THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
Office of P-12

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Field Advisory
Regarding Part 154 of the Regulations of the Commissioner of Education

To: Superintendents of Public Schools
District Charter School Principals
Bilingual/ESL Coordinators/Directors

From: Lissette Colón-Collins, Assistant Commissioner
Office of Bilingual Education and World Languages

Subject: Guidance Regarding Bilingual Programs and English Language Learner (ELL) Parent Information Resources in New York State (NYS)

The purpose of this memorandum is to provide guidance to school districts clarifying conditions under which they must open Bilingual Education (BE) programs under Part 154 of the Regulations of the Commissioner of Education (CR Part 154) and to roll out New York State Education Department (NYSED) resources for districts' use in ELL parent orientation and information regarding those BE programs and English As A New Language (ENL) requirements.

CR Part 154-2.3(d) governs the responsibility of school districts to provide either a BE or ENL program to all ELLs and mandates the conditions under which districts must create BE programs.

> *Part 154-2.3(d)(2) states that "Each school district in which the sum of each school's Annual 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 home language that is other than English, shall provide a sufficient number of Bilingual Education programs in the district in the following school year, such that there are Bilingual Education programs available in the district for at least seventy percent (70%) of the estimated English Language Learners students who share the same home language other than English and grade level districtwide."*[1]

See: http://www.p12.nysed.gov/biling/docs/CRPart154.pdf.

CR Part 154-2.3(a) describes how newly enrolled students (as well as those who reenter New York State public school after a two year absence) are identified as ELLs. A Home Language Questionnaire (HLQ) is administered by qualified personnel.[2]

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[1] CR Part 154, as amended by the ASPIRA Consent Decree, requires that schools form bilingual education classes in grades K-8 when there are 15 or more ELLs of the same language in two contiguous grades and in grades 9-12 when there are 20 or more ELLs in any single grade.
[2] Under Part 154-2.2(u), qualified personnel is defined as a Bilingual Education or ESOL teacher or a teacher trained in cultural competency, language development, and the needs of ELLs.

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If the HLQ reflects that a language other than English is spoken at home, the qualified personnel conducts an individual interview in English and the student's home language, at which the student's prior work in English and the home language is reviewed if available.[3] Based on information gathered at the informal interview, the qualified personnel determine if the student will take the New York State Identification Test for English Language Learners (NYSITELL). The student's NYSITELL score determines if he or she is an ELL (and if so, the student's level of proficiency). Under Part 154-2.3(b), this determination may be reviewed within forty-five days and corrected if found to be in error.

An ENL program includes core content area instruction in English with home language supports and scaffolds, as well as instruction in English language development. A BE program includes an ENL component, as well as bilingual instruction in a minimum of two core content areas and Home Language Arts development.

English Language Learners in New York State			
	Bilingual Education Programs		English as a New Language
	Transitional Bilingual	Dual Language	
Purpose/Goals	To use the home language to continue to learn content while learning English.	To develop biliteracy and bilingualism in English and in the home/target language.	To support ELLs as they progress toward English proficiency.
Languages Used	Home language use decreases as English use increases.	Generally 50% English and 50% home or target language, or 90% home or target language and 10% English, which increases until reaching 50%-50%. However, other configurations of English and the home or target language are also permissible. (Percentage varies depending upon the program model.)	Primarily English, with home/primary language support to facilitate English acquisition.

[3] For students with disabilities, please see Part 154-3 regarding the process by which it is determined whether such students shall take the NYSITELL, with or without accommodations.

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To determine what languages and in which schools to open BE programs, before the end of each school year, districts must estimate the number of newly enrolled ELLs who are expected to enroll in each school and grade at each school, as well as the total number of district ELLS who speak the same home language, in the following school year. [Part 154-2.3(d)(1)] Utilizing this estimate, districts must create and make available BE programs in all home languages spoken by 20 or more ELLs of the same grade and home language districtwide.[4] [Part 154-2.3(d)(2)]

All ELLs within a district, including those who opt out of a BE program, are counted for the purpose of determining whether that district must open a BE program under Part 154-2.3(d)(2). BE is the default placement for ELLs whose home languages meet this trigger, but parents or persons in parental relation to ELLs may opt out of BE programs and select ENL by using a form created by NYSED. The form, translated in 25 languages, may be found here:
http://www.p12.nysed.gov/biling/bilinged/ELLStudentPlacementForm.html.

If a student has been receiving instruction in an ENL program for a number of years, continuity of services should be considered.

Under Part 154-2.3(f), districts must provide parents of ELLs with a high quality orientation session in the language or mode of communication that the parent best understands regarding state standards, assessments, and school expectations. In this orientation, districts should also provide parents with information, grounded in research, about BE and ENL programs. This orientation session shall occur prior to final placement in a program (however, a parent's failure to attend the session shall not delay enrollment and placement).

