



NEW YORK STATE ASSOCIATION FOR BILINGUAL EDUCATION

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The New York State Association for Bilingual Education
Presents

***NYSABE's Advocacy Agenda for the Education of
ELLs/Bilingual Learners:
Diverse Voices, One Common Goal***

Respectfully Submitted by The Executive Board and Delegate Assembly
October 16th, 2012

Foreword

For the past thirty-six years, the New York State Association for Bilingual Education's (NYSABE) mission has been: (1) to encourage the establishment, maintenance, and expansion of quality programs in bilingual education, (2) to promote bilingual education as an educational process by which success of students is enhanced through instruction in their native language while learning English and (3) to foster the recognition by the total community of the importance of bilingualism and its contributions toward a better understanding of the cultural and linguistic differences among people. In response to the New York State Education Department's initiatives that have recently been presented, there is a critical need to ensure that the Education Reform takes into consideration the needs of diverse learners.

At such a pivotal time in education, the urgency to advocate for the pressing issues affecting the more than 300,000 English language learners/emergent bilingual students continues to be at the forefront of our association. As a result of the shifts that have taken place, a need to strengthen the awareness and understanding of Bilingual Education and its impact on academic achievement has never been so prevalent. Due to the educational demands placed on students and educators, the past three years have been essential in moving forward the agenda items delineated in this document. NYSABE, in collaboration with NYS educators, members of the Puerto Rican/Hispanic Task Force at the NYS Assembly and Senate, and organizations representing all realms of the educational field have presented issues that when addressed will ensure a high quality and equitable education that closes the achievement gap and paves the way for college and career readiness.

This past year, New York State took a monumental leap towards addressing the importance of biliteracy. It became the second state (California being the first) in our great Nation to have passed the ***State Seal of Biliteracy***, a distinguished law that recognizes the value of language development, bilingualism, and biliteracy.

There is still much work to do. For this reason, this agenda is presented as a platform to engage advocates and policymakers to influence change and bring about educational practices that respond to the needs of this population. It is time to move beyond awareness and have these agenda items become ACTION.

This is a HISTORIC moment for ALL! To our colleagues in the field of advocacy, thank you for your contributions. We also express our gratitude to the NYS elected officials members of the NYS Puerto Rican/Hispanic Task Force. This work is possible because of your determination, diligence, and dedication to the field and to our students. Anything is possible as long as we stand united, with our diverse voices, and one common goal.

THIS IS THE POWER OF COLLABORATION, COMMUNICATION, AND CONNECTION!

Awilda Ramos Zagarrigo

President, 2012-2013

María-Angélica Meyer

Past President, 2011-2012

María de los Angeles Barreto

Past President, 2010-2011

Margarita Reyes

Past President, 2009-2010

A DIALOGUE WITH NYS LEGISLATORS
March 9th, 2012

NYSABE's ADVOCACY AGENDA FOR THE EDUCATION OF ELLS/BILINGUAL LEARNERS:
DIVERSE VOICES, ONE COMMON GOAL

INTRODUCTION

During the 2009-2010 and 2010-2011 NYSABE presidential terms, our organization's leaders met in Albany with representatives from the New York State Education Department, the NYS Assembly, and NYS Senate. Thanks to the sponsorship of Assemblywoman Carmen Arroyo and the coordination of Carmen Pérez-Hogan, the NYSABE Advocacy Team had the opportunity to formulate and discuss NYSABE's Advocacy Agenda that addressed urgent issues affecting the education of ELLs/bilingual learners. This agenda would serve as a framework for NYSABE's advocacy work in the immediate future.

During the 2011-2012 presidential term, NYSABE held a *Dialogue with NYS Legislators*. This special session provided members of the NYS Puerto Rican/Hispanic Task Force and NYSABE members the opportunity to reflect upon the items included in the ***NYSABE Advocacy Agenda for the Education of ELLs/Bilingual Learners*** and discuss recommendations to meet current challenges. Items on the NYSABE Advocacy Agenda are:

