
Students with Interrupted Formal Education:

A Challenge for the New York City Public Schools

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With contributions from:

Flanbwayan Haitian Literacy Project
The New York Immigration Coalition
Sauti Yetu Center for African Women
YWCA of Queens Youth Center

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EXECUTIVE SUMMARY

Addressing the needs of Students with Interrupted Formal Education (SIFE) is critical to raising English Language Learner (ELL) achievement and graduation rates overall. SIFE, along with other high needs ELLs and newcomer ELLs, make up the majority of ELLs in New York City middle and high schools.¹ SIFE also represent a subpopulation of ELLs who have some of the biggest obstacles to acquiring the English language skills and content knowledge necessary to graduate from high school.

When SIFE arrive in New York City schools, they have to learn English and catch up to their peers in a relatively short time period. Because these students have low literacy, they cannot build off of existing literacy skills to acquire a second language or understand content area instruction; this makes learning English and content areas harder. Since so many of them are older, they also struggle with many of the same hurdles that face other older students who are behind in school, including the pressure to leave school to work. Therefore, SIFE make up a significant portion of ELLs who struggle to pass 8th grade English Language Arts (ELA) exams and have a high risk of not graduating from school.²

Advocates for Children of New York (AFC), Flanbwayan Haitian Literacy Project (Flanbwayan), Sauti Yetu Center for African Women (Sauti Yetu), YWCA of Queens Youth Center and other community-based organizations have worked with a number of SIFE, some of whom are profiled in this paper. These students' experiences in the New York City public schools present a more nuanced picture of SIFE, their needs and the challenges they face than does currently available data on SIFE. Their stories illustrate how far behind their peers these students often are when they enter the City's schools and their complex and sometimes intensive need for psychological and social support. Due to their low literacy skills, many end up in the special education system, and many struggle for years, fail to make progress, become overage and ultimately drop out.

Meeting the needs of SIFE is a considerable challenge, but it is one that must be met in order to make meaningful progress in reversing the ELL dropout crisis and provide real opportunities to some of our newest and most disadvantaged students. The New York City Department of Education (DOE) has taken some significant steps toward addressing these needs, but its efforts have resulted in a wide array of programming that varies from school to school and year by year, is limited in availability and may not be well integrated into

¹ CHIEF ACHIEVEMENT OFFICE FOR STUDENTS WITH DISABILITIES AND ENGLISH LANGUAGE LEARNERS, NEW YORK CITY DEPARTMENT OF EDUCATION, THE 2008-09 DEMOGRAPHICS OF NEW YORK CITY'S ENGLISH LANGUAGE LEARNERS 12 (2009), available at http://schools.nyc.gov/NR/ronlyres/3A4AEC4C-14BD-49C4-B2E6-8EDF5D873BE4/78726/ELLDemo2009_FINAL.pdf [hereinafter 2009 ELL DEMOGRAPHICS REPORT].

² OFFICE OF ENGLISH LANGUAGE LEARNERS, NEW YORK CITY DEPARTMENT OF EDUCATION, DIVERSE LEARNERS ON THE ROAD TO SUCCESS: THE PERFORMANCE OF NEW YORK CITY'S ENGLISH LANGUAGE LEARNERS 19-20 (2009), available at <http://schools.nyc.gov/NR/ronlyres/3B377E6B-5E22-4E63-A4DA-2B7FD14E5D62/57000/ELLPerformanceReport2009.pdf> [hereinafter 2009 ELL PERFORMANCE REPORT].

other school services. The DOE and the New York State Education Department (NYSED) should focus on building more consistent and uniform system-wide capacity to identify and serve SIFE by implementing the following recommendations:

NYSED and the DOE should improve collection and public availability of data on the demographics, characteristics and performance of SIFE, including data on:

- Academic performance, discharges and transfers, plus graduation rates by grade of entry; and
- SIFE who are also identified as students with disabilities.

NYSED should review the current definition of SIFE and consider a more inclusive definition that emphasizes low literacy and academic skills.

The DOE should strengthen systems to identify and assess SIFE in all schools and enrollment centers citywide by:

- Establishing minimum requirements for screening all newly enrolling or re-enrolling students in all schools and enrollment centers to determine if they are SIFE;
- Allowing SIFE to be identified at any point, not just at enrollment;
- Continuing efforts to develop a diagnostic test in other languages besides Spanish; and
- Collaborating with other social service systems in identifying SIFE.

The DOE should undertake a review of current SIFE programming and articulate a more comprehensive citywide plan for SIFE funding, programming and professional development for all school staff by:

- Developing guidelines, goals and benchmarks for schools receiving SIFE funding that encourage holistic programming and track student progress;
- Exploring the provision of multi-year instead of one-year grants;
- Ensuring that all middle school SIFE have access to SIFE programming in their districts, and creating new programming for SIFE in middle schools if necessary;
- Examining the ability of existing programming for overage students to serve SIFE;
- Developing multiple pathways to graduation and alternative schools and programs that meet the needs of older SIFE;
- Training special education evaluators on SIFE and how to identify special education needs in that population;
- For SIFE with special education needs, integrating appropriate bilingual services and SIFE supports into special education programs and services;

- Developing a range of SIFE programming, from supports integrated into general school programming to targeted and separate programs; and
- Working with the New York City Department of Youth and Community Development to increase the capacity of adult literacy and GED programs to serve SIFE.

Finally, NYSED should apply to use extended graduation timelines for SIFE.

I. INTRODUCTION

New York City has nearly 150,000 English Language Learners³ (ELLs).⁴ Recent data show that only 39.7% of ELLs in the class of 2009 graduated from high school in four years and 19% had dropped out before completing four years of high school.⁵ To increase overall ELL graduation rates, New York City's Department of Education (DOE) has acknowledged that it must address the needs of certain subpopulations of high-needs ELLs.⁶ These ELLs with high needs include students who have interrupted formal education, ELLs with special education needs and long-term ELLs.⁷ This paper focuses on one of these subpopulations – Students with Interrupted Formal Education or SIFE. It outlines some of these students' unique needs and recommends ways to strengthen New York City's efforts to meet those needs.

A. Defining SIFE

As early as 1996, the New York State Education Department (NYSED) and the DOE began to identify a subpopulation of ELLs with distinctive needs who face additional challenges in school. Not only did these ELLs need help becoming proficient in English; they also had large gaps in their education and were therefore significantly behind their peers. NYSED surveyed school districts throughout the state to understand how “over-age limited English proficient students with interrupted formal schooling” were similar to and yet different from other ELL students. The survey resulted in the creation of a standard term and definition for this population – Students with Interrupted Formal Education (SIFE). SIFE were defined as immigrant students who come from a home in which a language other than English is spoken and:

³ Throughout this paper we refer to English Language Learners or ELL students. This description is understood to be coextensive with the term Limited English Proficient or LEP that is often used in statute and case law to describe the same group of students. In New York, ELL students are defined as students coming from homes where English is not the primary language and who test below a minimum English proficiency level on a state-mandated exam called the Language Assessment Battery-Revised (LAB-R). Students remain classified as ELLs until they score above the proficiency level on the New York State English as a Second Language Achievement Test (NYSESLAT), which is administered to all current ELLs each May. 2009 ELL DEMOGRAPHICS REPORT, *supra* note 1, at 3.

⁴ *Id.* at 4.

⁵ RESEARCH AND POLICY SUPPORT GROUP, NEW YORK CITY DEPARTMENT OF EDUCATION, NYC GRADUATION RATES CLASS OF 2009 (2005 COHORT) 10 (2010), http://schools.nyc.gov/Accountability/Reports/Data/Graduation/GRAD_RATES_2009_HIGHLIGHTS.pdf [hereinafter NYC GRADUATION RATES CLASS 2009].

⁶ 2009 ELL PERFORMANCE REPORT, *supra* note 2, at 4.

⁷ Long-term ELLs are ELLs who have not yet gained English proficiency as measured by their performance on the New York State English as a Second Language Achievement Test (NYSESLAT) after receiving ELL services for more than six years. 2009 ELL DEMOGRAPHICS REPORT, *supra* note 1, at 9.

1. Enter a United States school after the second grade;
2. Have had at least two years less schooling than their peers;
3. Function at least two years below expected grade level in reading and mathematics; and
4. May be pre-literate in their first language.⁸

This definition has not been modified, and other school districts around the country have since adopted NYSED's definition of SIFE.⁹

⁸ NEW YORK STATE EDUCATION DEPARTMENT, PROCEEDINGS OF THE NEW YORK STATE SYMPOSIUM ON THE EDUCATION OF OVER-AGE LIMITED ENGLISH PROFICIENT STUDENTS WITH INTERRUPTED FORMAL SCHOOLING 7-8 (1997).

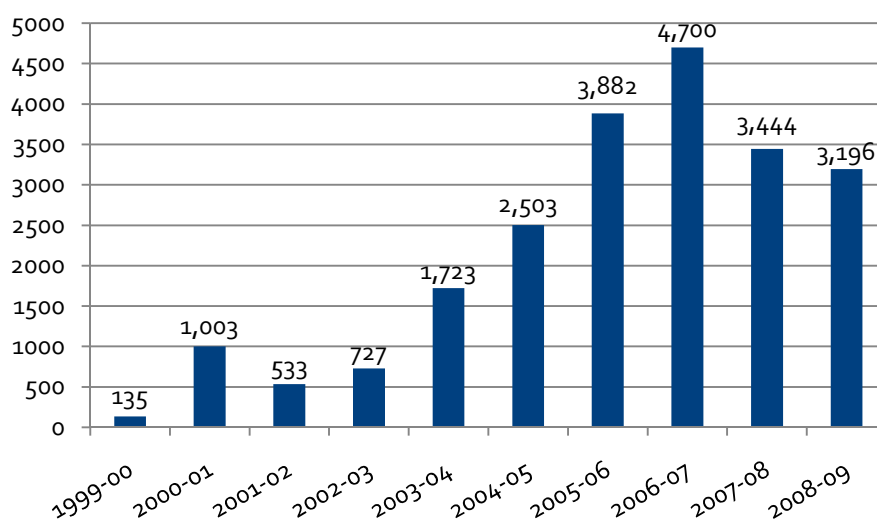
⁹ *See, e.g.*, OREGON DEPARTMENT OF EDUCATION, http://www.ode.state.or.us/opportunities/grants/nclb/title_iii/definitionofsife.pdf (last visited May 3, 2010).

B. Reviewing the Numbers: Data on New York City's SIFE

Recent efforts by the DOE to better understand the needs of SIFE have yielded some basic information about SIFE in New York City.¹⁰ Roughly one out of every ten ELLs is a SIFE,¹¹ with a total of 15,410 SIFE identified in New York City as of the fall of 2009.¹² SIFE make up 1.44% of all New York City students.¹³

The number of new SIFE who enter New York City each year has risen overall since 2001-02, reaching a high in 2006-07 and stabilizing between 3,000 and 3,500 new students a year in recent years (see Figure 1).¹⁴

Figure 1. Newly Identified SIFE



¹⁰ Despite NYSED's initiative to define SIFE, it does not currently collect any data on SIFE at the state level. The only SIFE data collected in New York is by the New York City Department of Education. E-mail from Pedro Ruiz, Coordinator, Office of Bilingual Education & Foreign Language Studies, New York State Education Department to Deycy Avitia, Director of Advocacy & Organizing, New York Immigration Coalition (Dec. 10, 2009) (on file with author).

¹¹ The percent of ELLs who are SIFE has risen overall since 2001-02, but it has stabilized at around 10-11% since 2005-06. OFFICE OF ENGLISH LANGUAGE LEARNERS, NEW YORK CITY DEPARTMENT OF EDUCATION, NEW YORK CITY'S ENGLISH LANGUAGE LEARNERS: DEMOGRAPHICS 12-13 (2008) [hereinafter 2008 ELL DEMOGRAPHICS REPORT]; see also 2009 ELL DEMOGRAPHICS REPORT, *supra* note 1, at 11.

