

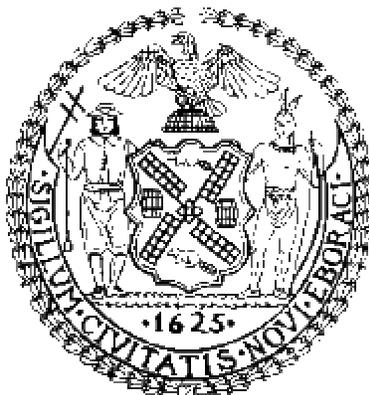


The Mayor's Task Force On Bilingual Education

Recommendations for Immediate Reform

**Report of the Task Force on Bilingual Education to
Mayor Rudolph Giuliani**

Randy M. Mastro, *Chair*
Harold Levy, *Chancellor, New York City Public Schools*
Michael D. Hess, *Corporation Counsel, City of New York*
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THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

December 15, 2000

Honorable Rudolph W. Giuliani
Mayor
The City of New York
City Hall
New York, New York 10007

Dear Mayor Giuliani:

The Mayor's Task Force on Bilingual Education is pleased to provide you with our recommendations to reform bilingual education in the New York City public school system. These reforms, which the Task Force's members unanimously endorse, can largely be implemented within the current regulatory framework established by state law and court order. In addition to the Task Force's recommendations, I have made an additional recommendation that would require a change in existing law.

On behalf of myself, and the other members of the Task Force (Harold Levy, Michael Hess, Amalia Betanzos and Yvonne Liu), and our able staff (Myrna Ramon, John P. Avlon and Martha Mann Alfaro), we thank you for affording us the opportunity to undertake this important effort.

Sincerely,

A handwritten signature in cursive script that reads "Randy Mastro".

Randy M. Mastro
Chair

THE MAYOR'S TASK FORCE ON BILINGUAL EDUCATION: RECOMMENDATIONS FOR IMMEDIATE REFORM

- I. MEET AND BEAT A THREE YEAR GOAL OF TRANSITION**

- II. INCREASE PARENTAL CHOICE:**
 - ◆ CREATE AN ACCELERATED ENGLISH LANGUAGE ACQUISITION OPTION**

 - ◆ ESTABLISH SUMMER-SCHOOL ENGLISH LANGUAGE ACQUISITION PROGRAM**

- III. ENSURE INFORMED PARENTAL CHOICE**

- IV. IMPROVE THE QUALITY OF INSTRUCTION**

- V. REVISE ENTRY AND EXIT CRITERIA**

- VI. REVIEW STATUS OF ENGLISH LANGUAGE LEARNERS IN SPECIAL EDUCATION AND TIGHTEN ENTRANCE CRITERIA**

- VII. ENSURE CONTINUOUS MEASUREMENT OF STUDENT ACHIEVEMENT**

THE MAYOR’S TASK FORCE ON BILINGUAL EDUCATION: REPORT AND RECOMMENDATIONS

New York City has historically served as the gateway to America, exemplifying the words on the Great Seal of the United States, E Pluribus Unum – “Out of Many, One.” Our diversity is one of our greatest strengths. New York City continues to welcome more than one hundred thousand immigrants and newcomers each year. Their success and the success of their children largely depend on learning English.

For the past quarter century, New York City has offered non-English speaking children of both immigrants and native-born parents special services intended to aid their acquisition of English while they progressed in their academic studies. These programs have proven controversial because of uneven academic progress, and the fact that students can remain in these programs – often separated from other students – for a period ranging from one to nine years. Moreover, according to Board of Education data, more than 50% of the students enrolled in bilingual education do not exit their programs within three years, which is the State’s presumptive standard.

In the 1999-2000 School Year, New York City Public Schools served approximately 160,000 students who are “English Language Learners,” (“ELLs”) speaking more than 145 different languages and dialects, with different levels of formal schooling and English language proficiency.¹ This gives New York City the second largest school-age population of English Language Learners in the nation, after Los Angeles.

English Language Learners receive specialized programs designed and operated with the intent that they acquire English language proficiency in a timely manner and achieve high standards in the academic content areas (math, social studies, science and language arts).

¹ Roughly 20,000 of these English Language Learners are served in self-contained Special Education classrooms, making the general education English Language Learner population approximately 140,000.

