



Facts about English Learners and the NCLB/ESSA Transition in New York State

By Julie Sugarman and Kevin Lee

This fact sheet provides a sketch of key characteristics of the foreign-born and English Learner (EL) populations in New York. It is intended to equip community organizations with an understanding of the state demographic context and some of the basics of EL policies under the *No Child Left Behind Act* (NCLB, in effect from 2002 through December 2015) and its successor, the *Every Student Succeeds Act* (ESSA), enacted in December 2015.

The first section looks at the demographics of New York, including the entire state population using U.S. Census Bureau 2014 American Community Survey (ACS) data, and EL students as reported by the New York State Education Department (NYSED). A discussion of EL student outcomes as measured by standardized tests follows, and the fact sheet concludes with a brief overview of New York accountability mechanisms that affected ELs under NCLB and relevant provisions of ESSA.

I. Demographic Overview of Foreign-Born and EL Populations in New York State

In 2014, approximately 4,465,469 foreign-born individuals resided in New York, accounting for 23 percent of the state population—a larger share than immigrants in the United States overall (13 percent), as seen in Table 1. Historically, New York has been a destination for substantial numbers of immigrants in the United States, with the state home to more than 10 percent of the foreign-born population of the country.

Table 1. Foreign- and U.S.-Born Populations of New York State and United States, 2014

| | New York State | | United States | |
|------------------------------------|----------------|------------|---------------|-------------|
| | Foreign Born | U.S. Born | Foreign Born | U.S. Born |
| Number | 4,465,469 | 15,280,758 | 42,391,794 | 276,465,262 |
| Share of total population | 22.6% | 77.4% | 13.3% | 86.7% |
| Population Change over Time | | | | |
| % change: 2000-14 | 15.4% | 1.1% | 36.3% | 10.4% |
| % change: 1990-2000 | 35.6% | -0.2% | 57.4% | 9.3% |
| Age Group | | | | |
| Share under age 5 | 0.5% | 7.6% | 0.6% | 7.1% |
| Share ages 5-17 | 4.3% | 18.3% | 5.3% | 18.6% |
| Share ages 18+ | 95.2% | 73.8% | 94.0% | 74.3% |

Source: Migration Policy Institute (MPI) Data Hub, "State Immigration Data Profiles: Demographics & Social," accessed September 8, 2016, www.migrationpolicy.org/data/state-profiles/state/demographics/NY/US/.

Table 2. Children (ages 17 and younger) in New York State and the United States, 2014

| | New York State | | United States | |
|--|------------------|-------------------------|-------------------|-------------------------|
| | Number | Share of Population (%) | Number | Share of Population (%) |
| Children between ages 6 and 17 with | 2,665,194 | 100 | 46,968,394 | 100 |
| Only native parent(s) | 1,714,704 | 64.3 | 35,171,703 | 74.9 |
| One or more foreign-born parents | 950,490 | 35.7 | 11,796,691 | 25.1 |
| Child is native born | 792,898 | 29.8 | 10,011,547 | 21.3 |
| Child is foreign born | 157,592 | 5.9 | 1,785,144 | 3.8 |
| Children in low-income families | 1,685,864 | 100 | 30,272,597 | 100 |
| Only native parents | 955,221 | 56.7 | 20,793,941 | 68.7 |
| One or more foreign-born parents | 730,643 | 43.3 | 9,478,656 | 31.3 |

Note: The definition of children in low-income families includes children under age 18 who resided with at least one parent and in families with annual incomes below 200 percent of the federal poverty threshold.

Source: MPI Data Hub, “State Immigration Data Profiles: Demographics & Social.”

Table 1 also shows that the foreign-born growth rate in New York slowed from 36 percent in the period between 1990 and 2000 to 15 percent between 2000 and 2014, less than half the growth rate of the U.S. immigrant population more generally. Nevertheless, the immigrant population continues to grow more rapidly than the native-born population. Age group trends in New York mirror broader national trends, with disproportionately fewer foreign-born individuals in the birth-to-age-17 brackets compared to the native born.

With a large population of immigrants, it follows that the share of school-age chil-

dren with one or more foreign-born parents is higher in New York State (36 percent) compared to the United States (25 percent), as shown in Table 2. Additionally, about 83 percent of children of immigrants in New York were native born. In New York, 43 percent of children in low-income families had foreign-born parents, compared to 31 percent of low-income children nationally.

