

Commissioner's Regulations Part 154: Legal Requirements for the Education of English Language Learners (ELLs)

An Overview for Superintendents and Boards of Education

SCSSA Advocacy Workshop
January 24, 2015
Mr. Lars Clemensen, Superintendent of Schools
Hampton Bays Union Free School District

The Part 154 Regulations

ELL Identification
Parent Notification & Information
Retention of Records
Program Placement
Program Requirements
Program Provision
Program Continuity
Grade Span
Students with Disabilities
Exit Criteria
Intervention
Former ELL Services
Graduation Requirements
Professional Development
Teacher Certification
District Planning and Reporting

Main Components of Change

Subpart 154.1

Identification process of English Language Learners

Subpart 154.2

New and expanded program requirements for the 2015-2016 school year

Subpart 154.3

Regulations related to English language learners with a disability

The Identification Process

❑ **A three-step ELL identification process ensures holistic and individualized decisions are made on behalf of students.**

1. Administration of the Home Language Questionnaire.
2. An individual interview with the student.
3. NYS English language proficiency diagnostic (NYSITELL).

*Qualified Interpreters are fluent in the language and in English, is an appropriate interpreter, and is trained regarding confidentiality and technical terminology.

*Qualified Personnel are Bilingual Educators or TESOL teachers, or a teacher trained in cultural competency, language development and the needs of ELLs.

*The amended Part 154 regulations call for these qualifications as requirements for administering the identification process.

CONSIDERATIONS:

***confidentiality, appropriate interpretation training
capacity of bilingual/TESOL teachers
availability of interpreters in various languages***

The Identification Process

- ❑ The formal identification of students with interrupted or inconsistent formal education must take place as an additional part of the interview process.
 - *A review of academic history and work samples inform program.*
- ❑ The identification process must be complete before final school placement is made within 10 days but a provisional placement should be immediate.
- ❑ The family or student (18+ years) has the right to review and challenge the placement within 45 days.
- ❑ Records must be kept indicating home-school communication language, notices and forms used during identification and placement process. (Previously not required)
- ❑ Parent meeting annually is required. (Previously “effort” was required)

CONSIDERATIONS:

*records mgmt – coordination of registrar and building
expeditious ID process to achieve final placement
annual meeting requirement (who, how, when)*

Program Placement and Requirements

- ❑ **10-day requirement for placement after initiating ID process**
 - *ID, notification, consent, and placement is required for final placement.*
- ❑ **20 or more students in a grade in a school require a Bilingual program**
 - *Districts must annually estimate ELL enrollment for following year and create BE if there are 20+ ELLs district-wide and have sufficient BE to accommodate 70%.
(One-year waiver is available)*
- ❑ **Grade Span of Roster is not specified in current regulations**
 - *The maximum grade span is two continuous grades for grouping purposes.*
- ❑ **Program Continuity is not addressed**
 - *Students must have access to the program they had last year – ENL or Bilingual Education. The threshold is 15 students.*
- ❑ **ELL Criteria is a proficient score on the NYSESLAT**
 - *NYSESLAT Proficient or NYSESLAT Advanced and 3+ on ELA, 65+ on Regents ELA*

CONSIDERATIONS:

***District count for ELLs leading to more BE programs.
Incr. staff/certifications for Integrated/Stand-Alone
Planning with a 15-student threshold.
Grade Span restriction could mean more sections.***

Program Placement and Requirements

- ❑ **No provision for identification of students needing intervention**
 - *Annual ID process and support in alignment with intervention plans is required.*
- ❑ **Former ELLs require 1-2 years of “support services” after exiting**
 - *0.5 unit in Integrated ENL/ESL in core content or other as approved by NYSED*
- ❑ **In-service training is needed for those providing ENL services**
 - *Districts must prescribe time allowances for ELL-specific PD*
 - *15% of time for ALL teachers*
 - *50% of time for ENL and Bilingual Teachers*
- ❑ **Four Levels of Proficiency (Beginner, Intermediate, Advanced, Proficient)**
 - *Beginner/Entering*
 - *Low Intermediate/Emerging*
 - *Intermediate/Transitioning*
 - *Advanced/Expanding*
 - *Proficient/Commanding*

CONSIDERATIONS:

