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Languages Other Than English (LOTE)

Key Terms:

Checkpoint A study of languages other than English is the beginning of the LOTE curriculum and represents the first level of student proficiency in a LOTE (http: //www .p12.nysed.gov/ciai /lote/pub /lotelea.pdf).

Checkpoint B study of languages other than English represents the second level of student proficiency in a LOTE in New York State (http :// www.p12.nysed.gov/ciai/lote/pub/lotelea.pdf).

Checkpoint C study of languages other than English represents at least one year of additional study beyond Checkpoint B and the locally developed Checkpoint B Comprehensive Examination in a language other than English (http: //www .p12.nysed.gov/ciai /lote /pub/lotelea.pdf).

Key Documents:

New York State Learning Standards for LOTE: http:/ /www .p12.nysed.gov/ciai/ lote/ lotels.html

- Modern Languages
- Latin
- American Sign Language
- Native American Languages

New York State Syllabus: Modern Language for Communication

- Part 1: http:/ /www.p12 .nysed.gov/ciai/ lote/pub/ modernl.pdf
- Part 2: http:/ /www.p12 .nysed.gov/ciai/ lote/pub/ modernl2.pdf

Languages Other Than English: Checkpoint A Resource Guide

- Part 1: http:/ /www.p12 .nysed.gov/ciai/ lote/pub/ loteresa1.pdf
- Part 2: http:/ /www.p12 .nysed.gov/ciai/ lote/pub/ loteresa2.pdf

Languages Other Than English: Checkpoint C Resource Guide

- Part 1: http:/ /www.p12 .nysed.gov/ciai/ lote/pub/ lotecintro.pdf
- Part 2: http:/ /www.p12 .nysed.gov/ciai/ lote/pub/ lotecunits .pdf
- Part 3: http:/ /www.p12 .nysed.gov/ciai/ lote/pub/ lotecassess.pdf

American Sign Language for Communication: http :// www .p12.nysed.gov/ciai/ lote/pub/a msign.pdf

Languages Other Than English: Latin for the 21st Century:

- Part 1: http:/ /www.p12 .nysed.gov/ciai/ lote/pub/ latin1.pdf

Unit of Study (8 NYCRR § 100.1[a]) :

Unit of Study means at least 180 minutes of instruction per week throughout the school year, or the equivalent.

Unit of Credit :

Unit of Credit is earned by:

a. Successfully completing two units of study and passing a locally developed test that is aligned to the Checkpoint A Learning Standards prior to Grade 9 (8 NYCRR § 100.2 [d] [5]);
b. Passing a year-long Grade 8 accelerated program of study and passing a locally developed test that is aligned to the Checkpoint A Learning Standards (8 NYCRR § 100.4[d] [1- 2]);
c. Demonstrated mastery of learning outcomes as set forth in a New York State developed or locally developed syllabus for a given high school course of study in a LOTE after a student has had the opportunity to complete a unit of study in Grades 9-12 (8 NYCRR § 100.1[b]);
d. Transfer credit for work done at other educational and cultural institutions (8 NYCRR § 100.5 [d][5]);
e. Independent study (8 NYCRR § 100.5[d][9]);
f. Online and blended courses (8 NYCRR § 100.5[d][10]);
g. Transfer credit for work done through study abroad (8 NYCR R § 100.5[d][10] [f]);
h. Documented school attendance and residence in an 'other than English-speaking' environment (Freeborne Memo, 1987); or
i. Making up an incomplete or failed course credit and demonstrate mastery of the learning outcomes in LOTE through, but not limited to, repeating an entire course, a summer school program, receiving intensive instruction in the deficiency area or digital learning (online study) (8 NYCRR § 100.5 [d] [8]).

Unit of Diploma Credit :

A unit of credit to be used to satisfy the LOTE requirement in order to earn a Regents diploma.

Graduation Requirements:

Regents Diploma : Students shall earn at least one unit of credit in a language other than English in order to complete the language other than English requirement for the Regents diploma (8 NYCRR § 100.5[b][7][iv][g]).

Regents Diploma with an Advanced Designation: Students shall earn two additional units of study in a language other than English for a total of three units and pass the locally developed Comprehensive Examination in that language which is aligned to the Checkpoint B Learning Standards for languages other than English (8 NYCRR § 100.5[b][7][v][c]).

