POLICY AND REFERENCE GUIDE FOR MULTILINGUAL LEARNERS/ENGLISH LANGUAGE LEARNERS

2019-2020 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.

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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 the 2019-20 school year.

The most recent version of this document is available on the [Multilingual Learners InfoHub](https://www.schools.nyc.gov).

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](https://www1.dos.nysed.gov).

Content Contact: [DML@schools.nyc.gov](mailto:DML@schools.nyc.gov)
Introduction

August 2019

Dear Colleagues,

On behalf of the Division of Multilingual Learners (DML), I am pleased to present you the fifth edition of the Policy and Reference Guide for Multilingual Learners/English Language Learners for the New York City Department of Education. This guide consolidates many of the critical federal, state, and city regulations that govern the education of Multilingual Learners/English Language Learners (MLLs/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 MLLs/ELLs in New York State, and guidance about how to apply policies in different scenarios.

We understand that regulations and 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 (B/CO) staff serving MLLs/ELLs in New York City. This year’s edition includes updated guidance on best practices to create robust programs that accelerate MLL/ELL achievement and provide pathways for students to become college-and-career-ready. This guide should be used as a resource, and kept nearby for frequent referencing when planning high-quality services and supports for your MLLs/ELLs.

This guide is just one tool that you may use in providing MLLs/ELLs with rigorous academic experiences that considers 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 MLLs/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 MLLs/ELLs, can be found on the Policy and Compliance Resources InfoHub. Please contact your B/CO 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’ Weekly for updates.

Sincerely,

Mirza Sánchez-Medina
Deputy Chief Academic Officer
Division of Multilingual Learners
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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 (e.g., 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 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 that govern 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.

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

In a Stand-alone ENL class, students receive English language development instruction taught by a NYS-certified teacher of English to Speakers of Other Languages (ESOL) in order to acquire the English language needed for success in core content areas. A student cannot receive stand-alone English as a new language in lieu 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 Subgroup/Subpopulation**

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

**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 (MLL/ELL)**

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

A person who is fluent in the language in which he or she is communicating and in English, has a demonstrated ability to employ the mode of interpretation appropriate to the given situation (e.g., 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 criteria, such as a bilingual teacher, certified pursuant to State regulations, may be qualified to serve as an interpreter/translator. See Subpart 154-2 Services for ELLs for Programs Operated in the 2015-16 School Year and Thereafter.

Reentry 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 ELL Identification Step 1.

Re-Identification Process

The process 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 ELL Identification Step 10.

Unit of Study

180 minutes of instruction per week. See English Language Learner Programs Offered.
Identification

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

Overview

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

- the administration of the Home Language Identification Survey (HLIS), which includes an interview with the student and parent to determine the student’s home language,
- determination of to take the New York State Identification Test for English Language Learners (NYSITELL),
- the administration of the NYSITELL¹, and
- the administration of the Spanish Language Assessment Battery (Spanish LAB) to newly identified ELLs whose home language is Spanish.

Prior Enrollment

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 NYC DOE or New York State (NYS) public schools (including NYS charter schools).

Category 1: A new student never enrolled in a 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.

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

Schools can obtain NYSITELL/NYSESLAT scores directly from the sending NYS public school (see Students Entering DOE Schools Who Were Enrolled in NYS Pubic Schools 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. These students should continue in the ELL status (and proficiency level) at the time of discharge from the NYC DOE and/or NYS public schools.

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

Students who are reentering after having been enrolled outside of NYS public schools for 2 or more years must complete the entire ELL Identification Process outlined in this document beginning with the determination of the home language.

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

Non-Public Schools
Because 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 NYSITELL/NYSESLAT scores if the student attended the NPS within NYS within the two years. However, such outreach is optional. Additionally, once the receiving school administers the NYSITELL, subsequent receipt of NYSITELL and NYSESLAT scores from a NPS will not be accepted.

Scenarios of ELL Enrollment and Identification

Category 1: Enrolling as a new student to New York City and was never in a New York City or New York State public school.

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 the NYSITELL should be administered, 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).
Category 2: 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 2 years).

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 get 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 NYSED memo, if the Rochester School System does not respond within 5 days, MS 444 should contact the borough assessment implementation director.
Category 3: Enrolling as a former New York City or New York State public school student

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 to 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.
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.

Step 1: Determine If Enrolling Student was in a NYS Public School within the Past Two Years

Students who have been outside of the New York State public school system for more than two years must be re-administered the entire ELL Identification Process; for students reentering from the NYS public school system, schools are required to obtain NYSITELL / NYSESLAT scores directly from the sending NYS public school in order 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 English Language Learner Identification, categories 2 and 3 of enrollment status.

Schools readmitting students who previously attended a NYC public school or charter school/program using the ATS Transfer Student Records (TRAF) function will be asked if the student was enrolled in a NYS public or charter school within the last two years. The question, “Enrolled in NYS school w/in last two years:” contains two values:

- Enter N (for no) if the student has not been enrolled in a 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. If a student’s previous home language was English (ATS code: “NO”), you or a designee can make the modification to the home language using the ATS Student Biographical Update (BIOU) function or by submitting the most current HLIS form to your B/CO’s 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 a 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 in order 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 Borough Assessment Implementation Directors (BAID) for assistance. See below for more details.

Helpful Hint: NYSITELL Eligibility
Contact your B/CO’s Director of ELLs in the event of a clerical error for any data entry.
These related documents must be placed in the student’s cumulative folder after the data is updated on the respective ATS functions.

Figure 1: Transfer Student (TRA$F$) Screen in ATS

Enrolling Student in NYS Public Schools within the Preceding Two Years

For students coming from a NYS public school (outside of the NYC DOE), the NYC DOE school must contact the sending NYS public school to obtain home language designation, NYSITELL (or LAB-R) and NYSESLAT results within five business days. The data request must be made for any student entering a NYC DOE school (grades K to 12) who has been enrolled in a NYS public school within the previous two years. The data sent from the NYS public school must be on school letterhead and signed by the school principal. These data and related documents must be placed in the student’s cumulative folder and inputted into designated ATS screens.

If the data are not received within five school days of enrollment, schools must contact their Borough Assessment Implementation Directors for assistance. See NYSED memo.

If the student is an ELL and has a home language of Spanish, skip to Step 5 (administration of 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).

The NYC public school should request from the NYS public school the following:

- Home language code and copy of the Home Language Identification Survey used
- LAB-R score and proficiency level
- NYSITELL score and proficiency level
- NYSESLAT score and proficiency level
- SIFE status
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.

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 B/CO ELL director from the principal of the NYC DOE school.

**Note:** Only students whose home language is not English can have LAB-R, NYSITELL, and/or NYSESLAT scores. For information on requesting a change of the home language code in ATS, see Home Language Code Inputting Errors and Changes.

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. Students who reenter NYC public schools after having been enrolled in a school outside of NYC and/or NYS for two or more years must complete the ELL Identification Process described in this guide.

**Step 2: Administer the Home Language Identification Survey**

The school must administer the Home Language Identification Survey as part of general intake procedures.

**Home Language Entry for Students Progressing from Pre-K to K**

During the pre-K enrollment period, pre-K students who are enrolling in kindergarten in the following school year can be administered the HLIS to determine their HL codes. If the school administers the HLIS in June, 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 (e.g., in 2017-18, June 1 – July 6)

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 used the HLIS 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. Both the HOME LANG field and HLIS field will only be allowed to be updated for one day.
   a. Any changes made to HOME LANG or HLIS may affect ELL/LEP Flag
   b. The fields lock after one day; in the event of a clerical error, contact your B/CO 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.

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.

**Note:** A HL code should only be entered for a student that has been properly administered the HLIS in accordance with NYS and NYC DOE policy. The Home Language Identification Survey is available on the Multilingual Learner Parent Notification Letters InfoHub.

**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 as long as the HLIS field is not “Y.” Schools must administer the HLIS to students as defined in this guide.

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**Figure 2: Update Student (BIOU) Screen in ATS**
BIOD – Display Student (before HL update)

Figure 3: 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. Both the HOME LANG field and HLIS field will only be allowed to be updated for one day. Any changes made to HOME LANG or HLIS may affect ELL/LEP Flag.

Figure 4: Update Student (BIOU) Screen in ATS
If a HL code other than English is entered, the ELL/LEP Flag will immediately calculate.

The home language is determined based on the results of the HLIS, which includes an interview with both the parent and student in English and the 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. The 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 number of responses of one language or another). Over-the-phone interpretation services are available through the DOE's Translation and Interpretation Unit so that parents can receive language assistance and have their questions answered in their preferred languages.

A licensed pedagogue must complete the HLIS with the parent and ensure timely entry of this information into the designated ATS screens (e.g., QADM, BIOU). As per CR Part 154, the licensed pedagogue must be:

- Trained in cultural competency, language development, and the needs of English language learners, and
- Proficient in the home language of the student or parent or guardian or use a qualified interpreter/translator of the language or mode of communication the student or parent or guardian best understands.

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 terminates at this step.
- The student’s home language is not English, the ELL Identification Process continues to Step 3.
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. In the event that a clerical error is made, send the following information and documentation to the B/CO 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 New York State Transfer ELL Data Request Form should be sent to the B/CO ELL director for review.

Helpful Hint: NYSITELL 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 (prior to 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), and (3) includes days the student was absent. The “clock” cannot begin before the first day of school (e.g., 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.

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.
Step 3: Determination of NYSITELL Eligibility and Administration of NYSITELL

For students whose home language is not English, the school must administer a more in-depth interview with the student, review his/her school work (if available), and review the Individualized Education Program (if applicable), in order 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, a trained pedagogue 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.

A 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, continue to step 4.

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).

Helpful Hint: Determination of NYSITELL Eligibility

If the student should take the NYSITELL, print and provide parents the Parent Guide to the NYSITELL.

If the student should take the NYSITELL, print the answer document using the RLBA function in ATS. If the student should NOT take the NYSITELL, indicate this via the ELL Options (ELLO) screen in ATS.

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.
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 his or her 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 initial entry into DOE schools or reentry after two years (see categories 1 and 3 under English Language Learner Identification).

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
- 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

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
- 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
  - The principal must accept or reject this recommendation
    - If the principal rejects the recommendation of the LPT to not administer the NYSITELL, the NYSITELL is immediately administered to the student

2 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.
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.

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 calendar days to administer the NYSITELL (if necessary) and to notify the parent or guardian. The form titled 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 or the Minimum Requirements of a Response to Intervention Program on the New York State Education Department’s website.

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, 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.

Non-Eligibility to Take the NYSITELL—ELL Options (ELLO) Screen in ATS

Schools should access the ELLO screen only for students

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

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

However, if the 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 the student was appropriately administered the NYSITELL and scored proficient (and is not an ELL), no data needs to be entered into the ELLO screen.

Decision indicating that a student does not require ELL 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 days of a student’s admit date, and it only applies to new students to NYC DOE or student's being re-admitted that have not been enrolled in a NYS public school in the past two years.
For current pre-K students who will be entering kindergarten in September: 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 exercise this option. In the meantime, it is not necessary to administer the NYSITELL to these students.

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

**Code A**: The student was determined not to have ELL acquisition needs by the current NYC public school.

**Code B**: The student was determined not to have ELL acquisition needs by the current NYC public Language Proficiency Team (LPT).

**Code C**: The student was determined not to have ELL acquisition needs by the previous NYS public school.

**Code D**: The student was determined not to have ELL acquisition needs by the previous NYS public Language Proficiency Team (LPT).

**Administer the NYSITELL**

Schools must print NYSITELL documents using the RLBA function in ATS. 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 calendar days will result in noncompliance (20 school days for students entering with IEPs).

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. Compliance 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.
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. Answer documents must be generated and printed via ATS printers. 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. For more information on ordering and administering the NYSITELL, or printing and scanning the answer documents, see the DOE’s NYSITELL memorandum, Administration Handbook, Scanning Handbook, and other useful resources on the NYSITELL InfoHub.

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 of the code. In the event that a clerical error is made, send the following information and documentation to the B/CO 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 the purpose of 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 the this guide. For information on entering data into the ELLO screen, see the ELLO Wiki page.

Step 4: Send Parent Notifications

Within five school days of ELL determination, schools must inform parents of the results of the NYSITELL and ELL status using the NYC DOE standard parent notification letters (in the parents’ preferred language), which are available for download on the Multilingual Learner Parent Notification Letters InfoHub.