In New York City, there are two main types of programs: a Bilingual Education transitional program², which serves about 51% of our general education English Language Learners, and a free standing English as a Second Language Program, known as “ESL,” which serves the other 49%.³ In each program, students spend at least two periods a day studying English, depending on their level of English acquisition. In ESL programs, English is the language of instruction throughout the day, and classes often include speakers of different native languages. Transitional bilingual classes, which are for speakers of the same native language, initially offer monolingual native language instruction in content areas along with some ESL instruction in non-content areas. While students initially receive the majority of their subject area classes in their native language, the use of English increases slowly over time as students gain proficiency in the language. Eighty-five percent of the students in all bilingual education classes are Spanish speakers.

The New York City Board of Education’s new Promotion Standards Regulations and New York State’s new graduation requirements present significant new challenges for English Language Learners. Students who enter 9th grade in September 2001 and thereafter will be required to pass five Regents examinations – including English – in order to receive a diploma at the end of high school. Students who have been in the country less than three years will be permitted to take four of the five Regents Exams in their native language, but all English Language Learners will have to pass the English Regents Examination in English to graduate.

These new requirements for students present corresponding challenges for the Board of Education and the City of New York. To ensure that English Language Learners succeed, programs for English Language Learners should be measured in terms of their effectiveness in helping students acquire English skills in a manner that meets or beats

² Bilingual Education may be designated as a *transitional*, or *dual language/two way* model. The transitional model is by far the most common offered to New York City Public School Students.

³ In the school districts, the ratio is 46% of students in Bilingual and 54% in ESL. In High Schools the ratio is 58% in Bilingual and 42% in ESL.

the three-year benchmark set by State law, as well as ensuring that students are provided with the necessary instructional resources to assist them in mastering academic content.

To address these challenges, Mayor Rudolph W. Giuliani formed the Bilingual Education Task Force in January of 1999, saying, “the task force will make recommendations to the Mayor and the Board of Education for the reform of bilingual education with the goal of returning to the original intent of these programs – ease the transition to English, but ultimately to make all students fluent in English. We have an obligation to give students a better chance to succeed and bilingual education reform provides us with an opportunity to do just that.”⁴

The reform of bilingual education is consistent with the Board of Education’s overall ongoing reforms, which emphasize the importance of high standards and system-wide accountability. The Board’s Office of Bilingual Education, and many individual programs, schools, and community school districts have accomplishments that can and should be built upon. However, the Board’s Office of Bilingual Education has also recognized that “there is much more that needs to be done to ensure effective schooling for the Bilingual/ESL learner. Identifying the organizational designs or programs to create a vision for educating these students requires commitment and willingness to change.”⁵

Over the past 18 months, the Mayor’s Task Force on Bilingual Education – chaired by former Deputy Mayor Randy Mastro, and including Schools Chancellor Harold Levy, Corporation Counsel Michael Hess, Multicultural Radio Broadcasting Vice-President Yvonne Liu, and Wildcat Service Corporation President and former New York City Board of Education Member Amalia Betanzos – has performed an extensive analysis of the state of bilingual education in the City of New York. The work of this Task Force builds on the Board of Education’s ongoing reforms of bilingual education services. The findings of this Task Force compelled the conclusion that bilingual education reform is not just an idea whose time has come but a practical necessity.

⁴ “Mayor Giuliani Announces Formation of the Mayor’s Task Force on Bilingual Education,” Mayor’s Office Press Release, January 19, 1999.

⁵ “Ensuring Optimal Learning Conditions for Bilingual ESL Learners,” Board of Education of the City of New York, 1998, page 43.

THE STATE OF BILINGUAL EDUCATION IN NEW YORK CITY BY THE NUMBERS

The significant amount of data reviewed by the Task Force illustrates both success stories and shortcomings in services provided for English Language Learners in the areas of English language acquisition, math and reading scores, and graduation rates.

ENGLISH LANGUAGE ACQUISITION

The Board of Education has established a goal that elementary school students should achieve an annual 5 point gain⁶ in the English Language Assessment Battery (“LAB”), and an overall system-wide goal that 60% of English Language Learners should meet this standard.⁷

In 1999, 60.5% of elementary school English Language Learners achieved their goal, and 67.6% of high school English Language Learners achieved theirs as well. And although only 54.4% of middle school students in 1999 achieved their goal, this represented a 6% increase over middle school students’ performance in the prior year.

