



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234**  
Office of P-12

---

Elisa Alvarez, Associate Commissioner  
Office of Bilingual Education and World Languages

55 Hanson Place, Room 594  
Brooklyn, New York 11217  
Tel: (718) 722-2445 / Fax: (718) 722-2459

89 Washington Avenue, Room 528 EB  
Albany, New York 12234  
(518)474-8775/ Fax: (518)474-7948

May 13, 2020

**TO:** School District Superintendents  
School Principals  
BOCES District Superintendents  
Charter School Leaders  
English as a New Language, Bilingual Education & World Languages  
Directors  
Organizations, Parents/Guardians and Individuals Concerned with English  
Language Learners/Multilingual Learners and World Languages Students

**FROM:** Elisa Alvarez, Associate Commissioner

**RE:** Provision of Services to English Language Learners and World Languages  
Students During Statewide School Closures Due to the Novel Coronavirus  
(COVID-19) Outbreak in New York State

The COVID-19 outbreak has had a profound impact on the way we educate our students. The New York State Education Department (NYSED) recognizes and applauds the extraordinary work being done every day by New York's educators to address the learning needs of all students, including the special needs of English Language Learners<sup>1</sup> (ELLs).

---

<sup>1</sup> In this document, the term ELL is used to refer to those students identified as having language acquisition needs pursuant to Part 154 of the Commissioner's regulations; the term English Language Learner/Multilingual Learner (ELL/MLL) is used to refer to all students who speak or are learning a language other than English. The federal Every Student Succeeds Act (ESSA) refers to ELLs as English Learners; ELLs are also sometimes referred to as Emergent Bilinguals or Dual Language Learners. These terms generally refer to students whose home or primary language is a language other than English and who need support to attain English language proficiency.

In New York, the term ELL refers to students in kindergarten through 12<sup>th</sup> grade who are identified pursuant to the ELL identification process in Part 154-2.3(a) of the Commissioner's regulations. While Part 154-2.3(a) does *not* apply to pre-kindergarten, NYSED recognizes the linguistic exposure of pre-kindergarten students and uses the term Emergent Multilingual Learner (EMLL) to refer to those pre-kindergarteners whose home language is not English. Students designated as EMLLs in pre-kindergarten may or may not be later identified as ELLs in kindergarten when their English proficiency is assessed. You can find more information about EMLLs in pre-kindergarten [here](#) and in Question and Answer #7, below.

Under the federal Every Student Succeeds Act (ESSA) and Part 154 of the Commissioner's regulations, all ELLs (including Newcomers, Developing ELLs, Long-Term ELLs, ELLs with Disabilities, Students with Interrupted Formal Education, and Former ELLs) are entitled to an academically rigorous education in all content areas through which they may develop their new language skills in either an English as a New Language (ENL) or Bilingual Education setting. Further, under the [Equal Educational Opportunities Act of 1974 and other federal and State laws](#), school districts must act to eliminate barriers that may impede equal participation by all students. This mandate is particularly important now, when long-standing educational inequities have been exacerbated by unequal access to resources – particularly the resources needed for successful remote learning. Local school districts and NYSED must continue to work together to address these inequities, including access to technology and disparities in staffing.

NYSED will be as flexible as federal and State laws allow regarding the provision of services to ELLs and the procedures and timelines for enrolling potential ELL students. Even with this flexibility, however, school districts must continue to support students' continuity of learning and the diverse needs of ELLs/MLLs. Districts must also continue to provide appropriate instruction and support to all students with English language acquisition needs; this requirement applies as well to those students for whom a formal identification process was not conducted due to the COVID-19 pandemic school closures and have not yet been formally identified as ELLs, but who may benefit from such support.

Further, districts must establish ways to communicate regularly with staff, students and families regarding the delivery of educational services to all identified ELLs, including students with potential language acquisition needs who were engaged in the ELL identification process prior to New York's school closures. Communication with parents/guardians should be provided in the language preference of the students' families, in accordance with federal and State requirements.

NYSED's Office of Bilingual Education and World Languages (OBEWL) will continue to provide guidance and policy updates that address the needs of students, parents/guardians and school districts during this challenging time. Resources to support ELLs/MLLs and their families (as well as students enrolled in World Language courses) are available on the OBEWL website and on the eight Regional Bilingual Education Resource Network (RBERN) websites. The attached Questions and Answers document will also be updated as needed.

