

# TIP SHEET #1: ADVOCATING FOR ENGLISH LANGUAGE LEARNERS

## **WHO** is an ELL?

**English Language Learner (ELL)** is a term the Department of Education (DOE) uses to describe students whose native language is not English. You may hear ELLs referred to as Limited English Proficient (LEP), which is a term that some school districts use outside of New York.

## **WHAT** services are available to ELLs?

All students, regardless of immigration status, have the right to an education, including appropriate academic services, free breakfast and lunch, transportation and the opportunity to apply to different schools, including high schools and gifted and talented programs. Schools may not ask about a student or family's immigration status. Students learning English also are entitled to special instruction to address their language needs. The primary models of instruction are described below.

In **English as a New Language (ENL)** classes, students learn to speak, read and write English from a teacher trained to teach English, who may or may not speak the student's native language. ENL instruction, which is entirely in English, does not last all day, but is offered *in addition to* the student's regularly scheduled classes. English as a New Language used to be called English as a Second Language (ESL), and you may still see references to ESL.

In **Transitional Bilingual Education** classes, instruction takes place in English as well as in the students' native language. Over time, instruction occurs more frequently in English and less in the native language as students become more English proficient.

**Dual Language Programs** serve ELLs and native English speakers in one classroom, where students develop proficiency in both languages. New York City's dual language programs are primarily in Spanish and English, with limited availability in Chinese, Haitian Creole, Russian, Korean, Arabic and French.

## **HOW** do I find a Transitional Bilingual Education or Dual Language program in the child's home language?

The DOE publishes a list of available Transitional Bilingual Education and Dual Language programs in NYC public schools. The list can be found at <http://schools.nyc.gov/NR/ronlyres/49375968-8BB1-4617-A287-7A18C795B1FF/0/BilingualProgramsListSY201516.pdf>.

## **WHAT** services are available for the parents of ELLs?

According to Chancellor's Regulation A-663, parents who speak one of the nine most frequently occurring languages in New York City other than English are entitled to translation and interpretation services. The nine most frequently occurring languages in New York City are: Spanish, French, Urdu, Arabic, Russian, Bengali, Korean, Chinese, and Haitian Creole. Families who speak other languages also may request services.

1. **Translation** services pertain to ALL school-related papers, including letters, forms, notices of meetings, report cards and special education documents. Request translated documents from the DOE in writing, for either special education or general education materials.
2. **Interpretation** services pertain to ALL school-related meetings, including parent-teacher conferences, parent association meetings, suspension hearings, and meetings with school staff, including IEP meetings. These interpretation services may either be on-site or over the phone.
3. **If you experience problems** with obtaining translation and interpretation, you may call the DOE's language access complaint line at (718) 935-2013.

## **HOW** do schools identify ELL students?

Schools are responsible for identifying and placing students in ELL programs. Students enrolling for the first time, and students who have not attended a NYS public school for 2 or more years, are required to undergo the ELL eligibility process. Schools should follow the steps outlined below to determine a student's eligibility for ELL services.



- STEP 1:** Upon initial enrollment in a New York City public school, a school teacher (or administrator) must give a Home Language Identification Survey (HLIS) to the child's parent or guardian, which will tell school staff the child's home language. A teacher then interviews the student and the parent/guardian in English and the home language and reviews the student's past work.
- STEP 2:** If the HLIS indicates that the student uses a language other than English, and the school staff determines the student is eligible, the student will take a test called the New York State Identification Test for English Language Learners (NYSITELL).
- STEP 3:** Students who score below a certain level on the NYSITELL are considered ELLs. If parents/guardians disagree with the designation assigned to their child, they have the right to ask for a re-determination of ELL status within 45 days of the student's initial enrollment.
- STEP 4:** ELLs are required to take ENL classes or enroll in transitional bilingual education or dual language programs. Schools must explain the different options to parents, who may choose the program they want for their child, depending on availability. The entire process of identifying a student and placing the student in ENL or a bilingual program must happen within the first 10 school days after enrollment.
- STEP 5:** Every spring, ELL students take the NY State English as a Second Language Test (NYSESLAT) to determine continued eligibility for ELL services.
- STEP 6:** For two years after students successfully test out of ELL status, they are entitled to receive at least 90 minutes per week of ENL and other ELL services.

**WHERE** *should I go if a student is not receiving appropriate ELL services?*

All schools must provide ENL classes to students who qualify. Many schools, however, do not offer a transitional bilingual education or dual language program. If another school in the student's district offers an appropriate bilingual program, the student is entitled to a transfer to that school, with transportation provided. Contact the student's school for assistance with transferring the student to another school with a bilingual program. If you experience issues, contact the Superintendent's office for the child's school. A list of Superintendents can be found at <http://schools.nyc.gov/AboutUs/schools/superintendents/HSsupes.htm>. If a student is not receiving required ENL services and the school is not working to resolve the problem, contact the Superintendent's office.

**WHAT** *happens when an ELL student changes schools?*

The DOE's computer system, called ATS, includes information about whether a student requires ELL services. When a student moves within New York City, staff at the new school should be able to look at ATS, see what ELL services the student received at the old school and continue to provide those services. Make sure to be proactive to ensure that students receive all mandated services.

**HOW** *do I track the progress of an ELL student?*

In NYS, school teachers familiar with an ELL student's work are required to meet with parents/guardians of ELLs at least once per year to discuss the student's language progress and needs. This meeting is in addition to other regularly scheduled parent-teacher meetings at the student's school.

**WHEN** *older ELLs have limited formal education...*

Students sometimes come to the city with limited, interrupted or no formal schooling in their native countries. The DOE refers to these students as Students with Interrupted Formal Education (SIFEs). Schools must admit these students with or without prior educational documents into age-appropriate grades and provide mandated ENL or bilingual programs. ELLs are entitled to intervention services on the same basis as non-ELL students, and schools should not refer students for special education services if their academic delays are due to a lack of instruction or limited proficiency in English only.

The DOE should place ELL students aged 15 and over without prior educational records into community high schools and expect them to follow the regular high school curriculum. Older ELLs should not be steered to high school equivalency (HSE) diploma preparation programs. Case planners, parents and students may want to consider international high schools, which cater to students who are new to the country and are familiar with the needs of SIFE.