- Entitlement Letter
- Non-Entitlement Letter
- Continued Entitlement Letter

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.

Step 5: Administering the Spanish LAB

All new entrants whose HLIS responses indicate a home language of Spanish and who are newly identified as ELLs based on NYSITELL results must be administered the Spanish LAB at the time of initial enrollment during the same 10-day testing window. 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. 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.

Compliance 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 prior to 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](http://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

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

Schools have 30 school days to determine ELL 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 the DOE’s data collection systems (BNDC) no later than 30 days from initial enrollment (see BNDC for SIFE Determination and Paraprofessional Services for data entry directions). 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/transitioning level or higher on the NYSESLAT. For further information on SIFE, visit the Multilingual Learners InfoHub.

Step 7: Parent Agreement and Program Placement

Parents 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 MLL/ELL Programs), regardless of whether the preferred model is currently offered in the school.

Helpful Hint: Available Bilingual Programs

See latest list of available bilingual programs.

When a student is identified as an ELL, he/she must first be placed in a bilingual program, prior to 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.

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 Common Core 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.

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 the ELL program selection, subsequent requests are entered into the BNDC screen in ATS.

The parent must return the completed and signed form within five school calendar days. If the parent does not return the form within five school calendar days, the student remains in the bilingual program if one exists at the school; otherwise, the student remains in ENL. 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 require 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

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 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 ELL Parent Choice Update.

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.

Transfer Option

ELLs must be placed in the parents’ program of choice within 10 school calendar days of enrollment. If a parent chooses 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’s program choice 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
• Transfer the student to a different school where the parent’s selection is currently available (view the bilingual program list). To do so, schools must submit an ELL transfer request on behalf of the student by taking all of the following actions:
  o Indicate that the parent has selected a bilingual program in the BNDC (see BNDC for SIFE Determination and Paraprofessional Services) screen (if the BNDC screen indicates ENL as parent selection, the transfer request will not be accepted)
  o Submit the online School Transfer Request form
  o Obtain family authorization3 to request the transfer; and
  o Scan the completed Family Authorization of Transfer Request (1st Authorization) and send it to ELLProgramTransfers@schools.nyc.gov
  o If transfer is approved, notify the family using Family Authorization of Transfer Request (2nd Authorization)4 and begin the transfer
• While the school awaits the transfer, the student should temporarily be placed in an ENL program in the school until the transfer is complete. Students placed in ENL due to the unavailability of bilingual programs at the current school count toward minimum thresholds for opening a bilingual program.
• Every effort should be made to ensure that parents complete the Parent Survey & Program Agreement Form, and outreach attempts must be tracked and maintained at the school using existing procedures established within the school. While waiting for a parent to complete the form, the school should place the student in a bilingual program if available, or at a minimum, provide mandated ENL services based on the student’s proficiency level.5
• Parent selection is recorded in the ELPC screen. Schools may not select “Parent did not return the survey” until the eighteenth school calendar day after initial enrollment.
• 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.

Step 8: Student Placed in 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 bilingual classes. The number of minutes of ENL per student is based on proficiency level and grade level. See Proficiency Levels for chart of mandated number of minutes of ENL. See STARS wiki for programming ENL and bilingual programs in STARS.

The ELL identification procedures outlined above must be completed within 10 school calendar days of enrollment or reentry (20 school days for students entering with IEPs), including placement in an ELL program, if applicable.

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.

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3 All steps in this process must be completed before a transfer can be approved.
4 These forms are available in 10 languages; see appendix for English versions of the forms.
5 For tracking purposes, students without completed Parent Survey & Program Agreement Forms should be recorded as “No Parent Survey & Program Agreement Form” in ATS but should be counted as a selection for a bilingual program for the purposes of placement and program opening.
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

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 Process.

If a student’s ELL status is determined to be a non-ELL as a result of Re-Identification Process, the student will not be counted as an ELL for statistical or reporting needs. Additionally, the student will be considered “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.

The Re-Identification Process must be completed within 10 school calendar days of receipt of written notice; however, if the CSE must be consulted, the process must be completed within 20 school calendar days.

The Re-Identification Process consists of the following steps:

1. School receives written request to initiate the Re-Identification Process (e.g., parent writes letter to 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 in the home language.
4. School may administer the NYSITELL to the student if the original determination was that the student should not be administered the NYSITELL. Under no circumstances can the Re-Identification Process include a second administration of the NYSITELL.
5. School consults with parent or guardian.
6. 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, of the student’s abilities in listening, speaking, reading and writing in English.

7. Appropriate staff consults with the Committee on Special Education (CSE) if the student is a student with 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.

**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’s decision is 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 calendar days.

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6 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.

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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 7: School Action Request Screen in ATS](image)

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 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 8: Request ELL Re-Identification (RQSA) screen in ATS](image)
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.

**Figure 9: Action Requests (RQGA) screen in ATS**

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 in order to begin the process for a student.

On this screen, the superintendent (or designee) is able to 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 decision.

**Figure 10: Action Requests Response (RQGA) Screen in ATS**
Figure 11: ELL Re-Identification Screen in ATS
Summary of the ELL Identification Process

1. Determine if enrolling student was in a NYS public school within past 2 years

Schools are required to obtain NYSITELL / NYSESLAT scores directly from the sending NYS public school in order 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 (TRA) function.
- Send received test scores to ELLTransfersNYS@schools.nyc.gov.

Complete New York State Transfer ELL Data Request Form.

Stop if student was enrolled in a NYS public school within past 2 years. Contact previous school to obtain NYSITELL and/or NYSESLAT scores, HL code, and SIFE status.

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

2. Parent completes Home Language Identification Survey with a licensed and trained pedagogue.

The home language code is determined by the licensed and trained pedagogue.

- Print the HLIS in parents’ preferred languages.
- Enter HL Code into BIOU screen in ATS.

Stop if home language is English.

Proceed to next step if home language is other than English.

3. Determine eligibility for NYSITELL and administer.

Students enrolling with IEPs should convene a Language Proficiency Team. Otherwise, general education students begin with individual interview.

- If student should NOT take the NYSITELL, go to ELLO in ATS.
- If student should take the NYSITELL, go to RLBA in ATS.

Stop if student attains commanding level (not an ELL).

Proceed to next step if student does not attain commanding level.
4. Send parent notifications to family regarding entitlement and non-entitlement.

These letters let parents know whether their child is eligible for ELL services. Keep copies of parent letters on record at school. Print the parent notification letters in parents’ preferred languages.

5. Administer Spanish LAB to students who meet the following criteria.

Spanish LAB is administered once to newly identified ELLs:
- **whose home language is Spanish**, regardless of whether 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.

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.

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.
8. Student is placed and programmed in 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 next step only if the ELL status is requested to be reviewed and considered for reversal (due to possible misidentification).

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 student’s ELL status is not reversed.
Proceed to next step if student’s ELL status is reverse.

10. Within 6 to 12 months, review progress of 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.

Also, see 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.

Continued Entitlement

Schools must send Continued Entitlement Letters to parents of students who continue to be entitled to ELL services (based on the NYSESLAT). Letters should be sent to parents before the beginning of the school year but no later than September 15 of the school year in which the student continues to be entitled. Letters must be sent in the preferred language of the parent. Schools that receive articulating ELLs should review student records in order to provide program continuity (e.g., 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).

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 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 in the child’s home language in the case of students enrolled in a bilingual education program. Such 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.
Proficiency Levels

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

**Entering (Beginning)**
A student at the entering level has 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 his or her 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 he or she is mandated for two years of former ELL testing accommodations and services. See [Alternative Pathways to Support Former English Language Learners’ Language Development and Academic Progress](#).
*This student is designated a former ELL.*
Exiting ELL Status (“Testing Out”)

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

1. Score at “proficient/commanding” level on the NYSESLAT.
2. Score at “advanced/expanding” level on the NYSESLAT and level 3 or 4 on the grades 3 to 8 NYS ELA exams.
3. Score at “advanced/expanding” 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 (e.g., Spring 2016 NYSESLAT results with August 2016 Regents results).

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 of ESL/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 for Former ELLs, and
3. ELL testing accommodations.

Schools must send Non Entitlement/Transition Letters to parents of students who have exited ELL status. Letters should be sent to parents before the beginning of the school year but no later than September 15 of the school year in which the student is no longer entitled. Letters must be sent in the preferred language of the parent.
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 (prior to 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 prior to 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 informal interview. Additionally, a student’s status might be changed via the Re-Identification process and submitted via ATS ERI screen.
MLL/ELL Programs

NYC DOE offers three types of MLL/ELL programs:

- Dual Language (DL) bilingual education
- Transitional Bilingual Education (TBE)
- English as a New Language (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 MLL/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 MLL/ELL Programs

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

English as a New Language is provided in all three models. Beginning in the 2015-16 school year, 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 (i.e., English language arts, math, science, or social studies) and English language development instruction.

When planning for a strong MLL/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 allows 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 in the school’s library are additional resources that can accelerate learning.
Bilingual Education Programs

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 (e.g., 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; 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;
- 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 not in their bilingual program.

To make any adjustment (reducing or closing) of a bilingual program requires 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 continue 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 (e.g., making sense of print, using writing to communicate, playing with language structure, developing vocabulary) are skills that a student can use for 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 is programmed into STARS is for the class and not individual students. As a student’s English proficiency increases, more of his or her 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 Grades K to 8, CR Part 154-2, Transitional Bilingual Education Program, and Grades 9 to 12, CR Part 154-2, Transitional Bilingual Education Program for more information on transitional bilingual education programs and State requirements. To make 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 (K-8) Transitional Bilingual Education Program

<table>
<thead>
<tr>
<th>ENGLISH PROFICIENCY LEVEL</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</td>
<td>1 unit of study in ENL (180 min.)</td>
<td>.5 unit of study in ENL (90 min.)</td>
<td>.5 unit of study in ENL (90 min.)</td>
<td>1 unit of study in ENL/ELA or other Core Content Area (180 min.)</td>
<td></td>
</tr>
<tr>
<td>INTEGRATED ENL / ELA</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>1 unit of study in ENL/ELA (90 min.)</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/ELA</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/ELA/Core Content Area (90 min.)</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>FLEXIBILITY</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/ELA</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/ELA/Core Content Area (90 min.)</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>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| TOTAL ENL                 | 360 minutes per week | 360 minutes per week | 180 minutes per week | 180 minutes per week |
| HOME LANGUAGE ARTS       | 1 HLA Class          | 1 HLA Class          | 1 HLA Class          | 1 HLA Class          |
| BILINGUAL CONTENT AREA SUBJECTS | Minimum of 2 | Minimum of 2 | Minimum of 1 | Minimum of 1 |

### K-8 BILINGUAL EDUCATION PROGRAM
- (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.]

### K-8 ENGLISH AS A NEW LANGUAGE PROGRAM
- (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.

*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.

Source: CR Part 154-2 (K-8) Transitional Bilingual Education Program

Updated May 6, 2015
### Grades 9 to 12, CR Part 154-2, Transitional Bilingual Education Program

**Figure 13: CR Part 154 TBE Requirements, Grades 9 to 12**

<table>
<thead>
<tr>
<th>ENGLISH PROFICIENCY LEVEL</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</td>
<td>1 unit of study in ENL (180 min.)</td>
<td>5 unit of study in ENL (90 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>Former ELLs must continue to receive services for an additional two years*</td>
</tr>
<tr>
<td>INTEGRATED ENL/ELA</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>1 unit of study can be STAND-ALONE ENL or INTEGRATED ENL in Core Content Area (90 min.)</td>
<td>1 unit of study in ENL/ELA or another Core Content Area (180 min.)</td>
<td>1 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>FLEXIBILITY</td>
<td>1 unit of study can be STAND-ALONE ENL instruction or INTEGRATED ENL in Core Content Area (180 min.)</td>
<td>5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/ELA in Core Content Area (90 min.)</td>
<td>5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/ELA in Core Content Area (90 min.)</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>
<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</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>180 minutes per week</td>
</tr>
<tr>
<td>HOME LANGUAGE ARTS</td>
<td>1 HLA Course</td>
<td>1 HLA Course</td>
<td>1 HLA Course</td>
<td>1 HLA Course</td>
<td>1 HLA Course</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>Minimum of 1</td>
</tr>
</tbody>
</table>

**STAFFING/PERSONNEL**
- **BILINGUAL EDUCATION PROGRAM**
  - (9-12) Bilingual Content Area teacher with a bilingual extension. [HLA must be taught by a certified Language Other Than English (LOT) teacher.]