**Additional Resources:**

- [Office of Bilingual Education & English as a New Language and World Languages home page](#)
- [OBEWL ELL Resource Collection](#)
- [Regional Bilingual Education Resource Network \(RBERN\) Contact Information](#)
- [NYSED's COVID-19 Resources](#)
- [U.S. Department of Education \(USDE\) guidance regarding students' civil rights and the COVID-19 outbreak](#)

*Attachment:* Provision of Services to English Language Learners/Multilingual Learners and World Languages Students During Statewide School Closures Due to Novel Coronavirus (COVID-19) Outbreak in NYS Questions and Answers

**PROVISION OF SERVICES TO ENGLISH LANGUAGE LEARNERS/MULTILINGUAL  
LEARNERS AND WORLD LANGUAGES STUDENTS DURING STATEWIDE  
SCHOOL CLOSURES DUE TO THE NOVEL CORONAVIRUS (COVID-19)  
OUTBREAK IN NEW YORK STATE**

**Questions and Answers  
May 12, 2020**

**English Language Learner Services**

- 1. Pursuant to [Executive Order 202.4](#), school districts must provide continuity of learning while schools are closed. Are districts required to continue providing ENL, Bilingual Education, and other ELL services mandated by Part 154 of the Commissioner’s regulations during this time?**

Yes. School districts are responsible to ensure that all English Language Learners/Multilingual Learners (ELLs/MLLs) have equal access to educational opportunities and the ability to engage in continuity of learning that is rich and purposeful. Lessons should include linguistic guidance and scaffolded support to help all students achieve their learning goals; students should have access to remote ELL services, such as ENL and Bilingual Education instruction.

The Board of Regents adopted a temporary emergency [regulatory change](#) to provide flexibility in achieving the State’s “unit of study” requirements during COVID-19-related school closures, where students otherwise achieve the learning outcomes for such unit of study requirements.

As a best practice, it is recommended that districts, to the extent possible, provide continuity of learning to meet the units of study of ENL and Bilingual Education. Where possible, school districts should maintain documentation as evidence of extenuating circumstances where the unit of study requirements may not be met.

Furthermore, school districts’ continuity of learning plans should specifically address ELL services during COVID-19-related school closures, including but not limited to details on how ENL and Bilingual Education services are to be provided, to the greatest extent possible, with evidence of student participation, teacher support and teacher feedback as guidance for students’ instructional advancement. Continuity of learning also calls for a plan to establish and maintain communication with parents and guardians. All communication for parents must be translated into the parents’ language of preference, to the extent possible, so that all communication barriers are eliminated between school and home. Such communication with parents should also occur in pre-kindergarten and early childhood programs (including community-based programs, early childhood centers, Early Head Start and Head Start centers). All documents are to be translated into the predominant languages of each school community, to the greatest extent possible.

NYSED'S Blueprint for English Language Learner/ Multilingual Learner Success is a statewide framework that sets expectations for administrators, policymakers, and practitioners to prepare ELLs/MLLs for academic success, beginning in pre-kindergarten, and to lay the foundation for college and career readiness. These principles provide guidance, resources, and support to districts, schools and teachers, as well as promoting a better understanding and appreciation of Bilingual Education, ENL, and World Language studies (including indigenous languages of New York State).

The Blueprint for English Language Learner/Multilingual Learner Success provides guidance on:

- Ensuring the academic and social needs of ELLs/MLLs are met, and how these needs are to be addressed by educators and school leaders;
- Engaging ELLs/MLLs in the Next Generation Learning Standards instruction;
- Involving parents and families of ELLs/MLLs in the education of their children;
- Supporting Bilingual Education, ENL, and general education teachers;
- Leveraging ELLs/MLLs' home languages and cultural assets; and
- Monitoring ELLs/MLLs' content knowledge and new and home language development to inform instruction.

The Blueprint makes clear that all teachers are teachers of English Language Learners/Multilingual Learners and must have the skills to support ELLs/MLLs as they acquire content knowledge while progressing toward English language proficiency. It is imperative that all educators work across content areas to ensure that all students, including ELLs/MLLs, are provided with an equitable, rigorous education.

Additional information is available from the following resources:

- [Emergency Regulations to Ease the Burdens on Educators, Students and Professionals in the Wake of the COVID-19 Pandemic](#)
- [NYSED's Continuity of Learning website](#)
- [Blueprint for English Language Learner/Multilingual Learner Success](#)

**2. Are school districts bound by the timelines for ELL identification set forth in Part 154 of the Commissioner's regulations during COVID-19-related school closures?**

The Board of Regents has adopted emergency [regulatory changes](#) to provide flexibility from the timeline requirements prescribed in sections 154-2.3 and 154-2.4 of the Commissioner's regulations. Therefore, any days during which school is closed due to COVID-19 do not count toward the following timelines: the ELL identification process timeline; the parental notification and information timeline; and the ENL/Bilingual Education placement timeline.

