Policy and Reference Guide for Multilingual Learners/English Language Learners

2021-2022 School Year
Limitations on the Use of this Guide

The Policy and Reference Guide for Multilingual Learners/English Language Learners report was produced by the Division of Multilingual Learners (DML) of the New York City Department of Education (NYC DOE). The purpose of this guide is to provide support and guidance to the administration and staff of the NYC DOE. Nothing in this guide is intended to create, nor does it create, any enforceable rights, remedies, entitlements, or obligations. The NYC DOE reserves its right to change or suspend any or all parts of this guide.

The New York City Department of Education
52 Chambers Street
New York City, NY 10007
Phone: (718) 935-2000
https://www.schools.nyc.gov

Updated September 2021

This guide is a compilation of current U.S. Federal, New York State, and New York City Multilingual Learner/English Language Learner policy guidance for school year 2021-22.

The most recent version of this document is available on the Policy and Reference Guide InfoHub.

To view the complete Regulations of the New York State Commissioner of Education, including the Part 154 Regulations regarding services for Multilingual Learners/English Language Learners, visit the New York State Education Department website.

Content Contact: DML@schools.nyc.gov
Introduction

Dear Colleagues,

On behalf of the Division of Multilingual Learners (DML), I am pleased to present you with the August 2021 edition of the Policy and Reference Guide for Multilingual Learners/English Language Learners for the New York City Department of Education (NYC DOE). This guide consolidates many of the critical federal, state, and city regulations that govern the education of Multilingual Learners/English Language Learners (MLs/ELLs).

Our goal in publishing this guide is to provide you with clear interpretations of policy such as the New York State Commissioner’s Regulations (CR) Part 154, which establishes the legal requirements for the education of MLs/ELLs in New York State, and guidance about how to apply policies in different scenarios.

This school year marks a return to in-person instruction for all students after a year of fully remote or blended instruction. NYSED has issued several policy updates that are summarized in the SY 2021-22 Policy Updates section and included in green call-out boxes throughout our guide and in the accompanying school resources.

We understand that regulations and NYC DOE structures may change over time, and we are always working to refine our practices and guidance. Therefore, this guide is updated each year based on changes to both policies and feedback from schools and Borough/Citywide Office (BCO) staff serving MLs/ELLs in New York City. This guide should be used as a resource and kept nearby for frequent referencing when planning high-quality services and supports for your MLs/ELLs.

This guide is just one tool that you may use in providing MLs/ELLs with rigorous academic experiences that consider their individual strengths and needs. As you implement these policies, we encourage you to apply an equity lens, to ensure every student has meaningful access to rigorous instruction, resources, and academic choices while maintaining their cultural and linguistic identity. As you develop your plan for MLs/ELLs for the upcoming school year and beyond (via the Language Allocation Policy), refer to this guide and share it with key members of your school community. The most current version of this guide, as well as additional resources on policies pertaining MLs/ELLs, can be found on the Policy and Reference Guide InfoHub. Please contact your BCO Director of ELLs or email DML at DML@schools.nyc.gov for additional guidance on any of the topics described in these resources and refer to Principals’ Digest for updates.

Sincerely,

Mirza Sánchez-Medina
Deputy Chief Academic Officer
Division of Multilingual Learners
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August 2021 Edition Updates

General Information & Terms

- Added qualified personnel.

Policy Updates

- Policy changes for school year 2021-22 are highlighted in green call-out boxes throughout this guide.

Other Changes

- Helpful Hints are highlighted in yellow call-out boxes throughout this guide.
- Special notes are highlighted in blue call-out boxes throughout this guide.

Updates to School Resources

- [10 ELL-Related Items for a Successful Start of the School Year](#)
- [10 Steps for ML/ELL Data Verification, Review, and Update](#)
- [SY 2020-21 School ELL Compliance Calendar](#)
  - New School Resource: [Resuming Formal Identification Process for Provisionally Identified ELLs](#)

Updates to Parent Notification Letters

- Home Language Identification Survey has been updated (page 2, part 3: parent information description updated).
- All [parent notification letters](#) and forms were updated with an NYC DOE logo without the Chancellor’s name.
- Continued entitlement letters (after NYSESLAT) and Exit/Non-entitlement letters (after NYSESLAT) were updated to reflect that students were able to take Spring 2021 NYSESLAT.
- There are 2 new [parent notification letters](#) for the upcoming school year:
  - Exit/non-entitlement letter (after NYSITELL special administration)
  - Continued Entitlement Letter (after NYSITELL special administration)

September 2021 Edition Updates

- Updated policy to reflect that schools should contact [elltransfersnys@schools.nyc.gov](mailto:elltransfersnys@schools.nyc.gov) for assistance if they are unable to obtain test scores from other NYS school within five school days of enrollment.
Policy Updates for SY 2021-22

Special Administration of the NYSITELL (August – September)

On May 27, 2021, NYSED announced additional flexibility for schools to administer the NYSITELL during a special administration period (August-September 2021) to current ELLs who were fully remote during the Spring 2021 New York State English as a Second Language Achievement Test (NYSESLAT) administration period and were unable to complete the NYSESLAT.

This option allows schools to determine a current English Language Proficiency level for students whose latest proficiency level may be over two years old. In addition, this allows students the opportunity to exit ELL services if they score Commanding on the NYSITELL exam. This is an optional administration period but strongly recommended for DOE schools.

There will be funding to support some schools with special administration of the NYSITELL through the NYSITELL Special Administration and Wellness Check School Allocation Memorandum.

Wellness Check for Multilingual Learners

To ensure that we are providing a welcoming and safe school environment when students enter our schools for the administration of the NYSITELL, schools should also conduct a Wellness Check for Multilingual Learners; this is a check-in to build connections with students and families.

The wellness check component is tied to the additional funding some schools may receive for the Special Administration of the NYSITELL through the NYSITELL Special Administration and Wellness Check School Allocation Memorandum. As such, it must precede the administration of the Speaking session of the NYSITELL for each student during the NYSITELL Special Administration. Where possible, administer the wellness check and Speaking session before any other session. Please note the following:

- Schools that receive funds for the Special Administration of the NYSITELL and wellness check must conduct the wellness check before the NYSITELL administration for each student.
- Once school year 2021-22 begins, the wellness check and Special Administration of the NYSITELL that are funded through the NYSITELL Special Administration and Wellness Check School Allocation Memorandum must take place before school, after school, and/ or Saturdays to avoid loss of services.
- If administering the NYSITELL Special Administration during the regular school day, ensure there is not unnecessary loss of instructional time. Refer to the NYSITELL Special Administration and Wellness Check School Allocation Memorandum for eligible per session activities.

As a best practice, schools may also conduct wellness checks for MLs/ELLs before the NYSITELL administration for any student. For additional information and wellness check resources, refer to the Multilingual Learners InfoHub.
Identification Process for English Language Learners

As per NYSED guidance, schools must complete the formal identification process and place ELLs, including incoming students with an Individualized Education Program (IEP), into an ELL program within the timelines listed below. Therefore, based on the current school calendar:

- Provisionally identified ELLs who did not participate in the Spring 2021 NYSESLAT must be identified and placed by October 27, 2021.
- Newly enrolled and re-entry students admitted before the first 20 days of the school year (October 13, 2021) must be identified and placed by October 27, 2021.
- Newly enrolled and re-entry students admitted after October 13, 2021, must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).

**SY 2021-22 Policy Change:** The provisional identification process is not applicable for school year 2021-22. All schools must complete the formal identification process for newly enrolled students and provisionally identified ELLs.

Newly Enrolled Students

Schools must administer the formal identification process to all newly enrolled students as per the timelines listed below:

- Students who enroll during Summer 2021 and the first 20 days of the school year (October 13, 2021) must be identified and placed by October 27, 2021.
- All students who enroll after October 13, 2021, must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).

The formal identification process includes:

- In-person administration of the [Home Language Identification Survey (HLIS)](https://example.com), which includes an interview with the student and parent to determine the student’s home language.
- If a student has an IEP, the Language Proficiency Team (LPT) should determine NYSITELL eligibility and [complete the NYSITELL determination form](https://example.com).
- NYSITELL administration must be completed according to the timeline listed above;
  - Pre-K Students Transitioning to Kindergarten can be tested beginning June 1.
  - Newly Enrolled Students in Grades 1–12 can be tested beginning July 15.
- Administration of the Spanish Language Assessment Battery (Spanish LAB) to newly identified ELLs whose home language is Spanish.
- Send [parent notifications](https://example.com) in parents’ preferred language.
- Parent orientation and completion of [Parent Survey and Program Agreement form](https://example.com). Parent orientations may take place virtually.
• Place the student into an ELL program based on NYSITELL results.
For additional information, please refer to the Step by Step ELL Identification Process (8+2 Steps).

**Provisionally Identified ELLs**

Per NYSED, a provisionally identified ELL is a student who, as a result of having enrolled in a New York State school during the COVID-19 pandemic and having always received entirely remote instruction, has been identified as needing ELL services by their school but has not been able to complete the ELL identification process.

Schools must complete the formal identification process for provisionally identified ELLs by October 27, including:

• In-person completion of the HLIS by a licensed pedagogue.
• If a student has an IEP, the Language Proficiency Team (LPT) should determine NYSITELL eligibility and complete the NYSITELL determination form.
• NYSITELL administration:
  o Provisionally identified ELLs who did not take the Spring 2021 NYSESLAT must be administered the NYSITELL by October 27. Schools can begin administering NYSITELL on July 15.
  o Provisionally identified ELLs who took the Spring 2021 NYSESLAT should not be administered the NYSITELL.
• Administration of the Spanish Language Assessment Battery (Spanish LAB) to newly identified ELLs whose home language is Spanish.
• Send parent notifications in parent’s preferred language.
• Parent Orientation and completion of Parent Survey and Program Agreement form if not yet completed.
  o If already completed as part of the provisional identification process, schools should verify parent’s ELL program selection.
• Place student into an ELL program:
  o Provisionally identified ELLs who did not take the Spring 2021 NYSESLAT should be served based on the NYSITELL results.
  o Provisionally identified ELLs who took the Spring 2021 NYSESLAT should be served based on the results of the NYSESLAT.
  o Provisionally identified ELLs who score commanding on either the Spring 2021 NYSESLAT or NYSITELL in the fall will be considered former ELLs. Former ELLs should receive 90 minutes of integrated ENL or one of the approved alternative pathways for up to two years after exiting ELL services.

For additional details, see Resuming Formal Identification Process for Provisionally Identified ELLs.
**Mandated Instruction**

Due to COVID-19, the annual NYSESLAT was not administered to all students during Spring 2021. As a result, in school year 2021-22, ELLs will be served as follows:

- **Current ELLs who took the Spring 2021 NYSESLAT** will be served according to the results of the Spring 2021 NYSESLAT.
- **Current ELLs who were fully remote during the Spring 2021 NYSESLAT and participated in the Special Administration of the NYSITELL (August – September)** will be served according to the results from the Special Administration of the NYSITELL.
- **Current ELLs who do not have a Spring 2021 NYSESLAT score and did not participate in the Special Administration** will be served according to their latest NYSESLAT or NYSITELL score.
- **Provisionally identified ELLs who took the Spring 2021 NYSESLAT** will be served according to the results of the Spring 2021 NYSESLAT. Provisionally identified ELLs who score Commanding on this exam will be considered former ELLs and should be served accordingly.
- **Provisionally identified ELLs who did not take the Spring 2021 NYSESLAT** must be administered the NYSITELL within the first 30 school days of the 2021-22 school year (October 27, 2021) and will be served according to the results of the NYSITELL. Provisionally identified ELLs who score Commanding on this exam will be considered former ELLs and should be served accordingly.

School year 2021-22 ELL proficiency levels will be available in ATS as they are received from NYSED and will automatically reflect the policy above in reports.

Additional instructional support above and beyond the units of study should be considered to ensure each ELL’s individual needs are met.

Parent notification letters reflecting these policy changes will be updated and translated into nine languages and posted on the [InfoHub](#).

**Services for Former English Language Learners**

Students who exited services based on their Spring 2021 NYSESLAT scores and those students who met the exception of an Expanding level on the 2021 NYSESLAT and 65 or higher on the ELA Regents Exam in June 2021 will be considered former ELLs in SY 2021-22. Provisionally identified ELLs who score Commanding on the NYSITELL in the fall will also be considered former ELLs. Former ELLs will continue to be entitled to ENL instruction as per CR Part 154.

Students who exited services by scoring Commanding on the Special Administration of the NYSITELL (August – September) 2021 will be considered former ELLs for school year 2021-22. Students that score Expanding on the Special Administration of the NYSITELL cannot exit ELL status and will remain ELLs for school year 2021-22.

Parent notification letters reflecting these policy changes are posted on the [InfoHub](#).
Programming Considerations

The following should be considered as you plan for ELL programming this upcoming school year:

- Ensure there are opportunities for collaboration for teacher partnerships (for example, ENL co-teachers).
- Proactively plan for the identification process so that it does not interrupt the provision of ENL services to current, former, and potential ELLs.
- Plan for home language support for ELLs in various settings.
- For students without an updated English proficiency level for 2021, prioritize consulting with the ENL provider when making decisions on programming for the provision of Integrated ENL within the flexibility allowed in the CR Part 154 units of study.

For information on programming MLs/ELLs, refer to the 2021-22 Programming Guide.

Units of Study

All ELLs must be provided the required instructional Units of Study in their English as a New Language (ENL) or bilingual education program based on the information included above.

For additional information, refer to the CR Part 154 Units of Study Requirements.
General Information and Terms

Aspira Consent Decree


Bilingual Education Program

A research-based program comprised of (1) home language arts and English language arts, (2) English as a new language (ENL), (3) and a bilingual content area (for example, math, science, and social studies). The number of content areas taught in the home language can vary depending on the model and level of proficiency of the students. NYC DOE offers two types of bilingual education programs: Dual Language Bilingual Education and Transitional Bilingual Education. See Bilingual Education Programs.

Commissioner’s Regulations (CR) Part 154

New York State law that governs services for ELLs. There are three sections of CR Part 154: CR Parts 154.1 and 154.2 describe previous and amended requirements that went into effect in the 2015-16 school year; CR Part 154.3 describes the requirements of services specific to ELLs with disabilities. For more information, see the New York State Education Department website.

Commissioner’s Regulation (CR) Part 200

New York State law governs education and services to students with disabilities. See the New York State Education Department website for more information.

English as a New Language (ENL)

Formerly known as English as a second language (ESL); ENL is a research-based program comprised of (1) content area instruction in English with home language supports and appropriate scaffolds, and (2) English language development. This program typically serves ELL students from many different home/primary language backgrounds whose only common language is English and therefore cannot participate in a bilingual program. See English as a New Language Programs.

Stand-alone English as a New Language (Stand-alone ENL)

In a Stand-alone ENL class, students receive English language development instruction taught by an NYS-certified teacher of English to Speakers of Other Languages (ESOL) to acquire the English language needed for success in core content areas. A student cannot receive stand-alone English as a new language instead of core content area instruction.
Integrated English as a New Language (Integrated ENL)

Some content area classes are Integrated ENL classes. Students receive core content area and English language development instruction, including the use of the home language as support and appropriate ELL instructional supports to enrich comprehension. Integrated ENL classes are taught by a teacher dually certified in the content area and ENL or are co-taught by a certified content area teacher and a certified ENL teacher.

English Language Learner Subgroups

MLs/ELLs are not a monolithic group, but rather have different linguistic and academic needs. Therefore, categories such as newcomer, developing, long-term, ELLs with IEPs, students with inconsistent/interrupted formal education (SIFE), and former ELL better describe students’ needs.

Newcomer ELLs

These are ELLs identified under CR Part 154 who have received English as a new language instruction, as a component of their bilingual education or freestanding English as a new language program, for a total of zero (0) to three (3) enrolled school years in the NYC DOE. There is often a misconception that newcomer ELLs are only those who arrived very recently and exhibit little or no knowledge of English. While newly arrived ELLs are represented among the group of newcomer ELLs, many others are US-born and are at the emerging, transitioning, or higher levels.

Developing ELLs

These are ELLs identified under CR Part 154 who have received English as a new language instruction, as a component of their bilingual education or freestanding English as a new language program, for a total of four (4) to six (6) enrolled school years in the NYC DOE.

Long-term ELLs

These are ELLs identified under CR Part 154 who have received English as a new language instruction, as a component of their bilingual education or freestanding English as a new language program, for seven (7) or more enrolled school years in the NYC DOE.

Students with Inconsistent/Interrupted Formal Education (SIFE)

These are ELLs who have attended schools in the United States for less than twelve months and who, upon initial enrollment in such schools are two or more years below grade level in literacy in their home language and/or two or more years below grade level in mathematics due to inconsistent or interrupted schooling before they arrived in the United States. Once a SIFE student is performing at or above the transitioning/intermediate level on the annual English language proficiency assessment, the student’s status as a Student with Inconsistent/Interrupted Formal Education is removed, even though the student may continue to be identified as an English language learner. See Step 6: Identification of Students with Interrupted/Inconsistent Formal Education for identifying SIFE. See ATS: BNDC for SIFE
**Determination and Paraprofessional Services** for entering data into the BNDC screen. In ATS, Y=SIFE, N=not SIFE, Z=former SIFE.

**ELLs with Individualized Education Programs (IEPs)**

English language learners who have Individualized Education Programs (IEPs) are referred to as ELLs with IEPs throughout this guide. An IEP team determines a student’s eligibility for special education services and the language in which special education programs and services are delivered. ELLs with IEPs receive accommodations that apply both to ELLs and students with IEPs, as appropriate. ELLs with IEPs are not exempted from the NYSESLAT and may use the test accommodations as listed on their IEP when taking the NYSESLAT (and as permitted in the School Administrator’s Manual for the test). ELL status cannot be a factor for special education eligibility. Response to Intervention (RTI) approaches should be applied to ELL students who enter with lower levels of proficiency in the home language, or if anticipated progress is not seen after a reasonable time.

The procedures for conducting bilingual assessments of ELLs who currently have IEPs or may have IEPs developed as a result of an initial evaluation are described in the NYC DOE’s **Standard Operating Procedures Manual**. ELLs with IEPs must receive the required level of ELL services, although program placement and parental option procedures may be different for special education programs and services and are facilitated by the Committee for Special Education during IEP meetings. IEP teams may not exempt ELL students with disabilities from ENL. All ELLs, including those with IEPs, must be programmed for ENL (at a minimum) for the mandated number of units of ENL as per CR Part 154.

**Former ELLs**

These are students who had been identified as English language learners and subsequently exited from ELL status. For at least two years following the school year in which a student is exited from ELL status, former ELLs receive at least one half of one unit of study of integrated English as a new language (90 minutes per week) and are eligible for certain specified testing accommodations (see **ELL Testing Accommodations**. For ELL exit criteria, see **Exiting ELL Status (“Testing Out”)**.

**Home Language Arts (HLA)**

Formerly known as Native Language Arts (NLA). HLA is a unit of study in language arts in the student’s home or primary language.

**Lau v. Nichols**

In a 1974 landmark decision, Lau v. Nichols, the United States Supreme Court established the right of English Language Learners to have “a meaningful opportunity to participate in the educational program.” As such, ELLs must be provided with equal access to all school programs and services offered to non-ELL students, including access to programs required for graduation. See the **NYSED Commissioner’s Regulations Part 154 (CR Part 154)** website for more information.
**Licensed Pedagogue**

An individual who holds a valid New York State teaching license. As per [CR Part 154](#), teachers who hold professional licenses are required to receive 100 hours of professional training every 5 years, 50% of which must be ELL-focused for bilingual and ENL teachers, and 15% must be for non-bilingual or non-ENL teachers.

**Multilingual Learner/English Language Learner (ML/ELL)**

NYSED and NYC DOE refer to English Language Learners (ELLs) as Multilingual Learners/English Language Learners (MLs/ELLs) except in instances referring to state and federal policy.

Per NYSED, Multilingual learners are:

- Current ELLs
- Students who were once ELLs but have exited out of ELL status
- Students who were never ELLs but are heritage speakers of a language other than English
- World Language Students

**Proficiency Levels**

In the 2015-16 school year, prior proficiency levels on the NYSITELL, NYSESLAT, or LAB-R (before February 2014) were as follows:

**Entering (Beginning)**

A student at the entering level has a great dependence on supports and structures to advance academic language skills and has not yet met the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts (settings). **This student is designated an active ELL.**

**Emerging (Low Intermediate)**

A student at the emerging level has some dependence on supports and structures to advance academic language skills and has not yet met the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts (settings). **This student is designated an active ELL.**

**Transitioning (Intermediate)**

A student at the transitioning level shows some independence in advancing academic language skills but has yet to meet the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts (settings). **This student is designated an active ELL.**
Expanding (Advanced)

A student at the expanding level shows great independence in advancing academic language skills and is approaching the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts (settings). **This student is designated an active ELL.**

Commanding

As measured by the NYSITELL, a student at the commanding level has met the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within their grade level. If a student attains Commanding level on the NYSITELL, the student is not an ELL and is not considered a former ELL; this student is not entitled to former ELL testing accommodations or services. **This student is not designated an ELL.**

If a student scores commanding on the NYSESLAT, this is a student who has exited ELL status, and they are mandated for two years of former ELL testing accommodations and services. See [Alternative Pathways to Support Former ELLs’ Language Development and Academic Progress](#). **This student is designated a former ELL.**

Qualified Interpreter/Translator

A person who is fluent in the language in which they are communicating and in English has a demonstrated ability to employ the mode of interpretation appropriate to the given situation (for example, simultaneous interpretation for hearings or large-group parent meetings), and has received training in specialized issues, such as confidentiality and any applicable technical vocabulary. School staff members who meet this criterion, such as a bilingual teacher, certified pursuant to State regulations, may be qualified to serve as an interpreter/translator. See.

Qualified Personnel

As defined in section 154-2.2(u) of CR Part 154, qualified personnel shall mean: (1) a bilingual or English to Speakers of Other Languages teacher, certified pursuant to Part 80 of this Title, who is fluent in the home language of the student and parent or person in parental relation, or uses a qualified interpreter/translator of the language or mode of communication the student or parent or person in parental relation best understands, or (2) a teacher who is certified pursuant to Part 80 of this Title, and has been trained in cultural competency, language development and the needs of English Language Learners, and who is proficient in the home language of the student or parent or person in parental relation or uses a qualified interpreter/translator of the language or mode of communication the student or parent or person in parental relation best understands.

Re-entry Identification

The process to determine if a student is an ELL who is reenrolling in a New York State public school after not having been enrolled in a New York State public school at any time during the preceding immediate
two years (less than 24 months). See Step 1: Determine If Enrolling Student was in an NYS Public School within the Past Two Years.

**Re-Identification Process**

The process was created to allow schools, parents, and students who believe that a student may have been misidentified as an ELL or non-ELL to request (within 45 school days of enrollment) that the ELL Identification Process be administered a second time. See Step 10: Review of Re-Identification of ELL Status Reversal (only used as necessary).

**Unit of Study**

180 minutes of instruction per week. See ML/ELL Programs.
Identification Process

All students must go through an identification process to determine if they can be formally classified as an English Language Learner (ELL) and therefore, are entitled to receive ELL supports and services.

Overview

The ELL Identification Process includes eight mandated steps for all potential ELLs enrolling in grades kindergarten to 12 including:

- the administration of the Home Language Identification Survey (HLIS) by qualified personnel
- an individual interview with the student and parent to determine the student’s home language, including a review of the student’s abilities and/or work samples
- determination of eligibility to take the New York State Identification Test for English Language Learners (NYSITELL)
  - For incoming students with an IEP, this includes convening respective Language Proficiency Teams (LPTs)
- the administration of the NYSITELL to eligible students, and
- the administration of the Spanish Language Assessment Battery (Spanish LAB) to newly identified ELLs whose home language is Spanish.
- Parent notification and parent orientation in their preferred language.
- Placement into an ELL program.

1 As defined in section 154-2.2(u) of CR Part 154, qualified personnel shall mean: (1) a bilingual or English to Speakers of Other Languages teacher, certified pursuant to Part 80 of this Title, who is fluent in the home language of the student and parent or person in parental relation, or uses a qualified interpreter/translator of the language or mode of communication the student or parent or person in parental relation best understands, or (2) a teacher who is certified pursuant to Part 80 of this Title, and has been trained in cultural competency, language development and the needs of English Language Learners, and who is proficient in the home language of the student or parent or person in parental relation or uses a qualified interpreter/translator of the language or mode of communication the student or parent or person in parental relation best understands.

2 Prior to February 1, 2014, ELLs were identified through the Language Assessment Battery—Revised (LAB-R).
Timeline

Schools are required to complete the entire ELL Identification Process for all eligible students within 10 school days of enrollment (20 school days for students entering with IEPs).

**SY 2021-22 Policy Update:** For school year 2021-22, schools must complete the formal identification process and place ELLs, including incoming students with an Individualized Education Program (IEP), into an ELL program within the timelines listed below.

- Provisionally identified ELLs who did not participate in the Spring 2021 NYSESLAT must be identified and placed by **October 27, 2021**.
- Newly enrolled and re-entry students admitted before the first 20 days of the school year (October 13, 2021) must be identified and placed by **October 27, 2021**.
- Newly enrolled and re-entry students admitted after October 13, 2021 must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).

For step-by-step information on the ELL Identification process, please review the following sections.

**Step by Step ELL Identification Process (8 + 2 Steps)**

Steps 1 to 8 must be completed within 10 school days (20 school days for students entering with IEPs). Steps 9 and 10 are used on an “as necessary” basis.

**SY 2021-22 Policy Update:** For school year 2021-22, schools must complete the formal identification process and place ELLs, including incoming students with an Individualized Education Program (IEP), into an ELL program within the timelines listed below.

- Provisionally identified ELLs who did not participate in the Spring 2021 NYSESLAT must be identified and placed by **October 27, 2021**.
- Newly enrolled and re-entry students admitted before the first 20 days of the school year (October 13, 2021) must be identified and placed by **October 27, 2021**.
- Newly enrolled and re-entry students admitted after October 13, 2021 must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).
Step 1: Determine Student’s Enrollment Status

Newly enrolled students must be administered the entire ELL identification process (see Category 1).

If a student is re-entering an NYC public school, determine whether the student has been outside of the New York State (NYS) public school system for more than two years.

- Students who have been outside of the NYS public school system for more than two years must be re-administered the entire ELL Identification Process (see category 2).
- Students who have been outside of the NYS public school system within two years are not eligible to complete the ELL identification process. Instead, schools are required to obtain NYSITELL/NYSESLAT scores directly from the sending NYS public school to allow the student to continue in the ELL status (and proficiency level if applicable) in effect at the time of discharge from the NYS public school (see category 3).

For more information, see the sections below. Once you have determined the student’s enrollment category and taken the appropriate next steps, proceed to step 2.

Determining Prior Enrollment and Scenarios

A student’s prior enrollment determines their eligibility for ELL Identification Process. When parents enroll their child in a school, the school must determine the enrollment status category to which the student belongs based on prior enrollment at an NYC DOE or New York State (NYS) public school (including NYS charter schools).

Determine the student’s prior enrollment category, take appropriate steps, and proceed to step 2.

Category 1: A new student never enrolled in an NYC DOE or NYS public school.

Students never previously enrolled in any NYC DOE or other NYS public school must complete the entire ELL Identification process outlined in this document beginning with the determination of the home language (see step 2).

Examples:

- Maria is a student entering kindergarten. She has never been to any public school before. She is a first-time admit to NYC public schools. She is admitted to PS 567. The school determines that her home language is Spanish. The school gives her a more in-depth interview and determines that she should take the NYSITELL to determine ELL status.

- Ming is a student entering kindergarten. As a preschool student with a disability, he was also evaluated for school-age special education services through the “Turning 5” process and is entering kindergarten with an IEP. His home language is Chinese. Because Ming is entering kindergarten with an IEP and his home language is Chinese, the principal has the Language Proficiency Team (LPT) determine the child’s eligibility for the NYSITELL. If the LPT determines that the NYSITELL should be administered, the administration will proceed. If the LPT determines that
the NYSITELL should not be administered, the determination then goes to the principal. If the principal agrees with the LPT (to not give the NYSITELL), a final decision is made by the superintendent (or designee). If it is ultimately determined that Ming is not eligible to take the NYSITELL, the decision should be updated on the ELLO screen.

Category 2: A student enrolling in NYC DOE that was previously enrolled at an NYC DOE or NYS public school within the preceding two years.

Students who reenter NYC DOE after being enrolled in a school outside of NYC and/or NYS for less than two years are not eligible to go through the ELL Identification Process. Instead, schools should obtain NYSITELL/NYSESLAT scores directly from the sending NYS public school (see Enrolling Student in NYS Public Schools within the Preceding Two Years). These students should continue in the ELL status (and proficiency level) at the time of discharge from the previous NYC DOE and/or NYS public schools.

Examples:

- Christopher is entering grade 4 to NYC PS 456 from the William Floyd Public School District in Suffolk County on Long Island. Because Christopher is coming directly from another NYS public school district, PS 456 reaches out to Christopher’s prior school in Suffolk County. They obtain his ELL status, NYSITELL/NYSESLAT scores, SIFE status, home language, parent selection, and ELL program served in. If, however, the William Floyd School District does not respond within 5 days, PS 456 must contact their borough assessment implementation director for assistance. The most recent score determines the student’s proficiency level.

- Jose enrolled at PS 222 as a kindergarten student in September 2014. Jose was discharged to a California district in January 2015, where he remained in school. Jose returned to the NYC DOE public schools in September 2015. The NYC DOE school retains this student’s previous ELL status because he was out of NYS for less than 2 years.

- Yun-ying was enrolled at HS 999 as a first-time admit to NYC DOE schools from Taiwan in September 2013. She remained at HS 999 until March 2014 and was discharged to Yonkers HS. Yonkers HS gave Yun-ying the NYSESLAT in April 2014. In January 2015, Yun-ying returns to HS 999. Because Yun-ying was never out of NYS public schools, HS 999 reaches out to Yonkers HS to get Yun-ying’s NYSESLAT results and HS 999 serves Yun-ying as an ELL based on those results. If the NYSESLAT results indicate that Yun-ying tested at the commanding level, she is considered a former ELL and served as such.

