



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: Charles A. Szuberla, Jr. *Charles A. Szuberla Jr.*

SUBJECT: Technical Amendments to §154-2.3(h) of the Commissioner's Regulations, Relating to Units of Study and Provision of Credits For English As A New Language and Native Language Arts

DATE: June 8, 2015

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SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt technical amendments to §154-2.3(h) to:

- clarify the units of study mandated for and credits given to all English Language Learners (ELLs) for Integrated English as a New Language (ENL) instruction;
- clarify the units of study mandated for and credits given to ELLs in Bilingual Education programs for ENL and bilingual core content area instruction; and
- change the phrase "Integrated English as a New Language and English Language Arts instruction" to "Integrated English as a New Language in English Language Arts instruction"?

Reason(s) for Consideration

Implementation of Policy.

Proposed Handling

The proposed amendment is being presented to the Full Board for action at the June 2015 Regents meeting.

Procedural History

The proposed amendment was discussed by the P-12 Education Committee at the April 2015 Regents meeting. A Notice of Proposed Rule Making was published in the State Register on April 8, 2015. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

At the September 2014 Regents meeting, the Board of Regents amended Part 154 of the Commissioner's Regulations to add new Subparts 154-1, 154-2 and 154-3, pursuant to a three-year planning process. In order to facilitate smooth implementation of these Subparts, Department staff recommends that the Board of Regents clarify the units of study mandated for and credits given to ELLs for Integrated ENL instruction, and clarify the units of study mandated for and credits given to ELLs in Bilingual Education Programs for ENL and bilingual core content area instruction. Department staff further recommends a technical amendment to change the phrase "Integrated English as a New Language and English Language Arts instruction" to "Integrated English as a New Language in English Language Arts instruction".

Pursuant to Subpart 154-2, beginning with the 2015-2016 school year, all school districts must provide ELLs with an ENL (previously called "English As a Second Language" or "ESL") program (in addition to providing Bilingual Education when 20 or more ELL students of the same grade speak the same home language district-wide). An ENL program is a research-based program comprised of two components:

- Integrated ENL, which is a content area (e.g., English language arts, math, science, social studies) instructional component in English with home language supports and appropriate scaffolds; and
- Stand-alone ENL, which is an English language development component.

Section 154-2.3(h)(1) and (2) sets forth the units of study mandated for and credits given to ELLs for ENL coursework, based on a student's level of English proficiency as identified by the statewide English language proficiency identification assessment or annual English language proficiency assessment. Under §154-2.3(h)(2), ENL program and crediting requirements for students in grades 9-12 are as follows, broken down by English proficiency level:

- Beginner/Entering: Beginner/Entering students get at least 3 units of ENL in total, of which 1 unit shall be Stand-alone ENL, 1 unit shall be Integrated ENL, and the remaining 1 unit shall be either Stand-alone or Integrated ENL;
- Low Intermediate/Emerging: Low Intermediate/Emerging students get at least 2 units of ENL in total, of which .5 unit shall be Stand-alone ENL, 1 unit shall be in Integrated ENL in English language arts, and the remaining .5 unit shall be either Stand-alone or Integrated ENL;
- Intermediate/Transitioning: Intermediate/Transitioning students get at least 1 unit of ENL in total, of which .5 unit shall be Integrated ENL, and the other .5 unit shall be either Stand-alone or Integrated ENL;
- Advanced/Expanding: Advanced/Expanding students get at least 1 unit of ENL in total, and that unit shall be Integrated ENL;
- Proficient/Commanding: For 2 years after exiting from ELL status, Proficient/Commanding students get at least .5 unit of ENL in total, and that .5 unit shall be Integrated ENL or other such services that monitor and support their language development and academic progress, as approved by the Commissioner.

Section 154-2.3(h) also sets forth program requirements for Bilingual Education programs, including units of study mandated for and credits given to ELLs. Under §154-2.3(h)(3), students in Bilingual Education programs receive 2 units of study or its equivalent in Language Arts, 1 in English and 1 in the student's home language. The English component of Language Arts is provided through Integrated ENL in English language arts, as described above. Students earn one half credit for successful completion of each credit of Language Arts study. Students in Bilingual Education programs must also receive instruction in both the student's home language and English in a minimum of two bilingual core content areas other than Language Arts (i.e., math, science, and social studies).

Summary of Proposed Amendments

The proposed amendment provides that Integrated ENL coursework for Advanced/Expanding ELLs in grades 9-12 may be in English Language Arts or in another content area.

The proposed amendment also provides that students in Bilingual Education programs shall earn one English Language Arts credit for each English As a New Language unit of study, and one Native Language Arts or Languages Other Than English (LOTE) credit for each unit of Language Arts study in the student's home language.

Furthermore, the proposed amendment provides that students in a Bilingual Education Program at the Beginning/Entering and Low Intermediate/Emerging levels must receive instruction in both the student's home language and English in a minimum of two bilingual core content areas other than Language Arts (i.e., math, science, and social studies). It also provides that students in a Bilingual Education Program at the Intermediate/Transitioning and Advanced/Expanding levels must receive instruction in both the student's home language and English in a minimum of one bilingual core content area other than Language Arts (i.e., math, science, and social studies).

Finally, the proposed amendment makes a technical amendment to replace the phrase "Integrated English as a New Language *and* English Language Arts instruction" throughout §154-2.3(h) with "Integrated English as a New Language *in* English Language Arts instruction" (emphasis added).

