2013-2014 C.R. Part 154 Data/Information Reporting Requirements for the Education of Limited English Proficient/English Language Learners (LEP/ELL)

June 2013

All LEAs receiving total Foundation Aid must comply with Part 154 of the Commissioner’s Regulations (C.R. Part 154), which govern services for students with limited English proficiency/English Language Learners (LEP/ELLs). Under C.R. Part 154, LEAs are required to develop a Comprehensive Plan to meet the educational needs of LEP/ELL students (C.R. §154.3[a]) and to submit an annual Data/Information Report as required under C.R. Part 154.3[a][f]. All LEAs must keep their completed Comprehensive Plans on file in the LEAs’ main office and make them available for review upon request by the New York State Education Department (NYSED).

For the 2013-2014 school year, LEAs that are (1) applying for NLCB Title III, Part A LEP/ELL and/or Immigrant funds, and/or (2) subject to Contract for Excellence (C4E) restrictions must submit (on a disk) a C.R. Part 154 Data/Information Report as required under C.R. Part 154.3[f].

In addition, we are requesting LEAs to submit the “C.R. Part 154 LEA General Information Form” signed by the Chief District Administrative Officer (original signature in blue ink required).

To help provide LEAs with a more manageable process for completing the C.R. Part 154 Data/Information Reports, all forms are in Excel format (see Part 154 Data Report Forms A-1 to A-7).

The following describes the information that must be submitted for the 2013-14 school year:
I. C.R. Part 154 Data/Information Report

<table>
<thead>
<tr>
<th></th>
<th>2. The C.R. Part 154 LEA General Information Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Due Date</td>
<td>September 30, 2013</td>
</tr>
</tbody>
</table>
| Where to submit documents | Office of Bilingual Education and Foreign Language Studies (OBE-FLS)  
|          | New York State Education Department  
|          | RE: C.R. Part 154 Data/Information Report  
|          | 89 Washington Avenue, Room 367 EBA  
|          | Albany, N.Y. 12234 |
| Submission Format | On a compact disk (CD) labeled with Name of LEA and LEA Code |

Notes:

- **LEAs with LEP/ELLs** must submit ALL forms in the C.R. Part 154 Data/Information Report.
- **LEAs with NO LEP/ELLs** must submit forms A-1 and A-4.
- **ALL LEAs** must submit the “2013-2014 C.R. Part 154 LEA General Information Form” signed in blue ink by the Chief District Administrative Officer (original signature required).
- All forms are due September 30, 2013.
## II. The C.R. Part 154 Data/Information Report

<table>
<thead>
<tr>
<th>Forms:</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1 . . . . . . . .</td>
<td>Cover sheet with LEA information and summary of data</td>
</tr>
<tr>
<td>A-2 . . . . . . . .</td>
<td>Report by building of the number of students identified as being limited English proficient in the preceding school year, including their grade level, native language, and instructional program. On this Form, districts are required to provide information for students who are identified as general and special education LEP/ELLs.</td>
</tr>
<tr>
<td>A-3 . . . . . . . .</td>
<td>Summary of the number of students served by school, grade level, and type of program</td>
</tr>
<tr>
<td>A-3.1 . . . . . . .</td>
<td>Report on the number of Long-Term LEP/ELLs (LEP/ELLs beyond six years) identified LEA-wide in 2012-2013</td>
</tr>
<tr>
<td>A-4 . . . . . . . .</td>
<td>Statement of Assurances, certified by the chief district administrative officer</td>
</tr>
<tr>
<td>A-5 . . . . . . . .</td>
<td>Report, by building, of the number and qualifications of teachers and support personnel providing services to students with limited English proficiency</td>
</tr>
<tr>
<td>A-6 . . . . . . . .</td>
<td>Report on the expenditure of State, local and federal funds in the prior year on programs, activities and services for students with limited English proficiency. A detailed narrative explanation for each funding source, as well as for each funded category must be provided.</td>
</tr>
<tr>
<td>A-7 . . . . . . . .</td>
<td>Report on the Request for Extension of Services</td>
</tr>
</tbody>
</table>
III. Development of the C.R. Part 154 Data/Information Report

General Instructions:

• All forms to be submitted to SED by LEAs with LEP/ELLS
• Forms A-1 and A-4 to be submitted to SED by LEAs with no (0) LEP/ELLS
• General Information Form to be submitted by ALL LEAs
• Forms to be submitted to SED by September 30, 2013

Note:
1. Data and information submitted must be consistent with the Student ID Data System.
2. The reports should include data and information from the 2012-2013 school year.

