



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
Office of P-12

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June 28, 2012

To: School and District Leaders, Teachers, Parents and other Members of the New York State Educational Community

From: Ira Schwartz, Assistant Commissioner *Ira Schwartz*

Subject: **NOTIFICATION of OPEN SURVEY** Regarding Possible Changes to Regulations of the Commissioner (CR) Part 154 Relating to the Education of English Language Learners

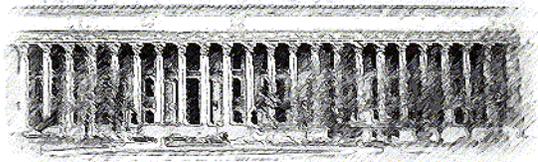
As many of you begin the transition from your school year to your summer activities, we hope that you will take 30 minutes to assist the New York State Education Department by completing a survey about possible revisions to Commissioner's Regulation (CR) Part 154. The online survey is OPEN to receive your responses until JULY 30th. The survey questions are attached for your reference, as well as instructions for how to complete the survey. To access the online survey, click on the link below or copy and paste into your browser:

<http://part154survey.rmcwebapp.com>

The survey asks a series of questions and provides policy options for the Department to consider as it conducts a review of CR Part 154. The questions and possible options were developed based on ten focus group discussions the Department conducted this spring with over 100 participants representing a wide range of persons involved in and concerned with the education of English language learners. Participants included representatives of teacher associations and unions; central school district staff; parent, student and advocacy organizations; faculty from institutes of higher education; and principals of schools with strong outcomes for English language learners. Focus group participants also provided feedback on a draft survey the Department shared with participants earlier this month, and many of the recommendations we received have been incorporated into the attached document.

By participating in this survey, you will provide valuable feedback to the Department on policy options that will best support improved academic outcomes for English language learners. We will use the survey results to assist us in drafting recommendations for amendments to Commissioner's Regulations that the Board of Regents will consider later this year. If approved by the Board of Regents, these amendments will become effective in the 2013-14 school year.

Thank you in advance for your contribution to this effort to create a regulatory structure that better supports improved education for English language learners.



The New York State Education Department



NYS COMMISSIONER'S REGULATION PART 154 SURVEY

Instructions:

- The deadline for survey responses is **July 30th**.
- Your survey responses must be submitted online. Please plan on about 30 minutes to complete the survey, which must be done in one session.
- Only one completed survey per respondent is acceptable.
- The online survey has embedded links to access the current regulations for reference.
- You can skip any question or indicate you are not qualified to answer any question.
- Please know that each respondent will answer a different set of questions depending on appropriate skip patterns within the survey.
- The survey questions present a fixed number of response options. However, after each survey section, there is an opportunity to provide any additional comments about that topic *not covered* within the questions or response options.
- Once taking the survey, there will be a progress bar at the bottom of the page showing completion of each survey section and the percentage completed.
- When you have completed the survey, make sure you **HIT the SUBMIT** button on the last page to send your responses.
- You can access the survey by linking to the website provided:

<http://part154survey.rmcwebapp.com>

Confidentiality:

- The survey administration is being conducted by New York State Comprehensive Center. All responses are confidential and no identifiers will be shared with NYSED. Quantitative data will be shared with NYSED only in the aggregate form.

If you have any technical difficulties, please contact John Parsons at 800-258-0802 or jparsons@rmcres.com.

Thank you for your time and interest.

COMMISSIONER'S REGULATION PART 154 SURVEY QUESTIONS

FOR REFERENCE ONLY – RESPONSES MUST BE SUBMITTED ONLINE

Note: the format of the questions below may be different when responding online, however, the content of the questions and response options are the same as below.

A. Your Background

1. What is the primary role you have in interacting with the New York State public education system? (check one)

<input type="checkbox"/>	Administration	
<input type="checkbox"/>	Advocacy	SKIP TO A6
<input type="checkbox"/>	Providing Services	
<input type="checkbox"/>	Professional Development	
<input type="checkbox"/>	In Class Education	
<input type="checkbox"/>	Out of Class Education	
<input type="checkbox"/>	Parenting	SKIP to A6
<input type="checkbox"/>		

