

English Language Learner Compliance 101: What CSOs Need to Know

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Overview

- All children in the US, regardless of their immigration status, have the right to a free and appropriate public education. And like any public school, charters must ensure that ELLs receive one.
- While there are rigorous federal requirements regarding the components of such a program, charter schools have significant flexibility in designing that program.
- Schools are required to develop a program that teaches English to ELLs, and also addresses content mastery. Language support must continue until the child no longer has a barrier to learning due to his or her English language skills.
- Even if a school does not anticipate having many ELLs (or none at all), it is prudent to thoughtfully develop a plan to serve ELLs.

NEP, LEP, & FEP?

Non-
Limited-
Fluent-
English Proficient

**What does OCR
stand for?**

Office for Civil Rights

**What does the
acronym LCD or
CLD stand for?**
Linguistically and
culturally diverse

**What does BICS
stand for?**

Basic Interpersonal
Communicative
Skills

**What is a "language
minority" student?**

Primary or home
language other than
English

**What does CALP
stand for?**

Cognitive Academic
Language Proficiency

**What does ELL
stand for?**

English Language
Learner

**What does OELA
stand for?**

Office of English
Language Acquisition

What are AMAOs?

Annual Measurable
Achievement
Objectives

What do you know?



- ☐ Are you familiar with the OCR compliance framework?
- ☐ Do you know the one instance when a school can request a social security number?
- ☐ Can you identify the three approaches to English language acquisition services?
- ☐ Can you name three common compliance pitfalls?
- ☐ Do you know the eligible uses of Title III funds?

Step 1: Enrollment

Step 2: Identification

Step 3: Assessment

Step 4: Placement and Services

Step 5: Transition/Exiting

Step 6: Monitoring

Federal school lunch form

ESL: English as quickly as possible

TBE: English while maintaining native language proficiency

DBE: bilingualism and biliteracy

Requesting/requiring SSN

Improper identification of ELLs/improper HLS implementation
under-identification of ELLs

Purchase materials/supplies including hardware and software

Sustained PD

Supplemental services for ELLS

Parent involvement for ELLs

Translation/interpretation

No identifiable language support program

OCR Requirements for ELLs

Step 1: Enrollment

Step 2: Identification

Step 3: Assessment

Step 4: Placement and Services

Step 5: Transition/Exiting

Step 6: Monitoring

See page 12
of packet

NCLB Requirements for ELLs

	AYP Reading <i>Must take test every year in 3rd-8th grade and one year of high school</i>	AYP Math <i>Must take test every year in 3rd-8th grade and one year of high school</i>	AMAO English Proficiency <i>Must take test every year K-12</i>
Student in US for less than 1 year and in school for less than 1 year	Optional, scores don't count	Must take, but scores don't count	Must take, scores count
Student in US for 2 years and in school for 2 years	Must take, scores count. May take in native language or with approved accommodations	Must take, scores count. May take in native language or with approved accommodations	Must take, scores count
Student in US for 3 ½ years	Must take, scores count. May take in native language or with approved accommodations	Must take, scores count. May take in native language or with approved accommodations	Must take, scores count

See page 24-27 of packet

What Can You Do?

- Work with the authorizer to influence development of questions asked in the charter application
- Advocate for individuals with ELL experience to be members of the authorizer team and/or to be charter petition reviewers
- Encourage a two-step application process; develop compliant common application and enrollment forms
- Provide workshops on ELL compliance to founding groups and charter operators
- Set up a compliance review process or self-study for operational schools to identify problem areas
- Facilitate the establishment of a consortium for pooling of Title III funds

Resources



The Office of English Language Acquisition, Language Enhancement,
and Academic Achievement for Limited English Proficient Students
(OELA)

<http://www.ed.gov/about/offices/list/oela/index.html>

Final regulations for Limited English Proficiency (LEP) students –
9/13/06

<http://www.ed.gov/news/pressreleases/2006/09/09132006a.html>

English Language Learners and NCLB Testing Requirements

<http://www.aft.org/topics/nclb/downloads/QAELL0404.pdf>

World-class Instructional Design and Assessment (WIDA) Consortium
Wisconsin Center for Education Research (WCER), University of
Wisconsin-Madison

