**  
**Top Five Languages Spoken by LEP/ELLs**  
**Enrolled in CR Part 154 Bilingual Education and Free Standing ESL Programs**

	1995-1996		1996-1997		1997-1998		1998-1999		1999-2000		2000-2001	
Top Five Languages	Spanish Chinese Russian Haitian Korean		Spanish Chinese Russian Haitian Arabic		Spanish Chinese Russian Haitian Urdu		Spanish Chinese Russian Haitian Bengali		Spanish Chinese Russian Haitian Urdu		Spanish Chinese Russian Urdu Haitian	
Total	157,668	86	152,395	79	152,576	82	142,428	82	139,693	81	133,394	81

**Immigrant Student Counts:** The Emergency Immigrant Education Program (EIEP) was merged into NCLBA Title III, Part A, and required that, in 2002, for the first time, school districts count by the country of origin all "immigrant children and youth" enrolled in the public and nonpublic schools in their jurisdiction. That number is used to identify districts experiencing substantial increases in immigrant children and youth, making them eligible for additional immigrant funds. The term "immigrant children and youth" includes those individuals ages 3 through 21 who were not born in any state and have not attended schools in any one or more states for more than three of the most recent academic school years. (This definition excludes students from Puerto Rico, the U.S. Virgin Islands, the District of Columbia and the other American protectorates in the Pacific.)

In 2002, the initial year of the NCLBA Title III, Part A, immigrant statewide count, 287 districts, including 35 in New York City, reported immigrant students. The total of 119,917 immigrant students reported represents 201 countries globally, including 35 from Asia and the Pacific Islands; 49 from Europe and Central Asia; 21 from the Middle East; 1 from North America; 8 from Central America; 23 from the Caribbean; 12 from South America; and 52 from the African continent.

A number of key demographic trends can be seen on Table 3. While the majority of the eligible immigrant student population continues to reside in New York City, those numbers have been declining while increasing in the rest of the State. This phenomenon is due to both the movement of immigrant families out of New York City and to districts in the rest of the State becoming the initial "ports of entry" for many new immigrants.

**TABLE 3**  
**Immigrant Students in New York City and the Rest of the State**

	1996-97		1998-99		2000-01		2001-02		2002-03	
	Number	%	Number	%	Number	%	Number*	%	Number**	%
ROS	15,057	10	14,668	11	16,158	13	17,069	16	(30,026)	25
NYC	134,875	90	116,509	89	104,621	87	89,891	84	(89,891)	75
TOTALS	149,932	100%	131,177	100%	120,779	100%	106,960	100%	(119,917)	100%

\*For purpose of comparison only districts counted in previous year.

\*\*All districts statewide.

The count of immigrant students in the New York City schools decreased by 33 percent from 134,875 in 1996-97 to 89,891 in 2002-03. Furthermore, an increase is also observed in the rest of the State when comparing it with the number of immigrant students in only districts historically eligible for funding in the rest of the State. When taking into account the new federal requirement that all districts in the State report their eligible immigrant students, the number of eligible immigrant students outside of New York City nearly doubled to 30,026 in 2002-03.

Prior to NCLBA, only eight counties in the State had districts eligible under EIEP. With the commencement of NCLBA, 50 of New York's 58 counties reported one or more immigrant students. Counties in proximity to New York City, including Orange, Putnam, Westchester, Rockland, Nassau and Suffolk, have steadily increased their enrollments of immigrant students. These six counties enroll 22,503 immigrant students or 9 percent of the total statewide.

**Shift in LEP/ELL from New York City to the Rest of the State.** Both sets of data, the count of LEP/ELL students reported in CR Part 154 programs statewide shown in Table 4 and the count of immigrant students in Table 3, confirm the steady shift of the LEP/ELL immigrant populations from New York City to the rest of the State. In 1995-96, the distribution of the LEP/ELL population between New York City and the rest of the State was 87 percent in New York City to 13 percent in the rest of State. By 2000-01, it changed to 70 percent in New York City and 30 percent in the rest of State. Clearly, the issues and challenges in the education of immigrant and LEP/ELL students are no longer limited to New York City.

**TABLE 4**  
**Distribution of LEP/ELL Students**  
**New York City/Rest of the State (NYC/ROS)**

	1995-1996		1996-1997		1997-1998		1998-1999		1999-2000		2000-2001	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
NYC	162,411	87	152,359	79	144,657	78	136,397	78	126,655	73	116,412	70
ROS	23,698	13	41,608	21	41,786	22	37,754	22	46,116	27	48,833	30

## 2. Program Implementation

Under CR Part 154, schools with 20 or more students in a grade speaking the same language other than English must provide a bilingual program. Schools with fewer than 20 students speaking the same or different language other than English in a grade must provide a Free-Standing English as a Second Language Program. Table 5 shows the instructional components and the amount of ESL, ELA and native language arts (NLA) instruction required for LEP/ELL students.

In 1999, CR Part 154 was amended to increase the amount of English language instruction for LEP/ELLs, referred to as the intensive English requirements.

**TABLE 5**  
**Instructional Components Required in Programs Under CR Part 154**

Free-Standing English as a Second Language					
Instructional Components	Required Units of Study - Language Arts Components				
	Grades	Beginning	Intermediate	Advanced	Transitional
1. <i>Language Arts Instruction</i>					
• English as a second language (ESL)	K to 8	2 ESL	2 ESL	1 ESL 1 ELA	1 ESL 1 ELA
• English language arts					
2. <i>Content-Area Instruction</i>					
• in English through ESL methodology	9 to 12	3 ESL	2 ESL	1 ESL 1 ELA	1 ESL 1 ELA

<b>Bilingual Education Program</b>					
<b>Instructional Components</b>	<b>Required Units of Study - Language Arts Components</b>				
	<b>Level of English Proficiency</b>				
	<b>Grades</b>	<b>Beginning</b>	<b>Intermediate</b>	<b>Advanced</b>	<b>Transitional</b>
1. <i>Language Arts Instruction</i> <ul style="list-style-type: none"> <li>• Native language arts (NLA)</li> <li>• English as a second language (ESL)</li> <li>• English language arts (ELA)</li> </ul>	K to 8	1 NLA 2 ESL	1 NLA 2 ESL	1NLA 1 ESL 1 ELA	1 NLA 1 ESL 1 ELA
2. <i>Content Area Instruction</i> <ul style="list-style-type: none"> <li>• in native language</li> <li>• in English</li> </ul>	9 to 12	1 NLA 3 ESL	1 NLA 2 ESL	1 NLA 1 ESL 1 ELA	1 NLA 1 ESL 1 ELA

Districts phased-in the new requirements between 1999 and 2001. Implementation of the requirements has been monitored in two ways. The annual CR Part 154 district comprehensive plans that generate State LEP Aid are not approved until districts clearly indicate compliance with the intensive English requirements. Secondly, on-site monitoring to review implementation of the intensive English instruction has been conducted annually in selected districts.

**Implementation of Intensive English Requirement:** The on-site reviews have found mixed results in the implementation of the intensive English. Most schools have made a great effort to provide the additional periods of English as a second language and English language arts and most have made the corrections necessary immediately following the review visits.

It is expected that the phasing-in of the new test of English as a second language will result in improved accountability and improved classification of students' English proficiency levels. Coupled with requirements under Title III of NCLBA, this will have a positive impact on the implementation of the intensive English requirements.

Implementation of the intensive English requirement was reviewed in 2002 for high schools and in 2001 for middle schools. A review at all three levels was conducted in December 2002.

**Middle School Review 2001:** The findings in the review of 1,486 middle school student records in New York City and 163 records in the rest of the State indicate that 811 students in New York City and 64 students in the rest of the State were not receiving the required periods of ESL and that 12 students in New York City and 22 students in the rest of the State were not receiving the required periods in ELA. Of the 26 middle schools visited in New York City, only three were fully meeting the requirements. Of the six middle schools visited in the rest of the State, only two were in full compliance with the requirements.



**Statewide Survey 2002:** In December 2002, an on-site survey was conducted in 26 districts statewide and six in New York City. As shown in Table 6, 108 schools were visited and 1,185 student records were reviewed in 37 elementary, 37 middle, and 34 high schools.

