

# Commissioner's Regulation 154

## Home Language Questionnaire (HLQ) and Individual Interview Guidance

March 1, 2016

## INTRODUCTION

In the fall of 2014, the Board of Regents adopted the New York State Education Department's proposed amendments to Part 154 of the Regulations of the Commissioner of Education. The Commissioner's Regulation Part 154 (CR Part 154) establishes the legal requirements for the education of English Language Learners (ELLs) in New York State (NYS).

This document is designed to provide regulatory guidance to administering the Home Language Questionnaire (HLQ) and Individual Interview.

*Additional questions?*

Please send questions or comments to the  
Office of Bilingual Education and World Languages.

[OBEFLS@nysed.gov](mailto:OBEFLS@nysed.gov)

OR

[The Regional Bilingual Education Resource Network \(RBERN\)](#)

**The Screening, Identification, and Placement  
takes place within 10 school days<sup>1</sup> of enrollment.**

School districts are required to implement an identification process to determine if a student is an ELL when a student initially enrolls or reenters a NYS public school.

The identification process shall commence no later than the date of the student's initial enrollment or reentry in a New York State school district, except that the statewide English language proficiency identification assessment may not be administered before July 15 for students in grades 1-12 enrolling for the start of classes in September.

For students enrolling in kindergarten for the start of classes in September, the statewide English language proficiency identification assessment may not be administered before June 1. Districts must complete all steps of the identification process in this section prior to the student's final placement in a school. A student shall be provisionally placed in a school until the identification process is completed.

The process must be completed and a determination made within 10 school days of initial enrollment or reentry into a NYS public school after two years.

<sup>1</sup> Section 154-3.3(a) of the Regulations of the Commissioner of Education allows up to 10 days for a superintendent to review a Language Proficiency Team and principal's recommendation and make a final determination that a student with a disability is not an ELL.

For additional information on CR Part 154, see  
<http://www.p12.nysed.gov/biling/bilinged/CRPart154.html>

## Screening – Home Language Questionnaire (HLQ)

The HLQ is completed by the parent/guardian. Districts may include the HLQ in their registration packets and distribute it at registration. Qualified personnel must be available to determine if a language other than English is spoken at home. Qualified personnel also review the HLQ to ensure that all necessary information has been provided (see page 9).

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Qualified personnel means:

- a NYS certified teacher who has a bilingual extension or English to Speakers of Other Languages (ESOL) certification and who is proficient in the home language of the student and parent/guardian or uses a qualified interpreter/translator of the language or mode of communication the student and parent/guardian best understands; OR
- a NYS certified teacher who has been trained in cultural responsiveness, second language development, and the needs of ELLs and who is proficient in the home language of the student or parent/guardian or uses a qualified interpreter/translator of the language or mode of communication the student or parent/guardian best understands.

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The HLQ is translated into the following languages: Albanian, Arabic, Bengali, Burmese, Chinese Simplified, Chinese Traditional, French, German, Haitian Creole, Hindi, Italian, Japanese, Karen, Korean, Nepali, Polish, Portuguese, Punjabi, Romanian, Russian, Somali, Spanish, Swahili, Tibetan, Ukrainian, Urdu, Uzbek, and Vietnamese. Assistance with low incidence language translations may be obtained through your local Regional Bilingual Education Resource Network (RBERN). Following is a link to NYSED HLQ translated versions: <http://www.p12.nysed.gov/biling/bilinged/pub/hlq.html>.

## Home Language Questionnaire (HLQ)

The HLQ is a legal document, and the local educational agency (LEA) must ensure the information is clear and the document is filled out completely. It must be maintained in the student's cumulative record. If a parent/guardian needs assistance with completing the HLQ, qualified personnel should be available to assist.

**Student Name:** In some countries students may have multiple last names. All names should be included.

In the United States, a person's name is written in the following order: First Name, Middle Name, and Last Name/Surname. In other countries a person's name may be written in a different order. The qualified personnel needs to inform the parent or person in parental relation that the name needs to be written in the order indicated above (e.g., First Name, Middle Name, and Last Name/Surname).

