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***Testimony of José Davila, Director of State Government Affairs for the New York Immigration Coalition, for the Division of Budget Issue Hearing on Education***

***December 13, 2007***

Good morning. Thank you for allowing our organization to testify at this very important hearing on the Fiscal Year 2009 State Education Budget. My name is José Davila, and I am the Director of State Government Affairs for the New York Immigration Coalition (NYIC), an umbrella policy and advocacy organization for over 200 member groups throughout New York State that fight for justice and opportunity for our newest New Yorkers.

I am here on behalf of the 200,000-plus elementary and secondary school students whose native language is not English and who are classified as English language learners (ELLs), as well as the millions of adults across the state who are limited English proficient and in search of opportunities to learn English.

**New State Education Law/Funding & English Language Learners**

I wanted to start by thanking the Governor for his vision and leadership in addressing systemic funding inequities and a growing dropout crisis that has plagued our state for far too long. We strongly support the historic Campaign for Fiscal Equity settlement that drives funds to districts based on need, not politics, and the new Contract for Excellence accountability system that guides how districts spend a part of the new funds.

The new Foundation Aid formula assigns each LEP/ELL student a 0.5 weight or 50 percent additional funding. According to the Fiscal Policy Institute, when the new formula is fully phased in FY'11, ELLs will generate over \$700 million in funding for school districts, including over \$570 million for New York City. This is significantly higher than the FY'07 \$120.5 million in Limited-English-Proficient (LEP) Aid. With this new funding, all of us have an obligation to work together to finally begin to tackle the ELL dropout crisis – over 50% in New York City – that is leaving behind a generation of youngsters who could be New York's future leaders. We urge Governor and State Legislature to remain fully committed to the four-year plan to phase in billions in new state aid and to the new district Contract for Excellence accountability system.

**Budget Accountability Concerns for English Language Learners**

However, we have ongoing fears that these new funds will not reach ELL and other at-risk students as required by state law. While we support the former LEP Aid funding model where funds were tied to each ELL student and school-level Part 154 spending plans were required, the FY'08 State Budget at least requires that Contracts for Excellence must affirm that new/expanded programs from Foundation Aid shall predominately benefit students with greatest educational need including, but not limited to, ELLs, students in poverty and students with disabilities. Moreover, for districts not required

to submit Contracts, we have taken a huge step back in ELL funding accountability as we went from a LEP Aid system that tied funds to each student and required school-level budget reporting to Foundation Aid with no “predominate” assurance or ELL spending reports.

### **Contract for Excellence Development and Approval Process**

The recent Contract approval process had several flaws that must be addressed through the pending Board of Regents Regulations vote and the Fiscal Year 2009 State Education Budget. If the state does not address serious accountability, budget and community engagement barriers, ELLs and other at-risk students will never fully achieve success and help turn our schools around.

While the State Education Department (SED) worked very hard with limited capacity to examine Contract proposals down to the building level, SED failed to follow through on the commitment to provide detailed information on how ELLs are benefiting from the Contract funds and programs, as required by state law and Regents Regulations. Information released from the Governor and Commissioner’s announcement and documents online does not come close to painting a picture of how ELLs and other at-risk students fared in this process. Furthermore, we recently learned that SED dropped the Contract requirement for districts to submit a distinct narrative for how they plan to serve ELLs.

These developments have led us to believe that our worst fears are coming true – after over a decade of fighting for increased funding and improved instruction, we may be worse off than before Foundation Aid. We – and some districts apparently – have no way of knowing whether ELLs are benefiting once funds reach the schools including how many ESL or bilingual teachers will be added or how many ELLs are enrolled in expanded time-on-task programs. If we cannot even get this kind of simple accountability right, how will we ever know whether these funds will yield improved student and school performance? It is not surprising that at the recent SED LEP Committee of Practitioners Meeting it became apparent that none of the ELL coordinators from the Big 5 and other major districts were involved in their district’s Contract development process.

The state must act now to strengthen accountability, ensure budget transparency and improve community engagement under the Contract for Excellence process. The following recommendations are aimed at strengthening the Contracts to improve schools for ELLs and all kids.

### **Improving New York’s Schools is as Easy as ABC**

#### **Strengthen Accountability**

- Make sure the neediest students – including all English language learners (ELLs), regardless of school size or performance – predominantly benefit from new funds and programs. Districts and their Contracts for Excellence should be held to a distinct ELL goal.
- Ensure every ELL child in every district across the state benefits from Foundation Aid by creating a per-pupil targeted portion that can only be spent for ELL instructional services.
- Make sure all districts – Contract or not – provide required quality ELL instruction and services to help them learn English and earn as Regents Diploma.

