

Understanding Part 154 Requirements: Questions & Answers



Fact Sheet 15-12

June 2015

(Revised August 2015)

The changes to Part 154 of the Regulations impose significant requirements on school district and educators in regard to the instruction and programs and services for English language learners (ELLs). Since the adoption of the Regulations, NYSUT local leaders and members have raised many questions and concerns about these changes. This document provides responses to many of those questions based on NYSUT's understanding of Part 154 of the Regulations. For additional information, see:

- The complete Regulations at <http://www.p12.nysed.gov/biling/bilinged/CRPart154.html>
- NYSUT Fact Sheet 15-07 *NYS Requirements for Bilingual Education and English as New Language Programs* at <http://www.nysut.org/resources/all-listing/2015/april/fact-sheet-15-07-nys-requirements-for-bilingual-education-and-english-as-a-new-language-programs>
- Recent guidance published by the SED at <http://www.p12.nysed.gov/biling/resource/cr-part-154/units-of-study-tables.html>
- Please contact Teresa Bashant at 1-800-342-9810 ext. 6611 or tbashant@nysutmail.org if you need assistance or to suggest additional resources that NYSUT should develop to support educators.
- For additional questions pertaining to teacher certification, please contact Glenn Jeffers at 1-800-342-9810 ext. 6693 or gjeffers@nysutmail.org

- Concerns about teacher certification are addressed in questions 18 through 23:

For Teachers Currently Holding	with questions about how to obtain:	See Q&A No.
Content Area Certificate	ESOL Certification (30 hour program)	18
Content Area Certificate	ESOL Certification (Supplemental Certificate)	19
Content Area Certificate	Bilingual Extension (18 hour program)	20
Certified Teacher (non-ESOL)	Bilingual Extension (Supplemental Certificate)	21
ESOL Certificate	Content Area Certificate (30 hour program)	22
ESOL Certificate	Content Area Certification (Supplemental Certification)	23

Question 1: *Why did New York State adopt the new term English as a New Language (ENL) to describe the instructional services for English Language Learners?*

Answer: The term *English as a New Language* included in Part 154 of the Regulations respectfully acknowledges that our English Language Learners (ELLs) already communicate in another language. The term *Limited English Proficient (LEP)* implies that these students are somehow less able when, in fact, they are on their way to becoming bilingual or multilingual. *Emergent Bilinguals* is another term that stresses the positive attributes of our language learners. Some terms have not changed; teachers are still certified in ESOL (English to Speakers of Other Languages). Eligible students who benefit from ENL programs and services may still be referred to as *English Language Learners (ELLs)*. C.R.154-2.1.

Question 2: What are the new English language proficiency levels, and how do they align to the former terms of Beginner, Intermediate, Advanced, and Proficient?

Answer: The new proficiency levels described in Part 154 reflect the language used by the U.S. Department of Education, based on the recommendations of the World-class Instructional Design and Assessment (WIDA, www.wida.us) consortium, which was established to comply with the requirements of No Child Left Behind (NCLB). The new proficiency levels are aligned to those used in the past as follows:

Proficiency Level	New Term	Former Term
	Entering	Beginner
	Emerging	Low Intermediate
	Transitioning	High Intermediate
	Expanding	Advanced
	Commanding	Proficient

In the amended Part 154 Regulations, the former *Intermediate* proficiency level was divided into two levels (Emerging and Transitioning) to better delineate the range of language skills at the intermediate level. The term *Transitioning* no longer refers to proficient English students who are “transitioning” to regular education classes. These students are now described as Commanding (Proficient). *C.R. 154-2.3(h)(1),(2)*.

Question 3: Must ELLs receive ALL of their core content area subjects (ELA, Math, Science and Social Studies) in classrooms taught by dually-certified content-area/ESOL teachers or co-taught by content-area teachers and ESOL teachers (in grades 7-12) or bilingual ed. teachers (in grades K-6)?

