

Guidance 2015

Former English Language Learners (ELLs)

INTRODUCTION

In September of 2014, the Board of Regents adopted amendments to Part 154 of the Regulations of the Commissioner of Education (CR). These regulations establish the legal requirements for the education of English Language Learners (ELLs) in New York State (NYS). CR Part 154 defines Former ELLs as students who were identified as ELLs and have exited ELL status within the past two school years. Upon exiting ELL status, students must continue to receive at least .5 units of study or its equivalent of Integrated English as a New Language (ENL) in English Language Arts (ELA)/Core Content Area or other such services, approved by the Commissioner [CR Part 154-2.3(h)(1)(v)]. This document is designed to provide guidance in developing a program of service for Former ELLs that monitors and supports ongoing English language development and academic progress by providing answers to questions that may be useful in developing a program.

A. IDENTIFICATION AND NOTIFICATION

Q: Who are considered Former ELLs?

A: Former ELLs are students who at one time were identified as ELLs and have met the criteria for exiting ELL status within the past two school years. School districts are required to provide these students former ELL services and two years of testing accommodations on NYS assessments.

Q: How does an ELL exit ELL status?

A: ELLs can exit ELL status in the following ways:

- Grades K-12: Scoring at the Commanding/Proficient level on the New York State English as a Second Language Achievement Test (NYSESLAT).
- Grades 3-8: Scoring at the Expanding/Advanced level on the NYSESLAT and 3 or above on the New York State ELA assessment within the same school year.
- Grades 9-12: Scoring at the Expanding/Advanced level on the NYSESLAT and 65 or above on the Regents Exam in English within the same school year.
- Per CR Part 154-3.4(3), an alternate pathway as a method of assessment as may be prescribed by the Commissioner for students with disabilities.



Q: Can a student who exited ELL status be re-classified as an ELL?

A: If an ELL exits ELL status in New York State, then moves out of New York State to reside in another country and returns to a NYS public school after two (2) years, the district will follow the initial identification process, which may include re-identifying the student as an ELL.

Q: I saw a data report that referred to an Ever ELL. Is this the same as a Former ELL?

A: An Ever ELL is a student that had been identified as an ELL, but has exited ELL status. A Former ELL is a student that had been identified as an ELL, but has exited ELL status within the past two school years. After two years, a former ELL will be referred to as an Ever ELL.

Q: What information should districts provide to parents and guardians regarding Former ELL services?

A: Districts should notify the parent/guardian of the change in the student's classification, the reason for the change in status, entitlements to supports, and what services will be provided that monitor and support ongoing English language development and academic progress.

B. PROGRAM REQUIREMENTS

Q: When designing a program for Former ELLs, what must a district include?

A: Students must continue to receive at least .5 units of study *or* its equivalent of Integrated ENL in ELA/Core Content Area or other such services, approved by the Commissioner [CR Part 154-2.3(h) (1)(v)]. If a district elects to provide "other such services", these services must be at minimum the equivalent of the mandated .5 units of study (at minimum, 90 minutes a week) and include individualized learning support and assessments that measure language and academic progress to improve academic outcomes for these students. Districts must look at student data to determine the most appropriate services.

Q: Can a district provide more than what is mandated for ELLs?

A: Yes, districts should assess the individual needs of students and can provide more than the minimum of .5 units of study as needed.

Q: May Former ELLs receive accommodations on New York State assessments?

A: Yes, the District must provide Former ELLs testing accommodations on NYS assessments for up to two years after exiting ELL status. Details of the testing accommodations can be found here: <http://www.p12.nysed.gov/biling/bilinged/formerlepells.htm>

Q: Can Former ELLs remain in bilingual education programs?

A: Yes, they can remain in a bilingual education program and continue to receive ENL and Home Language Arts instruction, provided that the parents and the district/school deem it is educationally appropriate.

Q: May Former ELLs receive support services in addition to Former ELL services?

A: Yes, a district must provide instructional and support services such as Academic Intervention Services (AIS) to former ELLs when the monitoring of their progress indicates a need for such intervention. ENL instruction or regular consultation between the ESOL teacher and mainstream teachers may also be included.

Q: What information about Former ELLs should schools/districts retain in the student's cumulative record?

A: Schools and districts should retain copies of all criteria used to determine the change in ELL status. Summative assessment results must be retained in the student's cumulative record. Districts should retain a copy of the Former ELL services provided for two years following the exiting of ELL status.

For additional information on CR Part 154 see <http://www.p12.nysed.gov/biling/bilinged/CRPart154.html>
For additional questions, please contact the Office of Bilingual Education and World Languages OBEFLS@nysed.gov or your Regional Bilingual Education Resource Network (RBERN) <http://www.p12.nysed.gov/biling/bilinged/betac.html>.

