

LIMITED ENGLISH PROFICIENCY INSTRUCTION ENGLISH LANGUAGE LEARNERS

I. Identification Process

The District implements the following identification process to determine if a student is an English Language Learner (ELL) upon the student's initial enrollment or reentry in the New York State public school system.

- A. Step 1: Administration of the Home Language Questionnaire;
- B. Step 2: An individual interview with the student by qualified personnel in English and the student's home language, and a review of the student's abilities or work samples of math, reading and writing in English and the student's home language;
- C. Step 3: For students with a disability, the Language Proficiency Team shall make a recommendation as to whether the student shall take the statewide English Language proficiency exam and whether the student should be identified as an English Language Learner;
- D. Step 4: Administration of the statewide English language proficiency identification assessment, unless excepted in Step 3.

The identification process shall commence no later than the date of the student's initial enrollment or reentry, except the assessment may not be administered before July 15 for students enrolling in grades 1-12 in September. For kindergarten students enrolling in September, the assessment may not be administered before June 1st. The student shall be provisionally placed until the identification process is completed.

II. Review of Identification Determination

- A. If the District receives a written request for review of the determination within the first forty-five (45) days after a student's initial determination, it shall initiate and complete a review. Such request may be submitted by (1) parent or person in parental relation, (2) a student's teacher with parental consent, or (3) the student who is 18 years or older, and shall be in such form as prescribed by the Commissioner.
- B. The review shall be completed by the principal and qualified school personnel and a determination made within ten (10) school days of the receipt of a written request, unless consultation with the CSE is required in which case a determination shall be made within twenty (20) school days.
- C. If the Principal determines that a student designation should change and the parent or person in parental relation consents to the change, the Superintendent shall review and make the final determination within ten (10) days of receipt. If the Superintendent

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accepts the change, the District must inform the Commissioner, principal and parent or person in parental relation.

- D. If the student designation is changed, the principal, no less than six months and no later than one school year following the determination shall review the decision to ensure that the student's academic progress has not been adversely affected by the determination.

III. Notification and Information to be Provided to the Parent, Persons in Parental Relation or Students 18 Years of Age or Older

- A. All notices to the parent, person in parental relation, or a student 18 years of age or older shall be in writing, in English and in the language and mode of communication best understood by the recipient. Notification shall be given upon each of the following events:

1. Within five (5) school days of identification of the student as an English Language Learner, including the determination that the student scored less than the state required level on the proficiency exam, and/or that the student has a disability, and the right to seek review of the determination; and
2. Upon determination of the placement of the student in an English as a New Language Program or Bilingual Education Program, of the options concerning choice of program, withdrawal from the program or transfer; and
3. If a review of identification or placement results in a proposed change in the student's designation; and
4. A decision by the Superintendent concerning a change in designation of the student; and
5. A decision made upon subsequent review of a decision of placement of the student in a program which reverses a prior decision or proposes a change in placement.

- B. Upon a determination of placement of the student, the parent or person in parental relation will be notified that, where available, Bilingual Education shall be the default Program. The notification shall:

1. Explain the goals and purpose;
2. State that the program will not restrict the student's access to extracurricular activities offered in the District;
3. If the program is not available in the school, explain the option to transfer to a school within the District and that transportation is provided by the District; and

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4. If the District has been granted an exemption, the notification must explain how the District will offer to support home language and provide a summary of its plans for instituting a Bilingual Education program the following year.
- C. Upon notification, the parent or person in relation has ten (10) school days to sign and return to the District a statement of agreement with the child being placed or directs the District to place the child in a Bilingual Education program or English as a new Language program.
- D. Prior to enrollment of the student, the parent or person in parental relation will be provided an orientation session on the state standards and assessments, the District's expectations for the student, and goals and requirements for the Bilingual Education and English as a New Language Programs.
- E. In addition to parent-teacher conferences, quarterly or other scheduled meetings, the District shall individually meet with the parents or persons in parental relation to the English Language Learner at least once a year to discuss the goals of the program, their child's progress, assessment results and needs.

IV. Placement

Upon the student's initial enrollment or reentry identification and parent notification, orientation, and placement shall be completed such that a student is placed in either a Bilingual Education or an English as a New Language program within ten (10) school days. Students identified more than ten (10) business days prior the first day of school in September shall be placed by such date.

V. Program Requirements

The District shall provide either a Bilingual Education or English as a New Language program to each student identified as English Language Learners.

- A. The District shall annually prepare, submit to the Commissioner and make widely available through public means, an estimate of the number of English Language Learners who are expected to be enrolled the following school year in each school and in each grade within each school who speak the same home language.
- B. If the estimate of enrollment of English Language Learners equals 20 or more English Language Learners of the same grade level, all of whom have the same language other than English, the District shall provide a sufficient number of Bilingual Education programs in the District in the following school year.
- C. Each English Language Learner shall be provided the opportunity to transfer to another school in the District that operates a Bilingual Education program serving the same grade

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level and language, if such does not exist in the school in which the student is enrolled. Transportation shall be provided for such student according to Education Law §3635 and District policy.