Yet despite this one-year improvement in percentages of students achieving the expected growth in English acquisition, the Board’s data analyzing a cohort of English Language Learners who enrolled in bilingual or ESL programs in 1991 shows that only 49.4% of students in Grades K-9 test out of Bilingual or ESL programs within 3 years.

The study showed a strong relationship between grade of entry and success in meeting the criterion for exiting Bilingual and ESL programs. Students who entered in early grades

⁶ There are corresponding goals of 4 points for middle school students and 3 points for high school students.

⁷ The State Education Office of Bilingual Education states as the relevant “Instructional Objective” that in New York City, ELLs should demonstrate gains in speaking English of 10 normal curve equivalents (NCEs) in each grade for grades K-6 and 5 NCEs in each grade for grades 7-12. The same objectives apply to reading in English. *Guidelines for Programs under Part 154 of Commissioner’s Regulations for Pupils with Limited English Proficiency, at 28-29 (1990).*

were more likely to exit relatively quickly and in large numbers while those entering in middle and high school grades did not. Specifically:

- ◆ 17.5% of students who entered in kindergarten were still enrolled in a Bilingual or ESL program 9 years later.
- ◆ 22.6% of students who entered in the 1st grade were still enrolled in a Bilingual or ESL program 9 years later.
- ◆ 28.4% of students who entered in the 3rd grade were still enrolled in a Bilingual or ESL program 8 years later.
- ◆ 54.8% of students who began Bilingual or ESL instruction in the 6th grade in 1991 had not transitioned into a mainstream classroom by 1999;
- ◆ 85.4% of the students who entered Bilingual or ESL programs in 9th grade in 1991 did not transition out within four years, or by the traditional end of high school.

Charts produced by the Board of Education's Department of Assessment and Accountability detailing the transition rates described above are attached as an Appendix to this document.

READING AND MATHEMATICS

Large numbers of students who have attended Bilingual or English as a Second Language programs in early grades and transitioned out within one to three years, perform well in standardized tests, attaining scores above the national average at better rates than are found among students who have only attended monolingual classes. For example, on the 1998 Citywide Reading Test, for students who began to attend ESL or Bilingual classes in second grade:

- ◆ 76.5% of the students who attended ESL programs and transitioned out after one year of instruction scored at or above the 50th percentile;
- ◆ 84% of the students who attended ESL programs and transitioned out after two years of instruction scored at or above the 50th percentile;
- ◆ 75.7% of the students who attended ESL programs and transitioned out after three years of instruction scored at or above the 50th percentile;

- ◆ 80% of the students who attended Bilingual classes and transitioned out after one year of service scored at or above the 50th percentile;
- ◆ 65.2% of the students who attended Bilingual classes and transitioned out after two years scored at or above the 50th percentile;
- ◆ 68.9% of the students who attended Bilingual classes and transitioned out after three years scored at or above the 50th percentile.

Results for such students in the 1998 Citywide Mathematics Test were even better. For students who began to attend ESL or Bilingual classes in second grade:

- ◆ 88.6% of the students who attended ESL programs and transitioned out of ESL classes after one year of instruction scored at or above the 50th percentile;
- ◆ 90% of the students who attended ESL programs and transitioned out after two years of instruction scored at or above the 50th percentile;
- ◆ 91.7% of the students who attended ESL programs and transitioned out after three years of instruction scored at or above the 50th percentile;
- ◆ 80% of the students who attended Bilingual classes and transitioned out after one year of service scored at or above the 50th percentile; and
- ◆ 77.3% of students who attended Bilingual classes and transitioned out after two years scored at or above the 50th percentile;
- ◆ 77.8% of students who attended Bilingual classes and transitioned out after three years scored at or above the 50th percentile.

However, segments of the English Language Learner population who had not yet met the exit criterion did not score well in Reading and Mathematics. In 1999, for example:

- ◆ Only 6.9% of the middle school ELL population who took the Citywide Reading Test could read at grade level.⁸

⁸ ELLs take this test if either (1) they scored at or above the 30th percentile on the reading subtest of the English LAB, or (2) they have been served in an ELL program for 5 years or more.