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That subdivision (h) of section 154-2.3 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 1, 2015,

Timetable for Implementation

If adopted at the June meeting, the proposed amendment would take effect on July 1, 2015.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 208, 215, 305, 2117, 2854(1)(b) and 3204

Subdivision (h) of section 154-2.3 of the Regulations of the Commissioner of Education is amended, effective July 1, 2015, as follows:

(h) Provision of programs. For purposes of this subdivision, a unit of study and a unit of credit shall be as defined in section 100.1(a) and (b), respectively, of this Title.

(1) English as new language [K-B] K-8. Each school district shall provide an English as a new language program in grades K-8, based on a student's English language proficiency level, as identified by the Statewide English language proficiency identification assessment or the annual English language proficiency assessment, as follows:

(i) beginner/entering. Students shall receive at least two units of study or its equivalent of English as a new language instruction. At least one unit of study or its equivalent shall be stand-alone English as a new language instruction and at least one unit of study or its equivalent shall be Integrated English as a new language [and] in English language arts instruction.

(ii) low intermediate/emerging. Students shall receive at least two units of study or its equivalent of English as new language instruction. At least one half of a unit of study or its equivalent shall be in stand-alone English as a new language, at least one unit of study or its equivalent shall be Integrated English as a new language [and] in English Language Arts instruction, and one half of a unit of study or its equivalent shall

be either Integrated English as a new language or stand-alone English as a new language instruction.

(iii) intermediate/transitioning. Students shall receive at least one unit of study or its equivalent of English as a new language. At least one half of a unit of study or its equivalent shall be in integrated English as a new language [and] in English language arts instruction, and at least one half of a unit of study or its equivalent shall be either Integrated English as a new language or stand-alone English as a new language instruction.

(iv) advanced/expanding. Students shall receive at least one unit of study or its equivalent of integrated English as a new language [and] in English language arts or another content area.

(v) proficient/commanding. For at least two school years following the school year in which a student is exited from English language learner status, as prescribed in subdivision (m) of this section, such student shall receive at least one half of one unit of study or its equivalent of integrated English as a new language [and] in English language arts or another content area, or such other services that monitor and support the student's language development and academic progress, as shall be approved by the Commissioner to assist Former English language learners once they have exited from an English as a new language or bilingual education program.

(2) English as a new language 9-12. Each school district shall, provide an English as a new language program in grades 9-12, based on a student's English language proficiency level, as identified by the Statewide English language proficiency

identification assessment or the annual English language proficiency assessment, as follows:

(i) beginner/entering. Students shall receive at least three units of study or its equivalent of English as a new language instruction. At least one unit of study or its equivalent shall be stand-alone English as a new language instruction; at least one unit of study or its equivalent shall be integrated English as a new language [and] in English language arts; and one unit of study or its equivalent shall be either integrated English as a new language or stand-alone English as a new language instruction. A student shall earn one unit of English language arts credit for successful completion of an integrated English as a new language [and] in English language arts unit of study, one unit of credit in the content area for successful completion of each integrated English as a new language unit of study; and one unit of elective credit for successful completion of a second stand-alone English as a new language unit of study.

(ii) low Intermediate/emerging. Students shall receive at least two units of study or its equivalent of English as a new language instruction. At least one half of a unit of study or its equivalent shall be in stand-alone English as a new language, at least one unit of study or its equivalent shall be integrated English as a new language [and] in English language arts instruction, and one half of a unit of study or its equivalent shall be either integrated english as a new language or stand-alone English as new language instruction. A student shall earn one unit of English language arts credit for successful completion of integrated English as new language [and] in English language arts unit of study or one unit of credit in the content area for successful completion of an integrated

English as a new language unit of study, or one unit of elective credit for successful completion of stand-alone English as a new language unit of study.

(iii) intermediate/transitioning. Students shall receive at least one unit of study or its equivalent of English as a new language instruction. At least one half of a unit of study or its equivalent shall be in integrated English as a new language instruction and at least one half of a unit of study or its equivalent shall be either integrated English as a new language instruction or stand-alone English as a new language instruction. A student shall earn one unit of English language arts credit for successful completion of integrated English as new language [and] in English language arts unit of study or one unit of credit in the content area for successful completion of an integrated English as a new language unit of study, or one unit of elective credit for successful completion of stand-alone English as a new language unit of study.

(iv) advanced/expanding. Students shall receive at least one unit of study or its equivalent of integrated English as new language instruction. A student shall earn one unit of credit in a content area for successful completion of the integrated English as a new language unit of study in a content area [other than] which may include English language arts.

(v) proficient/commanding. For at least two school years following the school year in which a student is exited from English language learner status, as prescribed in subdivision (m) of this section, such student shall receive at least one half of one unit of study or its equivalent of integrated English as a new language or such other services that monitor and support their language development and academic progress, as shall

be approved by the Commissioner to assist former English language learners once they have exited from an English as a new language or bilingual education program.

(3) Bilingual education programs. A bilingual education program in grades K-12 shall provide:

(i) two units of study or its equivalent in language arts, one in English and one in the student's home language. English language arts may be provided through integrated English as a new language as prescribed in paragraphs (1) and (2) of this subdivision. A student shall earn one [half] English language arts or home language arts/languages other than English credit for each language arts unit of study, for a total of [one combined] two total [credit] credits for language arts each year.

(ii) content area instruction in the required content area subjects in the home language and in English (including all bilingual core 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 include] Beginner/entering and low intermediate/emerging students must receive a minimum of two bilingual core content areas other than language arts taught in both the student's home language and English[]], in accordance with section 100.1(a) and (b) of this Title.

Intermediate/transitioning and advanced/expanding students must receive a minimum of one bilingual core content area other than language arts taught in both the student's home language and English, in accordance with section 100.1(a) and (b) of this Title.

(iii) English as a new language instruction, as prescribed in paragraphs (1) and (2) of this subdivision.