- Create and staff a comprehensive ELL support and monitoring system at the state and district level to ensure ELLs are appropriately identified, assessed, placed and instructed. This should include an increase in aid under the Bilingual Categorical Grants Program.
- Expand the effectiveness of the Contracts for Excellence by including more districts and larger majority of state education funding, beyond the current small part of the new funds. Too many districts with lots of ELLs and other at-risk kids are not included in this important accountability system.
- Improve the menu of allowable programs under the Contract for Excellence to incorporate additional strategies and programs types that at-risk students need including student support and parent engagement services. The program list provided to districts and schools must clearly lay out ELL choices in each of the major categories.
- Apply performance benchmarks to districts and schools to ensure funds and programs reach the neediest students and yield improved instruction, graduation rates and other performance measures.

### Ensure **B**udget Transparency

- Release the complete all district Contracts for Excellence – both after submission and final approval.
- Require all Contracts to include a distinct ELL demographic, budget and program proposal for the district and each school – before the start and after the completion of the school year.

### Improve **C**ommunity Engagement

- Strengthen public input and engagement requirements to ensure all districts release Contract for Excellence proposals, hold public hearings, and publicize and support a parent grievance system.
- Documents and public hearings should be accessible to parents and community members with limited English language knowledge. Fund translation and interpretation services in all school districts to enable schools to communicate effectively with immigrant and LEP parents.
- Schools and districts should involve all stakeholders including ELL parents and ELL coordinators in shaping budget and program priorities for the Contract.

We are deeply committed to resolving these concerns and strengthening Foundation Aid and the Contracts for Excellence and offer our assistance in working together to ensure that ELL students are meeting academic, English proficiency, and graduation standards.

I would also like to acknowledge the support and hard work of Deputy Secretary Manny Rivera for making ELLs a priority and exploring incentive initiatives to spur best practices for ELL instruction.

**Adult Education Needs for Immigrants**

I also wanted to say a brief word about the need to support adult immigrants in their quest to learn English and attain a GED. As Dr. Rivera knows from his involvement in the Center for an Urban Future forum on English instruction and our workforce needs, the state must begin to significantly invest in English language and other adult education classes for adult through community groups, colleges, BOCES, the NYC Department of Education, and our libraries. Two ways to start on this path include doubling funds for the Adult Literacy Education (ALE) program and increasing funding for the Employment Preparation Education (EPE) program, while at the same time opening up EPE to community providers.

We look forward to a new day when we all view the promise of immigrants learning English and becoming fully multilingual as an investment in our future workforce needs and economic growth in every corner of the state. Thank you for holding this important hearing and for your time and commitment as we work together to address the educational needs of ELLs, immigrants and all LEP New Yorkers.

