**THE STATE EDUCATION DEPARTMENT** / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Office of P-12

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**School District Justification to Expand the Maximum Allowable Grade Span to Three Contiguous Grades**

**in 1-12 English as a New Language (ENL) or Bilingual Education (BE) Classes**

Under Commissioner’s Regulations (CR) Section 154-2.3 (i), “[t]he maximum allowable grade span for grouping instruction in grades 1-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a special class, as defined by section 200.1(uu) . . .“ Section 154-2.3(i) allows school districts to seek flexibility from this requirement on an annual basis “for school districts with enrollment of fewer than thirty English language learner students.” The New York State Education Department’s (NYSED) data analysis indicates that a number of school districts throughout New York State have fewer than thirty (30) English Language Learners (ELLs) spread across grade levels, which makes it challenging to group ENL and BE classes with a maximum of two grade spans. As a result, New York State is providing flexibility to such qualifying districts from the two grade span requirement of Part 154-2.3(i). Using this form, districts with fewer than thirty (30) ELLs may apply for a **one year** waiver to expand the two contiguous grade span requirement for ENL or BE classes to three contiguous grades, renewable on an annual basis.

*Note: School districts are advised to prioritize the learning needs of individual students over grouping considerations, within the two grade span requirement of CR Part 154 to the fullest extent possible.* *Districts facing staffing shortages and other class grouping challenges are encouraged to reach out to local Regional Bilingual Education Resource Networks (RBERNs) and Institutions of Higher Education to identify possible solutions. After making such efforts, qualifying districts may utilize this waiver to seek relief if they are unable to find appropriate staff resources to satisfy the two grade span requirement.*

**Fill out all fields. Forms that are incomplete must be resubmitted or will not be considered for review.**

**Section 1. District Information**

|  |  |
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| **District Name:**  |       **BEDS Code:**       |
| **Street:** |       **City:**       **Zip Code:**       |
| **School Year:** |       |
| **Contact Person Info:** | **Name:**       **Email:**       **Phone:**        |

**Section 2: Student and Program Information**

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| 1. **All Local Education Agencies (LEAs)** must maintain a Part 154 Comprehensive Plan on file and have it available for review upon request by the New York State Education Department (NYSED), parents, or any other school or community member. Indicate date **Part 154 Comprehensive ELL Education Plan** submitted, and for which school year
 |       |
| **For the following information, please use data reported for spring BEDS Day:** |  |
| 1. Indicate the total number of students enrolled in the district
 |       |
| 1. Indicate the total number of ELLs enrolled in the district
 |       |
| 1. Indicate the percentage of ELLs in the district’s or BOCES’ total student population
 |       |
| 1. Indicate the number of Bilingual Education (BE) certified teachers in your district by FTE
 |       |
| 1. Indicate the number of English to Speakers of Other Languages (ESOL) certified teachers in your district by FTE
 |       |
| 1. If your district contracts itinerant ESOL or BE teachers from BOCES or another agency, please indicate the number of teachers and the FTE
 |       |
| 1. Indicate why you feel that your district should receive a waiver for the two contiguous grade span requirement and how

your district will ensure that all ELLs receive appropriate support:

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|       |

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| 1. Describe the efforts that the district has put in place to meet the current staffing requirements under Part 154-2.3(i):

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|       |

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**Provide the following information for all school buildings for which you are requesting a waiver.**

**Instructions**: Indicate grades served and number of ELLs per grade. Add rows as needed. **The first two rows have been completed as an example.**

|  |  |  |  |
| --- | --- | --- | --- |
| **School Building****Name** | **BEDS code** | **Current Grouping** | **Proposed Grouping** |
| **Grades** | **Number of ELLs**  | **Grades** | **Number of ELLs**  |
| *Example*: Big Apple School  |    000  |  2 and 3 |  5  |  2, 3, and 4 |  10 |
|  |  |  5 and 6 |  10 |  4, 5, and 6 |  12 |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
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| **Sign this form and submit electronically by June 15, 2019 to: OBEWLDocSubmit@nysed.gov** **In the subject line, please write “Part 154-2.3(i) Gradespan Waiver <*insert* *name of LEA*>”** |
| **Superintendent/Chief Administrative Officer or designee electronic signature.** By entering your name below, you are signing this form electronically. You agree that your electronic signature is the legal equivalent of your manual signature on this form. |
| **Name**:      **Title:**        | **Date:**       |
| **Email:**  |  |
|  |
| **To be completed by the Office of Bilingual Education and World Languages****Request** **[ ]  Approved** **[ ]  Not Approved**  |
| **Comments:**       |

Signature: Date:

OBEWL authorized signature