

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

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## PARENTS' BILL OF RIGHTS FOR NEW YORK STATE'S ENGLISH LANGUAGE LEARNERS

The New York State Education Department (NYSED) Commissioner Regulations Part 154 provides you – the parents/guardians of English Language Learners (ELLs) – with:

1. The right for your children to receive a free public education in the school district where you live, regardless of your or your children's immigration status (e.g., whether your family members are citizens, immigrants, or undocumented) and the language that you or your children speak.
2. The right to enroll your children in school without being asked to provide information or paperwork which may reveal your or your children's immigration status. You cannot be asked to provide a social security card or number, an immigration visa or visa status, or citizenship documents or citizenship status.
3. The right under federal law to have a qualified interpreter/translator in your preferred language for critical interactions with the school district.
4. The right to have your children in a Bilingual Education (BE) program when there are 20 or more grade-level students that speak the same home/primary language.<sup>1</sup>
5. The right to written notice in English and your preferred language that your children have been identified as ELLs and will be placed in a Bilingual Education or English as a New Language (formerly called English as a Second Language) program.<sup>2</sup>
6. The right to a high quality orientation session, provided by your school district, that focuses on state standards, tests, and school expectations for ELLs, as well as the program goals and requirements for Bilingual Education and English as a New Language. This orientation must occur before final school program placement, and must be in your preferred language.
7. The right to receive information about your children's English language development, and also about their home language development if they are in a Bilingual Education program.
8. The right to meet with school staff at least once a year, in addition to other generally required meetings, to discuss your children's overall learning and language development progress.
9. The right for your children to be placed in a Bilingual Education or English as a New Language program within 10 days of enrollment, and the right to opt out of a Bilingual Education program. At a minimum, your children must receive English as a New Language instruction.
10. The right for your children to transfer to another school in your district that offers Bilingual Education in your language, if your children's original school does not offer such a program.
11. The right for your children to have equal access to all programming and services offered by the school district, appropriate to age and grade level including those required for graduation, and to all school programs available to other students.
12. The right for your children to receive all core content instruction, and to learn English and other subjects such as Reading/Language Arts, Math, Science, and Social Studies at the same academic level as all other children. Being entitled to ELL services does not limit the ability to get core content instruction.
13. The right for your children to have full access to extracurricular activities (afterschool clubs, sports, etc.). Being entitled to ELL services does not limit the ability to take part in extracurricular activities.
14. The right for your children to get support services (e.g., Academic Intervention Services) aligned with any intervention plans that the school/district provides to all students.
15. The right to have your children tested yearly to determine their English language progress, and to obtain information about your children's performance on academic tests, including New York State tests.
16. The right to have your children continuously enrolled year to year in a Bilingual Education or English as a New Language program while they remain ELLs.
17. The right to contact the New York State Education Department's Office of Bilingual Education and World Languages if any of the above rights have been violated.

Please call the **ELL Parent Hotline at 1-800-469-8224**, or email: [nysparenthotline@nyu.edu](mailto:nysparenthotline@nyu.edu)

For more information visit:

[www.p12.nysed.gov/biling](http://www.p12.nysed.gov/biling)

or write to:

New York State Education Department  
Office of Bilingual Education & World Languages  
55 Hanson Place, Room 594  
Brooklyn, NY 11217

<sup>1</sup> In New York City, per the Aspira Consent Decree, a BE program is required in grades K-8 if 15 or more grade-level students speak the same language in two contiguous grades. If there is not a sufficient number of qualifying students in a school, but there are within its district, the district must provide a BE program.

<sup>2</sup> All ELLs develop their English skills through "English as a New Language" courses. In addition, those in a Bilingual Education program also take Home Language Arts. Core content area courses (i.e., Math, Science, and Social Studies) are offered in a Bilingual Education program in *both* English and their home language. Those who are not in a Bilingual Education program take core content area courses *in English*.