

Revisions to Commissioner's Regulations (CR) Part 154: Suggested Helpful Hints and Next Steps for School Leaders and Staff Members

The guidelines below are based on the [English Language Learner Policy and Reference Guide, 2015-16](#). The purpose of these guidelines is to provide an overview of the amended New York State Commissioner's Regulations (CR) Part 154 which establish the legal requirements for the education of ELLs in NYS and provide suggestions for planning high-quality services and support for your ELLs. This document does not constitute a policy or directive of the Chancellor or the Department of Education but is designed to offer best practices for schools to meet the requirements of CR Part 154.

| Suggested Helpful Hints and Next Steps | | | |
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| Topic | New CR Part 154 | School Leaders | School Staff Members |
| ELL Identification | Administer Home Language Identification Survey to new NYS admits in grades K to 12 <i>as well as those who have not been in a NYS public school for 2 or more years</i> . Students who have not been in a NYC or NYS public school for 2 or more continuous years are eligible to go through ELL identification process again. | <ul style="list-style-type: none"> Assign qualified staff member to conduct research and collect documentation to determine eligibility for HLIS <ul style="list-style-type: none"> ATS Academic history Ensure licensed/trained pedagogue has ATS access to insure accuracy | <ul style="list-style-type: none"> Licensed & trained pedagogue (e.g., ENL teacher) administers HLIS Complete form and submit to have non-DOE scores and ELL information entered into ATS |
| ELL Identification | Determine home language based on HLIS results, which include an interview with the student and parent in the language of preference (mandated in CR Part 154). | <ul style="list-style-type: none"> Ensure appropriate interpretation services are provided Assign pedagogical staff to be available for the administration of the HLIS | <ul style="list-style-type: none"> Pedagogue conducts interview and reviews HLIS & student records/documents Inputs OTELE code in ATS Maintain appropriate records Maintain list of staff who are bilingual and can provide interpretation assistance as necessary |
| ELL Identification | Administer the NYSITELL to only those students whose home language is not English <i>and who are eligible to take the NYSITELL</i> . (A more in-depth interview and review of work will be conducted to determine NYSITELL-eligibility.) | <ul style="list-style-type: none"> Order NYSITELL test through NYSED portal Supervise printing (RLBA function in ATS) and scanning of NYSITELL answer documents within 10 days of school enrollment Address any NYSITELL scanning errors through the RLBU function | <ul style="list-style-type: none"> Licensed & trained pedagogue administers NYSITELL (as necessary) Maintain appropriate records |
| ELL Identification | Parent, student (over 18) may request a Re-identification Process and review within 45 days of enrollment. | <ul style="list-style-type: none"> Assign qualified and trained staff to review and oversee Re-identification Process Based on the recommendation of the qualified personnel, the school principal determines whether to change the ELL status or not for the Re-identification Process Ensure all notifications and relevant documents are maintained throughout | <ul style="list-style-type: none"> Pedagogues gather and review student documentation in English and home language; make a recommendation to principal Maintain appropriate records Administer Spanish LAB to all newly identified ELLs whose home language is Spanish |
| ELL Identification | SIFE status must be determined within 12 months of enrollment. However, NYC requires that an initial determination be made within 30 days of enrollment, which can be modified up to 12 months of initial enrollment. SIFE consists of interrupted and/or inconsistent education. | <ul style="list-style-type: none"> Assign qualified and trained staff to review and oversee SIFE identification process | <ul style="list-style-type: none"> Pedagogue administers oral interview questionnaire and/or LENS (if appropriate); determines initial SIFE identification within 30 days Indicate SIFE status on BNDCATS function Gather and maintain appropriate records |

