





THE STATE EDUCATION DEPARTMENT / UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12243
OFFICE OF BILINGUAL EDUCATION AND WORLD LANGUAGES OFFICE OF SPECIAL EDUCATION
ASSOCIATE COMMISSIONER ASSISTANT COMMISSIONER

January 2024

TO: BOCES District Superintendents
School District Superintendents
Superintendents of Special Act School Districts
Superintendents of State-Operated Schools
Superintendents of State-Supported Schools
Public School Administrators
Charter School Leaders
Special Education Directors
Chairpersons of Committees on Special Education
Chairpersons of Committees on Preschool Special Education
Administrators of Nonpublic Schools with Approved Special Education Programs
Organizations, Parents, and Individuals Interested in Special Education

FROM: Elisa Alvarez 
Christopher Suriano 

SUBJECT: Bilingual and English as a New Language Services for

When the CSE has determined that an ELL with a disability cannot, because of their program without special education supports, it must consider specially designed instructional

of the Commissioner of Education and the student is, for accountability reporting purposes, an ELL student. This is true regardless of whether the student attends the public school or has been placed in an out-of-district program by the CSE. The school district does not have the authority to cease providing the Part 154 services to these students when, for example, the student is on the NYSESLAT.

Resources for Further Information

Questions regarding the instruction and programming for ELLs may be directed to the Office of Bilingual Education and World Languages at (518) 474-8775 or OBEWL@nysed.gov.

Questions regarding special education services may be directed to the Office of Special Education Policy Unit at (518) 473-2878 or SPECED@nysed.gov.

For technical assistance and/or professional development relating to the education needs of ELLs