- I. The Revision of Part 154 – Commissioner's Regulations for the Education of LEP/ELL Students
- II. The NYS Seal of Biliteracy
- III. Bilingual Education for early childhood ELLs/bilingual learners
- IV. The NYS Dream Act
- V. The assessment of ELLs/bilingual learners in general and special education
- VI. Bilingual/ESL Services for NYS Students from Caribbean Countries Where English is the Medium of Instruction
- VII. The development of the NYSABE Parent Leadership and Advocacy Committee (PLAC)
- VIII. Appropriate, targeted funding for ongoing technical assistance and professional development for schools and districts, pertaining the education of ELLs/bilingual learners

NYSABE thanks Ms. Carmen Pérez-Hogan for coordinating this important event. Very special thanks to Assemblywoman Carmen Arroyo, Assemblymen Guillermo Linares, Philip Ramos, Marcos Crespo, Roberto Rodriguez, and Rafael Espinal, Jr. NYSABE also expresses its gratitude to all individuals who attended the session and expressed their views and recommendations. Thanks also to NYSABE members who submitted their written recommendations. Below, we offer you summaries of some of the presentations made during the *Dialogue with the Legislators*. This section also includes comments submitted by members in response to our Advocacy Agenda.

NYSABE ADVOCACY AGENDA FOR THE EDUCATION OF ELLS/BILINGUAL LEARNERS

I. The Revision of Part 154-Commissioner's Regulations for the Education of LEP Students

During the present school year, the New York State Education Department (NYSED) has been engaged in the revision of Part 154 and we are pleased to acknowledge the participation of numerous NYSABE members from all regions in this process. Parallel to the work conducted by NYSED, Regent Betty Rosa and NYSABE joined forces to form a representative team that would review key aspects of Part 154, formulate recommendations for the improvement of services, and submit a written summary to the NYSED and NYS Board of Regents. The Regent Rosa-NYSABE Part 154 initiative included members from diverse geographical locations and professional experiences as well as varied linguistic and cultural backgrounds. The team also expanded to welcome the views of representatives from the New York State Teachers of English to Speakers of Other Languages (NYS TESOL), the Association of Dominican American Supervisors and Administrators (ADASA), and staff from the Regional Bilingual Education Resource Networks (R-BERNS).

Comments from the Participants:

"It was encouraging to be invited to join the working group assembled by Regent Betty Rosa on the Part 154 revision initiative and work together with colleagues from many state associations (NYSABE, R-BERNS, and ADASA) on delineating policies that will best serve our English language learner and bilingual students. I applaud Regent Rosa for seeking input from so many organizations involved in bettering and advocating for our multilingual learners and educators. Members of the working group carefully reviewed all sections of Part 154 and thoughtfully suggested important additions, clarifications and phraseology to best mandate services. I want to thank Maria Angelica Meyer and Nancy Villarreal de Adler for including NYS TESOL in these important endeavors! Have a wonderful summer!"

Dr. Rebekah Johnson, president of NYS TESOL

"As an educator and an advocate of ELLs/bilingual learners, it was very important for me to be part of the Commissioner's Regulation (CR) Part 154 focus group which was composed of highly intellectual and respected professionals working toward a common goal – to create, review and provide feedback on structures and policies that better support the education of ELLs and ensure improved academic outcomes for ELLs.

The revision of CR-Part 154 is very important for many reasons. ELLs do not fit easily into simple categories because of their diversity. There is no one profile for an ELL student, nor is one single response adequate to meet their educational and emotional needs. Therefore, the work that this group did in providing feedback to further enhance CR-Part 154 was vital because it protects the rights of our ELLs and ensures that this population is provided with opportunities to achieve and attain the same educational goals and standards as the general population. This group is forging the path to build capacity for all ELLs/bilingual learners to be successful."

Dr. Marybelle Ferreira, Recording Secretary of ADASA's Board

"The opportunity that NYSABE provided to review the Part 154 Guidelines and examine those sections that needed to be updated was extremely crucial. The services mandated by Part 154 are essential to the educational development of ELLs. The guidelines must be clearly defined to meet the needs of all

LEP/ELLs. Especially in today's data-driven environment when all students are being held accountable, students must receive the appropriate services that will help them achieve. It was important for me to participate in this review because I believe that those of us who know this document well and have worked with LEP/ELLs for so many years must share our experiences to ensure that a revision of the Part 154 Guidelines reflects equity for all English Language Learners (including Creole-speakers who are from English-speaking Caribbean countries). In addition, Part 154 must reflect research-based and most effective strategies that districts and schools must implement to help students meet higher learning standards.”

