

NEW YORK STATE EDUCATIONAL CONFERENCE BOARD



Urgent action necessary to support English Language Learners

The New York State Educational Conference Board (ECB) — comprised of the seven leading educational organizations representing school boards, parents, superintendents, teachers, school administrators, business officials and other educators — believes that it is crucial to ensure successful educational outcomes for vulnerable student populations, including English Language Learner (ELL) students.

On average, three of every four U.S. schools currently educate students for whom English is not their first language; this includes students who are unaccompanied minors and other recent arrivals to the United States. Based on recent New York State Education Department (NYSED) data, the total number of ELL students exceeds 213,000 for the 2015-16 school year.

While some small gains were made by ELLs on the most recent state assessments, ELL academic achievement is still well below that of non-ELL pupils.

In September 2014, the Board of Regents adopted changes to Part 154 of the commissioner's regulations to set new standards for providing education and services to ELLs. Many of these regulations went into effect at the start of the 2015-16 school year, *but without the necessary accompanying financial and policy support*. School districts across the state have experienced significant fiscal and logistical impacts, especially with the large increase in enrollment of ELLs and unaccompanied minors in recent years.

Providing appropriate services under the new regulations is necessary and right. The addition of multi-lingual students adds to the rich tapestry of our society and reflects the global village in which we live. However, school districts are already faced with fiscal, staffing and programmatic predicaments. As such, districts need to be supported as they expand services. Therefore, ECB is offering recommendations for policy adjustments and support related to these regulations.

Recommendations related to English Language Learners (ELLs)

- Create an English Language Learner (ELL) aid category and fund it at \$75 million to ensure districts can deliver the enhanced levels of service necessary for ELL success.
- Adjust funding structures for special services aid and BOCES aid to help offset new costs associated with providing services to ELL students.
- Make regulatory and statutory changes to allow districts flexibility during this time of critical bilingual teacher shortages.
- Add fast-track options for teachers to obtain bilingual extension certification and incentives for individuals in teacher prep programs to become certified to teach English Language Learners.

Background: increasing enrollments include vulnerable student populations

Despite media reports indicating decreasing student enrollments nationwide, nearly a third of New York's school districts continue to experience significant enrollment increases. These newly enrolled pupils include some of the most vulnerable populations. In fact, New York has the fourth highest number of English Language Learners in the country. See the accompanying chart for examples of ELL enrollments.

New ELL-related requirements without new supports

Most of the new ELL-related requirements are in the form of amendments to Part 154 of the commissioner’s regulations.

The changes significantly expand school districts’ responsibilities related to:

- Identifying and placing English Language Learners in appropriate educational settings.
- Providing new educational, support and transitional services for ELLs.
- Serving ELLs designated as students with disabilities.
- Planning and reporting on ELL students and related ELL programming.
- Communicating with ELL families (thus necessitating increased use of interpreters and translators).
- Creating and providing new ELL-specific staff development.
- Provide training and planning time to effectively implement integrated co-teaching best practices.

Districts with ELL populations have found it necessary to increase staffing and divert resources to comply with these new regulations. While members of the Educational Conference Board fully support initiatives that help underserved populations, *adequate funding and policy changes must accompany the mandated programs in order to ensure successful implementation.* Members of the Educational Conference Board are recommending:

Recommendation: Create English Language Learner aid category at \$75 million in new funding to ensure districts can deliver the enhanced levels of service necessary for ELL success. The Educational Conference Board endorses the ELL aid proposal that the Board of Regents has adopted as part of its 2016-17 state aid recommendations.

Create English Language Learner aid at \$75 million in new funding to ensure districts can deliver the enhanced levels of service necessary for ELL success. A similar formula was folded into foundation aid when it was created in 2007, but the ongoing freeze of the foundation aid formula necessitates action to address this important student population.

Furthermore, ECB members recognize that additional aid in the amount of \$75 million is necessary to ensure the new influx of immigrant students have access to the research-based programming and services that will allow them to succeed in

Total ELL Pupils in Selected School Districts

NYS School District	Number of 2015-16 ELL Students
New York City	131,193
Brentwood (Suffolk County)	5,525
Buffalo	4,865
Rochester	3,759
Syracuse	2,968
Yonkers	2,713
East Ramapo (Rockland County)	2,372
Hempstead (Nassau County)	2,300
Utica	2,050
Statewide Total	213,470

New York’s schools and that are required under newly adopted regulations. These aid allotments are vital given the low fiscal capacity of large urban districts where most ELLs reside and the zero percent tax levy cap in fiscally independent school districts across the state.

