

New York State Requirements for Bilingual Education and English as a New Language Programs



Fact Sheet No. 15-07

April 2015
(revised December 2017)

Background

At its September 2014 meeting, the Board of Regents adopted amendments to Part 154 of the Commissioner’s Regulations regarding Bilingual Education and English as a New Language (ENL) Programs. These amendments require school districts to provide English Language Learners (ELLs) with opportunities to achieve the same educational goals and standards established for all students.

Subpart 154-1 describes school district responsibilities, effective October 2014, for Bilingual Education and ENL programs during the 2014-2015 school year. Subparts 154-2 and -154-3 describe program and service requirements for English as a New Language programs with which school districts must comply, effective as of the 2015-2016 school year.

NYSUT urges local leaders and appropriate teaching staff to work closely with district administrators to develop and implement the district’s required comprehensive Part 154

Bilingual Education/ENL plan which must be submitted to SED prior to the start of the school year. Similarly, according to Part 100.2(dd) of the Regulations, each school district’s professional development committee should design a professional development plan that supports the education of ELL students, including co-teaching strategies and the integration of language and content area instruction. This Fact Sheet has been organized in a chart format to present in a more user-friendly manner the changes made to the programs and services that school districts must provide to ELL students. This information is consistent with recent guidance published by the SED, available at <http://www.p12.nysed.gov/biling/resource/cr-part-154/units-of-study-tables.html>. See the complete Regulations at: <http://www.nysed.gov/bilingual-ed/regulations/regulations-concerning-english-language-learnersmultilingual-learners>

NYSUT staff can assist you in addressing questions and issues related to these State requirements. Please contact Susan Lafond at 1-800-342-9810 ext. 6521 or slafond@nysutmail.org if you need assistance or to suggest additional resources that NYSUT should develop to support educators’ efforts in implementing these requirements.

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A) New York State Requirements for Bilingual Education and English as a New Language (ENL) Program Effective 2015 – 2016 School Year

Part 154 of the Commissioner Regulations outlines schools' responsibility for the identification, program placement, instruction, and evaluation of English Language Learners (ELLs), as well as the professional development of teachers.

Goal	Timeline	Action		Responsibility of:
Identification	At time of registration for school.	Home Language Questionnaire (HLQ)	<ul style="list-style-type: none"> • Qualified personnel administers HLQ • Parent fills out HLQ at time of registering student for school in the district. • School district must maintain HLQ in each student's cumulative record. • Provisionally place student in school until the identification process is complete. • If there are 20 or more students at the same grade level in the school district who speak the same home language, the school district must provide a Bilingual Education program. Annually, the district may apply for 1-year Bilingual Education program waiver for languages other than Spanish and Mandarin. • All students designated as ELL students must be allowed to continue in the Bilingual Education program in which they were initially enrolled, as long as there were at least 15 students enrolled in the cohort grade in that program the prior school year. 	<input type="checkbox"/> School District <input type="checkbox"/> Parents <input type="checkbox"/> Translator/Interpreter provided by school district <i>(Qualified personnel include:</i> <ul style="list-style-type: none"> • <i>Certified ESOL teacher or</i> • <i>Certified teacher with bilingual extension or</i> • <i>Certified teacher trained in cultural competency, language development and the needs of ELLs)</i>
		Interview	<ul style="list-style-type: none"> • Qualified personnel interviews student and parent and reviews student's academic history and student work samples to determine the student's skills in English, home language arts, and math. • Qualified personnel administers assessments in home language and math to student. The results of these assessments may potentially identify Students with Interrupted/Inconsistent Formal Education (SIFE), if they are determined to be ELL after taking the NYSITELL in the next step. 	<input type="checkbox"/> Parent <input type="checkbox"/> Student <input type="checkbox"/> Translator/Interpreter provided by school district <input type="checkbox"/> School District <i>(Qualified personnel include:</i> <ul style="list-style-type: none"> • <i>Certified ESOL teacher or</i> • <i>Certified teacher with bilingual extension or</i> • <i>Certified teacher trained in cultural competency, language development and the needs of ELLs)</i>
		New York State Identification Test for English Language	<ul style="list-style-type: none"> • Each student, whose HLQ shows another language, may be assessed with the NYSITELL as determined by the interview. • Determine if a student with a disability should take the NYSITELL and be identified as an English language learner. 	<input type="checkbox"/> Certified ESOL teacher or <input type="checkbox"/> Certified teacher with bilingual extension

