

Provision of Services to English Language Learners During Statewide School Closures Due to COVID-19



Fact Sheet No. 20-14

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Background

The outbreak of COVID-19 and the statewide school closures have had a profound effect on instruction, assessment and the delivery of services to English Language Learners/ Multilingual Learners (ELLs/MLLs). On April 7, 2020, the Board of Regents acted on a series of [emergency regulations](#) to provide critically needed flexibility to ease the burden on educators and students in the wake of the COVID-19 pandemic. Part 154-2.3 of the Commissioner’s Regulations were amended to exclude any day(s) where a school is closed pursuant to an Executive Order of the Governor when counting toward the following timelines:

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- English language learner identification process timeline;
- parental notification and information timeline; and
- the English as a New Language/Bilingual Education placement timeline.

The amendments also provided an exemption to students from the unit of study requirements where a student is unable to meet such requirements due to schools being closed pursuant to an Executive Order but otherwise achieves the learning outcomes. Additionally, the amendments provided that for the 2019-2020 school year, there would be no English language learner annual assessment (NYSESLAT) due to such assessment being suspended as a result of the COVID-19 crisis.

On May 13, 2020, SED released the [Provision of Services to English Language Learners and World Languages Students During Statewide School Closures Due to the Novel Coronavirus \(COVID-19\) Outbreak in New York State memo and FAQ Guidance](#) document in response for the need for flexibility while still remaining accountable to the C.R. Part 154 regulations for the delivery of educational services to all identified ELLs/MLLs, students with potential language acquisition needs engaged in the ELL identification process prior to the school closures, and student who have not yet been formally identified as ELLs but who may benefit from such support. The document serves as a reminder that all ELLs are entitled to an academically rigorous education in all content areas and that school districts must work to eliminate barriers, long-standing inequities, disparities in staffing and unequal access to resources and technology, particularly those needed for successful remote learning. This Q&A will be updated as needed.

This Fact Sheet has been organized in a chart format to present a side-by-side comparison of the original regulations with the related emergency regulatory changes that provide flexibility. These temporary provisions are in effect during COVID-19-related school closures.

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

Part 154 of the Commissioner Regulations outlines schools' responsibility for the identification, program placement, instruction, and evaluation of ELLs/MLLs. School districts are responsible to provide ELLs access to scaffolded lesson interwoven with content and language support and quality continuity of learning with remote ENL and Bilingual Education instruction that is reflective of best practices.

Topic	CR Part 154	Flexibility/Emergency Provisions	Recommendations
<p>Identification and Program Placement</p>	<p>Steps of initial and reentry process and determination of English language proficiency consists of:</p> <ul style="list-style-type: none"> • administration of the Home Language Questionnaire by qualified personnel • individual interview with student and review of abilities or work samples, review of prior home language and/or English instruction • administration of NYSITELL 	<p>During COVID-19-related school closures, school districts are expected to:</p> <ul style="list-style-type: none"> • administer the Home Language Questionnaire electronically • conduct the Individual Interview remotely <p>As the NYSITELL is not administered, this partial interview process is not the official ELL identification process. Once the school district re-opens, the ELL Identification process is to be re-conducted in person with any necessary administration of the NYSITELL.</p> <p>Districts are expected to provide appropriate supports and ENL instruction to all students with potential language acquisition needs (including students with disabilities) even if they have not yet been formally identified as ELLs. Recommendations from ENL and Bilingual teachers, and other teachers with expertise in the needs of ELLs/MLLs and familiar conducting the ELL identification process should be considered when districts determine services for potential ELLs.</p>	<p>Districts may present the HLQ in digital form for parents/guardians to complete and submit electronically.</p> <p>Items/work samples collected during the interview to be reviewed can be submitted through e-mail, as pictures of the students' work, and/or by using the digital platforms schools are currently using for remote learning.</p> <p>In co-teaching environments, such as Integrated ENL, districts are expected to ensure that teachers work collaboratively, co-plan, co-deliver, and individualize instruction to accommodate different levels of English language proficiency and educational backgrounds, as well as the cultural diversity of ELLs/MLLs in their classrooms.</p> <p>Teachers must identify and assess students' strengths and challenges in English and their home languages in accordance with established best practices and protocols. Monitoring student progress is critical with both language and content acquisition.</p> <p>Teachers are advised to build on students' strengths, interests and needs and use this knowledge to support their learning, and to allow additional time to complete tasks and submit assignments.</p>

