



THE STATE EDUCATION DEPARTMENT / UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12242  
OFFICE OF BILINGUAL EDUCATION AND WORLD LANGUAGES OFFICE OF SPECIAL EDUCATION  
ASSOCIATE COMMISSIONER ASSISTANT COMMISSIONER

January 2024

TO: BOCES District Superintendents  
School District Superintendents  
Superintendents of Special Act School Districts  
Superintendents of State-Operated Schools  
Superintendents of State-Supported Schools  
Public School Administrators  
Charter School Leaders  
Special Education Directors  
Chairpersons of Committees on Special Education  
Chairpersons of Committees on Preschool Special Education  
Administrators of Nonpublic Schools with Approved Special Education Programs  
Organizations, Parents, and Individuals Interested in Special Education

FROM: Elisa Alvarez

Christopher Suriano

SUBJECT: Bilingual and English as a New Language Services for

When the CSE has determined that an ELL with a disability cannot, because of their program without special education supports, it must consider specially designed instructional

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of the Commissioner of Education and the student is, for accountability reporting purposes, an ELL student. This is true regardless of whether the student attends the public school or has been placed in an out-of-district program by the CSE. The school district does not have the authority to cease providing the Part 154 services to these students when, for example, the student is on the NYSESLAT.

Resources for Further Information

Questions regarding the instruction and programing for ELLs may be directed to the Office of Bilingual Education and World Languages at (518) 474-8775 or [OBEWL@nysed.gov](mailto:OBEWL@nysed.gov).

Questions regarding special education services may be directed to the Office of Special Education Policy Unit at (518) 473-2878 or [SPECED@nysed.gov](mailto:SPECED@nysed.gov).

For technical assistance and/or professional development relating to the education needs of ELLs

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