

## SY 2020-21 ELL Identification and Placement Process

### OVERVIEW

This document is designed to provide school-facing staff with detailed guidance on the English Language Learner (ELL) identification and placement process in School Year (SY) 2020-21 in light of COVID-19 related policy changes. This document outlines provisional and formal ELL identification processes and which components may be completed remotely.

**Note:** This guidance has been updated as of 3/10/21 to clarify the policy in place for SY 2020-21. This document will be updated as new guidance is released from NYSED. Any updates will be announced in future editions of *Principals Digest*.

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**ELL IDENTIFICATION AND PLACEMENT TIMELINE**

As per NYSED guidance, schools must identify and place ELLs into an ELL program within 30 school days of the start of the 2020-21 school year, which began on September 16. This timeline applies to students who enrolled between the transition to remote learning in Spring 2020 and the 20<sup>th</sup> school day of the 2020-21 school year and includes incoming students with an Individualized Education Program (IEP). This timeline includes remote instruction days. Therefore, based on the current school calendar:

- All students enrolled between March 2, 2020, and October 15, 2020, must be identified and placed by October 29, 2020.
- All students who enroll after October 15, 2020, must be identified and placed within the standard 10 school days (or 20 school days for incoming students with IEPs).

Please note that the ELL identification and placement timeline excludes any day(s) where a school or NYC DOE has temporarily shifted from in-person or blended learning to fully remote instruction due to an increase in COVID-19 cases in a school or surrounding geographic area.

**ELL IDENTIFICATION PROCESS**

The ELL identification process is the process by which students are evaluated to determine if they are ELLs and entitled to ELL services.

**Formal ELL Identification**

Formal ELL identification consists of 8 mandated steps as outlined in the Policy and Reference Guide and two additional steps that may need to be completed on an as-needed basis. Key items among these steps are:

- **The Home Language Identification Survey (HLIS) must be completed in-person by qualified personnel.**<sup>1</sup> Therefore, qualified personnel must meet with the parent/guardian to complete the

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<sup>1</sup> As per NYSED, for the purposes of HLIS, qualified personnel means: A New York State certified bilingual or English to Speakers of Other Languages (ESOL) teacher who is fluent in the home language of the student and parent/guardian or uses a qualified interpreter/translator of the language or mode of communication the student and parent/guardian best understands OR a NYS certified teacher who has been trained in cultural responsiveness, language development, and the needs of ELLs and who is proficient in the home language of the student or parent/guardian or uses a qualified interpreter/translator of the language or mode of communication the student or parent/guardian best understands.)

HLIS in its entirety.

- **Language Proficiency Team (LPT)** process for incoming students with an IEP.
- **Individual interviews** with students in English and the student's home language by qualified personnel. When a school can document that video conferencing was used to remotely conduct an individual interview during school closure, this can be used as the formal individual interview.
- **In-person administration of NYSITELL** to eligible students.

The formal ELL identification process, which consists of eight mandated steps should be completed for the following students:

- Newly admitted students enrolled between March 2, 2020, to September 15, 2020, who were provisionally identified and are now participating in either the blended learning or fully remote model.
- Newly admitted students as of September 16, 2020, and forward.
- Fully remote students whose parents completed the [NYSSED NYSITELL waiver](#); these students must be formally identified upon return to in-person instruction.

Please refer to the [Policy and Reference Guide for MLLs/ELLs](#) for detailed guidance on each step of the ELL identification process.

### **Formally Identified ELL students**

As per NYSED, students are considered ELLs once they have taken the NYSITELL and have scored below Commanding on the exam.

- If a student scores below Commanding on the NYSITELL, the school should complete all steps of the formal identification process as outlined in the [Policy and Reference Guide](#). As per [Commissioner's Regulation \(CR\) Part 154](#), students identified as ELLs as a result of the NYSITELL must be served according to their grade and proficiency level.
- If a student does not take the NYSITELL due to the NYSED NYSITELL waiver, the student should remain provisionally identified as an ELL until the return to in-person instruction.
- Upon return to in-person instruction, the formal ELL identification process should resume and be completed within 10 school days. For further information on this process, please refer to the [Procedures to follow for Provisionally Identified ELLs](#) upon Return to In-person Instruction for additional information.

### **Provisional ELL Identification (Updated as of 3/10/21)**

During Spring 2020, the formal ELL identification process was paused for all newly admitted students due to COVID-19 school closures and policy changes. During that time, students admitted between March 2, 2020, to June 26, 2020, were required to be provisionally identified. Beginning in SY 2020-21,

the following students may also be provisionally identified as ELLs:

- Fully remote students whose parents completed the NYSED NYSITELL Waiver; OR
- Students whose schools have moved to fully remote due to a COVID-19 closure (applicable only to the days during which a school building is closed).

