



Advocates for Children of New York

Protecting every child's right to learn

**Testimony to be delivered to the New York City Council
Committee on Education**

**Re: Ensuring English Language Learners Receive Appropriate Educational Services
and Res. 388
February 25, 2015**

Good afternoon. My name is Abja Midha and I direct the Immigrant

Students' Rights Project at Advocates for Children of New York. For more than 40 years, Advocates for Children has worked to promote access to the best education New York can provide for all students, including students from low-income backgrounds, students who are learning English, students with disabilities, and students of color. The Immigrant Students' Rights Project advocates for better educational opportunities for immigrant families and English Language Learners, or ELLs.

As active members of the *Build the Bridge* campaign, we fully support the recommendations of the New York Immigration Coalition to improve translation and interpretation services for immigrant parents, although I am going to focus my testimony on another issue today.

For many years now, Advocates for Children has worked with immigrant families who are interested in enrolling their children in bilingual programs –both Dual Language (DL) and Transitional Bilingual Education (TBE) programs. Under New York State law, ELLs have a right to choose bilingual education. Unfortunately, when

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parents attempt to exercise this right they learn that few, if any, programs are available in their native language. When such programs do exist, they are not available across grade levels and/or do not have enough seats to accommodate all interested families.

Currently, less than 20 percent of ELLs have access to bilingual programs. The number of ELLs with access to bilingual programs is even lower for languages other than Spanish. The percentage of ELLs enrolled in bilingual programs remains low despite the fact that the Department of Education (DOE) has a legal obligation to create bilingual programs whenever an elementary or middle school has 15 or more students in the same grade or two consecutive grades and whenever a high school has 20 or more students in the same grade.

When we have raised our concerns about the shortage of bilingual program options for ELLs, the DOE has repeatedly emphasized the need for parents to express interest in order for new programs to be created. Immigrant parents who find their way to our organization become aware of their right to bilingual programs. However, based on our decades of experience working with immigrant families, parents rarely learn about their right to bilingual programs until it's too late. When students are identified as ELLs, schools are required to inform parents of the different types of ELL programs available. Schools are then supposed to provide parents with an opportunity to indicate their program preference. Frequently, we



hear from families that schools tell them to choose whichever program the school offers and do not give them a chance to indicate their true preference. In addition, parents inform us that schools do not take the time to describe the different programs, including the benefits of each program model. Without information about the different program models, parents cannot make meaningful choices.

The DOE's recent announcement that it will be creating 25 new DL programs and expanding 15 already existing DL programs in September is a welcome step forward. However, in order for these programs to be successful, schools must ensure that immigrant parents are informed about the existence of the programs and benefits of the DL program model. Otherwise, families who would benefit from such programs will remain in the dark and ELL-designated seats in these programs will remain unfilled.

Moreover, the DOE cannot and must not stop after these 40 DL programs are launched in September. The DOE must continue to prioritize the creation of additional bilingual programs, including in languages other than Spanish. For example, according to the DOE's own data, Bengali and Arabic are the third and fourth most spoken languages by ELLs, but there are only 3 Bengali TBE programs and no Bengali DL programs in the city. Similarly, there is only 1 Arabic DL program and 1 Arabic TBE program in the city. That's 5 programs to serve more than 12,600 students. Disappointingly, there are no new Arabic or Bengali DL programs planned



for the upcoming school year. And to date, no announcements have been made about new Arabic or Bengali TBE programs being launched in the fall.

The DOE must also prioritize creating bilingual programs for older ELLs and special education students. Only 3 of the 25 newly announced DL programs are for high school students, yet nearly 30 percent of ELLs are high school students. Similarly, only 2 to 3 of the new DL programs are for special education students when more than 20 percent of ELLs are classified as having disabilities.

Before I conclude, I would also like to express our support for **Res. 388-2014** and the New York State Education Department's Elementary and Secondary Education Act (ESEA) Waiver Renewal request that newly arrived ELLs be exempted from participating in the Grades 3-8 English Language Arts (ELA) assessments during the first two years of their arrival. In our experience, the New York State English as a Second Language Achievement Test (NYSESLAT) is a more accurate instrument than the ELA assessment for first- and second-year ELLs since it better reflects the instruction ELLs should receive in English as a Second Language (ESL) classrooms.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.