Goal	Timeline	Action		Responsibility of:
		Learners (NYSITELL)	<ul style="list-style-type: none"> Determine if student should take NYSITELL with or without testing accommodation or an alternate assessment as prescribed by the Commissioner. 	<input type="checkbox"/> School District <input type="checkbox"/> Language Proficiency Team (LPT), Principal, and Superintendent <input type="checkbox"/> Committee on Special Education (CSE)
Program & School Placement	Within 10 school days after initiating the identification process.	ENL/Bilingual Program	<ul style="list-style-type: none"> After ELL identification, the school district must notify parents in writing (in home language, if indicated by HLQ) that their child has been designated as an ELL student. Host parent orientation about the Bilingual Education and/or ENL programs. Notify parents in writing (in home language, if indicated by HLQ) of their child’s Bilingual Education/ENL program placement. Parent notification must explain the goals and purpose of the Bilingual Education and ENL programs available in the district. The notification must state that the student will receive all required core content in all programs offered, and that participation in a Bilingual Education or ENL program will not restrict the students’ access to extracurricular activities offered by the school or district. <i>In a school that is not required to provide a Bilingual Education program, the district must notify parents if there is an option of transferring their child to a district school with an available program. The school district must notify parents of the right to transfer to a Bilingual Education program in a school that has not been identified as a School Under Registration Review or as a Focus or Priority School. School districts must notify parents that transportation will be provided to students who transfer to a different school in accordance with Education Law Section 3635 or district policy.</i> Parents have 10 school days to sign and return the program placement notification/selection form. They may choose to opt their child out of Bilingual Education, but their child must attend an ENL program. Student is permanently placed in school when the ELL identification process is complete. 	<input type="checkbox"/> School District <input type="checkbox"/> Translator/Interpreter provided by school district <input type="checkbox"/> Parents
	Within 45 days of ENL program	Identification Review	<ul style="list-style-type: none"> If it is suspected that a student has been misidentified as an ELL student and a written request is submitted, a school district must implement a review process 	<input type="checkbox"/> Parents, teachers (with parental consent), or students 18+ years old

Goal	Timeline	Action		Responsibility of:
	enrollment		conducted by qualified personnel. The parent (or the student 18+ years) must consent to the change in ELL status, and the principal and superintendent must approve.	<input type="checkbox"/> Certified ESOL teacher or <input type="checkbox"/> Certified Common Branch teacher with bilingual extension (K-6)
Additional Academic Support Services	Ongoing	NYSESLAT, school report cards, and other statewide tests	<ul style="list-style-type: none"> An ELL student who does not demonstrate adequate progress must receive additional academic support services in alignment with the school and/or district's academic intervention plans. 	<input type="checkbox"/> Certified ESOL teacher or <input type="checkbox"/> Certified Common Branch teacher with bilingual extension (K-6) <input type="checkbox"/> Parents <input type="checkbox"/> Teachers <input type="checkbox"/> School RTI team
Communication with Parents	Ongoing	Records/Copies of all communication with parents	<ul style="list-style-type: none"> The school district must communicate in the language that the parent or guardian best understands, as indicated on the HLQ, and maintained in district records. 	<input type="checkbox"/> School District <input type="checkbox"/> Certified ESOL teacher or <input type="checkbox"/> Certified Common Branch teacher with bilingual extension (K-6)
Parent Meetings	At least once a year	Signed attendance record	<ul style="list-style-type: none"> School staff must meet with the parent or guardian, in addition to regular parent-teacher conferences, to discuss the student's English learning goals and progress. Parent attendance records must be maintained by the district. 	<input type="checkbox"/> School District <input type="checkbox"/> Parents <input type="checkbox"/> Teachers
Records Maintenance	Ongoing	Retention of records	<ul style="list-style-type: none"> The school district must maintain records, accessible in the student's cumulative folder, of HLQ and signed notices by parents or guardians, and all documentation of the ENL program, including screening, identification, program placement, review, and exit. 	<input type="checkbox"/> School District
Annual Assessment	Annually (April/May)	New York State English as a Second Language Assessment Test (NYSESLAT)	<ul style="list-style-type: none"> Through administration of the NYSESLAT, each school district will annually determine if an ELL student will continue to be identified as an ELL. 	<input type="checkbox"/> Certified ESOL teacher or <input type="checkbox"/> Certified Common Branch teacher with bilingual extension (K-6)

Goal	Timeline	Action		Responsibility of:
Exit from ENL Program	Annually (April/May)	NYSESLAT	To exit from an ENL program, a student must 1) Score Commanding (Proficient) on the NYSESLAT or	<input type="checkbox"/> Certified ESOL teacher or <input type="checkbox"/> Certified Common Branch teacher with bilingual extension (K-6)
	January/June (Regents)	NYSESLAT Grade 3-8 ELA English Regents	2) Score Expanding (Advanced) on the NYSESLAT and score 3+ on grade 3-8 ELA Assessment or score 65+ on English Regents exam	<input type="checkbox"/> Certified ESOL teacher or <input type="checkbox"/> Certified Common Branch teacher with bilingual extension (K-6)
	Annually	NYSESLAT, IEP, 504 Plan, or Alternate assessment	3) For an ELL who is also a student with a disability, determine if ELL's special needs are the determinant factor affecting ELL's ability to demonstrate Commanding (Proficient) on the NYSESLAT. These students can be evaluated by: a) NYSESLAT without testing accommodations b) NYSESLAT with testing accommodations, as indicated by student's IEP c) Alternate assessment approved by the Commissioner of Education.	<input type="checkbox"/> Certified Common Branch teachers (K-6) or content-area teachers grades 7-12 <input type="checkbox"/> Committee on Special Education (CSE)
Professional Development	Throughout year Annually		<ul style="list-style-type: none"> At least 15% of professional development (PD) hours for all teachers and 50% for ESOL and Bilingual Education teachers must be specific to the needs of ELLs, including co-teaching strategies and integrating language and content. If the number of ELLs is less than 5% of the total enrollment in a district, the district can annually apply for a waiver from the 15%/50% PD requirement from NYSED. The district must provide evidence that its PD plan meets the needs of its ELLs, including co-teaching strategies and integrating language and content instruction for ELLs. 	<input type="checkbox"/> School District <input type="checkbox"/> School District's Professional Development Team

B) Grades K-8 Instructional Requirements for English as a New Language (ENL) Programs Effective 2015 – 2016 School Year

Part 154 requires each school district to provide an ENL program based on a student’s English language proficiency levels in listening, speaking, reading and writing. The grade span of English Language Learners (ELLs) receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. English as a New Language (ENL) instruction should be provided in substantially equal daily allotments of time.

