



New York State Education Department
Office of Bilingual Education and World Languages

Commissioner's Regulations

Part 154-2

Units of Study

Background

In spring 2012, the New York State Education Department (NYSED) launched the Bilingual Common Core Initiative (BCCI) to develop new English as a New Language and Native Language Arts Standards aligned to the Common Core. Extensive research conducted over the last 10 years indicates that the integration of language and content instruction leads to higher student outcomes. As a result of this process, NYSED is developing New Language Arts Progressions (NLAP) and Home Language Arts Progressions (HLAP) for every NYS Common Core Learning Standard in every grade. The Theoretical Foundations of the Bilingual Common Core Initiative can be found at: <https://www.engageny.org/resource/new-york-state-bilingual-common-core-initiative> .

In April 2014, NYSED released its vision for educating ELLs in New York State in its *Blueprint for English Language Learners' Success* (BELLS): <http://usny.nysed.gov/docs/blueprint-for-ell-success.pdf>.

NYSED's mission is to ensure that all New York State (NYS) students, including English Language Learners (ELLs), attain the highest level of academic success and language proficiency. We strive to ensure that all students' individual educational paths and socio-emotional needs are met in multiple languages leading them to college and career readiness. NYSED believes that all teachers are teachers of ELLs.

The Units of Study charts provided are guidelines for mandated services for ELLs as per Commissioner's Regulations Part 154-2 in both English as a New Language and Bilingual Education programs. As always, ENL instruction is an integral part of the Bilingual Education program.

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CR Part 154-2 (K-8) Transitional Bilingual Education Program Units of Study and Staffing Requirements

ENGLISH PROFICIENCY LEVEL		ENTERING (Beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
LANGUAGE ARTS	STAND-ALONE ENL	1 unit of study in ENL (180 min.)	.5 unit of study in ENL (90 min.)			
	INTEGRATED ENL / ELA	1 unit of study in ENL/ELA (180 min.)	1 unit of study in ENL/ELA (180 min.)	.5 unit of study in ENL/ELA (90 min.)	1 unit of study in ENL/ELA or other Core Content Area (180 min.)	
	FLEXIBILITY		.5 unit of study can be STAND-ALONE ENL <i>or</i> INTEGRATED ENL/Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE ENL <i>or</i> INTEGRATED ENL/Core Content Area (90 min.)		.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, <i>or</i> other approved Former ELL services for two additional years*
	TOTAL ENL	<i>360 minutes per week</i>	<i>360 minutes per week</i>	<i>180 minutes per week</i>	<i>180 minutes per week</i>	
	HOME LANGUAGE ARTS	1 HLA Class	1 HLA Class	1 HLA Class	1 HLA Class	
BILINGUAL INSTRUCTION	BILINGUAL CONTENT AREA SUBJECTS	Minimum of 2	Minimum of 2	Minimum of 1	Minimum of 1	
STAFFING/ PERSONNEL	K-8 BILINGUAL EDUCATION PROGRAM			K-8 ENGLISH AS A NEW LANGUAGE PROGRAM		
	<ul style="list-style-type: none"> (K-6 Bilingual) Common Branch teacher with a bilingual extension (7-8 Bilingual) Content Area teacher with a bilingual extension. [HLA must be taught by a certified Language Other Than English (LOTE) teacher.] 			<ul style="list-style-type: none"> (K-8 STAND-ALONE) ESOL certified teacher (K-6 ENL) Common Branch K-6 teachers with a bilingual extension can teach the ENL component of a K-6 Bilingual Education program. (7-8 ENL) Integrated ENL can be taught by an ESOL teacher with Content Area certification or two individually certified teachers. 		
<p>The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.</p>						

**Other services that are approved by the NYS Commissioner that monitor and support the student's language development and academic progress. Content Area shall mean ELA, Math, Science, and Social Studies.*

CR Part 154-2 (9-12) Transitional Bilingual Education Program Units of Study and Staffing Requirements

