



## NEW YORK STATE ASSOCIATION FOR BILINGUAL EDUCATION

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TO: MaryEllen Elia, Commissioner of Education, President of the University of the State of New York  
RE: New York's Consolidated Draft Plan for the *Every Student Succeeds Act* (ESSA)

Dear Commissioner Elia,

On behalf of the Board of Directors, Delegate Assembly, and Executive Director of the New York State Association for Bilingual Education, I would like to thank you for having offered us the opportunity to participate in the *Every Student Succeeds Act* (ESSA) Think Tank and to submit these comments. The collaborative and transparent nature of the process have been refreshing and, we believe, have resulted in the development of a high-quality plan for New York. While the plan is quite comprehensive, and all aspects of the plan affect the educational attainment of English language learners/Multilingual learners (ELLs/MLLs), we will focus our comments mainly on the components that most directly address the education of this population of students.

### **Native Language Assessments**

#### **Areas of Strength**

We are gratified to see that the plan seeks to expand the use of home language translations of content area exams to include Simplified Chinese, Arabic, and Bengali. We urge NYSED to continue to analyze the data each year to ensure responsiveness to changing demographics over time.

We applaud the inclusion of a plan to develop Native Language Arts/Home Language Arts assessments, starting with Spanish and later including other languages; and World Language assessments in four languages other than English.

#### **Areas for Consideration**

As certain populations decline over time, consider replacing translations into those languages with translations into the languages spoken by increasing populations. While there is an acknowledgement of the fact that areas of the state outside New York City may have different language needs, there appears to be no impending plan to address this beyond the supports for parents. Consider pooling resources among the big cities to address their unique language needs (e.g. Rochester focus on Nepali and Buffalo focus on Karen, etc. to share with other cities with similar needs).

### **Statewide Accountability System/School Support and Improvement**

#### **Areas of Strength**

The application of the exception under ESEA section 1111(b)(3)(A)(i) to exempt recently arrived ELLs/MLLs from accountability for ELA results in their first year makes good sense, as do the plans for years 2 and 3.

The growth (transition matrix) model selected for determining progress towards English language proficiency is based on sound research and data analysis. We believe that a growth model takes into consideration not only the student's initial proficiency level, but how language develops over time and has the capacity to provide rigorous and attainable targets for the progress of ELLs/MLLs. The three to five-year time frame is an average and is based on a longitudinal analysis of existing data.

## **Areas for Consideration**

According to the baseline and 20% gap reduction described in the plan, it appears that if the long-term (5 year target) were just met, it would take many years to achieve the 95% target. The gap reduction target would become smaller and smaller as the percentages increase. For example, 15 years after the baseline year (2030-31), the target would be approximately 72%. Is this the case? Without actual projected numbers, it is difficult for the average person to understand how rigorous the targets really are. The suggested targets for gap reduction may need to be revisited and adjusted if districts and schools are just meeting, or failing to meet, these targets so that the 95% end goal may be met in a reasonable number of years. Providing an example with real numbers would greatly benefit the public in understanding the gap closing targets and the expected timeline to achieve the “end goal” of 95%.

Analyze and adjust the timeline to proficiency as needed to ensure that it is appropriately rigorous but is also responsive to subgroup and student-specific factors if need be (e.g. SIFE status, age at arrival, disability status, etc.). With a three-to-five-year timeline, we are concerned that schools may be less willing to serve these subpopulations and that students will be pushed out or discouraged from enrolling. We recommend reviewing the data annually to determine if indeed students from these groups are achieving proficiency within the timeline and if necessary, extending the timeline to six years for student subpopulations that are known to require more time.

The actual system for awarding “points” to schools based on students’ growth in English language proficiency for school accountability should be clearly explained.

## **Title III – English Language Acquisition and Language**

### **Areas of Strength**

New York State has had standardized, statewide entrance and exit procedures for years, and these procedures were enhanced and strengthened by the recent reauthorization of CR Part 154. The NYS timeline for identification and placement exceeds the ESSA requirements, ensuring that students are assessed and accessing instructional programs in a timely way.

The plan includes provisions for identifying students as have limited or interrupted formal education (SIFE). The plan also makes mention of the 45 day appeal provision for reconsidering the identification of a student as an ELL/MLL. The plan describes current and planned practices for supporting schools and districts in meeting their long-term goals for ELLs/MLLs, including one of its greatest resources, the RBERN Network.

### **Areas for Consideration**

There is only a passing mention of strategies to support the appropriate identification, instruction, and assessment of ELLs/MLLs suspected of having, or identified as having, disabilities. With over one-fifth (21.9%) of ELLs/MLLs in NYS identified as having a disability, and with their numbers far exceeding those of non-ELLs in the most subjective disability categories such as learning disabled and speech or language impaired, this unique group of students requires and deserves a clear, ambitious plan of monitoring and support.

The plan includes some strategies for addressing the critical shortage of bilingual and ESOL teachers, however most of the programs exist in the New York City area. More needs to be done to address critical shortages in the central and western regions of the state as well as in rural and remote areas throughout New York.

To the degree possible, components of plans for the education of ELLs/MLLs such as the Comprehensive ELL/MLL Education Plan (CEEP) and monitoring and improvement tools such as the Self-Evaluation Tool should be integrated into the larger plans and systems such as the SCEP and the DTSDE tools and processes. Integrating the documents and tools would assist schools and districts in examining the progress of ELLs/MLLs within the larger context, as integral and valuable members of the school community. It might also increase the inclusion and valuing of the parents and families of ELLs/MLLs by requiring their participation in the development of plans and supports.