

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Paragraph (5) of subdivision (a) of section 154-2.3 is amended, effective December 31, 2014, as follows:

(5) If the student receives a score below a state designated level of proficiency established by the Commissioner on the statewide English language proficiency identification assessment, or in the case of a student with a disability, the process defined in Subpart 154-3 has led to a determination that the student shall be initially identified as an English Language Learner, within five (5) school days of such identification, the school district must provide the student, if the student is 18 years of age or older, or the student's parent or person in parental relation written notice of such identification determination the right to seek review of such identification determination pursuant to section 154-2.3(b).

2. Paragraph (3) of subdivision (f) of section 154-2.3 is amended, effective December 31, 2014, as follows:

(3) Upon notification of the parent or person in parental relation, the school district shall provide the parent or person in parental relation [~~five (5)~~] ten (10) school days to sign and return to the district a statement that the parent or person in parental relation is either in agreement with the child being placed in a Bilingual Education program or directs the district to place the child in an English as a New Language program. If a parent or person in parental relation does not return the signed notification form within [~~five (5)~~] ten (10) school days of receiving the notice, the student

shall be placed in a Bilingual Education program if there is one in the school that serves the grade and home language spoken by the student or in an English as a New Language program if the school is not required to provide a Bilingual Education program. In the event that a parent or person in parental relation does not return the signed notification form within [five (5)] ten (10) school days, the parent or person in parental relation shall retain the right to make a final decision regarding the placement of their child in a Bilingual Education or English as a New Language program.

3. Subdivision (k) of section 154-2.3 is amended, effective December 31, 2014, as follows:

(k) Professional Development. Each school district shall provide professional development to all teachers and administrators that specifically addresses the needs of English Language Learners.

(1) Consistent with section 80-3.6 and section 100.2(dd) of this Title, a minimum of fifteen percent (15%) of the required professional development clock hours for all teachers prescribed by Part 80 of this Title shall be dedicated to language acquisition, including a focus on best practices for co-teaching strategies and integrating language and content instruction for English Language Learners. For all Bilingual and English as a Second Language teachers, a minimum of fifty (50%) of the required professional development clock hours prescribed by Part 80 of this Title shall be dedicated to language acquisition in alignment with core content area instruction, including a focus on best practices for co-teaching strategies and integrating language and content instruction for English Language Learners. All school districts must align and integrate such professional development for Bilingual and English as a Second Language

teachers with the professional development plan for core content area for all teachers in the district.

(2) A school district may seek permission on an annual basis from the commissioner for an exemption from the professional development requirements of this subparagraph where English Language Learner students make up less than five percent (5%) of the district's total student population. A district seeking permission for such exemption shall submit to the commissioner for approval an application, in such format and according to such timeline as may be prescribed by the commissioner, that includes:

(i) evidence that, as part of the required professional development clock hours prescribed by Part 80 of this Title, all teachers receive training, sufficient to meet the needs of the district's English Language Learner students, in language acquisition, including a focus on best practices for co-teaching strategies and integrating language and content instruction for English Language Learners; and

(ii) evidence that, as part of the required professional development clock hours prescribed by Part 80 of this Title, all Bilingual and English as a Second Language teachers receive training, sufficient to meet the needs of the district's English Language Learner students, in language acquisition in alignment with core content area instruction, including a focus on best practices for co-teaching strategies and integrating language and content instruction for English Language Learners.

4. Paragraph (8) of subdivision (b) of section 154-2.4 of the Regulations of the Commissioner of Education is amended, effective December 31, 2014, as follows:

(8) The district's policies and procedures [to refer] regarding English Language Learners who are students with disabilities [to the Language Proficiency Team (LPT) during the 2015-2016 school year, or to the Committee on Special Education (CSE) during the 2016-2017 school year and thereafter, to make determinations] are consistent with the requirements of this Subpart and Subpart 154-3 of this Title.