**Date of Birth:** In the United States, the date of birth is written in the following order: month, day, and year.

In other countries, they may write the date in a different order. The qualified personnel needs to inform the parent or person in parental relation that the date of birth needs to be written in the order indicated above (e.g., Month, Day, Year).

**Parent/Person in Parental Relation:** Include the parent/guardian's name and how they are related to the student or if they are appointed in a legal guardian role.

**Home Language Code:** All districts have a copy of the [Student Information Repository System \(SIRS\)](#) manual with the language codes.

## Language Background

*Qualified personnel should be available to assist parent/guardian with the completion of the HLQ.*

### **1. What language(s) is (are) spoken in the student's home or residence?**

The parent/guardian should indicate the language or languages that are spoken in the student's home, including American Sign Language (ASL) or any other sign language. If a language other than English is indicated, the additional information supplied in the following questions in this section will assist in determining if the enrolling student will need to have an individual interview in the home language and in English to screen for English language proficiency.

**NOTE:** *Please be aware that it is possible that more than two languages may be spoken in the home, and all languages other than English should be noted in the HLQ.*

### **2. What was the first language your child learned?**

The parent/guardian should indicate the language in which the student first learned to communicate. Personnel assisting parents with the HLQ may want to ask adoptive parents and foster parents which languages were spoken by the student's birth parents and how long it has been since the student used that language. For non-verbal students, "learned" would mean the first language to which the student was exposed.

### **3. What is the home language of each parent/guardian?**

The parent/guardian should indicate the home language or primary language of each person who is in the parental/guardian relationship with the student.

### **4. What language(s) does your child understand?**

The parent/guardian should indicate all languages that the student may understand; as noted above, this may be more than two languages, and **all** languages the student understands should be included. Please be aware that some students may speak one or more dialects of a language, and qualified personnel assisting parents with the HLQ may want to ask if the student speaks a dialect of the language.

### **5. What language(s) does your child speak?**

The parent/guardian should indicate all languages that the student may speak; as noted above, this may be more than two languages, and **all** languages the student speaks should be included. The response "Does not speak" should be used to indicate only

that the child does not speak **any** language at all. If the child does not speak, this may be related to other factors that may be identified under questions 9, 10, or 11.

#### **6. What language(s) does your child read?**

The parent/guardian should indicate all languages that the student may read; as noted above, this may be more than two languages, and **all** languages the student can read should be included. The response “Does not read” should be used to indicate only that the child does not read in any language, which may be related to his or her age at enrollment or due to other factors (e.g., a disability or Student with Interrupted/Inconsistent Formal Education ‘SIFE’) that may be identified under questions 9, 10, or 11.

#### **7. What language(s) does your child write?**

The parent/guardian should indicate all languages that the student may write; as noted above, this may be more than two languages, and **all** languages the student can write should be included. The response “Does not write” should be used to indicate only that the child does not write in any language, which may be related to his or her age at enrollment or due to other factors (e.g., a disability or interrupted/inconsistent formal education ‘SIFE’) that may be identified under questions 9, 10, or 11.

If the parent indicates that a kindergarten student does not speak any language or a student in grades 1-12 does not speak, read, or write in any language, school personnel should ensure that the parent answers questions 9, 10, and 11 and possible reasons are recorded.

### **Educational History**

#### **8. Indicate the total number of years that your child has been enrolled in school.**

This information will be used to determine grade level and if the student is a potential Student with Interrupted/Inconsistent Formal Education (SIFE). SIFE are 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 interrupted or inconsistent schooling prior to arrival in the U.S.

**Questions 9 and 10 are for informational purposes and do not constitute the identification of a disability or require a referral for a special education evaluation.**

**9. Do you think your child may have any difficulties or conditions that affect his or her ability to understand, speak, read, or write in English or any other language? If yes, please describe them.**

The parents/guardians may use this section to indicate their concern about the child's ability to learn a language. For example, their child may have frequent ear infections that affect hearing or vision or eye-hand coordination problems that make it difficult for the child to read or write.

If the parents/guardians respond "Yes" to question nine, they should specify their reasons for this choice. The information noted here is for informational purposes and does not constitute the identification of a disability or require a referral for a special education evaluation.

