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

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
• 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
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 meeting on student progress is required annually.

(Current regulations require that school districts make “an effort” to meet.)
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.)
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.)
The maximum grade span is two continuous grades for grouping purposes.

(Current regulations do not specify a grade span or roster.)
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.)
Annual identification process and support in alignment with intervention plans is required.

(Current regulations offer no provision for identification of ELL students needing intervention.)
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.)
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.)
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.
School districts are required to provide considerably more information in comprehensive plans regarding programs for ELLs.
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 ??