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NEW YORK / ALBANY, NY 12234**

**New York State Office of Bilingual Education
and Foreign Language Studies**

Two-Way Bilingual Education Programs:

A Resource Guide

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12234**

Dear Colleague:

The Two-Way Bilingual Education Program Resource Guide was developed as a resource for educators. It serves to shape the design and implementation of two-way Bilingual Education programs for Limited English Proficient (LEP/ELL) and monolingual students. Given the fact that the two-way bilingual education model is designed to target the population of English language learners in public schools, the foundational framework for this document is the New York State Education Department (NYSED) CR Part 154 Guidelines for the Education of Limited English Proficient/English Language Learners (LEP/ELLs).

These guidelines should enable school teachers and administrators to develop programs which address the linguistic development of both (monolingual and LEP/ELL) segments of the student body by contributing to the enhancement of their skills (in both languages), closing the achievement gap between LEP/ELL and monolingual student populations and optimizing their success in both the academic and work environment.

The Brooklyn/Queens BETAC at Long Island University staff composed this document with input from researchers, writers and practitioners in the field of first and second language acquisition.

As programs evolve and more districts develop two-way programs, insights and perspectives should be documented and shared. We invite your comments on this resource guide and appreciate your input relevant to the education of our students.

Please direct your comments to:

**Office of Bilingual Education and Foreign Language Studies
New York State Education Department
Room 367 EBA
Albany, New York 12234**

Sincerely,


Dr. Pedro Ruiz

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Foreword

This resource guide will assist school districts in New York State in planning, designing and implementing Two-Way Bilingual Education Programs consistent with the New York State Education Department's strategies for raising standards for all students. It addresses definitions, scientifically based research, program goals, rationale, design, policy, federal and state regulations, and essential elements for effective programs. Further information and assistance may be obtained from the Office of Bilingual Education and Foreign Language Studies at the address below:

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Introduction

New York State seeks to develop an educational system that offers the highest quality education to all its students. This effort is supported by the New York State Education Department's strategy for raising performance and learning standards for all students, encouraging local educational agencies (LEAs) to set high expectations and high standards for all children in the system, and developing instructional programs and resources that will allow them to reach their full potential and become productive citizens and workers in the 21st century.

In New York State, there has been a consistent increase in the numbers of students who speak languages other than English (referred to as English Language Learners (ELL) or Limited English Proficient (LEP) students). In an attempt to address the needs of these students, Part 154 of the Regulations of the Commissioner of Education (CR Part 154) makes funds available to assist school districts in implementing programs for LEP students that are consistent with these regulations and with the Department's initiatives in raising standards for all students. CR Part 154 was instituted to ensure that LEP students receive appropriate services. One of its goals is to ensure that the learning standards identified for LEP students are aligned with the New York State standards approved by the Board of Regents for the general student population and that there are opportunities for LEP students to achieve the expected performance indicators identified for those standards. Their performance is assessed using testing procedures that are fair and unbiased. The research on effective programs for LEP students identifies Seven Essential Elements most frequently found in effective programs for LEP students (See Appendix A).

Through its Office of Bilingual Education and Foreign Language Studies, NYSED has provided educational alternatives and resources for instructing English Language Learners with two fundamental goals: (1) to help ELL/LEP students develop high levels of proficiency and literacy in English and (2) to enable these students to master content knowledge at grade level.

Districts and schools throughout the state have been required to align their curricula with all the New York State Learning Standards and to comply with all Federal State and Local requirements that relate to the instruction of ELL/LEP students.

At present, two program models are in place in New York State school districts requesting state Foundation aid. These are the Transitional Bilingual Education (TBE) and the free-standing English as Second Language (ESL) programs¹. In addition to these models, the New York State Education Department supports the implementation of Two-Way Bilingual Education (TWBE) Programs. This optional competitively-funded program incorporates instruction in two languages, one of which is English and the other a minority language. Program participants consist of native speakers of English and English language learners (ELL/LEPs). The primary purpose of Two-Way Bilingual Education Programs is to develop academic excellence, bilingual proficiency and literacy for both groups of students within the cultural context of the target languages. Two-Way Bilingual Education Programs must be aligned with all federal, state and local regulations².

There is evidence that, when Two-Way Bilingual Education Programs are implemented according to their approved, research-based program designs, and in adherence to high standards and expectations for all student participants, they produce high levels of academic achievement, bilingualism, biliteracy and multicultural competence among student participants.

¹ For specific components please refer to *Guidelines for Programs under Part 154*, Reprinted, Office of Bilingual Education, State Education Department, 1995; and *Bilingual/English as a Second Language Programs, Models and Organizational Designs for General and Special Education Students*. New York City Board of Education, 1996

² The New York State Standards can be obtained by visiting www.emsc.nysed.gov

Definitions

A Two-Way Bilingual Education Program (often referred to in the field as “two-way immersion” or TWI program) is a bilingual instructional model that integrates English proficient (EP) students with limited English proficient (LEP) students. This bilingual instructional model uses two languages for instruction, one of which is English and the other a minority language, and involves students who are native speakers of each of these languages. The primary purpose of this grant program is to develop bilingual proficiency, biliteracy and academic excellence for both groups of students. The program’s curriculum and instruction must be aligned with New York State’s Learning Standards. The core areas must be implemented for both the English proficient (EP) and limited English proficient (LEP) students in a bilingual modality consistent with the Seven Essential Elements for Effective Programs for LEP students. The program must also be in compliance with CR Part 154 and Title III Part A of No Child Left Behind.

Two-Way Bilingual Education Programs consist of three components: (1) Instructional Program; (2) Parent Involvement; and (3) Staff Development.

There are significant differences between Two-Way programs and other bilingual education programs.

- 1) Transitional bilingual programs are designed for ELL/LEPs. Their goal is to develop determined levels of English language proficiency and grade content achievement in student participants. Native language can be used for instruction until such time as students score at or above the prescribed levels of English language proficiency, at which time they are mainstreamed into English classrooms.
- 2) Two-Way Bilingual Programs are “additive” or “enrichment” models because they foster language development, content knowledge, and academic skills in the second language while increasing the mastery of these in the first language. Native English-speaking students and native speakers of the target language receive instruction in a shared

learning environment. Program goals are bilingualism, biliteracy, high levels of academic achievement in all content areas, and cross cultural understandings among participating students, faculty and parents. Approximately half of the student participants are native speakers of English and half are English Language Learners, who may also have varying levels of proficiency in English. TWBE programs adhere to New York State's high expectations and standards for all student participants.

- 3) Developmental bilingual programs are “additive” or “enrichment” bilingual programs designed exclusively for ELL/LEP students.
- 4) Foreign Language Immersion models are designed for native speakers of English only.

The Center for Applied Linguistics defines Two-Way Bilingual Education (or “immersion”) programs as follows:

“Two-way immersion (TWI) programs (also known as dual language programs) provide integrated instruction for native English speakers and native speakers of another language, with the goal of promoting high academic achievement, first and second language development, and cross-cultural understanding for all students. In TWI programs, language learning takes place primarily through content instruction. Academic subjects are taught to all students through both English and the non-English language, which is usually Spanish. As students and teachers work together to perform academic tasks, the students' language abilities are developed along with their knowledge of content-area subject matter.”

Center for Applied Linguistics (CAL), *Frequently Asked Questions*. (2005).

