Updated: May 2015
(Effective: July 1, 2015 unless otherwise noted)
LIMITATIONS ON THE USE OF THIS GUIDE AND DISCLAIMER

The purpose of this *ELL Policy Reference Guide* is to provide support and guidance to the management and staff of the New York City Department of Education. Nothing in this guide is intended to create nor does it create any enforceable rights, remedies, entitlements, or obligations. The Department reserves its right to change or suspend any or all parts of this guide. This guide is a compilation of current New York State and New York City English language learner policy guidance for the 2015-16 school year. The policies set forth are in effect as of July 1, 2015 unless otherwise noted. For the most recent version of this document, visit [https://intranet.nycboe.net/SpecialPopulations/ELL/Resources/ellpolicybrief.htm](https://intranet.nycboe.net/SpecialPopulations/ELL/Resources/ellpolicybrief.htm).


For support with implementing the policies described in this document, please contact your senior ELL compliance and performance specialist or contact the Department of English Language Learners and Student Support at [DELLSS@schools.nyc.gov](mailto:DELLSS@schools.nyc.gov).
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Dear Colleagues:

The Department of English Language Learners and Student Support (DELLSS) is excited to present to you the English Language Learner Policy and Reference Guide for New York City public schools. In this first-ever comprehensive guide for educators of English language learners (ELL), we have captured all the critical federal, state, and city regulations that govern the education of ELLs. It also includes the newly amended New York State Commissioner’s Regulations (CR) Part 154 which establishes the legal requirements for the education of ELLs in NYS. This guide should be used as a resource and kept nearby for frequent referencing when planning high-quality services and support for your ELLs.

As educators, we know that there is one thing that is universal to all parents regardless of where they come from or the language they speak at home: parents want their children to succeed in school. Our goal to provide pathways for students to become college- and career-ready is now more attainable than ever before. Chancellor Fariña is committed to bringing all partners to the table by fostering collaboration and out-of-the-box thinking that will ensure positive outcomes for ELLs.

As you develop your plan for ELLs (e.g., through the Language Allocation Policy), keep the following in mind:

- NYS CR Part 154, as amended by the Aspira Consent Decree, continues to require a school to open a bilingual program when the following thresholds of parent requests have been reached:
  - 15 or more ELL students in grades K to 8 speak the same language in one or two contiguous grades
  - 20 or more ELL students in high school speak the same language in one grade

- Integrated English as a new language (ENL—formerly English as a second language) is now a mandated delivery model in which students receive core content area (i.e., English language arts, math, science, or social studies) and English language development instruction from a dually certified teacher or two certified teachers

- Former ELLs are now eligible for ELL testing accommodations and 90 minutes of English as a new language for up to 2 years after testing out

Every school is expected to adhere to the guidelines in this document. DELLSS, in collaboration with the superintendents, Borough Field Support Center directors, and field staff will support you with implementing the new requirements. DELLSS will continue to provide professional development, grants and funding, instructional coaching, and online tools and resources.

In the spirit of collaboration, I ask you to join us in raising the bar, setting high expectations, and having every English language learner achieve success.

Sincerely,

Milady C. Baez,
Deputy Chancellor
Department of English Language Learners and Student Support
Definitions and Terms

The following definitions are based on the amended CR Part 154.

Aspira Consent Decree: a consent decree signed in 1974 between the New York City Board of Education and Aspira of New York, which established bilingual instruction as a legal entitlement for New York City’s Spanish-speaking ELL students.

Bilingual education program: a research-based program comprised of 3 components: (1) home language arts and English language arts, (2) English as a new language (ENL), (3) and a bilingual content area instructional component (i.e., math, science, and social studies). The number of content areas taught in the home language can vary depending on the model and level of proficiency of the students; however, at the beginning level, a bilingual program must have at a minimum 2 core content areas taught bilingually. In New York City, there are 2 types of bilingual education programs offered to parents: dual language and transitional bilingual education. See page 25.

CR Part 154: Commissioner’s Regulations of New York State that govern education and services for ELLs. There are 3 sections of CR Part 154: CR Parts 154.1 and 154.2 describe previous and amended requirements that go into effect in the 2015-16 school year; CR Part 154.3 describes the requirements of ELL services specific to ELL students with disabilities. The English Language Learner Policy and Reference Guide details the implementation of CR Part 154, (and the Aspira Consent Decree) for New York City Department of Education schools. See SED website for more information.

CR Part 200: Commissioner’s Regulations of New York State that govern education and services to students with disabilities. See SED website for more information.

English as a new language (ENL): formerly known as English as a second language (ESL); research based-program comprised of (1) content area instruction in English with home language supports and appropriate scaffolds, and (2) an English language development component. ENL is delivered through a stand-alone model or integrated ENL. See page 30.

- Stand-alone English as a new language is an ENL delivery model in which students receive instruction in order to acquire the English language needed for success in core content courses. A student cannot receive stand-alone English as a new language in lieu of core content area instruction.
- Integrated ENL (see above for definition of ENL) is an ENL delivery model in which students receive core content area (i.e., English language arts, math, science, or social studies) and English language development instruction from a dually certified teacher or two certified teachers. See page 30.
**English language learner subgroup or subpopulation:** because ELLs are not a monolithic group but rather have different linguistic and academic needs, there are categories to better identify their needs. The categories are newcomer, developing, long-term, students with disabilities, students with inconsistent/interrupted formal education (SIFE), and former. See page 34.

**Home language arts (HLA):** formerly known as native language arts (NLA); a unit of study or its equivalent in language arts in the student’s home language. Such units of study are aligned to the Common Core Learning Standards. See page 25.

**Language Assessment Battery-Revised (LAB-R):** former assessment used to determine ELL status prior to implementation of the NYSITELL; the LAB-R was discontinued by New York State Education Department on January 31, 2014. See page 41.

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

**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).

**Re-identification Process:** the process created to allow schools, parents, and students who believe that a student may have been misidentified as an ELL or non-ELL to request (within 45 school days of enrollment) that the ELL Identification Process be administered a second time. See page 21.

**Unit of study:** 180 minutes of instruction per week. See page 23.

**ELL Identification**

The English Language Learner (ELL) Identification Process includes 4 steps: (1) the administration of the Home Language Identification Survey (HLIS), which includes an interview with the student and parent to determine the student’s home language, (2) determination of eligibility to take the New York State Identification Test for English Language Learners
When parents enroll their child in a school, the school must determine the enrollment status category to which the student belongs.

<table>
<thead>
<tr>
<th>Category</th>
<th>Enrolling Status</th>
<th>Next Steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Enrolling as a new student to New York City and was never in a New York City or New York State public school</td>
<td>Students who have never been to any NYC or NYS public school must complete the entire ELL Identification Process outlined in this document by beginning with the determination of the home language.</td>
</tr>
<tr>
<td>2</td>
<td>Enrolling as a new student to New York City and is coming from a New York State public school (either directly or was enrolled in a New York State public school within the preceding 2 years)</td>
<td>Schools are required to obtain NYSITELL/NYSESLAT scores directly from the sending NYS public school in order to allow the student to continue in the ELL status (and proficiency level if applicable) in effect at the time of discharge from the NYS public school (see page 16). Students who reenter NYC public schools after having been enrolled in a school outside of NYC and/or NYS for less than 2 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.</td>
</tr>
<tr>
<td>3</td>
<td>Enrolling as a former New York City or New York State public school student</td>
<td>Students who are reentering after having been enrolled in a school outside of NYC and/or NYS for 2 or more years must complete the entire ELL Identification Process outlined in this document by beginning with the determination of the home language. Students who reenter NYC public schools after having been enrolled in a school outside of NYC and/or NYS for less than 2 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.</td>
</tr>
</tbody>
</table>

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

• If a student enrolls at the end of the school year and there are less than 10 days of school enrollment, the Enter NYC Date restarts the following school year if the ELL status was not determined.

• If a student enrolls in the middle of the school year and the student is discharged prior to 10 days of enrollment (regardless of the number of days that the student attended), the Enter NYC Date continues where it left off upon re-enrollment in the same year or restarts the following school year.

Other Schools

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

• Non-public schools (NPS), which include private and parochial schools, are non-public schools. Because some NPS administer the NYSITELL and NYSESLAT, New York City public schools may contact the prior NPS to obtain the NYSITELL and NYSESLAT scores if the student attended the NPS within NYS within the preceding 2 years. However, such outreach is optional. Additionally, once the NYC public school administers the NYSITELL, subsequent receipt of NYSITELL and NYSESLAT scores from the NPS will not be accepted.

Steps within the ELL Identification Process

The following 4 steps and placement into the ELL program chosen by the parent must be completed within 10 school days (20 school days for students entering with IEPs).

Step 1: Administer the Home Language Identification Survey

The school must administer the Home Language Identification Survey (HLIS) to determine the student’s home language as part of general intake procedures.