**TABLE 6**  
**Implementation of Intensive English Requirement**  
**Statewide Survey**  
**December 2002**

	Elementary School			Middle School			High School		
	Schools	Students	NC*	Schools	Students	NC	Schools	Students	NC
Big Four	3	40	4	4	42	8	4	40	6
NYC	6	99	10	6	120	46	6	134	80
Rest of State	28	262	48	27	231	31	24	217	53
<b>TOTALS</b>	<b>37</b>	<b>401</b>	<b>62</b>	<b>37</b>	<b>393</b>	<b>85</b>	<b>34</b>	<b>391</b>	<b>139</b>

\*NC - noncompliance

The review showed that 136 students in New York City were not receiving the required ESL and/or ELA. For the rest of the State, 132 students were not receiving the required ESL and/or ELA. The major reason given for failure to implement the intensive English requirement was the lack of certified Bilingual or English as a second language teachers. This is addressed in the section on Teacher Issues. All districts will receive written communication directing them to provide the required language arts instruction to LEP/ELL students. Technical assistance will be provided to those districts as needed.

**No Child Left Behind Act of 2001 Title III: Part A: Language Instruction for Limited English Proficient and Immigrant Students:** With the reauthorization of the Elementary and Secondary Education Act, federal funding for services to LEP/ELL students has shifted from direct competitive grants to a State-administered formula grant. Additionally, funds available under the Emergency Immigrant Education Program have been incorporated into the formula grant. Known as Title III of the NCLBA of 2001, eligible districts in the State have submitted local plans for awards totaling over \$33 million. Title III programs must include an instructional component and a professional development component, and supplement programs under CR Part 154.

The purpose of Title III is to increase English proficiency of LEP/ELL students by providing high-quality language instructional programs that are based on scientifically-based research and by providing high-quality, long-term professional development for teachers, principals, administrators and others. The goals of the professional development program will be to improve instruction and assessment of LEP/ELL students, and enhance teachers' ability to understand curricula, assessment and instruction. Applicants may also provide instruction in the native language as well as implement two-way bilingual education programs that target both LEP/ELL students and English proficient students who will become proficient in English and in the target language.

Districts must provide programs and activities with high academic standards that develop English proficiency, use Title III funds for LEP/ELL students and hold schools accountable for meeting annual measurable achievement objectives, including making adequate yearly progress (AYP) for LEP/ELL students. Districts must also measure the English proficiency of LEP/ELL students. In addition, the programs must promote parent and community participation, certify that teachers will be fluent in English and any language used for instruction, including written and oral communication skills, notify parents of program and services in a language they understand and ensure that services are not in violation of any State law or civil rights requirement.

Under NCLBA, the accountability requirements for LEP/ELL students in Title I and in Title III will overlap. New York's plan for school accountability under NCLBA has been approved by the U.S. Department of Education.

**The New York State Learning Standards for English as a Second Language:** The New York State Learning Standards for English as a Second Language (ESL standards) are meant to serve as the foundation for ESL curriculum, instruction, and assessment for all LEP/ELL students in the State. They provide the framework for interweaving teaching, learning, assessment, and student work. The ESL standards also serve as the framework for the New York State ESL Achievement Test, NYSESLAT, which will be administered to all LEP/ELLs in New York starting in spring 2003.

The ESL standards are based on the premise that second language education must consist of learning English for authentic purposes in both social and academic settings. The ESL standards identify the skills and abilities LEP/ELL students must master as they become proficient in English and enter the English mainstream. The ESL standards are meant to be used for all LEP/ELL students at all levels of English proficiency. The ESL standards can be regarded as a springboard to content area standards; they provide the knowledge and skill development for high-level student achievement in the non-ESL content classroom.

The ESL standards are based on an alignment between the New York State English language arts (ELA) learning standards and the ESL standards developed by the National Association of Teachers of English to Speakers of Other Languages (TESOL). The New York State ESL standards reflect the standards-based curriculum and assessment initiatives in New York State. With the assistance of the Center for Applied Linguistics, the ESL Standards Committee aligned the TESOL standards with the ELA standards for each grade level cluster, and developed new performance indicators for each standard as needed. Simultaneously, teams of teachers around the State identified and developed sample classroom tasks that addressed the standards and performance indicators that illustrated standards-based ESL instruction.

There are five New York State ESL standards. While the first four resemble the four State ELA standards, there are significant differences in the performance indicators that distinguish the ESL standards from those in ELA. These standards are: Standard 1 — English for information and understanding; Standard 2 — English for literary response, enjoyment, and expression; Standard 3 — English for critical analysis and evaluation; and Standard 4 — English for social and classroom interaction. The fifth standard, English for cross-cultural knowledge and understanding, articulates the components of acquiring a “second culture” in both a social and academic context. Interactions and knowledge that are subsumed under Standard 5 are designed to help LEP/ELL students entering the United States to be successful in their new host culture.

The five New York State ESL standards and sample classroom tasks were reviewed and edited by other committees and researchers in the fields of bilingual education and ESL and comprise the ESL learning standards, performance indicators, and classroom tasks delineated in the document, *The Teaching of Language Arts to Limited English Proficient/English Language Learners: Learning Standards for English as a Second Language*.

The sample classroom tasks outlined in this standards document provide educators of LEP/ELL students with suggested tasks that address one or more performance indicators within a particular standard. The tasks describe instructional practices that are designed for authentic, meaningful, and purposeful learning and student engagement.

**The New York State Standards for Native Language Arts:** A component of the bilingual program is instruction in native language arts (NLA). Research has shown that students with strong skills in their native language acquire English proficiency much faster than those with limited native language skills. It is urgent, therefore, to continue to identify strategies to strengthen the native language arts program. Towards that purpose, draft standards in native language arts have been developed. These are parallel to the ESL standards and are also aligned with the ELA standards.

The NLA standards documents present a description of the languages spoken by LEP/ELL students and each is contrasted with basic characteristics of English. They provide the framework for teaching the native language arts and guidance on how the language impacts on learning English. The NLA standards will be issued to the field in spring 2003.

**Two-Way Bilingual Education Programs:** Research identifies Two-Way Bilingual Education as the most successful model for LEP/ELL students. Also called Dual Language Immersion or Developmental Bilingual Programs, these programs help LEP/ELL and English proficient students acquire proficiency in each other's language, continue developing proficiency in the native language, achieve high academic content standards and learn about each other's culture. After examining a thousand student records since 1982, Collier and Thomas (1997) concluded that "...two-way bilingual education, at the elementary school level is the most promising program model for long-term academic success of language minority students."

Recently, the U.S. Secretary of Education, Rod Paige, outlined his New International Education Priorities. He stated that: "...When children read stories, some should be by and about people in other countries. Students in dual language immersion programs often study some of their math, science and other lessons in that language. They are building skills in both English and another language at the same time that they are learning subject-matter content. Some children in our country are learning these skills, but many more could -- and should learn them."

Eleven Two-Way Bilingual Education programs K-8 completed a three-year funding cycle in 2002. A Request for Proposals has been issued inviting districts to apply for grants for planning Two-Way Bilingual Education programs. Successful applicants will be funded for a new three-year cycle commencing in 2003-2004.

### 3. Technical Assistance and Professional Development

School districts need intensive and continuous technical assistance to develop and maintain programs and services that will help LEP/ELL students meet the standards and required graduation requirements. Consistent with Action Step 5 of the Twelve Action Steps to Assist Limited English Proficient/English Language Learners Meet the English Language Arts Standards, the Department has developed a number of mechanisms, networks and professional development programs to ensure that such technical assistance is available as needed. Descriptions of some of those are provided.

**Bilingual Education Technical Assistance Centers (BETACs):** Thirteen centers have been funded throughout the State to respond to district needs in the most timely, effective and efficient manner possible. The BETAC network consists of five BETACs in New York City and eight located in BOCES throughout in the rest of the State. Among them there are four language specific BETACs: Haitian-Creole; Asian; and two newly-funded Spanish BETACs.

Under the leadership of the Office of Bilingual Education, Department and BETAC staff respond daily to thousands of requests for technical assistance by way of telephone, mail, e-mail and on-site visits. Workshops, teacher institutes, parent meetings and conferences are only some of the modes of addressing the needs of the districts.

