



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

**Huntington UFSD
Board of Education Meeting
Monday, June 8, 2015**

PART 154 Regulations

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

Main Components of Change

Subpart 154.1

Identification of
English Language Learners

Subpart 154.2

New and expanded program
requirements for 2015-16

Subpart 154.3

Regulations related to English
language learners with a disability

ELL Identification

Three-step process

- ✓ Administration of Home Language Questionnaire
- ✓ Individual interview
- ✓ Administration of NYSITELL

Must be completed by “qualified” personnel

- ✓ Interpreters (bilingual and trained regarding confidentiality and technical terminology)
- ✓ Personnel (bilingual/TESOL-certified or otherwise trained)

SIFE identification component required

Review of academic history and student work samples in home language required

Identification review process may commence within 45 days

Parent Notification & Information

Parent meeting on student progress is required annually.

(Current regulations require that school districts make “an effort” to meet.)

Retention of Records

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

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

Program Placement

- Identification, parent notification, signed consent and placement must occur within 10 days of identification process.**
- Identification process must be complete before final school placement is made; provisional placement should be immediate.**
- Family has the right to review and challenge the placement with 45 days.**

(Current regulations do not require school districts to complete ID, notification or consent before final placement.)

Program Requirements

- ❑ **English as a New Language (ENL) must be offered through two settings:**
 - ✓ Integrated ENL/ESL (co-teaching model or individually taught by a dually certified teacher)
 - ✓ Stand-alone ENL/ESL for “entering” and “emerging” levels (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%.

(Current regulations do not require district 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 experienced during the prior year – ENL or BE – if at least 15 students were enrolled during the prior 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 a grade span or roster.)

ELL Exit Criteria

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

(Current regulations allow for use of NYSESLAT only as an exit criterion.)

Intervention Support for ELLs

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

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

Former ELL Services

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

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

Graduation Requirements

- ELLs who enter in 9th grade or later 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 for all personnel providing instruction or other services to ELLs, but do not require specifics.)

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 for bilingual teaching assistants, teachers and ESOL teachers.**

District Planning & Reporting

- School districts are required to provide considerably more 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 identification of ELL status for students 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.**

Students with Disabilities with Language Access Needs (Part 154.3 - continued)

- SWDs who enroll will be reviewed by the LPT to determine if their disabilities are the driving factors regarding the students' language access status.**
- LPT will recommend to the principal; the superintendent accepts or rejects the 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**

?? QUESTIONS ??