



September 2025

Stakeholder Annotated Agenda/Discussion Items

Small City School Districts –

Discussion: request for clarity on how districts should be counting ENL students.

Background: It was suggested on a previous call that students, whose families speak a language other than English as their first language should also be included in the count ... they would certainly need support in being bi-lingual.

- Current guidance remains as documented in the New York State Education Department (NYSED) Student Information Repository System (SIRS) Manual.
- English Language Learner (ELL) counts reported in SIRS align with federal EDFacts requirements and satisfy the needs of the Office of Bilingual Education and World Languages (OBEWL), Graduation Rate reporting, and Accountability.
- This topic has been reviewed collaboratively by OBEWL, Graduation Rate, and Accountability teams in 2017, 2018, and 2023.
- A prior Board of Regents presentation created confusion regarding the categories Ever ELL, Never ELL, and Former ELL.
- In 2023, the “Former ELL” category was removed from the public “English Language Learners Data” report on NYSED’s data site following consultation between OBEWL and NYSED Information and Reporting Services (IRS) to reduce confusion.
- “Former ELL” status is used only for Accountability calculations and is derived on the back end; it is not a count reported by districts.
- Accordingly, districts should report ELL counts exactly as specified in the SIRS Manual; these instructions remain authoritative.
- For authoritative definitions and rules, consult the ELL Data – Glossary of Terms and Business Rules, the Graduation Rate Business Rules, and the State Report Card Glossary and Guide (regarding Former ELLs).
- Please refer to the following resources: [ELL Data – Glossary of Terms](#), [Business Rules](#), the [Graduation Rate business rules](#), and the State Report Card [Glossary and Guide](#) (for former ELLs). Again, the only place you will see Former ELLs is in how accountability works.

Discussion: seeing that the reporting requirements for sharing suspension data is being considered to change from full day in and out of school suspension to now also include half-days, how will the department ensure consistency? Would in school suspension be the same thing as detention?

Background:

- Student suspension data are collected through student's daily attendance and were used historically for ESSA Accountability purpose and internally by the Office of Student Support Services. The data collection carries the tradition of gathering information for full day suspension only, no half day, and LEAs must report two data elements when a student is suspended: absent/present and suspension (Y/N).
- A different standard exists in collecting Student with Disabilities' in-school, out-of-school suspension, and removals to interim alternative education settings (IAES) information, which allows reporting of half day suspension cumulatively and round up to whole day.
- The Office of Information Reporting Services (IRS) proposes consistent standard in collecting student suspension data, requiring LEAs to report half day suspension similar to the reporting in Student with Disabilities.
- The proposed change will not impact either ESSA or IDEA accountability measures, because ESSA accountability no longer uses suspension data as an indicator and IDEA accountability has already used the proposed standard.

Answers to questions:

- To ensure consistency, Office of Special Education and IRS are working closely to develop guidance, business rules, and FAQ document. At the same time, IRS is working with vendors to develop system capacity and data quality check for data integrity.
- In-School Suspensions (ISS) are instances in which a student is temporarily removed from their regular classroom(s) for disciplinary purposes but remains with their school of enrollment under the direct supervision of school personnel. ISS does not include behavioral intervention, such as "time-out" or disciplinary detentions that are administered before or after the school day. (SIRS manual page 80 <https://www.p12.nysed.gov/irs/sirs/sirs-manual.pdf>)
- The proposed change is to enhance the Department's capacity in monitoring suspension/expulsion pattern at student-level. The proposed change also enables the alignment of data collection with the Special Education Quality Assurance (SEQA) monitoring requirements. Data collected will feed into the calculation of State Performance Plan Indicator 4: Suspension/Expulsion. More complete and accurate data will help identify areas of improvement to improve education outcomes.

Is the rational to create more of a standardized system for counting special education suspension rates (which should be further evaluated for the purpose of identifying disproportionality)?

- Yes, the district of residence for the student remains the Local Education Authority (LEA) for all students with IEPs.
- The district of residence can either:
 - Provide the service;
 - Provide the charter school with funding to deliver the service to the same extent that such service would be provided in the district (i.e. the district is under no obligation to pay a higher rate based on provider choices by e charter school. The charter school would need to pay the difference); or
 - Arrange for an external provider of the service of similar quality to services provided to other students within the LEA.
- The district **cannot, under any circumstances**, bill the charter school or the parent for the provision of services required by a student's IEP. Doing so would be a violation of IDEA.
- For the purposes of students with IEPs, the charter school would be considered a school of the LEA.