1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.

Proficiency Level	Instruction	Personnel	
		Stand-alone ENL	Integrated ENL
Entering (Beginning)	<p>Students must receive at least 2 units of study (360 min.)/week of ENL instruction:</p> <ul style="list-style-type: none"> At least 1 unit (180 min.)/week of Stand-alone ENL instruction, and At least 1 unit (180 min.)/week of Integrated ENL and English Language Arts (ELA) instruction 	<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-12 ESOL teacher or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension 	<ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher (with K-6 Common Branch or 7-12 content for ELA, math, science, or social studies) or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified K-6 Common Branch teacher or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-12 content teacher
Emerging (Low Intermediate)	<p>Students must receive at least 2 units of study (360 min.)/week of ENL instruction:</p> <ul style="list-style-type: none"> At least ½ unit (90 min.)/week of Stand-alone ENL instruction, and At least 1 unit (180 min.)/week of Integrated ENL/ELA instruction, and At least ½ unit (90 min.)/week of either Integrated ENL/content area or Stand-alone ENL instruction <p>Looking at this another way:</p> <ul style="list-style-type: none"> ½ unit (90 min.)/week Stand-alone ENL 1 unit (180 min.)/week Integrated ENL/ELA ½ unit (90 min.)/week flexible (Stand-Alone or Integrated ENL/content area) 	<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-12 ESOL teacher or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension 	<ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher (with K-6 Common Branch or 7-12 content for ELA, math, science, or social studies) or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified K-6 Common Branch teacher or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-8 content teacher

B) Grades K-8 Instructional Requirements for English as a New Language (ENL) Programs Effective 2015 – 2016 School Year

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Proficiency Level	Instruction	Personnel	
		Stand-alone ENL	Integrated ENL
Transitioning (High Intermediate)	<p>Students must receive at least 1 unit (180 min.)/week of ENL instruction:</p> <ul style="list-style-type: none"> At least ½ unit (90 min.)/week Integrated ENL/ELA instruction, and At least ½ unit (90 min.)/week Integrated ENL/content area or Stand-alone ENL <p>Looking at this another way:</p> <ul style="list-style-type: none"> ½ unit (90 min.)/week must be Integrated ENL/ELA ½ unit (90 min.)/week flexible (Stand-Alone or Integrated ENL/content area) 	<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-12 ESOL teacher or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual extension 	<ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher (with K-6 Common Branch or 7-12 content for ELA, math, science, or social studies) or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified K-6 Common Branch teacher or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-12 content teacher
Expanding (Advanced)	<p>Students must receive at least 1 unit (180 min.)/week of ENL instruction:</p> <ul style="list-style-type: none"> Integrated ENL/content area (ELA, math, science, social studies) 		<ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher (with K-6 Common Branch or 7-12 content for ELA, math, science, or social studies) or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified K-6 Common Branch teacher or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-12 content teacher

B) Grades K-8 Instructional Requirements for English as a New Language (ENL) Programs Effective 2015 – 2016 School Year

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Proficiency Level	Instruction	Personnel	
		Stand-alone ENL	Integrated ENL
Commanding (Proficient)	<p>For at least 2 school years following the school year in which a student is exited from ENL status, the student must receive:</p> <ul style="list-style-type: none"> • At least ½ unit (90 min.)/week of ENL/ELA or another content area, or • Other services, approved by the Commissioner, that monitor and support the student’s language development and academic progress 		<ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher (with K-6 Common Branch or 7-12 content for ELA, math, science, or social studies) or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified K-6 Common Branch teacher or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-12 content teacher

C) Grades 9-12 Instructional Requirements for English as a New Language (ENL) Programs Effective 2015 – 2016 School Year

Part 154 requires each school district to provide an ENL program based on a student’s English language proficiency levels in listening, speaking, reading and writing. The grade span of English Language Learners (ELLs) receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. ENL instruction should be provided in substantially equal daily allotments of time.

1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.