- ◆ In the Citywide Math Test, which is given in the student’s native language where available, only 15% of middle school English Language Learners scored at or above grade level, and more than 55% of them fell below the 25th percentile.

These facts suggest that English Language Learners perform better in reading and math if they have transitioned out of Bilingual or ESL instruction and into mainstream English speaking classes within three years.

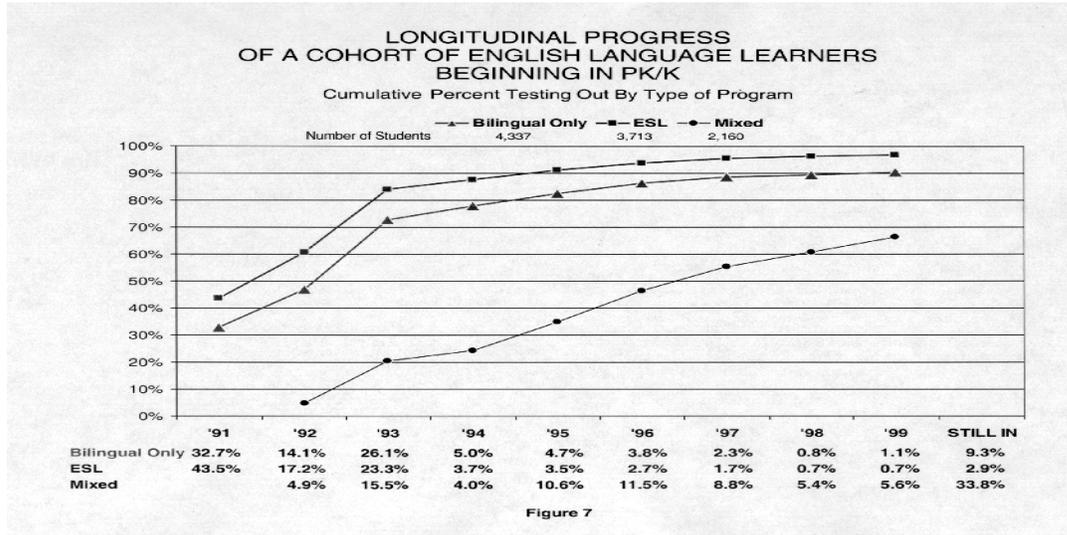
TRANSITION RATES FROM ESL AND BILINGUAL PROGRAMS

An examination of transition rates shows us that children in ESL programs generally transition to mainstream English speaking classes more rapidly than their counterparts in Bilingual programs.⁹ This confirms the findings of the 1994 Cortines Report, which determined in an analysis of a more limited cohort of students that “Students in ESL-only programs consistently tested out of entitlement faster than students served in bilingual programs, even when baseline differences in English were taken into effect.”¹⁰ The Board of Education’s longitudinal study and data analysis, released in September 2000 and conducted at the request of the Board and the Task Force, found as follows:

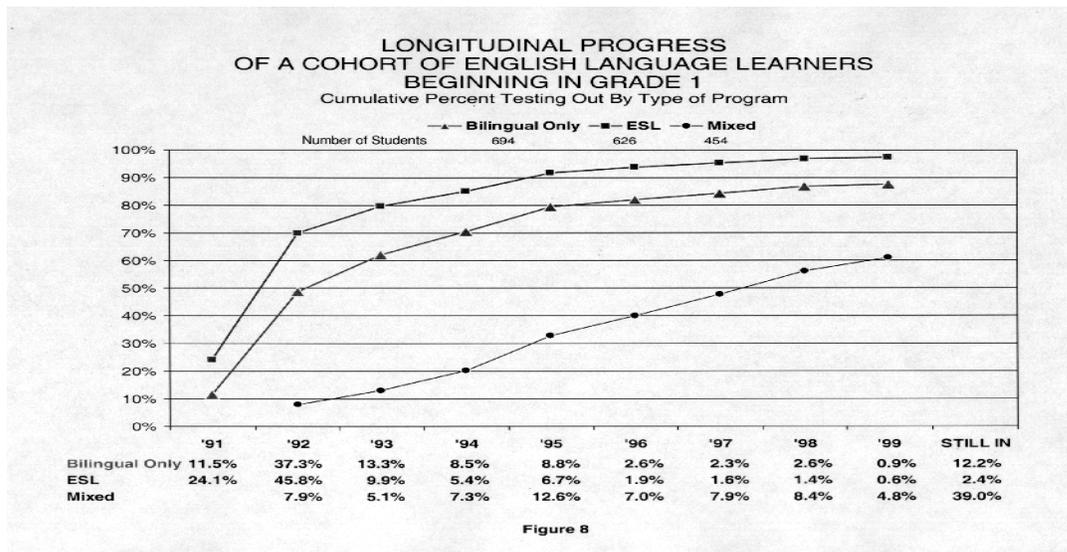
⁹ Board of Education statisticians caution that cohort studies cannot permit definitive comparison.