Research and Background

Two-Way Bilingual Education Programs have been implemented in New York State since 1984. The New York State Education Department, through the Office of Bilingual Education and Foreign Language Studies, provides categorical funds for these programs on a competitive basis. Research has proven that these programs are highly effective across the nation in instructing limited English proficient students and native speakers of English. Thomas and Collier's 2002 studies indicate that students who participate in Two-Way Bilingual Education Programs, although they demonstrate initial slower academic progress in the early elementary grades, consistently outperform their peers academically and linguistically in upper elementary grades and especially if they continue in Two-Way Bilingual Education Programs into middle school and high school.³ A study conducted in the late 1980's compared early exit, late-exit and developmental (or Two-Way) bilingual programs and concluded that of the three, developmental bilingual programs provide the most effective academic outcomes for student participants.⁴

According to a review of the scientifically based literature conducted by Katherine Lindholm-Leary, more factors than simply program design contribute to successful outcomes of student participants. These factors include assessment and accountability, curriculum, instructional practices, staff quality and professional development, program structure, family, community involvement, support and resources.⁵

³ Thomas, W.P. & Collier, V. (2002). A National Study of School Effectiveness for Language Minority Students' Long-term Academic Achievement. Santa Cruz, CA, and Washington, D.C.: Center for Research on Education, Diversity & Excellence. www.crede.ucsc.edu/research/llaa/1.1_final.html

⁴ Ramirez, J.D., Yuen, S.D. & Ramey, D.R. (1991). *Final Report: Longitudinal Study of Structured English Immersion Strategy, Early-Exit and Late-Exit Programs For Language-Minority Children*. Report Submitted To The U.S. Department of Education. San Mateo, CA: Aguirre International.

⁵ Lindholm-Leary, Katherine D. (2005). *Review of Research and Best Practices on Effective Features of Dual Language Education Programs*, San José State University.

The Center for Applied Linguistics has published a research-based resource book called *Guiding Principles for Dual Language Education*⁶ to assist programs at all stages of implementation with planning and ongoing program improvement, derived from the *Dual Language Program Standards* developed by Dual Language Education of New Mexico. (www.duallanguagenm.org)

The goal of the Two-Way Bilingual Education Program model is to develop bilingual/bi-literate citizens capable of competing in a global economy that will demand the knowledge of more than one language and will need multicultural competencies to work in increasingly diverse environments. This goal will be achieved by promoting the following:

- The establishment of Two-Way Bilingual Education Programs for both native English-speakers and ELL/LEP students;
- The availability of Two-Way Bilingual Education Programs as enrichment for all students, rather than as compensatory models for ELL/LEP students in need of developing English language skills;
- Greater understanding between two linguistic communities within a school district and its surrounding community;
- Equal educational access to Two-Way Bilingual Education Programs for all students in New York State; and
- Educational excellence through mastery of rigorous academic learning standards for all students in New York State.

⁶ Elizabeth R. Howard, Julie Sugarman, Donna Christian, Katherine D. Lindholm-Leary, & David Rogers, (2005). *Guiding Principles for Dual Language Education*, Washington, D.C. Center for Applied Linguistics.

Program Components

Program Description and Design

Two-Way Bilingual Education Programs in New York State must be designed and implemented to ensure that all student participants achieve the three goals of (1) Bilingualism and biliteracy, (2) Academic content mastery, and (3) Multicultural competency. These designs may be implemented in a variety of ways according to the specific needs of the populations to be served, the resources available at the schools, and other logistical factors discussed below.

Participants

The student participants in Two-Way Bilingual Education Programs are native speakers of either English or the non-English language employed for instruction in the program. During the initial phase of development and implementation, approximately one half of the students will be limited English proficient and the other half will be English proficient students. Students should continue to receive instruction in the Two-Way Bilingual Education Program as they develop proficiencies in both English and the native language. A description of students participating in Two-Way Programs follows:

- Limited English Proficient (LEP) students are identified through the LAB-R in New York State. They speak a language other than English by reason of foreign birth, ancestry or home environment. In New York State, these students represent a wide variety of languages other than English. These students must be identified in compliance with the mandated procedure in *Guidelines for Programs* under *Part 154 of Commissioner's Regulations for Pupils with Limited English Proficiency*. Services provided to the LEP students in Two-Way Bilingual Education Programs must be in compliance with instructional services specified in CR Part 154. As these students become proficient in English, they may continue to receive their instruction in a Two-Way program.

It is recommended that no less than 50% and no more than 70% of the population served in a Two-Way Bilingual Education Program consist of LEP students.

- English Proficient (EP) students are native speakers of English (or who possess native speaker proficiency in English). These students are invited to participate in New York State's Two-Way Bilingual Education Programs on a voluntary basis and do not generate state Foundation aid. It is recommended that no less than 30% and no more than 50% of the student population served in a Two-Way program consist of EP students.
- Bilingual students are proficient in two languages to different degrees. Previously labeled LEP and EP students become bilingual as they become proficient in their second language. Previously labeled LEP students are considered bilingual when they demonstrate mastery in the English language as determined by the New York State English as a Second Language Achievement Test (NYSESLAT). Previously labeled EP students are considered bilingual as they become proficient in a language other than English as demonstrated by mastery on assessment instruments in that language and by achieving the appropriate publisher's and/or state's standards.

As students become bilingual, they should continue to receive their instruction in a Two-Way Bilingual Education Program. It is expected that the local districts institutionalize exceptional Two-Way Bilingual Education Programs and continue to offer students the opportunity of continuing their education in this program model beyond the state funding period.

Required Units of Second Language Study

Students participating in Two-Way Bilingual Education Programs in New York State in grades 8 and above may receive up to five (5) units of credit under the following special situations:

➤ Credit for participation in a bilingual program:

Students may be awarded one (1) unit of credit in a language other than English (LOTE) for each year of successful participation in a bilingual program.

School districts are responsible for implementing procedures that ensure accurate recording of second language units for Two-Way Bilingual Education Program participants as required by Part 100 of the Commissioner's Regulations.

This may be done by documenting successful completion of second language study units on the permanent record cards and/or other pertinent school records of participating students. Local school districts may contact the New York State Education Department, Office of Bilingual Education and Foreign Language Studies, for additional information regarding Foreign Language Credits.

Essential Elements of Two-Way Bilingual Education Programs

Research on effective program design in Two-Way Bilingual Education⁷ indicates that programs must have a series of essential components in place to address short- and long-term program planning, design, and implementation so as to ensure that they are effective in each of the three goals of language development, content acquisition, and multicultural competency. These seven essential components are:

1. Assessment and Accountability
2. Curriculum
3. Instruction
4. Staff Quality and Professional Development
5. Program Structure
6. Family and Community
7. Support and Resources

Freeman, Freeman and Mercuri⁸ also suggest schoolwide essentials that are more philosophical in nature but nonetheless impact greatly on program design and effectiveness.

These are:

- All school personnel must understand and support the Two-Way Program goals.
- All school personnel must be flexible and adaptable to change.
- All personnel must promote academic and social equity for all students.

⁷ Lindholm-Leary, Katherine (2005). *Review of Research and Best Practices on Effective Features of Dual Language Education Programs*, San José State University.

⁸ Freeman, Freeman and Mercuri (2005). *Dual Language Essentials for Teachers and Administrators*, Portsmouth, NH: Heinemann.

In its program selection criteria for the national directory of Two-Way Bilingual Education Programs, the Center for Applied Linguistics points to a widely accepted definition of Two-Way Bilingual Education:

- 1) ELL/LEP and EP students are integrated for at least 50% of the day at all grade levels.
- 2) Both academic content and literacy instruction in both languages are provided to all students in both languages.
- 3) The number of ELL/LEP and EP students is balanced, with each group making up at least one third and not more than two thirds of the total student population.⁹

Scientifically based research indicates that Two-Way Bilingual Education Programs are effective when implemented for a minimum of four to six years, after which they will produce positive long-term academic and linguistic achievement outcomes for the populations served (Thomas and Collier, 1997, 2002; Christian, 1995; Lindholm-Leary, 1987; Ramirez et al, 1991). Due to the amount of time it takes to achieve academic proficiency in a second language, local educational agencies are strongly encouraged to institutionalize exemplary Two-Way Programs beyond the duration of state funding in order to offer student participants an opportunity to continue their education through this program model and to ensure that students will have long-term academic success.

It is also essential for a solid, research-based program that both LEP and EP student populations be given equal opportunities to become bilingual and biliterate. Thus, the program designs described below are intended for all students served in a Two-Way Bilingual Education Program. Local educational agencies that wish to develop and implement a Two-Way Bilingual Education Program must select a design that best suits the educational needs of the populations they serve.

Following are descriptions of three possible Two-Way Bilingual Education models defined according to percentage of instructional time devoted to English and the language other than English that can be implemented in schools. These designs have been identified from an extensive review of the *Directory of Two-Way Immersion Programs in the United States* (Christian & Whither 1995).