Proficiency Level	Instruction	Personnel	
		Stand-alone ENL	Integrated ENL
Entering (Beginning)	<p>Students must receive at least 3 units (540 min.)/week of ENL instruction:</p> <ul style="list-style-type: none"> • At least 1 unit (180 min.)/week of Stand-alone ENL, and • At least 1 unit (180 min.)/week of Integrated ENL/ELA, and • At least 1 unit (180 min.)/week flexible (Stand-alone ENL instruction or Integrated ENL/content area) <p>A student will earn a total of 3 credits: 1 unit of elective credit for Stand-alone ENL, and 1 unit of credit in ELA for Integrated ENL/ELA, and 1 unit of credit in the content area for Integrated ENL/content area, or 1 unit of elective credit for a second Stand-alone ENL.</p>	<input type="checkbox"/> Certified K-12 ESOL teacher	<input type="checkbox"/> Dually-certified K-12 ESOL teacher in 7-12 content area or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-12 content teacher (ELA, math, science, or social studies)
Emerging (Low Intermediate)	<p>Students must receive at least 2 units (360 min.)/week of ENL instruction:</p> <ul style="list-style-type: none"> • At least ½ unit (90 min.)/week of Stand-alone ENL, and • At least 1 unit (180 min.)/week of Integrated ENL/ELA and • At least ½ unit (90 min.)/week flexible (Stand-alone ENL or Integrated ENL/content area) <p>A student will earn a total of 2 credits: 1 unit of credit in ELA for Integrated ENL/ELA, and 1 unit of elective credit for Stand-alone ENL, or ½ unit of credit in the content area for Integrated ENL/content area, and ½ unit of elective credit for Stand-alone ENL.</p>	<input type="checkbox"/> Certified K-12 ESOL teacher	<input type="checkbox"/> Dually-certified K-12 ESOL teacher in 7-12 content area or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-12 content teacher (ELA, math, science, social studies)

C) Grades 9-12 Instructional Requirements for English as a New Language (ENL) Programs Effective 2015 – 2016 School Year

Part 154 requires each school district to provide an ENL program based on a student’s English language proficiency levels in listening, speaking, reading and writing. The grade span of English Language Learners (ELLs) receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. ENL instruction should be provided in substantially equal daily allotments of time.

1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.

Proficiency Level	Instruction	Personnel	
		Stand-alone ENL	Integrated ENL
Transitioning (Intermediate)	<p>Students must receive at least 1 unit (180 min.)/week of ENL instruction:</p> <ul style="list-style-type: none"> • At least ½ unit (90 min.)/week of Integrated ENL/ELA or ENL/content area, and • At least ½ unit (90 min.)/week flexible (Integrated ENL/ELA, ENL/content area or Stand-alone ENL) <p>A student will earn a total of 1 credit: 1 unit of credit in the content area for Integrated ENL/content area, or ½ unit of credit in the content area for Integrated ENL/content area, and ½ unit of elective credit for Stand-alone ENL.</p>	<input type="checkbox"/> Certified K-12 ESOL teacher	<input type="checkbox"/> Dually-certified K-12 ESOL teacher in 7-12 content area or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-12 content teacher (ELA, math, science, social studies)
Expanding (Advanced)	<p>Students must receive:</p> <ul style="list-style-type: none"> • At least 1 unit (180 min.)/week of Integrated ENL/content area instruction <p>A student will earn: 1 credit in a content area for Integrated ENL/content area (ELA, science, math, social studies).</p>		<input type="checkbox"/> Dually-certified K-12 ESOL teacher in 7-12 content area or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-12 content teacher (ELA, math, science, social studies)
Commanding (Proficient)	<p>For at least two school years following the school year in which a student has exited from ENL status, the student must receive:</p> <ul style="list-style-type: none"> • At least ½ of one unit (90 min.) of Integrated ENL/ELA or another content area, or • Other services, approved by the Commissioner, that monitor and support the student’s language development and academic progress 		<input type="checkbox"/> Dually-certified K-12 ESOL teacher in 7-12 content area or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-12 content teacher (ELA, math, science, social studies)

D) Grades K-8 Instructional Requirements for Transitional Bilingual Education and ENL Programs Effective 2015 - 2016 School Year

Part 154 requires a Bilingual Education program to be research-based and comprised of these components: English Language Arts, English as a New Language (ENL), Home Language Arts (HLA), and Bilingual Content Area Instruction. The grade span of Bilingual Education students receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. English as a New Language (ENL) instruction should be provided in substantially equal daily allotments of time. All programs must be provided during the school day.

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Proficiency Level	Instruction	Personnel	
Entering (Beginning)	ENL: Students must receive at least 2 units of study (360 min.)/week of ENL instruction: <ul style="list-style-type: none"> • At least 1 unit (180 min.)/week of Stand-alone ENL instruction, and • At least 1 unit (180 min.)/week of Integrated ENL and English Language Arts (ELA) instruction 	Stand-alone ENL <ul style="list-style-type: none"> <input type="checkbox"/> Certified K-12 ESOL teacher or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension 	Integrated ENL <ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher (with K-6 Common Branch or 7-8 content for ELA, math, science, or social studies) or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified K-6 Common Branch teacher or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-8 content teacher
	Home Language Arts: <ul style="list-style-type: none"> • 1 course 	<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Certified Language Other Than English teacher K-8 	
	Bilingual Content Area: <ul style="list-style-type: none"> • At least 2 subjects (math, social studies, and/or science) 	<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Certified 7-8 content teacher with bilingual education extension 	

D) Grades K-8 Instructional Requirements for Transitional Bilingual Education and ENL Programs Effective 2015 - 2016 School Year

Part 154 requires a Bilingual Education program to be research-based and comprised of these components: English Language Arts, English as a New Language (ENL), Home Language Arts (HLA), and Bilingual Content Area Instruction. The grade span of Bilingual Education students receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. English as a New Language (ENL) instruction should be provided in substantially equal daily allotments of time. All programs must be provided during the school day.

