

# Policy and Reference Guide for Multilingual Learners/English Language Learners

2023-2024 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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### **Updated August 2023**

This guide is a compilation of current U.S. Federal, New York State, and New York City Multilingual Learner/English Language Learner policy guidance for school year 2023-24.

The most recent version of this document is available on the [Policy and Reference Guide InfoHub](#).

To view the complete Regulations of the New York State Commissioner of Education, including the Part 154 Regulations regarding services for Multilingual Learners/English Language Learners (MLs/ELLs), visit the [New York State Education Department website](#).

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## Introduction

Dear Colleagues,

On behalf of the Division of Multilingual Learners (DML), I am pleased to present you with the August 2023 edition of the *Policy and Reference Guide for Multilingual Learners/English Language Learners* for New York City Public Schools. This guide consolidates many of the critical federal, state, and city regulations that govern the education of Multilingual Learners/English Language Learners (MLs/ELLs).

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

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

This guide is just one tool that you may use in providing MLs/ELLs with rigorous academic experiences that consider their individual strengths and needs. As you implement these policies, we encourage you to apply an equity lens, to ensure every student has meaningful access to rigorous instruction, resources, and academic choices while maintaining their cultural and linguistic identity.

As you develop your plan for MLs/ELLs for the upcoming school year and beyond (via the Language Allocation Policy), refer to this guide and share it with key members of your school community. The most current version of this guide, as well as additional resources on policies pertaining to MLs/ELLs, can be found on the [Policy and Reference Guide InfoHub](#).

Please contact your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#) for additional guidance on any of the topics described in these resources and refer to *Principals Digest* for updates.

Sincerely,

Mirza Sánchez-Medina  
Chief of Multilingual Learners  
Division of Multilingual Learners



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## August 2023 Edition Updates

### Policy Updates

- Policy changes for SY 2023-24 are highlighted in green call-out boxes throughout this guide. See [Policy Updates for SY 2023-24](#).
- A previous note in the [Home Language Code Inputting Errors and Changes](#) section indicating that Family Welcome Centers are required to enter home language when registering a student has been removed. Users are no longer required to enter student's home language on the [QADM screen in ATS](#). Only parent/guardian preferred language (written and spoken) are required to be entered. As such, the home language code should only be entered in the [QADM screen](#) after the administration of the [Home Language Identification Survey \(HLIS\)](#) has been completed by [qualified personnel](#) (licensed and trained pedagogue).

### Identification Process

- The [Identification Process](#) section was updated to include [ELL Identification For Current Pre-K Students Progressing To Kindergarten](#) (previously a stand-alone document).
- Note added throughout the guide to clarify that while the results of the [Multilingual Literacy SIFE Screener \(MLS\)](#) (administered to students in grades 3-9 during the SIFE identification process) can indicate that a student is SIFE, the SIFE label can still be applied to students in grades 10-12 if they were identified as SIFE and have not exited SIFE status.
- [Enrolling Students in NYS Public Schools within the Preceding Two Years](#) was updated to indicate:
  - the student data NYC public schools must request from previous NYS public school.
  - schools must contact [ELLTransfersNYS@schools.nyc.gov](mailto:ELLTransfersNYS@schools.nyc.gov) for assistance in cases where they cannot obtain *assessment scores* from the student's previous NYS public school.
  - Schools must update other relevant data points (home language, SIFE status, parent option) in ATS once received from the previous school. If there are any issues, schools can contact their [ML/ELL Director & ML/ELL Compliance Performance Specialist](#) for support.
- SIFE resource links updated throughout the guide:
  - [NYSED SIFE Website](#)
  - [NYSED SIFE Q&A](#)
  - [NYSED SIFE Identification flowchart](#)
  - [NYSED Oral Interview Questionnaire](#)
  - [Multilingual Literacy SIFE Screener \(MLS\)](#). Note: As of August 2023, the MLS is currently available in [these languages](#).
  - [Writing Screener](#)
  - [SIFEshare](#)
- [Special Considerations](#) section added to include additional information regarding unaccompanied minors.

## Teacher Certification

- [Teacher Certification Section](#) updated to incorporate:
  - [NYSED guidance on incidental teaching.](#)
  - [NYC DOE License Change Application to A Special Education/Students with Disabilities, Bilingual or ESL NYC License.](#)

## Bilingual Education Programs

- [Bilingual Education Programs](#) section updated.

## Comprehensive Education Plan: ELL Components

- Updated [Frequently Asked Questions: Allowable Use of Title III LEP Funds](#) to include new section on documentation schools should maintain regarding their Title III plans (see question 32).

## Required ELL Data Recording and Reporting

- The [ATS: Home Language Code Crosswalk](#) was updated to include 21 new home languages and 7 updates to previous home languages.

## Retention of Records

- The [retention of records](#) section was updated to:
  - clarify that schools must maintain a school-level ELL Folder of Critical Documents, in addition to the documentation required to be maintained in each individual student's cumulative folder.
  - include list of documents that must be kept for both the student's cumulative folder and the school's ELL Folder of Critical Documents.

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

- The [Exemptions from the NYS English Language Arts Exam: Grades 3 to 8](#) was updated to include information regarding the [UYRE function in ATS.](#)

## Tiered Supports and Interventions for ELLs

- The previous Support Services for ELLs (RTI and AIS) section was updated to [Tiered Supports and Interventions for ELLs \(MTSS, RTI, and AIS\).](#)

## School Resource Updates

- [10 ELL-Related Items for a Successful Start of the School Year](#)
- [10 Steps for ELL Data Verification, Review, and Update](#)
- [SY 2023-24 School ELL Calendar](#)

## School Form Updates

- The [ELL Parent Survey and Program Agreement](#) was updated. Changes include:
  - Chart of available bilingual programs in district no longer includes grade. Schools should enter school category instead (elementary school, middle school, high school).
  - Checkbox to indicate if there are no bilingual programs that match the student's home language and school category in the district.
  - Parent preference section added before parent agreement.
  - School certification section updated to include checkboxes for each statement. School staff should make sure to check each statement after it has been completed.
  - Parent survey questions updated slightly to be more parent friendly.
- The following forms were updated to be more parent friendly:
  - [ELL Family Request for Bilingual Program Transfer](#)
  - [ELL Family Authorization Form for Bilingual Program Transfer](#)
- The [NYS Transfer ELL Data Request Form](#) was updated to clarify the data that should be requested from the student's previous NYS public school and which data should be updated by schools in ATS.
- The [School Forms](#) section no longer includes images of the forms. Please refer to the relevant InfoHub pages linked in the [School Forms](#) section to access the relevant documents.
- A [Title III LEP Sample letter](#) is now included as part of [Title III templates](#).
- The [Bilingual Education Program Opening and Adjustment Protocols](#) form was updated. Please refer to the [Policy & Reference Guide InfoHub](#) for fillable versions of the forms.

## Terminology Updates

- The following updates were added to [General Information and Terms](#):
  - English Language Learners
  - English Language Proficiency
  - Ever ELLs
  - Never ELLs
  - NYSITELL
  - NYSESLAT
- Dual Language (DL) programs has been updated to Dual Language Bilingual Education (DLBE) programs throughout the guide.

- ELL transfers has been updated to ELL bilingual program transfers throughout the guide to reflect that these transfers are specific to a family’s request for a school with a bilingual program.
- Language acquisition has been updated to language development, except in the instances of state regulation.
- ELL intake team has been updated to ELL identification team.

## Policy Updates for SY 2023-24

### Identification Process for English Language Learners

As per NYSED guidance, schools must complete the ELL identification process for all newly enrolled and reentry students as per the timelines listed below. Therefore, based on the [2023-24 School Year Calendar](#):

- Students who enroll during summer 2023 and the first day of school (September 7) must be identified and placed into an ELL program by **September 20, 2023**. If an incoming student has an Individualized Education Program (IEP), NYSITELL eligibility must be determined by a Language Proficiency Team (LPT) and ELL identification/placement into a program must be completed by **October 5, 2023**.
- All students who enroll after the first day of school, must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).

The ELL identification process includes:

- In-person administration of the [Home Language Identification Survey \(HLIS\)](#) by [qualified personnel](#) (licensed and trained pedagogue) which includes a mandated interview with the student and parent to determine the student's home language.
- If a student has an IEP, the Language Proficiency Team (LPT) should determine NYSITELL eligibility and [complete the NYSITELL determination form](#).
- Administration of the [NYSITELL](#) to eligible students.
- Sending parents/guardians [notifications of the NYSITELL results](#) and entitlement/non-entitlement of services in their preferred language.
- Administration of the [Spanish Language Assessment Battery \(Spanish LAB\)](#) to newly identified ELLs whose home language is Spanish.
- Parent orientation and completion of the [ELL Parent Survey and Program Agreement form](#). Parent orientations may take place virtually.
- Place the student into an ELL program based on NYSITELL results.

For additional information, please refer to the [Step by Step ELL Identification Process \(8+2 Steps\)](#).

### Mandated Instruction

ELLs should be served based on their grade and proficiency level as per [New York State Commissioner's Regulation \(CR\) Part 154](#). School year 2023-24 ELL proficiency levels will be available in ATS Fair Student Funding ELL Report (RFSF) report as they are received from NYSED and will automatically reflect the policy above in reports. Additional instructional support above and beyond the units of study should be considered to ensure each ELL's individual needs are met.

Parent notification letters are available and translated into nine languages and posted on the [InfoHub](#).

## Services for Former English Language Learners

Students who exited services based on their Spring 2023 NYSESLAT scores and those students who met the exception of an Expanding level on the 2023 NYSESLAT and a level 3 or 4 on the grades 3-8 NYS ELA exam or 65 or higher on the ELA Regents Exam will be considered former ELLs in SY 2023-24. Former ELLs will continue to be entitled to ENL instruction as per CR Part 154.

Parent notification letters are available and translated into nine languages and posted on the [InfoHub](#).

## Programming Considerations

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

- Ensure there are opportunities for collaboration for teacher partnerships (for example, ENL co-teachers and co-planning).
- Consider the number of co-teaching partners and subject areas of ENL teachers providing integrated ENL.
- Proactively plan for the ELL identification process so that it does not interrupt the provision of ENL services to current, former, and potential ELLs.
- Plan for home language support for ELLs in various settings.

For information on programming MLs/ELLs, refer to the [2023-24 Programming Guide](#).

## Units of Study

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

For additional information, refer to the [CR Part 154 Units of Study Requirements](#).



## General Information and Terms

### Aspira Consent Decree

Signed in 1974 between the New York City Board of Education and Aspira of New York, it established bilingual instruction as a legal entitlement and further specifies mandates for bilingual education in NYC. See the [Aspira of New York v. New York Board of Education 1974](#) website.

### Bilingual Education Program

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

### Commissioner's Regulations (CR) Part 154

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

### Commissioner's Regulation (CR) Part 200

New York State law governs education and services for 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 ELLs from many different home/primary language backgrounds whose only common language is English and therefore cannot participate in a bilingual program. See [English as a New Language Programs](#).

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

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

### **Integrated English as a New Language (Integrated ENL)**

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

### **English Language Learner (ELL)**

An English language learner is a student whose primary home language is not English and scores below commanding English language proficiency on the NYS Identification Test for English language Learners (NYSITELL) or the LAB-R (before 2/2014).

### **English Language Learner Subgroups**

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

#### **Newcomer ELLs**

These are ELLs identified under CR Part 154 who have received English as a New Language instruction, as a component of their bilingual education or 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 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 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 (50 states and the District of Columbia) for less than twelve months and who, upon initial enrollment in such schools are two or more years below grade level in literacy in their home language and/or two or more years below grade level in mathematics due to inconsistent or interrupted schooling before they arrived in the United States. Once



a SIFE is performing at or above the transitioning/intermediate level on the annual English language proficiency assessment, the student's status as a Student with Inconsistent/Interrupted Formal Education is removed, even though the student may continue to be identified as an English Language Learner. See [Step 6: Identification of Students with Interrupted/Inconsistent Formal Education](#) for identifying SIFE. See [ATS: BNDC for SIFE Determination and Paraprofessional Services](#) for entering data into the BNDC screen. In ATS, Y=SIFE, N=not SIFE, Z=former SIFE.

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

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

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

### **Former ELLs**

These are students who had been identified as English Language Learners and subsequently exited from ELL status within the last two years. For at least two years following the school year in which a student 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 \("Testing Out"\)](#)).

### **Ever ELLs**

Students who have either tested proficient in English on the NYSESLAT or have met the exit criteria as per CR Part 154 over two years ago.

### **Never ELLs**

Students who have never been identified as ELLs (e.g., scored commanding on NYSITELL, Home Language is English).

## 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-ELLs, including access to programs required for graduation. See the [NYSED Commissioner's Regulations Part 154 \(CR Part 154\)](#) website for more information.

## Licensed Pedagogue

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

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

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

Per NYSED, Multilingual learners are:

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

## New York State Identification Test for English Language Learners (NYSITELL)

The NYSITELL serves as New York State's formal English language proficiency assessment in the process for initially identifying English Language Learners. All public and charter schools must follow the steps outlined in the initial and reentry processes prescribed by [Commissioner's Regulations \(CR\) Part 154-2.3 \(d\)](#), which includes administering the Home Language Identification Survey (HLIS) and conducting an individual interview with students who have indicated on the HLIS that a language other than English is spoken at home. Information gathered from the HLIS and the individual interview should be assessed carefully to determine if the student is required to take the NYSITELL.

## New York State English as a Second Language Achievement Test (NYSESLAT)

The NYSESLAT is designed to annually assess the English language proficiency of all English Language Learners (ELLs) enrolled in Grades K–12 in New York State schools. The test provides the State and schools with important information about the English language development of ELLs and is part of the State’s compliance with federal laws that mandate the annual assessment and monitoring of the English language proficiency of all ELLs. The results of the NYSESLAT will determine the levels of service ELLs will receive in Bilingual Education and English as a New Language programs for the school year as prescribed in [Commissioner’s Regulations Part 154-2 and 154-3](#).

### Proficiency Levels

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

#### Entering (Beginning)

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

#### Commanding

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

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

## Qualified Interpreter/Translator

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

## Qualified Personnel

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

## 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 [Step 1: Determine If Enrolling Student was in an NYS Public School within the Past Two Years](#).

## Re-Identification Process

The process 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 initial or reentry determination) that the ELL Identification Process be administered a second time. See [Step 10: Review of Re-Identification of ELL Status Reversal \(only used as necessary\)](#).

## Unit of Study

180 minutes of instruction per week. See [ML/ELL Programs](#).

## Identification Process

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

### Overview

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

- the administration of the Home Language Identification Survey (HLIS) by qualified personnel<sup>1</sup> (licensed and trained pedagogue)
- a mandated documented individual interview with the student and parent to determine the student's home language, including a review of the student's abilities and/or work samples
- determination of eligibility to take the New York State Identification Test for English Language Learners (NYSITELL)
- For incoming students with an IEP, this includes convening respective Language Proficiency Teams (LPTs) and completion of the [NYSITELL determination form](#)
- the administration of the NYSITELL<sup>2</sup> to eligible students, and
- the administration of the Spanish Language Assessment Battery (Spanish LAB) to newly identified ELLs whose home language is Spanish
- Parent notification and parent orientation in their preferred language
- Placement into an ELL program

#### **Helpful Hint: Establish ELL Identification Team**

All NYC public schools should have a designated ELL identification team and planned schedule of team members' availability. This team should include staff besides a school's ENL teacher(s) to allow for the provision of mandated ELL services.

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

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

## Timeline

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

**SY 2023-24 Policy Update:** Schools must complete the ELL identification process for all newly enrolled and reentry students as per the timelines listed below:

- Students who enroll during Summer 2023 and the first day of school (September 7) must be identified and placed into an ELL program by **September 20, 2023**. If an incoming student has an Individualized Education Program (IEP), NYSITELL eligibility must be determined by a Language Proficiency Team (LPT) and ELL identification/placement into a program must be completed by **October 5, 2023**.
- All students who enroll after the first day of school, must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).

### Helpful Hint:

For a summary of the ELL identification process, see [Summary of the ELL Identification Process](#).

For step-by-step information on the ELL Identification process, see [Step by Step ELL Identification Process \(8 + 2 Steps\)](#).

## Special Considerations

### Unaccompanied Youth

Unaccompanied youth are defined as “youth who are not in the physical custody of their parents or legal guardian and are living in a temporary housing arrangement. This definition refers to all unaccompanied children and youth in temporary housing between the ages of 5 and 21, regardless of citizenship or immigration status, who are residing in New York State.”<sup>3</sup>

**Helpful Hint:** Schools can refer to the [RADR report](#) to identify unaccompanied youth.

Unaccompanied youth have special protective status under the federal [McKinney-Vento Homeless Assistance Act](#). As such, their enrollment and placement should not be delayed for any reason, including incomplete enrollment paperwork. Please note the following considerations when completing the ELL identification process for unaccompanied youth:

- All steps of the ELL identification process must be completed. Translation and interpretation should be provided throughout the ELL identification process so that both the student and their sponsor understand relevant processes and documentation.
- The [individual interview](#) can be conducted with the student based on recent living situations (i.e., although they may currently live with an English-only speaking family, the interview should consider if they have recently lived in other households where a language other than English is spoken).
- Documentation can be signed by unaccompanied youth (if they are over 18 years of age) or by the student's court appointed sponsor if the student is under 18-years old.<sup>4</sup>

For additional information, please refer to [NYSED's Memo on Provision of Educational Services for Recently Arrived Unaccompanied Children and Youth](#).

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<sup>3</sup> See [NYSED's Memo on Provision of Educational Services for Recently Arrived Unaccompanied Children and Youth](#).

<sup>4</sup> See [NYSED Section 3212, Title IV, Article 65, Part I: Definitions of persons in parental relation](#).

## 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 Student’s Enrollment Status

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

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

- Students who have been outside of the NYS public school system for *more than two years* must be re-administered the entire ELL Identification Process (see [category 2](#)).
- Students who have been outside of the NYS public school system *within two years* are not eligible to complete the ELL identification process. Instead, schools are required to obtain NYSITELL/NYSESLAT scores directly from the sending NYS public school to allow the student to continue in the ELL status (and proficiency level if applicable) in effect at the time of discharge from the NYS public school (see [category 3](#)).
- For more information, see the sections below. Once you have determined the student’s enrollment category and taken the appropriate next steps, proceed to [step 2](#).

### Determining Prior Enrollment and Scenarios

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

Determine the student’s prior enrollment category, take appropriate steps, and proceed to [step 2](#).

#### Category 1: A new student never enrolled in a NYC public school or NYS public school.

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

Examples:

- Maria is a student entering kindergarten and has never been to any public school before. As a first-time admit to NYC public schools, Maria is admitted to PS 567. The school determines that the student’s home language is Spanish. The school gives the student an individual interview and determines that Maria should take the NYSITELL to determine ELL status.
- Ming is a student entering kindergarten. As a preschool student with a disability, Ming was also evaluated for school-age special education services through the “Turning 5” process and is entering kindergarten with an IEP. Ming’s home language is Chinese. Because Ming is entering kindergarten with an IEP and Ming’s 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, the administration will proceed. If the LPT determines that the NYSITELL should *not* be administered, the determination must be reviewed by the principal. If the principal agrees with the LPT (to not administer the NYSITELL), a final decision is made by the superintendent (or designee). If it is ultimately determined that Ming is not eligible to take the NYSITELL, the decision should be updated on the [ELLO screen](#).

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

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

Examples:

- Christopher is entering grade 4 to NYC PS 456 from the William Floyd Public School District in Suffolk County on Long Island. Because Christopher is coming directly from another NYS public school district, PS 456 reaches out to Christopher's prior school in Suffolk County. They obtain the student's home language designation and copy of HLIS, ELL status, SIFE status, ELL program served in, parent option and NYSITELL/NYSESLAT/ Grade 3-8 ELA exam or ELA Regents exam scores. If, however, the William Floyd School District does not respond within 5 days, PS 456 must contact [ELLTransfersNYS@schools.nyc.gov](mailto:ELLTransfersNYS@schools.nyc.gov) for assistance in obtaining the prior assessment scores. 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 and remained in that school. Jose returned to NYC public schools in September 2015. The NYC public school retains Jose'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 public schools from Taiwan in September 2013. Yun-ying 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 other ELL related information) 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, Yun-ying is considered a former ELL and served as such.
- Ali entered Rochester School System in September 2013 and was identified as an ELL. Ali was later discharged from Rochester School System to Georgia in February 2014. Ali was discharged from Georgia in June 2014 and then entered MS 444 in Brooklyn in September 2014. Though Ali was a first-time admit to NYC public schools, Ali was in NYS public schools less than 2 years ago. Therefore, MS 444 reaches out to the Rochester School System. They obtain the student's ELL NYSITELL/LABR/NYSESLAT scores and other ELL related information. As per the [NYSED memo](#), if

the Rochester School System does not respond within 5 days, MS 444 should contact [ELLTransfersNYS@schools.nyc.gov](mailto:ELLTransfersNYS@schools.nyc.gov) for assistance in obtaining the prior assessment scores.

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

Students who reenter a NYC public school after having been enrolled outside of NYS public schools for 2 or more years **must** complete the entire ELL Identification Process outlined in this guide beginning with the determination of the student's home language ([see step 2](#)).

Examples:

- Chloe enrolled in grade 2 at PS 777 for the first time in NYC public schools in September 2015. Chloe was administered the NYSITELL and was identified as an ELL. Chloe left NYC public schools for Florida in September 2016 and returned to a NYC public school in grade 6 in September 2019. Because Chloe was out of NYC public schools and NYS public schools for *more* than 2 years, Chloe goes through the entire ELL identification process again, including determination of home language code, determination of NYSITELL eligibility, and SIFE status.
- Boris entered Albany School System in September 2011 and was identified as an ELL. Boris was later discharged from Albany School System to Idaho in February 2012. Boris was discharged from Idaho in June 2015 and then entered MS 555 in Queens in September 2015. Boris left the NYS public schools as an ELL. Because Boris was out of the NYS public schools for *more* than 2 years, Boris goes through the entire ELL identification process again, including determination of his home language code, determination of NYSITELL eligibility, and SIFE status.

### Non-Public Schools

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

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

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

### Charter Schools

Charter schools are New York State public schools; therefore, applicable procedures should be followed by NYC public schools in accordance with policies outlined in this document for students entering NYC public schools from charter schools.

**Note:** If a student attended a NYS public or charter school within the previous two years, you or your designee must contact the student’s previous NYS public or charter school to obtain their home language designation as well as their NYSITELL (or LAB-R) and NYSESLAT results within five business days to allow the student to continue in the ELL status (and proficiency level if applicable) in effect at the time of discharge from the NYS public school.

**Readmitting Students who Previously Attended a NYC Public School or Charter School**

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

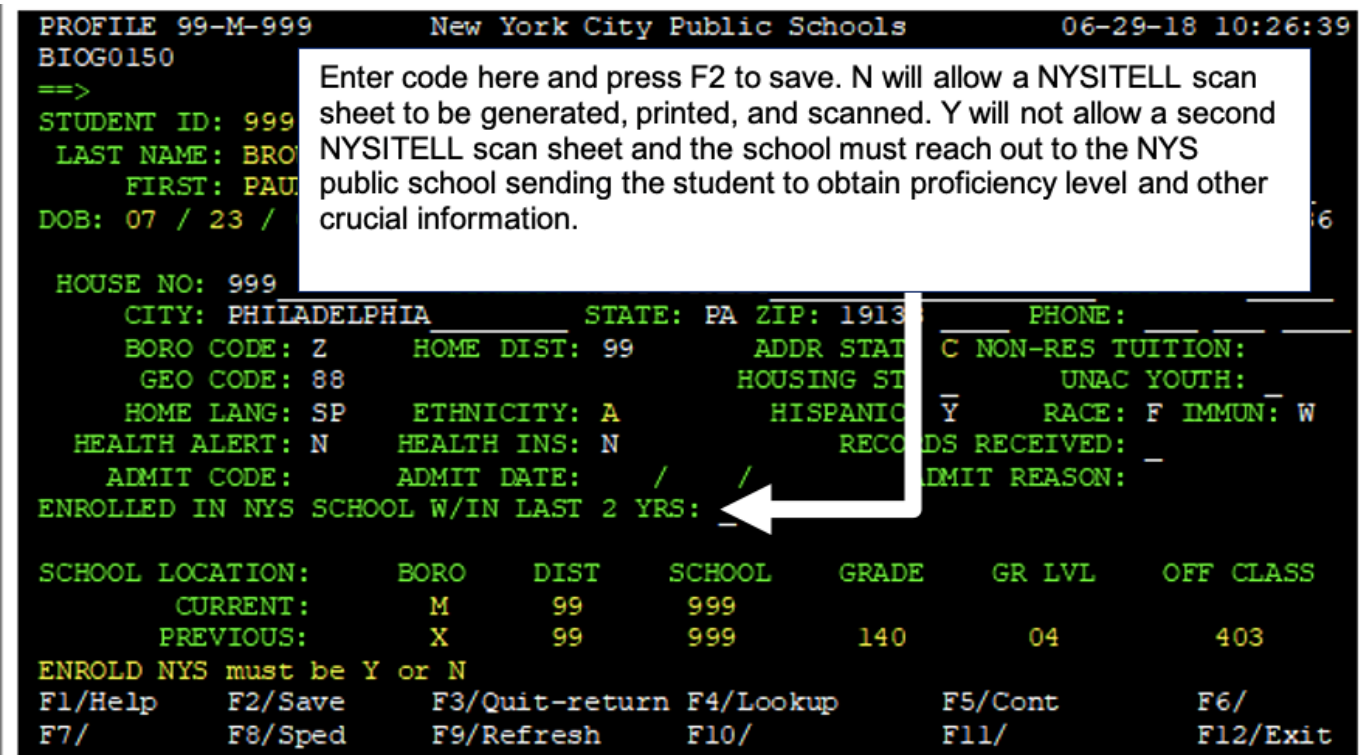


Figure 1: Transfer Student (TRAF) Screen in ATS

Enter **N** (for no) if the student has not been enrolled in 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 by qualified personnel (licensed and trained pedagogy):

- If the student's home language is other than English, the student's ELL status will become 'E' which means they are eligible to be administered the NYSITELL based on the information entered in ATS. Please note the mandated individual interview with the student and parent/guardian must be administered as part of the process to determine NYSITELL eligibility. If a student has an IEP, a Language Proficiency team (LPT) must also convene to determine NYSITELL eligibility. See [Step by Step ELL Identification Process \(8 + 2 Steps\)](#).
- If a student's previous home language was English (ATS code: "NO"), you or a designee can modify the home language using the [ATS Student Biographical Update \(BIOU\)](#) function or by submitting the most current HLIS to your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#) and requesting a home language change.
- All students with an 'E' LEP flag 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 designee must contact the student's previous NYS public or charter school to obtain their home language designation as well as their NYSITELL (or LAB-R) and NYSESLAT results within five business days to allow the student to continue in the ELL status (and proficiency level if applicable) in effect at the time of discharge from the NYS public school.
- If the assessment data is not received within five school days of enrollment, contact [ELLTransfersNYS@schools.nyc.gov](mailto:ELLTransfersNYS@schools.nyc.gov) for assistance.
- These related documents must be saved in the student's cumulative folder after the data is updated on the respective ATS screens.