The home language is determined based on the results of the HLIS, which includes an interview with both the parent and student in English and the home language.

A student is considered to have a home language other than English when (1) one question on the HLIS Part I: questions 1-4 indicates that the student uses a language other than English, and (2) two questions on the HLIS Part I: questions 5-8 indicate that the student uses a language other than English, and (3) the interview with the parent and student indicates a language other than English. Therefore, the home language is determined based on a combination of the interviews with the parent and student, and responses to the questions on the HLIS. The home language determination is not based solely on the responses to the questions (regardless of number of responses of one language or another). Over-the-phone interpretation services are available through the DOE’s Translation and Interpretation Unit so that parents can receive language assistance and have their questions answered in their preferred languages.
Determining ELL Status

- **New Entrant to DOE coming from a school within NY State**
- **Receiving school must request ELL status information from previous NYS school; NYSITELL is not administered if obtained. If not obtained, ELL Identification Process continues**
- **Student is not an ELL. May request re-identification within 45 days.**
- **Upon re-identification, student is not an ELL.**
- **Student enters into K to 12 DOE school**
- **New Entrant to DOE coming from a school within NY State**
- **Student is not an ELL.**
- **STOP. Student is not an ELL. May request re-identification within 45 days.**
- **Upon re-identification, student is not an ELL.**
- **Student enters into K to 12 DOE school**
- **Reentrant to DOE after 2 continuous years not in a NY State school**
- **In order to determine eligibility to take the NYSITELL, interview student, review work; if student has an IEP, form Language Proficiency Team (LPT) and review IEP; potential SIFE status determined (see next page for students with IEPs)**
- **Student is not an ELL. May request re-identification within 45 days.**
- **Upon identification, student is not an ELL.**
- **Student is an ELL; SIFE status also determined**
- **Upon re-identification, student is not an ELL.**
- **New Entrant to DOE coming from a school within NY State**
- **Home language is other than English**
- **Administer HLIS**
- **Home language is English**
- **Not eligible for NYSITELL**
- **STOP. Student is not an ELL. May request re-identification within 45 days.**
- **Upon re-identification, student is not an ELL.**
- **Eligible for NYSITELL; NYSITELL is administered**
- **Student scores below cut score; student is an ELL.**
- **Student scores below cut score; student is an ELL.**
- **Student takes NYSESLAT and state ELA or state ELA Regents as applicable**
- **Student obtains proficient/commanding on NYSESLAT and student does not obtain advanced/expanding on NYSESLAT and 3 or 4 on ELA exam OR Student continues as an ELL and takes the NYSESLAT and ELA exams until testing out.**
- **Student obtains proficient/commanding on NYSESLAT OR Student obtains advanced/expanding on NYSESLAT and 3 or 4 on ELA exam (3-8 and Regents)**
- **Student may be re-identified 6 to 12 months after first Re-identification Process**
- **Continues to receive support and ELL testing accommodations for 2 years**
Determining NYSITELL-Eligibility for Students Entering with an IEP

Student has an IEP and Home language is other than English

The Language Proficiency Team (LPT) is formed and reviews evidence of the student’s English language development.

LPT recommends the student take the NYSITELL.

LPT recommends the student NOT take the NYSITELL.

Student takes the NYSITELL to determine ELL status. ELL Identification Process continues as with all students.

LPT’s recommendation is sent to the principal for review.

Upon review, principal determines the student should take the NYSITELL.

Upon review, principal determines the student should NOT take the NYSITELL.

Student takes the NYSITELL to determine ELL status. ELL Identification Process continues as with all students.

Principal’s determination is sent to the superintendent or designee for review. Parent or guardian is notified within 3 days of the decision.

Upon review, superintendent or designee determines the student should take the NYSITELL.

Upon review, superintendent or designee determines the student should NOT take the NYSITELL. Parent is notified. ELL Identification Process terminates.

Student takes the NYSITELL to determine ELL status. ELL Identification Process continues as with all students.
A licensed pedagogue (e.g., the school’s ELL coordinator) must complete the HLIS with the parent and ensure timely entry of this information into the designated ATS screens (e.g., QADM). As per CR Part 154, the licensed pedagogue must be

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

A. The completed HLIS forms must be placed in the student’s cumulative file and remain a part of the student’s permanent record

B. If the student’s home language is English, the ELL Identification Process terminates at this step; if the student’s home language is not English, the ELL Identification Process continues to Step 2

**Step 2: Determination of NYSITELL Eligibility**
For students whose home language is not English, the school must administer a more in-depth interview with the student, review his/her school work (if available), and review the Individualized Education Program (if applicable), in order to determine NYSITELL eligibility (whether the student should take the NYSITELL).

A. 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 is dominant in English. As a result, schools must determine whether the student has English oral and literacy skills sufficient for the grade into which the student is enrolling. Therefore, a trained pedagogue must do the following:

1. Interview the student in both English and the home language
2. Review student’s prior school work in reading, writing, and mathematics, in both English and the home language. In the absence of sufficient school work, schools may use

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**Helpful Hints: NYSITELL Administration**

- Students who registered to enter kindergarten the following year may be administered the NYSITELL beginning June 1; all other grades may be administered the NYSITELL beginning July 15 (prior to the beginning of the school year in September).
- Administer the NYSITELL to all eligible students as soon as possible but no later than 10 days after initial enrollment.
- Scan the answer documents immediately upon administration.
- Print the RLCB Scan Report from ATS, which indicates the students’ levels of proficiencies and any scanning errors; scanning errors should be addressed immediately. See the NYSITELL Scanning Handbook for directions (page 41).
A school determines eligibility to take the NYSITELL. If the student is ineligible to take the NYSITELL, the ELL Identification Process terminates at this step; if the student is eligible to take the NYSITELL, continue to step 3.

NOTE: If the student is determined to be an ELL, the information gathered in steps 1 and 2 should be used to determine if the student requires further assessments for SIFE status (see page 17 for more information on SIFE).

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

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

A qualified interpreter or translator of the language or mode of communication the parent or guardian best understands, must be present at each meeting of the LPT. These procedures must be used for initial entry into DOE schools or reentry after 2 years (see categories 1 and 3 on page 8).

1. 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 1 (see above)
- 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 Committee on Special Education (CSE) as to whether the student’s disability is the determinant factor affecting whether the student can demonstrate proficiency in English

2. Based on the evidence, the LPT must make a determination as to whether the student may have second language acquisition needs or whether the student’s disability is the determinant factor affecting whether the student can demonstrate proficiency in English.
- If the LPT determines that the student may have English language acquisition needs, the student must take the NYSITELL.
- If the LPT determines that the student does not have English language acquisition needs and should not take the NYSITELL, the recommendation is sent to the principal for review:
  - The principal must accept or reject this recommendation:
    - If the principal rejects the recommendation of the LPT to not administer the NYSITELL, the NYSITELL is immediately administered to the student.
    - If the principal accepts the recommendation not to administer the NYSITELL, the recommendation is sent to the superintendent or the superintendent’s designee for a final decision. Additionally, the parent or guardian must be notified within 3 school days of the decision in the parent’s/guardian’s preferred language.

The final decision is made by the superintendent or superintendent’s designee. The superintendent or designee has 10 school days to accept or reject the LPT’s recommendation. If the superintendent determines that the student must take the NYSITELL, the school has 5 additional school calendar days to administer the NYSITELL (if necessary) and to notify the parent or guardian. The form titled Language Proficiency Team NYSITELL Determination Form (page 50) must be completed and placed in the student’s cumulative folder.

It is important to understand how certain elements of the second language acquisition process compare to learner characteristics associated with a learning disability. While components of language acquisition can seem to mirror a learning disability, they do not necessarily indicate a learning disability. For more information on similarities between learning disability and language acquisition, see table on page 51.

**Step 3: Administration of the NYSITELL**

Schools must print NYSITELL answer documents using the RLBA function in ATS. After the NYSITELL exam is administered, answer documents are scanned into ATS via the attendance scanner within 10 school days of enrollment. Scanning beyond 10 school calendar days will result in noncompliance.

Principals must order NYSITELL exams through the NYSED portal. Ordering is ongoing throughout the year. Along with the exams, schools will receive directions for administration. Answer documents must be generated and printed via ATS printers. For more information on generating these answer documents, see the NYSITELL Scanning Handbook. All information needed to identify students will automatically print on the answer documents. For more
information on ordering and administering the NYSITELL, or printing and scanning the answer documents, see the DOE’s NYSITELL memorandum, Administration Handbook, Scanning Handbook, and other useful resources at http://intranet.nycboe.net/Accountability/Assessments/Annual/NYSITELL/.

Within 5 school days of ELL determination, schools must inform parents of the results of the NYSITELL and ELL status using the NYCDOE standard parent notification letters (in the parents’ preferred language), which are available for download:

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

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

The NYSITELL may be administered to students entering kindergarten the following school year no earlier than June 1 and to all other students no earlier than July 15. Compliance is determined by the NYSITELL scan date, not the bubble date. An administration of the NYSITELL that has a bubble date that predates the end of the 10-day testing window, but a scan date that exceeds the 10-day testing window will be considered out of compliance.