**AWARDING CREDITS**
- **STAND-ALONE ENL**
  - Elective credit is awarded upon passing each corresponding STAND-ALONE ENL unit of study
- **INTEGRATED ENL**
  - Core Content area credit is awarded upon passing each corresponding ENL unit of study in ELA, Math, Science, or Social Studies

**HOME LANGUAGE ARTS**
- Language Other Than English (LOTE) credit is awarded upon passing each corresponding HLA unit of study

**BILINGUAL CONTENT AREA**
- Core Content area credit is awarded upon passing each corresponding Bilingual Content Area subject

**ENGLISH AS A NEW LANGUAGE PROGRAM**
- (9-12) Stand-alone ESOL certified teacher
- (9-12) Integrated ENL can be taught by an ESOL teacher with Content Area certification or two individually certified teachers.

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(t)(2) of this Title. All programs must be provided during the school day.

*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.
Dual Language
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 ELL students 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
A dual language program includes the following:

- 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 (e.g., 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.

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

One-Way Dual Language Program
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
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 for more details.

**English as a New Language (formerly English as a Second 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 in order 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.

The 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 Proficiency Levels for 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.
**Program Design Considerations**

Schools 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 together 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](#).
CR Part 154-2 (K-8) English as New Language (ENL) Units of Study and Staffing Requirements

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

<table>
<thead>
<tr>
<th>ENGLISH PROFICIENCY LEVEL</th>
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<th>EMERGING (Low Intermediate)</th>
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<th>EXPANDING (Advanced)</th>
<th>COMMANDING (Proficient)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENL INSTRUCTIONAL TIME (MINIMUM)</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 ELIs 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></td>
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<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>.5 unit of study in ENL/ELA or other Core Content Area (90 min.)</td>
<td>1 unit of study in ENL/ELA or other Core Content Area (180 min.)</td>
<td></td>
</tr>
<tr>
<td>FLEXIBILITY</td>
<td></td>
<td></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>.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</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></td>
</tr>
</tbody>
</table>

STAFFING/PERSONNEL

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

*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.

Updated May 6, 2015
### CR Part 154-2 (9-12) English as New Language (ENL) Units of Study and Staffing Requirements

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

<table>
<thead>
<tr>
<th>ENGLISH PROFICIENCY LEVEL</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>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></td>
<td></td>
<td></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></td>
</tr>
<tr>
<td>FLEXIBILITY</td>
<td>1 unit of study can be STAND-ALONE ENL, instruction or INTEGRATED ENL in Core Content Area (180 min.)</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/ELA/Core Content Area (90 min.)</td>
<td>5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/ELA/Core Content Area (90 min.)</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>
<td></td>
</tr>
<tr>
<td>TOTAL</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></td>
</tr>
</tbody>
</table>

#### AWARDING CREDITS

- **STAND-ALONE ENL**
  - Elective credit is awarded upon passing each corresponding STAND-ALONE ENL unit of study
  - **INTEGRATED ENL**
  - Core Content Area credit is awarded upon passing each corresponding ENL unit of study in ELA, Math, Science, or Social Studies

#### STAFFING/PERSONNEL

- **STAND-ALONE ENL**
  - K-12 Certified ESOL Teacher
  - **INTEGRATED ENL – 1 DUALLY CERTIFIED TEACHER**
  - ESL or Content Area (7-12) teacher who holds both certifications
  - **INTEGRATED ENL – 2 INDIVIDUALLY CERTIFIED TEACHERS (CO-TEACHING)**
  - A certified ESOL teacher and a 7-12 certified Content Area teacher

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(l)(5) of this Title. All programs must be provided during the school day.

*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.

*Updated May 6, 2015*
MLL/ELL Subgroups

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 prior to arrival 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 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

ELLs with disabilities are English language learners who have Individualized Education Programs (IEPs). 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 who are also students with disabilities (SWD) receive accommodations that apply both to ELLs and SWDs, as appropriate. ELLs with disabilities 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 period.

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 disabilities 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 disabilities, 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”)](#).
Required ELL Data Recording and Reporting

In order 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 that a clerical error is committed, schools should correct the data immediately. For further questions on data entry and addressing clerical errors, contact the school’s B/CO ELL director.

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 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 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 who’s 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 an 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. Schools have 10 school calendar 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 calendar 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.

Figure 16: 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 parent did not come to parent orientation
   - I=Offered at IEP meeting

2. What was the parent selection of ELL programs? (E, B, D)
   - 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.
BNDC for SIFE Determination and Paraprofessional Services

The BNDC serves three functions:

1. Determination of SIFE status
2. Number of paraprofessionals working under ENL and/or bilingual teachers
3. Initial parent selection of 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 special education 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.

![BNDC Screen in ATS](image)

**Figure 17: BNDC Screen in ATS**

**STARS: ENL**

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

**STARS: Bilingual Programs**

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 include the following:

Dated and signed copies of each student’s
• Home Language Identification Survey
• Parent Survey and Selection Form
• Program Placement Letter
• Entitlement letter (newly identified ELLs)
• Continued entitlement letter (continuing ELLs)
• Non-entitlement letter
• Language Proficiency Team NYSITELL Determination Form
Bilingual Program Protocols

All bilingual programs are tracked by the NYC DOE to ensure students’ needs are met.

Overview

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

In order to open a new bilingual program, school leaders should submit the Opening New Bilingual Program Form to their B/CO Director of 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 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 (e.g., K class becoming 1, with no entering K class).
- Conversion of the program model type (e.g. 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 B/CO Director of ELLs, Superintendent, and DML. Additionally, closure requests require Executive Superintendent approval. Bilingual Program Adjustment Request Form must have all relevant approvals prior to submission to DML.
Protocol for Adjusting an Existing Bilingual Program

To submit a request to adjust an existing bilingual program, Principals must follow the protocol below.

**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**
        **STEP 3: 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.
Comprehensive Education Plan: LAP, Title III, and Translation/Interpretation Plans

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 Comprehensive Educational Planning Memorandum.

There are three ELL-related sections of the CEP:

- Language Allocation Policy (LAP)
- Title III Plans
- Translation and Interpretation Plans

The LAP is a systemic plan for language development which guides programmatic and curricular decisions for students until they acquire academic proficiency in English. See Grades K-12 Language Allocation Policy Submission Form for the current year’s template. It is a school-originated document submitted yearly in consultation with all MLL/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 MLLs/ELls within a school are detailed within the document. The document describes the various program models (dual language, transitional bilingual education, and freestanding 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 form used to complete the LAP and LAP resources are available on the iPlan portal.

The Title III Limited English Proficient (LEP) supplemental program is provided through federal funds supported by the Every Student Succeeds Act. 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 and 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.

The Language Translation and Interpretation plan is a document which must be submitted every two years. This plan is put in place to assist schools in communicating with their non-English speaking parents in their preferred languages in order to support shared parent-school accountability, parent access to information about their children’s educational options, and parents’ capacity to improve their children’s achievement. This plan is based on the number of ELLs as well as how many different languages are present within a school. School allocations are announced annually in the respective school allocation memorandum, which is available on the DOE’s website.

It is important to note that a student’s home language code is not necessarily the same as the parent’s preferred language. The Translation and Interpretation Unit and the school’s designated language access coordinator can be used as resources to assist with parent communication. For more information, e-mail translations@schools.nyc.gov or visit the Translation and Interpretation InfoHub.
ELL Assessments

Required ELL-Related Tests

There are four assessments that are mandatory for different groups of ELLs.

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 entrants and reentrants (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 in 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 NYSED website for additional guidance regarding the NYSITELL assessments.

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

<table>
<thead>
<tr>
<th>Level I</th>
<th>Grade</th>
<th>Administration dates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Grade K</td>
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<table>
<thead>
<tr>
<th>Level II</th>
<th>Grade</th>
<th>Administration dates</th>
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<tbody>
<tr>
<td></td>
<td>Grade K</td>
<td>February 1 – June 30, July 15–January 31</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Level III</th>
<th>Grade</th>
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<tr>
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<td>Grade 1</td>
<td>February 1–June 30, July 15–June 30, July 15–January 31</td>
</tr>
<tr>
<td></td>
<td>Grade 2</td>
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<table>
<thead>
<tr>
<th>Level IV</th>
<th>Grade</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Grade 3</td>
<td>February 1–June 30, July 15–January 31</td>
</tr>
<tr>
<td></td>
<td>Grade 4</td>
<td></td>
</tr>
</tbody>
</table>
### Figure 18: NYSITELL Levels by Grade

See [NYSED Guide to NYSITELL](https://www.doer.ny.gov/).  

#### Note:

The Level I test may be administered during the month of June only to those new entrants who will not begin kindergarten until September.

The Level II test must be administered to any new entrants who are enrolling in kindergarten for the current school year at any time between February 1 and June 30. The testing of new entrants 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 prior to 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 the month of 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.ny.gov) on the NYSITELL.

### Spanish LAB

The **Spanish LAB** is administered to all new entrants 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.

### 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 in order 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 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) prior to the administration of the NYSESLAT.

In the event that a 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.

See NYSESLAT Administration Best Practices Overview.

### 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. In order 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**
- ELL-SWDs are entitled to receive the accommodations listed on their IEPs for the NYSESLAT for all subtests. This includes students whose IEPs include tests read including tests of reading comprehension. For further information, on this accommodation, refer to SED’s memo on allowable testing accommodations on the NYSESLAT.
- Note that staff administering the NYSESLAT are not required to hold a bilingual or TESOL 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, do the following:
  - Assign a sufficient number of staff and adjust your school schedule as necessary to ensure that you are able to administer all NYSESLAT-eligible students the speaking subtest during the administration window.

**Frequently Asked Questions on Special Circumstances**

**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.

**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.

**On 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.

**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.

**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 BAID. For questions regarding ELL policy, contact your B/CO ELL director.

**Optional ELL-Related Tests**

**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 both teacher read aloud 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 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-sledged 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-slugged Schoolnet answer sheets may also be printed and scanned if desired.

For more information including administration dates, see the DOE's Periodic Assessment InfoHub or contact the borough assessment 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 in lieu 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.
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 determining ELA exemption status.

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 the month of 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 in order 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 (i.e., 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 on 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 on 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 downloading.
- **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 prior to administration.
- **Writing responses in the home language are not allowed for English Language Arts examinations.** ELL students making use of alternative language editions or of 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 a 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 (e.g. 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 (e.g., Academic Intervention Services) the school is already providing to all students. There are RTI resources for ELL educators on the WeTeach NYC website. RTI must be provided to a student prior to referral in particular in cases where there is a suspected learning disability as opposed to a language acquisition need or the student exhibits 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 addresses 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 9th grade school year.

However, in special circumstances, an ELL can be placed in a cohort other than his or her 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 his or her 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 his or her ninth grade entry year due to error (e.g., 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 prior to 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 prior to his or her ninth grade entry year, provided that:
  - The student has never had such a request granted before;
  - The student was newly arrived to the United States in his or her first year of high school and placed directly into ninth grade;
  - The student is in exactly his or her second year of enrollment in high school;
  - The student is an English language learner and has a low level of literacy in his or her 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 (i.e., “closed cohorts”). See the 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.
Guidance on Implementation of English as a New Language (ENL) Units of Study

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, i.e. 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.

Updated September 2019

NYSED Definition

<table>
<thead>
<tr>
<th>Stand-alone ENL</th>
<th>Integrated ENL</th>
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<td>Students receive English language development instruction in order to acquire the English language needed for success in core content areas.</td>
<td>Students receive core content area and English language development instruction including home language supports and appropriate MLL/ELL scaffolds.</td>
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7 See Blueprint for English Language Learner/Multilingual Learner Success
8 See Glossary: Bilingual Education/English as a New Language Units of Study Tables
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. ESOL teachers should consistently link to content area(s) that most benefit their students (e.g. 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 MLLs/ELLs. The language objective is carefully determined by examining the linguistic demands of the content (e.g. 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 a 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.

