

PRESSURE TO PASS: NYSITELL AND NYSESLAT TESTS

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New initiatives to increase educational accountability for English language learners (ELLs) through CR Part 154 have brought the use of language proficiency tests for ELLs into sharp focus in New York State. This paper outlines the stated purposes of the NYSITELL and NYSESLAT tests, and documents their implementation and administration as identification and placement tests during the 2014–15 academic year. Questions related to language proficiency constructs, content and language development, and standardization of testing procedures are raised in an effort to further understand the consequential role of these tests in public school classrooms.

Keywords: assessment, English language learners, English proficiency tests, NYSESLAT, NYSITELL, validity

Introduction

In the wake of educational initiatives such as No Child Left Behind (2001) and Race to the Top (2011), standardized tests have become a central part of elementary and secondary school instruction in the United States. Recent calls for educational accountability have also been the catalyst for the development of new mandated tests aligned with Common Core Standards. As of the 2014–15 academic year, these tests have been piloted and implemented in a number of states, and are shaping instructional and curricular decisions throughout the nation (PARCC 2015; SMARTER Balanced Assessment Consortium, 2015).

Students in New York have been greatly affected by the impact of these new standardized tests. High-stakes tests are increasingly the primary method by which the performances of programs, schools, and teachers are evaluated and ranked, and test scores carry considerable weight in day-to-day school decision making related to students, teachers, and administrators. In addition to content tests, the rising accountability across assessment contexts has resulted in higher levels of attention to standardized English language proficiency assessment. Title III funding, through the Elementary and Secondary Education Act (ESEA), has been tied to English language proficiency measures. These initiatives are intended to ensure that the academic progress of English language learners (ELLs) is being measured, monitored, and supported in similar ways to those of their English-dominant classmates (NYSED, 2009, 2013).

Establishing the English proficiency levels of ELLs through valid and reliable testing measures is a critical component to providing appropriate classroom instruction and English as a new language (ENL) services for ELLs. New policies enacted at the national level have resulted in the mandatory implementation of language proficiency testing protocols in all states. WIDA Access for ELLs is currently the most widely administered English K–12 proficiency test in the United States. It is mandated for ELLs in public schools in more than 30 states and surrounding territories (WIDA, 2015). Other states administer more locally designed proficiency tests, including the Texas English Language Proficiency Assessment Systems (TEA, 2014), the California English Language Development Test (CDE, 2015), and the Washington English Language Proficiency Assessment (OSPI, 2015). In New York, ELL language proficiency is evaluated through two standardized assessments used exclusively in the state: the New York State Identification Test of English Language Learners (NYSITELL) and the New York State English as a Second Language Achievement Test (NYSESLAT).

The purpose of this paper is to examine the NYSESLAT and the NYSITELL proficiency tests, with particular focus on the implementation in the 2014–2015 academic year. This paper first outlines the structure of tests themselves, and then the author discusses some aspects of the rollout of the new 2015 NYSESLAT, casting doubt on the validity and reliability of its administration that year. Finally, the paper addresses issues of theory and practice in light of current school pressures for ELLs to acquire English language, and offers some considerations for future research related to proficiency tests in New York.

The Tests: NYSITELL and NYSESLAT

The NYSITELL is an English language proficiency test used to initially identify children who qualify for ENL services in school, and subsequently to place them in appropriate linguistic and instructional settings in New York State (NYSED, 2014a). Per New York State protocols, the NYSITELL must be administered to prospective ELLs within ten days of enrollment in a New York school in order to evaluate students' English language proficiency and provide timely services to those who are identified (NYSED, 2014c). After administration, NYSITELL cutoff scores determine student proficiency—if students are found to be already proficient in English, they join general education classrooms for instruction without ENL support services. If students' NYSITELL scores indicate that they are not completely proficient in English, they will receive English or bilingual in-school support services to promote their English language development (EngageNY, 2015).