2. What is your primary role within education? (check one)

<input type="checkbox"/>	Board of Education Member	<input type="checkbox"/>	Regional Service Coordinator (e.g. BOCES)
<input type="checkbox"/>	Superintendent	<input type="checkbox"/>	Bilingual Teacher
<input type="checkbox"/>	District Administrator/Staff	<input type="checkbox"/>	ESL Teacher
<input type="checkbox"/>	Principal	<input type="checkbox"/>	Teacher (not ESL/Bilingual)
<input type="checkbox"/>	Assistant Principal	<input type="checkbox"/>	Teaching Assistant
<input type="checkbox"/>	Instructional Coach	<input type="checkbox"/>	Teaching Aide
<input type="checkbox"/>	Curriculum Specialist	<input type="checkbox"/>	Higher Education Representative
<input type="checkbox"/>	Pupil Personnel Professional	<input type="checkbox"/>	Other: _____

3. With what grade levels do you work? (check all that apply)

<input type="checkbox"/>	Pre-K
<input type="checkbox"/>	K-5
<input type="checkbox"/>	6-8
<input type="checkbox"/>	9-12
<input type="checkbox"/>	Higher Education

4. In what content areas do you work? (check all that apply)

General Subjects (PK-Elem)	Languages Other Than English (LOTE)
Arts	Mathematics
Bilingual Elementary	Native Language Arts
Bilingual Secondary	Science
English as a Second Language	Sheltered Content Area
English Language Arts	Special Education
Guidance	Technology
Health/Physical Education	Other: _____
History/Social Studies	Not applicable SKIP TO A7

5. Approximately how many students are you currently teaching or serving who are English Language Learners (ELLs)? (Please indicate for each grade level)

ELL Students	None	Less than 10	10-30	31-50	51-100	More than 100	Not Applicable
Grade Level							
K-5							
6-8							
9-12							

6. Are you a parent of a current or former English Language Learner (ELL) student?

Yes	
No	SKIP to A8

7. How many of your children are currently English Language Learner(s) or have been identified as ELLs in the past? (Please indicate as appropriate below)

Number of Children	Grade Level
	K-5
	6-8
	9-12
	Former ELL (K-12)

8. For those working in education, in what region of the State do you generally work? (check one)

For those not working in education, in what region do you live? (check one)

	Eastern NY (Capital Area)		New York City
	Hudson Valley		Western NY (Buffalo Area)
	Long Island		
	Mid-State (Syracuse Area)		Statewide
	Mid-West (Rochester Area)		Outside New York State

B. Process for Identifying English Language Learners

*CR Part 154 currently defines English Language Learners (ELLs) as students who speak a language other than English, understand and speak little or no English or score below a designated level of proficiency on the Language Assessment Battery-Revised (LAB-R) or the New York State English as a Second Language Achievement Test (NYSESLAT).
([Link to CR Part 154 regulation here](#))*

*CR Part 117 requires that a Home Language Questionnaire be given to a parent upon enrollment to determine if a language other than English is spoken at home, which then triggers an oral interview, and if indicated, then the administration of the LAB-R to determine the student’s level of English proficiency.
([Link to CR Part 117 regulation here](#))*

1. Which of the following should be a mandated part of the ELL identification process? (Check all that you support)

		IF NOT CHECKED SKIP TO C1
	Administration of the Home Language Questionnaire (HLQ)	
	An age appropriate informal interview with the student in English	
	An age appropriate informal interview with the student in the home language	
	Administration of the Language Assessment Battery-Revised (LAB-R)	
	Documentation of the student’s school history	
	Sample of student’s work in English and the home language	
	Consultation with the Committee on Special Education (CSE) or a special education teacher for students who have an Individualized Education Plan (IEP) or a parent/guardian indicates that the student has or is suspected to have a disability	
	Unsure/Not Qualified to Answer	

2. Should the CR 154 Regulations specify minimum qualifications for staff who administer the Home Language Questionnaire (HLQ)?

	No	SKIP TO B4
	Yes	
	Unsure/Not Qualified to Answer	SKIP TO B4

3. Which of the following staff should be allowed to administer the Home Language Questionnaire (HLQ)? (check all that you support)

	A certified bilingual or English as a Second Language (ESL) teacher who speaks the home language of the parent/student
	A certified bilingual or ESL teacher who does not speak the home language of the parent/student, but uses an interpreter
	A certified teacher trained in language development and English Language Learner (ELL) needs who speaks the home language of the parent
	A certified teacher who does not speak the home language of the parent, but uses an interpreter
	A teacher assistant/aide trained in language development and ELL needs who speaks the home language of the parent
	A school psychologist trained in language development and English Language Learner (ELL) needs who speaks the home language of the parent
	A school psychologist who does not speak the home language of the parent, but uses an interpreter
	A social worker, pupil personnel professional, or guidance counselor trained in language development and English Language Learner (ELL) needs who speaks the home language of the parent
	A social worker, pupil personnel professional, or guidance counselor who does not speak the home language of the parent, but uses an interpreter
	A certified district administrator trained in language development and English Language Learner (ELL) needs, with training on the HLQ process
	Unsure/Not Qualified to Answer

4. A process should be developed to identify preschool students as ELLs and determine language development services for such students.

