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ABSTRACT

This study surveyed 227 teachers of English Language Learners (ELLs) in New York City public schools about the adequacy of the school and classroom services provided to ELLs to help them meet the challenges of New York City's updated promotion and graduation standards. In addition to the teachers' surveys, the report compiles data from the New York City Board of Education as well as the New York State Department of Education. After describing ELLs in New York City, the updated standards, the educational outcomes of ELLs, and school factors that have been identified as barriers to school success for ELLs, the report presents survey findings. Overall, many bilingual teachers did not speak the same language as their students. Teachers reported problems with timely placement in appropriate classes and lack of coordination between English as a Second Language (ESL) and English language teachers. Teachers felt that: many students were at risk of being retained, and they were not getting the services they needed; support services were rarely provided to teachers; and school policies about summer school needed significant improvement. Teachers noted challenges in communicating with immigrant parents and desired services to aid communication. Recommendations include: ensure proper teacher training; create a citywide model curriculum for ELLs, and train teachers in its use; and expand teacher recruitment efforts targeting ESL and bilingual shortage areas. The teacher survey is appended. (SM)

Report from the Front Lines: What's Needed to Make New York's ESL and Bilingual Programs Succeed

February 7, 2001

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Table of Contents

	<u>Page</u>
Executive Summary	2
Key Findings	3
Recommendations	5
Introduction	8

Part I: Background Information: The Challenge

1. The Increase in Immigrant and Refugee Students in New York City	8
2. The 1999 Updated Standards in New York City	11
2.1 Graduation Requirements for High School Students	14
2.2 Promotion Standards for Students in Grades 3-12	15
2.3 Support Services Including Summer School	16
3. Challenges Related to the Implementation of Updated Standards: Educational Outcomes for ELLs	18
3.1 Exit Rates from Bilingual/ESL Programs	19
3.2 Development of English Proficiency in Reading	22
3.3 Rising ELL Drop-out Rates	25
4. Challenges Related to the Implementation of the Updated Standards: School Quality/Teacher Readiness	26
4.1 Issues Related to Teacher Quality, Training, and Professional Development	27
4.2 Issues Related to the Curriculum and Student Assessment	30
4.3 Issues Related to Student Support Services	31

Part II: Survey Findings

1. The Teachers and their Qualifications	32
2. Many Bilingual Teachers Do not Speak the Language of Their Students	34
3. Problems with Timely Placement in Proper Classes	35
4. Coordination Between ESL and General Education Teachers is Lacking	36
5. Many Students were Identified as Being at Risk of Holdover	37
6. Students at Risk of Holdover are not Getting the Service they Need	38
7. Curriculum Alignment to the New Standards	40
8. Teachers Confront a Number of Challenges Working With Students and Families	
9. Who Are Linguistically and Culturally Diverse	43
10. Services to Enhance Teacher-Parent Relationships Are Sorely Needed	44
11. Support Services are Rarely Provided to Teachers	45
12. School Policies with Regard to Summer School Need Improvement	47

Part III: Conclusions and Recommendations

1. Summary and Conclusions	48
2. Recommendations	49

Executive Summary

Much attention has been paid recently to the need to reform bilingual education. Initiatives have included ballot propositions to eliminate bilingual education in California and Arizona, and voluminous reports from Mayor Giuliani and Chancellor Levy recommending greater parental choice and programs and policies to move New York City schoolchildren whose native language is not English, referred to as English Language Learners (ELLs), into mainstream classes more quickly. The issue is generally presented as a debate over whether bilingual education or “English immersion” programs are the best approaches for teaching ELLs English. Unfortunately, this debate misses the big picture. The real issue to be debated is what is needed to prepare ELLs to meet New York States’ new graduation and promotion standards. If we teach ELLs to understand and speak English, but fail to teach ELLs to become academically proficient in English, then we have failed them and they will not be able to get a high school diploma in New York.

The reality is that the basic educational needs of ELLs in New York have been overlooked for decades and as a result they are seriously underserved in New York City schools. These students often lag behind their peers academically and suffer extraordinarily high drop-out rates. While there are system-wide problems such as overcrowding and poorly equipped schools that need to be addressed with a long-term investment strategy, there are other barriers that can be addressed in the short term that can directly improve the educational outcomes of ELLs. The real issue for ELLs is teaching—having high quality, well-trained teachers with appropriate curriculum, and having additional time for teachers to help ELLs become academically proficient in English, while they also master other core subjects. The issue of teaching is not just about bilingual and ESL teachers, it is also about ensuring that all teachers - mainstream math, science, social studies, and English teachers - know how to address the unique needs of their ELL students.

This report focuses on one of the ingredients most fundamental for ELL’s success: their teachers, and the resources they possess to teach this group of children, who make up nearly 17% our

City's school population. It is incontrovertible that implementation of the new standards requires more support and services than currently exist if these students are to succeed. These supports and services include teacher readiness, teacher certification, training and professional development, curriculum alignment, and proper materials and supplies in the classroom. Issues related to the dearth of qualified ESL/Bilingual teachers, teacher training, the lower achievement levels of many ELLs, parent involvement with the school and the teacher, and cultural competence of school personnel must also be addressed. This report focuses on the impact of the new demanding standard on ELLs, the challenges teachers face, and steps the New York City public schools need to take to overcome these challenges.

Key Findings

This report has compiled a wide range of data from New York City's Board of Education, the New York State Education Department and studies conducted in New York and across the country on ELL performance and issues affecting their learning. Additionally, Advocates for Children of New York and the New York Immigration Coalition conducted a survey of New York City teachers who teach ELLs in public schools in an attempt to view the challenge of educating ELLs through the eyes of those working on the front lines of this issue. A total of 227 teachers from 13 different school districts in Brooklyn, Bronx, Manhattan, and Queens completed the survey. Highlighted findings are found below.

Many Bilingual Teachers Do Not Speak the Same Language as Their Students

Bilingual teachers were asked if they spoke the language of their students. Thirty-five percent responded that they speak the same language of only "some" of their students. In other words, some children in bilingual classes (which are supposed to be taught in the child's native language) are being taught by teachers who do not speak the same language as the students they teach. This finding is extremely serious, as it means that some children are not receiving their mandated services and are unlikely to progress.

Problems with Timely Placement in Proper Classes

Teachers were asked to indicate if timely placement of new ELLs was a problem for students entering their schools. Overall, a stunning 58% agreed that it was problematic, with a small proportion indicating that ELLs had to wait long periods, up to five months, for proper placement. Without

proper placement ELLs generally are in English-only classes without supports or services, and as a result, are unlikely to progress academically.

Coordination Between ESL and General Education Teachers Is Lacking

Teachers were asked to indicate if coordination between ESL and general education teachers was a problem. Overall, 67% stated that it was problematic. This is a serious issue because if there is no coordination between, for example, an ESL and a language arts teacher, the language arts teacher may teach a child at a higher or lower level of English proficiency than might actually be warranted. Either way the child is unlikely to have a positive learning experience without such coordination.

Many Students Were Identified as Being At Risk of Holdover

Bilingual and ESL teachers were also asked to indicate the proportion of students they are currently teaching who were identified last summer as being at risk of being retained in grade. Overall, 36% indicated that 20% or less were so identified, while 30% reported that more than half of their students were at risk of being held back. That nearly a third of these teachers reported that over half their children were at risk for retention is very disturbing; this could indicate that a serious disproportion of children being held are ELLs.

Students At Risk of Holdover Are Not Getting the Services They Need

Overall, 61% of the teachers indicated that proper services for English Language Learners are not always available. Teachers indicated that 37% of these at-risk children were not receiving extra help with reading, 44% were not receiving extra help with math, 41% did not receive small/group or individual instruction, and 57% did not receive counseling services. This lack of services is completely unacceptable.

Adequacy of Curriculum Materials

Teachers were asked about the adequacy of their curriculum materials (books, worksheets) and whether or not they covered the necessary materials to help students meet the new standards. Thirty-six percent indicated that they were not adequate.

Challenges That Teachers Confront in Communicating with Immigrant Parents and Services to Enhance Teacher-Parent Relationships that Teachers Felt Were Necessary

- 94% stated support services for immigrant parents were necessary
- 78% stated that language barriers were a problem
- 70% stated that immigrant parents didn't understand what the schools expected of them
- 87% agreed that there should be translators at parent meetings
- 93% agreed that information for parents needed to be in the parent's native language
- 85% of teachers agreed that they needed a better understanding of ELL parents' cultures

It is clear that many of the necessary services to ELL parents, some required by law, are not available.

Support Services Are Rarely Provided to Teachers

ELL/Bilingual teachers were asked a general question about whether or not they receive assistance to develop their professional skills to deal with challenges presented by English Language Learners. Overall, 46% stated they did not receive such assistance. Without such development teachers, especially new teachers or those unfamiliar with teaching ELLs, cannot provide ELLs with the assistance they need to meet the new standards.

Teachers were also asked to indicate the areas that would enhance their effectiveness. The following services were identified:

- 76% agreed that general training in ESL methods would be helpful
- 74% agreed that general training in Bilingual methods would be helpful
- 80% agreed that general training in content areas would be helpful
- 79% agreed that observations of a master teacher would be helpful

School Policies With Regard to Summer School Need Significant Improvement

While most of the teachers (86%) indicated that most parents had received a written letter informing them of their child's possible retention (although not timely as required by regulation), the remainder indicated that most of the parents were informed over the telephone, by the teacher, or by a note written on their child's report card saying "*Promotion in Doubt*," all in violation of the regulation. Finally, although schools are required to communicate with parents in their home language – "*To the extent possible, communication with parents should be in their home language*" – teachers who completed the survey also indicated that parents of the ELL students in their schools were frequently communicated with in languages other than their home/native language.

RECOMMENDATIONS

Assure that significantly more funding goes to programs to assist ELLs—the Governor and the Mayor's proposed budgets need to invest more to help the large and growing number of ELL students to succeed.

- ELLs are not currently receiving either the depth or breadth of services necessary to meet the new standards. The requirements of the new standards will require more, not fewer services. Consistent with the court ruling in the CFE lawsuit, New York City and State must provide additional resources to ensure that all New York City students receive a sound basic education. While the Chancellor's report recommends an investment of \$75 million, the Mayor only included \$15 million in additional resources in his recent budget, and the Governor's budget would actually reduce State funding for ELLs.

Ensure proper training for teachers who are currently teaching ELL students.

- Create an intensive summer institute for ESL, bilingual teachers and core subject teachers to give them the proper tools to teach ELL students, taking into account the requirements of the new standards. All teachers should be offered this training, but teachers whose students are not making adequate progress should be required to attend.
- **Create a citywide ESL model curriculum for ELLs and train teachers in its use.**

A model ESL curriculum should be created for citywide use. The curriculum should reflect what skills will be taught at different levels of proficiency, the types of materials and books students will read, how standards will be achieved, and how ESL and ELA teachers will work together and coordinate instruction. Extensive teacher training in the use of the curriculum is also critical.

Expand teacher recruitment efforts targeted to ESL and bilingual shortage areas.

- For ELL students to succeed and increase their ability to meet the new standards, there must be intensive efforts to recruit and retain ESL and bilingual teachers who are properly certified and

trained. ESL and bilingual teachers have additional skills and certification requirements not required of other teachers and should receive additional compensation to reflect this.

- The Teachers for Tomorrow recruitment program must specifically address uncertified bilingual and ESL teachers, including special education teachers and aides. Uncertified teachers in these areas should receive additional assistance to pass the LAST and ATWS tests.
- State law should be changed to permit non-citizens to become certified teachers and immigration visas should be sought for foreign-born teachers who are proficient in English.
- The Board of Education must ensure funding for bilingual special education teachers and aides in its proposals. The low rate of English language acquisition for ELLs with disabilities results largely from a severe shortage of certified, bilingual special education teachers and resources.

Provide teachers and ELL students with additional class time and support services to meet the new standards. This investment will result in students needing fewer years of schooling to graduate.

- ELLs must master both academic proficiency in English and master all other core subjects to meet the new standards, and there is not enough time in a regular school day to do both. ELLs and their teachers must have access to after-school, weekend, and summer classes and the use of technology to meet these requirements. While all ELLs need the additional time and help, priority should be given to late entrant ELLs, students at risk for retention and students receiving special education services.
- Many ELLs need from 5 to 7 years to complete high school. By providing additional help, we can shorten the number of years ELLs need to graduate and save money.
- Assure that those ELL students designated “at-risk” are provided intervention services during the school year. According to our survey, ELLs who are at-risk for holdover do not receive adequate intervention services during the regular school year. The entitlement to services guaranteed in the prior Chancellor’s Regulation should be reinstated.

Teachers need more help from parents of ELL students--provide notice and information in the home or native language of the parents as well as interpretation services to parents.

- Over half of school-age children in New York City are members of immigrant families. It is essential that information and notices from school are sent in a language that parents can understand.
- In order for parents to participate in their children’s education, those parents who are ELLs must have interpretation services offered to them so they can speak with school personnel about their child’s academic progress.

Hold teachers and students accountable--develop a statewide assessment for ELLs to strengthen the accountability system and quality of instruction of programs serving this population.