⁹ Howard and Sugarman (2001). *Two-Way Immersion Programs: Features and Statistics*, Center for Applied Linguistics, Washington, D.C.

A. The 50/50 Design

In the 50/50 Two-Way Bilingual Education model, students receive half of their instruction in English and the other half in the target language. This model is predicated on the belief that from the very beginning participating students must acquire both languages. The 50/50 ratio is kept constant throughout the grades. The time distribution of languages allows for alternating languages on a half-day, full-day or weekly basis. The two languages are kept separate at all times. Furthermore, each language is assigned to the instruction of different subject matter. Each language is used exactly half of the time for all program participants and this language distribution continues for the duration of the program.

B. The Second Language Enrichment Design

More instructional time (e.g., 90/10) is devoted to the first language of each language group during the first year(s) of implementation with a gradual increase in instructional time in the second language as the students progress through the grades. By doing so, all participating students strengthen their foundation in the native language during the early stages of learning. By the third or fourth year of implementation, equal instructional time (50/50) is devoted to both languages for all program participants. The two languages are kept separate at all times for instruction of different subject matter.

C. The 90/10 or variation of the 90/10

More instructional time is devoted to the minority language (e.g., Spanish, Haitian, Russian, Mandarin) for all students during the first two years of implementation, with the understanding that all students are exposed to increasing instructional time in English over years of implementation. Instructional time in English increases in each subsequent program year, until a 50/50 distribution is reached by the sixth and seventh year of implementation.

Practitioners of Two-Way Bilingual Education recommend that both language groups receive instruction together for most or all of their instructional day, regardless of the instructional design. Integration should occur not only during special subjects (music, art, physical education, etc.) but also during content area study (math, science, language arts, and social studies).

It is critical to adhere to the percentages of instructional time in English and the second language in order to give participants the best opportunities to become bilingual and biliterate. English Proficient students should be exposed to the second language within the classroom setting according to the design selected. School districts must assure that the total instructional time be in compliance with the required length of school day as defined by CR Part 100.

Issues Related to the Seven Essential Elements of Two-Way Bilingual Education Programs

1. Assessment And Accountability

Assessment and accountability are important areas that should not be left as an afterthought in planning, as they impact on both the implementation and effectiveness of the Two-Way Bilingual Education Program in the short and long term. These areas should include both a process to assess students in both languages and a plan to use accountability data for on-going program improvement.

Program Evaluation

It is recommended that each program identify and hire an external independent evaluator who will be responsible for conducting an ongoing evaluation of all three components of the program. In addition, evaluators must make recommendations that improve the activities of any of the components of the program as necessary.

Performance Standards

It is recommended that Two-Way Bilingual Education Programs provide specific activities for each component (instructional program, parent involvement, and staff development) that promote New York State's Learning Standards as recommended by the New York State Education Department.

a) Native Language and Second Language Performance Standards

Students instructed in a Two-Way Bilingual Education Program must meet New York State's performance standards in place for English (ESL and ELA) and a language other than English. LEP students must meet the performance standards as recommended in CR Part 154. Please refer to CR Part 154 for instruments and performance standards for LEP students. The New York State English as a Second Language Achievement Test (NYSESLAT) must be used to monitor LEP students' progress in English.

b) Mathematics, Science and Social Studies Performance Standards

Students instructed in a Two-Way Bilingual Education Program must meet New York State's mathematics, science, and social studies performance standards in place for all students in New York State. Please refer to the New York State Education Department web site for assessments that are approved by the Commissioner of Education under CR Part 100.

c) Additional Required Assessments

In addition to the state-mandated instruments, ongoing yearly evaluation procedures (both summative and formative) that monitor students' progress in first and second language development and content areas must be done in the language of instruction or in both languages as appropriate. These usually are the basis for the end-of-year grades for students in Two-Way Bilingual Education Programs. Alternative assessment procedures such as task performance approaches (e.g., oral or written presentations, and portfolio assessment) may be utilized in both languages of instruction. The use of rubrics should be incorporated as appropriate in order to maximize the use of alternative assessment procedures. The use of rubrics developed for the ELA and NYSESLAT assessments are strongly encouraged.

Data Collection and Reporting Procedures

Program evaluators must be provided with all data related to activities implemented in all components of the program.

Evaluators must collect and report the findings of all components of the program, as required, to the New York State Education Department, Office of Bilingual Education and Foreign Language Studies. A time line for activities must be included for all program components. Pre- and post-test administration dates (where appropriate) must also be included. Evaluators must report all assessment procedures used in the Two-Way Programs to assess students' progress in all areas over the years of implementation of the program as outlined below.

Student Evaluation

The evaluation of LEP, EP and Bilingual students in Two-Way Bilingual Education Programs must be consistent with the evaluation procedures in place for all students in New York State. New York State's Learning Standards are the basis for the new assessments. Two-Way Bilingual Education Program personnel should be kept abreast of the latest assessment procedures in place for all students in New York State and implement these procedures as appropriate.

- Limited English Proficient (LEP) students should be evaluated as indicated in CR Part 154 incorporating the LAB-R for initial identification and the NYSESLAT to monitor LEP students' progress in English on a yearly basis.
- English Proficient (EP) students' evaluation procedures must include participation in the New York State testing program in place for students instructed in mainstream English classrooms throughout the State.
- As students become Bilingual, they should be evaluated with the procedures in place for all students throughout the State. All student data must be submitted to the New York State Education Department through the Local Educational Agency Program (LEAP) and STEP programs as appropriate.

Evaluation of Instruction

The following data must be summarized and submitted on a floppy disk that will be provided by the New York State Education Department, Office of Bilingual Education and Foreign Language Studies:

Student Information Data

- Gender, birth place, home language

Student Achievement Data

- first and second language proficiency test scores for speaking, listening, reading, and writing
- scores for all required State assessments as appropriate
- content area achievement data (e.g., end-of-year grades, portfolios, etc.)
- LAB-R scores for identification only
- NYSESLAT scores for LEP students on a yearly basis

Student Schooling Information

- number of years in US schools
- number of years in schools in other countries
- languages of instruction used
- number of years enrolled in the following programs in the United States: mainstream English, Bilingual/ESL, ESL only, Two-Way

Parental Involvement Component

- titles and types of activities
- names and titles of presenters/facilitators
- number of parent participants
- summary of effectiveness of activity (make use of an evaluation form at the end of each activity)
- findings

Staff Development Component

- titles and types of activities
- names and titles of presenters
- number and title of participants

- summary of effectiveness of activity (make use of an evaluation form at the end of each activity)
- findings
- recommendations for future activities

Evaluation forms used at the end of the activities could pose questions or statements which allow participants to evaluate the activities.

2. Curriculum

The curriculum in a Two-Way Bilingual Education Program must explicitly address above all the following three goals:

- 1) Bilingualism and biliteracy in both languages
- 2) Academic content knowledge in both languages
- 3) Multicultural competency

It is not enough to address one or two of these three components.

A variety of materials should be used in a Two-Way Bilingual Education Program to develop language and academic skills in the two languages of instruction. To the greatest extent possible, materials used should be multi-sensory (visual, auditory and kinesthetic, etc.) in order to address the variety of differences that individuals possess and their different learning styles (see H. Gardner, 1999). They should promote the achievement of high standards for all students as proposed in New York State's Learning Standards. Local and district curricula materials should promote New York State's Learning Standards as applicable. All materials used in a Two-Way Bilingual Education Program must be comparable to materials used in classrooms where instruction is carried out solely in English.

Materials used should promote concept development in all its stages (concrete, semi-concrete, and abstract) in both languages. Following are some examples of materials that could be used in Two-Way Bilingual Education Programs. The use of these materials should be adapted appropriately according to the specific needs of the students served¹⁰.

- Manipulatives (e.g., blocks, legos, puppets, etc.)

¹⁰ For additional suggestions, refer to *The Teaching of Language Arts to LEP/ELLs: A Resource Guide for All Teachers* and *The Teaching of Language Arts to LEP/ELLs: Learning Standards for ESL* printed by NYSED.