<input type="checkbox"/>	Agree	
<input type="checkbox"/>	Disagree	SKIP TO CI
<input type="checkbox"/>	Unsure/Not Qualified to Answer	SKIP TO CI

5. Should the Department develop specific regulations for Pre-K to govern identification and services to Pre-K ELLs, or should the existing CR 154 regulations for K-12 be extended to include Pre-K? (Check one)

<input type="checkbox"/>	The preschool requirements should be added to the CR 154 regulations for K-12 grade levels
<input type="checkbox"/>	Separate regulations should be developed for preschool
<input type="checkbox"/>	Unsure/Not Qualified to Answer

6. Enter any other comments about the process for identifying English Language Learners.

C. Misidentification of English Language Learners and English Language Learners Reentering NYS Public Schools

Part 154 currently does not include a process to determine whether a student may have been misidentified as an ELL, or what to do if a student was not properly identified as an ELL. Currently there is no process to re-examine or change the identification process of a student that was identified as an ELL in CR Part 154. ELL can only exit out of ELL status by receiving a score of proficient on the NYSESLAT assessment. Possible misidentification reasons could include:

- *Student’s parent never completed a HLQ, but the student was given the LAB-R.*
- *Student’s parent completed an HLQ, and according to the parent, incorrectly indicated that a language other than English is spoken at home.*
- *The initial identification process, or a component of it, was administered incorrectly or not administered at all (e.g. LAB-R, oral interview).*

1. When it is suspected that a student may have been misidentified as an ELL, or not correctly identified as an ELL, should there be a procedure to determine whether the student’s ELL status be changed upon initial enrollment in a public school? (check all that you support)

	Yes, there should be a process in place to change the student’s designation to non-ELL	
	Yes, there should be a process in place to change the student’s designation to ELL	
	No, the student should continue receiving services until he/she meets exit criteria	SKIP TO C5
	Unsure/Not Qualified to Answer	SKIP TO C5

2. What process(es) should be required to initiate an evaluation of a potential ELL misidentification? (check all that you support)

	Written request by parent/guardian in consultation with student's ESL or bilingual teacher
	If a student is over 18 years of age, written request by the student in consultation with student's ESL or bilingual teacher
	Written request by student's ESL or bilingual teacher with parental consent
	Recommendation of principal
	Parent/guardian with the student's ESL or bilingual teacher
	Unsure/Not Qualified to Answer

3. If a request is submitted, what action should be taken to make a determination about the student ELL status? (check all that you support)

	Review of the Home Language Questionnaire, oral interview, and LAB-R results
	Interview with the parent
	Review of student work in English and their home language (if possible)
	School-based assessment of student's abilities in listening, speaking, reading, and writing in English and their home language (if possible)
	Unsure/Not Qualified to Answer

4. What, if any, additional safeguards must be in place when a determination is made that a student has been misidentified as an ELL? (check all that you support)

	Action must take place within the first three months of a student's enrollment in school
	School-based recommendation must be approved by the District's Superintendent or designee
	A signed parental acknowledgement must be submitted (in the language that the parent understands)
	A review of the decision must take place after 6 months to ensure that the student's progress has not been adversely affected by the decision
	None of the above
	Unsure/Not Qualified to Answer

5. At times, an identified ELL student with a disability's performance may indicate that the student no longer requires or will benefit from services related to English language proficiency. What should be considered before it is determined that a student with a disability no longer needs ELL services? (check all that you support)

	All previous results of the student's NYS Alternative Assessment (NYSAA)
	All previous results on the New York State English as a Second Language Achievement Test (NYSESLAT)
	Samples of student work in English and in his or her home language (if possible)
	ESL or bilingual teacher recommendations with narrative justification
	Bilingual psychosocial/educational evaluation by a certified bilingual school psychologist
	Parental request
	Educational/Social history
	Special education teacher's recommendations with narrative justification
	Unsure/Not Qualified to Answer

6. If a student with a New York State public school ELL status leaves New York and then subsequently returns to a New York State public school, which of the following should occur? (check one)

