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FROM BLUEPRINT TO BUILDING

Lifting the Torch for Multilingual
Students in New York State

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About the Authors



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Note on Terminology

We usually use the term “dual language learners” (DLLs) to denote young children who are learning English even as they continue to develop basic proficiency in their home languages. DLLs are generally eight years old or younger who may receive bilingual instruction or English as a Second language (ESL) services during the PreK–3 grades. However, for the sake of consistency with New York State’s regulatory language and accompanying state documents, we use the term “English language learners” (ELLs) in this paper.

Note on Methods

Research for this paper came from a review of academic studies on instructional practices and policies for multilingual students, publicly accessible documents from governmental, non-profit, and journalistic sources, and information shared at panel sessions during the New York State Association for Bilingual Education annual conference in May 2016. In-depth interviews were conducted with over thirty non-profit and university-affiliated experts, state leaders and advocates, district administrators, school principals, and classroom teachers, including five New York State Education Department officials (see Appendix for list). Ten classrooms in two school districts, Mineola Union Free School District and Newburgh Enlarged City School District, were observed; they were selected based on conversations with state leaders.

EXECUTIVE SUMMARY

The Empire State has long held special salience in the imagination of newcomers to the United States. The Big Apple, New York City, particularly stands out as a quintessential immigrant city, a cosmopolitan epicenter of North American power and a historic entrypoint into the country. In fact, over three million foreign-born residents live in New York City, and half of all residents speak a language other than English at home. But this international diversity is not limited to the city's five boroughs of 8.5 million residents.¹ The number of newcomers to upstate and Long Island communities has spiked in recent decades. Around 30 percent of families across New York State now speak a language other than English at home, resulting in 240,000 English language learners (ELLs) in the state's primary and secondary schools who speak nearly 200 different languages.²

Recently, in response to this long-established, yet still-growing, multilingual population, New York State has led a bullish redesign of policies and practices to better support the education of its ELLs. Persistent academic achievement gaps, the heightened rigor of Common Core State Standards, and federal monitoring prompted state leaders to rethink their approach to ELL services in a more comprehensive way.

In April 2014, with then-State Commissioner John B. King Jr. (now U.S. Secretary of Education) at the helm, the New York State Education Department

(NYSED) released a sweeping set of priorities for raising achievement. Its new strategy, named the *Blueprint for English Language Learners (ELLs) Success* and derived from several years of stakeholder engagement, aims to support content-integrated and bilingual instruction for ELLs, professional development for all teachers, family engagement, early learning, and more. That September, the State Board of Regents codified many of these ideas through changes to the state's administrative rules governing ELL policy, Commissioner's Regulations (CR) Part 154. In addition, a chain of bilingual ELL leaders were recently elected or appointed to top education posts within the state's administration, further energizing the execution of new policies.

The new rules revamp ELL policies in a comprehensive fashion. The cornerstone of the reform is also the component that most directly impacts students and educators: how ELLs are taught in classrooms. The rules set district-level requirements to expand bilingual instruction offerings with particular emphasis on cultivating dual immersion models. In addition, the rules set parameters on how ELLs receive English language development services, requiring that students at higher English levels receive supports that are "integrated" into core, academic instruction. This integrated approach occurs primarily through co-teaching models where a mainstream teacher

works in tandem with an ELL specialist for portions of the school day. The rules also detail processes to identify which students will enter or exit ELL status, engagement with families, more transparent data reporting by ELL subgroup, and professional development for *all* teachers, mainstream and specialist, on strategies to support ELLs.

In concert with the new Blueprint and regulations, New York also recently rolled out a robust set of other ELL-focused initiatives, including updated language development standards, redevelopment of the statewide exam measuring students' English levels, the Seal of Biliteracy for high school graduates, translations of their freely accessible and openly licensed math curriculum into five languages, and a variety of other centralized resources to foster ELL family engagement.

Despite these significant efforts, the state's reforms are still very much taking root. With 2015–16 as the first school year of full implementation, time will tell how changes impact ELL outcomes in the long run. Moreover, as is often the case with changes mandated from above, the early days of roll-out have elicited some pushback from advocates and practitioners. The system-wide change to ELL programming was significant in breadth and depth, and districts have grappled with the growing pains of implementation and capacity-building, while receiving minimal new funding from the state.

Nonetheless, New York's reforms offer a rare example of state-level policy innovation and leadership for multilingual children. This paper highlights both the bright spots and the emerging

challenges of the state's ELL reforms by charting their genesis, design, and early implementation. It aims to spark the thinking of policymakers and advocates in other states, who can consider how certain components of New York's example may be applicable for their own school systems and political contexts. More broadly, it explores the role that state education departments can play in supporting ELLs while facing limited capacity within a largely decentralized national education system. Here are six recommendations to take away from New York's experience:

- Develop and communicate an ELL vision at the state level.
- Design policies that incorporate home languages as an asset.
- Design policies that integrate language development and academic instruction across the board.
- Build statewide systems to develop administrator and teacher competencies with ELLs, equipping them for success in meeting and exceeding regulatory expectations.
- Coordinate administrative action with institutions of higher education and the state legislature to ensure policies can be implemented optimally.
- Create policies that collect more meaningful ELL data to evaluate the impact of reforms, and share that information in publicly accessible ways.

INTRODUCTION

“Give me your tired, your poor,
Your huddled masses yearning to breathe free...”

In 1903, Emma Lazarus’s iconic lines were engraved onto a bronze plaque and mounted inside New York Harbor’s Statue of Liberty.³ The poem gave voice to the 305-foot copper goddess, cementing her as the “mother of exiles,” a symbol of American opportunity and promise for newcomers.⁴ From 1892 to 1954, under the statue’s watch, over 12 million immigrants arrived on the nearby shores of Ellis Island.⁵

Decades later, New York—with its Lady Liberty—remains at the crux of American immigration. While Ellis Island no longer serves as a national gateway, and countries of origin have shifted substantially, New York City and the state as a whole remain a bustling hub for newcomers. Families and individuals are drawn to a dynamic labor market, relatively high living standards, and a network of home country connections and enclaves, ones that assist in integration and trigger a self-perpetuating, “snowball effect” of migration.⁶ The state currently boasts 4.3 million immigrants, mostly from Latin American and Asian countries, representing more than one fifth of New York’s total population. That figure is on the rise: the state’s foreign-born population increased from 15.9 to 22.3 percent

from 1990 to 2013.⁷ These residents—documented and undocumented, immigrants and refugees—bring vital cultural and economic capital to their communities. They work, pay taxes, create jobs, consume products and services, and participate in a variety of social activities.

They also have children and send them to school. These sons and daughters, foreign- or U.S.-born, often grow up speaking the family’s native language at home and they comprise the school system’s large population of students learning English. Indeed, New York has the fourth highest number of ELLs in the country, around 9 percent of its K–12 student population.⁸ For the youngest learners, data suggest the number is higher: a full 30 percent of three- and four-year-olds are ELLs.⁹ The majority of New York ELLs speak Spanish at home (64 percent), followed by Chinese (11), Arabic (4), Bengali (3), Russian (2), Urdu (2), Haitian Creole (2), and a wide array of other languages. While 70 percent of New York’s ELLs reside in New York City, several upstate and Hudson Valley districts have also attracted sizable ELL pockets in neighborhoods with lower costs of living, revitalizing industrial communities in places such as Buffalo, Newburgh, Rochester, Syracuse, and Utica.¹⁰

Figure 1 | Top 10 ELL Home Languages, SY 2014–15

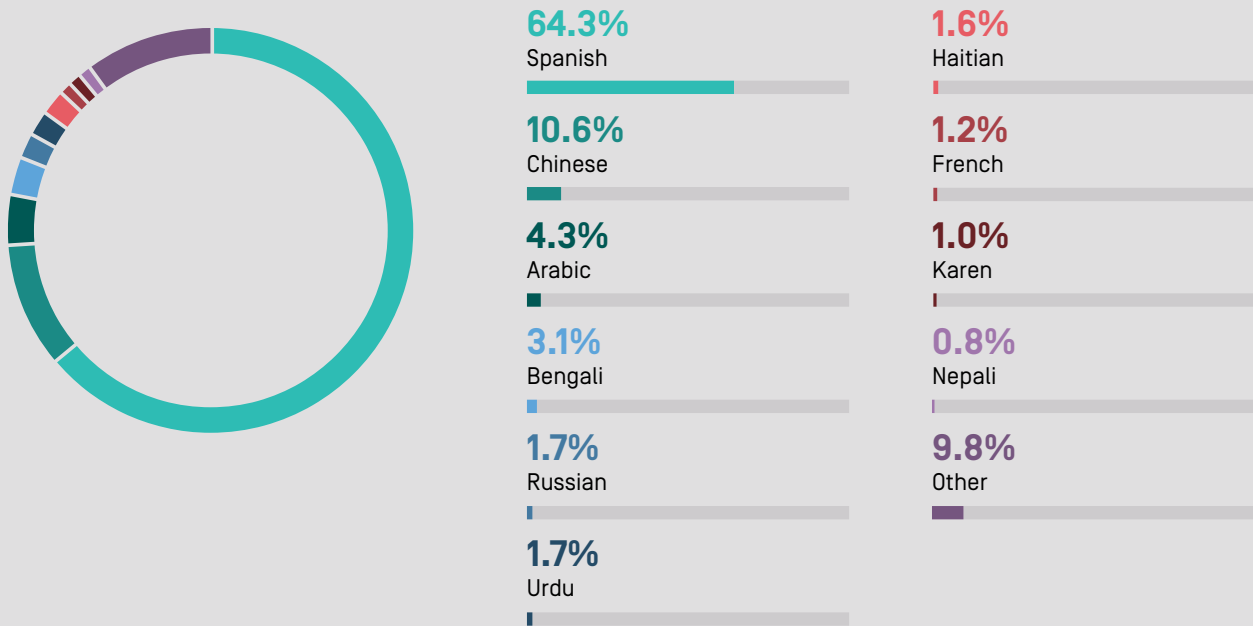
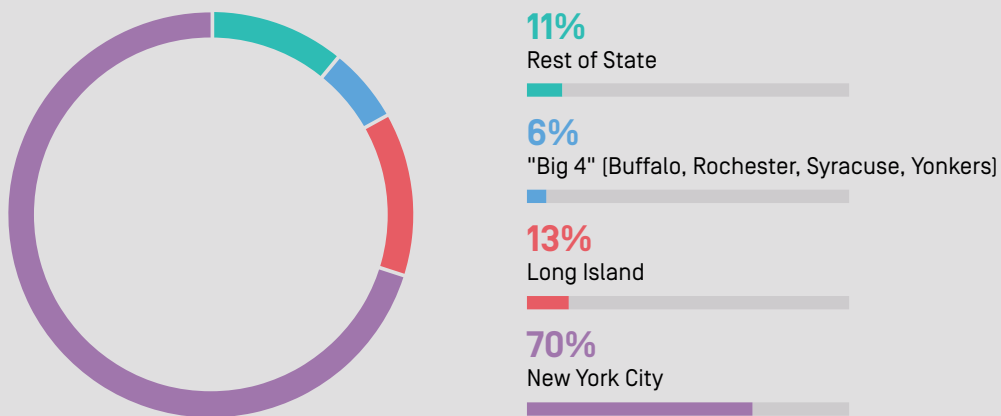
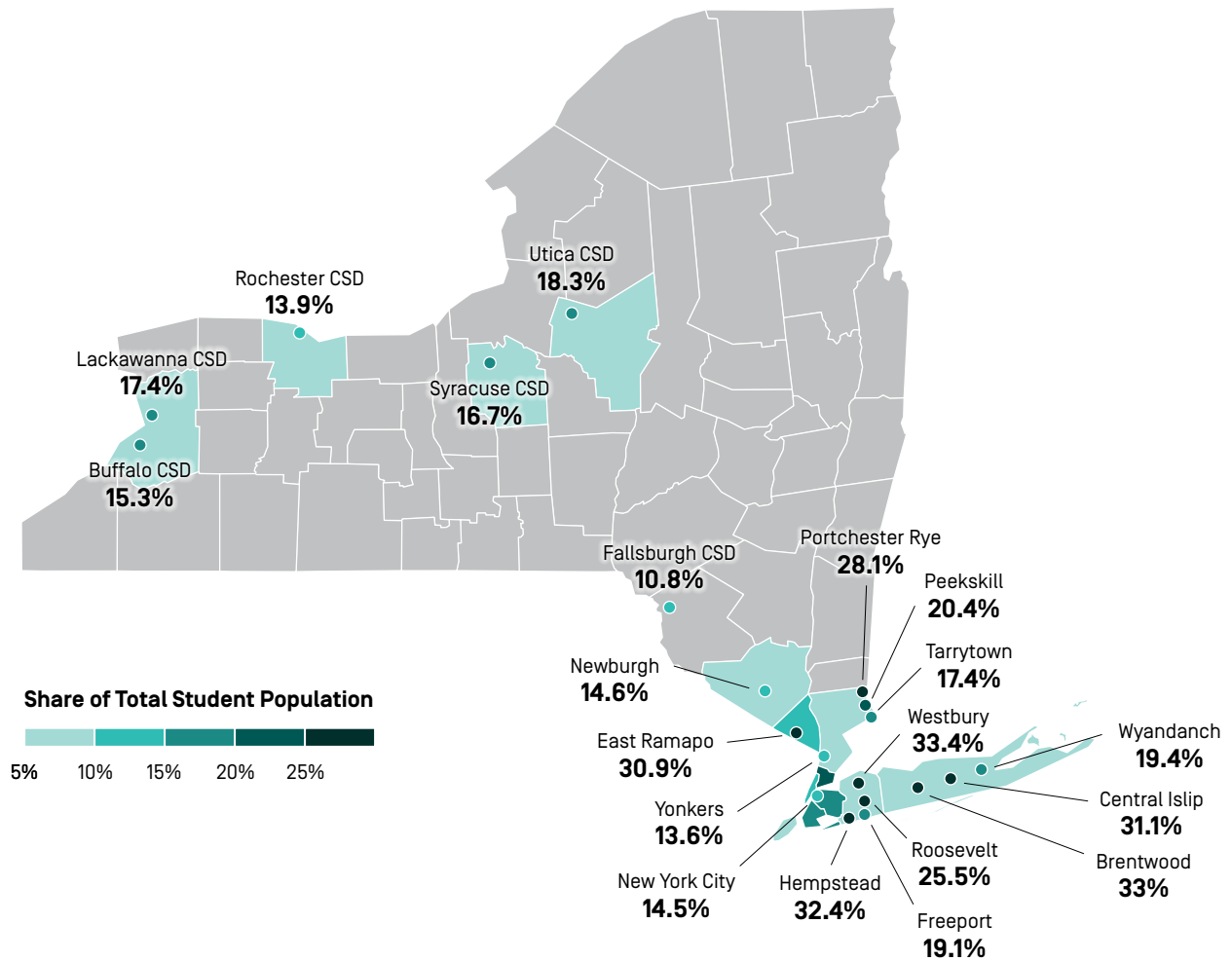


Figure 2 | Percentage of ELLs in State by Location



Source: New York State Education Department, "Ensuring Equal Education Opportunities for English Language Learners," [Council of Chief State School Officers webinar, November 2015], <http://www.ccsso.org/Documents/Ensuring%20Equal%20Education%20Opportunities%20for%20English%20Language%20Learners.pdf>.