Answer: No. According to Part 154, each ELL may have some of their core content area classes taught only by a teacher certified in the content-area. However, each ELL must receive a prescribed amount of ENL instruction that is integrated with content area instruction, first in ELA (for Entering and Emerging students) and later in the other content areas of math, science and social studies, as their English language proficiency increases from Emerging to Transitioning and Expanding. The district has discretion as to whether integrated ENL/content area classes will be co-taught or taught by a dually-certified teacher who holds certificates in a 7-12 content area and ESOL, in K-6 Common Branch with a bilingual education extension, or K-6 Common Branch and ESOL. *C.R.154-2.2 (h)*.

Question 4: Will some ELLs no longer receive stand-alone ESL instruction?

Answer: The Regulations indicate that ELLs at the Entering and Emerging proficiency levels must receive some ENL instruction in a stand-alone program. Stand-alone ESL instruction is mandated only for those ELLs whose English proficiency is Entering (Beginner) and Emerging (Low Intermediate). For Emerging and Transitioning students, school districts must provide both stand-alone ENL instruction ENL integrated with the content. *C.R. 154-2.1(q),(r)*.

See charts on pages 9 and 10 of this document or NYSUT Fact Sheet 15-07 for the requirements for stand-alone ENL and integrated content area ENL at each proficiency and grade level. *C.R. 154-2.3(h)(1),(2)*.

Question 5: Who can teach the stand-alone component of the ENL program?

Answer: For grades K-6, the stand-alone portion of the ENL program must be taught by certified ESOL or bilingual educators. For grades 7-12, the stand-alone portion must be taught by certified ESOL teachers. *C.R. 154-2.1(q),(r).*

Question 6: When students achieve the Commanding proficiency level on the NYSESLAT, what ENL services must districts provide to these students?

Answer: For two years after students achieve Commanding on the NYSESLAT, school districts must provide each week at least:

- ½ unit (90 minutes) of integrated ESL/content area (ELA, math, science or social studies) **or**
- Other services, approved by the Commissioner, that monitor and support the student's language development and academic progress. *C. R. 154-2.3(1)(v),(2)(v).*

Question 7: Are former ELLs entitled to testing accommodations?

Answer: Yes. Former ELLs are entitled to receive all ELL testing accommodations for two years after achieving English proficiency on the NYSESLAT. These accommodations include extended time, alternate location, and use of bilingual glossaries.

Question 8: Are ESOL teachers eligible to teach integrated ENL/ content area without

holding an appropriate grade-level or content-area certificate?

Answer: ESOL teachers who provide integrated ENL/content area instruction must also hold a grade 7-12 content-area certificate or a Common Branch K-6 certificate. A certified ESOL teacher may co-teach a core content subject (integrated with ENL) with teachers certified in the appropriate grade-level or content-area. *C.R. 154-2.2 (q)(r).*

Question 9: What is the definition of a dually-certified teacher?

Answer: A dually certified teacher for grade K-6 means a teacher who is certified in Common Branch K-6 and ESOL, or a teacher who is certified in Common Branch K-6 with a bilingual extension. A dually-certified teacher for grades 7-12 is defined as certified in ESOL and a 7-12 content area of math, English language arts, science, or social studies. *C.R. 154-2.2(r).*

Question 10: What does integrated ENL in ELA (or another content area) mean?

Answer: Integrated ENL in a content area (ELA, math, science, or social studies) requires instruction in English with home language supports and appropriate scaffolds. *C.R. 154-2.2(h).* Teachers provide instruction according to the subject area learning standards, as well as the required units of study of integrated ENL, based on the New York State Bilingual Common Core Initiative Progressions, 2014-15. These ENL learning standards can be referenced at <https://www.engageny.org/resource/new-york-state-bilingual-common-core-initiative-grade-7>.