ENGLISH PROFICIENCY LEVEL		ENTERING (Beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
LANGUAGE ARTS	STAND-ALONE ENL	1 unit of study in ENL (180 min.)	.5 unit of study in ENL (90 min.)			Former ELLs must continue to receive services for an additional two years
	INTEGRATED ENL / ELA	1 unit of study in ENL/ELA (180 min.)	1 unit of study in ENL/ELA (180 min.)	.5 unit of study in ENL/ELA (90 min.)	1 unit of study in ENL/ELA or other Core Content Area (180 min.)	
	FLEXIBILITY	1 unit of study can be STAND-ALONE ENL instruction or INTEGRATED ENL in Core Content Area (180 min.)	.5 unit of study can be STAND-ALONE ENL <i>or</i> INTEGRATED ENL/Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE ENL <i>or</i> INTEGRATED ENL/Core Content Area (90 min.)		.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, <i>or</i> other approved Former ELL services for two additional years*
	TOTAL ENL	<i>540 minutes per week</i>	<i>360 minutes per week</i>	<i>180 minutes per week</i>	<i>180 minutes per week</i>	
	HOME LANGUAGE ARTS	1 HLA Course	1 HLA Course	1 HLA Course	1 HLA Course	
BILINGUAL INSTRUCTION	BILINGUAL CONTENT AREA SUBJECTS	Minimum of 2	Minimum of 2	Minimum of 1	Minimum of 1	
AWARDING CREDITS	STAND-ALONE ENL Elective credit is awarded upon passing each corresponding STAND-ALONE ENL unit of study.			HOME LANGUAGE ARTS Language Other Than English (LOTE) credit is awarded upon passing each corresponding HLA unit of study.		
	INTEGRATED ENL Core Content area credit is awarded upon passing each corresponding ENL unit of study in ELA, Math, Science, or Social Studies.			BILINGUAL CONTENT AREA Core Content area credit is awarded upon passing each corresponding Bilingual Content Area subject.		
STAFFING/ PERSONNEL	BILINGUAL EDUCATION PROGRAM <ul style="list-style-type: none"> (9-12) <u>Bilingual Content Area</u> teacher with a bilingual extension [HLA must be taught by a certified Language Other Than English (LOTE) teacher.] 			ENGLISH AS A NEW LANGUAGE PROGRAM <ul style="list-style-type: none"> (9-12) <u>Stand-alone</u> ESOL certified teacher (9-12) <u>Integrated ENL</u> can be taught by an ESOL teacher with Content Area certification or two individually certified teachers. 		
The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.						

*Other services that are approved by the NYS Commissioner, that monitor and support the student's language development and academic progress.

Core Content Area shall mean ELA, Math, Science, and Social Studies

Updated May 6, 2015

CR Part 154-2 (K-8) English as New Language (ENL) Units of Study and Staffing Requirements

All ENL classes, including Integrated and Stand-alone offer home language support.

ENGLISH PROFICIENCY LEVEL	ENTERING (Beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
ENL INSTRUCTIONAL TIME (MINIMUM)	2 units of study <i>per week</i> (360 min.)	2 units of study <i>per week</i> (360 min.)	1 unit of study <i>per week</i> (180 min.)	1 unit of study <i>per week</i> (180 min.)	Former ELLs must continue to receive services for an additional two years
STAND-ALONE ENL	1 unit of study in ENL (180 min.)	.5 unit of study in ENL (90 min.)			
INTEGRATED ENL	1 unit of study in ENL/ELA (180 min.)	1 unit of study in ENL/ELA (180 min.)	.5 unit of study in ENL/ELA (90 min.)	1 unit of study in ENL/ELA or other Core Content Area (180 min.)	
FLEXIBILITY		.5 unit of study can be STAND-ALONE ENL <i>or</i> INTEGRATED ENL/Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE ENL <i>or</i> INTEGRATED ENL/Core Content Area (90 min.)		.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, <i>or</i> other approved Former ELL services for two additional years*
TOTAL	<i>360 minutes per week</i>	<i>360 minutes per week</i>	<i>180 minutes per week</i>	<i>180 minutes per week</i>	
STAFFING/ PERSONNEL	STAND-ALONE ENL K-12 Certified ESOL teacher		INTEGRATED ENL – 1 DUALY CERTIFIED TEACHER ESOL and Common Branch (K-6) or Content Area (7-8) teacher who holds both certifications INTEGRATED ENL – 2 INDIVIDUALLY CERTIFIED TEACHERS (CO-TEACHING) A certified ESOL teacher and a K-6 certified elementary school teacher A certified ESOL teacher and a 7-8 certified content area teacher (<i>ELA, Math, Science, or Social Studies</i>)		
The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.					

**Other services that are approved by the NYS Commissioner that monitor and support the student's language development and academic progress.*

Core Content Area shall mean ELA, Math, Science, and Social Studies. One unit of study = 180 minutes of instruction per week per year.