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Proficiency Level	Instruction	Personnel		
Emerging (Low Intermediate)	ENL: Students must receive at least 2 units of study (360 min.)/week of ENL instruction: <ul style="list-style-type: none"> • At least ½ unit (90 min.)/week of Stand-alone ENL, and • At least 1 unit (180 min.)/week of Integrated ENL/ELA instruction, and • At least ½ unit (90 min.)/week of either Integrated ENL/content area or Stand-alone ENL instruction <p>Looking at this another way:</p> <ul style="list-style-type: none"> • ½ unit (90 min.)/week of Stand-alone ENL • 1 unit (180 min.)/week of Integrated ENL/ELA • ½ unit (90 min.)/week flexible (Stand-Alone or Integrated ENL/content area) 	Stand-alone ENL <ul style="list-style-type: none"> <input type="checkbox"/> Certified K-12 ESOL teacher or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension 	Integrated ENL <ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher (with K-6 Common Branch or 7-8 content for ELA, math, science, or social studies) or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified K-6 Common Branch teacher or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-8 content teacher 	
	Home Language Arts: <ul style="list-style-type: none"> • 1 course 	<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Certified Language Other Than English teacher K-8 		
	Bilingual Content Area: <ul style="list-style-type: none"> • At least 2 subjects (math, social studies, and/or science) 	<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Certified 7-8 content teacher with bilingual education extension 		

D) Grades K-8 Instructional Requirements for Transitional Bilingual Education and ENL Programs Effective 2015 - 2016 School Year

Part 154 requires a Bilingual Education program to be research-based and comprised of these components: English Language Arts, English as a New Language (ENL), Home Language Arts (HLA), and Bilingual Content Area Instruction. The grade span of Bilingual Education students receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. English as a New Language (ENL) instruction should be provided in substantially equal daily allotments of time. All programs must be provided during the school day.

1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.

Proficiency Level	Instruction	Personnel	
Transitioning (Intermediate)	ENL: Students must receive at least 1 unit (180 min.)/week of ENL instruction: <ul style="list-style-type: none"> • At least ½ unit (90 min.)/week Integrated ENL/ELA, and • At least ½ unit (90 min.)/week Integrated ENL/content area or Stand-alone ENL <p>Looking at this another way:</p> <ul style="list-style-type: none"> • ½ unit (90 min.)/week must be Integrated ENL/ELA • ½ unit (90 min.)/week flexible (Stand-Alone or Integrated ENL/content area) 	Stand-alone ENL <ul style="list-style-type: none"> <input type="checkbox"/> Certified K-12 ESOL teacher or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual extension 	Integrated ENL <ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher (with K-6 common branch or 7-8 content for ELA, math, science, or social studies) or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified K-6 Common Branch teacher or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-8 content teacher
	Home Language Arts: <ul style="list-style-type: none"> • 1 course 	<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Certified Language Other Than English teacher K-8 	
	Bilingual Content Area: <ul style="list-style-type: none"> • At least 1 subject (math, social studies, and/or science) 	<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Certified 7-8 content teacher with bilingual education extension 	

D) Grades K-8 Instructional Requirements for Transitional Bilingual Education and ENL Programs Effective 2015 - 2016 School Year

Part 154 requires a Bilingual Education program to be research-based and comprised of these components: English Language Arts, English as a New Language (ENL), Home Language Arts (HLA), and Bilingual Content Area Instruction. The grade span of Bilingual Education students receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. English as a New Language (ENL) instruction should be provided in substantially equal daily allotments of time. All programs must be provided during the school day.

1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.

Proficiency Level	Instruction	Personnel	
Expanding (Advanced)	ENL: Students must receive at least 1 unit (180 min.)/week of ENL instruction: <ul style="list-style-type: none"> • Integrated ENL/ELA or another content area 	Stand Alone ENL	Integrated ENL <ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher (with K-6 Common Branch or 7-8 content for ELA, math, science, or social studies) or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified K-6 Common Branch teacher or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-8 content teacher
	Home Language Arts: <ul style="list-style-type: none"> • 1 course 		<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Certified Language Other Than English teacher K-8
	Bilingual Content Area: <ul style="list-style-type: none"> • At least 1 subject (math, social studies, and/or science) 		<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Certified 7-8 content teacher with bilingual education extension

D) Grades K-8 Instructional Requirements for Transitional Bilingual Education and ENL Programs Effective 2015 - 2016 School Year

Part 154 requires a Bilingual Education program to be research-based and comprised of these components: English Language Arts, English as a New Language (ENL), Home Language Arts (HLA), and Bilingual Content Area Instruction. The grade span of Bilingual Education students receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. English as a New Language (ENL) instruction should be provided in substantially equal daily allotments of time. All programs must be provided during the school day.

1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.