- Realia (e.g., objects) to provide "hands on" real life experiences
- Audio-visuals (e.g., audiocassettes, transparencies, videos, etc.)
- Literature in both languages of instruction (It is extremely important to expose all students to quality literature (genres) in the two languages of instruction. Students, parents, and other community members are excellent resources.)
- Teacher-made materials (e.g., pictures, flash cards, personal books, etc.)
- Textbooks in both languages of instruction (These should parallel textbooks used in classrooms where instruction is carried out solely in English.)
- Computer software programs in the two languages of instruction
- Others as appropriate

Two-Way Bilingual Education Programs should have appropriate materials available for all program participants in the two languages of instruction. All efforts should be made to identify and/or develop adequate materials that support New York State's Learning Standards. For example, particular staff development workshops could be geared toward the use of the Native Language Arts standards in Two-Way Bilingual Education Programs and the creation of materials to support native language development. In addition to creating materials, Two-Way Program staff members are encouraged to contact publishers for available resources in the two languages of instruction. In addition, educational support services such as Bilingual Education Technical Assistance Centers (BETAC), Boards of Cooperative Educational Services (BOCES), and other available local and state assistance centers should be contacted.

Technology

The New York State Education Department recognizes that technology is an essential learning tool in all of the content areas. It is necessary that all students be equipped with the basic knowledge and skills that will enable them to compete in our highly technological world. Two-Way Bilingual Education Programs must incorporate technology into the content areas and into first and second language development. Beyond simply using software as an extension of the curriculum or as a drill and practice tool, teachers can integrate technology into instruction in meaningful ways. Two-Way Bilingual Education Programs should provide student participants with technologically educational experiences that are comparable to those offered to students in classrooms where instruction is carried out solely in English.

A variety of quality applications exist in various languages (e.g., multimedia literature applications in English and other languages). Teachers can prepare their own simple multimedia applications based on students' specific needs.

3. **Instruction**

The instructional component of Two-Way Bilingual Education Programs must indicate specific activities that will lead participants to meet New York State's performance standards in Language Arts (first and second language) and the content areas of mathematics, science, and social studies.

Quality instruction in both languages in all content areas is a necessity for an effective Two-Way Bilingual Education Program. A variety of teaching approaches must be used in a Two-Way Program in New York State to address first and second language development. These must be aligned with New York State learning standards in both languages of instruction, promote the most effective means of teaching and learning, and encourage high expectations for all participating students. Teaching approaches used should incorporate learning strategies and effective means of mastering content through purposeful language learning.

Approaches used in Two-Way Bilingual Education Programs should be consistent with those used in classrooms where instruction is carried out solely in English. They must promote higher order thinking skills and multiple forms of viewing and representing texts (e.g., synthesizing graphics, evaluating multiple texts, etc.). The various teaching approaches used in a Two-Way Program should be student-centered, inquiry-based, hands-on, differentiated and cooperative. The Two-Way Program itself should be a community of reflective educators where teachers come together to review and support each other, learn from their peers, and integrate theory and practice.

Below are an array of instructional strategies and approaches that can be used in a Two-Way Bilingual Education Program in both English and the minority language and can be adapted based on students' age/grade level, proficiency in either language, and learning styles.

- **Whole Language Approach** - The whole language approach is based on the philosophy that language acquisition, whether oral or written, is a natural developmental process. Thus, instruction is carried out in a manner that moves from the whole to the parts in the

four language skills: listening (receptive language skill), speaking (expressive oral language skill), reading (receptive visual language skill), and writing (expressive visual language skill). Lessons are learner-centered, promote social interaction, and reflect teacher's high expectations of students' abilities. This approach could be used in both first and second language instruction.

- Natural Language Approach - The natural language approach is a second language teaching methodology based on the process of first language acquisition. It stresses the importance of a meaningful context for language learning. The natural approach strives for communicative fluency rather than accuracy in structure and phonology. At the beginning, a learner is said to be in a "silent period" in which he or she may understand the language (receptive skills) but is not yet able to produce it (production skills). This approach is based on four stages of language development: (1) Pre-production; (2) Early Production; (3) Speech Emergence; and (4) Intermediate (Refer to Lessow, 1991 for additional information). This approach could be used in second language teaching for all students in a Two-Way Bilingual Education Program.
- Cooperative Learning - Cooperative learning is an approach that encourages learning as a shared task. Through this approach, heterogeneous groups of students work together sharing the responsibility of completing assigned tasks. There are various ways of implementing cooperative learning approaches that can be adapted for students at any grade and language proficiency level. These approaches may be used in all academic areas (See Johnson and Johnson, 1995 and Kagan, S.).
- Process Writing - This approach promotes writing as a generative, reflective process that requires multiple revisions, encouraging students to learn writing as a process and write as real authors do. The approach includes brainstorming, drafting, feedback, editing, revising, and publishing. The explicit teaching of grammar, syntax and orthography is embedded in the writing process itself. The writing process approach has been championed and developed by Lucy Caulkins at Teachers College at Columbia University. It is recommended for all types of writing in all content areas at all grade levels.
- Content-Based Language Instruction Approach - A content-based language instruction approach is a teaching approach that incorporates language and content area objectives

into the teaching task. This approach has proven to be highly effective for second language learners. It is highly recommended in a Two-Way Bilingual Education Program model in order to facilitate language and content learning for both language groups involved. A variety of content-based language instruction approaches are described below (See Crandall, 1995 for additional information).

- a. Integrated Language and Content Instruction - This approach makes use of academic content materials, tasks, and learning techniques as a vehicle for language, content, cognitive, and study skills development.
- b. Sheltered Language Instruction - This approach adapts the language of the texts and tasks through a variety of methods (e.g., demonstrations, visuals, graphic organizers or cooperative work) to make instruction in a second language accessible to learners who are at different levels of proficiency (Refer to Echevarria, J.; Vogt M. E. & Short, D. J., 2004).
- c. Theme-Based Instruction - This approach makes use of selected topics or themes from a subject area (e.g. social studies) or across the curriculum (e.g., Uses and Conservation of Water) in order to facilitate both language and content learning. When it incorporates content areas across the curriculum, it is often referred to as interdisciplinary or cross-disciplinary instruction.
- d. Cognitive Academic Language Learning Approach (CALLA) - This approach combines language, content, and strategy learning in a second language learning task. Although it is recommended for learners who are in upper elementary grades (grade 4 and above) who have intermediate or advanced levels of proficiency in the second language, this approach may be adapted for students in lower elementary grades (See Chamot & O'Malley, 1995, for additional information).

4. Staff Quality And Professional Development

According to Title III guidelines, teachers should have both the language and content area skills (knowledge) to teach students in a Two-Way Bilingual Education Program. Ongoing professional development through a variety of sources (see Resources section for more information) is key to ensuring staff quality. Staff development has also been identified by researchers as a highly critical feature for success of all students in all educational systems. In its effort to provide students in New York State with an educational experience of excellence and high standards, the New York State Education Department encourages that staff development activities be provided in schools and districts. Programs should provide participating staff with on-going staff development that focuses on effective first and second language teaching-learning strategies for diverse student populations. In addition, staff development offerings should provide teachers with effective approaches to help students achieve New York State's Learning Standards in all areas of knowledge. Educators must also be knowledgeable of Title III of the No Child Left Behind Act. These activities should be evaluated in an ongoing fashion and at the end of each academic year in order to indicate the effectiveness and make recommendations for future activities. The evaluator of the program should summarize the findings and make recommendations for future activities based on the evaluations.

New York State requires that teachers comply with the mandated requirements for New York State teaching certificates. Bilingual teachers who work with Two-Way Bilingual Education Programs must also meet New York State requirements for bilingual education extensions.

For more information regarding teaching certificate requirements, please contact: The New York State Education Department, Office of Teaching, Cultural Education Center, 89 Washington Avenue, Albany, New York 12234 or visit the New York State Education website at www.nysed.gov.

5. Program Structure/Organization

Classroom and teacher distribution

One Classroom

- One English monolingual teacher and one bilingual teacher (team-teaching approach, in which there are two teachers in one classroom or in which two teachers share two classrooms and are responsible for one language in each).
- One bilingual teacher who delivers instruction in both languages with LEP and EP students in one self-contained classroom.

