

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

An Overview for Superintendents and Boards of Education

NSSBA dinner January 29, 2015

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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