Proficiency Level	Instruction	Personnel	
Commanding (Proficient)	<p>ENL: For at least 2 school years following the school year in which is exited from ENL status, the student must receive:</p> <ul style="list-style-type: none"> • At least ½ unit (90 min.)/week of ENL/ELA or another content area, or • Other services, approved by the Commissioner, that monitor and support the student’s language development and academic progress 		Integrated ENL
	<p>Home Language Arts:</p> <ul style="list-style-type: none"> • At discretion of school district (not required) 		<ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher (with K-6 Common Branch or 7-8 content for ELA, math, science, or social studies) or <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified K-6 Common Branch teacher or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-8 content teacher
	<p>Bilingual Content Area:</p> <ul style="list-style-type: none"> • At discretion of school district (not required) 		<ul style="list-style-type: none"> <input type="checkbox"/> Certified K-6 Common Branch teacher with bilingual education extension or <input type="checkbox"/> Certified Language Other Than English teacher K-8

E) Grades 9-12 Instructional Requirements for Bilingual Education and ENL Programs Effective 2015 – 2016 School Year

Part 154 requires a Bilingual Education program to be research-based and comprised of these components: English Language Arts, English as a New Language (ENL), Home Language Arts (HLA), and Bilingual Content Area Instruction. The grade span of Bilingual Education students receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. English as a New Language (ENL) instruction should be provided in substantially equal daily allotments of time. All programs must be provided during the school day. **1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.**

Proficiency Level	Instruction	Personnel	
Entering (Beginning)	Students must receive at least 3 units (540 min.)/week of ENL instruction: <ul style="list-style-type: none"> At least 1 unit (180 min.)/week of Stand-alone ENL, and At least 1 unit (180 min.)/week of Integrated ENL/ELA, and At least 1 unit (180 min.)/week flexible (Stand-alone ENL or instruction Integrated ENL/content area) A student will earn a total of 3 credits: 1 unit of elective credit for Stand-alone ENL, and 1 unit of credit in ELA for Integrated ENL/ELA, and 1 unit of credit in the content area for Integrated ENL/content area, or 1 unit of elective credit for a second Stand-alone ENL.	Stand-alone ENL <input type="checkbox"/> Certified K-12 ESOL teacher	Integrated ENL <input type="checkbox"/> Dually-certified K-12 ESOL teacher in 9-12 content area or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 9-12 content teacher (ELA, math, science, or social studies)
	Home Language Arts: <ul style="list-style-type: none"> 1 course A student will earn: 1 unit of credit in a Language Other Than English for HLA.	<input type="checkbox"/> Certified 9-12 Language Other Than English teacher	
	Bilingual Content Area: <ul style="list-style-type: none"> At least 2 subjects (math, social studies, and/or science) A student will earn: 1 unit of credit in the content area for each bilingual content area.	<input type="checkbox"/> Certified 9-12 content teacher with bilingual education extension	

E) Grades 9-12 Instructional Requirements for Bilingual Education and ENL Programs Effective 2015 – 2016 School Year

Part 154 requires a Bilingual Education program to be research-based and comprised of these components: English Language Arts, English as a New Language (ENL), Home Language Arts (HLA), and Bilingual Content Area Instruction. The grade span of Bilingual Education students receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. English as a New Language (ENL) instruction should be provided in substantially equal daily allotments of time. All programs must be provided during the school day.

1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.

Proficiency Level	Instruction	Personnel	
Emerging (Low Intermediate)	Students must receive at least 2 units (360 min.)/week of ENL instruction: <ul style="list-style-type: none"> • At least ½ unit (90 min.)/week of Stand-alone ENL, and • At least 1 unit (180 min)/week of Integrated ENL/ELA, and • At least ½ unit (90 min.)/week flexible (Stand-alone ENL or Integrated ENL/content area) A student will earn a total of 2 credits: 1 unit of credit in ELA for Integrated ENL/ELA, and 1 unit of elective credit for Stand-alone ENL, or ½ unit of credit in the content area for Integrated ENL/content area (math, science, social studies), and ½ unit of elective credit for Stand-alone ENL.	Stand-alone ENL <input type="checkbox"/> Certified K-12 ESOL teacher	Integrated ENL <input type="checkbox"/> Dually-certified K-12 ESOL teacher in 9-12 content area or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 9-12 content teacher (ELA, math, science, social studies)
	Home Language Arts: <ul style="list-style-type: none"> • 1 course A student will earn: 1 unit of credit in a Language Other Than English for HLA.	<input type="checkbox"/> Certified 9-12 Language Other Than English teacher	
	Bilingual Content Area: <ul style="list-style-type: none"> • At least 2 subjects (math, social studies, and/or science) A student will earn: 1 unit of credit in the content area for each bilingual content area.	<input type="checkbox"/> Certified 9-12 content teacher with bilingual education extension	

E) Grades 9-12 Instructional Requirements for Bilingual Education and ENL Programs Effective 2015 – 2016 School Year

Part 154 requires a Bilingual Education program to be research-based and comprised of these components: English Language Arts, English as a New Language (ENL), Home Language Arts (HLA), and Bilingual Content Area Instruction. The grade span of Bilingual Education students receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. English as a New Language (ENL) instruction should be provided in substantially equal daily allotments of time. All programs must be provided during the school day. **1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.**

