

Instruction

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS

The District will ensure that English Language Learners (ELLs) receive an appropriate education consistent with state law and regulations, and that all ELLs have access to appropriate instructional and support services, including guidance programs, and equal opportunities to participate in all school programs and extracurricular activities.

Identification

The District will diagnostically screen every new entrant and reentrant with no available record of prior screening to determine whether the student is an ELL. The screening includes the administration of a home language questionnaire and, if necessary, an individual interview with the student in English and the home language. However, in no event will the District request or require, prior to enrollment or registration, any documentation and/or information regarding or tending to reveal the immigration status of a child, a child's parent(s), or the person(s) in parental relation.

The home language questionnaire and the individual interview will be administered by qualified personnel. "Qualified personnel" means:

- 1) A bilingual or English to speakers of other languages teacher, who possesses appropriate certification, who is fluent in the home language of the student and parent(s) or person(s) in parental relation, or who uses a qualified interpreter or translator of the language or mode of communication the student or parent or person in parental relation best understands; or
- 2) A teacher who possesses appropriate certification, and has been trained in cultural competency, language development and the needs of ELLs, and who is proficient in the home language of the student or parent(s) or person(s) in parental relation, or who uses a qualified interpreter or translator of the language or mode of communication the student or parent(s) or person(s) in parental relation best understands.

Identification Review

Upon receipt of a written request, the District will initiate and carry out a review of the identification determination within the timeframes set forth in the Commissioner's regulations. The principal and the Superintendent or designee will determine whether an ELL's designation should change based on consultation with the parent(s) or person(s) in parental relation and appropriate District personnel as well as the review of relevant documentation.

(Continued)

Instruction

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS (Cont'd.)**ELLs with Disabilities**

Students who may be ELLs, and who have been identified as having a disability, will be referred to the Language Proficiency Team (LPT) to determine whether there is evidence that these students may have second language acquisition needs and whether these students must take the initial English language proficiency identification assessment. The recommendation of the LPT may be subject to review by the school principal and the Superintendent or designee. In the event a student is identified as an ELL, the Committee on Special Education (CSE) will determine, in accordance with the student's individualized education program (IEP), whether the student will take the assessment with or without testing accommodations or an alternate assessment, as may be prescribed by the Commissioner.

For ELLs who are suspected of having a disability, but not yet identified as having a disability, the District will follow its existing CSE referral process, consistent with Commissioner's regulations.

Assurances

Prior to the start of each school year, the District will submit to the Commissioner the following assurances, signed by the Superintendent or designee, in a form and by a date specified by the Commissioner:

- 1) ELLs have access to appropriate instructional and support services, including guidance programs;
- 2) Each ELL has equal opportunities to participate in all school programs and extracurricular activities as non-ELLs;
- 3) ELLs are offered bilingual education and/or English as a new language (ENL) programs;
- 4) The District provides the requisite number of bilingual education programs pursuant to Commissioner's regulations, or has received a one-year exemption, pursuant to Commissioner's regulations, and is actively recruiting staff for these programs;
- 5) Parent(s) or other person(s) in parental relation of ELLs receive orientation and notification about program types;
- 6) ELLs are given the requisite amount of ENL and home language instruction;
- 7) Teachers in the District's bilingual education and ENL programs are appropriately certified;
- 8) Teachers of ELLs receive the requisite amount of in-service professional learning;

(Continued)

Instruction

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- 9) The District will comply with the requirements of the Commissioner's regulations and provisions of the Education Law governing programs for ELL students;
- 10) The programs for ELL students will be administered in accordance with applicable federal and state law and regulations and the District's comprehensive plan.

Reports

The District will annually submit to the Commissioner a data and information report in form(s) and within timeline(s) as prescribed by the Commissioner. The report must include the following:

- 1) A summary of the number of ELLs in the District, separated by grade level, home language, and by program type;
- 2) A report by building of the number of ELLs identified in the preceding school year, by grade level, home language, and program type;
- 3) A report by building of the number of ELLs, if any, who have not received either bilingual education or ENL instruction, and the reason these students did not receive instruction as required by Commissioner's regulations;
- 4) A summary of the number of students with inconsistent or interrupted formal education, ELLs with disabilities, newcomer ELLs, developing ELLs, long-term ELLs, and former ELLs by grade level, home language, and program type;
- 5) A summary of annual English language proficiency assessment, English language arts, and mathematics outcomes by subpopulation (students with inconsistent or interrupted formal education, ELLs with disabilities, newcomer ELLs, developing ELLs, long-term ELLs, and former ELLs) by grade level;
- 6) A summary of the number and qualifications of teachers and support personnel providing services to ELLs;
- 7) The expenditure of state, local, and federal funds in the prior year on programs and services for ELLs; and
- 8) A summary of all students for whom the District has made a request for extension of services. This summary will include the names of these students, including, but not limited to, transfer students and graduates from grades six, eight, or nine. This summary need not include students who scored proficient/commanding on the annual English language proficiency assessment, students discharged from the New York State public school system, students who have graduated from high school, or students enrolled in nonpublic schools.