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9 See New York State Bilingual Common Core Initiative
## 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 (e.g. 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.

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 MLLs/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 MLLs/ELLs are met. Together they are deciding which model of 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 MLLs/ELLs are able to achieve the grade level standards. They are planning purposeful scaffolds within the lessons (e.g. chunking texts, supplemental questions for close reading) and anticipating potential in the moment scaffolds, for example, pausing for MLLs/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.

For more information on supporting co-teaching in the Integrated ENL component in mathematics, refer to Supporting Academic Language and Content in Mathematics: The Integrated Co-teaching Model.
Research-based Instructional Approaches for Stand-alone ENL and Integrated ENL

It is essential that all students, especially MLLs/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 classroom. They are Welcoming and Affirming Environment, High Expectations and Rigorous Instruction, and Inclusive Curriculum and Assessment. Adhering to these principles creates the conditions for MLLs/ELLs to engage in learning. Also, MLLs/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 MLLs/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 MLLs/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.
**Units of Study**

**Stand-alone ENL**

All students in stand-alone ENL are current MLLs/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:** MLLs/ELLs at the Expanding level or former MLLs/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 MLLs/ELLs and former MLLs/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 MLLs/ELLs should receive 0.5 units of integrated ENL or an equivalent, approved alternate pathway (90 minutes).

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10 See Units of Study Tables for English as a New Language (ENL) and Bilingual Education Programs
Guidance for English as a New Language (ENL) Programming

In order 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 (e.g. 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 the policies that govern MLL/ELL education and programming, contact your senior ELL Compliance Performance Specialist and refer to the Policy and Reference Guide for MLLs/ELLs.

For information on using STARS to program students for ENL and manage bilingual programs, contact your BCO Academic Policy, Performance and Assessment Specialist.
### Language Proficiency Team NYSITELL Determination Form

**Directions:** 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.

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**Names and Titles of Language Proficiency Team**

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**LPT Recommendation (check one)**

- □ Student should take the NYSITELL (Stop here; does not need to proceed)
- □ Student should not take the NYSITELL

**Date of LPT Recommendation:**

**Date sent to Principal:**

**Principal Determination (check one)**

- □ Student should take the NYSITELL (Stop here; does not need to proceed)
- □ Student should not take the NYSITELL

**Date of Principal Determination:**

**Principal’s Signature:**

**Date sent to Superintendent:**

**Superintendent Signature:**

**Date of letter sent to parent notifying parent of status:**

**Superintendent Determination (check one)**

- □ Student should take the NYSITELL
- □ Student should not take the NYSITELL

**Date of LPT Recommendation:**

**Date sent to Principal:**

**Date of final status notification sent to parent:**

**Date entered into ELLO screen (in ATS):**

**Code entered into ELLO screen (check one):**

- □ A
- □ B
- □ C
- □ D
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 language disability, and that a student’s educational background or lack of formal education (i.e., SIFE status) is not mistaken for signs of a disability. Some of the characteristics are listed below:

<table>
<thead>
<tr>
<th>Behaviors Associated with Learning Disability</th>
<th>Behaviors Related to Acquiring a Second Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Difficulty following directions</td>
<td>• Difficulty following directions</td>
</tr>
<tr>
<td>• Difficulty with phonological awareness</td>
<td>• Difficulty distinguishing between sounds</td>
</tr>
<tr>
<td>• Slow to learn sound-symbol correspondence</td>
<td>not in native language</td>
</tr>
<tr>
<td>• Difficulty remembering sight words</td>
<td>• Confusion with sound-symbol correspondence</td>
</tr>
<tr>
<td>• Difficulty retelling a story in sequence</td>
<td>when different than in native language;</td>
</tr>
<tr>
<td>• Confused by figurative language</td>
<td>difficulty pronouncing sounds not in native</td>
</tr>
<tr>
<td>• Slow to process challenging language</td>
<td>language</td>
</tr>
<tr>
<td>• May have poor auditory memory</td>
<td>• Difficulty remembering sight words when</td>
</tr>
<tr>
<td>• May have difficulty concentrating</td>
<td>word meanings not understood</td>
</tr>
<tr>
<td>• May seem easily frustrated</td>
<td>• May understand more than able to convey</td>
</tr>
<tr>
<td></td>
<td>in English</td>
</tr>
<tr>
<td></td>
<td>• Confused by figurative language in English</td>
</tr>
<tr>
<td></td>
<td>• Slow to process challenging English</td>
</tr>
<tr>
<td></td>
<td>• May have poor auditory memory in English</td>
</tr>
<tr>
<td></td>
<td>• May have difficulty concentrating</td>
</tr>
<tr>
<td></td>
<td>• May seem easily frustrated</td>
</tr>
</tbody>
</table>
# New York State Transfer ELL Data Request Form

As per CR Part 154, for students coming from a NYS public school (outside of the NYC DOE), upon enrollment, the DOE school must contact the sending NYS public school to obtain home language designation, NYSITELL (or LAB-R) and NYSESLAT results. These data and related documents must be placed in the student’s cumulative folder and inputted into designated ATS screens. The data request must be made for any student entering a NYC DOE school (grades K to 12) who has been enrolled in a NYS public school within the previous 2 years. Send this completed form to [ELLTransfersNYS@schools.nyc.gov](mailto:ELLTransfersNYS@schools.nyc.gov).

<table>
<thead>
<tr>
<th>Current DOE School:</th>
<th>Contact Person at Current DOE School:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of NYS School District that was contacted:</td>
<td>Date Received this information from the NYS public school:</td>
</tr>
<tr>
<td>Name, title, and phone number of NYS school district contact person:</td>
<td></td>
</tr>
<tr>
<td>Name of Student:</td>
<td>Date of Birth:</td>
</tr>
<tr>
<td>Student ID:</td>
<td>Current Grade:</td>
</tr>
<tr>
<td>Which program was the student served in while in the last NYS public school?</td>
<td>Which program did the parent select while in the last NYS public school?</td>
</tr>
<tr>
<td>☐ ENL</td>
<td>☐ ENL</td>
</tr>
<tr>
<td>☐ Dual Language</td>
<td>☐ Dual Language</td>
</tr>
<tr>
<td>☐ Transitional Bilingual Education</td>
<td>☐ Transitional Bilingual Education</td>
</tr>
<tr>
<td>☐ Student is not an ELL</td>
<td>☐ Student is not an ELL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Most Recent Overall Proficiency Level</th>
<th>Most Recent Test Date</th>
<th>Tested Grade (the grade the student was in when this test was administered)</th>
<th>Total Score</th>
<th>Reading Score</th>
<th>Writing Score</th>
<th>Speaking Score</th>
<th>Listening Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAB-R</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NYSITELL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NYSESLAT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional information / comments:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Memo on NYSITELL Administration and Provision of Mandated MLL/ELL Services

In line with New York State Commissioner’s Regulations (CR) Part 154-2 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 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 MLLs/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)

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) in order 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 MLLs/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 (prior to 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 (e.g., 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 further information, please refer to the Policy and Reference Guide for MLLs/ELLs on the Policy and Compliance InfoHub. For questions, contact your B/CO director of MLLs/ELLs.
Parent Notifications, Letters, and Forms

All of the following documents and their corresponding translated versions are available on the [Multilingual Learner Parent Notification Letters InfoHub](#).

### Parent Notification Letters

- [Home Language Identification Survey](#)
- [Parent Survey and Program Agreement](#)
- [Entitlement Letter](#)
- [Continued Entitlement Letter (After NYSESLAT)](#)
- [Non-Entitlement Letter (After NYSESLAT)](#)
- [Non-Entitlement Letter (After NYSITELL)](#)
- [Placement Letter after Receiving Parent Survey](#)
- [Program Placement Default Letter - Selection Form Not Returned](#)

### Transfer Request and Authorization Forms

- [Family Authorization for English Language Learner (ELL) Transfer Request](#)
- [Family Authorization for English Language Learner (ELL) Transfer](#)
# Parent/Guardian Home Language Identification Survey

**The New York City Department of Education**

**Parent/Guardian Home Language Identification Survey**

**TO BE COMPLETED BY SCHOOL PERSONNEL**

Please do not place student information sticker on this form

<table>
<thead>
<tr>
<th>District:</th>
<th>Borough:</th>
<th>School Number:</th>
<th>Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Student Last Name:</th>
<th>Student First Name:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Student ID#:</th>
<th>Grade:</th>
<th>Official Class:</th>
</tr>
</thead>
</table>

**RELATIONSHIP OF PERSON PROVIDING INFORMATION FOR SURVEY (check one):**

- [ ] Mother
- [ ] Father
- [ ] Guardian
- [ ] Self (Student 18 years or older)
- [ ] Other (specify): ____________________

**MANDATED INTERVIEW WITH STUDENT AND PARENT**

(Interview must be in English and, if applicable, the parent’s preferred language)

- [ ] English
- [ ] Specify home language: ____________________

Print full names and titles of trained pedagogue(s) conducting interview in English and home language with student and parent:

<table>
<thead>
<tr>
<th>Last, First Name</th>
<th>Title</th>
<th>Last, First Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If an interpreter other than the above pedagogue(s) is used, print full name and title or relationship to student, if applicable.

<table>
<thead>
<tr>
<th>Last, First Name</th>
<th>Title/Relationship</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- [ ] Check here if over-the-phone Translation & Interpretation Unit services were used in lieu of school-based personnel.

**TWO-LETTER OTELE ALPHA CODE**

[ ]

**NYSITELL-ELIGIBILITY**

Print full name and title of trained pedagogue determining NYSITELL eligibility (if student has an IEP, indicate date the Language Proficiency Team NYSITELL Determination Form was sent to the Language Proficiency Team). NOTE: Only students whose home language is other than English are eligible for NYSITELL-eligibility determination.

<table>
<thead>
<tr>
<th>Last, First Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature ____________________

<table>
<thead>
<tr>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Eligible for NYSITELL testing: [ ] YES  [ ] NO

- [ ] Check here if this student has an IEP. Date Language Proficiency Team NYSITELL Determination Form was sent to LPT:

**FURTHER SIFE SCREENING**

Is the student eligible for further SIFE screening? (OTELE Code must be other than “NO”)

- [ ] YES  [ ] NO
Dear Parent or Guardian,

In order to provide your child with the best education possible, we need to determine how well he or she understands, speaks, reads, and writes English. In order to keep you informed, we would like to know your language preference when receiving important information from the school. Your assistance in answering the questions below is greatly appreciated.

Thank you.

# PART 1. NYSTELL ELIGIBILITY

This information provided below will be used along with other information provided to determine your child’s home language and eligibility for the New York State Identification Test for English Language Learners (NYSTELL). Check (✓) the box that applies. If another language is used, please specify.

1. What language(s) does the child understand?
   - ☐ English ☐ Specify other language(s): ____________

2. What language(s) does the child speak?
   - ☐ English ☐ Specify other language(s): ____________

3. What language(s) does the child read?
   - ☐ English ☐ Specify other language(s): ____________ ☐ Does not read

4. What language(s) does the child write?
   - ☐ English ☐ Specify other language(s): ____________ ☐ Does not write

5. What language is spoken in the child’s home or residence most of the time?
   - ☐ English ☐ Specify other language(s): ____________

6. What language does the child speak with parents/guardians most of the time?
   - ☐ English ☐ Specify other language(s): ____________

7. What language does the child speak with brothers, sisters, or friends most of the time?
   - ☐ English ☐ Specify other language(s): ____________

8. What language does the child speak with other relatives or caregivers (e.g., babysitters) most of the time?
   - ☐ English ☐ Specify other language(s): ____________

# PART 2. PRIOR EDUCATIONAL INFORMATION

Responses to these questions will be used for instructional planning. Enter the information for each of the following questions concerning your child.

1. Is this the first time the child has attended a school in the United States? ☐ Yes ☐ No
   If NO, answer questions below:
   - Where did he/she go to school?
   - How long did he/she attend school?
     - How many hours each day?
     - How many years of school did he/she attend?
   - Which language was used for instruction?
   - Has there ever been a time when your child missed school for an extended time? If yes, please describe.

2. Has the child attended school in another country? ☐ Yes ☐ No
   If YES, answer questions below:
   - Where did he/she go to school?
   - How long did he/she attend school?
   - Which language was used for instruction?