Nicole Rosefort, NYS Language TBE-RN at New York University

NYSABE thanks the members of the Regent Rosa-NYSABE Part 154 Team for their excellent team work: María de los Angeles Barreto, Milady Báez, Eudes Budhai, Vivian Bueno, Fanny Castro, Marybelle Ferreira, Florence Pu Folkles, Karl Folkles, Eva García, Marcia González, Rebekah Johnson, María-Angélica Meyer, Bernice Moro, Nelly Mulkay, Vanessa Ramos, Gila Rivera, Larry Rolla, Nicole Roquefort, Claire Sylvan, Zoila Tazi, Yazmín Torres, and Melodie Valenciano. Very Special thanks to Lydia Gutiérrez, Melanie Pores, Luis O. Reyes, and Margarita Reyes whose selfless guidance and unlimited support have been key to the success of this initiative.

II. **The Seal of Biliteracy – Conferring Prestige on those NYS High School Graduates who have demonstrated their capacity in two languages**, by Dr. Claire Sylvan and Dr. Marguerite Lukes

Low cost, high leverage and critically important for ensuring that our students’ assets are recognized by New York State and that biliteracy for all students is honored, the New York State of Biliteracy honors all students who have achieved the distinction of being bilingual and biliterate in an increasingly global world.

The ***Seal of Biliteracy*** was first launched with success in California, where the state government signed on to the Seal of Biliteracy in October 2011. California’s Seal of Biliteracy built upon work that individual school districts across the state had already begun to implement this recognition for their students at various levels. For example, California's Seal recognizes graduating seniors that demonstrate evidence of their academic proficiency in English and at least one other world language and honors them with a gold insignia on their diplomas. With the leadership of Assemblywoman Carmen E. Arroyo and Senator Joseph Robach, the NYS Assembly and Senate have both passed the Seal of Biliteracy in order to create an official Seal of Biliteracy for students in New York State.

NYSABE expresses its deep gratitude to the NYS legislators. Our very special recognition is given to Carmen Pérez-Hogan, Special Assistant to Assemblywoman Carmen Arroyo. Without them, the NYSABE membership, as well as the many other sister organizations that have actively supported of this bill, including the National Association for Bilingual education (NABE), the New York State Teachers of English to Speakers of Other Languages (NYS TESOL), the Association of Dominican American Supervisors and Administrators (ADASA), Internationals Network for Public Schools, the New York State Association of Foreign Language Teachers (NYS AFLT), The NYS United Teachers Federation (NYSUT), the New York

Immigration Coalition (NYIC), Coalition for Asian American Children and Families, Advocates for Children (AFC), and Flamboyant, this bill would not have moved so far so fast.

The **New York Seal of Biliteracy** recognizes the importance of a state-wide commitment to language development, bilingualism, biliteracy and cultural diversity. It demonstrates New York's support for educational programs that value cultural and linguistic diversity and lead to academic success through the demonstrated acquisition of proficiency in more than one language. Furthermore, a **Seal of Biliteracy** encourages students to develop biliteracy and multilingual skills, helping them to form a high level of linguistic, cultural, and communicative proficiency that connects them with diverse linguistic and cultural vocabularies, whether they start as proficient in English or proficient in another home language.

The **Seal of Biliteracy** promotes the development of the multilingual skills so necessary for 21st century global citizens and results in a workforce that can participate effectively and meaningfully in an increasingly globalized economy. To its enduring advantage, New York's diverse economy draws upon strong ties to global commerce and economies all across the world. New York State can reinforce this strength and develop it further in the 21st Century by formally recognizing the accomplishment of having achieved bilingualism or plurilingualism. Creating a **Seal of Biliteracy** incentivizes the development of bilingual proficiency by giving students a marketable credential that recognizes their attainment of proficiency in more than one language. Finally, the **Seal of Biliteracy** supports current businesses that engage New York's expansive immigrant population by creating a workforce that can better serve diverse customers' needs and innovate in order to better target diverse consumers.

III. Bilingual Education for Pre-Schoolers/Early Childhood bilingual learners

Dr. Luis O. Reyes and Dr. Zoila Tazi demonstrated once again their strong commitment to equitable education for early childhood emergent bilingual learners.