**10.a. Has your child ever been referred for a special education evaluation in the past?**

If the response is "Yes," then the parents/guardians should be asked to complete the following question #10b. If the response is "No," the parents/guardians can skip Questions #10b and #10c and proceed to Question #11.

**b. If referred for an evaluation, has your child ever received any special education services in the past?**

If the response is "Yes," then the parents/guardians should specify the type(s) of services the student received or is currently receiving. In addition, the parents/guardians should indicate the age(s) when his or her child received special education services.

**c. Does your child have an Individualized Education Program (IEP)?**

If the response is yes, the Language Proficiency Team (LPT)<sup>2</sup> must be informed. Further guidance regarding referrals to and the responsibilities of LPTs will be released as it becomes available.

<sup>2</sup>The LPT is a committee that makes a recommendation regarding the initial assessment of ELL status for a student with a disability. The LPT is comprised of a school district administrator, a teacher or related service provider with a bilingual extension, and/or an ESOL teacher; the director of special education or individual in a comparable title; and the student's parent or person in parental relation.

**11. Is there anything else you think is important for the school to know about your child?**

The parents/guardians should use this section of the HLQ to indicate any important information related to the student. The open-ended nature of the question will permit parents/guardians to specify information about special talents, health-related issues, family mobility, prior school performance, or if the student has had an inconsistent or interrupted education, etc.

**NOTE:** The response to this question may indicate if additional screenings (i.e., for giftedness, or a suspected disability pursuant to section 117.2 (a) and (b) of the Regulations of the Commissioner) may be warranted. In addition, any health-related or other concerns noted here should be shared with the appropriate school district personnel for follow-up purposes.

**12. In what language(s) would you like to receive information from the school?**

The parents/guardians should use this section of the HLQ to indicate the language(s) in which they want to receive notification from the school of their child's placement and information about program options, as well as all future correspondence from the school.

**New York State Home Language Questionnaire:  
Instructions for Sections Completed by School District Personnel**

The Home Language Questionnaire also requires information that must be completed by qualified school personnel (see page 3). The following instructions provide information about the role and responsibilities of the school district staff who are involved in the student enrollment and identification process.

**Page 1:**

THIS SECTION TO BE COMPLETED BY DISTRICT IN WHICH STUDENT IS REGISTERED:	
SCHOOL DISTRICT INFORMATION	STUDENT ID NUMBER IN NYS STUDENT INFORMATION SYSTEM:
<i>District Name (Number) &amp; School</i>	<i>Address</i>

Fill in the school district's name/number; school name/number and address, if known; and provide the correct New York State Student Information System (NYSSIS) ID Number.



It is the responsibility of the school district in which the student enrolls to either (1) assign a NYSSIS identification number to a new entrant; or (2) ascertain the NYSSIS number that had been assigned to the enrolling student at a previously attended NYS school.

Information provided by the parents/guardians on the HLQ will assist school district personnel in determining if the student will need to be assigned a new NYSSIS number, or if the student is already identified on the NYSSIS system. **NOTE: If the student has already been assigned a NYSSIS ID number from a district in NYS in which he or she had been previously enrolled, then that number must be obtained and inserted on this form.**

**PAGE 2:**

OFFICIAL ENTRY ONLY – NAME/POSITION OF PERSONNEL ADMINISTERING HLQ	
NAME: _____	POSITION: _____
IF AN INTERPRETER IS PROVIDED, LIST NAME, POSITION AND CREDENTIALS:	

**NAME/POSITION OF PERSONNEL ADMINISTERING THE HLQ**

Some districts include the HLQ in a registration packet, and a parent/guardian may complete the form without assistance and return it to the school. Although any district employee may give the HLQ form to the parent/guardian, qualified personnel must review each HLQ and meet with the student and parent/guardian to review the HLQ and conduct the individual interview to ensure appropriate identification. If a parent/guardian needs assistance with completing the HLQ, qualified personnel should be available to assist.