Provisional ELL identification consists of:

- **Obtaining the provisional home language of a student** by either sending **page 2** of the [HLIS](#) or the questions themselves to parents/guardians and collecting responses through email. Where possible, this can be facilitated via a remote synchronous meeting or phone call with the parent/guardian to ensure information is accurately captured. Translation and interpretation must be provided in the parent's preferred language of communication. **As this is an informal process, parents must not sign the HLIS at this time.**
- **Conducting an individual interview with students remotely** in English and the student's home language, by qualified personnel from the school. 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 email, through pictures of the student's work, and/or digital platforms schools are currently using for remote learning). When a school can document that video conferencing was used to remotely conduct an individual interview during school closure, this can be used as the formal individual interview for the formal identification process.
- **Entering provisional home language code in ATS.** Qualified personnel trained in the ELL identification process should be consulted to determine provisional home language. If this information needs to be updated, schools can follow the process for home language changes. Schools should submit page 2 of the HLIS along with evidence of the remote synchronous meeting with the parent/ guardian and student as described above.
- **Language Proficiency Team (LPT)** process for incoming students with an IEP.
- **Parent orientations, [Parent Survey](#), and [Program Agreement form](#) and updates in the ELPC screen** should be completed as part of provisional ELL identification (during school closures or for students in a fully remote model with the NYSED NYSITELL waiver).
  - Schools should invite parents to a remote parent orientation and explain ELL program options.
  - Parents should select their ELL program option.
  - All sections of the [Parent Survey and Program Agreement form](#) should be completed. Electronic signatures are accepted on this form.

- o School staff should update parent option in the ELPC screen in ATS. The parent’s selection should be entered as noted on the selection form, regardless of whether that selection is currently offered at the school.

**Note:** Please note that this is a reversal of previous policy guidance; this policy has been updated due to the extended building closures of many schools and barriers to in-person administration of the NYSITELL.

Schools must maintain all documents related to their students, including the provisional HLIS, 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 provisional identification process.

### Procedures to follow for Provisionally Identified ELLs upon Return to In-Person Instruction

The provisional ELL identification process should not be understood as the formal ELL identification process; rather, this provisional process informs which students must be screened with the NYSITELL upon return to in-person instruction. Students identified as potential ELLs as a result of this provisional identification process must be administered the NYSITELL in person upon return to in-person instruction.

Upon return to in-person instruction, schools should administer the NYSITELL to provisionally identified ELLs within 10 school days.

- If a student scores below Commanding on the NYSITELL, schools should proceed with the formal ELL identification process, which consists of sending the [entitlement letter](#) to parents, inviting parents to an orientation, and confirming parent/guardian’s ELL program option.
  - o If there are no updates to the parent/guardian’s selection, no changes need to be entered in ATS. Schools should proceed by sending the [Placement Letter after Parent Survey](#).
  - o If a parent/guardian would like to select a different ELL program, updates should be made on the [Parent Survey and Program Agreement Form](#). Updates to the parent’s selection should also be made on the BNDC screen as per the standard protocol outlined in the [Policy & Reference Guide](#). Once these updates have been made, the [Placement Letter after Parent Survey](#) should be sent to the parent in their preferred language.
- If a student scores above Commanding on the NYSITELL and the student is not entitled to ELL services, the parent should be sent the [non-entitlement letter](#) in their preferred language.

Per NYSED policy, the Home Language Identification Survey must be completed **in-person** by qualified personnel to be considered formal. If a student does not have the HLIS completed in-person by qualified personnel, the student remains provisionally identified as an ELL.

## Provisionally Identified ELL Students

Provisionally identified ELLs are:

- Students who have **not** had their HLIS completed in person OR had their HLIS completed in person by qualified personnel

AND

- Students who have the NYSED NYSITELL waiver.

As a temporary departure from NYC DOE practice, students who are provisionally identified as English language learners (ELLs) based on the provisional HLIS and individual interview, both of which may have been conducted remotely, may receive English as a New Language services and/or bilingual education in accordance with a recommendation resulting from the outcome of these two processes. As described in the [Provisional ELL Identification](#) section, schools should provide remote parent orientations and collect parent options to inform provisional placement into an ELL program.

Additionally, schools may select to remotely administer an available assessment (e.g. ELL periodic assessment or school-designed assessment) to provisional ELLs to assess English language proficiency in all four modalities (reading, writing, speaking, and listening); whenever possible, student's proficiency in home language should also be assessed. Schools can use the results of these assessments to inform provisional placement in a bilingual and/or ENL setting. If schools do not otherwise assess a student's English Language Proficiency, then they must serve students at the Entering level. In either case, schools must maintain records; and inform parents of the services their child will receive and must do so in the parent's preferred language. Due to this COVID-19 related temporary departure, NYC DOE systems and reports (e.g. ATS, EDUR) will continue to default provisionally identified students to an Entering level.

Schools must complete the formal ELL identification process for all provisionally identified ELLs upon their return to in-person instruction. Please refer to the [Procedures to follow for Provisionally Identified ELLs upon Return to In-Person Instruction](#) for additional information. After taking the NYSITELL, students should be served based on the proficiency level achieved on the test.