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| ELL Identification | Once a SIFE scores at transitioning level on the NYSESLAT, SIFE status is removed. | | <ul style="list-style-type: none"> Ensures appropriate staff are aware of instructional needs |
| ELL Identification for Students with Disabilities | Schools must form a Language Proficiency Team (LPT) for students entering NYS public schools with an IEP to determine if the student has language acquisition needs and should take the NYSITELL | <ul style="list-style-type: none"> Assign personnel as part of the LPT: 1) administrator, 2) certified ENL/bilingual/LOTE teacher, 3) director of special education or designated licensed/trained pedagogue, and 4) student's parent/guardian Secure appropriate interpretation services for each LPT meeting Gather and maintain appropriate records | <ul style="list-style-type: none"> Pedagogue administers NYSITELL and Spanish LAB as necessary |
| Parent Notification and Information, Retention of Records, ELL Program Placement | Schools must determine ELL status, conduct parent orientation meeting, and send parent entitlement / non-entitlement letters along with parent survey within 10 school days. Schools must send the entitlement letter of ELL status notification within 5 school days of ELL identification, informing parents of the results and that they have the right to appeal the ELL status within 45 days of enrollment. | <ul style="list-style-type: none"> Sign entitlement letters | <ul style="list-style-type: none"> Send parent notification letters to parents within 5 school days of ELL status determination Schedule and facilitate parent orientation meeting (facilitated by trained pedagogue) |
| Parent Notification and Information, Retention of Records, ELL Program Placement | ELL is placed within ELL program within 10 school days but parent (or student 18 or older) can appeal within 45 school days. | <ul style="list-style-type: none"> Principal or designated licensed/trained pedagogue supervises placement and scheduling based on parental selection | <ul style="list-style-type: none"> Maintain records of parental selection Input parental selection on ELPC screen (ATS) Maintain parent notification records in student cumulative folders |
| Parent Notification and Information, Retention of Records, ELL Program Placement | Schools must provide parents annual and individual meetings to discuss their child's progress in addition to already existing meetings. | <ul style="list-style-type: none"> Ensure meetings are scheduled Maintain records and attendance | <ul style="list-style-type: none"> Schedule and conduct individual meetings (facilitated by trained pedagogue) |
| Program Requirements, Provision of Programs, Grade Span, Program Continuity | ELLs cannot be served in classes of more than 2 contiguous grades (except for special class) | <ul style="list-style-type: none"> Oversee programming and scheduling | <ul style="list-style-type: none"> Schedule bilingual and stand-alone ENL classes with no more than two contiguous grades |
| Program Requirements, Provision of Programs, Grade Span, Program Continuity | <p>All students must receive a specified amount of standalone ESL and integrated ESL</p> <ul style="list-style-type: none"> Standalone ESL is instruction to develop English language skills so that students can succeed in core content courses. It is delivered by a certified ESL teacher. Integrated is instruction to build English language skills through content area instruction (e.g., social studies) It is delivered by <ul style="list-style-type: none"> A dually certified teacher (ESL+content area), OR Coteaching by an ESL teacher and content area teacher | <ul style="list-style-type: none"> Oversee programming and scheduling based on appropriate certification | <ul style="list-style-type: none"> Create a schedule to service all eligible students based on proficiency levels |
| Program Requirements, Provision of Programs, Grade Span, Program Continuity | Former ELLs must receive 90 minutes a week of integrated ESL for 2 years after testing out | <ul style="list-style-type: none"> Ensure appropriate placement and services for former ELLs | <ul style="list-style-type: none"> Include former ELLs when creating school-wide ENL schedule. Monitor progress |
| Program Requirements, Provision of Programs, Grade Span, Program Continuity | <p>Bilingual programs consist of 3 parts</p> <ul style="list-style-type: none"> ENL/ESL Home language arts (NLA) At least 2 subjects in the native language at beginning levels (depending on bilingual program model and level of student proficiency) | <ul style="list-style-type: none"> Supervise implementation of program requirements | <ul style="list-style-type: none"> Implement program requirements |
| Students with Disabilities, Intervention Support for ELLs | Districts are required to annually identify ELLs not demonstrating adequate performance and provide additional | <ul style="list-style-type: none"> Review data to ensure accuracy in DOE data systems | <ul style="list-style-type: none"> Ensure data is accurate in DOE data systems (e.g., ATS, STARS, SESIS) |