**NAME, POSITION, AND CREDENTIALS OF INTERPRETER, IF PROVIDED**

**IF AN INTERPRETER IS PROVIDED, LIST NAME, POSITION, AND CREDENTIALS:**

\_\_\_\_\_

If an interpreter is provided, it should be indicated here. Supply the name, position, and credentials of the interpreter. Some examples of credentials include “bilingual teacher” or “trained interpreter.”

NAME/POSITION OF QUALIFIED PERSONNEL REVIEWING HLQ AND CONDUCTING INDIVIDUAL INTERVIEW	
NAME: _____	POSITION: _____
INDIVIDUAL INTERVIEW NECESSARY: <input type="checkbox"/> No <input type="checkbox"/> Yes	

**NAME/POSITION OF QUALIFIED PERSONNEL REVIEWING HLQ AND CONDUCTING INDIVIDUAL INTERVIEW**

Qualified personnel will review the HLQ to ensure that all necessary information has been provided. In addition, qualified personnel must conduct an individual interview with the student in English and in the student’s home language. During the interview there should be a review of the student’s abilities and work samples in reading, writing, and math in English and in the home language. If there are no work samples from a previous district, age-appropriate screening instruments should be used to increase the reliability and validity of decisions.

**INDIVIDUAL INTERVIEW NECESSARY:**  NO  YES

If the parent’s responses to questions 1 through 7 indicate that English and/or American Sign Language (ASL) are the only languages used and understood by the student there is no need to conduct the individual interview. The use of ASL, in and of itself, should not trigger the individual interview or the administration of the NYSITELL.

<b>**DATE OF INDIVIDUAL INTERVIEW:</b> _____ MO DAY YR.	<b>OUTCOME OF INDIVIDUAL INTERVIEW:</b> <input type="checkbox"/> ADMINISTER NYSITELL <input type="checkbox"/> ENGLISH PROFICIENT <input type="checkbox"/> REFER TO LANGUAGE PROFICIENCY TEAM (LPT)
<b>**PLEASE USE INDIVIDUAL INTERVIEW QUESTIONS AT THE APPROPRIATE AGE/GRADE LEVEL AS PROVIDED IN THE DIRECTIONS**</b>	

The information in this section must be completed by the person conducting the Individual Interview. The questions used in the interview should be age and grade level appropriate. **Please see Appendix A for sample Individual Interview questions at the following grade level clusters: K-1, 2-5, 6-8, and 9-12.** These questions may be used but are not limited for use.

It is critically important that these questions be administered in an environment in which the student is made to feel welcome and at ease with the interviewer.

◆ **DATE OF INDIVIDUAL INTERVIEW:**

- Complete the month, day, and year in the spaces provided.

◆ **OUTCOME OF INDIVIDUAL INTERVIEW:**

- Outcome 1: Administer the NYSITELL

If the student has not been identified as a student with a disability (does not have an IEP) and the results of the HLQ and the Individual Interview indicate that **the student understands or speaks a language other than English and does not appear to be proficient in English (i.e., does not**

**respond to interview questions with communicative competence<sup>3</sup> in English**), the NYSITELL must be administered. Check the appropriate box to so indicate.

- Outcome 2: English Proficient

If the results of the Individual Interview indicate that **the student is proficient in English (i.e., responds to interview questions with communicative competence in English)**, he or she may be deemed **English Proficient (EP)**, and be placed in the general education program without the support of a Bilingual Education or English as a New Language (ENL) program. Check the appropriate box.

NOTE: If a student who will be entering kindergarten or first grade responds with communicative competence (see Appendix B) in English during the Individual Interview, the NYSITELL is **not required** and the student may be designated EP.

- Outcome 3: Refer to Language Proficiency Team (LPT).

If the student has an IEP and the results of the HLQ and the Individual Interview indicate that **the student understands or speaks a language other than English and does not appear to be proficient in English (i.e., does not respond to interview questions with communicative competence in English)**, school/district personnel should defer administration of the NYSITELL, provide the results of the HLQ and the Individual Interview to the LPT, and follow the ELL Identification Process for Students with an IEP.

