

Questions

Responses

School District Justification to Expand the Maximum Allowable Grade Span Waiver

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

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District Information

1. District Name *

2. BEDS Code *

3. Street *

4. City *

5. Zip Code *

6. School Year (e.g., 2020-2021) *

Section 2



Contact Information of the Person Completing the Form

7. First Name *

8. Last Name *

9. Work Phone (e.g., 555-555-5555) *

10. Email *

Section 3



Student and Program Information

For all but the first question in this section, please use the data reported for spring BEDS day.

11. 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 was submitted, and for which school year. *

12. Indicate the total number of students enrolled in the district. *

The value must be a number

13. Indicate the total number of ELLs enrolled in the district. *

The value must be a number

14. Indicate the percentage of ELLs in the district's or BOCES' total student population (e.g., 20 = 20%; do not use a percent sign.) *

The value must be a number

15. Indicate the number of Bilingual Education (BE) certified teachers in the district by FTE. *

The value must be a number

16. Indicate the number of English to Speakers of Other Languages (ESOL) certified teachers in the district by FTE. *

The value must be a number

17. If the district contracts itinerant BE or ESOL teachers from BOCES or another agency, please indicate the number of teachers and the FTE. *

The value must be a number

18. If the district contracts itinerant BE or ESOL teachers from BOCES or another agency, please indicate the number of teachers and the FTE. *

The value must be a number

19. Indicate why the district should receive a waiver for the two contiguous grade span requirement and how the district will ensure that all ELLs receive appropriate support. *

Enter your answer

20. Describe the efforts that the district has put in place to meet the current staffing requirements under CR Part 154-2.3(i). *

Enter your answer

School buildings for which a waiver is being requested

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

Required Information: School Building Name, BEDS Code, Current Grouping (Grades and Number of ELLs), Proposed Grouping (Grades and Number of ELLs)

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

For Example:

School 1: Big Apple School,

BEDS Code: 000,

Current Grouping: Grades 2 and 3, 5 ELLs,

Proposed Grouping: Grades 2, 3, and 4, 10 ELLs.

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

Enter your answer

Section 5

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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.

22. First Name *

Enter your answer

23. Last Name *

Enter your answer

24. Title *

Enter your answer

25. Work Email *

Enter your answer

26. Date of Signature *

Please input date in format of M/d/yyyy



Section 6

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Regulations Governing the Education of ELLs

Regulations Governing the Education of ELLs (154-2.3(k)(2)) designate that a school district or Board of Cooperative Educational Services (BOCES) may seek permission on an annual basis from the Commissioner for an exemption from the professional development requirements where there are fewer than thirty (30) ELLs enrolled or ELLs make up less than five percent (5%) of the district's or BOCES' total student population as of such date as established by the Commissioner. A district or BOCES seeking permission for such exemption shall submit to the Commissioner for approval an application in such format and according to such timeline as may be prescribed by the Commissioner, that includes evidence that as a part of the required professional development clock hours prescribed by Part 80 of this Title, all teachers, level III teaching assistants and administrators receive training sufficient to meet the needs of the district's or BOCES' ELLs, in language acquisition, including a focus on best practices for co-teaching strategies and integrating language and content instruction for ELLs and evidence that as a part of the required professional development clock hours prescribed by Part 80 of the Title, all Bilingual and ESOL certified teachers receive training, sufficient to meet the needs of the district's ELLs, in language acquisition in alignment with core content area instruction, including a focus on best practices for co-teaching strategies and integrating language and content instruction for ELLs.

+ Add new