Dr. Zoila Tazi's presentation at the *Dialogue with the Legislators* was a confirmation of her firm beliefs stated in her dissertation, *"Bilingual by design: A vision for preschool education in New York."* Dr. Tazi stressed her view that all New York State children must be entitled to quality bilingual education beginning in preschool. "Current research supports the notion that bilingual preschool is a win-win scenario. This program provides all children with an early education, builds language skills and confers cognitive advantages that prepare children for global citizenship," she said. For additional information on Dr. Tazi's dissertation, please see NYSABE's Newsletter, Fall 2010 issue.

Dr. Luis Reyes's presentation at the *Dialogue with the Legislators* was followed up later at a special session, *"Walking the Walk: Building on our Children's Languages and Cultures"*, where he moderated a panel that included Jorge Sáenz de Vitteri and María Mayoral. The panel discussions stressed the importance of increasing the availability and quality of culturally and linguistically competent early education programs, supporting the growth of a culturally diverse teacher workforce, and engaging parents in a meaningful way to participate in their children's education. The presentation also focused on the following researched-based guiding principles:

Six Research-Based Guiding Principles Serving the Needs of English Learners in Preschool “School Readiness” Programs

(Developed through the Southern California Comprehensive Assistance Center in Spring, 2005)

Principle # 1: A child’s home language is a crucial foundation for cognitive development, learning about the world, and emerging literacy.

Principle # 2: A learning environment that facilitates social-emotional growth and affirms a child’s culture and language is essential for full participation and healthy identity development.

Principle # 3: One language is enhanced by another – therefore, effective programs provide intentional support and access to opportunities to learn in, whenever possible, both the home language and in English.

Principle # 4: Effective approaches for linguistic and cultural congruity build strong home-school partnerships and support parents as a child’s first teacher.

Principle # 5: High quality, research-based professional development is needed in order for teachers, paraprofessionals and early childhood caregivers to meet the needs of preschool age English Learners and their families.

Principle # 6: Culturally, developmentally and linguistically appropriate assessment is essential for effective, quality early childhood education.

Further, the panel discussed the following recommendations of the Latino Coalition for Early Care and Education (LCECE) to the NY State Legislature, developed by Dr. Luis O. Reyes, Jorge Sáenz de Viteri, and Vanessa Ramos:

Latino Coalition for Early Care and Education (LCECE)

Calls on the NY State Legislature to give priority to the following recommendations:

- 1. Adequate resources and funding must be available for developmentally, linguistically, and culturally competent programs** in early care and education that provide ELLs and Latino children with the skills to succeed in school.
2. High quality early care and education requires and investment in **hiring and developing a diverse, linguistically, and culturally competent workforce** at all levels.
3. New York State should use **effective outreach strategies focused on Latino and ELL families** to create awareness of the availability of high-quality child care and early education programs.
4. New York State should create and implement **a unified early care and early education data system** to include demographic breakdown by the language, race & ethnicity of 0-3 and 3-5 year-old children in the overall state population as well as by cities and towns (at least the Big Five). How many ELL and how many young Latino children are there in New York State, whether they are in day-care, family care, Pre-K, Head Start or no care? This is an uncounted group of children whom we need to care for and educate; and for whom we need to train bilingual/culturally competent professionals (teachers, administrators, caregivers).

IV. The NYS Dream Act

I am a "DREAMER"

By Jong-Min

My name is Jong-Min and I am an undocumented American. I was born in South Korea in 1980 and arrived the following year in Dec 1981. My parents and I lived in the great city of Nashville, TN and after about 7 years moved to Brooklyn, NY. I then attended Mark Twain and Stuyvesant HS and went back to college in TN. After graduating with *magna cum laude* honors in 2003, I came back to NY and could only find employment at odd, under-the-table jobs even with my bachelor's degree. It was humbling to say the least, but my story reflects not only my journey, but the tales of an estimated 2.1 million undocumented Americans in the same predicament.

The Dream Act was introduced in 2001 for immigrant youth like me. The requirements were that we had to have arrived before the age of 16, lived in the US for 5 consecutive years, have graduated from high school, and have attended college for at least 2 of the 6 year's conditional residency period, plus have good moral character, in order to earn legal residency. The bill seemed like a real "dream". And it was, because currently, due to our circumstances, there is no pathway to citizenship through our hard work and education. Sometimes it amazes me how this great country denies us a real opportunity to become full-fledged citizens, even when we tried our best and will do ever thing in our power to reach our life-long goals.