3. Did the child participate in any group experience prior to entering school (e.g., daycare, pre-school)? ☐ Yes ☐ No
   If YES, what language was used? ____________

4. Does the child use any other form(s) of communication, such as American Sign Language or Augmentative Communication Device (e.g., communication board-manual/electronic)? ☐ Yes ☐ No
   If YES, specify: ____________

# PART 3. PARENT INFORMATION

Responses to these supplementary questions will be used so that the NYC Department of Education can communicate with you in the language of your choice.

1. In what language would you like to receive written information from the school?

2. In what language would you prefer to communicate orally with school staff?

Parent/Guardian Signature ___________________________ Date ____________

New York City Department of Education
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?
ELL Parent Survey and Program Agreement

School District/Borough Number (6-digit): ___________ Student ID #: ___________ Today’s Date: ___________

ELL Parent Survey and Program Agreement

Your child ___________ (first name) ___________ (last name) who is enrolled in grade ___________ at

___________ (school name) has been identified as entitled to receive English language learner (ELL) services (bilingual education and/or English as a new language).

There are 2 types of bilingual education: dual language and transitional bilingual education:

- In dual language (DL) programs, students are taught in two languages: English and their home language, such as Spanish, Chinese, or French, among others. The goal of this program is for students to be able to read, write, and speak in both English and their home language. In dual language classes, the home language and English are used equally. Even after your child is no longer an English language learner, he/she will remain in the program to continue to learn in and develop both languages. This program includes an English as a new language class.

- In transitional bilingual education (TBE) programs, include reading, writing, and other classes in English and in your child’s home language. As students’ English improves, time spent learning in English increases and time spent learning in the home language decreases. Once your child is no longer identified as an English language learner, he or she will exit the program. This program includes an English as a new language class.

All ELLs receive the following:

- All students are provided instruction in English with support in the students’ home language so they can learn to read, write, and speak English. Students in this program can come from many different language backgrounds, and English may be the only common language among them.

If there are not enough students to create a bilingual education program at the school in which the student is enrolled, transportation can be provided to a school within the district that has such a program. If there is no bilingual education program available, your child will be placed in an English as a new language program. If there is a bilingual program available in your school, your child will be placed in that program unless you choose to opt out of the bilingual program. ENL is mandated and you may not opt out of ENL as per New York State Education Department.

**STEP 1: ELL Program Availability**

The following ELL programs are currently available at this school:

- [ ] English as a new language program (ENL)
- [ ] Transitional bilingual education (TBE)
- [ ] Dual language program (DL)

- [ ] The following TBE and DL programs are available in this district:

Page 1
STEP 2: Provisional Placement

- Your child has been provisionally placed in:
  - English as a new language only program (ENL)
  - Transitional bilingual education (TBE)
  - Dual language program (DL)

Parent/Guardian completes STEPS 3, 4, and 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 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 if 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 I understand that if I do not return this form by __________ 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.

<table>
<thead>
<tr>
<th>Parent/Guardian Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Telephone:</td>
</tr>
<tr>
<td>Email Address:</td>
</tr>
<tr>
<td>Signature:</td>
</tr>
</tbody>
</table>

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 necessary to select the appropriate ELL program for your child as you make your selection (see page two). Please fill out the form completely and return it to [name and title of person] at your school.
### STEP 5: Parent Survey

<table>
<thead>
<tr>
<th>Parent completes this section</th>
<th>Check One</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>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?</td>
<td>How was the information presented?</td>
</tr>
<tr>
<td></td>
<td>School orientation</td>
</tr>
<tr>
<td></td>
<td>phone call</td>
</tr>
<tr>
<td></td>
<td>One-on-one Meeting</td>
</tr>
<tr>
<td></td>
<td>Other (please explain)</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>2. Did you view the parent orientation video in your preferred language of communication?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>3. Did you have the opportunity to ask questions and receive answers about the different programs available for your child?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>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)?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>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 ENL program?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>6. Were you informed that your child’s placement is for the entire school year?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>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?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>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?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
</tbody>
</table>

### 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 *ELL Policy and Reference Guide*. I have accurately entered this information into the ELPC screen in ATS.

<table>
<thead>
<tr>
<th>School completes this section</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Print Name:</td>
<td></td>
</tr>
<tr>
<td>Print Title:</td>
<td></td>
</tr>
<tr>
<td>Signature:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>
Entitlement Letter

Date:

Dear [Name]:

Based on your responses to the Home Language Identification Survey completed at registration and the results of an individual interview, your child____ was tested____ 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____ level on the NYSITELL (see explanation below), entitling him or her to receive English Language Learner (ELL) services in a Bilingual Education program, or an English as a New Language program.

<table>
<thead>
<tr>
<th>Check Level</th>
<th>Level</th>
<th>Description of English Language Proficiency Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entering</td>
<td>(Beginning)</td>
<td>The student has great dependence on supports and structures to advance his or her academic language skills and has yet to meet the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within this grade level.</td>
</tr>
<tr>
<td>Emerging</td>
<td>(Low Intermediate)</td>
<td>The student has some dependence on supports and structures to advance his or her academic language skills and has yet to meet the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within this grade level.</td>
</tr>
<tr>
<td>Transitioning</td>
<td>(Intermediate)</td>
<td>The student shows some independence in advancing his or her academic language skills, but has yet to meet the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within this grade level.</td>
</tr>
<tr>
<td>Expanding</td>
<td>(Advanced)</td>
<td>The student shows great independence in advancing his or her academic language skills and is approaching the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within this grade level.</td>
</tr>
</tbody>
</table>

It is important that you attend the PARENT ORIENTATION so that you can learn about the different English Language Learner programs and services that are available for your child.

In New York State, schools are required to hold orientations for families of newly enrolled ELLs to inform parents and guardians about the different ELL programs available in their schools or district. At the orientation, you will receive information and materials in your home language about ELL programs and you will be able to ask questions about ELL services, with assistance from an interpreter, if needed. At the end of the orientation, you will fill out an ELL Parent Orientation Checklist to confirm that you have the information needed to make decisions for your child.

In addition, you will also receive an ELL Student Placement form that will allow you to make a final decision regarding the services that your child will receive. This information will be made available in your home language.

If you feel your child’s ELL status should be reviewed and/or reassessed, contact [Name] at [Phone Number] 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.

The PARENT ORIENTATION will be held as follows:

Date: ________

Time: ________

Location: ________

Please arrive early so that we can be sure to start on time. If you cannot attend this orientation, please call [Name] at [Phone Number] to schedule an appointment to discuss ELL programs available for your child. We look forward to a successful academic year for your child in our school. Should you have any questions concerning your child’s program, please contact [Name] at [Phone Number].

Sincerely,

[Principal’s Name]
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
Dear Parent/Guardian:

As an English language learner (ELL), your child,__________________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 his or her 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
- 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 his/her progress and academic needs. Your child will receive the following service:

- Option A: Small-group learning
- Option C: Project-based learning
- Option D: A minimum of 90 minutes per week of integrated ENL
- Option E: Scheduled for Advanced Placement class (high school only)

Your child’s teacher will keep you updated on his/her progress. Please feel free to make an appointment to speak with your child’s teacher.

Thank you.

Sincerely,

Principal
Exit/Non-Entitlement Letter (after NYSITELL)

Date:

Dear ____________________:

Based on your responses to the Home Language Identification Survey completed at registration and the results of an individual interview, your child, ____________ was tested on ___ 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 feel your child’s ELL status should be reviewed and / or reassessed, contact ______________________ 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 ________________ at ____________.

Sincerely,
Principal
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, [CHILD’S NAME] has been placed in a [PROGRAM NAME] program. Participation in this program will be for the entire [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 [CONTACT NAME] at [CONTACT INFORMATION].

Sincerely,
[DATE]

Dear Parent/Guardian,

Recently you were provided with a Program Survey and Program Selection Form asking you to select the type of ELL program into which you prefer your child to be placed:

- **Dual Language (DL)**
- **Transitional Bilingual Education (TBE)**
- **Freestanding English as a New/Second Language (ENL/ESL)**

You were asked to return the form to [Person’s name] by [Date]. As of the date of this letter there is no record of the form being returned or any indication of program choices made.

☐ As the information on the Program Survey and Program Selection Form, your child [Student’s name] has been placed in [Program model]. As per New York State’s Commissioner’s Regulations Part 154, not selecting an ELL program is the equivalent of selecting a bilingual program. 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 ELL services. Studies show that students who remain in the same program from year to year tend to perform better on standardized English and mathematics state tests and are more academically successful than those who alternate between different programs.

☐ As per New York State’s Commissioner’s Regulations Part 154, not selecting an ELL program is the equivalent of selecting a bilingual program. However, at the current time, due to insufficient numbers, our school only has ENL/ESL, which is the program your child was placed into. 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 ELL 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. However, you have the right to request a transfer to another school within our district if a bilingual program exists and there are available seats.

If you have any questions regarding the placement of your child in this program please contact [Person’s name] at [Number].

Sincerely,

[Name and Title]

[Signature and date]
Family Authorization for English Language Learner (ELL) Transfer Request

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.

<table>
<thead>
<tr>
<th>Student Name</th>
<th>Student ID</th>
<th>Student Birthdate</th>
</tr>
</thead>
<tbody>
<tr>
<td>______________</td>
<td>______________</td>
<td>______________</td>
</tr>
</tbody>
</table>

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 5 mile radius of my home
  □ Within 10 mile radius of my home
  □ Within the borough where I live
  □ Anywhere

PARENT/GUARDIAN INFORMATION AND SIGNATURE

Parent/Guardian Name ________________________________
Address (with apartment #) ________________________________
Daytime Phone Number ___________________ Evening Phone Number ___________________
Signature ___________________________ Date ________________
Family Authorization for English Language Learner (ELL) Transfer

This form is only to be used if an ELL transfer has been approved by the BCO Director of MLLs/ELLs, the Division of Multilingual Learners and the Family Welcome Center.

Student Name __________________________ Student ID __________________________ Student Birthdate ________________

Dear Family,

According to our records, you indicated an interest in a Dual Language and/or Transitional Bilingual Education program on the Parent Program & Survey Selection form. An investigation was conducted, and it has been determined that your current school _______________ does not have a bilingual program and does not have the sufficient students to form a bilingual program in that school.

It has been determined that there is a seat available at _______________ (receiving school) for your child.

Please note that yellow bus service may not be available, and transportation will be arranged in per Office of Pupil Transportation guidelines. You should call the new school to find out about transportation, if any.

Families must check the following to indicate their understanding and authorization. Families must be permitted to consider the transfer placement and either reject or accept the placement.

☐ I have been informed of the new school placement _______________. I understand that I have the right to accept the placement and enroll in the new school, or reject the placement and stay at the current school.
☐ 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 understand that if I reject the new placement, my child will receive English as a New Language (ENL) instruction at the current school _______________, and not a Dual Language/Transitional Bilingual Education program.
☐ I have been given an opportunity to consider the new school placement, and I choose to:
  ☐ Accept the placement and enroll in the new school
  ☐ Reject the placement and remain in the current school

PARENT/GUARDIAN INFORMATION AND SIGNATURE
Parent/Guardian Name __________________________________________
Address (with apartment #) _______________________________________
Daytime Phone Number __________________________ Evening Phone Number _________________
Signature __________________________ Date ________________________
School Resources
Suggested Helpful Hints and Next Steps for School Leaders and Staff Members

The guidelines below are based on the Policy and Reference Guide for MLLs/ELLs. These guidelines provide an overview of the amended New York State Commissioner's Regulations (CR) Part 154 which establish the legal requirements for the education of ELLs in NYS and provide suggestions for planning high-quality services and support for your ELLs. This document does not constitute a policy or directive of the Chancellor or the Department of Education but is designed to offer best practices for schools to meet the requirements of CR Part 154.

