

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 208, 215, 305, 2117, 2854(1)(b) and 3204

Subdivision (h) of section 154-2.3 of the Regulations of the Commissioner of Education is amended, effective July 1, 2015, as follows:

(h) Provision of programs. For purposes of this subdivision, a unit of study and a unit of credit shall be as defined in section 100.1(a) and (b), respectively, of this Title.

(1) English as new language [K-B] K-8. Each school district shall provide an English as a new language program in grades K-8, based on a student's English language proficiency level, as identified by the Statewide English language proficiency identification assessment or the annual English language proficiency assessment, as follows:

(i) beginner/entering. Students shall receive at least two units of study or its equivalent of English as a new language instruction. At least one unit of study or its equivalent shall be stand-alone English as a new language instruction and at least one unit of study or its equivalent shall be Integrated English as a new language [and] in English language arts instruction.

(ii) low intermediate/emerging. Students shall receive at least two units of study or its equivalent of English as new language instruction. At least one half of a unit of study or its equivalent shall be in stand-alone English as a new language, at least one unit of study or its equivalent shall be Integrated English as a new language [and] in English Language Arts instruction, and one half of a unit of study or its equivalent shall

be either Integrated English as a new language or stand-alone English as a new language instruction.

(iii) intermediate/transitioning. Students shall receive at least one unit of study or its equivalent of English as a new language. At least one half of a unit of study or its equivalent shall be in integrated English as a new language [and] in English language arts instruction, and at least one half of a unit of study or its equivalent shall be either Integrated English as a new language or stand-alone English as a new language instruction.

(iv) advanced/expanding. Students shall receive at least one unit of study or its equivalent of integrated English as a new language [and] in English language arts or another content area.

(v) proficient/commanding. For at least two school years following the school year in which a student is exited from English language learner status, as prescribed in subdivision (m) of this section, such student shall receive at least one half of one unit of study or its equivalent of integrated English as a new language [and] in English language arts or another content area, or such other services that monitor and support the student's language development and academic progress, as shall be approved by the Commissioner to assist Former English language learners once they have exited from an English as a new language or bilingual education program.

(2) English as a new language 9-12. Each school district shall, provide an English as a new language program in grades 9-12, based on a student's English language proficiency level, as identified by the Statewide English language proficiency

identification assessment or the annual English language proficiency assessment, as follows:

(i) beginner/entering. Students shall receive at least three units of study or its equivalent of English as a new language instruction. At least one unit of study or its equivalent shall be stand-alone English as a new language instruction; at least one unit of study or its equivalent shall be integrated English as a new language [and] in English language arts; and one unit of study or its equivalent shall be either integrated English as a new language or stand-alone English as a new language instruction. A student shall earn one unit of English language arts credit for successful completion of an integrated English as a new language [and] in English language arts unit of study, one unit of credit in the content area for successful completion of each integrated English as a new language unit of study; and one unit of elective credit for successful completion of a second stand-alone English as a new language unit of study.

(ii) low Intermediate/emerging. Students shall receive at least two units of study or its equivalent of English as a new language instruction. At least one half of a unit of study or its equivalent shall be in stand-alone English as a new language, at least one unit of study or its equivalent shall be integrated English as a new language [and] in English language arts instruction, and one half of a unit of study or its equivalent shall be either integrated english as a new language or stand-alone English as new language instruction. A student shall earn one unit of English language arts credit for successful completion of integrated English as new language [and] in English language arts unit of study or one unit of credit in the content area for successful completion of an integrated

English as a new language unit of study, or one unit of elective credit for successful completion of stand-alone English as a new language unit of study.

(iii) intermediate/transitioning. Students shall receive at least one unit of study or its equivalent of English as a new language instruction. At least one half of a unit of study or its equivalent shall be in integrated English as a new language instruction and at least one half of a unit of study or its equivalent shall be either integrated English as a new language instruction or stand-alone English as a new language instruction. A student shall earn one unit of English language arts credit for successful completion of integrated English as new language [and] in English language arts unit of study or one unit of credit in the content area for successful completion of an integrated English as a new language unit of study, or one unit of elective credit for successful completion of stand-alone English as a new language unit of study.

(iv) advanced/expanding. Students shall receive at least one unit of study or its equivalent of integrated English as new language instruction. A student shall earn one unit of credit in a content area for successful completion of the integrated English as a new language unit of study in a content area [other than] which may include English language arts.

(v) proficient/commanding. For at least two school years following the school year in which a student is exited from English language learner status, as prescribed in subdivision (m) of this section, such student shall receive at least one half of one unit of study or its equivalent of integrated English as a new language or such other services that monitor and support their language development and academic progress, as shall

be approved by the Commissioner to assist former English language learners once they have exited from an English as a new language or bilingual education program.

(3) Bilingual education programs. A bilingual education program in grades K-12 shall provide:

(i) two units of study or its equivalent in language arts, one in English and one in the student's home language. English language arts may be provided through integrated English as a new language as prescribed in paragraphs (1) and (2) of this subdivision. A student shall earn one [half] English language arts or home language arts/languages other than English credit for each language arts unit of study, for a total of [one combined] two total [credit] credits for language arts each year.

(ii) content area instruction in the required content area subjects in the home language and in English (including all bilingual core content areas, i.e. math, science, and social studies, depending on the bilingual education program model and the student's level of English language development). [, but must include] Beginner/entering and low intermediate/emerging students must receive a minimum of two bilingual core content areas other than language arts taught in both the student's home language and English[]], in accordance with section 100.1(a) and (b) of this Title.

Intermediate/transitioning and advanced/expanding students must receive a minimum of one bilingual core content area other than language arts taught in both the student's home language and English, in accordance with section 100.1(a) and (b) of this Title.

(iii) English as a new language instruction, as prescribed in paragraphs (1) and (2) of this subdivision.