# # #

District	Type of Program	Area BETAC	# LEP	Contract for Excellence Amount (\$)	C4E Predom %	FY'07 LEP AID Amount \$	FY'08 ELL Weight Funds	FY'11 ELL Weight Funds	New ELL Funds FY'08	New ELL Funds FY'11
<b>56 C4E Districts by ELL</b>										
NYC	BOTH	Several	166584	\$257,852,531		\$87,000,000	\$115,377,284	\$576,886,424	\$28,377,284	\$489,886,424
Yonkers	BOTH	Lower Hudson	4440	\$8,500,000		N/A	\$0	\$0		
Brentwood UFSD	BOTH	ES	4214	\$4,833,186			\$4,041,181	\$20,205,906	\$4,041,181	\$20,205,906
Rochester City SD	BOTH	Mid-West	2646	\$19,475,713		\$7,720,289	\$1,656,323	\$8,281,614	-\$6,063,966	\$561,325
Buffalo City SD	BOTH	West-Regional	2586	\$14,841,293		\$3,637,546	\$1,530,421	\$7,652,104	-\$2,107,125	\$4,014,558
Syracuse City SD	BOTH	Mid-State	1677	\$11,748,024		N/A	\$1,185,457	\$5,927,285		
Newburgh City SD	BOTH	MH	1606	\$8,088,210		\$1,469,661	\$1,368,992	\$6,844,980	-\$100,669	\$5,375,319
Westbury UFSD	ESL	N	1317	\$2,115,135		\$564,780	\$1,004,614	\$5,023,068	\$439,834	\$4,458,288
Utica City SD	BOTH	Mid-State	1259	\$7,236,360		\$1,926,500	\$760,863	\$3,804,313	-\$1,165,637	\$1,877,813
Port Chester	BOTH	Lower Hudson	1107	\$1,007,420		\$281,556	\$255,183	\$1,275,917	-\$26,373	\$994,361
White Plains	BOTH	Lower Hudson	1074	\$1,115,594		\$95,192	\$147,492	\$737,461	\$52,300	\$642,269
Haverstraw-Stony Pt.	BOTH	Lower Hudson	822	\$2,160,441			\$0	\$1	\$0	\$1
Middletown City SD	BOTH	MH	692	\$5,772,064		\$1,666,654	\$713,885	\$3,569,422	-\$952,769	\$1,902,768
Copiapue UFSD	BOTH	ES	595	\$3,128,738		\$2,122,000	\$711,986	\$3,559,927	-\$1,410,014	\$1,437,927
UFSD - Tarrytowns	BOTH	Lower Hudson	562	\$604,405		\$1,300,000	\$109,694	\$547,484	-\$1,190,306	-\$752,516
Ossining	BOTH	Lower Hudson	497	\$703,016		\$93,590	\$89,711	\$448,555	-\$3,879	\$354,965
Albany City SD	ESL	Q	332	\$4,669,547		\$201,789	\$161,013	\$805,066	-\$40,776	\$603,277
Schenectady City SD	ESL	Q	313	\$11,022,892		\$598,596	\$229,101	\$1,145,501	-\$369,495	\$546,905
Monticello CSD	ESL	MH	303	\$2,698,222		\$227,891	\$165,165	\$822,856	-\$62,726	\$594,965
Binghamton City SD	ESL	Mid-State	281	\$4,822,186		\$334,145	\$153,618	\$768,090	-\$180,527	\$433,945
Dunkirk City SD	ESL	West-Regional	277	\$1,657,991		\$297,169	\$166,568	\$832,838	-\$130,601	\$535,669
Greece CSD	ESL	Mid-West	270	\$4,545,886		\$25,921	\$217,532	\$1,087,662	\$191,611	\$1,061,741
Amsterdam City SD	ESL	Q	222	\$1,506,251		\$479,494	\$119,723	\$598,612	-\$359,771	\$119,118
Wappingers CSD	ESL	MH	202	\$3,189,070		\$413,714	\$51,786	\$258,928	-\$361,928	-\$154,786
Rush-Henrietta CSD	ESL	Mid-West	169	\$1,229,653		\$523,318	\$63,990	\$319,953	-\$459,328	-\$203,365
Watertown City SD	ESL	Mid-State	124	\$2,748,816		\$185,718	\$58,477	\$35,736,712	-\$127,241	\$35,550,994
Fallsburg CSD	ESL	MH	115	\$724,486		\$26,214	\$68,324	\$341,620	\$42,110	\$315,406
Jamestown City SD	ESL	West-Regional	114	\$2,882,843		\$196,433	\$78,084	\$390,419	-\$118,349	\$193,986
East Irondequoit CSD	ESL	Mid-West	110	\$1,423,239		N/A	\$37,008	\$185,041		
Arlington CSD	ESL	MH	105	\$3,300,918		\$42,116	\$36,263	\$181,317	-\$5,853	\$139,201
Geneva City SD	ESL	Mid-West	98	\$1,742,392		\$14,920	\$64,320	\$321,599	\$49,400	\$306,679
Hyde Park CSD	ESL	MH	76	\$1,310,000		\$286,150	\$25,478	\$127,390	-\$260,672	-\$158,760
South Colonie CSD	ESL	Q	65	\$1,130,973		\$68,450	\$12,151	\$60,757	-\$56,299	-\$7,693
Valley CSD (Montg.)	ESL	MH	53	\$2,079,014			\$0	\$1	\$0	\$1
Spencerport CSD	ESL	Mid-West	45	\$1,201,116		\$177,001	\$44,847	\$224,235	-\$132,154	\$47,234
Oswego City SD		Mid-State	40	\$1,812,008			\$1	\$1	\$1	\$1
Port Jervis City SD		MH	30	\$1,560,556			\$12,878	\$64,393	\$12,878	\$64,393
Elmira City SD	ESL	Mid-West	25	\$3,405,707		\$57,113	\$16,720	\$83,597	-\$40,393	\$26,484
Watervliet City SD	ESL	Q	24	\$1,139,423		\$103,103	\$10,551	\$52,756	-\$92,552	-\$50,347
Massena CSD		Q	16	\$1,865,520			\$0	\$0	\$0	\$0
Lansingburgh CSD		Q	15	\$1,865,520			\$0	\$1	\$0	\$1
Auburn City SD	ESL	Mid-State	14	\$1,932,884		\$8,846	\$0	\$1	-\$8,846	-\$8,845