**Bilingual Glossaries:** The Department has developed 46 bilingual glossaries for five required content areas of the Regents examinations: Mathematics, U.S. History, Global History, Living Environment and Earth Science. Although they are not yet in all 13 languages, they are all available in Arabic, Chinese (Traditional), Haitian-Creole, Russian and Spanish.

The Mathematics glossary is available in all of those languages as well as Bengali, Bosnian, Burmese, Chinese (Simplified), Korean, Polish, and Vietnamese. The U.S. History and Global History glossaries are also available in Serbo-Croatian. A Refugee Grant from the U.S. Department of Education supported the translation of some of the glossaries into the languages of our refugee students. The glossaries may be used by teachers and youngsters for instruction, in preparing for the State tests and by the test translators who prepare the translations. This also has the important side effect of standardizing the technical terms in each of the native languages. Students may also use the glossaries while taking the examination. The glossaries may be purchased from the State Education Department, at printing costs, and many may be downloaded from the Bilingual Education web page (<http://www.emsc.nysed.gov/ciai/nysben.html>).

The following table shows the subjects and languages in which the glossaries have been developed.

**TABLE 7**  
**Bilingual Glossaries Developed by SED**

Languages	Subjects				
	Mathematics	U.S. History	Global History	Living Environment	Earth Science
Arabic	X	X	X	X	X
Bengali	X				
Bosnian	X	X	X	X	X
Burmese	X				
Chinese (Simplified)	X	X	X		
Chinese (Traditional)	X	X	X	X	X
Haitian-Creole	X	X	X	X	X
Korean	X	X	X		X
Polish	X	X	X		X
Russian	X	X	X	X	X
Serbo-Croatian		X	X		
Spanish	X	X	X	X	X
Vietnamese	X				
<b>TOTAL</b>	<b>12</b>	<b>10</b>	<b>10</b>	<b>6</b>	<b>8</b>

**Bilingual/ESL Teacher Leadership Academy (BETLA):** A grant from the New York State Legislature provided funding for an intensive summer professional development program for 30 exemplary bilingual and ESL teachers in the community school districts and high schools of the Bronx and Community School District 6 in Manhattan. The teachers, identified by their school communities as potential teacher leaders, went through a rigorous selection process. The participating school districts agreed to assign the BETLA participants to specially designed instructional programs that would allow them to work with all educators in their schools who impact on the education of LEP/ELL students, while continuing to serve the students.

The program focused on State, federal and local regulations and requirements, including Title III of NCLBA. Other topics included State standards and assessments in English language arts and the new English as a second language standards; *The Teaching of Language Arts to Limited English Proficient/English Language Learners: A Resource Guide for All Teachers*; and content area instruction for LEP/ELL students. A particular feature of the summer program was Pathwise Training, an innovative approach developed by the Educational Testing Service in Princeton, N.J., tied to research-based standards to help teachers improve their teaching practices. The program incorporated recognized best practices, such as using formative assessment to guide professional growth, training, and materials for a beginning teacher induction system, coaching techniques, and many others. Additionally, participants were provided with the opportunity to dialogue with noted bilingual and ESL researchers and advocates on current and critical issues impacting on the LEP/ELL student. The 18-day program culminated in a Materials Fair, with participants selecting instructional and professional materials for use in their classrooms.

This first cohort of bilingual and ESL teacher leaders is working in their individual schools, providing other bilingual and ESL teachers, as well as other educators in the schools, with training on appropriate techniques and strategies for LEP/ELL students. Many of the teacher leaders are funded through Title III, which requires standards-based, continuous and ongoing professional development for all teachers who work with LEP/ELL students. This cohort of BETLA teacher leaders is meeting as a group during this school year and has continued the Pathwise Training program. The Department expects to continue this program next summer with a second cohort of teachers from other parts of the City.

The second phase of the program is supporting the teachers during the year and helping them set up model classrooms. State Bilingual Categorical Funds will be used to fund a program to support this phase of the initiative. An institution of higher education will be selected through a competitive grant process to conduct ongoing and on-site support to the BETLA teacher leaders, as well as assist them in setting up model classroom sites.

**Bilingual/ESL Staff Academy for Raising Standards (BESARS):** The BESARS project is funded through State Bilingual Categorical funds. The purpose of BESARS is to provide high school LEP/ELLs with every opportunity to pass the Regents examinations required for graduation, through the implementation of the required Professional Development Academy, Instructional Academy and the optional Parent Academy.

The Professional Development Academy (PDA) is a collaborative turnkey training model involving teams of teachers in the participating schools in the areas of language arts, English, native language arts and English as a second language in a strong professional development, academic and tutorial program. The PDA should capitalize on the strength and expertise of each member of the team to develop the language arts instructional program necessary to help LEP/ELLs meet the challenge of the English language arts standards and passing the Comprehensive Regents Examination in English. The teams, in turn, work with other teachers in the school to ensure that LEP/ELLs meet the new graduation requirements.

The Instructional Academy (IA) provides for the extension of the school day for LEP/ELLs to participate in intensive tutorial sessions before school, after school or on Saturdays, under the leadership of the PDA teams. It provides opportunities to operationalize and apply the material covered in the Professional Development Academy. The Parent Academy (PA) provides information to parents on the State's higher standards and new assessments and on strategies to help them assist their children.

During the 2001-2002 school year, over 3,000 students and over 350 teachers from 22 school districts (100 schools) participated in this initiative statewide.

**Training of Trainers: The Teaching of Language Arts to Limited English Proficient/English Language Learners: A Resource Guide for All Teachers:** Since 2000, four statewide Training of Trainers Institutes have been conducted on *The Teaching of Language Arts to Limited English Proficient/English Language Learners: A Resource Guide for All Teachers*, a Department document that lays the framework for raising the level of instruction in bilingual and ESL programs. The two-and-a-half-day institutes focused on the State's regulatory requirements, curriculum standards and assessments, effective instructional classroom practices in ESL and native language arts, the development of learning experiences in both English and the native languages, the peer review process, as well as strategies to encourage parents of LEP/ELL students to support their children in meeting the State standards. Over 250 trainers successfully completed this training, which they in turn conducted in their districts.

**ESL Standards Training: Professional Development Institute on Standards-Based Teaching and Learning in ESL:** In collaboration with the New York City BETAC, the Office of Bilingual Education has developed a full-day Training-of-Trainers Institute based on the New York State English as a Second Language Standards and NYSESLAT. The professional development Institute, *Standards-Based Teaching and Learning in ESL*, is designed to help ESL and bilingual teachers base instructional and assessment practices on the ESL standards. In this full-day Institute, teachers work through the ESL standards document, becoming familiar with the standards, performance indicators, and sample classroom tasks. They participate in hands-on activities that take them from exploring standards-based classroom tasks to creating their own standards-based instructional units. In addition, they are provided detailed information on the NYSESLAT, and analyze the relationship of sample NYSESLAT test items to the ESL standards. An important goal of the Institute is to help the teachers prepare their LEP/ELL students for the NYSESLAT.

Since summer 2002, the Institute has been provided to hundreds of teachers throughout the State. As of December 2002, over 685 ESL and bilingual teachers have participated in the daylong Institute.

**Bilingual/ESL Teacher Institutes - All Roads Lead to Passing the Regents:** Since 1998, the Office of Bilingual Education, in collaboration with the Bilingual Education Technical Assistance Centers, has developed and conducted annual regional teacher institutes entitled: "The Regents Strategy for Intensive English Language for Limited English Proficient/English Language Learners (LEP/ELLs): All Roads Lead to Passing the Regents Examination" to assist LEP/ELL students in meeting State standards and passing the Regents exams.

The institutes are designed to provide professional development training on the most current strategies to help LEP/ELL students meet the State's learning standards as well as the State ESL standards.