In New York City, scores on the NYSITELL are an integral part of the Department of Education's definition of ELL—"An English Language Learner (ELL) is a student that speaks a language other than English at home and *scores below a state-designated level of proficiency in English* [emphasis added] upon entering the New York City public school system" (NYCDOE, 2010, p. 6). The process for identifying ELLs has been newly affirmed in accordance with CR-Part 154 of the Regulations of the Commissioner of Education in New York, which state, "[P]ublic and charter schools must administer an identification test to newly enrolled students who by reason of foreign birth or ancestry speak a language other than English, and who understand and speak little or no English, to determine whether they are ELLs" (NYSED, 2014c). As these definitions imply, students' scores on NYSITELL are determining factors in their identification as ELLs and direct further decisions related to implementation of specialized ENL services (NYSED, 2014). In the case of the NYSITELL, the test takers are students who are identified as having a language other than English, as indicated on a Home Language Survey (NYCDOE, 2015).

The NYSESLAT was "designed to annually assess the English language proficiency of all English Language Learners (ELLs) enrolled in Grades K-12" (NYSED, 2015, p. 2). Identified ELLs are given the NYSESLAT each year, and their scores indicate progress toward English language mastery along a continuum of new proficiency bands—Entering, Emerging, Transitioning, Expanding, or Commanding (EngageNY, 2015). These delineations were changed in recent test forms from the four categories used formerly, Beginning, Intermediate, Advanced, and Proficient, to five. NYSESLAT scores are also used to chart student gains toward exiting ENL programming and participating fully in English-only curriculum without specific ENL support.

NYSESLAT scores, through annual administration, are used to monitor ELL progress toward proficiency. As students move through school in New York, their NYSESLAT scores are compared from one year to the next to determine their gains (or losses) toward a commanding level of English language proficiency. NYSESLAT scores also contribute to accountability structures directed toward ENL teachers, content teachers, and schools, particularly if students are not making what are considered adequate gains (NYSUT, 2015). Finally, NYSESLAT scores are an important, if not the sole, criterion in decisions related to whether ELLs are ready to exit ENL programs. Arguably, academic and social benefits result from students exiting ENL programs, as greater access to general education classes and activities within the larger school curriculum is more easily attained (Cloud, Lakin, Leininger, & Maxwell, 2010), though students clearly benefit from ENL services during the years that their proficiency is developing. Having reliable proficiency tests in place seems paramount to making fair placement and exiting decisions for ELLs.

NYSESLAT test-takers are well described through extensive demographic data on ELL populations in the state of New York. In 2014, "over 240,000 students were eligible to take the NYSESLAT, amounting to 8.9% of the 2.7 million students in New York State" (EngageNY, 2015a, p. 3). A majority of these students were beginner-level, new English learners, with 25% being long-term ELLs, having received ENL instruction for six years or more. ELLs in all grades in New York public schools take versions of the NYSESLAT that are differentiated by grade level and offer age-appropriate cognitive tasks for a variety of age groups (EngageNY, 2015a; NYSED, 2015b).

NYSITELL and NYSESLAT are newly and fully aligned with grade-level curriculum according to Common Core Standards (NYSED, 2015); a fact which suggests that students need to have developed a certain level of English proficiency to be able to take part in academic content tasks appropriate to their grade level. In terms of task types, test items are clearly delineated through materials available online (NYSED, 2015b). Selected response tasks in the form of multiple-choice items, particularly for the listening and reading sections, are implemented in both tests. For the speaking and writing sections, constructed response items are used to evaluate students' ability to produce spoken and written English. In total, there are 60 questions for kindergarten and 67 questions for grades

1–12. Though the test administrations are untimed, it is expected that each test may take between 35–55 minutes to complete (EngageNY, 2015c; NYSED, 2015b). Scores indicate the level of proficiency a student has developed from entering to commanding, and determine the amount and intensity of ENL support that a student is entitled to receive in a school environment.

Sources of Confusion: Clarifying the Construct of Proficiency

In order to place ELLs in suitable instructional settings and to set attainable learning goals, consensus on what constitutes language proficiency must be reached. In the case of a language proficiency test, stakeholders, i.e. administrators, teachers, students, and politicians, need to determine what is meant by language proficiency specific to a particular context. Different assessment components which can demonstrate a test-taker's English mastery in different domains, e.g., pronunciation, pragmatics, grammar, or mechanics, may be included or excluded in tested material depending on the intention of the test. Typically, test designers determine what constitutes the construct of language proficiency, a process which involves deciding which aspects of a test-taker's linguistic competence need to be measured, and how assessment conditions can be extended to real tasks in the Target Language Use (TLU) domain, i.e., how closely the test tasks approximate real tasks that test-takers may need to complete.