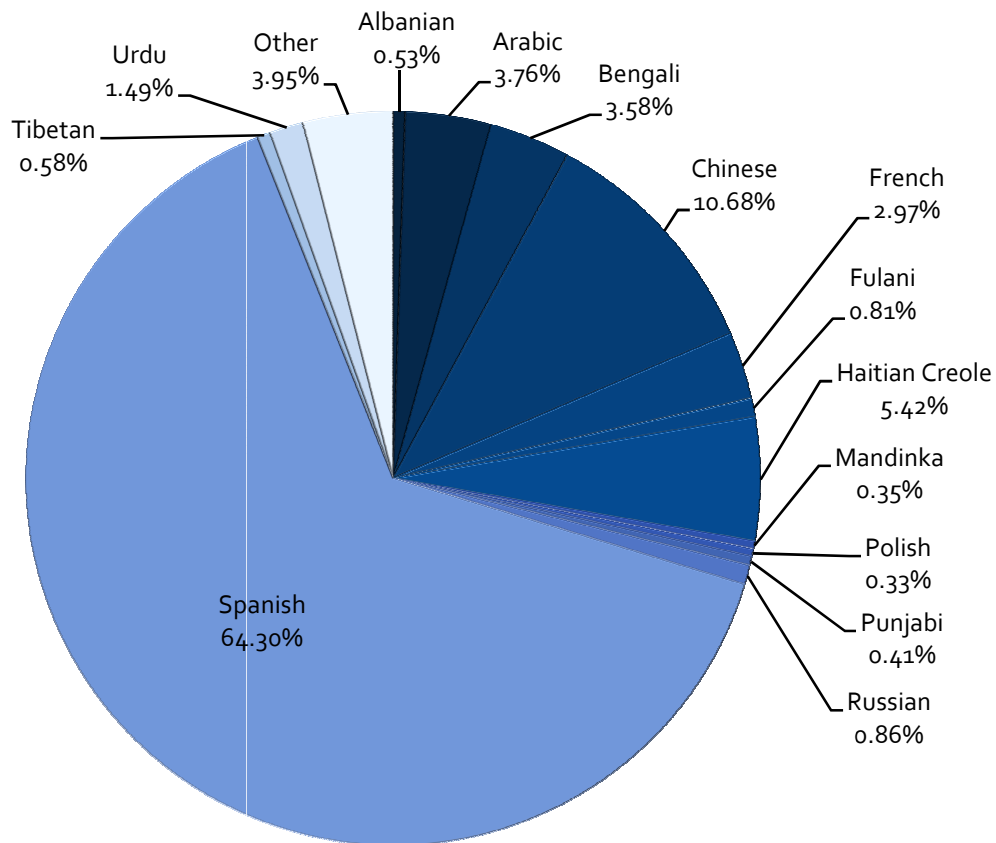
¹² Letter in response to Freedom of Information Law request from Joseph Baranello, Central Records Access Officer, New York City Department of Education, to author (March 29, 2010) (on file with author).

¹³ *Id.*

¹⁴ OFFICE OF ENGLISH LANGUAGE LEARNERS, NEW YORK CITY DEPARTMENT OF EDUCATION, THE STUDENTS WITH INTERRUPTED FORMAL EDUCATION (SIFE) INITIATIVE, YEAR END REPORT 1 (2007) [hereinafter SIFE INITIATIVE 2007]; 2008 ELL DEMOGRAPHICS REPORT, *supra* note 11 at 12; 2009 ELL DEMOGRAPHICS REPORT, *supra* note 1, at 11.

While the majority of SIFE, 64%, are Spanish speakers (mostly from the Dominican Republic), nearly 40% are non-Spanish speakers.¹⁵ Other languages well represented in the SIFE population include Chinese, Haitian Creole, Arabic (a majority from Yemen), and Bengali.¹⁶ There are also increasingly more new SIFE from lesser-spoken language groups, especially Tibetan, Fulani, and Mandinka (see Figure 2).¹⁷

Figure 2. SIFE by Home Language, 2009-10



Source: Analysis of data from New York City Department of Education received in response to Freedom of Information Law request by Advocates for Children (March 29, 2010) (on file with author) [hereinafter DOE FOIL response 2010]. Data is as of Oct. 31.

SIFE attend school in each of the five boroughs. In the 2009-10 school year, the Bronx and Brooklyn had the largest number of SIFE. Within each borough, certain districts have larger percentages of SIFE. For example, in the 2009-10 school year, high percentages

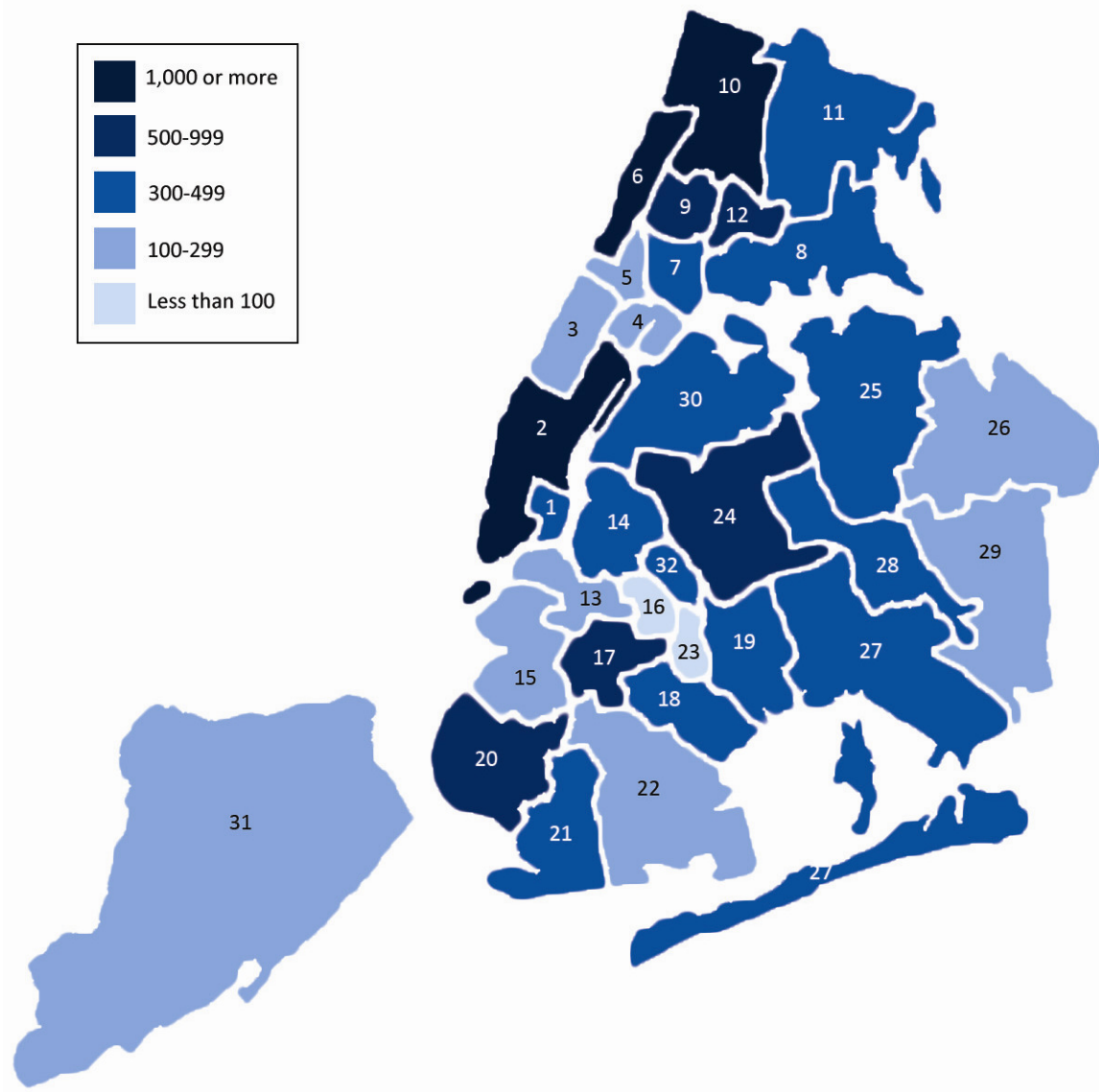
¹⁵ 2009 ELL PERFORMANCE REPORT, *supra* note 2, at 20.

¹⁶ 2009 ELL DEMOGRAPHICS REPORT, *supra* note 1, at 11.

¹⁷ 2009 ELL PERFORMANCE REPORT, *supra* note 2, at 20.

of SIFE were seen in Districts 2 and 6 in Manhattan, District 10 in the Bronx, and District 24 in Queens (see Figure 3).¹⁸

Figure 3. Number of SIFE per school district, 2009-10



Source: DOE FOIL response 2010

¹⁸ Analysis of data from New York City Department of Education received in response to Freedom of Information Law request by Advocates for Children (March 29, 2010) (on file with author). Data is as of Oct. 31 of a given school year.

SIFE enter the system at the elementary, middle, and high school levels. In 2009-10, 39% of SIFE were in grades 3 through 8. The rest, 61%, were in high school, with the largest number in grades 9 and 10 (see Table 1).

Slightly more than half (56.5%) of SIFE are male, while 43.5% are female.¹⁹

Available data on the outcomes and performance of SIFE—including acquiring English proficiency, performance on state exams and graduation rates— show that SIFE performance is significantly lower than that of other ELLs, who are already performing poorly compared to their peers. In terms of acquiring English proficiency, SIFE often take longer than other ELLs to become proficient in English.

In 2009, a SIFE exiting ELL status (an indication of English proficiency) in ninth grade needed an average of 4.6 years of English instruction or ELL services as compared to an average 3.5 years for ELLs overall.²⁰

On the 2008 state English Language Arts (ELA) and Math exams, SIFE performed significantly worse than ELLs without high needs (i.e. ELLs who are not long-term, SIFE or ELLs with special education needs). For example, only 17.5% and 49.5% of SIFE met standards on the fourth grade ELA and Math exams, respectively, as compared to 34.3% and 70.1% for ELLs without high needs. Similarly, only 4.5% and 41.1% of SIFE met eighth grade ELA and Math exam standards, respectively, as compared to 6.8% and 52.3% for ELLs without high needs (see Figure 4).