***Scheduling of a half-unit of student for exiters.
Restructuring of Professional Development Plan.
Scheduling students across five levels***

Program Snapshot

Stand Alone Program (formerly known as Freestanding)

- *Instruction to acquire English to succeed in core academic areas*
 - *Cannot be delivered in lieu of a core academic course (ELA, etc.)*
 - *Teacher must be TESOL or bilingual certification for K-6*
 - *Teacher must be TESOL in Grades 7-12*

Integrated ENL Program (new)

- *Instruction in the content area using ENL methodologies*
 - *Taught by a dually-certified teacher (ELA/ESL, Math/ESL, etc.)*
 - *Co-taught by an ESL/Bilingual Teacher and a Content Specialist*

Bilingual Component (existing)

- *Must be comprised of three components*
 - *(1) English as a New Language*
 - *(1) English Language Arts*
 - *(2) Content area instruction taught in English and home language*

Students with Disabilities

☐ To accommodate students with language access needs and disabilities (Part 154.3)

- *In 2015-16 – Language Proficiency Team (LPT)*
 - *Makes determinations regarding initial ID of ELL status of a SWD*
 - *LPT consists of an administrator, BE/ENL teacher, PPS Director/designee, and translator*
 - *LPT's objective is to determine if there is a language issue for classified students*

- *SWDs who enroll (or re-enroll) will be reviewed by the LPT to determine if their disability is the driving factor in the student's language access status.*

- *The LPT will recommend to the principal and Superintendent accepts or rejects principal's recommendation within 10 days*

- *Annually, the CSE must determine the method of assessment if the SWD will continue to be identified as ELL*

- *Guidance is forthcoming...*

Assurances by the Superintendent

- ✓ **Comprehensive PD Plan to be submitted to Commissioner**
- ✓ **Submission of Data to Commissioner as required**
- ✓ **BE and ENL is being offered at the requisite levels**
- ✓ **Parents of ELLs are receiving a program orientation**
- ✓ **Teachers are properly certified**
- ✓ **Teachers are receiving required professional development**
- ✓ **All aspects of Part 154 Regulations are being followed**

Key Takeaways and Considerations

- ❑ ***Reporting Requirements and Superintendent Assurances***
- ❑ **Financial Impact of staffing, clerical, coverage for meetings**
- ❑ **Certifications of staff**
- ❑ **Tenure and Seniority Protections**
 - *NYSED recommends excess based on seniority (current law) except where the retention of a teacher is necessary for required BE/ESOL instruction*

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Preparing for Part 154 Requirements in Port Jefferson School District

SCSSA Advocacy Workshop
January 24, 2015
Dr. Ken Bossert, Superintendent of Schools

Port Jefferson School District at a Glance

- ✓ Pre-K to 12 District
- ✓ Enrollment approximately 1200
- ✓ Current number of English Language Learners: 13
- ✓ Current staffing to fulfill ELL requirements: 1 FTE
- ✓ Languages other than English Spoken:
 - Chinese
 - Filipino
 - German
 - Korean
 - Portuguese
 - Russian
 - Spanish
 - Sinhalese

Current ESL Program Port Jefferson UFSD

13 students
6 classes
1 ESL teacher

	Current Schedule	# Students in Group	Grade Levels	Language Proficiency Levels
Elementary School	Group One	4	2 & 3	Beg, Int, & Adv
	Group Two	7	1, 3, 4 & 5	Beg, Int, Adv, & Building Plan
	Group Three	3	1, 2, & 5	Beg & Int
9 students				
Middle School and High School	Group One	3	6, 8, & 9	Advanced
	Group Two	2	6 & 10	Int & Adv
	Group Three	1	10	Intermediate
4 students				

Program and Staffing Impact for Port Jefferson UFSD

Current Program:

13 students
6 classes
1 ESL teacher

New Program, Push-In Integrated:

13 students
13 classes
2.1 ESL teachers
1.1 ES ELA teachers
.5 Secondary English teacher

Push-in uses existing ELA/English staff, increase in ESL only

New Program, Pull-Out Integrated:

13 students
10 classes
1.6 ESL teachers
.8 ES ELA teachers
.3 Secondary English teacher

