



Testimony

to the
Assembly Education Committee
on
English Language Learner Students
December 5, 2016

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Representing more than 600,000 professionals in education and health care
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*Testimony of
Andrew Pallotta
Executive Vice President
New York State United Teachers
to the
Assembly Education Committee
Catherine Nolan, Chair
on
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Chairperson Nolan, honorable members of the Assembly Education Committee and distinguished staff, I am Andrew Pallotta, Executive Vice President of New York State United Teachers (NYSUT). NYSUT represents more than 600,000 teachers, school-related professionals, academic and professional faculty in higher education, professionals in education, health care and retirees statewide.

Thank you for the opportunity to testify today on the very important topic of English Language Learners. I am joined today by NYSUT Vice President Catalina Fortino and by United Federation of Teachers Vice President for Education, Evelyn DeJesus.

Let me begin by thanking you Chair Nolan and the members of this committee for your unwavering commitment to, and work on behalf of, school children across this state. The work of this Committee has made a demonstrable difference in the lives of our students, and as educators, we are extremely appreciative of your efforts. Holding this hearing on English Language Learners (ELLs) today is just another example of this ongoing important work.

New York State has a proud tradition of welcoming immigrants from across the world to our great state – a tradition which we should uphold. However, our public schools face the reality of educating children from across the globe, many of whom lack formal education backgrounds or possess only a limited or interrupted formal education. NYSUT believes these children deserve the best education that we can provide. NYSUT supports the Part 154 regulations which the Board of Regents has adopted but districts need additional financial assistance to ensure that these regulations can be fully implemented.

New York State public schools have experienced a large growth of ELLs in recent years. Since 2008-09, the number of ELLs in public schools has risen from 179,000 in 2008-09 to 218,000 in 2016-17, an increase of 39,000 children, or 22 percent. To put this in perspective, the statewide increase in ELLs over the past eight years is greater than the total enrollment of the Buffalo School District – the state’s second largest school district.

While the majority of our state’s ELL population is concentrated in large urban districts, there are a substantial number of ELLs across the state. Over two-thirds of ELLs reside in the Big 5 City School Districts. In Queens alone there are over 38,000 ELLs. However, a number of districts have significant ELL populations.

There are over 34,000 ELLs on Long Island, of which 5,700 attend school in the Brentwood District in Suffolk County. In Westchester, there are over 9,000 ELLs residing in districts outside of Yonkers (3,100 ELLs). Upstate, Albany has over 1,100 ELLs and Poughkeepsie has 450, while Utica reports over 1,900 ELLs in the current school year – an increase of 57 percent since 2008.

Suburban and rural districts also have significant ELL populations. The Fallsburg District in Sullivan County has 175 ELL students out of a total enrollment of 1,300. The North Rockland School District has almost 1,000 ELL students. In suburban Erie County, the Kenmore District reports 230 ELLs.

Again, while most ELLs are located in large urban districts, the number of ELL students has grown significantly in many school districts. In fact, 65 percent of all schools districts report having ELL students. The education of ELLs is a statewide issue and affects most school districts.

In the midst of this ELL enrollment growth, the Board of Regents adopted “Part 154” regulations to provide the appropriate level of educational support to ELL school children. These regulations require school districts to provide a more comprehensive base service to these students than ever before. Some of these requirements include:

- Implementing a four step ELL identification process involving qualified staff. This includes identifying Students with Interrupted Formal Education (SIFE) and evaluating whether an identified disability of an ELL student is the determinant factor affecting the student's ability to demonstrate English proficiency.
- Placing eligible ELL students in a Bilingual Education/ESL program within 10 school days after initiating the identification process.
- Annually identifying ELLs not making adequate language and/or academic progress and also identify the academic and social/emotional supports the district will provide based on a student's identified needs.
- Implementing a bilingual class based on the number of ELLs who speak the same language in the district, not in a particular building.
- Providing program continuity so that ELLs continue to receive the program type (Bilingual Education or ESL) in which they were initially enrolled. Schools must continue to provide a Bilingual Education program if at least 15 students who speak the same home language were enrolled in such program in the previous grade.
- Providing all teachers and administrators additional professional development to meet the needs of ELLs.
- Reporting additional detailed information regarding programs for subpopulations of ELLs, provide increased parent notification and engagement and retain additional records.

