



## Legislation Text

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**File #:** Res 0086-2018, **Version:** \*

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### Res. No. 86

Resolution in support of the New York State Education Department's Elementary and Secondary Education Act Waiver Renewal request that newly arrived English Language Learners be exempted from participating in the English language arts assessments for two years.

By Council Member Reynoso

Whereas, On December 10, 2015, the Every Student Succeeds Act (ESSA) was signed into law by then-President Obama; and

Whereas, ESSA reauthorized the 50-year-old Elementary and Secondary Education Act (ESEA), the nation's national education law; and

Whereas, To meet the requirements of ESSA, New York was required to submit a new state plan to the United States Department of Education (USDE) for the use of a wide array of Federal grant programs; and

Whereas, The New York State Education Department (NYSED) submitted the State's ESSA Plan to USDE on September 18, 2017; and

Whereas, As part of the State's ESSA Plan submission, NYSED also included three waiver requests, pursuant to Section 8401 of ESEA which provides authority to the Secretary of the USDE to waive certain statutory and regulatory requirements at the request of a State Educational Agency; and

Whereas, One of the proposed waivers requests permission to continue to exempt newly arrived English Language Learner/Multilingual Learner (ELL/MLL) students for one year from taking the English language arts (ELA) exam; and

Whereas, The waiver also seeks to, in Year 2, have these students take the ELA exam to establish a baseline for measuring growth; and

Whereas, In Year 3 and beyond, both the achievement and growth results in ELA would be used for school accountability; and

Whereas, Without a waiver, New York would be required to begin to test these students in Year 2 and use those achievement results for school accountability; and

Whereas, This waiver will apply only to New York State ELL/MLL students enrolled in Grades 3-8 who are within their first three years of enrollment in U.S. schools; and

Whereas, ELLs, by virtue of the definition that identifies these students as developing in their understanding and use of English, have a limited ability to demonstrate what they know and can do on the ELA assessments; and

Whereas, Unlike accommodations provided to ELLs on other content area assessments, such as math, translations of the ELA assessments are not provided to ELLs; and

Whereas, Any progress, therefore, in language development is not captured by the ELA assessments, which require a high level of English language development in order to demonstrate knowledge and skills on the assessments; and

Whereas, Additionally, these students are already required to take at least one English language proficiency assessment, the New York State English as a Second Language Achievement Test (NYSESLAT) and some take additional local- and home-based assessments to continually measure their proficiency throughout school year; and

Whereas, The New York State ELA test can serve as a source of extreme anxiety for students who are already carrying a high testing burden when compared with other students in New York State; and

Whereas, The NYSESLAT exam is an appropriate exam for newly arrived ELLs to demonstrate progress because it is rigorous and highly correlated with ELA performance; and

Whereas, According to NYSED, this exemption will allow New York State to advance the learning of recently arrived ELLs/MLLs by reducing their testing burden and better measure the progress of ELLs by

utilizing NYSESLAT as a way of measuring ELL progress in the first two years of their instruction in the United States; now, therefore, be it

Resolved, That the Council of the City of New York supports the New York State Education Department's Elementary and Secondary Education Act Waiver Renewal request that newly arrived English Language Learners be exempted from participating in the English language arts assessments for two years.

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