Figure 3 | ELLs as a Share of Total Student Population by County and District, SY 2014–15



County	ELL Share	County	ELL Share	County	ELL Share
Bronx	20.5%	Westchester	8.2%	Orange	5.7%
Queens	17.2%	Suffolk	7.7%	Onondaga	5.6%
Kings	15.1%	Nassau	6.8%	Monroe	5.2%
New York	14.5%	Richmond	6.3%	Erie	5.1%
Rockland	10.9%	Oneida	5.9%		

Source: New York State Education Department, “Ensuring Equal Education Opportunities for English Language Learners.” [Council of Chief State School Officers webinar, November 2015], <http://www.ccsso.org/Documents/Ensuring%20Equal%20Education%20Opportunities%20for%20English%20Language%20Learners.pdf>.

Unlike other states grappling with how to respond to recent influxes of ELLs for the first time, the Empire State has been experimenting with ELL policy reforms for some time. This work has required balancing the provision of services to the lion's share of these students in New York City while not neglecting those in less populated areas across the state. The New York State Education Department (NYSED) has shown a rare degree of innovation in crafting various policies and practices aimed at serving its large, diverse, and growing population of multilingual students. Its successes and shortcomings can help spark the thinking of other state leaders and advocates seeking to design better supports for their own ELLs.

A set of recent reforms—grouped under the umbrella of New York's new Blueprint for ELL Success and updates to state rules on how schools must serve K–12 ELLs—provide an early model for policymakers seeking to devise responsive policies for multilingual learners. New York's new rules require districts and schools to make a wide range of changes, from small (yet important) tweaks to larger, core shifts on how instruction is delivered. Some of the key changes include:

- Updated requirements for initial registration and identification of ELLs
 - Increased flexibility in criteria for exiting ELLs from status and services
 - Expanded instructional supports for former ELLs
 - Newly specific quotas on ELL professional development for *all* teachers, mainstream and specialist
 - Additional requirements for family engagement, including extra parent-teacher conferences on ELL linguistic development
 - New requirements that set a district-wide (versus school-level) threshold for offering bilingual education in ELL home languages
- New instructional rules that expand “integrated” English as a Second Language (ESL) services, either through co-teaching or a dually-certified teacher
 - Additional district data reporting requirements by DLL subpopulations

As this new strategy rolled out in the 2015–16 school year, the appointment, election, and increased visibility of linguistically-diverse, state-level leadership further energized momentum for serving ELLs (see sidebar: Multilingual State Leaders Take Charge of ELL Reform). In the 2015–16 school year, new appointments and elections yielded a chain of bilingual leaders at various leadership posts,

Multilingual State Leaders Take Charge of ELL Reform

In September 2015, New York State Education Commissioner MaryEllen Elia named Angélica Infante-Green Deputy Commissioner for Instruction and Lisette Colón-Collins Assistant Commissioner for the Office of Bilingual Education and World Languages.¹² These administrative appointments coincided with other high-profile leadership changes. In March 2016, the Board of Regents elected Betty Rosa as its Chancellor to preside over the 16-member body elected by the New York legislature. Luis Reyes, a long-time ELL advocate, was also elected as a Board of Regents member-at-large. All four of these leaders—Rosa, Reyes, Infante-Green, and Colón-Collins—understand ELL linguistic needs on a personal level, as educators who are bilingual in Spanish and English themselves.

starting at the top, with Betty Rosa becoming the first Latina Chancellor of the State Board of Regents.¹¹ The substantive policy reform along with the advent of high-profile, bilingual leadership is a powerful combination for New York ELLs.

The New York State Education Department has shown a rare degree of innovation in crafting various policies and practices aimed at serving its large, diverse, and growing population of multilingual students. Its successes and shortcomings can help spark the thinking of other state leaders and advocates seeking to design better supports for their own ELLs.

The new state rules and leadership coincide with a host of other administrative initiatives designed to provide educators with resources to help ELLs succeed. These include revamped English development and bilingual education standards, the Seal of Biliteracy for high school graduates, translations of the freely accessible and openly licensed EngageNY math curriculum into Spanish, Chinese, Arabic, Bengali, and Haitian Creole, and a variety of other key resources to foster parent engagement. On multiple fronts, New York state

education officials “are moving aggressively” to build supports for ELL achievement, according to *The Hechinger Report’s* Margaret Ramirez.¹³

Yet even as New York represents an example of strong, state-level policy innovation and leadership, the work is far from finished. As is often the case with changes mandated from above, the new rules have elicited some dissent and pushback. Advocates and practitioners in the field have voiced concerns over the rapid scope of change to ELL program design and staffing, particularly in executing the integrated co-teaching model at the heart of the new policies. So, as districts and schools adapt to the new rules, long-term success depends on solid implementation and adequate funding. The reforms are in their infancy, but with solid execution, resourcing, and tweaking in response to educators’ feedback, the reforms have great potential to strengthen educational opportunities for ELLs with state policy.

The Statue of Liberty, in the final line of Lazarus’s sonnet, bids welcome to newcomers in search of new beginnings. “I lift my lamp beside the golden door!” she proclaims at the liminal moment of passage into the U.S. Beyond that golden door, of course, lies the difficult work of integration into American society. Education has been, and continues to be, a key means for that task. New York’s evolving policies signal a clear recognition of education’s promise and the role multilingual learners will play in the state’s—and country’s—future.

THE EVOLUTION OF ELL POLICY IN NEW YORK

“The Backbone” of State ELL Policy: Commissioner’s Regulation Part 154

At the start of the 1980s, New York did not have any comprehensive legislation or regulation to guide instruction for the state’s 120,000 K–12 ELLs.¹⁷ At the same time, a succession of federal policies in the 1970s had required that all states provide supports to ensure ELLs receive equitable educational opportunities (see sidebar: Federal Policy Context from 1960s to the Present). In New York, leaders from the Division of Bilingual Education sought to keep pace with federal mandates and establish a set of expectations for districts receiving newly established, per-pupil formula funding for ELLs.¹⁸

In 1981, under Commissioner Gordon Ambach, and with the support of the legislature’s Education Committees, the State Board of Regents approved what is now considered “the backbone”¹⁹ of New York State’s ELL policy: Commissioner’s Regulation Part 154. Part 154 explicitly lays out state-level guardrails to ensure that district leaders provide ELLs with necessary services, while allowing for local discretion.

Part 154 broke new ground by addressing—with the force of law—several components of ELL

services. It clarified the state definition of ELLs who qualified for extra services, required districts to establish an initial identification and annual assessment process to identify ELLs, and required them to monitor and report on their progress in English proficiency. Part 154 also specified two options for services: 1) “pull-out” English as a Second Language (ESL) instruction and 2) a bilingual program with an ESL component. But the regulation gave a clear preference to the latter option: it required schools with twenty or more students in the same grade level with the same home language to offer a transitional bilingual education program.²⁰

In this way, the regulations institutionalized the state’s view that multilingualism is an asset, building upon the Board of Regent’s position in an extensive 1972 policy paper. Emerging English proficiency should not cost students their bilingualism, the paper says:

a person living in a society whose language and culture differ from his own must be equipped to participate meaningfully in the mainstream of that society. It should not be necessary for him to sacrifice his rich native language and culture to achieve such participation.²¹

Federal Policy Context from 1960s to the Present

Several federal policies set in the late 1960s and early 1970s, both through legislation and Supreme Court ruling, have affected state ELL policies, including New York's. In 1968, the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act) authorized the use of federal funds to support multilingual learners through competitive grants for the first time. Although it did not indicate a preference for bilingual education over other forms of ESL instruction, it did allow the use of students' home languages in school curricula.

Six years later, in 1974, a host of federal policies clarified states' obligations to serve ELLs. In the Supreme Court case *Lau v. Nichols*, a class action lawsuit on behalf of nearly 2,000 Chinese students in San Francisco, the Supreme Court ruled that schools must provide instruction that is comprehensible to non-English speakers, either through ESL or bilingual instruction. That same year, Congress passed the Equal Opportunity Act, mandating that all states provide adequate services for ELLs, regardless of whether they received federal funds through Title VII.¹⁴

After 34 years, the Bilingual Education Act (Title VII) was replaced in 2002 by No Child Left Behind's English Language Acquisition, Language Enhancement, and Academic Achievement Act (Title III). The change emphasized English acquisition and, for the first time, codified expectations for ELL assessment in English language proficiency and math and language arts in English. High-stakes accountability systems linked ELL performance

on these exams to federal funds. Many advocates believe these reforms created federal pressure for states and districts to shift away from bilingual education towards English-only instruction and rapid English acquisition.¹⁵

In December 2015, Congress passed the Every Student Succeeds Act (ESSA), which replaced No Child Left Behind. ELL advocates expressed cautious optimism about the new law. Many voiced concerns about the overall weakening of federal accountability and transfer of decision-making to the states. However, for many, one notable bright spot was the shift in moving accountability for ELL performance from Title III—which gives aid exclusively for English language acquisition programs—to the “higher profile” of Title I, which offers a much larger pot of funding for at-risk students. Another significant change in the law is the new requirement for states to standardize “entry-and-exit” criteria used to identify when students receive, and stop receiving, ELL services. In addition, under Title III, states are newly required to report on the number of ELLs who have not reached English proficiency within five years of identification as English learners (“long term” ELLs). This is a critical data point for giving policy leaders clearer insights into the effectiveness of instructional programs over time. However, since that requirement is placed in Title III, and therefore is not a part of the accountability systems and report card mandates of Title I, it is unclear how widely this information will be shared or used publicly.¹⁶

The regulation added to local momentum for expanding bilingual instruction (see sidebar: Instructional Models for Supporting ELLs). The Aspira Consent Decree of 1974 had established the right to a bilingual education for ELLs in New York City after the non-profit advocacy group filed a lawsuit against the New York City Board of Education. This settlement, according to Regent Luis Reyes, gave “a tremendous boost to bilingual

education in the entire state of New York.”²² With bilingual programs cropping up in individual districts, 1981’s Part 154 codified expectations for access and instructional components statewide. The state’s education law from the legislative branch had given the commissioner in the education department the authority to establish program requirements through administrative regulation.²³

Instructional Models for Supporting ELLs

- **Dual Immersion:** These bilingual programs take a number of forms, but generally consist of a mixed class of ELLs and native English-speakers receiving instruction in two languages. Some models begin with a 90 percent to 10 percent ratio of classroom instruction conducted in the home language to English, and shift towards a 50/50 balance over a period of years. Other dual-immersion programs begin at 50/50. These programs are considered “two-way” as language learning goes in both directions (i.e., native English speakers develop Spanish as native Spanish speakers develop English).
- **Developmental Bilingual:** These programs generally consist of a class of ELLs receiving instruction in both the home language and English, with an eye towards developing proficiency in both languages. Because these classes are not mixed with native English-speakers, they are generally considered “one-way” (i.e., native Spanish speakers develop English).
- **Transitional Bilingual:** These programs generally consist of a class of ELLs receiving instruction in both the home language and English with the goal of moving them into mainstream English classes as quickly as possible, once they pass state English proficiency exams.
- **English as a Second Language (ESL) / English as a New Language (ENL):** These programs usually provide instruction in English that is structured in order to support English acquisition. This model provides periodic, targeted instructional support from a specially-trained educator. “Pull-out,” or stand-alone, ESL services usually involve small group instruction outside the main classroom during the school day. “Push-in” ESL services usually occur in the student’s main classroom. New York avoids this “push-in” terminology, which implies ESL teachers are outsiders, and instead uses the terms “integrated” and “co-teaching” for this practice.

Sidebar quoted—with slight modifications—from Conor Williams’s paper on states’ policies around setting standards for formally ending language services for ELLs, Chaos for Dual Language Learners: An Examination of State Policies for Exiting Children from Language Services in the PreK–3rd Grades (Washington, DC: New America, September 2014).

Implementation of Part 154

Over the next three decades, the implementation of Part 154 was generally strong. However, several challenges emerged. While many districts were in full compliance with the newly standardized expectations for bilingual/ESL programs,²⁴ some districts struggled to implement the requirements effectively. Chief compliance issues centered around a lack of certified teachers, coordination with special education services, annual assessment, effective curricula, and family engagement, all issues that remain critical to present ELL policy discussions.

