

East Islip Amended Commissioner's Regulations Part 154

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Commissioner's Regulations Part 154

- In the landmark 1974 decision, Lau vs. Nichols, the United States Supreme Court established the right of ELL (now ENL) students to have a “meaningful opportunity to participate in the educational program.”
- That same year, an agreement was made between the New York City Board of Education and ASPIRA of New York which assured that ELL students would be provided a Bilingual Education.
- Therefore, ELL students must be provided with equal access to all school programs and services offered to non-ELL students, including, access to programs required for graduation.
- Education Law §3204 and Part 154 contain standards for educational services provided to ELL students in NYS.

Background

Commissioner's Regulations Part 154

- In order to better serve the needs of our expanding multilingual population, Part 154 created Subparts to enhance and strengthen programs and services.
- On September 15, 2014, the Board of Regents adopted and Department's proposed amendments to Part 154.
 - Subpart 154-1: Describes the requirements for the 2014-2015 school year, which are similar to the 2007 CR Part 154 with the exception of terminology (ENL – English as a New Language).
 - Subpart 154-2: Describes the new and expanded requirements of schools and school districts that are to be in effect for the 2015-2016 school year.
 - Subpart 154-3: ENL criteria for students with a disability and the exit process/criteria for eligible Students with a Disability.

Updates

Parts of the Commissioner's Regulations Part 154

- ENL Identification
- Parent Notification and Information
- Retention of Records
- ENL Program Placement
- Program Requirements
- Provision of Programs
- Grade Span
- Program Continuity
- Students with Disabilities
- ENL Exit Criteria
- Intervention Support for ENLs
- Former ENL Services
- Graduation Requirements
- Professional Development
- Certification
- School District Planning and Reporting Requirements

Overview

ENL Identification

SUBPARTS 154-1 & 154-2 ADOPTED REGULATION

Implement a three step ENL identification process to ensure holistic and individualized decisions can be made by qualified personnel, including:

- (1) administration of the Home Language Questionnaire (HLQ);
- (2) Individual Interview with student;
- (3) Administration of statewide English language proficiency assessment

(NYSITELL) Qualified personnel is defined as a Bilingual Education or ESOL teacher, or a teacher trained in cultural competency, language development and the needs of English Language Learners.

Recommendation:

1. Initial screening on HLQ to begin process of identifying potential ENL.
2. After registering, the parent/ guardian will be sent to the school and the HLQ will be fully administered by an ESL or Bilingual teacher on site. This teacher will then make the decision to test student on the NYSITELL.
3. Begin new entrant kindergarten NYSITELL testing on June 1st each year to identify potential ENL or Bilingual Program candidates early.

ENL Identification (cont'd.)

SUBPARTS 154-1 & 154-2 ADOPTED REGULATION

School districts are required to identify ENLs as Students with Interrupted/Inconsistent Formal Education (SIFE) as an additional part of the interview during the identification process. It includes a review of academic history and student work samples to determine level in home language and math. [154-2.3(a)(6)].

- Upon receiving a written request within an ENL's first 45 days of enrollment, school districts are required to implement a review process by qualified personnel to determine if a student may have been misidentified.
- A review of ENL identification determination would commence upon written request by a parent, a teacher with the consent of the parent, or a student, if the student is 18 years old or older.
- Before a change in ENL determination is final, parental consent, student consent if the student is 18 years or older, and principal and superintendent approval are required. [154- 2.3(b)]

Recommendation:

1. After it is determined by ESL/Bilingual teacher that the child is an ENL, parent will receive notification letter that they have 45 days to give written notification to initiate a review process to determine if their child has been correctly placed in ENL. Parent must submit this in writing.
2. ELL student's work is reviewed by principal. If there is a change of status, Assistant Supt. and/or Supt. make final decision within 10 days.