Table 1. Number of SIFE per grade, 2009-10

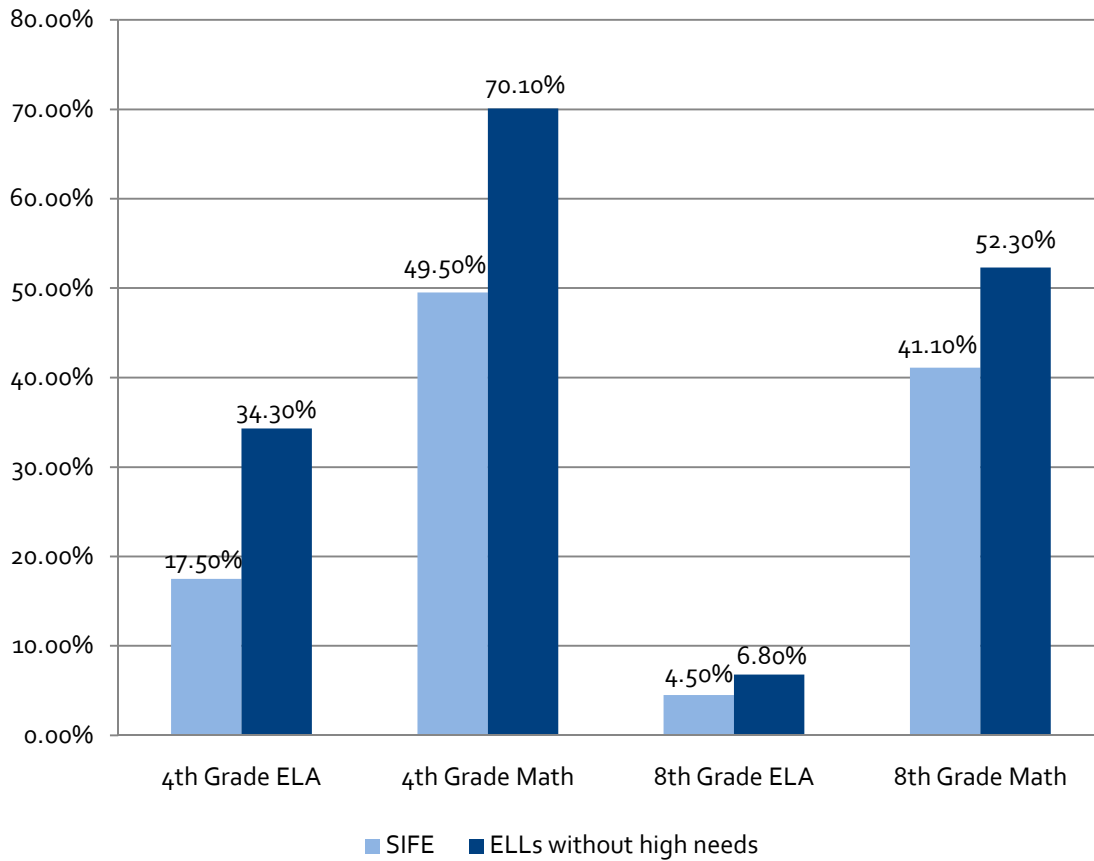
Grade	Number of SIFE	Percentage of all SIFE
3	458	3.0%
4	676	4.4%
5	891	5.8%
6	1,041	6.8%
7	1,351	8.8%
8	1,619	10.5%
9	2,889	18.7%
10	3,108	20.2%
11	1,751	11.4%
12	1,626	10.6%
TOTAL	15,410	100%

Source: DOE FOIL response 2010.

¹⁹ *Id.*

²⁰ 2009 ELL PERFORMANCE REPORT, *supra* note 2, at 22.

Figure 4. ELLs meeting 4th grade and 8th grade state exam standards



Source: OFFICE OF ENGLISH LANGUAGE LEARNERS, NEW YORK CITY DEPARTMENT OF EDUCATION, DIVERSE LEARNERS ON THE ROAD TO SUCCESS: THE PERFORMANCE OF NEW YORK CITY'S ENGLISH LANGUAGE LEARNERS 19 (2009) [hereinafter 2009 ELL PERFORMANCE REPORT].

The DOE has not released data on SIFE performance on Regents exams or SIFE graduation rates, and DOE officials have stated that they do not currently calculate SIFE graduation rates.²¹ A newspaper article citing the DOE as its source, however, puts the 2007 graduation rate at 29%.²² But a 2006 study done by the City University of New York Graduate Center's Research Institute for the Study of Language in Urban Society (RISLUS) reports a one-to-two percent graduation rate for SIFE in one high school with a large number of SIFE (112 total in grades 9-12).²³ As we detail below, anecdotal evidence from students also suggests a very low graduation rate for SIFE.

²¹ Letter in response to Freedom of Information Law request from Joseph Baranello, Central Records Access Officer, New York City Department of Education, to author (March 10, 2010) (on file with author).

²² Jennifer Medina, *In School for the First Time, Teenage Immigrants Struggle*, N.Y. TIMES, January 24, 2009.

²³ ELAINE C. KLEIN & GITA MARTOHARDJONO, UNDERSTANDING THE STUDENT WITH INTERRUPTED FORMAL EDUCATION (SIFE): A STUDY OF SIFE SKILLS, NEEDS AND ACHIEVEMENT. REPORT BY RESEARCH INSTITUTE FOR THE STUDY OF LANGUAGE IN URBAN SOCIETY, CUNY GRAD CENTER (RISLUS) TO THE OFFICE OF ENGLISH LANGUAGE LEARNERS, NEW YORK CITY DEPARTMENT OF EDUCATION 4 (2006) [hereinafter NYC SIFE 2006].

C. TAKING A CLOSER LOOK

Over the past few years, Advocates for Children (AFC), Flanbwayan Haitian Literacy Project (Flanbwayan), Sauti Yetu Center for African Women (Sauti Yetu), YWCA of Queens Youth Center and other community-based organizations that work with immigrant students have worked with a number of SIFE. We have struggled to find programs and services for these students that can effectively engage and educate them. We found that there are few schools in New York City that can provide these students with an appropriate education, and when they are placed in a school without the supports and services they need, they make little progress and eventually drop out of school.

This paper draws heavily on the individual stories and experiences of SIFE and uses them to frame and analyze New York City's efforts to meet the needs of SIFE. In addition to the stories of individual students, we use interviews with school staff, existing research on New York City's SIFE population, and data provided by the DOE in response to several Freedom of Information Law requests. By providing a more detailed look at SIFE in New York City, we hope to contribute to the efforts that have been made thus far by New York City and New York State to address the needs of these students and suggest directions for future efforts.

II. BEYOND NUMERICAL DATA: PORTRAITS OF NEW YORK CITY'S SIFE

In this section, we examine the experiences of SIFE whom AFC, Flanbwayan, Sauti Yetu and YWCA of Queens have tried to assist. All four groups work directly with students and their families to help them navigate the public school system and find the programs and services they need to succeed in school.²⁴

A. Meeting the Students

Below are the stories of students with whom we have worked. Their experiences of education in their native countries, their migration to New York and the challenges they faced upon arrival in New York City provide a backdrop for the struggle that begins when they enter our city's schools.

Elementary School & Middle School

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Zhen was 8 years old when he moved to New York City from China to reunite with his parents in 2006. Zhen's parents had migrated to the United States before him, and after their departure, Zhen lived with his grandparents in the Fujian province. Zhen never attended school before coming to the United States and was unfamiliar with school culture. In addition to being illiterate, Zhen had difficulty holding a pencil and had trouble sitting in his seat and paying attention. When Zhen arrived in New York, he was enrolled in the fourth grade at a local elementary

²⁴ AFC provides information, advocacy and legal representation to individual students and families in all five boroughs of New York City to help them with education-related problems. AFC received these cases through referrals from community-based organizations, foster care agencies and our citywide helpline. Flanbwayan is a youth membership organization serving newcomer and young adult Haitian immigrant students in New York City who are ELLs between the ages of 14 to 21. Introduced to Flanbwayan through its community outreach efforts, such as flyers and a weekly Haitian radio program, families and students in the Haitian community seek out this organization to assist with their educational needs. Sauti Yetu Center for African Women, whose name means "Our Voice" in Swahili, is a community-based nonprofit organization that seeks to inspire African immigrant women and girls to individual and collective self-empowerment. Sauti Yetu's Girls' Empowerment & Leadership Initiative is a youth program that promotes safe and healthy transitions into adulthood for African immigrant adolescent girls and their families. An affiliate of the worldwide YWCA and the YWCA of the USA, the YWCA of Queens is a nonprofit social service organization that provides community members and underserved populations opportunities for personal growth through enriching, empowering and educational services. Through its programming, it strives to strengthen women and their families, as well as serve as a bridge to the mainstream culture and community for immigrants in the most diverse borough in the city.

school and was placed in a dual language program in an integrated class (grades 3 through 5).²⁵ The languages of instruction were Mandarin, Cantonese, and English, but Zhen’s native language is Fujianese. The school attempted to give him individualized support and asked other students in the class to translate lessons into Fujianese for him, but they were unable to support his literacy and native language needs. After a year in school, Zhen had made little progress and still struggled with the alphabet.

The following year, Zhen was placed in a self-contained special education class where he received more individualized instruction, as he was one of only ten students. Here Zhen made more progress and eventually graduated from elementary school after repeating a grade.

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Isabel was 11 years old when she moved to New York City from Mexico with her family in 2005. Isabel and her family are members of the Mixtec community, an indigenous people from the rural mountainous states of Oaxaca, Puebla, and Guerrero in Southern Mexico. Isabel’s family lived in Platanal, a small town in the Guerrero state where Spanish is not spoken. Isabel’s native language is Mixteca which, until recently, was not established as a written language. Isabel received no formal education in Mexico and never learned enough Spanish to have a basic conversation.

When Isabel arrived in the United States, her family enrolled her in the local middle school that placed her in a sixth-grade Spanish/English bilingual classroom. Having received no formal education in Mexico, Isabel was unable to read or write in any language. In class, Isabel pretended to understand her work, but was completely lost. She consistently scored in the lowest percentile of the annual New York State English as a Second Language Achievement Test (NYSESLAT)²⁶ and had trouble with homework assignments because she could not understand the work. In fact, it was rare that she was able complete assignments at all. Isabel repeated the seventh grade twice.

²⁵ As was the case with Zhen, most incoming elementary and middle school students we profiled enrolled directly in the elementary or middle school they were zoned to attend based on their address. New York City Department of Education, Registration for New Public School Students at <http://schools.nyc.gov/ChoicesEnrollment/NewStudents/default.htm>. See also New York City Department of Education, Regulation of the Chancellor A-101 II. D. (June 29, 2009), available at <http://docs.nycenet.edu/docushare/dsweb/Get/Document-11/A-101%20Final.pdf>.

²⁶ The NYSESLAT is administered to ELLs each year to determine English proficiency. If students achieve a minimum score on the NYSESLAT, they exit ELL status. See <http://schools.nyc.gov/Accountability/YearlyTesting/TestInformation/NYSESLAT.htm>.

Despite her desire to learn, Isabel began to disengage after years of making no progress in school. At age 15, still in middle school, Isabel stopped attending school regularly and said that she wanted to drop out and find a job. At age 17, Isabel's sister, who is also a SIFE and attended the same middle school as Isabel, dropped out of the eighth grade to clean houses. A social worker who was seeing Isabel for her asthma took an interest in helping to resolve her school-related problems, and in 2009, this social worker arranged for Isabel to be evaluated by a bilingual (Spanish/English) education professor. The evaluator concluded that Isabel's literacy levels at age 15 were, at best, that of a kindergartener.

After AFC became involved and advocated with the school's principal, Isabel was promoted from the eighth grade so she would be able to attend an International School. Isabel is now enrolled in International Community High School in the Bronx. Since Isabel has been enrolled in high school, her sister has expressed interest in going back to school. Unfortunately, she is several years older and has not been promoted from the eighth grade.

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Cristian moved to New York City from the Dominican Republic in 2004 when he was 11 years old. In the Dominican Republic, Cristian attended school on a very inconsistent basis and repeated the second grade several times. Cristian stopped attending school in the third grade and eventually moved to the United States to live with his mother. When Cristian entered the school system, he was placed in the sixth grade in a middle school in Brooklyn. He was able to read simple books in Spanish and knew how to add and subtract, but was well behind for his age. Cristian attended this school for two years. The school reports that Cristian was identified as a SIFE by the school after he arrived there and was offered an extended day program and a Saturday Academy. Cristian struggled with his classes daily, however. At that time, Cristian and his family were living in a shelter in a neighborhood unfamiliar to them. Because of his discomfort with the neighborhood and his extreme frustration with his classes during the day, Cristian did not attend any of the after-school and weekend SIFE programs. In 2007, he was classified as learning disabled and recommended for a self-contained special education class. Cristian then returned to the Dominican Republic for most of the 2007-08 school year.

In the spring of 2008, Cristian returned to New York City and was enrolled in a middle school in Queens at age 15. He continued to be placed in a self-contained special education classroom. Despite advocacy for a bilingual classroom, the school felt that Cristian's special education needs were a higher priority than his language needs.

In his fifth year of middle school and repeating the eighth grade for the third time, Cristian became extremely frustrated at his lack of progress and stopped attending school. AFC contacted the DOE to try and find a SIFE program for him, but the DOE was able to offer only a high school with SIFE programs and did not provide information about any middle school programs that could accommodate his needs.