- Ali entered Rochester School System in September 2013 and was identified as an ELL. He was discharged from Rochester School System to Georgia in February 2014. He was discharged from Georgia in June 2014. He then entered MS 444 in Brooklyn in September 2014. Though he was a first-time admit to NYC public schools, he was in NYS public schools less than 2 years ago. Therefore, MS 444 reaches out to the Rochester School System. They get his ELL status, NYSITELL/LABR/NYSESLAT scores, SIFE status, home language, parent selection, and ELL program
served in. As per the NYSED memo, if the Rochester School System does not respond within 5 days, MS 444 should contact the borough assessment implementation director.

Category 3: Students previously enrolled in NYC DOE or NYS public schools over two years ago.

Students who are reentering an NYC DOE school after having been enrolled outside of NYS public schools for 2 or more years must complete the entire ELL Identification Process outlined in this guide beginning with the determination of the student’s home language (see step 2).

Examples:

- Chloe enrolled in grade 2 at PS 777 for the first time in NYC public schools in September 2015. She was administered the NYSITELL and was identified as an ELL. She left the DOE for Florida in September 2016. She returned to the DOE public schools in grade 6 in September 2019. Because she was out of the DOE and NYS public schools for more than 2 years, she goes through the entire ELL identification process again, including determination of her home language code, determination of NYSITELL-eligibility, and SIFE status.

- Boris entered Albany School System in September 2011 and was identified as an ELL. He was discharged from Albany School System to Idaho in February 2012. He was discharged from Idaho in June 2015. He then entered MS 555 in Queens in September 2015. He left the NYS public schools as an ELL. Because he was out of the NYS public schools for more than 2 years, he goes through the entire ELL identification process again, including determination of his home language code, determination of NYSITELL-eligibility, and SIFE status.

Non-Public Schools

Some non-public schools (NPS), including private and parochial schools, administer the NYSITELL. NYC DOE schools may contact a student’s prior NPS to obtain the following assessment scores if the student attended the NPS within NYS within the two years:

- NYSITELL
- NYSESLAT
- Grade 3-8 ELA exam
- ELA Regents exam

However, such outreach is optional. Additionally, once the receiving school administers the NYSITELL, subsequent receipt of assessment scores from an NPS will not be accepted.

Charter Schools

Charter schools are New York State public schools; therefore, applicable procedures should be followed by NYC DOE schools in accordance with policies outlined in this document for students entering New York City public schools from charter schools.
Readmitting Students who Previously Attended an NYC Public School or Charter School

Schools readmitting students who previously attended an NYC public school or charter school/program using the ATS Transfer Student Records (TRAF) function will be asked if the student was enrolled in an NYS public or charter school within the last two years. The question, “Enrolled in NYS school w/in last two years:” contains two values, N (for no) and Y (for yes).

![Figure 1: Transfer Student (TRAF) Screen in ATS]

Enter N (for no) if the student has not been enrolled in an NYS public or charter school within the last two years.

- This response will reset the student’s previous ATS ELL/LEP flag so that your school is responsible for and can proceed with administering the entire ELL Identification Process.

- As the ELL Identification process is completed, and the Home Language Identification Survey (HLIS) is administered:
  - If the student’s home language is other than English, the student’s ELL status will become ‘E’ which means they are eligible to be administered the NYSITELL based on the information entered in ATS (note the interview must be administered as part of the identification process).
  - If a student’s previous home language was English (ATS code: "NO"), you or a designee can modify the home language using the ATS Student Biographical Update (BIOU) function or by...
submitting the most current HLIS form to your BCO Director of ELLs and requesting a home language change.

- All ‘E’ students will appear on the ATS Print NYSITELL Answer Documents (RLBA) function, where the school can generate the student’s NYSITELL answer document for test administration.

**Enter Y (for yes) if the student attended an NYS public or charter school within the previous two years. This will retain the student’s previous ATS ELL/LEP flag.**

- You or your designees must contact the student’s previous NYS public or charter school to obtain their home language designation as well as their NYSITELL (or LAB-R) and NYSESLAT results within five business days to allow the student to continue in the ELL status (and proficiency level if applicable) in effect at the time of discharge from the NYS public school.

- If the data are not received within five school days of enrollment, contact your elltransfersonys@schools.nyc.gov for assistance. See below for more details.

- These related documents must be placed in the student’s cumulative folder after the data is updated on the respective ATS screens.

**Helpful Hint: NYSITELL Eligibility**

Contact your BCO Director of ELLs in the event of a clerical error for any data entry.

**Enrolling Student in NYS Public Schools within the Preceding Two Years**

Students who reenter NYC public schools after having been enrolled in a school outside of NYC and/or NYS for less than two years are **not** eligible to go through the ELL Identification Process. These students should continue in the ELL status (and proficiency level if applicable) in effect at the time of discharge from the NYC and/or NYS public schools.

For students entering an NYC DOE school (grades K to 12) who were previously enrolled in an NYS public school (outside of the NYC DOE) within the previous two years, the NYC DOE school must contact the sending NYS public school to request the following data:

- Home language code and copy of the Home Language Identification Survey (HLIS) used
- LAB-R score and proficiency level
- NYSITELL score and proficiency level
- NYSESLAT score and proficiency level
- Grade 3-8 ELA exam or ELA Regents exam scores, if applicable
- SIFE status
The data sent from the NYS public school must be on school letterhead and signed by the school principal. This data and related documents must be placed in the student’s cumulative folder and inputted into designated ATS screens.

- If the data is not received within five school days of enrollment, schools must contact their Borough Assessment Implementation Directors for assistance. See NYSED memo.
- To request that this information be inputted into the DOE’s data collection system, complete the New York State Transfer ELL Data Request Form and email it to ELLTransfersNYS@schools.nyc.gov.

**Note:** Only students whose home language is not English can have LAB-R, NYSITELL, and/or NYSESLAT scores.

If the home language code differs from the current NYC DOE’s home language code, a request to change the home language code should be sent to the BCO ML/ELL director from the principal of the NYC DOE school. For information on requesting a change of the home language code in ATS, see Home Language Code Inputting Errors and Changes.

If the student is an ELL and has a home language of Spanish, skip to Step 5: Administering the Spanish LAB. If the NYS public school indicates the student is an ELL, the school must provide the parent orientation meeting (see Step 7: Parent Agreement and Program Placement).

**Step 2: Administer the Home Language Identification Survey (HLIS)**

The school must administer the Home Language Identification Survey (HLIS) as part of general intake procedures for all newly enrolled students. The student’s home language is determined based on the results of the HLIS, which includes an individual interview with both the parent and student in English and their home language. A student is considered to have a home language other than English as determined by the licensed and trained pedagogue administering the HLIS.

Qualified personnel must complete the HLIS with the parent and ensure timely entry of this information into the designated ATS screens (for example, QADM, BIOU).

**SY 2021-22 Policy Update:** The HLIS must be completed in person for any student who enrolled in the NYC DOE after March 2, 2020.3 Once the HLIS has been formally administered in person:

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3 Per NYSED policy, the Home Language Identification Survey must be completed in-person by qualified personnel to be considered formal. If a student does not have the HLIS completed in-person by qualified personnel, the student remains provisionally identified as an ELL.
• Enter a valid home language code from the HLIS into ATS for all students.
• Update the HLIS flag in the ATS BIOU screen to “Y” for all students.

If a student does not have the HLIS completed in-person by qualified personnel, the student remains provisionally identified as an ELL.

**Determination of Home Language for K-12 Students**

The student’s home language is determined based on a combination of the interviews with the parent and student, and responses to the questions on the HLIS. The home language determination is not based solely on the responses to the questions (regardless of the number of responses of one language or another).

To ensure that parents can receive language assistance and have their questions answered in their preferred languages, over-the-phone interpretation services are available through the DOE’s Translation and Interpretation Unit.

The completed HLIS forms must be placed in the student’s cumulative file and remain a part of the student’s permanent record. If the student’s home language is English, the ELL Identification Process ends at this step. If the student’s home language is not English, the ELL Identification Process continues to Step 3.

**Helpful Hint:** After completing the HLIS in person, make sure to:
• Save the completed HLIS in the students’ cumulative folder.
• Update the student’s home language code in ATS.
• Update the HLIS field to “Y” on the ATS BIOU screen.

**Confirm HLIS Administration on ATS BIOU Screen**

As of June 2020, the HLIS field on the ATS BIOU screen will be used to identify whether a school has formally administered the HLIS to students. After formally administering the complete HLIS to K-12 students, schools should update the HLIS field to “Y” on the ATS BIOU screen.
Home Language Entry for Students Progressing from Pre-K to K

After June 1 each year, pre-K students who are enrolling in kindergarten in the following school year can be administered the HLIS to determine their HL codes. Once the school formally administers the HLIS in its entirety, the school should enter a “Y” in the HLIS field on the Update Biographical Information (BIOU) screen in ATS.

The HL entry process for students articulating from pre-K to K may be utilized for students who meet the following criteria:

1. Student’s grade level is pre-K
2. Student is active during pre-K enrollment period

During the pre-K enrollment period, pre-K students articulating into K can be administered the HLIS to determine their HL codes. Please note the following changes to ATS’ BIOU screen during this period:

1. The field label of SURVEY has been changed to HLIS
2. Both the HOME LANG field and HLIS field will blink yellow until
   a. a valid HL code is entered for the student AND the HLIS field is updated to Y (Y indicates that the school confirms it formally administered the HLIS in its entirety to determine the home language of the student)
   b. the last day of the PK enrollment period
3. Once a valid HL code is entered for HOME LANG and Y is entered for HLIS, then both fields will stop blinking yellow and change to constant green.

4. If a HL code other than English is entered, the ELL/LEP Flag will immediately change to reflect the student’s ELL status.

5. As of June 2020, the HOME LANG field and HLIS field will not lock after one day and can be updated beyond the previous one day period for students transitioning from pre-K to Kindergarten.
   a. Any changes made to HOME LANG or HLIS may affect ELL/LEP Flag
   b. In the event of a clerical error, contact your BCO ML/ELL director.

6. If the HLIS field is not Y on the last day of the pre-K enrollment period, the HOME LANG field will be blanked out and the HL code will need to be reentered in August.

   **Note:** These students whose home language is not English may be administered the NYSITELL on or after June 1. However, these students will not appear on the ELLO screen until the end of July.

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**BIOU – Update Student (before HL update)**

A feature has been added (HOME LANG and HLIS blinking yellow). This feature is available for active pre-K students during the pre-K enrollment period. Schools must administer the HLIS to students as defined in this guide.

![Figure 3: Update Student (BIOU) Screen in ATS](image-url)
### BIOD – Display Student (before HL update)

**Figure 4: Display Student (BIOD) Screen in ATS**
BIOU – Update Student (after HL update)

Once a valid HL code is entered for HOME LANG and Y is entered for HLIS, both fields will stop blinking yellow and change to constant green. Before June 2020, both the HOME LANG field and HLIS field were only able to be updated for one day. After June 2020, this restriction has been lifted for students matriculating from pre-k to Kindergarten. However, please note that any changes made to the HOME LANG or HLIS fields may affect ELL/LEP Flag.

Figure 5: Update Student (BIOU) Screen in ATS
BIOD – Display Student (after HL update)

If a HL code other than English is entered, the ELL/LEP Flag will immediately calculate.

Figure 6: Display Student (BIOD) Screen in ATS

Home Language Code Inputting Errors and Changes

The Home Language Identification Survey is administered one time during the enrollment process. Therefore, upon enrollment and entry of the home language code, the home language code field is locked, except in the case of pre-K students matriculating to Kindergarten.

If a clerical error is made, send the following information and documentation to the BCO ML/ELL director for review:

- Copy of the original completed and signed Home Language Identification Survey
- A request to change the home language code

These requests can only be made by the principal or by the assistant principal with a cc to the principal.

The home language may also be changed as a result of one of the following:

- Enrolling as a new student to New York City and is coming from a New York State public school (either directly or was enrolled in a New York State public school within the preceding two years), or
- Enrolling as a former New York City or New York State public school student after having been outside a New York State public school for two or more years
Relevant information, documentation, and the completed NYS ELL Transfer Form should be sent to the BCO ML/ELL director for review. The form is available on the Policy and Reference Guide InfoHub.

**Step 3: Determine NYSITELL Eligibility and Administer NYSITELL to Eligible Students**

For students whose home language is not English, the school must administer an individual interview with the student by qualified personnel in English and the student’s home language. In addition, the following should also be completed:

- a review of his/her school work (if available); and
- review of the student’s Individualized Education Program (if applicable), to determine NYSITELL eligibility (whether the student should take the NYSITELL).

A student may come from a home in which a language other than English is spoken; however, due to prior educational, social, and/or personal experiences, the student’s primary (dominant) language is English. As a result, schools must determine whether the student has English oral and literacy skills sufficient for the grade into which the student is enrolling. Therefore, qualified personnel must do the following:

1. Interview the student in both English and the home language (see HLIS Individual Interview Sample Questions).
2. Review student’s prior schoolwork in reading, writing, and mathematics, in both English and the home language. In the absence of sufficient school work, schools may use age- and grade-appropriate informal, culturally sensitive, school-based assessments or formal and informal screeners.

Once the school determines eligibility to take the NYSITELL:

- If the student is ineligible to take the NYSITELL, the ELL Identification Process terminates at this step; indicate the NYSITELL ineligibility through the ELL Options (ELLO) screen in ATS (see codes for correct indicator).
- If the student is eligible to take the NYSITELL, see Administer the NYSITELL.

**Note:** If the student is determined to be an ELL, the information gathered in steps 1 and 2 should be used to determine if the student requires further assessments for SIFE status (see Step 6: Identification of Students with Interrupted/Inconsistent Formal Education for more information on SIFE).

**Determine NYSITELL Eligibility for Incoming Students with IEPs**

NYSITELL eligibility for students entering school with IEPs (from within the United States) must be based on the determination of the Language Proficiency Team (LPT). The LPT is minimally comprised of:

- A school/district administrator
• A certified teacher or related service provider with a bilingual extension and/or a teacher of English to speakers of other languages
• The director of special education or individual in a comparable title (or their designee)
• The student’s parent or guardian

A qualified interpreter or translator of the language or mode of communication the parent or guardian best understands, must be present at each meeting of the LPT. These procedures must be used for newly admitted students to DOE schools or re-entering students after two years (see categories 1 and 3 under Determining Prior Enrollment and Scenarios).

Helpful Hint:
For additional resources on ELL identification for incoming students with IEPs or LPTs, see NYSED’s website. You may also refer to this NYSED guide.

LPT Determination

The LPT determines whether the student should take the NYSITELL. The LPT should consider evidence of the student’s English language development, including, but not limited to the following:

• The result of Step 2 (Administer HLIS)
• The student’s history of language use in the school and home or community
• The results of the individual evaluation of the student conducted in accordance with procedures in CR Part 200.4(b)(6), which includes assessments administered in the student’s home language
• Information provided by the Committees on Special Education (CSE) as to whether the student’s disability is the determinant factor affecting whether the student can demonstrate proficiency in English

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4 Committees on Special Education (CSEs) coordinate and carry out the special education process for students who are not enrolled in DOE schools. This includes:

• Students attending a private, parochial, charter, State Supported or State Approved Non-Public school
• Students attending non-public schools outside New York City and New York State
• Students who receive home or hospital instruction as their placement on their IEP (this does not include students on temporary home instruction, as these students are expected to return to their prior school)
• Students who are being home-schooled
• Students who are non-attending

There are 10 CSEs. If your child is enrolled in school, your CSE is the one in the same geographical district as that school.
Based on the evidence, the LPT must make a determination as to whether the student may have second language acquisition needs or whether the student’s disability is the determinant factor affecting whether the student can demonstrate proficiency in English.

- If the LPT determines that the student may have English language acquisition needs, the student must take the NYSITELL.
- If the LPT determines that the student does not have English language acquisition needs and should not take the NYSITELL, the recommendation is sent to the principal for review.

**Note:** NYSITELL Determination forms are available on the Language Proficiency Team InfoHub. Completed forms should be kept in the student’s cumulative file and the school’s record-keeping location.

**Principal Determination**

The principal must accept or reject the recommendation made by the LPT team.

- If the principal rejects the recommendation of the LPT to not administer the NYSITELL, the NYSITELL must be immediately administered to the student.
- If the principal accepts the recommendation not to administer the NYSITELL, the recommendation is sent to the superintendent or the superintendent’s designee for a final decision. Additionally, the parent or guardian must be notified within 3 school days of the decision in the parent’s/guardian’s preferred language.

**Superintendent Determination**

The final decision is made by the superintendent or superintendent’s designee and is entered into the ELLO screen by the school after receiving the decision. The superintendent or designee has 10 school days to accept or reject the LPT’s recommendation. If the superintendent determines that the student must take the NYSITELL, the school has five additional school days to administer the NYSITELL (if necessary) and to notify the parent or guardian. The Language Proficiency Team NYSITELL Determination Form must be completed and placed in the student’s cumulative folder.

It is important to understand how certain elements of the second language acquisition process compare to learner characteristics associated with a learning disability. While components of language acquisition can seem to mirror a learning disability, they do not necessarily indicate a learning disability. It is vital to distinguish this so that schools are appropriately meeting the needs of their students—referring them for special education services only when an actual disability is suspected. For more information on similarities between learning disability and language acquisition, see Similarities between Learning Disability and Language Acquisition below or the Minimum Requirements of a Response to Intervention Program on the New York State Education Department’s website.

**Note:** The LPT does not make determinations on special education classification or eligibility for services; these determinations are made solely by the student’s...
Committee on Special Education. Regardless of the LPT’s decision and final NYSITELL-eligibility determination, the language of instruction for all students with Individualized Education Programs (IEPs), including ELLs, is determined by the CSE. For more information on determining special education language of instruction and/or service, refer to the “Determining Language of Assessment” section of the Special Education Standard Operation Procedures Manual.

Similarities between Learning Disability and Language Acquisition

It is important to understand how certain elements of the second language acquisition process compare to learner characteristics associated with a learning disability. While components of language acquisition can seem to mirror a learning disability, they do not necessarily indicate a learning disability. Care must be taken to ensure that issues of language differences are not conflated with a language disability and that a student’s educational background or lack of formal education (meaning, SIFE status) is not mistaken for signs of a disability. Some of the characteristics are listed below:

**Behaviors Associated with Learning Disability**

- Difficulty following directions
- Difficulty with phonological awareness
- Slow to learn sound-symbol correspondence
- Difficulty remembering sight words
- Difficulty retelling a story in sequence
- Confused by figurative language
- Slow to process challenging language
- May have poor auditory memory
- May have difficulty concentrating
- May seem easily frustrated

**Behaviors Related to Acquiring a Second Language**

- Difficulty following directions
- Difficulty distinguishing between sounds not in the native language
- Confusion with sound-symbol correspondence when different than in native language; difficulty pronouncing sounds not in the native language
- Difficulty remembering sight words when word meanings not understood
- May understand more than able to convey in English
- Confused by figurative language in English
- Slow to process challenging English
- May have poor auditory memory in English
- May have difficulty concentrating
- May seem easily frustrated
Documenting Non-Eligibility To Take the NYSITELL - ELL Options (ELLO) Screen

Schools should access the ELLO screen in ATS only for students:

- whose home language is other than English; and,
- who have been determined to not have English language acquisition needs.

**Note:** These students are not ELLs and do not need to take the NYSITELL.

If a student was appropriately and accurately identified as an ELL through the established ELL identification process, which includes the NYSITELL, no further action is necessary, and no data needs to be entered into the ELLO screen. In addition, if a student was appropriately administered the NYSITELL and scored Commanding (and is not an ELL), no data needs to be entered into the ELLO screen.

Decisions indicating that a student does not have language acquisition needs can be determined by the school for general education students or a Language Proficiency Team (LPT), principal, and superintendent for students with an Individual Education Plan (IEP). This decision needs to be entered within 10 school days of a student’s admit date, and it only applies to newly admitted students to NYC DOE or re-entering students that have not been enrolled in an NYS public school in the past two years and have been determined to not have language acquisition needs.

If you have a pre-K student entering kindergarten in September, the student will not appear on the ELLO screen until mid-July, at which time you can enter this decision.

![Screenshot of ELLO screen with data entry instructions](image-url)
ELLO Codes

Below are descriptions of codes A-D that can be entered on the ELLO screen in ATS.

- **Code A**: The student was determined not to have language acquisition needs by the current NYC public school.
- **Code B**: The student was determined not to have language acquisition needs by the current NYC public Language Proficiency Team (LPT).
- **Code C**: The student was determined not to have language acquisition needs by the previous NYS public school.
- **Code D**: The student was determined not to have language acquisition needs by the previous NYS public Language Proficiency Team (LPT).

ELLO Screen Inputting Errors and Changes

The ELLO code is entered once the determination has been made by the appropriate personnel. This field is locked upon entering the code. If a clerical error is made, send the following information and documentation to the BCO ML/ELL director for review:

- Copy of the original completed and signed Home Language Identification Survey.
- All relevant documentation that indicates a clerical error or technical issue, which shows an ELLO Option Code different than that which was entered on the HLIS and subsequently entered into ATS.

These requests can only be made by the principal or by the assistant principal with a cc to the principal.

**Note**: A clerical or technical error for this protocol is defined as a failure to execute a task or the execution of the task was an error; however, the task or intent was clearly within the timeframe as stipulated in this guide. For information on entering data into the ELLO screen, see the ELLO Wiki page.

Administer the NYSITELL

If a student is determined to be eligible for the NYSITELL, schools must administer the test within 10 school days of enrollment (20 school days for incoming students with IEPs).

**SY 2021-22 Policy Update**: For school year 2021-22, schools must complete the formal identification process and place ELLs, including incoming students with an Individualized Education Program (IEP), into an ELL program within the timelines listed below.
• Provisionally identified ELLs who did not participate in the Spring 2021 NYSESLAT must be identified and placed by **October 27, 2021**.

• Newly enrolled and re-entry students admitted before the first 20 days of the school year (October 13, 2021) must be identified and placed by **October 27, 2021**.

• Newly enrolled and re-entry students admitted *after* October 13, 2021, must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).

**SY 2021-22 Policy Update:** Provisionally identified ELLs who took the Spring 2021 NYSESLAT should be served based on the results of the NYSESLAT. These students do not need to take the NYSITELL, but schools must ensure that the formal identification process for these students is completed, including in-person completion of the HLIS, parent orientation, etc. For more information, see [Resuming Formal Identification Process for Provisionally Identified ELLs](#).

Principals must order NYSITELL exams through the [NYSED portal](#). Ordering is ongoing throughout the year. Along with the exams, schools will receive directions for administration.

If the student should take the NYSITELL, print and provide parents the [Parent Guide to the NYSITELL](#). Answer documents must be generated and printed via ATS printers using the **RLBA** function in ATS. For more information on generating these answer documents, see the [NYSITELL Scanning Handbook](#). All information needed to identify students will automatically print on the answer documents.

After the NYSITELL exam is administered, answer documents are scanned into ATS via the attendance scanner within 10 school days of enrollment. Scanning beyond 10 school days will result in non-compliance (20 school days for students entering with IEPs).

**Helpful Hint:**

Make sure to print the **RLCB** Scan Report from ATS, which indicates the students’ levels of proficiencies and any scanning errors; scanning errors should be addressed immediately. See the [NYSITELL Scanning Handbook for directions](#).

The NYSITELL may be administered to students entering kindergarten the following school year no earlier than June 1 and to all other students no earlier than July 15. Adherence to state policy is determined by the NYSITELL scan date, not the bubble date. An administration of the NYSITELL that has a bubble date that predates the end of the 10-day testing window, but a scan date that exceeds the 10-day testing window will be considered out of compliance.
Note: Ten (and 20) school days: (1) refers to days the students are in session, (2) begins the first day of school or the first day the student is enrolled at the school (whichever is later), and (3) includes days the student was absent.

The “clock” cannot begin before the first day of school (for example, if a student enrolls on July 7 for the fall, the clock will still begin the first day of school in September). The timeliness is based on the day on which the NYSITELL and Spanish LAB (if applicable) answer documents are scanned.

For more information on ordering and administering the NYSITELL, or printing and scanning the answer documents, see the DOE’s NYSITELL Assessment Memorandum, NYSED Guide to NYSITELL, Scanning Handbook, and other useful resources on the NYSITELL InfoHub.

Step 4: Send Parent Notifications in Preferred Language

Within five school days of ELL determination, schools must inform parents/guardians of the results of the NYSITELL, ELL status, and their right to seek review of this determination. Schools should use the NYC DOE standard parent notification letters (in the parents’ preferred language), which are available on the Multilingual Learner Parent Notification Letters InfoHub.

- Entitlement Letter (after NYSITELL)
- Non-Entitlement Letter (after NYSITELL)

If the student is 18 years or older, the student must also receive a copy of the letter. Copies of dated and signed letters must be retained in the student’s cumulative folder.

SY 2021-22 Policy Update: Provisionally identified ELLs who took the Spring 2021 NYSESLAT should be served based on the results of the NYSESLAT.

Step 5: Administer the Spanish LAB

All newly identified ELLs whose HLIS responses indicate a home language of Spanish must be administered the Spanish LAB at the time of initial enrollment during the same 10 school day testing window.

SY 2021-22 Policy Update: For school year 2021-22, schools must complete the formal identification process and place ELLs, including incoming students with an Individualized Education Program (IEP), into an ELL program within the timelines listed below.

- Provisionally identified ELLs who did not participate in the Spring 2021 NYSESLAT must be identified and placed by October 27, 2021.
• Newly enrolled and re-entry students admitted before the first 20 days of the school year (October 13, 2021) must be identified and placed by October 27, 2021.

• Newly enrolled and re-entry students admitted after October 13, 2021, must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).

**SY 2021-22 Policy Update:** ELLs who were newly identified due to their proficiency level on the Spring 2021 NYSESLAT and who have a home language of Spanish should also be administered the Spanish LAB by October 27, 2021.

The Spanish LAB is used to support schools in instructional planning in providing bilingual and English as a new language (ENL) services to these students. Spanish LAB results are not used to determine ELL status or service entitlement.

**Note:** The Spanish LAB is not administered to students re-entering the DOE after two years. The Spanish LAB is administered only once.

Schools must print Spanish LAB answer documents using the RSLA function in ATS. After the Spanish LAB is administered, answer documents are scanned into ATS via the attendance scanner within 10 school days of enrollment. Scanning beyond this window will result in noncompliance. For more information on ordering and administering the Spanish LAB, or printing and scanning the answer documents, see the DOE’s Spanish LAB Scanning Handbook.

**Note:** Adherence to policy is determined by the Spanish LAB answer document scan date, not the bubble date. An administration of the Spanish LAB that has a bubble date that predates the end of the 10-day testing window, but a scan date that exceeds the 10-day testing window will be considered out of compliance.

**Step 6: Identification of Students with Interrupted/Inconsistent Formal Education**

Students with Interrupted/Inconsistent Formal Education (SIFE) are ELLs who have attended schools in the United States (the 50 States and the District of Columbia) for less than twelve months and who, upon initial enrollment in such schools are two or more years below grade level in literacy in their home language and/or two or more years below grade level in mathematics due to inconsistent or interrupted schooling before arrival in the United States.

Schools have 30 school days from initial enrollment to make an initial SIFE determination. Determining SIFE status begins at the time of the completion of the Home Language Identification Survey when the parent is asked to indicate prior schooling. Follow all of the same steps as outlined on the preceding pages to identify an ELL. If there are indications within the ELL Identification Process that a student has
had an interruption or inconsistency in their formal schooling, proceed with the SIFE Identification Process as outlined below for students who are:

- Newly identified ELLs, and
- In grades 3 to 9, and
- At the beginner-entering or low Intermediate/emerging level of proficiency as indicated by the NYSITELL results

### SIFE Identification Process

1. NYSED Oral Interview Questionnaire
2. NYSED Multilingual Literacy SIFE Screener (MLS)
3. Writing Screener

Visit the [NYSED website](https://www.nysed.gov) for a full description of resources, guidance documents, and the SIFE identification tools. NYSED tools replace those that were previously available only to NYC DOE schools (LENS).

### Helpful Hints: SIFE Identification

You can refer to the [NYSED SIFE Identification flow chart](https://www.nysed.gov) for more information on the process to identify a SIFE.

Once SIFE status is determined, enter this information into the BNDC screen in ATS.

Schools have 30 school days to determine SIFE status; however, they have up to one year to change the SIFE status if necessary.

A SIFE will automatically be declassified as SIFE if the student attains transitioning level or higher on the NYSESLAT.

Initial SIFE status must be indicated in ATS ([BNDC](https://www.nysed.gov)) no later than 30 school days from initial enrollment (see [ATS: BNDC for SIFE Determination and Paraprofessional Services](https://www.nysed.gov)). As per CR Part 154, schools have up to one year to make a final determination of SIFE status; therefore, initial SIFE identification within the 30 days may be modified for up to one year. SIFE status is removed once the ELL scores at intermediate/transitional level or higher on the NYSESLAT. For further information on SIFE, visit the [Multilingual Learners InfoHub](https://www.nysed.gov) and the [NYSED SIFE website](https://www.nysed.gov).

### Step 7: Parent Agreement and Program Placement

Parents/guardians are the sole determinants of the ELL programs their children receive, initially and in subsequent years. Schools must notify parents of their child’s eligibility for ELL services and provide information and program selection through parent orientations (in the parents’ preferred languages),
following the steps outlined below. Schools may not refuse admission to zoned students or students assigned by the DOE’s Office of Student Enrollment based on their ELL status or program needs.

When a new ELL enrolls, schools must inform parents of the three instructional models available in New York City (see ML/ELL Programs), regardless of whether the preferred model is currently offered in the school.

**Helpful Hint: Program Placement before Parent Orientation**

When a student is identified as an ELL, he/she must first be placed in a bilingual program, before the orientation meeting, if one exists. Newly identified ELLs who do not speak a common language and for whom a bilingual program cannot be formed (because minimum thresholds have not been met) must be placed in ENL.

**Parent Orientation Session**

To inform parents of these options, schools must provide parents of newly enrolled ELLs with a parent orientation where they can view the Parent Orientation video (which explains the three program options and is available in 13 languages). Attendance records, staff members present at the orientation, and languages used other than English must be recorded using existing procedures established in the school.

During the orientation, schools also provide information on standards, curriculum, and assessments. The parent orientation session must also provide a high-quality orientation section on the Next Generation Learning Standards, assessments, and school expectations for English language learners, as well as the program goals and requirements for bilingual education and English as a new language (formerly English as a second language but now referred to as ENL) programs.

The orientation must be in a language or mode of communication that the parent or guardian best understands. Schools should contact the Translation and Interpretation Unit if they require an interpreter for any language that is not spoken by the school staff.