Comm only Asked Quest ions and Answer s

Common Middle School Programs	Locally Developed Tests	Students with Disabilities
Course of Study	LOTE Instruction	Summer School
Credit by Exa ination (Challenge)	Residence & School Attendance: Credits	Transfer Students
G aduation Requirements	Special Situations	

LOTE Instruction [Top]

1. Is LOTE a core subject?

Yes. LOTE is a core subject as cited below:

- The *No Child Left Behind Act* (NCLB) of 2001 defines foreign languages as one of the core subject areas (20 U.S.C. § 6319, 2008).
- Commissioner's Regulations § 100.3(a)(1) states that prekindergarten and kindergarten programs operated by public schools and voluntarily registered nonpublic schools shall "adopt and implement curricula, aligned with the State Learning Standards," including languages other than English, pursuant to section 100.2(d) of this Part, "that ensures continuity with instruction in the elementary grades and is integrated with the instructional program in grades one through twelve".
- Commissioner's Regulations § 100.3(b)(1)(iv) states that "all students shall receive instruction that is designed to facilitate their attainment of the State elementary Learning Standards in … mathematics, English language arts, social studies, the arts, career development and occupational studies, health education, physical education, family and consumer sciences, where student need is established, bilingual education and/or English as a second language, [as well as] languages other than English, pursuant to section 100.2(d) of this Part."
- Commissioner's Regulations § 100.5(b)(7)(iv)(g) requires that all students, except a student with a disability who has been exempted from the LOTE requirements for graduation, have to earn one unit of diploma credit in LOTE in order to meet the requirements of the Regents diploma.

2. Are the Checkpoint B Comprehensive Regents Examinations in French, Italian, and Spanish still available?

No. All Checkpoint A Second Language Examinations in French, German, Italian, Latin, and Spanish and Checkpoint B Comprehensive Regents Examinations in French, German, Hebrew, Italian, Latin, and Spanish, including the January and June test administrations, have been eliminated as part of the Board of Regents' effort to achieve costs reduction in the State assessment program.

3. What is the requirement for instruction in a LOTE prior to high school?

Students must successfully complete two units of study in a language other than English at some time during Grades K-9. As such, school districts shall commence LOTE instruction no later than the beginning of Grade 8 so that students are provided with the required two units of study by the end of Grade 9.

Graduation Requirements [Top]

4. What is the LOTE requirement for the Regents diploma?

Students shall earn at least one unit of credit in a language other than English in order to complete requirement for the Regents diploma. The unit of credit can be earned by:

a. Successfully completing two units of study and passing a locally developed test that is aligned to the Checkpoint A Learning Standards prior to Grade 9;
b. Passing a year-long Grade 8 accelerated program of study and passing a locally developed test that is aligned to the Checkpoint A Learning Standards;
c. Demonstrated mastery of learning outcomes as set forth in a New York State developed or locally developed syllabus for a given high school course of study in a LOTE after a student has had the opportunity to complete a unit of study in Grades 9-12;
d. Transfer credit for work done at other educational and cultural institutions;
e. Independent study;
f. Online and blended courses;
g. Transfer credit for work done through study abroad;
h. Documented school attendance and residence in an 'other than English-speaking' environment; or
i. Making up an incomplete or failed course credit and demonstrate mastery of the learning outcomes in LOTE.

5. What are the requirements for the Regents diploma with an advanced designation?

Students must complete one of the following:

- In addition to the successful completion of the one unit of study in LOTE, successfully complete two (2) additional units of study in a language other than English, for a total of three (3) units of study, and pass a locally developed comprehensive test for which no Regents examination is available, that is aligned to the Checkpoint B Learning Standards for LOTE; or
- In addition to the successful completion of the one unit of study in LOTE, successfully complete a five (5) credit sequence in Career and Technical education (agricultural; business and marketing; family and consumer sciences; health occupations; technology; trade, technical and industrial); **or**
- In addition to the successful completion of the one unit of study in LOTE, successfully complete a five (5) credit sequence in the Arts (dance, music, theatre, visual arts).