## HOME LANGUAGE IDENTIFICATION SURVEY (HLIS)

As per NYSED guidance, parents/guardians of all newly enrolled students must review and sign the Home Language Identification Survey (HLIS) in person with qualified personnel. Schools should design safety procedures to schedule parents/guardians and students to come to schools for ELL identification. This process must be completed in person for students who are attending school in person. The parents/guardians of students who have opted for the fully remote model have the following options:

- Parents can choose to complete the HLIS in person. Parents should contact the school to schedule.
- Parents can choose provisional HLIS administration and can complete the [NYSED NYSITELL](#)

waiver.

## Provisional HLIS administration

The following steps should be completed as part of the provisional HLIS process:

- Complete **page 2** of the [Home Language Identification Survey \(HLIS\)](#) with the parent/guardian and qualified personnel to determine a provisional home language.
- Parents/guardians should either scan or take a picture of **page 2** of the HLIS (both parts 1 and 2) and email the provisional HLIS back to the school. The provisional HLIS should **not be signed or dated** and page 1 should **not** be completed as part of the provisional identification process. All communication must follow security guidelines to protect student and family information. For information about how to securely share student records, schools should refer to this [Guidance for Sharing Student Records with Families During Remote Learning](#). For questions about student record-sharing guidance, schools should contact their BCO [academic policy and systems lead](#). For further guidance, contact your [senior field counsel](#).
- Conduct an individual interview with the student remotely.
- Once the steps indicated above have been completed, update ATS with the provisional home language (HL) code.

**Note:** This provisional HLIS process may be completed through a remote synchronous meeting. Ensure [interpretation or translation services](#) are available to communicate with the family in their preferred language.

**RESOURCES:** The Home Language Identification Survey and translations are available on the [Parent Notification InfoHub](#). Please visit the [Translations and Interpretation InfoHub](#) for more information on translation and interpretation services. For information about how to securely share student records, schools should refer to [Guidance for Sharing Student Records with Families During Remote Learning](#).

## Formal HLIS administration

To resume the formal ELL identification process, the HLIS must be completed in person with qualified personnel. Please follow the steps below for students who were provisionally identified and have a provisional home language:

- Revisit the HLIS completed during the provisional identification process. Complete page 1, review the responses provided on page 2 and obtain the parent's signature and date on page 2.
- In case schools erroneously completed page 1 and entered a two-letter HL code on page 1, it should be crossed out with one line initialed by the teacher and the correct HL code should be entered once the formal identification process has been completed in its entirety upon return to school (September 16 and forward).

- Update the home language into ATS.
- Once the HLIS has been formally completed by qualified personnel, update the HLIS flag on the ATS BIOU screen to “Y”.

**Note:** The HLIS must be completed in person. Ensure interpretation or translation services are available to communicate with the family in their preferred language.

**RESOURCES:** The Home Language Identification Survey and translations are available on the [Parent Notification InfoHub](#). Please visit the [Translations and Interpretation InfoHub](#) for more information on translation and interpretation services. Please refer to the [Playbook for Principals](#) for safety protocols.

## DETERMINE NYSITELL ELIGIBILITY

Once the HLIS has been completed in person by qualified personnel, the individual interview has been conducted and documented, and the HL code has been entered in ATS, schools must determine NYSITELL eligibility for each student with a home language other than English.

Schools should follow the steps outlined below if a student is determined not eligible to take the NYSITELL.

### Non-Eligibility to Take the NYSITELL

The ELLO screen should only be used in cases where students have been formally administered the HLIS in person. Schools should access the ELLO screen for students:

- whose home language is other than English; and,
- who have been determined to not have English language acquisition needs.

These students are not ELLs and do not need to take the NYSITELL.

**RESOURCES:** Please refer to the [Policy & Reference Guide](#) for additional guidance on the ELLO screen.

## NYSITELL/SPANISH LAB ADMINISTRATION

The NYSITELL and Spanish LAB can only be administered in person as part of the formal ELL identification process to students whose HLIS was completed in person. Students with a provisional home language from a provisional HLIS, should not be administered the NYSITELL.

Schools are encouraged to design schedules for NYSITELL and Spanish LAB administration. The Spanish LAB is required for ELLs with a home language of Spanish and follows the same timeline indicated above.

Qualified personnel that may administer the NYSITELL should be teachers or administrators able to carry out standard examination procedures and should have special training in administering



the NYSITELL or NYSESLAT and may include:

- NYS certified English to Speakers of Other Languages or Bilingual Education teachers
- NYS certified teachers
- NYS certified teachers who have been trained in cultural competency, language development, and the needs of English Language Learners (ELLs)/Multilingual Learners (MLs)

Remote administration of the NYSITELL and Spanish LAB is not allowed because both parties must be present in person. For questions about NYSITELL training, contact your [B/CO Director of MLLs/ELLs](#).

Schools must inform parents/guardians of the results of the NYSITELL and ELL status within five school days of ELL determination using the NYC DOE standard parent notification letters. These letters must be provided in the parents' preferred language; translations are available on the [Multilingual Learner Parent Notification Letters InfoHub](#).

Please note that the parent notification timeline excludes any day(s) where a school or NYC DOE has temporarily shifted to fully remote instruction due to an increase in COVID-19 cases in a school or surrounding geographic area.

