



[Accountability/English Language Proficiency \(ELP\)](#)

[Reporting](#)

[Virtual and Remote Learning](#)

[Resources for Reference](#)

### **ELL Identification**

- 1. Q: Since the Multilingual Literacy SIFE Screener (MLS) is currently unavailable, has the Student with Inconsistent/Interrupted Formal Education (SIFE) identification process been modified?**

**A:** No, the SIFE identification process set forth in Part 154-2.3(a) has not been modified. OBEWL is working with the MLS team at the City University of New York to make the screener available as soon as possible. Identification

in-person administration of the NYSITELL due to health and safety reasons may file a request with their school district for a [temporary waiver of the NYSITELL](#). Such students will remain provisionally identified pursuant to the Home Language Questionnaire and individual interview, both of which may be conducted remotely via video or phone, until they cease to receive fully remote instruction because their parent or district switches to an in-person or hybrid setting. Parents whose children were newly enrolled during COVID-19 school closures in the 2019-20 school year, the summer of 2020, or the first 20 days of the 2020-21 school year must submit the waiver request within 30 days after the commencement of the 2020-21 school year. Parents whose children enroll following this period (i.e. following the first 20 days of the 2020-21 school year) must submit the waiver within 10 days of enrollment.

The temporary NYSITELL waiver for parents of all remote students is available from [Parent Notification Resources: Parent Waiver for Remote Learning Students](#).

Prior NYSED guidance regarding the ELL identification process

## **Instruction and Units of Study**

- 4. Q: Will there be a modified assessment tool to determine mandated English as a New Language (ENL) and Bilingual Education units of study for ELLs or should schools rely on previous NYSITELL or NYSESLAT results to determine these units of study?**

**A:** No, there will not be a modified assessment tool to determine mandated units of study for ELLs. School districts are to serve ELLs in 2020-21 according to their 2019-20 level of English language proficiency pursuant to their most recent NYSITELL or NYSESLAT result, keeping in mind that under prior guidance students who scored Expanding on the 2019 NYSESLAT and who took and passed the Regents Examination in English Language Arts in January 2020 are considered to have exited ELL status and are to be reclassified as Former ELLs at the beginning of the 2020-21 school year.

NYSED OBEWL resources regarding progress monitoring for tailoring of instruction in the delivery of these units of study can be accessed at: [Resources from OBEWL and the ELL Leadership Council](#).

- 5. Q: Do students who were in the 1st year of Former ELL and 2nd year of Former ELL status in 2019-20 remain where they were last year? Are they entitled to ELL services in the form of ENL instruction, or only testing accommodations?**

**A:** Students who exit ELL status in 2020-21 after having scored at the Expanding level on the 2019 NYSESLAT and having passed the Regents Examination in English Language Arts in January 2020 with a score of 65 or above will be designated Former ELLs in 2020-21 and are entitled to their first year of Former ELL services in the form of Integrated ENL or other services as approved by the Commissioner. These students are also entitled to testing accommodations and will be entitled to a second year of Former ELL services in 2021-22.

Students who were designated Former ELLs in 2019-20 will continue to be designated Former ELLs in 2020-21 and are entitled to their second year of Former ELL services in the form of Integrated ENL or other services as approved by the Commissioner. These students are also entitled to testing accommodations but will not be entitled to a third year of Former ELL services in 2021-22.



Instructional content that reflects academic expectations consistent with those which would be required for in-person instruction; and  
Utilization of best practices and the latest researched teaching methods.

- 7. Q: If a school district implements a hybrid model for the general student population (partial remote and partial in-person instruction) and full in-person instruction for certain special populations, are ELLs required or entitled to full time in-person instruction?**

**A:** Per NYSED's Fall Reopening Guidance, ELLs must be afforded the opportunity for full and equal participation whether it be through an in-person, remote, or hybrid model of instruction. While many ELLs may benefit from learning through remote learning platforms, it is important to consider their unique needs and to strengthen the home language and supports necessary for English language development using both synchronous and asynchronous learning. The unique needs of ELLs are to be considered in tailoring instruction and providing supports, including determining what portion of their instruction to deliver in-person, as with other special populations.