Updated May 6, 2015

CR Part 154-2 (9-12) English as New Language (ENL) Units of Study and Staffing Requirements

All ENL classes, including Integrated and Stand-alone offer home language support.

ENGLISH PROFICIENCY LEVEL	ENTERING (Beginning)	EMERGING (Low Intermediate)	TRANSITIONING (Intermediate)	EXPANDING (Advanced)	COMMANDING (Proficient)
ENL INSTRUCTIONAL TIME (MINIMUM)	3 units of study <i>per week</i> (540 min.)	2 units of study <i>per week</i> (360 min.)	1 unit of study <i>per week</i> (180 min.)	1 unit of study <i>per week</i> (180 min.)	Former ELLs must continue to receive services for an additional two years
STAND-ALONE ENL	1 unit of study in ENL (180 min.)	.5 unit of study in ENL (90 min.)			
INTEGRATED ENL	1 unit of study in ENL/ELA (180 min.)	1 unit of study in ENL/ELA (180 min.)	.5 unit of study in ENL/Core Content Area (90 min.)	1 unit of study in ENL/Core Content Area (180 min.)	
FLEXIBILITY	1 unit of study can be STAND-ALONE ENL instruction <u>or</u> INTEGRATED ENL in Core Content Area (180 min.)	.5 unit of study can be STAND-ALONE ENL <u>or</u> INTEGRATED ENL/Core Content Area (90 min.)	.5 unit of study can be STAND-ALONE ENL <u>or</u> INTEGRATED ENL/Core Content Area (90 min.)		.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, <u>or</u> other approved Former ELL services for two additional years*
TOTAL	<i>540 minutes per week</i>	<i>360 minutes per week</i>	<i>180 minutes per week</i>	<i>180 minutes per week</i>	
AWARDING CREDITS	<u>STAND-ALONE ENL</u> Elective credit is awarded upon passing each corresponding STAND-ALONE ENL unit of study.		<u>INTEGRATED ENL</u> Core Content Area credit is awarded upon passing each corresponding ENL unit of study in ELA, Math, Science, or Social Studies.		
STAFFING/ PERSONNEL	<u>STAND-ALONE ENL</u> K-12 Certified ESOL Teacher		<u>INTEGRATED ENL – 1 DUALY CERTIFIED TEACHER</u> ESOL or Content Area (7-12) teacher who holds both certifications <u>INTEGRATED ENL – 2 INDIVIDUALLY CERTIFIED TEACHERS (CO-TEACHING)</u> A certified ESOL teacher and a 7-12 certified Content Area teacher		

The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.

**Other services that are approved by the NYS Commissioner that monitor and support the student's language development and academic progress.*

Core Content Area shall mean ELA, Math, Science, and Social Studies.