**Helpful Hint: NYSITELL Eligibility**

Contact your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#) in the event of a clerical error for any data entry.

## Enrolling Students in NYS Public Schools within the Preceding Two Years

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

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

- Home language designation and copy of the Home Language Identification Survey (HLIS) used
- ELL status
- SIFE status
- Prior service at last NYS Public school (ENL, TBE, DLBE)
- Parent option at last NYS Public school
- NYSITELL score (or LAB-R score) and proficiency level
- Most recent NYSESLAT score and proficiency level
- Grade 3-8 ELA exam or ELA Regents exam scores, if applicable

The data sent from the NYS public school must be on school letterhead and signed by the school principal. This data and related documents must be placed in the student's cumulative folder and entered into designated ATS screens. See below for more information.

### ELL related data

- Once the NYC public school receives the requested ELL related data from the previous school (home language, SIFE status, parent option), the school should update the relevant data in ATS.
- If schools encounter any issues entering the data in ATS, please contact your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#).

### Prior assessment data

- If the requested assessment data is not received within five school days, schools must contact [ELLTransfersNYS@schools.nyc.gov](mailto:ELLTransfersNYS@schools.nyc.gov) for assistance.
- To request that the assessment information be entered into ATS, complete the [NYS Transfer ELL Data Request Form](#) and email it to [ELLTransfersNYS@schools.nyc.gov](mailto:ELLTransfersNYS@schools.nyc.gov).

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

If the home language code differs from the current NYC public school's home language code, the current principal should submit a request to change the home language code to their [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#). For

information on requesting a home language code change in ATS, see [Home Language Code Inputting Errors and Changes](#).

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

## Step 2: Qualified Personnel Administers the Home Language Identification Survey (HLIS)

[Qualified personnel](#) (licensed and trained pedagogue) must administer the [Home Language Identification Survey \(HLIS\)](#) as part of general ELL identification procedures for all newly enrolled students. The student's home language is determined based on the results of the HLIS, which includes a mandated individual interview with both the parent and student in English and their home language. A student is considered to have a home language other than English as determined by the licensed and trained pedagogue administering the HLIS.

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

## Determination of Home Language for K-12 Students

The student's home language is determined based on a combination of the mandated individual interview 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 HLIS questions (regardless of the number of responses of one language or another).

To ensure that parents/guardians can receive language assistance and have their questions answered in their preferred languages, over-the-phone interpretation services are available through the NYC DOE's [language access supports](#).

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

**Helpful Hint:** After [qualified personnel](#) (licensed and trained pedagogue) completes the HLIS in person, make sure to:

- Save the completed, signed and dated HLIS in the students' cumulative folder.
- Update the student's home language code in ATS.
- Update the HLIS field to "Y" on the ATS BIOU screen.



**Confirm HLIS Administration on ATS BIOU Screen**

As of June 2020, the HLIS field on the ATS BIOU screen will be used to identify whether a school has administered the HLIS. After qualified personnel (licensed and trained pedagogue) administers the complete HLIS for students in K-12, the HLIS field should be updated to “Y” on the ATS BIOU screen.

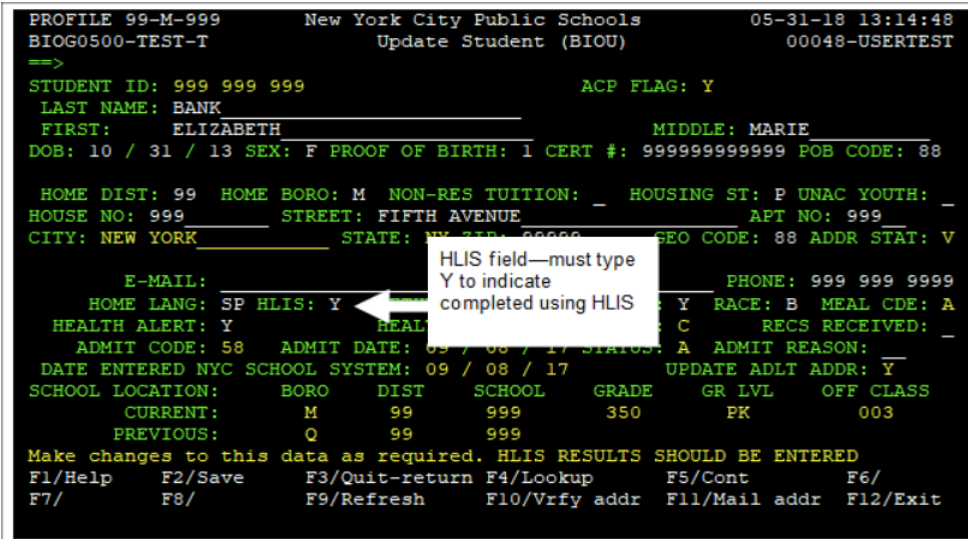


Figure 2: HLIS field on ATS BIOU screen

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

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

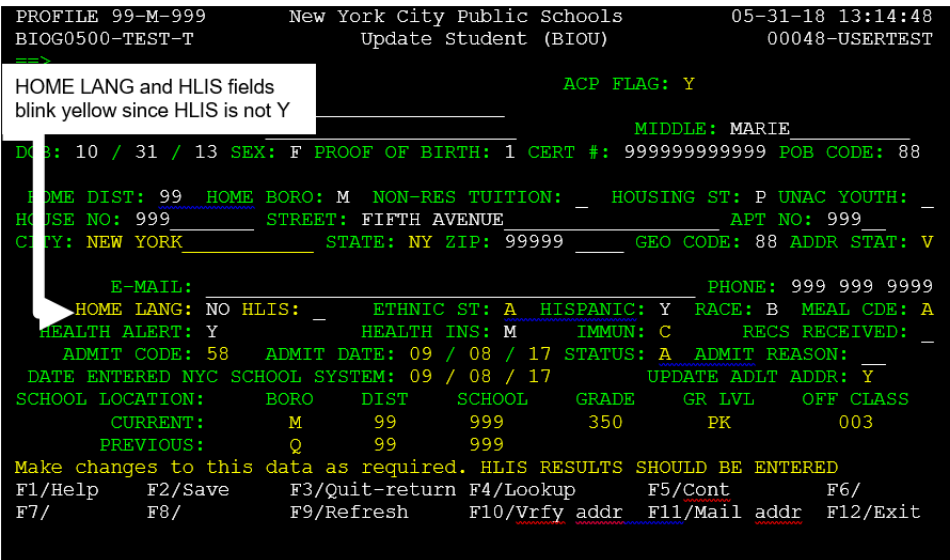


Figure 3: Update Student (BIOU) Screen in ATS

**BIOD – Display Student (before HL update)**

```

PROFILE 99-M-999          New York City Public Schools      05-31-18 13:27:38
BIOG0260-TEST-T          Display Student (BIOD)             00048-USERTEST
==>
NAME: BANK, ELIZABETH      DOB: 10/31/13  SEX: F  STUDENT ID: 999 999 999

                                AIS SERVICES
  _ BILINGUAL      _ FOSTR HOME    M ELA ELIG      _ SCHOOL A      _ INTV
  _ ESL            _ TEMP HOUS     ELA PART        _ SCHOOL B      _ POST GRD PL
  _ LEP            ← LEP Flag is currently blank           _ SCHOOL C      _ MAINSTRM
  _ SPEC ED       _ IEP SPEC ED    _ RT            _ DIST A        _ 7 YTD ATTEND
  _ IEP SPEC ED   _ REL TIME      _ SCI PART      _ DIST B        _ ELA PROF
  _ RES ROOM      _ EXTEND DAY    _ SS PART       _ DIST C        _ MATH PROF
  _ ADD'L RS      _ CHAP 53         _ SUPP SVC     C 407 FLAG    _ CHRONIC ABS
  _ COUNSEL       _ PLUS PROG      _ ELA AT RISK  _ ONGNG SVC    Y HEALTH ALRT
  _ SPCH SVC      _ PID            _ CELL PH XMT  _ SECT 504     _ FUT EX INST
  _ CTT PART      A MEAL CODE    _ BESIS ST     _ SL COMM      _ RETAIN FLAG
  _ SETSS         C IMMUN STATUS  _ TEST MOD     _ COHORT YR    _ EX INSTR PD
  _ SPED PROG1   _ SPED PROG2

F1/Help   F2/      F3/Quit-return F4/      F5/Comments   F6/
F7/       F8/      F9/          F10/     F11/          F12/Exit
  
```

Figure 4: Display Student (BIOD) Screen in ATS

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

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

```

PROFILE 99-M-999          New York City Public Schools      05-31-18 13:14:48
BIOG0500-TEST-T          Update Student (BIOU)             00048-USERTEST
==>
STUDENT ID: 999 999 999          ACP FLAG: Y
LAST NAME: BANK
FIRST: ELIZABETH                MIDDLE: MARIE
DOB: 10 / 31 / 13
HOME DIST: 99 HOME LANG: SP HLIS: Y
HOUSE NO: 99 STREET: FIFTH AVENUE APT NO: 999
CITY: NEW YORK STATE: NY ZIP: 99999 GEO CODE: 88 ADDR STAT: V
E-MAIL:
PHONE: 999 999 9999
HEALTH ALERT: Y RACE: B MEAL CDE: A
ADMIT CODE: 58 ADMIT DATE: C RECS RECEIVED:
DATE ENTERED NYC SCHOOL SYSTEM: 09 / 08 / 17 UPDATE ADLT ADDR: Y
SCHOOL LOCATION: BORO DIST SCHOOL GRADE GR LVL OFF CLASS
CURRENT: M 99 999 350 PK 003
PREVIOUS: Q 99 999
Make changes to this data as required. HLIS RESULTS SHOULD BE ENTERED
F1/Help   F2/Save   F3/Quit-return F4/Lookup   F5/Cont   F6/
F7/       F8/       F9/Refresh    F10/Vrfy  addr F11/Mail  addr F12/Exit
  
```

Figure 5: Update Student (BIOU) Screen in ATS



## BIOD – Display Student (after HL update)

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

```

PROFILE 99-M-999          New York City Public Schools      05-31-18 13:27:38
BIOG0260-TEST-T          Display Student (BIOD)             00048-USERTEST
==>
NAME: BANKS, ELIZABETH    DOB: 10/31/13    SEX: F    STUDENT ID: 999 999 999

                                AIS SERVICES
- BILINGUAL                    A ELIG          - SCHOOL A          - INTV
- ESL                          A PART         - SCHOOL B          - POST GRD PL
E LEP ← LEP Flag becomes E when   TH ELIG        - SCHOOL C          - MAINSTRM
SPEC ED ← HOME LANG is other than  TH PART        - DIST A            7 YTD ATTEND
IEP SPEC ED ← English and HLIS is Y  SI PART        - DIST B            ELA PROF
RES ROOM ← EXTEND DAY          SS PART         - DIST C            - MATH PROF
ADD'L RS ← CHAP 53             SUPP SVC        C 407 FLAG         - CHRONIC ABS
COUNSEL ← PLUS PROG           ELA AT RISK     - ONGNG SVC        Y HEALTH ALRT
SPCH SVC ← PID                CELL PH XMT     - SECT 504         - FUT EX INST
CTT PART ← A MEAL CODE         BESIS ST        - SL COMM          - RETAIN FLAG
SETSS ← C IMMUN STATUS        TEST MOD        - COHORT YR       - EX INSTR PD
SPED PROG1 ← SPED PROG2

F1/Help      F2/          F3/Quit-return  F4/          F5/Comments    F6/
F7/          F8/          F9/             F10/         F11/           F12/Exit
  
```

Figure 6: Display Student (BIOD) Screen in ATS

## Home Language Code Inputting Errors and Changes

The Home Language Identification Survey (HLIS) is administered one time during the enrollment process by qualified personnel (licensed and trained pedagogue). Therefore, upon enrollment and entry of the home language code, the home language code field is locked, except in the case of pre-K students matriculating to kindergarten.

If a clerical error is made, send the following information and documentation to your ML/ELL Director and/or ML/ELL Compliance Performance Specialist 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 was previously enrolled at a New York State public school (either directly or was enrolled in a New York State public school within the preceding two years), or
- Enrolling as a former New York City or New York State public school student after having been outside a New York State public school for two or more years

Relevant information, documentation, and the completed [NYS ELL Transfer Form](#) should be sent to your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#) for review. The form is available on the [Policy and Reference Guide InfoHub](#).

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

For students whose home language is not English, [qualified personnel](#) (licensed and trained pedagogue) at the school must administer the mandated individual interview with the student and parent in English and the student's home language. In addition, the following should also be completed:

- a review of the student's schoolwork (if available); and
- If the student has an IEP, the Language Proficiency Team (LPT) must convene 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, [qualified personnel](#) (licensed and trained pedagogue) must determine whether the student has English oral and literacy skills sufficient for the grade into which the student is enrolling. Therefore, [qualified personnel](#) (licensed and trained pedagogue) must complete the following:

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

Once the school determines the student's eligibility to take the NYSITELL:

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

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

## Determine NYSITELL Eligibility for Incoming Students with IEPs

NYSITELL eligibility for incoming students with IEPs must be based on the determination of the Language Proficiency Team (LPT). Per NYSED’s [Guidance on Determining English Language Learner/Multilingual Learner \(ELL/MLL\) Status of and Services for Students with Disabilities \(subpart 154-3\)](#), students whose NYSITELL eligibility must be determined by the LPT include “new entrants or re-entering students who:

- were identified in NYS as preschool students with disabilities<sup>5</sup> and who are entering a public school and continue to be eligible for special education as school-age students with disabilities; or
- come from other states<sup>6</sup> in the United States, including the District of Columbia and the Commonwealth of Puerto Rico and the outlying areas<sup>7</sup>, with both an identified disability and an IEP.”

These procedures must be used for newly admitted students to NYC public schools or re-entering students after two years (see categories 1 and 3 under [Determining Prior Enrollment and Scenarios](#)).

**Helpful Hint:** For additional resources on ELL identification for incoming students with IEPs, see [NYSED’s website](#). You may also refer to this [NYSED guide](#).

### LPT Composition

Below are the minimum required members of the LPT:

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

A qualified interpreter must be present at each meeting of the LPT and interpretation in the language or mode of communication the parent/guardian best understands must be provided.

**Note:** The principal should not be on the LPT as the principal may need to review the LPT’s recommendation. All members of the LPT must be documented on the NYSITELL Determination form available on the [Language Proficiency Team InfoHub](#). Completed

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<sup>5</sup> For students transitioning from preschool special education, the LPT should consider the extent to which the student received preschool special education services in the student’s home/primary language or only in English and the effect on the student’s continued need for ELL services.

<sup>6</sup> According to 34 CFR § 300.717(c), “as used in this subpart, State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”

<sup>7</sup> Outlying areas means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

forms should be kept in the student's cumulative folder and copies should be maintained in the school's ELL folder of Critical Documents.

### LPT Determination

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

- The result of [Step 2 \(Administer HLIS\)](#)
- The student's history of language use in the school and home or community
- The results of the individual evaluation of the student conducted in accordance with procedures in [CR Part 200.4\(b\)\(6\)](#), which includes assessments administered in the student's home language
- Information provided by the IEP Team/[Committees on Special Education](#)<sup>8</sup> (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 development 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 development needs, the student must take the NYSITELL with accommodations recommended in the student's IEP, consistent with NYSED policy. Schools must send the [entitlement or non-entitlement letter after NYSITELL](#) within five school days of final determination to parents/guardians in their preferred language.
- If the LPT determines that the student does not have English language development needs and should not take the NYSITELL, the recommendation is sent to the principal for review.

**Note:** The LPT's recommendation should be documented on the NYSITELL Determination form available on the [Language Proficiency Team InfoHub](#). Completed forms should be kept in the student's cumulative folder and copies maintained in the school's ELL folder of critical documents.

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

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<sup>8</sup> 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.

Special Education or IEP team. For more information on determining special education services, refer to the [Special Education Standard Operation Procedures Manual](#).

### Principal Determination

If the LPT determined that the student does not have English language development needs and should not take the NYSITELL, the principal must review the LPT recommendation and accept/reject the recommendation made by the LPT team.

- If the principal **rejects** the recommendation of the LPT to not administer the NYSITELL, parent's/guardians must be notified and the NYSITELL must be immediately administered to the student with accommodations recommended in the student's IEP, consistent with NYSED policy. Schools must send the [entitlement or non-entitlement letter after NYSITELL](#) within five school days of final determination to parents/guardians in their preferred language.
- If the principal **accepts** the recommendation of the LPT 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.

**Note:** The principal must complete the principal determination section of the [NYSITELL Determination Form](#). This section includes principal's determination, date of principal's determination, date sent to superintendent (if applicable), and date letter was sent to parent notifying parent of principals' determination. Completed forms should be kept in the student's cumulative folder and copies maintained in the school's ELL folder of Critical Documents.

### Superintendent Determination

In cases where the principal accepts the LPT recommendation *not* to administer the NYSITELL, the recommendation is sent to the superintendent or the superintendent's designee for a final decision.

The superintendent or designee has 10 calendar days to accept or reject the LPT's recommendation. Superintendents or their designees can refer to the [template approval/denial letters](#) to inform schools of their decision.

- If the superintendent or their designee **rejects** the LPT's and principal's recommendation and determines that the student must take the NYSITELL, the school has five additional school days to administer the NYSITELL (if necessary). Schools can print the NYSITELL answer sheet through the RLBA function in ATS. Schools must notify the parent or guardian of the results of the NYSITELL and their right to request a review within five school days of final determination. Parent notifications and translations are available [here](#).
- If the superintendent **accepts** the LPT's recommendation that the student should not be administered the NYSITELL, the student should *not* take the NYSITELL, and the student is not an

ELL. Superintendents/designees must notify parents/guardians within five school days of the final determination and their right to request a review. Parent notifications and translations are available [here](#). After receiving the final decision from the superintendent or superintendent's designee, it is entered into the [ELLO](#) screen by the school.

**Note:** The superintendent or their designee must complete the superintendent determination section of the [NYSITELL Determination Form](#). Completed forms should be kept in the student's cumulative folder and copies maintained in the school's record-keeping location. Template letters and translations notifying parents/guardians of the superintendent's final decision are available on the [Language Proficiency Team InfoHub](#).

### Completion of NYSITELL Determination Form

Schools should ensure the [Language Proficiency Team NYSITELL Determination Form](#) is completed and placed in the student's cumulative folder and copies maintained in the school's ELL folder of critical documents.

The following sections must always be completed on the NYSITELL Determination Form:

- Student and school information
- Names and Titles of LPT members
- [LPT recommendation](#)
- Date of LPT recommendation
- Date final decision was communicated to parent

If the LPT's recommendation is that the student should not take the NYSITELL, the following sections *must also* be completed:

- Date LPT recommendation was sent to principal
- [Principal determination](#)

If the principal accepts the LPT's recommendation that the student should not take the NYSITELL, the following sections must also be completed:

- [Superintendent determination](#)
- If the final decision is to not administer the NYSITELL, indicate date [entered in the ELLO screen](#) and code entered in the ELLO screen.

## Similarities between Learning Disability and Language Development

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

### Behaviors Associated with Learning Disability

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

### Behaviors Related to Acquiring a Second Language

- Difficulty following directions
- Difficulty distinguishing between sounds not in the home language
- Confusion with sound-symbol correspondence when different than in home language; difficulty pronouncing sounds not in the home language
- Difficulty remembering sight words when word meanings not understood
- May understand more than able to convey in English
- Confused by figurative language in English
- Slow to process challenging English
- May have poor auditory memory in English
- May have difficulty concentrating
- May seem easily frustrated

**Documenting Non-Eligibility to Take the NYSITELL - ELL Options (ELLO) Screen**

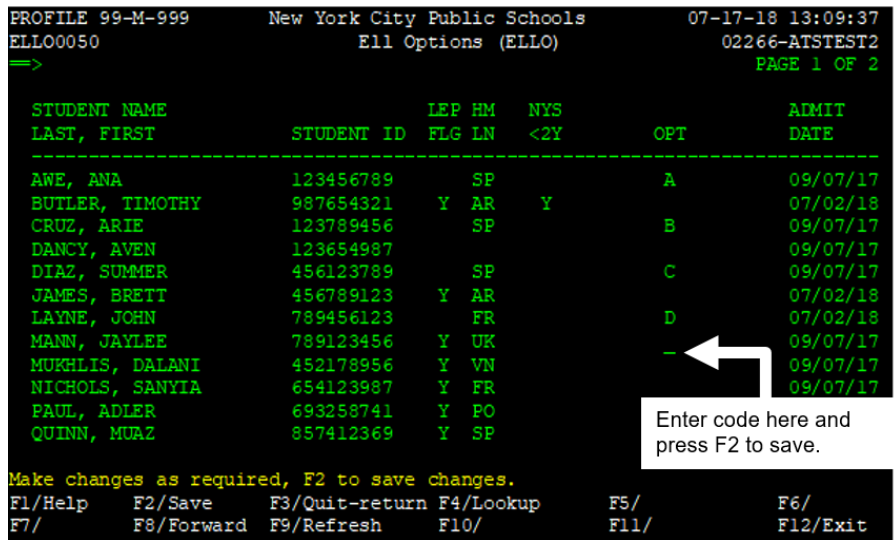
Schools should access the ELLO screen in ATS only for students:

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

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

Decisions indicating that a student does not have language development needs can be determined by the school for students without an Individualized Education Program (IEP) or a Language Proficiency Team (LPT), principal, and superintendent for students with an IEP. This decision needs to be entered within 10 school days of a student's admit date (or 20 school days for a student with an IEP), and it only applies to newly admitted students to NYC public schools or reentry students that have not been enrolled in an NYS public school in the past two years and have been determined to not have language development needs.

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



**Figure 7: ELL Options (ELLO) Screen in ATS**

**Helpful Hint:**

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



## ELLO Codes

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

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

## ELLO Screen Errors and Changes

The ELLO code is entered once the determination has been made by the appropriate personnel. This field is locked upon entering the code. If a clerical error is made, send the following information and documentation to your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#) for review:

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

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

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

## Administer the NYSITELL

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

**SY 2023-24 Policy Update:** Schools must complete the ELL identification process for all newly enrolled and reentry students as per the timelines listed below:

- Students who enroll during Summer 2023 and the first day of school (September 7) must be identified and placed into an ELL program by **September 20, 2023**. If an incoming student has an Individualized Education Program (IEP), NYSITELL eligibility must be determined by a Language Proficiency Team (LPT) and ELL identification/placement into a program must be completed by **October 5, 2023**.
- All students who enroll after the first day of school, must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).

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

If the student is eligible for the NYSITELL, print and provide parents/guardians the [Parent Guide to the NYSITELL](#).

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

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

### Helpful Hint: Checking for Scanning Errors

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

The NYSITELL may be administered to students entering kindergarten the following school year no earlier than June 1 and to all other students no earlier than July 15.

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

Ten (and 20) school days: (1) refers to days the school is in session, (2) begins the first day of school or the first day the student is enrolled at the school (whichever is later), and (3) includes days the student was absent.

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

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

#### Step 4: Send Parent Notifications in Preferred Language

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

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

**Note:** 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: Administer the Spanish LAB

All newly identified ELLs whose HLIS responses indicate a home language of Spanish must be administered the [Spanish LAB](#) at the time of initial enrollment during the same 10 school day testing window (or 20 school days for incoming students with IEPs).

**SY 2023-24 Policy Update:** Schools must complete the ELL identification process for all newly enrolled and reentry students as per the timelines listed below:

- Students who enroll during Summer 2023 and the first day of school (September 7) must be identified and placed into an ELL program by **September 20, 2023**. If an incoming student has an Individualized Education Program (IEP), NYSITELL eligibility must be determined by a Language Proficiency Team (LPT) and ELL identification/placement into a program must be completed by **October 5, 2023**.

- All students who enroll after the first day of school, must be identified and placed within the standard 10 school days of enrollment (or 20 school days for incoming students with IEPs).

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

**Note:** The Spanish LAB is not administered to students re-entering NYC public schools 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 (20 school days for incoming students with IEPs). 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 NYC DOE's [Spanish LAB Scanning Handbook](#).

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

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

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

Schools have 30 school days from initial enrollment to make an initial SIFE determination. Determining SIFE status begins at the time of the completion of the Home Language Identification Survey (HLIS) when the parent/guardian is asked to indicate prior schooling. Follow all the same steps as outlined in this guide 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

Please refer to the [NYSED SIFE Identification flow chart](#) for more information on the process to identify a potential SIFE, which includes:

1. [NYSED Oral Interview Questionnaire](#)
2. [Multilingual Literacy SIFE Screener \(MLS\)](#). The MLS is currently available in [these languages](#).

### Helpful Hint: MLS Site Account

The MLS site only allows for one single set of credentials to be claimed for each school. As a best practice, we recommend that schools use a general email available to multiple staff members. Log in credentials should be made available to the assessment team at the school to ensure access to the MLS account. To help troubleshoot any issues, please refer to the MLS User Manual.

3. [Writing Screener](#)

Initial SIFE status must be indicated in ATS (BNDC) no later than 30 school days from initial enrollment ([see ATS: BNDC for SIFE Determination and Paraprofessional Services](#)). 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](#) and the [NYSED website](#) for a full description of resources, guidance documents, and the SIFE identification tools. NYSED tools replace those that were previously available only to NYC public schools (LENS).

**Note:** Results of the [MLS](#) (administered to students in grades 3-9 during the identification process) can indicate that a student is SIFE. However, note that the SIFE label can still be applied to students in grades 10-12 if they were identified as SIFE and have not exited SIFE status.

## Step 7: Parent Agreement and Program Placement

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

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

### Helpful Hint: Program Placement before Parent Orientation

When a student is identified as an ELL, he/she must first be placed in a bilingual program, before the parent orientation meeting, if one exists at the school. 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. The minimum thresholds established by NYSED's CR Part 154, as amended by the Aspira Consent Decree, which requires the opening of a bilingual program, are as follows:

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

## Parent Orientation

To inform parents/guardians of these options, schools must provide parents/guardians 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 multiple languages).

The parent orientation must also provide a high-quality orientation section on the Next Generation Learning Standards, assessments, and school expectations for English Language Learners, as well as the program goals and requirements for all three ML/ELL program models: Dual Language Bilingual Education, Transitional Bilingual Education and English as a New Language regardless of whether the school currently has either type of bilingual program.

The orientation must be in a language or mode of communication that the parent or guardian best understands. Schools should refer to NYC DOE's [language access supports](#) if they require an interpreter for any language that is not spoken by the school staff.

**Note:** Session agendas, attendance records, staff members present at the orientation, and languages used other than English must be recorded using existing procedures established in the school.

### ELL Parent Survey & Program Agreement Form

After parents/guardians are informed of all three program models at the parent orientation, schools must provide parents with the [ELL Parent Survey & Program Agreement Form](#) (in the parents' preferred language), where parents/guardians can indicate their program selection. The parent must return the completed and signed form within five school days.

**Note:** The [ELL 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 cumulative folder and accessible for State or City audits and reviews. A copy of the completed Parent Survey & Program Agreement Form can be provided to the parent upon request.