**RESOURCES:** Parent notification letters are available on the [Parent Notification InfoHub](#). For health and safety protocols, please refer to the [Playbook for Principals](#).

## Identification Assessment Answer Documents

### NYSITELL

Schools do not have the ability to print NYSITELL answer documents for newly admitted students who entered the DOE between March 2, 2020, and June 26, 2020. On October 5, Central sent the answer documents to the ATS printer of each respective school for these students, in cases where no answer sheets had been previously printed. **If for any reason a school did not receive the centrally printed answer sheets, they can reprint the answer sheets using the RLBB screen.** Please refer to the [NYSITELL Scanning Handbook](#) for more information. Please note that Central is working on system updates that will ensure that schools will be able to print NYSITELL answer documents for fully remote students with the NYSED NYSITELL waiver who opt into a blended learning model.

Schools should reach out to the Office of Assessment for NYSITELL support by emailing [NYSITELLScanning@schools.nyc.gov](mailto:NYSITELLScanning@schools.nyc.gov) in cases where:

- an answer sheet for a student enrolled between March 2 and June 26 was previously printed by the school or
- a student who was first admitted to the NYCDOE between March 2 and June 26 then was subsequently discharged but then re-enrolled after Central printing of the answer sheets

Please note that Central is working on system updates that will ensure that schools will be able to print NYSITELL answer documents for fully remote students with the NYSED NYSITELL waiver who opt into a blended learning model.

## Spanish LAB

Schools do not have the ability to print Spanish LAB answer documents for newly admitted students who entered the DOE between March 2, 2020, and June 26, 2020, with a home language of Spanish. On October 22-23, Central sent the answer documents to the ATS printer of each respective school for these students. **If for any reason a school does not receive the printed answer sheets, they can reprint the answer sheets using the RSLB screen.** Please refer to the Spanish LAB [Scanning Handbook](#) for more information.

Schools should reach out to the Office of Assessment for Spanish LAB support by emailing [SpanishLABScanning@schools.nyc.gov](mailto:SpanishLABScanning@schools.nyc.gov) in cases where:

- an answer sheet for a student enrolled between March 2 and June 26 was previously printed by the school or
- a student who was first admitted to the NYCDOE between March 2 and June 26 then was subsequently discharged but then re-enrolled after Central printing of the answer sheets

Central is working on system updates that will ensure that schools will be able to print Spanish LAB answer documents for fully remote students with the NYSED NYSITELL waiver who opt into a blended learning model.

## NYSED NYSITELL WAIVER

As of October 5, 2020, the NYSED NYSITELL waiver is available on [NYSED's Parent Notification Resources site](#) under “Parent Waiver for Remote Learning Students”. The waiver is currently available in 10 languages other than English. Additional translations will be posted on this [site](#).

Because the NYSITELL must be administered in person, parents/guardians of fully remote students who have been provisionally identified as ELLs have a couple of options:

- **Parents may complete the NYSED NYSITELL waiver.** Such students will remain provisionally identified pursuant to the completion of page 2 of the Home Language Identification Survey and remote individual interview, both of which may be conducted remotely (e.g. video conference) until they cease to receive fully remote instruction because of a switch to an in-person or blended setting.
- **Parents can also choose to have their child take the NYSITELL in person.** Parents should contact the school to schedule the exam and to continue with the formal ELL identification process. In these cases, schools should follow safety procedures as outlined in the [Playbook for Principals](#).

Students who are provisionally identified will be served as follows as per NYC DOE policy:

As a temporary departure from NYC DOE practice, students who are provisionally identified as English language learners (ELLs) based on the provisional HLIS and individual interview, both of which may have been conducted remotely, may receive English as a New Language services and/or bilingual education in accordance with a recommendation resulting from the outcome of these two processes. As described in the [Provisional ELL Identification](#) Section, schools should provide remote parent orientations and collect parent options to inform provisional placement into an ELL program.

Additionally, schools may select to remotely administer an available assessment (e.g. ELL periodic assessment or school-designed assessment) to provisional ELLs to assess English language proficiency in all four modalities (reading, writing, speaking, and listening); whenever possible, student's proficiency in home language should also be assessed. Schools can use the results of these assessments to inform provisional placement in a bilingual and/ or ENL setting. If schools do not otherwise assess a student's English Language Proficiency, then they must serve students at the Entering level. In either case, schools must maintain records; and inform parents of the services their child will receive and must do so in the parent's preferred language. Due to this COVID-19 related temporary departure, NYC DOE systems and reports (e.g. ATS, EDUR) will continue to default provisionally identified students to an Entering level.

Students who are provisionally identified:

- **Should have parent option entered in ATS on the ELPC screen.** Upon return to in-person instruction, schools should resume the formal ELL identification process as described in this [section of the document](#) and the [Policy and Reference Guide](#).
- **Can receive a transfer to a bilingual program in another school.** If the parent would like a transfer to a bilingual program, please follow the ELL transfer procedures outlined in the [Policy and Reference Guide](#). Upon return to school buildings, sending schools should ensure that relevant student and cumulative files are transferred to the child's new school. In the interim, school staff should ensure copies of relevant digital documentation are shared with the receiving school. As part of the ELL transfer process, DML will request a digital copy of the Parent Survey & Program Agreement Form to share with the receiving school.

