



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

Elisa Alvarez, Associate Commissioner
Office of Bilingual Education and World Languages

55 Hanson Place, Room 594
Brooklyn, New York 11217
Tel: (718) 722-2445 / Fax: (718) 722-2459

89 Washington Avenue, Room 301 EB
Albany, New York 12234
(518) 474-8775/ Fax: (518) 474-7948

TO: Superintendents of Public School Districts
Charter School Principals
Bilingual/ENL Coordinators/Directors
FROM: Elisa Alvarez, Assistant Commissioner
DATE: April 2023
SUBJECT: English Language Learner (ELL) and Immigrant Student Counts
for 2023–24 ESSA Title III Allocations

The New York State Education Department (NYSED) is preparing to calculate 2023-24 ESSA Title III allocations to Local Education Agencies (LEAs) for ELL and Immigrant students. The ELL allocations are based on the number of ELL students in each LEA in 2022-23. The Immigrant allocations are based on the number of immigrant students in each LEA in 2022-23. The counts of students are effective at the time that the data is pulled. It is very important that NYSED has accurate counts of ELL and Immigrant students for this determination. To allow LEAs to verify counts of ELL and Immigrant students enrolled at public LEAs, a verification report is available in the L2RPT reporting environment. Counts of ELL and Immigrant students attending nonpublic schools will be verified through the IDEX reporting tool. Please note that in preparing for the administration of the New York State English as a Second Language Achievement Test (NYSESLAT), LEAs may have already reported appropriate ELL codes in the SIRS. It is still important, however, for LEAs to verify ELL student counts as described in this memo.

The following timeline has been established:

Beginning the week of May 8, 2023 through the week ending on June 9, 2023

- LEAs review ELL counts by district and charter school in Level 2 of the Student Information Repository System (SIRS) using the SIRS-652 “Annual Title III Allocation ELL and Immigrant Count” L2RPT report. Data will be refreshed weekly based on the previous Friday’s data submitted to SIRS. If errors are found, LEAs must make corrections to inaccurate public and charter school student data in their local student management systems and ensure that the revised data are loaded into Level 2 of the SIRS by **June 9, 2023**. Local Level 1 data centers will require data to be submitted earlier than June 9 in order to allow sufficient time for processing.
- LEAs work with nonpublic schools to verify accuracy of ELL counts reported through the IDEX on the Fall 2022 BEDS Online Report Nonpublic form. Information on how to log into the IDEX can be found at <http://www.p12.nysed.gov/irs/documents>IDEXinstructionsBEDSIMF.pdf>
- LEAs review nonpublic immigrant data reported through the IDEX on the Fall 2022 BEDS Online Report District form. Information on how to log into the IDEX can be found at <http://www.p12.nysed.gov/irs/documents>IDEXinstructionsBEDSIMF.pdf>

June 12, 2023

- Public ELL and Immigrant counts by district and charter school in Level 2 of the SIRS and nonpublic school ELL and Immigrant counts by district in BEDS on June 12, 2023 will be used for 2023-24 Title III ELL allocations.

End of June 2023 to early July 2024

- 2023-24 Title III ELL and Immigrant counts will be posted at <http://www.p12.nysed.gov/accountability/allocations/>

Local Education Agencies (LEAs) should work with nonpublic schools to ensure that inaccurate data are corrected:

- Counts of ELL students attending nonpublic schools are reported by nonpublic schools on Item 6A of the Fall 2022 Nonpublic BEDS form. Nonpublic schools with incorrect ELL counts should **scan** corrected ELL counts for Item 6A of their Fall 2022 BEDS Report of Nonpublic Schools form and email them to the NYSED Office of Information and Reporting Services (IRS) at datasupport@nysed.gov with the subject line “Nonpublic BEDS ELL correction.” Corrections require the CEO’s signature and date. Nonpublic school ELL counts should reflect students who were enrolled on BEDS day, **October 5, 2022**.
- Counts of immigrant students attending nonpublic schools are reported on Item 2 of the Fall 2022 District BEDS form. LEAs with incorrect nonpublic immigrant counts should **scan** corrected immigrant counts for Item 2 of their Fall 2022 BEDS School District Summary form and email them to the NYSED Office of Information and Reporting Services (IRS) at datasupport@nysed.gov with the subject line “BEDS District Summary correction Immigrants enrolled in nonpublic schools.” Corrections require the **Superintendent’s** signature and date. Nonpublic school immigrant counts should reflect students who were enrolled on BEDS day, **October 5, 2022**.