In the case of NYSESLAT and NYSITELL, both tests were designed to measure students' "English language proficiency" (NYSED, 2014a, 2014b) but the testing guidelines do not further explicate exactly what specific linguistic components contribute to this conceptualized construct of proficiency. Test blueprints refer to the fact that NYSESLAT is implemented to fulfill requirements to assess students' progress in acquiring English, including comprehension, speaking, listening, reading, and writing, as well as meeting the rigors of content standards (Pearson, 2009), but more specific information about the construct in an academic context is somewhat limited.

Taking all of the above into consideration, questions arise as to how to draw the line between language proficiency and content proficiency. In fact, some construct-related doubt persists in terms of whether the NYSESLAT was conceptualized as a *language proficiency* test or a *language arts* test. In archived test materials from 2003, test designers stated that the purpose of the NYSESLAT was "to measure the English language-arts proficiency of limited-English proficient students" (SED, 2003). In the 2015 administration, materials state that testing content is not the intent of the NYSESLAT: "the linguistic demands [of the test] reflect the language required to *access* grade level content, rather than the content itself" (NYSED, 2015b, p. 9). Nonetheless, further explication of how *language to access content* differs from the *language of content itself* is necessary, as it is likely that significant overlap exists between these two domains. New documents made available very recently specify what NYSESLAT is intended to measure, stating that "The Spring 2015 NYSESLAT measures the Linguistic Demands necessary to meet the discipline-specific standards at the corresponding grade-band level" (p. 7). Grade-band level here refers to the delineations of proficiency, ranging from entering to commanding according to a child's grade level, but to what extent those linguistic demands differ between L1 English speakers and ELLs is still in question.

If the NYSESLAT is an English language proficiency test, then it would stand to reason that children who do not score in the proficient ranges on the NYSESLAT could not possibly do well on standardized English language arts (ELA) content exams. However, new policy stipulations implemented this academic year indicate otherwise. As of 2015–16, ELLs can demonstrate English language proficiency and exit from ENL programs in the following three ways:

1. Scor[ing] at "proficient/commanding" level on the NYSESLAT.
2. Scor[ing] at "advanced/expanding" level on the NYSESLAT *and* level 3 or 4 on the grades 3 to 8 NYS ELA exams.
3. Scor[ing] at "advanced/expanding" level on the NYSESLAT *and* 65 or above on the NYS ELA Regents exam. (NYCDOE, 2015, p. 39)

The fact that this new policy allows ELLs to exit from ENL programs based on a combination of standardized content scores *and* proficiency scores is cause for concern. As indicated in the above guidelines, if it is possible for a student to pass the academically rigorous ELA exam with a score of 3 or 4, or the Regents ELA exam with a score of 65 or higher, *without* scoring a proficient level of English on the NYSESLAT, the level of language skills and tasks that are expected on the NYSESLAT need to be reexamined. Perhaps, in some cases, these decisions can be defended if a student's scores on the NYSESLAT in listening or speaking sections are the cause of the low scores, because there are no such corresponding sections on native (L1) ELA tests. Nonetheless, if the English language

demands of a standardized English proficiency test are more rigorous than a language arts test designed for L1 English speakers, then the expectations of the proficiency test may simply be too high.

More anecdotally, ENL teachers in the field have claimed widespread, irregular implementation of the new form of the NYSESLAT in the spring of 2015. Also in 2015, NYSESLAT administration reflected five shifts in implementation, which included Common Core alignment, performance levels, integration of themes, complexity, and academic language (EngageNY, 2015b). Some problems that have been documented in the 2015 administration relate to lack of rater and administrator training, errors within the test, confusing items and errors in visuals, difficulties with rater norming, and concerns about validity and reliability of the measure in general (NYSUT, 2015).

