



## New York State Teachers of English to Speakers of Other Languages

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NYS TESOL is an association of professionals concerned with the education of English Language Learners (LEP students) at all levels of public and private education in New York State. Our interests include classroom practices, research, program and curriculum development, employment, funding and legislation

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To Whom It May Concern:

New York State Teachers of English to Speakers of Other Languages (NYS TESOL) supports the measures that the New York State Education Department (NYSED) has taken and continues to take to assess the needs of English Language Learners (ELLs). This includes its collaboration with expert teachers from across the state, psychometricians from Education Testing Service (ETS), educators from institutes of higher education and school districts who piloted the revised Language Assessment Battery (LAB-R) and the New York State English as a Second Language Achievement Test (NYSESLAT). Moreover, NYS TESOL supports the draft of English as a Second Language (ESL) learner standards for Pre-K-12 ELLs, and in-service professional development on the new standards and on the test samples for the new state exams. Finally, by including NYS TESOL and the New York State Association for Bilingual Education (NYSABE) in the discussion on the assessment and achievement of ELLs early in the test development process, NYSED included two professional organizations that advocate for the rights of all ELLs in our state. All of these measures, taken together, increase our knowledge of the needs of ELLs, and show NYSED's dedication to the issues involved in teaching and testing.

In the spirit of professional collaboration and cooperation, NYS TESOL would like to raise some concerns in reference to the proposed amendment to CR Part 154. The amendment recommends the adoption of the LAB-R for identification and placement and the NYSESLAT for assessment and exit criteria that will establish a statewide mechanism for measuring English language learners' progress in English proficiency.

However, as with any assessment tool used for the first time, no one can be sure that the NYSESLAT will accurately predict the success of ELLs in the mainstream. Below please find a list of some of our major concerns.

- How does a score on the placement test (LAB-R) correlate with the first score an ELL receives on an achievement test (NYSESLAT)?
- How do cutoff scores on a language proficiency achievement test (NYSESLAT) accurately predict success on mainstream subject area achievement tests for those ELLs who will no longer be receiving ESL/Bilingual services?
- Given that the draft of NYS ESL Learning Standards (pgs 3, 9, 10) argues for multiple measures of assessment, including teacher input, why is NYS now using scores on one language proficiency achievement test (NYSESLAT) as the sole criterion for the exiting of ELLs from ESL/Bilingual services?
- How can the NYSESLAT be used to assess the *program needs* of ESL/Bilingual services administered throughout the state?

- Based on the recent research from Thomas and Collier (2002) “language support services, as required by Lau v. Nichols (1974), raise students’ achievement by significant amounts. Furthermore, research shows that a disproportionate number of ELLs drop out before completing their high school education. How can we be sure that students will receive transitional support that will ensure academic success as measured by high school graduation rates for ELLs?
- Previously, CR Part 154 used the 40th percentile on a norm-referenced reading test as the exit criterion for ELLs. At this juncture in time, no one, save perhaps psychometricians at ETS, know what the exit score will be on the NYSESLAT. This creates an atmosphere of doubt and confusion among students, parents, and educators. How will NYSED address the conflict with its commitment “to make public the results?”

Lastly, after much thought and consideration, NYS TESOL makes the following recommendations for immediate and continued discussion with all relevant stakeholders:

- One exam for placement and achievement.
- Publication and dissemination of scoring procedures and the determination of recommended exiting/cutoff scores for each level;
- Multiple measures of assessment, including teacher input to be documented and included in the discussion of each student’s placement together with exam scores;
- Finding ways to use the NYSESLAT to improve ESL/Bilingual services and programs;
- Requiring districts to provide transitional services to those students exiting ESL/Bilingual services until a correlation between an exit score on the NYSESLAT and an equitable chance for success on mainstream subject area tests can be established, and statewide dropout rates decrease.

We respectfully request the opportunity to meet with all decision makers on these matters at their earliest convenience.

Sincerely,

Elke Apelbaum Savoy  
 NYS TESOL President, 2002-2003