

New REGULATIONS AND EXPLANATIONS

Former ELL Services

- School districts are required to provide former ELLs with at least two years of “support services” after exiting.
- 0.5 unit of Integrated ENL/ESL in core content or other as approved by NYSED.

Current regulations call for school districts to provide one to two years of support services to students who exit out of ELL status.

Graduation Requirements

- ELLs who enter the school system in 9th grade or above are eligible to appeal to graduate with a local diploma.

Current regulations do not allow for additional graduation requirement options.

Professional Development

- 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.

Current regulations require in-service training to all personnel providing instruction or other services to ELLs, but do not require specifics.

District Planning and Reporting

- School districts are required to provide much more additional information in comprehensive plans regarding programs for ELLs.

Students with Disabilities with Language Access Needs (Part 154.3)

- In 2015-16 – Language Proficiency Team (LPT).
- LPT makes determinations regarding initial ID of ELL status of a Student with Disabilities (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 the 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...

Prospective Certification of Staff and Seniority Protection (pending)

- Proposed amendments to Part 80 will require all prospective teachers to complete coursework in ELL instructional needs, co-teaching strategies, and integrating language and content instruction for ELLs.
- Proposed language to create certification areas for bilingual teaching assistants and tenure and seniority protection areas for bilingual teaching assistants, teachers and ESOL teachers.



KNOW THE FACTS

Amended Commissioner’s Regulations
CR PART 154

Legal Requirements for the EDUCATION OF ENGLISH LANGUAGE LEARNERS (ELLs)

March 2015

Main Components of CR Part 154 Subpart 154.1

Identification process of English language learners

Essentially the requirements are the same as in CR Part 154 (2007), but include changes in terminology.

Subpart 154.2

New and expanded program requirements that are to be fully in effect for the 2015-2016 school year.

Subpart 154.3

Regulations related to English language learners with a disability.

Individual Areas of CR Part 154 Regulations

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Students with Disabilities with Language Access Needs

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ELL Identification

- **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. Administration of a NYS English language proficiency assessment.

New regulations require that the above process be completed by qualified personnel.

Qualified Interpreters are fluent in the language and in English, are appropriate interpreters, and are trained regarding confidentiality and technical terminology.

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

- The formal identification of students with interrupted or inconsistent formal education (SIFE) is now required to take place as an additional part of the interview process.
- A review of academic history and student work samples in the home language is required.

Retention of Records

- Records must be kept indicating home-school communication language and notices and forms used during identification and placement process.

Current regulations do not require school districts to retain the above.

Parent Notification and Information

- Parent meeting is required annually.

Current regulations require school districts to make an effort to meet.

Program Placement

- Identification, parent notification, signed consent and placement in a program is required to take place within 10 days after initiating the ID process.
- The identification process must be complete before final school placement is made. 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.

Current regulations do not require school districts to complete the ID, notification or consent before final placement takes place.

Program Requirements

- English as a New Language is required to be offered through two settings:
 - o Integrated ENL/ESL (ESL methodologies co-taught or individually taught by a dually certified teacher).
 - o Stand-alone ENL/ESL (ESL instruction with an ESOL teacher to develop the English language needed for academic success).

Current regulations require a school to offer stand-alone ESL services only.

Program Provision

- Each school with 20 or more students in a grade requires a Bilingual Education (BE) program.
- Districts must annually estimate ELL enrollment for the following year and create BE programs if there are 20+ ELLs districtwide and have sufficient BE to accommodate 70%. (One-year waiver is available.)

Current regulations do not require districts to conduct an annual estimate of ELLs, nor create a sufficient number of BE programs to accommodate 20+ ELLs districtwide.

Program Continuity

- Students must have access to the program they had last year – ENL or Bilingual Education – if at least 15 students were enrolled in such a program the previous school year.

Current regulations do not address program continuity.

Grade Span

- The maximum grade span is two continuous grades for grouping purposes.

Current regulations do not specify grade span or roster.

ELL Exit Criteria

- NYSESLAT Proficient or NYSESLAT Advanced and at least a 3 on ELA, or a 65+ on Regents ELA.

Current regulations allow for only one ELL exit criterion, which is a proficient score on the NYSESLAT.

Intervention Support for ELLs

- Annual ID process and support in alignment with intervention plans is required.

Current regulations offer no provision for identification of ELL students needing intervention.