**Parent Survey & Program Agreement Form**

After parents are informed of all three program models at the parent orientation, schools must provide parents with a Parent Survey & Program Agreement Form (in the parents’ preferred language), where parents can indicate their program choice.

**Helpful Hint: Parent Selection**

Though it is discouraged, if a parent changes their ELL program selection, subsequent requests are entered into the BNDC screen in ATS. The school should also maintain records for any change to parent option in the student’s cumulative file.

The parent must return the completed and signed form within five school days.
**Note:** The Parent Survey & Program Agreement Form is a formal record of the parent’s preference of ELL program for their child and must be retained in the student’s permanent record and accessible for State or City audits and reviews. A copy of the completed Parent Survey & Program Agreement Form can be provided to the parent upon request.

**Placement Letters**

Upon receiving the completed Parent Survey & Program Agreement Form, schools should then send the parent the Placement Letter (After Receiving Parent Survey) in their preferred language to confirm their child’s placement into an ELL program.

If the parent does not return the Parent Survey & Program Agreement Form within five school days, the student remains in the bilingual program if one exists at the school; otherwise, the student remains in ENL. In this case, the school should notify the parent by sending the Default Program Placement Letter in the parent’s preferred language. The school must document and include attempts to gather initial parent selection preference; documentation should be maintained using existing procedures established by the school.

Students who are placed in ENL as a result of the parents’ not returning the survey must be counted toward minimum thresholds established by NYSED’s CR Part 154, as amended by the Aspira Consent Decree, that requires the opening of a bilingual program, which are as follows:

- In kindergarten to grade 8, 15 or more ELL students who speak the same language in one or two contiguous grades
- In grades 9 to 12, 20 or more ELL students who speak the same language in one grade

**Update parent selection in ATS**

Schools are responsible for entering parent selection as indicated on the Parent Survey & Program Agreement Form in the designated screen in ATS (ELL Parent Choice (ELPC) within 20 school days of enrollment (30 school days for students entering with IEPs).

The parent’s first choice should be entered as noted on the selection form, regardless of whether that selection is currently offered at the school.

For more information on the ELPC screen, see ATS: ELL Parent Choice Update Screen (ELPC).

**SY 2021-22 Policy Update:** Due to extended timelines for identification, schools must update the ELPC screen with the parent/guardian’s initial ELL program selection as follows:

- provisionally identified ELLs by the 40th school day of school year 2021-22;
- newly enrolled and re-entry students admitted before October 13, 2021 by the 40th school day of school year 2021-22;
newly enrolled and re-entry students admitted after October 13, 2021, within 20 school days of enrollment (30 school days for students with IEPs).

Note: Any student who was admitted over a year ago will not appear on the ELPC screen. Enter the parent option for these students on the BNDC screen.

ELL Transfer Option

ELLs must be placed in the parent/guardian’s program selection within 10 school days of enrollment. If a parent/guardian selects an option that is currently available in the school, the school must place the student in that program immediately and provide the student with a full schedule.

If a parent/guardian’s program selection is not currently available in the school, the school must inform the parent that the selection is not available at the school, provide the parent with the following two options, and maintain a record of the parent’s response.

- Keep the student enrolled at the current school in an available program; if the parent chooses this option, the school should immediately place the student in that program and begin serving him/her; OR
- Request a transfer to a different school where the parent’s selection is currently available (view the bilingual program list).

SY 2021-22 Policy Update: For school year 2021-22, schools must complete the formal identification process and place ELLs, including incoming students with an Individualized Education Program (IEP), into an ELL program within the timelines listed below.

- Provisionally identified ELLs who did not participate in the Spring 2021 NYSESLAT must be identified and placed by October 27, 2021.
- Newly enrolled and re-entry students admitted before the first 20 days of the school year (October 13, 2021) must be identified and placed by October 27, 2021.
- Newly enrolled and re-entry students admitted after October 13, 2021, must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).

ELL Transfer Policy and Procedure

In accordance with Commissioner’s Regulation Part 154, families of students identified as an English Language Learner (ELL) have the right to request a bilingual program (Transitional Bilingual Education or Dual Language). CR Part 154 as amended by the Aspira Consent Decree requires schools to create programs if there are 15 ELLs (for elementary or middle school) in two contiguous grades or 20 ELLs (for high school) that speak the same home language in one contiguous grade. If the student’s current school
does not have the sufficient number of students of the same home language to create the bilingual program, the student has the right to request a transfer to a school with that bilingual program.

**Note:** Schools must continue to provide English as a New Language (ENL) services to the student while the transfer is being pursued.

The Division of Multilingual Learners (DML) and ATS have developed a new function in ATS that replaces the external system that processes ELL Transfer Requests. This new process (ELTR), now available in ATS, will be the source of submitting, tracking, and reporting for ELL Transfer Requests.

**Note:** Transfer requests for English Language Learners with Bilingual Special Education (BSE) recommendations (ICT or special class) must continue to be submitted to BSEPrograms@schools.nyc.gov.

**ELL Transfer Pre-Requisites**

Before considering an ELL Transfer Request, schools must make sure the following steps have been completed:

1. **ELL Identification**
   a. Administer [Home Language Identification Survey (HLIS)](#)
   b. Administer [New York State Identification Test for English Language Learners (NYSITELL)](#)

2. **Program Selection**
   a. Enter Parent Survey and Program Selection response on **ELPC** in ATS
   b. For updates, enter the change of Program Selection response on **BNDC** in ATS

**ELL Transfer Request (ELTR) Process**

The ELL Transfer Request process is available for currently active ELLs in grades K-12 who request a transfer to a school that has their bilingual program of choice. ELTR will display eligible students for ELL Transfer Requests meeting the following criteria:

1. Student is currently an ELL
2. Student is in Grade Level K-12
3. Student’s Home Language is not English or not unknown (meaning, UK, ZZ, EN, NULL/blank)
4. Student’s current Bilingual Parent Choice is Dual Language (D) or Transitional Bilingual Education (B)
Procedures to Request an ELL Transfer for a Student

After administering the ELL Identification process, parents will have the option to select the ELL program of their choice. If the parent selects a bilingual program that is not available at the school, and the family would like to request a transfer to another school with that bilingual program, please follow the steps below:

1. School should share the Family Request for ELL Transfer form with the family in their preferred language.

   **Note:** This is only the family’s authorization to request the transfer. If the transfer is approved and a placement option is determined, the family will have a final opportunity to accept or reject that placement (or stay in the current school).

2. Once the Family Request for ELL Transfer form is complete, the principal submits the ELL Transfer Request on ELTR in ATS.

3. Submit signed Family Request for ELL Transfer form to ELLProgramTransfers@schools.nyc.gov.

4. If DML, the BCO ML/ELL Director, and the Superintendent determine that the school cannot create a bilingual program:
   - DML reviews the request and reaches out to the Family Welcome Center to identify a potential placement, copying the BCO ML/ELL Director.
   - The Director of Enrollment at the Family Welcome Center will identify a placement option for the student and will notify DML by emailing ELLProgramTransfers@schools.nyc.gov.

5. DML informs the requesting school of potential options and requests that the requesting school reach out to the family with potential placement options and record their selection on the Family Authorization for ELL Transfer form.

6. Submit signed Family Authorization for ELL Transfer form to ELLProgramTransfers@schools.nyc.gov.

7. Family Welcome Center prepares an enrollment authorization letter. The requesting school should share the enrollment authorization letter with the family.

8. Requesting school shares signed enrollment authorization letter with FWC. FWC will advise of the next steps.

For any questions or guidance on this process, please reach out to ELLProgramTransfers@schools.nyc.gov. If you have questions about a specific student, please make sure to provide the student’s full name and NYC DOE Student ID.
**Timeline for ELL Transfer Requests**

1. ELL Transfer Requests must be completed within the school year it is submitted

2. If the ELL Transfer Request is from a previous year, then the request is closed

   If the ELL Transfer Request is not completed within the school year, a new request must be submitted

**ELL Transfer Request (ELTR) Screen in ATS**

The overall ELL Transfer Request process remains relatively the same as in previous years. The main difference is that principals can now submit and track the progress of an ELL Transfer Request on ELTR in ATS. The ELTR screen can be found with other similar ELL functions on the BESI screen (BESIS Functions).

You can also enter the ELTR screen directly by entering ELTR in the top left corner of ATS.

*Note:* As with the previous web application, only principals will have access to this functionality.

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**Figure 8: BESIS functions screen**
ELTR Main Screen

The ELTR main screen will list all eligible students for an ELL Transfer Request in alphabetical order by Last Name. If a student and family are not requesting a transfer, then no further action is required on this screen. This screen will allow principals to:

- Submit an ELL Transfer Request for a student
- Track a student’s ELL Transfer Request

Once a Family Request for ELL Transfer form is received, this screen and the following ELTR screens will allow principals to make the most informed decision about placement options for the student.

On the ELTR main screen, key student information is readily available (meaning Name, Grade Level, Home Language, Proficiency level, LEP flag, Parent Choice, etc.). Principals can also view the status of an ELL Transfer Request, and if applicable, the reason for the status (more on this later).

To see more details for a student, a principal should enter “D” under the SEL column. To start the ELL Transfer Request process, a principal will enter “S” under the SEL column.

Note: DML is unable to approve transfer requests for students with Bilingual Special Education (BSE) recommendations (ICT or Special Class). Principals must email BSEPrograms@schools.nyc.gov for these transfer requests.

Note: ELL Transfer Request statuses of X and N will not be displayed after one day since those requests will be considered closed (more below).
ELTR Student Detail Screen

When “D” is entered under the SEL column on the ELTR main screen, the following ELTR Student Detail screen will be displayed. This screen is for informational purposes only (no updates can be made to this screen). If an ELL Transfer Request has been submitted for this student, then you can see the date of that submission, the user who submitted the application, and the Distance Code.

Figure 10: ELTR student detail screen

Note: ELTR Submit Date, Submitted By, and Distance Code are only available after the request is submitted
ELTR Submit Screen

When “S” is entered under the SEL column on the ELTR main screen, the following screen will be displayed. For the ELL Transfer Request to be submitted, each of the following questions must be answered. If an incorrect value is entered, a red message on the bottom of the screen will guide principals to the appropriate actions.

Three Questions

1. Have you explained the OPT policy to the family (Y/N)?
2. How far is the family willing to travel beyond their home?
3. Has the family authorized this transfer request (Y/N)?

Distance Codes

- 1 = Within 2 Mile Radius
- 2 = Within 5 Mile Radius
- 3 = Within 10 Mile Radius
- 4 = Within Borough
- 5 = Anywhere

Figure 11: ELTR submit screen

ELTR Confirmation Email

Once an ELL Transfer Request is submitted, ATS will generate a summary email that will automatically be sent to the ELLProgramTransfers@schools.nyc.gov inbox with the requesting user copied. For the ELL
Transfer Request to be processed, the school must follow up and submit the signed *Family Request for ELL Transfer* form to **ELLProgramTransfers@schools.nyc.gov**. We recommend forwarding the automated email to **ELLProgramTransfers@schools.nyc.gov** with the signed *Family Request for ELL Transfer* form. This will allow both the school and DML to have all the information regarding the ELL Transfer Request in one place. An example of the auto-generated email is below:

```
Student ID : 123456789
First Name : DIANA
Last Name : DOVER
Birth Date : 07/15/1984
Grade Level : 10
School DBN : 992999
School Name : SCHOOL 123
Admission Date : 07/02/1998
Parent Choice : B-TBE
Home Language : SP-Spanish
IEP Flag : Proficiency Level : EXP
Distance willing to travel : Anywhere

Requesting User ID : ATTEST2
Date of Request : JUN 17, 2020

Please remind families that transportation may not be available
Students must receive mandated ENL services until transfer is complete
Requests to transfer for ENL services will be rejected
Email **BSEPprograms@schools.nyc.gov** for BSE program requests (ICT or SC)
Email signed Family Authorization Form to **ELLProgramTransfers@schools.nyc.gov**
```

**ELTR Statuses and Reasons**

To accurately track and report an ELL Transfer Request, six ELL Transfer Request statuses were created to maintain this information.

**ELL Transfer Request Statuses**

1. 
   - (S) = ELL Transfer Request Submitted by School
   - a. Initial Status based on signed *Family Request for ELL Transfer*
   - b. Next logical Status is Offered (O) or Not Offered (X)

2. 
   - (O) = ELL Transfer Offered to Family
   - a. If a transfer is available, the school offers to family and update Status
   - b. Next logical Status is Accepted (A) or Not Accepted (N)
   - c. Status can also be changed to Not Offered (X) (for example, data entry error)

3. 
   - (X) = ELL Transfer Not Offered to Family
a. If a transfer is not available, the school notifies the family and updates Status
b. Status can also be changed to Offered (O), but only on the same day (for example, data entry error)
c. Status is locked the next day and the request will be considered closed
   i. The student can request another transfer, but a new request needs to be submitted by the school

4. (A) = ELL Transfer Accepted by Family
   a. If the family accepts transfer based on signed Family Authorization for ELL Transfer, school updates Status
   b. Next Logical Status is Transfer Completed (T) (automated by ATS)
   c. Status can also be changed to Not Accepted (N) (for example, data entry error, family changes mind, etc.)

5. (N) = ELL Transfer Not Accepted by Family
   a. If the family does not accept transfer, the school updates Status
   b. Status can also change to Offered (O), but only on the same day (for example, data entry error)
   c. Status is locked the next day and the request will be considered closed
      i. The student can request another transfer, but a new request needs to be submitted by the school

6. (T) = ELL Transfer Completed by ATS
   a. This is system driven based on the student being admitted to receiving school

To accurately track and report the reason an ELL Transfer Request is not processed, five ELL Transfer Request Reasons were created to maintain this information depending on the ELL Transfer Request status.

**ELL Transfer Request Reasons**

1. When ELL Transfer Status is Not Offered (X), the school will enter one of the following Reasons:
   a. (1) Program Not Available (manual)
   b. (2) Administrative Failure (manual)
   c. (3) Program Not Beneficial (manual)

2. When ELL Transfer Status is Not Accepted (N), the school will enter one of the following Reasons:
   a. (1) Transportation Concerns (manual)
b. (2) School Environment (manual)

c. (3) Request Withdrawn (manual)

3. When ELL Transfer Status is “Pending” (S, O, or A), ATS will populate the following Reasons:

a. (4) Student Discharged (automated)
   • Request is closed

b. (5) Application Incomplete (automated)
   • Request is closed

c. (NULL) Application Open
   • ELL Transfer Requests must be completed within the year it is submitted
   • If the ELL Transfer Request is from the previous year, then the request is closed
   • If ELL Transfer Request is not completed within the year, a new request must be submitted

**Transfer Student (TRAF) and ELTR**

The transfer process for students transferred through the ELL Transfer Request process is the same as all other students except for one additional question: “Is this transfer due to a bilingual program request (DL or TBE)?”

*Note:* Receiving schools must enter Y or N for the question “Is this transfer due to a bilingual program request (DL or TBE)?” This answer will determine the final ELTR Status and/or ELTR Reason for the student.

If ELTR Status is (Submitted - S, Offered - O, or Accepted) AND there is no Reason, the question appears on the TRAF screen.

1. If the Status is (A) and the answer is (Y), then the Status on the TRAF screen changes to (T)
   • This is the ideal ELL Transfer Request completion Status

2. If the Status is (S) or (O) and the answer is (Y), the Status remains unchanged but the Reason is (5)
   • This is so no student is prevented from transferring, and the transfer information is captured
   • Investigation through reports will identify the cause of incomplete transfers

3. If the answer is (N), the Status remains unchanged but the Reason is (4)
Step 8: Student Placed in ELL Program

Once the student’s program has been determined based on the steps outlined above, schools send parents a placement letter (in the parents’ preferred language) indicating the program in which their child has been placed. See Retention of Records for more information.

Program all ELLs for the minimum number of minutes of English as a New Language. For students placed in a bilingual program, program for bilingual classes. The number of minutes of ENL per student is based on proficiency level and grade level. See the Units of Study Tables for ENL and bilingual education programs on the mandated number of minutes of ENL and bilingual program requirements. See STARS wiki for programming ENL and bilingual programs in STARS.

Note: Proceed to steps 9 and 10 only if the ELL status is requested to be reviewed and considered for reversal (due to possible misidentification). Steps 9 and 10 are used only on an “as necessary” basis.

Step 9: Re-Identification of ELL Status (only used as necessary)

Beginning in the 2015-16 school year, a student who has undergone the ELL Identification Process (as the result of first-time entry or reentry) may go through the ELL Re-Identification Process. The Re-Identification Process allows schools, parents, and students who believe a student may have been misidentified as an ELL or non-ELL to request (within 45 school days of enrollment only) that the ELL Identification Process be administered a second time. The Re-Identification Process may be utilized for students who:
• Have a home language other than English, and
• Are ELLs and non-ELLs

The school must initiate a review of the ELL status determination upon receipt of a written request from any of the following:
• A student’s parent or guardian
• A student’s teacher (if the teacher’s request includes written consent from the parent or guardian)
• A student of 18 years of age or older

The Re-Identification Process must be completed within 10 school days of receipt of written notice; however, if the IEP team must be consulted for students with IEPs, the process must be completed within 20 school days.

**Steps in the Re-Identification Process**

1. School receives a written request to initiate the Re-Identification Process (for example, a parent writes a letter to the principal).
2. School reviews all documents related to the initial or reentry identification process detailed above.
3. School reviews the student’s work in English and the home language.
4. The school may administer the NYSITELL to the student if the original determination was that the student should not be administered the NYSITELL.

   **Note:** Under no circumstances can the Re-Identification Process include a second administration of the NYSITELL.

5. School consults with parent or guardian.
6. The school conducts and reviews the results of a school-based assessment, administered by qualified personnel as defined by CR Part 154-2.2(u)3F^5, of the student’s abilities in listening, speaking, reading, and writing in English.

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^5 A bilingual or English to speakers of other languages teacher, certified pursuant to CR Part 80, who is fluent in the home language of the student and parent or guardian, or uses a qualified interpreter/translator of the language or mode of communication the student or parent or guardian best understands, or (2) a teacher who is certified pursuant to CR Part 80, and has been trained in cultural competency, language development and the needs of English language learners, and who is proficient in the home language of the student or parent or guardian or uses a qualified interpreter/translator of the language or mode of communication the student or parent or guardian best understands.
7. The appropriate staff consults with the IEP team if the student has a disability or is suspected of having a disability that may impact the ability to speak, read, write or listen in English.

8. Based on the recommendation of the qualified personnel, the school principal determines whether to change the ELL status or not. The principal’s decision is entered into the RQSA screen in ATS. Written notification of the decision in the parent’s preferred language must be sent to the parent or guardian (and the student if he/she is 18 years of age or older). If the recommendation is to not change the ELL status, no further actions are necessary; if the recommendation is to change the ELL status, the process continues.

9. Upon receipt of signed notification acknowledging the principal’s recommendation to change the ELL status from the parent or guardian or student (if he/she is 18 years of age or older), the relevant documents and recommendation are sent to the superintendent (or designee) for review and final decision.

10. Written notification of the decision is sent from the superintendent to the principal, parent, guardian, and student (if he/she is 18 years of age or older) in the parent’s preferred language within 10 school days of receipt of documentation from the principal. Superintendent’s decision is entered into the RQGA screen in ATS. If the decision is to not change the ELL status, no further action is necessary. If the decision is to change the ELL status, the student’s program must be modified accordingly.

11. All notifications and relevant documents must be kept in the student’s cumulative folder.

**Helpful Hint: Re-Identification of ELL Status Process**

Principals use the RQSA in ATS.

Superintendents use the RQGA in ATS.

Schools should establish protocols and assign qualified and trained staff to manage both the initial and Re-Identification Processes.

If a student’s ELL status is determined to be a non-ELL as a result of the Re-Identification Process, the student will not be counted as an ELL for statistical or reporting needs. Additionally, the student will be considered a “never” ELL and is not entitled to ELL testing accommodations or to be reviewed under ELL promotion policy. The student will not need to take the NYSESLAT.

**Step 10: Review of Re-Identification of ELL Status Reversal (only used as necessary)**

Between six and 12 months (from the date of the superintendent’s notification to the principal, parent, guardian, and/or student), the principal must review the Re-Identification Process decision to ensure that the student’s academic progress has not been adversely affected by the determination.
The principal will consult with a qualified staff member in the school, the parent/guardian, and the student. If the principal, based on the recommendation of qualified personnel and consultation with the parent/guardian believes that the student may have been adversely affected by the determination, the principal must provide additional support services to the student as defined in CR Part 154-2.3(j) and may reverse the determination within this same 6-to-12-month period. If the principal decides to reverse the ELL status, he/she must consult with the superintendent or his/her designee. Final decision notification must be in writing to the parent, guardian, and/or student in the parent’s preferred language within 10 school days.

**ATS Screens for Re-Identification of ELL Status**

**Principal’s Role**

**RQSA – School Action Request Screen**

An option has been added (12 – ERI – Request ELL Re-identification). This option is to be used if the principal’s recommendation is to change the ELL status (request must be made within 45 school days of enrollment). To access the screen, enter the student ID in the top right corner and enter 12 in the top left corner and hit enter. If the principal’s recommendation is NOT to change the ELL status, then NO action is necessary on this screen.

**Figure 13: School Action Request Screen in ATS**

On the following screen, enter the date the parent requested the ELL Re-identification and a rationale for the recommendation to change the ELL status. Press F6 to submit the request. Upon completion of this screen, the principal must notify the superintendent (or designee) of the recommendation and send all relevant documents for review and final decision.
Figure 14: Request ELL Re-Identification (RQSA) screen in ATS

Superintendent’s (or Designee’s) Role

RQGA – Action Requests

This screen will give a preview to the following:

- Total of All ELL Re-identification requests
- Total Pending ELL Re-identification requests
- Total Completed ELL Re-identification requests
- Total Rejected ELL Re-identification requests

Enter the appropriate corresponding letter (P – Pending, C – Completed, or R – Rejected) to view those students’ requests. Press F6 to submit the request. Unlike the principal’s procedure, the superintendent must complete the process on this screen to capture the decision.

The screen below shows the example of the two students that have a pending ELL Re-Identification Request from the above screen. The superintendent (or designee) must enter the District, DBN, and student ID along with entering X next to the student row to begin the process for a student.

On this screen, the superintendent (or designee) can review the information the principal entered from the RQSA – Request ELL Re-identification screen. This is also where the final decision is entered (A – Approve or R – Reject). A comment to document the rationale for the decision should be entered. Press F6 to submit a decision.
Figure 15: Action Requests Response (RQGA) Screen in ATS

Figure 16: ELL Re-Identification Screen in ATS
Summary of the ELL Identification Process

Step 1: Determine if the enrolling student was in an NYS public school within the past 2 years.

Schools are required to obtain NYSITELL/NYSESLAT scores directly from the sending NYS public school to allow the student to continue in the ELL status (and proficiency level) in effect at the time of discharge from the NYS public school.

- Enter reentry status into the ATS Transfer Student (TRAF) function.
- Contact the previous school to obtain NYSITELL and/or NYSESLAT scores, HL code, and SIFE status.
- Send received test scores to ELLTransfersNYS@schools.nyc.gov.
- Complete New York State Transfer ELL Data Request Form.

Stop if the student was enrolled in an NYS public school within the past 2 years.

Proceed to the next step if the student is entering as a new student to NYS public schools or returning to NYS public schools after more than 2 years.

Step 2: Parent completes Home Language Identification Survey with qualified personnel.

The home language code is determined by qualified personnel.

- Print the HLIS in the parent/guardian’s preferred language.
- Enter HL Code into BIOU screen in ATS.
- Update HLIS flag to “Y” on BIOU screen in ATS.

Stop if the student’s home language is English.

Proceed to the next step if the student’s home language is other than English.

Step 3: Determine eligibility for NYSITELL and administer NYSITELL to eligible students.

A Language Proficiency Team (LPT) should be convened for incoming students with an IEP. Otherwise, general education students begin with the individual interview.

- If the student should NOT take the NYSITELL, update the ELLO screen in ATS.
- If the student should take the NYSITELL, administer the NYSITELL within the designated timeline.
  To print answer sheets, go to RLBA in ATS.

Stop if the student is not eligible to take the NYSITELL.

Proceed to the next step once NYSITELL has been administered.

Step 4: Send entitlement and non-entitlement letters to parent/guardian.

These letters let parents know whether their child is eligible for ELL services.
- Print the parent notification letters in the parent/guardian’s preferred language.
- Send the entitlement letter (after NYSITELL) for students who score below commanding and are an ELL.
- Send the non-entitlement letter (after NYSITELL) for students who score commanding and are not an ELL.
- Keep copies of parent letters on record at school.

**Step 5: Administer Spanish LAB to newly identified ELLs whose home language is Spanish.**

The Spanish LAB is administered once to newly identified ELLs:

- **whose home language is Spanish,** regardless of whether the student is placed in a bilingual program or not
- **AND** do not attain “commanding level” on the NYSITELL.

Print the Spanish LAB answer documents via RSLA in ATS. For information and directions on administering and printing the Spanish LAB, refer to the Spanish LAB Scanning Book.

**Step 6: Determine if ELL is a student with interrupted/inconsistent education (SIFE).**

SIFE status is determined within 30 school days of enrollment. SIFE status may be modified within 12 months of enrollment. Grades 3 to 9 only.

- Enter SIFE status in the BNDC screen in ATS.

**Step 7: Provide families a parent orientation meeting.**

At this meeting, which is conducted by a trained pedagogue with translation services available, parents are provided with information on the three ELL program types (Dual Language, Transitional Bilingual Education, and English as a New Language).

The student must be placed in the bilingual program if one is available. Parents complete the survey indicating their agreement (or not) of the placement in the ELL program for their child.

*Note:* If a bilingual program is not available, schools must open one if thresholds are met. See Bilingual Program Protocols.

**Step 8: The student is placed and programed in an ELL program.**

Program all ELLs for the minimum number of minutes of English as a New Language. For students placed in a bilingual program, program for ENL and bilingual classes.

- Enter ENL programming and bilingual programming into STARS.

Stop. The ELL Identification Process is complete.
**Proceed** to the next step *only* if the ELL status is requested to be reviewed and considered for reversal (due to possible misidentification).

**Step 9: Administer the Re-Identification Process as necessary.**

A parent, student (age 18 or older), or teacher (with parent’s approval) may appeal the ELL status within 45 school days of enrollment.

- Principals use the [RQSA](#) in ATS.
- Superintendents use the [RQGA](#) in ATS.
- Follow procedures outlined in [Step 9 of the ELL identification process](#).

**Stop** if the student’s ELL status is not reversed.

**Proceed** to the next step if the student’s ELL status is reversed.

**Step 10: Within 6 to 12 months, review the progress of the student whose ELL status was reversed.**

The principal must review the Re-identification Process decision to ensure that the student’s academic progress has not been adversely affected by the determination. The principal’s recommendation can be to provide additional services or to reverse the ELL status back to its originally determined status.

- Principals use the [RQSA](#) in ATS.
- Superintendents use the [RQGA](#) in ATS.
- Follow procedures outlined in [Step 10 of the ELL identification process](#).
Continuation of Services

Each spring, ELLs are tested to evaluate their English proficiency using the New York State English as a Second Language Achievement Test (NYSESLAT). All students who are English language learners must take the NYSESLAT (see NYSESLAT Administration Best Practices Overview). The NYSESLAT is designed to measure the English language proficiency of students who have been identified as ELLs and to determine their continued ELL status.

SY 2021-22 Policy Update: Services for Former ELLs

- Students who exited services based on their Spring 2021 NYSESLAT scores and those students who met the exception of an Expanding level on the 2021 NYSESLAT and 65 or higher on the ELA Regents Exam in June 2021 will be considered former ELLs in SY 2021-22.

- Provisionally identified ELLs who score Commanding on the NYSITELL in the fall will also be considered former ELLs. Former ELLs will continue to be entitled to ENL instruction as per CR Part 154.

- Students who exited services by scoring Commanding on the Special Administration of the NYSITELL (August – September) 2021 will be considered former ELLs for school year 2021-22. Students that score Expanding on the Special Administration of the NYSITELL cannot exit ELL status and will remain ELLs for school year 2021-22.

Schools must send appropriate parent notifications to parents/guardians in their preferred language to inform them of their child’s test results and mandated former ELL services.

Continued Entitlement

Schools must send Continued Entitlement Letters (after NYSESLAT) to parents of students who continue to be entitled to ELL services based on their latest NYSESLAT results.

Note: Letters should be sent to parents in their preferred language before the beginning of the school year but no later than the first two weeks of the school year in which the student continues to be entitled.

Schools that receive articulating ELLs should review student records to provide program continuity (for example, middle schools with sufficient numbers of sixth-grade ELLs who come from grade five bilingual programs must create a bilingual program to serve these incoming students).
SY 2021-22 Policy Update: The continued entitlement letters have been updated to reflect that the Spring 2021 NYSESLAT was administered. Additionally, for school year 2021-22 schools may also send parents/guardians continued entitlement letters (after NYSITELL special administration) for students.

Annual Meeting with Parents

Schools must individually meet with the parents or guardians of English language learners at least once a year, in addition to parent-teacher conferences, initial parent orientations, quarterly progress meetings, or other scheduled meetings provided for parents or guardians, to discuss the goals of the ELL program, their child’s language development progress, their child’s English language proficiency assessment results, and language development needs in all content areas.

This additional meeting should include school staff necessary to sufficiently inform the parents or guardians about the child’s language development in all content areas in English and the child’s home language in the case of students enrolled in a bilingual education program. This meeting is conducted with a qualified interpreter/translator in the language or mode of communication the parent or guardian best understands.

Schools must determine the manner and form of such individual parent meetings, in accordance with collective bargaining agreements. Schools should record attendance using existing procedures. Schools are encouraged to print and distribute the New York State Education Department’s Parent’s Guide to the Next Generation Learning Standards and the Parents’ Bill of Rights for New York State English Language Learners/Multilingual Learners.
Exiting ELL Status (“Testing Out”)

Beginning in SY 2015-16, there are multiple ways for students to test commanding and be considered former ELLs:

1. Score at “commanding/proficient” level on the NYSESLAT.
2. Score at “expanding/advanced” level on the NYSESLAT and level 3 or 4 on the grades 3 to 8 NYS ELA exams.
3. Score at “expanding/advanced” level on the NYSESLAT and 65 or above on the NYS ELA Regents exam.