- There is a demonstrable need for a reliable assessment designed to measure the progress students make towards full English proficiency. The assessment would be useful for putting “teeth” into an accountability system to ensure that students are being delivered a high level of instruction that is aligned with standards. In addition, such an assessment would provide useful information to teachers and administrators about students’ needs in order to improve curricula and instruction on an ongoing basis.

Introduction

This report has compiled a wide range of data from New York City's Board of Education, the New York State Education Department and studies conducted in New York and across the country. Additionally, Advocates for Children of New York and the New York Immigration Coalition conducted a survey of New York City teachers who teach ELLs in public schools in an attempt to view the challenge of educating ELLs through the eyes of those working on the front line of this issue on a daily basis. A total of 227 teachers from 13 different school districts in Brooklyn, Bronx, Manhattan, and Queens completed the survey. The survey focused on the adequacy of the school and classroom services provided to ELLs to help them to meet the challenges of the updated standards. The report begins by providing an overview of ELLs in New York City, the updated standards, the educational outcomes of ELLs, and the school factors that have been identified as barriers to school success for ELLs. In Part II of the Report, the survey findings are presented and in Part III policy recommendations are outlined.

Part I: Background Information: The Challenge

1. The Increase in Immigrant and Refugee Students in New York City

Immigrants and their children make up a large and growing percentage of New York City's population. In 1999, a stunning 53% of children 5-18 years old were members of immigrant families in New York City.¹ Today, there are nearly 170,000 students who are English Language Learners (ELLs)² attending the New York City public schools.³ While not all ELLs are immigrants or the children of immigrants, and not all immigrants and/or their children require assistance in learning

¹ The Urban Institute, 1999.

² Also known as Limited English Proficient (LEP).

³ Facts & Figures: Answers to Frequently Asked Questions About Limited English Proficient (LEP) students and bilingual/ESL programs, NYC Board of Education, Office of Bilingual Education (p.2).

English, the size and diversity of New York's immigrant and refugee communities naturally create more demand for English language instruction in schools.

Statewide, ELLs make up approximately 8% of all students, but in New York City they make up almost 17% of total students, and in high schools almost 25%. These numbers refer only to those ELLs who have entered the school system within three years.⁴ In New York State, there are approximately 220,000 students who are ELLs. Approximately 80% of all New York State's ELLs are enrolled in New York City schools. In New York City, there are currently 148,399 general education ELLs enrolled in the New York City public schools, representing approximately 15% of the 1.1 million who are enrolled.⁵ Overall, 105,846 are attending schools in Community School Districts: elementary through intermediate schools, kindergarten-ninth grade (including those receiving special education resource room/related services). An additional 42,553 are placed in high schools, grades 9-12. Finally, 20,000 are placed in self-contained special education programs/services.⁶

Since the late 1970s, immigrants from the Caribbean have dominated the flow of newcomers, with the immigrants from the Dominican Republic topping the list through the 1970s, 1980s and early 1990s. Other Caribbean countries that figured prominently in New York's arrival statistics during these recent decades include Jamaica, Haiti, Trinidad and Tobago, and Guyana. The most recent years for which arrival data are available (1990-1996) indicate that newcomers from the former Soviet Union rank second on the list. In addition, several African countries, notably Egypt, Nigeria and Ghana, began sending enough immigrants to rank among the top twenty countries for the first time ever.

Table 1 lists the top ten countries of origin for immigrants to New York City in the 1970s, 1980s, and

⁴ Facts & Figures: Answers to Frequently Asked Questions About Limited English Proficient (LEP) students and bilingual/ESL programs, NYC Board of Education, Office of Bilingual Education (p.2).

⁵ Between 1995-1998, nearly 112,000 immigrant students registered for public school in New York City. In the 1997-1998 school year, of New York City's roughly 1.1 million public school students, nearly 170,000 children were classified as ELLs.

⁶ Facts & Figures: Answers to Frequently Asked Questions About Limited English Proficient (LEP) students and bilingual/ESL programs, NYC Board of Education, Office of Bilingual Education (p.2).

1990s along with the number of new New Yorkers arriving from each country during each time period.⁷

**Table 1: TOP TEN SENDING COUNTRIES TO NEW YORK CITY
ANNUAL AVERAGES, 1972-1979, 1982-1989, 1990-1996.**

1972-1979		1982-1989		1990-1996	
Country of Origin	Number	Country of Origin	Number	Country of Origin	Number
1. Dominican Republic	9,997	1. Dominican Republic	14,470	1. Dominican Republic	21,330
2. Jamaica	6,636	2. Jamaica	9,043	2. former Soviet Union	15,279
3. China, Total	5,190	3. China, Total	8,985	3. China, Total	11,935
4. Italy	3,733	4. Guyana	6,705	4. Jamaica	6,403
5. Haiti	3,602	5. Haiti	5,102	5. Guyana	5,986
6. Trinidad & Tobago	3,501	6. Colombia	2,851	6. Poland	3,553
7. Guyana	3,244	7. Korea	2,514	7. Philippines	3,247
8. India	2,857	8. India	2,505	8. Trinidad & Tobago	3,061
9. Ecuador	2,793	9. Ecuador	2,241	9. Haiti	3,007
10. former Soviet Union	2,664	10. Philippines	1,692	10. India	2,976

These statistics indicate that New York is unique among other large, immigrant-receiving cities and states, not only for the size of its newcomer population, but also for the diversity in race, ethnicity and national origin of its newcomers. This diversity is in turn reflected in the number of languages spoken by its school-age children. There are approximately 140 languages spoken by students in the New York City schools. The predominant languages are Spanish (65.5%), Chinese (10.4%), Russian (3.6%), Haitian/Creole (3.1%), Bengali (2.5%), Urdu (2.1%), Arabic (1.7%), Korean (1.7%), Punjabi (1.3%), Polish (1.0%), Albanian (<1%), French (<1%), and Hindu (<1%). These 13 languages account for 95% of all ELLs.⁸ Table 2 shows the enrollment of ELLs by predominant language and borough for the 1998-1999 school year in New York City public schools.

⁷ 1972-1979 and 1982-1982 statistics are from the New York City Department of City Planning, *The Newest New Yorkers, 1990-1994*. The 1990-1996 statistics are from the Annual Immigrant Tape Files, U.S. Immigration and Naturalization Service.

⁸ Facts & Figures: Answers to Frequently Asked Questions About Limited English Proficient (LEP) students and bilingual/ESL programs, NYC Board of Education, Office of Bilingual Education (p.7).

**Table 2: LIMITED ENGLISH PROFICIENT (LEP) STUDENT ENROLLMENT
BY PREDOMINANT LANGUAGE & BOROUGH**

Predominant Language Group	Total LEP Student Enrollment	Distribution by Borough				
		Manhattan	Bronx	Brooklyn	Queens	Staten Island
Spanish	97,203	22,863	33,587	18,852	21,056	845
Chinese	15,395	5,479	209	5,309	4,274	124
Russian	5,365	134	85	3,650	1,418	78
Haitian Creole	4,656	199	24	3,647	779	7
Bengali	3,768	335	347	1,128	1,947	11
Urdu	3,087	75	145	1,615	1,177	75
Arabic	2,580	317	202	1,349	625	87
Korean	2,447	80	87	170	2,031	79
Punjabi	1,895	18	34	154	1,677	12
Polish	1,419	170	3	783	420	43
Albanian	1,303	81	521	327	233	141
French	1,107	301	152	335	298	21
Hindi	738	19	30	61	598	30

Source: New York City Board of Education, Facts and Figures 1998-1999

The current ethnic and racial diversity of immigrant and refugee arrivals in New York, and the projected continuation of these trends, creates important challenges and opportunities for state and local policymakers. Schools must be prepared to respond to the needs of an increasingly diverse, multilingual and multicultural student body, and take steps to ensure that all of New York's students receive an education that helps them reach their full potential as members of society. As education is the key predictor of future success, the future of New York City and the rest of the State hinges upon how well our newcomer (immigrant and refugee) students are educated.

2. The 1999 Updated Standards in New York City

“Key to successful language acquisition are programs that are taught by qualified professionals, have a firm pedagogical footing, and benefit from strong parent support.”⁹

In September 1999, the New York City Board of Education approved an updated promotion policy that established new criteria for promotion and graduation, in part in reaction to the new statewide standards requirements. Chancellor's Regulation A-501 *“Promotion Standards”* (CR-A-

⁹ Chancellor's Report on the Education of English Language Learners, NYC Board of Education, Dec. 2000 (p. ii).

501), which implemented the Board's promotion policy, was issued by then Chancellor Rudy Crew shortly thereafter (October 14, 1999), and became effective immediately. According to CR-A-501, the updated promotion policy was designed to address five major educational goals: (a) the implementation of rigorous academic and promotion standards, (b) ongoing student assessment to monitor student progress, (c) provision of supports and interventions to help students achieve the required standards, (d) professional development to help school personnel effectively help students meet the required standards, and (e) involvement of the entire school community to create and support effective strategies for improved student achievement.

To accomplish the Chancellor's goal of higher academic and promotion standards for New York City's public school students, the updated promotion policy (CR-A-501) substantially revised existing policy. For example, it changed the policy regarding when children should be promoted, eliminated provisions that placed a cap on the number of times a student can be held over, and added a requirement of mandatory summer school for those children who did not meet the new criteria. It also dramatically revised the appeals process and eliminated an exception process for summer school. The new policy also eliminated sections of the prior policy that included the mandatory parental rights to notification regarding retention and students' entitlement to services in the subjects in which they were experiencing difficulties.

The implementation of this policy poses particular challenges to ELL students.¹⁰ The major challenge pertains to the adequacy of the services provided to ELLs to enable them to meet the updated standards with success. Indeed, as far back as 1997, reports documented the educational needs of ELLs and the assistance they would need to meet the state's higher learning standards.

"Newly arrived students with little or no education in their home countries... will require intensive remediation in all of the core subjects, literacy development in the native language,

¹⁰ The New York public school system identifies students as ELLs through a home language survey and a test of English language proficiency known as the Language Assessment Battery (LAB). Students who score at or below the 40th percentile on the LAB are entitled to bilingual /ESL programs. The same 40th percentile is used as the exit criterion for these programs. It has been argued, however, that the LAB test, while worthwhile in identifying ELLs should not be used as a measure of progress in acquiring English proficiency.

and English and ESL. Whether the student can be expected to pass the Regents tests and graduate will depend on the extent of the educational deficiency in their home country and the age and the grade at which they entered school in New York. These youngsters are experiencing difficulty meeting the current graduation requirements. They must receive extensive tutorial and remediation programs specifically designed for their needs.”¹¹

Despite the documented need for support services among ELLs, as well as the high proportion who were mandated to attend summer school in 2000, research suggests that they did not receive the services required to meet the challenges of the updated standards.¹²

The 1999 updated policy defines system-wide performance standards in the academic content areas and establishes promotion standards for students in grades 3 through 12. A little over one year later in December 2000, Chancellor Harold Levy outlined his goals with regard to ELLs.¹³ The major goals include: (1) ensuring that ELLs become literate in English as quickly as possible; (2) ensuring that families make informed choices about bilingual and ESL programs; and (3) ensuring that the quality of instruction for ELLs enables them to meet or exceed the new higher standards.

The following section highlights (1) graduation requirements for high school students, (2) promotion standards for students in grades 3 through 12, and (3) the provision of support services and interventions to help students achieve the required standards. Section 3 provides data on the educational outcomes of ELLs. These data clearly indicate that ELLs cannot and should not be expected to meet the challenges of the new standards without the implementation of basic school

¹¹ Building Capacity: Addressing the Needs of Limited Proficient Students. Memorandum from James Kadamus to members of the Board of Regents Committee on Elementary, Middle, Secondary and Continuing Education, 1997.

¹² For example, an August 2000 report issued by Advocates for Children of New York and the New York Immigration Coalition, Playing by the Rules When the System Doesn't: Immigrant Families and Summer School in New York, based on data obtained by the two groups from a survey of over 1100 students and parents during July 2000, described how ELLs were significantly underserved in summer school in 2000. Key findings included the following:

1. Communication to parents and students about the new standards was sorely lacking.
2. Despite the fact that students were experiencing academic failure, students reported receiving few if any support services during the 1999-2000 school year. (Overall, 25% had received extra help in reading, 75% had not; 29% had received extra help in mathematics, 71% had not; 15% had received after-school services, 85% had not; 6% had received before-school services, 94% had not; and 9% had received in-class small group or individual instruction, 91% had not.)
3. Communication to parents about retention and summer school was not timely, rarely in writing, and rarely sent to parents in languages other than English.
4. The educational needs of ELLs were not met by summer school. For example, (a) 61% of the students indicated that their teachers did not speak their home or native language; (b) only 58% of the students who reported receiving ESL services during the regular school year continued to receive them in summer school; (c) only 44% of the students who reported receiving Bilingual services during the regular school year received them in summer school.

support, including enough teachers to teach and properly accredited and trained teachers. A full discussion of these issues is presented in Section 4.

2.1 Graduation Requirements for High School Students

Academic standards for high school graduation were substantially revised by updated state and city policies. New York State's new graduation requirements require that high school students (including ELLs) pass five Regents subject examinations (English, Mathematics, Global History, United States History and Government, and Science) to receive a high school diploma. For the first time in June 2000, all students were required to pass the English Language Arts Regents exam in order to graduate,¹⁴ regardless of how long they have been in the United States, their level of English proficiency, or the educational services that they have received.¹⁵ The additional Regents Exams will be phased in gradually by 2004. This year, for example, students will be required to pass both the English Language Arts Regents as well as the Mathematics Regents.