- 8. Q: If students are not allowed to change classrooms during the in-person school day in order to limit student movement, how will Stand Alone ENL instruction be provided?**

**A:** School districts have flexibility to determine the location of Stand-Alone ENL instruction, whether remotely, in-person, or hybrid, provided that such instruction is conducted by a certified English for Speakers of Other Languages (ESOL) teacher. In addition, school districts must ensure that every ELL student is appropriately scheduled to receive their services as evidenced by their most recent NYSESLAT or NYSITELL score.

- 9. Q: Will teachers be able to provide small group instruction during Integrated ENL? For example, in a remote setting, will teachers be able to meet with students at all proficiency levels on a one-to-one basis?**

**A:** School districts have flexibility to determine how ESOL teachers and content area teachers who are paired for Integrated ENL (or how a dually certified ESOL/content area teacher) plan and provide the mandated units of study of Integrated ENL, whether in-person or remotely. Teachers are strongly encouraged to collaborate to meet the needs of all of the students in the class, utilizing a variety of co-teaching models.



**A:** Progress monitoring (interim assessment) tools can inform classroom instruction for ELLs and Former ELLs, especially in the absence of updated NYSESLAT scores due to the cancellation of the 2020 NYSESLAT and the fact that ELLs will remain at their 2019 level of proficiency for purposes of scheduling ENL units of study. Progress monitoring tools for ELLs and Former ELLs should include all four communication modalities: speaking, listening, reading, and writing.

To determine if progress monitoring tools (existing or newly implemented) are appropriate for ELLs and Former ELLs, please see the progress monitoring checklist on our website at: [Checklist for Developing or Selecting an English a](#)

Additional information is available from the following resources:

[Checklist for Developing or Selecting an English Language Proficiency \(ELP\) Progress Monitoring \(Interim\) Assessment.](#)

[NYSESLAT Test Samplers](#)

[NYSESLAT Resources and Materials](#)

**15.Q: How is progress monitoring for ELLs' English language proficiency different from Response to Intervention/Multi-Tiered System of Support (RTI/MTSS)?**

**A:** Progress monitoring for ELLs refers to Interim Assessment tools that can be used to obtain data in all four modalities (listening, speaking, reading, and writing) regarding the proficiency of ELLs and to assist in informing instruction given that the 2020 NYSESLAT was cancelled. The data gathered from an ELP progress monitoring tool would inform appropriate instruction in lieu of 2020 NYSESLAT scores for students. Response to Intervention (RTI) is the practice of providing high-quality instruction/intervention matched to student needs and using learning rate over time and level of performance to make important educational decisions about an individual student (NASDSE, 2006). Multi-Tiered System of Support (MTSS) is a framework to help all students reach state standards using varying tiers of intervention matched to individual students' needs. As with progress monitoring for RTI/MTSS, progress monitoring of ELLs is used to inform instruction by measuring student progress over time. Please see question 14, above for additional progress monitoring resources.

**16.Q: How should progress monitoring be used for Former ELLs?**

**A:** Progress monitoring of English language proficiency may be used to tailor instruction for any student in ENL or Bilingual Education program, including Former ELLs. NYSED has not extended Former ELL services to students who exited ELL status three or more years ago (e.g., in 2018-19 or earlier, based on the 2018 or an earlier NYSESLAT). As a best practice, districts are encouraged to provide ENL and native language instructional supports deemed beneficial and appropriate through progress monitoring, including to students who exited ELL status three or more years ago.

NYSED's Former ELL Guidance Document is available on our website at: [Commissioner's Regulation Part 154: Guidance 2015 Former English Language Learners \(ELLs\).](#)

## **ELL Students with Disabilities**

### **17.Q: What is the expectation for provision of services for ELL students with disabilities in a Special Class (15:1 or 12:1+1 environment)?**

**A:** As schools deliver instruction and services and supports during the pandemic, all ELLs, including ELL students with disabilities, must be afforded the opportunity for full and equal participation in school. For ELL students with disabilities, this includes instruction in accordance with their individual education programs (IEP), Part 200 and Part 154 of the Commissioner's Regulations, regardless of whether such instruction is delivered through an in-person, hybrid, or remote model.

As explained in the Special Education section of NYSED's [Reopening Guidance](#), schools will need to determine what methods of delivery of ser(d t)1.9 (o )102d oill ne auioivz200

study for English as a New Language or Bilingual Education in the 2019-20 school year.