**RESOURCES:** Please refer to the [Playbook for Principals](#) for safety protocols. NYSED NYSITELL waivers are available on [NYSED's Parent Notification Resources site](#).

### **Eligibility for NYSED NYSITELL Waiver (Updated as of 3/10/21)**

Students eligible for the NYSED NYSITELL waiver must have been provisionally identified as a potential ELL either 1) during the transition to remote learning due to COVID-19 in SY 2019-20; 2) during summer 2020; or 3) in the 2020-21 school year **AND** opted for fully remote instruction. Please note that the NYSED NYSITELL waiver can be completed for incoming students with an IEP whose LPT has determined

NYSITELL eligibility and have opted for fully remote instruction.

If parents/guardians opt-out of fully remote instruction, the school will have to administer the NYSITELL, and if eligible, place the student into an ELL program within ten (10) school days of the child returning to blended learning.

**Note:** Schools should continue to collect NYSED NYSITELL waivers for students who are eligible for the NYSITELL waiver but whose parents would like to waive in-person administration of the NYSITELL until their return to in-person instruction. This includes students whose learning preference was adjusted to fully remote due to non-attendance at schools.

### Notifying Parents Regarding NYSED NYSITELL Waiver

Notifications informing parents/guardians about the availability of the NYSED NYSITELL waiver must be sent in the parent's preferred language and mode of communication. Schools must maintain a record of these notifications. As a best practice, we recommend that schools reach out to parents to make sure they understand what the NYSED NYSITELL waiver is, and the implications of submitting the NYSED NYSITELL waiver. To support schools with this process, a cover letter explaining the NYSED NYSITELL waiver is available on the [Parent Notification InfoHub](#). Translations into the nine DOE-supported languages are also available.

Please note, the NYSED NYSITELL waiver must be downloaded from [NYSED's Parent Notification Resources site](#) to be completed and electronically signed. The NYSED NYSITELL waiver must be submitted directly from the parent/guardian(s) to the school. The waiver can be submitted via email, mail, or in person. All records relating to the NYSED NYSITELL waiver must be retained by the school, as described in the section below.

**RESOURCES:** NYSED NYSITELL waivers are available on [NYSED's Parent Notification Resources site](#). Cover letters for parents/guardians explaining the NYSITELL waivers are available on the [Parent Notification InfoHub](#).

### Submission timeline for the NYSED NYSITELL Waiver

The timeline for the NYSITELL waiver submission aligns with the identification and placement timeline for SY 2020-21. Therefore, based on the [current school calendar](#):

- Parents of students enrolled *between* March 2, 2020, and October 15, 2020, should have submitted the waiver request by October 29, 2020.
- Parents of students who enroll *after* October 15, 2020, should submit the waiver within 10 school days of enrollment.

Schools should make every effort to reach out to parents/guardians of students who opted for fully

remote instruction or whose learning preference was updated to fully-remote to determine whether they want their child to take the NYSITELL in person or would like to submit the NYSED NYSITELL waiver.

Parents/guardians of eligible students who previously requested to waive the NYSITELL should submit the waiver to schools as soon as possible. School staff should refer to the [Reporting](#) section below for additional guidance on reporting of students with NYSITELL waivers.

Please note that the ELL identification and placement timeline excludes any day(s) where a school or NYC DOE has temporarily shifted from in-person or blended learning to fully remote instruction due to an increase in COVID-19 cases in a school or surrounding geographic area.

### Retaining NYSITELL Waiver Records

Schools are reminded to make and document in their records all possible efforts to administer the NYSITELL to all eligible enrollees, including but not limited to those in a fully remote education setting. Schools must also retain records of the NYSED NYSITELL waiver for 3 years. Records should be kept both in the student's cumulative folder and in school records (i.e. folder of ELL critical documents). Additional guidance will be released via Principals' Digest on how schools will report the collection of these waivers in NYC DOE systems. In the meantime, we recommend that schools keep track of the students with NYSED NYSITELL waivers.

**RESOURCES:** The NYSED NYSITELL waiver is currently available on [NYSED's Parent Notification Resources site](#) in 10 languages other than English; additional translations will continue to be posted by NYSED.

### Reporting of Students with NYSITELL Waivers in ATS

The DOE has developed the *Update NYSITELL Waiver (NWVR)* screen in ATS to allow schools to record receipt of NYSED NYSITELL waivers for eligible students at each school. School staff should review the list of eligible students on the NWVR screen and update the records for only students who have previously submitted the NYSED NYSITELL waiver in ATS by **December 23**. School staff should not update this screen for students who have not submitted the NYSITELL Waiver.

As schools receive additional NYSED NYSITELL waivers, the NWVR screen should be updated accordingly.