	The student returns to NYS public school under the same ELL status as when he/she left NY
	The school should use existing identification procedures to determine the current ELL status of the student
	A reentry process should be developed which accounts for 1) the amount of time the student has spent outside the United States ; and 2) prior experience in home language or English instruction; and that follows the established screening for ELL status
	Unsure/Not Qualified to Answer

7. Enter any other comments about misidentification of ELLs or ELLs re-entering NYS public schools.

D. Exit Criteria for English Language Learners

Part 154 currently states that students are English Language Learners as long as they score below a state designated level of proficiency on the NYSESLAT. Thus, a student can only exit out of ELL status by scoring proficient on the reading & writing and listening & speaking portions of the NYSESLAT exam.

1. In Grades 3-8, which criterion could be used to determine if a student should be exited from ELL status? (check all that you support)

	Scoring proficient on the NYSESLAT
	During the Current School Year: - Scoring advanced or above on listening/speaking of NYSESLAT - Scoring advanced or above on the reading/writing of NYSESLAT - Scoring proficient level 3 or 4 on the NYS ELA assessment
	During Two Consecutive Years: - Scoring advanced or above on listening/speaking of NYSESLAT - Scoring advanced or above on the reading/writing of NYSESLAT - Scoring proficient level 3 or 4 on the NYS ELA assessment
	Unsure/Not Qualified to Answer

2. During years in High School, what criterion could be used to determine if a student should be exited from ELL status? (check all that you support)

	Scoring proficient on the NYSESLAT
	- Scoring advanced or above on listening/speaking of the correct grade level NYSESLAT - Scoring advanced or above on the reading/writing of the current grade level NYSESLAT - Demonstrate college- and career- readiness on the High School Regents Comprehensive Assessment (proficient level 3 or 4) (75 or higher)
	Unsure/Not Qualified to Answer

3. Enter any other comments about the exit criteria for ELLs.

E. ELL Program Requirements

CR Part 154 currently requires districts to offer a bilingual education program when 20 or more students (who speak the same home language in the same grade) are assigned to the same building. Districts are also required to offer free-standing English as a Second Language programs when the number of ELLs in the same grade level with the same home language is less than 20.

[\(Link to CR Part 154 regulations\)](#)

1. Which of the following scenarios should require a district to offer a bilingual program for students speaking the same home language (other than English)? (check one)

	The number of students at a <u>single school in a particular grade</u> who speak the same home language	
	The number of students in <u>the whole district across a particular grade</u> who speak the same home language	SKIP TO E3
	Unsure/Not Qualified to Answer	SKIP TO E4

2. At the school level, what criterion should determine whether the district must offer a bilingual program for students speaking the same home language? (check one)

At the school level		
	20 ELL students in a grade or such number determined by a court stipulation entered into by a district	IF E1=1 SKIP TO E4
	The number of ELL students in a grade is equal to or more than the average class size for the school	
	The number of ELL students in a grade is equal to or more than the average class size for the district	
	Unsure/Not Qualified to Answer	

3. At the district level, what criterion should determine whether the district must offer a bilingual program for students speaking the same home language? (check one)

At the district level	
	10-20 ELL students in a grade across the district
	21-40 ELL students in a grade across the district
	10-20 ELL students per grade or in 2 consecutive grades in a district
	21-40 ELL students per grade or in 2 consecutive grades in a district
	Unsure/Not Qualified to Answer

4. Should districts be given an exemption from the requirement to offer a bilingual program if they can demonstrate that they do not have qualified staff to administer a bilingual program? (check all that you support)

	Yes, but districts must provide evidence of their ongoing, intensive efforts to recruit qualified bilingual teachers	
	Yes, but districts must provide home language support to these students, such as bilingual teacher assistants / aide or heritage language programs	
	Yes, but districts must provide evidence of their ongoing, intensive efforts to recruit qualified bilingual teachers and must provide home language support to these students, such as bilingual teacher assistants / aide or heritage language programs	
	No, all districts must provide a bilingual program as required by regulations	SKIP TO E5
	Unsure/Not Qualified to Answer	SKIP TO E5

4 a. Please indicate if the exemption should be limited for a time period or not. (check one)

	Yes, but districts can only be exempt for 1 year at a time, based on an approved plan to seek qualified staff
	Yes, but districts can only be exempt for 2 years at a time, based on an approved plan to seek qualified staff
	Yes, districts can request an exemption without time limit based on an approved plan to seek qualified staff.
	No time exemptions
	Unsure/Not Qualified to Answer