### Placement Letters

Upon receiving the completed [ELL Parent Survey & Program Agreement Form](#), schools should send the parent/guardian the [Placement Letter \(After Receiving Parent Survey\)](#) in their preferred language to confirm their child's placement into an ELL program.

If the parent does not return the Parent Survey & Program Agreement Form within five school days, the student remains in the bilingual program if one exists at the school; otherwise, the student remains in ENL. In this case, the school should notify the parent of the student's placement by sending the [Default Program Placement Letter](#) in the parent's preferred language.

**Note:** The school must document and include attempts to gather initial parent option; 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, which requires the opening of a bilingual program, which are as follows:

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

## Update parent selection in ATS

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

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

The parent's first choice should be entered as noted on the Parent Survey & Program Agreement Form, regardless of whether that selection is currently offered at the school.

### Helpful Hint: Changes to Parent Option

Though it is discouraged, if a parent changes their ELL program selection, subsequent parent option changes should be entered into the [BNDC](#) screen in ATS. The school should also maintain records for any change to parent option in the student's cumulative folder.

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

## Placement into ELL program

ELLs must be placed in the parent/guardian's selected program within 10 school days of enrollment (20 school days for incoming students with IEPs).

If a parent/guardian selects an option that is currently available in the school, the school must place the student in that program immediately and provide the student with a full schedule.

**Note:** All schools must have an ENL program at minimum.

If a parent/guardian's bilingual program selection is not currently available in the school, the school must inform the parent that the bilingual program is not available at the school and provide the parent with the options listed below. Schools must 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 the student; OR
- Request a transfer to a different school where the parent's selection is currently available (refer to the [bilingual program list](#) and [ELL Bilingual Program Transfer Policy and Procedure](#).)

**Note:** An ELL bilingual program transfer option is only available in cases where parents/guardians have requested a bilingual program, one is not available at the school and the school does not meet the minimum thresholds to create one.



## ELL Bilingual Program Transfer Option

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

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

## ELL Bilingual Program Transfer Policy and Procedure

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

**Note:** Transfer requests for students with Bilingual Special Education (BSE) recommendations on their IEP (ICT or special class in a language other than English) must be submitted to [BSEPrograms@schools.nyc.gov](mailto:BSEPrograms@schools.nyc.gov).

### ELL Bilingual Program Transfer Pre-Requisites

Before submitting an ELL Bilingual Program Transfer Request on the ELTR screen in ATS, schools must make sure the following steps have been completed:

1. ELL Identification
  - a. [Qualified personnel](#) (licensed and trained pedagogue) administers [Home Language Identification Survey \(HLIS\)](#)
  - b. If student is eligible, administer and scan results of [New York State Identification Test for English Language Learners \(NYSITELL\)](#) in ATS
2. ELL Program Selection
  - a. Enter ELL Parent Survey and Program Selection response on [ELPC](#) in ATS
  - b. For updates, enter the change of Program Selection response on [BNDC](#) in ATS

### ELL Bilingual Program Transfer Eligibility

The ELL Bilingual Program Transfer Request process is available for currently active ELLs in grades K-12 who request a transfer to a school that has the bilingual program they requested. The ELTR screen will only display students who are eligible for an ELL Bilingual Program Transfer Request who meet the following criteria:

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

**Note:** Students with an ENL program option are not eligible for an ELL bilingual program transfer as all schools are expected to have an ENL program at minimum.

### Procedures to Request an ELL Bilingual Program Transfer

As part of the ELL Identification process, parents/guardians of English Language Learners (ELLs) have the option to select the ELL program of their choice. If the parent/guardian selects a transitional bilingual education program or dual language bilingual education program that is not available at the current school, the family can request a transfer to another school with that bilingual program. To request an ELL Bilingual Program transfer, please follow the steps below:

1. Share the [Family Request for ELL Bilingual Program Transfer](#) form with the family in their preferred language.

**Note:** The [Family Request for ELL Bilingual Program Transfer](#) form indicates the family's consent to request the ELL Bilingual Program transfer.

If the transfer is approved by the Division of Multilingual Learners and a placement option is identified by the Family Welcome Center, the parent/guardian must indicate whether they accept or reject the placement on a separate [Family Authorization for ELL Bilingual Program Transfer](#) form.

If the parent/guardian accepts the offered placement, the parent/guardian may also have to submit a signed enrollment assignment letter as part of this process before registering at the new school.

2. **Submit the transfer request on the ELTR screen in ATS. Principals should follow the steps listed below to submit the ELL bilingual program transfer request in ATS:**

- Go to the [ELTR screen](#) in ATS.
- Find the student's name. Under the SEL column, by the student's name enter S and then hit enter on your keyboard.
- Principals will then be prompted to [answer three questions](#) on the [ELTR submit screen](#) and to submit a distance code indicating how far the family is willing to travel. The principal should refer to the completed [Family Request for ELL Bilingual Program Transfer](#) form, respond to the [three questions](#) and enter the appropriate distance code.

- Once the request is successfully submitted an "S" will appear under the status column and an automated email will be generated and sent to [ELLProgramTransfers@schools.nyc.gov](mailto:ELLProgramTransfers@schools.nyc.gov) copying the user who submitted the request in ATS.
- The principal will receive an email confirmation once the ELTR request is successfully submitted in ATS; this email confirmation will also be forwarded to [ELLProgramTransfers@schools.nyc.gov](mailto:ELLProgramTransfers@schools.nyc.gov).

**Note:** Only students that may be eligible for an ELL bilingual program transfer appear on the ELTR screen. If a student is not listed on the ELTR screen, make sure all the prerequisites have been met (NYSITELL was previously administered and scanned, and student is an active ELL with a current bilingual program option in either the ELPC or BNDC screen).

**3. Submit the signed Family Request for ELL Bilingual Program Transfer form to [ELLProgramTransfers@schools.nyc.gov](mailto:ELLProgramTransfers@schools.nyc.gov).**

**Helpful Hint: Submitting Family Request for ELL Bilingual Program Transfer Form**

When submitting the completed Family Request for ELL Bilingual Program Transfer form to [ellprogramtransfers@schools.nyc.gov](mailto:ellprogramtransfers@schools.nyc.gov), please make sure:

- All relevant fields/boxes have been completed by the parent/guardian.
- The ELTR request has already been submitted by your principal in ATS.
- Your email contains the following information to expedite your request: Student Name, NYC ID (OSIS) and your school DBN.
- You have copied any relevant parties at your school that will be able to follow up with the family throughout this process.
- If the student was not recently identified as an English Language Learner within the current school year or has been served in an ENL program until recently requesting a bilingual program, please include an explanation that details why the family is requesting an ELL bilingual program transfer.

**4. Once the transfer request has been successfully submitted via the ELTR screen in ATS by the principal and the completed Family Request for ELL Bilingual Program Transfer has been submitted to [ELLProgramTransfers@schools.nyc.gov](mailto:ELLProgramTransfers@schools.nyc.gov), DML will review the transfer request.**

- If DML, the [ML/ELL Director](#), and the Superintendent determine that the school cannot create a bilingual program, DML approves the request and reaches out to the Family Welcome Center to identify a potential placement, copying the [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#) and relevant contacts from the school.

**5. Family Welcome Center determines if there is an available placement option for the student.**

6. The school should notify the parent/guardian regarding any potential placement options and obtain the family's decision on the [Family Authorization for ELL Bilingual Program Transfer](#).
  - The parent/guardian's decision to accept (transfer to new school) or reject (remain at school and receive ENL) should be recorded on the [Family Authorization for ELL Bilingual Program Transfer](#) form.
7. Submit the completed [Family Authorization for ELL Bilingual Program Transfer](#) form to [ELLProgramTransfers@schools.nyc.gov](mailto:ELLProgramTransfers@schools.nyc.gov) indicating whether the family accepts or rejects the offer.
  - If possible, share the form on the most recent e-mail chain pertaining to your transfer request.
8. Update the ELTR screen in ATS to reflect whether the family accepts/rejects the placement offer.
  - Go to the ELTR screen in ATS.
  - On the ELTR screen, please find the student's name.
  - Under the Status column, overwrite the existing S and enter O, hit F2.
  - Overwrite the existing O and enter (A - if accepted; N- if not accepted), hit F2.
  - If the offer was not accepted (N), enter the [appropriate code](#), hit F2.
    - (1) Transportation Concerns (manual)
    - (2) School Environment (manual)
    - (3) Request Withdrawn (manual)
9. DML follows up with Family Welcome Center and shares the completed Family Authorization for ELL Bilingual Program Transfer form.
10. Family Welcome Center advises of next steps and may prepare an enrollment assignment letter and request the date the family intends to register at the new school.
  - The requesting school should share the enrollment assignment letter with the family and follow up with the family on when they plan to register at the new school.
  - Requesting school shares signed enrollment assignment letter with Family Welcome Center. Family Welcome Center will advise of the next steps.

**Helpful Hint:** For any questions regarding this process, please reach out your [ML/ELL Director or ML/ELL Compliance Performance Specialist](#) or email [ELLProgramTransfers@schools.nyc.gov](mailto:ELLProgramTransfers@schools.nyc.gov).

If you have questions about a specific student, please make sure to provide the student's full name, NYC DOE Student ID, and your school DBN.

### Timeline for ELL Bilingual Program Transfer Requests

- ELL Bilingual Program Transfer Requests must be completed within the school year it is submitted.
- If the ELL Bilingual Program Transfer Request is from a previous year, then the request is closed.

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

### ELL Bilingual Program Transfer Request (ELTR) Screen in ATS

Principals can now submit and track the progress of an ELL Bilingual Program Transfer Request on the ELTR screen in ATS. The ELTR screen can be found with other similar ELL functions on the BESI screen (BESIS Functions). You can also enter the ELTR screen directly by entering ELTR in the top left corner of ATS.

**Note:** Only principals have access to this functionality. Principals unable to access this function should ensure they have principal level access in ATS. Please contact [systemsaccess@schools.nyc.gov](mailto:systemsaccess@schools.nyc.gov) to request principal level access.

```

PROFILE 99-Z-999          New York City Public Schools      06-12-20 10:40:20
BESI0010-TEST-T         BESIS Functions                00050-ATSTEST2
==>

      1  BNDC  BESIS Data Collection
      2  ELPC  ELL Parent Choice Update
      3  ELLO  ELL Option Update
      4  ELTR  ELL Transfer Request
-----
      5  UELL  Change LEP Flag

Place cursor next to selection desired and press ENTER/RIGHT CTRL
F1/Help   F2/      F3/Quit-return F4/Lookup   F5/      F6/
F7/      F8/      F9/Refresh    F10/       F11/     F12/Exit
  
```

ELTR (4) is the new function on the BESI screen

Figure 8: BESIS functions screen

### ELTR Main Screen

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

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

This screen and the following ELTR screens will allow principals to make the most informed decision about placement options for the student.

On the ELTR main screen, principals can view key student information (Name, Grade Level, Home Language, Proficiency level, LEP flag, Parent Option, etc.). Principals can also view the status of an ELL Bilingual Program Transfer Request, and if applicable, the reason for the status ([more on this later](#)).

To see more details for a student, a principal should enter “D” next to the student’s name under the SEL column and then hit enter.

To start the ELL Bilingual Program Transfer Request process, a principal should enter “S” next to the student’s name under the SEL column and then hit enter.

**Note:** If you are requesting a transfer for a student with a Bilingual Special Education (BSE) recommendation on their IEP, please contact [BSEPrograms@schools.nyc.gov](mailto:BSEPrograms@schools.nyc.gov) for assistance. A BSE recommendation is for either an ICT or special class with a language of instruction other than English.

PROFILE 99-Z-999 New York City Public Schools 06-17-20 17:00:09  
 ELTR0010-TEST-T Ell Transfer Request (ELTR) 00048-ATSTEST2  
 PAGE 1 OF 19

Student data overview with parent choice  
 – more available on Student Detail screen

View/Update ELTR Status &  
 Reason

SEL	STUDENT NAME	GD	HM	PRF	E	E	CHOICE	CHOICE	C	H	STATUS	REASON
	LV LN LVL	P	P	DBN	DATE							
	ADAMS, YESSINA	10	SP	EXP	Y	Y	99T999	03/07/17	B		S	–
	ALBERTS, GERARD	10	SP	EXP	Y		99W999	02/26/18	B		O	–
	ANG, NICK	11	SP	TRN	Y		99Z999	11/01/17	B		A	–
	APO, MARK	11	SP	EXP	Y		99Z999	11/01/17	B		X	1
	APO, FRANK	10	SP	EXP	Y		99H999	10/05/16	D		N	1
	ARLIS, JOSH	09	SP	EME	Y		99Z999	09/11/19	B		X	2
	ASKEW, FRANNY	10	SP	EXP	Y		99Z999	02/10/20	B		N	2
	ATWELL, MERLIN	09	SP	TRN	Y		99T999	10/26/17	D		X	3
	AXELROD, IVAN	10	SP	TRN	Y		99W999	11/01/17	B		N	3
	AZUL, JESSICA							11/01/17	B			

Enter (D) to display Student Detail screen or  
 (S) to start ELL Transfer Request process

Enter S to Submit or D to Display. F2 to Save any Status changes.

F1/Help F2/Save F3/Quit-return F4/ F5/ F6/  
 F7/ F8/Forw F9/Refresh F10/ F11/ F12/Exit

Figure 9: ELTR main screen

**Note:** ELL Bilingual Program Transfer Request statuses of X and N will not be displayed after one day since those requests will be considered closed ([more below](#)).

### ELTR Student Detail Screen

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

```

STUDENT ID: 999999999
FIRST NAME: YESSINA
LAST NAME: ADAMS
DOB: 07/15/1904
LEP FLG: Y
HOME LANG: SP-SPANISH
HOUSE NO: 999
CITY: DREAMS
STREET: HIGH WAYS AVENUE
STATE: NY
ZIP: 999999
SEX: M
ELL PROFICIENCY LEVEL: EXP
IEP: Y
APT:

PARENT/GUARDIAN INFORMATION:
FIRST NAME: JULIA
PHONE NUM#: 999999999
PREFERRED LANGUAGE: SP-SPANISH
CURRENT PARENT CHOICE: B-TBE
LAST NAME: ADAMS
EMAIL: JULIADAMS1234567@FAKES.COM

SCHOOL LOCATION:
CURRENT: BORO DIST SCHOOL GRADE GR LVL OFF CLASS
          Z 99 999 200 10 VX1
ADMIT CODE: 57 ADMISSION DATE: 07/02/2018
ELTR SUBMIT DATE: 06/17/2020 SUBMITTED BY: ATSTEST2 DISTANCE CODE: 5
Requests for BSE programs (students recommended for ICT or Special Class)
must - be sent to BSEPrograms@schools.nyc.gov

Press the ENTER key to return to the ELTR Screen
  
```

Additional student data with home address to help determine distance family willing to travel for transfer

Additional parent/guardian data for student

Additional school data for student

If ELL Transfer process submitted, then submission detail will be displayed

Figure 10: ELTR student detail screen

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



## ELTR Submit Screen

When “S” is entered under the SEL column on the ELTR main screen, the following screen will be displayed. For the ELL Bilingual Program Transfer Request to be submitted, each of the questions listed below must be answered. These questions align to the information collected on the ELL Bilingual Program transfer request form. If an incorrect value is entered, a red message on the bottom of the screen will guide principals to the appropriate actions.

```

PROFILE 99-Z-999          New York City Public Schools          06-12-20 14:29:48
RQST0270-TEST-T          Eltr Submit Request (ELTR)          00052-ATSTEST2
==>
ADAMS, YESSINA           999999999          GRD LVL/LEP FLG: 10/Y
HOME LANG: SP-SPANISH    PARENT CHOICE:     B-TBE

Have you explained the OPT policy to the family(Y/N):

How far is the family willing to travel beyond their home?
  1. Within 2 Mile Radius   2. Within 5 Mile Radius
  3. Within 10 Mile Radius  4. Within Borough  5. Anywhere

Has the family authorized this transfer request(Y/N):

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

To submit ELTR request, enter data and press F6
F1/Help      F2/          F3/Quit-return F4/          F5/          F6/Submit
F7/          F8/          F9/Refresh     F10/         F11/         F12/Exit
  
```

These three questions must be completed in order to submit the ELL transfer

Figure 11: ELTR submit screen

### Three Questions

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

### Distance Codes

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





## ELTR Confirmation Email

Once an ELL Bilingual Program Transfer Request is successfully submitted, ATS will generate a summary email that will automatically be sent to the [ELLProgramTransfers@schools.nyc.gov](mailto:ELLProgramTransfers@schools.nyc.gov) inbox with the requesting user copied. In order for the ELL Bilingual Program Transfer Request to be processed, the school must follow up and submit the signed [Family Request for ELL Bilingual Program Transfer](#) form to [ELLProgramTransfers@schools.nyc.gov](mailto:ELLProgramTransfers@schools.nyc.gov).

We recommend forwarding the automated email to [ELLProgramTransfers@schools.nyc.gov](mailto:ELLProgramTransfers@schools.nyc.gov) with the signed [Family Request for ELL Bilingual Program Transfer](#) form and copying any relevant staff that will be responsible for following up with the family regarding the transfer request and status. This will allow both the school and DML to have all the information regarding the ELL Bilingual Program Transfer Request in one place.

An example of the auto-generated email is below:

Student ID : 123456789  
First Name : DIANA  
Last Name : DOVER  
Birth Date : 07/15/1984  
Grade Level : 10  
School DBN : 99Z999  
School Name : SCHOOL 123  
Admission Date : 07/02/1998  
Parent Choice : B-TBE  
Home Language : SP-SPANISH  
IEP Flag :  
Proficiency Level : EXP  
Distance willing to travel : Anywhere

Requesting User ID : ATSTEST2  
Date of Request : JUN 17, 2020

Please remind families that transportation may not be available

Students must receive mandated ENL services until transfer is complete

Requests to transfer for ENL services will be rejected

Email [BSEPrograms@schools.nyc.gov](mailto:BSEPrograms@schools.nyc.gov) for BSE program requests (ICT or SC)

Email signed Family Authorization Form to [ELLProgramTransfers@schools.nyc.gov](mailto:ELLProgramTransfers@schools.nyc.gov)

## ELTR Statuses and Reasons

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

### ELL Bilingual Program Transfer Request Statuses

1. (S) = ELL Bilingual Program Transfer Request Submitted by School
  - a. Initial Status based on signed [Family Request for ELL Bilingual Program Transfer](#)
  - b. Next logical Status is Offered (O) or Not Offered (X)
2. (O) = ELL Bilingual Program Transfer Offered to Family
  - a. If a transfer is available, the school offers to family and updates the Status
  - b. Next logical Status is Accepted (A) or Not Accepted (N)
  - c. Status can also be changed to Not Offered (X) (for example, data entry error)
3. (X) = ELL Bilingual Program Transfer Not Offered to Family
  - a. If a transfer is not available, the school notifies the family and updates Status
  - b. Status can also be changed to Offered (O), but only on the same day (for example, data entry error)
  - c. Status is locked the next day and the request will be considered closed
    - i. The student can request another transfer, but a new request needs to be submitted by the school
4. (A) = ELL Bilingual Program Transfer Accepted by Family
  - a. If the family accepts transfer based on signed [Family Authorization for ELL Bilingual Program Transfer](#), school updates Status
  - b. Next Logical Status is Transfer Completed (T) (automated by ATS)
  - c. Status can also be changed to Not Accepted (N) (for example, data entry error, family changes mind, etc.)
5. (N) = ELL Bilingual Program Transfer Not Accepted by Family
  - a. If the family does not accept transfer, the school updates Status
  - b. Status can also change to Offered (O), but only on the same day (for example, data entry error)
  - c. Status is locked the next day and the request will be considered closed
    - i. The student can request another transfer, but a new request needs to be submitted by the school

6. (T) = ELL Bilingual Program Transfer Completed by ATS

- a. This is system driven based on the student being admitted to receiving school

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

### **ELL Bilingual Program Transfer Request Reasons**

1. When ELL Bilingual Program Transfer Status is Not Offered (X), the school will enter one of the following Reasons:
  - a. (1) Program Not Available (manual)
  - b. (2) Administrative Failure (manual)
  - c. (3) Program Not Beneficial (manual)
2. When ELL Bilingual Program Transfer Status is Not Accepted (N), the school will enter one of the following Reasons:
  - a. (1) Transportation Concerns (manual)
  - b. (2) School Environment (manual)
  - c. (3) Request Withdrawn (manual)
3. When ELL Bilingual Program Transfer Status is "Pending" (S, O, or A), ATS will populate the following Reasons:
  - a. (4) Student Discharged (automated)
    - Request is closed
  - b. (5) Application Incomplete (automated)
    - Request is closed
  - c. (NULL) Application Open
    - ELL Bilingual Program Transfer Requests must be completed within the year it is submitted
    - If the ELL Bilingual Program Transfer Request is from the previous year, then the request is closed
    - If ELL Bilingual Program Transfer Request is not completed within the year, a new request must be submitted

**Transfer Student (TRAF) and ELTR**

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

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

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

1. If the Status is (A) and the answer is (Y), then the Status on the TRAF screen changes to (T)
  - This is the ideal ELL Bilingual Program Transfer Request completion Status
2. If the Status is (S) or (O) and the answer is (Y), the Status remains unchanged, but the Reason is (5)
  - This is so no student is prevented from transferring, and the transfer information is captured
  - Investigation through reports will identify the cause of incomplete transfers
3. If the answer is (N), the Status remains unchanged, but the Reason is (4)

```

PROFILE 99-H-999      New York City Public Schools      06-19-20 11:34:22
BIOG0150-TEST-T      Transfer Student (TRAF)           00052-ATSTEST2
==>
STUDENT ID: 999 999 999      ACP FLAG:
LAST NAME: ADAMS
FIRST: YESSINA              MIDDLE: VALERIE
DOB: 07 / 15 / 04 SEX: M PROOF OF BIRTH: 1 CERT #: _____ POB CODE: DR
HOUSE NO: 999              STREET: HIGH WAYS AVENUE          APT NO: _____
CITY: DREAMS              STATE: NY ZIP: 99999             PHONE: 999 999 9999
BORO CODE: Z              HOME DIST: 99                   ADDR STAT: V NON-RES TUITION:
GEO CODE: DR              HOUSING ST: P                   UNAC YOUTH: _
HOME LANG: SP             ETHNICITY: A                    HISPANIC: Y RACE: * IMMUN: W
HEALTH ALERT: N          HEALTH INS: N                   RECORDS RECEIVED:
ADMIT CODE: _____   ADMIT DATE: _ / _ / _          ADMIT REASON: _
Is this transfer due to a bilingual program request (DL or TBE)? _
SCHOOL LOCATION:         BORO   DIST   SCHOOL   GRADE   GR LVL   OFF CLASS
CURRENT:                 Z      99      999     210    11
PREVIOUS:                 Z      99      998     210    11      LW1
Enter either a "Y" or an "N"
F1/Help   F2/Save   F3/Quit-return F4/Lookup   F5/Cont
F7/       F8/Sped   F9/Refresh     F10/        F11/
  
```

Only change to TRAF screen is question above, which only appears if the student has an open ELL Transfer Request

**Figure 12: TRAF Screen for student with an open ELL Bilingual Program Transfer request**

## Step 8: Student is Placed in ELL Program

Once the student's ELL 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. A copy of the placement letter should be maintained in the student's cumulative folder; see [Retention of Records](#) for more information.

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

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

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

Beginning in SY 2015-16, 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 a student's initial determination or reentry determination) that the ELL Identification Process be administered a second time. The Re-Identification Process may be utilized for students who:

- Have a home language other than English, and
- Are ELLs and non-ELLs

The school must initiate a review of the ELL status determination upon receipt of a written request from any of the following:

- A student's parent or guardian
- A student's teacher (if the teacher's request includes written consent from the parent or guardian)
- A student of 18 years of age or older

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

## Steps in the Re-Identification Process

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

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

5. School consults with parent or guardian.
6. The school conducts and reviews the results of a school-based assessment, administered by qualified personnel as defined by CR Part 154-2.2(u)3F<sup>9</sup>, of the student's abilities in listening, speaking, reading, and writing in English.
7. The appropriate staff consults with the IEP team if the student has a disability or is suspected of having a disability that may impact the ability to speak, read, write, or listen in English.
8. Based on the recommendation of the qualified personnel, the school principal determines whether to change the ELL status or not. The principal's decision is entered into the [RQSA](#) screen in ATS. Written notification of the decision in the parent's preferred language must be sent to the parent or guardian (and the student if he/she is 18 years of age or older). If the recommendation is to not change the ELL status, no further actions are necessary; if the recommendation is to change the ELL status, the process continues.
9. Upon receipt of signed notification acknowledging the principal's recommendation to change the ELL status from the parent or guardian or student (if he/she is 18 years of age or older), the relevant documents and recommendation are sent to the superintendent (or designee) for review and final decision.
10. Written notification of the decision is sent from the superintendent to the principal, parent, guardian, and student (if he/she is 18 years of age or older) in the parent's preferred language within 10 school days of receipt of documentation from the principal. Superintendent's (or designee's) decision is entered into the [RQGA](#) screen in ATS. If the decision is to not change the

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<sup>9</sup> 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.

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. See [Retention of Records](#).

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

Principals use the [RQSA](#) in ATS.

Superintendents use the [RQGA](#) in ATS.

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

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

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

Between six and 12 months (from the date of the superintendent's notification to the principal, parent, guardian, and/or student), the principal must review the Re-Identification Process decision to ensure that the student's academic progress has not been adversely affected by the determination.

The principal will consult with a qualified staff member in the school, the parent/guardian, and the student. If the principal, based on the recommendation of qualified personnel and consultation with the parent/guardian believes that the student may have been adversely affected by the determination, the principal must provide additional support services to the student as defined in CR Part 154-2.3(j) and may reverse the determination within this same 6-to-12-month period.

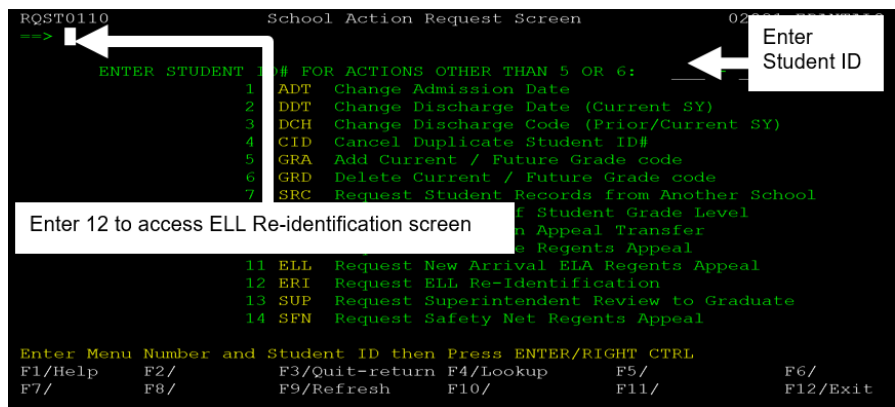
If the principal decides to reverse the ELL status, the principal must consult with the superintendent or the superintendent's designee. Final decision notification must be in writing to the parent, guardian, and/or student in the parent's preferred language within 10 school days.