The state led several initiatives to overcome these issues in the 1980s and '90s. In the years right after Part 154's approval, the administration established a network of eight bilingual/ESL technical assistance centers across the state,²⁵ now known as RBERNs (Regional Bilingual Education Resource Networks).²⁶ These centers provide professional development and training for ELL educators, establish regionally-based resources, and disseminate information and research to local school districts. Later, the state opened the Intensive Teacher Institute for Bilingual and ESL (ITI-BE) in coordination with institutions of higher education, to increase the number of certified teachers for ELLs. This program provides tuition assistance to PreK–12 teachers so they can complete coursework for a bilingual or ESL certification. Another program, the Intensive Teacher Institute in Bilingual Special Education (ITI-

BSE), similarly provides funds for teachers to earn licensure to serve ELLs with learning disabilities.²⁷ The institutes, opened in the early 1990s, disperse around \$900,000 annually to teachers.²⁸

In the early 2000s, No Child Left Behind (NCLB) made ELL English proficiency a more salient priority. This fit in well with Part 154's provisions for monitoring ELL outcomes. Through both English proficiency and academic testing mandates, the federal law sought to bring more transparency to and oversight of this group's success. In New York, all districts began to administer the state-developed, NCLB-mandated New York State English as a Second Language Achievement Test (NYSESLAT) in 2003 to measure K–12 proficiency in the areas of listening, speaking, reading, and writing English each year. To gauge academic achievement, ELLs faced annual NCLB-mandated reading and math assessments starting in the third grade.²⁹

Within this context of increased focus on English assessment and monitoring, NYSED reorganized internal leadership for ELL policies in 2009. The Office of Bilingual Education moved out of the Office of Curriculum, Instruction and Standards and into the Office of Accountability. The move reflected a shift of focus from ELL instructional needs towards overseeing ELL performance on high-stakes exams and addressing a number of outstanding compliance issues. Assistant Commissioner Ira Schwartz was at the helm.

RECENT REDESIGN OF STATE ELL POLICIES

The Genesis of Next-Generation Reform

When Schwartz assumed chief responsibility for ELL issues, Part 154 regulations had not been substantially altered for almost three decades, in his words, “literally a generation.” Meanwhile, the past decade had seen a 20 percent increase in the state’s ELL population.³⁰ Large, persistent achievement gaps in reading and math concerned state leaders, especially as they anticipated heightened instructional rigor for all students from the new Common Core State Standards, set to be implemented in the 2011–12 school year.³¹ Moreover, the state was mindful of a chain of compliance issues: it had failed to meet federal expectations in recent years and New York City had failed to meet state expectations.³²

Two years before the leadership reorganization, in 2007, the U.S. Department of Education directed New York to correct a host of problems. The state was not reporting adequate, accurate accountability data for ELL progress and attainment goals in English. It had not tracked academic achievement data on former ELLs due to limitations in its data system, had not required ELL data reporting from all districts receiving Title III funds, and had failed to notify all districts who had not met federal goals.³³ In December 2010, the U.S. Department of Education conducted a comprehensive review and noted

that the state showed “no evidence” of reviewing districts to ensure programs “were high-quality and based on scientifically-based research” for ELLs. The state also had not ensured that districts which failed to meet goals had made changes required under federal law, such as modifications to curricula, methods of instruction, and school personnel. The U.S. Department of Education required New York to submit evidence of corrective actions for improved oversight, review, technical assistance, and guidance for districts.³⁴

Under federal pressure, the state was particularly attentive to New York City’s noncompliance with both federal and state ELL policies. In the years after the passage of NCLB, a number of bilingual programs in the city had closed, leading to widespread noncompliance with state and local mandates protecting the right of ELL parents to choose bilingual education for their children. According to Regent Luis Reyes, “here was the largest school system with the largest proportion of ELLs going in the wrong direction” on supporting multilingualism.³⁵ In October 2011, state leaders ordered the city to make corrections under Mayor Michael Bloomberg. Officials agreed to open 125 bilingual programs in the next three years and address other concerns, such as testing newly-arrived ELLs for language services in a more timely manner.³⁶

Engaging the Field

The pressure for change was on. In December, 2011 the Board of Regents directed the education department to “engage the field” to identify potential revisions and enhancements to Part 154.³⁷ Assistant Commissioner Schwartz launched a three-year process involving ELL stakeholders across New York State. Arlen Benjamin-Gomez, a then-fellow at the Regents Research Fund, helped lead the process with Schwartz. In 2012, the team conducted ten focus group discussions with over one hundred participants from a wide range of backgrounds, including principals,

parents, students, advocates, teacher associations and unions, university faculty members, and central school district staff. NYSED used these conversations to create a survey to further solicit opinions; it received 1,600 responses. Survey questions asked for stakeholder opinions on a wide array of ELL policy issues, including the design of ESL services, professional development requirements, the supply of bilingual staff, identification of preschool ELLs, and whether the K–12 ELL regulations should be extended to the pre-K years³⁸ (see sidebar: Early Learning for ELLs and Alignment between the Pre-K and Elementary Years).

Early Learning for ELLs and Alignment between the Pre-K and Elementary Years

Access to high-quality early childhood education (birth through third grade) sets the foundation for lifetime learning for all children. Research suggests that quality pre-K programs can especially benefit ELLs. Researchers posit that early opportunities for English language in pre-K settings spurs rapid growth of oral language development, especially when the home language is maintained. In addition, some evidence suggests that ELLs may benefit from developing bilingualism at an early age, reaping a “bilingual advantage” with cognitive, socioemotional, and academic skills.³⁹

In recent years, New York State has sought to ambitiously expand its public pre-K offerings for all learners, including ELLs. Governor Andrew Cuomo has set the goal of universal access to pre-K by 2020, overseeing the launch of the new Statewide Universal Full-Day Prekindergarten Program in the 2014–15 school year. The initiative invested \$340 million into 53 school districts and 26 community-based organizations. In New York City, Mayor Bill de Blasio coordinated an ambitious roll-out of full-day, universal pre-K for four-year-olds with new state funds in fall 2015, emphasizing support for ELLs.⁴⁰ Across the state, 49 percent of four-year-olds attend state-funded pre-K programs.⁴¹

The increased access to pre-K is ripe with opportunity for New York ELLs. However, Part 154 ELL regulations do not apply until kindergarten, and no cohesive statewide policy for ELLs exists in the pre-K years. The state does not track enrollment of pre-K ELLs and lacks a policy for ELL screening and identification.⁴² ELL researcher Zoila Tazi and state education officials across departments are currently developing a developmentally-appropriate protocol to identify ELLs in these early years.⁴³ Moreover, dual immersion or bilingual programs in the pre-K years are relatively rare, a missed opportunity for the youngest ELLs before they enter kindergarten.⁴⁴ Ultimately, to maximize and sustain the impact of early learning long-term, it will be essential to “bridge the continuum” and increase coordination between ELL learning in pre-K systems and the K–3 grades of elementary school.⁴⁵

Schwartz's team also met with each Board of Regents member, most of the time in his or her home community, to give members an opportunity to offer feedback on the recommendations in advance of any formal policy proposals. According to Schwartz, there was a lot of "behind the scenes" work to avoid any surprises." Schwartz also solicited feedback at the federal level from the Department of Justice, Office of Civil Rights, and Title I and Title III leaders at the U.S. Department of Education.⁴⁶ "We had been criticized in other venues for doing things too much, too fast, but this was a very deliberate process," he told us. "We had the time and ability to get lots and lots of input."⁴⁷

Articulating the "Big Picture" of Change: The Blueprint for ELL Success

In July 2013, as Schwartz was preparing to draft formal regulation amendments, then-Commissioner John King Jr. (later named U.S. Secretary of Education) appointed Angelica Infante-Green to the newly-created position of Associate Commissioner for the Office of Bilingual Education and World Languages. The appointment stemmed from his belief that the state needed more dedicated senior management of ELL services and resources.⁴⁸ Months earlier, as Chief Executive Officer of New York City's Office of English Language Learners, Infante-Green had sat as a participant in one of Schwartz's focus groups. Now, as Associate Commissioner, she was tasked with formally translating stakeholder feedback into Part 154 amended language, seeing the initiative through to ratification, and overseeing the implementation of the amended regulations.

But New York's controversial roll-out of the new K-12 Common Core academic standards, assessments, and teacher and principal evaluation systems tied to test scores made a tense backdrop for Infante-Green issuing major ELL policy change. She soon realized that, to continue fostering buy-in and understanding, she would need to broadcast the vision and purpose of the reforms beyond the group of key stakeholders who had offered input

throughout the engagement process. Moreover, she wanted to raise the salience of ELL issues in the entire PreK-12 system. "Beyond having these regulations people have to follow, what is the big picture?" Infante-Green recalls asking her team. "How can we make this a bigger agenda for New York State?"⁴⁹

As an answer to these questions, and less than a year after Infante-Green assumed her new role, the state released the *Blueprint for English Language Learners (ELLs) Success* in April 2014. Derived from stakeholder feedback, the framework features eight principles to guide district leaders, administrators, and teachers in serving ELLs. "The Blueprint is our big picture: this is what we believe in New York State," Infante-Green told us. "This is how we are going to confront all of our work. Everything we do stems from it, and everything moving forward will be tied to one of those principles."⁵⁰

Feedback on the Blueprint was overwhelmingly positive, perhaps a reflection of the fact that the document was a set of idealistic aspirations rather than legal mandates. Catalina Fortino, Vice President of New York State United Teachers, lauded the document for "break[ing] new ground" in asserting that ELLs were "no longer a minority in our districts for the ESL and bilingual education teachers to focus on."⁵¹ Mayra Todd, Director of ELL, Bilingual, and Foreign Language Education in Syracuse, saw the document as a helpful tool—"concrete guidance"—as her district reviewed its ELL programming and sought to align it to the state's vision. Luis Reyes, long-time ELL advocate and future Board of Regent member, commended the Blueprint's "clear expectation to maintain and open more [bilingual] programs throughout the state."⁵²

The Blueprint exercised the soft power of top-level vision-setting, with officials leveraging the potential of the state education department to act as a bully pulpit. The document did not require specific behavior from New York educators, but reframed the terrain in ways that would shift discourse on

the policies and practices shaping ELL education. In this way, the Blueprint laid the foundation for and contextualized heavier-handed state mandates to come. Infante-Green stressed the Blueprint’s importance in this regard at the time of its release, but also acknowledged it had little authority for state leaders to enforce. As she told *Education Week*, her team was pushing to “put some teeth behind it.” The passage of the new Part 154 regulation would become just that.

Adding Authority to the Blueprint: Enactment of New Regulation

In May 2014, one month after the Blueprint’s release, Infante-Green formally proposed 21 amendments to Part 154 to the Board of Regents, as distilled from stakeholder engagement.⁵³ That summer, while the Board’s P–12 Education Committee met to review the proposals in more detail, the public had a 45-day comment period to weigh in on the potential rules. NYSED characterized the comments as “generally supportive.” Some respondents believed the new rules inappropriately expanded

Blueprint for English Language Learner Success Principles

1. All teachers are teachers of ELLs, and need to plan accordingly.
2. All school boards and district/school leaders are responsible for ensuring that the ELL academic, linguistic, social, and emotional needs of ELLs are addressed.
3. Districts and schools should engage all ELLs in instruction that is grade- appropriate, academically rigorous, and aligned with the New York State Prekindergarten Foundation for the Common Core and P–12 Common Core Learning Standards.
4. Districts and schools should recognize that bilingualism and biliteracy are assets, and provide opportunities for all students to earn a Seal of Biliteracy upon obtaining a high school diploma by providing all students.
5. Districts and schools should value all ELL parents and families of ELLs as partners in education and effectively involve them in the education of their children.
6. District and school communities should leverage the expertise of Bilingual, ESL, and Languages Other Than English (LOTE) teachers and support personnel while increasing their professional capacities.
7. Districts and school communities should leverage ELLs’ home languages, cultural assets, and prior knowledge.
8. Districts and schools should use diagnostic tools and formative assessment practices in order to measure ELL content knowledge as well as new and home language development to inform instruction.

Source: Office of Bilingual Education and Foreign Language Studies, *Blueprint for English Language Learners (ELLs) Success* (Albany, NY: University of the State of New York, April 16, 2014), <http://www.nysed.gov/common/nysed/files/blueprint-for-ell-success.pdf>.

bilingual instruction or, alternatively, did not go far enough. The main concerns pertained to costs, finding qualified personnel, and the more prescriptive time allocations for ELL professional development.⁵⁴ NYSED responded to some of these critiques by adding options for district waivers, such as conditional exemptions from bilingual expansion

and professional development rules in districts with very few ELLs.

The Board of Regents formally adopted the new Part 154 regulations in September 2014.⁵⁵ The remainder of the 2014–15 school year was designated a planning year, with full implementation starting in 2015–16.

Timeline to Enactment: ELL Policy Reform in New York State

- **December 2011:** The Board of Regents directs New York State Education Department (NYSED) staff to engage the field to determine the areas of Part 154 that should be revised or enhanced to better serve ELLs. Ira Schwartz, Assistant Commissioner of the Office of Accountability, oversees the effort.
- **January 2012–July 2013:** Schwartz leads stakeholder engagement process, consulting with around 100 focus group participants and 1,600 survey respondents. During this time, leaders also seek input from Board of Regent members and the U.S. Department of Justice, the U.S. Office of Civil Rights, and the U.S. Department of Education's Title I and Title III offices.
- **July 2013:** NYSED Commissioner John King Jr. creates the position of Associate Commissioner for the Office of Bilingual Education and World Languages, and appoints Angélica Infante-Green to the post to lead Part 154 reform.
- **August 2013:** Infante-Green releases draft recommendations to stakeholders for review.
- **December 2013–January 2014:** NYSED meets with U.S. Departments of Education and Justice to review the draft recommendations.
- **April 2014:** Infante-Green releases *Blueprint for English Language Learners (ELLs) Success*, a five-page statement of guiding principles and philosophies. Later that month, she presents the Board of Regents with recommended updates of Part 154. The Board directs her to develop a formal proposal for amendments to Part 154.
- **May 2014:** Infante-Green presents proposal for Part 154 amendments to the Board for discussion.
- **July 2014:** The state register posts proposed amendments for 45-day period of public comment.
- **September 2014:** After recommendation from the P–12 Education Committee, the full Board of Regents adopts proposed amendments to Part 154.