**Step 4: Administering the Spanish LAB**

All new entrants whose HLIS responses indicate a home language of Spanish and who are newly identified as ELLs based on NYSITELL results must be administered the Spanish LAB at the time of initial enrollment (or reenrollment) during the same 10-day testing window. The Spanish LAB is used to support schools in instructional planning in providing bilingual and English as a new language (ENL) services to these students. Spanish LAB results are not used to determine ELL status or service entitlement.

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

Compliance is determined by the Spanish LAB scan date, not the bubble date. An administration of the Spanish LAB that has a bubble date that predates the end of the 10-day testing window, but a scan date that exceeds the 10-day testing window will be considered out of compliance.
The procedures outlined above must be completed within 10 school days of enrollment or reentry (20 school days for students entering with IEPs), including placement in an ELL program, if applicable.

**Students Entering DOE Schools Who Were Enrolled in NYS Public Schools within the Preceding Two Years**

For students coming from a NYS public school (outside of the NYCDOE), the DOE school must contact the sending NYS public school to obtain home language designation, NYSITELL (or LAB-R) and NYSESLAT results within 2 business days. The data request must be made for any student entering a NYCDOE school (grades K to 12) who has been enrolled in a NYS public school within the previous 2 years. These data and related documents must be placed in the student’s cumulative folder and inputted into designated ATS screens. If the data are not received within 5 school days of enrollment, schools should conduct the ELL Identification Process as outlined within this section and treat student as new to NYS and NYC (category 1 as described on page 8). If the NYCDOE school receives ELL identification information from a previous NYS public school after it has implemented the ELL Identification Process, the NYCDOE school should input these data into ATS overriding its ELL identification results. Schools have 30 school days (from initial enrollment) to input these data after which, subsequent receipt of ELL identification results will not be accepted. If the student is an ELL and has a home language of Spanish, skip to Step 4 (administration of the Spanish LAB). If the NYS public school indicates the student is an ELL, the school must provide the parent orientation meeting (see page 18).

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

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

To request that this information be inputted into the DOE’s data collection system, complete the *New York State Transfer ELL Data Request Form* in the appendix on page 51 and email it to ELLTransfersNYS@schools.nyc.gov.

If the home language code differs from the current NYCDOE’s home language code, a request to change the home language code should be sent to the senior ELL CPS from the principal of the NYCDOE school. Note: only students whose home language is not English can have LAB-R,
NYSITELL, and/or NYSESLAT scores. For information on requesting a change of the home language code in ATS, see page 17.

**Students Reenrolling in NYCDOE Public Schools**

Students who reenter NYC public schools after having been enrolled in a school outside of NYC and/or NYS for less than 2 years are not eligible to go through the ELL Identification Process; these students should continue in the ELL status (and proficiency level if applicable) in effect at the time of discharge from the NYC and/or NYS public schools. Students who reenter NYC public schools after having been enrolled in a school outside of NYC and/or NYS for 2 or more years must complete the ELL Identification Process described in this guide.

**Home Language Code Inputting Errors**

The Home Language Identification Survey is administered one time during the enrollment process. Therefore, upon enrollment and entry of the home language code, the home language code field is locked. In the event that a clerical error is made, send the following information and documentation to the senior ELL CPS 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.

**Identification of Students with Interrupted/Inconsistent Formal Education (SIFE)**

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

Schools have 30 school days from initial enrollment to make an initial SIFE determination. Determining SIFE status begins at the time of the completion of the Home Language Identification Survey when the parent is asked to indicate prior schooling. Follow all of the same steps as outlined on the preceding pages to identify an ELL. If there are indications within the ELL Identification Process that a student has had an interruption or inconsistency in their formal schooling, proceed with the SIFE Identification Process as outlined below for students who are
Newly identified ELLs, **and**
In grades 3 to 9, **and**
At the beginner/entering or low Intermediate/emerging level of proficiency as indicated by the NYSITELL results

**SIFE Identification Process**
1. Administer the oral interview questionnaire
2. For those students who have a home language of Arabic, Bengali, Chinese, Haitian Creole, or Spanish, administer the **Literacy Evaluation for Newcomer SIFE** (LENS)

Initial SIFE status must be indicated in the DOE’s data collection systems no later than 30 days from initial enrollment (BNDC). 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/transiting level or higher on the NYSESLAT. For further information on SIFE, go to [http://intranet.nycboe.net/SpecialPopulations/ELL/Resources/SIFE.htm](http://intranet.nycboe.net/SpecialPopulations/ELL/Resources/SIFE.htm).

**Parent Selection and Program Placement**

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

- When a new ELL enrolls, schools must inform parents of the three instructional models available in New York City (see page 25), regardless of whether the preferred model is currently offered in the school.
- To inform parents of these options, schools must provide parents of newly enrolled ELLs with a parent orientation where they can view the **Parent Orientation video** (which explains the three program options and is available in 13 languages). Attendance records, staff members present at the orientation, and languages used other than English must be recorded using existing procedures established in the school. During the orientation, schools also provide information on standards, curriculum, and assessments. The parent orientation session must also provide a high quality orientation section on the Common Core Learning Standards, assessments, and school expectations for English language learners, as well as the program goals and
requirements for bilingual education and English as a new language (formerly English as a second language but now referred to as ENL) programs. The orientation must be in a language or mode of communication that the parent or guardian best understands. Schools should contact the Translation and Interpretation Unit if they require an interpreter for any language that is not spoken by the school staff.

- After parents are informed of all three program models at the parent orientation, schools must provide parents with a Parent Survey & Program Selection Form (in the parents’ preferred language), where parents can indicate their program choice.
  - The parent must return the completed and signed form within 5 school calendar days. If the parent does not return the form within 5 school calendar days, the student must be placed in a bilingual program if one exists at the school; otherwise, the student is placed in ENL. The school must document and include attempts to gather initial parent selection preference; documentation should be maintained using existing procedures established by the school.
    - Students who are placed in ENL as a result of the parents’ not returning the survey must be counted toward minimum thresholds established by NYSED’s CR Part 154, as amended by the Aspira Consent Decree, that require the opening of a bilingual program, which are as follows:
      - In kindergarten to grade 8, 15 or more ELL students who speak the same language in one or two contiguous grades
      - In grades 9 to 12, 20 or more ELL students who speak the same language in one grade
  - Schools are responsible for entering parent choice as indicated on the Parent Survey & Program Selection Form in the designated screen in ATS (ELPC) as forms are completed. The parent’s first choice should be entered as noted on the selection form, regardless of whether that choice is currently offered at the school. For more information on the ELPC screen, see page 35.
  - The Parent Survey & Program Selection Form is a formal record of the parent’s preference of ELL program for their child, and must be retained in the student’s permanent record and accessible for State or City audits and reviews. A copy of the completed Parent Survey & Program Selection Form can be provided to the parent upon request.

Transfer Option

ELLs must be placed in the parents’ program of choice within 10 school calendar days of enrollment. If a parent chooses an option that is currently available in the school, the school must place the student in that program immediately and provide the student with a full
schedule.

- If a parent’s program choice is not currently available in the school, the school must inform the parent that the selection is not available at the school, provide the parent with the following two options, and maintain a record of the parent’s response.
  - Keep the student enrolled at the current school in an available program; if the parent chooses this option, the school should immediately place the student in that program and begin serving him/her; OR
  - Transfer the student to a different school where the parent’s selection is currently available. To do so, schools should contact the Department of English Language Learners and Student Support, which will coordinate the transfer with the Office of Student Enrollment.\(^2\)
    - While the school awaits the transfer, the student should temporarily be placed in an ENL program in the school until the transfer is complete. Students placed in ENL due to the unavailability of bilingual programs at the current school count toward minimum thresholds for opening a bilingual program. See page 19 for more details on minimum thresholds.
- Every effort should be made to ensure that parents complete the Parent Survey & Program Selection Form, and outreach attempts must be tracked and maintained at the school using existing procedures established within the school. While waiting for a parent to complete the form, the school should place the student in a bilingual program if available, or at a minimum, provide mandated ENL services based on the student’s proficiency level (see page 23 for more information).\(^3\)
- Parent choice is recorded in the ELPC screen. Schools may not select “Parent did not return the survey” until the eighteenth school calendar day after initial enrollment.
- Once the student’s program has been determined based on the steps outlined above, schools send parents a placement letter (in the parents’ preferred language) indicating the program in which their child has been placed. See page 40 for information on retention of records.