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| | support services aligned to district wide intervention plans. | | |
| ELL Exit Criteria, Former ELL Services, Graduation Requirements | <p>ELLs can test out through one of three ways (prior was only first bullet below):</p> <ul style="list-style-type: none"> • Test proficient on the NYSESLAT, OR • Test advanced on the NYSESLAT and test at level 3 or 4 on the ELA, OR • Test advanced on the NYSESLAT and test 65 or higher on the English Regents | <ul style="list-style-type: none"> • Ensure parental notification are signed, sent, and recorded for future reference | <ul style="list-style-type: none"> • Send parent notification letters |
| ELL Exit Criteria, Former ELL Services, Graduation Requirements | <p>Appeals to Graduate with Scores of 55–64 on Regents Examinations</p> <ul style="list-style-type: none"> • Appeal to Graduate with a Score of 62–64 on Regents Examination • Appeal to Graduate with a Score of 55–61 on the ELA Regents Examination (open to ELL students that meet the criteria) | <ul style="list-style-type: none"> • In conjunction with guidance counselor, principal or designated licensed/trained pedagogue oversees appeals process upon review of transcripts and test history | |
| Professional Development, Certification | <p>Professional development requirements</p> <ul style="list-style-type: none"> • 15% total hours ELL-specific PD for All Teachers • 50% total hours ELL-specific PD for ENL/bilingual teachers | <ul style="list-style-type: none"> • Provide access to high-quality ELL-specific professional learning opportunities: <ul style="list-style-type: none"> ◦ District-based ◦ School-based | <ul style="list-style-type: none"> • Attend and keep records of attendance to professional learning opportunities |
| School District Planning and Reporting Requirements | Each school district must submit annual estimates of ELL enrollment for the following school year; districts must open bilingual programs the following year if sufficient numbers exist. | <ul style="list-style-type: none"> • Monitor ELL enrollment (changes, updates) • Provide district with ELL enrollment information | <ul style="list-style-type: none"> • Maintain accurate enrollment records |
| School District Planning and Reporting Requirements | Each school district must provide program continuity for ELLs if there are sufficient numbers as per Aspira Consent Decree. | <ul style="list-style-type: none"> • Ensure appropriate certified staffing for bilingual programs • Plan for program continuity and logistics • Recruit appropriately certified teachers: <ul style="list-style-type: none"> ◦ ENL ◦ Bilingual ◦ ENL + content | <ul style="list-style-type: none"> • Send parental selection/ program continuation letters • Monitor parental selection • Update program selection on ATS/STARS |
| School District Planning and Reporting Requirements | School districts are required to provide additional information in comprehensive plans regarding programs for subpopulations of ELLs, information provided to parents in the languages they best understand, methods to annually measure and track ELL progress, and systems to identify, assess, and exit students from ELL status. | <ul style="list-style-type: none"> • Form Language Allocation Policy Team • Ensure representation of all school stakeholders • Facilitate creation of CEP documents related to ELLs: LAP, LTI, Title III | <ul style="list-style-type: none"> • Provide school-wide ELL information • Coordinate LAP team • Assist with creation of LAP, LTIP, and Title II documents • Apply to DELLSS-sponsored grants, such as SIFE and long-term ELLs grant |
| School District Planning and Reporting Requirements | School districts are required to provide additional information in reports regarding programs for subpopulations of ELLs including program information, if offered, by subpopulations and languages spoken in the school district. | <ul style="list-style-type: none"> • Form Language Allocation Policy Team • Ensure representation of all school stakeholders • Facilitate creation of CEP documents related to ELLs: LAP, LTIP, Title III | <ul style="list-style-type: none"> • Provide school-wide ELL information regarding subpopulations and languages spoken • Coordinate LAP team • Assist with creation of LAP, LTIP, and Title II documents |