Questions concerning nonpublic ELL and Immigrant corrections may be directed to the IRS office at datasupport@nysed.gov.

If you have any questions regarding these procedures, please contact the Office of Bilingual Education and World Languages at obewl@nysed.gov or (518) 474-8775 or contact the Office of Information and Reporting Services at datasupport@nysed.gov.

The business rules used for extracting ELL and immigrant data from SIRS are on the following page.

CC:

Rose LeRoy
Ellen Martin
Kristen DeSalvatore
Bonnie Schaffer

Business Rules for extracting ELL and Immigrant data from the Student Information Repository System (SIRS) to provide counts to be used for allocation of ESSA Title III funds

- Rules specified in this document pertain to public and charter school data extracts. BEDS data are the source for nonpublic school ELL and Immigrant student counts.
- Students must have an enrollment record in the 2022-23 school year with one of the following enrollment codes:

0011	Enrollment in building or grade
5544	Transferred in under the NCLB Title I "School in Improvement Status" transfer option
7000	Transferred in under the NCLB "Persistently Dangerous School" transfer option
7011	Transferred in under the NCLB "Victim of Serious Violent Incident" transfer option

If a student has enrollment records for multiple LEAs in the 2022-23 school year, use the enrollment record with the latest beginning enrollment date. A student should only be counted as an ELL or immigrant for a single LEA.

- Include all of the following grade levels in school counts
 - For ELL students: K (half-day KH and full-day KF kindergarten) through grade 12, ungraded elementary (13), and ungraded secondary (14).
 - For Immigrant students: PK, K (half-day KH and full-day KF kindergarten) through grade 12, ungraded elementary (13), and ungraded secondary (14).
- Students must have a 0231 ELL Eligible program service code in order to be counted for ELL allocations.
- Students must have an 8282 Immigrant Children and Youth Status program service code in order to be counted for Immigrant allocations. Immigrant children and youth are defined as individuals who:
 - are aged 3 through 21;
 - were not born in any State; and
 - have not been attending one or more schools in any one or more States for more than 3 full academic years. The months need not be consecutive. "State" means the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. Children born to U.S. citizens abroad (including those born on military bases), the U.S. Virgin Islands, Guam, or any other U.S. territory that is not D.C. or Puerto Rico are considered immigrants.
- If a student has any of the following ending reasons on his or her enrollment record, the student ***WILL NOT*** be included in the count for the LEA.

170	Transferred to another NYS public school outside this district with documentation.
204	Transferred to a NYS nonpublic school with documentation
255	Transferred to home-schooling by parent or guardian
5927	Leaving a school under NCLB – a victim of a serious violent incident
5938	Leaving a NYC community district under NCLB – a victim of a serious violent incident
323	Transferred outside district by court order
430	Excluded pursuant to PHL 2164
442	Left the U. S. <i>(and did not return to the U.S. on the date these data were retrieved)</i>

459	Deceased
221	Transferred to a school outside NYS with documentation.
136	Reached maximum legal age and has not earned a diploma or certificate
8338	Incarcerated student, no participation in a program culminating in a regular diploma.
1089	Transferred to an approved GED program outside this district
799	Graduated (earned a Regents or local diploma)
085	Earned commencement credential
629	Previously earned commencement credential or IEP
400	Compulsory age student, not attending, no documentation

- Students who have an enrollment record during the 2022-23 school year that ended with any of the following ending reasons **WILL** be counted as an ELL or Immigrant student for the LEA.

153	Transferred to another school in this district or to an out-of-district placement
238	Transferred to homebound instruction provided by this district

- Students reported with the following ELL exit program service codes during the 2022-23 school year **will NOT** be counted as an ELL for the LEA.

3045	ELL Eligibility Exit based on review of identification determination
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- Students reported with one of the following ELL exit program service codes during the 2022-23 school year **WILL** be counted as an ELL for the LEA.

3011	ELL Eligibility Exit Using NYSESLAT score only
3022	ELL Eligibility Exit Using NYSESLAT score and a NYSTP or Regents score