Recommendation: Adjust funding structures for special services aid and BOCES aid to help offset new costs associated with providing services to ELL students.

The Educational Conference Board recommends adjusting the special services aid formula to account for the costs associated with educating ELL children. The “Big 5” city school districts are home to 70 percent of all ELLs in the state. In addition, these districts have significant funding issues and need expanded educational programs for ELL school children. ECB also recommends modifying BOCES aid to make language-related services an aidable expense through BOCES in order to offset costs incurred by school districts, particularly in small, low-wealth rural districts. High-need school districts with the largest numbers of English language learners are also owed billions of dollars in foundation aid by the state.

Many other school districts in the state are finding it necessary to hire staff to address the needs of ELLs in accordance with the state regulations. Often, shared services offered through BOCES provide an efficient option for fulfilling these needs, especially if districts need part-time rather than full-time staff. Under

current regulations, no additional BOCES aid can be distributed in these circumstances because there is an assumption that districts already receive aid for services provided to these students through other funding streams. However, since the foundation aid formula is frozen, pupils are not being accounted for in any funding formula. If school districts opt to increase their use of BOCES shared services in an effort to be more efficient in serving ELLs, BOCES aid should be available to help cover these costs. This action could lower the total statewide cost of ELL programs by encouraging program consolidation.

Recommendation: Allow school districts flexibility during this time of critical bilingual teacher shortages upon determination that the district cannot find qualified certified teachers.

The Educational Conference Board recommends that the commissioner's regulations be revised to allow:

- ▷ *K-6 certified teachers who themselves are bilingual to teach home language arts* in a bilingual education program for ELLs at the elementary grade level. This flexibility should be authorized when the ELLs share the teacher's own home language, while such teachers work on obtaining a bilingual extension.*
- ▷ *K-6 certified teachers with the appropriate bilingual extension to teach home language arts in a bilingual*

education program for students in grades 7-12 with consultation from grades 7-12 ELA teachers upon demonstrating that despite extensive recruitment efforts, a school district was unable to secure the employment of a qualified Language Other Than English (LOTE) teacher.

▷ *K-6 certified teachers without a bilingual extension who themselves are bilingual, to teach home language arts in a bilingual education program for students in grades 7-12 who share the teacher's own home language with consultation from grades 7-12 ELA teachers upon demonstrating that despite extensive recruitment efforts, a school district was unable to secure the employment of a qualified LOTE teacher.*

▷ *Certified K-6 or K-12 teachers of English to Speakers of Other Languages (ESOL teachers), with experience in teaching ELLs both language and content areas, to teach at that grade level or in that content area, with consultation from content-area or grade-level teachers. This flexibility should be authorized while such teachers work on obtaining a grade-level or subject area extension, to be designed much like the content area extension available to special educators for co-teaching.*

* Formerly known as native language arts, or reading and writing in the language spoken in a student's home.

Supporting unaccompanied minors

School districts are serving growing populations of unaccompanied minors. Both state and federal agencies have clarified and placed additional emphasis on ensuring these students are served. ECB members fully support these efforts. However, funding and policy changes must support school districts in order for these students to be successful. Consider these facts:

- New York has more than 8,000 unaccompanied minors who have been placed with sponsors and are attending schools in the state (see chart).
- In many cases, pupils have had their formal education interrupted and may arrive at schools with social and emotional needs, as well as educational needs.
- Schools welcoming these students do not have the necessary resources (funding, staff, programs, etc.) to best support the pupils and are unable to predict how many new students will be enrolling.