### Annual Meeting with Parents

Schools must individually meet with the parents or guardians of English language learners at least once a year, in addition to parent-teacher conferences, initial parent orientations,

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\(^2\) If the parent would like to transfer the child, the school must send an email requesting to transfer the student to ELLProgramTransfers@schools.nyc.gov. The DOE’s Department of English Language Learners and Student Support coordinates these transfer requests with the Office of Student Enrollment and will follow up with the school and family regarding a new placement within the designated timeframe.

\(^3\) For tracking purposes, students without completed Parent Survey & Program Selection Forms should be recorded as "No Parent Survey & Program Selection Form" in ATS but should be counted as a selection for a bilingual program for the purposes of placement and program opening.
quarterly progress meetings or other scheduled meetings provided for parents or guardians, to discuss the goals of the program, their child’s language development progress, their child’s English language proficiency assessment results, and language development needs in all content areas. This additional meeting should include school staff necessary to sufficiently inform the parents or guardians about the child’s language development in all content areas in English and in the child’s home language in the case of students enrolled in a bilingual education program. Such meeting is conducted with a qualified interpreter/translator in the language or mode of communication the parent or guardian best understands. Schools must determine the manner and form of such individual parent meetings, in accordance with collective bargaining agreements. Schools should record attendance using existing procedures.

**Re-identification of ELL Status**

**Phase 1**

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

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

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

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

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

1. School receives written request to initiate the Re-identification Process (e.g., parent writes letter to principal).
2. School reviews all documents related to the initial or reentry identification process detailed above.
3. School reviews the student’s work in English and in the home language.
4. School may administer the NYSITELL to the student if the original determination was that the student should not be administered the NYSITELL. Under no circumstances can the Re-identification Process include a second administration of the NYSITELL.
5. School consults with parent or guardian.
6. School conducts and reviews the results of a school-based assessment, administered by qualified personnel as defined by CR Part 154-2.2(u)\(^4\), of the student’s abilities in listening, speaking, reading and writing in English.
7. Appropriate staff consults with the Committee on Special Education (CSE) if the student is a student with a disability or is suspected of having a disability that may impact the ability to speak, read, write or listen in English.
8. Based on the recommendation of the qualified personnel, the school principal determines whether to change the ELL status or not. 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. If the decision is to not change the ELL status, no further action is necessary. If the decision is to change the ELL status, the student’s program must be modified accordingly.
11. All notifications and relevant documents must be kept in the student’s cumulative folder.

\(^4\) 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.
Phase 2

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

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 page 44 for best practices). 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.

Schools must send Continued Entitlement Letters to parents of students who continue to be entitled to ELL services (based on the NYSESLAT). Letters should be sent to parents before the beginning of the school year but no later than September 15 of the school year in which the student continues to be entitled. Letters must be sent in the preferred language of the parent. Schools that receive articulating ELLs should review student records in order to provide program continuity (e.g., middle schools with sufficient numbers of sixth-grade ELLs who come from grade five bilingual programs must create a bilingual program to serve these incoming students).

Proficiency Levels

Prior to the 2015-16 SY, ELLs were initially designated as beginner, intermediate, or advanced based on their outcomes on the NYSITELL, NYSESLAT, or LAB-R (prior to February 2014). Scoring at proficient level on these exams determined that the student was not an ELL.
Beginning September 2015, there are 5 proficiency levels for ELLs based on the NYSITELL and NYSESLAT; the fifth level, proficient/commanding, continues to indicate the student is not an ELL.

### CR Part 154 Requirements for English as a New Language*, Grades K to 8

<table>
<thead>
<tr>
<th>Levels (as of 2015-16 SY)</th>
<th>Total # Minutes ENL</th>
<th>Breakdown of Total # Minutes ENL</th>
<th>Flexibility: Minimum # minutes standalone OR integrated ENL (with ELA or any other content area)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Beginner / Entering</strong></td>
<td>360</td>
<td>180</td>
<td>0</td>
</tr>
<tr>
<td><strong>Low Intermediate / Emerging</strong></td>
<td>360</td>
<td>90</td>
<td>90</td>
</tr>
<tr>
<td><strong>Intermediate / Transitioning</strong></td>
<td>180</td>
<td>0</td>
<td>90 integrated ENL/ELA</td>
</tr>
<tr>
<td><strong>Advanced / Expanding</strong></td>
<td>180</td>
<td>0</td>
<td>180 integrated ENL/ELA or other content area</td>
</tr>
<tr>
<td><strong>Proficient / Commanding</strong></td>
<td>90</td>
<td>0</td>
<td>90 integrated ENL/ELA or other content area</td>
</tr>
</tbody>
</table>

*As per CR Part 154, integrated English as a new language shall mean a unit in of study or its equivalent in which students receive core content area (i.e., English language arts, math, science or social studies) and English language development instruction. Personnel qualified to teach Integrated English as a new language means a dually certified teacher, certified pursuant to CR Part 80, (i.e., English to speakers of other languages certification and content area certification) or a certified English to speakers of other languages teacher and a certified content area teacher, who co-teach a class.

### CR Part 154 Requirements for English as a New Language*, Grades 9 to 12

<table>
<thead>
<tr>
<th>Levels (as of 2015-16 SY)</th>
<th>Total # Minutes ENL</th>
<th>Breakdown of Total # Minutes ENL</th>
<th>Flexibility: Minimum # minutes standalone OR integrated ENL (with ELA or any other content area)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Beginner / Entering</strong></td>
<td>540</td>
<td>180</td>
<td>180</td>
</tr>
<tr>
<td><strong>Low Intermediate / Emerging</strong></td>
<td>360</td>
<td>90</td>
<td>90</td>
</tr>
<tr>
<td><strong>Intermediate / Transitioning</strong></td>
<td>180</td>
<td>0</td>
<td>90 integrated ENL/ELA or other content area</td>
</tr>
<tr>
<td><strong>Advanced / Expanding</strong></td>
<td>180</td>
<td>0</td>
<td>180 integrated ENL/ELA or other content area</td>
</tr>
<tr>
<td><strong>Proficient / Commanding</strong></td>
<td>90</td>
<td>0</td>
<td>90 integrated ENL/ELA or other content area</td>
</tr>
</tbody>
</table>

*As per CR Part 154, students who reach the proficient/commanding level are former ELLs and entitled to at least a half unit of integrated ENL.

**As per CR Part 154, students who reach the proficient/commanding level are former ELLs and entitled to at least a half unit of integrated ENL.
ELL/LEP Flag Indicators

The DOE utilizes a number of ELL/LEP flag indicators (in ATS and other data repositories) to indicate ELL status:

<table>
<thead>
<tr>
<th>ELL/LEP Code</th>
<th>ELL Status</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>E</td>
<td>Potential ELL</td>
<td>Student must take the NYSITELL. After 30 school calendar days, the student is no longer eligible to take the NYSITELL (unless for Re-identification Process purposes) and must be served as an ELL. Parent notification letters must be sent. This student must take the NYSESLAT in the spring.</td>
</tr>
<tr>
<td>Y</td>
<td>ELL</td>
<td>Student became an ELL as a result of taking the NYSITELL. School must administer the NYSESLAT in order to determine continued ELL status. School must serve this student as an ELL.</td>
</tr>
<tr>
<td>P</td>
<td>Former ELL</td>
<td>This student was 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).</td>
</tr>
<tr>
<td>D</td>
<td>Never an ELL or Former ELL</td>
<td>Not an ELL as per English Language Acquisition Needs Determination (ELAND) process; this process was discontinued February 2015. Students whose ELL status was removed prior to the first eligible administration of the NYSESLAT are considered never ELLs; all others are former ELLs.</td>
</tr>
<tr>
<td>R</td>
<td>Never an ELL</td>
<td>This student is not an ELL and was never an ELL as a result of scoring proficient on the LAB, LAB-R, or NYSITELL.</td>
</tr>
<tr>
<td>NULL</td>
<td>Never an ELL</td>
<td>A student who was never evaluated for ELL identification because of a home language of English.</td>
</tr>
</tbody>
</table>

ELL Programs Offered in New York City

In New York City, there are three ELL programs offered to parents at the time of initial ELL identification:
Highlights of a Transitional Bilingual Education Program

A transitional bilingual education program includes the following:

- an ENL component designed to develop skills in listening, speaking, reading, and writing in English
- a minimum of 2 content-area courses/subjects in the home language and English at the entering and emerging levels
- a home language arts component designed to develop skills in listening, speaking, reading, and writing in the students’ home language while cultivating an appreciation of their history and culture
- all of the students in a TBE program share the same home language

Transitional Bilingual Education

Transitional bilingual education (TBE) programs are designed so that students develop conceptual skills in their home language as they learn English. All instruction is Common Core-aligned to accelerate student achievement.

As students (all ELLs) develop English language skills, time in the home language decreases. When ELLs reach proficiency on the NYSESLAT, they are placed in a monolingual class in English with home language supports. Schools that offer this model must have a consistent plan for the use of each language for instruction, and a supportive transition plan for students when they are transferred into the monolingual English program, as required in CR Part 154.