- D. The District may seek permission on an annual basis from the Commissioner for a one-year exemption from providing Bilingual Education programs for a language spoken by less than five percent (5%) of the total statewide ELL population, if the District:
 - 1. Does not have qualified staff; or
 - 2. Has been unable to recruit a sufficient number of qualified staff; or
 - 3. Overestimated the number of English Language Learners that will be enrolled and the actual number is fewer than 20; or
 - 4. The District can meet the requirements for providing alternative home language supports.
- E. In order to ensure program continuity, the District will continue providing a Bilingual Education program if at least 15 students who speak the same home language were enrolled in such a program in the previous school year.

VI. Students with Disabilities for English Language learners

A. Determination:

The Language Proficiency Team (LPT) shall make a recommendation regarding the initial assessment of English Language Learner status for a student with a disability pursuant to Subpart 154-3 of the Regulations of the Commissioner of Education.

B. Assessment Criteria

The CSE shall annually make an individual determination in accordance with the student's IEP whether the student will continue to be identified as an ELL. The CSE shall decide whether the student shall take:

- 1. The statewide English language proficiency assessment without the use of testing accommodations;
- 2. The statewide English language proficiency assessment with appropriate testing accommodations in accordance with the student's IEP; or
- 3. An alternate assessment prescribed by the commissioner.

VII. Professional Development

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The District shall provide professional development pursuant to Commissioner's Regulations for all teachers, level III teaching assistants and administrators that specifically address the needs of English Language Learners.

VIII. Annual Assessment

The District shall annually assess the English language proficiency of each student using such assessment as prescribed by the Commissioner. For each English Language Learner who scores below specified levels of performance on the annual English language proficiency assessment, the District shall determine the additional support services to provide to the student.

IX. Exit Criteria

The following criterial shall be used to make a determination to exit a student from English Language Learners status:

- A. Scores at or above the state designated level of proficient/commanding on the annual English language proficiency assessment; or
- B. Scores at or above the state designated level of advanced/expanding on the annual English language proficiency assessment in all modalities, and at or above proficiency on the English Language Arts assessment or met or exceeded proficiency standards in Comprehensive English or the Regents Examination in ELA or an approved alternative.
- C. Students with Inconsistent/Interrupted Formal Education (SIFE) status shall continue to be identified as such until they are performing at the transitioning /intermediate level on the annual English language proficiency assessment.
- D. The District will provide at least two years of Former English Language Learners services to support students who exit out of English Language Learners status.

X. Assurances, Plan and Reporting

- A. Prior to the start of each year, the District will submit to the Commissioner the following assurances, signed by the Superintendent:
 - 1. Access to appropriate instructional and support services, including guidance programs;
 - 2. Equal opportunities to participate in all school programs and extracurricular activities;
 - 3. Bilingual Education and/or English as a New Language programs are offered;
 - 4. The District provides the requisite number of Bilingual education programs or has a one-year exemption;

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5. Parents or other persons in parental relation receive orientation and notification about programs;
 6. The requisite amount of English as a New Language and Home language Arts instruction are prescribed;
 7. Teachers in the District's Bilingual Education and English as a New Language programs are appropriately certified;
 8. Teachers receive the requisite number of in-service professional development;
 9. The District complies with the Commissioner's Regulations and Education Law governing programs for students designated as English Language Learners;
 10. The programs are administered in accordance with applicable federal and state law and regulations and the District's comprehensive plan.
- B. Prior to the start of each year the District will develop a Comprehensive Plan in a form specified by the Commissioner. The Plan will be submitted to the Commissioner prior to the start of each school year by a date specified by the Commissioner. The plan shall include the following:
1. The District's philosophy regarding the education of its English Language Learners, including but not limited to programs offered in the District;
 2. The District's administrative practices to screen identify and place English Language Learners in appropriate programs;
 3. The District's plan to provide parents and other persons in parental relation with information about all Bilingual Education and English as a New Language programs available and notices regarding program placement and their rights, in the language or mode of communication that parents or persons in parent relation best understand;
 4. The District's system to annually measure and track the academic progress and use of data to drive instruction;
 5. The District's curricular and extracurricular services provided;
 6. The District's administrative practices to annually evaluate English Language Learners;
 7. The District's procedure to identify support services for English Language Learners;
 8. A copy of the District's English Language Learners policy;
 9. The District's exit procedures; and
 10. The District's services to support Former English Language Learners.
- C. The District will annually submit to the Commissioner a data and information report in such forms and timelines as prescribed by the Commissioner. The report includes the following:
1. Summary of the number of English Language Learners students in the District;
 2. Number of English Language Learners students by building identified in the preceding school year by grade level, home language and program type;

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3. Number of English Language Learners students, if any, by building who have not received either Bilingual Education or English as a New Language instruction;
4. Summary of annual English language proficiency assessments;
5. Summary of teacher qualifications;
6. Expenditures; and
7. Summary of students for whom the District has requested an extension of services.

XI. Retention of Identification and Review Records

The District shall maintain all documents related to the initial identification and any subsequent review process, including Home Language Questionnaire, English language proficiency identification assessment results, and any other records generated as part of the identification process and review process. Such information shall be maintained as part of the student's cumulative record.

Waterville Central School District
Approved by the Superintendent: 12/08/15, 03/27/18