In this case, *integrated* refers to English language instruction combined with content area instruction at the appropriate grade level. This option does not require ELLs and non-ELLs be integrated in the same class, but that appropriately-certified teachers integrate the ENL instruction with the ELA content.

Question 11: What are the ranges when establishing instructional groups for ELLs?

Answer: ELLs grouped for instruction must be within two contiguous grades. (The Regulations do not specify that students must be grouped together according to proficiency level.) For example, a 9th grader and an 11th grader, who are both at the Entering/Beginner level of English proficiency, must receive ENL instruction in different groups.

There is an exception in Part 154 of the Regulations for the grade ranges for the instruction of ELLs with disabilities. If these students are placed in a special class that spans more than two grades, their ESL instructional group can exceed two contiguous grades. For example, if ELL Students with Disabilities are in a self-contained 12:1 class which spans three grades, those students may receive ESL instruction together. *C.R. 154-2.3(i)*.

Question 12: Will students be able to exit the ENL program even though their disability prevents them from passing the English proficiency test (the NYSESLAT)?

Answer: ENL instruction is a regular education service and must be provided to *all* eligible students with or without disabilities. However, ELLs who also have disabilities may exit the ENL program by:

- achieving a score of Commanding (Proficient) on the NYSESLAT by taking it with or without testing accommodations, as indicated by their 504 or Individualized Education Plan determined by the CSE, **or**
- an alternative evaluation, to be proposed by the CSE and approved by the Commissioner on a case by case, individual student basis. *C.R. 154-3.4(b)*.

Question 13: What is the LPT and its responsibilities?

Answer: The LPT is the Language Proficiency Team, which is made up of the Committee on Special Education (CSE) and the ESOL/BE teacher. The LPT determines if a student should take the NYSITELL and discusses NYSESLAT issues.

Question 14: What is the CSE and its responsibilities regarding ELLs who are also students with disabilities?

Answer: The CSE is the Committee on Special Education and must include an ESOL/BE teacher when the student with a disability is also an ELL. The CSE is responsible for amending the IEP to include testing accommodation for the NYSITELL and NYSESLAT. Districts may close a CSE meeting and immediately convene an LPT meeting to address their separate responsibilities.

Question 15: May a school district assign ESOL teachers to work in a stand-alone setting while other ESOL teachers are assigned to co-teach in the integrated setting?

Answer: A school district is permitted to make such assignments to comply with the Part 154 program requirements. However, the prescribed instructional minutes must be delivered in part in a stand-alone ENL class and the rest in integrated ENL/content area. Each school district must determine how they will comply with the instructional requirements. Some school districts (that have more than one ESOL teacher) have assigned each teacher responsibility for a caseload of individual students. These teachers work with their assigned students for both the stand-alone portion and in the content areas in order to tailor instruction to each child's academic and English language needs, as well as to build and maintain a personal connection with their students and their families. Other school districts may decide to have teachers share their caseloads, in order to meet the students' needs for instruction in both content classes and stand-alone ESL. (Local leaders should examine these assignments in regard to potential changes to terms and conditions of employment.) C.R. 154-2.2(h).

Question 16: Must school districts offer a bilingual program if there are 10 fifth graders whose native language is Arabic at one school and 10 more Arabic-speaking fifth graders at a different school in the district?

Answer: Yes. A bilingual program must be offered to these students. The new threshold in the Regulations of 20 speakers of the same language is *district-wide vs. school-wide*, as in the past. C.R. 154 - 1.3(g)(1).

Question 17: Is a bilingual program required if there are five Arabic-speakers at every grade level in the district?

Answer: No. A bilingual program is not required with only 5 students who speak the same language at the same grade level across the district. An ENL program is required if the students are not proficient in English. C.R. 154 - 1.3(g)(1).

Question 18: How can content-area teachers (including early childhood and childhood teachers) attain an ESOL certificate in order to be qualified to teach ELLs?