Source: New York State Education Department, "Procedural History," *Ensuring Equal Educational Opportunities for English Language Learners: Enhance and Strengthen Commissioner's Regulations Part 154*, 5–6, <https://www.regents.nysed.gov/common/regents/files/PART154.pdf>.

WHAT DO THE REFORMS REQUIRE? NEW REGULATIONS EXPLAINED

The newly enacted policies, together with the Blueprint’s vision and new NYSED leadership, represent a comprehensive redesign of how to serve New York’s ELLs. The regulations overhaul the identification, program placement, instruction, and evaluation of ELLs as well as data reporting, professional development of teachers, and engagement with families (see **Table 1**: Overview of New York’s ELL Policy Reform: Key Changes for Elementary School ELLs).

The newly enacted policies, together with the Blueprint’s vision and new NYSED leadership, represent a comprehensive redesign of how to serve New York’s ELLs.

There are many changes, but the cornerstone of the new strategy is the component that most directly affects students and educators: how ELLs are taught in the classroom. The directives have an uncommon level of specificity, making changes to both bilingual and English as a Second Language (ESL) instruction, the latter renamed English as a New Language (ENL) to better reflect the “diverse

ways in which languages are learned.”⁵⁶ These shifts in instructional policy occurred in tandem with other state-issued resources and initiatives, creating a relatively cohesive, multi-pronged ELL reform at the state level.

Bilingual Instruction: Building on Native Language Assets

Even before the most recent reforms, Part 154 required schools to provide a bilingual education program wherever there were twenty or more ELLs at the same grade level and from the same native language background. This mandate itself is unusual, as only six other states require bilingual instruction in any form.⁵⁷ Moreover, the existing mandate was rare in its specificity for bilingual instruction, requiring three components taught by a certified content teacher with a bilingual extension: ENL/ESL, native language arts, and at least one content subject in the native language.

Under the new regulations, New York goes even further: if there are twenty or more such ELLs *districtwide*, the district must create a bilingual education program, either transitional or dual immersion.⁵⁸

Table 1 | Overview of New York’s ELL Policy Reform: Key Changes for Elementary School ELLs

Area	Major Change
ELL Identification and Exit	<p>Identification:</p> <ul style="list-style-type: none"> • A qualified “pedagogue” must administer the identification process. This person is defined as a bilingual or English as a New Language (ENL) teacher, or a teacher trained in cultural competency, language development, and ELL needs. • Schools must conduct a review—at parent or teacher request—to address possible ELL misidentification within first 45 days of a student’s enrollment. <p>Exit Criteria:</p> <ul style="list-style-type: none"> • Students can exit ELL status by scoring at the “commanding” level on the English language proficiency test <i>or</i> scoring at the “expanding” level and at or above grade level on the grade 3–8 academic reading tests. Formerly, only performance on English language proficiency tests was considered. <p>Students with Disabilities:</p> <ul style="list-style-type: none"> • For initial identification, a language proficiency team—minimally comprised of a school or district administrator, ENL/bilingual teacher, director of special education, and parent or guardian—will administer a seven-step protocol to determine if “the student’s disability is the determinant factor affecting whether the student can demonstrate proficiency in English.” • The school’s committee on special education will annually determine if an ELL with a learning disability should retain ELL designation based on assessment data.
Family Engagement	<p>Staff must meet with parents or guardians, in addition to regularly required conferences for all students, to discuss English learning progress at least once a year. Schools must keep record of family’s preferred language and conduct all communication in that language.</p>
Instructional Program	<ul style="list-style-type: none"> • English as New Language (ENL), formerly English as a Second Language (ESL): ELLs must receive ENL instruction through two settings: “integrated” (ENL methodologies in content area instruction either by co-teaching <i>or</i> individual teaching by dually certified teacher in the classroom) and stand-alone (traditional “pull-out” ENL instruction by an ENL teacher). Previously, ENL instruction was taught through a stand-alone model only. Now, the balance of integrated and stand-alone services must be tailored to language abilities and needs. • Bilingual Education: If a <i>district</i> enrolls 20 or more ELLs of the same grade level who speak the same home language, it must create districtwide bilingual education programs to serve them. As per former regulations, individual <i>schools</i> with twenty or more such students are still required to open a program on site. In addition, for ELLs at “entering” or “emerging” English levels, a minimum of two content areas now must be taught in the home language. • Grade Span: The maximum allowable grade span to group students in ENL or bilingual programs is two contiguous grades to avoid inappropriately grouping ELLs at different ages. • Former ELLs: School districts must provide at least two years of instructional language services after students have exited ELL status.

Area	Major Change
Professional Development	Districts must provide professional development (PD) on ELL needs, co-teaching strategies, and integration of language and content. This must amount to 15 percent of all PD hours for general educators and 50 percent for bilingual/ENL teachers. Former rules did not require percentages and specific content.
District Planning and Reporting	Districts must report additional program information to the state on grade level, home language, and program type for six ELL subpopulations: newcomer, developing, long-term, and former language learners, as well as those with inconsistent/interrupted formal education (SIFE) and learning disabilities. A summary of annual English proficiency and reading and math test outcomes must be reported to the state by subpopulation and grade level as well.

Abbreviated and adapted from Commissioner’s Regulation Subpart 154-1 and 154-2, “Services for Pupils with Limited English Proficiency,” <http://www.p12.nysed.gov/biling/docs/CRPart154.pdf>; Commissioner’s Regulation Subpart 154-3, “Proposed Addition of Subpart 154-3 of the Commissioner’s Regulations,” <http://www.regents.nysed.gov/common/regents/files/914p12d8.pdf>.

For ELLs at “entering” or “emerging” English levels, the new rules require that at least two content subjects, such as math, science, or social studies, be taught in the home language.⁵⁹ This change sets clearer protections for home language use in core instruction. “We want to make very clear that bilingual education is our default program here in the state of New York,” Infante-Green told us. She estimated around a 5 percent increase in bilingual programs statewide within the first year of the new regulations.⁶⁰

A long debate has existed about whether the best approach to educating ELLs is to immerse them in English or to incorporate their home languages alongside English supports, with the goal either to quickly transition to English-only, mainstream instructional contexts or to create bilingual, biliterate individuals. Research consistently suggests that ELLs in multilingual programs generally do as well or better than those in English-only programs in the long run in terms of English acquisition and academic achievement.⁶¹ In addition, studies have shown that bilinguals can reap other cognitive benefits, including greater creativity, improved executive function and conflict

resolution skills, and better awareness of how language works in general.⁶²

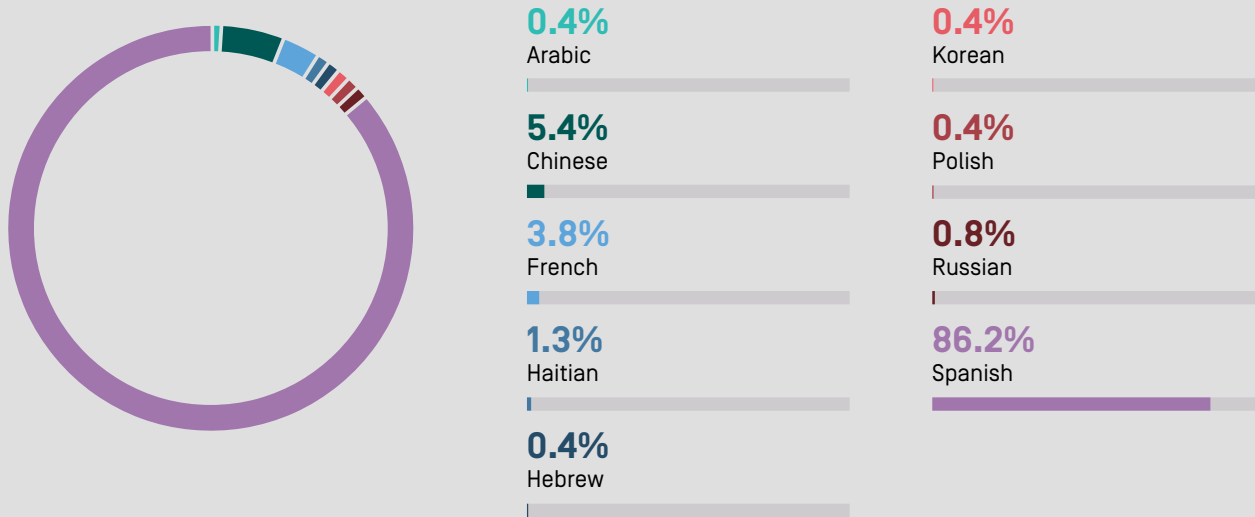
Despite its potential benefits, there are real concerns in implementing a bilingual strategy to scale. This was a repeatedly-raised concern during the public comment period for New York’s new regulations. There are challenges to finding qualified bilingual teachers, rigorous curricula, and accurate assessments in multiple languages. In response to stakeholder feedback, NYSED said that it would allow districts to apply annually for one-year exemptions from bilingual program expansion for languages that represent less than 5 percent of the state ELL population for a maximum period of five years.⁶³

For example, the Syracuse District, which has a sizable population of upstate refugee families who speak Nepali and Somali at home, is operating under such a waiver. The district’s ENL director Jacqueline LeRoy said that, under the waiver, the district has to “document that we are striving to provide bilingual supports,” but that while the district is “thinking outside of the box,” it has not been successful just yet. “We can barely find

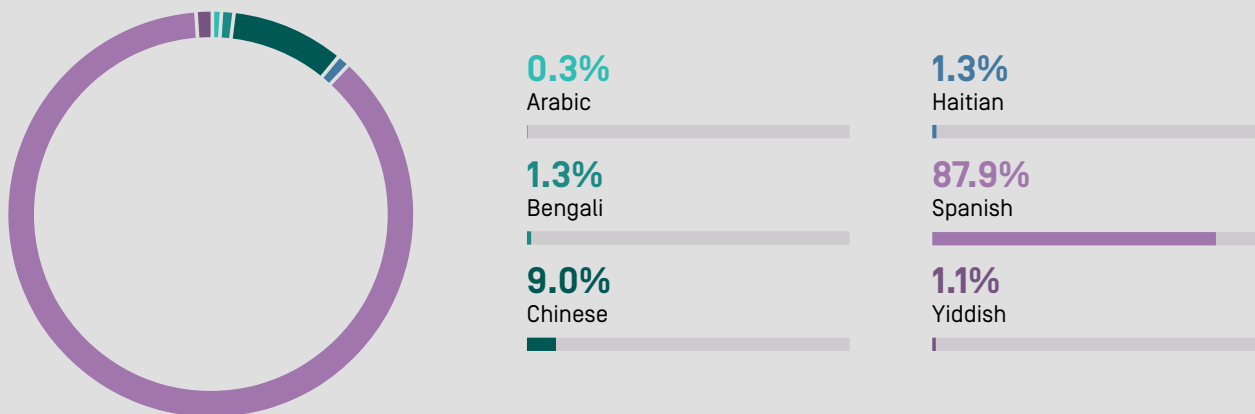
Figure 4 | NYS Bilingual Programs, SY 2015–16

Last school year, a total of 604 bilingual programs operated statewide.

Dual Immersion Programs [total number = 239]



Transitional Bilingual Education Programs [total number = 365]



Source: New York State Education Department, “Ensuring Equal Education Opportunities for English Language Learners/ Multilingual Learners,” [U.S. Department of Education’s Multiliteracy and Dual Language Learning Symposium webinar, September 2016].

teachers for Spanish, so how am I going to find ones for Somali?” LeRoy said.⁶⁴

While recognizing implementation hurdles like these, the state appears undeterred in its vision to provide bilingual education to the maximum number of ELLs possible. In addition to regulatory changes, the state has produced several other initiatives to support multilingualism.

For example, beginning in 2012, New York redeveloped its standards (“progressions”) for English language *and* home language learning through its Bilingual Common Core Initiative. Online resources for each standard include detailed instructional objectives for ELLs, differentiated by English language proficiency level and organized into “productive” and “receptive” linguistic demands. The “progressions” for each standard illustrate how to gradually help students to achieve success, such as by using home language translations; illustrated, pre-identified “word banks;” sentence starters; and direct teacher questioning to produce spoken or written responses.

These integrated academic and language progressions for ELLs also cover the pre-K years, based on New York’s Prekindergarten Foundation for the Common Core standards. The progressions help align early education expectations with K–12 systems. ELL expert Kenji Hakuta praised the linguistic standards for doing “an excellent job of giving primacy to the instructional functions of language.” In particular, he was “extremely impressed” by the bilingual component of the home language standards, adding that “New York sets an important standard for the rest of the nation [on] the value of multilingualism.”⁶⁵

The state also supports bilingual instruction in other ways. It is in the process of translating its entire PreK–12 Common Core EngageNY math curriculum—which is openly licensed and free to download—into Spanish, Chinese, Arabic, Bengali, and Haitian Creole.⁶⁶ Math in Spanish was complete by the 2015–16 school year. NYSED is also considering translating language arts into Spanish



A dual immersion classroom in Newburgh makes use of a color coding system, red for Spanish and blue for English. Other models pair two classrooms, one English side and one in the target language, and have students switch. Photo: Janie T. Carnock

in the future.⁶⁷ This level of accessibility of curricula in a target language supports teachers who often face the burden of translating materials themselves. Nationally, the lack of quality, non-English curricula is often a major challenge for expanding bilingual models. New York’s work in this area underscores the potential of open educational resources (OER) to support multilingual instruction. Because the EngageNY curricula carry an open copyright license, the state is able to translate these materials into other languages, and republish them online for others across the country to use.