During COVID-19-related school closures, school districts are to administer the Home Language Questionnaire (HLQ) and conduct the Individual Interview as the first steps

in the ELL identification process. The HLQ is completed by the student's parent/guardian; however, due to the current circumstances, districts may present the HLQ in digital form for parents/guardians to complete and submit electronically. Qualified personnel must be available to determine if a language other than English is spoken at home.

The HLQ is available in forty-one languages, including Spanish, Chinese, Haitian Creole, Russian, Polish, Korean, Bengali, Arabic, Urdu, Vietnamese, Amharic, Portuguese and others. Assistance with low-incidence language translations can be obtained through the local Regional Bilingual Education Resource Network (RBERN).<sup>2</sup>

The HLQ translations are available on our website at: [ELL Identification & Placement/Home Language Questionnaire](#).

An individual interview with students (and possibly, their parents/guardians where helpful) is then to be conducted remotely, in English and in the student's home language, by qualified personnel from the school/district. The interview should include a review of the student's abilities or work samples including:

- Reading and writing in English;
- Reading and writing in the student's home language;
- Mathematics.

These items are collected or generated during the interview, and can include writing samples or exercises completed at the time of the interview (parents/guardians can submit the work samples through e-mail, through pictures of the students' work, and/or by using the digital platforms schools are currently using for remote learning).

School districts must make NYSED's "Parent Orientation Video: ELL Programs in New York State" available to parents/guardians. The video describes the ELL identification and assessment process and outlines various program options. It also describes the differences between ENL and the various Bilingual Education program models. The video is currently available in Arabic, Bengali, English, French, Haitian, Traditional Chinese, Simplified Chinese, Russian, Spanish, and Urdu.

This video is available on our website at: [Parent Orientation Video: ELL Programs in New York State](#).

In addition, districts must follow the procedures set forth in Part 154-3 regarding ELL identification of students with disabilities. The Language Proficiency Team (LPT) will help identify the student's language acquisition needs. The LPT is minimally comprised of a school/district administrator, teacher or related service provider with a

---

<sup>2</sup> NYSED will continue to translate the HLQ into additional languages as the need arises, based on the number and percentage of ELLs and their parents/guardians who speak such home languages statewide and in particular school communities.

bilingual extension and/or a teacher of ESOL, director of special education or individual in a comparable role (or his/her designee); the student's parent/guardian and a qualified interpreter or translator<sup>3</sup> of the language the parent/guardian best understands shall be present at each meeting of the LPT.

Each school district shall maintain all documents related to its students, including the HLQ, the individual interview, information collected that may assist in identifying Students with Interrupted/Inconsistent Formal Education (SIFE), and any other records generated as part of this remote identification process. Once the school district re-opens, it is required to re-conduct the ELL Identification process in person, including a full parent orientation as mandated by Part 154.

This partial identification process should not be understood as the official ELL identification process; rather, this partial process will inform who is required to be screened with the NYSITELL once schools reopen.

All school districts are expected to provide appropriate supports and ENL instruction to all students with potential language acquisition needs, even if they have not yet been formally identified as ELLs.

**3. Are school districts required to provide ELL services, such as ENL instruction and Bilingual Education to newly enrolled students with possible language acquisition needs, but who have been unable to complete the Part 154 ELL identification process due to COVID-19-related school closure?**

Yes. School districts are expected to provide targeted and scaffolded instruction and any additional ELL services such as ENL instruction and Bilingual Education to students, including students with disabilities who enter with an Individual Education Program (IEP), for whom completion of the ELL identification process has been delayed due to COVID-19-related school closure; to the extent possible.

When language acquisition needs are identified for newly entering students with IEPs, it is imperative that districts provide grade level instructional content and scaffolded linguistic supports. Districts are expected to ensure that classroom teachers (i.e., content area or special education teachers), ESOL and/or Bilingual Education teachers, and other pedagogues with expertise in the needs of our students prepare content and provide targeted, scaffolded instruction as well as additional services to ELLs. In co-teaching environments, such as Integrated ENL, districts are expected to ensure that teachers work collaboratively, co-plan, co-deliver, and individualize instruction to accommodate different levels of English language proficiency and

---

<sup>3</sup> Under Part 154-2.2(q), a qualified interpreter/translator is “a person who is fluent in the language in which he or she is communicating and in English, has a demonstrated ability to employ the mode of interpretation appropriate to the given situation (e.g., simultaneous interpretation for hearings or large-group parent meetings), and has received training in specialized issues such as confidentiality and any applicable technical vocabulary.”

educational backgrounds, as well as the cultural diversity of ELLs/MLLs in their classrooms.