The following chart reflects professional development activities conducted since 1998 by the Department that focused on the implementation of the State learning standards:

Year(s)	Activity	Number of Participants
1998-2002	Regional Teacher Institutes: All Roads Lead to Passing the English Regents	9,500
1998-2002	Training of Trainers/Regional Training: The Teaching of Language Arts to LEP/ELLs: A Resource Guide for All Teachers	7,500
1998-2002	Standards Training for Bilingual and ESL Teachers: BETLA, BESARS, ESL Standards, Authors in the Classroom, Learning Experiences and Peer Review	2,380
1998-2002	Conferences on the Education of Arab, Asian, Bengali, Eastern European/Russian, Haitian and Mexican LEP Students	2,800

#### 4. Teacher Issues

An essential element necessary for successful programs for LEP/ELL students, as well as a requirement of NCLB, is the presence of highly qualified bilingual and ESL teachers. Ensuring that certified teachers provide instruction to LEP/ELL students is also Action Step 6 of the Twelve Action Steps to Assist Limited English Proficient/English Language Learners Meet the English Language Arts Standards. NCLBA Title III, Part A, further requires that districts certify that all teachers in any language instructional program for LEP/ELL children are fluent in English and any other language used for instruction, including having written and oral communication skills. One of the greatest long-term challenges faced by the school districts in the implementation of bilingual programs and the intensive English language arts requirements is the absence of a pool of certified English as a second language (ESL) and bilingual teachers. The SED Office of Teaching Initiatives' web page provides statistics on the teacher shortages by certificate title grouping. In 2000, a net loss of 1,090 bilingual and ESL teachers was indicated. The loss was concentrated in New York City, which lost 1,037 bilingual and ESL teachers. This loss prediction was based on the fact that the number of bilingual and ESL teachers over 55, combined with the number employed under temporary licenses, exceeded the number of new provisional bilingual and ESL teacher certifications issued. The number of bilingual and ESL teachers eligible to retire or who were only temporarily certified in 2000 was 17 percent greater than the number of new bilingual and ESL teachers certified that year for the State as a whole.



- **New York City Crisis**

The New York City Department of Education reports that there are over 700 teachers employed who must obtain a State certificate in bilingual or ESL before they can return to teaching in New York City in September 2003.

New York City Department of Education officials report that local colleges and universities are not preparing the certified bilingual and ESL teachers needed to staff LEP/ELL classrooms. On the other hand, the colleges and universities attribute this to the lack of qualified full-time faculty and to their inability to attract students to bilingual teacher education programs. The latter is due to what is perceived as excessive additional qualification requirements for bilingual teacher candidates who must first be certified in an existing classroom certification area, to which is added the extension in bilingual education. They must be proficient in two languages and thus must pass two more tests than the monolingual teacher of the same subject. Once certified, the bilingual teacher has the additional responsibilities of teaching the subjects in English and another language. This requires double planning. Most often the bilingual teacher must also teach English as a second language. There are no additional benefits or remuneration for the bilingual teacher.

In an effort to identify the issues and prepare viable solutions to the impending crisis, there has been ongoing dialogue among the staff of the New York City Department of Education and SED Offices of Higher Education, EMSC and VESID. Following are a number of the strategies to address the bilingual/ESL teacher crisis that have been planned or are still in discussion. If accepted, some will require regulatory amendments.

- **"A Joint Action Plan for the New York State Education Department and the New York City Department of Education in Relation to Personnel Issues in the Jose P. Case"** has been drafted. Although the focus is special education bilingual personnel, many of the issues and strategies overlap with those in bilingual general education.
- **Limited Certificates:** Recently, SED approved a limited certificate that will be valid only to August 2004 for currently employed uncertified monolingual teachers who have passed up to three required tests (the Liberal Arts and Science Test (LAST), Assessment of Teaching Skills-Written (ATS-W) and Content Specialty Test (CST)). However, bilingual teachers must pass two additional tests to be eligible for this limited certificate extension. New York City has proposed an alternative to the additional testing requirements for bilingual teachers. The alternative would be to approve limited certificates for one year for bilingual teachers by replacing the two additional tests with a principal's written certification of their satisfactory performance, and the district's assessment of their ability to effectively communicate in English and the other language. The New York City Department of Education administers an entry-level language test to all bilingual teacher candidates.

**Proposed Strategy:** An individual who has passed the LAST, ATS-W and CST (where available) may receive a limited certificate with a bilingual extension under the following circumstances:

- evidence that the district has assessed, through a testing instrument and performance on the job, the candidate's ability to speak and listen in English and to speak, listen, read and write in the targeted language;
- teacher was employed during the 2002-03 school year and has received a satisfactory performance rating by the school principal; and
- teacher must pass both the Target Language Proficiency Assessments (TLPA) and the English Language Proficiency Assessments (ELPA) examinations as a condition of receipt of a provisional bilingual extension.

If acceptable, this will require a regulatory amendment.

- **Intensive Teacher Institute, Bilingual/ESL Teacher, Alternative Teacher Certification Program (ITI-BE Transition B):** In an effort to increase the bilingual/ESL teacher pool in general and special education, the Intensive Teacher Institutes in Bilingual Education, ESL and Special Education (ITI-BE) and (ITI-BSE) were created in 1990 and 1994, respectively. They provided tuition assistance to bilingual and ESL general education and special education teachers and pupil personnel professionals working in a PreK-12 program while holding a Temporary Provision Certificate. It continues to be a short-term solution to an ever-increasing long-term problem.

Since their inception, the ITI-BE and ITI-BSE programs have helped over 1,740 uncertified general education and 1,285 bilingual and special education and pupil personnel professional teachers with New York State temporary licenses. Of those, 2,353 obtained bilingual education certification extensions in Arabic, Chinese, Haitian-Creole, Hebrew, Italian, Russian and Spanish, and 662 obtained certification in English to Speakers of Other Languages (ESOL).

The original ITI model will be phased out this year with 243 employed certified bilingual/ESL teachers in general and special education who will complete certification requirements by June 2003.

**Proposed Strategy:** Starting in 2003, Intensive Teacher Institute (ITI) funding (if available) will be redirected to support Transitional B Bilingual/ESL certificate programs for bilingual or ESL general education and special education teachers who have passed the LAST and CST. SED and the ITI Transitional B program and the New York City Department of Education will assist colleges and universities to register their programs for a Transition B Bilingual and ESL certificate program. Candidates will be recruited from the current list of uncertified teachers.

- **Streamline Programs Leading to Bilingual Extensions:** SED will send out a memorandum to all teacher education institutions providing them with examples of best practices, where colleges have registered streamlined programs leading to bilingual extensions that meet the requirements of the regulations. At present, SED has registered programs with bilingual extensions ranging from as low as seven credit hours to full master's with 34 credit hours. With the requirement in the new teacher education regulations that all programs assist new teachers to teach English language learners, a certain component of bilingual education pedagogy has been built into all newly registered teacher education programs. Building upon these requirements, it is SED's belief that bilingual extension programs can be offered in a streamlined way well below the 24 credit hours which was the previous standard.
- **Bilingual Speech Language Pathologists:** Last fall, the Regents approved the regulation allowing licensed speech language pathologists to receive a provisional teaching certificate as a teacher of the speech and hearing handicapped. In order to receive a permanent teaching certificate, the teacher would have to:
  - Pass the LAST; and
  - Complete 40 hours of professional development in pedagogy relating to the certificate of the teacher of the speech and hearing handicapped.

It was agreed that a streamlined approach should be developed to allow licensed speech language pathologists who are bilingual to receive a bilingual extension in an expeditious fashion. The following approach is recommended:

- The 40 hours of professional development that the monolingual speech language pathologist would receive could be directed at both the monolingual certificate and the bilingual extension for those licensed speech language pathologists who applied for a bilingual extension; and

- In order to receive a provisional bilingual extension, the candidate would either:
  - Pass the targeted language proficiency examination; or
  - Be certified by the school district through a local assessment of competence in reading, writing, speaking and listening in the targeted language.
- The candidate would have to pass the TLPA (if not already passed) and ELPA examinations in addition to completing the 40 hours of professional development in order to receive a permanent bilingual education extension.

If this approach is acceptable, a regulatory change would be required.

#### 5. Students with Interrupted Formal Education (SIFE):

The number of LEP/ELL students with limited or interrupted schooling in their own country entering New York State schools continues to grow. They may come from a war-torn country, may have experienced separation from family, physical deprivation (e.g., lack of food, clothing, etc.) or other hardships. They are the subgroup of LEP/ELLs at greatest risk of not meeting the standards and assessments and not graduating from high school in New York State before 21 years of age. A statewide survey and symposium were conducted, research was reviewed and programs were identified. Approximately 12 percent of the LEP/ELL population are students with interrupted formal education (SIFEs). New York State defines these students as those who come from a home where a language other than English is spoken and enter a school in the United States after grade two; have had at least two years less schooling than their peers; function at least two years below expected grade level in reading and mathematics; and may be preliterate in their native language.