¹⁰ “Educational Progress of Students in Bilingual and ESL Programs: A Longitudinal Study, 1990-1994”, page 28, October, 1994.

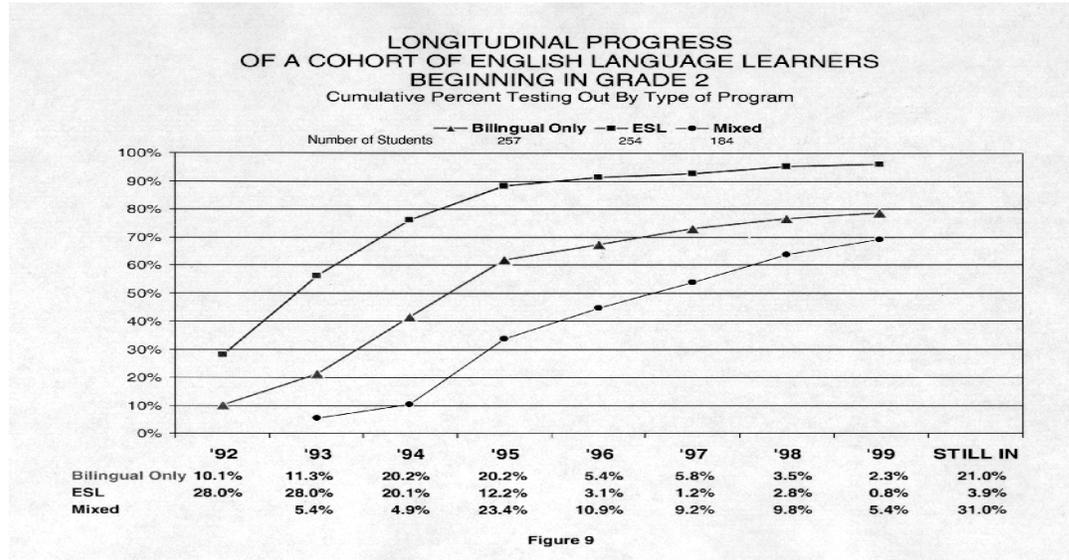
Kindergarten Cohort: For English Language Learners who began instruction in Kindergarten, 43.5% of ESL students transitioned after one year, compared with 32.7% of Bilingual students; 60.7% of ESL students transitioned after two years, compared with 46.8% of Bilingual students. Moreover, 83.8% percent of ESL students in this cohort transitioned after three years, compared to 72.9% of Bilingual students.