After advocacy efforts by AFC, Cristian was promoted to high school so that he could find a more appropriate program. Cristian currently attends Passages Academy, a school for students in the custody of the Department of Juvenile Justice. Until Cristian is released, he will not receive any SIFE supports. In addition, a recent check of current DOE records indicates that Cristian was never formally identified as SIFE in the DOE's computer system despite his former school's assertions.

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Victor was 12 when he moved from the Dominican Republic to New York City with his mother and siblings in 2006. Victor's school difficulties began as soon as he was enrolled in the New York City school system. In fall 2006, Victor was enrolled in the 6th grade at a local school in Washington Heights. Victor's school noticed that he was experiencing learning difficulties, and he was referred for a special education evaluation in early 2007. Victor was classified as Learning Disabled and placed in a full-time special education class. He also received counseling. However, when his family moved to the Bronx in 2007, Victor was placed in a general education class because there was no appropriate special education class at his new school.

Victor gets excited when he performs well in school, but often gives up when tasks become difficult. As he continued to struggle in school, he became increasingly frustrated. In 2007, Victor began to skip school frequently because of his difficulty in keeping up with the work. As a result, the school reported Victor's mother to child welfare authorities. Victor's mother decided to send Victor back to the Dominican Republic to live with his father, but Victor requested to return to New York to be with his mother and siblings. In the fall of 2008, Victor returned to New York and began attending a new school that had a special education class.

In 2008, Victor acted in self-defense during a fight outside of school, which resulted in juvenile detention. Victor became extremely depressed while in detention and attempted suicide. Victor is no longer in detention, but he is currently 16 years old and still in middle school.

High School

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Mohamadou was 12 when he migrated from Mali to the United States with his uncle in 2001. Mohamadou never had a positive educational experience in Mali and lacked proficiency in his native languages, Bambara and French. When Mohamadou's uncle kicked him out, Mohamadou was homeless at the age of 13 in a city that was unfamiliar and where very few spoke his native language. He entered the homeless shelter system and then was placed in foster care. His foster home enrolled him in a large high school in Manhattan where he was placed in the ninth grade.²⁷ He attended this school for a year, but he made little academic progress and was the target of bullies. With AFC's assistance, he was transferred to a high school for newcomers in Manhattan. Due to his inadequate literacy skills, school continued to be a significant challenge for him. AFC continued to offer assistance, but Mohamadou lost interest in school and stopped returning our calls.

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In 2007, brothers Renaud, then age 17, and Rene, then age 18, arrived in the United States from Haiti. Both Renaud and Rene attended primary school in Haiti and managed to complete the sixth grade, though not without great difficulty. Since public schools are not always available in their home country, the brothers were only able to attend school when their parents could afford it. In addition, the boys were often absent because they shared the responsibility of caring for their disabled mother. Renaud and Rene struggled and fell behind. To avoid repeating grades, their parents would register them at a new school if they were not promoted.

Though Renaud and Rene had technically reached the seventh grade by the time they arrived in the United States, they could only write their names and were otherwise functionally illiterate in their native language of Haitian Creole. Flanbwayan's efforts to find a high school that would take the brothers and teach them basic literacy were unsuccessful. Renaud and Rene ended up enrolling in a French GED program. They dropped out a few months later because they could not understand or keep up with the work.

²⁷ At the time, high school students enrolling mid-year were only entitled to attend their zoned high schools. See New York City Board of Education, Regulation of the Chancellor A-101 (Sept. 9, 2000). This is where Mohamadou went. Now, new high school aged students would go to a Borough Enrollment Office in order to find a high school placement. New York City Department of Education, Registration for New Public School Students at <http://schools.nyc.gov/ChoicesEnrollment/NewStudents/default.htm>. See also New York City Department of Education, Regulation of the Chancellor A-101 II. G. (June 29, 2009), available at <http://docs.nycenet.edu/docushare/dsweb/Get/Document-11/A-101%20Final.pdf>.

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Amzatou was 16 in 2006 when she arrived in New York from the Ivory Coast to join her father and his new family. Although Amzatou attended school regularly as a young child, she stopped after being assaulted on the way to school at age 10. Thus, when she arrived in New York, she could speak French and other languages fluently but could not read or write in any language. In fact, she could only name the letters of the French alphabet. Because one of her stepsisters attended a high school specifically designed for recent immigrants, Amzatou’s family enrolled her in the same school, which receives additional SIFE funding.

Since arriving, Amzatou has worked tirelessly to catch up to her peers. She takes every opportunity to get extra help with her schoolwork. She attends the Saturday Academy offered by her school, gets mentoring and other assistance from Sauti Yetu, and actively seeks assistance from staff at her school. Last year, in an effort to provide her with more support, Amzatou’s school evaluated her and found her eligible for special education services (though she is not currently receiving any). Due to Amzatou’s hard work and persistence since her arrival, she has made significant progress and is now reading and writing on at least a second-grade level. Despite this progress, Amzatou despairs at how far behind she is. In addition, because it will take her longer to finish school, her father told her he can no longer support her financially. He pressured her to enter into an arranged marriage so that she could be supported by a much older man should she fail to graduate. After negotiating with her father, Amzatou agreed to get engaged to a man of her choosing while she attempted to complete her high school diploma and obtain a job that would allow her to provide for herself. Struggling under the pressures to study hard, graduate, and earn an income, Amzatou nearly had a nervous breakdown last year.

Amzatou is currently 20 years old and taking Regents prep classes, but her books and materials are at a reading level she cannot understand. She is hopeful she will get a high school diploma so that she will not have to marry before she is ready and can have more options and opportunities in the future.

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Luis is from Guatemala, where he attended school, but very inconsistently. When his parents died, he was encouraged to move to New York City to live with extended family. In 2004 at age 15, Luis arrived in New York City on foot from Guatemala. Luis had a difficult experience traveling to the United States and was physically beaten along the way. At first he lived with a cousin in Brooklyn, but life with his cousin was tumultuous, and Luis did not attend school for almost a year. He was eventually kicked out of his cousin’s house. Luis ended up on the

street at 16 years old. In 2005, police officers found him on the street, inebriated and with broken ribs, and he was placed in foster care. A foster care agency helped Luis enroll in high school based on his age.

Luis's native language is Spanish, but due to the very inconsistent formal education he received in Guatemala, Luis arrived in the United States unable to read and write in any language. Luis attended a high school that received a SIFE grant for four years, including the time period when he attended the school, yet Luis was not identified as a SIFE or given services to help him improve academically. Luis was miserable at school because he was not making any progress and felt embarrassed to be with the other younger students. He repeated the ninth grade twice, failing all of his classes and earning no credits.

Luis was referred for a special education evaluation in 2007. He was classified as learning disabled in math and placed in a general education setting with bilingual resource room ten periods a week. Because of the shame he felt due to his academic failures, Luis stopped attending high school. In fact, he refused to attend any school program. After much effort, AFC was able to enroll him in a bilingual GED program. This program, too, proved difficult for Luis, and he eventually stopped going.

X A V I E R

Xavier first became homeless at age 7 when he ran away from home in Honduras after finding out that his family was not his biological family. At that young age, Xavier succeeded in locating his biological father only to find that he abused drugs and alcohol. Xavier spent the next few years homeless in Honduras, Mexico and the United States as he tried to find his biological mother. By the time Xavier eventually made his way to New York City at the age of 15, he had received a total of about one month of schooling many years ago in Honduras.

When Xavier arrived in New York in 2003, he could not find his mother, a means of supporting himself or a place to live. Homeless once again, Xavier was eventually placed in foster care. His caseworker asked the DOE to place him in a bilingual middle school class, but because of his age, he was told to enroll in a Staten Island high school²⁸ that had no bilingual program. When the caseworker went with him to the high school, the school did not know what to do for him because he was illiterate in Spanish and they did not think an English as a Second Language (ESL) class would make sense for him. The school therefore encouraged the social worker to ask for an evaluation to determine if he needed special

²⁸ As in Mohamadou's case, the DOE followed its standard procedure and placed Xavier in the high school for which he was zoned based on his address. See New York City Board of Education, Regulation of the Chancellor A-101 (Jan. 13, 2003).

education services and immediately assigned him a Spanish-speaking paraprofessional to translate for him in his ESL class. A counselor met with him sporadically to try to teach him the alphabet in Spanish. He was never properly identified as a SIFE.

Despite the school's initial efforts, Xavier was unable to do the class work. A few months later, Xavier was evaluated for special education services. The evaluator found that Xavier's vocabulary in Spanish was very limited. He was unable to read and write in Spanish and knew very few words in English. Xavier's scores on various tests placed him in the mentally retarded range. He was, however, classified as learning disabled as the supervisor of his group home did not think he was mentally retarded because of his ability to live relatively independently. Xavier was then given an Individualized Education Program (IEP) that called for a self-contained high school special education class with additional speech and counseling services. Xavier never actually received speech and language services and did not always receive counseling services.

In 2005, after a year at his first school, Xavier was transferred to a new group home and enrolled in another high school on Staten Island. At this new school, he was again given a bilingual paraprofessional and was placed in special education classes with ESL services. He continued to struggle in school.

In 2005, Xavier's IEP was changed to classify him as mentally retarded rather than learning disabled. With his new classification, Xavier became eligible to attend a private program that promised to help him develop life skills. A school staff member commented at the time that, had Xavier been identified as a SIFE from the beginning, he would have received more appropriate services.

After AFC advocated successfully for individual bilingual tutoring, speech therapy, and placement in a private school program, Xavier made some academic progress and improved his literacy skills. When Xavier was ready to leave his special education setting at the age of 20, he found that no DOE programs would work with him because he was too old. He enrolled in a vocational program to learn carpentry skills. Xavier has now aged out of public school system and is experiencing drug abuse problems.

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Delon was 17 years old when he migrated to New York City in April 2009 to live with his aunt. Delon is originally from Haiti, but left with his mother at a young age to travel throughout the Caribbean islands. Delon's mother was working as a merchant, and though she would sometimes enroll him in school, the family moved often so Delon could not attend regularly and therefore did not complete many years of schooling. Delon learned some English in his travels to English-speaking Caribbean islands, but never learned to read or write in any language. When Delon arrived in the United States, he did not know his birthday, his age, or how to count. A few weeks after arriving, Delon went to a Borough Enrollment Office and was placed in a high school in Brooklyn that was in its last year of phasing out. Since enrolling, Delon has made no progress in improving his literacy skills and has joined a gang.

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Hennrick was 17 when he entered the United States with his father in 2006. Hennrick had completed the equivalent of the seventh grade in Haiti and was able to read and write a little in Haitian Creole. However, Hennrick had repeated a few grades and did not attend secondary school in Haiti because his parents could not afford to pay for more schooling. With the help of Flanbwayan, Hennrick enrolled in a transfer school (a public school targeting overage, under-credited students) that serves ELLs. The school had extended hours and newcomer programs for ELLs, but even with these additional supports, Hennrick felt isolated at school and overwhelmed by the work. Hennrick attended the school for two years, but made no progress learning English or improving his literacy skills. Hennrick eventually left school because of his inability to engage in the classroom environment, and he is no longer attending school.

B. Identifying their Needs

A review of our SIFE cases shows students with poor or no literacy skills in any language, who are well behind in content knowledge for their age, and who pose great challenges for educators. In addition, many SIFE also have complex social and psychological needs due to traumatic migration experiences, frustrations with their academic delays vis-à-vis their peers, a lack of familiarity with school culture and isolation in school. To further complicate matters, a number of the SIFE we profiled had unstable living conditions, lived with relatives or friends instead of their parents, or were homeless or in foster care. Some SIFE were also classified as students with disabilities. Not surprisingly, these students, with their complex needs, often fail to get the support they require in school, make little or no progress, quickly become overage and eventually drop out of school.