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

In TBE programs, students transfer home language skills to English by spending instructional time primarily in the home language before steadily transitioning to English. At the beginning/entering level, TBE students are expected to receive 75% of instruction in their home language and 25% in English. As a student’s English proficiency increases, more of his or her instructional day is spent learning in English. In TBE programs, teachers must make several considerations when determining which language is best to teach certain concepts. Teachers must consider carefully the intellectual demand of concepts, student familiarity with concepts

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5 As per CR Part 154, a bilingual education program [including DL and TBE] is a research-based program comprised of three components: (1) a language arts instruction component, including home language arts and English language arts; (2) an English as a new language component; and (3) a bilingual content area instructional component (i.e., math, science, and social studies).
in the home language and English, and the academic language required for using and mastering concepts.

TBE teachers are critical to ELLs’ transition from home language to English since they serve as language models for both; therefore, they must demonstrate strong academic language proficiency when delivering instruction in either language. Successful TBE teachers help students cultivate a strong appreciation for reading. These teachers ensure that ELLs are familiar and comfortable with reading by helping them develop strong literacy skills in their home language first. Also, TBE teachers are likely to instruct students with various levels of content mastery and literacy development. While variations are similar to those found in general education classrooms, TBE teachers face the additional challenge of gauging and instructing students with different proficiency levels in their home language as well as in English. See charts beginning on page 28 for more information on transitional bilingual education programs and State requirements.
## Grades K to 8, CR Part 154-2, Transitional Bilingual Education Program

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

### STAFFING/PERSONNEL

- **K-8 BILINGUAL EDUCATION PROGRAM**
  - (K-6 Bilingual) Common Branch teacher with a bilingual extension
  - (7-8 Bilingual) Content Area teacher with a bilingual extension. [HLA must be taught by a certified Language Other Than English teacher.]

- **K-8 ENGLISH AS A NEW LANGUAGE PROGRAM**
  - (K-8 STAND-ALONE) ESOL certified teacher
  - (K-6 ENL) Common Branch K-6 teachers with a bilingual extension can teach the ENL component of a K-6 Bilingual Education program.
  - (7-8 ENL) Integrated ENL can be taught by an ESOL teacher with Content Area certification or two individually certified teachers.

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 class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.

*Other services that are approved by the NYS Commissioner, that monitor and support the student’s language development and academic progress. Content area shall mean ELA, math, science, and Social Studies.
Grades 9 to 12, CR Part 154-2, Transitional Bilingual Education Program

<table>
<thead>
<tr>
<th>ENGLISH PROFICIENCY LEVEL</th>
<th>ENTERING (Beginning)</th>
<th>EMERGING (Low Intermediate)</th>
<th>TRANSITIONING (Intermediate)</th>
<th>EXPANDING (Advanced)</th>
<th>COMMANDING (Proficient)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STAND---ALONE ENL</strong></td>
<td>1 unit of study in ENL (180 min.)</td>
<td>.5 unit of study in ENL (90 min.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>INTEGRATED ENL</strong></td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>.5 unit of study in ENL/ELA (90 min.)</td>
<td>1 unit of study in ENL/ELA or other Content Area (180 min.)</td>
<td></td>
</tr>
<tr>
<td><strong>FLEXIBILITY</strong></td>
<td>1 unit of study can be STAND---ALONE ENL instruction or INTEGRATED ENL in Content Area (180 min.)</td>
<td>.5 unit of study can be STAND---ALONE ENL or INTEGRATED ENL/Content Area (90 min.)</td>
<td>.5 unit of study can be STAND---ALONE ENL or INTEGRATED ENL/Content Area (90 min.)</td>
<td>.5 unit of study per week of INTEGRATED ENL in ELA/Content Area, or other approved Former ELL services for two additional years*</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** 540 minutes per week | 360 minutes per week | 180 minutes per week | 180 minutes per week |                         |

<table>
<thead>
<tr>
<th>HOME LANGUAGE ARTS</th>
<th>1 HLA Course</th>
<th>1 HLA Course</th>
<th>1 HLA Course</th>
<th>1 HLA Course</th>
</tr>
</thead>
</table>

**BILINGUAL CONTENT AREA SUBJECTS** Minimum of 2 | Minimum of 2 | Minimum of 1 | Minimum of 1 |

**ISSUANCE OF CREDITS**

**STAND---ALONE ENL**
Elective credit per successful completion of each corresponding STAND---ALONE ENL unit of study

**INTEGRATED ENL**
Content area credit per successful completion of each corresponding ENL unit of study in ELA, math, Science, or Social Studies

**HOME LANGUAGE ARTS**
Language Other Than English credit per successful completion of each corresponding HLA unit of study

**BILINGUAL CONTENT AREA**
Content area credit per successful completion of each corresponding Bilingual Content Area subject

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

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

The maximum allowable grade span for grouping instruction in grades K-12 English as a new language or bilingual education classes is two contiguous grades, except for English language learners in a special class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.

*Other services that are approved by the NYS Commissioner, that monitor and support the student’s language development and academic progress. Content area shall mean ELA, math, science, and Social Studies.
Dual Language

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

Dual language programs have a very clear language policy: students receive half of their instruction in English, and half of their instruction in the other/target language. Language is taught through content areas as well as through literacy. In dual language programs, the new language is often referred to as the target language (e.g., Spanish, Chinese, Russian). New York City dual language programs are designed to have students spend 50% of their instructional time with a target language immersion teacher who uses only the target language. The remaining part of the day is spent with a teacher who instructs only in English.

The side-by-side model is strongly recommended in the elementary grades; however, schools should evaluate the students’ needs and progress to determine which model best meets the educational needs of the students. For example, some schools use alternating-day models in which language use for content areas alternates from day to day or in two-week cycles. Students learn to read and write and receive instruction in other disciplines in both languages. (However, for emergent literacy, extra time is dedicated to the rules and concepts of each language. Students receive dedicated reading time in each language.) The primary language acquisition goals of dual language programs are the development of grade-level-appropriate bilingual and biliterate academic skills in both English and the target language for all students.
English as a New Language (formerly English as a Second Language)

Freestanding English as a new language (ENL) programs provide instruction in English with home language support, emphasizing English language acquisition. Students in freestanding ENL programs can come from many different language backgrounds, and English may be the only common language among the students. As per CR Part 154, there are 2 types of ENL:

- **Stand-alone ENL** is instruction to develop English language skills so that students can succeed in core content courses. It is delivered by a certified ENL teacher. A student may not receive stand-alone ENL in lieu of core content area instruction.
- **Integrated ENL** is instruction to build English language skills through content area instruction. It is delivered by a dually certified teacher (ENL and a content area) or co-teaching by a certified ENL teacher and a certified content area teacher (i.e., English language arts, math, science, or social studies). Both methods of integrated ENL instruction include content area subject matter and English language development using ENL strategies. All ELLs and former ELLs up to 2 years after exiting ELL status must receive a minimum number of units of integrated ENL.

For more information on the different types of ENL, see page 23.

At the secondary level, ENL is often departmentalized; however, at the elementary level, ENL can be delivered in the following 3 ways:

- **Push-in model**: an ENL teacher works with ELLs in collaboration with general education classroom teachers to provide language acquisition and vocabulary support. There is a common preparation time between the 2 teachers and/or prior collaborative lesson planning.
- **Pull-out model**: ELLs who spend the majority of their day in all-English content instruction are brought together from various classes for English-acquisition-focused instruction. ENL teachers need to plan carefully with general education teachers to ensure curricular alignment and continuity of instruction.
- **Self-contained model**: ELLs are grouped together in an ENL class, usually for the entire school day and for all content instruction.

New York City schools promote the push-in and self-contained models based on research that suggests that they are more effective than pull-out programs alone. According to Honigsfeld and Dove (2008), “An [ENL] program should enhance student understanding of English while learning classroom content, as well as offer English-proficient peers to serve as language models.” Push-in programs promote collaboration between the classroom teacher and the ENL teacher, decrease in-class instruction time loss, and decrease student travel time to and from
the ENL classroom. School leaders and teachers in schools that are currently using a pull-out model should consider the staffing and professional development required to transition to either push-in programs or self-contained classes. Also, school leaders who use the pull-out model should allocate time for general education and ENL teachers to plan curricular alignment and instructional improvement for transitioning ELLs into a push-in model.

Providing a self-contained program in an elementary school requires a teacher who has dual certifications in ENL and common branches. This teacher must be able to use ENL strategies as well as provide the core content that elementary school students receive from self-contained common branch classroom teachers. Secondary school teachers need to be credentialed in the content area and have an ESL license. Such dually certified teachers can also provide the mandated integrated ENL units required for all ELLs. In a secondary school, the math, science, and social studies classes must be taught by a teacher credentialed in a content area in order for students to receive the proper credits for graduation. All teachers should be trained in ENL strategies. Therefore, principals interested in strong self-contained programs should seek an ENL teacher credentialed in a content area or a content teacher with an ENL license. Instructional ENL methodologies and content-area expertise can complement one another to facilitate and accelerate both English language and content learning for ELLs. Also, ENL teachers may require professional development on differentiating instruction, especially since most classrooms are composed of students with varying levels of English proficiency and subject area expertise.