**What districts are doing:** Districts have developed a variety of programs that address the diverse needs of the SIFE students. SIFEs who arrive at a younger age have more time to "fill the gap" and catch up in literacy and the content areas by the 12<sup>th</sup> grade or just beyond. However, students arriving in middle and high school present the most challenge to the system, because they have a shorter time to catch up and meet the rigorous standards. While these students are motivated to complete formal schooling in New York State, some might not be able to before age 21. Unfortunately, many leave school due to compelling family obligations and financial responsibilities. Academic intervention services (AIS) and Title III NCLBA and EXCEL grants provide additional support for programs for the SIFE students. New York City public schools have developed a host of literacy-based programs designed to meet the required needs of these students. Districts outside of New York City are now experiencing a growing number of SIFE students and are beginning to start programs for them. The Bilingual

Education Technical Assistance Centers (BETACs) continue to provide technical assistance to the districts and SED is continuing research, identifying programs and assisting in program and staff development for educators of SIFEs.

**Programs that work:** There is no one type of program that will fit all LEP/ELL students. SIFE students require extensive literacy development in both English and the native language to "close the educational gap." Flexible alternatives to current educational options include literacy linked to vocational education; self-contained classes, block scheduling, year-round schooling, during which specific effort is expended in developing literacy skills, using a variety of approaches; and expanded family literacy programs. Additionally, it is critical to train educators and guidance staff to identify, place and teach students appropriately; to collect and maintain data statewide to determine accurate numbers of such students and the scope and nature of services being offered; and to elicit recommendations from practitioners and researchers.

#### 6. State Assessment of LEP/ELL Students

LEP/ELLs have participated in the State testing program from its beginning.

- **New Tests for LEP/ELLs:** Action Step 9 of the Twelve Action Steps to Assist Limited English Proficient/English Language Learners Meet the English Language Arts Standards called for improvement of the identification and assessment of LEP/ELLs. This was approached in a number of ways. The work of the statewide committee on testing resulted in the development of two instruments for LEP/ELLs.
  - **Identification Test:** The New York City Department of Education revised the Language Assessment Battery (LAB) and aligned it with the State's new English as a second language standards. The test will be used statewide to help identify students with limited English proficiency. The LAB-R has been field tested statewide and has been used in New York City since September 2002. Plans are under way to train teachers from the rest of the State on the administration of the LAB-R, which will be the required identification instrument starting in August 2003.
  - **Achievement Test:** The Department's Office of State Assessment, with the generous collaboration of the Educational Testing Services (ETS), developed the New York State English as a Second Language Achievement Test (NYSESLAT). The NYSESLAT will be administered annually for five grade clusters: PreK-1, 2-4, 5-6, 7-8, and 9-12. Each test will assess the four language modalities of speaking, writing, listening and reading. New York State teachers using the ESL learning standards developed the initial test items. ETS staff worked with teachers from New York State to expand the pool. They completed the development work and assembled the test for field testing which was completed in fall 2002. The operational test will be administered in May 2003. The test has been approved by the U. S. Department of Education as the instrument to measure proficiency in English as a second language. New York is one of only a few states with this type of instrument approved to meet the accountability provisions under the No Child Left Behind Act.

All LEP/ELL students, regardless of grade, must take the NYSESLAT in the spring of 2003. LEP/ELL students must take this assessment to evaluate English proficiency even if they take a grade 4 or 8 English language arts assessment, the Comprehensive Regents Examination in English, or, for certain LEP/ELL students with disabilities, a Regents competency test in reading or writing in

All fourth- and eighth-grade LEP/ELL students who have attended school in the United States (not including Puerto Rico) for three or more consecutive school years are required to take the grade 4 or 8 English language arts assessment in 2003, unless an exemption is granted as described below. This policy supersedes the Department's previous policy that allowed LEP/ELL students who scored below the 30th percentile on a standardized test of English to use alternative reading tests to meet assessment requirements. LEP/ELL students now enrolled in grade 4 or 8 who were enrolled in United States (not including Puerto Rico) schools on January 2, 2000 and in each succeeding year must take the appropriate English language arts assessment in 2003.

NCLBA allows for some exemptions to this rule. For LEP/ELL students who have attended school in the United States (not including Puerto Rico) for four or five consecutive years, districts or charter schools may determine annually, on an individual basis, that the NYSESLAT, rather than the grade 4 or 8 English language arts assessment, would likely yield more accurate and reliable information on what a student knows and can do. Districts and charter schools must ensure that records of such individual exemptions are maintained. No exemption is available beyond the student's fifth year, and the student must take the grade 4 or 8 English language arts assessment.

Most students become English proficient by the end of three years in the program. Education Law §3204 and CR Part 154 allow districts to request Department approval to extend services up to six years for each student needing additional time to acquire English proficiency. The table below shows the number and percent of requests and approvals for extension of services for students in the Big Five school districts.

**TABLE 8**  
**Requests/Approvals for Extension of Services**  
**for LEP/ELL Students in the Big Five School Districts**  
**2002-2003**

District	Number of LEP/ELL Students	Number of Requests	Requests as a Percentage of Total LEP/ELL Students	Number Approved
Buffalo	2,695	267	10	267
Rochester	2,998	443	15	344
Syracuse	1,369	122	9	122
Yonkers	4,740	1,092	23	548

As indicated previously, LEP/ELL students in grades 9 through 12 must take the NYSESLAT annually as a measure of English proficiency. LEP/ELL students **must** pass the Comprehensive Regents Examination in English to earn a high school diploma, unless they are eligible under the safety net to take the Regents competency tests for graduation credit. All LEP/ELL students who meet the criteria for the high school cohort must be included.

- **State Tests in Languages Other than English:** All of the required content area State tests are available to LEP/ELLs in Spanish, Chinese and Haitian-Creole. The content area Regents examinations are available also in Russian and Korean. Students may choose to take the tests in English or in the native language, if available. If the test is not available in a student's native language, the district is advised to identify a person who can translate the test.
- **Accommodations:** With the inception of the testing accountability requirements of the No Child Left Behind Act, some of the approved accommodations will undergo some changes as indicated on the following table.

**TABLE 9**  
**State Tests and Accommodations for LEP/ELL Students**

Curriculum Area Test	Grade Test	SED Approved Accommodations	NCLB Changes
<b>New York State English as a Second Language Achievement Test (NYSESLAT)</b>	K-12	<ul style="list-style-type: none"> <li>• Optimum testing environment</li> <li>• Extended test time (time and a half)</li> <li>• Use of bilingual dictionaries (text and electronic)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Terminate exemptions (4<sup>th</sup> and 8<sup>th</sup> grade ELA test) for LEP/ELL students below 30<sup>th</sup> percentile on a test of reading in English.</li> <li>▪ NYSESLAT permitted to meet ELA testing for LEP/ELL students in U.S. schools up to three years with an extension for two additional years at the determination of the district.</li> </ul>
<b>Language Assessment Battery (LAB)</b>	Upon Enrollment	<ul style="list-style-type: none"> <li>• Tests proctored by LEP/ELL English language teachers</li> </ul>	
English Language Arts (ELA)	4 <sup>th</sup> and 8 <sup>th</sup>	<ul style="list-style-type: none"> <li>• Read listening comprehension passage 3 times</li> <li>• 55 passing grade</li> </ul>	
Comprehensive English Regents	11 <sup>th</sup>		
ELEMENTARY AND INTERMEDIATE Mathematics	4 <sup>th</sup> and 8 <sup>th</sup>	<ul style="list-style-type: none"> <li>• Optimum testing environment</li> <li>• Extended test time (time and a half)</li> </ul>	<ul style="list-style-type: none"> <li>• Terminate exemption for LEP/ELL students below 30<sup>th</sup> percentile on a test of reading in English if test is not available in native language.</li> <li>• Native language versions permitted for LEP/ELL</li> </ul>
Social Studies	5 <sup>th</sup> and 8 <sup>th</sup>	<ul style="list-style-type: none"> <li>• Native language versions in Chinese, Haitian-Creole, Russian, Spanish, Korean</li> </ul>	
Science	4 <sup>th</sup> and 8 <sup>th</sup>	<ul style="list-style-type: none"> <li>• Oral translation permitted for low incidence languages</li> <li>• Use of bilingual glossaries</li> <li>• Allow simultaneous use of</li> </ul>	