Two Self-Contained Classrooms

- One classroom with one bilingual teacher with LEP students and one classroom with one monolingual English speaking teacher with EP students. Students rotate for some subjects and are integrated for part of the day.

More than Two Classrooms (Departmentalized Classes)

- Subjects may be offered by monolingual English speaking and bilingual teachers in team-teaching or in separate classes by teachers specialized in different subject areas.

All of the above classroom organizations can be used where more than 2 classrooms are needed. Students may be instructed for part of the day in separate classrooms and integrated for part or all of the day.

Language Planning in the Two-Way Bilingual Education Setting

Below are strategies for addressing issues of language time, status and frequency of use.

- Preview/review - A lesson is introduced or reviewed in one language (e.g., English) and developed in the other language (e.g., Spanish). At the end of the lesson, a summary is given in the language that was used during the introduction or preview.
- Alternate - Content area instruction is carried out in English and the minority language on alternating days or weeks.

Separation of Languages

Languages in a Two-Way Bilingual Education Program can be separated by:

- Time/scheduling: Each language gets a specific portion of the day.
- Subject/content area – Subject 1 is presented in English, Subject 2 in X language (e.g., mathematics is done in Spanish and science in English).
- Teacher - M teacher presents or models X language (one teacher presents English, the other, the minority language).

6. Family and Community

Researchers have identified meaningful parental involvement and on-going communication among schools, families and communities as a critical feature in students' academic success. New York State's educational system aims to encourage meaningful participation of families in the education of their children and for schools to create a welcoming environment for family and community participation.

Activities aimed at building partnerships with families and communities should promote their active participation by providing accessible and easy-to-understand information on the New York State Education System, the school program and its requirement, testing, options for academic support, and options for high school and college. Activities should also provide parents with tools to help their children succeed in the New York State's Learning Standards as recommended by the New York State Education Department. Informational meetings on the New York State Learning Standards and Assessments and specific strategies as to how families can help to assure their children's success should be carried out frequently. Parents, guardians, and/or families should also be informed of the requirements under CR Part 154 and parents' rights under the No Child Left Behind Act. It is recommended that activities be evaluated at the end of each session. Program managers are encouraged to have sign-in sheets, names of facilitators, etc., for activities carried out as part of their record-keeping system.

Following are examples of topics or activities that Two-Way Bilingual Education Programs may consider when planning their parental involvement component:

- *Informational* (e.g., goals of Two-Way Bilingual Education Programs, services available to students, requirements under CR Part 154, information on Title III of the No Child Left behind Act, etc.);
- *New York State's Learning Standards and Assessments* (e.g., workshops that address the standards and assessments requirements in New York State);
- *Graduation Requirements* (e.g., informational workshops on graduation requirements for all students);
- *Student Achievement of New York State Standards* (e.g., workshops on home/school projects that promote the achievement of high standards for all students);
- *Time Management and Homework Help* (e.g., hands-on workshops illustrating how parents can help their children manage their time on various activities at home - TV, internet, homework, etc. and how to help children find a quiet place to complete homework and make homework a routine);
- *Cultural Enrichment Activities* (e.g., celebration of special activities that promote cultural diversity);
- *Field Trips or Cultural Excursions* (e.g., local and out-of-district trips that enrich classroom study);
- *Parent Leadership* (e.g., participation in school, district and state parent committees, Parent Leadership Institute);
- *Classroom Partnership* (e.g., observing and helping visitations in the students' classrooms);
- *Parent Education Development* (e.g., GED/High School Equivalency test preparation, English as a Second Language, Spanish as a Second Language, Computer Literacy classes, workforce development, parenting, etc.).

7. Support And Resources

As previously stated in Freeman, Freeman and Mercuri,¹¹ support from administration and all staff is essential to the success of any Two-Way Bilingual Education Program. This includes both understanding the goals and promoting them, even for staff who are not directly involved in the program. In addition to this, families and community are key supporters of the program and essential to its success. Adequate funding, whether through state, federal, local or outside sources, is also essential to ensure program quality and sustainability.

Available Resources

The following resources will be helpful in planning, designing and/or implementing your Two-Way Bilingual Education Program:

New York State Education Department, Office of Bilingual Education and Foreign Language Studies:

<http://www.emsc.nysed.gov/funding/twoway0609qa.htm>

Two-Way Bilingual Education Online Library:

<http://www.ncela.gwu.edu/resabout/programs/twoway.htm>

Two-Way Bilingual Education: Students Learning through Two Languages

<http://www.ncela.gwu.edu/pubs/ncrcdssl/epr12/index.htm>

Center for Applied Linguistics:

<http://www.cal.org/twi/FAQ.htm#kinddds>

Directory of Two-Way Bilingual Immersion Programs in the U.S.

<http://www.cal.org/twi/directory/>

¹¹ Freeman, Freeman and Mercuri (2005). *Dual Language Essentials for Teachers and Administrators*, Portsmouth, NH: Heinemann.

Literature on Two-Way Bilingual Education:

http://www.cal.org/twi/bib/bib_all.doc

Guiding Principles for Dual Language Education:

<http://www.cal.org/twi/guidingprinciples.htm>

Dual Language Education of New Mexico:

<http://www.duallanguagenm.org/>

California Association of Bilingual Education – Two-Way National Network:

<http://www.bilingualeducation.org/2waycabe>

Glossary

The following terms are closely related to the education of limited English proficient (LEP)/English language learners (ELL) in New York State.

Bilingual Education: The use of two languages as a medium of instruction in part or all of an instructional program. In New York State two types of bilingual education programs exist, including: a. transitional bilingual education program, in which the primary language of the students is used for instructional support until some prescribed level of proficiency in the second language is reached; b. two-way bilingual education program (also referred to as dual language program) in which two languages are employed, one of which is English, for the purpose of instruction, and which involve students who are native speakers of each of these languages. Both groups of students, English language learners and native English speakers, have the opportunity to become bilingual and bi-literate. They learn curricula through their native language and second language while continuing to develop skills and proficiency in both languages. (Harris, T.L. and R.E. Hodges, 1995; *Regents Policy Paper and Proposed Action Plan for Bilingual Education*, 1989)

Bilingual Education Program: In New York State, this program involves instruction in English and in the native language, which facilitates academic progress and oral language and literacy skills in two languages. It provides English language learners with content-area instruction in the native language and in English; native language arts instruction; and instruction in English as a second language and English language arts.

Bilingual Extension: Extension of a New York State teaching certificate authorizing the holder of an appropriate valid teaching certificate to teach in a bilingual setting. (CR Part 52.21)

BETAC: Bilingual Education Technical Assistance Center. A statewide network of Technical Assistance Centers supported through the auspices of the New York State Education Department Office of Bilingual Education and Foreign Language Studies. There are 16 regional and/or language-specific centers throughout New York State located at universities in large cities, the NYC Department of Education and Boards of Cooperative Educational Services facilities. The BETACs assist schools serving limited English proficient/English language learners. (*Regents Policy Paper and Proposed Action Plan for Bilingual Education*, 1989)

Content Area: A subject matter course or curriculum such as mathematics, science, or history. (O'Malley, J.M. and L. Valdez-Pierce, 1996)

Content Standard: Narrative description of expected knowledge and abilities that describe what students should know and be able to do (usually in a domain or particular subject area. (New York State Education Department Virtual Learning System)

CR Part 154: New York State Commissioner’s Regulations for the Education of Pupils with Limited English Proficiency. These regulations define requirements for school districts in developing and implementing programs for LEP/ELL that are consistent with Education Law 3204 and CR Part 117.

Departmentalized Class: A type of instructional organization which is most appropriate for grades in which instruction is departmentalized such as intermediate, junior high, or high school. Students are grouped for instruction in subject classes taught in their native language by certified bilingual teachers. ESL instruction is given by certified ESL teachers. The students are integrated with the mainstream school population for music, art, and physical education. As the students’ English proficiency increases, they may be placed in required subject classes which are taught solely in English. (Adapted from *Guidelines for Programs Under Part 154 of the Commissioner’s Regulations for Pupils with Limited English Proficiency*, 1990)

Dual Language Program: See **Bilingual Education**.