Likewise, and sadly to say, the Dream Act has not passed, even at the time of this writing, due to various reasons - politics, the economy, the dreaded "Amnesty" label, and 9/11. And yet, after nearly a decade of congressional inaction, undocumented Americans are undaunted, especially after the latest defeat in 2010. They have set forth a blaze of fearless activism - hunger strikes, "coming out" rallies, sit-ins, and civil disobedience arrests. Their slogans, "Undocumented! Unafraid!" and "Education NOT Deportation!" epitomized the thinking behind the vastly growing movements' power.

It's never been easy - nor should it have been. Perhaps, it may be even more difficult to be undocumented, as the Obama administration has stepped up their deportation to a record breaking number of 400,000 in 2011. However, Dream activists - undeterred and determined, as always, fought not only for their cause, but for their undocumented parents, relatives, mentors and friends.

And so within the last two years, as Congress played political football on immigration, states have been challenged by these same activists to help them locally. The NYS Dream Act was introduced in March 2011, which was to help alleviate the barriers undocumented students face in attending institutions of higher education. Making financial aid available would have ensured greater access for undocumented youth in their quest for post-secondary education. Yet, like the federal bill, it remains a "dream" - having been untouched and abandoned. And its recent "no-vote" defeat in Albany led us to our usual saying of "We'll pass it next year", as we again rolled up our many signs used over the years.

However, a new ERA has arrived. On the national level, and as recently as June 15, 2012, President Obama issued an immigration order from the Rose Garden to stop the deportation of Dream-eligible youth, effective immediately. His administration also said that they would be eligible for temporary work permits renewable every 2 years. And very importantly, those in detention and in deportation proceedings would benefit as well. The program and the guidelines would be released in 60 days, ensuring some time and efforts for other Dreamers to apply.

While some immigration advocates and Dreamers did like the idea, there was criticism even from them, saying the plan doesn't go far enough. In fact, the President did say, "This is not a pathway to citizenship, not a permanent fix. I still want Congressional action on this issue." Thereby saying, we still NEED the Dream Act because it is within Congress' jurisdiction in granting citizenship to its undocumented citizens. Individual states have their own "problems" as each state legislation can grant in-state tuition and driver's licenses to their undocumented residents. However, with all this said, my thoughts are that this was a great fresh start in solving this immigration crisis. It would ideally provide relief to many, many, many Dreamers - possibly an estimated 1.4 Million, according to the Pew Hispanic Center.

Within this past week, as of June 17-23, I've been updating as much as I can for this newsletter, there have been numerous forums, webinars, press releases, and newspaper articles to help understand this policy. Yes, it's still very early, and all this news is fresh and without the guidelines. Many immigrant coalitions wish to do their best to get the most accurate information out there - for which they should be applauded.

Sadly, I may not benefit from this new policy as I've turned "30-ish 2" this year. But mark my words, I will still push for Congressional action at the state and federal level and I urge all of you to do the same (write letters to Senators, Congressmen; call your local Representatives; fill out online petitions, forms; fundraise for scholarships; and especially, form Dream Clubs). I believe our goals should be to make this country better for ourselves and each other. I truly believe that immigrants, especially young Dreamers wish to do that by becoming better people, neighbors, friends, and even spouses (not to mention, become doctors, lawyers, and teachers) in the same country they love and call home. And I believe these beliefs, values, and "Dreams" truly makes us Americans!

For more information:

Please check this website for FAQ on the policy - <http://www.nilc.org/FAQdeferredactionyouth.html>
And those who wish to consult or hire a reputable and knowledgeable immigration lawyer please call the Bar Association Legal Referral Service at [\(212\) 626-7373](tel:2126267373). You can also get a 30-minute consultation for just \$35. Plus, you can get a list of legal service providers helping low- and moderate-income individuals at www.law-help.org/NY

V. The assessment of ELLs/bilingual learners in general and special education

Dr. Marybelle Ferreira made an impassioned plea on behalf of ELLs/bilingual learners who must take high stakes test in English after attending school in the USA for a year. "As you all know", she said, "I am devoted, just like all of you, to making sure that all children have equal access to a quality and fair education. I am against the law of having our ELLs tested in English Language Arts before they have had the opportunity of first being educated in that language and before their language and academic skills have fully developed."