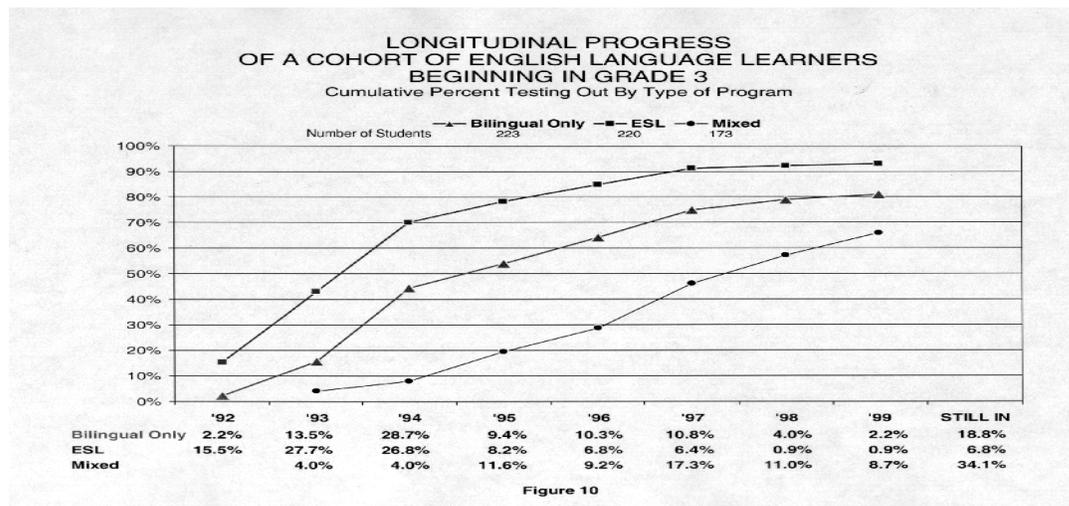
First Grade Cohort: For English Language Learners who began instruction in the First Grade, 24.1% of ESL students transitioned after one year, compared with 11.5% of Bilingual students; 69.9% of ESL students transitioned after two years, compared with 48.8% of Bilingual students. Moreover, 79.8% of ESL students transitioned after three years, compared to 62.1% of Bilingual students.



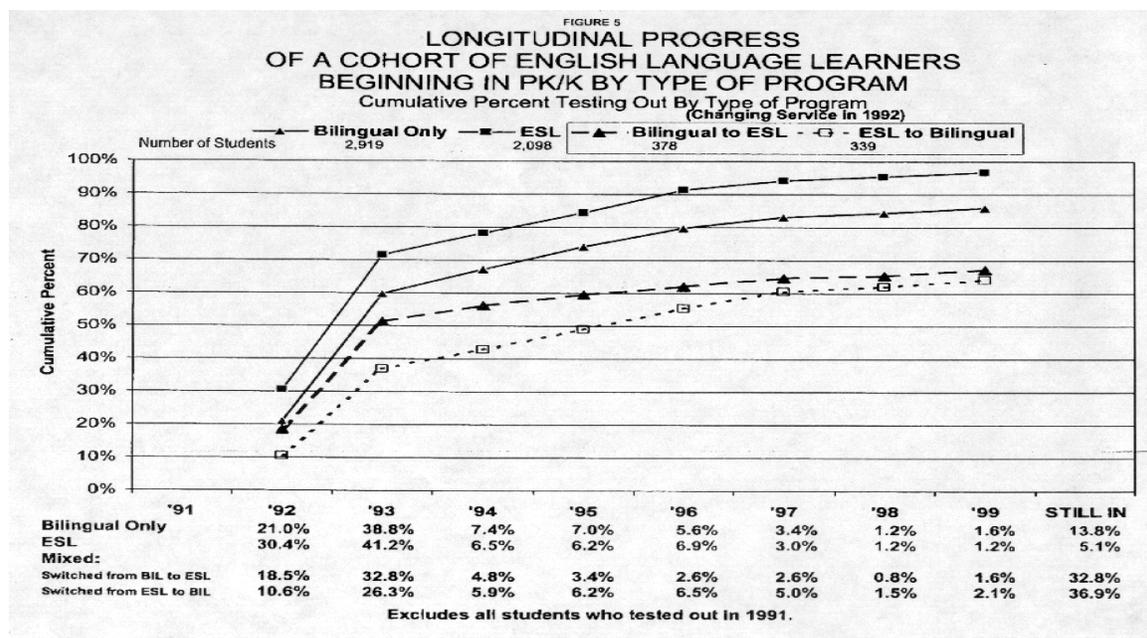
Second Grade Cohort: For English Language Learners who began instruction in the Second Grade, 28% of ESL students transitioned after one year, compared with 10.1% of Bilingual students; 56% of ESL students transitioned after two years, compared with 21.4% of Bilingual students. Moreover, 76.1% of ESL students transitioned after three years, compared to 41.6% of Bilingual students.