**ELL Identification**

1. Administer Home Language Identification Survey to new NYS admits in grades K to 12 as well as those who have not been in a NYS public school for 2 or more years. Students who have not been in a NYC or NYS public school for 2 or more continuous years are eligible to go through ELL identification process again.
   a. **School Leaders**
      - Assign qualified staff to conduct research and collect documentation to determine eligibility for HLIS
        i. ATS
        ii. Academic history
        iii. Ensure licensed/trained pedagogue has ATS access to ensure accuracy)
   b. **School Staff Members**
      - Licensed & trained pedagogue (e.g., ENL teacher) administers HLIS
      - Complete form and submit to have non-DOE scores and ELL information entered into ATS

2. Determine home language based on HLIS results, which include an interview with the student and parent in the preferred language (mandated in CR Part 154).
   a. **School Leaders**
      - Ensure appropriate interpretation services are provided
      - Assign pedagogical staff to be available for HLIS administration
   b. **School Staff Members**
      - Pedagogue conducts interview and reviews HLIS & student records/documents
      - inputs OTELE code in ATS
      - Maintain appropriate records
3. Administer the NYSITELL to only those students whose home language is not English and who are eligible to take the NYSITELL. (A more in-depth interview and review of work will be conducted to determine NYSITELL-eligibility.)
   a. School Leaders
      □ Order NYSITELL test through NYSED portal
      □ Supervise printing (RLBA function in ATS) and scanning of NYSITELL answer documents within 10 days of school enrollment
      □ Address any NYSITELL scanning errors through the RLBU function
   b. School Staff Members
      □ Licensed & trained pedagogue administers NYSITELL (as necessary)
      □ Maintain appropriate records

4. Parent, student (over 18) may request a Re-identification Process and review within 45 days of enrollment.
   a. School Leaders
      □ Assign qualified and trained staff to review and oversee Re-identification Process
      □ Based on the recommendation of the qualified personnel, the school principal determines whether to change the ELL status or not for the Re-identification Process
      □ Ensure all notifications and relevant documents are maintained throughout
   b. School Staff Members
      □ Pedagogues gather and review student documentation in English and home language; make a recommendation to principal
      □ Maintain appropriate records
      □ Administer Spanish LAB to all newly identified ELLs whose home language is Spanish

5. SIFE status must be determined within 12 months of enrollment. However, NYC requires that an initial determination be made within 30 days of enrollment, which can be modified up to 12 months of initial enrollment. SIFE consists of interrupted and/or inconsistent education.
   a. School Leaders
      □ Assign qualified and trained staff to review and oversee SIFE identification process
   b. School Staff Members
      □ Pedagogue administers oral interview questionnaire and/or SIFE identification procedure (if appropriate); determines initial SIFE identification within 30 days
      □ Indicate SIFE status on BNDC ATS function
      □ Gather and maintain appropriate records
6. Once a SIFE scores at transitioning level on the NYSESLAT, SIFE status is removed.
   a. **School Staff Members**
      - Ensures appropriate staff are aware of instructional needs

### ELL Identification for Students with Disabilities

1. Schools must form a Language Proficiency Team (LPT) for students entering NYS public schools with an IEP to determine if the student has language acquisition needs and should take the NYSITELL
   a. **School Leaders**
      - Assign personnel as part of the LPT (administrator, certified ENL/bilingual/LOTE teacher, director of special education or designated licensed/trained pedagogue, and student’s parent/guardian)
      - Secure appropriate interpretation services for each LPT meeting
      - Gather and maintain appropriate records
   b. **School Staff Members**
      - Pedagoge administers NYSITELL and Spanish LAB as necessary

### Parent Notification and Information, Retention of Records, ELL Program Placement

1. Schools must determine ELL status, conduct parent orientation meeting, and send parent entitlement / non-entitlement letters along with parent survey within 10 school days. Schools must send the entitlement letter of ELL status notification within 5 school days of ELL identification, informing parents of the results and that they have the right to appeal the ELL status within 45 days of enrollment.
   a. **School Leaders**
      - Sign entitlement letters
   b. **School Staff Members**
      - Send parent notification letters to parents within 5 school days of ELL status determination
      - Schedule and facilitate parent orientation meeting (facilitated by trained pedagogue)

2. ELL is placed in ELL program within 10 school days but parent (or student 18 or older) can appeal within 45 school days.
   a. **School Leaders**
      - Principal or designated licensed/trained pedagogue supervises placement and scheduling based on parental selection
   b. **School Staff Members**
      - Maintain records of parent selection
      - Input parent selection on ELPC screen in ATS
3. Schools must provide parents annual and individual meetings to discuss their child’s progress in addition to already existing meetings.
   a. School Leaders
      □ Ensure meetings are scheduled
      □ Maintain records and attendance
   b. School Staff Members
      □ Schedule and conduct individual meetings (facilitated by trained pedagogue)

Program Requirements, Provision of Programs, Grade Span, Program Continuity

1. ELLs cannot be served in classes of more than 2 contiguous grades (except for special class)
   a. School Leaders
      □ Oversee programming and scheduling
   b. School Staff Members
      □ Schedule bilingual and stand-alone ENL classes with no more than two contiguous grades

2. All students must receive a specified amount of stand-alone ENL and integrated ENL. Stand-alone ENL is instruction to develop English language skills so that students can succeed in core content courses. It is delivered by a certified ENL teacher. Integrated instruction builds English language skills through content area instruction (e.g., social studies). Integrated instruction is delivered by a dually certified teacher (ENL and content area), or via co-teaching by an ENL teacher and content area teacher.
   a. School Leaders
      □ Oversee programming and scheduling based on appropriate certification
   b. School Staff Members
      □ Create a schedule to service all eligible students based on proficiency levels

3. Former ELLs must receive 90 minutes a week of integrated ENL for 2 years after testing out.
   a. School Leaders
      □ Ensure appropriate placement and services for former ELLs
   b. School Staff Members
      □ Include former ELLs when creating school-wide ENL schedule.
      □ Monitor progress

4. Bilingual programs consist of 3 parts: ENL, Home language arts (HLA), and at least 2 subjects in the native language at beginning levels (depending on bilingual program model and level of student proficiency).
   a. School Leaders
Supervise implementation of program requirements

b. School Staff Members
   - Implement program requirements

Students with Disabilities, Intervention Support for ELLs

1. Districts are required to annually identify ELLs not demonstrating adequate performance and provide additional support services aligned to district wide intervention plans.
   a. School Leaders
      - Review data to ensure accuracy in DOE data systems
   b. School Staff Members
      - Ensure data is accurate in DOE data systems (e.g., ATS, STARS, SESIS)

ELL Exit Criteria, Former ELL Services, Graduation Requirements

1. ELLs can test out through one of three ways: (i) test proficient on the NYSESLAT (previously part of criteria), or (ii) test expanding (advanced) on the NYSESLAT and test at level 3 or 4 on the ELA, or (iii) test expanding (advanced) on the NYSESLAT and test 65 or higher on the English Regents.
   a. School Leaders
      - Ensure parental notification are signed, sent, and recorded for future reference
   b. School Staff Members
      - Send parent notification letters

2. Appeals to Graduate with Scores of 55–64 on Regents Examinations: (i) appeal to graduate with a score of 62–64 on Regents Examination or (ii) appeal to graduate with a Score of 55–61 on the ELA Regents Examination (open to ELL students that meet the criteria).
   a. School Leaders
      - In conjunction with guidance counselor, principal or designated licensed/trained pedagogue oversees appeals process upon review of transcripts and test history

Professional Development, Certification

1. Professional development requirements: (i) 15% total hours ELL-specific PD for all Teachers; (ii) 50% total hours ELL-specific PD for ENL/bilingual teachers
   a. School Leaders
      - Provide access to high-quality ELL-specific professional learning opportunities (District-based and School-based)
   a. School Staff Members
School District Planning and Reporting Requirements

1. Each school district must submit annual estimates of ELL enrollment for the following school year; districts must open bilingual programs the following year if sufficient numbers exist.
   a. School Leaders
      □ Monitor ELL enrollment (changes, updates)
      □ Provide district with ELL enrollment information
   b. School Staff Members
      □ Maintain accurate enrollment records

2. Each school district must provide program continuity for ELLs if there are sufficient numbers as per Aspira Consent Decree.
   a. School Leaders
      □ Ensure appropriate certified staffing for bilingual programs
      □ Plan for program continuity and logistics
      □ Recruit appropriately certified teachers:
         1. ENL
         2. Bilingual
         3. ENL and content
   b. School Staff Members
      □ Send parental selection/ program continuation letters
      □ Monitor parental selection
      □ Update program selection on ATS/STARS

3. School districts are required to provide additional information in comprehensive plans regarding programs for subpopulations of ELLs, information provided to parents in the languages they best understand, methods to annually measure and track ELL progress, and systems to identify, assess, and exit students from ELL status.
   a. School Leaders
      □ Form Language Allocation Policy Team
      □ Ensure representation of all school stakeholders
      □ Facilitate creation of CEP documents related to ELLs: LAP, LTI, Title III
   b. School Staff Members
      □ Provide school-wide ELL information
      □ Coordinate LAP team
      □ Assist with creation of LAP, LTIP, and Title II documents
      □ Apply to DML-sponsored grants, such as SIFE and long-term ELLs grant

4. School districts are required to provide additional information in reports regarding programs for subpopulations of ELLs including program information, if offered, by subpopulations and languages spoken in the school district.
   a. School Leaders
Form Language Allocation Policy Team
- Ensure representation of all school stakeholders
- Facilitate creation of CEP documents related to ELLs: LAP, LTI, Title III

b. School Staff Members
- Provide school-wide ELL information regarding subpopulations and languages spoken
- Coordinate LAP team
- Assist with creation of LAP, LTIP, and Title II documents
Checklist of 10 ELL-Related Items for a Successful Start of the School Year

Review the Policy & Reference guide for in-depth information on the items listed below. For questions on ELL-related matters, contact your B/CO MLL/ELL director.

1. Assign Staff Responsible for Identifying ELLs

☐ Establish a team of trained pedagogues responsible for implementing the ELL intake process throughout the year as per procedures outlined in the MLL/ELL Policy and Reference Guide.

☐ Ensure that all students have a valid home language code entered into ATS based on the Home Language Identification Survey (HLIS).

☐ Create 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 home language code of the student.

☐ When staff is not available to translate, contact the Translation and Interpretation Unit for over-the-phone translations.

☐ Relevant resources:
  - Translation and Interpretation Unit
  - Home Language Identification Surveys (HLIS) and Parent Notification Letters

2. Determine NYSITELL Eligibility and Administer NYSITELL as Necessary

☐ Ensure that the testing coordinator orders the NYSITELL and the Spanish LAB.

☐ Determine who will administer and scan the NYSITELL and Spanish LAB.

☐ Determine NYSITELL eligibility for students whose home language is not English. Students whose home language is other than English must have an in-depth interview and review of any work to determine eligibility for the NYSITELL. For students entering with IEPs, convene the Language Proficiency Team.

☐ If the student is eligible to take the NYSITELL, print the NYSITELL via the RLBA in ATS.

☐ If the student is determined not eligible, update the ELLO screen in ATS. 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.

☐ Relevant resources:
  - NYSITELL Information
3. Distribute Notification Letters to Parents

- Establish who will send entitlement, non-entitlement, and continuation letters to parents. **Note:** entitlement letters also include the invitation to the parent orientation meeting.
- Notifications of student ELL status must be sent within 5 school days.
- Relevant resources: [Parent Notification Letters](#)

4. Schedule Parent Orientation Meetings

- Determine the pedagogue(s) that will conduct the parent orientation including translation support (if necessary).
- Parents must receive all documents in their preferred languages.
- All documents, including agendas and parent attendance documents should be kept on file.
- **Note:** The entire ELL identification process, including parent orientation and student placement must be completed within 10 school days of enrollment (20 for students entering with IEPs).
- Relevant resources: [Parent Orientation Video](#)

5. Maintain Records

- File copies of parent notification letters in an accessible and secure place in the school for later review.
- Review parent choice letters and plan for creating a bilingual program if there are sufficient parent requests for a Dual Language or Transitional Bilingual Education program.
- **As per the ELL Policy and Reference Guide,** completed HLIS forms and Parent Survey & Program Agreement forms must be placed in the student’s cumulative file and remain a part of the student’s permanent record.
- Throughout the entire year, review ELL parent surveys and 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 school opens a bilingual program. Please contact the [Division of Multilingual Learners](#) for more information.
- Relevant resources: [List of Bilingual Programs available in NYC Schools (SY18-19)](#)
6. Identify Students with Inconsistent/Interrupted Formal Education

□ 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 in order 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 Multilingual Literacy SIFE Screener (MLS)

7. Complete the ELPC Screen in ATS

□ Ensure your staff records parent selection information in the ELPC screen in ATS (within 20 school days of enrollment; 30 days for students with IEPs), including whether the parent was provided with information about ELL programs and which program the parent selected.