Updated May 6, 2015

GLOSSARY

Bilingual Education/English as a New Language Units of Study Tables

- **Awarding Units of Credits:** High school units of credits are earned by students with the corresponding Unit of Study. Content area credit is awarded for Integrated ENL. Elective credit is awarded for Stand-alone ENL.
- **Bilingual Content Area Instruction:** Content area instruction delivered in the home/target language.
- **Bilingual Education Program (BE):** A Bilingual Education program is a research-based program comprised of the following instructional components:
 - Language Arts which includes Home and English Language Arts
 - English as a New Language
 - Bilingual content areas.
- **Bilingual Extension:** Extension of a New York State (NYS) teaching certificate authorizing the holder of an appropriate valid teaching certificate to provide instruction in a bilingual education class.
- **Childhood Education Certification:** A NYS certified teacher in grades Pre-K-6, 1-6, or Birth-6.
- **Commanding/Proficient:** As measured by the NYSESLAT, a student at this level has met the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within his or her grade level. This student is designated as a Former ELL and is entitled to receive two years of Former ELL services.
- **Common Branch Certification:** Any or all of the subjects usually included in the daily program of an elementary school classroom such as Arithmetic, Civics, Visual Arts, Elementary Science, English Language, Geography, History, Hygiene, Physical Activities, Practical Arts, Reading, Music, Writing, and other similar subjects; grades K-6 or N-6.
- **Content Area Teacher:** A NYS certified teacher in grades 7-12 teaching a subject area such as English, Math, Science, Social Studies, Technology, Music, Art, etc.
- **Core Content Area:** English, Math, Science, and Social Studies; and Home Language Arts for Bilingual Education programs.
- **Corresponding Unit of Study:** In terms of awarding credits, upon a student's passing one half unit of study in any class, the student would receive one half unit of graduation credit. Upon a student's passing one unit in any class, the student would receive one unit of graduation credit.
- **Co-Teaching Models:** Co-teaching is two or more teachers sharing responsibility for teaching some or all of the students assigned to the classroom. It involves the distribution of responsibility among teachers for planning, organization, delivery, and assessment of instruction, as well as the physical space.¹ [See Honigsfeld & Dove.](#)
- **Developing ELLs:** Students who have been identified as ELLs and have received ENL instruction, as a component of their BE or ENL program, for a total of four to six continuously enrolled school years in the U.S.
- **Dual Language:** Dual Language program is a type of bilingual education program that offers students from two different or the same home language backgrounds and/or cultures the opportunities to become bilingual, biliterate, and bicultural while improving their academic ability.
 - The Two-way model includes both ELLs and English proficient students. The teacher or teachers provide instruction in both languages.
 - The One-way (Developmental) model is primarily composed of students who come from the same home language and/or background. The teacher or teachers provide instruction in both English and the target language.
- **Early Childhood Teacher Certification:** A NYS certified teacher for students from Birth-Grade 2.
- **Elective Credit:** Courses offered to satisfy high school graduation requirements. In terms of ENL programs, elective credit is awarded for Stand-alone ENL at the high school level.
- **Emerging/Low Intermediate:** A student at this English language proficiency level relies on teacher supports and instructional scaffolds to advance his or her

academic language skills. As measured by the NYSITELL or the NYSESLAT, a student at this level has yet to meet the linguistic demands necessary to

demonstrate English language proficiency in a variety of academic contexts within his or her grade level.

- **English as a New Language (ENL) Instructional Time:** The minimum amount of time an ELL is required to receive instruction in an ENL Program, in Integrated ENL and /or Stand-alone ENL classes.
- **English as a New Language (ENL) Program:** A research-based English language development program comprised of two components:
 - **Integrated ENL:** Students receive core content area and English language development instruction including home language supports and appropriate ELL scaffolds; and
 - **Stand-alone ENL:** Students receive English language development instruction taught by a NYS certified ESOL teacher in order to acquire the English language needed for success in core content areas.This program is formerly known as English as a Second Language (ESL).
- **English to Speakers of Other Languages (ESOL) Teacher Certification:** A NYS certified teacher of English to Speakers of Other Languages (ESOL), grades K-12.
- **English Language Learner (ELL):** A student who speaks or understands a language other than English and who scores below a State designated level of proficiency on the NYSITELL or the NYSESLAT.
- **English Proficiency Level:** A student's performance on the NYSITELL or the NYSESLAT indicates the student's level of English language proficiency. Those levels are: Entering, Emerging, Transitioning, Expanding, or Commanding.
- **Entering/Beginning:** A student at this English language proficiency level relies heavily on teacher supports and instructional scaffolds to advance his or her academic language skills. As measured by the NYSITELL or the NYSESLAT, a student at this level has yet to meet the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within his or her grade level.
- **Expanding/Advanced:** A student at this English language proficiency level shows great independence in advancing his or her academic language skills. As measured by the NYSITELL or the NYSESLAT, a student at this level is approaching the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within this grade level.

- **Flexibility:** Different options available to meet requirements for units of study.
- **Former ELL:** A student who has exited ELL status and is entitled to receive at least two years of Former ELL services and two years of testing accommodations on NYS Assessments.
- **Former ELL Services:** Students must continue to receive at least .5 units of study or its equivalent of integrated ENL or other such services that monitor and support their language development and academic progress for two years once they have exited from ELL status.
- **Grade Span:** The maximum allowable grade span for grouping instruction in grades K-12 ENL or BE classes is two contiguous grades, except for ELLs in a special class as defined by section 200.1(uu).
- **Home Language:** A language as determined by the HLO.
- **Home Language Arts:** A unit of study or its equivalent in language arts in the student's home language; the teaching and learning of reading, writing, speaking, and listening. This is also called HLA Class (K-8) or HLA Course (9-12).
- **Home Language Questionnaire (HLO):** A diagnostic screening instrument used to determine which students are possibly ELLs.
- **Home Language Supports:** During ENL instruction in the classroom, each ELL's home language is used as an instructional support for learning academic content and English. These may include, but are not limited to:
 - Materials and resources in the home language such as hard copy and/or online dictionaries, encyclopedias, books, and other media.
 - Pairing students of various language proficiencies to support each other in the home language and English.
 - Teachers who are bilingual, bilingual teaching assistants, community members, and student teachers use the student's home language to clarify concepts/content whenever possible.
- **Integrated English as a New Language (ENL):** Students receive core content area and English language development instruction which includes home language supports and appropriate ELL scaffolds. Integrated ENL instruction must be carried out either by a co-teaching approach with a NYS certified ESOL teacher who teaches with the content area teacher, or by an ESOL certified teacher who is dually certified in another content area being taught. In this context, integrated refers to the content.