OBEWL has created a [Resource Collection for ELLs and World Language Students](#) to support educators in providing continuity of learning during COVID-19-related school closures. This collection includes educational resources for students and their parents/guardians that promote genuine learning opportunities, support their new language acquisition in the absence of traditional classroom instruction and support their distance learning of core content areas.

The nature of such services should be tailored by the school district, taking into account the recommendations of qualified personnel defined in Commissioner's regulation Part 154 (i.e., teachers who hold certification in English for Speakers of Other Languages and/or Bilingual Education extensions, and other teachers with expertise in the needs of ELLs/MLLs who are experienced in conducting the ELL identification process).

The needs of newly enrolled students who have not completed the ELL identification process will vary within each school community. In order to prepare instruction for ELLs and newly enrolled students with possible language acquisition needs, teachers must identify and assess students' strengths and challenges in English and their home languages in accordance with established best practices and protocols. After beginning distance instruction, teachers must monitor their students' progress with respect to both acquiring English and grade-level content. Teachers are advised to build on students' strengths, interests and needs and use this knowledge to support their learning, and to allow additional time to complete tasks and submit assignments.

Districts are advised to provide tutorials to parents as well as students on how to use digital/online resources and supports (such as translators). Districts must ensure meaningful communication with parents and guardians in a language they understand and can communicate in.

**4. How are school districts required to provide ELL services in accordance with the units of study requirements for ENL and Bilingual Education during COVID-19- related school closures?**

As a best practice, school districts should strive to provide remote ELL services to the greatest extent possible, including targeted and scaffolded instruction and support, in order to achieve the same learning outcomes as in-person ELL services. However, as described in Question and Answer #1, above, the Board of Regents has provided flexibility through emergency [regulatory changes](#) to specific units of study requirements (in accordance with students' level of English language proficiency), as well as to the units of study requirements for Bilingual Education, under Part 154 of the Commissioner's regulations.



In addition, school districts are advised that while the units of study requirements mandated by Part 154 are flexible during COVID-19-related school closures, they are still required to support ELLs through ENL and Bilingual Education programs via distance education combined with the delivery of instructional support.

Furthermore, to the greatest extent possible, school districts are expected to utilize each student's level of language proficiency to design instruction with appropriate scaffolds that support continuity of learning and take individual students' levels of language proficiency into account as instruction is planned with the appropriate scaffolds. ENL and Bilingual Education teachers, as well as content area teachers co-teaching with ENL teachers in Integrated ENL courses, are expected to provide instruction and supports to all ELLs in their classes. English for Speakers of Other Languages (ESOL) and content area teachers should continue to work collaboratively to address the needs of all the ELLs they are teaching, including differentiating grade level materials and instruction.

Each school community should, to the greatest extent possible starting on the date this guidance document is released and forward, record the minutes and type of remote ENL and Bilingual Education instruction missed for each ELL who received flexibility from the Part 154 unit of study requirements during COVID-19-related school closures (especially when students or teachers have endured a traumatic event or were impacted as a direct result of COVID-19). This information will help to inform and plan delivery of instruction upon the return to school.

OBEWL has identified a number of strategies and tools to support teachers as they continue to address the linguistic demands of ELLs/MLLs at this time:

- Review and use the [New Language Arts Progressions \(NLAP\) and Home Language Arts Progressions \(HLAP\)](#) to make the NYS learning standards accessible to students at different language proficiency and literacy levels;
- Scaffold instruction and assignments and present concepts in a variety of ways, using real life examples, representations, and visuals;
- Target instruction for specific student populations, design instruction in different settings, and differentiate instruction for students based on language programs and settings;
- Provide explicit instruction when teaching academic vocabulary, focusing on academically useful words;
- Embed language through content instruction, conversations, readings, activities;
- Deploy strategies to combine content area learning with English language acquisition;
- Activate prior knowledge and build on personal experiences;
- Use students' English language proficiency levels to develop formative assessments;
- Develop specific language objectives and create strategies to address these objectives;
- Utilize a variety of strategies to monitor, assess, and provide feedback to students about their assignments and learning;

- Create opportunities for students to practice their speaking and listening skills, through varied activities, such as reading-aloud, singing songs, and reciting poetry;
- Use varied audio/visual methods to make content comprehensible and accessible;
- Provide ELLs/MLLs with ample opportunities to speak, listen, read and write to learn and apply academic language;
- Provide ELLs/MLLs the opportunity to produce content-specific, academic language through both written and oral work;
- Deliver content in accordance with tools and resources available for ELLs/MLLs;
- Use culturally relevant resources to support students' cultures and backgrounds;
- Provide social-emotional support (refer to Question and Answer #6, below, for more information)
- Ensure that ELLs/MLLs have equal opportunities to meaningfully participate in all assignments and activities;
- Continue to provide bilingual instruction using the home language in Bilingual Education programs, allowing students to demonstrate their learning in their home language; and
- Continue the use of home language as a support in content areas.