**TABLE 9**  
**State Tests and Accommodations for LEP/ELL Students**

Curriculum Area Test	Grade Test	SED Approved Accommodations	NCLB Changes
REGENTS EXAMS	9th	English and native language versions of test	students in U.S. schools up to three years with an extension for two additional years at the determination of the district.
	11 <sup>th</sup>		
Mathematics	12th		
U.S. History			
Global History	9th		
Science			

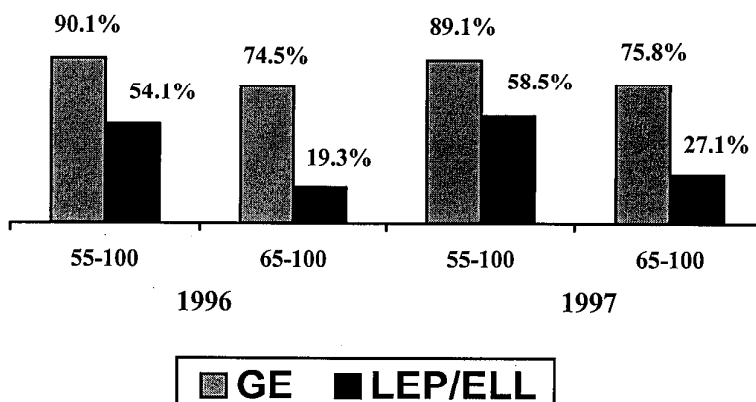
#### 7. Achievement of LEP/ELL Students

**Comprehensive Regents Examination in English:** This report is the first part of a comprehensive report. We do not have, at this time, achievement and dropout data for the 1998 cohort of LEP/ELL students. The data is still being collected and analyzed and will be provided later in the spring. For the first time, we will be able to provide data by subgroup. Achievement data on the 1996 and 1997 cohorts of LEP/ELL students is provided in this report.

The chart that follows compares the data for general education students and LEP/ELL students in the 1996 and 1997 cohorts. In 1996, 54.1 percent of LEP/ELLs who took the exam passed at a score of at least 55. For the 1997 cohort, that percentage increased by 4.4 percentage points to 58.5 percent. The additional instruction in ESL and ELA required for LEP/ELLs, the development of the ESL standards and statewide dissemination of the Resource Guide, the extensive professional development initiatives around the standards, the redirection of funds for extended-day tutorial programs such as Bilingual ESL Staff Academies for Raising Standards (BESARS), the building-based EXCEL grants, the approved testing accommodations, as well as the 55 low-pass score, have helped many LEP/ELLs to meet the challenge successfully. As the chart indicates, a high percentage of LEP/ELLs in both cohorts benefited from the low-pass score of 55-64. In the 1996 cohort, about 35 percent of the LEP/ELLs scored between 55 and 64. In the 1997 cohort, 31 percent of LEP/ELLs scored between 55 and 64. This is a significant difference from the total general education population where the percentage of students scoring 55-64 was 15.6 percent for the 1996 cohort and 13.3 percent for the 1997 cohort. For the large number of LEP/ELLs who enter New York State schools in middle school or high school, the low-pass score of 55-64 continues to be a challenging performance standard.



**Comparison of General Education (GE) and  
LEP/ELL Students at 55-100 and 65-100 in  
the 1996 and 1997 Cohorts**



With the implementation of the System for Tracking Education Performance (STEP), we will have 1998 cohort data files that contain individual student records that identify LEP/ELLs. Each student record contains a great deal of demographic information. In our next report, we will provide information on all LEP/ELL students by grade and the percentages of students in the 1998 cohort that have:

- passed (or scored at least 55) on each Regents examination;
- failed the Comprehensive Regents Examination in English one or more times;
- earned diplomas in 2001-02;
- passed all required Regents examinations, except Comprehensive English; or
- dropped out during the 2001-02 school year.

**Grades 4 and 8 ELA Tests:** The Office of State Assessment has designed and is conducting an ongoing study to track the achievement of LEP/ELL students on the 4<sup>th</sup> and 8<sup>th</sup> grade English language arts tests. The results for 1999 to 2001 are reported in the April 2002 report, [The Impact of Bilingual Education and English as a Second Language Programs on Acquisition of the New York State Learning Standards](http://www.emsc.nysed.gov/ciai/testing/assesspubs/impactofbilingualeducandenglish.pdf). The full report is available on <http://www.emsc.nysed.gov/ciai/testing/assesspubs/impactofbilingualeducandenglish.pdf>.

The most powerful measure of program success is its long-term and sustained effect on the students. LEP/ELLs, who have participated in CR Part 154 programs, have met the exit requirements and entered the ranks of former LEP/ELLs, have consistently outperformed students who were never-LEP/ELL in New York City and the Big Four school districts on the 4<sup>th</sup> and 8<sup>th</sup> grade English language arts tests as well as the mathematics test taken in English.

For purposes of the study, students were classified into four categories:

1. never having received program services (never-LEP/ELL);
2. LEP/ELL and below the 30<sup>th</sup> percentile on a test of English reading;
3. LEP/ELL and at or above the 30<sup>th</sup> percentile on a test of English reading;  
and
4. received program services and exited from programs (former LEP/ELL).

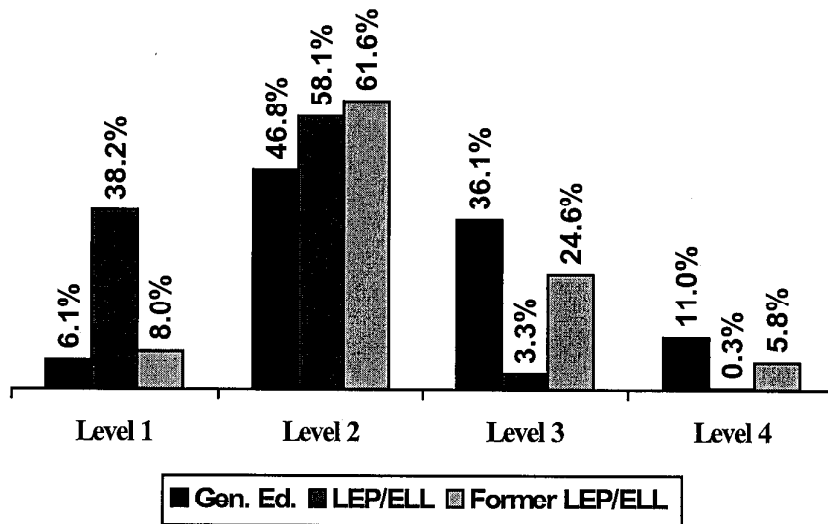
To control for factors that influence performance, the results were reported for six community types (need/resource capacity categories). Results showed that former LEP/ELLs are performing very well with respect to their peers, especially in the lower score ranges. Among former LEP/ELL students, the lowest scoring students seem to be most advantaged by the program intervention, as compared to the lowest scoring never-LEP/ELL group.