Third Grade Cohort: For English Language Learners who began instruction in the Third Grade, 15.5% of ESL students transitioned after one year, compared with 2.2% of Bilingual students; 43.2% of ESL students transitioned after two years, compared with 15.7% of Bilingual students. Moreover, 70% of ESL students transitioned after three years, compared to 44.4% of Bilingual students.



In all cases, students receiving mixed programs of both ESL and Bilingual instruction suffered transition rates significantly below the transition rates for students in either ESL or Bilingual programs. Examination of the students served in mixed programs shows that 37% of the kindergarten cohort changed programs after just one year and were as likely to switch from ESL to Bilingual as from Bilingual to ESL. The data also shows that overall, 73% of students who changed programs began in Bilingual services. Of those students who changed from Bilingual to ESL, 43% did so after three years or more. Those students who changed to ESL programs had significantly higher exit rates for the two years after they switched than did students who changed from ESL to Bilingual.



Some supporters of Bilingual Education argue that the transition rate is not the appropriate measure for evaluating services for English Language Learners. They cite certain studies suggestion that children who achieve a high level of proficiency in their own native language first will have a more stable linguistic basis upon which to build English language skills and achieve academically. They claim that this process can reasonably take between five and seven years¹¹. As a result, some supporters of bilingual programs believe that Bilingual and ESL programs should have different, or additional, measures of success, and their transition rates should not be directly compared. Nonetheless, both programs are

¹¹ U.S. Department of Education Office of Bilingual Education and Minority Language Affairs, General Questions on Bilingual Education, page 2, www.ed.gov/offices/OBEMLA

instructional options open to parents of English Language Learners, and both exist to help children learn English and progress academically.

GRADUATION RATE

Those students who entered an ELL program late in their education and qualified for transition to a monolingual program within three years were highly successful in completing high school. Indeed, the graduation rate of those who entered in grades 6 or 9 and met the transition standard was higher than that of the general student population. Students who stayed in bilingual or ESL programs for six years or more, however, were nearly 50% more likely to drop out of school than students in the general population.

THE LEGAL FRAMEWORK OF BILINGUAL EDUCATION

Bilingual education in the City of New York is governed by a complex of standards found primarily in the *Aspira* consent decree and rules of the State Department of Education promulgated under the Education Law. These are consistent with, and often go beyond, what is required under federal law, at least as interpreted by many courts outside of the State of New York.

Most Federal courts agree that neither the Constitution nor any federal statute requires school districts to offer bilingual education. The prevailing view recognizes bilingual education as one of several possible means to fulfill the duty that was first recognized by the Supreme Court in *Lau v. Nichols*, and later codified in the Equal Educational Opportunity Act of 1974, to provide students with limited English proficiency “a meaningful opportunity to participate in the educational program” by taking “appropriate action” to overcome their language barriers.

Services to English Language Learners in New York City are governed in part by the terms of the consent decree in *Aspira v. New York City Board of Education*, originally entered on August 29, 1974. The *Aspira* consent decree covers the class defined as “All Spanish-speaking or Spanish surnamed New York City public school children whose English language deficiency prevents them from effectively participating in the learning process and who can more effectively participate in Spanish.” The most significant differences between State regulations (8 NYCRR Part 154) and the *Aspira* Consent Decree include: 1) the fact that under State regulations students need to score at or below the 40th percentile rank on the English Language Assessment Battery to qualify for Bilingual/ESL services, while *Aspira* puts the threshold at the 20th percentile rank; and 2) State regulations lay out a limit of three years for Bilingual/ESL services, with an option to extend services for an additional three years with State Education Department authorization. There is no State funding beyond six years. Under the *Aspira* Consent Decree there is no limit on the number of years that an English Language Learner is entitled to Bilingual or ESL services.

RECOMMENDATIONS

The Mayor's Task Force on Bilingual Education has found that existing programs for English Language Learners are not resulting in consistently high enough student achievement or timely enough transition from those programs.

The recommendations of this Task Force report are designed to ensure that English Language Learners meet higher standards in an accountable environment.

New State requirements have created a renewed emphasis on higher standards and a higher level of English language instruction. Ongoing Board of Education reforms promise to have a positive effect on students' academic achievement and transition rates. But more still needs to be done to ensure that English Language Learners are given the best possible opportunity to learn English quickly and effectively.