Requires hiring ESL, ELA, & English teachers

- ✓ *Models designed for current year, using current language levels (true levels cannot be established until NYSESLAT results are received with the new Language Progression Levels)*
- ✓ *Assumes single certifications, resulting in co-teaching model for Integrated*
- ✓ *Assumes 1 unit = 1 period daily; 1/2 unit = alternate day classes*
- ✓ Push-in model for Integrated classes (ESL teacher pushes in to General Ed classroom)
- ✓ Pull-out model for Integrated classes (students pulled for ESL/ELA period)
- ✓ Benefits of Push-In Model: more cohesive; ESL teacher gains greater knowledge of grade level ELA skills; ELA teacher gains greater knowledge of working with ELLs; reduces pull-out periods for students
- ✓ Challenges of Push-In Model: training for ELA/English teacher and ESL teacher on co-teaching; Inclusion classes (ELL/SWD) would have 3 co-teachers; scheduling common planning time for teachers
- ✓ Pull-out Integrated classes allow for two grade levels together (two contiguous grades)
- ✓ NYSESLAT results and Language Progression Levels needed to determine actual classes
- ✓ Certifications of teachers needed to determine actual FTEs

Program and Staffing Impact of ENL Legislation on Port Jefferson UFSD

New ENL Requirements Applied to Current Enrollment & Levels, Push-in Integrated

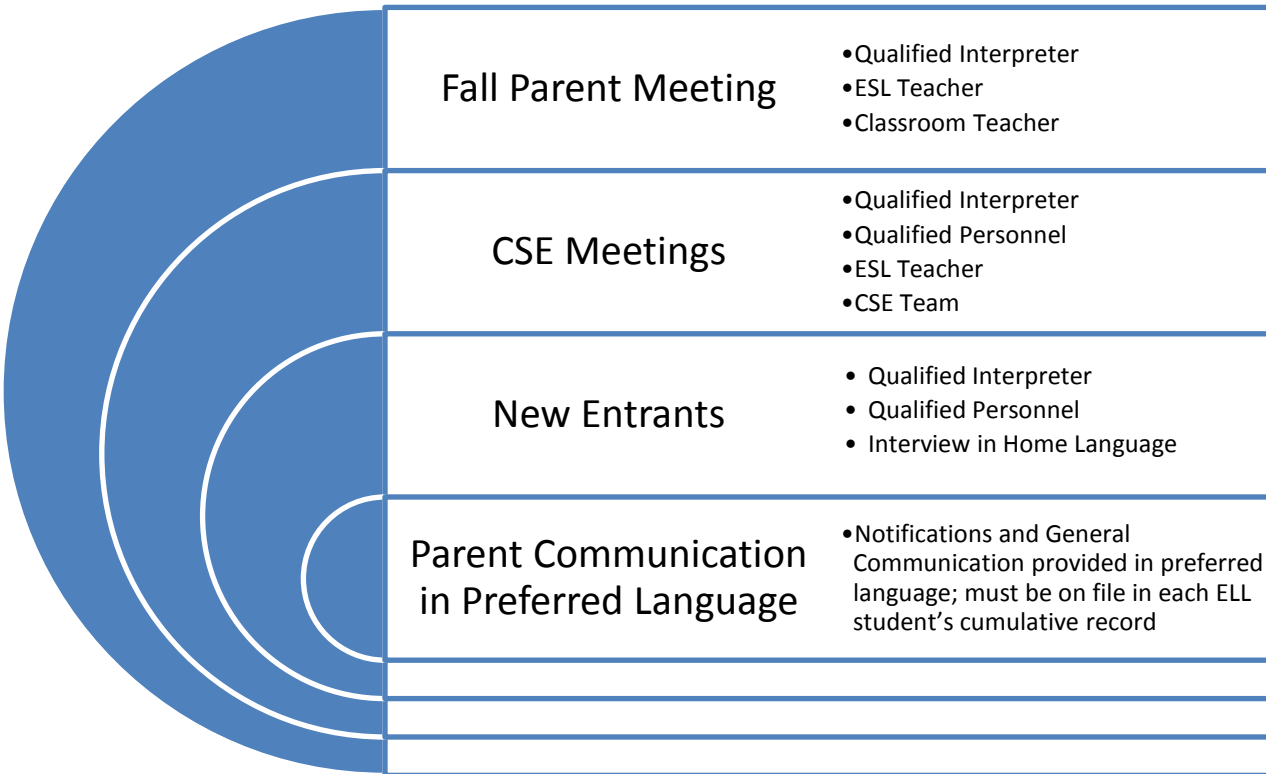
Building	Grade	Students & Levels	Push-in Integrated Periods	FTE	Stand-Alone Periods	FTE
Elementary School 9 students	Grade 1	1 Beg 1 Adv 1 Bldg Plan	1 Beg - daily 2 Adv - alt day (1 Inclusion)	.2 ESL .2 ELA	2 Beg - daily	.2 ESL
	Grade 2	1 Beg	1 Beg - daily	.2 ESL .2 ELA		
	Grade 3	2 Int 1 Adv	2 Int - alt day 1 Adv - daily (1 Inclusion)	.2 ESL .2 ELA	2 Int - alt day	.1 ESL
	Grade 4	1 Adv	1 Adv - daily	.2 ESL .2 ELA	---	---
	Grade 5	1 Int	1 Int - alt day	.1 ESL .1 ELA	1 Int - alt day	.1 ESL
Middle School & High School 4 students	Grade 6	1 Adv	1 Adv – daily	.2 ESL .2 ELA	---	---
	Grade 8	1 Adv	1 Adv - daily (Inclusion)	.2 ESL .2 English	---	---
	Grade 9	1 Adv	1 Adv – daily	.2 ESL .2 English	---	---
	Grade 10	1 Int	1 Int - alt day (SC)	.1 ESL .1 English	1 SA - alt day	.1 ESL