Students with Disabilities [Top]

6. Do all students have to meet the LOTE requirements?

All students must meet the LOTE requirements, except that a student with a disability may be exempted from such requirements if the student's Committee on Special Education (CSE) has determined that the student's disability adversely affects his or her ability to learn a language and has recommended on the students' Individualized Education Program (IEP) that the student be exempted from the LOTE requirement.
For more information:http://www.p12.nysed.gov/spec ialed/publications/iepguidance/participate.htm

7. Can a student with a disability who is exempted from the LOTE requirements still earn a Regents diploma with an advanced designation?

Yes. A student with a disability who has been exempted from the LOTE requirements for graduation need not have a sequence of study in a language other than English, but he or she must meet the total number of credits required for a diploma. The one (1) unit of credit in LOTE for the Regents diploma or the three (3) units of credit in LOTE for the Regents diploma with advanced designation must be replaced by other high school level credits.

A student with a disability who has been exempted from the LOTE requirements may still choose to complete a Level 1 Checkpoint A course in a LOTE (see Unit of Credit) to earn one unit of high school credit in order to be college- and career-ready. It is important that the Committee on Special Education (CSE), parents and students carefully consider the implications that a LOTE exemption may have on students achieving their postsecondary goals when planning their courses of study. For students seeking to go on to college, courses in LOTE are often required for admission. For certain jobs and careers, proficiency in a LOTE may be advantageous or even critical.
For more information: http://www.p12.nysed.gov/specialed/publications/iepguidance/participate.htm

8. If a student with a disability is declassified, will the student's LOTE exemption continue upon declassification?

Yes. If a student is declassified while in Grades 9 through 12, and the student's last IEP prior to declassification indicated that the student was exempted from the LOTE requirement, his or her LOTE exemption will continue upon declassification. If a student is declassified prior to grade 9, he or she will need to meet the LOTE requirements.

Common Middle School Programs [Top]

9. What are the most common Middle School Programs for LOTE?

The most common Middle School Programs for LOTE are:

- Two full years of study (in Grades 7 and 8) which are equivalent to two units of study, and passing a locally developed test that is aligned to the Checkpoint A Learning Standards at the end of Grade 8;
- Two full years of study (in Grades 8 and 9) which are equivalent to two units of study, and may include passing a locally developed test that is aligned to the Checkpoint A Learning Standards at the end of Grade 9; and
- One (1) accelerated unit of study (in Grade 8) and passing a locally developed test that is aligned to the Checkpoint A Learning Standards at the end of Grade 8.

10. Will a student earn a unit of diploma credit if he or she completes one of the above programs?

Yes. If a student successfully completes the full course of study and passes the locally developed test, where required, that is aligned to the Checkpoint A Learning Standards for LOTE, he or she will earn one (1) unit of diploma credit.

11. What is an accelerated course of study?

Students shall have the opportunity to take an accelerated course of study in LOTE based on their individual "readiness" in Grade 8 on the recommendation(s) of relevant faculty and/or administrator. To earn one (1) unit of diploma credit, students must successfully complete a year-long high school course of study and pass the locally developed test. The accelerated course of study is:

- a high school level course, at a high school, where students are held to the same performance standard as regular high school students; or
- a course at the middle, junior high, or intermediate school which follows the same curriculum as the high school course, and has been approved for high school credit by the public school superintendent or his or her designee.

Course of Study [Top]

12. Will any course of study in a LOTE meet the one (1) unit of diploma credit requirement?

No. It must be a high school level course that is aligned with New York State's syllabi, including the *Modern Language for Communication, American Sign Language for Communication,* and *Latin for the 21st Century,* as well as the appropriate State's Learning Standards for LOTE (Checkpoint A, Checkpoint B, or Checkpoint C).

13. Must a student who can demonstrate a high level of proficiency or competency in a LOTE take a Level 1 high school course of study in that language in order to satisfy the one (1) unit of credit requirement?

No. A student who can demonstrate a high level of proficiency or competency in a LOTE should take a high school course of study that is commensurate or exceeds his or her current level of proficiency or competency in that language. In addition, the student may also undertake a high school course of study in another LOTE based on their interests, college, and/or career needs beginning at Level 1.

14. What happens if a student does not successfully complete the two (2) units of study and does not pass the locally developed test in Grade 8 or earlier?

The student is required to successfully complete a Level 1 commencement level, year-long course of study at the high school level that is aligned to the Checkpoint A Learning Standards in order to satisfy the one (1) unit of credit requirement for the Regents diploma.