In support of Dr. Ferreira's statements, Gila Rivera, school social worker, wrote the following comments in relation to current testing practices for ELLs/bilingual learners with severe disabilities:

LOST IN TRANSLATION

Why Are Kids With Severe Cognitive Impairments Mandated to Take the NYSESLAT?

By Gila Rivera,

No one likes getting lost. It is not a good feeling. Yet, when it comes to the New York State English as a Second Language Achievement Test, kids with severe cognitive disabilities are getting lost through no fault of their own.

The New York State English as a Second Language Achievement Test (NYSESLAT) was designed to assess the English language proficiency of typical learners. It was not designed to measure the language proficiency of students with severe cognitive disabilities. Why then are these students subject to the burden of taking a test that was not designed for their population? The problem stems from a mismatch between two federal laws. The No Child Left Behind (NCLB) Act and the Individuals with Disabilities Education Act (IDEA) violate one another.

NYSAA, the New York State Alternate Assessment, is given to students who have been designated as having severe cognitive disabilities. Participation criteria for the NYSAA have nothing to do with their non-disabled peers. Non-disabled students do not take the NYSAA. Only very severely cognitively disabled students do. To reiterate, NYSAA-mandated students are youngsters with severe cognitive impairments who are exempt from taking standardized tests. If NYSAA-mandated ELLs/bilingual learners are exempted from taking standardized tests—such as the ELA (English Language Arts), math, science, and social studies exams—why are they mandated to take the NYSESLAT?

Clash of the Titans: IDEA '97 vs. NCLB

When the Individuals with Disabilities Education Act (IDEA) was reauthorized in 1997, Congress added a new stipulation to the bill, namely that all students with disabilities, regardless of the severity of their disabilities, must take all large-scale assessments (e.g., state assessments) at the same time as non-disabled students. Because New York State exams were given at the 4th, 8th, and high-school levels, the original New York State Alternate Assessment (NYSAA) was only administered at those three levels. Prior to IDEA '97, students with severe cognitive disabilities were exempt from assessments. (In New York City we called these youngsters "Category C" students).

The NYSAA was developed in response to IDEA '97, and it was piloted in 2000. Starting in 2001, the NYSAA has been administered to all students who meet the participation criteria. The Committee on Special Education (CSE) determines whether or not a student is eligible to take the NYSAA based on the following criteria:

- the student has a severe cognitive disability, significant deficits in communication/language, and significant deficits in adaptive behavior
- the student requires a highly specialized educational program that facilitates the acquisition, application, and transfer of skills across natural environments (home, school, community, and/or workplace)
- the student requires educational support systems, such as assistive technology, personal care services, health/medical services, or behavioral intervention

In 2001, the NYSAA was aligned to the old learning standards and to Alternate Performance Indicators (ways for students with severe cognitive disabilities to demonstrate mastery of the standards). Back then, students were assessed in the following content areas on the NYSAA:

- English Language Arts (ELA)
- mathematics, science, and technology (MST)
- social studies
- career development/occupational studies (CDOS)
- Health, Family, and Consumer Sciences (HFCS)

ELLs were permitted to take the ELA (English Language Arts) NYSAA in their native languages (e.g., students in bilingual Spanish classes were permitted to perform tasks in Spanish on the ELA portion of the NYSAA). In addition, all four modalities—listening, speaking, reading, and writing—were assessed on the 2001 NYSAA.

When the No Child Left Behind (NCLB) Act was passed in 2002, it mandated, among other things, that all Limited English Proficient (LEP) students take an English-language proficiency exam. No exemptions were permitted. Because New York State has never developed an alternative to the NYSESLAT for ELLs/Emergent bilingual learner with severe cognitive disabilities—whose IEPs (Individualized Education Programs) mandate alternative assessments—these students were and continue to be mandated to take the NYSESLAT **in violation of IDEA '97**.