To help educators utilize these tools and strategies, school districts are expected to create an environment in which all staff can collaborate and learn from remote professional learning opportunities. Districts are encouraged to share resources that address the needs of all students.

RBERNs are available to provide technical assistance and resources. Resources and guidance for remote learning for ELLs is also available on the OBEWL website at: [Continuity of Learning for English Language Learners](#)

For more information on culturally responsive-sustaining education, review [NYSED's Culturally Responsive-Sustaining Education \(CR-SE\) Framework](#).

**5. How should the needs of Students with Interrupted Formal Education (SIFE) be addressed in accordance with state regulations and best practices during COVID-19-related school closures?**

School districts are expected to ensure that SIFE receive ELL services as described in Part 154 of the Commissioner's regulations, taking into account COVID-19-related flexibility. NYSED recognizes the complex educational needs that exist for many SIFE students, as their previous instruction or learning opportunities have been interrupted, inconsistent, and sometimes entirely unavailable.

SIFE have very specific needs. Some SIFE arrived in the United States with limited literacy skills, even in their home language. Many demonstrate a large gap in content knowledge for their age, which poses additional challenges for teaching and learning, whether in person or remotely. They may have complex social and emotional needs due to traumatic migration experiences, frustration with their academic delays in relation to their peers, a lack of familiarity with school culture, and isolation in school.

Strategies and tools to address SIFE's diverse needs include the following:

- Create SIFE support groups to address cultural transition and socioemotional needs;
- Provide opportunities for SIFE to work with peers who speak their home language and share the same culture;
- Choose appropriate texts and balance reading at their level with reading more complex texts;
- Promote collaborations between teachers and bilingual counselors knowledgeable about students' cultures and immigration circumstances;
- Use students' home language as a tool to access content whenever feasible;
- Support home language literacy development;
- Provide social-emotional support (see Question & Answer #6, below, for more information); and
- Review instructional protocols for SIFE, including those available through the [Bridges SIFE Manual](#).

Additional resources:

- [Students with Interrupted/Inconsistent Formal Education \(SIFE\) resources](#)
- [Bridges Online Curricular Resources Page](#) (Additional resources will be added to this website on an ongoing basis.)

Resources are available using the sheltered ENL/English Language Arts curriculum targeted to SIFE in secondary school who are at third grade or below in-home language literacy. These resources include online curricular resources and lesson plans to aid teachers in online transition, including web-based texts, audio guides, and vocabulary cards.

## **6. Are school districts expected to support and protect students' emotional well-being during COVID-19-related school closures?**

Yes. It is critical that school districts support the social-emotional needs of all students. School districts have a responsibility to support students and their families, with opportunities to address the impact of the unprecedented challenges that COVID-19 presents.

OBEWL has identified strategies to help teachers address the emotional well-being of their students during COVID-19-related school closures:

- Provide an opportunity for students to share and reflect on their own emotions, through writing, drawing, discussions, music, art, and other activities;
- Continue to communicate with students and share words of encouragement and support;
- Create activities that promote empathy and acceptance for others;
- Develop lessons that address the information presented in the media and clarify misinformation;
- Engage students in developmentally appropriate conversations;

- Work collaboratively with school counselors, social workers and psychologists to create lessons and activities;
- Create a learning environment where students continue to have a classroom routine. Share a schedule for the activities they need to complete each day;
- Conduct virtual live meetings with students. Give them the opportunity to interact with their classmates; and
- Create activities for students that involve parents/guardians and other family members.

Additional resources:

- [Social Emotional Support Resources for COVID-19](#) (available from NYSED's Continuity of Learning website on the Educator Resources page)
- NYSED's Office of Student Support Services has released [Resources for Mental Health and Talking to Young People About COVID-19](#) to offer guidance for self-care, as well as strategies for talking with children about COVID-19.

**7. How will pre-kindergarten programs address the needs of Emergent Multilingual Learners (EMLLs) in accordance with state regulations and best practices during COVID-19-related school closures?**

The Emergent Multilingual Learners profile process allows pre-kindergarten (pre-k) programs to assess the home language exposure of children in such pre-k programs. EMLLs are identified by the profile process as having exposure to a language other than English, but who are not assessed for English proficiency (this occurs in kindergarten, when the ELL identification process is conducted). Pre-k programs are expected to continue to implement best practices to leverage the student's home language in instruction, as well as to implement culturally responsive and sustaining education, in accordance with NYSED's [Culturally Responsive-Sustaining Education Framework](#). This practice will help set the foundation for positive self-identity and acceptance.