- 5. Once a student begins to receive bilingual instruction, should the district be obligated to continue to offer the student bilingual instruction in future years? (check all that you support)**

	Yes, as long as the student remains designated as ELL
	Yes, as long as the student remains in his/her current school
	Yes, until the student graduates high school, regardless of ELL status
	No, only require that a bilingual program be provided if there are the required number of eligible students at each grade level
	Unsure/Not Qualified to Answer

- 6. Should there be a State-recommended student-to-teacher ratio for bilingual education and ESL classes? (check all that you support)**

	Yes, a student-teacher ratio that is equal to the average class size within a specified building
	Yes, a student-teacher ratio of 20 students or fewer for bilingual classes in a specified building
	Yes, a student-teacher ratio that is 50% lower than the average class size for ESL classes within a specified building
	No, no student-teacher ratio is necessary at this time
	Unsure/Not Qualified to answer

- 7. Should there be a minimum allowable grade span in an ESL or bilingual education class that combines more than one grade level during an instructional period? (check one)**

	Yes, only two contiguous grades within the same building may be combined for instruction
	Yes, up to three contiguous grades within the same building may be combined for instruction
	No, grade levels may not be combined for instruction
	No, it should not be regulated and should be at the Districts discretion
	Unsure/Not Qualified to answer

8. Enter any other comments about ELL program requirements.

F. Parent Involvement and Choice

CR Part 154 currently states that parents should be notified of their child's placement in an instructional bilingual or free-standing ESL program, and their option to withdraw their child from participation in a bilingual education instructional program.

Withdrawal from bilingual education is only allowable if the parents meet with the school principal or district supervisor/coordinator to discuss the nature, purposes, and educational values of the program and the skills required of personnel. If a parent chooses to withdraw a child from bilingual education, at a minimum, the child must participate in a free-standing ESL program. If a school building does not have the required number of ELLs to offer a bilingual program, parents must be given an option to transfer their child to a school offering a bilingual education program within the district, provided that the program is available in another school. (Link Part 154.3(k) regulation)

1. What options should a parent have in making determinations about ELL programs (Bilingual or ESL)? (check all that you support)

	<p>Option A: A parent should be able to decide only whether to decline a bilingual education program for his or her child. If the parent declines, the child will receive ESL instruction.</p>	<p>If checked, answer F1a</p>
	<p>Option B: A parent should be able to decide whether to transfer his or her child into a bilingual education or ESL program if one is available in another school building within the district.</p>	<p>If checked, answer F1b</p>
	<p>Option C: A parent should be able to decide whether to request that his or her child receive neither bilingual nor ESL services. If the parent does not want services, the parent would have to follow established criteria to make such a request.</p>	<p>If checked, answer F1a</p>
	<p>Option D: A parent should be able to decline having his or her child receive either ESL instruction or a bilingual program.</p>	<p>If checked, answer F1a</p>
	<p>Unsure/Not Qualified to Answer</p>	<p>SKIP TO G1</p>

1a. (If Option A, C, or D checked):

What procedure(s) should be in place for a parent to decline enrollment in a bilingual and /or ESL education program for his or her child? (check all that you support)

	The parent meets with the district coordinator and the building principal to discuss: 1) the nature, purposes, and educational values of the program, and 2) the skills required of personnel; and signs a document if opting his or her child out of the bilingual and /or ESL program
	The parent meets with a district/school committee to state his or her case for refusing the bilingual and/or ESL education program and signs a document if opting his or her child out of the program(s)
	The parent submits a written request to the district to receive permission to withdraw his or her child from the bilingual and/or ESL education program
	Unsure/Not Qualified to Answer

1b. (If Option B checked):

What procedure(s) should be in place for a parent to enroll his or her child in a bilingual and/or ESL education program in another school in the district? (check all that you support)

	The parent meets with the district coordinator and the building principal to discuss: 1) the nature, purposes, and educational values of the program, and 2) The skills required of personnel; and signs a document if choosing to place his or her child into the bilingual and/or ESL program in another school in the district
	The parent comes before a district/school committee to state his or her case for placing his or her child into the bilingual and/or ESL education program in another school in the district and signs a document if placing his or her child into the bilingual and/or ESL program
	The parent submits a written petition to the district to receive permission to place his or her child into the bilingual education program
	Unsure/Not Qualified to Answer