To facilitate the ability of school districts to fully inform ELL parents (and persons in parental relation) about their children's rights under Part 154 and to ensure that they are making informed decisions about programmatic choices, NYSED has created a number of parent orientation and information resources. These include:

- **A Guide for Parents of English Language Learners in New York State:** This ten page parent-friendly booklet includes BE and ENL program descriptions, Frequently Asked Questions about ELLs and Multilingual Learners, Facts about Bilingualism and Bilingual Education, links to ELL parent resources, and tips on "Participating in Your Child's Education." This booklet has been translated into 25 languages, including the top ten ELL home languages in NYS. http://www.p12.nysed.gov/biling/bilinged/parent-information/home.html

- **Information on the New York State Identification Test for English Language Learners (NYSITELL):** This booklet offers a brief introduction to the NYSITELL, describing its purpose and format and outlining proficiency levels and corresponding ELL services. It has been translated into 22 languages, including the top ten ELL home languages in NYS. http://www.p12.nysed.gov/biling/bilinged/parent-information/home.html

[4] Districts may apply for a one-year waiver from this requirement for languages that represent less than 5% of the statewide ELL population pursuant to Part 154-2.3(d)(6).

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- **Information for Parents on the New York State English as a Second Language Achievement Test (NYSESLAT):** This booklet offers a brief introduction to the NYSESLAT, describing its purpose and format and outlining proficiency levels and corresponding ELL services. It has been translated into 25 languages, including the top ten ELL home languages in NYS.
  http://www.p12.nysed.gov/biling/bilinged/parent-information/home.html

  NYSESLAT sample items with notations can be found here:
  https://www.engageny.org/resource/new-york-state-english-a-second-language-achievement-test-nyseslat-sample-items-annotations

- **Parent Bill of Rights:** This one page document summarizes critical rights concerning educational access and programming for ELLs and their parents and persons in parental relation. The bill also includes information on how parents, persons in parental relation, and students can contact our ELL Parent Hotline at (800) 469-8224 or OBEWL at 518-474-8775 if they have questions or complaints. The Parent Bill of Rights has been translated into eleven languages, including the top ten ELL home languages in NYS.
  http://www.p12.nysed.gov/biling/bilinged/parent-information/home.html

- **Parent Notification Letters:** A series of letter templates that can be used by schools to notify parents or persons in parental relation regarding a student's ELL status:
  - NYSITELL score and eligibility for ELL services (translated into 16 languages)
  - NYSITELL score and non-eligibility for ELL services (translated into 16 languages)
    http://p1232.nysed.gov/biling/bilinged/EntitlementLetterstoParents.html
  - NYSESLAT score and continuation of services (translated into 25 languages)
  - NYSESLAT/Assessment score (as applicable) and exiting ELL status (translated into 25 languages)
    http://www.p12.nysed.gov/biling/bilinged/NYSESLATResultsLetterstoParents.html

- **Student Placement Form:** Informs parents and persons in parental relation of programmatic/placement options and allows them to exercise their right to place children in an ENL program rather than a BE program. This document has been translated into 25 languages, including the top ten ELL home languages in NYS.
  http://www.p12.nysed.gov/biling/bilinged/ELLStudentPlacementForm.html

- **Parent Orientation Video—ELL Programs in NYS:** This whiteboard animation video, which runs approximately ten minutes and is to be shown during ELL parent orientation. The video describes the ELL identification and assessment process and outlines in detail various available program options. It also describes the differences between ENL and the various BE program models. The video is currently available in English, Spanish, Haitian, Arabic, Russian, French, Traditional Chinese, and Simplified Chinese, with more translations to come.

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http://www.p12.nysed.gov/biling/bilinged/parent-information/parent-orientation-videos.html

- **ELL Parent Hotline:** This resource, operated by the New York State Language Regional Bilingual Education Resource Network (RBE-RN) serves as a mechanism for parents of ELLs and persons in parental relation to inquire about their rights and the delivery of services for their children based on state regulations. Via a dedicated website and a phone line (800 469-8224), parents can inquire and receive responses in the top ten ELL home languages in NYS. NYSED has printed and distributed bookmarks with full hotline information, translated in the top ten ELL home languages in NYS. http://steinhardt.nyu.edu/metrocenter/ellparenthotline

- **New York State Bilingual Common Core Initiative Progressions:** Beginning in Spring 2012, NYSED launched the Bilingual Common Core Initiative to develop new English as a Second Language and Native Language Arts Standards aligned to the Common Core. As a result of extensive research and a three year process, NYSED has developed two sets of resources known as New Language Arts Progressions (NLAP) and Home Language Arts Progressions (HLAP) for every NYS Common Core Learning Standard (CCLS) in every grade. The NLAP and HLAP provide a framework for teachers to ensure that students in English as a New Language and Bilingual Education programs are meeting the CCLS. The Progressions include five levels of language proficiency and demonstrate a trajectory of language learning and teaching. https://www.engageny.org/resource/new-york-state-bilingual-common-core-initiative

CC: Angelica Infante-Green, Deputy Commissioner