For more information regarding pre-k services, please visit our [Emergent Multilingual Learners in Prekindergarten Programs](#) page.

**8. The 2020 New York State English As A Second Language Achievement Test (NYSESLAT) has been cancelled as a result of the COVID-19 outbreak. How shall school districts determine how many units of study an ELL is entitled to in the 2020-21 school year?**

School districts shall serve ELLs in 2020-21 according to their 2019-20 level of English language proficiency. For the 2020-21 school year, districts are to schedule all ELLs according to their mandated units of study for their level of English language proficiency (Entering, Emerging, Transitioning, Expanding) in 2019-20. NYSED is actively exploring additional flexibility through temporary emergency changes regarding Former ELL services in the form of Integrated ENL or other Former ELL

services approved by the Commissioner under section 154-2.3(h) of the Commissioner's regulations in 2020-21.

The English as New Language (ENL) Units of Study are the required minimum number of minutes of Stand Alone and Integrated ENL instruction provided, depending on the student's English language proficiency level. One unit of study under Commissioner's Regulations Part 100.1(a) is equivalent to at least 180 minutes of instruction per week throughout the school year. School districts can provide additional ENL units of study as they feel necessary to address the linguistic needs, oral language development, writing and reading skills, academic vocabulary, and content knowledge of their ELLs, as long as they are provided with the same educational opportunities as their peers. Some suggested instructional best practices were outlined in Question & Answer #4.

These units are available at: [Units of Study Tables for English as a New Language \(ENL\) and Bilingual Education Programs](#). OBEWL's website has been updated to reflect regulatory flexibility and best practices for instructional equity during COVID-19-related closures.

**9. Since the 2020 NYSESLAT has been cancelled as a result of the COVID-19 outbreak, how will schools be able to exit any students from ELL services in the 2020-21 school year?**

School districts are to program all ELLs according to their mandated units of study for their level of English proficiency in 2019-20.

An exception to this requirement may be made for students<sup>4</sup> who scored Expanding on the 2019 NYSESLAT and who took and passed the Regents Examination in English Language Arts in January 2020 with a score of 65 or higher. These students will be considered to have met the exit criteria for ELL services pursuant to Part 154.3(m)(1)(ii). These students will be reclassified as Former English Language Learners in the beginning of the 2020-21 school year.

**10. How should the needs of ELLs with disabilities be addressed to meet State regulations and best practices during COVID-19-related school closures?**

School districts are expected to provide services to ELLs with disabilities in accordance with Part 154 of the Commissioner's regulations and as required by their IEPs, through ENL and Bilingual Education programs; to the extent possible. Best practices for ELLs with disabilities include ELL-specific strategies, linguistic demands and scaffolds which align with the New York State Next Generation standards-based curriculum and the New Language Arts Progressions.

NYSED has also issued guidance on continuity of education during COVID-19-related school closures in the area of special education, which includes best practices for all students with disabilities, including ELLs with Disabilities. This guidance is available

---

<sup>4</sup> Under Part 154-2.3(m), this provision applies to all ELLs, including ELLs with disabilities.

at: [NYSED Memo: Provision of Services to Students with Disabilities During Statewide School Closures Due to Novel Coronavirus \(COVID-19\) Outbreak in New York State.](#)

**11. Can students who, as a result of having exited ELL services based on their score on the 2018 NYSESLAT, and are set to complete their status as Former ELLs in the 2019-20 school year, continue to receive ELL testing accommodations on NYS assessments in the 2020-21 school year?**

Yes. Since these students have not received the two years of testing accommodations to which they are entitled, they shall be provided appropriate testing accommodations as described in the [Test Manuals for School Administrators and Teachers](#) for all NYS assessments for the 2020-21 school year.

**12. What is a school district's obligation to provide interpretation and translation services to parents/guardians of ELL/MLLs and other parents/guardians who are not proficient in English?**

Language access obligations under federal and state law remain in place. School districts must therefore continue to ensure that parents/guardians of ELLs/MLLs receive district-generated information in the language or mode of communication the parent/guardian best understands.

School districts must also continue to provide interpretation and translation in the languages spoken in the district, and at a minimum in those languages spoken by a large number and percentage of ELL/MLLs. It is NYSED's practice to translate parent materials produced by OBEWL in at least the top ten languages spoken across New York State (currently Spanish, Chinese, Arabic, Bengali, Russian, Haitian Creole, Urdu, French, Karen and Uzbek).

Interpretation and translation services should be provided through a qualified interpreter/translator or through a translation service organization.