□ Regardless of 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 (see ELL Policy and Reference Guide).

□ Initial parent selection of ELL program is entered through the ELPC screen in ATS. Though discouraged, subsequent changes to the parent selection are made through the BNDC screen.

8. Review Staffing and Programming

□ Review staff certifications for personnel who can provide mandated ENL or bilingual services.

□ Hire appropriately certified ENL and bilingual teachers.

□ Schedule teachers and program students for integrated ENL and stand-alone ENL based on grade level and proficiency level.

□ Regardless of program type, in order to ensure that ELLs receive their full complement of mandated units of ENL and subject area content, schools must strategically program students so that teacher time is maximized in the classroom engaged in providing instruction.

□ Provide professional development opportunities 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

□ For students who obtain commanding (“test out”) on the NYSESLAT, program students for 90 minutes per week of ENL or one of the options outlined in Alternative Pathways for Former ELLs.

□ Relevant Resources:
  • CR Part 154
9. Analyze NYSITELL and NYSESLAT Scores

- Review NYSITELL and NYSESLAT scores as well as other relevant data and program ELLs according to parent selection and CR Part 154 requirements. Use the ELL Data Analysis Tool for a more detailed NYSESLAT analysis.
- Provide all staff with professional development on using this data to drive instruction, implement interventions, and create Title III plans if school qualifies for funds.
- For students who obtain commanding (“test out”) on the NYSESLAT, program students for 90 minutes per week of ENL or one of the options outlined in Alternative Pathways for Former ELLs.
- Relevant Resources:
  - NYSITELL
  - NYSESLAT
  - NYSESLAT – Determining an English Language Learner’s English Performance Level:
  - Alternative Pathways to Support Former English Language Learners’ Language Development and Academic Progress

10: Develop Plans

- All schools are required to submit a Language Allocation Policy (LAP) and a Translation/Interpretation Plan for SY 2019-20.
- All schools that received Title III LEP funding must submit their plan through iPlan; Word versions will not be accepted.
- Relevant Resources: Title III LEP School Allocation Memo #31
SY 2019-20 School ELL Compliance Calendar

Go To Month:

- August
- September
- October
- November
- December
- January
- February
- March
- April
- May
- June
- July

For additional details on any of the items listed below, please refer to relevant sections within the Policy & Reference Guide for MLLs/ELLs.

August

☐ Administer the Home Language Identification Survey (HLIS) to all newly admitted students in grades K to 12 to NYC public schools in the parents’ preferred language.

☐ All students whose home language is not English and are determined eligible for the NYSITELL (and Spanish LAB if the student’s home language is Spanish and is identified as an ELL) are administered such within 10 days of school enrollment (20 days for students entering with IEPs); newly identified ELLs must be placed within ELL program based on parent’s choice also within same time requirement. Parent notifications must be sent within 5 school days. See NYSITELL memo on printing and scanning Spanish LAB documents.

☐ Form a Language Proficiency Team to determine NYSITELL eligibility for new admits (grades K to 12) with IEPs.
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 in order 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.

Send parent notification letters to parents, including entitlement, non-entitlement, and continuation letters. Invite newly identified ELL parents 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.

Schedule ELLs for ENL, as necessary, based on spring NYSESLAT results (use RLAT report in ATS) and other available data (e.g., NYSITELL for newly identified ELLs). Schedule former ELLs for 90 minutes of ENL OR one of the options outlined in the Alternative Pathways for Former ELLs.

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 the minimum amount of minutes of ENL as per CR Part 154.

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.

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.

September

Review previous month’s items.

Administer the Home Language Identification Survey to all new admits to NYC public schools in the parents’ preferred language (and to reentering students after being out of NYS public schools for more than 2 years); conduct parent orientations for all parents of newly identified ELLs.
Send parent notification letters to parents, including entitlement, non-entitlement, and continuation letters within 5 school days. Invite newly identified ELL parents 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.

Identify SIFE using the NYSED Multilingual Literacy SIFE Screener (MLS) within 30 school days. Enter SIFE status within 30 school days into the BNDC screen.

Implement Title III plans as necessary.

Complete ELPC screen (in ATS) for all newly identified ELLs within 20 days of first day of enrollment.

Update BNDC screen for numbers of paraprofessionals working under the direction of a licensed ENL and/or bilingual teacher for academic purposes.

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.

Ensure that copies of HLIS and parent notification letters sent to parents are maintained in one central location, and the HLIS, the parent program selection form and parent notification letters are placed in student cumulative folders.

Schools begin developing the Language Allocation Policy (LAP) and Translation and Interpretation Plan in iPlan portal.

Administer ELL Periodic Assessments.

Order translated versions of the math and other exams for grades 3 to 8 for ELLs as appropriate.

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.
October

☐ Review previous month’s items.

☐ Ensure accurate ELL enrollment data in STARS. Implement Title III plans and ensure funds have been scheduled appropriately and Title III plans have been implemented.

☐ Ensure ELPC screen (in ATS) is updated.

☐ Update BNDC screen for numbers of paraprofessionals working under the direction of a licensed ENL and/or bilingual teacher for academic purposes.

☐ Plan for implementation of testing accommodations for ELLs.

☐ Review potential NYSITELL-Eligibility report (RLER) which lists students who may be administered NYSITELL.

☐ Administer NYSITELL and Spanish LAB as necessary.

☐ Order translated versions of the Regents exams for ELLs as appropriate for the January administration.

☐ Administer ELL Periodic Assessments.

November

☐ Review previous month’s items.

☐ Plan for implementation of testing accommodations for ELLs.

☐ Administer NYSITELL and Spanish LAB as necessary within students’ 10 days of school enrollment (20 days for students entering with IEPs). See NYSITELL memo on printing and scanning Spanish LAB documents.

☐ Review potential NYSITELL-Eligibility report (RLER) which lists students who may be administered NYSITELL.

☐ Monitor grant expenditures (e.g., Title III).

☐ Ensure that all Title III funds have been scheduled appropriately and Title III plans have been implemented.

☐ Ensure ELPC screen (in ATS) is updated.
Update BNDC screen for numbers of paraprofessionals working under the direction of a licensed ENL and/or bilingual teacher for academic purposes.

December

- Review previous month’s items.
- Administer NYSITELL and Spanish LAB as necessary within students’ 10 days of school enrollment. See NYSITELL memo on printing and scanning Spanish LAB documents.
- Ensure ELPC screen (in ATS) is updated.
- Update BNDC screen for numbers of paraprofessionals working under the direction of a licensed ENL and/or bilingual teacher for academic purposes.
- Ensure all ELLs and former ELLs have been programmed for mandated number of minutes of ENL and bilingual classes (if applicable) in STARS.
- Ensure that all Title III funds have been scheduled appropriately and Title III plans have been implemented. Ensure Title III LEP plans are implemented and funds are expended as per requirements outlined in the School Allocation Memorandum.

January

- Review previous month’s items.
- Identify ELLs at risk for hold over. Review promotional policy for ELLs.
- Order NYSESLAT exams.
- Monitor grant expenditures (e.g., Title III).
- Ensure ELPC screen (in ATS) is updated.
- Update BNDC screen for numbers of paraprofessionals working under the direction of a licensed ENL and/or bilingual teacher for academic purposes.
- Ensure all ELLs and former ELLs have been programmed for mandated number of minutes of ENL and bilingual classes (if applicable) in STARS.
February

☐ Review previous month’s items.

☐ Administer NYSITELL and Spanish LAB as necessary within students’ 10 days of school enrollment. See NYSITELL memo on printing and scanning Spanish LAB documents.

☐ Administer ELL Periodic Assessments.

☐ Order translated versions of the Regents exams for ELLs as appropriate for the June administration.

March

☐ Review previous month’s items.

☐ 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.

☐ Ensure ELPC screen (in ATS) is updated.

☐ Update BNDC screen for numbers of paraprofessionals working under the direction of a licensed ENL and/or bilingual teacher for academic purposes.

April

☐ Review previous month’s items.

☐ Administer NYSESLAT.

☐ Ensure all translated versions of relevant NYS exams have been ordered.

☐ Analyze ELL data and trends to begin planning for following year.

☐ Monitor grant expenditures (e.g., Title III).
May

☐ Review previous month’s items.

☐ Administer NYSESLAT and begin scoring.

☐ Administer Chinese Reading Test and Spanish Reading Test (ELE) as necessary.

☐ Review promotional policy for ELLs.

☐ Review previous month’s items.

☐ Ensure all ELLs and former ELLs have been programmed for mandated number of minutes of ENL and bilingual classes (if applicable) in STARS.

☐ Plan for ELL programs for next year. Review ELL parent surveys on parent selection. 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.

June

☐ Review previous month’s items.

☐ Administer NYSITELL and scan answer documents. Begin administering NYSITELL to students entering kindergarten the following September.

☐ Prepare for ELL Summer Enrichment programs.

☐ Identify ELLs mandated for summer school, prepare letters, and finalize programs.

☐ Plan for ELL programs for next year. Review ELL parent surveys on parent selection. 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.

☐ Initiate ELL teacher and student recruitment for next school year as necessary.
July

- Review previous month's items.

- Commence Title III Summer Enrichment programs.

- Order translated versions of the Regents exams for ELLs as appropriate for the August administration. Begin (on July 15) administering the NYSITELL to students entering grades 1 to 12 in September.
10 Steps for MLL/ELL Data Verification, Review, and Update
(Updated December 2019)
In order 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 MLLs/ELLs and former ELLs (for up to 2 years after testing out).

Please review the checklist below and the accompanying spreadsheets (if applicable) 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. In order to facilitate this process, below is a checklist of items to review.

For more information, review the Policy and Reference Guide for MLLs/ELLs.

Review and Update Items in ATS

1. 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 students entering with IEPs whose NYSITELL-eligibility was determined by the Language Proficiency Team (LPT), principal, and superintendent.
   □ Next Steps: Enter non-eligibility for the NYSITELL information into the ELL0 screen.

2. Identify students who are entering NYC public schools and or were in a 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 MLL/ELL status will be automatically updated accordingly. Scores will change MLL/ELL status only for those students whose home language is other than English (HL code ≠ “NO”).

3. 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.

4. Identify students for whom an appeal on MLL/ELL status was requested within 45 days of enrollment as per the Re-Identification of MLL/ELL Status procedures.
   □ Next Steps: Principals use the RQSA function in ATS to make the recommendation to reverse the MLL/ELL status; superintendents use the RQGA function to approve/disapprove.
5. Identify students whose SIFE status needs to be determined and updated.
   - **Next Steps:** Update the BNDC screen in ATS to indicate if student is a SIFE. SIFE status is only requested for newly admitted MLL/ELL students who have been in the US less than one year and are in grade 3 or above.

6. 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 B/CO director of MLLs/ELLs.

7. Identify 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.

8. 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 days of enrollment.

### Review and Update Items in STARS

9. Ensure all MLLs/ELLs and former ELLs who tested out within the past 2 years have been scheduled for a minimum of ENL as per SED’s CR Part 154 mandates. Students who obtain commanding (tested out within the past 2 years) should be scheduled for integrated ENL OR one of the options outlined in the Alternative Pathways for Former ELLs.
   - **Next Steps:** Update STARS for any student who is receiving ENL but has not been scheduled for ENL in STARS.
   - Schools should review all MLLs/ELLs and former ELLs’ STARS programming data to ensure full compliance with SED regulations.
   - See STARS wiki for more information. For ENL, see Programming English Language Learners in STARS. For bilingual programs, see School Programs - Bilingual Programs.

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. MLLs/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.
DIRECTIONS: This submission form supports schools with organizing and describing the quantitative and qualitative information necessary for a well-conceived school-based Language Allocation Policy (LAP) that describes high quality programs for English language learners (ELL). This is a two-year plan on how schools will support ELLs’ linguistic and academic needs. This LAP form is a part of the school’s Comprehensive Educational Plan (CEP).