Program and Staffing Impact of ENL Legislation on Port Jefferson UFSD

New ENL Requirements Applied to Current Enrollment & Levels, Pull-Out Integrated *(Allows for students in contiguous grades to be placed together)*

Building	Grade	Students & Levels	Pull-Out Integrated Periods	FTE	Stand-Alone Periods	FTE
Elementary School 9 students	Grade 1 Grade 2	1 Beg 1 Adv 1 Bldg Plan	2 Beg - daily 2 Adv - alt day (1 Inclusion)	.2 ESL .2 ELA	2 Beg - daily	.2 ESL
		1 Beg				
	Grade 3	2 Int 1 Adv	2 Int - alt day 1 Adv - daily (1 Inclusion)	.2 ESL .2 ELA	2 Int - alt day	.1 ESL
	Grade 4 Grade 5	1 Adv 1 Int	1 Adv - daily 1 Int - alt day	.2 ESL .2 ELA	--- 1 Int - alt day	--- .1 ESL
Middle School & High School 4 students	Grade 6	1 Adv	1 Adv - daily	.2 ESL .2 ELA	---	---
	Grade 8 Grade 9	1 Adv 1 Adv	2 Adv - daily (1 Inclusion)	.2 ESL .2 English	---	---
					---	---
	Grade 10	1 Int	1 Int - alt day (SC)	.1 ESL .1 English	1 SA - alt day	.1 ESL

Communicating with Parents of English Language Learners



Home Languages for Current ESL Students in Port Jefferson:

- Chinese
- Filipino
- German
- Korean
- Portuguese
- Russian
- Spanish
- Sinhalese

Qualified Interpreter – a person who is fluent in the language and in English, has a demonstrated ability to employ the mode of interpretation appropriate, and has received training in specialized issues such as confidentiality and any applicable technical vocabulary.

Qualified Personnel - Bilingual Education or ESOL (English for Speakers of Other Languages) teacher, or a teacher trained in cultural competency, language development and the needs of ELLs.