These regulations were promulgated to help ensure that ELL students receive the academic programs and supports they need to succeed. We firmly believe that New York State should ensure that these children receive the best education possible. However, there are obstacles to achieving that goal. Due to the requirements of the new Part 154 regulations – which NYSUT fully supports – school districts are constrained to meet these regulations given their fiscal reality. The vast majority of ELL students reside in low-wealth/high-need school districts which lack the local capacity to raise significant additional dollars to properly implement these regulations – even before the restrictions of the tax cap are taken into account. With the tax cap, these districts have little to no ability to raise local funds to provide the enhanced programs which these children need and deserve.

As a result, it falls on the state to provide additional resources to school districts with large ELL populations and those with growing ELL enrollments. Foundation Aid does provide additional state aid dollars to districts for ELL students via an enhanced student weighting for these children. However, districts are owed \$3.8 billion in Foundation Aid in the current year and much of those funds are owed to districts with large ELL populations. Therefore, the districts with the greatest need are not getting the resources necessary to meet the requirements of Part 154.

For instance, as I have already pointed out, over two-thirds of ELLs in New York State reside in our Big 5 City School Districts. These five districts are owed \$1.8 billion in Foundation Aid in the current year, which represents almost half of all the Foundation Aid owed statewide. Therefore, until Foundation Aid is fully phased-in, these districts need immediate financial support.

To that end, we are asking that a separate aid formula be added in the 2017-18 State Budget targeted to districts with large and growing ELL student enrollments. A supplemental operating aid formula for these districts is needed to help bridge the gap until the state can fully fund Foundation Aid. We know it will take several years to achieve the goal to fully fund Foundation Aid – in the meantime, districts are faced with the task of educating students who need additional services but those same districts lack the resources to provide such services.

In 2005, the state provided a separate Limited English Proficiency Aid category which was folded into so-called “Flex Aid.” This formula was approximately \$105 million before it was eliminated. Accordingly, a separate supplemental formula to support districts with ELL children would not be an entirely new concept to include within a state aid package. We ask that you restore a separate temporary aid formula of at least \$200 million to support the education of ELL students.

This temporary aid formula will afford school districts the ability to meet the needs of this growing population which go beyond learning the English language. NYSUT firmly believes that we must educate the whole child and ELLs are no exception. They need many support

services, not just language acquisition educators that are bilingual teachers, English to Speakers of Other Languages (ESOL) teachers or foreign language teachers. ELL students need special education educators, social workers, guidance counselors, music, art, science, math, additional educators and school related professionals to achieve the goal of academic success.

Data shows that ELL students perform better when services are brought into their main classroom and their core subject classrooms. These students have increased academic opportunities when they interact with native English speakers since cooperative learning activities assist in the learning of concept and content. This important component requires cohesive multifaceted lesson plans that allow all educators and school related professionals to work collaboratively to help ELL students learn the English language. These educators and school related professionals engage families of ELLs as critical partners and collaborators in supporting their student's achievements.

NYSUT supports the critical importance of capacity building for successful family-school engagement with ELLs. Educators and school related professionals engage families of ELLs as partners and collaborators. We strongly support the additional professional development requirement in Part 154. It is essential all educators and school related professionals receive professional development to ensure they are made aware of best practices in educating ELLs and are provided the skills and knowledge to address the needs of ELL students so they may meaningfully engage their families and community. We believe Teacher Centers should play an instrumental role in providing this needed professional development. Notwithstanding the great efforts of the Legislature to restore funds to these Centers, a robust increase of funding is necessary to positively impact ELL programs which directly affect classroom instruction and student learning. NYSUT urges the Legislature to increase funding to the only state-funded vehicle guaranteed to support professional learning in all school districts.

In conclusion, based on the most recent data, statewide ELL student population growth trends are likely to increase for the foreseeable future and we have an obligation to ensure that these students are afforded every opportunity to succeed. That success starts with providing our school districts with the resources and tools they require to make this happen.

Again, thank you for the opportunity to testify before you today. I will now turn it over to Evelyn DeJesus, United Federation of Teachers Vice President for Education.

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