New York has also aimed to recognize multilingual achievement more generally. In July 2012, it became the second state in the nation to establish a Seal of Biliteracy (a few months after California’s bellwether legislation). Since then, over twenty other states have passed similar initiatives.⁶⁸ Under New York’s version, the state commissioner will award seals, affixed to high school diplomas and transcripts, to recognize high school graduates who attain proficiency in listening, speaking, reading, and writing in one or more languages in addition to English. The aim is to incentivize districts to value multilingual instruction and provide students with a measure of achievement to share with universities

and employers. Infante-Green said the state is talking to institutions of higher education about how students could use the Seal to earn college credits.⁶⁹ Pilot programs for the Seal began rolling out in the 2014–15 school year.

Taken together, the new, codified regulation and additional state-level initiatives set New York apart, with its uncommon level of commitment to fostering ELL bilingualism and biliteracy as state resources to be tapped and nurtured.

Finally, the state has announced new rounds of grant funding, at \$300,000 per year, for schools seeking to launch new bilingual programs serving ELLs, both transitional and dual immersion models. Awardees can receive up to \$50,000 a year for costs associated with carrying out program activities, including supplies, materials, printing, and professionals' salaries.⁷⁰ NYSED has plans to increase funds, "hopefully this year," to keep the momentum for bilingual models going, Infante-Green told us.⁷¹

Taken together, the new, codified regulation and additional state-level initiatives set New York apart, with its uncommon level of commitment to fostering ELL bilingualism and biliteracy as state resources to be tapped and nurtured.

English as a New Language (ENL) Services: Integrating English Learning into Core Content

New York seeks to build an infrastructure to better support developing bilingualism. And yet, a significant share of ELLs will continue to receive monolingual English instruction for the foreseeable future. As Infante-Green acknowledged, in districts with high levels of multilingualism—thirty or more

home languages, in some cases—establishing bilingual programs in each language is simply unworkable. As such, improvement of English language development instruction sits at the center of the state's ELL strategy.

Under the old regulations, stand-alone ESL instruction was the norm for fostering English language acquisition, with ELLs "pulled out" from mainstream classrooms to work with an ESL specialist in a smaller group. Particularly beneficial for newcomers and ELLs at lower English proficiency levels, this approach can provide more targeted, adapted instruction and also provide an environment where ELLs feel comfortable taking risks in a new language. Oral language activities can also occur without disruption to the mainstream classroom.⁷²

Despite these strengths, the approach has major weaknesses. First, this model can compromise the core, mainstream curricula if ESL teachers do not coordinate with classroom teachers. While pull-out models may give ELLs opportunities to work on specific English language skills, they can miss out on grade-level academic instructional time. It can also segregate them from critical language interactions with their native English-speaking peers.⁷³ Both these components, access to core curriculum and peer interaction, are critical to ensure ELLs progress in their mastery of academic content and language beyond conversational proficiency in English.⁷⁴

As a result of emerging research on ELL instructional practices,⁷⁵ New York's new regulations create a more inclusive, "integrated" ENL model. In the integrated format, ELLs receive targeted English language development supports alongside and/or embedded into the core content instruction all students receive in English language arts, math, science, and social studies. The aim of this pedagogy is for students to learn language more authentically, in the context of learning content.

Under state rules, the newly mandated integrated model can take two forms of delivery. The first

option is for one teacher dually certified in ENL and K–6 content to incorporate ESL methodologies into her planning and instruction. The second option is for a content-licensed teacher to teach in tandem with a certified ENL teacher. The idea is that the ENL teacher incorporates her expertise into lessons designed by a teacher who knows the content but has not been formally trained in ESL. For example, ENL co-teachers may help “scaffold” lessons by using pictures when introducing new

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words, defining vocabulary in context, integrating oral and written language, using explicit modeling, and deploying hand motions.⁷⁶ Within a co-teaching model, there are a variety of teaching formats and student configurations that content and ENL teachers can use (see **Figure 5: Seven Models of Co-Teaching for English Language Learners**). Educators point out that integrated models often have the bonus effect of benefitting ELLs and monolingual English speakers in the process of developing academic language skills and enabling more small group instructional time.

Mandates around the integrated ENL model—either through co-teaching or dual certification—are a major shift of the redesigned policy. Yet stand-alone ENL also remains a key component of the regulations. Under the policy’s hybrid of stand-alone and integrated services, explicit service requirements vary in direct relationship to ELL proficiency level. Generally, regulations require more stand-alone ENL time for ELLs at lower proficiencies and more integrated ENL time for ELLs at higher levels. For example, students at beginning

or low intermediate English levels *must* receive stand-alone ENL in addition to integrated ENL, those at intermediate levels *can* receive some stand-alone ENL, and more advanced students *must* receive only integrated ENL (see **Table 2**). These levels are determined by the New York State English as a Second Language Achievement Test (NYSESLAT), redeveloped in 2015. The new exam aligns with the state’s new Common Core aligned linguistic progressions, organizes test content by themes and topics, and incorporates greater text complexity and academic language. The exam also shifts from four to five English proficiency levels to allow for a more precise continuum for measuring student ability.⁷⁷

The ENL program redesign holds great promise, but rollout of effective co-teaching models requires a massive lift statewide. According to Andrea Honigsfeld, an expert in ELL co-teaching at Molloy College, district and school leaders must grapple with several key components to create strong integrated ENL models. Honigsfeld said, “schools are trying to retrofit a new system on an old system... we have a comprehensive, forward-thinking initiative, but it requires extensive planning, teacher education, and administrator support.”⁷⁸

At the systems level, most districts need additional funds to hire more ENL personnel. Additionally, school administrators have to carefully design the school’s master schedule to secure and protect co-planning time for general education and ENL teachers. Without collaborative time to align curriculum and design instructional scaffolds, “effective co-teaching is not possible,” Honigsfeld said.⁷⁹ School leaders also need to strike a balance in assigning ELLs and monolingual English speakers to classrooms based on their schools’ demographics. In many ways, “clustering” ELLs together in mainstream settings is more practical for efficient scheduling and delivery of ENL services. However, it can also risk overburdening individual general educators or creating a segregated mainstream environment where certain classrooms are comprised of all the grade-level ELLs.⁸⁰

Table 2 | Requirements for Stand-Alone and Integrated English as a New Language, Grades K-8

Levels (as of 2015–16)	Total number of minutes of ENL per week	Minimum number of minutes of stand-alone ENL	Minimum number of minutes of integrated ENL	Flexibility: Minimum number of additional minutes of stand-alone OR integrated ENL
Entering (formerly beginner)	360	180	180 integrated ENL/ELA	0
Emerging (low intermediate)	360	90	180 integrated ENL/ELA	90
Transitioning (high intermediate)	180	0	90 integrated ENL/ELA	90
Expanding (advanced)	180	0	180 integrated ENL/ELA or other content areas	0
Commanding (proficient)	90	0	90 integrated ENL/ELA or other content areas	0

“Stand-alone ENL” refers to services provided solely by a certified ESL teacher in a separate setting. “Integrated ENL” refers to services provided by either one teacher who holds both an ESL and K-6 Common Branch certification, OR two teachers, one a certified ESL teacher and the other a K-6 certified teacher, working together in a co-teaching model with ELLs and non-ELLs.

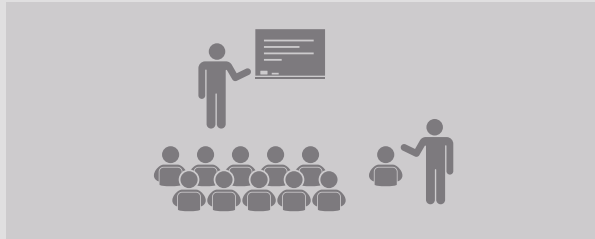
Source: New York City Department of Education, Implementation of New CR Part 154 to Ensure High Quality Education for English Language Learners (New York: NYC Department of Education, 2015), http://steinhardt.nyu.edu/scmsAdmin/media/users/cdm385/Page_Resources/NEW_CR_Part154_MAY2015.pdf.

Moreover, at the classroom level, co-teaching is often a “complex social act influenced by hierarchical relations of power and status in the school setting,” according to ESL researchers Greg McClure and Melisa Cahnmann-Taylor.⁸¹ At times, ENL teachers can feel relegated to a subordinate role, a guest in a mainstream teacher’s classroom versus an equal with shared authority. A recent survey found that many ESL/ENL teachers, when working with a content teacher, often feel “relegated to the role of the instructional assistant and do not use their expertise in the direct instruction.”⁸²

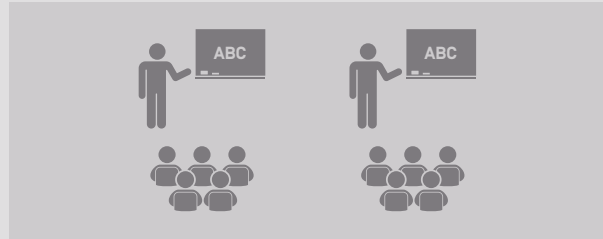
Mindful of this power dynamic, the New York rules avoid using the common terminology of “push-in” ENL, which implies ENL teachers are outsiders, opting instead for “integrated” and “co-teaching.” Despite this important symbolic signaling, however, the model depends on relationship-building between two professionals. Diane Fenner, an expert on how to adapt the Common Core for ELLs, calls the relationship “an arranged marriage” where “the professional pairing clicks and other times it does not.”⁸³

Figure 5 | Integrating Language and Content: Seven Co-Teaching Models for ELLs

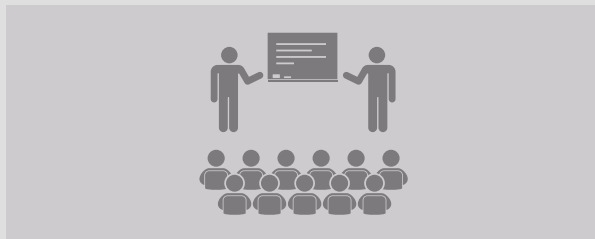
1 One student group: One lead teacher teaches, one supports with an intentional purpose.



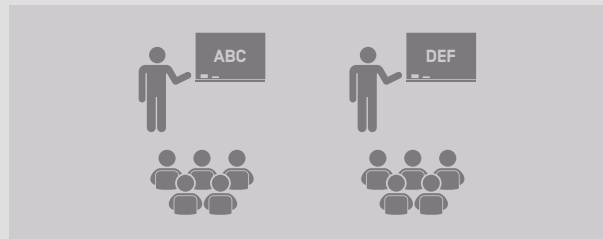
4 Two student groups: Two teachers teach the same content.



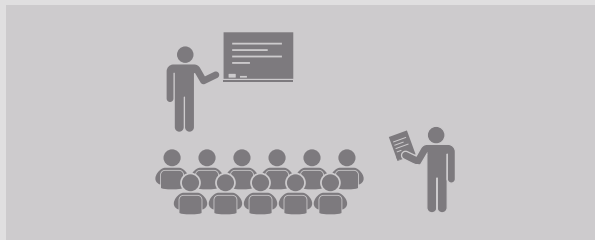
2 One student group: Two teachers teach the same content.



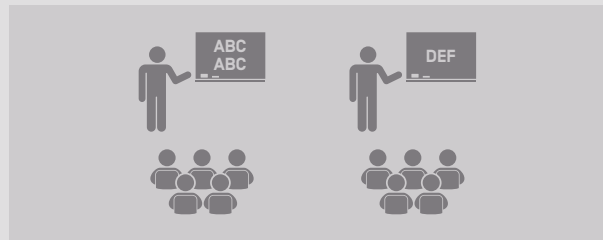
5 Two student groups: One teacher preteaches, one teaches alternative information.



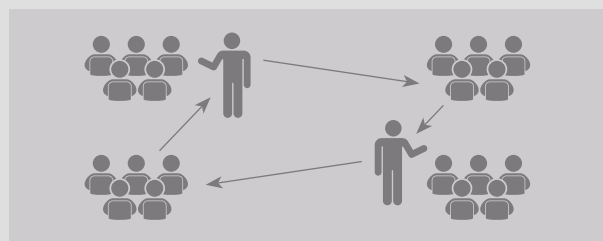
3 One student group: One teacher teaches, one assesses.



6 Two student groups: One teacher reteaches, one teaches alternative information.



7 Multiple student groups: Two teachers monitor and teach.



Source: Maria G. Dove and Andrea Honigsfeld, "Seven Co-Teaching Models for English Language Learners in Integrated English as a New Language Programs," from their *Collaboration and Co-Teaching: Strategies for English Learners* (Thousand Oaks, CA: Corwin Press, 2010), <http://www.p12.nysed.gov/biling/docs/Co-TeachingModels.pdf>.

Other Key Areas of Change

In addition to major shifts in instruction, the new rules seek to create more accurate, reliable systems for identifying which students will enter or exit ELL status. On the front end, only ENL/bilingual specialists or other qualified teachers can conduct the initial identification process, administering individual interviews and language screeners. Schools must also establish a review process for possible ELL misidentification. In addition, the rules add greater flexibility in how ELLs can demonstrate their English proficiency and exit ELL services, in order to ensure they are in the most appropriate instructional setting. Previously, ELLs could only exit services if they scored at the maximum level on the NYSESLAT exam. Now, students who score at “expanding” (level 4 of 5) can exit services if they also score at or above grade level on the state’s reading test.