Answer: Teachers holding a valid classroom teaching certificate (other than a career and technical education certificate) may obtain an ESOL certificate by pursuing coursework through a state approved program of study at a NYS college/university or fulfill the state-mandated competency areas through individual coursework. To view the requirements for the ESOL certificate (supplementary, initial, or professional) see <http://eservices.nysed.gov/teach/certhelp/CertRequirementHelp.do>.

Question 19: How can a content-area teacher obtain an ESOL certificate?

Answer: The supplementary certificate is a valid teaching certificate that enables a certified teacher to provide instruction in a different subject area where a shortage exists. Candidates for the supplementary certificate must meet certain credit and examination prerequisites and have a commitment from the employing school for appropriate support while transitioning to the new subject area. To view the requirements for the ESOL supplementary certificate, see <http://eservices.nysed.gov/teach/certhelp/CertRequirementHelp.do>.

The Board of Regents is considering proposals to amend the current requirements for ESOL and Bilingual Education supplementary certification for teachers who are already certified. It is anticipated that the Regents will vote on these proposals following the 45-day public comment period that closed May 15, 2015.

To view the requirements for these supplementary certificates, see <http://eservices.nysed.gov/teach/certhelp/CertRequirementHelp.do>.

Question 20: How can certified content-area teachers attain a bilingual education extension in order to be dually certified?

Answer: Teachers holding a valid content area teaching certificate (other than career and technical education) may pursue coursework through an approved program of study at a NYS college/university or fulfill the state-mandated competency areas through individual coursework to obtain the Bilingual Education Extension. To view the requirements for the Bilingual Education Extension (supplementary, initial, or professional), see

<http://eservices.nysed.gov/teach/certhelp/CertRequirementHelp.do>.

Question 21: Can the supplementary bilingual education extension be used to obtain “dual certification” as per Part 154 regulations?

The supplementary bilingual education extension is a valid extension to a teacher’s base certificate that may be issued to already-certified classroom teachers to enable teachers to teach in a different subject area where a shortage exists. This extension will lead to

dual certification. Candidates for the supplementary certificate must meet certain credit and examination prerequisites and have a commitment from the employing school for appropriate support while transitioning to the new subject area. To view the requirements for the bilingual supplementary certificate, see <http://eservices.nysed.gov/teach/certhelp/CertRequirementHelp.do>.

Question 22: How can teachers who are certified in ESOL K-12 pursue a content-area certificate?

Answer: Teachers holding a valid ESOL certificate may pursue coursework through an approved program of study at a NYS college/university or fulfill the state-mandated competency areas through individual coursework to obtain content area certificates. To view the requirements for the various content area certificates (supplementary, initial, or professional), see <http://eservices.nysed.gov/teach/certhelp/CertRequirementHelp.do>.

Question 23: Is a supplementary certificate available for ESOL teachers that will allow them to teach in a content area?

Answer: ESOL teachers may obtain a supplementary certificate to enable them to teach in a different subject area where a shortage exists. Candidates for the supplementary certificate must meet certain credit and examination prerequisites and have a commitment from the employing school for appropriate support while transitioning to the new subject area. To view the requirements for supplementary certificate requirements in the various content areas, see <http://eservices.nysed.gov/teach/certhelp/CertRequirementHelp.do>.

Question 24: How will these changes affect teacher tenure and seniority?

Answer: Under existing law and regulations, ESOL and Bilingual Education teachers will continue to accrue seniority based on their teaching assignments. Bilingual Education teachers will accrue seniority in the content area or grade level of their base certificate. ESOL teachers, regardless of their assignment (stand-alone, integrated content area) will continue to accrue seniority in the ESOL tenure area. NYSUT is seeking clarification in regard to tenure and seniority as it applies to dually-certified teachers assigned to teach integrated ENL/content area classes that serve both ELLs and non-ELLs.

Question 25: Can special education teachers obtain bilingual or ESOL supplementary certification?

Answer: Yes.