In addition to the new graduation requirements, students must also accumulate 40 credits, including 8 credits in English, 8 credits in social studies, 6 credits in science, 6 credits in mathematics, 2 credits in a second language, 1 credit in health education, 1 credit in art, 1 credit in music, and completion of physical education requirements.¹⁶ Prior to these changes, students could graduate with

¹³ Chancellor's Report on the Education of English Language Learners, NYC Board of Education, December 2000.

¹⁴ This exam was mandatory for all students (except select special education students). This test is designed for students who have been studying English language arts since elementary school, yet, ELLs, who by definition are not proficient in English, were expected to pass this exam in order to graduate. It is also important to note that among those expected to pass this exam to graduate are the tens of thousands of students in city schools who were ELLs, but who exited out of that status without being fully fluent in English. *Immigrant and Refugee Students: How the New York City School System Fails Them and How to Make it Work*, New York Immigration Coalition, June 1999.

¹⁵ Prior to the 1999-2000 academic year, few ELLs took the English Language Arts Regents. For example, only 10% (n=1,213) of eligible ELLs took the English Language Arts Regents in 1998. Of these, only 265 passed the exam. This means that ELLs were five times less likely to take the English Regents than their general education counterparts, and in the few cases where they did, they were three times more likely to fail the exam.

¹⁶ 44 credits for students entering high school class of 2001 and include four credits in Physical Education.

40 credits and a select core of curriculum credits. They could also pass Regents Competency Tests and receive a Local Diploma as an alternative to taking Regents exams and receiving a Regents Diploma.¹⁷

In summary, the graduation standards are now significantly higher than they used to be. Already, there is a decrease in the percentage of ELLs who are graduating since this change in policy (discussed further in section 3.3). Though ELLs were supposed to receive supplemental English language assistance as part of the New York State Regents' "12-Step Action Plan," the level of assistance outlined has not yet occurred. As discussed in Section Four below, with a dearth of ESL and bilingual teachers and with current teachers who teach ELLs being those teachers least likely to be certified, one fact is clear: ELLs are going to have great difficulty attaining the new requirements without the availability of additional resources and support services.

2.2 Promotion Standards for Students in Grades 3 through 12

Prior to the updated City promotion policy in 1999, students in grades 3, 6, and 8 were required to score at or above the 15th percentile on the standardized CTB reading and mathematics tests¹⁸ and to pass their major subjects in order to be promoted.¹⁹ The policy established alternative criteria for ELLs based on the Language Assessment Battery (LAB). In addition, students could not be held over more than once in any grade and no more than twice before high school. The former policy also prohibited retaining students who were over 15 years old in grade 8. It also included an appeals process that granted exceptions to retention.

¹⁷ There are modified graduation requirements for ELLs who entered the United States in 9th grade or later. Such students may take other required Regents (other than English Arts) examinations in their native languages where available if the exam is taken within 3 years of entering the United States. The other required Regents examinations are currently available in Spanish, Chinese, Russian, Haitian-Creole, and Korean. ELLs who speak languages other than these do not have this option. Instead, these students must take the exam in English.

¹⁸ Students in grade 3 had to score at the 15th percentile in reading and the 10th percentile in mathematics.

¹⁹ While promotion standards apply to only those students who are in grades 3-12, higher academic standards were established as a goal for all students. For children in the early childhood grades (Pre-kindergarten, Kindergarten, and grades 1-2), school districts were required to implement a program of early identification, enrichment, and support to prepare students to achieve the promotion standards that begin in grade 3.

The updated promotion policy requires teachers to make a professional judgment about a student's readiness to be promoted to the next grade based on three criteria (a) standardized testing, (b) student work and grades, and (c) attendance. A student should not be held back based on any one of these areas, but based on a combined assessment of these three areas.²⁰ Unfortunately, it has been the experience of educational advocates that the results of standardized testing (usually those tests from the prior year) are too often used as a sole criterion. This is a problem not only because it violates the regulation, but for ELLs in particular test scores from the prior year may be a particularly inaccurate measure of school success since their language acquisition skills may have progressed much farther in a twelve month period.

2.3 Support Services Including Summer School

The updated promotion policy recognized the importance of early identification and a comprehensive and expanded program of student support services and effective interventions to address the educational needs of students at risk of failure:²¹ *"The success of the promotion policy hinges on early identification of "at risk" students and the quality of instructional "interventions" and support services provided to them.*"²² The new requirements for high school graduation were also accompanied by a mandate for schools to provide continued support and instruction in day, evening,

²⁰ "In grades 3 through 8, promotion will be based on the integrated use of multiple criteria: achievement of designated performance standards as evidenced by student work, teacher observation, and assessment/grades; achievement of proficiency levels designated herein on Citywide and State assessments; attaining 90% attendance; and in grade 8, attaining passing grades in academic subject areas designated herein. Decisions regarding promotion will consider all the stated criteria for each grade. The decision to promote or retain may not be based on consideration of a sole criteria." CR-A-501.

There are a number of exceptions to this policy. For additional information on students who are not subject to the new promotion standards or are subject to modified standards, see CR-A-501.

²¹ "The delivery of a comprehensive, coordinated, and expanded program of student support services is vital to the total educational experience of students as they work toward meeting high promotion standards... The Pupil Personnel Team in each school will be organized so that appropriate staff provide the supports necessary for all students to reach the higher standards, particularly those at risk of retention." CR A-501 Section 2 (p.5).

²² NYC Board of Education, Promotion Policy Instructional Report, May 17, 2000 (p.1).

and summer school.²³ Ironically, however, because summer school is for students who have been found to be “at risk” of retention, ELLs who have been in the United States for less than two years and therefore have not taken the standardized tests may not be eligible for summer school services. In some districts, these children may also not be eligible for academic after-school enrichment programs. Since these children could clearly benefit from extra instruction time, this policy clearly needs to be reevaluated.

Although the new regulation discusses the importance of developing intervention and supportive services for students at risk of not meeting the standards, and the Board has indicated that it will help children with extra services,²⁴ the regulation does not require that children at risk of being held over receive extra help. The updated policy, while requiring students to meet higher standards, eliminates the entitlement to extra services for students at risk. The evisceration of the entitlement to enrichment services is one of the most damaging changes in the updated promotion policy.²⁵ In other words, under the new policy, even if the school fails to properly notify a parent that a child is at risk of holdover and fails to offer or provide any enrichment services to assist that student, the student can still be held over. Not providing the educational infrastructure of qualified teachers and adequate class

²³ “Students who fail to meet high school graduation requirements may receive continued support and instruction in day, evening, and summer school through the end of the school year in which their twenty-first birthday occurs.” CR A-501, Section 7.8.

²⁴ At the Chancellor’s level, responsibility includes leveraging fiscal, community, business, and university resources. The Chancellor is also responsible for ensuring that resources allocated to districts and schools supported (a) literacy instruction for all students by the end of grade three, (b) extended-day learning opportunities (before-school, after-school, weekend instructional programs), and (c) summer enrichment activities to enable all students to meet the standards. Under the new plan school districts and principals also play an important role in developing support services for students. School districts are required to develop District Comprehensive Education Plans to provide guidance to help schools develop intervention programs for students who need additional assistance in order to meet the updated promotion standards. At the school level, principals are required to develop Comprehensive Education Plans that specify intervention programs and strategies for individual students who are achieving below performance standards. Thus, every superintendent and principal is required to specify an intervention plan for students who were at risk of not meeting the new promotion standards (e.g., Universal Pre-Kindergarten, Project Read, English instruction for ELLs, class size reductions, extended-day programs). In the first months of the school year, teachers and principals are required to identify at-risk students (e.g., those who had been mandated to attend summer school in 1999, and those who were retained in grade). Finally, training was to be provided to school staff to help them to implement the new standards and facilitate student success.

²⁵ The former policy mandated that students “who are identified in January as being at risk of failure to meet promotional standards in June . . . must be provided with customized enrichment-based instructional support services designed to enable them to achieve the performance standards by the end of the school year.” (Emphasis added).

materials to provide the necessary intervention services for ELLs all but assures failure for these children.

New York City has created an updated promotion standards policy that presents major challenges and serious concerns for ELLs. Without a guarantee of assistance and the teachers and materials available to actually assist these children it is highly unlikely they will meet the new standards. The following section reviews data on the recent educational outcomes of ELLs including (1) exit rates from Bilingual/ESL programs, (2) development of English proficiency in reading, and (3) rising ELL dropout rates. These data clearly speak to a need for immediate support services and resources in the form of qualified teachers to enable ELLs to succeed in school

3. Challenges Related to the Implementation of the Updated Standards: Educational Outcomes for ELLs

Data presented in the Board of Education's recently released ELL Subcommittee Research Studies Report provide an invaluable tool to understanding the educational outcomes of students who are ELLs--slightly more than half who are in bilingual programs and the remainder in ESL classes for a small part of the day and mainstream classes for the rest of the day. The longitudinal school achievement data, collected for approximately 20,000 ELLs who entered the New York City public schools in 1990 and 1991, also provide us with an overview of the effectiveness of bilingual and ESL programs and identify major challenges related to the implementation of the new standards on immigrant and refugee students who are ELLs.²⁶

Based on his review of these data, Chancellor Harold Levy offered the following: *"The overall conclusion that emerges from the staff research is that both New York City's bilingual and ESL programs have demonstrated substantial effectiveness in developing the English language proficiency*

²⁶ It is important to take into account that the data presented in the Board report represent educational outcomes before the Board of Regents adopted regulations in May 1999 which effectively tripled the amount of English as a Second Language (ESL) classes that ELLs are required to receive.

of ELLs and ensuring their success in the educational mainstream."²⁷ In discussing the effectiveness of bilingual and ESL programs in developing English language proficiency among ELLs, Chancellor Levy highlighted two major factors: (a) exit rates from Bilingual/ESL programs, and (b) academic performance. The following section examines data on both of these issues and also discusses an additional topic that is often overlooked – the rising ELL dropout rates. These data clearly speak of the dire need for support services and resources, primarily in the form of properly trained teachers, to enable ELLs to succeed in school, particularly in regard to the implementation of more stringent standards. These issues will be discussed in Section 4.

3.1 Exit Rates from Bilingual/ESL Programs

Based on our review of the data presented in the ELL Subcommittee Research Report, we find that bilingual and ESL programs have had a very positive educational outcome for many ELLs, and that the most positive findings were for ELLs who entered our school system at an early age (kindergarten and first grade). The data indicate, for example, that 62% of the kindergarten cohort and 51.5% of the grade 1 cohort reached the program exit criterion in three years. This is good news, especially since approximately 76% of ELLs enter our public schools at this level.²⁸ A closer look at these data, however, indicates that a substantial minority of these two groups for which bilingual and ESL programs were most effective did not reach the program exit criterion in three years—including 38% of the kindergarten cohort and 45% of the grade 1 cohort. This finding has important implications for the Chancellor's new mandate to superintendents with regard to time spent in Bilingual/ESL programs.

A closer look at these data also indicates that students in each of the three models represented (bilingual, ESL, and mixed ESL/bilingual) did not progress at the same rate. As a result, combining data across the three service models seriously distorts the findings with regard to educational outcomes

²⁷ Chancellor's Report on the Education of English Language Learners, NYC Board of Education, Dec. 2000 (p.7).

and paints a dismal picture for certain students. For example, 80% of both the kindergarten cohort and the grade 1 cohort who were inconsistently served (i.e., moved between bilingual and ESL programs) did not exit the program in three years.²⁹ The corresponding rates for the students who consistently received bilingual services were 27% for the kindergarten cohort and 38% for the grade 1 cohort; for the students who consistently received ESL services, the corresponding rates were 16% and 20% respectively. These findings with regard to outcomes for students who were inconsistently served were subsequently addressed in a Chancellor's directive to Superintendents to eliminate switching between ESL and Bilingual programs.

A final indicator of program effectiveness and the challenges ahead with regard to facilitating timely program exit pertains to the number of junior high school students and high school students who never achieved the level of English proficiency required to exit bilingual and ESL programs. For example, 55% of the ELLs who entered the public schools in the middle school grades and 85% of those who entered in high school never reached the exit criteria. This is not surprising for these late entrant children; data indicates these students will need more support than those ELLs who enter in the early grades. Language acquisition generally becomes more difficult as one grows older. The corresponding exit rates for students who entered in elementary school, although substantially lower, are still too high: 17.5% of the kindergarten cohort, 23% of the grade 1 cohort, 24% of the grade 2 cohort, and 28% of the grade 3 cohort.³⁰

A final indicator of program effectiveness and the challenges ahead pertain to the overrepresentation of students with disabilities among those who never reached the exit criteria for bilingual and ESL programs. For example, 37% of all ELLs who do not exit bilingual and ESL

²⁸ ELL Subcommittee Report, NYC Board of Education September 2000 (p.3).

²⁹ The corresponding rates for the bilingual group were 73% for the kindergarten cohort and 62% for the grade 1 cohort; for the ESL group, the corresponding rates were 84% and 80% respectively. ELL Subcommittee Report, NYC Board of Education September 2000.

