



NEW YORK STATE ASSOCIATION FOR BILINGUAL EDUCATION
New York University, Metropolitan Center for Urban Education
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NEW YORK STATE TEACHERS OF ENGLISH TO SPEAKERS OF OTHER LANGUAGES
Box 185, Teachers College, Columbia University
525 W. 120th Street, New York, NY 10027



April 15, 2010

Dr. John B. King, Jr.
Senior Deputy Commissioner for P-12 Education
New York State Education Department
89 Washington Avenue, 125 EB
Albany, NY 12234

Dear Dr. King,

The New York State Association for Bilingual Education (NYSABE) and the New York State Teachers of English to Speakers of Other Languages (NYSTESOL) are two professional organizations that represent educators, parents, advocates, community-based organizations, researchers, and teacher educators who advocate for the educational advancement of English language learners (ELLs). On behalf of both organizations, we are writing to express our deep concern about your February 10, 2010 communication to the New York State Education Department EMSC Committee, on the need to reduce costs of the New York State Testing Program. Part of the cost reduction recommended is the immediate discontinuation of translated versions of content assessments into Chinese, Haitian-Creole, Korean and Russian.

Consistent with Title VI of the Civil Rights Act of 1964 and its implementing regulations, NYS Part 154 of the Commissioner's Regulations, and Education Law 3204, ELLs must be provided equal access to all school programs and services, and shall not be subjected to educationally discriminatory practices. NYSABE and NYSTESOL stand firm in supporting the tenets of these mandates, consequently, we believe that denying ELLs the opportunity to take advantage of translated editions of state assessments is denying them the opportunity to demonstrate what they know and need to learn. ELLs, like native speakers of English, must be afforded equitable and meaningful participation in all educational programs so that they can reach their maximum potential and become productive citizens in the current global economy.

At the present time, approximately 22,000 ELLs in New York State take required content area assessments that have been officially translated into the languages spoken by the largest linguistic groups: Spanish, Chinese, Haitian-Creole, Korean, and Russian. The provision of these translated versions takes into account the following:

- Content area exams in English require more than content area knowledge. Due to the complexity of language usage and vocabulary, passing the exams require the Cognitive Academic Language Proficiency (Cummins, 1979) which most ELLs do not possess yet. Consequently, a content area exam taken in English by an ELL may not be a valid tool to measure his/her knowledge and skills and to make instructional decisions.
- A translated exam offers ELLs the possibility to demonstrate their content area competencies without struggling with the linguistic hurdles posed by the English versions.

- A translated content area test also allows schools and teachers to assess the attainment of instructional objectives, examine outcomes, design appropriate instruction, and identify possible needs for additional instructional support or interventions.
- A translated exam can also assist recently arrived middle school and high school students to demonstrate their competencies in content areas acquired in their home countries. As a result, they could seek admission and meaningful participation in Advanced Placement and other rigorous curriculum programs, as ensured by Title VI of the Civil Rights Act.

As a result of these considerations, NYSABE and NYSTESOL urge the State Education Department to continue the fair and equitable practice of providing ELLs the best opportunity to demonstrate their knowledge through the use of officially translated editions of content assessments required under the New York State Testing Program. Let us be reminded that as ELLs take and fail to pass content area tests designed for English native speakers, they are at risk of being labeled intellectually deficient and being placed in remedial programs or instructional settings for students with disabilities. Also, as current statistics demonstrate, ELLs who obtain low scores or fail to pass required tests to graduate with a high school diploma are more likely to drop out and miss the opportunity for educational advancement (Menken, 2008).

NYSABE and NYSTESOL reiterate their commitment to safeguard the educational rights of ELLs and support non-discriminatory practices in New York State Schools.

Respectfully yours,

Margarita Reyes

Margarita Reyes
President
NYSABE

Constance E. Dziombak

Constance E. Dziombak
President
NYSTESOL

C: Members of the Board of Regents
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