Carthage CSD		Mid-State	14	\$1,442,019			\$11,236	\$56,176	\$11,236	\$56,176
Lancaster CSD		West-Regional	11	\$1,911,719			\$0	\$1	\$0	\$1
Central Square CSD		Mid-State	8	\$1,895,085			\$0	\$1	\$0	\$1
Northeastern Clinton		Q	7	\$754,646			-1	-1	-\$1	\$1
Clyde-Savannah CSD		Mid-West	5	\$636,572			\$0	\$1	\$0	\$1
Fulton City SD		Mid-State	4	\$1,878,205			\$0	\$1	\$0	\$1
Norwich City SD		MH	4	\$1,347,743			\$1	\$1	\$1	\$1
Alexander CSD		Mid-West	3	\$491,168			\$0	\$1	\$0	\$1
Cairo-Durham CSD		Q	2	\$1,082,709		N/A	\$3,239	\$16,198		
Camden CSD		Mid-State	0	\$1,524,281			\$0	\$1	\$0	\$1
Hannibal CSD		Mid-State	0	\$952,717			\$0	\$1	\$0	\$1
South Glens Falls CSD		Q	0	\$1,227,222			\$0	\$1	\$0	\$1
Spencer-Van Etten		Mid-West	0	\$808,737			\$0	\$1	\$0	\$1
Unadilla Valley CSD		MH	0	\$613,676			\$0	\$1	\$0	\$1
<b>Total C4E Eligible ELLs</b>			<b>195174</b>	<b>\$433,215,742</b>		<b>\$112,145,869</b>	<b>\$103,695,655</b>	<b>\$689,246,193</b>	<b>\$17,389,586</b>	<b>\$577,100,324</b>
District	Type of Program	Area BETAC	# LEP	Contract for Excellence Amount (\$)	C4E Predom %	FY'07 LEP AID Amount \$	FY'08 ELL Weight Funds	FY'11 ELL Weight Funds	New ELL Funds FY'08	New ELL Funds FY'11
<b>Top 20 ELL Non-C4E Districts</b>										
East Ramapo (Spr.V)	ESL	Lower Hudson	10205	N/A	N/A		\$0	\$0	\$0	\$0
Kiryas Joel Village	ESL	MH	5409	N/A	N/A		\$0	\$0	\$0	\$0
Central Islip UFSD	BOTH	ES	1600	N/A	N/A	\$4,275,545	\$1,611,179	\$8,055,895	-\$2,664,366	\$3,780,350
Hempstead UFSD	BOTH	N	1554	N/A	N/A	\$2,893,882	\$1,402,364	\$7,011,820	-\$1,491,518	\$4,117,938
New Rochelle	BOTH	Lower Hudson	1502	N/A	N/A	\$334,850	\$263,278	\$1,316,392	-\$71,572	\$981,542
Mt. Vernon	BOTH	Lower Hudson	1074	N/A	N/A	\$583,054	\$833,254	\$4,166,271	\$250,200	\$3,583,217
Freeport UFSD	BOTH	N	1052	N/A	N/A	\$733,273	\$1,104,214	\$5,521,070	\$370,941	\$4,787,797
Uniondale UFSD	BOTH	N	714	N/A	N/A	\$364,430	\$342,021	\$1,710,104	-\$22,409	\$1,345,674
Monroe-Woodbury	ESL	MH	706	N/A	N/A	\$194,811	\$54,110	\$270,550	-\$140,701	\$75,739
Middletown City SD	BOTH	MH	692	N/A	N/A	\$1,666,654	\$713,885	\$3,569,422	-\$2,380,539	\$1,902,768
South Huntington	BOTH	ES	583	N/A	N/A	\$217,117	\$194,125	\$970,627	-\$22,992	\$753,510
Huntington UFSD	BOTH	ES	521	N/A	N/A	\$1,834,184	\$77,672	\$482,218	-\$1,756,512	-\$1,351,966
Port Washington UFSD	ESL	N	515	N/A	N/A	\$51,364	\$0	\$0	-\$51,364	-\$51,364
Patchogue-Medford	ESL	ES	471	N/A	N/A		\$0	\$0	\$0	\$0
Hicksville UFSD	ESL	N	462	N/A	N/A	\$86,528	\$122,620	\$613,099	\$36,092	\$526,571
Roosevelt UFSD	ESL	N	434	N/A	N/A	\$438,995	\$391,724	\$1,958,621	-\$47,271	\$1,519,626
Poughkeepsie City SD	ESL	MH	401	N/A	N/A	\$527,873	\$373,334	\$1,866,671	-\$154,539	\$1,338,798
Peekskill	ESL	Lower Hudson	386	N/A	N/A		\$0	\$0	\$0	\$0
Middle Country CSD	ESL	ES	375	N/A	N/A	\$202,618	\$0	\$0	-\$202,618	-\$202,618
Bay Shore UFSD	BOTH	ES	365	N/A	N/A	\$952,731	\$127,549	\$637,744	-\$825,182	-\$314,987
<b>Sub-Total</b>			<b>29021</b>			<b>\$15,357,909</b>	<b>\$6,183,559</b>	<b>\$38,150,504</b>	<b>-\$9,174,350</b>	<b>\$22,792,595</b>