³⁰ ELL Subcommittee Report, Appendix B, NYC Board of Education September 2000.

programs are students in self-contained, special education classes.³¹ This is a dramatic overrepresentation of special education students since they constitute only 12% of all ELLs.³² Also disturbing is the finding that only 4% of ELLs who exited within the target period of three years or less were in self-contained, special education classes.³³ The extremely low exit rates of ELLs from segregated special education classrooms are possibly related to the lack of access to the general education curricula for students in such classes. Though contrary to federal and state law, many students in segregated classrooms generally are not taught the same curriculum as general education students. Because special education students are not given the same instruction as general education students and are generally held to lower expectations, they do not acquire English language proficiency as quickly as their general education peers.

Findings such as these are ominous for academic success for students with low exit rates, because inability to reach exit criteria from bilingual or ESL programs is linked with poorer academic performance, lower graduation rates, and higher drop-out rates.³⁴ For example, a comparison of students in the grade 6 cohort who reached the exit criteria with their peers who failed to reach the exit criteria paint a dismal picture: Only 24% of the students who failed to reach the exit criteria graduated from high school in contrast with 77% of those who exited the programs. The graduation rates for the Grade 9 cohort, while substantially higher overall, also paint a dismal picture for those who failed to reach the exit criteria: Only 58% of the student who failed to reach the exit criteria graduated from high school in contrast with 93% of those who exited the programs.³⁵ The need for more teacher support and intervention services for these students could not be more clear.

3.2 Development of English Proficiency in Reading

³¹ ELL Subcommittee Report, NYC Board of Education September 2000 (p.8).

³² Facts & Figures: Answers to Frequently Asked Questions About Limited English Proficient (LEP) students and bilingual/ESL programs, NYC Board of Education, Office of Bilingual Education, p.2.

³³ ELL Subcommittee Report, p.8, NYC Board of Education September 2000.

³⁴ Students who entered the New York City public school later are less likely to exit bilingual/ESL programs. Less than 15% of students who entered in grade 9 exited during high school. Less than 50% who entered in grade 6 exited after 6 years. ELL Subcommittee Report, NYC Board of Education September 2000.

³⁵ ELL Subcommittee Report, NYC Board of Education September 2000 (p.13).

Data presented in the ELL Subcommittee Research suggest that when bilingual education works well and children exit within the targeted time period, the majority of these children perform as well or better than the citywide average on standardized tests of reading and mathematics. For example, the 1998 reading scores for the 7,862 ELLs comprising the kindergarten cohort (the majority of who were in grade 7 in 1998) indicate that 62% of the ELLs who had exited bilingual/ESL programs after 1-2 years scored at or above the 50th percentile in contrast with 47% of citywide students overall.

A close look at these data however, indicates that when compared with the citywide comparison group, a substantial proportion of ELLs are experiencing academic failure. For example, the proportion of students who scored at or above grade level on the 1998 reading tests was lower than the citywide average (47%) for every other group examined -- ELLs who tested out of bilingual/ESL programs in 3 years (45%), 4 years (43%), 5 years (33%), 6 years (23%), 7 years (19%), 8 years (15%), and 9 years (5.5%). Children who do not exit bilingual or ESL programs after five years are experiencing the highest failure rates on reading tests than almost any other subpopulation of students in New York City.

As with the findings discussed above with regard to exit rates from Bilingual/ESL programs, a closer look at these data also indicates that program type (bilingual, ESL, mixed) is a serious confound -- as indicated by the different reading scores of students in each type of program.³⁶ The higher rates of achievement for the students in the kindergarten cohort who tested out of bilingual/ESL programs after one year, for example, are mostly among those students who were in ESL programs. Overall, 70% of the kindergarten cohort in ESL programs scored at or above grade level compared with 53.5% of those in bilingual programs, and 47% of the citywide comparison group.³⁷ The findings for students in the kindergarten cohort who tested out after two years are consistent with those obtained for students who tested out in one year: 70% of students in ESL programs scored at or above grade level compared

³⁶ School district of attendance was also a major confound as indicated by the higher rates of academic failure for students in select districts. Finally, the Citywide comparison group included all students including ELLs.

with 65% of those in mixed models, 54% of those in bilingual programs, and 47% of the citywide comparison group.³⁸ Interestingly, the scores for students who tested out in three years are more consistent with both the citywide average (47%) and across program type (49% for ESL, 47% for mixed, and 41% for bilingual).³⁹

Also consistent with the findings presented above with regard to exit rates from bilingual/ESL programs, is the academic achievement data for ELLs who first enrolled in New York City schools in sixth or ninth grade as well as special education students. Their academic achievement indicates both a great need for improved bilingual education and ESL programs.⁴⁰ Overall, these two groups of students were the least likely to make significant progress in mastering English and exiting bilingual programs. This is likely a direct result of lack of proper teacher intervention and support services.

More recent data – obtained from students who were not being evaluated as part of the longitudinal cohort – also suggest that many elementary school ELLs are poorly prepared for the new standards. For example, during spring 2000, two-thirds of the 75,000 4th grade ELLs in New York City failed the recent English language arts test for 4th graders in contrast with 50% across the state. In addition, 21% of the New York ELLs fell into the lowest category of achievement, as compared to 6% in the rest of the State. The academic achievement on the English Regents Examination of the 3,806 General Education ELLs who took this examination in January 1999 also indicate that ELLs are at continued risk of failure. Overall, only 12.8% received Regents credit (i.e., scoring 65 or higher), and only 36% received a passing grade (scoring 55 or higher). The overall proportion of ELLs scoring 65-100 varied substantially by grade level and included 7.4% of the 68 9th graders, 5.7% of the 811

³⁷ Since this was the first and only year of bilingual/ESL education for these students, there is no comparison warranted for the mixed model group.

³⁸ ELL Subcommittee Report, Appendix B, Figure 29, NYC Board of Education September 2000.

³⁹ These data with regard to Bilingual vs. ESL programs must be interpreted with caution since this type of data is extremely unreliable. In addition, there is little agreement on what constitutes a bilingual education program, and many programs that are labeled “bilingual” do not provide any native language instruction.

⁴⁰ In summary, Chancellor Levy notes that three groups are at highest risk for academic failure: (a) ELLs who enter the public schools in middle or high school, (b) ELLs with little or no prior formal schooling in their native countries, and (c) ELLs in bilingual or ESL programs for more than six years (p. ii). He recommends that: “*Special programs or instruction should be designed for those students to enable them to achieve English proficiency.*” (p.ii)

10th graders, 13% of the 1,866 11th graders, and 20.5% of the 943 12th graders. ELLs receiving special education services were least likely to score at acceptable levels on the Regents Examination. For example, less than 1% of the 115 ELLs in special education who sat for the comprehensive English Regents Examination in January 1999 scored in the 65-100 range; only 3.5% scored at or above 55.

In addition, the status of English Regents scores in a cohort of 9,456 ELLs in the Class of 2000 indicates that (a) only 39.7% passed the English Regents in 1999 vs. 63.0% of Non-ELLs; (b) 14.4% failed the Regents vs. 6.6% of Non-ELLs; and (c) 45.9% did not take the test yet vs. 30.4% of Non-ELLs.⁴¹ More recent data also identified ELLs as being at high risk for school failure. Of the 8,481 ELLs in the Class of 2000 (i.e. entered Grade 9 in Fall 1996): (a) 4.4% have graduated as accelerated students; (b) 34.5% are currently on grade level in Grade 12; (c) 17.4% are one year behind in Grade 11; (d) 12.1% are two years behind in Grade 10; (e) 3.8% are three years behind in Grade 9; and (f) 25.5% have dropped out of school.⁴² These findings led the Board of Education to conclude: “*Greater numbers of ELLs than ever before are taking the English Regents examination. Nevertheless, there are many ELLs who are in danger of not meeting the new graduation standards.*”⁴³

The Board of Education also reported that ELLs may require additional support to meet the higher Regents requirements for graduation.

“The major implication of Study 5... is that (1) ELLs may require some accommodations such as extended time and/or expanded after-school and Saturday tutorials to meet the new Regents English requirements for graduation.”⁴⁴

It also reported:

“The Board should also offer expanded summer school and after school opportunities.”⁴⁵

⁴¹ Board of Education: *Status of the class of 2000 Cohort and Results of the English Regents*, available at www.nycenet.edu/daa, 2000.

⁴² New York City Board of Education: *Current Status on the English Regents of English Language Learners in the Class of 2000*, New York City Board of Education, 2000.

⁴³ ELL Subcommittee Report, NYC Board of Education September 2000 (p.9).

⁴⁴ ELL Subcommittee Report, NYC Board of Education September 2000 (p.3).

⁴⁵ Chancellor’s Report on the Education of English Language Learners, NYC Board of Education, December 2000, p. ii.

Finally, even after attending summer school in 2000, a disturbing proportion of students continued to demonstrate a need for intervention programs. While a substantial proportion of students “passed” the end of summer examination, it must be remembered that these students were still performing at approximately the 15th percentile level – well below grade level. Clearly, these students required extensive remediation during the following school year. This data clearly indicates that ELLs are having a difficult time and are not receiving the amount or quality of instructional services necessary for them to meet the new standards.

3.3 Rising ELL Drop-Out Rates

There is considerable evidence that ELLs are dropping out of the school system at an unacceptably high rate. The experience of educational advocates when working with these students and their families indicate that many are dropping out because they believe they will be unable to meet the new ELA requirements; some report being pushed out by school personnel who believe they cannot meet the ELA requirements.

Even if every ELL senior this year passes the ELA Regents examination, only 18.5% of ELLs in the original Class of 2000 will have graduated high school in four years. This is a dramatic decrease from the percentage of ELLs in the class of 1999 to graduate in four years (42%). The dropout rate for ELLs has also risen substantially in the last two years from 17% to 24%. Out of approximately 12,000 ELLs in the Class of 2000, only 1,565 have met the ELA requirement. As these statistics demonstrate, many ELLs have dropped out and/or been retained and these numbers have been rising significantly since the implementation of the new standards. Both of these patterns lead to decreased graduation rates and opportunities for ELLs since retention greatly increases the chances of dropping out of school.

4.Challenges Related to the Implementation of the Updated Standards: School Quality/Teacher Readiness

In identifying the major challenges confronting ELLs New York City Public School students, Chancellor Levy recently identified the following factors, all of which are also often documented in the research literature: (1) high standards and expectations for ELLs are essential; (2) instructional practices must be adapted to individual students' needs and differences; (3) competencies developed in the students' native language facilitate English language acquisition; and (4) the role of school leadership is critical to supporting effective practices for ELLs in classrooms.⁴⁶

The previous section, which describes the challenges confronting ELLs with regard to the new standards, clearly documents that ELLs are generally unprepared to meet the higher standards. Sadly, however, a lack of resources in New York City, recently outlined in the Campaign for Fiscal Equity v. State of New York court decision is a major factor in preventing schools from adequately meeting the educational needs of these students.⁴⁷ This section highlights the major challenges facing schools regarding services to ELLs. It discusses (a) issues related to teacher quality, training, and professional development, (b) issues related to the curriculum and student assessment; and (c) issues related to student support services.

⁴⁶ Chancellor's Report on the Education of English Language Learners, NYC Board of Education, Dec. 2000 (p.12).

⁴⁷ Campaign for Fiscal Equity v. State of New York, January 10, 2001, Overlooked and Underserved: Immigrant Children in U.S. Secondary Schools, Urban Institute, Jan. 2001.

4.1 Issues Related to Teacher Quality, Training, and Professional Development

There Is A Dearth of Teachers in New York City

In an effort to support the standards, New York State has passed regulations that require doubling and for some students tripling the amount of English-as-a-Second Language instruction that they receive.⁴⁸ One major challenge to accomplishing this mandate, however, is the dearth of ESL and bilingual teachers in New York City. There are 6,985 teachers providing bilingual and ESL instruction in New York City. This does not include bilingual/ESL program supervisors, coordinators, resource teachers, guidance counselors, etc. There are 4,732 bilingual/ESL teachers in Community School Districts (3,264 Bilingual; 1,468 ESL) and 2,253 in the high schools (1,153 in Community School Districts; 1,100 in high schools). According to the Board of Education:

“These teachers do not necessarily possess a bilingual or ESL license/certification due to the shortage of such certified personnel. Also, figures for high schools may be duplicated since some teachers are counted for each subject they teach.”⁴⁹

According to the Chancellor’s Report, the Board projects that 3,600 bilingual and ESL teachers will need to be hired over the next three years because of teacher retirements and teacher turnover. However, the city and state have failed to provide additional funding to increase the number of certified ESL teachers and resources needed to expand ESL instruction.

ELLs Are Often Taught by Uncertified Teachers

The higher academic standards have placed a greater demand on teachers to ensure the school success of ELLs. The main conclusions identified by Chancellor Levy based on his review of the issues confronting ELLs in New York City pertained to the importance of quality instruction.⁵⁰

⁴⁸ It is estimated that the New York City Board of Education needs 900 new ESL teachers to comply with this new state requirements.

⁴⁹ Facts & Figures: Answers to Frequently Asked Questions About Limited English Proficient (LEP) students and bilingual/ESL programs, NYC Board of Education, Office of Bilingual Education, p.13.