Proficiency Level	Instruction	Personnel	
Transitioning (Intermediate)	<p>Students must receive at least 1 unit (180 min.)/week of ENL instruction:</p> <ul style="list-style-type: none"> At least ½ unit (90 min.)/week must be Integrated ENL/ELA, and At least ½ unit (90 min.)/week flexible (Integrated ENL/content area or Stand-alone ENL) <p>A student will earn a total of 1 credit: 1 unit of credit in ELA for Integrated ENL/ELA, or ½ unit of credit in the content area for Integrated ENL/content area (ELA, math, science, social studies), and ½ unit of elective credit for Stand-alone ENL.</p>	<p>Stand-alone ENL</p> <input type="checkbox"/> Certified K-12 ESOL teacher	<p>Integrated ENL</p> <input type="checkbox"/> Dually-certified K-12 ESOL teacher in 9-12 content area or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 9-12 content teacher (ELA, math, science, social studies)
	<p>Home Language Arts:</p> <ul style="list-style-type: none"> 1 course <p>A student will earn: 1 unit of credit in a Language Other Than English for HLA.</p>	<input type="checkbox"/> Certified 9-12 Language Other Than English teacher	
	<p>Bilingual Content Area:</p> <ul style="list-style-type: none"> At least 1 subject (math, social studies, and/or science) <p>A student will earn: 1 unit of credit in the content area for each bilingual content area.</p>	<input type="checkbox"/> Certified 9-12 content teacher with bilingual education extension	

E) Grades 9-12 Instructional Requirements for Bilingual Education and ENL Programs Effective 2015 – 2016 School Year

Part 154 requires a Bilingual Education program to be research-based and comprised of these components: English Language Arts, English as a New Language (ENL), Home Language Arts (HLA), and Bilingual Content Area Instruction. The grade span of Bilingual Education students receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. English as a New Language (ENL) instruction should be provided in substantially equal daily allotments of time. All programs must be provided during the school day. **1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.**

Proficiency Level	Instruction	Personnel	
Expanding (Advanced)	Students must receive <ul style="list-style-type: none"> At least 1 unit (180 min.) of Integrated ENL/content area instruction A student will earn: 1 credit in a content area for Integrated ENL/content area (in a content area other than ELA).	Stand-Alone ENL	Integrated ENL <ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher in 7-12 content area or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 7-12 content teacher (ELA, math, science, social studies)
	Home Language Arts: <ul style="list-style-type: none"> 1 course A student will earn: 1 unit of credit in a Language Other Than English for HLA.		<input type="checkbox"/> Certified 9-12 Language Other Than English teacher
	Bilingual Content Area: <ul style="list-style-type: none"> At least 1 subject (math, social studies, and/or science) A student will earn: 1 unit of credit in the content area for each bilingual content area.		<input type="checkbox"/> Certified 9-12 content teacher with bilingual education extension

E) Grades 9-12 Instructional Requirements for Bilingual Education and ENL Programs Effective 2015 – 2016 School Year

Part 154 requires a Bilingual Education program to be research-based and comprised of these components: English Language Arts, English as a New Language (ENL), Home Language Arts (HLA), and Bilingual Content Area Instruction. The grade span of Bilingual Education students receiving instruction together cannot exceed two grade levels, except for ELLs in a special class. English as a New Language (ENL) instruction should be provided in substantially equal daily allotments of time. All programs must be provided during the school day.

1 unit of study (or its equivalent) = 180 minutes per week. 2 units of study = 360 minutes per week.

Proficiency Level	Instruction	Personnel	
Commanding (Proficient)	For at least two school years following the school year in which a student is exited from ENL status, the student must receive: <ul style="list-style-type: none"> • At least ½ of one unit (90 min.) of Integrated ENL/ELA or another content area, or • Other services, approved by the Commissioner, that monitor and support the student’s language development and academic progress 		Integrated ENL <ul style="list-style-type: none"> <input type="checkbox"/> Dually-certified K-12 ESOL teacher in 9-12 content area or <input type="checkbox"/> Co-teaching by a K-12 ESOL teacher and a certified 9-12 content teacher (ELA, math, science, social studies) or <input type="checkbox"/> Certified 9-12 Language Other Than English teacher or <input type="checkbox"/> Certified 9-12 content teacher with bilingual education extension
	Home Language Arts: <ul style="list-style-type: none"> • At discretion of school district (not required) 	<input type="checkbox"/> Certified 9-12 Language Other Than English teacher	
	Bilingual Content Area: <ul style="list-style-type: none"> • At discretion of school district (not required) 	<input type="checkbox"/> Certified 9-12 content teacher with bilingual education extension	

Resources on English Language Learners

- **NYSUT’s Education and Learning Trust (ELT)** offers graduate courses and seminars for educators on a number of topics related to ELLs including culturally responsive classrooms, language acquisition and learning, academic language, and instructional supports. elt.nysut.org
This coursework could be used to satisfy the new professional development requirements that must now be incorporated into school district professional development plans.
- **Colorín Colorado**, an educational service of WETA with major funding from the American Federation of Teacher and the National Education Association offers a wealth of web-based bilingual, research-based information, activities, and advice for educators and families of English language learners. <http://www.colorincolorado.org/>
- **The Regional Bilingual Education-Resource Networks (RBE-RN)** provide professional development and technical assistance to educators in New York State and are funded through grants from NYSED's Office of Bilingual Education-Foreign Language Studies. RBE-RNs provide regionally-based resources to districts/school to improve their instructional programs and practices for ELLs. More information about RBE-RNs and a current directory is on the NYSED website: <http://www.nysed.gov/bilingual-ed/schools/regional-supportrbns>
- **New York State Teachers of English to Speakers of Other Languages (NYS TESOL)**: NYS TESOL is an association of professionals concerned with the education of English language learners at all levels of public and private education in New York State. Their interests include classroom practices, research, program and curriculum development, employment, funding, and legislation. <http://www.nystesol.org/>
- **New York State Association for Bilingual Education (NYSABE)**: NYSABE is a professional organization that seeks to ensure equitable educational opportunities for NYS’s ELLs, through the implementation of Bilingual Education programs. <http://nysabe.net/>