15. What happens if a student does not successfully complete one (1) of the two (2) units of study?

A student in Grade 8 or earlier must successfully complete two (2) units of study and pass a locally developed test that is aligned to the Checkpoint A Learning Standards in order to earn a unit of diploma credit prior to Grade 9. If a student does not successfully complete the two (2) units of study and fails the locally developed Checkpoint A test, the district may provide additional educational opportunities in the form of supplemental instruction, summer school, Academic Intervention Services (AIS), etc. The district may also re-administer another form of the locally developed Checkpoint A test, if applicable. If the student continues to be unsuccessful, he or she must take and pass a Level 1 commencement level, year-long high school course of study in Grades 9-12 in order to earn the required unit of credit in LOTE for graduation.

16. What happens if a student successfully completes the two (2) units of study, but fails the locally developed test in Grade 8 or earlier?

The student is required to re-take and pass another form of the locally-developed test in order to earn one (1) unit of credit to satisfy the LOTE requirement for the Regents diploma. If the student continues to be unsuccessful, he or she must take and pass a Level 1 commencement level, year-long high school course of study in Grades 9-12 in order to earn the required unit of credit in LOTE for graduation.

17. Can a student be placed in a Level 2 course of study in a LOTE if he or she has not earned the initial one (1) unit of credit for the Level 1 Checkpoint A course of study?

Yes. The student can be placed in a Level 2 course of study in a LOTE on the recommendation(s) of relevant faculty and/or administrator(s). However, in addition to fulfilling the requirements of the Level 2 course of study, the student must

also complete all unmet requirements from the Level 1 course of study, including units of study and/or passing the locally developed test, during the course of the school year.

18. If a student does not earn the one (1) unit of credit in a LOTE by the end of Grade 9, is this student now exempt from fulfilling this requirement for the Regents diploma?

No. The student must still continue to take and pass a Level 1 commencement level, year-long high school course of study in a LOTE in order to earn the one (1) unit of diploma credit to meet the LOTE requirement for the Regents diploma.

19. Can a unit of study be reduced for the student who needs Academic Intervention Services (AIS), but who is not LOTE-exempt, as evidenced in his or her IEP?

Yes. The two (2) units of study may be reduced, but not eliminated, for the student requiring AIS at the middle, junior high, or intermediate level only. However, this does not mean that such a student is exempted from the one (1) unit of credit requirement in a LOTE for the Regents diploma. AIS "shall be provided in a manner that does not diminish instructional time to a degree that may prevent a student from achieving the State learning standards in [LOTE] for graduation" (8 NYCRR § 100.4[c] [5] [ii]).The Level 1 Checkpoint A course of study must also begin no later than Grade 8.

20. Is the student who is pursuing the five-unit sequence in the Arts or Career and Technical Education exempted from the one (1) unit of diploma credit in a LOTE?

No. The student who is pursuing the five-unit sequence in the Arts or Career and Technical Education to meet the requirements of the Regents diploma with an advanced designation must still earn the one (1) unit of diploma credit in LOTE. Only a student with a disability and whose IEP indicates that he or she is exempted from the LOTE requirements, or a student with a disability declassified while in grades 9-12 and whose last IEP prior to declassification included a LOTE exemption, may be exempted from this requirement.

21. Can the one (1) unit of diploma credit requirement in a LOTE for the Regents diploma be met with two or more languages?

In principle, the two (2) units of study requirement can be satisfied with two languages. However, in order to earn a unit of diploma credit in LOTE required for graduation, students must still demonstrate competency/proficiency in the target language and culture as defined in the learning outcomes for Level 1 in a single language and culture, based on the New York State's syllabi, including the *Modern Language for Communication, American Sign Language for Communication,* and *Latin for the 21st Century,* and the State's Learning Standards in LOTE for Checkpoint A..

Transfer Students [Top]

22. What provisions are there for a transfer student?

A student who transfers into the New York State public school system is required to meet the one (1) unit of credit requirement in LOTE for the Regents diploma.

- A student who transfers in at the middle, junior high, or intermediate school level should begin LOTE instruction. He or she must successfully complete two (2) units of study and pass a locally developed test that is aligned to the Checkpoint A Learning Standards prior to Grade 9 in order to earn the one (1) unit of diploma credit in LOTE required for graduation.

- A student who transfers in at the high school level must successfully complete a commencement level, year-long Level 1 high school course of study in a single LOTE in order to earn the one (1) unit of diploma credit required for graduation.