Impact of New Part 154 Regulations on Port Jefferson UFSD

Impact on PPS

- CSE rules and roles
- **Language Proficiency Team:** members, roles, functions, approval process
- Reporting requirements for ELLs with a Disability

Impact on administration of ESL program

- NYSED reporting requirements
- Retention of records requirements
- Registration process

Impact on Professional Development

- Focus on the needs of ELL's; co-teaching strategies; and integrating language in content instruction
- Must represent 15% of all PD opportunities (all teachers)
- Must represent 50% of all PD opportunities for ENL and Bilingual Teachers
- **District must recruit or train ESOL certified teachers (financial incentive)**

Impact of New Part 154 Regulations on Port Jefferson UFSD

Financial Impact

- Teacher FTE
 - 2.0 Potential Increase (levels/enrollment are TBD) ~ \$180,000 (salary plus benefits)
- Clerical - State Reporting, Retention of Records ~ \$10,000 (modest estimate)
- Coordination - Placement Team, Parent Meetings, Translation of Notices (60 hr. est.) = ~\$12,000
 - Outside interpreter = \$200.00/hr.
- Additional Curriculum Materials/Supplies ~ \$10,000
- Professional Development in ENL (Previous Slide – Certification Process and Mandatory Ongoing PD) ~\$25,000

- Total anticipated/projected impact of: **\$237,000**
- Or **\$18,230/Student**
- Representing **.0561%** of Total District Budget (ENL *Increases* Only)

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English Language Learners (ELLs)

Preparing for Part 154 Requirements
in South Huntington School District

SCSSA Advocacy Workshop

January 24, 2015

Dr. Dave Bennardo, Superintendent, South Huntington U.F.S.D.

South Huntington School District Profile

- ✓ Pre-K to 12 District
- ✓ Enrollment approximately 6,000
- ✓ White (48%), Hispanic (34%), African-American/Black (9%), Asian (6%), Other (3%)
- ✓ Budget of \$151,840,230
- ✓ Current number of English Language Learners: 809
- ✓ Current staffing to fulfill ELL requirements: 31
- ✓ Languages other than English spoken:
 - Spanish
 - Haitian Creole
 - Urdu
 - Pashto

A Perfect Storm of Good Intentions Impacting Reality

Note: Our district philosophy is to approach issues such as these from a pragmatic standpoint. We do not become mired in the politics of the issue; and our BOE, administration, and teachers believe simply in instructing the students that cross our doors. However, the realities and impacts of the initiatives do exist.

1. We are processing a set of regulations (Part 154) that dramatically expand the scope and requirements of ELL registration, instruction, services, and family outreach.
2. We are processing recent amendments to the Commissioner's Regulation regarding student enrollment, which essentially requires us to register first and ask questions later.
3. We are playing a "Catcher in the Rye" role with unprecedented immigration that is significantly impacting our ELL numbers.

New Entrants 2013/2014 = 332

New Entrants 2014/2015 to date = 303

9th Graders new to the country just this year = 80

Summary : To date there is no financial assistance or academic flexibility associated with these new students, and Part 154 is placing unprecedented requirements on all services associated this population.

A Very Real Look at the Requirements and Impacts

Requirement: A qualified bilingual teacher must manage registration.

Impact: The addition of teaching personnel to registration staff.

Requirement: An ESL service can only be provided in a pull-out format if that teacher is dual certified in ESL and a specific subject area.

Impact: The addition of seven (7) FTEs.

Requirement: A three-year average class size must be used in determining sections.

Impact: Increase of two (2) FTEs.

Requirement: 15% of professional development for all teachers and 50% for ESL teachers must be ESL.

Impact: Financial impact to be determined.

Note: It is clear that the addition of approximately \$750,000 in new ESL staff is simply impossible given our current budget realities. Therefore, we are working on various scheduling configurations, examining existing staff certifications, and partnering with local universities in an effort to address these issues. However, the pressures upon the existing system are considerable.

Where do we go from here?

- Understand that the demographic shifts will continue, and the impacts of these realities are sure to grow.
- Recognize that Part 154, coupled with the latest registration guidance and national immigration patterns, are magnifying the impacts of well-intentioned policies.
- Lobby for financial assistance to meet these requirements.
- Lobby for some academic flexibility to meet the changing needs.
- Understand the impact of these types of unfunded mandates on communities.

Impact of New Part 154 Regulations

What Should be Done?

- Continue to Advocate for Relief from Unfunded Mandates (Not just Part 154 Regulations)
- Continue to Advocate for Full Elimination of the G.E.A. (Gap Elimination Adjustment)
- Extending Time Lines for Accountability (Certification Challenge)
- Funding for Meaningful Professional Development
- Lobby for Local Voices to be Heard Regarding the Appointment of the New Commissioner of Education and Board of Regents Members



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