**20.Q: What are some best practices used by districts who had successful Seal of Biliteracy programs during COVID-19 school closures that might inform such programs in the upcoming school year during hybrid and remote instruction and potential additional school closures?**

**A:** In the 2019-20 school year, more schools (294) than ever offered the NYS Seal of Biliteracy and more students (4,711) attained it despite the COVID-19 related school closures that began in March 2020. Schools that were successful in supporting their Seal candidates despite the challenge posed by school closures, remotely engaged in a number of best practices including but not limited to:

Schools followed the procedure outlined in the NYSSB Handbook which advises that each Seal candidate be given an advisor with whom to work for the duration of the school year in which the candidate is pursuing the Seal. With this practice, successful schools were able to maintain regular contact between advisors and candidates through remote connections such as video conferencing, phone calls, and emails. The advisor-candidate relationship can

The availability of remotely administered Approved Checkpoint C examinations (e.g., Advanced Placement, AAPPL/OPI/WPT, STAMP) as authorized in previous NYSED guidance made it possible for students to earn the final point needed to attain the NYSSB. Schools that took advantage of these remote assessments communicated to students and parents/guardians the expectations for student behavior during examination. Some districts also required students and parents/guardians to submit a signed statement asserting that no assistance was given or received by the student for the duration of the testing window.

While celebrations may not have been in the forefront of educators' minds when faced with COVID-19 related school closures, schools with a successful Seal of Biliteracy Program recognized the motivational impact of such celebrations and found creative ways to conduct these events remotely. Schools distributed Seal graduation regalia to students and organized virtual events (from pre-recorded videos to PowerPoint presentations) with student photos and quotes that celebrated Seal candidates' hard work.

### **Parent/Family Communication**

**21. Q: What information must be translated or interpreted for parents/guardians of ELLs and other parents/guardians who are not proficient in English, and what are best practices for school districts to engage translators and interpreters to provide services in multiple languages?**

**A:** Regular and frequent communication between schools, families, and the wider community has always been an essential element of effective family and community engagement. With the uncertainty surrounding COVID-19's spread and its impact on local communities, communication and family engagement will be more important than ever in 2020-21. When families, schools, and communities work together and keep each other informed, students are more successful, and everyone benefits.

All critical communications for parents/guardians of ELLs must be in their preferred language and mode of communication. As discussed in previous guidance, language access obligations under federal and state law – including but not limited to those pursuant to CR Part 154 – remain in effect throughout 2020-21. School districts must provide interpretation and translation through a qualified interpreter or translator in the languages most commonly spoken in the district, and at a

minimum in those languages spoken by a large number and percentage of ELLs.

During the 2020-21 school year, critical communications that school districts provide should be translated in the languages most commonly spoken by their school communities and should include but not be limited to:

- 1) all documents issued to parents/guardians about the reopening process and instructional protocols during in-person, hybrid, and remote instruction;
- 2) all surveys and feedback mechanisms to solicit parent/guardian input regarding hybrid and remote learning and program options; and
- 3) individual and community parent/guardian meetings about the reopening process.

As always, districts are to communicate the availability of interpretation at all individual or small group meetings with parents/guardians.

Resources regarding translation and interpretation can be accessed from the NYU Steinhardt web 0.00b004 Tc -0.022 Tw 0.33 0 Td [(al)6 (l)6s (dual (h )10 (par)7 (e)d)7 (et: (t)2

on their English Language Proficiency Indicator results and/or the other accountability indicator results for their ELL population are required to continue providing supports and interventions consistent with their District Comprehensive Improvement Plan (DCIP) and/or School Comprehensive Education Plan (SCEP) to improve outcomes for their ELLs. To support the implementation of those interventions, districts and schools should plan for the use of unspent 2019-20 school improvements funds, in addition to new 2020-21 allocations.

Districts and schools that are identified based on the performance of their ELLs are recommended to conduct a self-assessment of their ELL instruction and supports by completing the *Multilingual Learner (MLL)/English Language Learner (ELL) Program Quality Review and Reflective Protocol Toolkit* ([PQR Toolkit](#)). This toolkit provides processes and resources, including an ELL Program Quality Review Continuum, for determining the current level of implementation of practices that support ELLs towards graduation, college, career, and civic readiness.

Identified districts and schools should contact their RBERN to receive assistance in completing the PQR Toolkit and in det of ist2ek prrQ Toolomplonti1 issnduld c(t)2 (h84 (i)64