Behind their peers

In all the cases we presented, SIFE had little-to-no literacy skills in any language and very limited or inconsistent experience attending school. They present a different challenge, therefore, from other immigrant students or ELLs, who are more or less on par with their peers in their native language. SIFE need more than English language support to make educational progress.

A study of twelve SIFE in the ninth grade in New York City high schools confirms what we saw in these cases.²⁹ The study indicates that, in addition to very low academic content knowledge, SIFE generally lack foundational skills required for academic work in English, as their academic reading vocabulary and reading comprehension in their native language are very low (generally four grades below grade level).³⁰ A follow-up longitudinal study of 98 new Spanish-speaking SIFE in five New York City high schools (hereinafter SIFE longitudinal study) concludes that this lack of native language literacy skills hinders students' development of English literacy, and thus SIFE have even more difficulty acquiring English than more typical ELLs.³¹

Notably, almost none of the SIFE students profiled here was steered toward or advised of specific SIFE programs or resources upon enrollment, and few were properly identified as SIFE by school staff. Almost all of the schools in which SIFE were placed were unprepared to address their intensive needs and lack of experience with a formal school environment.

Needing psychological and social support

As many of our cases indicate, SIFE often have intensive social and emotional needs as well as academic ones. These needs stem from their lack of experience in a formal school setting, their academic difficulties in New York schools, and for some, the traumatic experiences and unstable living conditions they had in their native countries and in the United States. Many of our clients required counseling or other supports, but few received them. When they did not receive these supports, they became disengaged with school and had behavioral issues in and outside of the classroom. A number left school as a result.

Some of the SIFE with whom we worked who had very little prior school experience had significant trouble adjusting to a formal school setting and participating in group activities. Zhen had never attended a formal school setting. When he entered elementary

²⁹ NYC SIFE 2006, *supra* note 23.

³⁰ *Id.* at 25-26.

³¹ Leigh Garrison-Fletcher, Carolina Barrera-Tobon, Teresa Fredericks, Elaine Klein, Gita Martohardjono, Edmund O'Neill & Rocío Raña (2008). *Desarrollo de la alfabetización entre los estudiantes latinos de la ciudad de Nueva York* [Literacy development among New York City Latino students], ACTAS DEL XV CONGRESO INTERNACIONAL DE ALFAL, Montevideo, Uruguay, Aug. 18-21, 2008 at 22.

school, he had trouble with what was expected of him in a classroom – sitting in his seat and paying attention. Renaud and Rene also had trouble with social integration when they arrived in the United States. Even in non-school settings, they could not participate in group activities.

Aside from integrating into a school setting, almost all of the students had intensive emotional needs stemming from their academic challenges. While research indicates that SIFE enter the New York City schools with very high expectations, including plans to get a high school diploma,³² they soon become discouraged. Almost all of the students with whom we worked felt isolated in school, embarrassed about being so far behind their peers, self-conscious about their lack of progress, and overwhelmed by the struggle to adjust to school settings and activities. On the whole, school was an alienating place where they had few or no experiences with success. For example, Cristian was 16 years old in middle school. He was unable to complete assignments that much younger students finished with ease, and he was extremely uncomfortable in school and embarrassed to be there. Hennrick had significant problems in the transfer high school he attended because he could not engage in the classroom environment. Furthermore, he had such low literacy skills that he made no progress in two years. After years of frustration, he felt isolated and overwhelmed, and with the encouragement of school staff, he left school. Victor immediately experienced difficulty in school and became frustrated and suicidal. Amzatou's emotional needs stemmed from the pressure she put on herself and the pressure from her family to graduate from school so that she could be financially independent. While she has made some progress in her four years in high school and has had the support of school staff, she is still very far from obtaining a high school diploma. The pressure, the years of hard work, and the elusiveness of a diploma nearly caused a nervous breakdown.

Significantly, it is common for the SIFE with whom we worked to have suffered significant trauma in their native countries, during migration, and after arriving in the U.S. These children and young adults set out to find relatives or other connections in New York, arrived alone or soon found themselves alone, and ended up homeless or in the foster care system. Some were first enrolled in school by foster care caseworkers or social workers, but the continued instability in their living situations only added to the trauma they had already experienced, making it even harder to meet their emotional needs. For example, Luis and Xavier lost or discovered the loss of their biological parents at a young age and lived with various family members who were not well-equipped to care for them in Guatemala and Honduras, respectively. They each traveled to the U.S. on their own and largely on foot, suffering physical abuse and exposure to extreme danger along the way. After coming to New York City to find family members, they became homeless and ended up in foster care as teenagers. Like Mohamadou, who also become homeless in New York and entered foster care, Luis and Xavier changed foster homes and placements a number of times after entering care.

³² NYC SIFE 2006, *supra* note 23 at 15.

Identified as students with disabilities and placed in special education

Even though the SIFE longitudinal study found little evidence that the vast majority of these students had a language disability, reading disability or memory problems,³³ *half* of the students with whom we worked – Zhen, Luis, Cristian, Xavier, Victor and Amzatou – were eventually identified as needing special education services. Xavier and Victor were referred for special education evaluations soon after they enrolled in school without being screened for SIFE status. Zhen, Luis and Cristian were referred and identified as students with disabilities after making little academic progress for a year or more, without first receiving services to specifically address their low native language literacy levels. Amzatou’s referral to special education seemed to be an attempt to get her services that her school did not have. This pattern raises questions about whether these students actually had disabilities, or whether SIFE are routinely misclassified due to their low literacy levels and the apparent lack of alternatives for intensive literacy support.

As outcomes for students receiving special education services are even more dismal than those for ELLs,³⁴ misidentification of SIFE as students with disabilities is cause for great concern. A few of these students may have made some progress in special education settings, but greater attention should be paid to whether these gains were due to services or interventions that would benefit students with and without disabilities, such as smaller class sizes or specialized literacy instruction.

Failing to make progress, becoming overage and dropping out

As these cases illustrate, when SIFE enter New York City schools, they are often not identified as SIFE, not placed in appropriate classes, and not given the support they need to be successful in school. As a result, they find school extremely challenging and make little progress, which often leads to dropping out of school. All of the students highlighted in this paper were held back or entered high school overage. They ended up in classroom settings with students who were younger than they were but more academically advanced, causing them to feel frustrated with their delays.

Almost all of the SIFE who entered in high school eventually dropped out. Despite attending a high school for older immigrant students, Henrick still felt isolated and overwhelmed, and he left school after a year and a half. Xavier attended a number of different high schools, including a special education private school, but by the time he made enough progress to return to a less segregated setting, he was 20 years old and no DOE programs would admit him because of his age. Luis, Renaud and Rene tried GED programs after unsuccessful attempts to attend high school, but they all lacked the basic skills to

³³ Garrison-Fletcher et al., *supra* note 30, at 22.

³⁴ Only 25% of students with special education needs graduate in four years. NYC GRADUATION RATES CLASS 2009, *supra* note 5, at 10.

prepare for the exam and dropped out. Amzatou is the only student who entered in high school who is still attending, and she may soon age out before she can earn the credits she needs to graduate.

Isabel, Victor and Cristian all entered in middle school, and they have been held over multiple times. Isabel came very close to dropping out of middle school to find a job, as her sister did. Cristian also stopped attending school regularly after spending five years in middle school. With AFC's assistance, Isabel and Cristian were both eventually promoted from the 8th grade so that they could attend high schools where more appropriate services and supports were offered. Victor is still in middle school at age 16.

Research conducted on SIFE supports the trends we saw in our cases. Professor Elaine Klein at the City University of New York was one of the principal investigators, along with Gita Martohardjono, of the SIFE longitudinal study research team. When the team tried to locate the 98 students in the study after a year had passed, they could only find 49 of them.³⁵ According to Professor Klein, the other students had left school, returned to their home country or disappeared.³⁶

³⁵ Garrison-Fletcher et al., *supra* note 30, at 16.

³⁶ Medina, *supra* note 22.

III. PRIORITIES FOR REFORM

In 2003, the Office of English Language Learners of the DOE launched a SIFE initiative to fund schools with large SIFE populations and collaborate with local researchers to improve SIFE identification, assessments and policies.³⁷ This initiative focused on several areas: 1) funding research on the SIFE population in New York City; 2) developing a tool to identify SIFE based on this research; 3) identifying academic interventions for SIFE and 4) dedicating funding for schools to develop targeted SIFE programming and support services. In contrast with this initiative's focus on creating specific programming for SIFE in certain schools, the DOE has recently articulated the goal of building the capacity for all schools to serve SIFE. In a recent meeting with staff from the DOE's Division for Students with Disabilities and English Language Learners, which includes the Office of ELLs, staff emphasized that, while all schools have always been required to create a plan to serve SIFE, as of this year, there is a clearer expectation for all schools to actually create such a plan, whether or not they currently have any SIFE.³⁸ The DOE's ultimate goal is to allow SIFE to attend any school, whether or not that school receives dedicated SIFE funding, and obtain the services and support they need.³⁹

While the DOE's recent initiatives have resulted in the development of a number of tools, resources, and programs to serve SIFE, the students' stories above indicate the need for the DOE to focus on strengthening and clarifying protocols and minimum programming requirements for SIFE system-wide, particularly with regard to identification and assessment of SIFE. These students' experiences in the schools also raise a number of issues and concerns regarding the DOE's current approach toward developing supports and programming for SIFE.

A. Identification of SIFE

In 2005, the DOE commissioned the Research Institute for the Study of Language in Urban Society at the City University of New York (RISLUS) to conduct a yearlong pilot study of twelve SIFE who had recently entered the ninth grade in two high schools. The purpose of the study was to identify and characterize SIFE in New York City and develop tools to properly identify SIFE. When the study was completed in 2006, the authors wrote a report to the DOE, citing the need for a system-wide diagnostic in students' native languages to be used for the identification of SIFE in all New York City schools.⁴⁰ The authors subsequently developed the Academic Language and Literacy Diagnostic (ALLD). The

³⁷ SIFE INITIATIVE 2007, *supra* note 14, at 2.

³⁸ Interview with Rachel Hoff, Coordinator of SIFE Programs, New York City Department of Education, and Angelica Infante, Executive Director of the Office of English Language Learners, New York City Department of Education, in New York, N.Y. (Feb. 25, 2010) [hereinafter DOE interview].

³⁹ *Id.*

⁴⁰ NYC SIFE 2006, *supra* note 23.

ALLD was piloted during the second phase of the research, during which 98 SIFE in five high schools were studied over the course of a year and a half (referred to earlier as the SIFE longitudinal study). The ALLD, in Spanish and English, was introduced for use at all schools at the beginning of the 2008-2009 school year.⁴¹ Schools may use the ALLD to identify SIFE whose home language is English or Spanish, but it cannot yet be used with SIFE who have other home languages.⁴² According to one of the researchers who developed the ALLD, plans are currently underway to develop the ALLD in Haitian Creole and French, with adaptation for use in other languages in the future.⁴³

The DOE intends for the ALLD to be used in conjunction with the standard ELL identification process for all incoming students, including the administration of the Home Language Identification Survey (HLIS) to identify whether a student speaks a language other than English at home, and the Language Assessment Battery-Revised (LAB-R) to determine the student's English proficiency.⁴⁴ According to the DOE, schools should use the parent's responses to questions on the HLIS to determine whether the student may have had an interruption in schooling. Then, schools should use the DOE's Oral Interview Questionnaire to determine whether those interruptions, inconsistencies, or non-parallel schooling experiences amount to a two-year interruption. If so, schools should use the ALLD to determine the students' literacy levels in order for appropriate instruction and interventions to be provided or developed.⁴⁵

Finally, regardless of whether the school uses the ALLD or another method to identify a student as a SIFE, once a student is identified, a notation is supposed to go into the student's file in the Automate the Schools (ATS) computer system. The file with the notation follows the student throughout his or her career in the New York City public schools. This process, administered when a student registers in a New York City school for the first time, is the only point at which a student can be identified as SIFE. Students cannot be identified as SIFE when they arrive at school enrollment centers to be assigned to schools, or if they exhibit difficulties after attending school for a while.