Additionally, the rules expand policies around partnering with families. Family engagement is important for all students, but even more so for ELL families, given potential language barriers with staff, unfamiliar school environments, and different cultural expectations around the role of teachers and parents.⁸⁴ According to the Education Commission of the States (ECS), New York’s policies are “some of the most detailed in the country,”

requiring a parent orientation session for all newly identified ELLs.⁸⁵ Under new rules, teachers must meet with ELL parents/guardians at least once a year to discuss language development in addition to regular parent-teacher conferences for academic progress. The rules also require that schools keep records of parental language preference, and that all communication occur in this language.

These regulatory tweaks accompany a host of other state-level initiatives to support family engagement, including a state-led conference for ELL parents, a Parent Hotline to solicit information or voice concerns, a Parent Bill of Rights, and various booklets and guidelines translated into over twenty home languages.⁸⁶ New York has also recently developed a ten-minute animation video, translated into ten languages, for required parent orientation meetings for newly identified ELLs statewide.⁸⁷ This standardizes information for parents across the state in the language they best understand.

Finally, the changes include a clarified protocol for identifying and exiting ELLs with learning disabilities; mandates for more detailed, transparent data reporting disaggregated by ELL subgroup, such as “former,” “current,” and “long-term;” and more specific requirements, both in time and content, for professional development on ELLs for all teachers and ENL specialists.

EARLY IMPLEMENTATION: THE RESPONSE FROM EDUCATORS AT THE DISTRICT AND SCHOOL LEVELS

Overall, the first year of the policy’s launch, 2015–16, has yielded a picture of mixed, incomplete implementation. This is not surprising. Substantial, meaningful change to the status quo—in any area of policy and politics—generally prompts pushback and growing pains. At the same time, some roll-outs can be smoother than others. For New York State, responsive troubleshooting and continued guidance from state leaders will be pivotal for the policy’s long-term success.

Bright Spots

District leaders identified several areas of positive change. “Part 154 has definitely helped integrate us,” said Lars Clemensen, Superintendent of the Hampton Bays School District on Long Island. He said the new rules have promoted the idea that all teachers are teachers for ELLs. It prompted the district to rethink its structures and professional development around ELLs, helping to guard against “a tale of two Hampton Bays, two tracks where one hallway serves one group of kids and another hallways serves another.”⁸⁸

Raymond Sanchez, Superintendent of the Ossining School District, echoed the idea that the new rules

have helped break down siloes within schools. “Part 154 has changed culture,” he said. According to Sanchez, the integrated ENL model has aligned curriculum and instructional practices for ELLs, made content teachers stronger teachers of ELLs, and provided “another layer of professional dialogue” between teachers that has benefited students.⁸⁹

Marie Digirolamo, ENL director for the upstate Niskayuna Central School District, said she also noticed a positive impact from shifting to the hybrid requirements of both co-teaching and stand-alone ENL. ELLs were more supported in content classes, but still benefited from the extra support in a smaller, stand-alone settings. ENL teachers also gained greater knowledge about standards and core instruction in a way that had not typically occurred in pull-out ESL models. “It’s just a different level of exposure to the content when you are actually in the classroom,” she said.⁹⁰

In addition to the regulated instructional shifts, several school leaders used the ELL Blueprint as a “district evaluation tool”⁹¹ and, in some cases, credited it as the impetus for converting their transitional bilingual models into dual immersion, “additive” bilingual models where the goal is to

build ELLs’ bilingualism long-term and not just as a bridge to English.⁹²

In New York City, state policies have helped to drive the opening of 88 new bilingual programs for ELLs since 2014.⁹³ Shortly after the passage of the new state rules, City Chancellor Carmen Fariña and then-State Education Commissioner John King Jr. signed a “memorandum of understanding” to further push for the expansion of bilingual offerings.⁹⁴ Fariña and King—of, respectively, Spanish and Puerto Rican heritage—were “both born-again advocates” for supporting ELL multilingualism, according to Regent Luis Reyes.⁹⁵ Thirty additional two-way dual immersion programs for ELLs and nine new transitional bilingual programs were planned for the 2016–17 school year.⁹⁶

Zooming In: Promising Districts

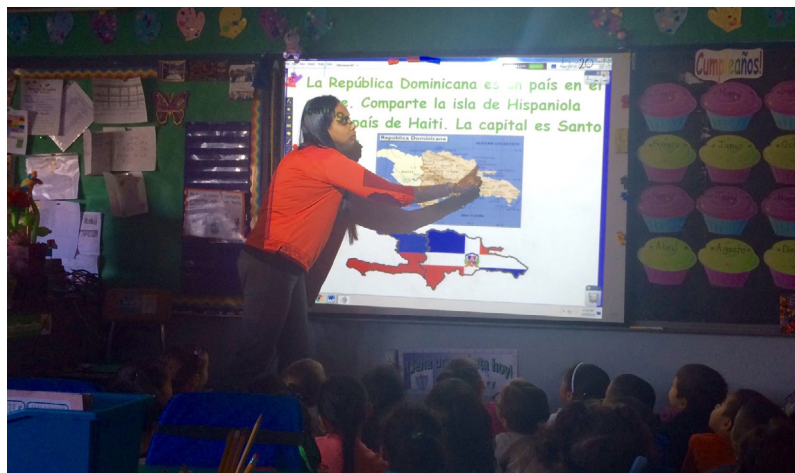
As early implementation shows, state administrative policies cannot ensure that all local administrators and educators will behave in one particular way. U.S. education remains a decentralized system, and it is up to individual educators and leaders to apply reforms in ways that are most effective in their specific contexts. However, the state *can* push districts in new directions and give them the political cover to justify disruptions to the status quo at the local level. Districts in Mineola and Newburgh present promising examples of local leaders adapting and innovating in light of state-mandated change.

1. Mineola Union Free School District

On a warm, sunny morning at Hampton Street School on Long Island, students in Roneldy Pingitore’s dual immersion kindergarten sit on the carpet as a video of an airplane take-off begins to play. Little bodies begin to wiggle as they imaginatively ride through the air and descend into a new destination.

“¡Bienvenidos a la República Dominicana!” says Pingitore. She shares an overview of Dominican

culture—referencing *plátanos maduros*, *bachata*, and *merengue*—and guides students in practicing new vocabulary and making comparisons to their own family experiences. Down the hall, her partner teacher, Dana McDonough, leads a similar activity in English with a virtual visit to Italy. Each class is a mix of monolingual English speakers and native Spanish speakers, many of whom are classified as ELLs.



In Mineola, Roneldy Pingitore leads her dual immersion kindergarten class in a lesson about the Dominican Republic. Photo: Janie T. Carnock

In recent years, Mineola—a small, historically white community with pockets of Portuguese immigrants—has seen a large influx of lower-income, Spanish-speaking families. The student population is now around 20 percent Latino, 25 percent economically disadvantaged, and 10 percent ELL.⁹⁷ In response to changing demographics and in anticipation of Part 154’s districtwide bilingual mandate, leaders launched the dual immersion program in 2013. The program has now expanded into grades K–2.

“Communities change and we have to adjust,” said second grade dual immersion teacher Carmen Vasquez, who came to the district in 2013 to spearhead the program after six years as a bilingual educator in New York City. She said that, for teachers, the new state regulations give more

explicit direction and organization for how bilingual and ENL programs should operate.

“In the past, there wasn’t consistency in how things were done,” Vasquez said. “Now, it’s the law. It’s spelled out in a way it wasn’t before and gives you a roadmap.” She believes the new regulations and Blueprint for ELL Success have united ENL and dual immersion programming in the district and pushed teachers to see students’ linguistic diversity as an asset rather than a deficit.

Widespread student success in obtaining the State Seal of Biliteracy is the ultimate goal of their dual immersion programs, according to Patricia Burns, Mineola’s assistant superintendent for instruction.

To implement the new regulation’s integrated ENL model, the district has taken a varied approach to supporting both co-teaching models and building capacity in individual mainstream teachers by encouraging them to seek certification in ENL. They have partnered with Molloy College to organize a K–12 ENL cohort, with coursework priced at \$900 per class. McDonough, the English-side dual immersion kindergarten teacher, pays out of her own pocket to attend and get her certification. But she said, compared to cost of her master’s degree, “it’s not that bad.”

Co-teaching dynamics in English instruction have been a work in progress. “At first, [ENL co-teachers] felt like an appendage,” said Nicole Moriarty, Mineola’s district ENL coordinator, who was hired in the 2014–15 school year to help oversee Part 154 rollout. “Now, the ENL teacher is taking on a more primary, shared role.” She said the district has offered development in co-planning, teaching, and assessment for all teachers, as per the new state rules. “It took some time to get to this point, but it’s beginning to take root,” Moriarty said. “Little by little, you make change.”

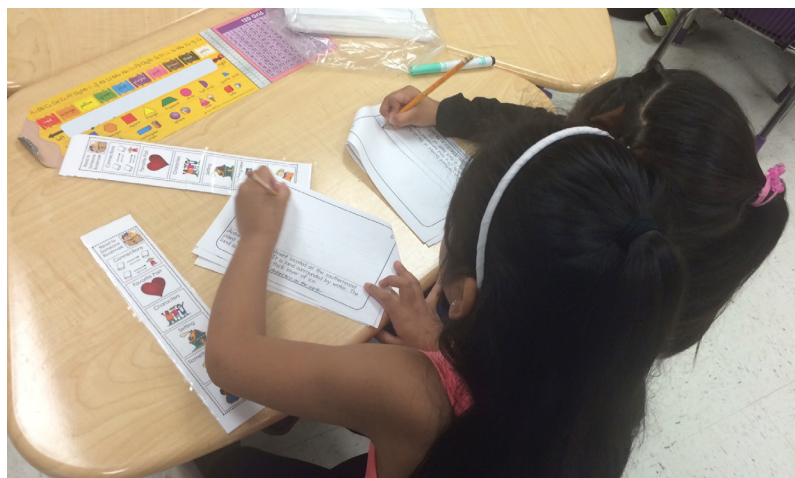
2. Newburgh Enlarged City School District

Sixty miles north of New York City and ninety miles south of Albany, Newburgh City sits just east of the

crossing of Interstates 87 and 84. The Hudson River flows along its eastern edge. In recent years, the city has seen an influx of newcomers, predominantly from Central America. The school district’s population is now 48 percent Latino and 13 percent ELL, with 72 percent of students receiving free and reduced price lunch.

At Meadow Hill Global Explorations School, ENL teacher Marie Schor sits with a group of five third-graders at the small, peanut-shaped table in her partner’s mainstream classroom. Her ELL students are finalizing stories they wrote. Each focuses on a feline protagonist, inspired by T.S. Eliot’s *Old Possum’s Book of Practical Cats*. All students in the class, ELLs and non-ELLs, have been working on their story drafts. But Schor, in consultation with her co-teacher, decided these students would benefit from more targeted language support at this stage in writing.

One student reads his draft, dragging his finger under the sentences in his composition notebook to keep his place. Under Schor’s facilitation, the other students listen and provide verbal feedback using a rubric. Schor offers recommendations as well, such as, “expand character dialogue” in one section or “change this verb.” On previous days, Schor



At Fostertown School in Newburgh, students read and write in English about arctic climates. Photo: Janie T. Carnock

has used word banks, sentence starters, guided peer talk (“mingles”), and graphic organizers with labeled boxes, bubbles, and other shapes (“thinking maps”) to break the writing process into manageable chunks.

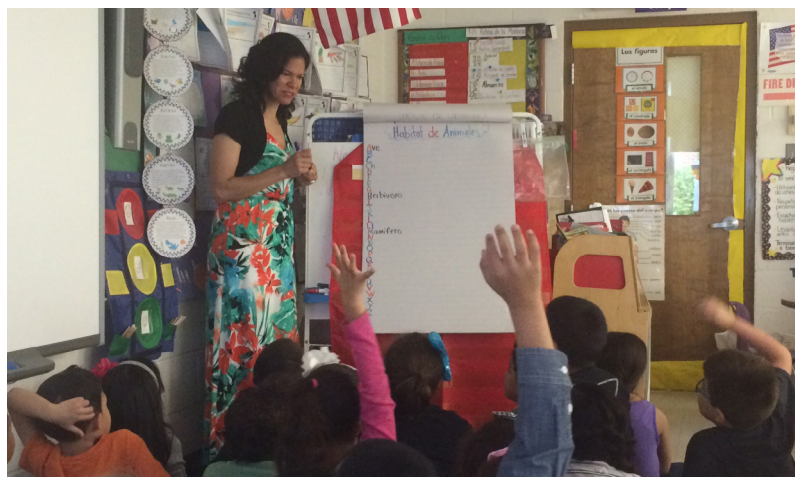
This is an example of what the state’s newly required “integrated” ENL looks like in action. Schor said she is “very enthusiastic about the co-teaching model” her school uses, even though implementation has varied with individual content teachers. She says, “I pushed into eight classes of eight teachers with eight different teaching styles and attitudes that ran the gamut from basically, ‘Who is this lady, and why is she pushing into my class?’ ... to ‘Let’s learn together and create amazing lessons!’”

But integrated ENL is only part of the district’s strategy, a mirror of the state’s vision. District ELL administrator Chastity Beato said leaders have expanded multilingual instruction to six of nine elementary school sites in recent years, prioritizing dual immersion models that integrate monolingual English speakers with native Spanish-speakers (in contrast to transitional bilingual models that typically serve only ELLs). Two new dual immersion sites launched in 2014 in light of the state’s Blueprint and new regulations.