Note: this is a living document; any school wide changes involving the services of ELLs, such as the addition or expansion of a transitional bilingual education (TBE) or dual language (DL) program should be updated in this form. Agendas, minutes of LAP meetings, and LAP team members’ attendance at meetings should be kept readily available on file in the school. When preparing your school’s submission, provide extended responses in the available spaces. For additional information, refer to the ELL Policy and Reference Guide.

Part I: School ELL Profile

A. School Information

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<tr>
<th>District</th>
<th>Borough</th>
<th>School Number</th>
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B. Language Policy Team Composition

Note: The following staff members should be on the LAP team: principal, assistant principal (where applicable), at least one bilingual teacher from each subject area (where there is a bilingual program), at least one ENL teacher, and one parent.

<table>
<thead>
<tr>
<th>Principal</th>
<th>Assistant Principal</th>
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<table>
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<tr>
<th>Coach</th>
<th>Assistant Coach</th>
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<thead>
<tr>
<th>ENL (English as a New Language)/Bilingual Coordinator</th>
<th>School Counselor</th>
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<th>Teacher/Subject Area</th>
<th>Parent</th>
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<tr>
<th>Teacher/Subject Area</th>
<th>Parent Coordinator</th>
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<tr>
<th>Related-Service Provider</th>
<th>Principal Supervisor</th>
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<tr>
<th>Superintendent or Designee</th>
<th>Other (Name and Title)</th>
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C. Teacher Qualifications

Provide information of all staff members’ certifications referred to in this section.

<table>
<thead>
<tr>
<th>Number of certified bilingual teachers not currently teaching in a bilingual program</th>
<th>Number of teachers who hold both content area/common branch and TESOL certification</th>
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<tr>
<th>ENL teachers currently teaching in the ENL program</th>
<th>Number of certified foreign language/world language teachers providing home language arts (HLA) to students in bilingual programs (applicable to grades 7–12)</th>
<th>Number of teachers who hold both a bilingual extension and TESOL certification</th>
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<tr>
<th>Number of certified</th>
<th>Number of teachers currently teaching a self-contained ENL class who hold both a common branch license and TESOL certification (applicable to grades K–6)</th>
<th>Number of special education teachers with bilingual extensions</th>
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### Part II: ELL Demographics

#### A. ELL Programs

Check all that apply:

<table>
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<tr>
<th>This school serves the following grades (includes ELLs and non-ELLs)</th>
<th>K</th>
<th>1</th>
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This school offers:

- Transitional bilingual education program (TBE)  Yes/No
- Dual language program (DL)  Yes/No
- ENL  Yes/No

If yes, indicate language(s):

Provide the number of bilingual programs for each grade at your school. Each language within the bilingual program is considered a separate program. TBE = transitional bilingual education, DL = dual language.

### Bilingual Program Breakdown

<table>
<thead>
<tr>
<th>Program</th>
<th>Language</th>
<th>School Year Opened</th>
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<th>2</th>
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### Part III: Assessment Analysis

After reviewing and analyzing the assessment data, answer the following:

1. What formative assessments or curriculum-embedded assessments (e.g., EL SOL, Essential Elements, and Powell, DRA, TCRWP, teacher-created assessments) are being used to guide instructional planning for your ELLs?
2. What structures do you have in place to support this effort?
3. What summative assessments or baseline/benchmark assessments (e.g., NYC performance Tasks, Performance Series, ELL Periodic Assessment, HLA Assessment) are being used to identify baseline, progress and areas of need?
4. What structures do you have in place to address interventions once the summative data has been gathered?
5. How does your school use data to guide instruction for ELLs within the Response to Intervention (RTI) framework (for grades K-5)? [Refer to the Support Services for ELLs (RTI and A18) section of the ELL Policy and Reference Guide and the RTI: Supporting ELLs guide.]
6. What outcome assessments (e.g., NYSELT, ELA, Math, Regents) data are used to evaluate and inform your ELL programs? [Refer to the FRLAT from ATS.]
7. What structures do you have in place to disseminate these findings in order to make adjustments to your programs?
Part IV: ELL Programming

Programming and Scheduling Information

1. How is instruction for ELLs delivered in the following programs? Include how integrated and stand-alone ENL are implemented as per CR Part 154.2 as well as how students are grouped (e.g., block/class travels together as a group), ungraded [all students regardless of grade are in one class], heterogeneous [mixed proficiency levels], homogeneous [proficiency level is the same in one class].
   a. ENL program
   b. TBE program. If applicable.
   c. DL program. If applicable.
2. How does the school ensure the mandated number of instructional hours is provided according to proficiency levels in each program model?
   a. How are explicit ENL, ELA, and HLA instructional minutes delivered in each program model (see charts 5.1 and 5.2 below)?
3. Describe how core content is delivered in each program model. Specify language, and the instructional approaches and methods used to meet content comprehensibility to foster language development and meet the demands of the Next Generation Learning Standards.
4. How do you ensure that ELLs are appropriately evaluated in their home language throughout the year?
5. How do you differentiate instruction for each of the following ELL subgroups?
   a. SIFE
   b. Novice
   c. Developing
   d. Long Term
   e. Former ELLs up to two years after exiting ELL status
6. What instructional strategies and grade-level materials do teachers of ELL-SWs use that both provide access to academic content areas and accelerate English language development?
7. How does your school use cumulative, instructional, and scheduling flexibility to enable ELL-SWs to achieve their IEP goals and attain English proficiency within the least restrictive environment?
8. Describe your targeted intervention programs for ELLs in ELA, math, and other core content areas (specify ELL subgroups targeted). List the range of intervention services offered in your school for the above areas as well as the language(s) in which they are offered.
9. Based on data and trends, what new programs or improvements will be considered for the upcoming school year?
10. If you had a bilingual program, what was the reason you closed it?
11. How are ELLs afforded equal access to all school programs? Describe after school and supplantment services offered to ELLs in your building.
12. What instructional materials, including technology, are used to support ELLs? Include core content areas as well as language materials; list ELL subgroups if necessary.
13. How is home language support assessed and delivered in each program model (DL, TBE, and ENL)?
14. Explain how the school ensures all required services/resources support and correspond to ELLs’ ages and grade levels.
15. If your school serves a building (collocation), how do you share resources and coordinate efforts to ensure that all of the ELLs’ needs (academic, linguistic, socioemotional) are met?
16. Describe activities in your school that assist newly enrolled ELLs before the beginning of the school year. Include activities for new ELLs who enroll throughout the school year. Include titles of staff involved in such activities (e.g., school counselor, parent coordinator).
17. What language electives are offered to ELLs?
18. For schools with dual language programs:
   a. What dual language model is used (e.g., side-by-side, self-contained)? Explain how much of the instructional day (percent) EPs and ELLs are integrated.
   b. In which language(s) is each core content area taught?
   c. How is each language separated for instruction?
   d. Is emergent literacy taught in the child’s home language first (sequential), or are both languages taught at the same time (simultaneous)?

Professional Development and Support for School Staff

1. Describe the professional development plan for all ELL personnel at the school. (Include all teachers of ELLs and non-educators.) What professional development is offered to teachers of ELLs (including ENL and bilingual teachers) in supporting ELLs as they engage in the Next Generation Learning Standards?
2. Describe how your school meets the professional development requirements as per CR Part 154.2. 15% of total hours for all teachers and 50% of total hours for bilingual education ENL teachers receive ELL-specific professional development. Include how records are kept for professional development activities (e.g., agenda, attendance). Refer to ELL Policy and Reference Guide, Professional Development section.

Parental Involvement

1. How does the school provide annual individual meetings with parents of ELLs to discuss goals of the program, language development progress, language proficiency assessment results, and language development needs in all content areas? Include procedures for interpretation and translation as needed. Note these meetings do not include mandated parent orientation meetings and DOE-scheduled parent-teacher conferences?
2. Describe ELL parent involvement in your school. Include specific activities that foster parental involvement for parents of ELLs.

Additional Information

Include any additional information that would be relevant to your LAP and would further explain and highlight your program for ELLs. You may attach/submit charts. This form does not allow graphs and charts to be pasted.
Part V: ELL Identification Attestation

Principal Certification

In accordance with New York State's Commissioner's Regulations Part 154 as outlined and implemented in the New York City's ELL Policy and Reference Guide, I, (principal's name), testify that the following ELL identification procedures and activities are adhered to and staff are trained on the following:

1. The ELL Identification Process is completed for each student within 10 school days of enrollment (20 school days for students entering with IEPs).

2. Enrollment status of each newly admitted student is determined:
   a. If student has been in NYS public schools within past 4 years, our school contacts previous school to obtain ELL status relevant assessment scores, and proficiency level.
   b. If student has been outside of NYS public schools for more than 4 years, our school administers the ELL identification Process part of registration.

3. The home language of the student is determined by a trained and licensed pedagogue.
   a. The parent completes the Home Language Identification Survey in the parent's preferred language; translation services are provided by a bilingual staff member, the DOE's over-the-phone translation service, or an alternative, high quality translation service.

4. An interview with parents and students in English and the home language is conducted. This includes reviewing documents, prior assessments, and academic experience. An assessment of the student's ability and/or work samples determines the student's literacy and math level in his/her home language.

5. Eligibility for the NYSTELL is determined:
   a. If the newly enrolled student is entering with an IEP, the school's Language Proficiency Team (LPT) recommends eligibility to the principal, who obtains final approval from the superintendent.
   b. Student is administered the NYSTELL, if eligible.
   c. Parent notification letters are sent to the parent in the parent's preferred language.
      a. Parent is notified of their child's ELL status and results of the NYSTELL.
   d. If the student is identified as an ELL, the student's home language is Spanish, the student is administered the Spanish LAB.

9. Student with interrupted/inconsistent formal education (SIFE) status is determined using New York State's resources available on NYSED's website:

http://www.nysed.gov/bilingual-ed/schools/students-interrupted/inconsistent-formal-education-site

10. If student is an ELL, parent is invited to a parent orientation meeting:
    a. Parent orientation meeting provides parents with an explanation of each ELL program model offered in NYC; the parent video describing the three programs is presented (in parent's preferred language); parents are encouraged to ask questions so that they are informed about all ELL programs; translation and interpretation services are provided throughout the meeting.

11. ELL is placed in the ELL program that the parent selected:
    a. If the ELL program that the parent selected is not available, the parent is offered a transfer to a school with that program in accordance with DOE transfer policies.
    b. If the ELL remains in the school, the ELL is placed in English as a new language and our school keeps track of parent choice so that when minimum thresholds are met, we can open the ELL program of choice.

12. Parents are notified that they have 45 days to appeal the ELL status of their child (ELL Re-Identification Process).

13. If the ELL Re-Identification Process is implemented for any student, the principal reviews the decision of any student whose ELL status was changed because of the ELL Re-Identification Process within 6 to 12 months.

14. Copies of letters and parent notifications regarding ELL identification are kept in the students' cumulative files.

Part VI: LAP Assurances

Signature of LAP team members certify the information provided is accurate. Names listed in Part A should align with this section.

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Summary of Key Changes (effective Fall 2019)

- 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 pathway 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.*

In order 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 in lieu 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 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 (i.e. 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
  - *(updated Fall 2019)* Option E has been updated to clarify that LOTE/World language AP classes are no longer a valid pathways

Former ELL services are developed by the teacher providing the service and 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 in order 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.

### For 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 (e.g., 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 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 (i.e. word study around Greek and Latin roots) may aid Chang in developing her vocabulary and, consequently, improve her meaning-based skills within 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 next steps for instruction.

#### Option B – Individualized Targeted Learning

Update: as of Fall 2019, Option B will no longer serve as an Alternative Pathway
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.
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 MLLs/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.
For 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 (e.g., 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 the 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.

Option B – Individualized Targeted Learning

Update: as of August 2019, Option B will no longer serve as an Alternative Pathway
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 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 on developing activities that support students in building academic language as identified by the goals within the context of the class.
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 (e.g. 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.
For 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 deeply 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 (e.g. 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.

Option B – Individualized Targeted Learning

Update: as of August 2019, Option B will no longer serve as an Alternative Pathway
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 in order to determine the ENL delivery model for Manish as he enters his second year as a former ELL.
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 collaborative 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.
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 (i.e. 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
• Student attends a non-LOTE/World Language and Culture Advanced Placement course with at least 90% attendance record
• Teacher of AP course reviews student’s grades and coursework to determine if 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.