Definitions of Key Terms

Annual English language proficiency assessment means the New York State English as a Second Language Assessment Test (NYSESLAT), determined by the Commissioner, as the process followed to annually assess the English language proficiency of an English language learner (ELL). This assessment shall be among the criteria used to determine if a student continues to be classified as an ELL.

Bilingual Education program means 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 (ENL) component; and (3) a bilingual content area instructional component (including all bilingual content areas, i.e. math, science, and social studies, depending on the Bilingual Education program model and the student's level of English language development, but must at a minimum include at least two bilingual core content areas, i.e. math, science, and social studies).

Developing English Language Learners means students who have been identified as English language learners under this Part and have received English as a New Language (ENL) instruction, as a component of their Bilingual Education or English as a New Language (ENL) program, for a total of four (4) to six (6) continuously enrolled school years in the United States (the 50 States and the District of Columbia).

English as a New Language (ENL) program shall mean a research-based program for English language learners (ELLs) comprised of two components: a content area instructional component in English (including all core content, i.e. English language arts, math, science, or social studies) with home language supports and appropriate scaffolds, and an English language development component (Stand-alone and/or Integrated English as a New Language). The instructional component of an ENL program was also known as English as a Second Language (ESL).

English as a Second Language (ESL) shall mean research-based instruction for English language learners (ELLs) including the modalities of listening, speaking, reading, and writing.

English to Speakers of Other Languages (ESOL) shall mean the certification area of teachers who may instruct ELL students in ENL programs.

English Language Learners (ELLs) shall mean students who, by reason of foreign birth or ancestry, speak or understand a language other than English and speak or understand little or no English, and require support in order to become proficient in English and are identified pursuant to section 154-2.3 of this Subpart; provided, however, that no student shall be served in a Bilingual Education or English as a New Language program pursuant to this Part for a period in excess of three school years from the date of initial enrollment or reentry in a New York State public school unless such period is extended by the commissioner with respect to an individual student in accordance with the provisions of subdivision 2 of section 3204 of Education law.

English Language Learner Subpopulations shall mean Newcomer, Developing, Long-Term and Former English Language Learners, English Language Learners with Disabilities and Students with Inconsistent/Interrupted Formal Education as defined in this section.

Former English Language Learners shall mean students who had been identified as English language learners (ELLs) and subsequently exited from ELL status pursuant to section 154-2.3(m) of this Subpart.

Integrated English as a New Language (Integrated ENL), as defined by Section 154-2.2(m), shall mean a unit of study or its equivalent in which students receive core content area (English language arts, math, science or social studies) and English language development instruction. In an Integrated ENL setting, instruction can be provided by one dually certified ESOL teacher with common branch or content-area teacher certification, or provided by two individually certified teachers, who collaborate to plan and deliver instruction and assessment through a co-teaching model. Thus, co-teaching is not synonymous with push-in service in a general education classroom.

Language Proficiency Team (LPT) shall mean a committee comprised of the school principal, the student's teacher, the student's ENL and/or bilingual education teacher, the student's parent or guardian, the student (if 18+ years old), an interpreter or translator, and other members of the Committee on Special Education, if the student has a disability or is suspected of having a disability that may impact the ability to understand, speak, read, or write in English.

Long-term English Language Learners shall mean students who have been identified as English language learners under this Part and have received English as a New Language

instruction, as a component of their Bilingual Education or ENL program, for a total of seven (7) or more continuously enrolled school years in the United States (the 50 States and the District of Columbia).

Newcomer English Language Learners shall mean students who have been identified as English language learners under this Part and have received English as a New Language (ENL) instruction, as a component of their Bilingual Education or English as a New Language (ENL) program, for a total of zero (0) to three (3) continuously enrolled school years in the United States (the 50 States and the District of Columbia).

Qualified interpreter/translator shall mean 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 meeting these criteria, such as teachers certified in Bilingual Educators or English to Speakers of Other Languages (ESOL) certified pursuant to Part 80 of this Title, may be qualified to serve as interpreters or translators.

Stand-alone English as a New Language (Stand-alone ENL) shall mean a unit of study or its equivalent in which students receive instruction in order to acquire the English language needed for success in core content courses. A student shall not receive Stand-alone ENL in lieu of core content area instruction.

Students with Limited Inconsistent/Interrupted Formal Education shall mean English language learners 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 Math, due to inconsistent or interrupted schooling prior to arrival in the United States (the 50 States and the District of Columbia).

Unit of Credit shall mean one (1) unit of high school credit. New York State requires 22 units of credit in particular subject areas in order to earn a local or Regents high school diploma.

Unit of Study or Its Equivalent shall mean at least 180 minutes per week of instruction throughout the school year or the equivalent.

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