At Fostertown School, first grade Spanish and English dual immersion teachers instruct in classes across the hall from each other. “¿Cuáles animales tienen dientes filosos? (Which animals have sharp teeth?)” teacher Yinette Mercado asks students. “Carnívoros (carnivores)!” they shout. On the English side, similar conversations occur about animal features: “What do polar bears need to survive in the Arctic?” teacher Evelyn Daniels asks students. One answers, “they need blubber and fur.” This class spends the day in English with Daniels while the other class uses Spanish with Mercado. The next day, they switch teachers and languages.

Mercado and Daniels use the state’s EngageNY open math and language arts curricula to help design lessons. Daniels said EngageNY “gives a good foundation” and sets uniformity in unit themes

so that she and Mercado “are on the same page.” However, she said the curricula is “very basic, so we add in and take it to the next level.” Mercado said she valued the state’s translation of open math curricula into Spanish and would benefit from a Spanish language arts translation as well.



Dual immersion teacher Yinette Mercado instructs her first grade class in Spanish. Photo: Janie T. Carnock

South of town at Vails Gate School, Magali Vazquez teaches kindergarteners about recycling in Spanish. The school shifted her class from a transitional bilingual model (serving only ELLs) to a dual immersion model (serving ELLs and non-ELLs) in 2014. Principal Ebony Green lauded the move to dual immersion, in part, because “students spend more time integrated...it’s more inclusive.” Vasquez said she prefers how the dual immersion model gives equal importance to the home language, and likes how the new state regulations protect instructional time in Spanish.

Superintendent Roberto Padilla attributes Newburgh’s reforms for ELLs to the combination of state regulations, the district’s “Vision 2020” strategic plan, and energy from Beato, who he appointed to the newly-created, district-level ELL post in 2014. Padilla acknowledged that “we can’t do it all at once,” but he said the state’s Blueprint and Part 154 reforms are “headway... that was long

overdue.” He credited NYSED for its bold approach: “leadership at the state isn’t scared to be audacious and ambitious. Lissette [Colón-Collins] and Angélica [Infante-Green] are warriors. They hit roadblocks and push back.”

Challenges

In addition to these early examples of promising district implementation, there have also been stumbling blocks in the first year of roll-out, chiefly related to budgets, teacher shortages, scheduling, and a perceived void of guidance for educators.

Funding is a serious concern. Even though the Blueprint requires major changes at the district and school levels, the state allocated \$14.5 million for bilingual education for the 2015–16 school year, only \$1.3 million more than the \$13.2 million allocated in 2014–15.⁹⁸ This works out to approximately \$5 in new state funding for each of New York’s 240,000 ELLs.

As a result, many districts have been forced to use their own funds to hire new ENL certified teachers in order to implement the integrated ENL model. In Newburgh City, ELL administrator Chastity Beato said she lobbied her school board to hire fourteen new ENL positions in the last two years. Mary Lagnado, Superintendent of the Westbury Public Schools on Long Island, added eleven new ENL teachers in the past year alone, an allocation of over \$1 million to serve a surging student population that is 67 percent Latino and one-third ELL.⁹⁹ In New York City, leaders plan to spend \$40 million to comply with the new rules in the 2016–17 school year, according to *The New York Times*.¹⁰⁰ “When people talk about unfunded mandates, this is a perfect example,” said Niskayuna Central School District’s Digirolamo.¹⁰¹ In the Hampton Bays School District, Superintendent Clemensen expressed similar concerns: “it’s difficult because we don’t want to take from another pool of money for other underserved students.”¹⁰²

In response to the financial strain of the new rules and the influx of ELLs to the state, the Educational Conference Board, an advocacy coalition of seven major statewide education organizations, called for the creation of a dedicated aid category for ELLs with an additional \$75 million in funding from New York’s legislature in February.¹⁰³ When the 2016 legislative session closed in June, lawmakers had failed to create any such ELL aid category.

But funding is not the only problem. Even when district administrators can identify funding, the vast majority of which is local dollars, they struggle to find qualified teachers. The rules “created a new market for ENL teachers,” said Digirolamo. “If you’re an ENL teacher, it’s a really good thing. But, for districts, it’s hard to find teachers.”¹⁰⁴ The flow of certified ENL teachers from the state’s schools of education has simply not kept up with demand.

In addition to funding and finding more ENL/bilingual teachers, there are frustrations related to the ENL co-teaching model at the school level.¹⁰⁵ Administrators have grappled with how to appropriately cluster ELLs in mainstream classrooms and schedule time for co-teachers to plan together, either within the regular school day, after school, or by releasing students for half days. The rules do not include requirements for planning time.

“While we want to respect local decision-making—and many districts have been very creative—the fact that everyone has to figure it out by themselves makes it difficult,” said Honigsfeld, who specializes in ELL co-teaching strategies at Molloy College. She works as a consultant helping districts implement the new rules and delivers professional development. She said the abrupt changes in expectations left several districts scrambling. But she emphasized that “the concerns are over how the policy has been implemented, not the policy itself.”

THE STATE’S ROLE IN ROLL-OUT: SUPPORTING AND MONITORING FROM THE TOP

The snags to fully realizing the state’s vision for ELLs are not going unrecognized by top administrative leaders. The Blueprint and Part 154 regulations set the minimum expectation, but NYSED must help struggling districts meet the bar they set. “We know that it’s a big shift and that’s it going to take time for districts to comply,” Infante-Green said, who was promoted to the position of Deputy Commissioner for P–12 Instructional Support in September 2015.¹⁰⁶ The state’s response to these challenges merit close examination, in large part because they are not unique to New York. Issues of how to attract qualified teachers, how to finance major policy changes, and how to develop educators and administrators on new instructional approaches are core issues that leaders across the country struggle to resolve.

Teacher Shortages

Infante-Green identified the shortage of ENL/bilingual certified teachers as one of the state’s biggest challenges. In December 2014, a few months after the rules’ approval, NYSED issued a memo urging deans at institutions of higher education to help produce more ENL/bilingual teachers in light

of acute need. The memo read, in part: “we write to you, as our state’s primary source of new, highly qualified educators, to ask you to help us meet this [increased] demand... Encouraging your candidates to seek ESOL certification or a bilingual extension serves the greater good.”¹⁰⁷

NYSED also expanded its Intensive Teacher Institutes in Bilingual Education (ITI-BE) contracts from five to ten universities in high-need areas across the state: CUNY Hunter, Molloy College, St. John’s University, Teachers College, Touro College, SUNY Oneonta, Binghamton University, SUNY New Paltz, SUNY Brockport, and Queens College. With the ITI-BE partner institutions, the state has created “memorandums of understanding” to provide tuition assistance for teachers in light of the new rules, offering about 200 educators \$4,500 a year.¹⁰⁸ However, while better than no financial assistance, current funding reaches only a small fraction of educators who could help fill critical teacher shortages.

To further expand the teacher pipeline, and do so quickly, the department launched supplemental “fast track” certification pathways this spring. These options reduce normal certification requirements

The snags to fully realizing the state’s vision for ELLs are not going unrecognized by top administrative leaders. The Blueprint and Part 154 regulations set the minimum expectation, but NYSED must help struggling districts meet the bar they set.

and enable a) ENL teachers to obtain a temporary, supplemental content certification and b) content teachers to obtain a temporary, supplemental ENL certification.¹⁰⁹ Candidates must be enrolled in university courses leading to an initial or professional certification in the title sought and must complete all program requirements “within the life of the supplementary certificate.”

Capacity Building and Professional Development

In addition to developing a pipeline of certified teachers, the state has also aimed to build a common understanding of research-based, best practices for ELLs. In the 2015–16 school year, NYSED offered a massive open online course (MOOC), under the heading of the “New York ELL Leadership Institute.” The course was run through Understanding Language at the Stanford Graduate School of Education, in partnership with City College of New York (CCNY), and led by ELL expert Kenji Hakuta. It was available to all districts in New York; approximately 500 educators and administrators from around sixty districts participated.¹¹⁰ Over five months of online and

in-person sessions, instructors led participants in research reviews and analysis of and reflection on student data. Participants were trained on how to analyze student conversation and guided in the development of a districtwide theory of action and action plan for ELLs based on Blueprint principles.¹¹¹

State leaders see the MOOC as a way of establishing a baseline of knowledge about how ELLs develop linguistically and academically—and how the new regulations and the Blueprint for ELL Success aim to support those processes. “We believe that professional development should not happen in isolation for teachers, especially with something so big,” Infante-Green told us, in reference to the MOOC. She said, “implementing the regulations successfully is a whole district conversation...and has to happen systematically at local tiers.”¹¹²

For Marie Digirolamo, ENL director in upstate Niskayuna, the course prompted her to articulate a district-wide vision and have conversations that she had never had with district administrators. She said that vision-setting can “seem silly or simple, but framing [multilingualism] as a strength is one of the powerful things our department can do.” Patricia Burns, Mineola’s assistant superintendent, said the

course helped her district “understand the spirit and reasoning of the regulations.”¹¹³

Beyond the online course, district leaders, administrators, and classroom teachers have also relied heavily on the state’s eight Regional Bilingual Education Resource Network (RBERN) centers for technical assistance and support.¹¹⁴ These centers disseminate key information and administer professional development workshops throughout the year to build teacher competencies, for both mainstream teachers and ENL specialists. Eva García, the Executive Director of New York City’s RBERN at Fordham University, said her center has focused on offering professional development for co-teaching strategies and guiding educators on the first principle of the Blueprint, the idea that “all teachers are teachers of ELLs.” She said the new policies are “innovative” but will take time to mature into their full potential.¹¹⁵

Funding

In contrast to their efforts to address teacher shortages and build educators’ competencies, state administrators have largely sidestepped conversations about increased funding. As a matter of governance, NYSED has little power over financing; it can only allocate funding up to the amount that it receives from the legislature’s enacted budget. And according to John Yagielski, chairman of the state’s Educational Conference Board, ELL funding “is just one strand in a rainbow of issues” that legislators are trying to address, so “it doesn’t always get the attention it deserves.” State-level advocates, like the group he represents, are crucial to raising the saliency of ELL issues. However, significant amounts of new funding seem unlikely at the moment. “We have to work with what we have,” said NYSED’s Colón-Collins.¹¹⁶ While there has been minimal legislative action on ELL issues, Colón-Collins noted that Carmen Arroyo, a state assemblywoman from the Bronx, “has been instrumental” in securing bilingual program funds and sponsoring the Seal of Biliteracy bill in 2012.¹¹⁷

Compliance

The new regulations are not policy suggestions, but requirements with which districts must comply. To echo Infante-Green’s earlier words, they have the “teeth” of full, legal authority. But Infante-Green explained that the NYSED, with Colón-Collins’ oversight as the new head of the Office of Bilingual Education and World Languages, seeks to strike a balance between being an authority figure and nurturing partner:

At the state level, we are monitors. That’s part of what the work is. We have a lawyer in our office, something we didn’t have one or two years ago. But we want districts to get it right. We always say to districts, there are two conversations we have. One is: you invite us, we support you, we come in. Our “monitoring hat” is a different kind of conversation. [The first] year, we were very clear to say to districts, “because you’re implementing, because this is all new, we are still going to have our monitoring hat on, but we are going to monitor differently; it’s not going to be punitive because we want you to get this right. We want you to really carry this out in a way that makes sense.”¹¹⁸

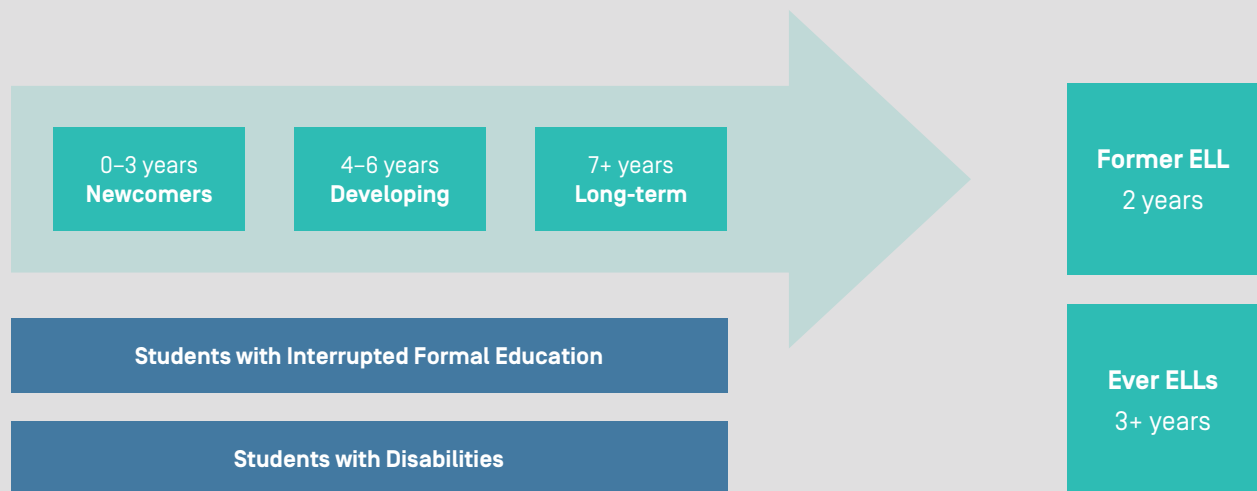
She expanded on this idea in a later interview with the *New York Times*, saying that the state leaders are “not looking to sanction anyone [the first] year, but we expect people to be on track...We expect kids to be getting as much of what they’re entitled to as possible.”¹¹⁹ The waivers granted to districts struggling to open districtwide bilingual programs in less common target languages are one example of NYSED attempting to strike a balance between enforcement and understanding the realities of implementing such a program. The waivers create a formalized mechanism for granting leniency to districts while monitoring their status and requiring them to justify what actions they are taking to get “on track.”