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

**Principal’s Role**

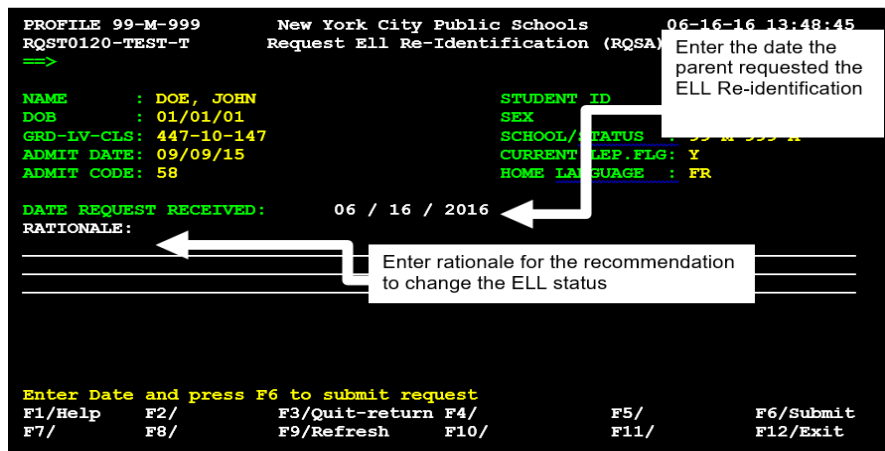
**RQSA – School Action Request Screen**

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



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

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



**Figure 14: Request ELL Re-Identification (RQSA) screen in ATS**



**Superintendent’s (or Designee’s) Role**

RQGA – Action Requests

This screen will give a preview to the following:

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

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

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

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

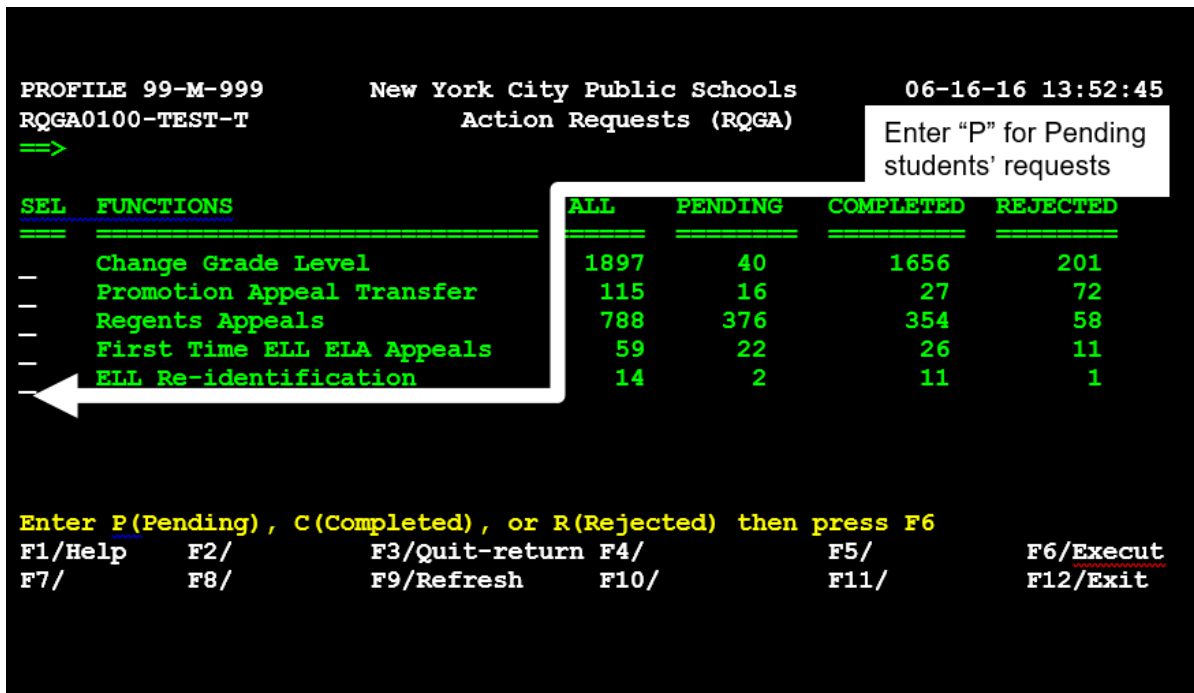


Figure 15: Action Requests Response (RQGA) Screen in ATS

PROFILE 99-M-999      New York City Public Schools      06-16-16 13:53:40  
 RQGA0200-TEST-T      Action Requests Response (RQGA)

⇒

DISTRICT:      DBN:      ID:      -      -      -      ← Enter District, DBN, and student ID

<u>ACT</u>	<u>RQ DATE</u>	<u>STUDENT NAME</u>	<u>SCHOOL</u>	<u>STUDENT ID</u>	<u>SUPERINTENDENT</u>	<u>STATUS</u>
ERI	06/16/16	DOE, JANE	99K999	987-654-321	SMITH, JANE	PEND
ERI	06/16/16	DOE, JOHN	99M999	123-456-789	SMITH, JOHN	PEND

↑ Enter "X" to select student

then press F6

F1/Help      F2/Comments      F3/Quit-return      F4/Lookup      F5/      F6/Execut  
 F7/      F8/      F9/Refresh      F10/      F11/      F12/Exit

Figure 16: ELL Re-Identification Screen in ATS

## Summary of the ELL Identification Process

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

If a student entering a NYC public school (grades K-12) has been enrolled in a NYS public school within the previous 2 years, NYC public schools are required to obtain NYSITELL/NYSESLAT scores directly from the sending NYS public school to allow the student to continue in the ELL status (and proficiency level) in effect at the time of discharge from the NYS public school.

- Enter reentry status into the ATS Transfer Student (TRAF) function.
- Contact the previous school to obtain HL designation and previous copy of HLIS, ELL status, SIFE status, prior service at NYS public school (ENL, TBE, DLBE), parent option at last NYS public school, NYSITELL (or LAB-R score) and most recent NYSESLAT scores and grade 3-8 ELA exam or ELA Regents exam scores if applicable.
- Complete [New York State Transfer ELL Data Request Form](#).
- Send completed [New York State Transfer ELL Data Request Form](#) to [ELLTransfersNYS@schools.nyc.gov](mailto:ELLTransfersNYS@schools.nyc.gov) to request assessment score updates in ATS.
- Schools should update other relevant fields in ATS (Home Language, SIFE status, parent option)

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

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

### Step 2: Parent completes Home Language Identification Survey (HLIS) with qualified personnel.

The HLIS is administered and the home language code is determined by [qualified personnel](#) (a licensed and trained pedagogue).

- Print the [HLIS](#) in the parent/guardian's preferred language.
- Enter HL Code into BIOU screen in ATS.
- Update HLIS flag to "Y" on BIOU screen in ATS.

**Stop** if the student's home language is English.

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

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

A Language Proficiency Team (LPT) should be convened to determine NYSITELL eligibility for incoming students with an IEP. Otherwise, students without an IEP begin with the individual interview.

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

**Stop** if the student is not eligible to take the NYSITELL. Make sure to maintain all relevant documentation in the student's cumulative folder. See [Retention of Records](#).

**Proceed** to the next step once the NYSITELL has been administered.

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

These letters notify parents/guardians whether their child is eligible for ELL services.

- Print the parent notification letters in the parent/guardian’s preferred language.
- Send the [entitlement letter \(after NYSITELL\)](#) for students who score below commanding and are an ELL.
- Send the [non-entitlement letter \(after NYSITELL\)](#) for students who score commanding and are not an ELL.
- Maintain copies of parent notifications in the student’s cumulative folder. See [Retention of Records](#).

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

The Spanish LAB is administered once to newly identified ELLs:

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

To print student answer sheets, go to RSLA in ATS. For information and directions on administering and printing the Spanish LAB, refer to the [Spanish LAB Scanning Book](#).

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

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

[SIFE](#) status must be determined within 30 school days of enrollment, but a student’s SIFE status can also be modified within 12 months of enrollment. Results of the [MLS](#) (administered to students in grades 3-9 during the identification process) can indicate that a student is SIFE. However, note that the SIFE label can still be applied to students in grades 10-12 if they were identified as SIFE and have not exited SIFE status.

- Enter SIFE status in the BNDC screen in ATS.

#### **Step 7: Provide families of ELLs a parent orientation meeting.**

At this parent orientation, which must be conducted by a trained pedagogue with interpretation services available, parents are provided with information on the three ELL program types (Dual Language Bilingual Education, 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. Maintain copies of this agreement in the student’s cumulative folder. See [Retention of Records](#).

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

### Step 8: The student is placed and programmed in an ELL program.

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

- Enter [ENL programming](#) and [bilingual programming](#) into STARS.

**Stop.** The ELL Identification Process is complete.

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

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

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

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

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

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

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

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

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

## ELL Identification for Current Pre-K Students Progressing to Kindergarten

### Overview

Each April, schools can administer the Home Language Identification Survey (HLIS) in person to current pre-K students enrolling in kindergarten. **Beginning June 1**, schools may also begin administering the New York State Identification Test for English Language Learners ([NYSITELL](#)) to eligible pre-K students enrolling in kindergarten. This expedites ELL identification processes for the upcoming school year and planning for ELL services. Upon the start of the school year, schools must complete any remaining ELL identification process steps within 10 school days (20 school days for students with an Individualized Education Program).

### Home Language Identification Survey (HLIS) Administration

**Beginning in April**, during the registration process, schools may administer the Home Language Identification Survey (HLIS) to current pre-K students transitioning to kindergarten to determine their home language (HL) code. [Qualified personnel](#) (licensed and trained pedagogues) must complete the HLIS with the parent/guardian and ensure timely entry of this information into ATS. HL codes should only be entered for students who have been properly and completely administered the HLIS. The HLIS and translated versions are available on the [Parent Notification InfoHub](#). The completed, signed and dated HLIS must be saved in each student's cumulative folder and remain a part of the student's permanent record.

### Determination of NYSITELL Eligibility

For students whose home language is not English, the school must administer a more in-depth in-person documented individual interview with the student and parent/guardian to determine the student's home language as per the procedures outlined in [Step 3: Determine eligibility for NYSITELL and administer NYSITELL to eligible students](#).

**Note:** If a student has an existing Individualized Education Program (IEP), a Language Proficiency Team (LPT) must convene to determine NYSITELL eligibility. If the HLIS determination is that a student's home language is other than English, and the student does not have English-language development needs, the student will not appear on the [ELLO](#) screen in ATS until after the ATS rollover in July. The ELLO screen can be updated after this period, as per the procedures outlined in [Documenting Non-Eligibility to Take the NYSITELL - ELL Options \(ELLO\) Screen](#).

### Home Language Entry for Current Pre-K Students (before July ATS Rollover)

Schools should follow the instructions below for home language code entry in ATS for current pre-K students transitioning to Kindergarten before ATS roll over:

1. Complete the HLIS in person with qualified personnel (licensed and trained pedagogue).
2. Maintain record of completed, signed, and dated HLIS in the student's cumulative folder.
3. On the Update Biographical Information (BIOU) screen in ATS, enter HL code in the "HOME LANG" field.
4. On the BIOU screen in ATS, update HLIS with "Y". This step ensures that the record is not deleted after ATS roll over and serves as confirmation that the HLIS was administered in person by qualified personnel (licensed and trained pedagogue).

### 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. Once qualified personnel (licensed and trained pedagogue) formally administers the HLIS in its entirety, the school should enter a "Y" in the HLIS field on the Update Biographical Information (BIOU) screen in ATS.

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

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

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

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

5. As of June 2020, the HOME LANG field and HLIS field will not lock after one day and can be updated beyond the previous one-day period for students transitioning from pre-K to kindergarten
  - a. Any changes made to HOME LANG or HLIS may affect the ELL/LEP Flag
  - b. In the event of a clerical error, contact your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#).
6. If the HLIS field is not “Y” on the last day of the pre-K enrollment period, the HOME LANG field will be blanked out and the HL code will need to be reentered in August.

**Note:** If students whose home language is not English are also determined to be NYSITELL eligible through the combination of HLIS responses, mandated individual interview with student and parent (and LPT if applicable), the [NYSITELL](#) may be administered on or after June 1. However, these students will not appear on the [ELLO](#) screen until the end of July.

### Home Language Entry for Kindergarten Students (after ATS Rollover)

Schools should follow instructions below for home language code entry in ATS for active Kindergarten students after ATS roll over:

1. Complete the HLIS in person with [qualified personnel](#) (licensed and trained pedagogue).
2. Maintain record of completed, signed, and dated HLIS in the student’s cumulative folder.
3. On the [BIOU](#) screen in ATS, enter HL into ATS.
4. On the [BIOU](#) screen in ATS, update HLIS with “Y.” This step serves as confirmation that the HLIS was administered in person by [qualified personnel](#) (licensed and trained pedagogue).

### NYSITELL Administration

Students whose home language is other than English, and who have been determined to have English language development needs should also be administered the [New York State Identification Test for English Language Learners \(NYSITELL\)](#). This test must be administered in person and can be administered to current pre-K students enrolling in kindergarten beginning **June 1**.

- Schools should only print answer sheets for individual students they intend to administer the exam to during this period.
- Schools should immediately scan the answer sheets to avoid any complications.



## Parent Notifications

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

Parent notification of entitlement/non-entitlement is generally required within 5 school days of ELL determination. As a best practice, schools should send these letters as soon as possible after ELL determination. Copies of dated and signed letters (and translations where applicable) must be retained in the student's cumulative folder.

## Parent Orientation

Schools can invite parents/guardians to a parent orientation and collect parent option before the start of the next school year. If the parent orientation is conducted, collect the [ELL Parent Survey and Program Agreement](#) and record the program preference in ATS after ATS roll over.

**Note:** Parent Option can be entered in the ELPC screen after ATS roll over for active kindergarten students. If a school holds a parent orientation before ATS roll over for a current pre-K student transitioning to kindergarten, the school should enter the parent option in ATS after ATS roll over.

## Completion of the ELL Identification Process

Once the school year begins in September, the ELL identification timeline begins upon the first day of school. Schools **must** resume and complete any outstanding steps of the ELL identification process (Spanish LAB<sup>10</sup> if eligible, ELL Parent Survey and Program Agreement, parent option recorded in ATS, and placement into ELL program, etc.) within 10 school days (20 school days for students with an Individualized Education Program) as outlined in the [Identification Process](#).

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<sup>10</sup> Schools are unable to administer the Spanish LAB to pre-K students progressing to kindergarten prior to the start of the school year. Schools must administer the Spanish LAB to eligible students upon the start of the school year.

## 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 \(after NYSESLAT\)](#) to parents/guardians of students who continue to be entitled to ELL services based on their latest NYSESLAT results.

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

Schools that receive articulating ELLs should review student records to provide program continuity (for example, middle schools with enough 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 as required by CR Part 154 to discuss the goals of the ELL program, their child's language development progress, their child's English language proficiency assessment results, and language development needs in all content areas. This meeting is in addition to parent-teacher conferences, initial parent orientations, quarterly progress meetings, or other scheduled meetings provided for parents or guardians. Meetings should be scheduled at convenient times to facilitate attendance.

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

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

## Exiting ELL Status (“Testing Out”)

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

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

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

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

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

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

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

## Alternative Pathways to Support Former ELLs' Language Development and Academic Progress

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

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

### Background

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

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

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

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

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

- **(Updated Fall 2019)** Option E has been updated to clarify that World language (formerly Language Other Than English (LOTE)) AP classes are no longer a valid pathway

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

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

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

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

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

#### Setting

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

#### Duration

- A minimum of 90 minutes per week

#### Possible Activities

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

#### Scenario

Chang exited ELL status at the end of first grade. Upon entering second grade, Chang's screening results indicated that Chang is not meeting normed sample benchmarks for meaning-based skills, specifically

indicators pertaining to vocabulary. Subsequently, the teacher formatively assessed Chang 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 the student’s ability to understand the text.

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

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

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

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

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

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

#### Setting

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

#### Duration

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

#### Possible Activities

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

- Final product

## Scenario

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

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

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

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

## Setting

- Classroom instruction
- Small group instruction

## Duration

- A minimum of 90 minutes per week

## Possible Activities

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

## Scenario

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

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

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

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

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

#### **Setting**

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

#### **Duration**

- A minimum of 90 minutes per week

#### **Possible Activities**

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

#### **Scenario**

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

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

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

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

### **Grades 6 to 8: Option C (Project-Based Learning)**



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

### Setting

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

### Duration

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

### Possible Activities

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

### Scenario

There are five former ELLs in Mr. Johnson's 7<sup>th</sup> 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 ELLs who will be taught by Mr. Johnson. Together, Mr. Johnson and Ms. Quiñones select three texts that will build students' knowledge, and they examine the unit and the specific tasks of the project to determine the language demands and objectives. Together, they select academic words to target and build opportunities for oral discourse. They also jointly decide on writing assignments as an extension to the project.

As part of the project, former ELLs write an essay that conveys a synthesis of the three texts they studied as well as their experiences throughout the project. Both teachers read the students' essays and examine other students' work to determine the next steps and follow-up activities.

In this scenario, the content teacher assigns the topic(s) based on the units of study, set time, content expectations, benchmarks, and evaluation parameters. The ENL teacher, in collaboration with the

content teacher, creates language objectives and supports Mr. Johnson in developing activities that support students in building academic language as identified by the goals within the context of the class.

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

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

#### Setting

- Classroom instruction
- Small group instruction

#### Duration

- A minimum of 90 minutes per week

#### Possible Activities

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

#### Scenario

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

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

Formative measures (conference notes, exit slips) and screening measures are used to monitor progress. At the end of sixth grade, both teachers will recommend supports in seventh grade based on their assessed progress.

## Grades 9-12: Option A (Small Group Learning)

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

### Setting

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

### Duration

- A minimum of 90 minutes per week

### Possible Activities

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

### Scenario

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

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

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

To monitor progress, students complete interdisciplinary and disciplinary formative assessments throughout the school year (for example culminating oral and written tasks). At the school year, determinations on recommended supports in tenth grade will be based on each student's assessed progress across the disciplines.

## Grades 9 to 12: Option B (Individualized Targeted Learning)

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

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

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

### Setting

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

### Duration

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

### Possible Activities

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

### Scenario

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

The project will include exploring water quality, investigating life forms, studying different food webs related to the bay, a visit to the local water treatment plant, and working with scientists in the field. The ENL teacher plays a critical in informing the design of the language objectives to ensure the student's language development.

To demonstrate understanding, Manish produces learning logs and journals throughout the project. The students' final product will be to publish a book on their research (a writing portfolio). At the end of the

year, both the ENL and science teacher confer to determine the ENL delivery model for Manish as he enters his second year as a former ELL.

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

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

#### **Setting**

- Classroom instruction
- Small group instruction

#### **Duration**

- A minimum of 90 minutes per week

#### **Possible Activities**

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

#### **Scenario**

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

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

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

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

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

### Setting

- Classroom

### Duration

- A term or year

### Possible Activities

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

### Scenario

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

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

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

## ML/ELL Programs

NYC public schools offers three types of ML/ELL programs:

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

### Overview

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

### Commonalities of ML/ELL Programs

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

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

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

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

## Program Design Considerations

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

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



## Bilingual Education Programs

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

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

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

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

**Note:** Schools interested in opening a new bilingual program or adjusting (reducing or closing) an existing bilingual program require prior approval through an established process. See [Bilingual Program Protocols](#) for more details.

## Transitional Bilingual Education

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

See [CR Part 154-2: TBE Units of Study and Staffing Requirements](#) for more information on transitional bilingual education programs and state requirements. Any adjustment (reducing or closing) of a bilingual program requires prior approval through an established process. See [Bilingual Program Protocols](#) for more details.

For more information on Transitional Bilingual Education, please see [Bilingual Program Descriptions](#).

## CR Part 154-2: TBE Units of Study and Staffing Requirements

The below charts have been adapted from [CR Part 154-2 \(K-8\) Transitional Bilingual Education Program](#).

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

Figure 17: CR Part 154 TBE Unit of Study Requirements (Grades K to 8)<sup>11</sup>

INSTRUCTION	ENTERING (beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
<b>STAND-ALONE ENL</b> (Language Arts)	1 unit of study in ENL (180 min.)	.5 unit of study in ENL (90 min.)	N/A	N/A	N/A
<b>INTEGRATED ENL/ELA</b> (Language Arts)	1 unit of study in ENL/ELA (180 min.)	1 unit of study in ENL/ELA (180 min.)	.5 unit of study in ENL/ELA (90 min)	1 unit of study in ENL/ELA or other Core Content Area (180 min.)	N/A
<b>FLEXIBILITY</b> (Language Arts)	N/A	.5 unit of study can be STAND-ALONE ENL <i>or</i> INTEGRATED ENL/Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE ENL <i>or</i> INTEGRATED ENL/Core Content Area (90 min.)	N/A	.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area <i>or</i> other approved Former ELL services for two additional years <sup>12</sup>
<b>TOTAL ENL</b> (Language Arts)	360 minutes per week	360 minutes per week	180 minutes per week	180 minutes per week	N/A

<sup>11</sup> Source: Adapted from [CR Part 154-2 \(K-8\) Transitional Bilingual Education Program](#) (Updated as of May 6, 2015)

<sup>12</sup> 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.

INSTRUCTION	ENTERING (beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
<b>HOME LANGUAGE ARTS (HLA)</b>	1 HLA unit of study	1 HLA unit of study	1 HLA unit of study	1 HLA unit of study	N/A
<b>BILINGUAL CONTENT AREA SUBJECTS</b>	Minimum of 2	Minimum of 2	Minimum of 1	Minimum of 1	N/A

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

#### CR Part 154-2: TBE Staffing Requirements (Grades K-8)

Figure 18: CR Part 154 TBE Staffing Requirements (Grades K to 8)<sup>13</sup>

INSTRUCTION	STAFFING/PERSONNEL
<b>K-8 BILINGUAL EDUCATION PROGRAM</b>	(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.]
<b>K-8 ENGLISH AS A NEW LANGUAGE PROGRAM</b>	(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.

<sup>13</sup> Source: Adapted from [CR Part 154-2 \(K-8\) Transitional Bilingual Education Program](#) (Updated as of May 6, 2015)

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

Figure 19: CR Part 154 TBE Unit of Study Requirements (Grades 9 to 12)<sup>14</sup>

INSTRUCTION	ENTERING (beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
<b>STAND-ALONE ENL</b> (Language Arts)	1 unit of study in ENL (180 min.)	.5 unit of study in ENL (90 min.)	N/A	N/A	Former ELLs must continue to receive services for an additional <b>two years</b> .
<b>INTEGRATED ENL/ELA</b> (Language Arts)	1 unit of study in ENL/ELA (180 min.)	1 unit of study in ENL/ELA (180 min.)	.5 unit of study in ENL/ELA (90 min.)	1 unit of study in ENL/ELA or other Core Content Area (180 min.)	N/A
<b>FLEXIBILITY</b> (Language Arts)	1 unit of study can be STAND-ALONE ENL instruction <u>or</u> INTEGRATED ENL/Core Content Area (180 min).	.5 unit of study can be STAND-ALONE ENL <u>or</u> INTEGRATED ENL/Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE ENL <u>or</u> INTEGRATED ENL/Core Content Area (90 min.)	N/A	.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area <u>or</u> other approved Former ELL services for two additional years. <sup>15</sup>
<b>TOTAL ENL</b> (Language Arts)	540 minutes per week	360 minutes per week	180 minutes per week	180 minutes per week	N/A
<b>HOME LANGUAGE ARTS (HLA)</b>	1 HLA unit of study	1 HLA unit of study	1 HLA unit of study	1 HLA unit of study	N/A
<b>BILINGUAL CONTENT AREA SUBJECTS</b>	Minimum of 2	Minimum of 2	Minimum of 1	Minimum of 1	N/A
<b>AWARDING CREDITS</b>	STAND-ALONE ENL	INTEGRATED ENL	HOME LANGUAGE ARTS	BILINGUAL CONTENT AREA	

<sup>14</sup> Source: [CR Part 154-2 \(9-12\) Transitional Bilingual Education Program](#) (Updated as of May 6, 2015)

<sup>15</sup> 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.

INSTRUCTION	ENTERING (beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
	Elective credit is awarded upon passing each corresponding STAND-ALONE ENL unit of study.	Core Content area credit is awarded upon passing each corresponding ENL unit of study in ELA, Math, Science, or Social Studies	Language Other than English (LOTE) credit is awarded upon passing each corresponding HLA unit of study	Core content area credit is awarded upon passing each corresponding Bilingual Content Area subject	

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

### CR Part 154-2: TBE Staffing Requirements (Grades 9-12)

Figure 20: CR Part 154 TBE Staffing Requirements (Grades 9 to 12)<sup>16</sup>

INSTRUCTION	STAFFING/PERSONNEL
<b>BILINGUAL EDUCATION PROGRAM</b>	(9-12) <u>Bilingual Content area teacher</u> with a bilingual extension. [HLA must be taught by a certified Language Other than English (LOTE) teacher.]
<b>ENGLISH AS A NEW LANGUAGE PROGRAM</b>	(9-12) <u>Stand-alone</u> ESOL certified teacher (9-12) <u>Integrated</u> ENL can be taught by an ESOL teacher with Content Area certification or two individually certified teachers.

<sup>16</sup> Source: [CR Part 154-2 \(9-12\) Transitional Bilingual Education Program](#) (Updated as of May 6, 2015)

## Dual Language Bilingual Education

Dual language bilingual education 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 bilingual education programs serve both ELLs in need of English language development and English-proficient students who are interested in learning another 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 bilingual education program should remain in the program during their tenure in NYC public 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 bilingual education program.

See [CR Part 154-2: TBE Units of Study and Staffing Requirements](#) which also apply to dual language bilingual education programs. Any adjustment (reducing or closing) of a bilingual program requires prior approval through an established process. See [Bilingual Program Protocols](#) for more details.