Also, the new New York State Alternate Assessment (NYSAA) eliminated measurement in the speaking portion of the ELA evaluation (since speaking is not assessed in general education on English Language Arts and English assessments; speaking on standardized assessments is only measured in foreign-language courses). Therefore, the new NYSAA could not be used to examine English as a second language achievement.

Although it is true that *“the NYSESLAT is not only used to determine a student’s English Language Proficiency, but also to determine the amount (periods per day) the student is entitled to ESL instruction,”* using NYSESLAT scores to determine the amount of instruction for LEP/ELLs who have severe cognitive disabilities and alternative assessment mandates does not address the language-learning needs of these students. Using NYSESLAT scores also yields unreliable information about the students’ instructional needs and levels related to second-language acquisition. It conflicts with the need to base instructional decisions on an Individualized Education Program for these students.

The IEP takes into consideration all the factors (e.g., second-language acquisition and disability-related concerns) that affect the student’s learning and performance. In recognition of the “untrustworthiness” of NYSESLAT scores to determine second-language acquisition needs apart from disability-related performance, practitioners have questioned the ability of the NYSESLAT to determine the students’ levels of second language acquisition and the units of second language instruction to be provided as per C.R. Part 154’s Language Allocation policy.

The Road Best Traveled

NYSAA-mandated students have alternative assessment mandated in their IEP (Individualized Education Program). The NYSESLAT is a standardized test, but because there is no alternative assessment for second language, our students must take the NYSESLAT. Have you seen one of our little NYSAA-mandated students who are also ELLs with severe cognitive impairments trying to take this test? It is really sad. The NYSESLAT is administered over the course of weeks, and the components are as rigorous, if not more so, as the ELA (English Language Arts). What is more tragic is that our kids are enslaved to the NYSESLAT until they pass it. In most cases, they are getting lost on this test not because of their language skills, but because of their disabilities.

It does not make sense to use the NYSESLAT to test students with disabilities, especially if those students are NYSAA-mandated. Many of these youngsters have many problems, including processing of language, so why must we put them through the agony of taking a standardized exam that was not designed to test their true abilities? Why lay out a path that is all but guaranteed to get them lost?

In closing, I express my support to NYSABE in its continued plea to make an Alternative Assessment of second language acquisition a reality for ELLs/bilingual learners with severe cognitive disabilities.

Gila Rivera is a bilingual school social worker. She is the Title III Coordinator for District 75, NYC Dept. of Education, and is a NY State Education Dept. Alternate Assessment Training Network Specialist.

VI. Rationale for Bilingual/ESL Services to New York State Students from Caribbean Countries Where English is the Medium of Instruction, by Dr. Karl Folkes

Historically and linguistically recognized since 1984 as “children of the gap,” students from Caribbean countries where English is the medium of instruction, reflect and represent a rich multilingual and multicultural native Creole-speaking population that is intertwined with and overlapping with Spanish, French, Portuguese, Dutch, English languages; and with the various distinct Creoles (Guyanese, Haitian, Jamaican, etc.) of the region.

Comprised of 19 territories (Consult the NYSED published document, “Resource Guide for the Education of New York State Students from Caribbean Countries Where English is the Medium of Instruction”), these countries (Refer also to Time Almanac 2011, Time Almanac 2012 For Kids, Encyclopedia Britannica 2011) represent a multilingual region with migrant Creole-speaking populations that overflow and extend into the Dominican Republic (Samana region), Belize, Honduras, Costa Rica, and Panama.

Because of the extensive language overlap in the region, these countries individually possess a variety of languages that link them indelibly-- historically, socially, and culturally—with other countries in the Caribbean Basin. As reported by researcher Ian Hancock, Professor of Linguistics and English at the University of Texas at Austin, in a 1992 catalogue article published by the Center for Folk life and Cultural Heritage of the Smithsonian Institution: “Linguists have documented many Creole languages throughout the world. Creoles are not dialects of the various languages from which they took most of their vocabularies—English, Spanish, Portuguese, etc. —and the long-standing supposition that they are has caused serious problems in the classroom. This unfortunate situation is the result of several factors, in particular the perpetuation of negative attitudes instilled in the Creole-speaking populations during

the years of colonialism, and the lack (until recently) of formal training for educators in Creole language history and structure...”