2. Enter any other comments about parent involvement and choice.

G. ELL Instruction and High School Graduation Requirements

CR Part 154 currently requires the number of units that ELLs **must receive in ESL**, based on their language proficiency level and grade, as follows:

K-8	ESL Units	9-12	ESL Units
Beginner	2	Beginner	3
Intermediate	2	Intermediate	2
Advanced	1	Advanced	1

1. *For **Grades K-8**, please review the options below and indicate the type and amount of instruction you support to meet the ESL requirement for each proficiency level. A unit means at least 180 minutes of instruction per week throughout the school year, or the equivalent. The term content below refers to any content courses (math, science, and social studies). The term stand alone refers to ESL as a Language Art content course (Pull-Out or scheduled class in MS and HS). During an integrated “ESL and content class” the ELL students would comply with both instructional requirements. (check one for each level)*

Proficiency Level for Grades K-8					
Beginner		Intermediate		Advanced	
	2 units of stand-alone ESL		2 units of stand-alone ESL		1 unit of stand-alone ESL and one unit of ELA
	1 unit of stand-alone ESL and 1 unit of integrated ESL and content		1 unit of stand-alone ESL and 1 unit of integrated ESL and content		1 unit of ESL integrated with content, and one unit of ELA
	2 units of integrated ESL and content		2 units of integrated ESL and content		
Unsure/Not Qualified to Answer					

2. For Grades 9-12, please review the options below and indicate the type and amount of instruction you support to meet the ESL requirement for amount of instruction for each proficiency level. A unit means at least 180 minutes of instruction per week throughout the school year, or the equivalent. The term content below refers to any content courses (math, science, and social studies). The term stand alone refers to ESL as a Language Art content course (Pull-Out or scheduled class in MS and HS). During an integrated “ESL and content class” the ELL students would comply with both instructional requirements. (check one for each level)

Proficiency Level for Grades 9-12					
Beginner		Intermediate		Advanced	
	3 units stand- alone ESL		2 units of stand- alone ESL		1 unit of stand- alone ESL and 1 unit of ELA
	2 units stand-alone ESL and 1 unit of integrated ESL and content 1 unit stand-alone ESL and 2 units of ESL and content		1 unit of stand- alone ESL and 1 unit of integrated ESL and content 2 units of integrated ESL and content		1 unit of ESL integrated with content, and 1 unit of ELA
Unsure/Not Qualified to Answer					

3. For Grades 9-12, should ESL classes count toward meeting the requirements for high school graduation? (check all that you support)

	Yes, 1 ELA credit maximum for anywhere from 1- 3 units of ESL
	Yes, 2 ELA credits maximum for 2 or 3 units of ESL, and 1 ELA credit for advanced ELLs taking 1 unit of ESL
	Yes, ELA credits should be received for ESL classes and counted toward graduation requirements, based on district policy approved by its Local School Board
	Yes, credit should be awarded in the content area for integrated ESL/content courses, while also counting towards the ESL unit of study requirement
	No, credit should not be received for any ELA or other content areas for ESL units of study
	Unsure/Not Qualified to Answer

4. Should alternate pathways to graduation be available for English Language Learners? ([Link to NYSED Diploma requirements](#)) (check all that you support)

	Yes, I support the option for the use of portfolios to replace the required ELA Regents exam **
	Yes, I support the option for the use of a rigorous Native Language Arts exam to replace the required ELA Regents exam
	Yes, I support the option for the use of a rigorous Native Language Arts exam to replace a required Regents exam
	Yes, I support the option for the use of a rigorous Native Language Arts exam to replace a required Regents exam, other than the required ELA and math exams
	Yes, I support the option for the use of rigorous exam of English proficiency, such as the TOEFL, as an alternative to the required ELA Regents exam
	Yes, I support the option that allows an ELL student who: <ol style="list-style-type: none"> 1) has scored 55-64 on a Regents examination required for graduation, other than the English and mathematics examinations; 2) has scored 65 or higher on one of the other required Regents examinations; and 3) has attained at least a 65 course average (in the subject area of the Regents examination in which the student scored between 55-64 to graduate with a local diploma)
	Yes, I support the option that allows an ELL student who scores 55-64 on a Regent exam other than English or mathematics and has attained at least a 65 course average (in the subject area of the Regents examination in which the student scored between 55-64 to graduate with a local diploma)
	Yes, I support the options that allows an ELL student who scores 55-64 on any required Regents exam and has attained at least a 65 course average in the subject area of the Regents examination in which the student scored between 55-64 to graduate with a local diploma
	No, ELL students must meet the same criteria as all other students (e.g., 22 credits and passing scores on 5 Regents exams)
	Unsure/Not Qualified to Answer