NAME/POSITION OF QUALIFIED PERSONNEL ADMINISTERING NYSITELL	
NAME: _____	POSITION: _____

**NAME/POSITION OF QUALIFIED PERSONNEL ADMINISTERING NYSITELL**

**It is the responsibility of the school district to identify by name and position the appropriately qualified school district personnel who administers the NYSITELL.** Further, the results of this diagnostic screening shall be reviewed and a written report of each student screened shall be prepared and shall include a description of the pupil's performance [CR Part117.3 (c)(4)(a)]. A copy of the NYSITELL results must be filed in the student's cumulative record.

<sup>3</sup> See Appendix B

<b>DATE OF NYSITELL ADMINISTRATION:</b> _____ MO.    DAY    YR.	<b>PROFICIENCY LEVEL ACHIEVED ON NYSITELL:</b> <input type="checkbox"/> ENTERING <input type="checkbox"/> EMERGING <input type="checkbox"/> TRANSITIONING <input type="checkbox"/> EXPANDING <input type="checkbox"/> COMMANDING
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**DATE OF NYSITELL ADMINISTRATION:**

Complete the month, day, and year in the spaces provided.

**PROFICIENCY LEVEL ACHIEVED ON NYSITELL:**

If the results of the NYSITELL indicate that the student is at the Entering, Emerging, Transitioning, or Expanding level of English proficiency, check the appropriate box provided. The student must be placed in a Bilingual Education or ENL program in accordance with the provisions of section 154.2 of the Regulations of the Commissioner, and the parent/guardian must be notified in the language they understand of such placement and their options, as set forth in paragraphs (2) and (3) of section 154.3(k).

If the results of the NYSITELL indicate that the student is at the Commanding level, check the appropriate box provided. Unless the parent/guardian wants his or her child to participate in a dual language Bilingual Education program, students who score at the Commanding level should be placed in the general education program without a Bilingual Education or ENL program.

## Appendix A

### The Individual Interview

The Individual Interview is part of the initial identification process. It is conducted in English and in the student's home/primary language. This interview gives a preliminary assessment of a student's understanding of, and ability to speak the English language and of the student's proficiency in a language other than English. Such an interview is not intended to provide an exact or complete assessment of a student's oral language proficiency. Standardized or formal assessment instruments should not be used during the Individual Interview process.

An Individual Interview must be conducted for each student in which the HLQ and other background information indicate that he or she may be an ELL. If there is no language other than English or of ASL identified at home and no history of use of languages other than English or of ASL in responses to questions 1 to 7, then, there is no need to conduct the Individual Interview.

The Individual Interview should be brief, but should provide sufficient feedback to make a preliminary assessment of the student's oral language skills. The language used to carry out the interview should be age appropriate. Interviewers should receive training on the interview process and be familiar with the interview questions. Prior to the interview, all relevant information regarding the student's personal and educational background should be reviewed. Information gained through the interview process can be shared when making pedagogical decisions for the student and to identify other school and community related services for the student and his or her family. Students who appear to have a severe disability, whether they have an IEP from the United States or not, must have their parents be part of the Individual Interview.

Children of foreign birth or ancestry who, through adoption, kinship, foster care, or guardianship, become part of a family in which English is spoken may also be ELLs. Information gathered from the HLQ and the Individual Interview should be assessed carefully to determine if the student is required to take the NYSITELL.

School personnel responsible for the interview process can use the following sets of suggested sample Individual Interview questions to help them determine whether or not the student understands and speaks English. Districts may develop additional questions as well. The HLQ with the appropriate signatures and recommendations should be included in the student's cumulative record file.

**The following questions were created by practitioners in the field. The questions may be used; however, districts may write their own.**

**APPENDIX A**

New York State Education Department  
CR Part 154 ELL Identification Process  
Individual Interview Sample Questions

Grades K-1

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

1. What is your name?
2. How old are you?
3. Can you tell me about someone in your family?
4. What do you like to do with your friends?
5. What shows do you like to watch on TV?
6. What foods don't you like? Why?
7. How is a dog different from a cat? How is a dog the same as a cat?
8. What is your favorite story? Can you tell me about it?
9. What would you do if you fell down and hurt your knee?