### New Update NYSITELL Waiver (NWVR) Screen in ATS

The Update NYSITELL Waiver (NWVR) screen will allow schools to indicate whether the parent/guardian of an eligible student with a fully remote learning preference has submitted the [NYSED NYSITELL Waiver](#). The NYSITELL waiver allows eligible students to be temporarily exempted from taking the NYSITELL until the student returns to in-person instruction. Upon return to in-person instruction, the NYSITELL must be administered within 10 school days (20 school days for incoming students with an IEP).

**Note:** The NWVR screen is designed for reporting and compliance purposes only, and will not have any downstream effects on other ATS programs. For example, a student that is indicated as completing the NYSITELL Waiver on the NWVR screen will still display on the RLBA screen as eligible to have the NYSITELL printed. However, because this student is listed as having the NYSITELL waiver, the school's compliance measures would not be adversely affected.

The NWVR screen in ATS will display eligible students for the NYSITELL Waiver who meet the following criterion:

1. Student is eligible to be administered the NYSITELL (e.g., LEP Flag E)
2. Student is in Grade Level K-12
3. Student's Home Language is not English or not NULL/blank
4. Student's Learning Preference is Fully Remote
5. Student is newly enrolled in SY 2020-21 or newly enrolled during the transition to remote learning due to COVID-19 in SY 2019-20 (March 2, 2020, through June 30, 2020). <sup>2</sup>

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<sup>2</sup> Newly enrolled includes students eligible for Reentry Identification. These students are permitted to go through the ELL Identification process again based on not having been enrolled in a NYS public school at any time during the preceding immediate two continuously enrolled school years.

### Accessing the NYSITELL Waiver (NWVR) Screen

The NWVR screen can be found with other similar ELL functions on the BESI screen (BESIS Functions). School staff can also enter the NWVR screen directly by entering NWVR in the top left corner of ATS.

```

PROFILE 99-Z-999      New York City Public Schools      11-24-20 14:24:29
BESI0010-TEST-T      BESIS Functions      00053-ATSTEST2
==>

      1  BNDC  BESIS Data Collection
      2  ELPC  ELL Parent Choice Update
      3  ELLO  ELL Option Update
      4  ELTR  ELL Transfer Request
      5  NWVR  NYSITELL Waiver for COVID
-----
      6  UELL  Change LEP Flag

Place cursor next to selection desired and press ENTER/RIGHT CTRL
F1/Help   F2/       F3/Quit-return F4/Lookup   F5/       F6/
F7/       F8/       F9/Refresh    F10/       F11/      F12/Exit
  
```

NWVR (5) is the new function on the BESI screen

### NWVR Main Screen

The NWVR screen allows school staff to maintain records for students who have submitted the NYSED NYSITELL Waiver. The NWVR screen will list all eligible students for the NYSITELL Waiver in alphabetical order by Last Name. The NWVR screen also contains other helpful information (e.g., Grade Level, Home Language, HLIS Flag, Waiver, and date of NYSITELL Waiver).

On this screen, school staff can indicate if a student has the NYSITELL Waiver and the date the form was signed by the parent/guardian. School staff can also update the *WVR* and *Form Date* fields if there is a change in a student’s situation (e.g., student/family changed mind on NYSITELL Waiver, data entry error, etc.)

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PROFILE 99-Z-999          New York City Public Schools      11-24-20 14:56:11
NWVR0100-TEST-T        Update Nysitell Waiver (NWVR)          00053-ATSTEST2
==>

      ID      STUDENT NAME      DOB      HM      GR      ADMIT      FORM
      ID      NAME              DOB      LN HLIS  LV  DATE      WVR  DATE
123456789 CHENNEY, MIKE      07/02/15 MN      0K 07/06/20  Y  100620
987654321 CHENTI, VALERIE   07/02/15 SP      0K 03/30/20  N  112420
999999999 CHESTER, MARY     07/02/15 AR      0K 11/12/20  -  -
111111111 CHILE, EDWARD     09/05/15 KO      0K 03/15/20  -  -
222222222 DAVIS, ALFRED     09/05/15 CN      0K 11/14/20  -  -
333333333 JILL, LARRY       07/02/15 SP      0K 11/23/20  -  -
444444444 LIN, JEREMY        09/05/15 CH      0K 11/08/20  -  -
555555555 LIVINGSTON, ALAN  09/05/15 SP      0K 09/28/20  -  -
666666666 MOTTE, ALBERT   10/06/15 MN      Y  0K 07/17/20  -  -
777777777 NICKY, ANGELA     10/11/15 CH      0K 07/17/20  -  -
888888888 PAUL, CHRIS 07/02/15 AR      0K 10/31/20  -  -

