



**Every Student Succeeds Act: “High Concept Ideas” for Inclusion in the
NEW YORK STATE EDUCATION DEPARTMENT PLAN
Supporting English Language Learners (ELLs) / Multilingual Learners (MLLs) Workgroup**

Topic: Accountability Options Relating To ELLs/ MLLs

High Concept Idea: To ensure that accountability for ELLs/MLLs beginning in their first year of enrollment is equitable and reliable, New York State will use student specific factors, such as prior schooling, level of English proficiency, grade level and age at the initial entry identification process. These factors will determine whether an ELL/MLL student takes either the English Language Arts (ELA) or the New York State English as a Second Language Achievement Test (NYSESLAT) for setting an accountability baseline in Year 1, after which schools will be held accountable for a student's growth in language arts on that same assessment in Year 2 and beyond.

Additional Information about High Concept Idea:

Under proposed ESSA regulations, states have the option of creating a tailored approach in which some recently arrived ELLs/MLLs are held accountable under Option 1 and others under Option 2, using student specific factors to determine which Option to follow.

New York State will follow this approach, and allow individual factors such as prior schooling, level of English proficiency, and age to determine whether to follow Option 1 or Option 2 for individual ELLs/MLLs for accountability purposes.

For those ELLs/MLLs who fall under Option 1 (i.e., those who do not take the ELA in Year 1), New York State will propose using the NYSESLAT to measure growth and proficiency in Year 2 and beyond.

Relevant Requirements of ESSA law and/or draft rulemaking:

Section 1111(b)(3)(A) of ESSA requires states to choose from one of two accountability Options for recently arrived ELLs/MLLs within their first year of enrollment in U.S. schools, as follows:

- Option 1
 - Year 1: Exempt ELLs/MLLs from the ELA. Test ELLs/MLLs in Math, but use for reporting purposes only and not for accountability.
 - Year 2: Test ELLs/MLLs in ELA and Math in order to measure achievement, with the option of using the Year 2 Math score to measure growth compared to the Year 1 Math score.
 - Year 3 and thereafter: Test ELLs/MLLs in ELA and Math in order to measure achievement, with the option of using Year 3 ELA and Math scores to measure growth compared to Year 2 ELA and Math scores. Beyond Year 3, ELA and Math scores will continue to be compared to the previous year's scores.
- Option 2: Use a 3-Year progression for Newcomer ELL/MLL accountability:
 - Year 1: Test ELLs/MLLs in ELA and Math, but use only for reporting purposes (not for accountability).
 - Year 2: Test ELLs/MLLs in ELA and Math in order to measure growth compared to the Year 1 scores.
 - Year 3 and thereafter: Test ELLs/MLLs in ELA and Math and use both scores to measure growth and achievement.

Section 200.16 of the proposed state plan regulations allows states to take into account student level factors such as time in English language instruction, educational programs, grade level, age, Home Language proficiency level, and limited or interrupted formal education to determine whether to follow Option 1 or Option 2, above, for a particular student.

Rationale for High Concept Idea:

NYSED's preliminary data analysis reveals that 73.6% of all Newcomers ELLs/MLLs within 3 years of enrollment in New York State schools score at Level 1 on the ELA.

Students who score at Level 1 on the ELA do not possess enough English proficiency for the ELA to be a meaningful indicator of achievement and progress. Therefore, NYSED's preliminary data suggests the ELA is not an optimal indicator of ELL/MLL achievement and progress, even in Years 2 and 3.



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The NYSESLAT is fully aligned to the Common Core Standards, the ELA exam, and the Bilingual Progressions. The NYSESLAT is an appropriate exam for newly arrived ELLs to demonstrate progress as it is an English Language assessment that measures language more appropriately for ELLs.

Participation of ELL students in the state content-based assessment in English without enough proficiency would produce undesirable results and would seriously impact their academic career. Therefore, the decision must be based on ELP outcome measures.¹

Other Ideas Considered, if any:

To follow Option 1, above, without considering student specific factors to fashion a tailored approach.

To follow Option 2, above, without considering student specific factors to fashion a tailored approach.

¹ Abedi, J. (2008). Measuring Students’ Level of English Proficiency: Educational Significance and Assessment Requirements. *Educational Assessment*, 13, 193-214.