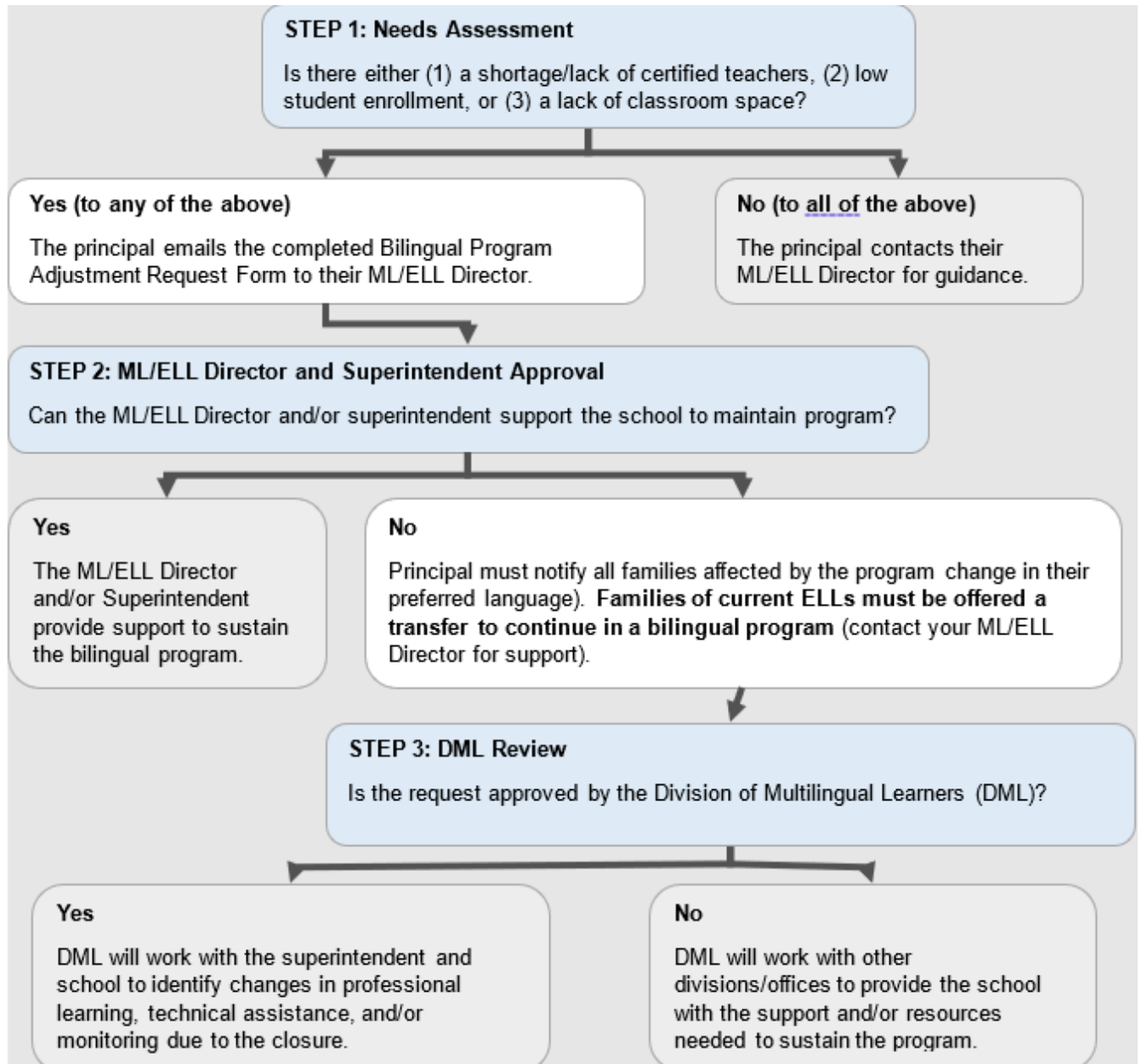
For more information on Dual Language Bilingual Education please see [Bilingual Program Descriptions](#).

## Bilingual Education Programs: Opening and Adjustment Protocols

Please refer to the [Bilingual Education Program Opening and Adjustment Protocols](#) on the [Policy & Reference Guide InfoHub](#) for fillable versions of these forms:

- Opening New Bilingual Program (TBE/DLBE) Request Form
- Bilingual Program (TBE/DLBE) Adjustment Request Form

To submit a request to adjust an existing bilingual program, principals must follow the protocol below. If you do not have a designated ML/ELL Director, reach out to your [ML/ELL Compliance Performance Specialist](#) for support.



## English as a New Language

English as a New Language (ENL) programs provide instruction in English with home language support, emphasizing English language development. Students in ENL programs can come from many different language backgrounds, and English may be the only common language among the students.

**Note:** All schools must have an ENL program at a minimum.

As per CR Part 154, there are two types of ENL: stand-alone ENL and integrated ENL.

### Stand-alone ENL

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

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

### Integrated ENL

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

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

For more information, please see [Guidance on Implementation of ENL Units of Study](#).

### Guidance for ENL Programming

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





As a reminder, elementary schools must program students in STARS Classroom. Middle schools and high schools must program students in STARS Admin. For detailed instructions on programming students who receive ENL, see the [English Language Learners STARS wiki page](#).

For information on using STARS to program students for ENL and manage bilingual programs, [contact your Academic Policy, Performance and Assessment Specialist](#).

## Guidance on Implementation of ENL Units of Study

Updated August 2020

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

In 2015, The New York State Education Department revised Commissioner’s Regulations Part 154 (CR Part 154). CR Part 154 states that an *English as a New Language program shall mean a research-based program comprised of two components: a content area instructional component in English (including all core content, meaning English language arts, math, science, or social studies) with home language supports and appropriate scaffolds<sup>17</sup>, and an English language development component (Stand-alone and/or Integrated English as a New Language).*

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

### NYSED Definition<sup>18</sup>

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

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

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<sup>17</sup> See [Blueprint for English Language Learner/Multilingual Learner Success](#).

<sup>18</sup> 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<sup>19</sup>. ESOL teachers should consistently link to the content area(s) that most benefit their students (for example ELA, social studies) or leverage thematic units that have cross-content entry points.

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

## Teacher Certification

### Stand-alone ENL

- Stand-alone ENL is taught by 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 a 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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<sup>19</sup> See NYSED's [Guidance for MLs and the Next Generation English Language Arts Learning Standards](#).

### **Dually-certified ESOL and Core Content Area Teachers (includes ELA, Math, Science, Social Studies, Common Branches, and Early Childhood)**

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

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

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

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

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

### **Dually-certified ESOL and SWD Teachers**

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

### **ESOL-only Certified Teachers**

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

**Note:** Per [NYSED's guidelines for incidental teaching](#), teachers may teach up to 10 classroom hours a week (approximately 10 periods) outside of their certification area for SY 2023-24, when no certified teacher is available after extensive and documented recruitment.

Additionally, under a special MOA between the NYC DOE and the United Federation of Teachers, teachers who hold a valid NYC teacher license and who hold NY State valid teacher certification in Teaching Special Education/Students with Disabilities, English as a Second Language or in a valid State bilingual extension, may change to the corresponding Special Education, ESL or bilingual license with special terms, including a reduced probationary period in the new license. For additional information, please refer to the [License Change Application to A Special Education/Students with Disabilities, Bilingual or ESL NYC License](#) or contact your [HR director](#).

## Common Planning

### Stand-alone ENL

It is essential that the certified ESOL teacher(s) have opportunities to meet with common branch and/or content area teachers. Attending established meetings (for example grade team) with common branch and/or content area teachers ensures that ESOL teachers can plan lessons/units that build language and literacy within content areas aligned to the [New York State Next Generation Learning Standards](#).

While it is not expected that the teachers will co-plan lessons since the Stand-alone is taught by the ESOL teacher alone, she/he should have full access to the grade-level curriculum materials to align and tailor Stand-alone instruction to support MLs/ELLs to acquire the language needed in core content areas.

### Integrated ENL

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

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

Research-based instructional approaches must be age and grade-appropriate. The research on MLs/ELLs states that learners can acquire both the everyday and academic language simultaneously, leverage their home language as a vital support, and benefit from the strategic use of scaffolds in both the Stand-alone and Integrated ENL components. NYSED's [Guidance for MLs and the Next Generation English Language Arts Learning Standards](#) 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 development. The required amount of stand-alone ENL instruction depends on the English proficiency level of each student.

### Integrated ENL

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

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

## Unit of Study

### Stand-alone ENL

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

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

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

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

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

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

### Integrated ENL

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

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

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

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

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

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

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

See [Units of Study Tables for English as a New Language \(ENL\) and Bilingual Education Programs](#).

## CR Part 154: ENL Units of Study and Staffing Requirements

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

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

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

Figure 21: CR Part 154 ENL Unit of Study Requirements (Grades K to 8)<sup>20</sup>

INSTRUCTION	ENTERING (Beginning)	EMERGING (Low – Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
ENL INSTRUCTIONAL TIME (MINIMUM)	<b>2 units</b> of study <b>per week</b> (360 min.)	<b>2 units</b> of study <b>per week</b> (360 min.)	<b>1 unit</b> of study <b>per week</b> (180 min)	<b>1 unit</b> of study <b>per week</b> (180 min)	Former ELLs must continue to receive services for an additional <b>two years</b>
STAND-ALONE ENL	1 unit of study in ENL (180 min.)	.5 unit of study in ENL (90 min.)	N/A	N/A	N/A
INTEGRATED ENL	1 unit of study in ENL/ELA (180 min.)	1 unit of study in ENL/ELA (180 min.)	.5 unit of study in ENL/ELA (90 min.)	1 unit of study in ENL/ELA or other Core Content Area (180 min.)	N/A
FLEXIBILITY	N/A	.5 unit of study can be STAND-ALONE ENL <b>or</b> INTEGRATED ENL/Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE ENL <b>or</b> INTEGRATED ENL/Core Content Area (90 min.)	N/A	.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, <b>or</b> other approved Former ELL services for two additional years <sup>21</sup>
TOTAL	360 minutes per week	360 minutes per week	180 minutes per week	180 minutes per week	N/A

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.

<sup>20</sup> Source: [CR Part 154-2 \(K-8\) English as New Language Units of Study and Staffing Requirements \(Updated as of May 6, 2015\)](#).

<sup>21</sup> 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.



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

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

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

<sup>22</sup> Source: [CR Part 154-2 \(K-8\) English as New Language Units of Study and Staffing Requirements](#) (Updated as of May 6, 2015).

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

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

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

INSTRUCTION	ENTERING (beginning)	EMERGING (Low – Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
ENL INSTRUCTIONAL TIME (MINIMUM)	<b>3 units</b> of study <b>per week</b> (540 min.)	<b>2 units</b> of study <b>per week</b> (360 min.)	<b>1 unit</b> of study <b>per week</b> (180 min.)	<b>1 unit</b> of study <b>per week</b> (180 min.)	Former ELLs must continue to receive services for an additional <b>two years</b>
STAND-ALONE ENL	1 unit of study in ENL (180 min.)	.5 unit of study in ENL (90 min.)	N/A	N/A	N/A
INTEGRATED ENL	1 unit of study in ENL/ELA (180 min.)	1 unit of study in ENL/ELA (180 min.)	.5 unit of study in ENL/Core Content Area (90 min.)	1 unit of study in ENL/Core Content Area (180 min.)	N/A
FLEXIBILITY	1 unit of study can be STAND-ALONE ENL instruction <b>or</b> INTEGRATED ENL in Core Content Area (180 min.)	.5 unit of study can be STAND-ALONE ENL <b>or</b> INTEGRATED ENL in Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE ENL <b>or</b> INTEGRATED ENL in Core Content Area (90 min.)	N/A	.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, or other approved Former ELL services for two additional years <sup>24</sup>
TOTAL	540 minutes per week	360 minutes per week	180 minutes per week	180 minutes per week	N/A
AWARDING CREDITS	STAND-ALONE ENL  Elective credit is awarded upon passing each corresponding	INTEGRATED ENL  Core Content Area credit is awarded upon passing each corresponding ENL unit of study in			

<sup>23</sup> Source: [CR Part 154-2 \(9-12\) English as New Language Units of Study and Staffing Requirements \(Updated as of May 6, 2015\)](#).

<sup>24</sup> 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.

INSTRUCTION	ENTERING (beginning)	EMERGING (Low – Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
	STAND-ALONE ENL unit of study	ELA, Math, Science, or Social Studies			

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

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

Figure 24: CR Part 154 ENL Staffing Requirements (Grades 9 to 12)<sup>25</sup>

INSTRUCTION	STAFFING/PERSONNEL
Stand-alone ENL	K-12 Certified ESOL Teacher
Integrated ENL - 1 dually certified teacher	ESOL 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

<sup>25</sup> Source: [CR Part 154-2 \(9-12\) English as New Language Units of Study and Staffing Requirements \(Updated as of May 6, 2015\)](#).

## Required ELL Data Recording and Reporting

To meet federal, state, and local reporting requirements, schools must report on ELL identification, services, and parent selection. As a result, NYC DOE has created a number of mechanisms to capture required data. As the leader of their schools, principals should verify all data entered to ensure accuracy. In the event of a clerical error, schools should correct the data immediately. For further questions on data entry and addressing clerical errors, contact your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#).

**Note:** Charter schools may have additional or different reporting requirements. Charter schools should submit a ticket at [charterschools.mojohelpdesk.com](https://charterschools.mojohelpdesk.com) if you have questions about your particular reporting requirements.

### ATS: ELL/LEP Flag Indicators

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

#### ELL/LEP Code: E

**ELL Status:** Potential ELL

**Definition:** This student may be eligible for NYSITELL testing. This student may be an ELL and must be served.

#### ELL/LEP Code: P

**ELL Status:** Former ELL

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

#### ELL/LEP Code: R

**ELL Status:** Never an ELL

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

**ELL/LEP Code: Y**

**ELL Status:** ELL

**Definition:** This student is an ELL as a result of scoring below Commanding on a NYSED ELL exam (NYSITELL/NYSESLAT).

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

**ELL Status:** Never an ELL

**Definition:** A student who was never evaluated for ELL Identification either because of a home language of English or results of an individual interview. Additionally, a student's status might be changed via the Re-Identification process and submitted via the ATS ERI screen.

## ATS: ELL Parent Choice Update Screen (ELPC)

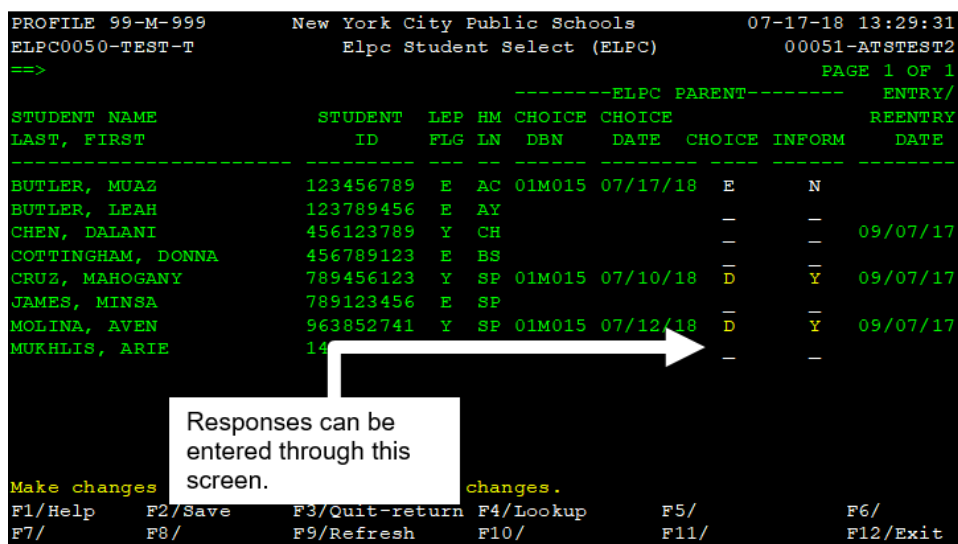
The *initial* parent selection is recorded in the ELL Parent Choice Update screen ([ELPC](#)) in ATS. After the initial parent selection is documented in ELPC, parents may change their selection at any time by writing to the principal or designee.

All subsequent changes to parent selection, after the capture of initial parent selection, can be made on the [BNDC](#) screen. The [ELL 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 selection).

NYC DOE monitors the implementation of the required ELL program parent selection process. The ELPC screen was created in ATS for schools to record the initial ELL program parent selection for all new admits who are identified as ELLs. This function lists students admitted within the current school year whose ELL/LEP Flag is either "Y" or "E." For students who are administered the NYSITELL and identified as ELLs, the school needs to enter whether the parent was provided a parent orientation explaining the three ELL programs offered in New York City and the parent’s initial choice of program. This screen must be completed for each newly identified ELL.

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

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



PROFILE 99-M-999      New York City Public Schools      07-17-18 13:29:31  
 ELPC0050-TEST-T      Elpc Student Select (ELPC)      00051-ATSTEST2  
 ==>      PAGE 1 OF 1

STUDENT NAME		STUDENT ID	LEP FLG	HM LN	CHOICE DBN	CHOICE DATE	CHOICE	INFORM	ENTRY/REENTRY DATE
BUTLER, MUAZ		123456789	E	AC	01M015	07/17/18	E	N	
BUTLER, LEAH		123789456	E	AY					
CHEN, DALANI		456123789	Y	CH					09/07/17
COTTINGHAM, DONNA		456789123	E	BS					
CRUZ, MAHOGANY		789456123	Y	SP	01M015	07/10/18	D	Y	09/07/17
JAMES, MINSA		789123456	E	SP					
MOLINA, AVEN		963852741	Y	SP	01M015	07/12/18	D	Y	09/07/17
MUKHLIS, ARIE		14							

Make changes      changes.  
 F1/Help    F2/Save    F3/Quit-return    F4/Lookup    F5/    F6/  
 F7/    F8/    F9/Refresh    F10/    F11/    F12/Exit

Figure 25: ELPC Screen in ATS



There are two data points that need to be entered on the [ELPC](#) screen:

1. Was the parent provided an orientation explaining the three ELL programs offered in NYC? (Y, O, I, N)
  - Y=Parent was provided an orientation
  - N=Parent was NOT provided an orientation
  - O=Offered, but the parent did not come to parent orientation
  - I=Offered at IEP meeting
2. What was the parent selection of ELL programs? (E, B, D, N)
  - E=English as a New Language (ENL)
  - B=Transitional Bilingual Education (TBE)
  - D=Dual Language Bilingual Education (DLBE)
  - N=Parent did not return survey (denotes a bilingual program by default)

For additional information, refer to the [ELPC Wiki page](#).

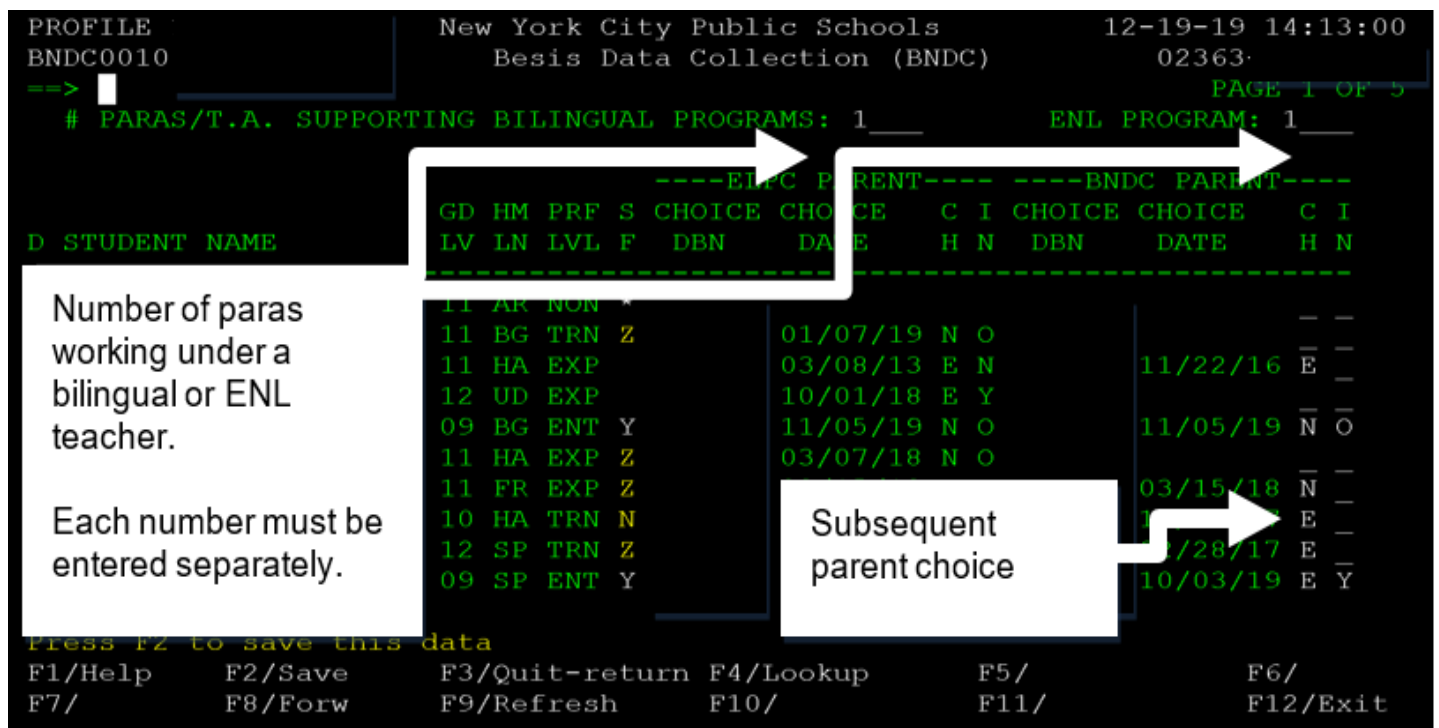
## ATS: BNDC for SIFE Determination and Paraprofessional Services

The BNDC screen serves three functions:

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

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

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



The screenshot shows the BNDC screen in ATS. At the top, it displays 'New York City Public Schools', 'Basis Data Collection (BNDC)', and the date/time '12-19-19 14:13:00'. Below this, it shows 'PROFILE BNDC0010' and 'PAGE 1 OF 5'. The main data area is a table with columns for student information and parent choice. The table is as follows:

D	STUDENT NAME	GD	HM	PRF	S	CHOICE		CHOICE		CHOICE		CHOICE	
						LV	LN	LVL	F	DBN	DA	E	H
11	AR	NON											
11	BG	TRN	Z					01/07/19	N	O			
11	HA	EXP						03/08/13	E	N		11/22/16	E
12	UD	EXP						10/01/18	E	Y			
09	BG	ENT	Y					11/05/19	N	O		11/05/19	N
11	HA	EXP	Z					03/07/18	N	O			
11	FR	EXP	Z									03/15/18	N
10	HA	TRN	N										
12	SP	TRN	Z										
09	SP	ENT	Y										

Callouts in the image explain the data fields:

- Number of paras working under a bilingual or ENL teacher.** This points to the 'PARAS/T.A. SUPPORTING BILINGUAL PROGRAMS' field at the top, which is currently set to 1.
- Each number must be entered separately.** This points to the 'ENL PROGRAM' field at the top, which is currently set to 1.
- Subsequent parent choice** This points to the 'CHOICE' columns in the table, which show dates and parent selection codes (e.g., N O, E N, E Y).

At the bottom of the screen, there are function key instructions: F1/Help, F2/Save, F3/Quit-return, F4/Lookup, F5/, F6/, F7/, F8/Forw, F9/Refresh, F10/, F11/, and F12/Exit.

Figure 26: BNDC Screen in ATS





## ATS: ELL Bilingual Program Transfer Requests (ELTR)

The ELTR screen in ATS allows principals to:

- Submit an ELL Bilingual Program Transfer Request for a student
- Track a student's ELL Bilingual Program Transfer Request

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

For further information, refer to [ELL Bilingual Program Transfer Policy and Procedure](#).

## ATS: Home Language Code Crosswalk

Source: ATS (As of July 6, 2023)

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

Entry Code	Entry Description	Entry Description for Report
AC	ARAUCANIAN	Araucanian
AD	ADANGME	Adangme
AE	AFROASIATIC	Afroasiatic
AF	AFRIKAANS	Afrikaans
AH	AMHARIC (AKA ETHIOPIAN)	Amharic (aka Ethiopian)
AJ	ACHOLI	Acholi
AK	AKAN	Akan
AL	ALBANIAN	Albanian
AM	ARMENIAN	Armenian
AO	AMOY (A.K.A.FUKIENESE)	Chinese
AR	ARABIC	Arabic
AS	ASSAMESE	Assamese
AW	ARAWAK	Arawak
AY	AYMARA	Aymara
AZ	AZERBAIJANI (AKA AZERI)	Azerbaijani (aka Azeri)
BA	BALANTE	Balante
BB	BEMBA	Bemba
BE	BELORUSSIAN	Belorussian
BG	BENGALI (BANGLA IN BANGLADESH)	Bengali (Bangla)
BH	BHILI	Bhili

Entry Code	Entry Description	Entry Description for Report
BI	BIHARI	Bihari
BL	BALUCHI	Baluchi
BM	BAMBARA	Bambara
BO	BOSNIAN	Bosnian
BQ	BASQUE	Basque
BR	BRAHUI	Brahui
BS	BURMESE	Burmese
BT	BRETON	Breton
BU	BULGARIAN	Bulgarian
BX	BASSA	Bassa
BY	BALINESE	Balinese
CA	CHAM	Cham
CB	CEBUANO	Cebuano
CE	CHINESE-DIALECT UNKNOWN/OTHER	Chinese
CH	CHINESE/ANY	Chinese
CJ	CHECHEN	Chechen
CN	CANTONESE	Chinese
CS	CHINESE/ANY-SPANISH	Chinese
CT	CATALAN	Catalan
CU	CHUUKESE (TRUKESE)	Chuukese (Trukese)
CZ	CZECH	Czech
DA	DARI/FARSI/PERSIAN	Dari/Farsi/Persian
DG	DAGOMBA	Dagomba

Entry Code	Entry Description	Entry Description for Report
DJ	DYULA	Dyula
DN	DANISH	Danish
DU	DUTCH	Dutch
DZ	DZONGKHA	Dzongkha
EG	GUYANESE CREOLE (GUYANESE/ENGLISH-BASED)	Guyanese Creole (Guyanese/English-based)
EO	ESTONIAN	Estonian
EW	EWE	Ewe
FG	GUIANESE CREOLE (GUYANAIS/FRENCH-BASED)	Guianese Creole (Guyanais/French-based)
FH	FRENCH-HAITIAN CREOLE	Haitian Creole
FJ	FIJIAN	Fijian
FK	FRENCH-KHMER	French-Khmer
FL	FLEMISH	Flemish
FN	FINNISH	Finnish
FO	FON	Fon
FR	FRENCH	French
FT	FANTI (AKA FANTE)	Fanti (aka Fante)
FU	FULANI	Fulani
GA	GA	Ga
GC	GALICIAN	Galician
GE	GEORGIAN	Georgian
GF	GARIFUNA	Garifuna
GI	GILBERTESE (KIRIBATI/KIRBATESE)	Gilbertese (Kiribati/Kiribatese)

Entry Code	Entry Description	Entry Description for Report
GJ	GUJARATI	Gujarati
GK	GREEK	Greek
GL	GALLA	Galla
GM	GURMA	Gurma
GO	GREBO	Grebo
GR	GERMAN	German
GU	GUARANI	Guarani
HA	HAITIAN CREOLE	Haitian Creole
HE	HEBREW	Hebrew
HG	HUNGARIAN	Hungarian
HI	HINDI	Hindi
HM	HMONG	Hmong
HU	HAUSA (HAOUSSA)	Hausa (Haoussa)
IB	IBO	Ibo
IC	ICELANDIC	Icelandic
IL	ILOCANO	Ilocano
IN	INDONESIAN (AKA BAHASA)	Indonesian (aka Bahasa)
IR	IRISH (GAELIC)	Irish (Gaelic)
IT	ITALIAN	Italian
JA	JAPANESE	Japanese
JI	PIJIN (SOLOMONS PIDGIN)	Pijin (Solomons Pidgin)
JM	JAMAICAN-CREOLE	Jamaican-Creole
JO	JOHKHA	Johkha