ELA: English Language Arts. Instruction that focuses on the development of the English language: reading, writing, spelling, as well as oral communication. (Harris, T.L. and R.E. Hodges, 1995)

ELL: English Language Learner. An alternate term used to describe a limited English proficient (LEP) student. The term focuses positively on the development of the English language, rather than viewing the native languages as a deficit. (Baker, C. and S.P. Jones, 1998) In addition the term limited English proficient and its acronym LEP has been combined with the term English language learner and the acronym ELL. Compare to **Limited English Proficient (LEP)**.

ESL: English as a Second Language. Also referred to as English for Speakers of Other Languages (ESOL). A specific discipline that uses an approach allowing students to learn English systematically and cumulatively, moving from concrete to abstract levels of language in a spiraling fashion. A quality English as a second language program is sensitive to the student’s first language and culture and also incorporates contrastive analyses and multicultural education to facilitate the student’s integration into the culturally pluralistic mainstream. Furthermore, the program must address the four language skill areas of understanding, speaking, reading, and writing English as well as content-area instruction. (*Regents Policy Paper and Proposed Action Plan for Bilingual Education*, 1989)

Essential Elements of Effective Programs: Characteristics of programs found to be necessary in order to provide quality bilingual and ESL instruction that allows LEP students to meet the NYS learning standards and graduation requirements. (Report to the Board of Regents from the New York State Department of Education Office for Elementary, Middle, Secondary and Continuing Education, 1998)

First Language: This term is used in different, overlapping ways, and can mean (a) the first language learned; (b) the stronger language; (c) the ‘mother tongue’; (d) the language most used. (Baker, C. and S.P. Jones, 1998) Compare to **Home Language; L1; Mother Tongue; Native Language; Primary Language**.

Freestanding English as a Second Language Program: In New York State, this program of instruction is comprised of two components: A language arts instructional component and a content area instructional component. Such instruction shall take into account the first language and culture of such pupils. The language arts instructional component shall include English language arts instruction and English as a second language instruction. The learning standards for English language arts (ELA) and English as a second language (ESL), and key ideas and performance indicators for such standards, shall serve as the basis for the ELA and ESL curriculums, respectively. The content area instructional component shall provide grade and age level appropriate instruction in the required content area subjects in English supported by English as a second language methodologies, employed in a systematic and structured way, and shall be designed to develop cognitive skills of limited English proficient pupils. (CR Part 154.2)

Guided Reading: Reading instruction in which the teacher provides the structure and purpose for reading and for responding to the reading. (Harris, T.L. and R.E. Hodges, 1995) 120 *Learning Standards for NLA*

Home Language: The language first taught and most used in the home during childhood. Compare to **First Language; L1; Mother Tongue; Native Language; Primary Language.**

Interactive Learning: Learning in which children and young people are involved in thinking about, writing about, and talking about their learning. This kind of learning produces more effective growth than instruction in which children are passive. (NYS English Language Arts Resource Guide, 1997)

L1: First Language. The first or initial language learned by a child. (Baker, C. and S.P. Jones, 1998) Compare to **Home Language; Mother Tongue; Native Language; Primary Language.**

L2: Second Language. This term is used in different, overlapping ways, and can mean (1) the second language learned (chronologically); (2) the weaker language; (3) a language that is not the “mother tongue”; (4) the less used language. The term is sometimes used to describe third and further languages. (Baker, C. and S.P. Jones, 1998) Compare to: **Target Language; Second Language.**

Language: The systematic, conventional use of sounds, signs, or written symbols in a human society for communication and self-expression. (Crystal, 1992, in Harris, T.L. and R.E. Hodges, 1995)

Language Minority: 1. A language community (or person) whose first or native language is different from the dominant language of the country. A group who speaks a language of low prestige, who is low in power, or who constitutes a small population in a society. (Baker, C. and S.P. Jones, 1998). 2. Individuals from homes or ancestries where languages other than English are spoken. (*Regents Policy Paper and Proposed Action Plan for Bilingual Education*, 1989)

Language Transfer: The effect of one language on the learning of another. There can be both *negative transfer*, sometimes called interference, and more often *positive transfer*, particularly in understandings and meanings of concepts. (Baker, C. and S.P. Jones, 1998)

Learning Standard: An established level or degree of quantity, value, or quality. The NYS Learning Standards are defined as the knowledge, skills and understandings that individuals can and do habitually demonstrate over time as a consequence of instruction and experience. (New York State Education Department Virtual Learning System)

LEP: Limited English Proficient. Individuals 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 the statewide reference point or its equivalent on an English language assessment instrument approved by the Commissioner of Education. (*Regents Policy Paper and Proposed Action Plan for Bilingual Education*, 1989) Compare to **English Language Learner**.

Literacy: The capacity of an individual to develop and use a continuum of a complex set of skills and abilities, including both reading and writing, and to apply these skills in a social context. (Harris, T.L. and R.E. Hodges, 1995)

Mother Tongue: The term is used ambiguously. It variously means: (a) the language learned from the mother; (b) the first language learned irrespective of from whom; (c) the stronger language at any time of life; (d) the main language of the area or country; e.g., Spanish in Spain; (e) the language most used by a person; (f) the language toward which a person has the more positive attitude and affection. (Baker, C. and S.P. Jones, 1998) Compare to **First Language; Home Language; L1; Native Language; Primary Language**.

NL: Native Language. Language that a person acquires first in life, or identifies with as a member of an ethnic group (Baker, C. and S.P. Jones, 1998) Compare to **First Language; Home Language; L1; Mother Tongue; Primary Language**.

NLA: Native Language Arts. Instruction in a language other than English, designed to develop the communication skills, including those of listening, speaking, reading, and writing in a student's native language as well as an appreciation of the history and culture of the United States and the country of origin, through the study of literature. (CR Part 154.2)

NYSESLAT: New York State English as a Second Language Achievement Test. An assessment aligned with the New York State learning standards for English as a second language. Its purpose is to measure the progress of LEP/ELLs in their development of proficiency in English.

Orthography: The study of the nature and use of symbols in a writing system. (Harris, T.L. and R.E. Hodges, 1995)

Performance Indicator: In New York State, it is a description of student achievement expectations on the developmental levels of elementary (grades K-4), intermediate (grades 5-8) and commencement (grades 9-12). (New York State Education Department Virtual Learning System) See also **Performance Standard**.

Performance Standard: Refer to the indices of quality that specify how adept or competent a student demonstration must be. They relate to issues of assessment that gauge the degree to which content standards have been attained. A performance standard indicates both the nature of the evidence required to demonstrate that the content standard has been met and the quality of student performance that will be deemed acceptable. (National Education Goals Panel, 1993)

Phonetics: The study of speech sounds. (Harris, T.L. and R.E. Hodges, 1995)

Phonics: A method of teaching reading based on recognizing the sounds of letters and combinations of letters. (Baker, C. and S.P. Jones, 1998)

Portfolio: A collection of a student's work that may be used to evaluate learning progress. Portfolios may contain both exemplary pieces of work and works in progress. Exemplary pieces of work may be selected by the student independently of the student and teacher together. They may also contain the teacher's observations and student self-evaluations. (Harris, T.L. and R.E. Hodges, 1995)

Primary Language: The language in which bilingual/multilingual speakers are most fluent, or which they prefer to use. This is not necessarily the language learned first in life. (Baker, C. and S.P. Jones, 1998) Compare to **First Language; Home Language; L1; Mother Tongue; Native Language; Primary Language.**

Proficiency: See **Language Proficiency.**

Rubric: A measurement scale used to evaluate a student's performance. Rubrics consist of a fixed scale and a list of characteristics that describe criteria at each score point for a particular outcome. (O'Malley, J.M. and L. Valdez-Pierce, 1996)

Second Language: This term is used in different, overlapping ways, and can mean (1) the second language learned (chronologically); (2) the weaker language; (3) a language that is not the "mother tongue"; (4) the less used language. The term is sometimes used to describe third and further languages. (Baker, C. and S.P. Jones, 1998) Compare to **L2; Target Language.**

Self-Contained Classroom: A type of instructional organization in which students remain in the same classroom for most of the day except for subjects such as art, music, and physical education. LEP students in self-contained classrooms can be identified as beginning, intermediate, or advanced, based on their degree of English proficiency. They may also be assigned to subgroups based on skill, or subgroups based on performance in content-area subjects. (Adapted from *Guidelines for Programs Under Part 154 of the Commissioner's Regulations for Pupils with Limited English Proficiency, 1990*)

Standard: See **Learning Standard.**

Target Language: 1. A language selected to be learned. 2. The language into which a text is translated. (Harris, T.L. and R.E. Hodges, 1995) Compare to **L2; Second Language.**

TESOL: Teachers of English to Speakers of Other Languages.

