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2. INITIAL ELL IDENTIFICATION ASSESSMENT

2a. Initial ELL Identification Assessment

Qualified personnel will administer the statewide English language proficiency identification assessment, the New York State Identification Test for English Language Learners (NYSITELL)

The NYSITELL is administered only once within 10 school days of initial enrollment in a NYS school (see Reentry Identification for students returning to a NYS school).

The purpose of the NYSITELL is to assess the English language proficiency of new entrants whose home language is a language other than English, as indicated on their HLQ and individual interview. It is used to determine if the student is in need of bilingual and/or English as a New Language (ENL) services. Based on NYSITELL results, students will be categorized into one of five levels (Entering/Beginning, Emerging/Low Intermediate, Transitioning/Intermediate, Expanding/Advanced, and Commanding/Proficient), which will determine the number of hours of services each student will receive. NYSITELL results will also help inform teachers for instructional purposes in each modality (Listening, Reading, Writing, and Speaking).

For students with disabilities, testing accommodations must be provided in the administration of the NYSITELL and consistent with State policy for the administration of this State assessment.

- x The identification process must begin no later than the date of the student's initial enrollment or reentry in a NYS school district.
- x The NYSITELL may not be administered before July 15 for students in grades 1-12 enrolling for the start of classes in September.
- x For students enrolling in kindergarten for the start of classes in September, the NYSITELL may not be administered prior to June 1.

Original copies of the NYSITELL score sheets and all results must be placed and should remain in the student's file, whether he/she is determined to be an ELL or not.

For students identified as ELL, the parent/guardian will receive an Entitlement Letter:

- x Entering (Beginning) A student at this English language proficiency level has great dependence on supports and structures to advance his or her academic language skills. As measured by the NYSITELL or the NYSESLAT, a student at this level has yet to meet

the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within this grade level.

- x Emerging (Low Intermediate) A student at this English language proficiency level has some dependence on supports and structures to advance his or her academic language skills. As measured by the NYSITELL or the NYSESLAT, a student at this level has yet to meet the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within this grade level.
- x Transitioning (Intermediate) A student at this English language proficiency level shows some independence in advancing his or her academic language skills. As measured by the NYSITELL or the NYSESLAT, a student at this level has yet to meet the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within this grade level.
- x Expanding (Advanced) A student at this English language proficiency level shows great independence in advancing his or her academic language skills. As measured by the NYSITELL or the NYSESLAT, a student at this level is approaching the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within this grade level.

the student is not an ELL and the parent/guardian will receive a Non-Entitlement Letter:

- x Commanding As measured by the NYSITELL student at this level has met the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within his or her grade level.

If a student was not identified as a potential SIFE during Step 1 proceed to Step 2c Parent Notification/Entitlement of ELL Identification Determination.

If a student was identified as a potential SIFE during Step 1 proceed to Step 2b Determination of ELL SIFE.

¹ A CSE must also specify if the student will participate in an alternate assessment on a particular NYS assessment of student achievement. If so, the IEP must provide a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student. However, while CR Part 154 regulations state that the CSE can recommend an alternate assessment of English language proficiency, this option currently is not available in NYS as the State does not have an approved alternate NYSITELL, NYSESLAT, or other ELP assessment.

REENTRY IDENTIFICATION

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Reentry identification shall mean the process followed pursuant to 14 (oat89d (CR)Tj 0 Tc 1.CR)Tj 0 s



2c. Parent Notification/Entitlement of ELL Identification Determination

Within five school days of a student being identified as an ELL, the parent/guardian is to receive written notice in their indicated preferred language, including the following:

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- x Par v š l ' μ CE] v [š) • CE] P o r e v o w of ELL Identification/Entitlement Determination
- x Information regarding the Parent Orientation session

Proceed to Step 2d



3. ELL PROGRAM PLACEMENT

Within 10 school days of enrollment, the student must be placed in the appropriate ELL

4. REVIEW OF ELL IDENTIFICATION DETERMINATION

The Review of ELL Identification Determination does not allow ELLs to opt out of service.

Upon receiving a written request from a parent/guardian, teacher, or student age 18 years or older, the school principal must initiate a Review of ELL Identification Determination. The review must be concluded within 10 school days (20 school days if the CSE is consulted).

All documents related to the initial or reentry process, including the assessment in English and the home language, must be reviewed by the school principal and qualified personnel.

The school principal and qualified personnel must review the results of a school-based assessment and consult with the CSE if the student has a disability that may impact the student's ability to speak, read, write, or listen in English. The parent/guardian must be consulted, and all documents must be reviewed.

Before final determination, parents are to be informed in writing and consent to the results of the Review of ELL Identification Determination.

Within six months to one school year of a review, the school principal must review all decisions to remove ELL status. This determination must be in writing. Any reversal must be made in consultation with the superintendent and parent/guardian. If a reversal is determined, the superintendent must provide written notification of the reversal to the Commissioner, the school principal, the parent/guardian, and the student, if the student is age 18 or older.

Any change in ELL determination must be documented in writing.

5. ELL EXIT CRITERIA

ELLs can exit ELL status in the following ways:

- x Grades K-12: Scoring at the Commanding/Proficient level on the NYSESLAT.
- x Grades 3-8: Scoring at the Expanding/Advanced level on the NYSESLAT and 3 or above on the NYS ELA assessment within the same school year.
- x Grades 9-12: Scoring at the Expanding/Advanced level on the NYSESLAT and 65 or above on the Regents Exam in English within the same school year.

In accordance with section 200.4(d), the CSE must annually determine if a student with a disability needs individual testing accommodations to participate in a State assessment of student achievement.² The NYSESLAT is a NYS assessment of English language proficiency achievement. The NYSESLAT must be administered in consideration of any testing accommodation recommended by the CSE that is allowable by State policy. In accordance with section 154-3.4, a student with a disability participates in the NYSESLAT with or without the use of testing accommodations, as specified in the IEP and in accordance with State policy for the administration of the assessment. Students with 504 plans that include recommendations for testing accommodations must also be provided those accommodations on the NYSESLAT that are consistent with State policy for the administration of the assessment.

Once an ELL has exited ELL status, he/she is entitled to two years of Former ELL services and is now designated a Former ELL.

² A CSE must also specify if the student will participate in an alternate assessment on a particular NYS assessment of student achievement. If so, the IEP must provide a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student. However, while CR Part 154 regulations state that the CSE can recommend an alternate assessment of English language proficiency, this option currently is not available in NYS as the State does not have an approved alternate NYSITELL, NYSESLAT, or other ELP assessment.

Graduation

Section 100.5(d)(7) of the Regulations of the Commissioner, as amended effective February 10, 2015, allows an additional graduation option for a local diploma via appeal of a score of 55-61 on the Regents Exam in English for ELLs otherwise eligible to graduate in January 2015 and thereafter who:

- x have received academic intervention services in English language arts,
- x have an attendance rate of at least 95 percent for the school year during which the student last took the Regents examination in English,
- x have attained a course average in English Language Arts that meets or exceeds the

100 percent of the minimum score for a local diploma.