In addition to this important observation, the State Education Department of the State of New York at Albany, Office of Bilingual Education and Foreign Language Studies, in conjunction with the NYS Haitian Language BETAC, has published and disseminated in 2011, via the internet website, <http://www.emsc.nysed.gov/bilingual> the document, “**Resource Guide for the Education of New York State Students from Countries Where English is the Medium of Instruction.**” Endorsed by Lawrence Carrington, Professor of Creole Linguistics, University of the West Indies, with supportive testimonial by Dr. Pedro Ruiz, Coordinator, OBE-FL, NYSED; and with researched contributions from bilingual educators that include Carmen Pérez-Hogan and Dr. Ximena Zate, this resource guide provides strong rationale for the expansion of C.R. Part 154 to include bilingual/ESL services for Caribbean students who have been appropriately screened and identified. The Resource Guide also stipulates the criteria for how this population is to be served.

By expeditiously implementing these recommendations, educators and legislators will remedy a far too long neglected and delayed need to fully identify and serve all students of limited English proficiency, including those “from Caribbean countries where English is the medium of instruction” (but where a native Creole is the dominant home language.

VII. NYSABE’s Parent Leadership and Advocacy Committee (PLAC)

Ms. Silvana Medina, a parent leader from Intermediate School 296, Brooklyn, and recipient of the 2012 NYSABE Parent of the Year Award spoke on behalf of parents of ELLs/bilingual learners attending NYSABE’s *Dialogue with the Legislators*. Ms. Medina praised the involvement of these parents and expressed their eagerness to embrace NYSABE’s mission to advocate for the educational rights of ELLs/bilingual learners. In this regard, Ms. Medina requested the legislators’ financial support to assist NYSABE in developing and implementing its **Parent Leadership and Advocacy Committee (PLAC)**. The main goal of this committee, Ms. Medina explained, would be to provide parents with the knowledge and leadership skills necessary to assume the advocacy role on behalf of their children.

At this crucial time of major educational reforms, NYSABE welcomes and celebrates the parents’ commitment and acknowledges their determination to acquire the leadership and advocacy skills necessary to participate in the decision-making process at the school, district, and state levels. Furthermore, NYSABE, in support of the views presented by Ms. Medina, reiterates its commitment to strengthen the participation of parents in all NYSABE initiatives by making the **PLAC** a reality under the leadership of NYSABE’s Parent-at-Large.

VIII. Targeted Funding for Technical Assistance and Professional Development

Ms. Terry Brady-Méndez, Executive Director, Long Island RBE-RN at Eastern Suffolk BOCES, stated that the most critical element to ensure educational equity and academic achievement for LEP/ELLs is the quality and preparation of teachers. In this regard, her eloquent remarks underscored the urgent need of schools and districts to implement targeted, on-going, long term, research-based professional development activities focusing on optimum educational practices for LEP/ELLs.

Similarly, Ms. Brady-Méndez pointed out the need of NYSED and school districts to promote school-based leadership committed to educational excellence for all LEP/ELLs in New York State. According to Ms. Brady-Mendez, district and school administrators, supervisors and support personnel must meet responsibilities aligned to the current school reform initiatives, such as:

- optimum program development and implementation
- curriculum design aligned with the NYS Common Core Standards
- teacher-leader effectiveness
- accountability requirements and data analysis
- Response to intervention (RTI)
- instructional and support services for bilingual learners with disabilities, and
- research based effective practices for LEP/ELL sub-groups (SIFE, Long Term ELLs, etc.).

In this regard, Ms. Brady-Méndez emphasized the important role of targeted, on-going and sustained technical assistance and professional development specifically designed to improve the instructional services and educational outcomes for LEP/ELLs.

In her closing remarks, Ms. Brady-Méndez emphasized that meaningful professional development and technical assistance can only be provided by individuals and entities with demonstrated commitment, expertise, experience, and familiarity with the specific characteristics of the LEP/ELL populations.

CLOSING REMARKS

As we finalize this document, which is dedicated to our organization's advocacy work, we salute Professor Carmen Dinos for being a source of inspiration and guidance throughout the development of NYSABE's Advocacy Agenda. During her closing remarks at the *Dialogue with the Legislators*, Professor Dinos stressed the **POWER OF UNITY** and our need to stand and work united with **ONE STRONG VOICE** focused on **ONE COMMON GOAL**: our children.