The development of the ALLD has not resolved the gaps and inconsistencies in SIFE identification in the city. It is only available in English and Spanish, and since its citywide introduction last school year, it has yet to be widely or consistently used by schools. According to top DOE staff, individual schools must decide whether to use the ALLD. While

⁴¹ E-mail from Rachel Hoff, SIFE Coordinator, New York City Department of Education (Mar. 3, 2010) (on file with author).

⁴² New York City Department of Education, Office of English Language Learners, Academic Language and Literacy Diagnostic (ALLD) FAQ, Summer 2008, http://schools.nyc.gov/NR/rdonlyres/BF9360C3-9942-48ED-AF83-BA8E85893367/50153/ALLDFAQ_FINAL.pdf (last visited May 12, 2010).

⁴³ E-mail from Dr. Elaine C. Klein, Associate Professor, Queens College and the CUNY Graduate Center (Apr. 11, 2010) (on file with author).

⁴⁴ A student's score on the LAB-R, and, if the student speaks Spanish at home, the Spanish Language Assessment Battery, determine his or her eligibility for ELL services to help him or her learn English. New York City Department of Education, Identification, Eligibility and Programs for English Language Learners, <http://schools.nyc.gov/Academics/ELL/FamilyResources/ELL+Programs.htm> (last visited May 12, 2010).

⁴⁵ DOE interview, *supra* note 37.

the DOE offers monthly information and training sessions on the ALLD to interested school staff who work with ELLs, these sessions are not mandatory.⁴⁶ In practice, even among schools that are affirmatively trying to identify SIFE and meet their needs, there is no uniform method for identifying SIFE, and schools receive little guidance from the DOE in this regard.

Staff at schools with SIFE programs interviewed in December 2009, over a year after the release of the ALLD, report that they are using their own methods to identify SIFE. Most schools we interviewed use a combination of DOE or school-created tests of reading comprehension, writing and literacy skills; family and student interviews or questionnaires; and informal teacher observations and assessments:

At I.S. 195 in Manhattan, students are not usually identified as SIFE before coming to the school. Spanish-speaking students take a school-created test that examines their reading comprehension and writing skills. Non-Spanish-speakers work with the ESL teacher to read a passage from a book, copy it and explain it. School staff then supplement these assessments with a survey filled out by the student's family, but find that these are not always reliable indicators of students' skill levels.

At M.S. 203 in the Bronx, which reportedly did not receive any guidance from the DOE on assessing SIFE, students are identified through the HLIS, a one-on-one interview with the parent and child, and the LAB-R.

At Tilden High School, staff identify students as SIFE by examining their report cards and transcripts from their home countries, administering assessments, and having conversations with the students, parents and classroom teachers. According to Tilden staff, the DOE does not direct them on how to identify SIFE. They developed this method on their own.

The International High School at LaGuardia Community College accepts many unidentified SIFE as well as students with ambiguous SIFE designations. The school administers its own assessment regardless of a student's previous designation. First, teachers identify students who are having difficulty with literacy. These students are then interviewed about their educational background. The interview is based on the DOE's Oral Interview Questionnaire, which school staff have modified to include additional questions. Students also complete a school-developed literacy assessment.

The DOE's development of a protocol to identify SIFE and its implementation of the ALLD to determine literacy levels of Spanish-speaking SIFE are significant steps toward accurately identifying SIFE. Nevertheless, there are SIFE who continue to enter the school system without being properly identified and are therefore never properly served. Rather than proactively providing schools with basic information on SIFE, the DOE currently relies

⁴⁶ *Id.*

on schools to request its assistance. In fact, the schools that are least likely to request assistance about SIFE – those with the least prior knowledge and the greatest degree of misunderstanding – are the ones that need the DOE’s guidance the most. If the goal is for SIFE to be served in *any* school they attend, then *all* schools must develop the capacity to immediately and accurately identify SIFE. Once schools have completed this step, they can seek targeted assistance from the DOE to provide effective, appropriate interventions and instruction to the students.

B. Definition of SIFE

Just as the methods for identifying SIFE vary on a school-by-school basis, so do the definitions of SIFE. Indeed, the DOE-commissioned report on SIFE by RISLUS noted the “wide variation in the interpretations of New York State and New York City criteria for designating a student as SIFE: The determining factor for most administrators was whether a student had low literacy skills in the native language.”⁴⁷ Some of the students identified as SIFE in that study did not have gaps in schooling, but had *insufficient* or *inadequate* schooling that resulted in very low academic literacy skills.⁴⁸ In the longitudinal SIFE study, 67% of the students did not have any gaps in schooling,⁴⁹ and the research team found no statistical difference between students with gaps and students without gaps in terms of native language literacy levels.⁵⁰ The emphasis placed on low literacy and academic levels rather than measurable interruptions in schooling was confirmed in our interviews with educators. For example, at The International High School at LaGuardia Community College, SIFE are defined as students who had interrupted or *inadequate* schooling that results in low literacy levels.

While the DOE currently uses the definition of SIFE developed by NYSED in 1997,⁵¹ it has worked with NYSED in the past to try to expand the definition of SIFE to include students who emigrate from English-speaking countries and to include students who did not necessarily have interrupted schooling, but who may have had inconsistent or inadequate schooling resulting in low literacy in their native language or being two years below grade level in reading and content.⁵²

It may consume unnecessary time and resources for schools to adequately establish a two-year interruption in schooling just to define a student as a SIFE. A number of SIFE

⁴⁷ NYC SIFE 2006, *supra* note 23, at 5.

⁴⁸ *Id.* at 26.

⁴⁹ Dr. Elaine C. Klein and Dr. Gita Martohardjono, RISLUS, CUNY Grad Center, Presentation of “Bridging the Gap for SIFE” at Maximizing Success for Adolescent ELLs: Developing Academic Language and Content, New York City Department of Education Conference (Nov. 6, 2007).

⁵⁰ E-mail Klein, *supra* note 42.

⁵¹ DOE interview, *supra* note 37.

⁵² Maria Santos, Office of English Language Learners, New York City Department of Education, Presentation “Students with Interrupted Formal Education (SIFE) Strand” to the New York State Association for Bilingual Educators (Mar. 3, 2007).

are older youth who may not have a parent or other adult to advocate for them during the enrollment process or to provide information about their schooling histories. In fact, if SIFE are not living with the same family members in New York City as they did in their native countries, the adults in New York may not have accurate information about their education in their home countries. Further, as indicated by our case studies above, SIFE who are homeless, who are in foster care, or who have had other significant traumatic experiences may not want to volunteer information about their educational histories or may even refuse to talk about their past at all.

C. SIFE Funding and Programming

In 2003, the DOE began providing certain schools with additional funds to create programming for SIFE. Each year, the DOE invites schools with twenty or more SIFE to apply for year-long grants to serve that population.⁵³ From the 2003-04 school year through 2009-10, the DOE awarded \$19.65 million dollars in grants to a total of 129 schools.⁵⁴ Figures 5 and 6 show that the amount of funding and the funding received per school dipped and rebounded over time, with a large decrease in funding from 2006 to 2008. According to the DOE, that decrease may have been due to a change in the way the DOE provided materials to schools (between 2006 and 2008, the DOE purchased materials centrally instead of requiring schools to purchase them individually).⁵⁵ Table 2 summarizes SIFE funding from the 2003-04 school year through 2009-10.

Table 2.

School Year	Total amount of SIFE funding	Number of schools awarded SIFE grants
2003-04	\$3.47 million	44
2004-05	\$3.47 million	43
2005-06	\$3.45 million	48
2006-07	\$1.74 million	43
2007-08	\$1.88 million	45
2008-09	\$2.52 million	55
2009-10	\$3.12 million	55

Source: Analysis of New York City Department of Education, School Allocation Memorandums No. 50, FY04, No. 49, FY05, No. 70, FY06, No. 86, FY07, No. 65, FY08, No. 73, FY09, No. 75, FY10, received in response to Freedom of Information Law requests by Advocates for Children of New York (Mar. 27, 2009 and Mar. 29, 2010).

⁵³ DOE interview, *supra* note 37.

⁵⁴ Analysis of New York City Department of Education, School Allocation Memorandums No. 50, FY04, No. 49, FY05, No. 70, FY06, No. 86, FY07, No. 65, FY08, No. 73, FY09, No. 75, FY10, received in response to Freedom of Information Law requests by Advocates for Children of New York (Mar. 27, 2009 and Mar. 29, 2010).

⁵⁵ DOE interview, *supra* note 37.

Figure 5. Overall SIFE funding

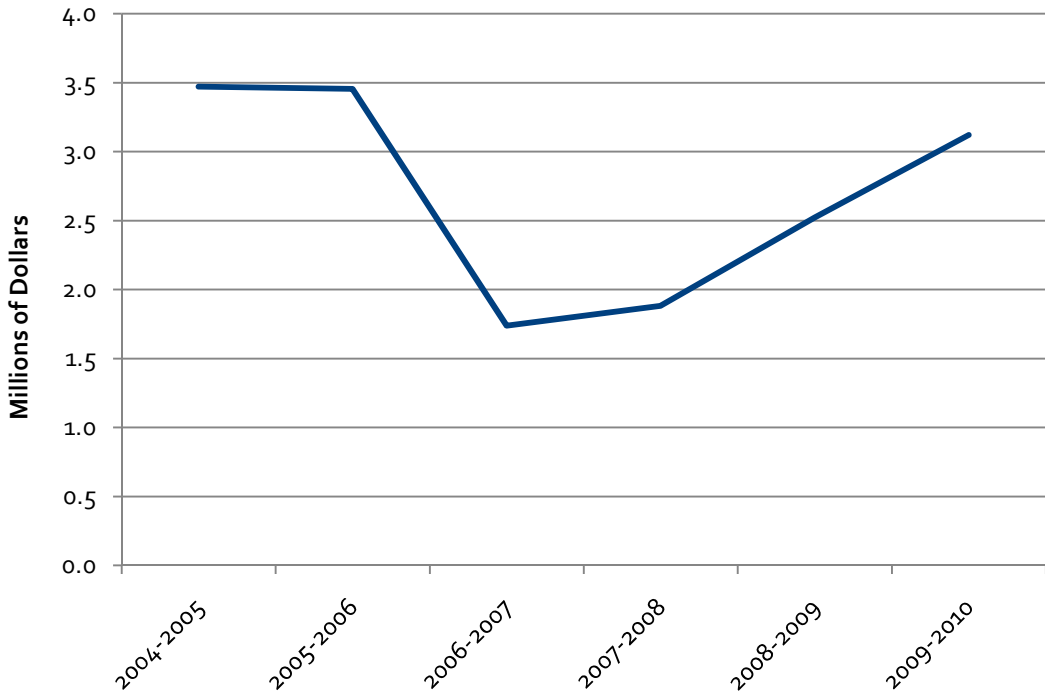
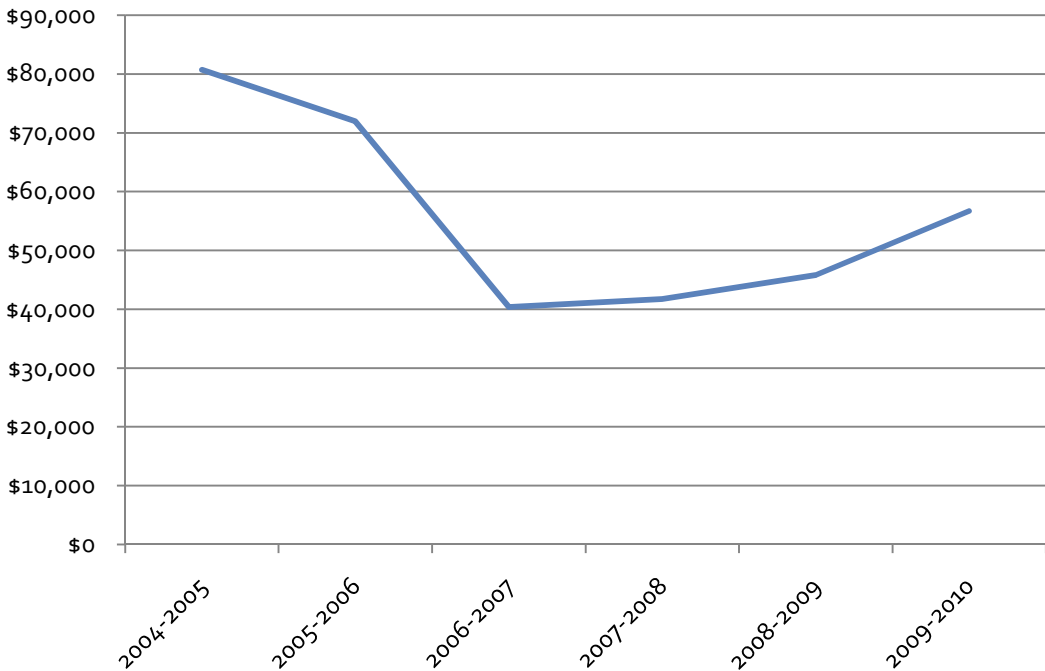