New York State has a diverse immigrant population, with sizeable shares coming from Asia and Latin America, which correspond to the top two regions of birth for the foreign-born population nationwide (see Table 3).

Table 3. Regions of Birth of the Foreign-Born Population in New York State and the United States, 2014

| Region of Birth | New York State | | United States | |
|------------------|----------------|-------------------------|---------------|-------------------------|
| | Number | Share of Population (%) | Number | Share of Population (%) |
| Africa | 191,024 | 4.3 | 1,931,203 | 4.6 |
| Asia | 1,264,610 | 28.3 | 12,750,422 | 30.1 |
| Europe | 736,523 | 16.5 | 4,764,822 | 11.2 |
| Latin America | 2,204,766 | 49.4 | 21,890,416 | 51.6 |
| Northern America | 55,001 | 1.2 | 812,642 | 1.9 |
| Oceania | 13,491 | 0.3 | 241,200 | 0.6 |

Notes: Latin America includes South America, Central America, Mexico, and the Caribbean; Northern America includes Canada, Bermuda, Greenland, and St. Pierre and Miquelon. The region of birth data exclude those born at sea.

Source: MPI Data Hub, “State Immigration Data Profiles: Demographics & Social.”

Table 4. Nativity of New York State and U.S. LEP Students, 2014

| | Share of K-12 LEP Children Born in the United States (%) | | |
|----------------|--|-------------|-------|
| | Grades K-5 | Grades 6-12 | Total |
| New York State | 81 | 56 | 69 |
| United States | 83 | 56 | 71 |

Note: Analysis based on Limited English Proficient (LEP) children ages 5 and older enrolled in grades K-12.

Source: MPI analysis of U.S. Census Bureau 2014 American Community Survey (ACS) data, accessed through Minnesota Population Center, University of Minnesota, “Integrated Public Use Microdata Series,” accessed September 8, 2016, <https://usa.ipums.org/usa/>.

New York’s foreign-born population mirrors the national trends, with nearly half from Latin America, 28 percent from Asia, 17 percent from Europe, and smaller shares from other regions.

Number of ELs. ACS Census data on the Limited English Proficient (LEP) population rely on self-reporting of English proficiency, with LEP individuals counted as those who speak English less than “very well.” At the national level, ACS data indicate that 5 percent of U.S. children ages 5 to 17 are LEP,¹ while data submitted to the federal government by the states put the share of ELs amongst the total K-12 population at 10 percent in school year (SY) 2013-14.²

At the state level, ACS data indicate that 8 percent of New York children ages 5 to 17 are LEP.³ The most recent data from the NYSED, from SY 2015-16, also indicate that EL enrollment represents 8 percent of the total K-12 student population, or 217,198 students.⁴

Table 4 shows that in New York State and in the United States more generally, slightly more than two-thirds of school-aged children who were reported as LEP in census data were born in the United States, with a larger share among elementary school children than older students.

The most recent data available that show the top languages spoken by ELs in New York State come from the Consolidated State Performance Reports submitted by each state to the federal government. Table 5 shows data from SY 2013-14 that indicate Spanish was spoken by almost two-thirds of New York ELs, with Chinese, Arabic, Bengali, and Haitian/Haitian Creole rounding out the top five.

Table 6 shows New York school districts with more than 2,000 ELs, which include the “Big Five” school districts of Buffalo, Rochester, Syracuse, New York City, and Yonkers. The

Table 5. Top Five Home Languages Spoken by New York State ELs, SY 2013-14

| | Number of ELs | Share of ELs (%) |
|-------------------------|---------------|------------------|
| Spanish | 147,928 | 61.3 |
| Chinese | 24,631 | 10.2 |
| Arabic | 9,492 | 3.9 |
| Bengali | 6,971 | 2.9 |
| Haitian, Haitian Creole | 4,135 | 1.7 |

EL = English Learner; SY = School Year.

Note: Share calculated based on 241,138 Limited English Proficient students reported by the state in 2013-14.

Source: U.S. Department of Education, “SY 2013-2014 Consolidated State Performance Reports Part I. New York,” updated October 30, 2015, www2.ed.gov/admins/lead/account/consolidated/sy13-14part1/index.html.