When planning for a strong ELL team, it is important to consider the diverse expertise that teachers bring to your school. Teachers with multiple credentials, licenses, and extensions offer the school community additional flexibility to meet student needs. To implement each program model, it is important to use the multiple human and fiscal resources that can accelerate ELLs’ academic English language proficiency and content-area mastery. For instance, each program model should tap into and enhance ELLs’ existing home language skills. Programming that clusters cohorts of ELLs with the same home language background in subject area classrooms allows students to access content by interacting with each other at varying levels of language proficiencies. Teachers with groups of ELLs who have a common home language can organize collaborative tasks that target content and generate interactions in the home language among peers. Tasks should be enriched with academic English language development. Also, home language resources (libraries, texts, technology, primary resource materials) available in the classroom and in the school’s library are additional resources that can accelerate learning.

Schools are strongly encouraged to organize and offer home language arts (HLA) classes whenever possible. The more literate students are in the home language, the stronger and
more expedient their transition to academic English proficiency. Even schools with ELLs served through freestanding ENL classes can group students who share a common language together for a home language arts class.

**Commonalities of ELL Programs**

Though the goals of the models of instruction for each program type described above vary to meet the diverse needs of students as well as honor parent selection, there are some common elements.

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

The integrated ENL along with a subject area taught are dependent upon the student’s proficiency level. In grades K to 8, at the entering, emerging and transitioning levels, integrated ENL with ELA is provided; at the expanding level, the integrated ENL is with any content area that best meets the needs of the student. In grades 9 to 12, at the entering and emerging levels, integrated ENL with ELA is provided; at the transitioning and expanding levels, the integrated ENL is with any content area that best meets the need of the student. See page 23 for number of units of ENL for ELLs at different levels of proficiencies and grades.

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

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

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

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

Newcomer ELLs

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

Developing ELLs

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

Long-term ELLs

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

Students with Inconsistent/Interrupted Formal Education (SIFE)

These are ELLs who have attended schools in the United States for less than twelve months and who, upon initial enrollment in such schools are two or more years below grade level in literacy in their home language and/or two or more years below grade level in mathematics due to inconsistent or interrupted schooling prior to arrival in the United States. Once a SIFE student is performing at or above the transitioning/intermediate level on the annual English language proficiency assessment, the student’s status as a Student with Inconsistent/Interrupted Formal Education is removed, even though the student may continue to be identified as an English language learner. See page 17 for identifying SIFE.

ELLs with Disabilities

These are ELLs who are served by an Individualized Education Program (IEP). An IEP team determines a student’s eligibility for special education services and the language in which
special education programs and services are delivered. ELLs who are also students with disabilities (SWD) receive accommodations that apply both to ELLs and SWDs, as appropriate. ELLs with disabilities are not exempted from the NYSESLAT, and may use the test modifications and accommodations as detailed on their IEP when taking the NYSESLAT (and as permitted in the School Administrator’s Manual for the test). ELL status cannot be the determinant factor for special education eligibility. Response to Intervention (RTI) approaches should be applied to ELL students who enter with lower levels of proficiency in the home language, or if anticipated progress is not noted after a reasonable time period.

The procedures for conducting bilingual assessments of ELLs who currently have IEPs or may have IEPs developed as a result of an initial evaluation are described in the Standard Operating Procedures Manual of the NYC Department of Education. ELLs with disabilities must receive the required level of ELL services, although program placement and parental option procedures may be different for special education programs and services, and are facilitated by the Committee for Special Education during IEP meetings.

**Former ELLs**

These are students who had been identified as English language learners and subsequently exited from ELL status. For at least two years following the school year in which a student is exited from ELL status, former ELLs receive at least one half of one unit of study of English as a new language (90 minutes per week) and are eligible for certain specified testing accommodations (see page 46). For ELL exit criteria, see page 39.

**Required ELL Data Recording and Reporting**

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

**ELL Parent Choice Update Screen (ELPC)**

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

The DOE monitors implementation of the required ELL program parent choice process. The ELPC screen was created in ATS for schools to record the initial ELL program parent choice 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 an parent orientation explaining the three ELL programs offered in New York City and the parent’s initial choice of program. This screen must be completed for each newly identified ELL. Schools have 10 school calendar days to identify ELLs, to administer the Spanish LAB when appropriate, to conduct the parent orientation, and to place the student in the ELL program that was selected by the parent/guardian. Schools have an additional 10 school calendar days to complete the ELPC screen. Since only ELLs must have a parent choice and ELL status is determined by a valid NYSITELL score, any parent choice provided without the supported assessment data will be considered out of compliance.

There are 2 questions on the ELPC screen:

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

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

For further information on the ELPC, refer to the DOE’s wiki page.

**STARS: ENL**

All ELLs are required to receive a minimum number of units of ENL, regardless of their program placement (freestanding ENL, dual language, or transitional bilingual education). See page 23 for minimum requirements. ENL is programmed for all students through STARS.
Elementary Schools

Elementary school students are currently programmed via **STARS Classroom Elementary School Programming**. Using **Official Class Subjects** or **Individual Student Programming**, elementary schools identify the subjects taught for an official class or an individual student. As subjects are activated, subject properties are set. Select ENL if the subject is push-in, pull-out, or self-contained ENL and taught by a certified ENL teacher. In order to meet NYSED requirements, ENL must be provided by an ENL-certified teacher. If the student is in a bilingual program in elementary school, the certified bilingual teacher can provide ENL minutes but only to those students in his/her bilingual class.

Students in bilingual programs must also have their ENL component programmed in STARS. For further information on programming ENL in STARS, see the DOE’s wiki page [https://wiki.nycenet.edu/display/HSST/STARS+Wiki+Home+Page](https://wiki.nycenet.edu/display/HSST/STARS+Wiki+Home+Page).

Middle and High Schools

For middle and high schools, use STARS Admin **Section Properties** to identify for each course-section whether the course is ESL, which should be counted towards a student’s ENL minutes. In order to meet NYSED requirements, only ESL-certified teachers can provide ENL, whether in an ESL, self-contained class, or in a core content course. If a high school course is aligned to both ELA and ENL standards and is coded as a core English course (“EE”), the school should use the section properties to indicate that ENL is provided in the course. See page 2 of the [High School Academic Policy Reference Guide](https://www.nyc.gov/site/tdp/office-of-special-education/policy-reference-guides.page).

**STARS: Bilingual Programs**

Manage School Programs – ELL/Bilingual Program Tracker allows schools to identify their TBE/DL programs in addition to the ELL students being serviced in each. The Manage School Programs – ELL/Bilingual Program Tracker is designed to identify different program sequences, or service types, for each bilingual program type (i.e., TBE and DL) activated by the school on Add/Remove Programs. ELL students are then 'enrolled' in the program-sequence they are receiving services in.

There are 3 steps in identifying bilingual programs in STARS:

1. Indicate which classes are taught bilingually (e.g., math class taught in Spanish and English)
2. Placing students in those bilingual classes
3. Grouping the bilingual classes together to identify those classes that comprise the bilingual program and the ratio of English to the home/target language
Comprehensive Education Plan—LAP, Title III Plans, and Translation/Interpretation Plans

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

There are 3 ELL-related sections of the CEP:

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

The LAP is a systemic plan for language development which guides programmatic and curricular decisions for students until they acquire academic proficiency in English. It is a school-originated document submitted every 2 years in consultation with all 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 ELLs within a school are detailed within the document. The document describes the various program models (dual language, transitional bilingual education, and freestanding English as a new language), the identification of ELL subgroups in the school, the interventions they receive, and parent engagement. In addition, professional development provided and the high quality certified teachers of ELLs that staff these programs are described in the LAP. The form used to complete the LAP and LAP resources are available on the DOE’s website.

The Title III Limited English Proficient (LEP) supplemental program is provided through federal funds supported by the No Child Left Behind Act. This funding (subject to revision annually) is based on the previous year’s ELL reporting in each individual school. It provides federal allocations to schools with the mandated minimum of ELLs for supplemental services for English language learners before school, after school, and on Saturdays. These wholly supplemental services are based on students’ needs and provide teachers with ongoing professional
development to support the ELL population within the school. A plan must be submitted every 2 years and based on the following ratio: 60% to direct instruction, 10% to parental involvement, 10% to professional development, and 20% to OTPS.

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

- 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 DOE's website.