For more information on translation services organizations and companies, please visit [NYU Metro Center's List of Translation Services Organizations and Companies](#).

Parents and students may contact NYSED's [Parent Hotline](#) or [OBEWL](#) if they have questions or concerns related to language access or other aspects of parents' and students' educational rights. This resource is operated by the New York State Language RBERN and serves as a way for parents/guardians of ELLs/MLLs to inquire about their rights and the delivery of services to their children. The hotline is intended to allow parents/guardians and students to ask questions and receive responses in the top ten ELL home languages spoken in NYS.

The ELL/MLL Parent Hotline telephone number is (800) 469-8224

**13. Can LEAs amend their Title III budget to support the changing needs of ELLs due to COVID-19 related school closures?**

Yes. Any proposed Title III budget changes must continue to follow Title III guidelines. NYSED's Office of Grants Finance has established temporary procedures for accepting documents due to COVID-19-related closures. School districts that wish to submit a budget amendment should email electronic copies of the signed budget amendment document to OBEWL for programmatic review. Once approved, the district will be directed to mail in one original with two copies. In advance of receiving the hard copies, OBEWL will forward scanned documents that have been signed and approved by the program office for processing by the Office of Grants Finance.

Individuals with questions about amendments to their Title III budgets may contact [OBEWL@nysed.gov](mailto:OBEWL@nysed.gov).

**World Languages Instruction**

**14. How will students who need to obtain Languages Other Than English (LOTE) credits required to graduate or to earn a Regents Diploma with Advanced Designation be impacted by the waiver of the Regents Examination graduation requirements?**

As a result of the waiver of Regents examination graduation requirements, students are eligible for an exemption from LOTE tests under the following circumstances:

- If the principal, in consultation with relevant faculty, determines that a student has met the standards assessed in the provided coursework leading to the Checkpoint A LOTE exam, the district may choose to waive the exam requirement and grant the student his/her first unit of diploma credit in LOTE;
- A school or district may grant an exemption to the LOTE Checkpoint B examination requirement for any student scheduled to take such examination in June 2020 in order to meet the requirements for an advanced diploma as long as the student will have earned at least three credits in the LOTE subject prior to the end of the school year;
- Students who are currently identified – or were previously identified – as an ELL whose home language is one of the languages that is tested by the NYSED-approved LOTE +1 Pathway Assessments (Chinese, French, Italian, Korean, or Spanish), or a student who is otherwise deemed qualified by the principal in consultation with relevant faculty, and was intending to take the LOTE +1 Assessment in June 2020 to achieve a passing score are exempt from such LOTE +1 Assessment; and
- Students deemed qualified by the principal in consultation with relevant faculty in the use of American Sign Language (ASL) and who were intending to take the LOTE +1 Pathway Assessment in ASL in June 2020 to achieve a passing score are exempt from such LOTE +1 Assessment.

Students who receive test exemptions as described above are eligible to qualify for all graduation requirements, including the Regents Diploma with Advanced Designation and the Seal of Biliteracy, as if they had successfully passed the assessments. For additional information, please review [NYSED's guidance regarding COVID-related cancellation of the June 2020 Regents Examinations](#) and [Regents Examination and Graduation Requirements Questions Related to COVID-19 Closure FAQ](#).

For more information about learning World Languages (including indigenous languages of New York State<sup>5</sup>), please visit [NYSED's World Languages website](#).

### **The New York State Seal of Biliteracy (NYSSB)**

#### **15. Can school districts award the NYSSB in the 2019-20 school year in light of COVID-19-related school closures?**

Yes. The [criteria to earn the NYSSB](#) (three points in English; three points in a World Language, including indigenous languages of New York State) remain unchanged. As long as students are able to fulfill these requirements, school districts may award them the NYSSB. NYSED is working to support school districts to create the infrastructure needed to allow students seeking a NYSSB to meet the criteria on a remote basis, as described below.

Additional guidance regarding the implementation of the New York State Seal of Biliteracy (NYSSB) program during COVID-19-related school closures is available on our website at: [New York State Seal of Biliteracy \(NYSSB\)](#)

#### **16. Can students earn the NYSSB using a waived exam?**

Yes. Students who, due to COVID-19-related school closures, have been exempted from a Regents Examination in English Language Arts (ELA) that they were planning to take in June 2020 shall be exempt from such assessment for the purposes of meeting NYSSB requirements so long as they have demonstrated proficiency in the ELA learning standards assessed through the provided coursework and earned credit for such course by the end of the 2019-20 school year. In this case, the exempted Regents examination may be applied as a point towards NYSSB's "Criteria for Demonstrating Proficiency in English" requirement.