Form A-1: Cover sheet

• The total numbers provided for all items in Form A-1 must be consistent with the combined total of all numbers provided in Forms, A-2, A-3, and A-3.1.
• Do not include the count for long-term LEP/ELLS (i.e., LEP/ELLS after their 6th year of identification), except for the last two boxes.
• Those LEAs reporting "zero" (0) LEP/ELLS must indicate a "zero" (0) in each item box.

Note:
This form to be completed even by LEAs with no (0) LEP/ELLS.

Form A-2: Report by building of the number of students identified and served.

• Complete this form for each school building with LEP/ELL students served in bilingual and/or free-standing ESL instructional programs during the 2012-2013 school year.
• Be sure to enter numbers of Regular Ed. LEP/ELLS only in the Yellow table.
• Be sure to enter numbers of Special Ed. LEP/ELLS only in the Blue table.

Note:
Do not include the count for long-term LEP/ELLS (i.e., LEP/ELLS after their 6th year of identification) in these numbers.

Form A-3: Summary of the number of students served by school

• Provide a summary of the building-level data provided in Form A-2.

Note:
Do not include the count for long-term LEP/ELLS (i.e., LEP/ELLS after their 6th year of identification) in these numbers.

Form A-3.1: Summary of the number of students served by school, grade level, and type of program

• Report the number of long-term LEP/ELLS in Grades 6-12 by grade level, by language, and by general education or special education program. Long-term LEP/ELLS are those students, based on available records, who have been in any school LEP/ELL program beyond six years of identification, and continue to be Limited English Proficient/English language learner.
Form A-4: Statement of Assurances
- The Chief District Administrative Officer must review the Statement of Assurances. The Statement of Assurances is the LEA’s certification of compliance with State and federal laws, rules, and regulations described within the form.
- The signed “2013-2014 C.R. Part 154 LEA General Information Form” will serve as confirmation that the Chief District Administrative Officer has reviewed and is in agreement with the Statement of Assurances.
- Form A-1, and the General Information Form must also be completed, signed, and submitted by LEAs with no LEP/ELLs.

Form A-5: Teacher and support personnel qualifications
- For each building, report the number of fully funded (100%) staff or 1.0 full-time equivalent (FTE) who provided bilingual and/or ESL instruction in 2012-2013. Teachers holding Conditional Initial or Initial Certificates or who have applied to the State Education Department (SED) for a Conditional Initial or Initial Certificate in teaching English to Speakers of Other Languages (ESOL), Grades PreK-12, should be included in the "Certified" column. In addition, only those teachers who have a base certificate and received or who have applied to the SED for their Bilingual Education Extensions in (i) Bilingual Education (Elementary); (ii) Bilingual Education (Student Personnel Services/Administration); (iii) Bilingual Education (Library Media Specialist/Educational Technology Specialist); (iv) Bilingual Education (Non-Elementary); or (v) Bilingual Education Extension should be included in the "Certified" column.
- The FTEs for staff members serving in more than one building must reflect the portion of time spent in each building.

Form A-6: Expenditures of Funds
- Report the expenditures of funds in the 2012-2013 school year for bilingual and/or ESL activities, programs, and services for LEP/ELL students.
  - Sources of funding include Foundation Aid, Title I, Title III, and any other local, State or federal funding allocated to the education of LEP/ELL students in the LEA during the 2012-2013 school year.
- Provide a detailed explanation as to how funding from the different sources are used to support each funded category in order to promote the education of LEP/ELL students.

Form A-7: Extension of Services
- LEP/ELL students may receive State aided services for up to three additional years beyond the initial three years of service. Such students require a Request for Extension of Services.
- Report the names of all such students, including those who were in the school in 2012-2013 and moved to another New York State public school in 2013-2014 (i.e., transfer students, graduates from 6th, 8th or 9th grades).

Note: Do not request Extension of Services for:
- Students who have not taken the New York State English as a Second Language Achievement Test (NYSESLAT);
- Students who scored *Proficient* on the NYSESLAT;
- Students discharged from the New York State public school system;
- Students who have graduated from high school; and
- Students enrolled in nonpublic schools.