- **Language Arts:** A core content subject which includes the teaching and learning of reading, writing, speaking, and listening in English and/or in the home language.
- **Language Other Than English (LOTE) Teacher:** A NYS teacher who is certified to teach a world language (Spanish, French, Chinese, etc.).
- **Metacognition:** Involves thinking about the thinking process and reflecting about learning. Refers to the ways students manage their thinking. It includes three aspects:
 - Consciously applying strategies while engaging in activities
 - Knowledge and awareness of strategic options and the ability to choose the most effective one for a particular activity, and
 - Monitoring and the ability to evaluate and adjust during a performance and to plan for future performance based on evaluation after an activity².
- **Middle Childhood Education Teacher Certification:** A NYS certified teacher for students in grades 5-9.
- **New York State English as a Second Language Achievement Test (NYSESLAT):** An assessment designed to annually measure the English language proficiency of all ELLs enrolled in grades K-12. It is one component of the State's compliance with Federal laws that mandate annually assessing and monitoring the English Language proficiency progress of all ELLs.
- **New York State Identification Test for English Language Learners (NYSITELL):** An assessment that is administered once during the ELL Identification/Reentry process. It is designed to determine if a student is an ELL after the student's enrollment in the NYS public school system, as well as his or her instructional requirements in a BE or ENL program.
- **Reentry:** The process followed pursuant to Commissioner's Regulation (CR) 154-2.3 to determine if a student is an ELL who is reentering a NYS public school after not attending a NYS public school for two years.
- **Scaffolds:** Scaffolds are temporary and flexible instructional supports that help make rigorous grade-level curriculum accessible to all students, including ELLs. Scaffolds are dependent upon an ELL's English language proficiency level. The instructional support enables learners to engage in a task which they would not have otherwise been able to accomplish independently³ and should lead to

metacognitive appropriation. Scaffolds help push the students academically yet provide the necessary support for them to be successful.

- **Staffing/Personnel:** NYS certified teachers for the specific courses/classes they teach.
- **Stand-alone ENL:** Students receive English language development instruction taught by a NYS certified ESOL teacher or a certified bilingual teacher in a bilingual education program in order to acquire the English language needed for success in core content areas.
- **Students with Inconsistent/Interrupted Formal Education (SIFE):** ELLs who have attended schools in the U.S. for less than twelve months and who, upon initial enrollment in schools, are two or more years below grade level in literacy in their home language and/or two or more years below grade level in math due to inconsistent or interrupted schooling prior to arrival in the U.S.
- **Target Language:** The language that is being taught and learned.
- **Transitional Bilingual Education Program (TBE):** Transitional Bilingual Education programs offer students of the same home language the opportunity to learn to speak, understand, read, and write in English while continuing to learn academic content in their home language. The students' home language is used to help them progress academically in all content areas while they acquire English. The goal of a TBE Program is to provide students with the opportunity to transition to a monolingual English classroom setting without additional supports once they reach proficiency. Even though the amount of English instruction students receive will increase over time, in a TBE program, there will always be home language instruction/supports allowing students the opportunity to develop bilingually.
- **Transitioning/Intermediate:** A student at this English language proficiency level shows increasing independence in advancing his or her academic language skills. As measured by the NYSITELL or the NYSESLAT, a student at this level has yet to meet the linguistic demands necessary to demonstrate English language proficiency in a variety of academic contexts within this grade level.
- **Units of Study:** Required number of minutes of instruction per week throughout the school year or the equivalent. One unit of study as per CR Part 100.1(a) means at least 180 minutes of instruction per week throughout the school year, or the equivalent.

¹Bacharach, Heck & Dank, 2004

²WestEd, Strategic Literacy Initiative, 2002

³Maybin, Mercer and Steirer, 1992