The Language Translation and Interpretation plan is a document which must be submitted every 2 years. This plan is put in place to assist schools in communicating with their non-English speaking parents in their preferred languages in order to support shared parent-school accountability, parent access to information about their children’s educational options, and parents’ capacity to improve their children’s achievement. This plan is based on the number of ELLs as well as how many different languages are present within a school. School allocations are announced annually in the respective school allocation memorandum, which is available on the DOE’s website.

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

**Exiting ELL Status (“Testing Out”)**

Beginning in the 2015-16 SY, there are multiple ways for students to test proficient and no longer be considered ELLs:

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

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

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:

- A half unit of ESL/ENL or services that monitor and support the student’s language development and academic progress
- ELL testing accommodations (see page 46)

Schools must send Non Entitlement/Transition Letters to parents of students who have exited ELL status. These letters are available online. Letters should be sent to parents before the beginning of the school year but no later than September 15 of the school year in which the student is no longer entitled. Letters must be sent in the preferred language of the parent.

**Retention of Records**

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

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

Critical ELL documents include the following:

- Dated and signed copies of each student’s
  - Home Language Identification Survey
  - Parent Survey and Selection Form
  - Program Placement Letter
  - Entitlement letter (newly identified ELLs)
  - Continued entitlement letter (continuing ELLs)
ELL Assessments

Required ELL-Related Tests

The New York State Identification Test for English Language Learners (NYSITELL) is the exam that determines ELL status. It is administered throughout the school year as necessary to all students entering grades K to 12 who are first time entrants and reentrants (see page 21 for more information on reentry). There are 5 levels, the last of which indicates the student is not an ELL. For more information on the proficiency levels, see page 23.

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

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

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<thead>
<tr>
<th>Level</th>
<th>Grade in which student is enrolling</th>
<th>Dates on which test will be administered</th>
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<tbody>
<tr>
<td>I</td>
<td>Grade K</td>
<td>June 1 – January 31</td>
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<tr>
<td>II</td>
<td>Grade K</td>
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<td></td>
<td>Grade 1</td>
<td>February 1 – June 30</td>
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<td>July 15 – January 31</td>
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<tr>
<td>III</td>
<td>Grade 1</td>
<td>February 1 – June 30</td>
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<td></td>
<td>Grade 2</td>
<td>July 15 – January 31</td>
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<td>IV</td>
<td>Grade 2</td>
<td>February 1 – June 30</td>
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<td></td>
<td>Grade 3</td>
<td>July 15 – January 31</td>
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<tr>
<td>V</td>
<td>Grade 3</td>
<td>February 1 – June 30</td>
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<tr>
<td></td>
<td>Grade 4</td>
<td>July 15 – June 30</td>
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<tr>
<td>Level</td>
<td>Grade in which student is enrolling</td>
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<tr>
<td>VI</td>
<td>Grades 5 – 6</td>
<td>July 15– June 30</td>
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<tr>
<td>VII</td>
<td>Grades 7– 8</td>
<td>July 15– June 30</td>
</tr>
<tr>
<td>VIII</td>
<td>Grades 9 – 12</td>
<td>July 15– June 30</td>
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NOTE: The Level I test may be administered during the month of June only to those new entrants who will not begin kindergarten until September.

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

For more information about the NYSITELL, see SED’s website on the NYSITELL.

The **New York State English as a Second Language Achievement Test (NYSESLAT)** is the exam administered to all ELLs in grades K to 12 (including those who are eligible for New York State Alternate Assessment) as well as those students who were not properly and timely administered the NYSITELL to determine continued entitlement of ELL services, progress in learning English, proficiency level, and number of units of ENL for the following school year. The NYSESLAT consists of 4 sections (speaking, listening, reading, and writing), all of which must be administered in order to generate a valid score and proficiency level/result. Administration of the NYSESLAT runs from mid-April to mid-May. The first several weeks are devoted solely to administration of the speaking section. The last 2 weeks are devoted to the other 3 sections as well as those students who were not administered the speaking section. Schools are not penalized for administering the speaking section during the last 2 weeks.

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

For a list of NYSESLAT administration best practices, see page 44.
The **Spanish LAB** is administered to all new entrants in grades K to 12 whose HLIS responses indicate a home language of Spanish and who are newly identified as ELLs based on NYSITELL results. It is administered throughout the year as necessary. The Spanish LAB must be administered at the time of initial enrollment during the same testing window as the NYSITELL. The Spanish LAB is used to support schools in instructional planning in providing bilingual and ENL services to these students. Spanish LAB results are not used to determine ELL status or service entitlement. Schools that are late or out of compliance in administering the NYSITELL will be considered out of compliance by default for those students whose home language is Spanish since the Spanish LAB cannot be administered until the NYSITELL has been administered and scanned into the system. For more information, see page 15.

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

The **El Examen de Lectura en Español** (ELE) is administered to all students in grades 3 to 12 in Spanish transitional bilingual education and dual language programs. English-proficient students in Spanish DL programs should also take the ELE. It is designed to assess students’ literacy achievement in Spanish. This exam is administered one time in mid-May. See the DOE’s testing calendar for specific dates and times.

**Optional ELL-Related Tests**

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.
Helpful Hints: NYSESLAT Administration Best Practices Overview

Schools must administer the New York State English as a Second Language Achievement Test (NYSESLAT) to all English language learners annually to measure progress in English language acquisition and to determine continued eligibility for ELL services for the following year. In order for students to receive a valid score, schools must administer all sections (speaking, reading, listening, and writing) of the NYSESLAT to students.

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

**Step 1: Identify Eligible Students**

- Print out the RLER report from ATS for a list of NYSESLAT-eligible students. Note the number of NYSESLAT-eligible students at your school.
- Identify any NYSESLAT-eligible students who have long-term absences and call their parents to ensure students are present during scheduled exam times.
- Upon receipt of your NYSESLAT materials, count the number of booklets and answer documents; for information on when materials should arrive.
  - If you do not have sufficient numbers of materials, contact your Borough Assessment Implementation Director (BAID);

**Step 2: Administer All Subtests of the NYSESLAT during the Administration Window and Track Student Completion**

- Note that staff administering the NYSESLAT are not required to hold a bilingual or ENL license but must be able to carry out standard examination procedures and must have been trained in administering the NYSESLAT.
- To administer the speaking subtest during the administration window, do the following:
  - Assign a sufficient number of staff and adjust your school schedule as necessary to ensure that you are able to administer to all NYSESLAT-eligible students the speaking subtest during the administration window.
- To administer the reading, listening, and writing subtests during the administration window, do the following:
  - Note that there are only 10 school days during which you may administer the non-speaking subtests; plan accordingly.
  - Assign a sufficient number of staff and adjust your school schedule as necessary to ensure that you are able to administer to all NYSESLAT-eligible students the reading, listening, and writing subtests.
- Track completion and ensure students who were not present during times originally scheduled have opportunities to complete the NYSESLAT.

**Step 3: 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 promotional decisions.

**Q and A on Special Circumstances**

1. Q: What should I do with answer documents for students enrolled in GED/TASC programs?
   A: These students do not need to be tested and no answer document needs to be submitted. The answer documents should be retained at the school and sent for secure shredding in September.

2. Q: If the student is no longer classified as an ELL based on an ELAND review, do they need to submit an answer document?
   A: The answer documents should be retained at the school and sent for secure shredding in September.

3. Q: 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?
   A: They do not need to submit an answer document. The answer documents should be retained at the school and sent for secure shredding in September.

4. Q: On what grade should NYSAA students be administered the NYSESLAT?
   A: For NYSESLAT administration purposes, NYSAA students are considered ungraded. Therefore, the grade bubbled in on the answer document should be based on the NYSAA Birthdate Chart.

5. Q: When should I do with answer documents for NYSAA students who are unable to respond to any questions?
   A: Blank answer documents still need to be sent in. Schools are encouraged to have students respond to at least one or more questions, to the extent possible, in order to obtain a valid test score.

6. Q: What should I do with answer documents for NYSAA students who need a new answer document because, based on the NYSAA Birthdate Chart, will take the NYSESLAT in a different grade band?
   A: The school should make a new answer document and send the new answer document in for scanning. The preslugged answer documents should be retained at the school and sent for secure shredding in September. Note: the grade will not be bubbled in for District 75 pre-slugged answer documents. Schools must bubble in grade on all answer documents.

For general information about administering the NYSESLAT, including rubrics, see the NYSESLAT School Administrator’s Manual. For information on NYC-specific administration and scoring procedures, see the NYSESLAT memo. For questions regarding NYSESLAT administration or materials, contact your BAID. For questions regarding ELL policy, contact your senior ELL CPS.
ELL Periodic Assessments are specifically designed for English language learners and may provide more instructionally relevant data about these students than ELA periodic assessments. Schools may use these assessments in addition to their other periodic assessments. Schools that are focusing on ELL students as part of their inquiry work may find these assessments, and the timely, detailed data they provide, to be especially valuable.

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

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

For specific dates or more information, see the DOE’s assessment website or contact the borough assessment implementation director.