Table 6. Number and Share of PK-12 ELs in New York State School Districts with More Than 2,000 ELs, SY 2015-16

| | Number of ELs | Share of ELs in District (%) |
|---|---------------|------------------------------|
| New York City* | 133,627 | 13.0 |
| Brentwood Union Free School District | 5,604 | 29.0 |
| Buffalo City School District | 4,807 | 14.2 |
| Rochester City School District | 3,648 | 12.3 |
| Syracuse City School District | 3,103 | 14.5 |
| Yonkers City School District | 2,990 | 11.3 |
| Hempstead Union Free School District | 2,637 | 33.7 |
| East Ramapo Central School District (Spring Valley) | 2,493 | 24.3 |

EL = English Learner; SY = School Year.

* New York City includes all five boroughs, with a total PK-12 enrollment of 1,026,433.

Source: New York State Education Department (NYSED), “Public School Enrollment, District Enrollment – English Language Learners,” accessed December 6, 2016, www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html.

districts with the largest numbers of ELs have shares between 11 percent (Yonkers) and 34 percent (Hempstead).

Finally, Table 7 shows that the largest share of ELs was concentrated in grades K to 2 (37 percent) in SY 2015-16, with the smallest share in middle school (18 percent).

II. EL Student Outcomes in New York State

New York uses the New York State English as a Second Language Achievement Test (NYSESLAT) for annual assessment of students’ English language proficiency. Table 8 shows the share of ELs scoring at each performance level, by grade band.

Table 7. Number and Share of ELs in New York State, by Grade, SY 2015-16

| | Grades K-2 | Grades 3-5 | Grades 6-8 | Grades 9-12 |
|---------------|------------|------------|------------|-------------|
| Share of ELs | 36.9% | 22.8% | 17.7% | 22.6% |
| Number of ELs | 77,741 | 48,126 | 37,279 | 47,547 |

EL = English Learner; SY = School Year.

Source: NYSED, “New York State Public School Enrollment, 2015-16,” accessed December 7, 2016, <https://data.nysed.gov/enrollment.php?year=2016&state=yes>.

Table 8. Share of ELs at Each NYSESLAT Overall Performance Level (%), SY 2015-16

| | Grades K-2 (%) | Grades 3-5 (%) | Grades 6-8 (%) | Grades 9-12 (%) | All Students (%) |
|---------------|----------------|----------------|----------------|-----------------|------------------|
| Entering | 5.7 | 5.6 | 6.1 | 6.2 | 5.8 |
| Emerging | 15.4 | 14.1 | 14.1 | 17.7 | 15.3 |
| Transitioning | 26.0 | 28.7 | 21.2 | 29.3 | 26.4 |
| Expanding | 42.7 | 42.8 | 45.8 | 41.2 | 43.0 |
| Commanding | 10.2 | 8.9 | 12.9 | 5.6 | 9.5 |

EL = English Learner; NYSESLAT = New York State English as a Second Language Achievement Test; SY = School Year.

Source: NYSED, “2015–16: 3-8 Assessment Database,” accessed December 6, 2016, <https://data.nysed.gov/downloads.php>.

Table 9. Share of New York State ELs and All Students Scoring Proficient on the State English Language Arts (ELA) test, by Grade (%), SY 2015-16

| | Grade 3 (%) | Grade 4 (%) | Grade 5 (%) | Grade 6 (%) | Grade 7 (%) | Grade 8 (%) |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| Share of ELs scoring proficient | 8 | 6 | 2 | 2 | 1 | 2 |
| Share of all students scoring proficient | 42 | 41 | 33 | 34 | 35 | 41 |

EL = English Learner; SY = School Year.

Source: NYSED, “New York State School Report Card Data [2015-16]—Grades 3–8 English Language Arts,” accessed January 13, 2017, <https://data.nysed.gov/reportcard.php?instid=800000081568&year=2016&createreport=1&38ELA=1>.

Across the state, two-thirds of K-12 ELs scored at the third or fourth highest of five levels during SY 2015-16, with that proportion remaining fairly constant across the grade bands.

Next, the fact sheet looks at outcomes of the EL subgroup on state standardized assessments. It is important to note two things about the participation of ELs on these assessments. First, compared to other student subgroups based on ethnicity, poverty, gender, and special education status, ELs are a much more dynamic population: as students gain proficiency, they exit the EL subgroup and new ELs are identified as they enter the U.S. school system. By definition, students who remain in the EL subgroup are not performing at a level where their achievement on mainstream assessments is comparable to that of their English-proficient peers.

Second, under NCLB, states were allowed to exempt EL students from taking the English language arts (ELA) test for one year and to exclude the math scores of those newcomers from accountability reports. For that reason,

the results below do not include all New York State ELs.