Enter Waiver info and press F2
F1/Help   F2/Save   F3/Quit-return F4/Lookup   F5/         F6/
F7/       F8/Forward F9/Refresh   F10/        F11/        F12/Exit
  
```

**Note:** If a student does not have the NYSITELL Waiver, no action is required on the NWVR screen.



## Step-by-Step Instructions for Updating NWVR Screen

If a parent/guardian submits the NYSITELL Waiver, school staff should follow the steps below in ATS:

1. Log into ATS and navigate to the NWVR screen.
  - a. School staff can find the NWVR screen on the BESI screen (BESIS Functions) or can also enter the NWVR screen directly by typing NWVR in the top left corner of ATS and selecting enter.
2. Identify student(s) who have the NYSITELL Waiver.
3. Enter Y in the WVR field to indicate a particular student has the NYSITELL waiver.
4. Enter Form Date, which is the date the parent/guardian signed the NYSITELL Waiver (**NOT** the date data is being entered in the system or the date received).
  - a. Dates should be entered as **MMDDYY**. Example: **112320**
5. Press F2 to save

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ID	STUDENT NAME	DOB	HM LN	HLIS	GR LV	ADMIT DATE	WVR	FORM DATE
123456789	CHENNEY, MIKE	07/02/15	MN		0K	07/06/20	Y	100620
987654321	CHENTI, VALERIE	07/02/15	SP		0K	03/30/20		
999999999	CHESTER, MARY	07/02/15	AR		0K	11/12/20	N	112420
111111111	CHILE, EDWARD	09/05/15	KO		0K	03/15/20		
222222222	DAVIS, ALFRED	09/05/15	CN		0K	11/14/20		
333333333	JILL, LARRY	07/02/15	SP		0K	11/23/20		
444444444	LIN, JEREMY	09/05/15	CH		0K	11/08/20		
555555555	LIVINGSTON, ALAN	09/05/15	SP		0K	09/28/20		
666666666	MOTTE, ALBERT	10/06/15	MN	Y	0K	07/17/20		
777777777	NICKY, ANGELA	10/11/15	CH		0K	07/17/20		
888888888	PAUL, CHRIS	07/02/15	AR		0K	10/31/20		

Enter Waiver info and press F2

F1/Help    F2/Save    F3/Quit-return    F4/Lookup    F5/    F6/    F7/    F8/Forward    F9/Refresh    F10/    F11/    F12/Exit

**Note:** School staff do not need to update records for students who do not have the NYSITELL waiver. School staff should only enter N in the WVR field if a Y was accidentally entered or if the parent/guardian changed their mind regarding the NYSED NYSITELL waiver. In this case, school staff should also update the form date field to reflect the date that waiver was invalidated (parent changed their mind, etc.)

## ATS Automation (Updated 3/10/21)

The NWVR screen will confirm a student’s eligibility for the NYSITELL waiver by checking a student’s learning preference. In cases where a student’s learning preference is updated from blended to remote, the student will appear on the NWVR screen. If a student’s learning preference switches from fully remote to blended, the student must be administered the NYSITELL within 10 school days (20 school days for incoming students with an IEP). In these cases, ATS will automatically update accordingly. For example, a student that initially had a learning preference of fully remote and submitted the NYSITELL Waiver that was entered by the school in ATS will be stored and presented on the NWVR screen. If that same student were to switch from fully remote to blended, then ATS would capture that change and store the student record, but the student would no longer be viewable on the NWVR screen. In rare instances, that same student may switch again from blended to remote learning. If the student continues to meet eligibility requirements, then the NYSITELL Waiver information would be required to be entered into the NWVR screen again (ATS will keep track of all NYSITELL Waiver records for each student entered).

## PARENT ORIENTATION

After a student has been determined to be an ELL through the NYSITELL, schools must notify parents of their child’s eligibility for ELL services and provide information and program options through a parent orientation. The parent orientation should be held with the parent/guardian to explain the different ELL program options that may be provided to their child. While we still hope schools will strive to do an in-person orientation as a best practice, we understand that this may cause hardship due to social distancing and health and safety concerns at the current time. Schools therefore may proceed with virtual orientation when needed due to health and safety concerns.

Schools must provide parents of newly enrolled ELLs with a parent orientation that meets the following criteria:

- Schools show the [Parent Orientation video](#). (This video explains the three program options and is available in other languages).
- Schools provide information on standards, curriculum, and assessments. The parent orientation session must also provide a high-quality orientation section on the Next Generation Learning Standards, assessments, and school expectations for English Language Learners, as well as the program goals and requirements for bilingual education and English as a New Language (formerly English as a Second Language but now referred to as ENL) programs.
- The orientation must be in a language or mode of communication that the parent or guardian best understands. Schools should use oral over the phone interpretation services if they require an interpreter for any language that is not spoken by the school staff. To access the service, schools may dial 1-800-889-5921 and provide:

- Your District Borough Number (ex. 27Q336, 05M036)
- Language needed (or country if you are not sure of their language)
- Whether or not the call will be for an IEP meeting
- If you will need the interpreter to call the parent on your behalf
- Attendance records, staff members present at the orientation, and languages used other than English must be recorded using existing procedures established in the school.

After parents are informed of all three program models at the parent orientation, schools must provide parents with a [Parent Survey & Program Agreement](#) Form (in the parents' preferred language), where parents can indicate their program option. The parent must return the completed and signed form within five school days. This form can be completed by email, mail, or in person.