Accordingly, an intensive review of both the Aspira Consent Decree and New York State law should be completed to determine what changes in the binding legal structures surrounding bilingual education programs in New York City should be considered.

In the meantime, the City should pursue the reforms detailed here – which can largely be implemented within the current framework.

These broad reforms would constitute the most fundamental changes to New York City bilingual education programs in their 25-year history, and help to ensure that all of New York's children are being offered an equal opportunity for success in the 21st Century.

I. MEET AND BEAT A THREE YEAR GOAL OF TRANSITION FOR ALL STUDENTS:

In all programs, the Board of Education should – at minimum – aim to meet the general standard established by State law, which calls for transition of all English Language Learners [ELLs] to monolingual classes within three years.

This does not mean that every ELL student will be ready to leave a Bilingual or ESL program by the end of three years. In a speech advocating a national three year goal for transition from bilingual/ESL programs, Secretary of Education Richard Riley cautioned that “goals should be combined with flexibility and accountability.”¹²

In the interests of combining flexibility with accountability while focusing on the individual needs of each child, New York State should follow the lead of Illinois and stop issuing three-year extensions on a routine basis. Instead, there should be a case-by-case consideration of the particular student's situation that takes into consideration scores on ELA and State Regents' Exams. Additionally, parents' informed consent should be obtained before the extension is requested, which is not done currently.

Indeed, the Board should strive to beat the three year benchmark whenever possible, so that a much larger percentage of ELL students move into monolingual classes within one to two years. When a student reaches the two-year mark but is not yet ready to exit the program, there should be scrutiny given – and additional resources applied – to the progress and needs of that individual student to help him or her meet and beat the three-year State requirement for transition. This objective of successful transition within one to two years has proven to be attainable for many ELL students, especially those who enter in kindergarten through grade 3, in New York City Public Schools.

In the cases where students do not make the transition within three years, there should be a concerted emphasis on remediation. Moreover, students beyond the first year of

¹² United States Secretary of Education Richard Riley, “Helping all Children Learn English”, April 27, 1998

instruction who do not make expected gains should be encouraged to enroll in summer-school, after-school and weekend programs with English Language instruction.

II. INCREASE PARENTAL CHOICE:

◆ CREATE AN ACCELERATED ENGLISH LANGUAGE ACQUISITION MODEL:

Parents of English Language Learners should be given a new programmatic option when they enroll their children in school. This Accelerated English Language Acquisition Option would aim to transition children to mainstream, English-speaking classrooms within one year through intensive English language acquisition strategies.

Instruction will be in English, using advanced ESL strategies and sheltered immersion techniques. It will also incorporate new techniques to introduce language arts and content area instruction in a more interactive context.

This program should be started at various grade levels. The instruction for students in the later grades would be specifically geared toward achievement on the Regent's Examinations.

Early childhood English Language Learners will develop language arts and learning skills using advanced ESL methodology. For all students, there will be an emphasis on experiential learning. Classes should be smaller – 15 to 20 students – whenever possible.

Increased parental involvement is a key element of this initiative. The Board should encourage parents to participate in Family Literacy (native language and ESL) programs to learn how they can support their children's English language acquisition and studies at home.

Results of the student achievement in this program will be tracked, and if successful, the program should be expanded to include all grades and made available to all parents.

◆ **ESTABLISH A SUMMER-SCHOOL ENGLISH LANGUAGE ACQUISITION PROGRAM:**

Parents of students receiving either Bilingual or ESL programs should have the opportunity to enroll their children in summer-school programs offering intensive English language instruction.

This intensive summer course would augment the English language acquisition of students in transitional bilingual education programs, as well as provide students in ESL programs additional opportunities to achieve English language proficiency. This course should be offered in conjunction with opportunities for additional after-school and weekend English language instruction.

This summer program would be strongly encouraged for all English Language Learners who do not meet the goal of transitioning out of services within three years.

The Board of Education has asked the State Legislature for authority to mandate attendance at summer school for students who have not attained the performance standards for their grade level. Once it has such authority, the Board should also require students who are not making sufficient progress in English language acquisition to meet State standards to receive intensive instruction during the summer.