Entry Code	Entry Description	Entry Description for Report
K1	KISSI (KISI)	Kissi (Kisi)
K9	KONKANI	Konkani
KA	KASHMIRI	Kashmiri
KB	KAMBA	Kamba
KC	KACHI	Kachi
KD	KANNADA	Kannada
KE	KABRE	Kabre
KF	KAFIRI	Kafiri
KG	KANARESE	Kanarese
KH	KHMER (CAMBODGE)	Khmer (Cambodge)
KI	KIKUYU	Kikuyu
KK	KRIO	Krio
KN	KANURI	Kanuri
KO	KOREAN	Korean
KP	KPELLE	Kpelle
KQ	KAQCHIKEL (CAKCHIQUEL/CACHIQUEL)	Kaqchikel (Cakchiquel/Cachiquel)
KR	KAREN	Karen
KS	KHOISAN	Khoisan
KU	KURDISH	Kurdish
KW	KHOWAN	Khowan
KY	KABYLE	Kabyle
KZ	KAZAKH	Kazakh
LA	LAO	Lao

Entry Code	Entry Description	Entry Description for Report
LG	LUGANDA	Luganda
LM	LOMA	Loma
LN	LINGALA	Lingala
LO	LUO	Luo
LT	LITHUANIAN	Lithuanian
LU	LUBA	Luba
LV	LATVIAN	Latvian
LY	LUNYANKOLE	Lunyankole
MA	MACEDONIAN	Macedonian
MB	MANDINKA (AKA MANDINGO)	Mandinka (aka Mandingo)
MD	MOLDAVIAN	Moldavian
ME	MENDE	Mende
MG	MALAGASY	Malagasy
MH	MOHAWK	Mohawk
MI	MONGOLIAN	Mongolian
MK	MALINKE	Malinke
ML	MALAY	Malay
MM	MAM	Mam
MN	MANDARIN	Chinese
MO	MOSSI (MOORE/MORE)	Mossi (Moore/More)
MR	MARATHI	Marathi
MT	MALTESE	Maltese
MX	MIXTEC (MIXTECO)	Mixtec (Mixteco)

Entry Code	Entry Description	Entry Description for Report
MY	MALAYALAM	Malayalam
NA	NAHUATL	Nahuatl
NC	NIGER-CONGO	Niger-Congo
ND	NDEBELE	Ndebele
NE	NEPALI	Nepali
NL	NATIVE AMERICAN LANGUAGES	Native American Languages
NO	ENGLISH	English
NS	STUDENT DOES NOT SPEAK	Student Does Not Speak
NW	NORWEGIAN	Norwegian
NY	NYANJA (AKA CHINYANJA)	Nyanja (aka Chinyanja)
ON	ONEIDA	Oneida
OR	ORIYA	Oriya
OS	OSSETIAN	Ossetian
PA	PASHTO (A.K.A. PUSHTO)	Pashto (aka Pushto)
PI	PILIPINO (A.K.A. TAGALOG)	Pilipino (aka Tagalog)
PJ	PUNJABI (A.K.A. PANJABI)	Punjabi (aka Panjabi)
PL	POLISH	Polish
PN	PALAUAN	Palauan
PO	PORTUGUESE	Portuguese
PP	PAPIAMENTO	Papiamento
PR	PROVENCAL	Provencal
QC	QUICHE	Quiche
QU	QUECHUA	Quechua



Entry Code	Entry Description	Entry Description for Report
RA	RAJASTHANI	Rajasthani
RD	RUNDI	Rundi
RK	RAKHINE (ARAKENSE)	Rakhine (Arakense)
RM	ROMANSCH	Romansch
RO	ROMANIAN	Romanian
RT	TOORO(RUTOORO)	Tooro (Rutooro)
RU	RUSSIAN	Russian
RW	RWANDA	Rwanda
RY	RUSSIAN-YIDDISH	Russian-Yiddish
S3	SERER	Serer
SA	SAMOAN	Samoan
SB	SHINA	Shina
SC	SERBO-CROATIAN	Serbo-Croatian
SD	SINDHI	Sindhi
SE	SENECA	Seneca
SF	SINHALESE	Sinhalese
SG	SCOTTISH-GAELIC	Scottish-Gaelic
SH	SHAN	Shan
SI	SWAHILI (A.K.A. KISWAHILI)	Swahili (aka Kiswahili)
SJ	SOMALI	Somali
SK	SUKUMA	Sukuma
SL	SHLUH	Shluh
SM	SIDAMO	Sidamo

Entry Code	Entry Description	Entry Description for Report
SN	SANSKRIT	Sanskrit
SO	SLOVAK	Slovak
SP	SPANISH	Spanish
SQ	SONINKE	Soninke
SR	SERI	Seri
SS	SETSWANA	Setswana
ST	SESOTHO	Sesotho
SU	SUDANESE	Sudanese
SV	SLOVENIAN	Slovenian
SW	SWEDISH	Swedish
SX	(AMERICAN) SIGN LANGUAGE	(American) Sign Language
SY	SOUTH ARABIC	South Arabic
SZ	SWAZI	Swazi
TA	TAMIL	Tamil
TB	TEM (TEMBA/KOTOKOLI/COTOCOLI)	Tem (Temba/Kotokoli/Cotocoli)
TE	TELUGU	Telugu
TG	TIGRE	Tigre
TH	THAI	Thai
TI	TIBETAN	Tibetan
TK	TURKMEN (TURKMAN/TURKOMAN))	Turkmen (Turkman/Turkoman)
TM	TAMAZIGHT	Tamazight
TO	TONGA	Tonga
TQ	TAMASHEQ	Tamasheq

Entry Code	Entry Description	Entry Description for Report
TR	TIGRINYA	Tigrinya
TT	TUAREG	Tuareg
TU	TURKISH	Turkish
TW	TWI	Twi
TZ	TADZHIK (AKA TAJIK)	Tadzhik (aka Tajik)
UD	URDU	Urdu
UI	UIGHUR(UYGHUR)	Uighur (Uyghur)
UK	UNKNOWN	Unknown
UR	UKRAINIAN	Ukrainian
US	SUSU(SOUSSOU)	Susu (Soussou)
UZ	UZBEK	Uzbek
VC	VIETNAMESE-CHINESE	Vietnamese
VF	VIETNAMESE-FRENCH	Vietnamese
VN	VIETNAMESE	Vietnamese
VS	VISAYAK (A.K.A. BISAYA)	Visayak (aka Bisaya)
WE	WELSH	Welsh
WO	WOLOF	Wolof
YI	YIDDISH	Yiddish
YL	SYLHETI	Sylheti
YO	YONBA	Yonba
YR	YORUBA	Yoruba
ZA	ZARMA (DJERMA)	Zarma (Djerma)
ZU	ZULU	Zulu



## STARS: ENL Programming

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

## STARS: Bilingual Programs Programming

See the [School Programs - ELL Wiki](#) for the latest information on programming dual language bilingual education 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 recommended program and related services for students with IEPs, during the regular mandated school day.

## Retention of Records

### Student Cumulative Folder

A student's cumulative folder is a physical record for each student that includes important documents that provide guidance or understanding about the student. Examples of required documentation that schools must maintain in each individual student's cumulative folder, includes, but is not limited to the items listed below. Documents/letters must be signed and dated, and translations included where applicable.

- All documentation related to the initial ELL identification process and any subsequent review process, including the [Home Language Identification Survey](#), NYSITELL results and any other records associated with the determination of NYSITELL eligibility (e.g. mandated individual interview).
- All documentation related to Language Proficiency Team (LPT) determination of NYSITELL eligibility, including the [NYSITELL Determination Form](#), copies of notifications sent to parents/guardians regarding the LPT decision to administer/not administer NYSITELL and copies of any [superintendent letters](#) approving/denying the LPT's determination.
- All documentation related to SIFE identification, including results of the [SIFE Oral Interview Questionnaire](#), [MLS](#), [writing screener](#), and any interview notes, academic and assessment history, and work samples used in determining potential SIFE status.
- Any notifications sent to parents/guardians regarding the results of the ELL identification process, placement of a student in an ELL program, or continued eligibility/non-eligibility for ELL services:
  - [Entitlement letter after NYSITELL](#)
  - [Non-entitlement letter after NYSITELL](#)
  - [Placement Letter \(after Parent Survey\)](#)
  - [Default Program Placement Letter](#)
  - [Continued Entitlement Letters after NYSESLAT](#)
  - [Exit/Non-Entitlement Letters after NYSESLAT](#)
- All documents related to the required parent orientation, including signed and dated [ELL Parent Survey and Program Agreement Form](#), agendas and attendance records.
  - Any documentation pertaining to parent/guardian's request to update initial parent option.
  - Any documentation pertaining to parent/guardian's request to transfer to a school with a bilingual program, including the [Family Request for Bilingual Program Transfer](#) and the [Family Authorization for Bilingual Program Transfer](#).
- Pertinent assessment data impacting ELL status, such as NYSESLAT scores.
- For [students entering a NYC public school who were enrolled in a NYS public school within the previous 2 years](#), any documentation received from the student's previous NYS public school.
- Any notifications or related documents pertaining to a request for re-identification, if applicable.

- Any evidence of the mandated [Annual Meeting with Parents](#).
- Any notification sent to parents/guardians regarding their child's inclusion in a Title III supplemental program.

**Note:** When a student transfers within NYC public schools, the previous NYC public school is responsible for sending the student's cumulative folder, with all original contents to the new NYC public school. For additional guidance, please refer to [Chancellor's Regulations A-820](#) and the [Student Records FAQ](#).

### School-Level Critical ELL documents

In addition to maintaining individual student cumulative folders, schools must also maintain a school-level *ELL Folder of Critical Documents* which contain these documents in a central location for ease of review. Examples of documents that must be kept in the *ELL Folder of Critical Documents* are listed but not limited to documents below. Each document must be signed and dated. Translations must be included where applicable.

- Sample of all documents that must be maintained in individual [student's cumulative folder](#).
- Evidence of school's supplemental Title III programs as outlined in the [Title III FAQ](#).
- Records of numbers of parents that chose a bilingual program.

**Note:** 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 \(FERPA\)](#). Please refer to the [Student Records FAQ](#) for additional guidance.

## Comprehensive Education Plan: ELL Components

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

There are three ELL-related components of the CEP:

- Language Allocation Policy (LAP)
- Title III Limited English Proficient (LEP) Plan
- Title III Immigrant Plan

**Note:** The Language Translation and Interpretation Plans (LTI) plan serves as your school's strategy for communicating with *all* families who do not speak English. For questions or assistance in completing your LTI plan, contact your designated [Office of Language Access contact](#).

### Language Allocation Policy (LAP)

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

The LAP template and other LAP resources are available on the [Language Allocation Policy InfoHub](#) and the [iPlan portal](#).

## Title III Limited English Proficient (LEP) Plan

The Title III Limited English Proficient (LEP) supplemental program is provided through federal funds supported by Every Student Succeeds Act (ESSA). This funding (subject to revision annually) is based on the previous year's ELL reporting in each individual school. It provides federal allocations to schools with the mandated minimum of ELLs for supplemental services for English language learners before school, after school, and on Saturdays. These 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 annually based on the following ratio:

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

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

- 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.
- High-quality professional development that is of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in classrooms.
- Parent engagement activities and supports must ensure that there are appropriate translation and interpretation services to meet community needs.

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



## Title III Immigrant Plan

Title III Immigrant programs are also provided through federal funds supported by Every Student Succeeds Act (ESSA). This funding (subject to revision annually) is based on the previous year's reporting in each individual school. These funds can be used for activities that provide enhanced instructional opportunities for immigrant students. Please note that immigrant students are not necessarily English Language Learners (ELLs), and ELLs may or may not be immigrants.

For the purpose of this funding, immigrant students are defined as individuals who were not born in any U.S. state (this includes the District of Columbia and the Commonwealth of Puerto Rico); and have not been attending one or more schools in any one or more states for more than three full academic years (the months need not be consecutive).

Each school that receives this funding must use the funds to support their immigrant students by developing a plan that addresses the following three components:

- Direct instruction supplemental program for immigrant students
- Professional development that bolsters the instructional practice of teachers of immigrant students
- Parental engagement activities that support parents of immigrant students

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

## Frequently Asked Questions: Allowable Use of Title III LEP Funds

### Supplemental Direct Instruction

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

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

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

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

- type of program/activities
- number of students to be served
- grade level(s)
- language(s) of instruction
- rationale (including data analysis) for the selection of program/activities and the materials
- services and instructional technology to be used
- sessions and times per day/week
- program duration; and service provider qualifications.

Your direct instruction supplemental program should account for 60% of your Title III allocation.

#### 3. Who is entitled to Title III LEP supplemental programs?

All ELLs are entitled to Title III programs. Each school should establish criteria for ELLs' participation in Title III program activities. Schools should examine the data and the needs of their ELL population when they plan their Title III programs. This may include any of the ELL subgroups: Newcomers, Developing ELLs, Long Term ELLs, ELLs with Individualized Education Programs (IEPs), Students with Interrupted/Inconsistent Formal Education (SIFE), and former ELLs. For consideration, according to New York State regulation (CR Part 154), any child who is not progressing sufficiently toward a state designated level of English proficiency is entitled to receive extra support.

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

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

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

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

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

The Title III supplemental program must be taught either by a certified ESOL or bilingual teacher. Title III programs may have a non-ESOL or non-bilingual certified teacher, if they are team teaching and co-planning with a certified ESOL or bilingual teacher. The certified ESOL or bilingual teacher can push in for the content area program. This arrangement must be fully described in the school's Title III LEP plan under the supplemental direct instruction section.

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

Your guidance counselor can provide direct instruction if they:

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

**8. What if my ENL teacher does not want to work in a supplemental Title III LEP program?**

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

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

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

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

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

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

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

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

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

## **13. What is the guidance on remote per session?**

Title III activities may be conducted remotely, if they align to the permissible activities and adhere to all protocols as per [Chancellor's Regulation C-175](#). In alignment with the regulation, the per session posting should include, "No per session compensation may be paid for work performed at home unless consistent with the collective bargaining agreements, or approved in advance by the supervisor, based on policy authorized by the Chancellor." For more information on developing per session posting templates, please refer to this [resource](#). Please note that Title III plans should describe how these activities meet student needs if they are to be performed remotely.

## **Professional Development**

### **14. What should Title III LEP professional development look like?**

Professional development should meet the following criteria:

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

### **15. What should be included in the Title III professional development narrative?**

The professional development component should include the following details:

- A list of topics and tentative schedules of workshops to be offered throughout the duration of the program and the number and qualifications of the participants.

- A description and content area focus of study groups and associated materials, and the number of teachers participating.
- A description of materials and resources being utilized for professional development. The narrative should indicate what resources/materials are at cost to Title III.
- If a consultant provides professional development, provide a description of the consultant’s ELL credentials and work delivered, including the number of sessions, weekly schedule, per session cost, hours of work, number of teachers trained, qualification of the service provider(s), and topics aligned to the proposed program.

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

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

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

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

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

Schools must specify:

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

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

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

The mandated blocks of time for PD activities required as per the current UFT collective bargaining agreement can be used toward the PD component of the Title III program, if they include ongoing and sustained professional development that meets the intent and purpose of the Title III program. These activities should be aligned with the Title III supplemental program and include teachers who work in the Title III instructional program and may include other teachers of ELLs. Documentation of participation in professional development activities should be kept on file. Note: mandated blocks of

time include Mondays or alternative days for schools adhering to the terms of the contract as a result of the school-based option.

## Parental Involvement

### 19. What should parental involvement look like?

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

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

You can also refer to the [Supporting and Partnering with families of Multilingual Learners Guide](#) and the [Division of Multilingual Learners Family Resources Site](#).

### 20. What should be included in the parental involvement component?

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

### 21. Can we purchase refreshments for parents under Title III?

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

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

Out-of-town trips are not permitted except for one-day trips for parents to attend specialized meetings and conferences. All NYC DOE guidelines on travel, conferences, and student trips must be adhered to.

### 23. Parent Engagement Activities assumes that, if parents log on at all, the parent will have interpretation and/ or translation provided to them for the duration of the activity. Is this accurate?

Yes. Schools are required to continue to follow [Chancellor's Regulation A-663](#) for the provision of translation and interpretation.

## OTPS

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

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

## Budget

### 25. How should schools allocate Title III funds?

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

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

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

Yes. Schools may use other funding sources to complement your Title III program regardless of whether the school is conceptually consolidated or not. However, a minimum of the total allocation must be used towards the Title III program. The school must explicitly state which components of the plan's expenditures are at no cost to Title III in the program narrative.

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

The Title III plan must meet all intents and have all components as outlined in question #24 above. Schools that are conceptually consolidated (SWP) may use all the funds for one component if and only if other funding sources are used to meet the other intents, which must be indicated in the plan following the recommended ratio of expenditures.

## Galaxy

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

Schools must select a program description in Galaxy to identify how funds are being spent to support ELLs. As funds are scheduled, schools will need to select one of the activity descriptions using the "Program" dropdown field in Galaxy. The scheduling of funds must be aligned with your approved Title III LEP plan contained within your school's Comprehensive Education Plan (CEP).

Conceptually consolidated schools that use a different consolidated funding source to fund a LEP program must use the below program descriptions to ensure proper tracking of funds being used to support ELLs. For more information, see the Title III LEP School Allocation Memorandum (SAM).

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

The program descriptions that should be used are as follows:

- T3 LEP Supplemental ELL Instruction – Before School
- T3 LEP Supplemental ELL Instruction – After School
- T3 LEP Supplemental ELL Instruction – Saturday Program
- T3 LEP Supplemental ELL Instruction – Other
- T3 LEP Certified ELL Teachers (ESOL/Bilingual)

- T3 LEP Supplemental Guidance/Counseling Services
- T3 LEP Professional Development
- T3 LEP Parent Involvement/Engagement

### 30. Which vendors can I choose?

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

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

### 31. How can I spend my Title III funds?

Title III guidelines are outlined in the respective School Allocation Memorandum. Please refer to the relevant [School Allocation Memorandum](#) for plan guidelines and allocations.

All eligible recipients must procure goods and services aligned to their approved Title III plans and within [OTPS Guidelines](#), this FAQ for Allowable Use of Title III Funds, and [Chancellor’s Regulations](#).

The following are examples of purchases/expenses for these funds. Note, these recommendations are limited to NYC DOE contracted vendors only.

Usage Example	Description	Budget Code	Available Resources
Per Session	Eligible staff may receive per session compensation.	Supervisor - 2792 Guidance Counselor – 2922 Teacher- Regular Grades- 3002 School Social Worker - 2822	Refer to Title III plans for allocated per session budget.
Professional Services - Direct Student Services	<a href="#">Multiple Task Award Contracts (MTAC)**</a>	685 - Professional Services - Education - Company & Individual Consultants	Please see these <a href="#">Contract Abstracts</a> for the following recommended services: 1. R1151: Student Support Services



Usage Example	Description	Budget Code	Available Resources
			2. R1155: Services to Promote Safe and Supportive School Communities 3. R1129: Arts Education Services
Professional Services – Direct to Student Services	<u>Multiple Task Award Contracts (MTAC)**</u> - services specific to college and career readiness	685 - Professional Services - Education - Company & Individual Consultants	<i>MTAC R1151: Student Support Services</i> <ol style="list-style-type: none"> <li>1. Global Kids, Inc.               <ul style="list-style-type: none"> <li>• Vendor #: GLO009000</li> <li>• Contract #: QR151DN</li> </ul> </li> <li>2. CareerVisions, Ltd.               <ul style="list-style-type: none"> <li>• Vendor #: CAR085940</li> </ul> </li> </ol> Contract: QR151BX
Professional Services – Staff Development	<u>Multiple Task Award Contracts (MTAC)**</u> - services specific to staff development, including:  Family facing staff, centered on Culturally Responsive-Sustaining Family Engagement (NYU)  College access and success, with an emphasis on high-quality advising and youth development approaches (Goddard)	689 – Professional Services – Curriculum and Professional Staff Development	<i>MTAC R1179 - Professional Development for School Leaders and Teachers</i> <ol style="list-style-type: none"> <li>1. Ramapo for Children, Inc.               <ul style="list-style-type: none"> <li>• Vendor #: RAM021000</li> <li>• Contract: QR179AE</li> </ul> </li> <li>2. Goddard Riverside Community Center               <ul style="list-style-type: none"> <li>• Vendor #: 131893908</li> <li>• Contract: QR179AF</li> </ul> </li> </ol> <i>MTAC R0996 - Literacy Professional Development Services</i> <ol style="list-style-type: none"> <li>1. New York University               <ul style="list-style-type: none"> <li>• Vendor ID: NYU562308</li> <li>• Contract: QR996BF</li> </ul> </li> </ol>

Usage Example	Description	Budget Code	Available Resources
Supplies – Digital Texts	E-books made available through <a href="https://soraapp.com/library/nycschools">soraapp.com/library/nycschools</a>	100 – Supplies and Materials	1. Overdrive Inc. <ul style="list-style-type: none"> <li>• Vendor #: OVE522786</li> <li>• Contract: R130601</li> </ul> Purchased texts are added to Sora.
Supplies – Print and Digital Reading Materials	K-12 ENL and/or home language materials.	100 – Supplies and Materials  199 – Educational Software  337 - Textbooks	1. Benchmark Education Company, LLC <ul style="list-style-type: none"> <li>• Vendor #: BEN019000</li> <li>• Contract: 7000823 (Textbooks and Ancillary Materials)</li> <li>• Serves: Grades K-8</li> </ul> 1. <u>Cengage Learning, Inc</u> <ul style="list-style-type: none"> <li>• Vendor #: CEN001000</li> <li>• Contract:               <ul style="list-style-type: none"> <li>• R129201 (Software)</li> <li>• 7000835 (Textbooks and Ancillary Materials)</li> </ul> </li> <li>• Product: Panorama Science or Social Studies</li> <li>• Serves: Grades K-6</li> </ul> 1. Follett School Solutions, Inc. <ul style="list-style-type: none"> <li>• Vendor #: ECO004000</li> <li>• Contracts:               <ul style="list-style-type: none"> <li>• Library materials, books, materials</li> </ul> </li> </ul> 1. B2172FA

Usage Example	Description	Budget Code	Available Resources
			<ul style="list-style-type: none"> <li>2. B2172FC</li> <li>3. B2172FD</li> <li>4. B2172FE</li> <li>• Education Software               <ul style="list-style-type: none"> <li>1. R104801</li> </ul> </li> <li>• Textbooks and Ancillary Materials               <ul style="list-style-type: none"> <li>1. 7000948</li> </ul> </li> <li>2. Achieve3000               <ul style="list-style-type: none"> <li>• Vendor #: ACH020000</li> <li>• Contract: R104901</li> <li>• Product: Actively Learn Digital Curriculum</li> <li>• Serves: Grades 6-12</li> <li>• Famis Item Numbers:                   <ul style="list-style-type: none"> <li>• 800431022: Actively Learn Copyrighted texts</li> <li>• 800431030: Actively Learn Science per student</li> <li>• 800431049: Actively Learn Science cost per student when bundled with Actively Learn ELA</li> <li>• 800431057: Actively Learn Social Studies per student</li> <li>• 800431065: Actively Learn</li> </ul> </li> </ul> </li> </ul>

Usage Example	Description	Budget Code	Available Resources
			<p>Social Studies cost per student when bundled with Actively Learn ELA</p> <ul style="list-style-type: none"> <li>● 800431073: Actively Learn ELA per student</li> <li>● 800431081: Actively Learn ELA with Copyrighted texts per student</li> </ul> <p>3. Scholastic, Inc.</p> <ul style="list-style-type: none"> <li>● Vendor #: SCH100000</li> <li>● Contract: 7000974 or R107101</li> <li>● Product: W.O.R.D. <b>only</b></li> <li>● Serves: Grades K-5</li> <li>● <i>Scholastic W.O.R.D. (large school 500+ students)</i></li> <li>● Famis Item Number: 800378849 Vendor Catalog Number: 832396</li> <li>● Scholastic W.O.R.D. (medium school 250-499 students)</li> <li>● Famis Item Number: 800378830 Vendor Catalog Number: 832395</li> <li>● Scholastic W.O.R.D. (small school 101-249 students)</li> </ul>

Usage Example	Description	Budget Code	Available Resources
			Famis Item Number: 800378822 Vendor Catalog Number: 832394
Digital Printing	Design, ADA remediation, and digital production of resources	615 – Printing Services	1. Vanguard Direct <ul style="list-style-type: none"> <li>• Vendor #: VAN043000</li> </ul> Contract: CITY046

\*\*All MTAC procurement should follow MTAC bidding guidelines.

## Documentation

### 32. What type of documentation should my school maintain as evidence of our Title III LEP program?

#### Parent Notification

Schools must maintain evidence of parent engagement/notification regarding Title III programs.

Examples include:

- Evidence that parents have been informed of the supplemental program.
- Copies of dated, translated letters sent to parents
- The description of the Title III LEP program should match the description in the narrative in the approved plan
- Parent letters should be accurate, up to date and reflective of current school year
- Letters must reference that it is a Title III program. It should not reference NCLB or other policies that are not current
- Copies of any school-developed needs assessment surveys for parents/families

#### Evidence of ELLs Served

Schools must maintain evidence of ELLs served for each Title III LEP supplemental program class.

Examples include:

- Title III LEP Supplemental Program Student Rosters, Proficiency Levels, and Attendance Sheets
- Student rosters should clearly include the name/s of the Title III teacher/s serving the students
- Student Roster should include ELL proficiency level
- Student Roster should include attendance for each date the program has taken place
- There should be one attendance sheet for each class, reflective of all the dates the program has run to date. Attendance should be indicated for each student



- The dates/ times of the program should match those included in the approved plan and in the parent letter

### **Teacher Certification**

All Title III LEP programs must be taught or cotaught by either an ESOL or bilingual certified teacher and must be described in the program narrative. For each teacher serving in the Title III LEP program maintain:

- Copy of the teacher certification (ESOL or bilingual education) or screenshot from the TEACH website indicating the teacher and evidence of the certification
- Certifications for the teachers provided must match those described in the approved plan
- Per Session Time Sheets
- For each teacher serving the Title III LEP program maintain timesheets for each pay period.
- The timesheets submitted must match the dates and times of the supplemental program for students
- The timesheets should be included for all processed time to date for each teacher
- The timesheets should be reflective of the approved plan.

### **Parental Engagement**

- Record of each activity that has taken place (attendance sheets, invitations, translations, evidence of interpretation, powerpoints)

### **Professional Development**

- Record of each activity that has taken place (attendance sheets for professional development events including teachers that attended, dates, times, duration of session)
- Powerpoint or other PD materials

### **OTPS**

- All purchase orders and invoices to date
- OTPS Purchase orders and invoices should reflect the approved plan

## Required ELL Assessments

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

### NYSITELL

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

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

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

- Level I
  - Grade K: June 1–January 31
- Level II
  - Grade K: February 1–June 30
  - Grade 1: July 15–January 31
- Level III
  - Grade 1: February 1–June 30
  - Grade 2: July 15–June 30
  - Grade 3: July 15–January 31
- Level IV
  - Grade 3: February 1–June 30
  - Grade 4: July 15–January 31



- Level V
  - Grade 4: February 1 – June 30
  - Grade 5: July 15– January 31
- Level VI
  - Grade 5: February 1–June 30
  - Grade 6: July 15–June 30
  - Grade 7: July 15–January 31
- Level VII
  - Grade 7: February 1–June 30
  - Grade 8: July 15–June 30
  - Grade 9: July 15–January 31
- Level VII
  - Grade 9: February 1–June 30
  - Grades 10-12: July 15–June 30

**Figure 27: NYSITELL Levels by Grade**

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

For more information about the NYSITELL, see NYSED’s [website](#) on the NYSITELL.