⁵⁰ He states: “Both bilingual and ESL programs can be effective. Like all programs, their effectiveness hinges on the quality of instruction. Factors such as the quality of staff and staff development, the quality of instructional materials, effective

*“Plainly speaking, effective teaching promotes effective learning.”*⁵¹

A second major barrier to school success for ELLs pertains to the large proportion of existing ESL and bilingual teachers in New York City who are not certified. For the last decade, approximately 10% to 14% of New York City's public school teachers have lacked certification in any given school year.⁵² And although figures from various sources differ slightly, they demonstrate that there is a high percentage of uncertified teachers working in New York City's public schools.⁵³ Some of the highest rates of uncertified teachers in the system, however, are those who teach ELLs, currently 14% of the ESL and 27% of the bilingual teachers in New York City are uncertified.⁵⁴

The greatest proportion of uncertified teachers can be found in bilingual special education classes where nearly 50% are uncertified.⁵⁵ And although it is possible for an uncertified teacher to be an effective pedagogue, lack of certification is generally an indicator that a teacher falls below minimal adequacy.⁵⁶ The low rate of English language acquisition for ELLs with disabilities discussed earlier is most likely related to the severe shortage of certified, bilingual special education teachers and resources that are available.

implementation, a commitment to high standards and high expectations, and strong leadership are critical... Our experience indicates program quality varies widely from school to school and class to class.”Chancellor’s Report on the Education of English Language Learners, NYC Board of Education, Dec. 2000 (p.13).

⁵¹ Chancellor’s Report on the Education of English Language Learners, NYC Board of Education, Dec. 2000 (p.7).

⁵² The specific percentage of uncertified teachers listed as employed in a given district at a specific time is dependent upon which persons are counted as teachers, the definition of certification used, and the time in the school year that certification is assessed.

⁵³ According to the Campaign for Fiscal Equity v. State of New York, January 10,2001 (citing Dr. Langford’s testimony), the failure rate on the State’s certification exams is higher for New York City public school teachers than do public school teachers in the rest of the state. They also report that uncertified teachers tend to be concentrated in New York City’s lowest performing schools and note that such schools often present the most difficult working conditions, such as poor physical plants, large class sizes, and are located in high-crime neighborhoods. Finally, they note that teachers in New York City Schools have fewer years of experience than teachers in the remainder of the State, have attended less competitive colleges than the average public school teacher in the rest of the State, and are less likely to have a master’s degree than their peers outside of New York City.

⁵⁴ Chancellor’s Report on the Education of English Language Learners, NYC Board of Education, Dec. 2000.

⁵⁵ In other District 75 classes, approximately 25% of the teachers are uncertified. Campaign for Fiscal Equity v. State of New York, January 10 ,2001.

⁵⁶ Campaign for Fiscal Equity v. State of New York, January 10,2001 [*“It is possible for an uncertified teacher to be an effective pedagogue. However, the evidence at trial demonstrates that lack of certification is generally an indicator that a teacher falls below minimal adequacy.”*]

And although the Chancellor has stated that, “*The recruitment and retention of qualified bilingual and ESL teachers must be high priorities for the New York City schools,*”⁵⁷ no strategy regarding funding or hiring initiatives has yet been proposed. Clearly, more funding needs to go to create greater access to ESL and bilingual recruitment and for certification programs.

There Is A Lack of Professional Development Around ELL Issues

According to the Campaign for Fiscal Equity v. State of New York decision,

*“Professional in-service training, commonly known as professional development, involves the teaching of many skills to new and experienced educators. It includes teaching everyday teacher responsibilities such as classroom management, discipline, attendance taking and lesson planning. It also includes training to keep staff knowledgeable regarding content in specific subjects. Finally, it includes the teaching of instructional strategies, such as methods for determining whether students have mastered course material.”*⁵⁸

Professional development is essential in training and maintaining qualified teachers and is particularly crucial to help teachers deal with the needs of at-risk students. Effective professional development can ameliorate the shortcomings of new teachers, keep teachers current in their subject areas, and disseminate techniques for teaching at-risk students. Yet the professional development currently provided to New York City public school teachers was found to be inadequate in the recent Campaign for Fiscal Equity decision. It was also found that districts with the greatest proportion of at-risk students often spend the least on professional development.⁵⁹

In New York City, monolingual core teachers and other school staff are rarely provided the professional development that they need to teach ELLs. For example, teachers of mainstream subjects, such as mathematics or history, often lack training to work with ELLs and often maintain that developing students’ basic literacy skills is not part of their core task.⁶⁰ In addition, principals and

⁵⁷ Chancellor’s Report on the Education of English Language Learners, NYC Board of Education, December 2000, p.9.

⁵⁸ Campaign for Fiscal Equity v. State of New York, January 10,2001

⁵⁹ Campaign for Fiscal Equity v. State of New York, January 10,2001 “*The professional development currently being provided to New York City public school teachers is inadequate, particularly given the number of at risk students that attend the City’s public schools. Districts with the greatest proportion of at risk students often spend the least on professional development.*”

⁶⁰ Overlooked and Underserved: Immigrant Children in U.S. Secondary Schools, Urban Institute, January 2001.

other school staff often lack language skills and cultural understanding to communicate effectively with these students.

One clear need is for more training on ESL methodology. There are a number of mainstream teachers with ELLs in their classrooms with no training on how to teach them. The language arts teacher is rarely trained in ESL methodology and has to contend with a large number of students who have a wide range of proficiency levels. There is little opportunity for ESL and language arts teachers to meet to coordinate instruction. Therefore, there is little understanding about the skill and content areas the ESL teacher is supposed to cover and those that the language arts teacher is responsible for. More importantly, teachers appear to be unclear about how they can reinforce the instruction occurring in the other's classroom and rarely establish common goals that each classroom is progressing towards. Moreover, the needs of students at the lowest levels of proficiency are not addressed in the English language arts classroom because the language arts teachers are not trained to work with ELLs and because they are working towards ELA standards designed for students who are fully proficient in English.

4.2 Issues Related to The Curriculum and Student Assessment

There Is No Established ESL Curriculum to Prepare Children to Meet the New Standards

Since there is no established curriculum for how to develop ELLs' proficiency in English and abilities in the content areas, there is no way to measure whether ELLs are being adequately prepared for the level of work demanded from them in mainstream programs. Few schools use textbooks for ESL classes. In addition, teachers are given almost no guidance about what skills they should be teaching at a particular grade or English proficiency level. Teachers put together their own curriculum using whatever materials are available to them. There is no required coordination among ESL teachers, which can result in problems such as students reading the same stories and novels they did

the year before. Many classes are not even divided by proficiency level, heightening the difficulty of helping all students progress to a higher level.

Although there has been much discussion regarding the need to include ELLs in the changes brought about by the standards-based reform movement, it is unclear what effect this has had in the classroom because of the lack of any basic curriculum in ESL. While New York State has included a section on ESL standards in their Content and Performance Standards book, the ESL standards in this book are not adequate. The standards are written with students with a high level of English proficiency in mind, and for the most part, ignore students at low levels of proficiency. The ESL standards are only adaptations of the English Language Arts Standards and are vaguely written and so provide little guidance. In addition, there is no clear understanding among teachers of how ESL is related to English Language Arts – especially at the lower levels of English proficiency. Without more defined standards, it is difficult to create a curriculum and without a curriculum it is difficult to assure that ELL students in ESL programs are being taught with a curriculum aligned to the new standards. The lack of a basic curriculum is a crucial issue that must be addressed in order for ELLs taking ESL classes to meet with academic success.

4.3 Issues Related to Student Support Services

Students Who Need Additional Support Services Do Not Always Receive Them

The increase in the number of after-school and summer school programs that accompanied changes in the promotion policies has not brought about greater access to these programs for most newly-arrived ELLs. Many after-school and summer school programs are only for students who are at risk of failing their grade. Because ELLs who have been in the country less than two years are exempted from some of the promotion policy requirements, they may not be designated “at-risk,” and therefore are not given access to “at-risk” programs. The newest newcomer students would clearly benefit enormously from extra classes or assistance from programs targeted to at-risk students.

Part II: Survey Findings

“Teaching ELLs has been very fulfilling for me. I am able to identify myself with them. These are my children. It is always a year of growth among ourselves and especially I grow as a teacher and most important as a person.”⁶¹

The preceding data strongly indicates that those who are supposed to teach ELLs either currently do not exist (because of the serious staff shortage), or are not fully prepared to teach to the new standards. This section focuses on the results of the surveys we disseminated to teachers to determine their experience in teaching ELLs. It begins by providing a description of the survey respondents. Next, it provides an overview of the key findings.

The Teachers and Their Qualifications

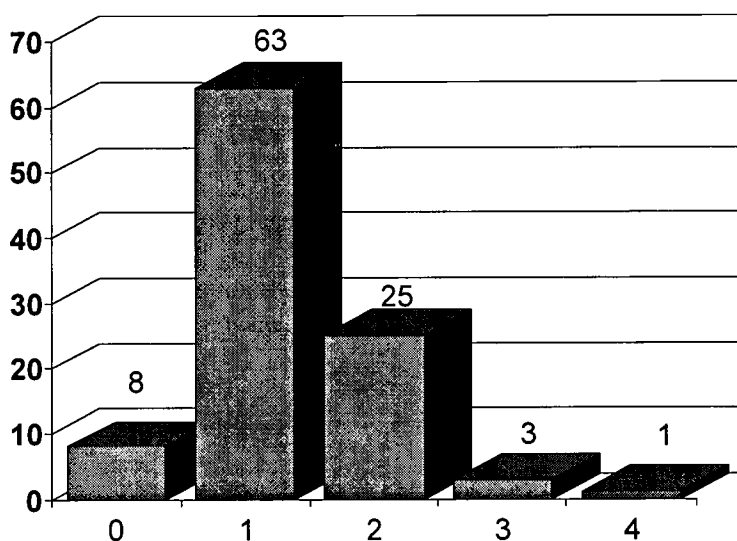
A total of 227 teachers from 13 different school districts in Brooklyn, Bronx, Manhattan, and Queens completed the survey.⁶² Almost half (46%) are elementary school teachers, 34% are high school teachers, and 20% work in junior high schools. The 76 high school teachers are employed in academic high schools (N=39), vocational high schools (N=4), and alternative high schools (N=33). Survey respondents had been teaching, on average, for 11 years, although the number of years ranged from 1 to 44.

The teachers held licenses in a variety of different areas including English (15%), mathematics (11%), social studies (7%), science (8%), commonbranch (34%), ESL (28%), and bilingual (23%). The number of licenses held by the survey respondents ranged from 0 (8%) to 4 (.5%). As shown below, (63%) of the teachers held one license, 25% held two, 3% held three, and one person was licensed in four areas.

⁶¹ ELL teacher survey, #135.

⁶² The districts represented by survey respondents included 2, 6, 7, 10, 19, 20, 22, 24, 26, 28, 30, 32, 75, and 85.

Number of Licenses Held by Teachers

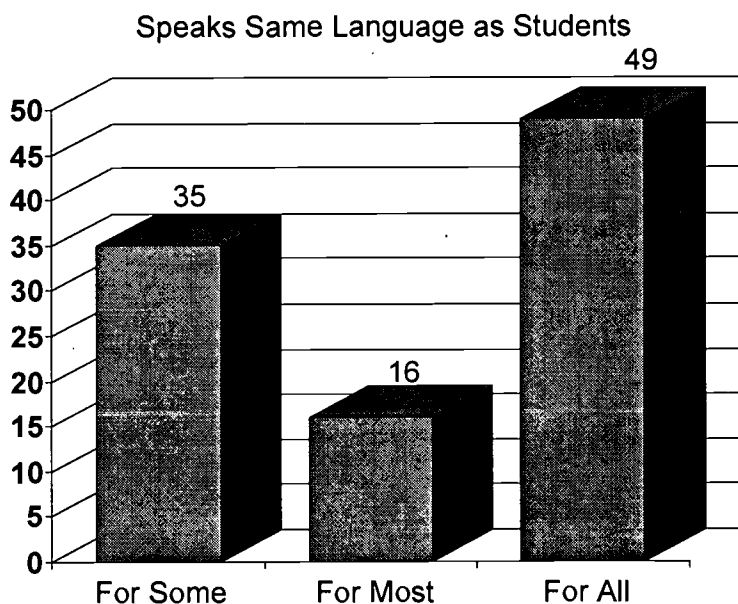


The subjects that respondents teach include ESL (n=82), Mathematics (n=48), English (n=41), Earth Sciences (n=20), Global Studies (n=17), Biology (n=6), Chemistry (n=3), and Other (n=87). As shown below, 40% of the teachers (N=91) did not teach ESL or bilingual classes, 30% (N=69) taught in ESL programs only, 8% (N=18) taught in bilingual program only, and 22% (N=49) taught in both ESL and bilingual programs.

Teachers reported that the languages spoken by the majority of their students include English, Spanish, Chinese, Russian, Haitian-Creole, Bengali, Hindi, and Korean. They also reported that the ELL students in their classes demonstrated the full range of English proficiency as measured by the Language Assessment Battery (LAB). Overall, 150 of the 227 teachers (66%) reported on the range of English Proficiency levels (as measured by the LAB) of the students that they taught in their classes. Overall, 21% reported that the range of English proficiency in their classes was 0-10%, 13% reported it was between 10-20%, 17% reported it was between 20-30%, 15% reported it was between 30-40%, and 34% reported it was the full range (0-40).