<http://www.wou.edu/~jherold08/ED633/Abedi%20Measuring%20Students%20level%20of%20eng%20prof.pdf>



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Topic: Standards, Curricula, and Assessments
High Concept Idea: To ensure that language arts assessments of ELLs/MLLs are equitable and accurately measure achievement, New York State will seek funding to develop and implement high quality Home Language Arts assessments aligned to standards and curricula.
Additional Information about High Concept Idea: Home Language Arts assessments are critical at the initial identification process of ELL/MLL status to determine baseline knowledge and Home Language literacy, and also to measure progress from this baseline over time for students in bilingual education programs.
Relevant Requirements of ESSA law and/or draft rulemaking: Section 200.13 of the proposed state plan regulations indicates that Home Language proficiency at the initial identification process can be one factor in setting long term goals and measuring interim progress for ELLs’/MLLs’ attainment of English language proficiency. Section 200.16 of the proposed state plan regulations states that Home Language proficiency can be one factor used to determine whether the ELA is administered to recently arrived ELLs/MLLs in the first year of enrollment, pursuant to ESSA Section 1111(b)(3)(A).
Rationale for High Concept Idea: Research has shown that educational experiences in a student’s Home Language can improve overall academic success, which can in turn reduce the length of time it takes for an ELL/MLL to attain English language proficiency. ELLs/MLLs in educational programs that incorporate instruction and additional supports in the Home Language have attained achievement in literacy and academic subjects that is as high as, and often surpasses, that of ELLs/MLLs in English-only programs. ²
Other Ideas Considered, if any: None – New York State has long sought funding to develop and implement Home Language Arts assessments aligned to standards and curricula.

² Collier, V. P. (1995). “Acquiring a second language for school.” *Directions in Language & Education*, 1(4); García-Vázquez, E., Vázquez, L. A., López, I. C., & Ward, W. (1997). “Language proficiency and academic success: Relationships between proficiency in two languages and achievement among Mexican-American students.” *Bilingual Research Journal*, 21(4), 334-347; and Center for Public Education (2007). “Research Review: What research says about preparing English language learners for academic success,” pp. 6-7.
Cloud, N., Genesee, F., and Hamayan, E. (2009). *Literacy Instruction for English Language Learners: A Teacher's Guide to Research-Based Practices*. Portsmouth, NH: Heinemann.
Genesee, F., & Lindholm-Leary, K. (in press). The education of English language learners. In K. Harris, S. Graham, & T. Urdan (Eds), *APA Handbook of Educational Psychology*. Washington DC: APA Books.
Goldenberg, C. (2008). Teaching English language learners: What the research does — and does not — say. *American Educator*, 32, 8-23, 42-44.



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Topic: Timeline for ELLs/ MLLs to Attain Proficiency
High Concept Idea: To ensure that ELLs/MLLs have sufficient time in English instruction to comprehend coursework, New York State ELLs/MLLs should be expected to become English proficient in 3 to 6 years, and this timeline should be extended for some students based on factors such as prior schooling, level of English proficiency, grade level and age at initial entry identification process.
Additional Information about High Concept Idea: ELLs/MLLs whose timeline for proficiency is extended will include: <ul style="list-style-type: none">▪ Students with Interrupted or Inconsistent Formal Education (SIFE).▪ Students with Disabilities (SWD).
Relevant Requirements of ESSA law and/or draft rulemaking: Section 3121(a)(6) of ESSA requires states to report the number and percentage of ELLs/MLLs who are not proficient within five years, but does not set a timeline by which ELLs/MLLs must become English proficient. Section 200.13 of the proposed state plan regulations gives states discretion to set their own timeline by which ELLs/MLLs become English proficient, taking into account factors such as time in language instruction, educational programs, grade level, age, Home Language proficiency level, and limited or interrupted formal education.
Rationale for High Concept Idea: NYSED’s preliminary data analysis reveals that most New York State ELLs/MLLs become proficient within a range of 3 to 6 years, but some students need additional time based on factors such as prior schooling, level of English proficiency, grade level and age at the initial entry identification process. <ul style="list-style-type: none">• 81.5% of SIFE achieve proficiency within 5 to 6 years.• 80.1% of ELLs with an IEP to achieve proficiency within 7 to 8 years. National studies generally indicate that ELLs/MLLs need from 5 to 7 years to gain English proficiency, and some studies have found ELLs/MLLs may need up to 10 years based on the factors identified above, such as prior amount of schooling, age, and the level of proficiency in English and the Home Language at the initial entry identification process. ³
Other Ideas Considered, if any:

³ Thomas, W.P., & Collier, V.P. (1997). School effectiveness for language minority students. Washington, DC: National Clearinghouse for Bilingual Education.
August, D., Shanahan, T, & Escamilla, K. (1996). Developing Literacy in Second-Language Learners—Report of the National Literacy Panel on Language-Minority Children and Youth; Journal of Literacy Research, 41:432–452, 2009