Students' NYSESLAT proficiency scores from 2015 were rated on a new scale, and were not aligned with scores from previous years until after the 2015 spring administration (NYSESED, 2015b). Guidelines issued by the NYS Department of Education (DOE) stated that until these alignments were completed (late in summer 2015), statewide percentages of students classified at different performance levels would be retrofitted to correspond with similar levels earned in 2014 (NYSESED, 2015b), calling into question the accuracy of documentation of ELL progress from one year to the next. Once the alignments were created, the DOE planned to create focus groups of educators to give feedback on the new version of the test, in particular, "measurement of the standards, as well as any gap between current levels and potential future levels of students identified for required services" (p. 5). The fact that alignment processes between 2014 and 2015 scores were slated to take place after general test administration suggests that the 2015 test administration was used, at least in part, as a pilot test for future administrations. Because of such irregularity in both the test administration and the continuity of scale from one year to the next, scores from the 2015 NYSESLAT administrations may not accurately illustrate ELL proficiency levels and should be interpreted with caution when making educational decisions for ELLs.

Pressure and Proficiency

There is a new sense of urgency toward English language acquisition in public schools in New York, instantiated by a series of policies that ultimately may not be in students' or teachers' best interests. For example, new initiatives have made students' performance on the NYSESLAT a consequential part of the teacher's performance review; that is, an ENL *teacher's* effectiveness is determined at least in part, by *student* performance and gains on proficiency measures (NYSUT, 2015). In addition, funding is currently inconsistently allocated to schools to support students with interrupted formal education (SIFE) or long-term ELLs who have not achieved English proficiency after six years of ENL services (NYSESED, 2014). After these six years, districts are still obligated to continue to provide ENL services to students; however, funding sources shift, creating new school-related pressure for students to acquire English ever more quickly.

Pressuring children to make gains on language proficiency tests is the unfortunate result of accountability measures gone awry. In the field, there is prevalent understanding that developing academic language proficiency can take between 5–7 years (Collier, 1987; Cummins, 1981), and more recently, it has been suggested that progress toward proficiency can take even longer depending on a range of individual factors including family involvement and support for continued home language development (Cloud et al., 2010).

Theoretically speaking, a test that truly measures language proficiency cannot be studied for, nor, by extension, can a language proficiency test be failed. A proficiency test is a tool that captures and records students' language levels at a given moment in time, and is designed to *describe* the features of linguistic ability that students have developed as reflected through their test performance. It is the imposition of cut scores and labels, such as "emerging" or "transitional," that lead practitioners toward thinking that NYSITELL and NYSESLAT are tests to be passed, nothing more. Viewing language proficiency progress through a lens of passing, failing, or making arbitrarily determined adequate gains can cause the complexities of language acquisition processes to be oversimplified, and be detrimental to a system's tolerance of the natural differences that exist in the ways that children learn English.

Policies that reward proficiency development within standardized, determined time frames are often the reason that schools decide to dedicate more time to test preparation. In the case of ELLs, test preparation may indeed facilitate quicker exit from ENL programs. NYSESLAT test materials themselves discourage preparing

students for the test, suggesting that students who engage in extensive test prep may artificially receive a higher NYSESLAT performance level than appropriate, which will likely result in the withdrawal or scaling down of services (NYSESED, 2015c, p. 6).

There is a need for valid and reliable measures to guide the services and support given to ELLs. In fact, these tools are critically important to understanding students' progress toward proficiency. Large-scale, empirical studies on the implementation of the NYSITELL and the NYSESLAT tests are warranted to examine the process by which these tests are being administered and scored. Decision-making processes based on test scores need to also be carefully scrutinized. Teachers and administrators should receive professional development on the perils of inflated scores through test preparation, which, in the case of language proficiency, can result in misguided decisions for ELL instruction or placement.

With regard to the newest version of NYSESLAT, in future administrations, appropriate steps should be taken toward (a) more clearly defining the construct of language proficiency, (b) increasing the reliability of scores and the validity of subsequent test-related inferences, and (c) standardizing test administration, including specific rater training and testing policies. By improving and standardizing the administration of the NYSITELL and NYSESLAT, scores can become invaluable sources of information for understanding language development and furthering the academic progress of ELLs throughout the state of New York.

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