Many Bilingual Teachers Do Not Speak the Language of Their Students

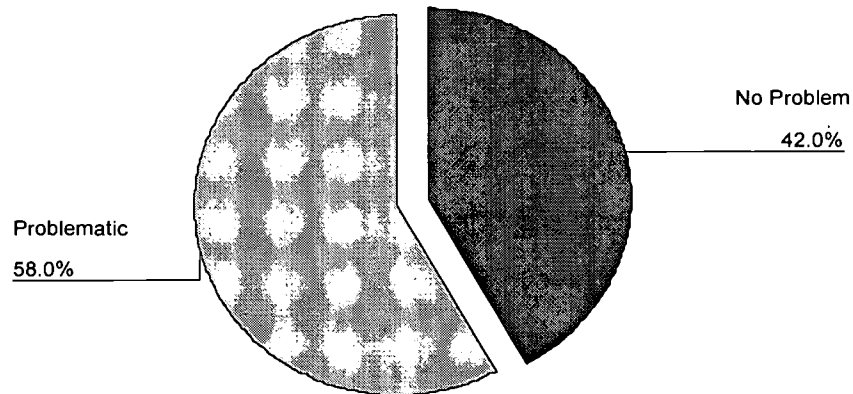
Bilingual teachers (N=69) were asked if they spoke the language of their students. As shown in the table below, while 49% indicated that they speak the same language as all of their students and 16% speak the same language as “most” of their students, a substantial minority (35%) speak the same language of only “some” of their students. In other words, some children in bilingual classes (which are supposed to be taught in the child’s native language) are being taught by teachers who do not speak the same language as their students. This is a very disturbing finding which needs further investigation since, for example, having a Haitian-Creole speaker in a Spanish speaking bilingual class is not going to academically prepare the student for any course work, including those that incorporate the new standards. If this condition is as widespread as this survey indicates, it would throw off actual bilingual performance results. A child who is not being taught in her native language is not in a bilingual program.



Problems with Timely Placement In Proper Classes

Teachers were asked to indicate if timely placement of new ELLs was a problem for students entering their schools. Overall, 58% agreed that it was problematic and 42% indicated that it was not.

Timely Placement of New ELLs in ESL/Bilingual Classes



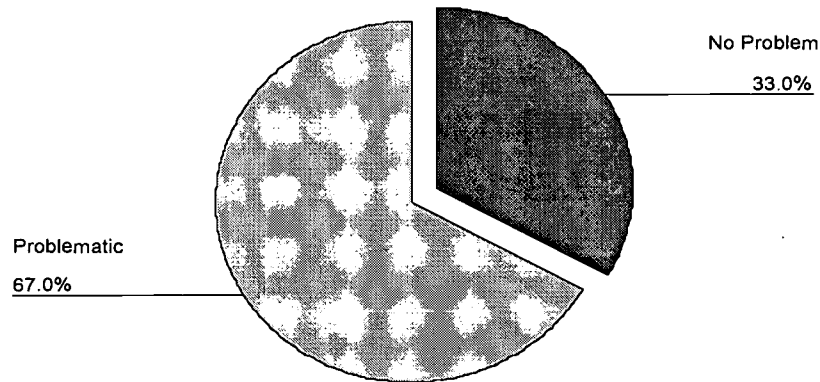
Bilingual and ESL teachers were asked additional questions about the length of time it takes for students to be assessed for placement. Most indicated that they did not know, which is not surprising since school administrators are responsible for placement. Fifty-eight percent found timely placement to be a problem with a small proportion indicating that ELLs in their school have waited up to 5 months for proper placement. In addition, 79% of the teachers indicated that there is a need for new student orientation. Children awaiting proper placements are unlikely to be in a position to learn and progress. Children awaiting placement generally are placed in classes that are English only, which is unlikely to assist the student with out proper supports. Further investigation is clearly warranted by these findings.

Coordination Between ESL and General Education Teachers Is Lacking

Teachers were asked to indicate if coordination between ESL and general education teachers was a problem. Overall, 67% agreed that it was problematic and 33% indicated that it was not. One

teacher voiced concern by stating that there must be “more time to coordinate instruction between ESL teacher and classroom teacher.”⁶³ Another stated that there should be “More communication between teachers to teachers and teachers to administrators”⁶⁴ Coordination is important for learning to take place. If there is no coordination between, for example, and ESL and a language arts teacher, the language arts instructor may teach a child assuming a higher or lower level of English proficiency than might actually warranted. Either way the child is unlikely to have a positive learning experience without such coordination.

Coordination Between ESL and General Education Teachers



Many Students Were Identified as Being At Risk of Holdover

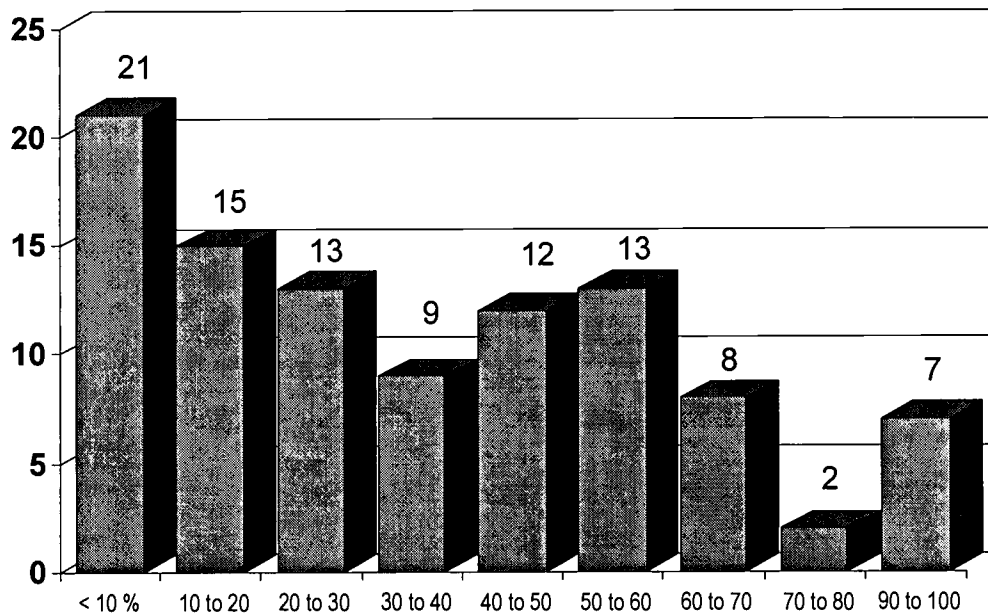
Bilingual and ESL teachers were also asked to indicate the proportion of students they are currently teaching who were identified last summer as being at risk of being retained in grade. The responses of the 114 teachers who responded to this question are presented in the table below. Overall, 36% indicated that 20% or less were so identified, while 30% reported that more than half of their students were at risk of being held back. That nearly a third of these teachers reported that over half

⁶³ ELL Teacher Survey #70.

⁶⁴ ELL teacher survey, #105.

their children were at risk for retention is very disturbing; this could indicate a serious disproportion of children being held over who are ELLs.

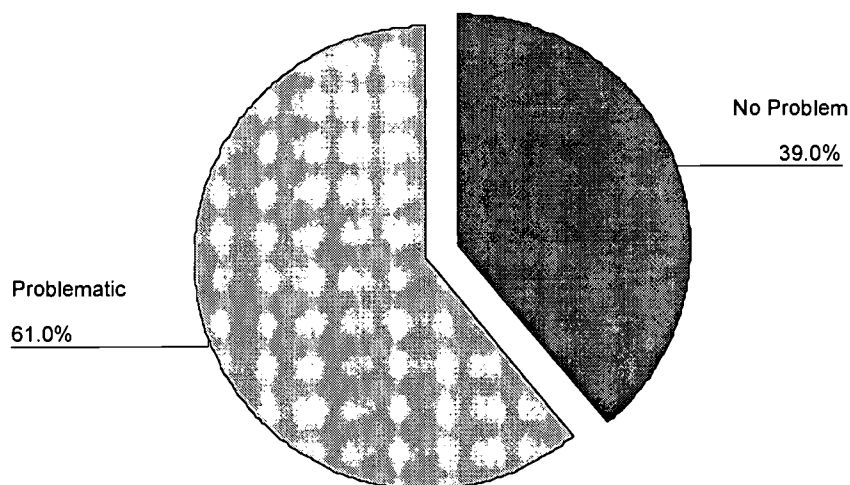
Proportion of Students at Risk of Grade Retention



Students At Risk of Holdover Are Not Getting the Services They Need

Overall, 61% of the teachers indicated that proper services for English Language Learners are not always available.

Availability of Proper Services for ELLs



Teachers were also asked to indicate what services their students who are currently at risk for summer school (2001) and holdover (2001-2002) are currently receiving. Sadly, despite the higher risk of academic failure among ELLs that has been identified and documented, the proportion not receiving the services that would enable them to meet the challenges they confront is shocking.

Student Support Services

EXTRA SERVICES	“YES -MOST” RESPONSES	% OF STUDENTS NOT GETTING SERVICES
Extra help with reading	63%	37%
Extra help with mathematics	56%	44%
After-school program	54%	46%
Before-school program	30%	70%
In-class small group or individual instruction	59%	41%
Counseling	43%	57%

In addition, while the majority of teachers reported that their classrooms had enough desks (88%) and chairs (86%), they were less likely to indicate that they had enough library books (56%), workbooks (52%), and supplies (61%). One teacher stated that their school needed “More technological support, more native authors.”⁶⁵ Another said “There is a great need for ESL material within the school. More materials need to be ordered as well as training.”⁶⁶ Yet another simply stated “More supplies.”⁶⁷

Teachers were clear about the lack of services for ELLs. One teacher said, “Schools should provide more books, and teachers trained in that field to schools. Also, students should receive before-school services to help them.”⁶⁸ Another stated, “There should be more after-school tutoring and activities geared towards helping kids with special needs such as ESL and students with learning disabilities.”⁶⁹ On a discouraging note one teacher observed that “Summer school courses seem to be inadequate at least from what I’ve observed of students who ‘pass’ these classes to advance to the next level.”⁷⁰

Curriculum Alignment to the New Standards

Teachers were asked to indicate the extent to which their curriculum is aligned to the new standards. The response choices included not at all, partially, mostly, and completely. The table below presents the proportion of teachers who indicated that their curriculum was “mostly” or “completely” aligned with the new standards. Teachers were asked to report only on curriculum that applied to them. Thus, the number of respondents for each subject who provided a response to this question ranges from 24 for Chemistry to 118 for ESL.

⁶⁵ ELL teacher survey, #217.

⁶⁶ ELL teacher survey, #163.

⁶⁷ ELL teacher survey, #105

⁶⁸ ELL teacher survey, #165.

⁶⁹ ELL teacher survey, #102. This comment was supported by two others: “Providing individual tutoring (required in some cases).” ELL teacher survey, #104 “After-school program, individualized instruction.” ELL teacher survey, #46.

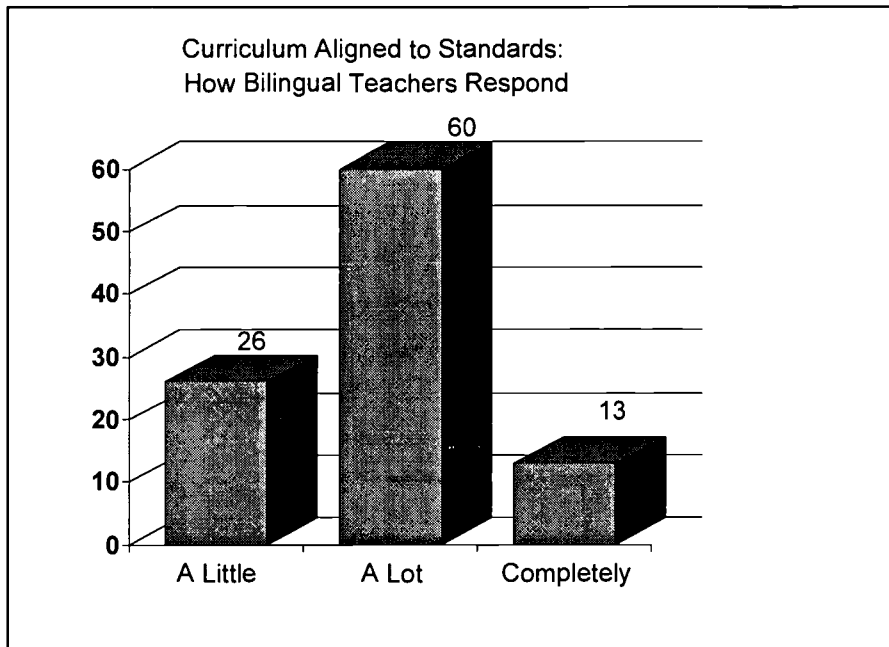
⁷⁰ ELL teacher survey, #104.