---

<sup>5</sup> While individual languages are not explicitly identified on NYSED's World Languages web page or in the [NYSSB Handbook](#), school districts are advised that students are able to earn the NYSSB in any modern or classical language. World Languages are divided into two categories: modern languages and classical languages. Modern languages include any language that has living, native speakers, such as Romance Languages (Spanish, French, Italian, Portuguese, etc.), Germanic languages (such as German), Asian languages (Chinese, Japanese, Korean, etc.), Indigenous languages (Mohawk, Seneca, Oneida, etc.), American Sign Language, and many more. Classical languages include Latin, ancient Greek, ancient Hebrew, and other languages from earlier time periods.



**17. How shall school districts determine a student's final average in courses ending in June 2020 which will be used to earn a point toward the NYSSB in ELA or a World Language (including indigenous languages of New York State)?**

Student course grades shall continue to be determined in accordance with each school district's locally developed grading policy. School districts are expected to ensure equity and access for all students, including ELLs/MLLs and World Languages students seeking the NYSSB.

**18. Can a student take one of the Approved Checkpoint C examinations from home?**

Yes. A number of providers of the Approved Checkpoint C examinations ([Advanced Placement](#), [AAPPL/OPI/WPT](#), [STAMP](#), etc.) have made provisions for students to take these examinations using a device from home.

School districts are responsible for communicating to students and parents/guardians the expectations for student behavior during the examination; districts may require students and parents/guardians to sign and submit a statement that no assistance was given or received by the student for the duration of the testing window.

**19. Is the Culminating Project Notification Form required to be submitted for the 2019-20 school year?**

No. In light of COVID-19-related school closures, the [Culminating Project Notification Form](#) does not need to be submitted for the 2019-20 school year.

**20. Can Culminating Project Presentations be conducted via video conference during or after school closures?**

Yes. School districts may choose to conduct Culminating Project Presentations via video conference. Students who are able to video conference for presentations should use both audio and video whenever possible to best approximate the conditions of an in-person presentation. School districts should, to the extent possible, ensure that students pursuing the NYSSB have access to video technology in order to conduct Culminating Project Presentations via video conference.

NYSSB Coordinators should work with NYSSB candidates to identify those students who have access to the technology necessary to conduct virtual presentations, and to identify alternative project presentation options (e.g., via telephone) for those students who do not have access to video technology (and for whom the district is unable to provide such technology).

NYSSB Coordinators who require technical assistance regarding this process may contact [OBEWL@nysed.gov](mailto:OBEWL@nysed.gov).

**21. Can NYSSB candidates record their Culminating Project Presentations and then turn in the recorded video to the panel of interviewers for evaluation?**

No. Student presentations may not be recorded and submitted for evaluation. A recorded presentation would not allow for a student's spontaneous interaction with the panel. Further, with a recorded presentation, it is not possible to determine whether outside resources were used to enhance the student's performance.

**22. Must the NYSSB Request Form/End-of-Year Data Form be submitted for the 2019-20 school year?**

Yes. School districts offering the NYSSB in 2019-20 are required to submit two forms:

- [Seal Request Form](#) (this form lists the number of Seals needed and the contact information for the person to whom the Seals and medallions are to be sent);
- [End-of-Year Data Form](#) (this form lists each student's ID number, demographic data, and means by which he/she earned the required 6 points towards the Seal).

**23. Will the May 31st deadline to submit the Seal Request Form/End-of-Year Data Form for 2019-20 be adjusted due to COVID-19-related school closures?**

Yes, school districts that have these forms ready on May 31, 2020 are encouraged to submit them by the deadline, but those needing an extension due to COVID-19-related school closures may contact OBEWL to seek an extension.

**24. Can a school district receive NYSSB stickers for diplomas and medallions without submitting the Seal Request Form and End-of-Year Data Form?**

No. In order to receive Seal stickers and medallions, the Seal Request Form must be submitted online and the End-of-Year Data Form (Excel spreadsheet) must be received via email and verified by OBEWL. Seal of Biliteracy Coordinators requesting Seal stickers and medallions should bear in mind that the processing of these forms and the mailing of stickers and medallions will take approximately one week. Therefore, Coordinators should plan to submit these forms with a reasonable lead time.

**25. When is the earliest that Seal stickers and medallions will be mailed?**

The Seal stickers and medallions will be mailed on a rolling basis starting June 5, 2020 (after OBEWL's receipt of the Seal Request Form and verification of the End-of-Year Data Form).

*Any additional questions about exemptions from examination requirements or the effect of such exemptions on student qualification for a diploma should be directed to [emscgradreg@nysed.gov](mailto:emscgradreg@nysed.gov).*