New York administers the New York State Testing Program (NYSTP) for accountability purposes.⁵ Tests in ELA and mathematics are administered in grades 3 to 8 and those in science in grades 4 and 8. High school students take Common Core Regents exams—the current version of which were phased in between 2014 and 2016—in ELA, Algebra I, Geometry, and Algebra II, as well as additional end-of-course Regents exams in science and social studies.⁶

Table 9 shows considerable and relatively consistent achievement gaps between the share of ELs and the share of all students who met or exceeded the standard in ELA. The smallest gap was 31 points (in grade 5) and the largest was 39 points (grade 8).

As with ELA, there are gaps between ELs and all students on the math assessment (see Table 10). From 3rd to 7th grade, these gaps range between 28 and 31 points, before narrowing slightly to 17 points in 8th grade.

Table 10. Share of New York State ELs and All Students Scoring Proficient on the State Mathematics Test, by Grade (%), SY 2015-16

| | Grade 3 (%) | Grade 4 (%) | Grade 5 (%) | Grade 6 (%) | Grade 7 (%) | Grade 8 (%) |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| Share of ELs scoring proficient | 16 | 14 | 10 | 9 | 8 | 7 |
| Share of all students scoring proficient | 44 | 45 | 40 | 40 | 36 | 24 |

EL = English Learner; SY = School Year.

Source: NYSED, “New York State School Report Card Data [2015-16]—Grades 3–8 Mathematics,” accessed January 13, 2017, <https://data.nysed.gov/reportcard.php?instid=800000081568&year=2016&createreport=1&38MATH=1>.

Table 11. Share of New York State ELs and All Students Scoring Proficient on the State Science Test, by Grade (%), SY 2015-16

| | Grade 4 (%) | Grade 8 (%) |
|--|-------------|-------------|
| Share of ELs scoring proficient | 62 | 16 |
| Share of all students scoring proficient | 89 | 60 |

EL = English Learner; SY = School Year.

Source: NYSED, “New York State School Report Card Data [2015-16]—Grades 4 & 8 Science,” accessed January 13, 2017, <https://data.nysed.gov/reportcard.php?instid=800000081568&year=2016&createreport=1&48SCI=1>.

Science test scores showed an achievement gap between ELs and all students of 27 points in 4th grade and 44 points in 8th grade (see Table 11).

Looking at the results for secondary-level assessments for the cohort of students who entered 9th grade in 2012,⁷ the gap between ELs and all students was 51 to 54 points in all subjects, except for in mathematics where it was 38 points (see Table 12).

Finally, there are wide gaps between ELs and all students in high school graduation rates in New York. For the class of 2015, the four-year high school graduation rate for ELs was 48 percent, compared to a rate of 80 percent for all students.⁸ The national rates for that year were 65 percent for ELs and 83 percent for all students.⁹

III. Accountability under NCLB and ESSA

Although many mechanisms within New York State’s accountability system are in the process of changing, it is important to have a sense of the tests, benchmarks, and accommodations for ELs that have been implemented for the last 15 years in preparation for ESSA accountability planning.

A. Identification and Reclassification of ELs

As in most states, the EL identification process in New York begins with the administration of a home-language questionnaire,¹⁰ which is distributed to parents when their

Table 12. Share of New York State ELs and All Students Scoring Proficient on the High School Regents Exams, by Subject (%), 2012 Cohort

| | English Language Arts (%) | Mathematics (%) | Global History and Geography (%) | U.S. History and Government (%) | Science (%) |
|--|---------------------------|-----------------|----------------------------------|---------------------------------|-------------|
| Share of ELs scoring proficient | 30 | 48 | 24 | 30 | 32 |
| Share of all students scoring proficient | 84 | 86 | 78 | 81 | 84 |

EL = English Learner; SY = School Year.

Source: NYSED. “Total Cohort in Secondary-Level ELA, Math, Global History & Geography, U.S. History & Gov’t, & Science,” accessed January 13, 2017, <https://data.nysed.gov/reportcard.php?instid=800000081568&year=2016&createreport=1&cohort=1>.

child enters a New York school. This questionnaire poses a number of questions related to the language(s) spoken at home and by the student, and must be interpreted by a certified teacher with appropriate credentials or training.