Alignment of Curriculum to New Standards

SUBJECT	NUMBER OF RESPONDENTS	% INDICATING MOSTLY/COMPLETELY
English/Language Arts	99	90%
Chemistry	24	50%
Earth Sciences	46	72%
Biology	30	60%
Mathematics	87	89%
Global Studies	50	82%
ESL	118	77%

As shown above, the lowest proportion of teachers indicating that their curriculum is mostly aligned to the new standards was reported by Chemistry (50%), Biology (60%) and Earth Sciences (72%) teachers. Interestingly, 77% of the ESL teachers indicated that their ESL curriculum was aligned to the new standards. In view of the earlier discussion about the lack of ESL curricula, this finding is difficult to interpret since there is no set curriculum for ESL teachers to follow. One possible explanation is that the ESL teachers who indicated that their curriculum is mostly aligned to the new standards had individually crafted curriculum to meet their students' needs. If so, these teachers should be lauded for their work, but clearly this is not a systemic answer to the lack of curriculum and therefore the lack of ability to track standards alignment with ESL coursework. This issue is clearly in need of further research.

Unlike ESL teachers, bilingual teachers are required to follow the Language Arts Curriculum. Thus, they were asked to indicate the extent to which their curriculum was aligned to the new standards. The responses of the 68 teachers who responded to this question, presented below, suggest that curriculum alignment is more problematic for bilingual teachers than for English teachers in general. Overall, 26% indicated that they were "a little aligned," 60% indicated that they were "a lot aligned," and 13% indicated that they were "completely" aligned.



Finally, teachers

were asked about the adequacy of their curriculum materials (books, worksheets) and whether or not they covered the necessary materials to help students meet the new standards. Overall, 64% indicated that they were adequate and 36% indicated that they were not. Teachers wrote a number of comments in this area: “ESL and Bilingual Programs need more materials for our classrooms.”⁷¹ “I need more materials and a definite place to teach.”⁷² “We need more supplies, training and support from our administrators.”⁷³ “We need a real classroom, not a room shared by others with constant distractions.”⁷⁴ Speaking to a differential in services to non- Spanish-speaking ELLs one teacher stated that “The same services should be provided to all ELLs, not just those who speak Spanish.”⁷⁵

⁷¹ ELL Teacher Survey, #160.

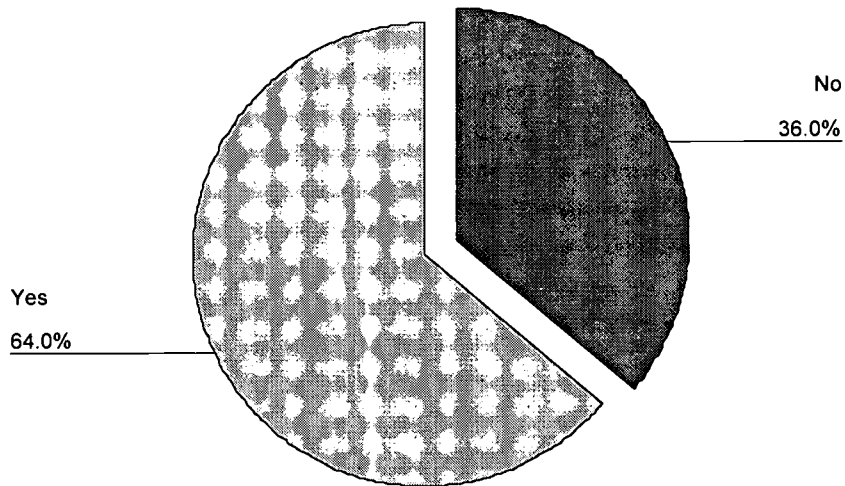
⁷² ELL Teacher Survey, #69.

⁷³ ELL Teacher Survey, #137.

⁷⁴ ELL Teacher Survey, #71.

⁷⁵ ELL Teacher Survey, #167.

Curriculum Materials are Adequate



Teachers Confront a Number of Challenges Working With Students And Families Who Are Linguistically and Culturally Diverse

Teachers were asked to indicate how much they disagree/agree with a variety of issues that some teachers confront when working with immigrant parents. The major challenges identified by teachers and presented below, have clear implications for professional development in this area. These findings clearly point to the need for translators and the provision of information to services in their native language, which is required by state law. They also speak to the need for training in cultural competence.

Challenges That Teachers Confront in Communicating with Immigrant Parents

Challenges Identified	% AGREE
Language barriers are a problem.	78%
Cultural and social values differences are a problem.	58%
Parent Association/School Leadership Teams cannot attract immigrant parents to meetings.	71%

Immigrant parents are resistant to learning English.	28%
Immigrant parents do not attend parent-teacher conferences.	49%
Immigrant parents are not able to assist with their child's educational needs.	66%
Immigrant parents do not understand what schools expect of them.	70%
Support services for the family are needed	94%

Teachers were very clear regarding their need to communicate with parents and their current lack of communication: "There is much of a gap between parent and teacher communication. Teachers should be able to communicate with parents. Language should not be an issue."⁷⁶ Another teacher addressed the issue of cultural competence in her school: "The school needs to learn more about its children's culture."⁷⁷

Services to Enhance Teacher-Parent Relationships are Sorely Needed

Teachers were also asked to rate the extent to which they agreed with the importance of a variety of support services to enhance teacher-parent relationships. Their responses, summarized in the table below, clearly stress the need for translators and information to be sent home in the parents' native language.

Support Service Identified	% AGREE
Translators at parent meetings.	87%
Information for parents in their native language.	93%
School notices sent in the parent's native language.	91%
Better understanding of the parent's culture.	85%
Information on what services local community based organizations can provide immigrants.	92%

Teachers were concerned with the low level of ELL parent-teacher connection. "Parental support is essential. When the students' educational values are non-existent, no learning can occur.

⁷⁶ ELL Teacher Survey, # 166.

⁷⁷ ELL teacher survey, #137.

Parents need to value and take advantage of our free system of education.”⁷⁸ “Provide intensive support services for parents that inform them about standards, the “American way,” school policies, and adult education. It’s not just providing the support but having people attend. Find a way to attract parents...”⁷⁹ “By involving the parents in the school, by appreciating them and what they bring with them is a clear path for their children to succeed in the school.”⁸⁰ And lastly and most succinct: “Mobilize parents.”⁸¹

Teachers were asked questions with regard to the assistance they had received to enable them to help students meet the new standards. Table X provides the proportion of teachers who reported agreement with each question.

Table X: Implementing the New Standards

Instruction has changed since new standards were implemented.	54%
Understand the requirements of the new standards.	82%
Experienced difficulties transitioning to the new curriculum.	21%

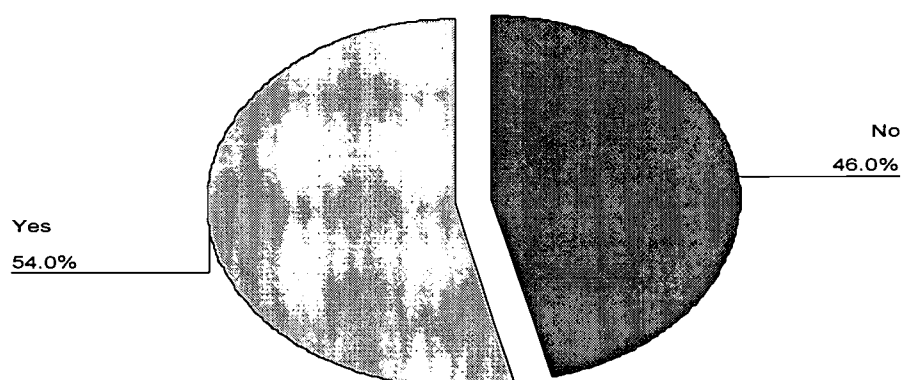
It is interesting that only a bit more than half found that their instruction has changed since implementation of the new standards. Since most teachers stated they understood the requirements, this may be because either they felt the new standards are easy to incorporate, or they have not truly incorporated them (as was indicated by a number of the teachers whose academic core areas were in the sciences).

Support Services Are Rarely Provided to Teachers

ESL/Bilingual teachers were asked a general question about whether or not they receive assistance to develop their professional skills to deal with challenges presented by English Language Learners. Overall, 54% reported that they had received such assistance, and 46% said they did not.

⁷⁸ ELL Teacher Survey, # 107.
⁷⁹ ELL Teacher Survey, # 166.
⁸⁰ ELL Teacher Survey, # 135.

Received Assistance with Professional Skills



The majority of teachers who indicated that they had received such assistance reported that they had received it through staff development programs at the school (71%), although a substantial minority identified graduate courses (25%) or the United Federation of Teachers' (UFT) programs (12%). Teachers had some of the following suggestions: "Provide a prep schedule that will allow teacher to meet with ESL teacher."⁸² "More time to coordinate instruction between ESL teacher and classroom teacher."⁸³ "Better staff development."⁸⁴

Teachers were also asked to indicate the areas that would enhance their effectiveness. The following services were identified.

Support Service Identified	% AGREE
General training in ESL methods.	76%
General training in bilingual methods.	74%
Training on content areas.	80%
Observations of a master teacher.	79%

⁸¹ ELL Teacher Survey, # 118.

⁸² ELL Teacher Survey, #168.

⁸³ ELL Teacher Survey, #70.

⁸⁴ ELL Teacher Survey, #107.

School Policies With Regard to Summer School Need Improvement

As noted above, the updated promotion policy and revised CR-A-501 provide specific mandates regarding parental involvement and notification of the possibility of retention (1) no later than the Fall Parent Teacher Conference, and (2) in writing no later than January 31st. Parents were also required to be notified in writing by regular mail of the final decision not to promote and of required summer school not less than 14 days before the end of the school year.

Teachers were asked to report on their school's policies with regard to parental notification. Most teachers reported that the parents of students who were required to attend summer school last year were first notified that their children were at risk for being held over between November and December (36%). The remainder indicated that first notices were sent out between January and February (21%), between March and May (24%), and, 19% reported that the first time parents were notified that their children were at risk for being held over was in June.

The updated Promotion Policy and revised CR-A-501 clearly state that *"If the student is still at risk of not meeting the standards as evidenced by student work/grades and/or attendance, a written letter to that effect will be sent to the parent no later than January 31."*⁸⁵ While most of the teachers (86%), indicated that most parents had received a written letter informing them of their child's possible retention (although not timely) the remaining number indicated that most of the parents were informed over the telephone, by the teacher, or by a note written on their child's report card saying *"Promotion in Doubt,"* all in violation of the regulation. Finally, although schools are required to communicate with parents in their home language – *"To the extent possible, communication with parents should be in their home language"* – teachers who completed the survey also indicated that parents of the ELL students in their schools were frequently communicated with in languages other than their home/native language.

⁸⁵CR-A-501, Section 8.1, page 20.

Part III Conclusions and Recommendations

1. Summary and Conclusions

Both Advocates for Children and the New York Immigration Coalition support the implementation of the new higher standards for students in New York State. The state's updated standards offer an opportunity for all children to reach the same levels of excellence. The current implementation of these standards, however, is problematic for ELLs who stand to be penalized by the current implementation plan as a result of their language status, and lack of educational programs to assist them in meeting the new standards. Introducing higher standards without providing the necessary academic services necessary to meet these new standards is only a recipe for failure. Adequate resources and support must be provided to these students in order to meet the goal of high educational standards.

The information presented in this report demonstrates many inadequacies in the current system particularly in terms of meeting the needs of special education students, late entrants, and ELLs with little or no prior education. The Chancellor's Report addresses additional major shortcomings that must become high policy priorities including informing parents of choice, improving teacher quality, and improving assessment of ELLs.

The recent proposals by the Chancellor creating intensive ESL instruction, and increased English instruction to ELLs will not be able to be implemented if there are not enough teachers to teach these children and those who are available do not have the certification, professional development, or quality curriculum and materials to teach these newcomer students. The Board needs to have the proper funding, along with a well-defined, research-based plan of action for how to address the tremendous needs of this large and growing student population. Opponents and proponents of bilingual education need to stop fighting over language of instruction and unite around developing a

properly funded, standards-based, high quality educational program for these students. We cannot afford to wait any longer. The future of these children and the future of New York City depend on it.

RECOMMENDATIONS

Assure that significantly more funding goes to programs to assist ELLs—The Governor and the Mayor's proposed budgets need to invest more to help the large and growing number of ELL students to succeed.

- ELLs are not currently receiving either the depth or breadth of services necessary to meet the new standards. The requirements of the new standards will require more, not fewer services. Consistent with the court ruling in the CFE lawsuit, New York City and State must provide additional resources to ensure that all New York City students receive a sound basic education. While the Chancellor's report recommends an investment of \$75 million, the Mayor only included \$15 million in additional resources in his recent budget, and the Governor's budget would actually reduce State funding for ELLs.

Ensure proper training for teachers who are currently teaching ELL students.

- Create an intensive summer institute for ESL, bilingual teachers and core subject teachers to give them the proper tools to teach ELL students, taking into account the requirements of the new standards. All teachers should be offered this training, but teachers whose students are not making adequate progress should be required to attend.
- Create a citywide ESL model curriculum for ELLs and train teachers in its use. A model ESL curriculum should be created for citywide use. The curriculum should reflect what skills will be taught at different levels of proficiency, the types of materials and books students will read, how standards will be achieved, and how ESL and ELA teachers will work together and coordinate instruction. Extensive teacher training in the use of the curriculum is also critical.

Expand teacher recruitment efforts targeted to ESL and bilingual shortage areas.