**Reasons and codes used to support the Request for Extension of Services:**

<table>
<thead>
<tr>
<th>CODE</th>
<th>REASONS FOR REQUEST FOR EXTENSION OF SERVICES FOR LEP/ELL STUDENTS IN ESL/BILINGUAL PROGRAMS BEYOND THREE YEARS OF IDENTIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>AR</td>
<td>LEP/ELL students who have been designated at risk and are in a program designed to prevent a referral to a Committee on Special Education (CSE)</td>
</tr>
<tr>
<td>RF</td>
<td>LEP/ELL students who have been referred to the Committee on Special Education (CSE) for a multidisciplinary evaluation</td>
</tr>
<tr>
<td>NL</td>
<td>LEP/ELL students who first entered an English language school system after Grade two with interrupted, little or no formal schooling in their first language</td>
</tr>
<tr>
<td>HO</td>
<td>LEP/ELL students held over in grade</td>
</tr>
<tr>
<td>L</td>
<td>LEP/ELL students who have not met the performance standard in listening</td>
</tr>
<tr>
<td>S</td>
<td>LEP/ELL students who have not met the performance standard in speaking</td>
</tr>
<tr>
<td>R</td>
<td>LEP/ELL students who have not met the performance standard in reading</td>
</tr>
<tr>
<td>W</td>
<td>LEP/ELL students who have not met the performance standard in writing</td>
</tr>
<tr>
<td>LTA</td>
<td>Long term absences</td>
</tr>
</tbody>
</table>
The following pages provide general guidelines regarding programs and services for LEP/ELL students. In addition, instructions and the forms to be completed for the development of the C.R. Part 154 Data/Information Report are included.

To help provide LEAs with a more manageable process for completing the Part 154 Data/Information Report, we have converted all forms to Excel files (see attached – Part 154 Forms). In addition, we are requesting LEAs to submit only the “LEA General Information Form” signed by the Chief District Administrative Officer (original signature required) and a copy of the full C.R. Part 154 Data/Information Report on a disk.

Commissioner’s Regulations Governing Programs and Services for LEP/ELL Students

Parts 117 and 154 of the Regulations of the Commissioner of Education address the screening of new entrants and services for LEP/ELL students. C.R. Part 154 addresses the specific requirements for the implementation of instructional programs and activities for LEP/ELL students.

C.R. Part 154 requires that LEP/ELL students receive appropriate services in order to acquire and develop English language skills and meet the standards in the core subjects expected at their grade and age levels. Research on effective programs for LEP/ELL students identifies Seven Essential Elements (see Appendix A). The Board of Regents has incorporated these elements into their Twelve Action Steps to assist LEP/ELL students in meeting the English language arts standards (see Appendix B).

Eligible Students

- Students eligible to receive services under C.R. Part 154 are those identified as students with limited English proficiency (LEP/ELL). LEP/ELL students come from a home where a language other than English is spoken and score below a State designated level of proficiency on The New York State Identification Test for English Language Learners (NYSITELL). This test is also designated as the annual English language assessment, as set forth in C.R. Part 154.

Types of Instructional Programs

**Bilingual Education Program:** Each LEA that has an enrollment of 20 or more students with limited English proficiency of the same grade level assigned to a building, all of whom have the same native language which is other than English, shall provide such students with bilingual education programs. The bilingual education program includes two components: a language arts instructional component and a content area instructional component. The language arts instructional component is delivered through instruction in English Language Arts (ELA), English as a Second Language (ESL) and Native Language Arts (NLA). The content area instructional component is delivered through instruction in the native language and English through ESL methodologies.
Freestanding ESL Program: Each LEA that has students with limited English proficiency of the same grade level assigned to a building, but which does not have 20 of such students with the same native language which is other than English, shall provide either a free-standing English as a Second Language (ESL) program, or a bilingual education program to students. A freestanding ESL program shall mean a program of instruction composed of two components: a language arts instructional component and a content area instructional component. Such instruction shall take into account the first language and culture of such students. The language arts instructional component is delivered through instruction in ELA and ESL. The content area instructional component is delivered through instruction in English and ESL methodologies.