Question 26: What services can be provided by a teacher who is certified in ESOL and special education?

Answer: ESOL/special education teachers may provide both kinds of instructional services to students with disabilities, as long as students receive both the required units of study in ENL services and the frequency and duration of special educational services as prescribed by students' IEPs.

Question 27: What are some factors school districts should consider in the implementation of Part 154 of the Regulations?

Answer: Planning time, personnel needs, funding, and training are just a few of the

crucial areas for school districts to wrestle with as they seek to comply with Part 154 by the beginning of the 2015-16 school year. Listed below are several areas that will require immediate attention by school districts.

- Integrated ENL/content area instruction will comprise the majority of the ENL program. This teaching methodology requires ample planning time and training, whether the instruction is provided by co-teachers or dually-certified educators.
- The new version of the NYSESLAT unveiled in March 2015 requires teachers to be trained on its administration and scoring. The new test levels and changes in the test items present challenges for teachers in predicting their students' English proficiency levels for the 2015-2016 school year. Projecting students' instructional needs is essential for planning the ENL program and services for the next school year, since the NYSESLAT results are typically first available in August.
- Based on the new requirements, some students may require services that have not been previously provided in a school district. These changes may require additional staffing or changes in existing staff assignments to comply with the needs of students. Some teachers will require professional development and/or coursework for additional extensions or certifications to meet these new roles and responsibilities.
- To enable more certified teachers to secure ESOL and bilingual education extensions, institutions of higher learning must develop and offer programs that are accessible throughout New York State. NYSUT's ELT offers SED-approved graduate courses for educators that meet requirements for:

- supplementary certification in ESOL or bilingual education
- bilingual extension on a base certificate
- ESOL certification
- content area certification.

<http://www.nysut.org/resources/special-resources-sites/education-learning-trust>.

- There is a lack of professional development opportunities specific to ENL and bilingual education that school districts must soon provide to all of their teachers, and even more to their ESOL and bilingual education staff. Professional development vendors and institutions of higher learning need time and funding in order to design and make available this professional development throughout New York State. Other resources for professional development, in addition to NYSUT's ELT seminars, are included on NYSUT Fact Sheet 15-07.

<http://www.nysut.org/resources/all-listing/2015/april/fact-sheet-15-07-nys-requirements-for-bilingual-education-and-english-as-a-new-language-programs>

Grades K-8 Instructional Requirements for English as a New Language (ENL) Programs Effective 2015 – 2016 School Year

Part 154 requires each school district to provide an ENL program based on a student's English language proficiency levels in listening, speaking, reading and writing. The grade span of English Language Learners (ELLs) receiving instruction together cannot exceed two years, except for those in a special class. ENL instruction should be provided in substantially equal daily allotments of time.

1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.

Student Proficiency Level	Instruction
Entering (Beginning)	Students must receive at least 2 units of study (360 min.)/week of ENL instruction: <ul style="list-style-type: none"> At least 1 unit (180 min.)/week of Stand-alone ENL instruction At least 1 unit (180 min.)/week of Integrated ENL/ELA and At least 1 unit (180 min.)/week of Integrated ENL and English Language Arts (ELA)
Emerging (Low Intermediate)	Students must receive at least 2 units of study (360 min.)/week of ENL instruction: <ul style="list-style-type: none"> At least ½ unit (90 min.)/week of Stand-alone ENL, At least 1 unit (180 min.)/week of Integrated ENL/ELA instruction, and At least ½ unit (90 min.)/week of either Integrated ENL/content area or stand-alone ENL instruction <p>Looking at this another way:</p> <ul style="list-style-type: none"> ½ unit (90 min.)/week Stand-alone ENL 1 unit (180min.)/week Integrated ENL/ELA ½ unit (90 min.)/week flexible (Stand-Alone or Integrated ENL/content area)
Transitioning (High Intermediate)	Students must receive at least 1 unit (180 min.)/ week of ENL instruction: <ul style="list-style-type: none"> At least ½ unit (90 min)/week Integrated ENL/ ELA and At least ½ unit (90 min.)/week Integrated ENL/content area or Stand-alone ESL <p>Looking at this another way:</p> <ul style="list-style-type: none"> ½ unit (90 min.)/week must be Integrated ENL/ELA ½ unit (90 min.)/week flexible (Stand-Alone or Integrated ENL/content area)
Expanding (Advanced)	Students must receive at least 1 unit (180 min.)/week of ESL instruction. <ul style="list-style-type: none"> Integrated ENL/ELA or another content area (math, science, social studies)
Commanding (Proficient)	For at least two school years following the school year in which a student is exited from ENL status, the student must receive: <ul style="list-style-type: none"> At least ½ unit (90 min.)/week of ESL/ELA or another content area, or Other services, approved by the Commissioner, that monitor and support the student's language development and academic progress.