For options 2 and 3 above, the scores must be the result of test administrations that occur within the same school year; the August Regents results may be used in conjunction with the previous school year’s spring administration of the NYSESLAT (for example, Spring 2016 NYSESLAT results with August 2016 Regents results).

**SY 2021-22 Policy Update: Services for Former ELLs**

- Students who exited services based on their Spring 2021 NYSESLAT scores and those students who met the exception of an Expanding level on the 2021 NYSESLAT and 65 or higher on the ELA Regents Exam in June 2021 will be considered former ELLs in SY 2021-22.

- Provisionally identified ELLs who score Commanding on the NYSITELL in the fall will also be considered former ELLs. Former ELLs will continue to be entitled to ENL instruction as per CR Part 154.

- Students who exited services by scoring Commanding on the Special Administration of the NYSITELL (August – September) 2021 will be considered former ELLs for school year 2021-22. Students that score Expanding on the Special Administration of the NYSITELL cannot exit ELL status and will remain ELLs for school year 2021-22.

Schools must send appropriate parent notifications to parents/guardians in their preferred language to inform them of their child’s test results and mandated former ELL services.

Students who test out and become former ELLs as a result of one of the above 3 options are entitled to the following transition services for up to 2 years:

1. A half unit (90 minutes) of ENL or services that monitor and support the student’s language development and academic progress, or
2. An option as outlined in the Alternative Pathways to Support Former ELLs and;
3. **ELL testing accommodations**

Schools must send exit/non-entitlement letters to parents/guardians of students who have exited ELL status.

**Note:** Letters should be sent to parents in their preferred language before the beginning of the school year but no later than the first two weeks of the school year in which the student is no longer entitled.
Alternative Pathways to Support Former ELLs’ Language Development and Academic Progress

The following key changes are in effect as of Fall 2019:

- “Option B: Individualized targeted Learning” will no longer be considered a valid alternative pathway to serve former ELLs.
- Languages other than English (LOTE)/World Language and Culture Advanced Placement classes are no longer valid pathways for Option E.
- Updated guidance on monitoring former ELL services; sample scenarios include progress-monitoring methods across grade levels and content areas.

Background

As per Commissioner’s Regulation (CR) Part 154-2.3,

For at least two school years following the school year in which a student is exited from English Language Learner status, as prescribed in section 154-2.3(m) of this Subpart, such student shall receive at least one half of one unit of study or its equivalent of Integrated English as a New Language in English Language Arts or another content area or such other services that monitor and support the student’s language development and academic progress, as shall be approved by the Commissioner to assist Former English Language Learners once they have exited from an English as a New Language or Bilingual Education program.

To ensure that the various academic and linguistic needs of former English Language Learners (ELLs) are met, the New York City Department of Education (NYC DOE) developed alternative pathways and methods of serving former ELLs instead of integrated English as a New Language (ENL) as prescribed in CR Part 154. For more information on serving former ELLs, please see NYSED’s CR Part 154 Guidance on Former ELLs.

For at least two school years following the school year in which a student is exited from ELL status, the student must receive a minimum of 0.5 units of study (meaning 90 minutes per week) of integrated ENL or other services that monitor and support the student’s language development and academic progress at minimum the equivalent of the mandated 0.5 units of study (refer to CR Part 154). Therefore, effective fall 2018, all former ELLs must be scheduled for one of the following options:

- **Option A**: Small-group learning
- **Option B**: Individualized targeted learning
  - *(updated Fall 2019)* Option B is no longer considered a valid pathway
- **Option C**: Project-based learning
- **Option D**: A minimum of 90 minutes per week of integrated ENL
• **Option E**: (High school only) scheduled for a non-Language Other Than English (LOTE)/World Language and Culture Advanced Placement (AP) class
  
  o **(updated Fall 2019)** Option E has been updated to clarify that LOTE/ World language AP classes are no longer a valid pathway

Former ELL services are developed by the teacher providing the service in conjunction with an ENL teacher and approved by the principal. Services must be delivered during the school day and are not considered supplemental; options provided outside the regular school day (as per bell schedule) will not be considered as fulfilling the 90-minute per week mandate for former ELLs as outlined in CR Part 154.

These options must be delivered in a way that allows for ongoing monitoring and support for students’ language development and academic progress. Such services should be monitored by the teacher providing the service in consultation with an ENL teacher to support the student’s language development and academic progress. Examples are provided in the following sample scenarios that accompany each alternative pathway option. Schools must keep summative assessment results in a student’s cumulative folder. In addition, schools should maintain copies of all criteria used to determine the change in a student’s ELL instructional services provided, including a copy of services provided for two years following the exiting of ELL status.

The following models are explanations and descriptions of the implementation of the alternative pathways at different grades levels.

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**Grades K to 5: Option A (Small Group Learning)**

**Rationale:** Small-group support provides rich language use, collaboration, problem-solving, and targeted content-based learning

**Setting**

- Differentiated content area with ENL embedded support in a small group

**Duration**

- A minimum of 90 minutes per week

**Possible Activities**

- Guided/close reading
- Guided writing
- Word work/ vocabulary
- Content area work
- Centers
- Inquiry group (for example, science)
Scenario

Chang exited ELL status at the end of first grade. Upon entering second grade, her screening results indicated that she is not meeting normed sample benchmarks for meaning-based skills, specifically indicators pertaining to vocabulary. Subsequently, Chang’s teacher formatively assessed her using Fountas and Pinnell; error analysis showed (and confirmed) that Chang was able to visually identify words and syntactically acknowledge that the words sound right, but she needed extra support in cultivating meaning of unknown words, which, in turn, was impeding her ability to understand the text.

Her general education teacher consulted with the ENL teacher, and they concluded that small group learning twice a week (45 minutes each session) with “true peers” around vocabulary instruction (meaning word study around Greek and Latin roots) may aid Chang in developing her vocabulary and, consequently, improve her meaning-based skills within the content.

Chang’s teacher will progress monitor her performance, via formal/informal formative assessment as well as a mid-year screening assessment, to gauge her skills and identify the next steps for instruction.

Grades K to 5: Option B (Individualized Targeted Learning)

As of Fall 2019, Option B will no longer serve as an Alternative Pathway.

Grades K to 5: Option C (Project-Based Learning)

Rationale: Project-based learning offers authentic problem-solving, content, and language development in collaborative settings.

Setting

- Group-based
- Real-world application
- Content-Based interdisciplinary learning with ENL embedded support
- Communicative, collaborative, and problem-solving group
- Service-learning

Duration

- Year-long but the equivalent of 90 minutes per week
- Multiple units
- Cycles
- Semesters

Possible Activities

- Blueprint/plans/outlines
Draft(s) and proposals
- Journals
- Daily/weekly logs
- Final product

Scenario

Christopher, a fifth-grade former ELL, is part of a group of students who were selected to research an authentic problem of their choice. Collaboratively, the group saw a need to investigate their school’s efforts at recycling. Subsequently, their year-long project tasks them to read, discuss, and write about the multiple perspectives around recycling (via text, video, interviews, podcasts, etc.). In addition, they are responsible to present an action plan or implications pertaining to their research.

As a result, using their research as a framework, they create a “Green Team” plan. Throughout the year, they will monitor the efficacy of the plan at their school; moreover, they will have to submit every six-to-eight weeks a benchmark assessment to gauge where they are throughout the process. The success of the project in its first year leads to its continuation in the second year.

Grades K to 5: Option D (A minimum of 90 minutes per week of integrated ENL)

Rationale: The integrated ENL will provide targeted language instruction and content-area development

Setting
- Classroom instruction
- Small group instruction

Duration
- A minimum of 90 minutes per week

Possible Activities
- Integrated ENL instruction in a content area class (ELA, Math, Science, or Social Studies)
- Lab period(s) with integrated ENL instruction

Scenario

Gloria became a former ELL at the end of fourth grade. Although she has scored well on universal screener benchmarks and formative assessments, her science scores were still approaching grade level. Since several students were in the same situation, the school decided to schedule them together into a weekly 90-minute integrated ENL science lab.

During this time, the ENL teacher co-teaches with the science teacher to support not only Gloria but also the other former MLs/ELLs in the classroom. This collaboration also gives time for the ENL and science
teacher to plan how to incorporate multiple texts, discourse, writing, and high-utility vocabulary words throughout a science unit of study.

Throughout the school year, Gloria’s science scores and language development progress are assessed. And at the end of the school year, a recommendation is issued for next year’s ENL instructional model to provide ENL instruction to Gloria in her second year as a former ELL.

**Grades 6 to 8: Option A (Small Group Learning)**

**Rationale:** Small-group support provides rich language use, collaboration, problem-solving, and targeted content-based learning.

**Setting**

- Differentiated content area with ENL embedded support in a small group

**Duration**

- A minimum of 90 minutes per week

**Possible Activities**

- Guided/close reading
- Guided writing
- Word work/vocabulary
- Content area work
- Centers
- Inquiry group (for example, science)

**Scenario**

Fatumata, Sita, and Juan are three former ELLs enrolled in a sixth-grade math class. Based upon screening and diagnostic data, they are struggling with meaning-based skills within mathematics. Consequently, with the ENL teacher’s guidance, the math teacher agrees to provide support for the Former ELLs by giving two periods a week of small-group math instruction with ELL methodologies. The teacher embeds the language-based strategies within the content so that the students understand both the language within the content as well as the content itself.

Formative measures (conference notes, exit slips) and screening measures are used to monitor progress. At the end of sixth grade, the math teacher recommends similar supports in seventh grade due to their continued academic growth.

**Grades 6 to 8: Option B (Individualized Targeted Learning)**

As of August 2019, Option B will no longer serve as an Alternative Pathway.
Grades 6 to 8: Option C (Project-Based Learning)

Rationale: Project-based learning offers authentic problem-solving, content, and language development in collaborative settings.

Setting

- Group-based
- Real-world application
- Content-Based interdisciplinary learning with ENL embedded support
- Communicative, collaborative, and problem-solving group
- Service-learning

Duration

- Year-long but the equivalent of 90 minutes per week
- Multiple units
- Cycles
- Semesters

Possible Activities

- Plans/outlines
- Draft(s) and proposals
- Journals
- Daily/weekly logs
- Final product

Scenario

There are five former ELLs in Mr. Johnson’s 7th grade math class. He assigns a project to his class and consults with Ms. Quiñones, an ENL teacher, to develop specific language and content support for the former ELL students who will be taught by Mr. Johnson. Together, Mr. Johnson and Ms. Quiñones select three texts that will build students’ knowledge, and they examine the unit and the specific tasks of the project to determine the language demands and objectives. Together, they select academic words to target and build opportunities for oral discourse. They also jointly decide on writing assignments as an extension to the project.

As part of the project, former ELLs write an essay that conveys a synthesis of the three texts they studied as well as their experiences throughout the project. Both teachers read the students’ essays and examine other students’ work to determine the next steps and follow-up activities.
In this scenario, the content teacher assigns the topic(s) based on the units of study, set time, content expectations, benchmarks, and evaluation parameters. The ENL teacher, in collaboration with the content teacher, creates language objectives and supports Mr. Johnson in developing activities that support students in building academic language as identified by the goals within the context of the class.

### Grades 6 to 8: Option D (A minimum of 90 minutes per week of integrated ENL)

**Rationale:** The integrated ENL will provide targeted language instruction and content-area development.

### Setting
- Classroom instruction
- Small group instruction

### Duration
- A minimum of 90 minutes per week

### Possible Activities
- Integrated ENL instruction in a content area class (ELA, Math, Science, or Social Studies)
- Lab period(s) with integrated ENL instruction

### Scenario
To welcome their incoming sixth graders, the instructional leadership team reviews the former ELLs’ data to select students who will take part in this year’s *Academic Language Project* which will build up the students’ academic language for argumentation across the content areas through instruction that is integrated with ENL.

The team is interested in immersing the former ELLs in a knowledge-building cycle with learning opportunities centered on a set of academic language constructs featured in argumentative texts (for example nominalization; connectives; and referential chains) across the content areas.

Formative measures (conference notes, exit slips) and screening measures are used to monitor progress. At the end of sixth grade, both teachers will recommend supports in seventh grade based on their assessed progress.
Grades 9-12: Option A (Small Group Learning)

Rationale: Small-group support provides rich language use, collaboration, problem-solving, and targeted content-based learning.

Setting

• Differentiated content area with ENL embedded support in a small-group

Duration

• A minimum of 90 minutes per week

Possible Activities

• Guided/close reading
• Writing workshop
• Academic vocabulary
• Content area work
• Inquiry project

Scenario

To welcome their incoming ninth-graders, the instructional leadership team reviews the former ELLs’ data to select students who will take part in this year’s Academic Language Project which will build up the students’ academic language across the content areas through instruction that is integrated with ENL. This will provide these students with a unique opportunity to delve deeper into aspects of the academic language in particular disciplines.

For example, in the ELA classroom, students are guided to learn how novelists use connectives to signal a stance taken by a character; while in Social Studies, they learn how connectives are used in primary sources such as presidential letters.

The ENL teacher plays a critical in informing the sequence and design of these small-group learning experiences.

To monitor progress, students complete interdisciplinary and disciplinary formative assessments throughout the school year (for example culminating oral and written tasks). At the school year, determinations on recommended supports in tenth grade will be based on each student’s assessed progress across the disciplines.
Grades 9 to 12: Option B (Individualized Targeted Learning)

As of August 2019, Option B will no longer serve as an Alternative Pathway.

Grades 9 to 12: Option C (Project-Based Learning)

Rationale: Project-based learning offers authentic problem-solving, content, and language development in collaborative settings.

Setting

- Group-based
- Real-world application
- Content-Based interdisciplinary learning with ENL embedded support
- Communicative, collaborative, and problem-solving group
- Service-learning

Duration

- Year-long but the equivalent of 90 minutes per week
- Multiple units
- Cycles
- Semesters

Possible Activities

- Plans/outlines
- Draft(s) and proposals
- Journals
- Daily/weekly logs

Scenario

Manish is in 10th grade and is enrolled in a science class where the focus is project-based learning. The class is studying different aspects of the Jamaica Bay area and will answer questions such as: Why do scientists study the ocean? Who and what lives in Jamaica Bay? And what threatens the health of our bay?

The project will include exploring water quality, investigating life forms, studying different food webs related to the bay, a visit to the local water treatment plant, and working with scientists in the field. The ENL teacher plays a critical in informing the design of the language objectives to ensure her language development.
To demonstrate her understanding, Manish produces learning logs and journals throughout the project. The students’ final product will be to publish a book on their research (a writing portfolio). At the end of the year, both the ENL and science teacher confer to determine the ENL delivery model for Manish as he enters his second year as a former ELL.

**Grades 9 to 12: Option D (A minimum of 90 minutes per week of integrated ENL)**

**Rationale:** The integrated ENL will provide targeted language instruction and content-area development.

**Setting**
- Classroom instruction
- Small group instruction

**Duration**
- A minimum of 90 minutes per week

**Possible Activities**
- Integrated ENL instruction in a content area class (ELA, Math, Science, or Social Studies)
- Lab period(s) with integrated ENL instruction

**Scenario**
Jenny became a former ELL at the end of ninth grade. As a 10th grader, Jenny will begin a course on U.S. History & Government.

To ensure she will continue to receive the appropriate language development instruction, the ENL teacher will provide integrated ENL support for her in the U.S. History & Government class for 90 minutes a week. The ENL teacher works collaboratively with the Social Studies teacher in planning for the language supports that will lead to Jenny’s success in the class.

Formative and summative assessments are collected and analyzed by both teachers throughout the school year, which will inform their determination on Jenny’s ENL service model for the following school year.

**Grades 9 to 12: Option E (Scheduled for one or more Advanced Placement courses)**

**Rationale:** Students in non-LOTE/World Language and Culture Advanced Placement (AP) courses are provided with a very high rigor of instruction (meaning AP Spanish Language and Culture or AP Chinese Language and Culture are not permissible alternatives to integrated ENL).

**Setting**
- Classroom
Duration

- A term or year

Possible Activities

- The student attends a non-LOTE/World Language and Culture Advanced Placement course with at least a 90% attendance record
- Teacher of AP course reviews student’s grades and coursework to determine if the student requires any additional literacy support

Scenario

A number of 10th grade former ELLs performed exceptionally well in their 9th grade biology class. A recommendation was made for them to take AP Environmental Sciences as 10th graders.

The AP class will serve as their Alternative Pathway in their first year as former ELLs.

The AP Environmental Sciences teacher will consult with the ENL teacher on any language development supports as informed by formative assessments collected throughout the students’ time in the class. At the end of the year, determinations will be made on ENL service models for the following year.
ML/ELL Programs

NYC DOE offers three types of ML/ELL programs:

- Dual Language (DL) bilingual education
- Transitional Bilingual Education (TBE)
- English as a New Language (ENL, formerly known as ESL)

Overview

Though the goals for each program type vary to meet the diverse needs of students as well as honor parent selection, there are some common elements. All three ML/ELL programs ensure that ELLs receive their full complement of mandated units of ENL and subject area content in CR Part 154, align content instruction to the NYS Next Generation Learning Standards, and apply best practices as outlined in the New York State Blueprint for English Language Learner / Multilingual Learner Success.

Commonalities of ML/ELL Programs

Students are placed in one of the three ML/ELL programs based on parent selection. The initial parent selection is recorded in the ELPC ATS screen based on the Parent Survey and Program Agreement Form. Parents should be discouraged from changing their selection as research shows that students that change ML/ELL program model may not achieve at the same level as their peers who remain consistently in the same ML/ELL model. However, parents may change their selection at any time by writing to the principal or designee.

English as a New Language (ENL) is provided in all three models. Beginning in SY 2015-16, ELLs are required to receive all or part of their ENL through an integrated model, which refers to a unit of study or its equivalent in which students receive core content area (meaning, English language arts, math, science, or social studies) and English language development instruction.

When planning for a strong ML/ELL team, it is important to consider the diverse expertise that teachers bring to your school. Teachers with multiple credentials, licenses, and extensions offer the school community additional flexibility to meet student needs. To implement each program model, it is important to use the multiple human and fiscal resources that can accelerate ELLs’ academic English language proficiency and content-area mastery.

For instance, each program model should tap into and enhance ELLs’ existing home language skills. Programming that clusters cohorts of ELLs with the same home language background in subject area classrooms allow students to access content by interacting with each other at varying levels of language proficiencies. Teachers with groups of ELLs who have a common home language can organize collaborative tasks that target content and generate interactions in the home language among peers. Tasks should be enriched with academic English language development. In addition, home language resources (libraries, texts, technology, primary resource materials, etc.) available in the classroom and the school’s library are additional resources that can accelerate learning.
Program Design Considerations

Home Language Arts (HLA) is a required component of bilingual programs as per CR Part 154. Schools without a bilingual program are strongly encouraged to organize and offer home language arts (HLA) classes whenever possible. The more literate students are in the home language, the stronger and more expedient their transition to academic English proficiency. Even schools with ELLs served through ENL classes can group students who share a common language for a home language arts class.

Schools may choose to extend their school day beyond the required hours with the help of community-based organizations/non-profits and special grant opportunities; however, schools must deliver their mandated instruction and services, including for English language learners and the IEP-recommended program and related services for students with disabilities, during the regular mandated school day. For directions on programming ENL in STARS, see the English Language Learners Wiki page.

Bilingual Education Programs

Bilingual Education programs are research-based and comprised of (1) home language arts and English language arts, (2) English as a new language (ENL), (3) and bilingual content area(s) (for example, math, science, and social studies). The number of content areas taught in the home language can vary depending on the model and proficiency level of the students; however, at the entering and emerging levels, a bilingual program must have at a minimum 2 core content areas taught bilingually. NYC DOE offers two types of bilingual education programs: Dual Language and Transitional Bilingual Education.

In grades K to 6 only, certified bilingual common branch teachers are permitted to provide the ENL component of a bilingual program under the following circumstances:

- The teacher that holds the bilingual certification is teaching in a bilingual program; and
- The teacher is providing ENL to his/her students in his/her bilingual classroom

Certified bilingual teachers are not permitted to provide ENL to students who are not in their bilingual program.

Note: Adjustments (reducing or closing) of a bilingual program require prior approval through an established process. See Bilingual Program Protocols for more details.

Transitional Bilingual Education

Transitional bilingual education (TBE) programs are designed so that students develop conceptual skills in their home language as they learn English.

As students (all ELLs or former ELLs) develop English language skills, time in the home language decreases. When ELLs reach commanding on the NYSESLAT, they exit to a monolingual class in English with home language supports. Parents may also request that their child continues in a TBE program for up to two years after testing out. Schools that offer this model must have a consistent plan for the use of
each language for instruction, and a supportive transition plan for students when they are transferred into the monolingual English program, as required in CR Part 154.

TBE programs are predicated on transferring literacy skills from a student’s home language to a student’s new language (English). Students acquire literacy most effectively in the language most familiar to them. Skills used in home language acquisition (for example, making sense of print, using writing to communicate, playing with language structure, developing vocabulary) are skills that a student can use for the faster and more successful acquisition of English literacy—a concept known as “linguistic interdependence.”

In TBE programs, students transfer home language skills to English by spending instructional time primarily in the home language before steadily transitioning to English. The ratio of languages that are programmed into STARS is for the class and not individual students. As a student’s English proficiency increases, more of their instructional day is spent learning in English. In TBE programs, teachers must make several considerations when determining which language is best to teach certain concepts. Teachers must consider carefully the rigor of instruction, student familiarity with concepts in the home language and English, and the academic language required for using and mastering concepts. When determining the amount of home language and English language used in instruction, teachers should consider a number of factors including, but not limited to students’ proficiency levels, educational backgrounds, content knowledge, and home language literacy skills. This allows for differentiated instruction that meets the individual student’s needs.

TBE teachers are critical to ELLs’ transition from home language to English since they serve as language models for both; therefore, they must demonstrate strong academic language proficiency when delivering instruction in either language. Successful TBE teachers help students cultivate a strong appreciation for reading. These teachers ensure that ELLs are familiar and comfortable with reading by helping them develop strong literacy skills in their home language first. In addition, TBE teachers are likely to instruct students with various levels of content mastery and literacy development. While variations are similar to those found in general education classrooms, TBE must gauge and instruct students with different proficiency levels in their home language as well as in English. See CR Part 154-2: TBE Units of Study and Staffing Requirements for more information on transitional bilingual education programs and State requirements. Any adjustment (reducing or closing) of a bilingual program requires prior approval through an established process. See Bilingual Program Protocols for more details.
## CR Part 154-2: TBE Units of Study and Staffing Requirements

The below charts have been adapted from [CR Part 154-2 (K-8) Transitional Bilingual Education Program](https://www1.nyc.gov/site/doe/policy-reference-center/program-policies/policies/dl18-0155.page).

### CR Part 154-2: TBE Units of Study Requirements (Grades K to 8)

**Figure 17: CR Part 154 TBE Unit of Study Requirements (Grades K to 8)**

<table>
<thead>
<tr>
<th>INSTRUCTION</th>
<th>ENTERING (beginning)</th>
<th>EMERGING (Low Intermediate)</th>
<th>TRANSITIONING (Intermediate)</th>
<th>EXPANDING (Advanced)</th>
<th>COMMANDING (Proficient)</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAND-ALONE ENL (Language Arts)</td>
<td>1 unit of study in ENL (180 min.)</td>
<td>.5 unit of study in ENL (90 min.)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>INTEGRATED ENL/ELA (Language Arts)</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>.5 unit of study in ENL/ELA (90 min)</td>
<td>1 unit of study in ENL/ELA or other Core Content Area (180 min.)</td>
<td>N/A</td>
</tr>
<tr>
<td>FLEXIBILITY (Language Arts)</td>
<td>N/A</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/Core Content Area (90 min.)</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/Core Content Area (90 min.)</td>
<td>N/A</td>
<td>.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area or other approved Former ELL services for two additional years</td>
</tr>
<tr>
<td>TOTAL ENL (Language Arts)</td>
<td>360 minutes per week</td>
<td>360 minutes per week</td>
<td>180 minutes per week</td>
<td>180 minutes per week</td>
<td>N/A</td>
</tr>
<tr>
<td>HOME LANGUAGE ARTS (HLA)</td>
<td>1 HLA Class</td>
<td>1 HLA Class</td>
<td>1 HLA Class</td>
<td>1 HLA Class</td>
<td>N/A</td>
</tr>
<tr>
<td>BILINGUAL CONTENT AREA SUBJECTS</td>
<td>Minimum of 2</td>
<td>Minimum of 2</td>
<td>Minimum of 1</td>
<td>Minimum of 1</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.

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6 Source: Adapted from [CR Part 154-2 (K-8) Transitional Bilingual Education Program (Updated as of May 6, 2015)](https://www1.nyc.gov/site/doe/policy-reference-center/program-policies/policies/dl18-0155.page)

7 Other services that are approved by the NYS Commissioner that monitor and support the student’s language development and academic progress. Content area shall mean ELA, Math, Science and Social Studies.
CR Part 154-2: TBE Staffing Requirements (Grades K-8)

Figure 18: CR Part 154 TBE Staffing Requirements (Grades K to 8)³

<table>
<thead>
<tr>
<th>INSTRUCTION</th>
<th>STAFFING/PERSOEENEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>K-8 BILINGUAL EDUCATION PROGRAM</td>
<td>(K-6 Bilingual) Common Branch Teacher with a bilingual extension (7-8 Bilingual) Content Area teacher with a bilingual extension [HLA must be taught by a certified Language Other Than English (LOTE) teacher.]</td>
</tr>
<tr>
<td>K-8 ENGLISH AS A NEW LANGUAGE PROGRAM</td>
<td>(K-8 STAND-ALONE) ESOL certified teacher (K-6 ENL) Common Branch K-6 teachers with a bilingual extension can teach the ENL component of a K-6 Bilingual Education program. (7-8 ENL) Integrated ENL can be taught by an ESOL teacher with Content Area Certification or two individually certified teachers.</td>
</tr>
</tbody>
</table>

CR Part 154-2: TBE Units of Study Requirements (Grades 9 to 12)

Figure 19: CR Part 154 TBE Unit of Study Requirements (Grades 9 to 12)⁹

<table>
<thead>
<tr>
<th>INSTRUCTION</th>
<th>ENTERING (beginning)</th>
<th>EMERGING (Low Intermediate)</th>
<th>TRANSITIONING (Intermediate)</th>
<th>EXPANDING (Advanced)</th>
<th>COMMANDING (Proficient)</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAND-ALONE ENL (Language Arts)</td>
<td>1 unit of study in ENL (180 min.)</td>
<td>.5 unit of study in ENL (90 min.)</td>
<td>N/A</td>
<td>N/A</td>
<td>Former ELLs must continue to receive services for an additional two years.</td>
</tr>
<tr>
<td>INTEGRATED ENL/ELA (Language Arts)</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>.5 unit of study in ENL/ELA (90 min.)</td>
<td>1 unit of study in ENL/ELA or other Core Content Area (180 min.)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

³ Source: Adapted from CR Part 154-2 (K-8) Transitional Bilingual Education Program (Updated as of May 6, 2015)

⁹ Source: CR Part 154-2 (9-12) Transitional Bilingual Education Program (Updated as of May 6, 2015)
<table>
<thead>
<tr>
<th>INSTRUCTION (Language Arts)</th>
<th>ENTERING (beginning)</th>
<th>EMERGING (Low Intermediate)</th>
<th>TRANSITIONING (Intermediate)</th>
<th>EXPANDING (Advanced)</th>
<th>COMMANDING (Proficient)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLEXIBILITY</td>
<td>1 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/Core Content Area (180 min.)</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/Core Content Area (90 min.)</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/Core Content Area (90 min.)</td>
<td>N/A</td>
<td>.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area or other approved Former ELL services for two additional years.</td>
</tr>
<tr>
<td>TOTAL ENL (Language Arts)</td>
<td>540 minutes per week</td>
<td>360 minutes per week</td>
<td>180 minutes per week</td>
<td>180 minutes per week</td>
<td>N/A</td>
</tr>
<tr>
<td>HOME LANGUAGE ARTS (HLA)</td>
<td>1 HLA course</td>
<td>1 HLA course</td>
<td>1 HLA course</td>
<td>1 HLA course</td>
<td>N/A</td>
</tr>
<tr>
<td>BILINGUAL CONTENT AREA SUBJECTS</td>
<td>Minimum of 2</td>
<td>Minimum of 2</td>
<td>Minimum of 1</td>
<td>Minimum of 1</td>
<td>N/A</td>
</tr>
<tr>
<td>AWARDING CREDITS</td>
<td>STAND-ALONE ENL</td>
<td>INTEGRATED ENL Core Content area credit is awarded upon passing each corresponding ENL unit of study</td>
<td>HOME LANGUAGE ARTS Language Other than English (LOTE) credit is awarded upon passing each corresponding HLA unit of study</td>
<td>BILINGUAL CONTENT AREA Core content area credit is awarded upon passing each corresponding Bilingual Content Area subject</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.

---

10 Other services that are approved by the NYS Commissioner that monitor and support the student’s language development and academic progress. Content area shall mean ELA, Math, Science and Social Studies.
<table>
<thead>
<tr>
<th>INSTRUCTION</th>
<th>STAFFING/PERSONNEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>BILINGUAL EDUCATION PROGRAM</td>
<td>(9-12) Bilingual Content area teacher with a bilingual extension. [HLA must be taught by a certified Language Other than English (LOTE) teacher.]</td>
</tr>
<tr>
<td>ENGLISH AS A NEW LANGUAGE PROGRAM</td>
<td>(9-12) Stand-alone ESOL certified teacher</td>
</tr>
<tr>
<td></td>
<td>(9-12) Integrated ENL can be taught by an ESOL teacher with Content Area certification or two individually certified teachers.</td>
</tr>
</tbody>
</table>

Dual Language Bilingual Education

Dual language programs are designed to continue developing students’ home languages, as well as English language skills, throughout schooling. In addition, English-proficient students are given the opportunity to learn a new language. Dual language programs serve both ELLs in need of English language development and English-proficient students who are interested in learning a second language. Both groups provide good linguistic role models for each other and, through their interactions, support language development in both languages. Students in a dual language program should remain in the program during their tenure in the NYC DOE schools. Therefore, even after the student reaches the commanding level on the NYSESLAT (former ELL status), the student should continue to remain in the dual language program.