Figure 6. Average SIFE funding per school



DOE staff report that each year they receive proposals from schools that have never applied before and that they tend to give bigger grants to these schools for start-up costs.⁵⁶ In 2006-2007, the DOE provided supplementary funding to participating schools to support program infrastructure and provide enrichment activities to SIFE as well as Long-Term ELLs and also expanded the SIFE grant program to fund six demonstration sites specifically for SIFE programs.⁵⁷

Schools that receive SIFE funding use it to provide a variety of different services and interventions to their SIFE. According to the DOE, most of the schools that receive funding use it for one or more of the following types of programming and services: extended day and Saturday Academies, lower student/teacher ratios, additional or improved guidance services, materials and academic interventions and professional development.

To get a better sense of what schools' SIFE programs look like, AFC contacted schools that had received SIFE funding for four or more years. These programs all had after-school or weekend supplemental programs focusing on literacy skills, English language acquisition, or math, and some had other services to help students and their families integrate socially:

The International High School at LaGuardia Community College provides literacy classes during lunch and after school, Saturday math classes and after school homework help. To aid students in integrating into the school environment, it also provides Saturday field trips.

I.S. 195 in Manhattan has an extended day program—two extra hours a day for four days a week—and a Saturday program to provide a combination of literacy, native language, ESL, math and science instruction to SIFE. It also uses Achieve 3000 and Destination Math computer-based academic interventions with SIFE. To assist SIFE with adjusting to the school and New York City, the school groups its Spanish-speaking and non-Spanish-speaking SIFE together in classes throughout the day and teaches students life skills such as how to defend themselves and what to do if they get lost.

M.S. 203 in the Bronx has developed a federally funded program for newly arrived immigrant students to meet twice a week to discuss issues they face and

⁵⁶ *Id.*

⁵⁷ In 2006-2007, the DOE also funded schools to pilot different curricula (not necessarily designed for SIFE) for students who have low literacy and mathematics skills and evaluate their effectiveness. The DOE reports that it worked very closely with researchers and publishers to develop materials for SIFE, and it now encourages the use of these programs for SIFE populations in certain contexts based on the results of these pilots. These curricula include EMC Paradigm Long-term ELL Literacy Program, Riverdeep Destination Math Technology-Based Math Program, Haitian Creole Pre-Literacy Program, Math A/Algebra-Based Saturday Math Program, Reading Instructional Goals for Older Readers (RIGOR) Pre-Literacy Program for SIFE, Destination Math, Imagine Learning English, Achieve 3000, and Award Reading English. SIFE INITIATIVE 2007, *supra* note 14 at 4; DOE interview, *supra* note 37.

to learn about New York City. The school also uses Achieve 3000 and Destination Math.

While DOE funding has spurred the creation and use of an assortment of services, curricula and programs for SIFE, the DOE itself has not promoted any particular model for SIFE programming, established any guidelines or standards for SIFE programs, or publicly released the results of any pilots or evaluations conducted on SIFE programs. One school that had been receiving SIFE funding for six years confirmed that no guidelines were provided to the school, in developing or maintaining their SIFE programs.

The lack of clear guidelines and standards for SIFE programming can result in piecemeal or ineffective program development. The resulting programs may not address the social or emotional needs of SIFE outlined in Section II, may not be sufficiently integrated into the school's general programming, or may in other ways be inappropriate for students. For example, it is possible that after-school and Saturday Academies may not be effective solutions for SIFE who are already tremendously frustrated with school.

Moreover, supplementary, targeted SIFE programming outside of the traditional school day is no substitute for providing SIFE with the interventions, instruction and services they need to succeed in their content area classes. Amzatou's school offered her targeted SIFE programming, but it did not have adapted texts or other materials to make her general content classes accessible. Furthermore, her school's programming was not intensive enough to allow her to make sufficient progress toward her diploma in the time she had left before aging out of the school system.

Many schools do not involve content area teachers in efforts to address the needs of SIFE. According to one teacher who works extensively with SIFE:

An important piece of the puzzle that schools often leave out is the training and support of content teachers that struggle daily to meet the needs of SIFE in their classrooms. As the requirements for graduation become more restrictive and as teachers feel the increasing pressure of standardized exams, many SIFE are placed in content classes where the material and assignments presented to them are inaccessible. Without knowledge of the student's literacy level and participation in his education plan, the learning opportunity for both the teacher and student is lost and frustration can follow.⁵⁸

Furthermore, the DOE has not made public any evaluation of current SIFE programming. The DOE states that it evaluates programming funded by SIFE grants by reviewing the goals stated in the proposals written by schools, visiting the sites, gathering data from demonstration sites, and receiving informal feedback. While the DOE has access to student-level data, such as attendance and standardized test scores, it is up to individual

⁵⁸ Telephone Interview with Carol Tureski, Teacher, International High School at LaGuardia Community College, in New York, N.Y. (Dec. 10, 2009).

schools to track student progress.⁵⁹ Indeed, some of the schools we contacted indicated that they did track such progress both formally, as is the case at M.S. 203 where teachers track attendance and student scores on statewide tests in binders, and informally, as at I.S. 195 where a staff member personally keeps track of student progress. Because this type of tracking varies from school to school and is not publicly available, it is hard to gauge how successful these programs have been or measure the impact SIFE grants have had.

SIFE grants have provided much-needed resources for some schools to develop targeted programs and supports for SIFE. However, some of the school staff we interviewed indicated that year-by-year funding made it difficult for schools to be able to provide continuous and comprehensive services. For example, one middle school that had received SIFE grants each year since 2003 had developed an established SIFE program. This school was approved for SIFE funding for the 2009-2010 school year, but received it several months late. This delay left staff scrambling to piece together other funding to maintain the SIFE programming already in place. Another school had received SIFE funding for four years and then did not receive any funding for the 2009-2010 school year, forcing school staff to use some federal funding to continue their programming temporarily. Ultimately, the school will have to reduce its services for SIFE.

D. Gaps in System-Wide Capacity

Currently, the DOE's stated goal is for SIFE to be able to attend any school and receive the services and support they need. To this end, the DOE's Office of ELLs is including information about SIFE in all of its activities with schools. Staff from this office said that schools can rely on ELL specialists in their School Support Organizations⁶⁰ and can call Rachel Hoff, the DOE's SIFE Coordinator, for assistance. This summer, the Office of ELLs will focus on training all of the Children First Networks (CFNs) on SIFE, among other topics. Next school year, CFNs should provide support and guidance on SIFE to the schools.⁶¹ But, as with other trainings to develop a plan to serve SIFE, identify SIFE, and implement the ALLD, the onus is still on each individual school to seek out knowledge about SIFE and design programming to meet the needs of SIFE. This on-demand support structure seems inadequate to build true system-wide capacity to serve SIFE.

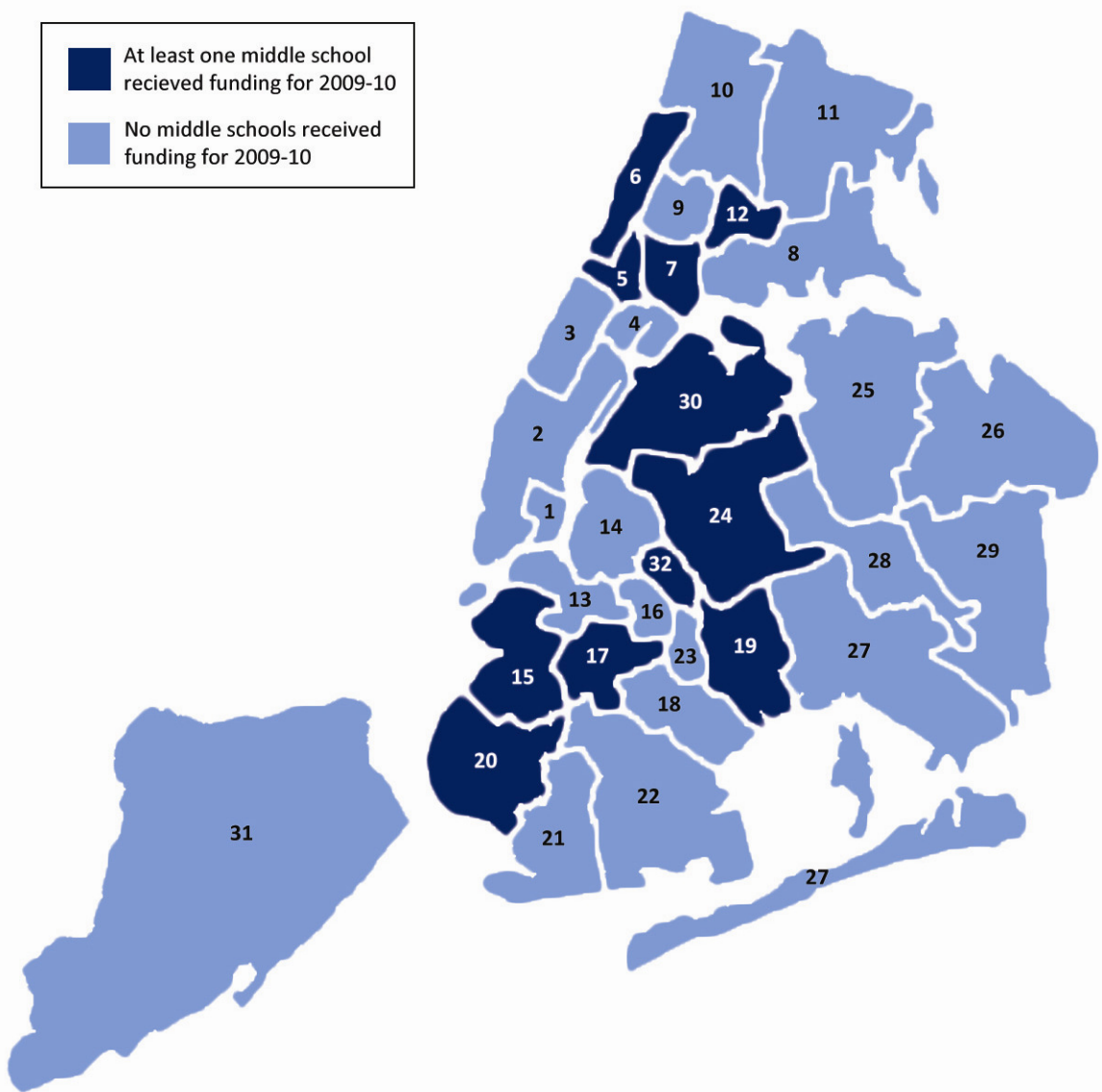
In addition to the general challenges of SIFE identification, as well as program development and evaluation, discussed above, there are particular gaps in the DOE's capacity to serve SIFE that call for focused attention. Under the current system, there is a lack of appropriate middle school programming for SIFE, and some districts have no targeted SIFE programming for middle school students at all (see Figure 7).