**Note:** As a departure from previous policy, students who are formally identified as ELLs (who have scored below Commanding on the NYSITELL) and provisionally identified ELLs are eligible for an ELL transfer if their parents have selected a bilingual program that is currently not available at the school and the school does not have the sufficient number of students required to open a bilingual program.

**RESOURCES:** Please refer to the [Parent Orientation video](#), [Parent Survey and Program Agreement](#), and [ELL Transfer and Authorization Forms](#). Please visit the [Translations and Interpretation InfoHub](#) for more information on translation and interpretation services.

## PLACEMENT INTO AN ELL PROGRAM

After the parent orientation, schools should send the parent the Placement Letter (After Receiving Parent Survey) in their preferred language to confirm their child's placement into an ELL program. If the parent does not return the [Parent Survey & Program Agreement Form](#) within five school days, the student remains in a bilingual program if one exists at the school; otherwise, the student remains in an ENL program. In this case, the school should notify the parent by sending the [Default Program Placement Letter](#) in the parent's preferred language.

Schools must document and include attempts to gather initial parent selection preference; documentation should be maintained using existing procedures established by the school.

Parent letters can be emailed, mailed, or provided to parents in person, and records must be kept in the cumulative folders and school records.

**Note:** Default program placement and placement letters (after parent survey) are available on the [Parent Notification InfoHub](#).

## SUMMARY OF THE ELL IDENTIFICATION PROCESS

Below is a summary of components of the ELL identification process and whether they can be completed remotely or in person.

### Provisional Identification Process **(Updated as of 3/10/21)**

Step in ELL Identification Process	Is this part of the Provisional Identification process?	Can this be completed remotely?	Can this be completed in person?
Determine if the enrolling student was in an NYS public school within the past 2 years.	Yes	Yes	Yes
Parent completes HLIS with qualified personnel.	Yes. Only page 2 of HLIS can be completed provisionally. Enter provisional home language in ATS.	Yes	N/A
Individual interviews with students in English and the student's home language by qualified personnel.	Yes	Yes, make sure this is documented.	Yes
Language Proficiency Team (LPT) process for incoming students with an IEP to determine NYSITELL eligibility.	Yes	Yes	Yes
Parent Completes NYSITELL waiver.	Yes	Yes	Yes
Administer NYSITELL to eligible students.	N/A	N/A	N/A
Send parent notifications to the family regarding entitlement and non-entitlement.	N/A	N/A	N/A
Administer Spanish LAB to ELLs with a home language of Spanish.	N/A	N/A	N/A
Determine if ELL is a student with interrupted/inconsistent education (SIFE).	Yes	Yes	Yes

Step in ELL Identification Process	Is this part of the Provisional Identification process?	Can this be completed remotely?	Can this be completed in person?
<b>Provide families a parent orientation meeting.</b>	Yes, hold parent orientation and update the ELPC screen with parent selection. Upon return to in-person instruction and in-person administration of NYSITELL, parent orientation must be revisited as part of the formal ELL identification process.	Yes, but this must be revisited as part of the formal ELL identification process.	Yes
<b>The student is placed and programmed into an ELL program.</b>	Yes	Yes	N/A
<b>Administer the Re-Identification Process as necessary</b>	N/A	N/A	N/A
<b>Within 6 to 12 months, review the progress of student whose ELL status was reversed.</b>	N/A	N/A	N/A

## Formal Identification Process

Step in ELL Identification Process	Is this part of the formal Identification process?	Can this be completed remotely?	Can this be completed in person?
Determine if the enrolling student was in an NYS public school within the past 2 years	Yes	Yes	Yes
Parent completes HLIS with qualified personnel.	Yes. Update home language in ATS and update HLIS flag on ATS BIOU screen to "Y".	No	Yes
Individual interviews with students in English and the student's home language by qualified personnel.	Yes	Yes, make sure this is documented.	Yes
Language Proficiency Team (LPT) process for incoming students with an IEP.	Yes	Yes	Yes
Parent Completes NYSITELL waiver.	N/A	N/A	N/A
Administer NYSITELL to eligible students.	Yes, If the parent completes the NYSITELL waiver, the formal identification process ends here and the student remains provisionally identified.	No	Yes
Send parent notifications to the family regarding entitlement and non-entitlement.	Yes	Yes	Yes
Administer Spanish LAB to ELLs with a home language of Spanish.	Yes	No	Yes
Determine if ELL is a student with interrupted/inconsistent education (SIFE).	Yes	Yes	Yes

Step in ELL Identification Process	Is this part of the formal Identification process?	Can this be completed remotely?	Can this be completed in person?
<b>Provide families a parent orientation meeting.</b>	Yes	Yes. Schools may proceed with a virtual parent orientation when needed due to health and safety concerns. Please note final identification process must be completed or confirmed in person.	Yes. A parent orientation must be completed as part of the formal identification process. Update ATS with parent option.
<b>The student is placed and programmed into an ELL program.</b>	Yes	Yes	Yes
<b>Administer the Re-Identification Process as necessary</b>	Yes	Yes	Yes
<b>Within 6 to 12 months, review the progress of the student whose ELL status was reversed.</b>	Yes	Yes	Yes