Court Orders (C.R. Part 154.2[f])

A LEA that is subject to a court order or is a party to a preexisting agreement with an appropriate Federal agency requiring programs substantially equivalent to or in excess of those required under Part 154, will not be required to comply with Part 154 and will be in compliance with it as long as the LEA fully implements the court order or agreements and fulfills all other requirements of Part 154 that are not addressed by such court order or agreement.

Required Units of Study

Public school LEAs are required to provide the units of English language instruction specified in C.R. Part 154.2(d) and (e). As specified in Action Step 1 (Appendix B), the English Language Arts standards are the basis for the Native Language Arts (NLA), English as a Second Language (ESL) and English Language Arts (ELA) curricula (for more information on the timeline and implementation of the New York State P-12 Common Core Learning Standards for English Language Arts and Literacy please visit http://www.p12.nysed.gov/ciai/common_core_standards/ccstimeline.html). The chart that follows summarizes the required units of study for each of these disciplines.

Note:
A unit of study means at least 180 minutes of instruction per week throughout the school year, or the equivalent (Section 100.1[a] of the Commissioner’s Regulations).

<table>
<thead>
<tr>
<th>English Proficiency Level</th>
<th>GRADES K-8</th>
<th></th>
<th></th>
<th>GRADES 9-12</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of Units</td>
<td>ESL</td>
<td>NLA*</td>
<td>ELA</td>
<td>ESL</td>
<td>NLA*</td>
</tr>
<tr>
<td>Beginning</td>
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<td>1</td>
<td>-</td>
<td>3</td>
<td>1</td>
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<tr>
<td>Intermediate</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>2</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Advanced</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

* For those students enrolled in a bilingual program.

Required Assessments

• The New York State Identification Test for English Language Learners (NYSITELL) is the only test approved by the New York State Education Department for the initial identification of students as limited English proficient and is the only NYSED-approved test for measuring LEP/ELL students’ level of English proficiency on an annual basis to determine whether these students continue to receive ESL/bilingual programs and services.

Parental Transfer/Withdrawal Option

Parents of a newly enrolled LEP/ELL student must be informed of their child’s placement in a bilingual or ESL instructional program within 10 days of enrollment. In addition, LEAs must advise parents of the transfer/withdrawal option afforded to them under C.R. Part 154. This transfer/withdrawal option is specified below.

Withdrawal from a bilingual education program:

The parents or other persons in parental relation to a student designated as limited English proficient shall have the option to withdraw their child from participation in an instructional bilingual education program, provided that:

1. The parents or other persons in parental relation to a student designated as limited English proficient meet with the school principal along with the school or LEA supervisor of bilingual education to discuss further the nature, purposes, educational values of the program and the skills required of personnel; and

2. At a minimum, such student shall participate in an English as a Second Language (ESL) instructional program.

Transfer from a school that only offers an ESL program to a school that offers a bilingual education program:

In a school building where the number of eligible students does not require the offering of a bilingual education program, parents or other persons in parental relation to a student identified as limited English proficient shall have the option of transferring their child to a school within the LEA, provided such program is available at such other school. A parent who chooses not to exercise the option to transfer shall be informed that his or her child shall participate only in an English as a Second Language instructional program. Signed parent letters exercising the withdrawal/transfer option must be kept in the student’s cumulative record.

Note:
Parents or other persons in parental relation to a child of appropriately identified LEP/ELL students do not have the option to withdraw their children from an ESL instructional program under C.R. Part 154.
LEP/ELL Student Evaluation

State assessment data for LEP/ELL students must be coordinated and submitted through the New York State Education Department’s data collection system.

Technical Assistance

The State Education Department's Office of Bilingual Education and Foreign Language Studies (OBE-FLS) provides on-going technical assistance to LEAs on issues related to the education of LEP/ELL students and in the development of the 2013-2014 C.R. Part 154 Data/Information Report. To reach OBE-FLS in Albany, please call 518-474-8775; for assistance in New York City, please call 718-722-2445. You may also find information on the OBE-FLS website at: http://www.education.ny.gov/biling/.

In addition, the Regional Bilingual Education Resource Networks (RBERNs) are available to provide technical assistance and professional development in their respective regions. The Statewide Language RBERN, also serves to provide technical assistance and professional development to schools and districts in order to improve instructional practices and educational outcomes of students who are limited English proficient. Schools and districts are encouraged to contact the RBERN in their region or the Statewide Language RBERN. For more information on the Regional Resource Networks and the Statewide Language RBERN, please see http://www.education.ny.gov/biling/.
## Appendix A

### Essential Elements of Effective Programs for Limited English Proficient/English Language Learners

1. **High standards for LEP/ELLs.** LEP/ELLs are held to the same high standards and expectations as all students. Curriculum, instruction, and assessment in all classrooms serving LEP/ELLs students are aligned with New York State standards in the seven core areas.