23. Where does one place a Grade 8 transfer student, with no prior LOTE experience, into an existing program of study?

The Grade 8 transfer student should be placed in the second half of a Checkpoint A course of study in a LOTE in Grade 8, and continue with a unit of study in a Level 1 commencement level, year-long high school course of study in a single LOTE in Grade 9.

Summer School [Top]

24. Is summer school an option to meet LOTE requirements?

The summer school option is applicable to the following students:

- A student who did not successfully complete a unit of study in LOTE in Grades 7 or 8, or Grades 8 or 9;
- A student who did not pass a locally developed test aligned to the State's Checkpoint A or Checkpoint B Learning Standards for LOTE, and such test will be provided at the end of the summer school program;
- A student who did not successfully complete a unit of study in LOTE in Grades 9, 10, 11, or 12; or
- A student who wishes to improve their performance in a course of study.

NOTE: The summer school program must be a high school Level 1 commencement level high school course of study, aligned with the State's Learning Standards for LOTE. The students must meet all course requirements and pass the course in order to earn the one unit diploma credit. The summer program, for purposes of earning unit(s) of diploma credit in LOTE, is only available to high school students.

25. Is summer school an option for transfer students without any prior LOTE experience to meet requirements for the Regents diploma?

No. The summer school option is only applicable to the students described in answer #1 above.

Credit By Examination [Top]

26. Will students be allowed to earn unit(s) of credit through Credit by Examination (i.e., "challenging") either the locally developed Checkpoint A or Checkpoint B test?

No. Since the locally developed test is not a "State-developed" or a "State-approved" assessment (8 NYCRR § 100.5[d][1][ii]), earning unit(s) of diploma credit through Credit by Examination is not possible at the present moment.

Locally Developed Tests [Top]

27. How should the locally developed Checkpoint A and Checkpoint B tests be constructed?

The locally developed Checkpoint A Second Language Proficiency Examination and the Checkpoint B Comprehensive Examination in a LOTE should:

- reflect the content and format of the previously available State-developed Checkpoint A and Checkpoint B assessments;
- assess speaking, listening, reading, and writing;
- align with the State's Checkpoint A and Checkpoint B Learning Standards for LOTE respectively; and
- reflect the learning outcomes of the State's syllabi, including the *Modern Language for Communication, American Sign Language for Communication,* and *Latin for the 21st Century.*

28. Is it possible to provide "make-up" locally developed Checkpoint A or Checkpoint B tests at any time in the course of the school year?

Yes. This is permissible as long as the students involved have met the eligibility requirement(s), including unit(s) of study. However, if a school or district is part of a test consortium, in order to maintain testing integrity, it is important to consult with the other member schools or districts first on the time and day and the form of the locally developed test being used. It is advisable to provide different forms of the tests.

Special Situations [Top]

29. Can students be awarded unit(s) of diploma credit in LOTE for participation in bilingual education programs?

Yes. Students may be awarded up to five (5) units of credit in LOTE, one (1) unit of credit for each year of demonstrated proficiency in the target language and culture, aligned to the State's Learning Standards for LOTE, when they have successfully participated in a bilingual education program, Native Language Arts program, or Heritage Language program in Grades 8-12.

30. Can students be awarded unit(s) of credit for residing in a bilingual or monolingual household where a language other than English is spoken?

No. These students, however, could be placed in a Heritage Language class or Native Language Arts class to earn unit(s) of diploma credit in LOTE.

31. Can students earn unit(s) of credit in a LOTE based on documented residence and school attendance in an "other-than-English-speaking" environment?

Yes. Schools may award three (3) to five (5) units of credit in LOTE for documented school attendance and residence in an 'other-than–English-speaking' environment, provided that the experience occurs at age 11 or older and that the residence resulted in direct contact with that environment, its language and people.

- If residence and school attendance occurs up to age 11, the school may award up to three (3) units of credit under the conditions described above;
- If residence and school attendance occurs up to age 12, the school may award up to four (4) units of credit under the conditions described above.
- If residence and school attendance occurs up to age 13 and beyond, the school may award up to five (5) units of credit based on the conditions described above.

NOTE : No more than five units of credit in a LOTE may be awarded for school attendance and residence in an 'other- than–English-speaking' environment, regardless of the length of the experience.