Parent Notification

- Parent notification and communication is required to be in the language best understood by the parents as indicated and on file in each ENL student's cumulative record. 2015-2016
- School personnel is required to meet with parents or persons in parental relation at least once a year, in addition to other generally required meetings with parents, to discuss with parents their child's academic content and language development progress and needs. This is in addition to regularly scheduled P/T conference days

Recommendation:

- How many languages are currently spoken in your district?
 - What is family's preferred language of communication?
 - Translation services
 - These meetings could be scheduled during the day or evening (may need to be negotiated)
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ENL Program Placement

- ENL identification, parent notification, signed consent, and placement in a Bilingual Education or ENL/ESL program is required to take place within 10 school days after initiating the identification process. [154-2.3(g)(1)]
- School districts are required to complete the identification process before an ELL student receives a final school placement. A student is to be provisionally placed in a school until the identification process is completed. [154-2.3(a)(8)]

Recommendation:

- Most already have a process for ESL placement
 - Process for placement in a bilingual program and parental choice to opt-out need to be established. How will communication with parents take place?
 - Signed parent consent should be maintained as part of school records (Office of ESL & copy placed in the child's permanent record folder)
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ENL Program Requirements

- Current regulations require school districts to provide English as a Second Language instruction through a Stand-Alone model only.
- English as a New Language instruction is required to be offered through two settings starting in the 2015-2016 school year:
 - Integrated ENL/ESL (ENL methodologies in content area instruction co-taught or individually taught by a dually certified teacher); and
 - Stand-Alone ENL/ESL (ESL instruction with an ESOL teacher to develop the English language needed for academic success). [152.2(m)and(x)]

Recommendation:

- Review current ESL teacher certifications to ascertain who is dually certified in K-6 childhood and ESL to provide ESL and ENL instruction at the elementary level.
- For grades 7-12, a teacher must be dually certified in English 7-12 and ESL to provide this service OR an ESL teacher AND an English teacher must CO-TEACH and provide this class.
- For future hiring, look for dually certified, bilingual personnel and with the ENL program in mind.

ENL Services by English Proficiency

CR Part 154-2 (K-8) English as New Language (ENL) Units of Study and Staffing Requirements

All ENL classes, including Integrated and Stand-alone offer home language support.

ENGLISH PROFICIENCY LEVEL	ENTERING (Beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
ENL INSTRUCTIONAL TIME (MINIMUM)	2 units of study <u>per week</u> (360 min.)	2 units of study <u>per week</u> (360 min.)	1 unit of study <u>per week</u> (180 min.)	1 unit of study <u>per week</u> (180 min.)	Former ELLs must continue to receive services for an additional two years
STAND-ALONE ENL	1 unit of study in ENL (180 min.)	.5 unit of study in ENL (90 min.)			
INTEGRATED ENL	1 unit of study in ENL/ELA (180 min.)	1 unit of study in ENL/ELA (180 min.)	.5 unit of study in ENL/ELA (90 min.)	1 unit of study in ENL/ELA or other Core Content Area (180 min.)	
FLEXIBILITY		.5 unit of study can be STAND-ALONE ENL <u>or</u> INTEGRATED ENL/Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE ENL <u>or</u> INTEGRATED ENL/Core Content Area (90 min.)		.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, <u>or</u> other approved Former ELL services for two additional years*
TOTAL	360 minutes per week	360 minutes per week	180 minutes per week	180 minutes per week	
STAFFING/ PERSONNEL	STAND-ALONE ENL K-12 Certified ESOL teacher		INTEGRATED ENL – 1 Dually Certified Teacher ESOL and Common Branch (K-6) or Content Area (7-8) teacher who holds both certifications INTEGRATED ENL – 2 INDIVIDUALLY CERTIFIED TEACHERS (CO-TEACHING) A certified ESOL teacher and a K-6 certified elementary school teacher A certified ESOL teacher and a 7-8 certified content area teacher (ELA, Math, Science, or Social Studies)		
The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.					

*Other services that are approved by the NYS Commissioner that monitor and support the student's language development and academic progress.

Core Content Area shall mean ELA, Math, Science, and Social Studies. One unit of study = 180 minutes of instruction per week per year.

Updated May 6, 2015

ENL Services by English Proficiency

CR Part 154-2 (9-12) English as New Language (ENL) Units of Study and Staffing Requirements

All ENL classes, including Integrated and Stand-alone offer home language support.

