

CHAPTER 1

Overview of Native Language Instruction in New York State



Requirements for Native Language Instruction in New York State

In New York State, limited English proficient/English language learners (LEP/ELLs) are served in bilingual education or free-standing English as a Second Language (ESL) programs as specified in **Part 154 of the Commissioner’s Regulations (CR) for the Education of Pupils with Limited English Proficiency**. According to CR Part 154, limited English proficient (LEP) students are defined as “. . . pupils who by reason of foreign birth or ancestry, speak a language other than English, and either understand and speak little or no English; or score below a state designated level of proficiency on the Language Assessment Battery-Revised (LAB-R) or the New York State English as a Second Language Achievement Test (NYSESLAT).” [CR Part 154.2(2)] Although more than 130 languages are spoken by LEP/ELLs in New York State, the ten language groups in **Table 1** were spoken by 89% of the students.

School districts with an enrollment in one building of 20 or more LEP/ELLs of the same grade level, all of whom have the same native language which is other than English, must implement a bilingual education program. The bilingual education program includes two components: a language arts instructional component and a content area instructional component. The language arts instructional component is delivered through instruction in English language arts, English as a second language, and native language arts. The content-area instructional component is delivered in the native language and English through ESL methodologies. All language arts instruction must be provided by teachers who hold appropriate certification. Of the limited English proficient/English language learners in New York State, approximately 40% of the students are served in bilingual programs (in which instruction is in both English and the native language), with the remaining 60% receiving instruction in freestanding English as a second language programs.

In New York State, there are two program models currently in use. Both program models use two languages to teach the core subjects, one of which is English. The **Transitional Bilingual Education** (TBE) program is the most commonly found model in the State. The program generally lasts for three to five years. TBE programs support the academic and linguistic development of students in the native language and in English until such time as the student achieves a level of English proficiency that will enable him or her to participate in the general education classes provided entirely in English. The amount of instruction in English is increased as the students’ level of English proficiency improves.

In addition to the TBE programs in New York State, another instructional model, the **Two-Way Bilingual Education** program, is becoming more prevalent. According to recent national research (Lindholm-Leary, 2001; Thomas, and Collier, 2002), this is the most academically successful model. A Two-Way Bilingual Education program integrates LEP/ELLs with English proficient students (EPs) in an instructional environment that uses two languages for instruction (the target language for EP students and English for LEP/ELLs). The goal of Two-Way Bilingual Education programs is to develop full bilingual competency in both the LEP/ELL and the English proficient student.

These program models provide instruction in language arts and content areas in both languages and are aligned with the New York State learning standards.

Table 1 Ten Most Commonly Spoken Languages of LEP/ELLs in NYS
(as of 6/2002)

Language	Percentage
Spanish	64%
Chinese	8%
Russian	3%
Urdu	3%
Haitian Creole	3%
Bengali	2%
Korean	2%
Arabic	2%
Polish	1%
Albanian	1%

Table 2 Instructional Components of Programs and Required Units of Study in Language Arts Under CR Part 154 (effective 1999–2000)

Bilingual Education Program				
Instructional Components	REQUIRED UNITS OF STUDY – Language Arts Components			
	Level	Beginning	Intermediate	Advanced
■ Language Arts Instruction <ul style="list-style-type: none"> • Native Language Arts (NLA) • English as a Second Language (ESL) • English Language Arts (ELA) 	Grades K to 8	1 NLA 2 ESL	1 NLA 2 ESL	1 NLA 1 ESL 1 ELA
	Grades 9 to 12	1 NLA 3 ESL	1 NLA 2 ESL	1 NLA 1 ESL 1 ELA
■ Content-Area Instruction <ul style="list-style-type: none"> • in Native Language • in English 				

The requirements for instruction in English as a second language in both program models are exactly the same as in freestanding ESL programs. **Table 2** above demonstrates the instructional components required for bilingual education programs in New York State, as amended in CR Part 154 in April 1999.

Native Language Arts Instruction and the Acquisition of English Language Arts

New York is a port of entry to a vast immigrant population who bring with them their languages and their culture. As global demands for multilingual communication increase, the languages and the cultural diversity that many of our students bring to the State’s educational system should be viewed as a strong foundation and a rich asset on which to continue building. Thus, the New York State Education Department has made a serious commitment to prepare all of its students to meet the State’s learning standards. *The Learning Standards for Native Language Arts* use the *English Language Arts Resource Guide with Core Curriculum* (1998) as its foundation. In this way, students enrolled in bilingual programs are supported academically and linguistically in meeting the challenges of the State’s requirements for graduation from high school.

The importance of valuing and utilizing the background knowledge and native language literacy skills that our students bring to school cannot be underestimated. Over the past 30 years, there has been a consistent body of research that points to the importance of native language literacy in the development of literacy in the second language. In 1998, the National Research Council in its study entitled *Preventing Reading Difficulties in Young Children* (Snow, Burn, and Griffin, eds.), recommends that:

“LEP children should be taught to read in the first language while acquiring proficiency in spoken English and then subsequently taught to extend their skills in English.”

Similarly, the International Reading Association and the National Council of Teachers of English in *Standards for the English Language Arts* (1996) addressed the importance of instruction in the native language as a means to develop proficiency in English and develop content area knowledge, as described in Standard 10:

“students whose first language is not English make use of their first

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– Association for Supervision and Curriculum Development (ASCD)

language to develop competency in the English language arts and to develop understanding of content across the curriculum.”