Highlights: Dual Language Program

- An ENL component designed to develop skills in listening, speaking, reading, and writing in English with home language supports as necessary.
- All content-area courses/subjects are taught bilingually in English and the program’s target language.
- A target language arts component designed to develop skills in listening, speaking, reading, and writing in the students’ target language.
- Approximately, 50% of the students are ELLs of the same home language; 50% of the students are not ELLs (former ELLs or never ELLs).

In dual language programs, the new language is often referred to as the target language (for example, Spanish, Chinese, Russian, etc.). New York City dual language programs are designed to have students spend 50% of their instructional time with a target language immersion teacher who uses only the target language. The remaining part of the time is spent with a teacher who instructs only in English.

Regarding student composition, there are two types of dual language programs: one-way and two-way.

One-Way Dual Language Program

The program is primarily composed of students who come from the same home/primary language and/or background. The teacher provides instruction in both English and the home/target language.

Two-Way Dual Language Program

The program includes both native English speakers and ELLs. The teacher or teachers provide instruction in both English and the home/primary language. In the majority of Dual Language Programs, the students receive half of their instruction in their home/primary language and the remainder of their instruction in the target language.
The side-by-side model is strongly recommended in the elementary grades; however, schools should evaluate the students’ needs and progress to determine which model best meets the educational needs of the students. For example, some schools use alternating-day models in which language use for content areas alternates from day to day or in two-week cycles. Students learn to read and write and receive instruction in other disciplines in both languages. (However, for emergent literacy, extra time is dedicated to the rules and concepts of each language. Students receive dedicated reading time in each language.) While the ELLs receive discrete English as a new language, the English-proficient students must also receive comparable target language instruction to develop all four modalities: reading, writing, speaking, and listening. The primary language acquisition goals of dual language programs are the development of grade-level-appropriate bilingual and biliterate academic skills in both English and the target language for all students. To make any adjustment (reducing or closing) of a bilingual program requires prior approval through an established process. See Bilingual Program Protocols below for more details.

**Bilingual Program Protocols**

In accordance with New York State Education Department Commissioner’s Regulation Part 154 as amended by the Aspira Consent Decree, all schools are required to open a bilingual program when the following thresholds are met:

- 15 or more ELL students in grades K - 8 with the same home language in one or two contiguous grades
- 20 or more ELL students in high school with the same home language in one grade

All bilingual programs are tracked by the NYC DOE to ensure students’ needs are met. Schools interested in opening a new bilingual program or closing, reducing, or converting an existing program must follow the protocols outlined below. The following protocols apply only to K-12, general education bilingual programs.

**Opening a New Bilingual Program**

To open a new bilingual program, school leaders should submit the Opening New Bilingual Program Form to their BCO Director of MLs/ELLS for approval cc’ing DML@schools.nyc.gov. Requests will be prioritized based on:

- **Language “hubs”** in previously underserved geographic areas with high concentrations of shared home languages
- **Low-incidence language** programs to increase the variety of options available to families in the city
- **Continuity** in middle and high schools for students matriculating from TBE or DL programs
- **Balancing** program enrollment of ELLs and English-proficient students to uphold best practices of class composition within DL programs.
Adjusting an Existing Bilingual Program

Program adjustments include:

- **Reduction** of the number of grades or classes, or not growing a grade level (for example, K class becoming 1, with no entering K class).
- **Conversion** of the program model type (for example a TBE program becoming DL program by changing course programming).
- **Closure** is the elimination of a bilingual program.

Schools **cannot** adjust an existing bilingual program without receiving written approval from the respective [BCO Director of MLs/ELLS](#), Superintendent, and DML. Additionally, **closure requests require Executive Superintendent approval**. [Bilingual Program Adjustment Request Form](#) must have all relevant approvals before submission to DML.
Protocol for Adjusting an Existing Bilingual Program

To submit a request to adjust an existing bilingual program, Principals must use the following protocol:

**STEP 1: Assessment of Needs**
Is there either (1) a shortage/lack of certified teachers, (2) low student enrollment, or (3) a lack of classroom space?

- **Yes (to any of the above)**
  The Principal emails the completed Bilingual Program Adjustment Request Form to their B/CO Director.

- **No (to all of the above)**
  The Principal contacts their B/CO support team for guidance.

**STEP 2: Director of ELLs and Superintendent Approval**
Can the B/CO Director of ELLs and/or Superintendent support the school to maintain program?

- **Yes**
  The B/CO and/or Superintendent provide support to sustain the bilingual program.

- **No**
  Is the program closing?

  - **Yes**
    Closures Only: Executive Superintendent Approval
    Can the Executive Superintendent support the school to maintain program?

      - **Yes**
        Executive Superintendent provides support to sustain the bilingual program.

      - **No**
        DML Approval
        Is the request approved by Deputy Chief Academic Officer of DML?

          - **Yes**
            DML will work with the B/CO and school to identify changes in professional learning, technical assistance, and/or monitoring due to the closure.

          - **No**
            DML will work with other divisions/offices to provide the school with the support and/or resources needed to sustain the program.
English as a New Language

English as a new language (ENL) programs provide instruction in English with home language support, emphasizing English language acquisition. Students in ENL programs can come from many different language backgrounds, and English may be the only common language among the students. As per CR Part 154, there are two types of ENL:

Stand-alone ENL

Students receive English language development instruction taught by a New York State certified ESOL teacher to acquire the English language needed for success in core content areas (English Language Arts, Social Studies, Science, and/or Mathematics).

Stand-alone ENL should not be implemented via a push-in model in a content area class as it is a separate time devoted to English language acquisition and English language development. The required amount of stand-alone ENL instruction depends on the English proficiency level of each student.

Integrated ENL

Students receive core content area areas (English Language Arts, Social Studies, Science, and/or Mathematics) and English language development instruction including home language supports and appropriate ELL scaffolds.

Integrated ENL along with a subject area taught are dependent upon the student’s proficiency level. In grades K to 8, at the entering, emerging, and transitioning levels, integrated ENL with ELA is provided; at the expanding level, the integrated ENL is with any content area that best meets the needs of the student. In grades 9 to 12, at the entering and emerging levels, integrated ENL with ELA is provided; at the transitioning and expanding levels, the integrated ENL is with any content area that best meets the need of the student. See CR Part 154: ENL Units of Study and Staffing Requirements for the number of units of ENL for ELLs at different levels of proficiencies and grades.

For more information, please see Guidance on Implementation of ENL Units of Study.

Guidance for ENL Programming

To maximize funding and academic achievement for ELLs, you must program all ELLs for services. You should program each current and former ELL student according to the type of (ENL) services that s/he receives. Please note some students may receive services through multiple ENL models (for example Stand-alone ENL and Integrated ENL).

As a reminder, elementary schools must program students in STARS Classroom. Middle schools and high schools must program students in STARS Admin. For detailed instructions on programming students who receive ENL, see the English Language Learners STARS wiki page.
For information on using STARS to program students for ENL and manage bilingual programs, contact your BCO Academic Policy, Performance and Assessment Specialist.

**Guidance on Implementation of ENL Units of Study**

**Updated August 2020**

To assist school leaders in the implementation of the mandated English as a New Language (ENL) units of study in either the Stand-alone or Integrated ENL model, the NYCDOE is providing the following guidance.

In 2015, The New York State Education Department revised Commissioner’s Regulations Part 154 (CR Part 154). In CR Part 154 it is stated that an *English as a New Language program shall mean a research-based program comprised of two components: a content area instructional component in English (including all core content, meaning English language arts, math, science, or social studies) with home language supports and appropriate scaffolds*, and an *English language development component (Stand-alone and/or Integrated English as a New Language)*.

**Note:** NYCDOE is in the process of updating all documents that reference the provision of ENL services to no longer refer to a “push-in” or “pull-out” delivery model. Future documents will reference Stand-alone or Integrated ENL only.

**NYSED Definition**

**Stand-alone ENL:** Students receive English language development instruction to acquire the English language needed for success in core content areas.

**Integrated ENL:** Students receive core content area and English language development instruction including home language supports and appropriate ML/ELL scaffolds.

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12 See [Blueprint for English Language Learner/Multilingual Learner Success](https://example.com)

13 See [Glossary: Bilingual Education/English as a New Language Units of Study Tables](https://example.com)
Instructional Goals

Stand-alone ENL: The primary instructional goal of the Stand-alone component is language development. However, language development is never in isolation of content. The Stand-alone component is aligned to the grade-level content and standards. ESOL teachers as a result of their common meetings are selecting content based on the instruction that is taking place during content-area instruction and selecting key texts with rich language and content that leverages the overarching instructional goals of a unit of study. The New Language Arts Progressions (NLAP) provide a framework for teachers to ensure that students in English as a New Language and Bilingual Education programs are meeting the standards\textsuperscript{14}. ESOL teachers should consistently link to the content area(s) that most benefit their students (for example ELA, social studies) or leverage thematic units that have cross-content entry points.

Integrated ENL: The instructional goal of the Integrated ENL is two-fold since it is taking place during dedicated time for content area learning. Therefore, instructional goals are specific to the content area and language development. Whether the Integrated ENL is a co-teaching model or instructed by a dually certified teacher (ESOL and common branch/content area), there should be evidence of specific instructional goals that support language development. Content and language objectives are designed to make this explicit for MLs/ELLs. The language objective is carefully determined by examining the linguistic demands of the content (for example access text, express knowledge orally or in writing). Determining the objective(s) is when the expertise of both teachers is needed to capture what language students need to acquire grade-level content knowledge.

Teacher Certification

Stand-alone ENL

- Stand-alone ENL is taught by an NYS-certified English to Speakers of Other Languages (ESOL) teacher (or Common Branch K-6 teachers with a bilingual extension can teach the ENL component in a K-6 Bilingual Education Program).

Integrated ENL

- Integrated ENL instruction must be carried out either by a co-teaching approach with NYS certified ESOL teacher who teaches with the content area teacher or by an ESOL certified teacher who is dually certified in another content area being taught.

\textsuperscript{14} See New York State Bilingual Common Core Initiative
Dually-certified ESOL and Core Content Area Teachers (includes ELA, Math, Science, Social Studies, Common Branches, and Early Childhood)

- Can provide integrated ENL instruction to ELLs and former ELLs in classrooms serving ELLs, former ELLs, and non-ELLs, such instruction would meet the mandated integrated ENL in a core content area without an additional co-teacher
- Can provide Stand-alone ENL to ELLs
- The provision of Integrated ENL and Stand-alone ENL (when applicable) must be reflected in schedules and delivery of instruction

Dually-certified ESOL and Non-Core Content Area Teachers (for example Music, Arts, Physical Education)

- Can provide integrated ENL instruction to ELLs and former ELLs in classrooms serving ELLs, former ELLs, and non-ELLs, such instruction would go above and beyond the mandated integrated ENL in a core content area without an additional co-teacher
- Can provide integrated ENL instruction to ELLs and former ELLs in classrooms serving ELLs, former ELLs, and non-ELLs, such instruction would meet the mandated integrated ENL in a core content area with an additional co-teacher certified in a core content area
- Can provide Stand-alone ENL to ELLs
- The provision of Integrated ENL and Stand-alone ENL (when applicable) must be reflected in student schedules and delivery of instruction

Dually-certified Students with Disabilities (SWD), Common Branch, or Early Childhood with a Bilingual Extension

- Can provide ENL as a component of a bilingual education setting only to students enrolled in the bilingual education program

Dually-certified ESOL and SWD Teachers

- Are not permitted to provide ENL services if teaching in a special education setting, as ENL is considered a general education service, not a special education service

ESOL-only Certified Teachers

- Can provide Stand-alone ENL to ELLs
- Can co-teach with a content area, Common Branch, Early Childhood, or SWD teacher to provide Integrated ENL
Common Planning

**Stand-alone ENL**

It is essential that the certified ESOL teacher(s) have opportunities to meet with common branch and/or content area teachers. Attending established meetings (for example grade team) with common branch and/or content area teachers ensures that ESOL teachers can plan lessons/units that build language and literacy within content areas aligned to the [New York State Next Generation Learning Standards](https://www.engageny.org/). While it is not expected that the teachers will co-plan lessons since the Stand-alone is taught by the ESOL teacher alone, she/he should have full access to the grade-level curriculum materials to align and tailor Stand-alone instruction to support MLs/ELLs to acquire the language needed in core content areas.

**Integrated ENL**

It is essential that the certified ESOL teacher(s) and common branch and/or content area teachers have designated time for common planning so they can co-plan at the unit and lesson level to ensure that the needs of the MLs/ELLs are met. Together they are deciding which [model of co-teaching](https://www.nycdoe.k12.ny.us/teachers/learning-development/collaborative-learning/models-co-teaching) to employ during the lesson and how to capitalize on the expertise that both teachers bring to the classroom. ESOL teachers are taking into consideration the linguistic demands of the content so that MLs/ELLs can achieve the grade-level standards. They are planning purposeful scaffolds within the lessons (for example chunking texts, supplemental questions for close reading) and anticipating potential in the moment scaffolds, for example, pausing for MLs/ELLs to use their home language to jot down ideas/speak to a peer before entering into a classroom discussion or identifying additional texts that are not already part of the text set to build (background) knowledge.

**Research-based Instructional Approaches for Stand-alone ENL and Integrated ENL**

It is essential that all students, especially MLs/ELLs, are in school communities/classrooms that provide a culturally responsive and sustaining education. The NYSED’s [Culturally Responsive and Sustaining Education Framework](#) delineates four principles, and three must be addressed in Stand-alone and Integrated ENL classrooms. They are Welcoming and Affirming Environment, High Expectations and Rigorous Instruction, and Inclusive Curriculum and Assessment. Adhering to these principles creates the conditions for MLs/ELLs to engage in learning. Also, MLs/ELLs must have opportunities to acquire advanced literacy skills so they are equally prepared to engage in standards-based instruction that is called for in the [New York State Next Generation Learning Standards](#). The NYCDOE’s [Instructional Leadership Framework](#) guides school communities in ensuring the presence of these two core ideas.

Research-based instructional approaches must be age and grade-appropriate. The research on MLs/ELLs states that learners can acquire both the everyday and academic language simultaneously, leverage their home language as a vital support, and benefit from the strategic use of scaffolds in both the Stand-alone and Integrated ENL components. NYSED’s [Bilingual Common Core Progressions](#) demonstrate the trajectory of language learning and teaching in both the home and new language. ESOL certified and content area teachers, especially those who are paired for Integrated ENL, must be afforded professional learning on both the co-teaching models and these research-based approaches.

**Location**

**Stand-alone ENL**

Per New York State Guidelines:

Stand-alone ENL should not be implemented via a push-in model in a content area class as it is a separate time devoted to English language acquisition and English language development. The required amount of stand-alone ENL instruction depends on the English proficiency level of each student.

**Integrated ENL**

For Grades K – 5, Integrated ENL is carried out either in the co-teaching approach or by a dually certified teacher in the MLs/ELLs’ classroom. If carried out in the co-teaching approach, the ESOL certified teacher joins the common branch teacher to jointly deliver instruction as per the recommended [co-teaching model](#).

For Grades 6 – 12, similar to the Stand-alone component, the Integrated ENL is programmed into the students’ schedule as all other departmentalized subject courses.
Unit of Study

Stand-alone ENL

All students in stand-alone ENL are current MLs/ELLs.

The number of minutes and type of minutes required differs by the proficiency level and grade of the student. Students might have a minimum mandated unit of study (180 minutes a week) of stand-alone ENL and/or minimum number of flexible ENL minutes that can be programmed as either additional stand-alone or integrated ENL.

**Entering:** For Grades K-8, one full unit of stand-alone ENL (180 minutes). For grades 9-12, at least one full unit of stand-alone ENL, in addition to one flexible unit of study (180-360 minutes).

**Emerging:** For Grades K-12, at least 0.5 units of stand-alone ENL with 0.5 flexible units of study (90-180 minutes).

**Transitioning:** For Grades K-12, up to 0.5 units of stand-alone ENL for their flexible unit of study (0-90 minutes).

**Expanding and Commanding:** MLs/ELLs at the Expanding level or former MLs/ELLs at the Commanding level, should not be programmed for stand-alone ENL (0 minutes).

Integrated ENL

When the integrated ENL class is programmed, there is flexibility to include all proficiency levels and a combination of MLs/ELLs and former MLs/ELLs.

The number of minutes and type of minutes required differs by the proficiency level and grade of the student. Students might have a minimum mandated unit of study (180 minutes a week) of integrated ENL and/or minimum number of flexible ENL minutes that can be programmed as either stand-alone or additional integrated ENL.

**Entering:** For Grades K-8, one full unit of integrated ENL (180 minutes). For grades 9-12, at least one full unit of integrated ENL, in addition to one flexible unit of study (180-360).

**Emerging:** For Grades K-12, at least one unit of integrated ENL with 0.5 flexible units of study (180-270 minutes).

**Transitioning:** For Grades K-12, at least 0.5 units of integrated ENL, with 0.5 flexible units of study (90-180 minutes).

**Expanding:** One unit of integrated ENL (180 minutes).

**Commanding:** For the two school years after exiting, former MLs/ELLs should receive 0.5 units of integrated ENL or an equivalent, approved alternate pathway (90 minutes).

See [Units of Study Tables for English as a New Language (ENL) and Bilingual Education Programs](#).
CR Part 154: ENL Units of Study and Staffing Requirements

The below charts have been adapted from CR Part 154-2 ENL Units of Study and Staffing Requirements (Grades K to 8).

CR Part 154-2: ENL Units of Study Requirements (Grades K to 8)

All ENL classes, including Integrated and Stand-alone, offer home language support.

Figure 21: CR Part 154 ENL Unit of Study Requirements (Grades K to 8)\textsuperscript{15}

<table>
<thead>
<tr>
<th>INSTRUCTION</th>
<th>ENTERING (Beginning)</th>
<th>EMERGING (Low – Intermediate)</th>
<th>TRANSITIONING (Intermediate)</th>
<th>EXPANDING (Advanced)</th>
<th>COMMANDING (Proficient)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENL</td>
<td>2 units of study per week (360 min.)</td>
<td>2 units of study per week (360 min.)</td>
<td>1 unit of study per week (180 min.)</td>
<td>1 unit of study per week (180 min.)</td>
<td>Former ELLs must continue to receive services for an additional two years</td>
</tr>
<tr>
<td>STAND-ALONE ENL</td>
<td>1 unit of study in ENL (180 min.)</td>
<td>.5 unit of study in ENL (90 min.)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>INTEGRATED ENL</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>.5 unit of study in ENL/ELA (90 min.)</td>
<td>1 unit of study in ENL/ELA or other Core Content Area (180 min.)</td>
<td>N/A</td>
</tr>
<tr>
<td>FLEXIBILITY</td>
<td>N/A</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/Core Content Area (90 min.)</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/Core Content Area (90 min.)</td>
<td>N/A</td>
<td>.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, or other approved Former ELL services for two additional years\textsuperscript{16}</td>
</tr>
</tbody>
</table>

\textsuperscript{15} Source: CR Part 154-2 (K-8) English as New Language Units of Study and Staffing Requirements (Updated as of May 6, 2015)

\textsuperscript{16} Other services that are approved by the NYS commissioner that monitor and support the student’s language development and academic progress. Core content area shall mean ELA, Math, Science and Social Studies. One unit of study = 180 minutes of instruction per week per year.
The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.

**CR Part 154-2: ENL Staffing Requirements (K to 8)**

*Figure 22: CR Part 154 ENL Staffing Requirements (Grades K to 8)*

<table>
<thead>
<tr>
<th>INSTRUCTION</th>
<th>STAFFING/PERSOENNEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAND-ALONE ENL</td>
<td>K-12 Certified ESOL Teacher</td>
</tr>
<tr>
<td>INTEGRATED ENL – 1 DUALLY CERTIFIED TEACHER</td>
<td>ESOL and Common Branch (K-6) or Content Area (7-8) teacher who holds both certifications</td>
</tr>
<tr>
<td>INTEGRATED ENL- 2 INDIVIDUALLY CERTIFIED TEACHERS (CO-TEACHING)</td>
<td>A certified ESOL teacher and a K-6 elementary school teacher</td>
</tr>
<tr>
<td></td>
<td>A certified ESOL teacher and a 7-8 certified content area teacher (ELA, Math, Science, Social Studies)</td>
</tr>
</tbody>
</table>

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17 Source: [CR Part 154-2 (K-8) English as New Language Units of Study and Staffing Requirements (Updated as of May 6, 2015)](CR Part 154-2 (K-8) English as New Language Units of Study and Staffing Requirements (Updated as of May 6, 2015)}
### CR Part 154-2: ENL Units of Study Requirements (Grades 9 to 12)

All ENL classes, including Integrated and Stand-alone, offer home language support.

**Figure 23: CR Part 154 ENL Units of Study Requirements (Grades 9 to 12)**

<table>
<thead>
<tr>
<th>INSTRUCTION</th>
<th>ENTERING (beginning)</th>
<th>EMERGING (Low – Intermediate)</th>
<th>TRANSITIONING (Intermediate)</th>
<th>EXPANDING (Advanced)</th>
<th>COMMANDING (Proficient)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENL INSTRUCTIONAL TIME (MINIMUM)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENL</td>
<td>3 units of study per week (540 min.)</td>
<td>2 units of study per week (360 min.)</td>
<td>1 unit of study per week (180 min.)</td>
<td>1 unit of study per week (180 min.)</td>
<td>Former ELLs must continue to receive services for an additional two years</td>
</tr>
<tr>
<td>STAND-ALONE ENL</td>
<td>1 unit of study in ENL (180 min.)</td>
<td>.5 unit of study in ENL (90 min.)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>INTEGRATED ENL</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>.5 unit of study in ENL/Core Content Area (90 min.)</td>
<td>1 unit of study in ENL/Core Content Area (180 min.)</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| FLEXIBILITY                          | 1 unit of study can be STAND-ALONE ENL instruction or INTEGRATED ENL in Core Content Area (180 min.) | .5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL in Core Content Area (90 min.) | .5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL in Core Content Area (90 min.) | N/A                  | .5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, or other approved Former ELL services for two additional years

**TOTAL**

|                      | 540 minutes per week | 360 minutes per week | 180 minutes per week | 180 minutes per week | N/A                         |

**AWARDING CREDITS**

| STAND-ALONE ENL             | ELECTIVE CREDIT IS AWARDED UPON PASSING EACH Core Content Area | INTEGRATED ENL Core Content Area.credit is awarded upon passing each corresponding ENL |

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18 Other services that are approved by the NYS commissioner that monitor and support the student's language development and academic progress. Core content area shall mean ELA, Math, Science and Social Studies. One unit of study = 180 minutes of instruction per week per year.
The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.

**CR Part 154-2: ENL Staffing Requirements (Grades 9 to 12)**

*Figure 24: CR Part 154 ENL Staffing Requirements (Grades 9 to 12)*

<table>
<thead>
<tr>
<th>INSTRUCTION</th>
<th>STAFFING/PERSOONEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAND-ALONE ENL</td>
<td>K-12 Certified ESOL Teacher</td>
</tr>
<tr>
<td>INTEGRATED ENL - 1 DUALLY CERTIFIED TEACHER</td>
<td>ESOL or Content Area (7-12) teacher who holds both certifications</td>
</tr>
<tr>
<td>INTEGRATED ENL- 2 INDIVIDually CERTIFIED TEACHERS (CO-TEACHING)</td>
<td>A certified ESOL teacher and a 7-12 certified Content Area Teacher</td>
</tr>
</tbody>
</table>

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19 Source: [CR Part 154-2 (9-12) English as New Language Units of Study (Updated as of May 6, 2015)](https://www1.nyc.gov/site/doe/policy-reference-guides/clusions.shtml)
Required ELL Data Recording and Reporting

To meet federal, state, and local reporting requirements, schools must report on ELL identification, services, and parent selection. As a result, the DOE has created a number of mechanisms to capture required data. As the leader of their schools, principals should verify all data entered to ensure accuracy. In the event of a clerical error, schools should correct the data immediately. For further questions on data entry and addressing clerical errors, contact the school’s BCO ML/ELL director.

ATS: ELL/LEP Flag Indicators

The NYC DOE utilizes a number of ELL/LEP flag indicators (in ATS and other data repositories) to indicate ELL status. For information on discontinued codes and further information see the ATS Wiki. A list of the ELL/LEP code, corresponding ELL status, and definition is included below.

**ELL/LEP Code: P**

**ELL Status:** Former ELL

**Definition:** This student was identified as an ELL previously but tested out as per the NYSESLAT or other ELL exit criteria. This student may continue to be eligible for ELL testing accommodations and 90 minutes per week of ENL (former ELLs up to 2 years after testing out are eligible for ELL testing accommodations and 90 minutes of ENL) or another alternative support as outlined in Alternative Pathways to Support Former English Language Learners’ Language Development and Academic Progress.

**ELL/LEP Code: R**

**ELL Status:** Never an ELL

**Definition:** This student is not an ELL and was never an ELL as a result of scoring proficient on the NYSITELL or LAB-R (before 2014).

**ELL/LEP Code: D**

**ELL Status:** Never an ELL or Former ELL

**Definition:** Discontinued in February 2015: Not an ELL as per English Language Acquisition Needs Determination (ELAND) process. Students whose ELL status was removed before the first eligible administration of the NYSESLAT are considered never ELLs; all others are former ELLs.

**ELL/LEP Code: NULL (Blank)**

**ELL Status:** Never an ELL

**Definition:** A student who was never evaluated for ELL Identification either because of a home language of English or results of an informal interview. Additionally, a student’s status might be changed via the Re-Identification process and submitted via the ATS ERI screen.
**ATS: ELL Parent Choice Update Screen (ELPC)**

The **initial** parent selection is recorded in the ELL Parent Choice Update screen (ELPC) in ATS. After the initial parent selection is documented in ELPC, parents may change their choice at any time by writing to the principal or designee. All subsequent changes to parent selection, after the capture of initial parent selection, can be made on the BNDC screen. The Parent Survey and Program Agreement Form must be completed and placed in the student’s cumulative folder (along with any subsequent written consent to change ELL program choice).

The DOE monitors the implementation of the required ELL program parent selection process. The ELPC screen was created in ATS for schools to record the initial ELL program parent selection for all new admits who are identified as ELLs.

This function lists students admitted within the current school year whose ELL/LEP Flag is either "Y" or "E." For students who are administered the NYSITELL and identified as ELLs, the school needs to enter whether the parent was provided a parent orientation explaining the three ELL programs offered in New York City and the parent’s initial choice of program. This screen must be completed for each newly identified ELL.

**SY 2021-22 Policy Update:** Provisionally identified ELLs who were administered the Spring 2021 NYSESLAT and scored below commanding on the Spring 2021 NYSESLAT will be identified as ELLs. These students do not need to take the NYSITELL. However, schools must resume and complete the remaining steps of the formal identification process as outlined in Resuming Formal Identification Process for Provisionally Identified ELLs.

Schools have 10 school days to identify ELLs (20 school days for students entering with IEPs), to administer the Spanish LAB when appropriate, to conduct the parent orientation, and to place the student in the ELL program that was selected by the parent/guardian. Schools have an additional 10 school days to complete the ELPC screen. Since only ELLs must have a parent selection and ELL status is determined by a valid NYSITELL score, any parent selection provided without the supported assessment data will be considered out of compliance.

**SY 2021-22 Policy Update:** Due to extended timelines for identification, schools must update the ELPC screen with the parent/guardian’s initial ELL program selection as follows:

- provisionally identified ELLs by the 40th school day of school year 2021-22;
- newly enrolled and re-entry students admitted before October 13, 2021, by the 40th school day of school year 2021-22;
- newly enrolled and re-entry students admitted after October 13, 2021, within 20 school days of enrollment (30 school days for students with IEPs).
**Note:** Any student who was admitted over a year ago will not appear on the ELPC screen. Enter the parent option for these students on the BNDC screen.

**Figure 25: ELPC Screen in ATS**

There are two data points that need to be entered on the ELPC screen:

1. Was the parent provided an orientation explaining the three ELL programs offered in NYC? (Y, O, I, N)
   - **Y**=Parent was provided an orientation
   - **N**=Parent was NOT provided an orientation
   - **O**=Offered, but the parent did not come to parent orientation
   - **I**=Offered at IEP meeting

2. What was the parent selection of ELL programs? (E, B, D, N)
   - **E**=ENL/ESL
   - **B**=TBE
   - **D**=Dual Language
   - **N**=Parent did not return survey (denotes a bilingual program by default)

For further information, refer to the [ELPC Wiki page](#).
ATS: BNDC for SIFE Determination and Paraprofessional Services

The BNDC screen serves three functions:

1. Determination of SIFE status
2. Number of paraprofessionals working under ENL and/or bilingual teachers
3. Initial parent selection of the ELL program is entered in the ELPC screen (see Step 7: Parent Agreement and Program Placement); however, subsequent changes to parent selection are entered into the BNDC screen.

After schools determine SIFE status, the decision is entered into the BNDC screen. For information on SIFE and determination criteria, see Step 6: Identification of Students with Interrupted/Inconsistent Formal Education.

Schools must also enter the number of paraprofessionals who are working under the direct supervision of a licensed ENL or bilingual teacher for academic purposes (linguistic and/or content area). Record paraprofessionals regardless of whether they are mandated as part of a student’s Section 504 Plan (for academic purposes), or Individualized Education Program (IEP). Note that for students with IEPs, paraprofessionals may not always be explicitly written on the IEP in SESIS but must be reported in this field. Paraprofessionals working with ELLs in general education settings must also be reported.

Figure 26: BNDC Screen in ATS
ATS: ELL Transfer Requests (ELTR)

The ELTR screen in ATS allows principals to:

- Submit an ELL Transfer Request for a student
- Track a student’s ELL Transfer Request

Once a Family Request for ELL Transfer form is received, the ELTR main screen and student detail screens will allow principals to make the most informed decision about placement options for the student.

For further information, refer to ELL transfer Policy and Procedure.
### ATS: Home Language Code Crosswalk

Source: ATS (As of January 9, 2020)

**Note:** AA, NULL, UK, ZZ are not valid HL codes

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**STARS: ENL Programming**

See the [English Language Learners Wiki](#) for the latest information on programming ENL in STARS.

**STARS: Bilingual Programs Programming**

See the [School Programs - ELL Wiki](#) for the latest information on programming dual language and transitional bilingual education programs in STARS.

**Note:** Schools may choose to extend their school day beyond the required hours with the help of community-based organizations/non-profits and special grant opportunities; however schools must deliver their mandated instruction and services, including for English language learners and the IEP-recommended program and related services for students with disabilities, during the regular mandated school day.