Transitional Bilingual Education Program: See **Bilingual Education**.

Twelve Action Steps: A strategic plan developed by the New York State Education Department for implementing ways to enable LEP/ELLs to attain the NYS learning standards and complete the requirements for graduation. (Report to the Board of Regents from the New York State Department of Education Office for Elementary, Middle, Secondary and Continuing Education, 1998)

Two-Way Bilingual Education Program: See **Bilingual Education**.

Writing Process: The many aspects of the complex act of producing a written communication; specifically, planning or prewriting, drafting, revising, editing, and publishing. (Harris, T.L. and R.E. Hodges, 1995)

Appendix A

Federal and State Regulations and Guidelines That Govern Two-Way Bilingual Education Programs

The instructional component of a Two-Way Bilingual Education Program is consistent with New York State's Learning Standards for all elementary, middle and secondary school students. In addition, it must be developed in compliance with the following:

- **CR Part 154**: As a minimum, LEP students in a Two-Way Bilingual Education Program must be provided with the education specified in Education Law, subdivision 3204 and as amended by Chapter 827 of the 1982 Laws and Part 154 of the Regulations of the Commissioner of Education. The procedures and services stipulated in *Guidelines for Programs Under Part 154 of the Commissioner's Regulations for Pupils with Limited English Proficiency* must be followed. School districts must have an approved Comprehensive Plan under CR Part 154 in order to be eligible to apply for funding for a Two-Way Bilingual Education Program through the New York State Education Department.
- **Strategies for Raising Standards**: New York State has embraced a vision of a standards-based education system aimed at raising all students' academic performance. In pursuit of this vision, both English Language Learners/LEP students and English proficient (EP) students must be provided with opportunities to achieve the high standards which are the basis of assessment in New York State. All Two-Way Bilingual Education Programs must incorporate the Department's strategy for raising standards through the following:
 - Set clear, high standards for all students and develop an effective way of assessing students' progress in meeting these standards;
 - Build the local capacity of schools and/or districts to enable all students to meet the standards; and

- Incorporate a rigorous accountability system where results of the assessment of student progress through school reports are comprehensible to all (state and school district administrators, community members, parents, students, community residents, etc.)

Federal legislation determines the goals, purposes and allowances for federal funds used from Title III of the No Child Left Behind (NCLB) Act, according to Sections 3101 and 3102. Because Two-Way Bilingual Education Programs serve both ELL/LEP students as well as English proficient (EP) students, these guidelines govern their administration.

The purposes of these guidelines are to:

- (1) help ensure that children who are limited English proficient (LEP), including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;
- (2) assist all limited English proficient (LEP) children, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with section 1111(b)(1);
- (3) develop high-quality language instruction educational programs designed to assist State educational agencies, local educational agencies, and schools in teaching limited English proficient children and serving immigrant children and youth;
- (4) assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings;
- (5) assist State educational agencies, local educational agencies, and schools to build their capacity to establish, implement, and sustain language instruction educational programs and programs of English language development for limited English proficient children;
- (6) promote parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children;

(7) streamline language instruction educational programs into a program carried out through formula grants to State educational agencies and local educational agencies to help limited English proficient children, including immigrant children and youth, develop proficiency in English, while meeting challenging State academic content and student academic achievement standards;

(8) hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring —

(a) demonstrated improvements in the English proficiency of limited English proficient children each fiscal year; and

(b) adequate yearly progress for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2)(B); and

(9) provide State educational agencies and local educational agencies with the flexibility to implement language instruction educational programs, based on scientifically based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English.

SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.

(a) **PURPOSES OF SUBGRANTS** - A State educational agency may make a sub-grant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging State academic content and student academic achievement standards. In carrying out activities with such funds, the entity shall use approaches and methodologies based on scientifically based research on teaching limited English proficient children and immigrant children and youth for the following purposes:

(1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children, and such children and youth, including programs of early childhood education, elementary school programs, and secondary school programs;

(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children, and such children and youth;

(3) Implementing, within an individual school, school-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction programs for such children, and such children and youth; and

(4) Implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction programs for such children, and such children and youth.

(b) **ADMINISTRATIVE EXPENSES** - Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

(c) **REQUIRED SUBGRANTEE ACTIVITIES** - An eligible entity receiving funds under section 3114(a) shall use the funds —

(1) to increase the English proficiency of limited English proficient children by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing —

(a) English proficiency; and

(b) student academic achievement in the core academic subjects; and

(2) to provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is —

(A) designed to improve the instruction and assessment of limited English proficient children;

(B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children;

(C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher.

(d) **AUTHORIZED SUBGRANTEE ACTIVITIES** - Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

- (1) Upgrading program objectives and effective instruction strategies;
- (2) Improving the instruction program for limited English proficient children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures;
- (3) Providing —
 - (a) tutorials and academic or vocational education for limited English proficient children; and
 - (b) intensified instruction.
- (4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services;
- (5) Improving the English proficiency and academic achievement of limited English proficient children;
- (6) Providing community participation programs, family literacy services, and parent outreach and training activities to limited English proficient children and their families —

- (A) to improve the English language skills of limited English proficient children; and
 - (B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.
- (7) Improving the instruction of limited English proficient children by providing for —
- (A) the acquisition or development of educational technology or instructional materials;
 - (B) access to, and participation in, electronic networks for materials, training, and communication; and
 - (C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.
- (8) Carrying out other activities that are consistent with the purposes of this section.

(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH -

- (1) **IN GENERAL** - An eligible entity receiving funds under section 3114(d) (1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include —
- (A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
 - (B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
 - (C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
 - (D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;
 - (E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

(2) **DURATION OF SUBGRANTS** - The duration of a sub-grant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

(f) SELECTION OF METHOD OF INSTRUCTION -

(1) **IN GENERAL** - To receive a sub-grant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State academic content and student academic achievement standards.

(2) **CONSISTENCY**- Such selection shall be consistent with sections 3125 through 3127.

(g) SUPPLEMENT, NOT SUPPLANT - Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

SEC. 3116. LOCAL PLANS.

(a) **PLAN REQUIRED** - Each eligible entity desiring a sub-grant from the State educational agency under section 3114 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(b) **CONTENTS** - Each plan submitted under subsection (a) shall —

- (1) describe the programs and activities proposed to be developed, implemented, and administered under the sub-grant;
- (2) describe how the eligible entity will use the sub-grant funds to meet all annual measurable achievement objectives described in section 3122;
- (3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for —
 - (A) meeting the annual measurable achievement objectives (AMAO) described in section 3122;
 - (B) making adequate yearly progress (AYP) for limited English proficient children, as described in section 1111(b)(2)(B); and
 - (C) annually measuring the English proficiency of limited English proficient children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 1111(b)(1);
- (4) describe how the eligible entity will promote parental and community participation in programs for limited English proficient children;
- (5) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing such plan; and
- (6) describe how language instruction educational programs carried out under the subgrant will ensure that limited English proficient children being served by the programs develop English proficiency.