**TABLE 10**  
**Mean Scale Scores for LEP/ELL Students**  
**in the Big Five Districts**  
**for English Language Arts - Grades 4 and 8**  
**1999-2001**

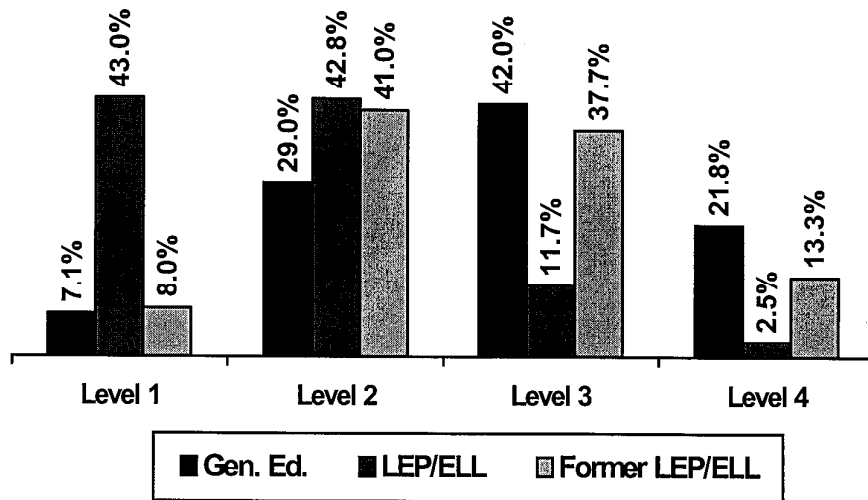
Year	Below 30 <sup>th</sup>	30 <sup>th</sup> or Above	Former	Never-LEP/ELL
<b>4<sup>th</sup> Grade ELA</b>				
1999	589	614	633	629
2000	605	622	640	637
2001	607	622	646	638
<b>8<sup>th</sup> Grade ELA</b>				
1999	656	668	691	690
2000	659	659	688	685
2001	657	663	686	684

Although there are no simple characterizations of the performance of LEP/ELL students on New York's examinations of English language arts, some patterns can be observed. Results showed that former LEP/ELL students are performing very well with respect to their peers, especially in the lower score ranges. Among former LEP/ELL students, the lowest scoring students seem to be most advantaged by the program intervention, as compared to the lowest scoring never-LEP/ELL group.

### 2002 Elementary-Level English Language Arts Performance Levels for LEP/ELL Students



### 2002 Middle-Level English Language Arts Performance Levels for LEP/ELL Students



Almost all pupils who were reported to the Department as former LEP/ELL were from New York City. Smaller numbers of former LEP/ELL pupils were reported in each of the needs/resource capacity categories.

A comparison was made of the never-LEP/ELL and former LEP/ELL pupils in New York City and the Big Four Districts looking at the three-year trends for grade 4 and 8 in ELA. In a statistical analysis which controlled the community type in which the students attend school and their representation of LEP/ELL students in the school's test-taking population, the test scores on the examinations show that former LEP/ELL students scored higher in the lowest scoring levels than students who were never identified as LEP/ELL.

Clearly the research needs to continue, but there is every indication that, by the time students meet program exit criteria, the program impact on achievement of the State learning standards in elementary and intermediate English language arts is very positive.

### Conclusion

From the information and data provided in this report, the following important policy issues and monitoring and technical assistance strategies have been identified.

### **Important Policy Issues Related to LEP/ELL Students**

#### High School Completion

- Should the Regents maintain a low-pass score of 55-64 on the Comprehensive Regents Examination in English for students from non-English-speaking countries who arrive in a New York State school in grades 9, 10, 11, or 12 or are 14 years of age or older?
- Should the State create a formal arrangement with post-secondary institutions so that recently arrived LEP/ELLs (enter grade 9 or later; or are 14 years of age or older), who have met all other graduation requirements but have not passed the Comprehensive Regents Examination in English, may be permitted to advance to college without earning a diploma? Those students would be permitted to retake the Comprehensive Regents Examination in English while in college and to earn a high school diploma on passing the examination.

#### Dropout Prevention and Alternative Programs

- What can be done to help school districts provide alternative educational programs for students from non-English speaking countries who arrive in New York State schools in grades 9, 10, 11, or 12 or are 14 years of age or older, and have little or no formal education? Such programs would provide students with both the academic and vocational skills to continue in adult education programs and to enter the work force.

### Teaching

- What can be done to help schools of education expand undergraduate programs in English as a second language and bilingual education to ensure an adequate supply of qualified teachers to meet the needs of LEP/ELLs from Pre-K through grade 12?
- Should the Regents policy permit individuals who have passed the Liberal Arts and Sciences Test, ATS-W and CST (where available) to receive a limited certificate with a bilingual extension under specified circumstances?
- Should post-secondary institutions expand the use of the Alternative Teacher Certification Program to convert temporary bilingual extensions into Transitional-B Certificates for bilingual education? At present, approximately 715 individuals hold temporary licenses and bilingual extensions.

### **Important Monitoring and Technical Assistance Strategies**

Department staff will undertake the following strategies:

- Use the New York State English as a Second Language Test (NYSESLAT) to monitor performance of students and schools to target technical assistance.
- Use BETACs and other programs to provide technical assistance to schools to fully implement the intensive English requirement.
- Review demographic shifts in LEP/ELL populations and target revenue distribution to those shifts.
- Document and disseminate strategies used by schools that have been successful in ensuring LEP/ELL students achieve the State learning standards and graduation requirements.

**Essential Elements of Effective Programs for Limited English Proficient/English Language Learners**

1. **High standards for LEP/ELLs.** LEP/ELLs are held to the same high standards and expectations as all students. Curriculum, instruction, and assessment in all classrooms serving LEP/ELLs students are aligned with New York State standards in the seven core areas.
2. **Strong Literacy Development for LEP/ELLs.** Literacy is developed through native language arts (NLA), English as a second language (ESL) and English language arts (ELA) curricula aligned with the ELA standards. The value of learning to read first in the native language is recognized. Instructional strategies promote the transfer of literacy skills learned in the native language to acquisition of literacy in English.
3. **Qualified and Well-Trained Educators of LEP/ELLs.** There are sufficient numbers of well-prepared, competent, and appropriately certified teachers, administrators, and staff working with LEP/ELLs. The staff participate in ongoing, long-term staff development with strong emphasis on the State learning standards. The single most critical element for successful learning by LEP/ELLs is the quality and preparation of the teachers.
4. **District/School-Based Leadership Committed to Educational Excellence and Equity for LEP/ELLs.** The superintendent promotes educational excellence for LEP/ELLs. Principals are highly articulate regarding curriculum and instructional classroom strategies for LEP/ELLs. They are highly supportive of their bilingual/ESL instructional staff. The school leadership encourages alternative approaches to teaching LEP/ELLs, such as creating open-ended learning opportunities that lead to critical thinking, student-directed activities, and collaboration with peers. Flexibility and expansion of instructional time, such as after school programs, extended school year, and Saturday schools for LEP/ELLs are supported.
5. **Positive School Climate for LEP/ELLs.** The languages and cultures of LEP/ELLs are respected and valued throughout the school. Parents of LEP/ELLs are made to feel important members of the school community. Bilingual and ESL teachers are an integral part of the instructional staff and they are provided with the support, materials, and resources needed to be successful.
6. **Parent/Family and Community Involvement in the Education of LEP/ELLs.** Parents of LEP/ELLs are meaningfully involved in the education of their children and are informed about the State standards and assessments. Parents are provided with strategies to increase their ability to help with their children's homework. Parents of LEP/ELLs are encouraged to become more active and involved members of the school community and to participate in decision-making activities.
7. **Assessment and Accountability.** LEP/ELLs performance and services are assessed on an ongoing basis at all levels using multiple, fair, and equitable measures. Assessment is conducted in the native language and in English as appropriate. The information obtained is used to determine student academic progress, the level of English language acquisition, and to refine services to LEP/ELLs and report outcomes.

**TWELVE ACTION STEPS TO ASSIST LIMITED ENGLISH PROFICIENT/ENGLISH LANGUAGE LEARNERS (LEP/ELL) STUDENTS MEET THE ENGLISH LANGUAGE ARTS STANDARDS**

**Status of Accomplishments**

1. *Setting clear goals and providing curriculum.*

Date	Accomplishments
1996	All students including LEP/ELL students are held to New York State standards in seven core subjects.
1999-2002	Curriculum document, "The Teaching of Language Arts to English Language Learners: A Resource Guide for all Teachers," was developed and over 6,000 copies disseminated to schools.
2000-2002	Staff development on issues related to education of LEP/ELL students and the new Resource Guide conducted throughout the State.
2000 - 2002	Glossaries developed/disseminated in up to 12 languages: <ul style="list-style-type: none"> <li>• Global History</li> <li>• U.S. History</li> <li>• Mathematics</li> <li>• Earth Science</li> <li>• The Living Environment</li> </ul>
2001-2002	Developed <i>The Teaching of Language Arts to limited English Proficient/English Language Learners: Learning Standards for English as a Second Language</i> and over 10,000 copies disseminated.
2001-2002	Responded to over 30,000 requests for technical assistance from the field via telephone, correspondence, through the Internet and e-mail, and in-office visits and consultations.
2001-2002	Developed first draft of <i>Native Language Arts Standards</i> .