If students are identified as potential ELs, the teacher conducts an individual interview and administers the approved language-screening test—the New York State Identification Test for English Language Learners (NYSITELL). Students who score at the Entering, Emerging, Transitioning, or Expanding levels are categorized as ELs; those who score at the Commanding level are considered proficient.¹¹

ELs are given the New York State English as a Second Language Achievement Test (NYSESLAT) annually until they meet reclassification requirements. As per NCLB guidelines, the NYSESLAT tests proficiency in the four language domains of listening, speaking, reading, and writing. To be reclassified, students must score at the Commanding level; alternately, they may score at the Expanding level and at level 3 or above on the state ELA test (grades 3-8) or 65 or above on the Regents Exam in English in the same year.¹²

B. Accountability for EL Performance

Under Title III of NCLB, EL performance was monitored at the district and state level through Annual Measurable Achievement Objectives (AMAOs). Although these are no longer part of Title III of ESSA, states will include a measure of English proficiency and include EL subgroup scores on state grade-level assessments in their new accountability plans.

Under NCLB, states set ever-increasing targets for the number of students achieving benchmarks for the three AMAOs:

- 1) Progress (improving English proficiency from year to year)
- 2) Proficiency (exiting EL status)
- 3) Adequate yearly progress (AYP) in academic achievement for the EL subgroup (indicators included state standardized tests in reading and math, participation in assessments, and graduation rate).¹³

Originally, NCLB called for parental notification if districts missed AMAO targets, and the development of a school improvement plan (involving program and/or staffing changes) for schools that missed AYP targets for any subgroup (including ELs) over multiple years. The AYP benchmarks and rules for developing school improvement plans were significantly changed in many states with the NCLB waiver program instituted in 2012, and will be revised again as states create accountability plans under ESSA.

C. Changes under ESSA

The following are some of the changes in federal law under ESSA, enacted in 2015, which affect EL students:¹⁴

- **EL accountability moved from Title III to Title I.** EL subgroup accountability for measures such as reading, math, and high school graduation rates continues to be included in district accountability under Title I, and a measure of progress in English language proficiency moved from Title III to Title I, thus giving it more weight.
- **Additional option for including recently arrived ELs in assessment.** Under NCLB, states could exempt ELs enrolled in U.S. schools for less than 12 months from taking ELA tests and exclude results of their ELA (if taken) and math tests from accountability calculations for that first year. States can continue with this option, or they can assess ELs in ELA and math in

the first year but exclude their scores from accountability calculations, use a measure of growth in reading and math in the second year, and then report proficiency levels as for other students in the third year and thereafter.

- ***Inclusion of former ELs in subgroup.*** Under NCLB, students were included in the EL subgroup for up to two years after they had been reclassified; ESSA extends this period to up to four years.
- ***Disaggregation.*** States must now report the number of EL students with disabilities who are making progress toward English proficiency and in academic achievement, and report the number of ELs who have not attained English proficiency within five years of identification.
- ***Standardization of entrance and exit procedures.*** States must develop standardized procedures for identifying and reclassifying EL students.

The U.S. Department of Education issued regulations regarding accountability on November 28, 2016.¹⁵ These regulations also address English learners. The regulations require that states consider at least one unique student characteristic, including students' initial English language proficiency level, in determining ambitious but achievable targets for English learners' progress toward English language proficiency, within a state-determined maximum number of years. These targets are then used to set state-level, long-term goals and measurements of interim progress, and may also be used in the state's indicator of progress in achieving English language proficiency, which can include all English learners in grades K-12.

As states move forward with ESSA accountability plans, policymakers are taking the opportunity to revise existing regulations on funding, program requirements, teacher training, and other aspects of school administration. Provisions that affect the EL students should be scrutinized closely by stakeholders at all levels, whether parents, teachers, or community organizations. Data on EL demographics and performance, such as those provided in this fact sheet, will prove an important tool in this effort.

