



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY
12234**

Office for Elementary, Middle, Secondary and Continuing Education
Office of Bilingual Education and Foreign Language Studies

89 Washington Avenue, Room 367 EBA
Albany, NY 12234
Tel. 518-474-8775
Fax 518-473-4678

116 West 32nd Street, 7th Floor
New York, NY 10001
Tel. 212-695-1510
Fax 212-643-0734

TO: Superintendents and Administrators of Programs Serving Limited English Proficient/English Language Learners (LEP/ELLs)

FROM: Pedro J. Ruiz, Ph.D.

DATE: September 23, 2009

SUBJECT: Official Ruling on Year of Services for LEP/ELLs

In New York State, Commissioner's Regulation (CR) Part 154 implements certain Federal requirements of Title III of the No Child Left Behind Act (NCLB) – services for Limited English Proficient/English Language Learner Students (LEP/ELLs).

CR Part 154 requires that identified LEP/ELLs receive services and funding for three (3) years. Services and funding can be extended for an additional three (3) years by completing the Extension of Services Form in the yearly CR Part 154 Data/Information Report (Form A-7). After the sixth (6) year, districts must continue to provide ESL services, but no further State funding will be provided.

Federally, Title III of NCLB provides an additional funding source for LEP/ELLs. NCLB, Title III also requires that all LEP/ELLs receive services until they are able to exit the program, which for New York State students, means they must score proficient on the NYSESLAT.

Title III funds are available to all districts that have an approved CR Part 154 Comprehensive/Data Plan. District allocations are based on the numbers of LEP/ELLs a district has identified and reports. If allocations are greater than \$10,000, a district can apply for the funds by submitting an application. Districts with allocations of less than \$10,000 may apply by joining a consortium of districts. Districts with an approved Title III application will continue to receive federal funding as long as LEP/ELLs are identified.

In summary, please note that both State and Federal laws and regulations require that all LEP/ELLs receive services until they score proficient on the NYSESLAT, and - allow districts to receive funding allocations based on CR Part 154 (maximum of 6 years) and/or Title III (provided that they have an approved application and LEP/ELLs remain identified).