Grades 2-5

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

1. What is your name?
2. How old are you?
3. When is your birthday? What would you want to do on your next birthday?
4. What is your favorite game? Tell me how to play it.
5. What do you like to do with friends and family?
6. What foods don't you like? Why?
7. How is a banana different from an orange? How is a banana the same as an orange?
8. What is your favorite story? Can you tell me about it?
9. If you could have one wish, what would it be? Why?

Grades 6-8

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

1. What is your name?
2. Where do you live?
3. Please tell me about someone in your family.
4. What do you like to do on the weekends?
5. What shows do you like to watch on TV?
6. What kind of music do you not like to listen to?
7. How is a television different from a computer? How is a television the same as a computer?
8. Tell me about a special place you have been to. What made it special?
9. Your best friend is crying. What would you do?



Grades 9-12

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

1. What is your name?
2. Where do you live?
3. Tell me about a special person in your life.
4. What kind of stories do you like to read?
5. What is your favorite TV show? Why?
6. What job would you never want to do? Why?
7. How is a car different from a motorcycle? How is a car the same as a motorcycle?
8. Tell me something I might not know about the place you were born.
9. What would you do if there was a fire in the house?

## Appendix B

Responses for students entering different grades will be different and should be compared with responses that are age appropriate for native English speakers in the grade the student will be entering.

### Definition of Communicative Competence

Communicative competence can be described as the ability not only to apply the grammatical rules of a language in order to form grammatically correct sentences, but also to know when and where to use these sentences and with whom. When assessing communicative competence in a language other than English, one should be aware of and take into account cultural differences in verbal and non-verbal communication. Communicative competence is made up of four competence areas: linguistic, sociolinguistic, discourse, and strategic.

- *Linguistic competence* is knowing how to use the grammar, syntax, and vocabulary of a language. Linguistic competence asks: What words do I use? How do I put them into phrases and sentences?
- *Sociolinguistic competence* is knowing how to use and respond to language appropriately, given the setting, the topic, and the relationships among the people communicating. Sociolinguistic competence asks: Which words and phrases fit this setting and this topic? How can I express a specific attitude (courtesy, authority, friendliness, respect) when I need to? How do I know what attitude another person is expressing?
- *Discourse competence* is knowing how to interpret the larger context and how to construct longer stretches of language so that the parts make up a coherent whole. Discourse competence asks: How are words, phrases and sentences put together to create conversations, speeches, email messages, newspaper articles?
- *Strategic competence* is knowing how to recognize and repair communication breakdowns, how to work around gaps in one's knowledge of the language, and how to learn more about the language and in the context. Strategic competence asks: How do I know when I've misunderstood or when someone has misunderstood me? What do I say then? How can I express my ideas if I don't know the name of something or the right verb form I should use?

From 2003, 2004 The National Capital Language Resource Center, Washington, DC.

## Characteristics of Communicative Competence

### 1. Linguistic competence

- Verbally relates thoughts in an age-appropriate, meaningful manner to adults
- Uses appropriate voice inflection when speaking (e.g., intonation with questions)
- Uses vocabulary that is relevant to the conversation
- Links his/her words together with age-appropriate (or better) grammatical structures
- Verbally or nonverbally indicates that he or she understands the speaker's message
- Uses age-appropriate nonverbal communication to gain the attention of adults

### 2. Sociolinguistic competence

- Remains attentive when others communicate with him or her (e.g., facial gaze, smile)
- Demonstrates age-appropriate nonverbal requests for message repetition (e.g., makes a puzzled expression)
- Able to integrate information presented in an auditory way (e.g., lessons, stories, a sequence of directions) and comprehend the meaning
- Seems to understand nonverbal communication (e.g., gestures)

### 3. Discourse competence

- Overall speech is understandable (e.g., clear articulation)
- Shifts to different topics within a conversation (in response to shifts initiated by a conversational partner or in response to a lack of interest)
- Understands and follows directions that are presented orally
- Expresses self clearly by putting thoughts into words coherently

### 4. Strategic competence

- Adjusts style and content of speech according to the communication partner and situation
- Appears to nonverbally relate feelings in an age-appropriate, meaningful manner
- Responds within an appropriate time frame to remarks, questions, and requests
- Clarifies and/or rephrases when verbal communication is not understood