Endnotes

- 1 Migration Policy Institute (MPI) Data Hub, “State Immigration Data Profiles: Language & Education,” accessed September 8, 2016, www.migrationpolicy.org/data/state-profiles/state/language/NY/US/.
- 2 U.S. Department of Education, National Center for Education Statistics, “Table 204.27: English Language Learner (ELL) Students Enrolled in Public Elementary and Secondary Schools, by Grade and Home Language: Selected Years, 2008-09 through 2013-14,” accessed January 17, 2017, <http://nces.ed.gov/programs/digest/d15/tables/xls/tabn204.27.xls>.
- 3 MPI Data Hub, “State Immigration Data Profiles: Language & Education.”
- 4 New York State Education Department (NYSED), “New York State Public School Enrollment, 2015-16,” accessed December 7, 2016, <https://data.nysed.gov/enrollment.php?year=2016&state=yes>.
- 5 NYSED, “Welcome to the Office of State Assessment,” accessed December 8, 2016, www.p12.nysed.gov/assessment/.
- 6 Regents exams have five achievement levels, with levels 2 through 5 accepted as “passing” for a local diploma, levels 3 through 5 for a Regents diploma (currently), and levels 4 and 5 for a Regents diploma starting with the Class of 2022. See NYSED, “Update on Common Core Regents Exams” (memorandum, May 2014), www.p12.nysed.gov/assessment/commoncore/updateccregentsexams-514.pdf.
- 7 For school and district accountability purposes, the five Regents exam levels are converted to a four-point scale, with levels 3 and 4 deemed “proficient.” Levels are reported based on the highest level achieved after four years in high school. For example, data reported for SY 2015-16 would include the cohort of students who entered 9th grade in the fall of 2012 and would typically be seniors in 2015-16. For math and science, for which multiple Regents exams may be taken, a student’s highest level is counted toward the number of students scoring at each level; for example, a student entering 9th grade in 2012-13 and proceeded over four years to score level 1 on Algebra 1, level 2 on Geometry, and level 3 on Algebra 2 would be counted in the 2012 cohort (2015-16 data) as having achieved level 3 in math. For more information on the alignment of the four-level and five-level scales, see NYSED, “Performance Level Score Ranges for Regents and Regents Common Core Exams for Annual and Accountability Reporting,” updated November 16, 2016, www.p12.nysed.gov/irs/sirs/documents/RegentsScoreRangesforAnnualandAccountabilityReporting.pdf.
- 8 NYSED, “New York State School Report Card Data [2015-16],” accessed December 8, 2016, <https://data.nysed.gov/reportcard.php?year=2016&state=yes>.
- 9 National Center for Education Statistics (NCES), “Common Core of Data (CCD),” updated September 15, 2016, http://nces.ed.gov/ccd/tables/ACGR_RE_and_characteristics_2014-15.asp.
- 10 NYSED, “ELL Identification & Placement/Home Language Questionnaire,” accessed December 8, 2016, www.nysed.gov/bilingual-ed/schools/ell-identification-placementhome-language-questionnaire.
- 11 NYSED, Home Language Questionnaire (HLQ) and Individual Interview Guidance (Albany, NY: NYSED, 2016), www.nysed.gov/common/nysed/files/programs/bilingual-ed/hlqguidance_final.pdf.
- 12 NYSED, “English Language Learners (ELLs) Screening, Identification, Placement, Review, and Exit Criteria” (screening form, July 1, 2015), www.nysed.gov/common/nysed/files/bilingual/ellid-chartrev.pdf.

- 13 Andrea Boyle, James Taylor, Steven Hurlburt, and Kay Soga, *Title III Accountability: Behind the Numbers. ESEA Evaluation Brief: The English Language Acquisition, Language Enhancement, and Academic Achievement Act* (Washington, DC: U.S. Department of Education, 2010), www2.ed.gov/rschstat/eval/title-iii/behind-numbers.pdf.
- 14 Delia Pompa, “New Education Legislation Includes Important Policies for English Learners, Potential Pitfalls for their Advocates” (commentary, MPI, December 2015), www.migrationpolicy.org/news/new-education-legislation-includes-important-policies-english-learners-potential-pitfalls-their; Council of Chief State School Officers (CCSSO), *Major Provisions of Every Student Succeeds Act (ESSA) Related to the Education of English Learners* (Washington, DC: CCSSO, 2016), www.ccsso.org/Documents/2016/ESSA/CCSSOResourceonESSAELLS02.23.2016.pdf.
- 15 U.S. Department of Education, “Title I—Improving the Academic Achievement of the Disadvantaged— Academic Assessments,” *Federal Register* 81, no. 236 (December 8, 2016): 88886, www.gpo.gov/fdsys/pkg/FR-2016-12-08/pdf/2016-29128.pdf.

About the Authors



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For more information on the impact of the *Every Student Succeeds Act* on EL and immigrant students, see www.migrationpolicy.org/programs/nciip-english-learners-and-every-student-succeeds-act.

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