



ELL Students: Eligibility and Exit Service



Attn: DDCs, ENL Dept.

FYI

ESB Helpdesk: DWTShelp@esboces.org

CR 154 establishes uniform statewide procedures for all school districts and charter schools making ELL identification determinations, including ensuring there is a parent review process. Charter school flexibility does not apply to this aspect of CR 154, and they must follow the administrative processes outlined for the identification of ELL students.

[9/26/2026 Field Memo RE: English Language Learner Identification](#)

Identification and Program Entry

When a student receives a score lower than **COMMANDING** on the NYSITELL exam, the following actions and reporting requirements take place:

- **Program Placement:** The district must place the student in an **English as a New Language (ENL)** or **Bilingual Education** program (such as a Transitional Bilingual or Dual Language program) as prescribed by CR 154
- **SIRS Data Reporting:**
 - Report the student in SIRS with **Program Code 0231 - ELL Eligible**
 - Report the specific **Program Setting Code** in which the student is participating: **5709** (ENL), **5676** (Transitional Bilingual Education), **5687** (Dual Language), or **8239** (ELL Eligible but not in an ELL Program)

Ending the ELL Program (Exit Criteria)

Students exit the ELL program by meeting specific proficiency benchmarks or through administrative review:

- **NYSESLAT Proficiency (Code 3011):** The student scores at the **Commanding** level on the New York State English as a Second Language Achievement Test (NYSESLAT).
- **NYSESLAT and Academic Assessment (Code 3022):** The student scores at the **Expanding** level on the NYSESLAT **AND** achieves proficiency on a secondary assessment:
 - Scoring Proficient (Level 3 or 4) on the NYSTP grades 3-8 ELA assessment.
 - Scoring 65 or higher on a Regents Examination in English (including August, January, or June sittings).
 - Passing a NYSED-approved Regents Examination Alternative in English.
- **[Review of Identification Determination \(Code 3045\)](#):** A student may be exited if a district determines they were misidentified as an ELL under Commissioner's Regulations Part 154-2.3(b). This must be initiated within 45 school days.
 - Students exited due to misidentification are **never** considered Former or Ever ELLs and do not receive transition services.

Transitioning to Former and Ever ELL Status

- **Former ELL Status:** After exiting via Code 3011 or 3022, students are considered "Former ELLs" for the **four school years** following their exit. These students qualify for transition services.
 - [NYSED "Former ELL" Guidance](#)
- **Ever ELL Status:** Includes any student identified as an ELL (Code 0231) in **any year prior to the current school year**, provided they are not currently reported as an ELL.
 - This status is triggered by an 0231 program **anywhere** in the student's history
 - **Ever ELL** counts include all **Former ELLs**.
 - *Prior to 2015-16, "Ever ELL" also included current-year ELLs, but current definitions require the student to be **non-active** in the current year.*