**Retention of Records**

All ELL-related documents (including but not limited to those listed below) must be kept in the student’s cumulative record. The ELL documents must be forwarded to DOE schools upon transfer to another DOE school as per all applicable policies.

Additionally, schools are encouraged to maintain an *ELL Folder of Critical Documents* which contains these documents in a central location for ease of review. Due to the various sizes of schools’ populations, some schools may opt to have an electronic folder through scanning. Regardless of the method, schools should refer to all applicable laws and regulations pertaining to the retention of records, including but not limited to [Chancellor’s Regulations A-820](#) and the Family Educational Rights and Privacy Act (FERPA).

**Critical ELL documents**

Critical ELL documents include the following documents. Each document must be signed and dated.

- Home Language Identification Survey
- Parent Survey and Selection Form
- Program Placement Letter
- Entitlement letter (newly identified ELLs)
- Continued entitlement letter (continuing ELLs)
- Exit/non-entitlement letter
- Language Proficiency Team NYSITELL Determination Form
Comprehensive Education Plan: ELL Components

The Comprehensive Education Plan (CEP) serves as a school's blueprint for implementing instructional strategies, professional development opportunities, and parent involvement activities that promote continuous school improvement. The CEP is meant to be used as a tool to facilitate continuous improvement planning—to support schools in engaging their staff, parents, students, and community partners in assessing and prioritizing school needs, setting measurable improvement goals, selecting appropriate strategies to improve student outcomes, monitoring progress toward meeting annual goals, and communicating these efforts to the broader school community. Additional information is available in the Resources section of the iPlan portal.

There are two ELL-related sections of the CEP:

- Language Allocation Policy (LAP)
- Title III Plans

Note: Language Translation and Interpretation Plans (LTI), previously considered an ELL CEP component, is not exclusively considered an ELL CEP component. The LTI plan serves as your school’s strategy for communicating with all families who do not speak English. For questions or assistance in completing your LTI plan, contact your Field Language Access Coordinator, or email LACoordinators@schools.nyc.gov.

Language Allocation Policy

The LAP is a systemic plan for language development that guides programmatic and curricular decisions for students until they acquire academic proficiency in English. See the Language Allocation Policy InfoHub for the current year’s template. It is a school-originated document submitted yearly in consultation with all ML/ELL community partnerships, administrators, teachers, parents, and support personnel to ensure proper implementation within each school community. The LAP is understood by all school partnerships and enacted by all practitioners so that all stakeholders understand how, why, and when the students receive ELL services. The educational programs for MLs/ELLS within a school are detailed within the document. The document describes the various program models (dual language, transitional bilingual education, and English as a new language), the identification of ELL subgroups in the school, the interventions they receive, and parent engagement. In addition, professional development provided and the high-quality certified teachers of ELLs that staff these programs are described in the LAP.

The LAP template and other LAP resources are available on the Language Allocation Policy InfoHub and the iPlan portal.
Title III Limited English Proficient (LEP) Plan

The Title III Limited English Proficient (LEP) supplemental program is provided through federal funds supported by the Every Student Succeeds Act (ESSA). This funding (subject to revision annually) is based on the previous year’s ELL reporting in each individual school. It provides federal allocations to schools with the mandated minimum of ELLs for supplemental services for English language learners before school, after school, and on Saturdays. These wholly supplemental services are based on students’ needs and provide teachers with ongoing professional development to support the ELL population within the school. A plan must be submitted every two years based on the following ratio: 60% to direct instruction, 10% to parental involvement, 10% to professional development, and 20% to OTPS.

The three main components for the use of Title III funds are as follows:

1. Direct Instruction activities must be used to support language development, English and home language instruction, high academic achievement in math, and/or other core academic areas
2. High-quality professional development that is of sufficient intensity and duration to have a positive and lasting impact on the teachers’ performance in classrooms
3. Parent engagement activities and supports must ensure that there are appropriate translation and interpretation services to meet community needs

School allocations are announced annually in the respective school allocation memorandum, which is available on the [School Allocation Memorandums InfoHub](#). For more information on Title III, please refer to the Frequently Asked Questions included below.

FREQUENTLY ASKED QUESTIONS

Supplemental Direct Instruction

1. **What does direct instruction supplemental programming mean?**

   Direct instruction activities must be used to support language development, English and home language instruction, academic achievement in math and/or other core academic areas. This programming must be based on student needs and the guidelines outlined in the current year’s School Allocation Memorandum (SAM). The direct instruction must complement core bilingual and/or English as a New Language (ENL) services required under Commissioner’s Regulation (CR) Part 154. Direct supplemental services should be provided before school, after school, or during Saturday programs. The teachers providing the services must be certified bilingual education and/or English to Speakers of Other Languages (ESOL) teachers.

2. **What should be included in the direct instruction supplemental program?**

   In your Title III plan, the description of direct Title III instruction to ELLs must include the following:

   - type of program/activities
   - number of students to be served
3. **Who is entitled to Title III supplemental programs?**

   All ELLs are entitled to Title III programs. Each school should establish criteria for ELLs’ participation in Title III program activities. Schools should examine the data and the needs of their ELL population when they plan their Title III programs. This may include any of the ELL subgroups: Newcomers, Developing ELLs, Long Term ELLs, ELLs with Individualized Education Programs (IEPs), Students with Interrupted/Inconsistent Formal Education (SIFE), and Former ELLs.

4. **Can I include former ELLs in the direct instruction supplemental Title III program?**

   Title III is a federal funding source for supplemental programs and activities for ELLs. However, former ELLs who tested out for up to two years may be invited to the Title III program activities. Instruction may be conducted in both English and the student’s home language(s). Programs and activities implemented under Title III Part A may not supplant programs required under CR Part 154.

5. **Can non-ELLs participate in Title III programs?**

   Title III is targeted funding for supplemental instruction for ELLs; former ELLs up to 2 years after exiting ELL status may also participate.

6. **Who can teach the Title III supplemental program?**

   The Title III supplemental program must be taught either by a certified ESOL or bilingual teacher. Title III programs may have a non-ESOL or non-bilingual certified teacher, as long as they are team teaching and co-planning with a certified ESOL or bilingual teacher. The certified ESOL or bilingual teacher can push in for the content area program. This arrangement should be fully described in the instructional plan.

7. **Can my guidance counselor provide direct instruction and/or support during my extended day program?**

   Your guidance counselor can provide direct instruction if they:
   - have an ESOL or bilingual certification as a teacher in New York State; or
   - are co-planning and team teaching with a certified ESOL or bilingual teacher.
A guidance counselor or a bilingual guidance counselor can also support students and parents with group and individual workshop sessions in a supplemental Title III program. These services must be clearly described in the appropriate section of the program narrative.

8. What if my ENL teacher doesn’t want to work in a supplemental Title III program?

Post the position so that other ESOL or bilingual certified teachers can apply. You should also reach out to your BCO HR director for support with this process.

9. Can I hire a paraprofessional for the Title III program?

No. However, if an ELL is attending the Title III program and his/her IEP mandates a bilingual paraprofessional, then it may be permitted.

10. Can a supervisor be paid out of Title III funds for my extended day program?

You may pay a supervisor from Title III funds if the Title III program is the only program operating during the extended day. These circumstances must be described in detail in the narrative. The school should also describe the responsibilities of the supervisor. Responsibilities should not be limited to administrative duties only but should also include instructional leadership. It is strongly recommended that Title III programs be scheduled at the same time as other extended day programs so that the supervisor overseeing those programs is also responsible for the supervision of the Title III program.

11. Can I include trips or cultural activities in my Title III program?

Yes, if the trips and/or cultural activities are aligned to the Title III instructional program objectives. The trips should have a clear instructional rationale, and the purpose must be explained in the program narrative. The allowable expenditures must follow the Title III expenditure guidelines. Schools must adhere to all DOE guidelines on trips.

12. Are laptop purchases to allow ELLs to engage in remote learning an allowable expense?

The purchase of technology for ELLs to engage in remote learning is not an allowable expense for Title III. All ELLs who are engaging in remote learning should have access to this technology via general funding streams used for the purchase of all other students. Please refer to the long-standing Title III rules about tech/equipment purchasing (pages 6-7) for the exclusive use of MLs/ELLs in Title III funded programs. For more information see NYSED’s Guidance on Allowable and Unallowable Expenditures.

Professional Development

13. What should Title III professional development look like?

Professional development should meet the following criteria:

- Program of sufficient intensity and duration as to have a positive and lasting impact on teachers’ performance in the classroom with ELLs.
- Ongoing and sustainable professional development program.
• Planned activities designed to enhance a teacher’s ability to understand and use curricula, assessment measures, and instructional strategies for ELLs.
• Activities designed to improve the instruction and assessment of ELLs.
• Timelines, professional development providers, and target audience should be included in the narrative.
• Support must be aligned with the supplemental Title III instructional program.
• Include study groups for teachers of ELLs and Division of Multilingual Learners sponsored professional development series.
• May also include professional development conducted by BCO staff on ELL instruction.

14. What should be included in the Title III professional development?

The professional development component should include the following:

• A list of topics and tentative schedules of workshops to be offered throughout the program and the number and qualifications of the participants.
• A description and content area focus of study groups and associated materials, and the number of teachers participating.
• A description of materials and resources being utilized for professional development.
• If a consultant provides professional development, describe the consultant’s ELL credentials and work delivered, including the number of sessions, weekly schedule, per session cost, hours of work, number of teachers trained, qualification of the service provider(s), and topics aligned to the proposed program.

15. Can I hire a consultant to provide professional development for teachers of ELLs during the day?

Consultant hiring should align with DOE’s guidelines for allowable purchasing and hiring. In general, if consultant or professional services are permitted, the consultant, who must have a demonstrated track record or credentials and expertise to provide ELL services, must focus on professional development activities based on the needs of the ELLs and/or teachers servicing ELLs. These needs must be demonstrated and described using performance indicators such as city and state assessments as well as the Next Generation Learning Standards.

16. Can schools hire a substitute teacher so that teachers of ELLs may attend a PD session?

Yes, schools may hire a substitute teacher to release teachers of ELLs to attend a PD session during the regular school day only if:

• Schools articulate how these sessions will specifically increase the effectiveness of instruction for ELLs (either classroom teachers with ELLs in their classes or the certified ESOL/bilingual teacher, and preferably, teachers working in the direct instruction portion of the program)

Schools must specify:

• Which teachers were selected
• How teachers will use the new learning to build capacity within their school, study group, PD session, via lab site, open classroom, etc.

**Note:** If Title III funds are used for this purpose, it must come from the professional development portion, which represents 10% of the total Title III LEP allocation.

17. **Can we use the contractually mandated time after school professional development time (e.g. Mondays) for Title III PD?**

The mandated blocks of time for PD activities required as per the current UFT collective bargaining agreement can be used toward the PD component of the Title III program, provided that they include ongoing and sustained professional development that meets the intent and purpose of the Title III program. These activities should be aligned with the Title III supplemental program and include teachers who work in the Title III instructional program and may include other teachers of ELLs. Documentation of participation in professional development activities should be kept on file. Note: mandated blocks of time include Mondays or alternative days for schools adhering to the terms of the contract as a result of the school-based option.

### Parental Involvement

18. **What should parental involvement look like?**

These programs should promote parent, family, and community engagement through community participation programs, family literacy services, and parent outreach and training activities to MLs/ELLs and their families.

This [online geomap](#) is a running list of community-based organizations dedicated to serving NYC’s linguistically and culturally diverse families.

19. **What should be included in the parental involvement component?**

The parental program needs to be aligned to the proposed Title III plan and/or school-developed needs assessment survey and parent interviews. Please note that parent orientations are mandated under CR Part 154, and therefore, cannot be included as an activity under the Parental Involvement section of the Supplemental Title III Program description.

20. **Can we purchase refreshments for parents under Title III?**

Refreshments can only be purchased for parents participating in a parental involvement component of the Title III plan. Please make sure to follow [DOE Standard Operating Procedures](#) and [guidelines on food and refreshments](#).

21. **Can out-of-state student trips and/or professional development be funded under Title III?**

Out-of-town trips are not permitted except for one-day trips for parents to attend specialized meetings and conferences. All DOE guidelines on travel, conferences, and student trips must be adhered to.
22. Parent Engagement Activities assumes that, if parents log on at all, the parent will have interpretation and/or translation provided to them for the duration of the activity. Is this accurate?

Yes. Schools are required to continue to follow [Chancellor’s Regulation A-663](https://www1.nyc.gov/site/doe/policy-regulations/regulations/chancellors-regulations/index.html) for the provision of translation and interpretation.

### OTPS

23. Can I use Title III funds to purchase a teacher projector?

This is an allowable expense as long as it is within OTPS spending limits. Discretion should be applied to ensure that the teacher is using the projector to serve students during the Title III program.

### Budget

24. How should schools allocate Title III funds?

Schools should continue to use the following program component ratios as a guideline for Title III program planning:

- 60% direct to instruction
- 10% to parental involvement,
- 10% to professional development
- 20% to OTPS

25. Can I coordinate other funds to support the Title III program?

Yes. Schools may use other funding sources to complement their Title III program regardless of whether the school is conceptually consolidated or not. The school must explicitly state which components of the plan’s expenditures are at no cost to Title III.

26. How can we allocate funds if my school is not conceptually consolidated?

The Title III plan must meet all intents and have all components as outlined in question #30 above. Schools that are conceptually consolidated (SWP) may use all the funds for one component if and only if other funding sources are used to meet the other intents, which must be indicated in the plan following the recommended ratio of expenditures.

### Galaxy

27. What steps should be taken in Galaxy for Title III?

Schools must select a program description in Galaxy to identify how funds are being spent to support ELL students. As funds are scheduled, schools will need to select one of the activity descriptions using the “Program” dropdown field in Galaxy. The scheduling of funds must be aligned with your approved Title III LEP plan contained within your school’s Comprehensive Education Plan (CEP).
Conceptually consolidated schools that use a different consolidated funding source to fund an LEP program must use the below program descriptions to ensure proper tracking of funds being used to support ELLs. For more information, see the Title III LEP School Allocation Memorandum (SAM).

28. What are the Title III program descriptions that should be used in Galaxy?

The program descriptions that should be used are as follows:

- T3 LEP Supplemental ELL Instruction – Before School
- T3 LEP Supplemental ELL Instruction – After School
- T3 LEP Supplemental ELL Instruction – Saturday Program
- T3 LEP Supplemental ELL Instruction – Other
- T3 LEP Certified ELL Teachers (ESOL/Bilingual)
- T3 LEP Supplemental Guidance/Counseling Services
- T3 LEP Professional Development
- T3 LEP Parent Involvement/Engagement

29. Which vendors can I choose?

Contracted vendors should be used as much as possible. For Title III specifically, the circumstances under which outside vendors can be used are outlined on questions #12, 21, 27 of this FAQ. Schools and BCO staff reviewing Title III plans are encouraged to practice their best judgment and discretion when determining when work with an outside vendor meets these parameters. Schools and BCO staff can determine if a vendor has a valid contract by checking the Vendor Inquiry search feature in FAMIS. Schools are also encouraged to check the Multiple Task Award Contract (MTAC) Abstracts and Contract Descriptions for contracted vendors, including the following solicitations:

- R1151: Student Support Services
- R1158: English Language Learners Professional Development Services
- R1129: Arts Education Services
- R1155: Services to Promote Safe and Supportive School Communities

30. How can I spend my Title III funds for FY21?

The fiscal year 2021 (school year 20-21) Title III LEP and Title III Immigrant Funds were allocated to schools via SAMs No. 31 and No. 76 respectively. All eligible recipients must procure goods and services aligned to their approved Title III plans and within OTPS Guidelines, the FAQ for Allowable Use of Title III Funds, and Chancellor’s Regulations.

The following are examples of purchases/expenses for these funds. Note, these recommendations are limited to DOE contracted vendors only.
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<th>Description</th>
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<th>Available Resources</th>
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3. Scholastic, Inc.

- Vendor #: SCH100000
- Contract: 7000974 or R107101
- Product: W.O.R.D. **only**
- Serves: Grades K-5
- **Scholastic W.O.R.D. (large school 500+ students)**
  - Famis Item Number: 800378849
  - Vendor Catalog Number: 832396
- Scholastic W.O.R.D. (medium school 250-499 students)
  - Famis Item Number: 800378830
  - Vendor Catalog Number: 832395
**Usage Example** | **Description** | **Budget Code** | **Available Resources**  
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 |  |  |  | • Scholastic W.O.R.D. (small school 101-249 students)  
 |  |  |  | Famis Item Number: 800378822  
 |  |  |  | Vendor Catalog Number: 832394  
Digital Printing | Design, ADA remediation, and digital production of resources | 615 – Printing Services | 1. Vanguard Direct  
 |  |  |  | • Vendor #: VAN043000  
 |  |  |  | Contract: CITY046  

**All MTAC procurement should follow MTAC bidding guidelines.**
ELL Assessments

Required ELL Assessments

There are four assessments that are mandatory for different groups of ELLs. The assessments are NYSITELL, the Spanish LAB, Chinese Reading Test, and the NYSESLAT.

NYSITELL

The New York State Identification Test for English Language Learners (NYSITELL) is the exam that determines ELL status. It is administered throughout the school year as necessary to all students entering grades K to 12 who are first-time admits and re-entering students (see ELL Re-Identification Step 9 for more information on reentry). There are five levels, the last of which indicates the student is not an ELL. See Proficiency Levels for more information.

The NYSITELL has eight administration levels. In grades K to 3, the levels are different between the fall and spring administrations for each grade to account for the significant developmental changes between semesters. Students entering during the middle of the school year are expected to perform different developmentally appropriate tasks with different language expectations. Therefore, the NYSITELL provides level tests to determine students’ language proficiency relative to the expectations at that point in the school year. In the later grades, the tasks are more aligned between fall and spring; therefore, the language expectations do not differ as significantly as in the earlier grades. As such, students are administered the same NYSITELL level regardless of the time of year. See the NYSED website for additional guidance regarding the NYSITELL assessments.

The information below shows the eight NYSITELL levels and identifies which level is administered to each new admits, depending upon the grade in which the student is enrolling and the date on which the test administration begins.

- Level I
  - Grade K: June 1–January 31

- Level II
  - Grade K: February 1–June 30
  - Grade 1: July 15–January 31

- Level III
  - Grade 1: February 1–June 30
  - Grade 2: July 15–June 30
  - Grade 3: July 15–January 31

- Level IV
• Grade 3: February 1–June 30
• Grade 4: July 15–January 31

• Level V
  • Grade 4: February 1 – June 30
  • Grade 5: July 15– January 31

• Level VI
  • Grade 5: February 1–June 30
  • Grade 6: July 15–June 30
  • Grade 7: July 15–January 31

• Level VII
  • Grade 7: February 1–June 30
  • Grade 8: July 15–June 30
  • Grade 9: July 15–January 31

• Level VII
  • Grade 9: February 1–June 30
  • Grades 10-12: July 15–June 30

Figure 27: NYSITELL Levels by Grade.

The Level I test may be administered during June only to those new admits who will not begin kindergarten until September. The Level II test must be administered to any new admits who are enrolling in kindergarten for the current school year at any time between February 1 and June 30. The testing of new admits who are enrolling in New York State schools in Grade 1 and above for the fall semester may begin no earlier than July 15. Schools that are registering students before June 1 for enrollment in kindergarten for the upcoming school year may not administer the NYSITELL to eligible students until that date. With the exception of Level I, NYSITELL should be administered during June only to students entering school for the remainder of the current school year and/or students enrolling in a summer school program. Schools are not permitted to administer Levels II–VIII of NYSITELL from July 1–July 14.

For more information about the NYSITELL, see NYSED’s [website](https://www.nysed.gov) on the NYSITELL.

**Administration and Provision of Mandated ML/ELL Services**

In line with New York State [Commissioner’s Regulations (CR) Part 154-2](https://www.nysed.gov) as revised by the Aspira Consent Decree, and New York City Department of Education (NYC DOE) policies:
All identified English Language Learners and former English Language Learners, for the first two years after exiting services, must receive the mandated services outlined within the [CR Part 154-2 Units of Study](#) from:

- **The first day of school** for returning students
- Or **within 10 school days of the initial enrollment** for new students (20 school days for students entering with IEPs).

This requires that schools complete the entire English Language Learner (ELL) identification process, including administering the following to newly identified ELLs whose home language is Spanish, while also providing all mandated bilingual education and/or English as a New Language minutes of service to previously identified MLs/ELLs and former ELLs:

- Home Language Identification Survey,
- New York State Identification Test of English Language Learners (NYSITELL), and
- Spanish Language Assessment Battery (Spanish LAB)

**SY 2021-22 Policy Update:** For school year 2021-22, schools must complete the formal identification process and place ELLs, including incoming students with an Individualized Education Program (IEP), into an ELL program within the timelines listed below.

- Provisionally identified ELLs who did not participate in the Spring 2021 NYSESLAT must be identified and placed by October 27, 2021.
- Newly enrolled and re-entry students admitted before the first 20 days of the school year (October 13, 2021) must be identified and placed by October 27, 2021.
- Newly enrolled and re-entry students admitted after October 13, 2021, must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).

Therefore, it is required all NYC DOE schools have designated an ELL intake/identification team and planned schedule of team members’ availability. This team might include staff besides a school’s ENL teacher(s) to allow for the provision of mandated ELL services. The ELL intake/identification team schedule should be kept in the school’s physical or electronic ELL folder of critical documents.

Certified teachers or administrators who received training on the following can administer the assessment:

1. Administration of the Home Language Identification Survey
2. Administration of NYSITELL
3. Cultural competency, language development, and needs of MLs/ELLs.
Please see the [NYSITELL InfoHub](#) for more information on NYSITELL eligibility and administration.

Students who registered to enter kindergarten the following year may be administered the NYSITELL beginning June 1; all other grades may be administered the NYSITELL beginning July 15 (before the beginning of the school year in September). Ten (and 20) school days:

1. Refers to days the students are in session
2. Begins the first day of school or the first day the student is enrolled at the school (whichever is later),
3. And Includes days the student was absent.

The “clock” cannot begin before the first day of school (for example, if a student enrolls on July 7 for the fall, the clock will still begin the first day of school in September). The timeliness is based on the day on which the NYSITELL and Spanish LAB (if applicable) answer documents are scanned.

**Spanish LAB**

The [Spanish LAB](#) is administered to all new admits in grades K to 12 whose HLIS responses indicate a home language of Spanish *and* who are newly identified as ELLs based on NYSITELL results. It is administered throughout the year as necessary. The Spanish LAB must be administered at the time of initial enrollment during the same testing window as the NYSITELL. The Spanish LAB is used to support schools in instructional planning in providing bilingual and ENL services to these students. Spanish LAB results are not used to determine ELL status or service entitlement. Schools that are late or out of compliance in administering the NYSITELL will be considered out of compliance by default for those students whose home language is Spanish since the Spanish LAB cannot be administered until the NYSITELL has been administered and scanned into the system. For more information, see [Step 5: Administering the Spanish LAB](#).

**SY 2021-22 Policy Update:** For school year 2021-22, schools must complete the formal identification process and place ELLs, including incoming students with an Individualized Education Program (IEP), into an ELL program within the timelines listed below.

- Provisionally identified ELLs who did not participate in the Spring 2021 NYSESLAT must be identified and placed by **October 27, 2021**.
- Newly enrolled and re-entry students admitted before the first 20 days of the school year (October 13, 2021) must be identified and placed by **October 27, 2021**.
- Newly enrolled and re-entry students admitted *after* October 13, 2021, must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).
These timelines also apply to the Spanish LAB.

**Chinese Reading Test**

The Chinese Reading Test is administered to all students in grades 3 to 12 in Chinese transitional bilingual education and dual language programs. English-proficient students in Chinese DL programs should also take the Chinese Reading Test. It is designed to assess students’ reading achievement in Chinese. This exam is administered one time in mid-May. See the DOE’s testing calendar for specific dates and times.

**NYSESLAT**

The New York State English as a Second Language Achievement Test (NYSESLAT) is the exam administered to all ELLs in grades K to 12 (including those who are eligible for New York State Alternate Assessment) as well as those students who were not properly and timely administered the NYSITELL to determine continued entitlement of ELL services, progress in learning English, proficiency level, and number of units of ENL for the following school year. The NYSESLAT consists of 4 sections (speaking, listening, reading, and writing), all of which must be administered to generate a valid score and proficiency level/result.

Administration of the NYSESLAT runs from mid-April to mid-May. The first several weeks are devoted solely to the administration of the speaking section. The last 2 weeks are devoted to the other 3 sections as well as those students who were not administered the speaking section. Schools are not penalized for administering the speaking section during the last 2 weeks. Schools are encouraged to send the Parent Guide to the NYSESLAT to parents of ELLs (in their preferred language) before the administration of the NYSESLAT.

If an NYSITELL eligible student enters the school during the NYSESLAT administration window, the student should first be administered the NYSITELL to determine ELL status. If the student is determined to be an ELL, the student should also be administered the NYSESLAT to the extent possible.

**NYSESLAT Administration Best Practices Overview**

Schools must administer the New York State English as a Second Language Achievement Test (NYSESLAT) to all ELLs annually to measure progress in English language acquisition and to determine continued eligibility for ELL services. For students to receive a valid score, schools must administer all sections (speaking, reading, listening, and writing) of the NYSESLAT to students. The NYSESLAT is administered from April to May. See annual School Administration Manual for specific dates.

To ensure that schools are administering all parts of the NYSESLAT to all eligible students, principals should work with their test coordinators to complete the following steps:
**Step 1: Identify Eligible Students**

- Print out the RLER report from ATS for a list of NYSESLAT-eligible students. Note the number of NYSESLAT-eligible students at your school.
- Identify any NYSESLAT-eligible students who have long-term absences and call their parents to ensure students are present during scheduled exam times.
- Upon receipt of your NYSESLAT materials, count the number of booklets. Schools print answer documents from ATS; for more information see the Scanning Handbook.
- If you do not have sufficient numbers of materials, contact your Borough Assessment Implementation Director (BAID).
- Identify students who reentered the NYC DOE public schools after having been outside NYS public schools for more than 2 years
- For students who were identified as ELLs but current ATS ELL/LEP codes indicate otherwise, administer the NYSESLAT by completing blank NYSESLAT scan sheets
- For students who were identified as English-proficient but current ATS ELL/LEP codes indicate otherwise, do not administer the NYSESLAT.
- Do not administer the NYSESLAT to students who, as a result of the Language Proficiency Team process for students entering with IEPs, were not eligible for the NYSITELL

**Step 2: Ensure that all students eligible to take the NYSESLAT have been tested**

- Follow up with students who have not taken the NYSESLAT and their families to emphasize the importance of the NYSESLAT by making them aware that the NYSESLAT determines their English proficiency, whether a student will receive ENL and/or bilingual services the following school year and contributes to promotion decisions.

**Step 3: Administer all Subsets of the NYSESLAT and Track Student Completion**

- ELLs with IEPs are entitled to receive the accommodations listed on their IEPs for the NYSESLAT for all subtests. This includes students whose IEPs include tests of reading comprehension. For further information on this accommodation, refer to NYSED’s memo on allowable testing accommodations on the NYSESLAT.
- Note that staff members administering the NYSESLAT are not required to hold a bilingual or ESOL license but must be able to carry out standard examination procedures, including the provision of testing accommodations, and must have been trained in administering the NYSESLAT.
- To administer the speaking subtest during the administration window, assign a sufficient number of staff members and adjust your school schedule as necessary to ensure that you can administer all NYSESLAT-eligible students the speaking subtest during the administration window.
Frequently Asked Questions on Special Circumstances

1. What should I do with answer documents for students enrolled in GED/TASC programs?
   These students do not need to be tested; you do not need to print or scan any answer documents for these students.

2. What should I do with answer documents for students who recently were determined to have exited ELL status through CR Part 154’s alternate exit criteria?
   They do not need to submit an answer document. You do not need to print or scan any answer documents for these students.

3. In what grade should NYSAA-eligible students be administered the NYSESLAT?
   For NYSESLAT administration purposes, NYSAA eligible students are considered ungraded. Therefore, the grade bubbled in on the answer document should be based on the NYSAA Birthdate Chart.

4. What should I do with answer documents for students who tested but do not respond to any questions in a modality/session?
   Fill in the NO response bubble on the answer document and submit.

5. What should I do with answer documents for NYSAA eligible students who, based on the NYSAA Birthdate Chart, will take the NYSESLAT in a different grade band?
   Before printing answer documents, indicate which students are NYSAA-eligible (there is a column to do this on the print screen). Documents will be generated for those students for the appropriate grade based on the NYSAA birthday chart.

For general information about administering the NYSESLAT, including rubrics, see the NYSESLAT School Administrator’s Manual. For information on NYC-specific administration and scoring procedures, see the NYSESLAT memo. For questions regarding NYSESLAT administration or materials, contact your Borough Assessment Implementation Director (BAID). For questions regarding ELL policy, contact your BCO ML/ELL director.

Optional ELL Assessments

Below are some assessments that are optional for different groups of ELLs. The assessments are the ELL periodic assessment and the Spanish Language Assessment.

ELL Periodic Assessment

The ELL Periodic Assessments are a supplemental component of the Periodic Assessment portfolio. These assessments are designed to provide teachers with detailed information about their students’ strengths and needs in English language development and to serve as a resource to help plan individual and group instruction.
Students’ knowledge of the English language is assessed in three modalities: reading, writing and listening. The assessment is offered in the same grade bands as the New York State English as a Second Language Achievement Test (NYSESLAT) beginning in grade 3 (grades 3–4, 5–6, 7–8, and 9–12). These assessments do not include oral response or constructed response sections. They are administered in paper/pencil format and contain only multiple-choice questions. The assessments are not timed, but they are designed to be administered in one class period.

ELL Periodic Assessments are specifically designed for English language learners and may provide more instructionally relevant data about these students than ELA periodic assessments. Schools may use these assessments in addition to their other periodic assessments. Schools that are focusing on ELL students as part of their inquiry work may find these assessments, and the timely, detailed data they provide, to be especially valuable.

Schools can elect to administer the assessment during either or both of these windows:

- Fall: September to October
- Spring: February to March

For specific dates or more information, see the DOE's Periodic Assessment InfoHub or contact the borough assessment implementation director.