**Exemptions from the NYS English Language Arts Exam—Grades 3 to 8**

Some ELLs are eligible for a one-time exemption from the New York State English Language Arts Exam in grades 3 to 8. ELLs, who on April 1 of the year in which the ELA is administered, have been attending school in the United States for less than one year may use the NYSESLAT in lieu of the ELA. For this purpose, the United States School System (USSS) is defined as schools in the 50 States and the District of Columbia and does not include Puerto Rico, the outlying areas, or the freely associated States. Students may be exempted from only one administration of the ELA.6

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 prekindergarten to grade 8 or ungraded elementary are counted toward this 12-month exemption window.

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Examples:

1. An ELL student enrolls for the first time in a United States school in grade 3 in March 2014 and ends enrollment by leaving the United States in June 2014 (four-month enrollment). The student re-enrolls in a United States school in March 2015 as a grade 4 student and remains enrolled through the end of the school year. If the one-time exemption occurred in 2013–14, even though the student has been enrolled in a United States school for only six months as of the 2014–15 NYS ELA test administration window (test is given in April), the student may not be exempted again in 2014–15, as the one-time exemption already occurred in 2013–14.

2. An ELL student enrolls for the first time in a United States school in grade 3 on May 1, 2014 and does not end enrollment. The student may be exempted from taking the NYS ELA test in 2014–15, as the student has only been enrolled in a school in the United States for 11 months, May 1, 2014 – March 31, 2015. (Note that the month of April 2015 is not counted in determining if the student has been enrolled for 12 months in a school in the United States.)

There are no Regents exemptions permitted based on ELL status. For more information, refer to the DOE’s [High School Academic Policy Guide](#).

**ELL Testing Accommodations**

All ELLs and former ELLs for up to two years after testing out are eligible for ELL testing accommodations, in addition to any accommodations on their IEPs or 504 Plans, if applicable. Schools should determine which accommodations are most suitable and beneficial (will 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.

Schools may provide testing accommodations to ELLs, as needed, on all NYS ELA and content-area assessments (i.e., mathematics, science and social studies). Schools must make all necessary arrangements to make these accommodations available for ELLs who need them. A list of NYS-approved accommodations may be found in the [School Administrator's Manual](#) (SAM) for each respective test.

Testing accommodations for ELL students on the NYS ELA and content-area assessments include the following:
• Time extension (all exams): Schools may extend the test time for ELL students on NYS ELA and content-area assessments and on Regents examinations. Principals may use any reasonable extensions, such as "time and a half" (the required testing time plus half that amount), in accordance with their best judgment about the needs of the ELL students. Principals should consult with the student's classroom teacher in making these determinations. However, there are no time limits.
• Separate location (all exams): Schools are encouraged to provide optimal testing environments and facilities for ELL students. NYS assessments may be administered to ELLs individually or in small groups in a separate location.
• Third reading of listening selection (English Language Arts exams only): Proctors may read the listening passage three times to ELLs on grades 3-8 English Language Arts assessments and on the Regents Comprehensive Examination in English.
• Bilingual dictionaries and/or glossaries: ELLs may use bilingual glossaries when taking State examinations in all subjects except languages other than English exams (LOTE). The bilingual dictionaries and glossaries may provide only direct one-to-one translations of words. Bilingual dictionaries and/or glossaries that provide definitions or explanations are not permitted. Bilingual glossaries in the content areas are available for downloading.
• Simultaneous use of English and alternative language editions are not allowed for English Language Arts examinations. For state examinations for which SED provides written translations, ELLs may use both English and an alternative language edition of the test simultaneously. However, they should be instructed to record all of their responses in only one language. The alternative language edition used by the student should be so indicated on the student's answer sheet.
• Oral translations for low incidence languages are not allowed for English Language Arts examinations. Schools may provide ELL students with an oral translation of a state examination when there is no translated edition provided by SED. All translations must be oral, direct translations of the English editions. Written translations are not allowed. No clarifications or explanations may be provided. Translators should receive copies of the English edition of the tests one hour prior to administration.
• Writing responses in the home language are not allowed for English Language Arts examinations. ELL students making use of alternative language editions or of oral translations of state examinations may write their responses to the open-ended question in their home languages. Scoring the tests is the responsibility of the school.
Support Services for ELLs (RTI and AIS)

For each English language learner who scores below specified levels of performance on the annual English language proficiency assessment, the school must determine the additional support services to provide the student, taking into consideration evidence such as the following:

- Number of years of instruction in a bilingual education or English as a new language program
- English and home language literacy
- Content area and socio-emotional support needs of students with inconsistent/interrupted formal education (SIFE)
- English and home language literacy needs of long-term ELLs
- Results on the annual English language proficiency assessment exam
- Bilingual education or English as a second language teacher recommendation
- Content area teacher recommendation
- Parent or guardian request
- Sample of student work in English and, if possible, in the home language
- Bilingual educational evaluation, if the student has or is suspected of having a disability

The support services provided must be aligned to any intervention plans (e.g., Academic Intervention Services) the school is already providing to all students. There are RTI resources for ELL educators on the DELLSS' website.

Professional Development

Each school must provide professional development to all teachers and administrators that specifically addresses the needs of English language learners. A minimum of fifteen percent (15%) of the required professional development hours for all teachers 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, 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.
Grade and Cohort Placement for ELLs
(As of spring 2015)

Like all students, English language learners are placed into graduation cohorts based on the first time they entered high school (or the equivalent) anywhere in the world. A student’s cohort year is fixed, and represents the 9th grade school year.

However, in special circumstances, an ELL can be placed in a cohort other than his or her actual high school entry year. This exception applies only to English language learners who fulfill certain criteria, outlined in the High School Academic Policy Guide. Schools are encouraged to review these criteria and the policy to determine if an ELL would benefit from a change in cohort.

Promotion and Graduation Requirements—Grades K to 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 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 Credit FAQs for information on this policy.
Appendix

Language Proficiency Team NYSITELL Determination Form

Student’s First Name: _________________ Student’s Last Name _______________________

DBN: ______________ Date of Initial Enrollment/Reentry: ________________________

Principal’s Name: _________________________________________

Names and Titles of Language Proficiency Team:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
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<tbody>
<tr>
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</tbody>
</table>

LPT Recommendation (check one)

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

Date of LPT Recommendation: _____________________________
Date sent to Principal: _____________________________

Principal Determination (check one)

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

Date of Principal Determination: _____________________________
Principal’s Signature: _____________________________
Date sent to Superintendent: _____________________________
Date of letter sent to parent notifying parent of status: _________

Superintendent Determination (check one)

☐ Student should take the NYSITELL
☐ Student should not take the NYSITELL

Date of Superintendent Determination: _____________________________
Superintendent’s Signature: _____________________________

Date of final status notification sent to parent: _____________________________
**Similarities between Learning Disability and Language Acquisition**

It is important to understand how certain elements of the second language acquisition process compare to learner characteristics associated with a learning disability. While components of language acquisition can seem to mirror a learning disability, they do not necessarily indicate a learning disability. Some of the characteristics are listed in the table below:

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

As per CR Part 154, for students coming from a NYS public school (outside of the NYCDOE), the DOE school must contact the sending NYS public school to obtain home language designation, NYSITELL (or LAB-R) and NYSESLAT results within 2 business days. These data and related documents must be placed in the student’s cumulative folder and inputted into designated ATS screens. The data request must be made for any student entering a NYCDOE school (grades K to 12) who has been enrolled in a NYS public school within the previous 2 years. See page 16. Send this completed form to ELLTransfersNYS@schools.nyc.gov.

<table>
<thead>
<tr>
<th>Current DOE School:</th>
<th>Contact Person at Current DOE School:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Name of NYS School District that was contacted:</th>
<th>Date Received this information from the NYS public school:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Name, title, and phone number of NYS school district contact person:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Name of Student:</th>
<th>Date of Birth:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Student ID:</th>
<th>Current Grade:</th>
<th>SIFE status:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Which program was the student served in while in the last NYS public school?</th>
<th>Freestanding ENL</th>
<th>Dual Language</th>
<th>Transitional Bilingual Education</th>
<th>Student is not an ELL</th>
</tr>
</thead>
</table>

<table>
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<tr>
<th>Which program did the parent select while in the last NYS public school?</th>
<th>Freestanding ENL</th>
<th>Dual Language</th>
<th>Transitional Bilingual Education</th>
<th>Student is not an ELL</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Most Recent Overall Proficiency Level</th>
<th>Most Recent Test Date</th>
<th>Tested Grade (the grade the student was in when this test was administered)</th>
<th>Total Score</th>
<th>Reading Score</th>
<th>Writing Score</th>
<th>Speaking Score</th>
<th>Listening Score</th>
</tr>
</thead>
</table>

| LAB-R | | | | |

| NYSITELL | | | | |

| NYSESLAT | | | | |

Additional information / comments: