

## ***Amendments to Commissioner's Regulations Part 154: "Services for Pupils with Limited English Proficiency"***

In September 2007, the New York State Board of Regents approved amendments to Part 154 of the Regulations of the Commissioner of Education, effective October 4, 2007, regarding the education of students with limited English proficiency (herein referred to as English language learners (ELLs)). The changes are necessary to ensure Part 154 Regulations comply with Chapter 57 of the Laws of 2007. This bulletin provides a summary of these changes.

### **Background**

Current Part 154 Regulations prescribe requirements for school districts claiming State categorical Limited English Proficiency (LEP) aid as well as for districts not claiming State LEP aid for the education of English language learners. Under Chapter 57 of the Laws of 2007, schools will no longer claim LEP as a separate categorical aid. Beginning in 2007–2008, all school districts will receive total foundation aid, which includes a separate weighting for ELLs. As there is no longer an option for school districts to accept or not accept funding, all school districts must develop a comprehensive plan describing the programs, activities and services used by the school district to meet the educational needs of English language learners

### **Comprehensive Plan**

The comprehensive plan must be kept on file within school districts. School districts receiving No Child Left Behind (NCLB) Title III, funds and those with a Contract for Excellence must submit their comprehensive plan to the New York State Education Department (NYSED). All plans are public documents and must be accessible by the public. The plan must include:

- The district's philosophy for the education of ELL students;
- The administrative practices and procedures to screen, identify, and annually evaluate ELL students;
- A description of the type of program(s) implemented;
- The criteria used to place ELL students in an English as a second language (ESL) or bilingual education program;
- The types of curricular or extracurricular activities available to ELL students;
- A description of how the program will be managed; and
- A signed statement of assurances that teachers providing services to ELL students hold a valid English as a Second Language certificate or a bilingual extension.

According to Part 154, the plan should also describe:

- Procedures for the distribution of school related information to parents or persons in parental relation of an ELL student in English, or, when necessary, in the language they understand;
- Procedures for the submission to the Commissioner of the results of the annual evaluation of ELL students; and
- Procedures for referral to the Committee on Special Education of ELL students who are suspected of having a disability.

In addition to the comprehensive plan, all districts must submit the following reports:

- Building report of ELL students identified;
- Building report of the number of ELL students served;
- Building report of the number of ELL students who took the NYSESLAT;
- Teachers and support personnel;
- Coordination of funds;
- Request for extension of services;
- A fiscal report containing such data as may be required by the Commissioner; and
- Beginning in July 2008 and annually thereafter, a report on the expenditure of local, state, and federal funds.

### **Advice to Local Leaders**

- Work with the school district's administration to ensure that appropriate teaching staff is involved in the process of developing the plan and that a timetable is established to review the plan annually for compliance.
- Work with the school district professional development committee to provide professional development for teachers of ELL students and other school personnel involved in the education of these students.

### **Resources**

- The **Bilingual/ESL Technical Assistance Centers (BETACs)** are centers for staff development and technical assistance to educators in New York State and are funded through grants from NYSED's Office of Bilingual Education. The mission of the BETACs is to enhance the development of knowledge and competencies of educators, parents, and local communities needed to support academic excellence of ELL students. More information about BETACs and a current directory is on the NYSED website: <http://www.emsc.nysed.gov/biling/betac.html>
- **Teachers of English as a Second Language (TESOL)** – [http://www.tesol.org/s\\_tesol/index.asp](http://www.tesol.org/s_tesol/index.asp)
- **National Council of English Teachers** – <http://www.ncte.org/collections/elemell>
- **National Education Association (NEA) ELL web resources** – <http://www.nea.org/neatodayextra/ellwebresources.html>
- **American Federation of Teachers** – <http://aft.org>
- **Center on Instruction** – <http://www.centeroninstruction.org/resources.cfm?category=ell>
- **United States Department of Education (US DOE) "Doing What Works"** – [http://dww.ed.gov/disclaimer.cfm?\[/priority\\_area/priority\\_landing.cfm?PA\\_ID=6\]](http://dww.ed.gov/disclaimer.cfm?[/priority_area/priority_landing.cfm?PA_ID=6])