2. *Providing intensive English language instruction to LEP students.*

Date	Accomplishments
1999	Commissioner's Regulations under Part 154 were amended to increase the required amount of ESL and ELA instruction for LEP/ELL students.
1999-2001	Elementary, middle and secondary schools phase-in the required increase in ESL/ELA.
2000-2002	SED staff monitored implementation.

3. *Supporting an extended school day and year.*

Date	Accomplishments
1999-2002	<p>State Bilingual Categorical funds and federal funds refocused for extended-day activities.</p> <ul style="list-style-type: none"> <li>• Bilingual EXCEL grants: 528 schools</li> <li>• BESARS grants: 12 districts</li> <li>• Emergency Immigrant Education Funds: 74 districts</li> <li>• Refugee Education funds: 26 districts</li> <li>• ESEA Title III: 235 districts</li> </ul>

4. *Initiating Project English Jump-Start.*

Date	Accomplishments
1999-2000	School districts encouraged to implement the initiative.
2000-2002	Incorporated into the CR Part 154 Comprehensive Plan. Districts required to describe their Project Jump-Start Program or indicate reasons preventing implementation. Model program established in Rochester.

5. *Providing professional development.*

Date	Accomplishments
1999-2002	Teacher workshops on strategies to help students pass the English Regents and ELA 4 <sup>th</sup> and 8 <sup>th</sup> grade tests held statewide.
1999-2002	Conducted annual conferences on the education of the Asian and Haitian LEP/ELL students.
1999-2002	Statewide symposia on the education of new immigrant groups, including Arab, Bengali, Bosnian, Ecuadorian, Mexican, and Russian students.
1999-2002	Conference proceedings related to the education of LEP/ELL Students with interrupted formal education and a bibliography of instructional resources for this population completed and disseminated.
2000-2002	Conducted approximately eight regional Teacher Institutes statewide on the Department initiatives to raise standards, the assessment requirements and the Resource Guide focusing on ESL, ELA and native language arts.
1999-2002	Bilingual English as a Second Language Staff Academies for Raising Standards (BESARS) funded in 22 districts. Over 350 ELA, ESL and bilingual teachers and over 3,000 LEP/ELL students participated in after school or Saturday academies to prepare them to pass the ELA 4 <sup>th</sup> and 8 <sup>th</sup> grade tests and English Regents exam.
1999-2000	Bilingual Multicultural Institute (BMI) funded in New York City to provide professional development to bilingual and ESL teachers.
1999-2002	Bilingual Education Technical Assistance Centers provided workshops throughout the State on strategies to prepare LEP/ELL students for the English Regents exam.
1999-2002	Implementation of the Goals 2000 grant which included Teachers and



	Authors Institutes, the development of ESL and NLA standards, a training of trainers project focused on the New York State Academy for Teaching and Learning, and a series of teacher institutes across the State.
2001-2002	Developed and piloted a training manual/turnkey training program on the ESL standards.
1999-2002	Conducted four Training of Trainers Institutes throughout the State on <i>The Teaching of Language Arts to Limited English Proficient/English Language Learners: A Resource Guide for All Teachers</i> .
2002	Developed and implemented a new professional development program, the Bilingual/ESL Teacher Leadership Academy (BETLA). Participants assumed a specially designed leadership role in their schools, supported through NCLBA, Title III.

6. *Ensuring that certified teachers teach LEP/ELL students.*

Date	Accomplishments
1999-2002	State Bilingual Categorical Funds: Intensive Teacher Institutes for teachers with provisional certification. Almost 1,200 bilingual/ESL teachers have been helped to attain State certification.
1999-2002	State Bilingual Categorical Funds: Undergraduate program with participating institutions of higher education recruited and prepared 65 freshman and sophomore candidates for ESL and bilingual teacher certification.

7. *Communicating effectively with parents.*

Date	Accomplishments
2000-2002	Districts required to describe in their CR Part 154 Plans how they will implement this requirement. Districts are required to provide communication to parents in the language they understand.
1999-2002	State Bilingual Categorical Funds: Parent academies conducted as part of BESARS projects.
1999-2000	Coordinated the translation of school report cards into several languages.
1999	A module from the Parent Leadership Institute was developed under CR Part 154.
1999-2002	Maintained a statewide technology network, the New York State Bilingual/ESL Network [NYSBEN ( <a href="http://www.emsc.nysed.gov/ciai/nysben.html">www.emsc.nysed.gov/ciai/nysben.html</a> )]

8. *Ensuring equity in technology and instructional resources.*

Date	Accomplishments
1999-2002	Districts encouraged to use all funding sources for technology and materials for LEP/ELL students.
1999-2002	Maintained a statewide technology network, the New York State Bilingual/ESL Network [NYSBEN ( <a href="http://www.emsc.nysed.gov/ciai/nysben.html">www.emsc.nysed.gov/ciai/nysben.html</a> )]

9. *Improving identification and assessment.*

Date	Accomplishments
1999-2002	Statewide Committee on Testing was named to help develop two instruments for LEP/ELL students. Work started on the following: <ol style="list-style-type: none"> <li>1. Identification test: New York City revised the Language Assessment Battery (LAB-R) and aligned it with the State ESL/ELA standards. It will be used to identify LEP/ELL students upon enrollment.</li> <li>2. Achievement Test: Developed the New York State English as a Second Language Achievement Test (NYSESLAT) with the support and collaboration of the Educational Testing Service (ETS). The NYSESLAT is a secure test that will be administered for the first time in spring 2003 to all LEP/ELL students in grades K to 12.</li> </ol> Both instruments were field-tested and will be used statewide.
1999-2000	State Bilingual Categorical Funds: Funding provided to New York City Board of Education to assist in the development of <i>El Sol</i> , Spanish language version of the Early Childhood Literacy Assessment Scales (ECLAS).
1999-2002	Regents Examinations translated into five major languages.

10. *Requiring specifications for improving local accountability.*

Date	Accomplishments
1999-2002	Participated on the School Accountability Workgroup (SAW) to ensure that LEP/ELL students are appropriately included in the design of System for Accountability for Student Success (SASS) and the calculation of Adequate Yearly Progress for school accountability. Assisted in the development of criteria for LEP/ELL high school cohort.
2002	Collaborated on the development of the New York State Consolidated Plan under the NCLBA.
1999-2002	Participated on the Department's Internal Task Force (ITF) on the Roosevelt School District.
1999-2002	Participated in the Council of Chief State School Officers' LEP SCASS Committee.
1999-2002	Provided ongoing technical assistance to Schools under Registration Review (SURR) and other low performing schools.
2002	Developed application packets for local plans required under Title III of the NCLBA.
2002	Conducted six awareness workshops and three technical assistance

workshops on the NCLBA, Title III.
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11. *Supporting the development of model programs.*

Date	Accomplishments
1999-2001	State Bilingual Categorical Funds: Two-Way Bilingual Education Programs funded. Projects are required to incorporate the Seven Essential Elements of Effective Programs for LEP/ELL students.
2000-2003	Programs under CR Part 154 required to incorporate the Seven Essential Elements.
1999-2002	Effective program models for the education of LEP/ELL students with interrupted formal education identified and featured at professional development sessions.

12. *Improving reporting and collection of LEP/ELL achievement data.*

Date	Accomplishments
1999	<i>Special English Regents Examination Report</i> for LEP/ELL students on disaggregated results of January and June 1999 exam results.
1996-2000	Assisted in the development and translation of the school report card prototype.
1999-2000	Collaborated on the revisions to the Local Education Agency Program (LEAP) Manual. Proposed LEP/ELL student data elements for alignment with federal National Center for Educational Statistics (NCES).
1999-2002	Conducted meetings with representatives from districts on how to improve and strengthen the data collection process.
1999-2002	Completed annual statewide counts of languages spoken by LEP/ELL students in CR Part 154 programs.