Districts with 50 or more unaccompanied minors in fiscal year 2014 and 2015

County	2014	2015	Total
Bronx	495	174	669
Kings	535	281	816
Nassau	1,446	486	1,932
New York	77	0	77
Orange	74	0	74
Putnam	54	0	54
Queens	902	506	1,408
Rockland	232	124	356
Suffolk	1,600	637	2,237
Westchester	322	221	543
Total	5,737	2,429	8,166

Source: Office of Refugee Resettlement

▷ *English Language Arts- and LOTE-certified teachers to teach integrated or stand-alone English as a New Language (ENL) at all grade levels. This flexibility should be authorized upon a showing that despite extensive recruitment efforts, a school district was unable to secure the employment of a qualified ESOL-certified teacher.*

These recommendations will allow teachers who are on the pathway to certification to provide these needed services when a certified teacher is unavailable.

Recommendation: Provide expedited opportunities for teachers to obtain bilingual extension certification and incentives for individuals in teacher prep programs to become certified to teach English Language Learners.

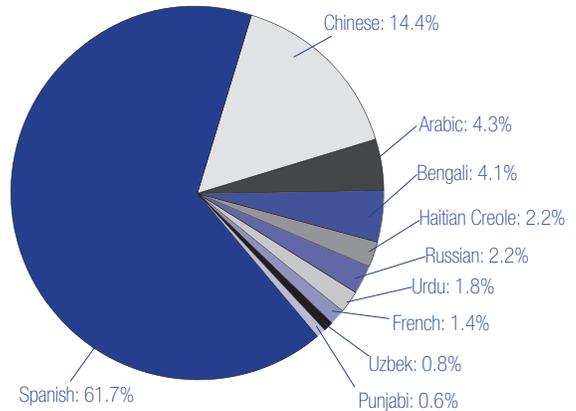
The Educational Conference Board recommends that the Board of Regents and the State Education Department (SED) work with college- and university-level teacher preparatory programs to develop and make available online a complete menu of courses required for teachers to obtain bilingual extensions on a fast-track basis. Furthermore, a grade-level or content-area extension should be developed for certified ESOL teachers, so that the experts in the field of English as a New Language (ENL) continue to instruct ELLs at all proficiency levels and work closely with their content- and grade-level colleagues at all instructional levels. In addition, the Board of Regents and SED should develop a plan for providing incentives to individuals to become teachers of English to Speakers of Other Languages (ESOL) or teachers of Languages Other Than English (LOTE). The State Education Department should expand the offerings of intensive teacher institutes to include more regions and more classes geared toward ESOL teachers seeking grade-level or content certification.

There is a critical shortage of ESOL-certified and bilingual teachers in New York. Providing incentives for teachers to specialize in fields with shortages has worked in the past (most recently for science, technology, engineering and math, or STEM, teachers) and can be successful again to address the lack of certified education professionals who are considered qualified to work with ELLs.

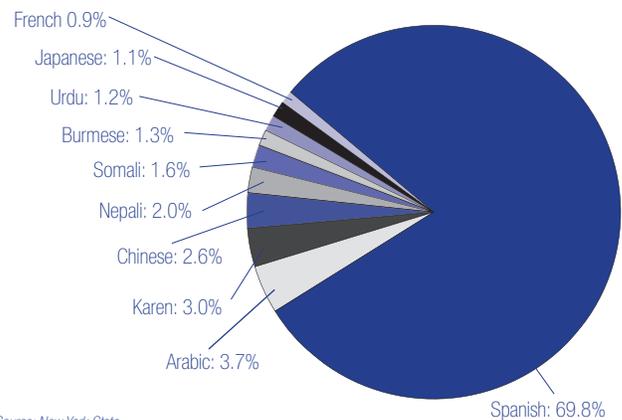
This shortage can also be addressed through bilingual extension certification for current teachers, including special education teachers. Teachers in New York who earn a bilingual

New York is a linguistically diverse state with more than 200 languages spoken by our students

Top 10 Languages Other Than English: New York City



Top 10 Languages Other Than English: Rest of State



Source: New York State Education Department

extension are qualified to teach effectively in English and the target language. This option should be available to certified teachers who take a prescribed set of classes above and beyond those required for their content area and by passing the Bilingual Education Assessment exam.

A moral imperative

Taking into consideration the needs of ELLs and children seeking safe haven and their rights to a quality public education, members of the Educational Conference Board declare that there is a moral and constitutional imperative to act on behalf of all children. With New York's improved fiscal condition, there is no reason to fail these children.