ENGLISH PROFICIENCY LEVEL	ENTERING (Beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
ENL INSTRUCTIONAL TIME (MINIMUM)	3 units of study <u>per week</u> (540 min.)	2 units of study <u>per week</u> (360 min.)	1 unit of study <u>per week</u> (180 min.)	1 unit of study <u>per week</u> (180 min.)	Former ELLs must continue to receive services for an additional two years
STAND-ALONE ENL	1 unit of study in ENL (180 min.)	.5 unit of study in ENL (90 min.)			
INTEGRATED ENL	1 unit of study in ENL/ELA (180 min.)	1 unit of study in ENL/ELA (180 min.)	.5 unit of study in ENL/Core Content Area (90 min.)	1 unit of study in ENL/Core Content Area (180 min.)	
FLEXIBILITY	1 unit of study can be STAND-ALONE ENL instruction <u>or</u> INTEGRATED ENL in Core Content Area (180 min.)	.5 unit of study can be STAND-ALONE ENL <u>or</u> INTEGRATED ENL/Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE ENL <u>or</u> INTEGRATED ENL/Core Content Area (90 min.)		.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, <u>or</u> other approved former ELL services for two additional years.*
TOTAL	540 minutes per week	360 minutes per week	180 minutes per week	180 minutes per week	
AWARDING CREDITS	<u>STAND-ALONE ENL</u> Elective credit is awarded upon passing each corresponding STAND-ALONE ENL unit of study		<u>INTEGRATED ENL</u> Core Content Area credit is awarded upon passing each corresponding ENL unit of study in ELA, Math, Science, or Social Studies.		
STAFFING/ PERSONNEL	<u>STAND-ALONE ENL</u> K-12 Certified ESOL Teacher		<u>INTEGRATED ENL – 1 Dually Certified Teacher</u> ESOL or Content Area (7-12) teacher who holds both certifications <u>INTEGRATED ENL – 2 INDIVIDUALLY CERTIFIED TEACHERS (CO-TEACHING)</u> A certified ESOL teacher and a 7-12 certified Content Area teacher		
The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.					

*Other services that are approved by the NYS Commissioner that monitor and support the student's language development and academic progress.
Core Content Area shall mean ELA, Math, Science, and Social Studies.

Updated May 6, 2015

Bilingual Programming

- Each school with 20 or more ENL students of the same grade who speak the same home language continues to be required to provide a Bilingual Education program. [154- 2.3(d)(4)]
- School districts are required to annually estimate ENL enrollment before the end of each school year, and create a sufficient number of Bilingual Education programs in the district, if there are 20 or more ENLs district wide of the same grade level who speak the same home language. [154- 2.3(d)(1)]
- New Bilingual Education programs are not to be placed in a school identified as a School Under Registration Review or as a Focus or Priority School. [154-2.3(d)(3)]
- A school district will be allowed to apply for a one-year waiver for languages that represent less than 5% of the statewide ENL population, if the district can demonstrate it meets established criteria and provides alternate home language supports. [154- 2.3(d)(6)]

Recommendation:

- Early identification of parents of ELLs who want their child placed in a bilingual program or will opt their child out. (For personnel and space needed)
 - a) ASAP for current ENLs
 - b) June 1, 2015, for incoming kindergarteners who are potential ENLs.
 - c) School(s) that will house bilingual class(es).

Bilingual Services by English Proficiency

CR Part 154-2 (K-8) Transitional Bilingual Education Program

	ENGLISH PROFICIENCY LEVEL	ENTERING (Beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
LANGUAGE ARTS	STAND-ALONE ENL	1 unit of study in ENL (180 min.)	.5 unit of study in ENL (90 min.)			
	INTEGRATED ENL / ELA	1 unit of study in ENL / ELA (180 min.)	1 unit of study in ENL / ELA (180 min.)	.5 unit of study in ENL / ELA (90 min.)	1 unit of study in ENL / ELA or other Core Content Area (180 min.)	
	FLEXIBILITY		.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/Core Content Area (90 min.)		.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, or other approved Former ELL services for two additional years*
	TOTAL ENL	360 minutes per week	360 minutes per week	180 minutes per week	180 minutes per week	
	HOME LANGUAGE ARTS	1 HLA Class	1 HLA Class	1 HLA Class	1 HLA Class	
BILINGUAL INSTRUCTION	BILINGUAL CONTENT AREA SUBJECTS	Minimum of 2	Minimum of 2	Minimum of 1	Minimum of 1	
STAFFING/ PERSONNEL	K-8 BILINGUAL EDUCATION PROGRAM • (K-6 Bilingual) Common Branch teacher with a bilingual extension • (7-8 Bilingual) Content Area teacher with a bilingual extension. [1 HLA must be taught by a certified Language Other Than English (LOTE) teacher.]			K-8 ENGLISH AS A NEW LANGUAGE PROGRAM • (K-8 STAND-ALONE) ESOL certified teacher • (K-6 ENL) Common Branch K-6 teachers with a bilingual extension can teach the ENL component of a K-6 Bilingual Education program. • (7-8 ENL) Integrated ENL can be taught by an ESOL teacher with Content Area certification or two individually certified teachers.		
	The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.					