5. Enter any other comments about ELL instruction and high school graduation requirements.

H. Support Services for English Language Learners

CR Part 154 currently states that school districts must provide appropriate support services to ELLs to ensure that they maintain a satisfactory level of academic performance. The regulation states that such services may include, but not be limited to, additional instruction, individual counseling, group counseling, home visits and parental counseling. ([Link to CR Part 154 regulations](#))

1. Should the Department develop a process to identify when an ELL student needs additional support services?

	Yes	
	No	SKIP TO H6
	Unsure/Not Qualified to Answer	SKIP TO H6

2. Which of the following should be taken into consideration to determine if an ELL student needs additional language and content support services? (check all that you support)

	Number of years of instruction in bilingual education or ESL program	IF NOT CHECKED SKIP TO H4
	New York State English as a Second Language Achievement Test (NYSESLAT) results	
	Bilingual education or ESL teacher recommendation	
	Mainstream classroom teacher recommendation	
	Parental request	
	Sample student work in English (and in his or her home language if possible)	
	Bilingual psycho-educational evaluation (i.e., Bilingual initial evaluation or re-evaluation under Part 200 of the Regulations of the Commissioner for students who have or are suspected of having a disability.)	
	Unsure/Not Qualified to Answer	

3. If the number of years of services should trigger a determination that additional language and content supports are needed for a student, after how many years should a school be required to make this determination? (check one)

<input type="checkbox"/>	A review and determination of support services should be made each year.
<input type="checkbox"/>	A review and determination should be made every 2 years.
<input type="checkbox"/>	A review and determination should be made after 3 years.
<input type="checkbox"/>	A review and determination should be made after 4 years.
<input type="checkbox"/>	A review and determination should be made after 5 years.
<input type="checkbox"/>	Unsure/Not Qualified to Answer

4. If a determination is made that a student needs additional language and content supports, should the regulations further define what supports are needed or should that determination be left up to school and district staff?

<input type="checkbox"/>	Yes, regulations should describe the types of services.	
<input type="checkbox"/>	No, school and district staff should determine what additional supports are needed.	SKIP TO H6
<input type="checkbox"/>	Unsure/Not Qualified to Answer	SKIP TO H6

5. What types of additional language and content support services should be considered to achieve and maintain a satisfactory level of academic performance? (check all that you support)

<input type="checkbox"/>	Additional ESL instruction during the school day
<input type="checkbox"/>	Additional Native Language Arts instruction during the school day
<input type="checkbox"/>	Additional content-area instruction during the school day
<input type="checkbox"/>	Additional ESL, NLA, and/or content area instruction after school, on weekends, or during the summer
<input type="checkbox"/>	Literacy instruction
<input type="checkbox"/>	Individual counseling
<input type="checkbox"/>	Group counseling
<input type="checkbox"/>	Participation in an after School, Saturday and/or summer school program
<input type="checkbox"/>	Parental counseling
<input type="checkbox"/>	Home visits by a person who speaks the language of the home
<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Unsure/Not Qualified to Answer

6. Should the regulations specify a process for ESL and bilingual teachers to identify an ELL student who is making below average growth on the NYSESLAT, and require the development of an individual plan for additional supports for such students? (check one)

	Yes, the regulations should specify a process for ESL and bilingual teachers to identify an ELL student who is making below average growth and <u>require the development of an individual plan, aligned to the district’s Response to Intervention (Rtl) or Academic Intervention Services (AIS) plan</u>	
	Yes, the regulations should specify a process for ESL and bilingual teachers to identify an ELL student who is making below average growth, <u>but not require the development of an individual plan</u>	
	No, the regulations should not specify a process for ESL and bilingual teachers to identify an ELL student who is making below average growth nor should they require the development of an individual plan	SKIP to I1
	Unsure/Not Qualified to Answer	SKIP to I1

7. How many years of below average growth on the NYSESLAT should trigger the development of a plan? (check one)

	After 1 year
	After 2 years
	After 3 years
	After 4 years
	After 5 years
	After 6 years
	Unsure/Not Qualified to Answer

8. Enter any other comments about support services for ELLs.

I. Certification and In-service Professional Development

1. If a teacher provides integrated ESL in content classes (i.e., the use of ESL methodologies to teach a content area course to ELLs, what should be the minimum requirements for teaching? (check all that you support)