## NYSITELL Administration and Provision of Mandated 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 the initial enrollment for new students (20 school days for students entering with IEPs).

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

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

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

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

- Administration of the Home Language Identification Survey
- Administration of NYSITELL
- Cultural competency, language development, and needs of MLs/ELLs.

Please see the [NYSITELL InfoHub](#) for more information on NYSITELL eligibility and administration.

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

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



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

## Spanish LAB

The [Spanish LAB](#) is administered to all newly admitted students 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 bilingual education programs. English-proficient students in Chinese DLBE 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 NYC DOE’s testing calendar for specific dates and times.

## NYSESLAT

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

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

If 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.

## NYSESLAT Administration Best Practices Overview & Planning Checklist for Principals

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 development and to determine continued eligibility for ELL services. For students to receive a valid score, schools must administer all sections (speaking, reading, listening, and writing) of the NYSESLAT to students. The NYSESLAT is administered from April to May. See the [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:

### Identify coordinator(s)

Principals should identify an individual(s) to coordinate and execute the NYSESLAT administration. This might be the school's testing coordinator, and/or an ELL coordinator, certified teacher, or administrator. The individual(s) should annually attend:

- The Office of Assessment Spring Test Coordinator Training that covers NYSED and NYC DOE Policy regarding school operations, test security, and test administration for state assessments administered in the spring.
- NYSESLAT administration and scoring training provided by your district and be familiar with NYSED's NYSESLAT [School Administrator Manual](#). Contact your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#) for more information.

### Identify eligible students

Download the [ATS NYSESLAT Eligibility Roster \(RLER\) for a list of](#) NYSESLAT-eligible students required to take the NYSESLAT this spring. Note the number of NYSESLAT-eligible students at your school.

- Refer to your monthly [ELL Data Update Report \(EDUR\)](#) to correct any missing data first. Eligible ELLs will be missing from ATS RLER if there are incorrect home language codes, LEP flags, or grade levels.
- Identify students who reentered NYC 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.
- Do not administer the NYSESLAT to students who were identified as English-proficient, but current ATS ELL/LEP codes indicate otherwise or to students who, as a result of the Language Proficiency Team process for students entering with IEPs, were not eligible for the NYSITELL.

## Inform families

Parents/guardians should also be informed of the dates of NYSESLAT testing and the purpose of the test. They should also be notified of the prohibition of all cell phones and other electronic devices during testing.

- Use [ATS RAPL](#) or [NYCSA](#) to identify the preferred language of communication of families.
- Provide the [NYSESLAT Parent Guide](#) in the family's preferred language, and/or call the families using appropriate interpretation services. For any NYSESLAT-eligible students who have long-term absences, call their parents/guardians to ensure students are present during scheduled exam times.

For more information on translation and interpretation resources, refer to the [InfoHub](#).

## Ensure you have sufficient test materials

Upon receipt of your [NYSESLAT](#) materials, count the number of booklets. Schools print answer documents from the LTPR screen in ATS; for more information see the Scanning Handbook.

- If you do not have sufficient numbers of materials, contact your [Borough Assessment Implementation Director \(BAID\)](#).

## Design schedule

Considerations while designing an administration schedule:

- How many ELLs in each grade band are testing?
- Review testing accommodations for students with IEPs and 504 Plans. How does your plan for grouping students or usage of space incorporate these accommodations? For further information on testing accommodations for ELLs, see [NYSESLAT's ELL/ML Assessment & Testing Accommodations page](#). You may also refer to a list of NYS approved accommodations that can be found in the [School Administrator's Manual \(SAM\)](#) for each respective test.
- What space is available for testing?
- To administer the speaking subtest during the administration window, assign enough staff members and adjust your school schedule as necessary to ensure that you can administer all NYSESLAT-eligible students the speaking subtest during the administration window.
- NYSED recommends that the administration of the NYSESLAT be broken up into multiple days to minimize student fatigue. The testing days need not be consecutive if they are within the appropriate testing window for the NYSESLAT.
- Please be mindful of the students observing Ramadan (if it overlaps with test administration)
- Note that staff members administering the NYSESLAT are not required to hold a bilingual or ESOL license but must be able to carry out standard examination procedures, including the provision of testing accommodations, and must have been trained in administering the NYSESLAT. Ensure that your school has a plan for continuity of instruction.

**Note:** Schools should maximize instruction time and substitute teachers to decrease loss of instructional time during the testing window. ELLs and former ELLs are required to receive their [NYS Commissioner's Regulation \(CR\) Part 154 mandated stand-alone and integrated ENL services](#) during the testing window. It is recommended that short-term substitutes with an ESOL license cover ENL services to the extent possible.

- Train test proctors and scorers. Certified teachers and administrators can attend a professional learning on the NYSESLAT administration and scoring to become proctors. Once a school-based coordinator has attended a district session, they may provide a turnkey training to additional teachers or administrators.
- The turnkey training for the scoring of the NYSESLAT Speaking and Writing components consists of these [NYSESED modules](#); this is the official resource for school-level turnkey trainings.
- The student's teacher (ENL, Bilingual, or Classroom Teacher) does not need to administer the NYSESLAT. Consider providing training to any certified teacher or administrator. Start with teachers with whom the students might already be comfortable to decrease test anxiety. Considered this for the administration of the individually administered Speaking portion.

### Track Completion & 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.

### Secure test materials

Always keep testing materials in a locked location. Teachers cannot take test materials home for scoring. Consider providing a locked location that multiple staff can access so that if an individual must quarantine, others can still access the materials.

### NYSESLAT Frequently Asked Questions

#### General

Can the NYSESLAT be administered remotely?

No, the NYSESLAT must be administered in person.

When are exam make-up days?

The make-up date(s) can be any time within the designated testing period. Make-ups for any session may not be administered after the last day of NYSESLAT administration (May 24, 2024). Any student who is absent for any session of the assessment and does not make up that part will not receive an overall scale score or proficiency level for the test.



How many modalities can a student be tested on one day?

NYSED recommends that the administration of the NYSESLAT be broken up into multiple days to minimize student fatigue. The testing days need not be consecutive if they are within the appropriate testing window for the NYSESLAT.

Can the test be administered during afterschool programs?

No. The test must be administered during regular school hours of a school day.

What accommodations for ELLs with IEPs need to be considered in the schedule?

In general, students with disabilities must be provided with the testing accommodations specified in their IEPs or 504 Plans when taking these tests, with the following exception: in the Writing section, students may not receive assistance with, or have their responses corrected for, spelling, grammar, paragraphing, or punctuation. See the [NYC DOE NYSESLAT Assessment Memorandum](#) for more information.

When will the exams be delivered to schools?

NYSED/Metritech delivers all NYSESLAT test materials via UPS. For more details, see the [NYC DOE NYSESLAT Assessment Memorandum](#).

## Staffing

Can ENL teachers proctor the NYSESLAT instead of providing stand-alone or integrated ENL instruction?

Current and former ELLs must still receive mandated stand-alone and integrated ENL instruction during the testing window. Efforts must be made to ensure that the testing and proctoring schedule allows the assigned ENL provider to continue providing the mandated ENL services as much as possible. For those limited situations in which this is not possible, schools should plan continued support that may include short-term substitute teachers to provide mandated services.

Can schools use a substitute teacher, with a valid NYS certification, to proctor and score the NYSESLAT?

Yes, certified substitute teachers that have attended a NYSESLAT training and are familiar with NYSED's administration manual are allowed to administer the NYSESLAT; however, it is recommended that if a substitute teacher is available, they are used to cover an instructional period to allow a different, full-time teacher to administer the exam.

## Answer sheets

Who can schools contact for support with printing of NYSESLAT scoring sheets?

For support with printing scoring sheets, schools can contact their [Borough Assessment Implementation Director \(BAID\)](#).



Will there be an option to bubble in on the student answer document for both refusal to test and absent on test?

Students cannot refuse to test. As outlined in the NYSED [School Administrator Manual](#), schools must administer the NYSESLAT to all ELLs in Grades K–12 regardless of their classification as a student with a disability, or number of years of service.

## Scoring

Who will score the assessments?

Schools score NYSESLAT in-house by printing answer documents from ATS and scanning completed answer documents into ATS. NYSED scoring rules require that a teacher who is not the student’s teacher of English as a New Language (ENL) or English language Arts (ELA) score the Speaking session. The kindergarten test will include eight short constructed-response writing tasks. No one teacher is to score more than three of these. For 1-12 grades, each session contains one constructed-response writing task. No one teacher is to score more than one constructed-response prompt. No teacher who is a student’s English as a New Language (ENL) or English Language Arts (ELA) teacher may score any of the constructed-response questions in that student’s test booklets. The principal is responsible for making the final determination as to whether a teacher may score specific students’ responses based on this scoring policy.

Can teachers score the exams at home?

No. No one may take test materials out of schools except to transport them directly from one NYC DOE building to another. Place all test books in a secure, locked facility before and after administration. All books are secure, and no books may be used for instruction or professional development after the administration and scoring of these tests. You may not make copies of any tests; to do so is a violation of copyright laws and may invalidate test results.

How can a school score the writing/speaking if there are not enough teachers in the building to score the exams?

Schools can train additional certified teachers and administrators by having them attending a NYC DOE training or turnkey training provided by school staff. Teachers do not need to have an ESOL certification. Turnkey trainings can be provided remotely.

Can schools use their own funding to pay per-session for scoring?

Yes, schools can use their own funding to pay per-session for scoring. Please note NYSESLAT administration and scoring is not a Title III permissible activity since it is mandated and not supplemental.



## Scanning

How can I ensure students' results were properly captured after scanning?

Schools should run LTDS after scanning each batch to verify data was properly captured.

- Page status for a tested document should reflect "ANS", indicating responses were captured.
- Page status for an untested student should reflect the reason not tested.
- Missing scores for Writing/Speaking will generate Error Code 054 - *Missing Answers in Speaking or Writing*.
- All teacher scored items must have a response bubbled; bubble the score and re-scan.

## Health and Safety

What happens if a school goes fully remote during the testing window?

If a building closes on an administration date, schools can reschedule the test on a school day within the test administration window.

What if a student misses a testing administration day due to illness or quarantine?

Individual students who are absent on their test administration day can be rescheduled to test on any school day within the test administration window. Make-ups must be given within the test administration window.

What will happen if staff administering the NYSESLAT or responsible for printing or scanning testing documents are ill or goes into quarantine during the testing window?

Prepare for multiple contingencies by selecting staff intentionally. This can include an administrator, a testing coordinator, and/or an ELL coordinator (if your school does not have an ELL coordinator, consider including an ENL teacher or another certified teacher). They must attend a NYSESLAT administration and scoring training provided by your district, be familiar with NYSED's [School Administrator Manual](#), and be prepared to complete all tasks required for administration and scoring. Schools should also ensure that multiple teachers on different grade levels with NYSESLAT test takers attend a district training or turnkey training provided by in school staff.

## Families

How are families being informed about NYSESLAT administration and the implications of the exam?

Schools should provide families with the [NYSESLAT Parent Guide](#) in the family's preferred language, and or/call the families using appropriate interpretation services. For more information on translation and interpretation resources, see the [InfoHub](#). Schools should keep records of outreach conducted.





How are families being informed of the results of the NYSESLAT?

Schools must notify families of the NYSESLAT results. Schools can send either [the continued entitlement letter \(after NYSESLAT\) or the non-entitlement letter \(after NYSESLAT\)](#) and should keep copies of the letters in the student's cumulative folder.

In addition, schools can also share NYSED's [Parent Guide to Understanding the NYSESLAT Score Report](#) which is currently available in English, Spanish, Chinese, Arabic, Russian, and Bengali.

### 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.

In what grade should students eligible for alternate assessments be administered the NYSESLAT?

For NYSESLAT administration purposes, students eligible for alternate assessments are considered ungraded. Therefore, the grade bubbled in on the answer document should be based on the [NYSAA Birthdate Ranges for Students with Disabilities 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 [Birthdate Ranges for Students with Disabilities Chart](#).

For general information about administering the NYSESLAT, including rubrics, see the [School Administrator Manual](#). For information on NYC-specific administration and scoring procedures, see the [NYSESLAT memo](#). For questions regarding NYSESLAT administration or materials, contact your [Borough Assessment Implementation Director \(BAID\)](#). For questions regarding ELL policy, contact your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#).

## Optional ELL Assessments

Below are some assessments that are optional for different groups of ELLs. The assessments are the ELL Periodic Assessment and the Spanish Language Assessment NYC Performance Task.

### 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 ELLs 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 ELLs 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 windows:

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

For specific dates or more information, see the [Periodic Assessment InfoHub](#).

### Spanish Language Assessment NYC Performance Tasks (NYCPTs)

The Spanish Language Arts (SLA) Assessment NYC Performance Tasks (NYCPTs) is designed to provide teachers with information about their students' strengths and needs in Spanish literacy skills and academic language development. These assessments are open-ended, skills-based, and standards-aligned assessments that are administered three times during the school year. Teachers in Spanish bilingual programs can use the assessment data to monitor students' progress on the targeted skills addressed in the assessment and facilitate learning opportunities for students to transfer literacy skills between their home language and new language. The data can also help teachers strengthen the alignment between English Language Arts and Spanish Language Arts instruction for students in Spanish bilingual programs. Principals of Spanish bilingual programs can utilize the assessment data to identify grade- or school-wide instructional priorities to better support the instructional core for their schools.

The SLA NYCPT is available for grades K-12. Students are required to read a set of Spanish informational texts, identify, and analyze presented evidence, and then write evidence-based responses to text-based



prompts in Spanish. Reading is conducted through teacher read-aloud for kindergarten students, and student independent reading for grades 1 and 2. For grades K-2, a text is read aloud to the class, with additional texts read independently in grades 1 and 2. Students in grades 3-12 independently read 2-3 passages about a theme or topic. After reading all texts, students complete an independent writing task in the genre of informational writing for grades K-2, opinion writing for grades 3-5, and argument writing for grades 6-12.

Schools with a Spanish bilingual program should consider administering both the SLA and ELA NYCPTs. These two assessments share similar structure in design and administration format and are grounded in familiar classroom activities such as read-aloud for grades K-2; both students and teachers do not need to learn new processes for the SLA NYCPT, if they are already familiar with the ELA NYCPT. However, unlike ELA NYCPTs, the SLA NYCPTs do not require answer sheet scanning. Teachers score student responses using the last page of each student booklet before manually entering scores online in Schoolnet.

For more information including administration dates, see the [Periodic Assessment InfoHub](#). For questions, email [periodicassessment@schools.nyc.gov](mailto:periodicassessment@schools.nyc.gov).

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

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

### Helpful Hints: Business Rules for Calculating Months Enrolled in a United States School System (USSS)

- Admission/discharge on the same day = no enrollment.
- 1 day of enrollment in the month = 1 month of enrollment.
- If the student is still active in September, count July and August as months of enrollment.
- Months in which students are enrolled as prekindergarten to grade 8 or ungraded elementary are counted toward determining ELA exemption status.
- If a student discharges to a non-US school, their enrollment in US schools does not start over. Upon discharge, the months of enrollment will stop accruing and when they re-enroll in NYCDOE, their months of enrollment resume from where they left off.

The one-year exemption window does not have to be 12 consecutive months. In addition, students enrolled anytime during a month, including July and August, are considered enrolled for that month. As such, eligible students may be exempted from taking the ELA for the first year in which they are enrolled during the ELA test administration period. Such students may not be exempted in subsequent years, even if they have been enrolled in a USSS for less than 12 months. Months in which students are enrolled in a USSS as pre-kindergarten to grade 8 or ungraded elementary are counted toward this 12-month exemption window.

### Helpful Hints: UYRE function in ATS

The [UYRE function in ATS](#) calculates the total years a student has been enrolled in NYC public schools (accounting for discharges). This information is used to determine an ELL's eligibility for exemption from the NYS ELA test and to determine an ELL's promotion criteria. Schools should run the RETT report in ATS for a list of students who may be exempt.



Examples:

1. An ELL 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 enrolls for the first time in a United States school in grade 3 on May 1, 2014 and does not end enrollment. The student may be exempted from taking the NYS ELA test in 2014–15, as the student has only been enrolled in a school in the United States for 11 months, May 1, 2014 – March 31, 2015. (Note that April 2015 is not counted in determining if the student has been enrolled for 12 months in a school in the United States.)

There are no Regents exemptions permitted based on ELL status. For more information, refer to the [High School Academic Policy Guide](#).

## ELL Testing Accommodations

All ELLs and former ELLs for up to two years after testing out are eligible for ELL testing accommodations, in addition to any accommodations on their IEPs or 504 Plans, if applicable. Schools should determine which accommodations are required to maximize the potential for achievement on all exams for each ELL at the beginning of the school year. ELLs are entitled to using those accommodations for most assessments, including those that are teacher-made and State-mandated. ELLs are not entitled to ELL testing accommodations on the NYSESLAT (unless the student has an IEP).

Schools may provide testing accommodations to ELLs, as needed, on all NYS ELA and content-area assessments (meaning, mathematics, science, and social studies). Schools must make all necessary arrangements to make these accommodations available for ELLs who need them.

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 ELLs on NYS ELA and content-area assessments and Regents examinations. Principals may use any reasonable extensions, such as "time and a half" (the required testing time plus half that amount), in accordance with their best judgment about the needs of the ELLs. 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 ELLs. NYS assessments may be administered to ELLs individually or in small groups in a separate location.
- **Third reading of listening selection (English Language Arts exams only):** Proctors may read the listening passage three times to ELLs on grades 3-8 English Language Arts assessments and the Regents Comprehensive Examination in English.
- **Bilingual dictionaries and/or glossaries:** ELLs may use bilingual glossaries when taking State examinations in all subjects except world languages, formerly languages other than English exams (LOTE). The bilingual dictionaries and glossaries may provide only direct one-to-one translations of words. Bilingual dictionaries and/or glossaries that provide definitions or explanations are not permitted. Bilingual glossaries in the content areas are available for download.
- **Simultaneous use of English and alternative language editions are not allowed for English Language Arts examinations.** For state examinations for which SED provides written translations, ELLs may use both English and an alternative language edition of the test simultaneously. However, they should be instructed to record all 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 ELLs with an oral translation of a state examination when there is no translated edition provided by SED. All translations must be oral, direct translations of the English editions. Written translations are not allowed. No clarifications or explanations may

be provided. Translators should receive copies of the English edition of the tests one hour before administration.

- **Writing responses in the home language is not allowed for English Language Arts examinations.** ELLs making use of alternative language editions or oral translations of state examinations may write their responses to the open-ended question in their home languages. Scoring the tests is the responsibility of the school.
- **Next-Day completion of Testing.** ELLs who have been granted the accommodation of extended time and are scheduled to take two Regents Examinations on the same day may be approved by the school principal for the accommodation of Next-Day Completion of a Regents Examination. If Next-Day Completion is approved by the school principal, the student must complete the entire morning examination and at least the first part (Part 1 or Part A) of the afternoon examination on the date the Department scheduled the administration of those examinations. The student must then complete the remainder of the afternoon examination on the next school day. Prior to administration, the school principal must complete and submit to NYSED OSA an Assurance form. For additional information, refer to this [NYSED memo](#) and [FAQ on Next-Day Completion of Testing for ELLs on Regents Administration](#).

#### **Helpful Hint: NYSED Approved Accommodations for ELLs**

A list of NYSED approved accommodations may be found in the School Administrator's Manual (SAM) for each respective test. For a comprehensive list of ELL testing accommodations, see [NYSED's website](#) and scroll down for testing accommodations.

## Tiered Supports and Interventions for ELLs (MTSS, RTI, and AIS)

For each English language learner who scores below expected levels of performance on outcomes-based measures, such as the annual English language proficiency (NYSESLAT) or ELA and math assessments, or on literacy and math screening measures, such as Acadience, NWEA MAP Growth, or Renaissance STAR, the school must determine additional supports 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)
- Results on the annual English language proficiency assessment exam (NYSESLAT)
- Information from the bilingual education or English as a New Language teacher
- Information from a content area teacher
- Information from the parent or guardian
- Samples of student work in English and, if possible, in the home language

Additional supports and interventions should not be withheld from a student based on English proficiency. The supports or interventions provided should be based on the specific skills or needs that have been identified for further support, accompanied by progress monitoring of those targeted areas, with frequency and intensity adjusted based on student response to instruction (RTI).

**Note:** When considering whether to refer a student for initial evaluation — or upon receipt of a parent’s initial referral — the principal should ensure that sufficient consideration has been given to alternatives to special education, including academic intervention services, response to intervention (RtI), and more intensive instruction. Considering these alternatives should not delay making or recording the initial referral, obtaining parental consent for initial evaluation, or the initial evaluation process.

For more information, refer to the “Consideration of Alternative Strategies” section of the [Special Education Standard Operating Procedures Manual](#) and [the guidance](#) provided by New York State Education Department.





## Professional Development

Per NYSED, each school must provide professional development to all teachers and administrators that specifically address the needs of English language learners.

A minimum of fifteen percent (15%) of the 100 required professional development hours for all teachers who hold a professional license prescribed by CR Part 80 must be dedicated to language acquisition, including a focus on best practices for co-teaching strategies and integrating language and content instruction for English language learners.

For all bilingual and English as a New Language teachers who hold a professional license, a minimum of fifty percent (50%) of the required professional development hours must be dedicated to language acquisition in alignment with core content area instruction, including a focus on best practices for co-teaching strategies and integrating language and content instruction for English language learners.

## Promotion and Graduation Requirements

### Grades K-8

NYC promotion standards are outlined in [Chancellor's Regulation A-501](#). Additional information regarding how these policies pertain to ELLs is described in the [Promotion Implementation Guide](#), as well as in the [Elementary and Middle School Academic Policy Guides](#).

### High School Credit Accumulation and Graduation Requirements

There are some policies that schools should pay particular attention to when scheduling ELLs and considering graduation requirements. While all ELLs are expected to fulfill the course and exam requirements necessary to earn a diploma in New York State, some students are entitled to services and supports, including testing accommodations.

In addition, ELLs who enroll in any United States school for the first time in grades 9-12 and who meet other specific eligibility requirements may appeal to graduate with a lower score on the ELA exam. For more information, refer to the [High School Academic Policy Guide](#).

Also, note that students arriving from a foreign country may, in certain situations, receive credit for living and attending school in a country where a language other than English is spoken. See the [Transfer Student Toolkit](#) for information on this policy.

### Grade and Cohort Placement for ELLs

Like all students, English language learners are placed into graduation cohorts based on the first time they entered high school (or the equivalent) anywhere in the world. A student's cohort year is fixed and represents the student's entry into high school.

However, in special circumstances, an ELL can be placed in a cohort other than their actual high school entry year. This exception applies only to English language learners who fulfill certain criteria, outlined in the [High School Academic Policy Guide](#). Schools are encouraged to review these criteria and the policy to determine if an ELL would benefit from a change in cohort.

Though cohort year is locked at the end of a student's first year of NYC public high school based on their grade level in ATS, schools may request a change to a student's cohort using the [UGNO](#) command in ATS for the following reasons:

- The student's cohort does not accurately reflect their ninth-grade entry year due to error (for example, the student was assigned to an incorrect grade level at the end of the school year).
- The student is a transfer student whose cohort was locked before the receipt of adequate academic records to make a grade level determination, recognizing the guidelines provided in Chancellor's Regulation A-101.

- The student is an English language learner who fulfills the criteria below. In this case, the school may make a one-time request to move the student to the cohort corresponding to the year before their ninth-grade entry year, provided that:
- The student has never had such a request granted before;
- The student was newly arrived in the United States in their first year of high school and placed directly into ninth grade;
- The student is in exactly their second year of enrollment in high school;
- The student is an English language learner and has a low level of literacy in their native language; and
- The school has determined, before the end of the second year of enrollment, that the proper grade level of the student is still ninth grade.

UGNO requests must be accompanied by an explanation in the comment field. Note that students may not be assigned to cohorts whose four-year graduation rate has already been reported to New York State and on the Progress Report (meaning, “closed cohorts”). See [Graduation Accountability](#) for more information.

### **New Arrival ELA Appeal**

English Language Learners (ELLs) who entered the United States for the first time in grades 9–12 can appeal to graduate with a score of 55–59 on the ELA Regents exam. ELLs can earn a local diploma if they successfully appeal a score of 55–59 on the ELA Regents exam and score a 65 or above on the four remaining exams; or successfully appeal a score of 55–59 on the ELA Regents exam and successfully appeal one other exam score of 60 to 64 and score 65 or above on the remaining three exams.

In addition, the Low Score Appeal is an appeal to graduate with a score of 60–64 on Regents Exams. In March 2016, the New York State Board of Regents passed an [emergency amendment](#) to State Commissioner’s Regulations Section 100.5 that allows students to appeal scores of 60–64 (expanded from 62–64) on up to two Regents examinations, provided that they pass the remaining Regents exams with a score of 65 or above and meet the additional criteria. Students can earn a Regents diploma if they successfully appeal one exam score of 60–64 and have a score of 65 or above on the four remaining exams; students can earn a local diploma if they successfully appeal two exam scores of 60–64 and have a score of 65 or above on the three remaining exams.

For more information, on this and other high school academic policies, refer to the [Appeal to Graduate with Low Scores on Regents Examinations](#) document and other pertinent documents on the [Academic Policy Resources InfoHub](#).



## School Resources

- [10 ELL-Related Items for a Successful Start of the School Year](#)
- [10 Steps for ML/ELL Data Verification, Review, and Update](#)
- [SY 2023-24 School ELL Compliance Calendar](#)

## 10 ELL-Related Items for a Successful Start of the School Year

Review the relevant sections in the [Policy and Reference Guide for MLs/ELLs](#) for in-depth information on the items listed below. For ELL-related matters, contact your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#).

### 1. Establish ELL identification team and systems to form Language Proficiency Teams (LPTs) to ensure identification processes are completed.

- Establish a team of trained pedagogues responsible for implementing the ELL identification process year-round. This includes in-person completion of the Home Language Identification Survey (HLIS), New York State Identification Test for English Language Learners (NYSITELL) administration, Spanish Language Assessment Battery (LAB) administration (for students with Spanish as their home language), sending parent notifications, holding parent orientations, and placing students into an ELL program.
- Identify staff who can serve on Language Proficiency Teams (LPTs) to assess NYSITELL eligibility for incoming students with Individualized Education Programs (IEPs).
- Develop a plan to provide translation & interpretation for families.
  - Ensure you have a list of pedagogues that speak languages other than English that can interpret during the individual interview (as part of the HLIS). Only licensed and trained pedagogues may conduct the individual interview and determine the home language code of the student.
  - When staff is not available to interpret, refer to NYC DOE’s [language access supports](#) for over-the-phone interpretation.
- Train multiple teachers in NYSITELL administration to ensure continuity of instruction. Reach out to your district for training opportunities.
- Determine who will administer and scan the NYSITELL and Spanish LAB.
- Mandated ELL services must be maintained throughout the identification process;** establish a plan to ensure students continue to receive ELL instruction.