(Continued)

Instruction

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS (Cont'd.)**ELL Instruction**Bilingual Education Program

The District will establish a sufficient number of bilingual education programs should the annual estimate of enrollment of ELLs indicate that 20 or more ELLs with the same home language at the same grade level will be enrolled in the District. These programs will be composed of:

- 1) A language arts instruction component, including home language arts and English language arts;
- 2) An ENL component; and
- 3) A bilingual content area instructional component.

English as a New Language Instruction

In the event that the District does not offer a bilingual education program, or the parent(s) or person(s) in parental relation opts out of a bilingual education program, the student will be placed in an ENL program. The program will be composed of:

- 1) 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
- 2) An English language development component (stand-alone and/or integrated ENL).

The District reserves the right to contract with a Board of Cooperative Educational Services (BOCES) or another school district to provide bilingual education and/or ENL services and/or programs.

Parental Notification

The District will distribute to the parent(s) or other person(s) in parental relation to ELL students, school-related information in English and the language or mode of communication they best understand.

(Continued)

Instruction

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- 1) For new school entrants designated as ELL, the parent(s) or person(s) in parental relation will be provided a high-quality orientation session on the state standards, assessments, and school expectations, as well as the program goals and requirements for bilingual education and ENL programs. This orientation will take place prior to a student's enrollment in a program provided that a student will not be withheld from timely program placement if a parent or person in parental relation does not attend an orientation session. The orientation will also be provided in the language or mode of communication that the student's parent(s) or person(s) in parental relation best understands.

The District will maintain records of signed notices of parent(s) and person(s) in parental relation that indicate program selection, as well as orientation session agendas and sign in sheets for those orientations. In the event that a parent or person in parental relation does not indicate a program choice, the information will be recorded by the District. All of this information will be accessible at all times that school is open for school staff. Signed notices of parent(s) and person(s) in parental relation that indicate program selection will be included in the student's cumulative record.

- 2) After the orientation, the parent(s) or person(s) in parental relation of a student designated as an ELL will be notified, in English and the language or mode of communication the parent or person in parental relation best understands, that, where available, bilingual education will be the default program. The notice will also indicate:
 - a. The goals and purpose of bilingual education and ENL programs available in the District;
 - b. The parent(s) or person(s) in parental relation may direct that their child be placed in an ENL program instead of a bilingual education program;
 - c. The student will receive all required core content in all programs offered, and the student's participation in a bilingual education or ENL program will not preclude the student from accessing extracurricular activities offered by the District;
 - d. If a school within the District is not required to provide a bilingual education program, parent(s) or person(s) in parental relation have the option of transferring their child to a school within the District if the program is available at another school;
 - e. In a school where the number of eligible students require that a bilingual education program be provided, but the school has been granted an exemption, the notice will also explain how the school will offer to support home language and provide a summary of its plans for instituting a bilingual education program the following school year.

(Continued)

Instruction

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- 3) After the parent(s) or person(s) in parental relation receives notification, the District will provide the parent(s) or person(s) in parental relation ten school days to sign and return a statement to the District indicating that they are either in agreement with the child being placed in a bilingual education program or directs the District to place the child in an ENL program. If the parent(s) or person(s) in parental relation does not return the signed notification form within ten school days of receiving notice, the student will be placed in a bilingual education program if available in their school or in an ENL program if the school is not required to provide a bilingual education program.
- 4) If a student is placed in an ENL program, either because the parent(s) or person(s) in parental relation requested the placement or because the parent(s) or person(s) in parental relation did not make a choice regarding placement, the parent(s) and person(s) in parental relation will be notified in a language or mode of communication they best understand, that they retain the right to transfer their child to a bilingual education program and that transportation will be provided in accordance with Education Law Section 3635 and District policy.
- 5) Appropriate District personnel will individually meet at least once a year with the parent(s) or person(s) in parental relation of ELLs, in addition to parent-teacher conferences, quarterly progress meetings, or other scheduled meetings, to help them understand the goals of the program, their child's language development progress, their child's English language proficiency assessment results, and language development needs in all content areas. This meeting will include all school staff necessary to sufficiently inform the parent(s) or person(s) in parental relation about the child's language development in all content areas in English and in the child's home language in the case of students enrolled in a bilingual education program. This meeting will also be conducted with a qualified interpreter or translator in the language or mode of communication the parent(s) or person(s) in parental relation best understands. Districts will determine the manner and form of these individual meetings with parent(s) or person(s) in parental relation in accordance with local collective bargaining agreements.

Support Services

The District will provide appropriate support services for ELLs who fail to meet specified levels of performance on the annual English language proficiency assessment. These services will take into consideration those factors specified in Commissioner's regulations and will be aligned with any intervention plans the District is already providing to all students.

Transitional Services

For at least two school years following the school year in which a student is exited from ELL status, the student will receive at least one half of one unit of study or its equivalent of integrated ENL or other services that monitor and support their language development and academic progress, as approved by the Commissioner.