*Other services that are approved by the NYS Commissioner that monitor and support the student's language development and academic progress. Content Area shall mean ELA, Math, Science, and Social Studies.

Bilingual Services by English Proficiency

CR Part 154-2 (9-12) Transitional Bilingual Education Program

	ENGLISH PROFICIENCY LEVEL	ENTERING (Beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
LANGUAGE ARTS	STAND-ALONE ENL	1 unit of study in FNI (180 min.)	.5 unit of study in FNI (90 min.)			Former ELLs must continue to receive services for an additional two years
	INTEGRATED ENL / ELA	1 unit of study in FNI /FLA (180 min.)	1 unit of study in FNI /FLA (180 min.)	.5 unit of study in FNI /FLA (90 min.)	1 unit of study in FNI /FLA or other Core Content Area (180 min.)	
	FLEXIBILITY	1 unit of study can be STAND-ALONE FNI instruction or INTEGRATED FNI in Core Content Area (180 min.)	.5 unit of study can be STAND-ALONE FNI <u>or</u> INTEGRATED FNI /Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE FNI <u>or</u> INTEGRATED FNI /Core Content Area (90 min.)		
	TOTAL ENL	540 minutes per week	360 minutes per week	180 minutes per week	180 minutes per week	
BILINGUAL INSTRUCTION	HOME LANGUAGE ARTS	1 HLA Course	1 HLA Course	1 HLA Course	1 HLA Course	
	BILINGUAL CONTENT AREA SUBJECTS	Minimum of 2	Minimum of 2	Minimum of 1	Minimum of 1	
AWARDING CREDITS	STAND-ALONE ENL Elective credit is awarded upon passing each corresponding STAND-ALONE ENL unit of study			HOME LANGUAGE ARTS Language Other Than English (LOTE) credit is awarded upon passing each corresponding HLA unit of study		
	INTEGRATED ENL Core Content area credit is awarded upon passing each corresponding ENL unit of study in ELA, Math, Science, or Social Studies			BILINGUAL CONTENT AREA Core Content area credit is awarded upon passing each corresponding Bilingual Content Area subject		
STAFFING/ PERSONNEL	BILINGUAL EDUCATION PROGRAM • (9-12) <u>Bilingual Content Area</u> teacher with a bilingual extension. (HLA must be taught by a certified Language Other Than English (LOTE) teacher.)			ENGLISH AS A NEW LANGUAGE PROGRAM • (9-12) <u>Stand alone</u> ESOL certified teacher • (9-12) <u>Integrated FNI</u> can be taught by an ESOL teacher with Content Area certification or two individually certified teachers.		
The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.						

*Other services that are approved by the NYS Commissioner, that monitor and support the student's language development and academic progress.

Core Content Area shall mean FLA, Math, Science, and Social Studies

ENL Exit Criteria

Current regulations only allow students to exit ELL status through one criterion:

- scoring proficient on the statewide English language proficiency assessment. (NYSESLAT)

Exit criteria has expanded to allow qualified students to exit ENL status by:

- OPTION 1) Scoring at the Proficient/ Commanding level on the NYSESLAT [154-2.3(m)(1)(i)]
- OPTION 2) Scoring at the Advanced/ Expanding level on the NYSESLAT, -and- 3 or 4 on a grade 3-8 ELA Assessment, - or- 65 + on the Regents Exam in English [154-2.3(m)(1)(ii)]
- OPTION 3) Students with Disabilities. This is still pending. [154-2.3(m)(2)]

Professional Development

Current regulations require in-service training to all personnel providing instruction or other services to ELLs, but do not require specific types of professional development beyond the general requirement of 175 hours of professional development over 5 years.

For 2015-2016:

- School districts are required to ensure that a prescribed percentage of professional development hours be specific to the needs of ELLs, co-teaching strategies, and integrating language and content instruction:
- 15% total hours ELL-specific PD for All Teachers

~and~

- 50% total hours ELL-specific PD for Bilingual Education and ENL/ESL teachers • Title III and Title IIA grants