

## **PROGRAMS FOR ENGLISH LANGUAGE LEARNERS**

The Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency (referred to here as “English Language Learners” or ELLs), will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The district will, therefore, take steps to identify ELL students and provide ELL students with an appropriate program of either Bilingual Education or English as a New Language.

Pursuant to this policy and the regulations of the Commissioner of Education, the Superintendent of Schools is directed to develop appropriate administrative regulations to ensure that students are:

1. Screened to determine if the student is an ELL, in accordance with Parts 117 and 154 of the Commissioner's Regulations, a process that will include interviews and assessments and will assign each ELL student to the appropriate subpopulation (Newcomer, Developing, Long-Term and Former English Language Learners, English Language Learners with Disabilities and Students with Inconsistent/Interrupted Formal Education);
2. Identified, as appropriate, as an ELL student with a disability;
3. Annually evaluated to determine continued ELL eligibility. Included in the evaluation shall be each student's performance in English language proficiency and academic progress in content areas;
4. Assured of access to appropriate instructional and support services, including guidance programs within the timeframes provided by Commissioner's Regulations; and.
5. Assured of having equal opportunities to participate in all school programs and extracurricular activities as non-ELL students.

The Superintendent of Schools shall be responsible for ensuring that the Commissioner of Education is provided with a comprehensive plan that describes the district's ELL program and includes all information specified in the Commissioner's Regulations, before the start of the school year. The district will also provide assurances that the district is providing appropriate school-related information to the parents (or persons in parental relation) of ELL students in English and the language they best understand, including information regarding the District's obligation to provide transportation to students who have been offered an opportunity to transfer to another school to attend a Bilingual Education program, pursuant to the Commissioner's Regulations.

The District will provide an orientation program annually for parents of newly enrolled ELL students, in a language or mode of communication that the parent best understands. In addition, the district will meet individually with ELL parents at least once a year to discuss the goals of the ELL program, their child's language development progress, their child's English language proficiency assessment results, and language development needs in all content areas (in

## Programs For English Language Learners (Continued)

English and in the child's home language in the case of students enrolled in a Bilingual Education Program).

In addition, the Superintendent of Schools shall ensure that all teachers employed in any Bilingual and/or English as a New Language program are properly certified in accordance with the Commissioner's Regulations, and that all staff receive appropriate professional development on ELL students.

Cross-ref: 6164.7-R, Programs for English Language Learners  
5122, The Education of Students with Handicapping Conditions  
4131, Staff Development Opportunities

Ref: Education Law §3204  
 Education Acquisition, Language Enhancement, and Academic Achievement Act,  
 20 USC §§6801 et seq  
 Equal Educational Opportunities Act of 1974, §§201 et seq.,  
 20 U.S.C. §§1701 et seq.  
 8 NYCRR §§80-2.9; 80-2.10; Part 117; Part 154  
*Lau v. Nichols*, 414 U.S. 563 (1974)  
*Rios v. Read*, 480 F. Supp. 14 (E.D.N.Y. 1978)  
*Cintron v. Brentwood UFSD*, 455 F. Supp 57 (E.D.N.Y. 1978)  
*Aspira of New York v. Board of Educ. (City of New York)*, 394 F. Supp. 1161  
 (S.D.N.Y. 1975)

Policy Adopted:

May 21, 1990

Policy Revised:

December 16, 1991

Policy Revised:

September 21, 2015

**Administrative Regulations**

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In attempting to ensure that students who are limited English proficient (referred to here as “ELLs”) receive appropriate schooling in English and curriculum areas, the school district shall:

- A. In accordance with Part 117 of the Commissioner's Regulations, diagnostically screen all new entrants to the schools to determine whether they should be designated as an ELL student, which is defined as a student who by reason of foreign birth or ancestry, speaks or understands a language other than English, and speaks or understands little or no English, and requires support in order to become proficient in English, in accordance with the Commissioner's Regulations. Such diagnostic screening of new entrants shall include, but not be limited to whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English. After such questionnaire and informal interview, if it cannot be determined that the student is not limited English proficient, the District shall administer the statewide English language proficiency identification assessment, as prescribed by the Commissioner, to the student, except in cases where the student has a disability. In such cases where a student has a disability, pursuant to the Commissioner's Regulations, a Language Proficiency Team shall determine whether the student shall take the statewide English language proficiency identification assessment. A student who receives a score below a state designated level of proficiency established by the Commissioner on the statewide English language proficiency identification assessment shall be classified as an ELL student.
- B. In accordance with Part 117 and 154 of the Commissioner's Regulations, the District shall diagnostically screen students if they score below level two (2) on either the third grade English Language Arts or Mathematics assessment. Such screenings shall include, but not be limited to, vision and hearing screenings and a review of the instructional programs in reading and mathematics.
- C. Ensure that students diagnostically determined to be ELL are annually evaluated. This will include an evaluation of each student's performance in content areas to measure the student's progress.
- D. Ensure that all ELL students have access to appropriate instructional and support services, as more fully discussed below.
- E. Ensure that all ELL students have equal opportunities to participate in all school programs and extracurricular activities as non-ELL students.