Tracking Teacher Data and Student Outcomes

State administrators have started reviewing initial data on measures like the number of certified teachers in a district, district ELL plans, and professional development offerings. Infante-Green thinks that “three to five years from now” state leaders will have a better sense of the impact of these new policies on student achievement. In the long term, she hopes to look at outcomes on the NYSESLAT, academic tests, and graduation rates.¹²⁰ Per the new regulations, NYSED collects more

robust, detailed data from districts which allow for more longitudinal comparisons between current and former ELLs (see **Figure 6**). In recent years, a few other states—namely Oregon and Washington—have moved towards building out their ELL data systems in similar ways with the creation of an “ever” ELL category.¹²¹ Tracking students over the course of their *entire* K–12 experience is a particularly innovative practice that allows states and districts to make more valid conclusions about how students fare in the long-term term, even after exiting the ELL designation and services.¹²²

Figure 6 | New York’s Subgroups for Data Collection on English Language Learners



Source: Engage NY, “Scaffolds for English Language Learners in the NYS ELA and Mathematics Curriculum Modules,” February 4, 2014, https://www.engageny.org/file/17231/download/ell_scaffolds_deck.pptx?token=RfE9QZEQ.

CONCLUSION AND RECOMMENDATIONS

In May, Assistant Commissioner Colón-Collins faced an auditorium full of ELL educators, administrators, union leaders, and policymakers at New York State’s Association of Bilingual Education’s annual conference at New York University. It was the end of the first year of full implementation of the new state rules. Colón-Collins emphasized the initial impact of the reforms on ELL education by beginning five sentences with identical syntax, a booming, rhythmic refrain: “*Because of the regulations...Because of the regulations...Because of the regulations...Because of the regulations...Because of the regulations....*”¹²³

In most cases, “regulations” connote dusty, dense volumes of dry, technical language. Their mention does not typically arouse particular passion or excitement. But, for ELLs in New York, and those responsible for their education, these new rules are bringing a buzz of innovation. Indeed, *because of the regulations*, changes are unfolding at the district and school level in ways that meaningfully change educational opportunities for ELLs. These students now benefit from expanded opportunities to receive bilingual instruction, better integration of language development into academic content, teachers with growing competencies in serving language learners, more substantive school commitments to engaging their families as

partners, and more clearly defined ELL protocols, assessment methods, and data systems.

The shifts in regulations have not occurred in a vacuum. They have rolled out in concert with the Blueprint, reinforcement from other state-led supports and initiatives, and—most critically for the road ahead—a set of capable, bilingual leaders in the administrative hierarchy. According to Colón-Collins, the “stars are aligned” with top-level leadership in Regents chancellor, Betty Rosa, and new board member, Luis Reyes; Marco Crespo, a state assemblyman from the Bronx, characterized the pair as “the one-two punch we’ve always needed.”¹²⁴ Within the administration, Angélica Infante-Green leads as Deputy Commissioner for Instruction for *all* students. Colón-Collins said that this ensures someone is “sitting at the table and asking the difficult questions” so that ELLs are incorporated into every aspect of New York’s educational system. “When people say ‘no,’ if you know Angélica, you know she says, ‘Why not?’ There is always that creativity, vision, and leadership,” she said.¹²⁵

But the ambitious, paradigm-shifting reforms have also elicited some criticism. A major objection is that NYSED rolled out too much too fast with not enough guidance or time for stakeholders—school



Assistant Commissioner, Lissette Colón-Collins, addresses the audience at the New York State Association of Bilingual Education's annual conference in May. Photo: New York State Association for Bilingual Education

and district leaders, educators, institutions of higher education—to mobilize and change their practices. This situation illuminates a larger tension between the urgent need to meet ELL needs *now* and the realities of time and resourcing that it takes to steer a massive, statewide system in a new direction. In the coming years, New York leaders, having clearly defined their aspirations and strategies, will need to establish routines for monitoring performance, set targets that establish trajectories, and honestly examine evidence of progress. They will need to develop and clarify the chain of system leaders who will provide feedback loops, address capacity challenges, troubleshoot problems rigorously, and balance trusting and monitoring districts.¹²⁶

None of this is easy work. Time will tell if New York's reforms build up in ways that truly change long-term outcomes for ELLs. But the foundation of research-based, stakeholder-informed policy design has been laid. And vitally, the state seems to have embraced a mindset of responsive, continuous development. Infante-Green acknowledged that the state is "still in the process" and emphasized the ongoing nature of change: last year "was 'Year 1,' and we still have a lot of work to do. And we anticipated that we would have a lot of work to do," she told us.¹²⁷

Just as the Statue of Liberty required years of molding, sculpting, hoisting, and hammering, a new statewide system for ELLs will require many stages of construction as well as scaffolding and attentive management from leaders throughout the process. In addition, New York's state-level ELL policy model imparts a reminder that true reform is entrepreneurial. It requires leaders to take risks, adapt, learn from successes and failures, and fine-tune early ideas. There is no clear manual to draw on for ELL policy reform. New York leaders are writing their own, and no other state has done all that New York is attempting.

Of course, as other states look to extract ideas from New York's example, they must do so carefully. Differences in demographics, political context, and general capacity are likely to be significant. The history of New York as the epicenter of American immigration stocks the state with a rare level of resourcing and human capital that has enabled responsive multilingual policies. Newer portals may not have the same pool to draw on, and they may have a less embracing ethos in response to newcomers. So, New York State's approach may not be transferred wholesale; state leaders should determine the individual components that will be most effective in their own contexts.

Nonetheless, New York State imparts several key lessons. First, it is noteworthy that the new urgency and creativity for ELLs stemmed, in part, from federal accountability. The U.S. Department of Education's corrective action several years ago marked a somewhat of a low point for state officials. While several factors motivated New York State's reforms, federal oversight provided critical prodding for leaders to try new, bold approaches. The newest federal law, the Every Student Succeeds Act, significantly reduces the degree of federal monitoring and intervention, so states will face less external pressure to do right by ELLs going forward.

Moreover, New York's example shows that massive, organizational change has a much greater chance of success when leaders combine mandates of formal authority with tools of informal influence. To a large

extent, the passage of new Part 154 regulations in tandem with the publication of the *Blueprint for English Language Learners (ELLs) Success* and other capacity-building initiatives embody such a combination. State leaders have attempted to foster a culture that moves local agents to a place of “committed compliance”—where teachers and administrators understand and want to engage in the work required of them.¹²⁸

New York’s efforts represent a more fundamental shift in the role state education departments should play in driving equity for students. As limited agents in a decentralized U.S. education system, states must partner with districts in ways that nurture their work. This role will be all the more important going forward given increased state autonomy under ESSA. After all, the most meticulously crafted accountability system can only go so far. A state can identify where its struggling schools and districts are, but then discussions must switch to remedies and solutions. In this sense, the Empire State’s work—while still under construction—breaks new ground for ELL policy and leadership that other states can draw on. States should consider the following six recommendations gleaned from New York’s experience:

- **Develop and communicate a high-profile ELL vision at the state level.** While vision-setting is only a starting point, it serves as a critical anchor of reform, a reference point for stakeholders at all systems levels. The Blueprint for ELL Success provided a foundation for explaining reforms and capturing the spirit behind new mandates. The Blueprint’s principles have begun to trickle down and encourage shifts in ideas about ELLs at the local level.
- **Design policies that incorporate home language as an asset through dual immersion models.** Dual immersion instruction can close academic achievement gaps in English while simultaneously growing bilingualism in order to enhance college and career opportunities. New York is making significant investments

in its linguistic assets through expanding district-level mandates for bilingual instruction, incorporating home language into new, content-aligned language development standards, translating openly licensed and freely accessible math curriculum into five languages, providing grant-based funding for districts to start new bilingual programs, and creating a pathway for high school graduates to earn a Seal of Biliteracy on their diplomas.

- **Design policies that integrate language development and academic instruction across the board.** New York’s new policies push towards more inclusive, “integrated” instructional models, primarily through co-teaching models where content teachers and ELL specialists work together to provide linguistic supports during mainstream instruction. The rules set differentiated expectations by English proficiency level to meet ELL needs through a hybrid of stand-alone and integrated language services, setting a baseline that allows for flexibility in local decision-making. The reforms also set specific requirements for *all* teachers, mainstream and ELL specialists alike, to receive professional development to integrate language and content instruction.
- **Build statewide systems to develop administrator and teacher competencies with ELLs, equipping them for success in meeting and exceeding regulatory expectations.** While districts and schools control the specifics of how new policies take root, New York has established various mechanisms for capacity building and resource sharing. In particular, the state education department developed a free Massive Open Online Course (MOOC) to guide district leaders in implementation of the new regulations and Blueprint principles. Moreover, the state’s system of eight Regional Bilingual Education Resource Networks (RBERNs) has helped disseminate information and connect educators to professional development opportunities and resources across the

state. But, even with these supports, several educators voiced concerns over a lack of sufficient state guidance on implementation of changes. An incremental roll-out of reforms, with piloting or prototyping in certain locations, could have smoothed district transitions to the new policies and practices.

- **Coordinate administrative action with institutions of higher education and state government to ensure policies can be implemented optimally.** New York’s new rules have exacerbated a shortage of bilingual and ELL teachers; demand has outpaced supply. To address this issue, NYSED has created “fast track” alternative certification options and engaged schools of education proactively, expanding the number of university partners under its existing Intensive Teacher Institute in Bilingual Education (ITI-BE) tuition assistance program. However, the department has gotten little assistance from the state legislature on new initiatives. The legislature should consider passing additional, dedicated funding for ITI-BE and to help offset district costs for hiring more ELL teachers.

- **Create policies that collect more meaningful ELL data to evaluate the impact of reforms, and share that information in publicly accessible ways.** New York’s new policies require all districts to report more detailed data by instructional program and specific ELL subgroup, including newcomer, developing, long-term, and former categories as well as those with disabilities and/or interrupted formal education. With increased ELL data reporting requirements under the newest federal education law, ESSA, New York State provides an example of thoughtful data disaggregation that allows for clearer tracking of ELLs over time and on how instructional program differences affected academic outcomes. In the short term, education officials should invest in interim measurement and data-gathering tools to measure progress beyond “inputs,” such as teacher hires and district plans.

Moving from a blueprint of powerful ideas to the building of concrete change, leaders in New York are lifting a torch that can guide others seeking to advance equity for multilingual students across the country.

Appendix: List of Interviews

Non-Profit and University-Affiliated Experts

Timothy Boals, Executive Director, WIDA Consortium at Wisconsin Center for Education Research

H. Gary Cook, Director of Research, WIDA Consortium at Wisconsin Center for Education Research

Erin Arango-Escalante, Director of Early Years, WIDA Consortium at Wisconsin Center for Education Research

Andrea Honigsfeld, Associate Dean and Director of the Doctoral Program, Educational Leadership for Diverse Learning Communities at Molloy College

Estrella [Esteé] López, Professor and Assistant Director, the Center of Teaching, Learning and Leadership at the College of New Rochelle

Jesse Markow, Director of Strategic Planning and Development, WIDA Consortium at Wisconsin Center for Education Research

Yolanda Santiago, consultant; formerly, Professor of P–12 ESL and bilingual master’s in education at Adelphi University and coordinator for New York State Common Core Standards Bilingual Initiative

Robert Slater, Co-Director, American Councils Research Center (ARC) at American Councils for International Education

Zoila Tazi, Associate Professor, Educational Leadership Department at Mercy College

Erica Vladimer, Education Budget and Policy Analyst, New York City Independent Budget Office

Matthew Weyer, Education Policy Specialist, National Conference of State Legislatures

Micah Wixom, Policy Analyst, Education Commission of the States

State Leaders

Ricardo Constantino, Associate, the Office of Bilingual Education and World Languages at New York State Education Department (NYSED)

Lisette Colón-Collins, Assistant Commissioner, the Office of Bilingual Education and World Languages at NYSED

Ricardo Constantino, Associate, the Office of Bilingual Education and World Languages at NYSED

Angélica Infante-Green, Deputy Commissioner for P–12 Instructional Support, NYSED

Luis Reyes, Member at Large, New York State Board of Regents

Ira Schwartz, Assistant Commissioner, the Office of Accountability at NYSED

Advocates

Christine Rowland, English Language Learners Specialist, United Federation of Teachers

John Yagielski, Chairman, New York State Educational Conference Board

Practitioners

Mineola Union Free School District:

Patricia Burns, Assistant Superintendent for Curriculum, Instruction and Assessment

Nicole Moriarty, K–12 English as a New Language Coordinator

Dana McDonough, Kindergarten Dual Immersion Teacher (English), Hampton Street School (PreK–2)

Ronelyd Pingitore, Kindergarten Dual Immersion Teacher, Hampton Street School (PreK–2)

Carmen Vasquez, Second Grade Dual Language Teacher, Hampton Street School (PreK–2)

Newburgh Enlarged City School District:

Robert Padilla, Superintendent

Sara Feliz, Assistant Superintendent of Curriculum and Instruction

Chastity Beato, Director Language Acquisition

Silvania Diaz-Parón, District ELL Intake-Coordinator with a focus on family and community engagement

Yinette Mercado, First Grade Dual Language Teacher, Fostertown School (K–5)

Evelyn Daniels, First Grade Dual Language Teacher, Fostertown School (K–5)

Magali Vazquez, Kindergarten Dual Language Teacher, Vails Gate School (K–5)

Ebony Green, Principal, Vails Gate School (K–5)

Marie Schor, English as a New Language Teacher, Meadow Hill School (K–8)

Lynnette Brunger, Principal, Meadow Hill School (K–8)

Marie Digirolamo, Director of World Language and English as a New Language, Niskayuna Central School District

Jacqueline LeRoy, Director of English as a New Language and Bilingual Education, Syracuse City School District

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