Grades 9-12 Instructional Requirements for English as a New Language (ENL) Programs Effective 2015 – 2016 School Year

Part 154 requires each school district to provide an ENL program based on a student's English language proficiency levels in listening, speaking, reading and writing. The grade span of English Language Learners (ELLs) receiving instruction together cannot exceed two years, except for those in a special class. ENL instruction should be provided in substantially equal daily allotments of time.

1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.

Student Proficiency Level	Instruction
Entering (Beginning)	<p>Students must receive at least 3 units of study (540 min.)/week of ENL instruction:</p> <ul style="list-style-type: none"> • At least 1 unit (180 min.)/week of Stand-alone ENL instruction • At least 1 unit (180 min.)/week of Integrated ENL/ELA and • At least 1 unit (180 min.)/week in either Integrated ENL/content area or Stand-alone ENL instruction. <p>A student will earn:</p> <ul style="list-style-type: none"> – 1 unit of credit in ELA for ENL/ELA, – 1 unit of credit in the content area of Integrated ENL, and – 1 unit of elective credit for a second Stand-alone ENL
Emerging (Low Intermediate)	<p>Students must receive at least 2 units of study (360 min.)/week of ENL instruction:</p> <ul style="list-style-type: none"> • At least ½ unit (90 min.)/week of Stand-alone ENL, • At least 1 unit (180 min.)/week of Integrated ENL/ELA instruction, and • At least ½ unit (90 min.)/week of either Integrated ENL/content area or stand-alone ENL instruction <p>A student will earn a total of 2 credits:</p> <ul style="list-style-type: none"> – 1 unit of credit in ELA for ENL/ELA, and/or – 1 unit of credit in the content area for Integrated ENL/ELA and/or area) – 1 unit of elective credit for a second Stand-alone ENL
Transitioning (High Intermediate)	<p>Students must receive at least 1 unit (180 min.)/ week of ENL instruction:</p> <ul style="list-style-type: none"> • At least ½ unit (90 min.)/week Integrated ENL/ ELA and • At least ½ unit (90 min.)/week Integrated ENL/content area or Stand-alone ESL <p>A student will earn:</p> <ul style="list-style-type: none"> – 1 unit of credit in ELA for ENL/ELA, or – 1 unit of credit in a content area for Integrated ENL/content area or – 1 unit of elective credit for Stand-alone ENL
Expanding (Advanced)	<p>Students must receive at least 1 unit (180 min.)/week of Integrated ENL/content area instruction.</p> <p>A student will earn:</p> <ul style="list-style-type: none"> – 1 credit in a content area for Integrated ENL/content area (in a content area other than ELA)
Commanding (Proficient)	<p>For at least two school years following the school year in which a student is exited from ENL status, the student must receive:</p> <ul style="list-style-type: none"> • At least ½ unit (90 min.) of Integrated ENL/ELA or another content area, or • Other services, approved by the Commissioner, that monitor and support the student's language development and academic progress.

TB/mc 99483

Revised August 6, 2015