**Administrative Regulations (Continued)**  
**Programs for English Language Learners (Continued)**

- F. Annually provide the Commissioner with all requisite documents, as mandated by the reporting requirements contained in Part 154 of the Commissioner's Regulations, in the form and by the dates prescribed by the Commissioner.

The District will provide an orientation program annually for parents or persons in parental relation of newly enrolled ELL students to the District, in a language or mode of communication that the parent or person in parental relation best understands, on the state standards, assessments, and school expectations for ELLs, as well as the program goals and requirements for Bilingual Education and English as a New Language ("ENL") programs, as prescribed by the Commissioner. Such orientation shall occur prior to the student's enrollment in a program, provided that a student shall not be withheld from timely program placement if a parent or person in parental relation does not attend an orientation session.

Following this orientation, the District will submit a notification to each parent or person in parental relation of a student designated as an ELL, which shall include program options, including the option of not having the student placed in a Bilingual Education program. Should a parent wish to withdraw the child from a Bilingual Education program, the parent or guardian shall meet with the building principal and supervisor of Bilingual Education. Such meeting shall be for the purpose of informing the parent or person in parental relation of the nature and value of the Bilingual Education program. Any child that withdraws from a Bilingual Education program must participate in a free-standing ENL program. Parents shall be also informed that each ELL student shall be provided the opportunity to transfer to another school in the District that operates a Bilingual Education program which serves the same grade level and language, if such Bilingual Education program does not exist in the school in which the student is enrolled. In all such cases where the opportunity to transfer to another school is offered, the student shall be provided transportation in accordance with the Education Law and/or District policy, as applicable.

The District will also distribute to the parents, or persons in parental relation to ELL students, school related information, including information regarding ELL programs, in a language or mode of communication that they best understand.

Prior to the start of each school year, the District shall also submit to the State Education Department a comprehensive plan to meet the educational needs of ELL students, in accordance with the requirements of the Commissioner's Regulations. The District reserves the right to contract with a Board of Cooperative Educational Services (BOCES) or another school district to provide Bilingual and ENL programs.

**Administrative Regulations (Continued)**  
**Programs for English Language Learners (Continued)**

**Bilingual Instruction**

Should twenty (20) or more ELL students with the same native language at the same grade level exist within the District, such students shall be provided with a bilingual education program. Such program shall be composed of, at a minimum:

- A. ENL instruction which emphasizes listening, speaking, reading, writing and communicating skills in English.
- B. Course content instruction in both English and the native language.
- C. Native language arts instruction which emphasizes communication skills in the student's home language.

**English as a Second Language Instruction**

Should fewer than twenty (20) ELL students with the same native language at the same grade level exist within the District, such students shall be provided with a free-standing ENL program, if they are not served by an applicable Bilingual Education program. Such program shall be composed of the grade-level requirements mandated by Part 154 of the Commissioner's Regulations.

**Support Services**

The district shall provide appropriate support services to students who are participating in either transitional bilingual or free-standing ENL programs in order for such students to achieve and maintain a satisfactory level of academic performance. These services will be provided to those students who score below specified levels of performance on the annual English language proficiency assessment, as defined by the Commissioner. Such services may include, but shall not be limited to, individual counseling, group counseling, home visits, and parental counseling. If appropriate, such services shall be provided in the native language of the student and the student's parent or person in parental relation.

**Transitional Services**

The district shall ensure a positive transition for former ELL students who are transferring from a bilingual or free-standing ENL program into an English mainstream program. Transitional services shall be provided for at least two (2) years after such students are placed in an English mainstream instructional program, in accordance with Part 154 of the Commissioner's Regulations.

**Administrative Regulations (Continued)**  
**Programs for English Language Learners (Continued)**

**In-Service Training**

The district shall provide in-service training to all personnel providing instruction or other services to ELL students in order to enhance staff appreciation for such students' native languages and cultures, and to provide appropriate instructional and support services.

**Services to ELL Students With Disabilities**

The District will refer ELL students who are suspected of having a handicapping condition to the Committee on Special Education. ELL students with a disability shall be provided special education programs and services in accordance with the individualized education program ("IEP") developed for such students. Such students shall also be eligible for all services described above, if such services are recommended in the student's IEPs.

Further, appropriate District personnel shall meet at least twice a year with all parents of ELL students to discuss the students' needs and progress.

Adopted:

May 21, 1990

Regulation Revised:

December 16, 1991

Regulation Revised:

**PROGRAMS FOR ENGLISH LANGUAGE LEARNERS EXHIBIT**  
**PLACEMENT IN A LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM – PARENT**  
**RESPONSE FORM.**

NOTE: This form must be returned within 10 school days.

I, as parent/guardian of \_(insert child's name)\_\_\_\_\_, acknowledge receipt of the district's notification regarding my child's eligibility for an English Language Learner program. I elect the following option:

(check one box)

- ☐ I accept the district's recommended placement.
- ☐ I decline the district's recommended placement in its instructional bilingual program and request placement in the District's English as a New Language Program.
- ☐ I request my child's placement in a different district bilingual education program, (insert the name of the preferred program).

\_\_\_\_\_  
Print Name (Parent)

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

Mail to: (district provide mailing address)

Or email to: (provide district email address)