



# SPANISH LANGUAGE BILINGUAL/ESL EDUCATION TECHNICAL ASSISTANCE CENTER at LONG ISLAND UNIVERSITY

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## New York State Education Department Commissioner's Regulations/CR Part 154

### Parent/Guardian Informational Brochure

#### CR PART 154 Apportionment and Services for Pupils With Limited English Proficiency

#### Overview of CR Part 154

- The purpose of CR Part 154 is to establish standards for school districts with pupils with limited English proficiency [LEP] to assure that they are provided with opportunities to achieve the same educational goals and standards as the general student population. Accordingly, each school district shall provide LEP pupils equal access to all school programs and services offered by the district commensurate with their ages and grade level, including access to programs required for graduation.
- LEP pupils are those who due to foreign birth or ancestry speak a language other English, and either understand and speak little or no English; or score below a state designated level of proficiency on the Language Assessment Battery-Revised [LAB-R] or the New York State English as a Second Language Achievement Test (NYSESLAT).
- LEP pupils must receive a free-standing English as a Second Language (ESL) program or a Bilingual Education Program.
- Parents/guardians of LEP pupils must be notified of their children's eligibility for and placement in an instructional bilingual or ESL program and their options.
- CR Part 154 also provides requirements regarding support services, transitional services and in-service training.



## ❖ **Identification of LEP Pupils\***

- The initial identification of LEP pupils is based upon such students scoring below a state designated level of proficiency on the English Language Assessment Battery-Revised (**LAB-R**)
- An annual English language assessment determines if a pupil continues to be limited English proficient (LEP) based upon such students scoring below a state designated level of proficiency on the New York State English as a Second Language Achievement Test (**NYSESLAT**).
- LEP students who score above the designated level of English proficiency on the NYSESLAT may leave ("**EXIT**") a mandated bilingual or ESL program.

\*LEP pupils may also be referred to as English Language Learners (ELL)

## ❖ **Bilingual and ESL Programs**

LEP pupils in grades kindergarten through twelve must be placed in and receive instruction in an appropriate Bilingual or ESL Program as follows:

### ▪ **Bilingual Education Program**

A Bilingual education program must contain two instructional components:

- A language arts instructional component- This includes English as a second language (ESL), English language arts (ELA) and native language arts (NLA) instruction.
- A content area instructional component providing grade- and age level-appropriate instruction in the required content area subjects in both the native language and English

\*Content area subjects include Mathematics, Science and Social Studies, etc.

### ▪ **Free-standing English as a Second Language Program**

A Free-standing ESL program must contain two instructional components:

- A language arts instructional component, comprising English as a Second Language (ESL) and English language arts (ELA) instruction.

- A content area instructional component, providing grade- and age level-appropriate instruction in the required content area subjects in English supported by ESL methodologies.

### ▪ **Bilingual and ESL Programs**

For both bilingual and ESL programs:

- LEP Pupils must receive English language instruction to develop all four language skills: listening, speaking, reading and writing.
- LEP pupils must be classified into one of three English language proficiency levels: *beginning*, *intermediate* or *advanced*. The amount of ESL and ELA instruction is based upon each student's level of English proficiency.

### ❖ **Parent's/Guardian's Rights**

Parents/guardians of LEP pupils have the following rights:

- ✓ To be notified, in English and in the language they understand, about their children's placement in a bilingual or ESL program; and about their options
- ✓ To withdraw their child from participation in a bilingual instructional program
- ✓ To transfer their child to a school with a bilingual program
- ✓ To be provided with an orientation session on state standards, assessments, school expectations and general requirements for bilingual and ESL programs in a language they can understand.

### ❖ **Students with Disabilities**

Students with disabilities must receive special education programs and services in accordance with the individualized education program (IEP) and, if recommended on the IEP, may include a bilingual or ESL instructional program in accordance with CR Part 154.

### ❖ **Procedures for School Districts**

School districts with approved CR Part 154 programs may apply for special state funding for LEP pupils. To qualify for such funding, school districts must submit various reports to the New York State Education Department (NYSED)

including information/data about the enrollments of LEP pupils and the implementation of bilingual and ESL programs.

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NOTES:

-CR Part 154 is consistent with requirements established under the federal **The No Child Left Behind Act Title III, Part A**. -In New York City, there are some specific requirements/procedures which must be followed related to the identification and placement of LEP pupils [see your region's ELL specialist(s) for further information].

-For more detailed information about CR Part 154 requirements/implementation, contact appropriate school district staff responsible for LEP pupils and bilingual and ESL programs.