(c) **TEACHER ENGLISH FLUENCY** - Each eligible entity receiving a subgrant under section 3114 shall include in its plan a certification that all teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

(d) **OTHER REQUIREMENTS FOR APPROVAL** - Each local plan shall also contain assurances that —

- (1) each local educational agency that is included in the eligible entity is complying with section 3302 prior to, and throughout, each school year;
- (2) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this part;
- (3) the eligible entity has based its proposed plan on scientifically based research on teaching limited English proficient children;
- (4) the eligible entity will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content and student academic achievement standards; and
- (5) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 3126 and 3127.

SEC. 3121. EVALUATIONS.

(a) **IN GENERAL** - Each eligible entity that receives a sub-grant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the sub-grant is received, with an evaluation, in a form prescribed by the agency, that includes —

- (1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the two immediately preceding fiscal years;
- (2) a description of the progress made by children in learning the English language and meeting challenging State academic content and student academic achievement standards;

(3) the number and percentage of children in the programs and activities attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

(4) a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services under this part.

(b) USE OF EVALUATION -An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency —

(1) for improvement of programs and activities;

(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State academic content and student academic achievement standards; and

(3) in determining whether or not to continue funding for specific programs or activities.

(c) EVALUATION COMPONENTS - An evaluation provided by an eligible entity under subsection (a) shall —

(1) provide an evaluation of children enrolled in a program or activity conducted by the entity using funds under subpart 1 (including the percentage of children) who —

(a) are making progress in attaining English proficiency, including the percentage of children who have achieved English proficiency;

(b) have transitioned into classrooms not tailored to limited English proficient children, and have a sufficient level of English proficiency to permit them to achieve in English and transition into classrooms not tailored to limited English proficient children;

(c) are meeting the same challenging State academic content and student academic achievement standards as all children are expected to meet; and

(d) are not receiving waivers for the reading or language arts assessments under section 1111(b)(3)(C); and

(2) include such other information as the State educational agency may require.

(d) **EVALUATION MEASURES** - A State shall approve evaluation measures for use under subsection (c) that are designed to assess —

- (1) the progress of children in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English;
- (2) student attainment of challenging State student academic achievement standards on assessments described in section 1111(b) (3); and
- (3) progress in meeting the annual measurable achievement objectives described in section 3122.

(e) **SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES** - Each specially qualified agency receiving a grant under this part shall provide the evaluations described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.

SEC. 3122. ACHIEVEMENT OBJECTIVES AND ACCOUNTABILITY.

(a) **ACHIEVEMENT OBJECTIVES** -

(1) **IN GENERAL** - Each State educational agency or specially qualified agency receiving a grant under subpart 1 shall develop annual measurable achievement objectives (AMAO) for limited English proficient children served under this part that relate to such children's development and attainment of English proficiency while meeting challenging State academic content and student academic achievement standards as required by section 1111(b) (1).

(2) **DEVELOPMENT OF OBJECTIVES** - Such annual measurable achievement objectives shall be developed in a manner that —

(A) reflects the amount of time an individual child has been enrolled in a language instruction educational program; and

(B) uses consistent methods and measurements to reflect the increases described in subparagraphs (A) (i), (A)(ii), and (B) of paragraph (3).

(3) **CONTENTS** - Such annual measurable achievement objectives —

(A) shall include —

(i) at a minimum, annual increases in the number or percentage of children making progress in learning English;

(ii) at a minimum, annual increases in the number or percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency consistent with section 1111(b)(7); and

(iii) making adequate yearly progress for limited English proficient children as described in section 1111(b)(2)(B); and

(B) at the discretion of the agency, may include the number or percentage of children not receiving waivers for reading or language arts assessments under section 1111(b)(3)(C), but this achievement objective shall not be applied to an eligible entity that, in a given school year —

(i) has experienced a large increase in limited English proficient children or immigrant children and youth;

(ii) enrolls a statistically significant number of immigrant children and youth from countries where such children and youth had little or no access to formal education; or

(iii) has a statistically significant number of immigrant children and youth who have fled from war or natural disaster.

(b) ACCOUNTABILITY -

(1) **FOR STATES** - Each State educational agency receiving a grant under subpart 1 shall hold eligible entities receiving a subgrant under such subpart accountable for meeting the annual measurable achievement objectives under subsection (a), including making adequate yearly progress for limited English proficient children.

(2) **IMPROVEMENT PLAN** - If a State educational agency determines, based on the annual measurable achievement objectives described in subsection (a), that an eligible entity has failed to make progress toward meeting such objectives for 2 consecutive years, the agency shall require the entity to develop an improvement plan that will ensure that the entity meets such objectives. The improvement plan shall specifically address the factors that prevented the entity from achieving such objectives.

(3) **TECHNICAL ASSISTANCE** - During the development of the improvement plan described in paragraph (2), and throughout its implementation, the State educational agency shall —

(A) provide technical assistance to the eligible entity;

(B) provide technical assistance, if applicable, to schools served by such entity under subpart 1 that need assistance to enable the schools to meet the annual measurable achievement objectives described in subsection (a);

(C) develop, in consultation with the entity, professional development strategies and activities, based on scientifically based research, that the agency will use to meet such objectives;

(D) require such entity to utilize such strategies and activities; and

(E) develop, in consultation with the entity, a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to limited English proficient children.

(4) **ACCOUNTABILITY** - If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) for 4 consecutive years, the agency shall —

(a) require such entity to modify the entity's curriculum, program, and method of instruction; or

(b)(i) make a determination whether the entity shall continue to receive funds related to the entity's failure to meet such objectives; and

(ii) require such entity to replace educational personnel relevant to the entity's failure to meet such objectives.

(c) **SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES** - The Secretary shall hold specially qualified agencies receiving a grant under this subpart accountable for meeting the annual measurable achievement objectives described in subsection (a) in the same manner as State educational agencies hold eligible entities accountable under subsection (b).

Appendix B

Essential Elements of Effective Programs for Limited English Proficient/ English Language Learners

1. High standards for LEP/ELLs. LEP/ELLs are held to the same high standards and expectations as all students. Curriculum, instruction, and assessment in all classrooms serving LEP/ELLs students are aligned with New York State standards in the seven core areas.
2. Strong Literacy Development for LEP/ELLs. Literacy is developed through native language arts (NLA), English as a second language (ESL) and English language arts (ELA) curricula aligned with the ELA standards. The value of learning to read first in the native language is recognized. Instructional strategies promote the transfer of literacy skills learned in the native language to acquisition of literacy in English.
3. Qualified and Well-Trained Educators of LEP/ELLs. There are sufficient numbers of well-prepared, competent, and appropriately certified teachers, administrators, and staff working with LEP/ELLs. The staff participates in ongoing, long-term staff development with strong emphasis on the State learning standards. The single most critical element for successful learning by LEP/ELLs is the quality and preparation of the teachers.
4. District/School-Based Leadership Committed to Educational Excellence and Equity for LEP/ELLs. The superintendent promotes educational excellence for LEP/ELLs. Principals are highly articulate regarding curriculum and instructional classroom strategies for LEP/ELLs. They are highly supportive of their bilingual/ESL instructional staff. The school leadership encourages alternative approaches to teaching LEP/ELLs, such as creating open-ended learning opportunities that lead to critical thinking, student-directed activities, and collaboration with peers. Flexibility and expansion of instructional time, such as after school programs, extended school year, and Saturday schools for LEP/ELLs are supported.
5. Positive School Climate for LEP/ELLs. The languages and cultures of LEP/ELLs are respected and valued throughout the school. Parents of LEP/ELLs are made to feel important members of the school community. Bilingual and ESL teachers are an integral part of the instructional staff and they are provided with the support, materials, and resources needed to be successful.
6. Parent/Family and Community Involvement in the Education of LEP/ELLs. Parents of LEP/ELLs are meaningfully involved in the education of their children and are informed about the State standards and assessments. Parents are provided with strategies to increase their ability to help with their children's homework. Parents of LEP/ELLs are encouraged to become more active and involved members of the school community and to participate in decision-making activities.
7. Assessment and Accountability. LEP/ELLs performance and services are assessed on an ongoing basis at all levels using multiple, fair, and equitable measures. Assessment is conducted in the native language and in English as appropriate. The information obtained is used to determine student academic progress, the level of English language acquisition, and to refine services to LEP/ELLs and report outcomes.

Appendix C

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