	Dually certified in the content area and in ESL
	Dually certified in the content area and in bilingual education
	Co-teaching by a certified ESL AND a content area teacher
	Interdisciplinary teaching team (i.e., all core subjects) with at least one ESL-certified teacher on the team
	Unsure/Not Qualified to Answer

2. Should there be more specific requirements for in-service professional development (PD) for ESL and bilingual teachers? (check one)

	Yes, at least 50% of the total PD hours required per year should be specific to ELL education
	Yes, at least 25% of the total PD hours required per year should be specific to ELL education
	Yes, at least 10% of the total PD hours required per year should be specific to ELL education
	No, districts should determine the appropriate PD to provide to teachers
	Unsure/Not Qualified to Answer

3. Should all teachers working with ELLs have in-service professional development requirements specifically on ELL instructional practices? (check one)

	Yes, at least 30% of their total PD hours required per year should be specific to ELL education
	Yes, at least 25% of the total PD hours required per year should be specific to ELL education
	Yes, at least 10% of the total PD hours required per year should be specific to ELL education
	No, districts should determine the appropriate PD to provide to teachers
	Unsure/Not Qualified to Answer

4. What, if any, pre-service coursework should be required for all teacher certification? (check all that you support)

	Pre-service coursework in language acquisition and bilingual education	IF CHECKED , How many credit hours should be required _ 3 _ 6 _9 _more than 9 _ Unsure
	Pre-service coursework in ELL instructional practices	IF CHECKED , How many credit hours should be required _ 3 _ 6 _9 _more than 9 _ Unsure
	Pre-service coursework in ELL student cultures and backgrounds	IF CHECKED , How many credit hours should be required _ 3 _ 6 _9 _more than 9 _ Unsure
	No pre-service course work should be required	
	Unsure/Not Qualified to Answer	

5. Enter any other comments about certification and in-service professional development.

J. District Planning and Reporting Requirements

Currently all Local Education Agencies (districts) must comply with regulations governing services for ELL students by:

- 1) *Developing a Comprehensive Plan to meet the educational needs of ELL students, and*
- 2) *Submitting an annual Data/Information Report*

1. Please indicate which of the following comprehensive plan elements should be required by Regulations. (check all that you support)

	Include in the District's Plan	Include in the School Plan	Include only as an Assurance	Do Not Include in the Plan	Unsure/Not Qualified to Answer
Philosophy for the education of ELL students					
Administrative practices and procedures to screen, identify, and annually evaluate ELL students' performance in content areas to measure their academic progress and English language proficiency					
Description of the criteria used to place ELL students in appropriate bilingual or ESL instructional programs					
Description of services to ELL students in English as a Second Language (ESL) and/or Bilingual Education instructional programs					
Description of the curricular and extracurricular services provided to ELL Students					
Description of procedures for the management of ELL programs: staffing,					

	Include in the District's Plan	Include in the School Plan	Include only as an Assurance	Do Not Include in the Plan	Unsure/Not Qualified to Answer
site selection, parental notification, coordination of funds, training, program planning, etc.					
Description of all parent involvement Initiatives					
Description on how annual evaluation of ELL students is used to drive instruction					
Description of the procedures/policy for the referral of LEP students to the Committee on Special Education (CSE)					

2. Please indicate which of the following Data Report elements should be required by Regulations. (check one)

	Include as part of the Data Report	Include Only as an Assurance	Do Not Include in the Report	Unsure/ Not Qualified to Answer
Report by building of the number of ELL students identified in the preceding school year including grade level, home language, and instructional program				
Summary of the number of ELL students served by grade level and type of program (ESL and/or Bilingual)				
Report on the number of Long-Term ELL students (beyond six years), by grade level and home language, including a description of instructional services being provided to Long-Term ELLs				
Report on the number of ELLs with disabilities, by grade level and home language, and the number of ELLs				

	Include as part of the Data Report	Include Only as an Assurance	Do Not Include in the Report	Unsure/ Not Qualified to Answer
with disabilities in ESL programs versus bilingual programs				
Report on the number of Students with Interrupted Formal Education, if collected, including a description of instructional services being provided to such students				
Statement of Assurances certified by the chief administrative officer				
Report, by building of the number and qualifications of teachers and support personnel providing services to ELL students				
Report on the expenditure of State, local, and federal funds in the prior year on programs and services for ELL students				

3. Enter any other comments about district planning and reporting requirements.