**Spanish Language Assessment**

The Spanish Language Arts (SLA) Assessment is designed to provide teachers with information about their students’ strengths and needs in Spanish literacy skills and academic language development. It is a pair of open-ended, skills-based, and Common Core-aligned assessments that are administered at the beginning and end of the school year. Spanish bilingual teachers can use the assessment data to monitor students’ progress on the targeted skills and facilitate learning opportunities for students to transfer literacy skills between their home language and new language. The data can help teachers strengthen the alignment between the subjects of English Language Arts and Spanish Language Arts and bolster the core instruction for their bilingual students. Principals of Spanish bilingual programs can utilize the assessment data to identify grade-wide or school-wide instructional priorities to better support the instructional core for their schools.

The SLA Assessment is available for grades K-12. Students are required to read a set of Spanish informational texts, identify and analyze presented evidence, and then write evidence-based responses to text-based prompts in Spanish. Reading is conducted through teacher read-aloud for Kindergarten students, and student independent reading for grades 1 and 2. Students in grades 3-12 will read 2-3 passages about a theme or topic independently. After the reading task, students will complete an independent writing task in the genre of informational writing for grades K-2, opinion writing for grades 3-5, and argumentative writing for grades 6-12.

Schools with a Spanish bilingual program should consider administering both the SLA Assessment and ELA Performance Tasks (NYCPTs). The two assessments share a similar structure in design as well as
administration format. The assessment tasks are grounded in daily classroom activities, so both students and teachers do not need to become accustomed to new processes for these assessments. However, unlike ELA NYCPTs, the SLA Assessment does not require pre-slung answer sheets. Students will complete the assessment directly in the task booklet. Teachers will score each task booklet and record the scores on the last page of the task booklet and may enter scores in Schoolnet online for their classes. Pre-slung Schoolnet answer sheets may also be printed and scanned if desired.

For more information including administration dates, see the [DOE's Periodic Assessment InfoHub](https://www2.doe.nyc/periodic-assessment) or contact the [Borough Assessment Implementation Director (BAID)](https://www2.doe.nyc/borough-implementation-director).

### Exemptions from the NYS English Language Arts Exam: Grades 3 to 8

Some ELLs are eligible for a one-time exemption from the New York State English Language Arts Exam in grades 3 to 8. ELLs, who on April 1 of the year in which the ELA is administered, have been attending school in the United States for less than one year may use the NYSESLAT instead of the ELA. For this purpose, the United States School System (USSS) is defined as schools in the 50 States and the District of Columbia and does not include Puerto Rico, the outlying areas, or the freely associated States. Students may be exempted from only one administration of the ELA. See [NYS SIRS Manual](https://www2.doe.nyc/sirsmanual).

**Helpful Hints: Business Rules for Calculating Months**

**Enrolled in a United States School System (USSS)**

- Admission/discharge on the same day = no enrollment.
- 1 day of enrollment in the month = 1 month of enrollment.
- If the student is still active in September, count July and August as months of enrollment.
- Months in which students are enrolled as prekindergarten to grade 8 or ungraded elementary are counted toward determining ELA exemption status.
- If a student discharges to a non-US school, their enrollment in US schools does not start over. Upon discharge, the months of enrollment will stop accruing and when they re-enroll in NYCDOE, their months of enrollment resume from where they left off.

The one-year exemption window does not have to be 12 consecutive months. In addition, students enrolled anytime during a month, including July and August, are considered enrolled for that month. As such, eligible students may be exempted from taking the ELA for the first year in which they are enrolled during the ELA test administration period. Such students may not be exempted in subsequent years, even if they have been enrolled in a USSS for less than 12 months. Months in which students are enrolled in a USSS as pre-kindergarten to grade 8 or ungraded elementary are counted toward this 12-month exemption window.
Examples

1. An ELL student enrolls for the first time in a United States school in grade 3 in March 2014 and ends enrollment by leaving the United States in June 2014 (four-month enrollment). The student re-enrolls in a United States school in March 2015 as a grade 4 student and remains enrolled through the end of the school year. If the one-time exemption occurred in 2013–14, even though the student has been enrolled in a United States school for only six months as of the 2014–15 NYS ELA test administration window (test is given in April), the student may not be exempted again in 2014–15, as the one-time exemption already occurred in 2013–14.

2. An ELL student enrolls for the first time in a United States school in grade 3 on May 1, 2014, and does not end enrollment. The student may be exempted from taking the NYS ELA test in 2014–15, as the student has only been enrolled in a school in the United States for 11 months, May 1, 2014 – March 31, 2015. (Note that April 2015 is not counted in determining if the student has been enrolled for 12 months in a school in the United States.)

There are no Regents exemptions permitted based on ELL status. For more information, refer to the DOE's High School Academic Policy Guide.

ELL Testing Accommodations

All ELLs and former ELLs for up to two years after testing out are eligible for ELL testing accommodations, in addition to any accommodations on their IEPs or 504 Plans, if applicable. Schools should determine which accommodations are required to maximize the potential for achievement on all exams for each ELL at the beginning of the school year. ELLs are entitled to using those accommodations for most assessments, including those that are teacher-made and State-mandated. ELLs are not entitled to ELL testing accommodations on the NYSESLAT (unless the student has an IEP).

Schools may provide testing accommodations to ELLs, as needed, on all NYS ELA and content-area assessments (meaning, mathematics, science, and social studies). Schools must make all necessary arrangements to make these accommodations available for ELLs who need them. A list of NYS-approved accommodations may be found in the School Administrator's Manual (SAM) for each respective test.

ELLs with IEPs and 504 plans are always provided with the accommodations on their IEPs and 504s. All ELLs and former ELLs for up to two years after testing out are entitled to the following accommodations:

- Time extension (all exams): Schools may extend the test time for ELL students on NYS ELA and content-area assessments and Regents examinations. Principals may use any reasonable extensions, such as "time and a half" (the required testing time plus half that amount), in accordance with their best judgment about the needs of the ELL students. Principals should consult with the student's classroom teacher in making these determinations. However, there are no time limits.
Separate location (all exams): Schools are encouraged to provide optimal testing environments and facilities for ELL students. NYS assessments may be administered to ELLs individually or in small groups in a separate location.

Third reading of listening selection (English Language Arts exams only): Proctors may read the listening passage three times to ELLs on grades 3-8 English Language Arts assessments and the Regents Comprehensive Examination in English.

Bilingual dictionaries and/or glossaries: ELLs may use bilingual glossaries when taking State examinations in all subjects except languages other than English exams (LOTE). The bilingual dictionaries and glossaries may provide only direct one-to-one translations of words. Bilingual dictionaries and/or glossaries that provide definitions or explanations are not permitted. Bilingual glossaries in the content areas are available for download.

Simultaneous use of English and alternative language editions are not allowed for English Language Arts examinations. For state examinations for which SED provides written translations, ELLs may use both English and an alternative language edition of the test simultaneously. However, they should be instructed to record all of their responses in only one language. The alternative language edition used by the student should be so indicated on the student’s answer sheet.

Oral translations for low-incidence languages are not allowed for English Language Arts examinations. Schools may provide ELL students with an oral translation of a state examination when there is no translated edition provided by SED. All translations must be oral, direct translations of the English editions. Written translations are not allowed. No clarifications or explanations may be provided. Translators should receive copies of the English edition of the tests one hour before administration.

Writing responses in the home language is not allowed for English Language Arts examinations. ELL students making use of alternative language editions or oral translations of state examinations may write their responses to the open-ended question in their home languages. Scoring the tests is the responsibility of the school.

Support Services for ELLs (RTI and AIS)

For each English language learner who scores below specified levels of performance on the annual English language proficiency assessment, the school must determine the additional support services to provide the student, taking into consideration evidence such as the following:

- Number of years of instruction in bilingual education or English as a new language program
- English and home language literacy
- Content area and socio-emotional support needs of students with inconsistent/interrupted formal education (SIFE)
- English and home language literacy needs of long-term ELLs
- Results on the annual English language proficiency assessment exam (for example NYSESLAT)
- Bilingual education or English as a second language teacher recommendation
- Content area teacher recommendation
- Parent or guardian request
- Sample of student work in English and, if possible, in the home language
- Bilingual educational evaluation, if the student has or is suspected of having a disability

The support services provided must be aligned to any intervention plans (for example, Academic Intervention Services) the school is already providing to all students. RTI must be provided to a student before referral in particular in cases where there is a suspected learning disability as opposed to a language acquisition need or the student exhibits the need for additional academic supports. Refer to the guidance provided by New York State Education Department.

Professional Development

Each school must provide professional development to all teachers and administrators that specifically address the needs of English language learners.

A minimum of fifteen percent (15%) of the 100 required professional development hours for all teachers who hold a professional license prescribed by CR Part 80 must be dedicated to language acquisition, including a focus on best practices for co-teaching strategies and integrating language and content instruction for English language learners.

For all bilingual and English as a new language teachers who hold a professional license, a minimum of fifty percent (50%) of the required professional development hours must be dedicated to 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 English language learners.

Promotion and Graduation Requirements

Grades K-8

NYC promotion standards are outlined in Chancellor’s Regulation A-501. Additional information regarding how these policies pertain to ELLs is described in the NYC DOE Promotion Implementation Guide, as well as in the Elementary and Middle School Academic Policy Guides.

High School Credit Accumulation and Graduation Requirements

There are some policies that schools should pay particular attention to when scheduling ELLs and considering graduation requirements. While all ELLs are expected to fulfill the course and exam requirements necessary to earn a diploma in New York State, some students are entitled to services and supports, including testing accommodations.
In addition, ELLs who enroll in any United States school for the first time in grades 9-12 and who meet other specific eligibility requirements may appeal to graduate with a lower score on the ELA exam. For more information, refer to the High School Academic Policy Guide.

Also, note that students arriving from a foreign country may, in certain situations, receive credit for living and attending school in a country where a language other than English is spoken. See the Transfer Student Toolkit for information on this policy.

**Grade and Cohort Placement for ELLs**

Like all students, English language learners are placed into graduation cohorts based on the first time they entered high school (or the equivalent) anywhere in the world. A student’s cohort year is fixed and represents the student’s entry into high school.

However, in special circumstances, an ELL can be placed in a cohort other than their actual high school entry year. This exception applies only to English language learners who fulfill certain criteria, outlined in the High School Academic Policy Guide. Schools are encouraged to review these criteria and the policy to determine if an ELL would benefit from a change in cohort.

Though cohort year is locked at the end of a student’s first year of NYC DOE high school based on their grade level in ATS, schools may request a change to a student’s cohort using the UGNO command in ATS for the following reasons:

- The student’s cohort does not accurately reflect their ninth grade entry year due to error (for example, the student was assigned to an incorrect grade level at the end of the school year).
- The student is a transfer student whose cohort was locked before the receipt of adequate academic records to make a grade level determination, recognizing the guidelines provided in Chancellor’s Regulation A-101.
- The student is an English language learner who fulfills the criteria below. In this case, the school may make a one-time request to move the student to the cohort corresponding to the year before their ninth grade entry year, provided that:
  - The student has never had such a request granted before;
  - The student was newly arrived in the United States in their first year of high school and placed directly into ninth grade;
  - The student is in exactly their second year of enrollment in high school;
  - The student is an English language learner and has a low level of literacy in their native language; and
  - The school has determined, before the end of the second year of enrollment, that the proper grade level of the student is still ninth grade.

UGNO requests must be accompanied by an explanation in the comment field. Note that students may not be assigned to cohorts whose four-year graduation rate has already been reported to New York
State and on the Progress Report (meaning, “closed cohorts”). See Graduation Accountability for more information.

**New Arrival ELA Appeal**

English Language Learners (ELLs) who entered the United States for the first time in grades 9–12 can appeal to graduate with a score of 55–59 on the ELA Regents exam. ELL students can earn a local diploma if they successfully appeal a score of 55–59 on the ELA Regents exam and score a 65 or above on the four remaining exams; or successfully appeal a score of 55–59 on the ELA Regents exam and successfully appeal one other exam score of 60 to 64 and score 65 or above on the remaining three exams.

In addition, the Low Score Appeal is an appeal to graduate with a score of 60-64 on Regents Exams. In March 2016, the New York State Board of Regents passed an emergency amendment to State Commissioner’s Regulations Section 100.5 that allows students to appeal scores of 60-64 (expanded from 62-64) on up to two Regents examinations, provided that they pass the remaining Regents exams with a score of 65 or above and meet the additional criteria. Students can earn a Regents diploma if they successfully appeal one exam score of 60–64 and have a score of 65 or above on the four remaining exams; students can earn a local diploma if they successfully appeal two exam scores of 60–64 and have a score of 65 or above on the three remaining exams.

For more information, on this and other high school academic policies, refer to the Appeal to Graduate with Low Scores on Regents Examinations document and other pertinent documents on the Academic Policy Resources InfoHub.
School Resources

- 10 ELL-Related Items for a Successful Start of the School Year
- 10 Steps for ML/ELL Data Verification, Review, and Update
- Resuming Formal Identification Process for Provisionally Identified ELLs
- SY 2020-21 School ELL Compliance Calendar
10 ELL-Related Items for a Successful Start of the School Year

Review the relevant sections in the Policy and Reference Guide for MLs/ELLS for in-depth information on the items listed below. Please note that the timelines for SY 2021-22 have been updated and are available on the InfoHub. For ELL-related matters, contact your BCO ML/ELL director.

1. Create ELL intake team and systems to form Language Proficiency Teams (LPTs) to ensure identification processes are completed.

- ELL intake process year-round for newly enrolled students. For SY 2021-22, the ELL intake team must also complete the formal identification process for provisionally identified ELLs. This includes in-person completion of the Home Language Identification Survey (HLIS), New York State Identification Test for English Language Learners (NYSITELL) administration (if the student does not have a valid Spring 2021 NYSESLAT score), Spanish LAB administration (for students with Spanish as their home language), sending parent notifications, holding parent orientations, and placing students into an ELL program.

- Identify staff who can serve on Language Proficiency Teams (LPTs) to assess NYSITELL eligibility for incoming students with Individualized Education Programs (IEPs).

- Develop a plan to provide translation & interpretation for families.
  - Ensure you have a list of pedagogues that speak languages other than English that can translate during the oral interview (as part of the HLIS). Only licensed pedagogues may do the interview and determine the home language code of the student.
  - When staff is not available to translate, contact the Translation and Interpretation Unit for over-the-phone translations.

- Ensure multiple teachers are trained on NYSITELL administration. Reach out to your BCO for training opportunities.

- Determine who will administer and scan the NYSITELL and Spanish LAB.

- Establish a plan to ensure students continue to receive ELL instruction during test administration.

Relevant resources:

- NYSED Guidance: Determining English Language Learner/Multilingual Learner (ELL/MLL) Status of and Services for Students with Disabilities
- Translation and Interpretation Unit
- ELL Policy Guidance SharePoint
- UPLearning
2. Determine NYSITELL eligibility for students with a home language other than English.

- Ensure that all newly enrolled students are administered the HLIS in person.
  - Schools must also revisit the HLIS in person for provisionally identified ELLs or they will remain provisionally identified.
- Once the HLIS has been formally administered in person:
  - Enter a valid home language code from the HLIS into ATS for all students.
  - Update the HLIS flag in the ATS BIOU screen to “Y” for all students.
- Determine NYSITELL eligibility for students whose home language is not English.
  - This includes an individual interview and review of any work to determine NYSITELL eligibility.
  - For incoming students with IEPs, convene the LPT to determine NYSITELL eligibility and convey recommendations to the Principal.

Relevant resources:
- ELL Policy Guidance SharePoint
- Parent Notification Letter InfoHub
- NYSED Guidance: Determining English Language Learner/Multilingual Learner (ELL/MLL) Status of and Services for Students with Disabilities
- Language Proficiency Team InfoHub

3. Administer the NYSITELL and Spanish LAB to eligible students.

- Ensure that your school has sufficient NYSITELL and Spanish LAB exams. Contact your Borough Assessment Implementation Director (BAID) if you need extra exams right away.
- For students eligible to take the NYSITELL, print the NYSITELL via the RLBA screen in ATS.
  - For students taking the NYSITELL special administration, print the NYSITELL via the RNSA screen in ATS.
- Administer the NYSITELL to eligible students following appropriate social distancing procedures.
- Scan the NYSITELL per procedures in the handbook.
- For students not eligible to take the NYSITELL, update the ELLO screen in ATS.

Note: The ELLO screen is only used for students whose home language is not English but authorized personnel have determined the student does not need to be administered the NYSITELL and is not an ELL.
Administer the Spanish LAB to newly identified ELLs whose home language is Spanish

Print the Spanish LAB answer documents via RSLA in ATS.

Scan the Spanish LAB per procedures in the handbook.

Relevant resources:
- NYSITELL and Spanish LAB InfoHub
- List of Borough Assessment Implementation Directors

4. Send notification letters to parents/guardians.

Designated staff should send appropriate notification letters to parents/guardians in their preferred language:

- Send entitlement/non-entitlement letters (after NYSITELL) within 5 school days of identification.

  **Note:** Entitlement letters also include the invitation to the parent orientation meeting.

- Send continued entitlement letters (after NYSESLAT) for current ELLs.
- Send non-entitlement letters (after NYSESLAT) for students who have exited ELL services and are now former ELLs.

File copies of parent notification letters in the student’s cumulative file.

Relevant resources:
- Parent Notification Letter InfoHub

5. Schedule parent orientation meetings and ensure the ELL Parent Survey and Agreement Form is completed.

Determine the pedagogue(s) that will conduct the parent orientation including translation support (if necessary). Parent orientations can continue to be conducted virtually.

**Note:** If parent orientations and ELL Parent Survey Agreement Form were completed during the provisional identification process, the school should confirm program selection with the parent.

Ensure parents receive all documents in their preferred language.

Ensure parents complete the ELL Parent Survey and Agreement Form within 5 school days of the parent orientation.

After receipt of the ELL Parent Survey and Agreement Form, send the placement letter (after parent survey).
If the parent/guardian does not return the ELL Parent Survey and Agreement form, send the program placement default letter.

Keep all documents, including agendas, parent attendance documents, and copies of parent notifications on file in the student’s cumulative folder.

Relevant resources:

- Parent Orientation Video
- Parent Notification Letters

6. Update the ELPC or BNDC Screen with ELL program selection in ATS.

- Ensure your staff records parent selection information in the ELPC screen in ATS including whether the parent was provided with information about ELL programs. This information must typically be entered in ATS within 20 school days of enrollment; 30 school days for incoming students with IEPs).

**SY 2021-22 Policy Update:** Due to extended timelines for identification, schools must update the ELPC screen with the parent/guardian’s initial ELL program selection as follows:

- provisionally identified ELLs by the 40th school day of school year 2021-22;
- newly enrolled and re-entry students admitted before October 13, 2021, by the 40th school day of school year 2021-22;
- newly enrolled and re-entry students admitted after October 13, 2021, within 20 school days of enrollment (30 school days for students with IEPs).

**Note:** Any student who was admitted over a year ago will not appear on the ELPC screen. Enter the parent option for these students on the BNDC screen.

Initial parent selection of the ELL program is entered through the ELPC screen in ATS. Though discouraged, subsequent changes to the parent selection can be updated on the BNDC screen.

7. Identify Students with Inconsistent/Interrupted Formal Education (SIFE).

- Schools must administer the SIFE Oral Interview Questionnaire to all newly identified ELLs in grades 3 to 9 whom the school suspects may have a gap in education or may have inconsistent education.

- If a gap of two or more years is determined, the school must administer the NYSED Multilingual Literacy SIFE Screener (MLS) to those students whose home language is Arabic, Bengali, Chinese, Haitian Creole, Maay Maay, S’gaw Karen, Spanish, and Urdu to determine SIFE status.

- SIFE status must be determined within 30 school days of enrollment and entered into the BNDC screen in ATS.
Relevant resources:

- NYSED SIFE Oral Interview Questionnaire
- NYSED Multilingual Literacy SIFE Screener (MLS)

8. Review Student Data and Program Students.

- Review students’ latest NYSITELL or NYSESLAT scores as well as other relevant data.
- Program ELLs and former ELLs according to parent selection and CR Part 154 requirements.
- Regardless of the ELL program type (dual language, transitional bilingual education, or ENL), all students must be programmed for the minimum amount of minutes of ENL as per CR Part 154.
- Schedule students for integrated ENL and stand-alone ENL based on grade and proficiency level.
- Program students who score commanding (“test out”) on the NYSESLAT for 90 minutes per week of ENL or one of the options outlined in Alternative Pathways for Former ELLs.
- Strategically program students so that teacher time is maximized in the classroom engaged in providing instruction to ensure that ELLs receive their full complement of mandated units of ENL and subject area content.
- Review staff certifications for personnel who can provide mandated ENL or bilingual services.
- Hire appropriately certified ENL and bilingual teachers.

Relevant Resources:

- CR Part 154
- Programming ELLs in STARS
- Alternative Pathways to Support Former English Language Learners’ Language Development and Academic Progress


- Review parent survey and agreement forms and keep track of the number of parents that choose a bilingual program. Keep in mind that if parents do not return the parent and survey agreement form, the default placement is a bilingual program.
- Create a plan if there are sufficient parent requests for a Dual Language or Transitional Bilingual Education program. CR Part 154, as amended by the Aspira Consent Decree, requires that schools create bilingual programs if the below thresholds are met:
  - Grades K-8: 15 or more ELLs of the same home language in two contiguous grades.
  - Grades 9-12: 20 or more ELLs of the same home language in any single grade.

Please contact your BCO ML/ELL Director for more information.
If parents request a bilingual program and one is not available at your school and your school does not meet the threshold to open a bilingual program, follow the procedures to request an ELL transfer.

10: Develop and finalize school-level plans to ensure the needs of ELLs and teachers are met.

- All schools are required to submit a Language Allocation Policy (LAP) and a Translation/Interpretation Plan for SY 21-22. Principals must submit a final plan that addresses the feedback provided by BCO staff in iPlan by October 29.

- All schools that received Title III LEP funding should submit their plan in iPlan. If this has not been completed, please contact your BCO ML/ELL Director.

- Title III Immigrant funds will be distributed in Fall 2021. Schools that receive these funds will have to develop and submit a plan in iPlan. Additional details will be shared in late Fall 2021.

- All schools should develop a professional development plan to ensure the following professional learning requirements are met for all teachers as per CR Part 154:
  - 15% of total hours of PD must be ELL-specific for all teachers
  - 50% of total hours of PD must be ELL-specific for bilingual education and ENL teachers

- Provide all staff with professional development on using student data to drive instruction, implement interventions, and create Title III plans if the school qualifies for funds.

Relevant Resources:

- LAP InfoHub
- Title III InfoHub
10 Steps for ELL Data Verification, Review, and Update

To ensure proper support is provided to schools (fiscal and other resources), the DOE requires schools to review and update their data as necessary to reflect accurate services provided to MLs/ELLs and former ELLs (for up to 2 years after testing out).

Please review the checklist below and update data as necessary. Schools are encouraged to review all students’ data in STARS and ATS on a regular and ongoing basis, to ensure accurate programming.

To facilitate this process, below is a checklist of items to review. For more information, review the relevant sections of the Policy and Reference Guide for MLs/ELLs.

Review and Update Items in ATS

1. Identify students who are entering NYC public schools and or were in an NYS public school within the past 2 years.
   - **Next Steps:** These students must have their NYSITELL and NYSESLAT information, if available (from the NYS public school outside of NYC DOE), entered into ATS; their ELL status will be automatically updated accordingly. Scores will change ELL status only for those students whose home language is other than English (HL code ≠ “NO”).

2. Identify students who do not have a home language code.
   - **Next Steps:** Enter the home language through BIOU or the ELLO screens based on the results of the Home Language Identification Survey. The HL code can be updated through the ELLO screen if the student is a new admit after July or a readmit after being out of NYC DOE schools for more than 2 years. If the home language code was entered in error, please contact your BCO director of MLs/ELLs.
   - **Next Steps:** Once the HLIS is formally administered, make sure to update the HLIS flag in the ATS BIOU screen to “Y”.

3. Identify students who have a home language other than English but do not have English language acquisition needs and should not take the NYSITELL. These students are not considered ELLs. This includes general education students (via the in-depth interview) and incoming students with IEPs whose NYSITELL-eligibility was determined by the Language Proficiency Team (LPT), principal, and superintendent.
   - **Next Steps:** Enter NYSITELL non-eligibility information into the ELLO screen.

4. Ensure all NYSITELL and Spanish LAB answer documents have been printed and scanned.
   - **Next Steps:** Review and address any potential NYSITELL scanning errors through the RLCB report in ATS. Review NYSITELL InfoHub for specific administration information, as necessary. Identify students whose parent selection / ELPC information has not been entered.
Next Steps: Answer questions and update ELPC in ATS based on the initial parent survey completed within 10 school days of enrollment.

SY 2021-22 Policy Update: Due to extended timelines for identification, schools must update the ELPC screen with the parent/guardian’s initial ELL program selection as follows:

- provisionally identified ELLs by the 40th school day of school year 2021-22;
- newly enrolled and re-entry students admitted before October 13, 2021, by the 40th school day of school year 2021-22;
- newly enrolled and re-entry students admitted after October 13, 2021, within 20 school days of enrollment (30 school days for students with IEPs).

Note: Any student who was admitted over a year ago will not appear on the ELPC screen. Enter the parent option for these students on the BNDC screen.

6. Identify students whose SIFE status needs to be determined and updated.

   Next Steps: Update the BNDC screen in ATS to indicate if the student is a SIFE. SIFE status is only requested for newly admitted ELLs who have been in the US less than one year and are in grade 3 or above.

7. Identify students for whom an appeal on ELL status was requested within 45 days of enrollment as per the Re-Identification of ML/ELL Status procedures.

   Next Steps: Principals use the ROSA function in ATS to make the recommendation to reverse the ELL status; superintendents use the ROGA function to approve/disapprove.

8. Identify the number of teaching assistants/ instructional paraprofessionals working under a licensed bilingual teacher and/or ENL teacher.

   Next Steps: Update BNDC in ATS. If there are no teaching assistants or paraprofessionals in this category, type zero (0) on the respective lines in BNDC.

Review and Update Items in STARS

9. Ensure all MLs/ELLs and former ELLs who tested out within the past 2 years have been scheduled for a minimum of ENL as per CR Part 154 mandates. Students who obtain commanding (tested out within the past 2 years) should be scheduled for 90 minutes of integrated ENL OR one of the options outlined in the Alternative Pathways for Former ELLs.

   Next Steps: Schools should review all MLs/ELLs and former ELLs’ STARS programming data to ensure full compliance with SED regulations.
10. Identify students who are enrolled in a bilingual program (dual language or transitional bilingual education).

- **Next Steps:** If your school offers a dual language (DL) or transitional bilingual education (TBE) program, you will need to first create the program in STARS.

- Once the program is set up, you will need to place the students in the program. MLs/ELLs (and non-ELLs in dual language programs) must be placed in the program in STARS if they are served in a bilingual program.

- See [STARS online wiki](#) for more information. For ENL, see [Programming English Language Learners in STARS](#). For bilingual programs, see [School Programs - Bilingual Programs](#).
Resuming Formal Identification Process for Provisionally Identified ELLs

**Step 1: Complete Home Language Identification Survey (HLIS)**

Complete the HLIS in person with qualified personnel. Make sure to:

- Complete page 1, review the responses provided on page 2, and obtain the parent’s signature and date on page 2.
- Update the home language into ATS.
- Update the HLIS flag on the ATS BIOU screen to “Y”.
- Save completed HLIS in the student’s cumulative file.

**Step 2: Determine NYSITELL eligibility**

Schools must determine NYSITELL eligibility for each student with a home language other than English (if it has not already been completed). If the student has an IEP, LPT should determine NYSITELL eligibility.

**Provisionally Identified ELLs who took the Spring 2021 NYSESLAT should not take the NYSITELL (skip to Step 4).**

**Step 3: Administer NYSITELL to eligible students**

Schools must administer the NYSITELL to provisionally identified ELLs by October 27th.

**Step 4: Administer Spanish LAB for students with Spanish as a Home Language**

Administer Spanish LAB to newly identified ELLs with Spanish as a home language.

**Step 5: Send entitlement and non-entitlement letters within 5 school days of ELL determination.**

Send entitlement/non-entitlement letters to parents in their preferred language within 5 school days of ELL determination. If a student took the NYSITELL, send the entitlement/non-entitlement letters (after NYSITELL). If a student took the Spring 2021 NYSESLAT, send the continued entitlement letter for provisionally identified ELLs (after NYSESLAT).

**Step 6: Parent Orientations**

Hold parent orientations for newly identified ELLs and ensure parent completes parent survey and program agreement form. If the parent orientation was held as part of the provisional identification process, confirm the parent’s ELL program selection. Save all documents and records in the student’s cumulative file.

**Step 7: Place the student in the ELL program.**

Place student in ELL program and serve based on grade/proficiency level. Students who took the NYSITELL should be placed based on NYSITELL results. If a student took the Spring 2021 NYSESLAT, place student based on NYSESLAT score.
SY 2021-22 School ELL Calendar

Select Month:

- September
- October
- November
- December
- January
- February
- March
- April
- May
- June
- July
- August

For additional details on any of the items listed below, please refer to relevant sections within the Policy & Reference Guide for MLs/ELLs.

### Ongoing tasks throughout the entire school year

#### ELL Identification Procedures

- Administer the Home Language Identification Survey (HLIS) to all newly admitted students in grades K-12 to NYC public schools in the parents’ preferred language.

  **SY 2021-22 Policy Change:** For SY 2021-22, the HLIS must be completed in person by a licensed pedagogue or the students will remain provisionally identified ELLs.

- Form Language Proficiency Teams (LPTs) to determine NYSITELL eligibility for incoming students (grades K-12) with IEPs. See the Language Proficiency Team Resources InfoHub.

- Administer the NYSITELL to newly enrolled students whose home language is not English and are determined eligible for the NYSITELL. Review NYSITELL-Eligibility report (RLER) which lists students who may be administered NYSITELL. Print the NYSITELL answer documents for eligible students using the RLBA function in ATS; enter information for ineligible students into the ELLO screen in ATS.

- Administer the Spanish LAB to newly identified ELLs whose home language is Spanish.

- Send parent notification letters to parents, including entitlement, non-entitlement, and continued entitlement letters.

- Invite parents of newly identified ELLs to parent orientation meetings to explain 3 ELL program options in NYC. Show parent videos in parents’ preferred languages. Enter initial parent selection into the ELPC screen in ATS.