2. **Strong Literacy Development for LEP/ELLs.** Literacy is developed through native language arts (NLA), English as a second language (ESL) and English language arts (ELA) curricula aligned with the ELA standards. The value of learning to read first in the native language is recognized. Instructional strategies promote the transfer of literacy skills learned in the native language to acquisition of literacy in English.

3. **Qualified and Well-Trained Educators of LEP/ELLs.** There are sufficient numbers of well-prepared, competent, and appropriately certified teachers, administrators, and staff working with LEP/ELLs. The staff participates in ongoing, long-term staff development with strong emphasis on the State learning standards. The single most critical element for successful learning by LEP/ELLs is the quality and preparation of the teachers.

4. **LEA/School-Based Leadership Committed to Educational Excellence and Equity for LEP/ELLs.** The superintendent promotes educational excellence for LEP/ELLs. Principals are highly articulate regarding curriculum and instructional classroom strategies for LEP/ELLs. They are highly supportive of their bilingual/ESL instructional staff. The school leadership encourages alternative approaches to teaching LEP/ELLs, such as creating open-ended learning opportunities that lead to critical thinking, student-directed activities, and collaboration with peers. Flexibility and expansion of instructional time, such as after school programs, extended school year, and Saturday schools for LEP/ELLs are supported.

5. **Positive School Climate for LEP/ELLs.** The languages and cultures of LEP/ELLs are respected and valued throughout the school. Parents of LEP/ELLs are made to feel important members of the school community. Bilingual and ESL teachers are an integral part of the instructional staff and they are provided with the support, materials, and resources needed to be successful.

6. **Parent/Family and Community Involvement in the Education of LEP/ELLs.** Parents of LEP/ELLs are meaningfully involved in the education of their children and are informed about the State standards and assessments. Parents are provided with strategies to increase their ability to help with their children’s homework. Parents of LEP/ELLs are encouraged to become more active and involved members of the school community and to participate in decision-making activities.

7. **Assessment and Accountability.** LEP/ELLs performance and services are assessed on an ongoing basis at all levels using multiple, fair, and equitable measures. Assessment is conducted in the native language and in English as appropriate. The information obtained is used to determine student academic progress, the level of English language acquisition, and to refine services to LEP/ELLs and report outcomes.
Appendix B

Twelve Action Steps to Assist Limited English Proficient/English Language Learners in Meeting The English Language Arts Standards

1. Setting clear goals and providing curriculum using the ELA core curriculum as its base in both NLA and ESL classes to ensure that all LEP/ELLs successfully complete the Comprehensive Regents Examination in English.

2. Providing intensive English language instruction to LEP/ELLs by increasing the daily instructional time requirement through revision of the Commissioner’s Regulations.

3. Supporting an extended school day and year through after-school instruction, Saturday instruction, and/or summer English language academies.

4. Initiating an intensive English language instruction to newly enrolled students during the two weeks of August prior to the opening of school in September.

5. Providing professional development through training sessions statewide on the ELA standards and assessments and how to teach English language arts to LEP/ELLs.

6. Ensuring that certified teachers teach LEP/ELLs through the strengthening of teacher preparation programs and by helping uncertified bilingual and ESL teachers become certified.

7. Communicating effectively with parents through the implementation of a two-hour orientation on the standards within the first semester of the enrollment of their child(ren) in a New York State school.

8. Ensuring equity in technology and instructional resources by providing equal access to computers, instructional technology, and materials that support native language and English language literacy development.

9. Improving identification and assessment by ensuring that English language achievement will be measured uniformly throughout New York State.

10. Requiring specifications for improving local accountability by requiring that LEAs implement the Regents recommendations to assist LEP/ELLs in meeting the ELA standards.

11. Supporting the development of model programs by identifying those programs which incorporate the Essential Elements of Effective Programs for LEP/ELLs, and by disseminating information about them.

12. Improving reporting and collection of LEP/ELLs achievement data by working with the State Education Department, school LEAs, and BOCES.