⁵⁹ DOE interview, *supra* note 37.

⁶⁰ School Support Organizations (SSOs) were created in 2007 to provide schools with curriculum support, professional development and a range of other services. As of the summer of 2010, SSOs will be replaced by Children First Networks which will provide schools with instructional and operational support.

⁶¹ DOE interview, *supra* note 37.

Figure 7. Middle school SIFE funding by school district, 2009-10



Source: Analysis of New York City Department of Education, School Allocation Memorandum No. 75, FY10, received in response to Freedom of Information Law request by Advocates for Children of New York (Mar. 29, 2010).

Since elementary and middle school students can rarely cross district lines, middle school SIFE in districts without SIFE programs often have few options unless they can articulate to high school. For example, AFC worked with Isabel, the student whose native language was Mixteca, to find a middle school placement in District 4 where she would get appropriate interventions and services. During this process, AFC asked the DOE’s Office of ELLs for help in finding a school in Isabel’s area that had a SIFE program, or at the very least, more appropriate services, but we were informed that there were no middle schools

in District 4 that the DOE would recommend. As a result, Isabel went without appropriate supports, made no progress, and was unable to be promoted from eighth grade. Only after intensive advocacy was she promoted to high school where she finally had access to a program geared toward SIFE. Isabel's story not only illustrates the need to identify geographic gaps in SIFE services and programming; it also demonstrates a need to focus on developing supports and interventions for overage middle school students, including SIFE.⁶²

Another major gap is the lack of programming for older overage SIFE. The students with whom we worked either entered the system overage or quickly fell behind their peers with or without SIFE supports and services. Many SIFE enter the system in high school as late as age 18, 19 or 20. In our experience, some are placed in closing high schools without supportive services and then when these schools close, find themselves with no good alternatives. Schools that focus on serving older overage and under-credited students, such as those developed through the Office of Multiple Pathways to Graduation, alternative high schools and alternative programs in District 79, rarely have the capacity to serve ELLs, much less SIFE.⁶³ For New York City to effectively serve SIFE, the development of programs for overage SIFE is critical.

The current system also needs to build capacity around SIFE who are identified (or misidentified) as students with disabilities. The DOE needs to examine closely why high numbers of SIFE⁶⁴ are apparently being identified as students with disabilities and review the policies and procedures that might contribute to their possible misclassification. In some cases, schools that are misinformed about services and diploma options may be using referrals to special education inappropriately. Amzatou's classification as a student with a disability seemed to be tied to the school's efforts to get her more intensive services. Despite the school's good intentions, however, Amzatou's classification did not result in any additional services. For those SIFE who have disabilities requiring special education services, the DOE's current approach seems to be to serve these students primarily through the special education system rather than through a coordinated response with integrated services. In Cristian's case, the DOE made that determination explicit, stating that his special education recommendation effectively trumped his need for SIFE supports.

Finally, the goal of serving SIFE wherever they attend school would be appropriate for some SIFE, but one of the most difficult challenges that faced our students was the isolation and embarrassment they felt in their schools. According to staff at some community groups who work with SIFE, students often feel more comfortable attending school with other newcomers and SIFE. This sentiment was also reflected in our

⁶² See ADVOCATES FOR CHILDREN OF NEW YORK, *STUCK IN THE MIDDLE: THE PROBLEM OF OVERAGE MIDDLE SCHOOL STUDENTS IN NEW YORK CITY* (July 2008), available at <http://www.advocatesforchildren.org/Stuck%20in%20the%20Middle%28final%29.pdf>.

⁶³ ADVOCATES FOR CHILDREN OF NEW YORK, *DEAD ENDS: THE NEED FOR MORE PATHWAYS TO GRADUATION FOR OVERAGE, UNDER-CREDITED STUDENTS IN NEW YORK CITY* (Dec. 2007), available at http://www.advocatesforchildren.org/pubs/dead_ends.pdf.

⁶⁴ Half of the students profiled in this report were identified as students with disabilities.

interviews with some school staff. At I.S. 195, for example, staff attempt to group SIFE together in classes throughout the day to overcome these feelings of isolation. The student stories in Section II show that this isolation coupled with frustration at a lack of academic progress can be a major factor in a student's decision to leave school. These social and emotional considerations raise the question whether an array of programming – from supports and interventions integrated into the general school environment, to targeted supplemental SIFE programming, to intensive sheltered transitional programs for older students⁶⁵ – would more effectively meet students' broad range of academic and emotional needs.

⁶⁵ The RISLUS study commissioned by the DOE recommended the development of a two-year sheltered, transitional program for high-school aged SIFE. NYC SIFE 2006, *supra* note 23, at 27. An example of an intensive sheltered program is the *Literacy Enrichment Academic Program (LEAP)* that the Toronto District School Board created for students ages 11–16 who did not have the opportunity to attend school regularly before arriving in Canada. According to its description, LEAP offers students a chance to gain English language, literacy, and mathematics skills so that they can catch up to other students their age and eventually integrate into the mainstream program. Toronto District School Board, LEAP Program, <http://www.tdsb.on.ca/site/ViewItem.asp?siteid=13&menuid=4785&pageid=4175> (last visited May 12, 2010).

IV. RECOMMENDATIONS

Our recommendations for improving the education of SIFE are as follows:

A. NYSED and the DOE should improve collection of data on the demographics, characteristics, and performance of SIFE.

All data that is collected on SIFE should be publicly available and disaggregated from data on other ELLs and high-needs ELLs. We recommend specifically that the DOE collect and make public the following information:

- **Academic performance, discharges and transfers, plus graduation rates by grade of entry.**

The DOE should track SIFE performance on standardized testing, grade retention rates, dropout rates (including transfers to GED programs), and graduation rates. It should be able to disaggregate this data by grade of entry to see if SIFE who enter the system in the middle and high school years have poorer outcomes than those who enter in elementary school.

Furthermore, the DOE should closely monitor SIFE discharge and transfer rates, GED program enrollment and GED acquisition rates, as these students are at high risk for pushout and are likely to end up in District 79 GED programs where they are unlikely to find the supports they need to pass the GED. This is particularly important for SIFE assigned to large failing or closing high schools.⁶⁶

- **SIFE who are also identified as students with disabilities.**

Because it is not clear whether SIFE who are identified as needing special education services are properly classified, or whether their special education services are being coordinated with any ELL or SIFE services, the DOE must take a closer look at this population. In particular, the DOE should examine the policies, procedures and services at schools with high rates of referral for special education for their SIFE.

⁶⁶ See ADVOCATES FOR CHILDREN OF NEW YORK AND ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND, EMPTY PROMISES: A CASE STUDY OF RESTRUCTURING AND THE EXCLUSION OF ENGLISH LANGUAGE LEARNERS IN TWO BROOKLYN HIGH SCHOOLS (June 2009), available at <http://advocatesforchildren.org/Empty%20Promises%20Report%20%206-16-09.pdf>.

B. NYSED should review the current definition of SIFE and consider a more inclusive definition that emphasizes low literacy and academic skills.

We recommend that the definition of SIFE be revisited to determine whether it should be expanded to include immigrant students with low literacy in their native language due to *inadequate or interrupted* schooling.

C. The DOE should strengthen systems to identify and assess SIFE in all schools and enrollment centers citywide.

Since immediate and appropriate identification of SIFE is prerequisite to providing the right services for SIFE, it must be a priority for the school system. To this end, the DOE should:

- **Establish minimum requirements for screening all newly enrolling or re-enrolling students in all schools and enrollment centers to determine if they are SIFE.**

The DOE should consider whether any new minimum requirements should include use of the ALLD for all Spanish-speaking SIFE. Enrollment centers should also have minimum requirements for SIFE screening so that they may properly advise SIFE and their families of their options, although requirements at enrollment centers may differ from those at schools.

- **Allow SIFE to be identified at any point, not just at enrollment.**

While incorporating SIFE identification into the registration process should greatly alleviate the burden on teachers to identify these students in the classroom, teachers and other school staff should still be provided with the knowledge and tools to identify SIFE at any point during the year.

- **Continue efforts to develop a diagnostic test in other languages besides Spanish.**

The DOE should develop a diagnostic test in Chinese, Haitian Creole, Arabic, Bengali, Tibetan, Nepali, Fulani and Mandinka, among other languages, beginning with the most common native languages among SIFE.

- **Collaborate with other social service systems in identifying SIFE.**

The SIFE with whom we worked often came to the New York City schools via the homeless and foster care systems. Staff in these systems can be helpful allies in properly identifying SIFE upon enrollment. The DOE should collaborate with these social services systems to train their staff about the information they must present to schools upon enrollment if students are SIFE.

D. The DOE should undertake a review of current SIFE programming and articulate a more comprehensive citywide plan for SIFE funding, programming, and professional development for all school staff.

We recommend that the DOE undertake a review of its SIFE initiatives and their effectiveness in building system-wide capacity. The DOE should:

- **Develop guidelines, goals and benchmarks for schools receiving SIFE funding that encourage holistic programming and track student progress.**

Schools receiving SIFE funding should be required to incorporate social, emotional and guidance supports and services to assist with social integration in addition to academic and literacy interventions. Further, schools should be required to integrate their support for SIFE into school-wide and regular ELL programming, including collaboration with and professional development for all staff, particularly content teachers.

These requirements should be accompanied by clear guidance from the DOE regarding the goals of SIFE programming and benchmarks for success. The DOE should then monitor the progress of students in SIFE programs and provide regular feedback to schools, particularly those schools whose SIFE are not making progress.

- **Explore providing multi-year instead of one-year grants.**
- **Ensure that all middle school SIFE have access to SIFE programming in their districts, and create more programming for SIFE in middle schools if necessary.**
- **Examine the ability of existing programming for overage students to serve SIFE.**

- **Develop multiple pathways to graduation and alternative schools and programs that meet the needs of older SIFE.**
- **Train special education evaluators on SIFE and how to identify special education needs in that population.**
- **For SIFE with special education needs, integrate appropriate bilingual services and SIFE supports into special education programs and services.**
- **Explore developing a range of SIFE programming, from supports integrated into general school programming to targeted and separate programs.**

While some SIFE are best served in regular schools or schools with some additional targeted SIFE programming, other students need more intensive supports to acquire English proficiency and fulfill graduation requirements before they age out of the system. The DOE should look at developing a broader range of SIFE programming to meet this range of needs.

For SIFE who age out of the public school system, the DOE, along with the New York City Department of Youth and Community Development, should:

- **Increase the capacity of adult literacy and GED programs to serve SIFE.**

E. NYSED should apply to use extended graduation timelines for SIFE.

Research on SIFE indicates that these students need more time to learn English, improve their literacy skills and integrate into a school environment. Since so many SIFE enter the school system in middle and high school, it is counter-productive to hold high schools serving SIFE entering in the later grades to the same graduation timelines as are applied to other students. Putting pressure on schools to graduate SIFE in four or five years may also create disincentives for schools to serve SIFE in the first place. Furthermore, federal law now allows states to apply to use other extended-year graduation rates in addition to standard four-year graduation rates in calculating whether schools meet required yearly progress. Thus, to encourage the development of programming for these students and create incentives for all schools to serve SIFE, NYSED and the DOE should apply to use extended-year or six- and seven-year graduation rates for SIFE in calculating

adequate yearly progress. We recognize, however, that this may create a disincentive for some schools to graduate SIFE in four years when possible. To address this, we recommend that NYSED convene a group of experts to determine guidelines for proper implementation of extended-year graduation rates.