- For ELL students to succeed and increase their ability to meet the new standards, there must be intensive efforts to recruit and retain ESL and bilingual teachers who are properly certified and trained. ESL and bilingual teachers have additional skills and certification requirements not required of other teachers and should receive additional compensation to reflect this.
- The Teachers for Tomorrow recruitment program must specifically address uncertified bilingual and ESL teachers, including special education teachers and aides. Uncertified teachers in these areas should receive additional assistance to pass the LAST and ATWS tests.
- State law should be changed to permit non-citizens to become certified teachers and immigration visas should be sought for foreign-born teachers who are proficient in English.
- The Board of Education must ensure funding for bilingual special education teachers and aides in its proposals. The low rate of English language acquisition for ELLs with disabilities results largely from a severe shortage of certified, bilingual special education teachers and resources.

Provide teachers and ELL students with additional class time and support services to meet the new standards. This investment will result in students needing fewer years of schooling to graduate.

- ELLs must master both academic proficiency in English and master all other core subjects to meet the new standards, and there is not enough time in a regular school day to do both. ELLs and their teachers must have access to after-school, weekend, and summer classes and the use of technology to meet these requirements. While all ELLs need the additional time and help, priority should be given to late entrant ELLs, students at risk for retention and students receiving special education services.
- Many ELLs need from 5 to 7 years to complete high school. By providing additional help, we can shorten the number of years ELLs need to graduate and save money.
- Assure that those ELL students designated “at-risk” are provided intervention services during the school year. According to our survey at-risk for holdover ELLs do not receive adequate intervention services during the regular school year. The entitlement to services guaranteed in the prior Chancellor’s Regulation should be reinstated.

Teachers need more help from parents of ELL student--provide notice and information in the home or native language of the parents as well as interpretation services to parents.

- Over half of school-age children in New York City are members of immigrant families. It is essential that information and notices from school are sent in a language that parents can understand
- In order for parents to participate in their children’s education, those parents who are ELLs must have interpretation services offered to them so they can speak with school personnel about their child’s academic progress.

Hold teachers and students accountable--develop a statewide assessment for ELLs to strengthen the accountability system and quality of instruction of programs serving this population.

- There is a demonstrable need for a reliable assessment designed to measure the progress students make towards full English proficiency. The assessment would be useful for putting “teeth” into an accountability system to ensure that students are being delivered a high level of instruction that is aligned with standards. In addition, such an assessment would provide useful information to teachers and administrators about students’ needs in order to improve curricula and instruction on an ongoing basis.

APPENDIX A

Teacher Survey

This survey is being conducted by the New York Immigration Coalition and Advocates for Children to improve services for immigrant and English Language Learner [ELL] students. ALL INFORMATION IS CONFIDENTIAL AND WILL ONLY BE USED TO HELP IMPROVE PROGRAMS FOR ELLS.

Thank you for your assistance!

1. What TYPE of school do you work in?

- [1] ___ Elementary [3] ___ High School [Academic]
[2] ___ Junior High/Middle School [4] ___ High School [Vocational]
[5] ___ High School [Alternative]

2. What GRADE do you teach? [Check all that apply]

- [0] ___ Kindergarten [3] ___ 3rd Grade [6] ___ 6th Grade [9] ___ High School
[1] ___ 1st Grade [4] ___ 4th Grade [7] ___ 7th Grade
[2] ___ 2nd Grade [5] ___ 5th Grade [8] ___ 8th Grade

3. Do you hold any of the following Licenses? [Check all that apply]

- | | No | Yes | | No | Yes |
|--------------------|----|-----|-------------------|----|-----|
| [1] English | 0 | 1 | [5] Common branch | 0 | 1 |
| [2] Math | 0 | 1 | [6] ESL | 0 | 1 |
| [3] Social Studies | 0 | 1 | [7] Bilingual | 0 | 1 |
| [4] Science | 0 | 1 | | | |

4. How long have you been teaching? _____ Years [total]

5. How many students are in your class? _____ *High School/Junior High School
Teachers should give average number of students in your class.

6. What is the range of English proficiency levels in your classes as measured by the Language Assessment Battery [LAB]? [High School/Junior High Teachers should give average range among students in your class.]

- [0] ___ 0-10% [2] ___ 20-30% [4] ___ The Full Range [0-40%]
[1] ___ 10-20% [3] ___ 30-40% [5] ___ Above 40%

7. What subjects do you teach?

- [1] ___ English [4] ___ Chemistry [7] ___ Math _____
[2] ___ Biology [5] ___ Global Studies [8] ___ Other: Specify: _____
[3] ___ ESL [6] ___ Earth Sciences

8. Is your curriculum aligned to the new standards? [Check those that apply to you]

	Not Applicable	Not at all	Partially	Mostly	Completely
[1] English/Language Arts	NA	0	1	2	3
[2] Chemistry	NA	0	1	2	3
[3] Earth Science	NA	0	1	2	3
[4] Biology	NA	0	1	2	3
[5] Math	NA	0	1	2	3
[6] Global Studies	NA	0	1	2	3
[7] ESL	NA	0	1	2	3
[8] Other _____	NA	0	1	2	3

9. Do your curricular materials [books, worksheets, etc.] cover the material necessary to meet the new standards?

Not at all	A Little	A Lot	A great Deal
0	1	2	3

10. How much has your instruction changed since the new standards were implemented?

Not at all	A Little	A Lot	A great Deal
0	1	2	3

11. How well do you understand the requirements for the new standards?

Not at all	A Little	A Lot	A great Deal
0	1	2	3

12. Are you experiencing any difficulties transitioning to the new curriculum?

Not at all	A Little	A Lot	A great Deal
0	1	2	3

13. How much training did your school provide to help you to understand and implement the new standards?

Not at all	A Little	A Lot	A great Deal
0	1	2	3

14. How much training did your district provide to help you to understand and implement the new standards?

Not at all	A Little	A Lot	A great Deal
0	1	2	3

15. Do you teach ESL? [0] ___ No [1] ___ Yes* [If YES, answer A, B, and C]

A. What languages do your students speak? [Check all that apply]

- | | | | |
|----------------------|------------------------|-----------------|-----------------|
| [1] ___ Spanish | [2] ___ Haitian Creole | [3] ___ Chinese | [4] ___ Russian |
| [5] ___ Korean | [6] ___ Hindi | [7] ___ Bengali | |
| [8] ___ Other: _____ | | | |

B. How well is your Language Arts curriculum aligned to the new standards?

- (0) _____ Not at all [2] _____ Mostly
(1) _____ A little [3] _____ Completely

C. How long does it take for students to be assessed for placement? _____ Days _____ Weeks

16. Are you a **Bilingual Education Teacher**? [0] ___ No [1] ___ Yes* [If YES, answer A, B, and C]

A. What languages do your students speak? [Check all that apply]

- [1] _____ Spanish [2] _____ Haitian Creole [3] _____ Chinese [4] _____ Russian
[5] _____ Korean [6] _____ Hindi [7] _____ Bengali [8] _____
_____ Other: _____

B. Do you speak the language of your students?

- (0) _____ No, not at all [2] _____ Yes, for most of the children
(1) _____ Yes, for some of the children [3] _____ Yes, for all of the children

C. How well is your Language Arts curriculum aligned to the new standards?

- (0) _____ Not at all [2] _____ A Lot
(1) _____ A little [3] _____ Completely

17. Please indicate how much you disagree/agree with the following issues that some teachers confront when working with students who are linguistically and culturally diverse.

Placement of new students is a problem.

Strongly Disagree Disagree Agree Strongly Agree DO NOT KNOW
1 2 3 4 DK

Lack of coordination between ESL and general education teachers is a problem.

Strongly Disagree Disagree Agree Strongly Agree DO NOT KNOW
1 2 3 4 DK

There is a need for new student orientation.

Strongly Disagree Disagree Agree Strongly Agree DO NOT KNOW
1 2 3 4 DK

Student assessment for placement takes too long.

Strongly Disagree Disagree Agree Strongly Agree DO NOT KNOW
1 2 3 4 DK

Proper services for English Language Learners are not always available.

Strongly Disagree Disagree Agree Strongly Agree DO NOT KNOW
1 2 3 4 DK

The LAB is too inaccurate a test for placement.

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Support services for the families are needed.

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Other _____ [please specify]

18. Please indicate how much you disagree/agree with the following issues that some teachers confront when working with immigrant parents.

Language barriers are a problem.

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Cultural and social values differences are a problem.

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Parent Assoc./School Leadership Teams cannot attract them to meetings.

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Immigrant parents are resistant to learning English.

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

They do not attend parent-teacher conferences.

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

They are not able to assist with their child's educational needs.

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

They do not understand what schools expect of them.

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Other: _____ [please specify]

19. Would any of the following assist you in having a more productive relationship with immigrant parents?

Translators at parent meetings

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Information for parents in their native language

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

School notices sent in the parent's native language

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Better understanding of the parent's culture

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Information on what services local Community Based Organizations can provide immigrants

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Other _____ [please specify]

20. Would any of the following professional support or training help you do your job better?

General training in ESL methods

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

General training in bilingual methods

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Training on content areas

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Observations of a master teacher

Strongly Disagree	Disagree	Agree	Strongly Agree	DO NOT KNOW
1	2	3	4	DK

Other _____ [please specify]

21. Does your classroom have enough of the following items?

- Desks? [0] ___ No [1] ___ Yes
 Chairs? [0] ___ No [1] ___ Yes
 Library books? [0] ___ No [1] ___ Yes
 Workbooks? [0] ___ No [1] ___ Yes
 Supplies?* [0] ___ No [1] ___ Yes

*paper, chalk, pens, pencils, etc.

22. Some students in your class last year may have been required to attend summer school. When did your school first notify the families of those children that they were at risk for being held over?

- [1] ___ Between November and December [3] ___ Between March and May
 [2] ___ Between January and February [4] ___ After May
 [5] ___ Don't Know

23. What kind of notice did parents receive?

- [1] ___ A letter
 [2] ___ A phone call
 [3] ___ You spoke to the parent
 [4] ___ A stamp on your report card saying "promotion in doubt"
 [5] ___ Other: Please explain _____
 [6] ___ Don't Know

24. Was the notice in English or the parent's Native Language?

- [1] ___ English [2] ___ Native Language: Specify: _____
 [3] ___ Don't Know [4] ___ Other: Specify: _____

25. Did parents get an official notice in June after test scores came out?

- [0] ___ No [1] ___ Yes* [2] ___ Do not know

***If yes: Was the notice in English or the parent's Native Language?**

- [1] ___ English [2] ___ Native Language: Specify: _____
 [3] ___ Don't Know [4] ___ Other: Specify: _____

26. What services are your students who are at risk for summer-school and holdover currently getting?

Extra help with reading?

Almost None	A Few	Some	Most	Almost All	DO NOT KNOW
0	1	2	3	4	DK

Extra help with mathematics?

Almost None	A Few	Some	Most	Almost All	DO NOT KNOW
0	1	2	3	4	DK

After-school program?

Almost None	A Few	Some	Most	Almost All	DO NOT KNOW
0	1	2	3	4	DK

Before-school services?

Almost None	A Few	Some	Most	Almost All	DO NOT KNOW
-------------	-------	------	------	------------	-------------

0	1	2	3	4	DK
In-class small group or individual instruction?					
Almost None	A Few	Some	Most	Almost All	DO NOT KNOW
0	1	2	3	4	DK
Counseling?					
Almost None	A Few	Some	Most	Almost All	DO NOT KNOW
0	1	2	3	4	DK

ADDITIONAL QUESTIONS FOR ESL/BILINGUAL TEACHERS [All others skip to Question 32]

27. Last year, approximately how many of your ESL students received notices saying they were at-risk for being held over?

- | | |
|---------------------|----------------------|
| [0] _____ <10% | [5] _____ 50% - 60% |
| [1] _____ 10% - 20% | [6] _____ 60% - 70% |
| [2] _____ 20% - 30% | [7] _____ 70% - 80% |
| [3] _____ 30% - 40% | [8] _____ 80% - 90% |
| [4] _____ 40% - 50% | [9] _____ 90% - 100% |

28. Did you teach summer school to bilingual or ESL students last summer?

- [0] ___ No [1] ___ Yes*

***If yes, answer A, B, and C:**

A. Did you know why your students needed to be in summer school?
 [0] ___ No [1] ___ Yes

B. Did you use books and reading materials related to the subject your students needed to pass?
 [0] ___ No [1] ___ Yes

C. Were the materials adequate to teach the students in order for them to meet the standards?
 [0] ___ No [1] ___ Yes

29. Do you receive assistance to develop your professional skills to deal with challenges presented by English Language Learners? [0] ___ No [1] ___ Yes*

***If yes, answer A, B, and C:**

A. From where did you receive assistance?
 [1] _____ school /staff dev. [2] _____ UFT
 [3] _____ graduate courses [4] _____ Other [please specify] _____

B. How many hours of staff development did you get last year? _____ Hours

C. How useful was the training that you received?
 _____ Not at all useful [3] _____ Moderately useful
 _____ A little useful [4] _____ Very useful

30. Borough: _____

31. School District: _____

32. Is there anything else you'd like to tell us about your teaching experience with English Language Learners?

33. How do you think schools could provide better services for English Language Learners?

THANK YOU!

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