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<p>▪ Program Notification Timeline</p>	<p>Parents or persons in parental relations must be notified in writing in 5 school days of this identification. They have 10 days to sign and return a statement about Bilingual Education or ENL program placement. A review of a determination is initiated if requested by student’s parent, teacher or student if 18 years of age or older. The process for initial enrollment or reentry identification and parent notification, orientation and placement is to be completed within 10 days.</p>	<p>Days in which a school is closed by an Executive Order of the Governor for a State of emergency due to the COVID-19 crisis will not count towards the ELL identification process timeline, the parental notification and information timeline, and the ENL/Bilingual Education placement timeline.</p> <p>NYSED’s “Parent Orientation Video” must be shown to parents/guardians to explain the identification/assessment process and outline program options. Once the district re-opens, a full parent orientation must take place.</p>	<p>School districts must continue to ensure that parents/guardians of ELLs/MLLs receive district-generated information in the language or mode of communication the parent/guardian best understands.</p> <p>They must continue to provide interpretation and translation in the languages spoken in the district, and at a minimum in those languages spoken by a large number and percentage of ELL/MLLs.</p> <p><i>Interpretation and translation services should be provided through a qualified interpreter/ translator or through a translation service organization.</i></p>
<p>▪ Unit of Study</p>	<p>The CR Part 154-2 Units of Study tables lay out mandated services for ELLs with ENL classes (Integrated and Stand-alone) for Entering, Emerging Transitioning, Expanding, and Commanding students in K-8, 9-12 in both ENL and Bilingual Education programs.</p>	<p>A temporary emergency regulatory change was made exempting a student from the unit of study requirement because of school closure by an Executive Order of the Governor for a State of emergency due to the COVID-19 crisis when otherwise achieving the learning outcomes for such unit of study requirements.</p>	<p>Districts, to the extent possible, support ELLs through ENL and Bilingual Education programs combined with instructional support.</p> <p>ENL and Bilingual Education teachers, as well as content area teachers co-teaching with ENL teachers in Integrated ENL courses, are expected to provide instruction and supports to all their ELLs.</p> <p>Where possible, school communities should maintain documentation as evidence of extenuating circumstances where the unit of study requirements may not be met. It is recommended to record the minutes and type of remote ENL and Bilingual instruction missed for each ELL who received flexibility during the closure. This will help inform and plan delivery of instruction upon return to school.</p>

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<p>▪ Annual Assessment</p>	<p>Each school district with English Language Learners shall annually assess the English language proficiency of each such student using such assessment as prescribed by the Commissioner for this purpose. Each school district will annually determine if a student identified as an English language learner will continue to be identified as an English language learner.</p>	<p>For the 2019-2020 school year, there will be no annual assessment as it was suspended due to the COVID-19 crisis.</p> <p>School districts shall serve ELLs in 2020-21 according to their 2019-20 level of English language proficiency. For the 2020-21 school year, districts are to schedule all ELLs according to their mandated units of study for their level of English language proficiency (Entering, Emerging, Transitioning, Expanding) in 2019-20.</p> <p><i>NYSED is exploring additional flexibility through temporary emergency changes regarding Former ELL services in the form of Integrated ENL or other Former ELL services approved by the Commissioner under section 154-2.3(h).</i></p>	<p>Students who scored Expanding on the 2019 NYSESLAT and who took and passed the Regents Examination in English Language Arts in January 2020 with a score of 65 or higher will be considered to have met the exit criteria and be reclassified as Former English Language Learners in the beginning of the 2020-21 school year.</p> <p>Former ELLs who would have completed their second year 2019-20 will continue to receive ELL testing accommodations on all NYS assessments for the 2020-21 school year.</p>
<p>Additional Comments:</p> <ul style="list-style-type: none"> • ENL services and how they are to be provided should be specifically addressed and sufficiently detailed in districts’ continuity of learning plans with evidence of student participation, teacher support and feedback. • Districts are advised to provide tutorials to parents as well as students on how to use digital/online resources and supports (e.g. translators). • Districts must follow procedures set forth in Part 154-3 regarding ELL identification of students with disabilities and Language Proficiency Teams (LPT) as well as ensuring Students with Limited or Interrupted Formal Education (SLIFE) receive services. • The document provides several strategies and tools to support teachers as they work with ELLs. • It is critical the districts support the social-emotional needs of students and their families, particularly with the impact of COVID-19. • The Emergent Multilingual Learners profile process for pre-K students is addressed. • LEAs can submit Title III budget amendments to support the changing needs of ELLs due to COVID-19 related school closures. • As a result of the waiver of Regents examination graduation requirements, students are eligible for an exemption from LOTE tests under specific circumstances. • Eleven questions and answers are devoted specifically to addressing the New York State Seal of Biliteracy (NYSSB). 			

Resources on English Language Learners and COVID-19

- **NYSUT** has a dedicated webpage with professional and personal resources, updates and guidance on the coronavirus outbreak so members can stay safe and up to date in this time of crisis. <https://www.nysut.org/resources/special-resources-sites/coronavirus-toolkit>
- **NYSUT's Education and Learning Trust (ELT)** offers graduate courses, online seminars, and in-person/virtual seminars for CTLE requirements on a number of topics related to ELLs including trauma-informed schools, advocacy, equitable assessment, co-teaching, family engagement, working with SIFE students and Newcomer ELLs, and collaborative identification of ELLs with a disability. <https://elt.nysut.org/professional-learning/enl-seminars>
- **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. <https://www.colorincolorado.org/coronavirus-ell>
- **U.S. Department of Education** has a website dedicated to COVID-19 Information and Resources for Schools and School Personnel. They offer several Fact Sheets addressing the needs of English Learners, including providing services to ELs and serving migratory children and children with disabilities during the COVID-19 national emergency. <https://www.ed.gov/coronavirus>
- **The Regional Bilingual Education Resource Networks (RBERN)** provide professional learning and technical assistance to educators in New York State and are funded through grants from NYSED's Office of Bilingual Education and World Languages (OBEWL). More information about RBERNs and a current directory is on the NYSED website: <http://www.nysed.gov/bilingual-ed/schools/regional-supportrberns>

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