- Ensure that copies of HLIS and parent notification letters sent to parents are maintained in one central location. Place the HLIS, the parent survey and program agreement, and parent notification letters in student cumulative folders.
Identify Students with Inconsistent/Interrupted Formal Education (SIFE). Schools should administer the SIFE Oral Interview Questionnaire to all newly identified ELLs in grades 3 to 9 whom the school suspects may have a gap in education or may have inconsistent education. If a gap of two or more years is determined, the school should administer the NYSED Multilingual Literacy SIFE Screener (MLS) to those students whose home language is Arabic, Bengali, Chinese, Haitian Creole, Maay Maay, S’gaw Karen, Spanish, and Urdu to determine SIFE status. SIFE status must be determined within 30 school days of enrollment and entered into the BNDC screen in ATS. Enter SIFE status within 30 school days into the BNDC screen.

Data system updates

- Complete ELPC screen (in ATS) for all newly identified ELLs within 20 days of enrollment.

**SY 2021-22 Policy Update:** Due to extended timelines for identification, schools must update the ELPC screen with the parent/guardian’s initial ELL program selection as follows:

- provisionally identified ELLs by the 40th school day of school year 2021-22;
- newly enrolled and re-entry students admitted before October 13, 2021, by the 40th school day of school year 2021-22;
- newly enrolled and re-entry students admitted after October 13, 2021, within 20 school days of enrollment (30 school days for students with IEPs).

**Note:** Any student who was admitted over a year ago will not appear on the ELPC screen. Enter the parent option for these students on the BNDC screen.

- Update BNDC screen (in ATS) for numbers of paraprofessionals working under the direction of a licensed ENL and/or bilingual teacher for academic purposes.

Student Programming

- Schedule students based on grade/proficiency level. Refer to CR Part 154 Unit of Study tables.
- Schedule ELLs for ENL, as necessary, based on spring NYSESLAT results (use RLAT report in ATS) and other available data (for example, NYSITELL for newly identified ELLs).

**SY 2021-22 Policy Change:** For the 2021-22 school year, refer to the student’s latest Spring 2021 NYSESLAT results or results from the NYSITELL Special Administration (August- September 2021). If these are not available, refer to the student’s latest NYSESLAT or NYSITELL results.

- Schedule former ELLs for 90 minutes of ENL or one of the options outlined in the Alternative Pathways for Former ELLs.
SY 2021-22 Policy Update: Services for Former ELLs

- Students who exited services based on their Spring 2021 NYSESLAT scores and those students who met the exception of an Expanding level on the 2021 NYSESLAT and 65 or higher on the ELA Regents Exam in June 2021 will be considered former ELLs in SY 2021-22.

- Provisionally identified ELLs who score Commanding on the NYSITELL in the fall will also be considered former ELLs. Former ELLs will continue to be entitled to ENL instruction as per CR Part 154.

- Students who exited services by scoring Commanding on the Special Administration of the NYSITELL (August – September) 2021 will be considered former ELLs for school year 2021-22. Students that score Expanding on the Special Administration of the NYSITELL cannot exit ELL status and will remain ELLs for school year 2021-22.

Schools must send appropriate parent notifications to parents/guardians in their preferred language to inform them of their child’s test results and mandated former ELL services.

- Ensure that all programming information is accurately recorded in STARS.

**Note:** regardless of ELL program type (Dual Language, Transitional Bilingual Education, or ENL), all students must be programmed for ENL as per CR Part 154.

Program Planning

- Plan for bilingual programs. Review ELL parent surveys; keep records of numbers of parents that choose a bilingual program. Schools are required to 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. If thresholds are met, CR Part 154 mandates the opening of a bilingual program. Contact the Division of Multilingual Learners for more information.

- Ensure your school has sufficient numbers of ENL teachers to serve all ELLs in a high-quality program that meets all requirements under CR Part 154.
September

☐ Refer to ongoing tasks throughout the school year and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.

**SY 2021-22 Policy Update:** For SY 2021-22, schools will need to complete the formal ELL identification process for provisionally identified ELLs. See Resuming Formal Identification Process for Provisionally Identified ELLs.

☐ If applicable, administer the Special Administration of the NYSITELL and associated wellness checks.

☐ Update Language Allocation Policy (LAP) based on BCO feedback in the iPlan portal. Finalized plans are due by October 30.

☐ If applicable, update Title III LEP plans based on BCO feedback in the iPlan portal. Finalized plans are due by October 30.

☐ Implement Title III LEP plans as necessary.

☐ Administer ELL Periodic Assessments.

☐ Order translated versions of the math and other exams for grades 3 to 8 for ELLs as appropriate.

☐ Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.

October

☐ Refer to ongoing tasks throughout the school year and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.

**SY 2021-22 policy update:** For SY 2021-22, schools will need to complete the formal ELL identification process for provisionally identified ELLs. See Resuming Formal Identification Process for Provisionally Identified ELLs.

☐ Ensure final LAP, Title III LEP, and Translation and Interpretation Plans are submitted in the iPlan portal by October 30.

☐ Implement Title III LEP plans and ensure funds have been scheduled appropriately.

☐ If applicable, submit Title III Immigrant plans via the iPlan portal.

☐ Administer ELL Periodic Assessments.

☐ Plan for the implementation of testing accommodations for ELLs.

☐ Order translated versions of the Regents exams for ELLs as appropriate for the January administration.

☐ Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.
November

☐ Refer to ongoing tasks throughout the school year and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.

**SY 2021-22 Policy Update:** For SY 2021-22, schools will need to complete the formal ELL identification process for provisionally identified ELLs. See Resuming Formal Identification Process for Provisionally Identified ELLs.

☐ Plan for the implementation of testing accommodations for ELLs.

☐ Monitor grant expenditures (for example, Title III).

☐ Ensure that all Title III funds have been scheduled appropriately and Title III plans have been implemented.

☐ Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.

December

☐ Refer to ongoing tasks throughout the school year and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.

☐ Ensure that all Title III funds have been scheduled appropriately and Title III plans have been implemented and funds are expended as per requirements outlined in the School Allocation Memorandum.

☐ Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.

January

☐ Refer to ongoing tasks throughout the school year and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.

☐ Identify ELLs at risk for holdover. Review promotional policy for ELLs.

☐ Order NYSESLAT exams.

☐ Monitor grant expenditures (for example, Title III).

☐ Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.

February

☐ Refer to ongoing tasks throughout the school year and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.

☐ Administer ELL Periodic Assessments.
- Order translated versions of the Regents exams for ELLs as appropriate for the June administration.

- Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.

### March

- Refer to *ongoing tasks throughout the school year* and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.

- Administer ELL Periodic Assessments.

- Develop NYSESLAT testing schedule.

- Ensure that all Title III funds have been scheduled appropriately and Title III plans have been implemented.

- Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.

### April

- Refer to *ongoing tasks throughout the school year* and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.

- Administer NYSESLAT.

- Ensure all translated versions of relevant NYS exams have been ordered.

- Monitor grant expenditures (for example, Title III).

- Analyze ELL data and trends to begin planning for the following year via the Language Allocation Policy (LAP).

- Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.

### May

- Refer to *ongoing tasks throughout the school year* and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.

- Administer NYSESLAT and begin scoring.

- Administer the Chinese Reading Test and Spanish Reading Test (ELE) as necessary.

- Review promotional policy for ELLs.

- Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.

- Update LAP for the upcoming school year.
June

- Refer to ongoing tasks throughout the school year and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.
- Begin (On June 1) administering the NYSITELL to students transitioning to Kindergarten.
- Prepare for ELL Summer Enrichment programs.
- Identify ELLs mandated for summer school, prepare letters, and finalize programs.
- Initiate ELL teacher and student recruitment for next school year as necessary.
- Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.
- Submit a draft of Language Allocation Policy (LAP) for the upcoming school year via iPlan.

July

- Refer to ongoing tasks throughout the school year and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.
- Begin (July 15) administering the NYSITELL to students entering grades 1 to 12 in September.
- Commence Title III Summer Enrichment programs.
- Schedule Title III School budgets in Galaxy following the percent threshold recommendations in the SAM. Submit Title III LEP narratives in iPlan (if applicable).
  - Order translated versions of the Regents exams for ELLs as appropriate for the August administration.
- Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.

August

- Refer to and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.
- Begin (on July 15) administering the NYSITELL to students entering grades 1 to 12 in September.
- Review monthly ELL Data Update Report (EDUR) and update ATS, STARS accordingly.
School Forms

- Comprehensive Education Plan: LAP, Title III template
- ELL Identification Forms
- Parent Notification Letters
- Transfer Request and Authorization Forms
- Other Forms

Comprehensive Education Plan: LAP, Title III template

Samples of Language Allocation Policy and Title III template forms are linked below.

Language Allocation Policy (LAP) Template

Please refer to the LAP Template for a fillable version of the form. All Language Allocation Policy resources are available on the Language Allocation Policy InfoHub.

Title III Template

Please refer to the Title III Plan template for a fillable version of the form. All Title III related resources can also be found on the Policy and Reference Guide InfoHub and the Title III InfoHub.

ELL Identification Forms

- Parent/Guardian Home Language Identification Survey (HLIS)
- HLIS Individual Interview Sample Questions Grades K-1
- HLIS Individual Interview Sample Questions Grades 2-5
- HLIS Individual Interview Sample Questions Grades 6-8
- HLIS Individual Interview Sample Questions Grades 9-12
- Language Proficiency Team (LPT) NYSITELL Determination Form
- NYS ELL Transfer Request Form
Parent/Guardian Home Language Identification Survey (HLIS)

Please refer to the [Home Language Identification Survey](#) for a fillable version of the form. Translations are available on the [Parent Notification Letters InfoHub page](#).
The following sample questions may be used during the ELL Identification Process. They are provided by the New York State Education Department and were created by practitioners in the field.

**New York State Education Department**

**CR Part 154 ELL Identification Process**

**Individual Interview Sample Questions**

**Grades K-1**

Student Name: ____________________________ Date: ___________________

1. What is your name?

2. How old are you?

3. Can you tell me about someone in your family?

4. What do you like to do with your friends?

5. What shows do you like to watch on TV?

6. What foods don’t you like? Why?

7. How is a dog different from a cat? How is a dog the same as a cat?

8. What is your favorite story? Can you tell me about it?

9. What would you do if you fell down and hurt your knee?
The following sample questions may be used during the ELL Identification Process. They are provided by the New York State Education Department and were created by practitioners in the field.

New York State Education Department
CR Part 154 ELL Identification Process
Individual Interview Sample Questions
Grades 2-5

Student Name: _____________________ Date: ___________________

1. What is your name?

2. How old are you?

3. When is your birthday? What would you want to do on your next birthday?

4. What is your favorite game? Tell me how to play it.

5. What do you like to do with friends and family?

6. What foods don’t you like? Why?

7. How is a banana different from an orange? How is a banana the same as an orange?

8. What is your favorite story? Can you tell me about it?

9. If you could have one wish, what would it be? Why?
The following sample questions may be used during the ELL Identification Process. They are provided by the New York State Education Department and were created by practitioners in the field.

**New York State Education Department**

**CR Part 154 ELL Identification Process**

**Individual Interview Sample Questions**

**Grades 6-8**

Student Name: _____________________ Date: ___________________

1. What is your name?

2. Where do you live?

3. Please tell me about someone in your family.

4. What do you like to do on the weekends?

5. What shows do you like to watch on TV?

6. What kind of music do you not like to listen to?

7. How is a television different from a computer? How is a television the same as a computer?

8. Tell me about a special place you have been to. What made it special?

9. Your best friend is crying. What would you do?
The following sample questions may be used during the ELL Identification Process. They are provided by the New York State Education Department and were created by practitioners in the field.

New York State Education Department
CR Part 154 ELL Identification Process
Individual Interview Sample Questions
Grades 9-12

Student Name: _____________________ Date: ___________________

1. What is your name?

2. Where do you live?

3. Tell me about a special person in your life.

4. What kind of stories do you like to read?

5. What is your favorite TV show? Why?

6. What job would you never want to do? Why?

7. How is a car different from a motorcycle? How is a car the same as a motorcycle?

8. Tell me something I might not know about the place you were born.

9. What would you do if there was a fire in the house?
Language Proficiency Team (LPT) NYSITELL Determination Form

Please refer to the Language Proficiency Team (LPT) NYSITELL Determination Form for a fillable version of the form. All LPT resources, including Superintendent Approval and Denial Letters and translations are available on the Language Proficiency Team Resources InfoHub.

<table>
<thead>
<tr>
<th>Language Proficiency Team (LPT) NYSITELL Determination Form</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DIRECTIONS</strong></td>
</tr>
<tr>
<td>This form is completed and kept in the student’s cumulative record as well as in the school’s recordkeeping location. If the final determination is to NOT administer the NYSITELL, enter this information into the ELLO screen in ATS. If the final decision is to administer the NYSITELL, print the NYSITELL answer document through the RLBA function in ATS.</td>
</tr>
<tr>
<td>Student’s Full Name: [Enter Student Name]</td>
</tr>
<tr>
<td>DBN: [Enter DBN]</td>
</tr>
<tr>
<td>Date of Initial Enrollment/Reentry: [Enter Date]</td>
</tr>
<tr>
<td>Principal’s Name: [Enter Principal’s Name]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name and Titles of Language Proficiency Team</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: [Enter Name] Title: [Enter Title]</td>
</tr>
<tr>
<td>Name: [Enter Name] Title: [Enter Title]</td>
</tr>
<tr>
<td>Name: [Enter Name] Title: [Enter Title]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LPT Recommendation (Check One)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student should take the NYSITELL (Stop here; does not need to proceed)</td>
</tr>
<tr>
<td>Student should not take the NYSITELL</td>
</tr>
<tr>
<td>Date of LPT Recommendation: [Enter Date]</td>
</tr>
<tr>
<td>Date sent to Principal: [Enter Date]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principal Determination (Check One)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student should take the NYSITELL (Stop here; does not need to proceed)</td>
</tr>
<tr>
<td>Student should not take the NYSITELL</td>
</tr>
<tr>
<td>Date of Principal Determination: [Enter Date]</td>
</tr>
<tr>
<td>Principal’s Signature:--------------</td>
</tr>
<tr>
<td>Date sent to Superintendent: [Enter Date]</td>
</tr>
<tr>
<td>Superintendent Signature:-----------</td>
</tr>
<tr>
<td>Date of letter sent to parent notifying parent of status: [Enter Date]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Superintendent Determination (Check One)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student should take the NYSITELL</td>
</tr>
<tr>
<td>Student should not take the NYSITELL</td>
</tr>
<tr>
<td>Date of LPT recommendation: [Enter Date]</td>
</tr>
<tr>
<td>Date sent to Principal: [Enter Date]</td>
</tr>
</tbody>
</table>

| Date of final status notification sent to parent: [Enter Date] |
| Date entered into ELLO screen (in ATS): [Enter Date] |
| Code entered into ELLO screen (check one): A B C D |
NYS ELL Transfer Request Form

For a fillable version of this form, please refer to the Policy & Reference Guide InfoHub.
Parent Notification Letters

Samples of the following parent notification letters are linked below. Schools should refer to the Parent Notifications InfoHub to access translations or fillable versions of the letters to share with families.

Communicate NYSITELL results

These letters must be sent to parents within 5 days of ELL determination.

- Entitlement Letter (after NYSITELL)
- Non-Entitlement Letter (after NYSITELL)

Determine ELL program selection and communicate ELL placement

- ELL Parent Survey and Program Agreement
- Placement Letter (After Parent Survey)
- Default Program Placement Letter (Letter NotReturned From Parent)

Communicate NYSESLAT Results

- Continued Entitlement Letter (after NYSESLAT)
- Exit/Non-Entitlement Letter (after NYSESLAT)

NYSITELL Special Administration

- Continued Entitlement Letter (after NYSITELL Special Administration)
- Exit Letter (after NYSITELL Special Administration)

SY 2021-22 Policy Update: For SY 2021-22, schools will also need to notify parents/guardians of students who took the NYSITELL special administration of their results and their continued entitlement or exit from ELL services.
Please refer to the Entitlement Letter for a fillable version of the form. Translations are available on the Parent Notification Letters InfoHub.
Non-Entitlement Letter (after NYSITELL)

Please refer to the Non-Entitlement Letter (after NYSITELL) for a fillable version of the form. Translations are available on the Parent Notification Letters InfoHub.

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Non-Entitlement Letter (After NYSITELL)

Date: [Enter Date]

Dear [Enter Name]:

Based on your responses to the Home Language Identification Survey completed at registration and the results of an individual interview, your child, [Enter Name] was tested on [Enter Date] using the New York State Identification Test for English Language Learners (NYSITELL). The results of the NYSITELL determine his or her level of English language proficiency and eligibility to receive English Language Learner (ELL) services.

Your child scored at the “Commanding / Proficient” level on the NYSITELL, indicating that he or she is English language proficient and is not an ELL. Therefore, your child is not required to receive ELL services. Please keep this letter for your records. The school will maintain a copy in your child’s cumulative record.

If you believe your child’s ELL status should be reviewed and / or reassessed, contact [Enter Name] at your earliest convenience to further discuss this matter. You must make this contact within 45 days of your child’s enrollment in school if you want your child’s ELL status to be reviewed or reassessed.

If you have any further questions, please contact [Enter Name] at [Enter Phone Number].

Sincerely,

Principal
ELL Parent Survey and Program Agreement

Please refer to the ELL Parent Survey and Program Agreement for a fillable version of the form. Translations are available on the Parent Notification Letters InfoHub.
PARENT COMPLETES THIS SECTION (STEPS 3-5)

Step 3: Parent Agreement

Please complete the following (check ONE):

I have received ELL program information and
☐ accept my child’s placement in a transitional bilingual education (TBE) program
☐ accept my child’s placement in a dual language (DL) program
☐ I am exercising my right to place my child in an English as a new language (ENL) program
☐ I understand that currently there is no bilingual program in my school, and I understand that my child will receive ENL only. However, I would like to be placed on a list so that when there is enough students to form the bilingual program, my child will be placed in that bilingual program. I want my child to remain in this school.
☐ I understand that currently there is no bilingual program in my school, and I understand that my child will receive ENL. However, I would like to request a bilingual transfer. I understand that before my child is transferred, I will receive more information on where the bilingual program is and there are available seats. Once I receive the information, I will grant final authorization to proceed with the transfer. *(NOTE: Principal will initiate bilingual program transfer)*

Step 4: Parent Information

☐ I have read all information above and understand that if I do not return this form by [Enter Date], my child may be placed in a bilingual program (transitional bilingual education or dual language) at the current school. Otherwise, my child will be placed in an English as a new language (ENL) program at the current school.

Parent/Guardian Name: ____________________________
Address: ____________________________________________
Telephone: __________________ Alternate Telephone: ________
Email Address: __________________ Signature: __________________ Date: __________

Step 5: Parent Survey

The New York City Department of Education considers your participation in your child’s education a key to his or her success. This survey is crucial in confirming that you have received all of the information you need to select the appropriate ELL program for your child as you make your selection. Please fill out the form completely and return it to [Enter name and title of contact] at your school.

1. Did you receive information on the dual language, transitional bilingual education and English as a new language (ENL) programs available in your child’s school and/or other schools in the district?
   ☐ Yes  ☐ No
   How was the information presented?
   ☐ School orientation  ☐ Phone call  ☐ One-on-one Meeting  ☐ Other (Please Explain)
   What was the reason for not receiving the information?
   ☐ It was not offered  ☐ It was offered but I could not attend  ☐ Other (Please Explain)
   Was another date/time offered to you?
   ☐ Yes  ☐ No

2. Did you view the parent orientation video in your preferred language of communication?
   ☐ Yes  ☐ No
   Were you offered an interpreter?
   ☐ Yes  ☐ No

3. Did you have the opportunity to ask questions and receive answers about the different programs available for your child?
   ☐ Yes  ☐ No
4. Were you informed that your child has a right to placement in a bilingual class in his or her school if there are sufficient numbers of students with the same home language and grade level (if the parents have chosen a bilingual program)?
   - Yes
   - No

5. Were you informed that if there are not sufficient students to form a bilingual program in your school, you have the option of transferring your child to another school in the district that has a Dual Language and/or Transitional Bilingual Education program; and if you choose not to transfer your child, he or she will remain at the school and be placed in an IEP program?
   - Yes
   - No

6. Were you informed that your child’s placement is for the entire school year?
   - Yes
   - No

7. Were you informed that staying in the same program that you select until your child is no longer entitled to receive services would help your child succeed?
   - Yes
   - No

8. Were you informed that your child would be placed in an age-appropriate class for no longer than ten days until his or her service needs are identified?
   - Yes
   - No

**Step 6: School Certification (To be completed by school officials)**

I certify that I have reviewed the above information and that the parent or guardian is fully informed regarding ELL programs and the student has been placed in the appropriate program and in accordance with CR Part 154 as outlined in the NYC DOE’s Policy and Reference Guide for MLA/ELLS. I have accurately entered this information into the ELPC screen in ATS.

Print Name: __________________________
Print Title: __________________________
Signature: ____________________________
Date: __________________________
Placement Letter (After Parent Survey)

Please refer to the Placement Letter (After Parent Survey) for a fillable version of the form. Translations are available on the Parent Notification Letters InfoHub.

Placement Letter

Date: 

Dear Parent/Guardian:

Based on your child’s entitlement as an English Language Learner (ELL) and your response to the Parent Survey and Program Selection Form, your child, [Enter Full Name] has been placed in a [Enter ELL Program]. Participation in this program will be for the entire [Enter School year] school year.

Your child’s continued entitlement will be determined by his or her performance on the New York State English as a Second Language Achievement Test (NYSESLAT) which will be administered in the spring. It is in the best interest of your child to remain in the same program for as long as he or she is entitled to services. Studies show that students who remain in the same program from year to year tend to perform better on standardized English and mathematics city and state tests and are more academically successful than those who alternate between different programs.

We are looking forward to a productive academic year for your child in our school. Should you have any questions concerning your child’s program options, please contact [Enter Contact Name] at [Enter Phone Number].

Sincerely,

[Enter Name and Title]
Default Program Placement Letter (Letter Not Returned From Parent)

Please refer to the Default Program Placement Letter (After Parent Survey) for a fillable version of the form. Translations are available on the Parent Notification Letters InfoHub.
Continued Entitlement Letter (after NYSESLAT)

Please refer to the Continued Entitlement Letter (after NYSESLAT) for a fillable version of the form. Translations are available on the Parent Notification Letters InfoHub.

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Continued Entitlement Letter

Date

Dear Parent/Guardian:

This spring your child, , was administered the New York State English as a Second Language Achievement Test (NYSESLAT) to determine his or her English language proficiency.

Your child scored at the level on the NYSESLAT, indicating that he or she continues to be eligible to receive English Language Learner (ELL) services as mandated by Commissioner’s Regulations Part 154.

Your child will remain in the ELL program in which he or she is currently enrolled. Studies have shown that once you select a program you should try not to change it unless it is necessary to do so. If a student remains in one program and is not switched from one to another, the continuity may lead to greater success.

If you have any questions, please contact at . We look forward to helping your child develop his or her English skills.

Sincerely,

Principal
Exit/Non-Entitlement Letter (after NYSESLAT)

Please refer to the Exit/Non-Entitlement Letter (after NYSESLAT) for a fillable version of the form. Translations are available on the Parent Notification Letters InfoHub.

Exit/Non-Entitlement Letter

Date

Dear Parent/Guardian:

As an English language learner (ELL), your child, [enter name], participated in a [ ] program. This spring your child was assessed using the New York State English as a Second Language Achievement Test (NYSESLAT) to determine their English language development and proficiency.

This letter is to inform you that your child has exited ELL status by [check one]:

- Scoring at the Commanding level on the NYSESLAT
- Scoring at the Expanding level on the NYSESLAT and scoring level three or above on the Common Core English Language Arts Test Grades 3-8
- Scoring at the Expanding level on the NYSESLAT and scoring 65 or above on the English Regents Exam

Based on these results, your child is now a former ELL. As a former ELL, your child is entitled to receive two years of former ELL services and two years of testing accommodations on assessments. The former ELL services selected for your child is based on their progress and academic needs. Your child will receive the following service:

- Option A: Small-group learning
- Option B: Project-based learning
- Option C: A minimum of 90 minutes per week of integrated ELL
- Option D: Scheduled for Advanced Placement class (high school only)

Your child’s teacher will keep you updated on their progress. Please feel free to contact [enter contact name] at [enter phone number] to make an appointment to speak with your child’s teacher.

Sincerely,

Principal
Continued Entitlement Letter (after NYSITELL Special Administration)

Please refer to the Continued Entitlement Letter (after NYSITELL Special Administration) for a fillable version of the form. Translations are available on the Parent Notification Letters InfoHub.

Continued Entitlement Letter

Name: __________________________

Dear Parent/Guardian:

You are receiving this letter because your child was previously identified as an English Language Learner (ELL). Due to the COVID-19 pandemic, your child did not take the New York State English as a Second Language Achievement Test (NYSELAT) since Spring 2019. This is the exam that typically measures your child’s annual progress in learning English.

In order to assess your child’s English language proficiency, New York State allowed schools to administer the New York State Identification Test for English Language Learners (NYSITELL) to students during a special administration period in August – September 2021 to determine your child’s English language proficiency.

Your child scored at the _____ level on the Special Administration of the NYSITELL, indicating that he or she continues to be eligible to receive English Language Learner (ELL) services as mandated by Commissioner’s Regulations Part 154.

Your child is entitled to remain in the bilingual education or English as a New Language program in which he or she is currently enrolled. Studies have shown that once you select a program you should try not to change it unless it is necessary to do so. If a student remains in one program and is not switched from one to another, the continuity may lead to greater success.

If you have any questions, please contact ____ at ____. We look forward to helping your child develop his or her English skills.

Sincerely,

Principal
Exit Letter (after NYSITELL Special Administration)

Please refer to the Exit Letter (after NYSITELL Special Administration) for a fillable version of the form. Translations are available on the Parent Notification Letters InfoHub.
Transfer Request and Authorization Forms

Samples of the following transfer request and authorization forms are linked below. Schools should refer to the Transfer Request and Authorization Forms InfoHub page to access translations or fillable versions of the forms to share with families.

- Family Request for ELL Transfer
- Family Authorization for ELL Transfer
Family Request for ELL Transfer

Please refer to the Family Request for ELL Transfer for a fillable version of the form. Translations are available on the ML Transfer Request and Authorization Forms InfoHub.

Family Request for English Language Learner (ELL) Transfer

Student Name: [Enter Student Name]  Student ID: [Enter Student ID]
Student DOB: [Enter Student DOB]

This form is only to be used for a family to indicate their interest in requesting a transfer. This form alone is not sufficient to effectuate an ELL transfer.

Families who would like a Dual Language and/or Transitional Bilingual Education program as noted on the Parent Program & Survey Selection form, but whose current school does not have a bilingual program and does not have the sufficient students to form a bilingual program in that school, have the right to request a transfer to a different school that has that program.

Schools must explain to families that yellow bus service may not be available, and transportation will be arranged per the Office of Pupil Transportation guidelines.

Families must check the following to indicate their understanding and authorization.

- I verify that the school informed me they do not have a bilingual program that I requested on the Parent Program & Survey Selection form.
- I acknowledge that even though the school does not have a Dual Language or Transitional Bilingual Education program, the school has advised me of its obligation to provide English as a New Language (ENL) instruction.
- I authorize the school to request, on my behalf, a transfer to a school with a bilingual program. I retain the right to make a final decision whether to transfer, if and when a transfer is granted and after the new school is identified.
- I understand that transportation may not be available to the new school and will only be provided per the Office of Pupil Transportation guidelines.
- I am only willing to travel:
  - Within 2 mile radius of my home
  - Within 10 mile radius of my home
  - Within 5 mile radius of my home
  - Within the borough where I live
  - Anywhere

PARENT/GUARDIAN INFORMATION AND SIGNATURE

Parent/Guardian Name: [Enter Parent/Guardian Name]
Address (with apartment #) [Enter Complete Address]
Daytime Phone Number: [Enter Daytime Phone Number]
Evening Phone Number: [Enter Evening Phone Number]
Signature: __________________________________________________________________________ Date: [Enter Date]

Family Request for ELL Transfer  July 2020  1
Family Authorization for ELL Transfer

Please refer to the Family Authorization for ELL Transfer for a fillable version of the form. Translations are available on the ML Transfer Request and Authorization Forms InfoHub.
Other Forms

- Bilingual Opening/Adjustment Forms
Bilingual Opening/Adjustment Forms

Please refer to the Bilingual Education Program Opening and Adjustment Protocols on the Policy & Reference Guide InfoHub for fillable versions of these forms:

- Opening New Bilingual Program (TBE/DL) Request Form
- Bilingual Program (TBE/DL) Adjustment Request Form

Bilingual Program Opening and Adjustment Protocols

OVERVIEW
The NYC Department of Education (NYCDOE) is committed to supporting the academic achievement of Multilingual Learners (MLs)/English Language Learners (ELLs) by increasing the number of bilingual programs. In accordance with NYS Commissioner’s Regulation Part 154 as amended by the Aspera Consent Decree, and as stated in the Division of Multilingual Learners’ (DML) Policy and Reference Guide for MLs/ELLs, all schools are required to open a bilingual program when the following thresholds are met:

- 15 or more ELL students in grades K - 8 with the same home language in one or two contiguous grades
- 20 or more ELL students in high school with the same home language in one grade

NYCDOE offers different types of bilingual programs. The type of bilingual program should be responsive to the needs of the students and school community:

- In Dual Language (DL) programs, students are taught in two languages. The goal is for students to not only develop new language skills and learn academic subjects in two languages but also practice and share language and culture with each other, becoming bilingual, biliterate, and bicultural.
- In Transitional Bilingual Education (TBE) programs, ELLs who share one common home language receive instruction in the students’ home language with intensive support in English. As students’ English improve, time spent learning in English increases and time learning in the home language decreases. Students exit the program when no longer identified as an ELL.

Schools interested in opening a new, K-12 general education bilingual program or closing, reducing, or converting an existing program must complete and email the following form to their BICO Director of MLs/ELLs cc’ing OML@schools.nyc.gov prior to the beginning of the school year.

OPENING A NEW BILINGUAL PROGRAM

In order to open a new bilingual program, school leaders should submit the Opening New Bilingual Program Form to their BICO Director of MLs/ELLs cc’ing OML@schools.nyc.gov. Requests will be prioritized based on:

- Language “hubs” in areas with concentrations of previously underserved home languages.
- Low-incidence language programs to increase variety of options available to families in the city.
- Continuity in middle and high schools for students matriculating from TBE or DL programs.
- Balancing DL enrollment to uphold best practices of class composition of ELLs and non-ELLs.