In examining the relationship between first and second language literacy, researchers in the field of second language literacy agree that there is a strong and positive correlation between literacy skills in the native language and literacy skills in the second. Students with the highest levels of native language literacy are those who eventually become the strongest readers in their second language. Bernhardt and Kamil (2001) explain that:

“research indicates that about 20% of the process of reading in the second language is predictable on the basis of the level of first-language literacy (Bernhardt and Kamil, 1995; Brisbois, 1995; Hulstijn, 1991). In other words, the more knowledge of reading and an understanding of literacy a student has in the first language, the better off he will be in the second. Even when children are literate in a language that has little or no structural or orthographic overlap with English, the mere fact that they are already literate really helps them.”

Furthermore, research findings suggest that the reading and writing processes function similarly for native and second language learners (Grabe, 1991). There seem to be universal aspects of literacy (Goodman, 1973) that underlie the reading process (which is essentially similar for all languages) and facilitate the transfer of skills and knowledge from one language to another. In support of the transferability of native language literacy skills into English, the Association for Supervision and Curriculum Development (ASCD, 1987) indicates:

“In fact, it is clear that the ability to transfer to English what is learned in the first language applies to content-area subjects like science, math, but also applies to skills in reading and writing – even when the orthographic system is quite different from the roman alphabet . . . ”

The transfer of literacy skills from one language to another is made possible through the universal aspects of literacy. Research supports the theory that second language learners transfer native literacy skills into the second language reading and writing in an interactive, reciprocal process (Escamilla, 1993; Rodriguez, 1988; Cohen, 1987; Garcia and Padilla, 1985; Barnitz, 1985).

In conclusion, students use their native language literacy skills and strategies to become literate in the second language, and what is learned in the second language enhances native language literacy. Therefore, the development of native language arts plays a pivotal role in the acquisition of English language arts.

New York State Assessment System and LEP/ELLs

In New York State, all LEP/ELLs are required to take an annual English as a Second Language Achievement Test (NYSESLAT). In addition, under certain circumstances, LEP/ELLs in the elementary grades must also take the State assessment for English Language Arts. At the high school level, all LEP/ELLs must take and pass the Comprehensive Regents Examination in English in order to graduate. Moreover, all LEP/ELLs, regardless of grade level, must take content-area assessments in mathematics, science, and social studies. These content-area assessments have been made available in the most commonly spoken languages in New York State. **Tables 3a and 3b** below outline these requirements and the testing accommodations that are available to LEP/ELLs in New York State.

The standards and performance indicators for Native Language Arts (NLA) were adapted from the New York State learning standards for English Language Arts (ELA), and use them as their foundation. In this way, the NLA standards themselves function as a bridge to meeting the requirements and demands of an all-English curriculum and assessment system.

Table 3a Required Language Arts Assessment for LEP/ELLs

Grade	Subject	New York State Assessments in Language Arts with SPECIAL PROVISIONS FOR LEP/ELLs AS OF MAY 2003
4, 8	English Language Arts	All LEP/ELLs in grades 4 and 8 who have attended school in the United States (not including Puerto Rico) for fewer than three consecutive years may be exempted from these ELA assessments. However, for LEP/ELLs who have attended school in the United States for four or five consecutive years, public school districts and non-public schools may determine annually, on an individual basis, that the NYSESLAT, rather than the Grades 4 and 8 ELA assessments, would likely yield more accurate and reliable information.
11+	Comprehensive Regents Examination in English	All LEP/ELLs must take and pass the English Regents examination in order to receive a high school diploma.
K-12	New York State English as a Second Language Achievement Test (NYSESLAT)	All public schools must administer the NYSESLAT to all LEP/ELLs in grades K-12. All LEP/ELLs with disabilities must participate in the NYSESLAT, including those students in ungraded classes. For these students, his/her chronological age is used to determine which level of the NYSESLAT assessment should be administered. The NYSESLAT is designed specifically for LEP/ELLs. Therefore, <i>testing accommodations ordinarily permitted for LEP/ELLs taking other State examinations are unnecessary and not permitted for the NYSESLAT.</i> LEP/ELLs with disabilities should be provided with testing accommodations specified for those situations.

NOTE: Testing Accommodations for LEP/ELLs for Grades 4 and 8 ELA Assessments and for the Comprehensive Regents Examination in English: Accommodations include extended time in accordance with the best judgment of the needs of the students, a separate testing location, and/or small group administration. In addition, proctors of these tests may read the listening passage a third time. LEP/ELLs may use bilingual dictionaries and glossaries when taking these examinations, but the dictionaries or glossaries may provide **only** direct translations of words; bilingual dictionaries or glossaries that provide definitions or explanations are **not** permitted.

Table 3b New York State Assessments in Content-Area Subjects

Grade	Subject	New York State Assessments in Content-Area Subjects SPECIAL PROVISIONS FOR LEP/ELLs AS OF JANUARY 2003
4, 8	Mathematics*	All LEP/ELLs in New York State must take the NYS content-area assessments in grades K through 8. Native language editions of the core subject-area tests are available in Chinese, Haitian Creole, and Spanish.
4, 8	Science	
5, 8	Social Studies	
10	Mathematics A Regents	* The NYS Mathematics assessment is also available in Korean and Russian.
10	Science Regents	
10	Global Studies Regents	
11	U.S. History Regents	

NOTE: For ALL State assessments: Accommodations for LEP/ELLs include extended time in accordance with the best judgment of the needs of the students, separate testing room, and/or small group administration.

For State content-area assessments only: LEP/ELLs are permitted use of bilingual dictionaries and bilingual glossaries, if these aids provide only word-for-word translations. School districts may also provide a translator for LEP/ELLs who speak low-incidence languages. Translators may only furnish word-for-word oral translation of test items. In addition, LEP/ELLs may use both the English and the native language versions of the assessments simultaneously. LEP/ELLs making use of alternative language editions or oral translations of these examinations may write their responses to open-ended questions in their native language. Scoring the tests is the responsibility of the school.