#### Relevant resources:

- [NYSED Guidance: Determining English Language Learner/Multilingual Learner \(ELL/MLL\) Status of and Services for Students with Disabilities](#)
- [Language Access Supports](#)
- [ELL Policy Guidance SharePoint](#)

## 2. Determine NYSITELL eligibility for students with a home language other than English.

- Ensure that **all** newly enrolled students are administered the HLIS in person.
- Once the HLIS has been administered in person by a licensed and trained pedagogue:
  - Enter a valid home language code from the HLIS into ATS for all students.
  - Update the HLIS flag in the ATS BIOU screen to “Y” for all students.
- Determine NYSITELL eligibility for students whose home language is not English.
  - This includes a mandated individual interview and review of any work to determine NYSITELL eligibility.
  - For incoming students with IEPs, convene the LPT to determine NYSITELL eligibility and convey recommendations to the principal.

### Relevant resources:

- [ELL Policy Guidance SharePoint](#)
- [Parent Notification Letter InfoHub](#)
- [NYSED Guidance: Determining English Language Learner/Multilingual Learner \(ELL/MLL\) Status of and Services for Students with Disabilities](#)
- [Language Proficiency Team InfoHub](#)

## 3. Administer the NYSITELL and Spanish LAB to eligible students.

- Ensure that your school has sufficient NYSITELL and Spanish LAB exams. Contact your [Borough Assessment Implementation Director \(BAID\)](#) if you need extra exams right away.
- ELL services must be maintained throughout the testing period;** establish a plan to ensure students continue to receive ELL instruction during test administration.
- For students eligible to take the NYSITELL, print the NYSITELL via the [RLBA screen](#) in ATS.
- Administer the NYSITELL to eligible students following appropriate procedures.
- Scan the NYSITELL per procedures in the scanning [handbook](#).
- For students not eligible to take the NYSITELL, update the [ELLO](#) screen in ATS.

**Note:** The ELLO screen is only used for students whose home language is not English in instances where qualified personnel have determined the student does not need to be administered the NYSITELL and is not an ELL.

- Administer the Spanish LAB to newly identified ELLs whose home language is Spanish.
- Print the Spanish LAB answer documents via the RSLA screen in ATS.
- Scan the Spanish LAB per procedures in the [scanning handbook](#).

**Relevant resources:**

- [NYSITELL and Spanish LAB InfoHub](#)
- [Borough Assessment Implementation Directors](#)

**4. Send and maintain copies of notification letters to parents/guardians.**

- Designated staff should send appropriate notification letters to parents/guardians in their preferred language:
  - Send entitlement/non-entitlement letters (after NYSITELL) within 5 school days of identification. Note: Entitlement letters also include the invitation to the parent orientation meeting.
  - Send continued entitlement letters (after NYSESLAT) for current ELLs.
  - Send non-entitlement letters (after NYSESLAT) for students who have exited ELL services and are now former ELLs.
- Maintain copies of parent notification letters (and translated versions) in the student's cumulative folder.

**Relevant resources:**

- [Parent Notification Letter InfoHub](#)

**5. Schedule parent orientation meetings and ensure the ELL Parent Survey and Agreement Form is completed.**

- Determine the pedagogue(s) that will conduct the parent orientation including interpretation support (if necessary). Parent orientations can continue to be conducted virtually.
- Ensure parents/guardians receive all documents in their preferred language.
- Ensure parents complete the [ELL Parent Survey and Agreement Form](#) within 5 school days of the parent orientation. Follow up with parents/guardians as necessary.
- After receipt of the [ELL Parent Survey and Agreement Form](#), send the [placement letter \(after parent survey\)](#).
- If the parent/guardian does not return the [ELL Parent Survey and Agreement form](#), send the [default program placement letter](#).
- Keep all documents, including agendas, parent attendance documents, and copies of parent notifications on file in the student's cumulative folder.

**Relevant resources:**

- [Parent Orientation Video](#)
- [Parent Notification Letters](#)

## 6. Update the ELPC or BNDC Screen with ELL program selection in ATS.

- Ensure your staff records parent selection information in the ELPC screen in ATS including whether the parent was provided with information about ELL programs. This information must typically be entered in ATS within 20 school days of enrollment; 30 school days of enrollment for incoming students with IEPs).

**Note:** Initial parent selection of the ELL program is entered through the [ELPC](#) screen in ATS. Though discouraged, subsequent changes to the parent selection can be updated on the [BNDC](#) screen. Documentation regarding any changes must be maintained in the student's cumulative folder.

## 7. Identify Students with Inconsistent/Interrupted Formal Education (SIFE).

- Schools must administer the [NYSED 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, [qualified personnel](#) must administer the NYSED [Multilingual Literacy SIFE Screener \(MLS\)](#) to determine SIFE status. The MLS is currently available in [these languages](#). Ensure interview notes, academic and assessment history, and work samples are collected and maintained in the student's cumulative folder.
- Administer the [SIFE writing screener](#) to determine the student's basic writing skills in their home language.
- [SIFE status](#) must be determined within 30 school days of enrollment and entered into the [BNDC](#) screen in ATS.

### Relevant resources:

- [NYSED SIFE Identification flowchart](#)
- [NYSED SIFE Q&A](#)
- [NYSED SIFE Resources](#)
- [SIFeshare](#)

## 8. Review Student Data and Program Students.

- Review students' latest NYSITELL or NYSESLAT scores as well as other relevant data.
- Program ELLs and former ELLs according to parent selection and [CR Part 154 requirements](#).
- Regardless of the ELL program type (dual language bilingual education, transitional bilingual education, or English as a New Language), all students must be programmed for [the minimum amount of minutes of English as a New Language \(ENL\)](#) as per CR Part 154.
- Schedule students for integrated ENL and stand-alone ENL based on grade and proficiency level.



- Program students who exit ELL status for 90 minutes per week of ENL or one of the options outlined in [Alternative Pathways for Former ELLs](#).
- Strategically program students so that teacher time is maximized in the classroom engaged in providing instruction to ensure that ELLs receive their full complement of mandated units of ENL and subject area content.
- Review staff certifications for personnel who can provide mandated ENL or bilingual services.
- Hire appropriately certified ENL and bilingual teachers.

#### Relevant Resources:

- [CR Part 154](#)
- [Programming ELLs in STARS Wiki](#)
- [Alternative Pathways to Support Former ELLs' Language Development and Academic Progress](#)

### 9. Plan for bilingual programs.

- Review [ELL Parent Survey and Agreement forms](#) and keep track of the number of parents that selected a bilingual program. Keep in mind that if families do not return the parent and survey agreement form, the default placement is a bilingual program.
- Create a plan if there are sufficient parent requests for a Dual Language Bilingual Education or Transitional Bilingual Education program. CR Part 154, as amended by the Aspira Consent Decree, requires that schools create bilingual programs if the thresholds below are met:
  - **Grades K-8:** 15 or more ELLs of the same home language in two contiguous grades.
  - **Grades 9-12:** 20 or more ELLs of the same home language in any single grade.

Please contact your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#) for more information.
- If parents request a bilingual program and one is not available at your school and your school does not meet the threshold to open a bilingual program, [follow the procedures to request an ELL bilingual program transfer](#).

### 10: Develop and finalize school-level plans to ensure the needs of ELLs and teachers are met.

- All schools are required to submit a Language Allocation Policy (LAP) for school year 2023-24. Principals must submit and certify a final plan that addresses the feedback provided by ML/ELL staff in iPlan by **October 27**.
- All schools that received Title III LEP funding should submit their plan in iPlan and ensure alignment with the requirements outlined in the School Allocation Memo. If this has not been completed, please contact your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#).



- Title III Immigrant funds will be distributed in Fall 2023. Schools that receive these funds will have to develop and submit a plan in iPlan. Additional details will be shared in late Fall 2023.
- All schools should develop a professional development plan to ensure the following professional learning requirements are met for all teachers as per CR Part 154:
  - 15% of total hours of PD must be ELL-specific for all teachers
  - 50% of total hours of PD must be ELL-specific for bilingual education and ENL teachers
- Provide all staff with professional development on using student data to drive instruction, implement interventions, and create Title III plans if the school qualifies for funds.

**Relevant Resources:**

- [LAP InfoHub](#)
- [Title III InfoHub](#)

## 10 Steps for ELL Data Verification, Review, and Update

To ensure proper support is provided to schools (fiscal and other resources), NYC public schools must review and update their data as necessary to reflect accurate services provided to MLs/ELLs and former ELLs (for up to 2 years after exiting ELL status).

Please review the checklist below and update the data, as necessary. Schools should review all students' data in STARS and ATS on a regular basis to ensure accurate programming.

To facilitate this process, below is a checklist of items to review.

### Review and Update Items in ATS

1. Identify students who are entering NYC public schools and or were in an NYS public school within the past 2 years.
  - Next Steps:** These students must have their NYSITELL and NYSESLAT information (if available from the NYS public school outside of NYC public schools) entered into ATS; the student's ELL status will be automatically updated accordingly. Scores will change ELL status only for those students whose home language is other than English (HL code ≠ "NO").
2. Identify students who do not have a home language code.
  - Next Steps:** Enter the home language through [BIOU](#) or the [ELLO](#) screens based on the results of the Home Language Identification Survey. The HL code can be updated through the ELLO screen if the student is a new admit after July or a reentry student after being out of NYC public schools for more than 2 years. If the home language code was entered in error, please contact your [ML/ELL Director and/or ML/ELL Compliance Performance Specialist](#).
  - Next Steps:** Once the HLIS is formally administered, update the HLIS flag in the ATS BIOU screen to "Y."
3. Identify students who have a home language other than English but do not have English language development needs and should not take the NYSITELL. These students are not considered ELLs. This includes students without IEPs (via the mandated individual interview) and incoming students with IEPs whose NYSITELL eligibility was determined by the Language Proficiency Team (LPT), principal, and superintendent.
  - Next Steps:** Enter NYSITELL non-eligibility information into the [ELLO](#) screen.
4. Ensure all NYSITELL and Spanish LAB answer documents have been printed and scanned.
  - Next Steps:** Review and address any potential NYSITELL scanning errors through the [RLCB](#) report in ATS. Review the [NYSITELL InfoHub](#) for specific administration information, as necessary. Identify students whose parent selection/ELPC information has not been entered.

- **Next Steps:** Answer questions and update [ELPC](#) in ATS based on the initial parent survey completed within 10 school days of enrollment (20 school days for students with an IEP)
- 6. Identify students whose [SIFE status](#) needs to be determined and updated.
  - **Next Steps:** Update the [BNDC](#) screen in ATS to indicate if the student is a SIFE. SIFE status is only requested for newly admitted ELLs who have been in the US less than one year and are in grade 3 or above.
- 7. Identify students for whom an appeal on ELL status was requested within 45 days of initial or reentry determination as per the Re-Identification process.
  - **Next Steps:** Principals use the [RQSA](#) function in ATS to make the recommendation to reverse the ELL status; superintendents use the [RQGA](#) function to approve/disapprove.
- 8. Identify the number of teaching assistants/instructional paraprofessionals working under a licensed bilingual teacher and/or ENL teacher.
  - **Next Steps:** Update the [BNDC](#) screen in ATS. If there are no teaching assistants or paraprofessionals in this category, type zero (0) on the respective lines in [BNDC](#).

### Review and Update Items in STARS

- 9. Ensure all ELLs and former ELLs who tested out within the past 2 years have been scheduled for a minimum of ENL as per CR Part 154 mandates. Students who tested out of ELL status within the past 2 years should be scheduled for 90 minutes of integrated ENL OR one of the options outlined in the [Alternative Pathways for Former ELLs](#).
  - **Next Steps:** Schools should review all ELLs and former ELLs' STARS programming data to ensure full compliance with NYSED regulations.
  - Update STARS for any student who is receiving ENL but has not been scheduled for ENL in STARS. See [Programming English Language Learners in STARS](#).
- 10. Identify students who are enrolled in a bilingual program (dual language bilingual education or transitional bilingual education).
  - **Next Steps:** If your school offers a dual language (DLBE) or transitional bilingual education (TBE) program, you will need to first create the program in [STARS](#).
  - Once the program is set up, you will need to place the students in the program. MLs/ELLs (and non-ELLs in dual language bilingual education 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](#).



## SY 2023-24 School ELL Calendar

Select Month:

- [September](#)
- [October](#)
- [November](#)
- [December](#)
- [January](#)
- [February](#)
- [March](#)
- [April](#)
- [May](#)
- [June](#)
- [July](#)
- [August](#)

### Ongoing tasks throughout the entire school year

#### ELL Identification Procedures

- Administer the [Home Language Identification Survey \(HLIS\)](#) to all newly admitted students in grades K-12 to NYC public schools in the parents' preferred language.
- Form Language Proficiency Teams (LPTs) to determine NYSITELL eligibility for incoming students (grades K-12) with IEPs. See the [Language Proficiency Team Resources](#) InfoHub.
- Administer the NYSITELL to newly enrolled students whose home language is not English and are determined eligible for the [NYSITELL](#). Review NYSITELL-Eligibility report (RLER) which lists students who may be administered NYSITELL. Print the NYSITELL answer documents for eligible students using the [RLBA](#) function in ATS; enter information for ineligible students into the [ELLO](#) screen in ATS.
- Administer the [Spanish LAB](#) to newly identified ELLs whose home language is Spanish.
- Send [parent notification letters](#) to parents, including entitlement, non-entitlement, and continued entitlement letters.
- Invite parents of newly identified ELLs to parent orientation meetings to explain the ELL program options in NYC. Show [parent videos](#) in parents' preferred languages. Enter initial parent selection into the [ELPC](#) screen in ATS.
- Ensure that copies of the HLIS and notification letters sent to parents are maintained in the ELL Folder of Critical Documents. Place the HLIS, the ELL parent survey and program agreement, and parent notification letters in student cumulative folders.
- Identify Students with Inconsistent/Interrupted Formal Education (SIFE). Schools must administer the [NYSSED 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 [Multilingual Learner Literacy SIFE screener](#) to those students to determine SIFE status. SIFE status must be determined within 30 school days of enrollment and entered into the BNDC screen in ATS. Enter SIFE status within 30 school days into the [BNDC](#) screen.

## Data system updates

- Complete [ELPC](#) screen (in ATS) for all newly identified ELLs within 20 days of enrollment.
- Update [BNDC](#) screen (in ATS) for numbers of paraprofessionals working under the direction of a licensed ENL and/or bilingual teacher for academic purposes.

## Student Programming

- Schedule students based on grade/proficiency level. Refer to [CR Part 154 Unit of Study tables](#).
- Schedule ELLs for ENL, as necessary, based on spring NYSESLAT results (use RLAT report in ATS) and other available data (for example, NYSITELL for newly identified ELLs).
- 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 Bilingual Education, Transitional Bilingual Education, or ENL), all students must be programmed for [ENL](#) as per CR Part 154.

## Program Planning

- Plan for bilingual programs. Review ELL Parent Survey and Program Agreement forms; 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. Reach out to your [ML/ELL Director or ML/ELL Compliance Performance Specialist](#) for more information.
- Ensure your school has enough ENL teachers to serve all ELLs in a high-quality program that meets all requirements under CR Part 154.

## September

- Refer to [ongoing tasks throughout the school year](#) and complete ELL identification procedures, data system updates, student programming, and program planning, as necessary.
- Review Checklist of [10 ELL-Related Items for a Successful Start of the School Year](#).
- Ensure you have a test administration plan in place, including who will administer and scan the NYSITELL and Spanish LAB. Train multiple teachers on administration to ensure ELLs continue to receive instruction during testing.
- Students should be programmed in STARS by the first day of school. Make sure to update ENL and bilingual programming in STARS (if applicable).
- Update your Language Allocation Policy (LAP) based on ML/ELL staff feedback in the iPlan portal. Final plans are due by **October 27**.
- If applicable, update Title III LEP plans based on ML/ELL staff feedback in the iPlan portal. Final plans are due by **October 27**.
- Implement Title III LEP plans, as necessary. Make sure to notify parents/guardians regarding the Title III LEP program at your school. You may refer to the sample letter available on the [Title III Infohub](#).
- Administer [ELL Periodic Assessments](#).
- Plan for the implementation of testing accommodations for ELLs.
- Order translated versions of the math and other exams for grades 3 to 8 for ELLs as appropriate.
- Review monthly ELL Data Update Report (EDUR) and update ATS and STARS accordingly. Refer to [Unpacking the EDUR recorded module](#) for more information on interpreting the EDUR.

## October

- Refer to [ongoing tasks throughout the school year](#) and complete ELL identification procedures, data system updates, student programming, and program planning as necessary.
- Ensure final LAP and Title III LEP plans that incorporate ML/ELL staff feedback are submitted in the iPlan portal by **October 27**.
- Implement Title III LEP plans and ensure funds have been scheduled appropriately. Make sure to notify parents/guardians regarding the Title III LEP program at your school. You may refer to the sample letter available on the [Title III Infohub](#).
- If applicable, submit Title III Immigrant plans via the iPlan portal.
- Administer [ELL Periodic Assessments](#).
- Plan for the implementation of testing accommodations for ELLs.

- Order translated versions of the Regents exams for ELLs as appropriate for the January administration.
- If your school has a bilingual program, verify programming in STARS.
- Review monthly ELL Data Update Report (EDUR) and update ATS and STARS accordingly. Refer to [Unpacking the EDUR recorded module](#) for more information on interpreting the EDUR.

## November

- Refer to [ongoing tasks throughout the school year](#) and complete ELL identification procedures, data system updates, student programming, and program planning, as necessary.
- If your school has a bilingual program, verify programming in STARS.
- Plan for the implementation of testing accommodations for ELLs.
- Ensure that all Title III LEP funds have been scheduled appropriately, Title III LEP plans have been implemented and parents/guardians have been notified regarding Title III programs at your school.
- If applicable, submit a Title III Immigrant plan in the iPlan portal. Revise plan as needed to incorporate feedback.
- Monitor grant expenditures (for example, Title III LEP).
- Review monthly ELL Data Update Report (EDUR) and update ATS and STARS accordingly. Refer to [Unpacking the EDUR recorded module](#) for more information on interpreting the EDUR.
- Review ELL Data Analysis Tool (EDAT). Refer to [EDAT Walkthrough Recorded Module](#) for more information on interpreting the EDAT.

## December

- Refer to [ongoing tasks throughout the school year](#) and complete ELL identification procedures, data system updates, student programming, and program planning, as necessary.
- If applicable, submit a Title III Immigrant plan in the iPlan portal. Revise plan as needed to incorporate feedback.
- Ensure that all Title III funds have been scheduled appropriately and Title III plans have been implemented and funds are expended as per requirements outlined in the [School Allocation Memorandum](#).
- Review monthly ELL Data Update Report (EDUR) and update ATS and STARS accordingly. Refer to [Unpacking the EDUR recorded module](#) for more information on interpreting the EDUR.

## January

- Refer to [ongoing tasks throughout the school year](#) and complete ELL identification procedures, data system updates, student programming, and program planning, as necessary.



- Identify ELLs at risk for holdover. Review [promotional policy](#) for ELLs.
- Order NYSESLAT exams.
- Monitor grant expenditures (for example, Title III).
- Review monthly ELL Data Update Report (EDUR) and update ATS and STARS accordingly. Refer to [Unpacking the EDUR recorded module](#) for more information on interpreting the EDUR.

## February

- Refer to [ongoing tasks throughout the school year](#) and complete ELL identification procedures, data system updates, student programming, and program planning, as necessary.
- Administer [ELL Periodic Assessments](#).
- Order translated versions of the Regents exams for ELLs as appropriate for the June administration.
- Review monthly ELL Data Update Report (EDUR) and update ATS and STARS accordingly. Refer to [Unpacking the EDUR recorded module](#) for more information on interpreting the EDUR.

## March

- Refer to [ongoing tasks throughout the school year](#) and complete ELL identification procedures, data system updates, student programming, and program planning, as necessary.
- Administer [ELL Periodic Assessments](#).
- Prepare to administer the NYSESLAT. Ensure you have a test administration plan in place, including who will administer and scan the exam. Ensure multiple teachers are trained on test administration to ensure ELLs continue to receive instruction during testing.
- Ensure that all Title III funds have been scheduled appropriately and Title III plans have been implemented.
- Review monthly ELL Data Update Report (EDUR) and update ATS and STARS accordingly. Refer to [Unpacking the EDUR recorded module](#) for more information on interpreting the EDUR.

## April

- Refer to [ongoing tasks throughout the school year](#) and complete ELL identification procedures, data system updates, student programming, and program planning, as necessary.
- Administer the NYSESLAT.
- Ensure all translated versions of relevant NYS exams have been ordered.
- Monitor grant expenditures (for example, Title III).

- Analyze ELL data and trends in the ELL Data Analysis Tool (EDAT) to begin planning for the following year via the Language Allocation Policy (LAP). Refer to [EDAT Walkthrough Recorded Module](#) for more information on interpreting the EDAT.
- Review monthly ELL Data Update Report (EDUR) and update ATS and STARS accordingly. Refer to [Unpacking the EDUR recorded module](#) for more information on interpreting the EDUR.

## May

- Refer to [ongoing tasks throughout the school year](#) and complete ELL identification procedures, data system updates, student programming, and program planning, as necessary.
- Administer the NYSESLAT and begin scoring.
- Administer the Chinese Reading Test and Spanish Language Arts Assessment (SLA) as necessary.
- Review promotional policy for ELLs.
- Review monthly ELL Data Update Report (EDUR) and update ATS and STARS accordingly. Refer to [Unpacking the EDUR recorded module](#) for more information on interpreting the EDUR.
- Update LAP for the upcoming school year.

## June

- Refer to [ongoing tasks throughout the school year](#) and complete ELL identification procedures, data system updates, student programming, and program planning, as necessary.
- Begin (On June 1) administering the NYSITELL to students transitioning to kindergarten.
- Prepare for ELL Summer Enrichment programs.
- Identify ELLs mandated for summer school, prepare letters, and finalize programs.
- Initiate ELL teacher and student recruitment for next school year, as necessary.
- Review end of year summary ELL Data Update Report (EDUR).
- Submit a draft of Language Allocation Policy (LAP) for the upcoming school year in the iPlan portal.
- If applicable, submit Title III LEP plan in the iPlan portal.

## July

- Refer to [ongoing tasks throughout the school year](#) and complete ELL identification procedures, data system updates, student programming, and program planning, as necessary.
- Begin (July 15) administering the NYSITELL to students entering grades 1 to 12 in September.
- Commence summer programming for ELLs.
- If not already submitted, submit a draft of Language Allocation Policy (LAP) for the upcoming school year in the iPlan portal. Revise plan to incorporate any feedback from ML/ELL staff.

- If applicable, submit Title III LEP plan in the iPlan portal. Revise plan to incorporate any feedback from ML/ELL staff.
- Schedule Title III School budgets in Galaxy following the percent threshold recommendations in the [School Allocation Memorandum](#).
- Order translated versions of the Regents exams for ELLs as appropriate for the August administration.

## August

- Refer to and complete ELL identification procedures, data system updates, student programming, and program planning, as necessary.
- Begin (on July 15) administering the NYSITELL to students entering grades 1 to 12 in September.
- If not already submitted, submit a draft of Language Allocation Policy (LAP) for the upcoming school year in the iPlan portal. Revise plan to incorporate any feedback from ML/ELL staff.
- If applicable, submit Title III LEP plan in the iPlan portal. Revise plan to incorporate any feedback from ML/ELL staff.
- Students should be programmed in STARS by first day of school. Make sure to update ENL and bilingual programming in STARS.

## School Forms

- [Comprehensive Education Plan: Language Allocation Policy \(LAP\), Title III Plans](#)
- [ELL Identification Forms](#)
- [Bilingual Education Programs: Opening and Adjustment Protocols](#)
- [Parent Notification Letters](#)
- [Bilingual Program Transfer Request and Authorization Forms](#)

### Comprehensive Education Plan: Language Allocation Policy (LAP), Title III Plans

The Language Allocation Policy and Title III templates are available on the Infohub pages listed below. All plans must be submitted through the [iPlan portal](#).

#### Language Allocation Policy (LAP) Template

- Please refer to the [LAP template](#) available on the [Language Allocation Policy InfoHub](#).

#### Title III Templates

- Please refer to the [Title III LEP template](#) available on the [Title III InfoHub](#).
- Schools can also use [this sample letter](#) available on the [Title III InfoHub](#) to communicate with families regarding the school's Title III LEP program.

#### ELL Identification Forms

- [Parent/Guardian Home Language Identification Survey \(HLIS\)](#)
- [HLIS Individual Interview Sample Questions Grades K-1](#)
- [HLIS Individual Interview Sample Questions Grades 2-5](#)
- [HLIS Individual Interview Sample Questions Grades 6-8](#)
- [HLIS Individual Interview Sample Questions Grades 9-12](#)
- [Language Proficiency Team \(LPT\) NYSITELL Determination Form](#)
- [NYS Transfer ELL Data Request Form](#)

### Bilingual Education Program Opening and Adjustment Protocols

Please refer to the [Bilingual Education Program Opening and Adjustment Protocols](#) on the [Policy & Reference Guide InfoHub](#) for fillable versions of these forms:

- Opening New Bilingual Program (TBE/DLBE) Request Form
- Bilingual Program (TBE/DLBE) Adjustment Request Form

## Parent Notification Letters

Schools should refer to the [Parent Notifications InfoHub](#) to access translations or fillable versions of the letters to share with families. Schools must maintain copies of these parent notifications in the student's cumulative folder and in their *ELL Folder of Critical Documents*.

## Communicate NYSITELL results

These letters must be sent to parents/guardians within 5 days of ELL determination.

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

## Determine ELL program selection and communicate ELL placement

- ELL Parent Survey and Program Agreement
- Placement Letter (After Parent Survey)
- Default Program Placement Letter (Letter Not Returned from Parent)

## Communicate NYSESLAT Results

- Continued Entitlement Letter (after NYSESLAT)
- Exit/Non-Entitlement Letter (after NYSESLAT)

## Bilingual Program Transfer Forms

Schools should refer to the [Bilingual Program Transfers Infohub](#) to access translations or fillable versions of the forms below to share with families.

- Family Request for Bilingual Program Transfer
- Family Authorization for Bilingual Program Transfer

## HLIS Individual Interview Sample Questions

### HLIS Individual Interview Sample Questions Grades K-1

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?

## HLIS Individual Interview Sample Questions Grades 2-5

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?

## HLIS Individual Interview Sample Questions Grades 6-8

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?



## HLIS Individual Interview Sample Questions Grades 9-12

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?

## Superintendent Resources

### NYSITELL Determination Template Letters

Please refer to the [Language Proficiency Team Resources InfoHub](#) for template letters that include the following:

- Superintendent Approval Letters indicating NYSITELL should **not** be administered
- Letter to Parent or Guardian (translated into 9 DOE supported languages)
- Letter to School
- Superintendent Denial Letters indicating NYSITELL should be administered
- Letter to Parent or Guardian (translated into 9 DOE supported languages)
- Letter to School

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