Tel: 866-276-7735; 608-263-4216

Email: info@wida.us

<http://www.wida.us/>

Identify, Assess, and Support English Language Learners

Resource Packet
2009

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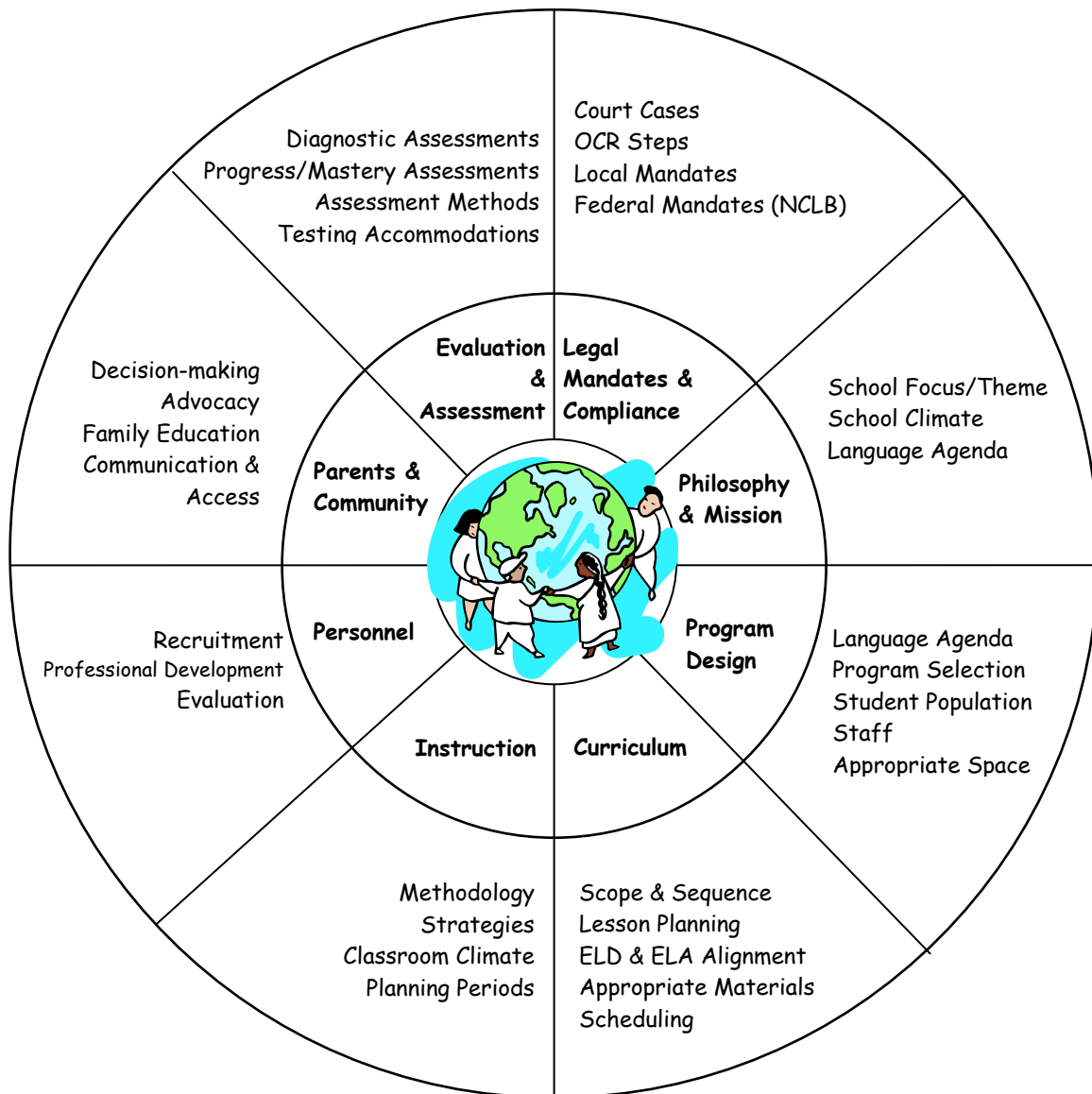
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Core Competencies: Programs Serving ELLs



My Grandfather Made It, Why Can't You?

(Background on immigrants and educational attainment)

Although its true that many of the immigrants arriving in the U.S. at the beginning of this century did eventually “make it” in the U.S., most were not successful in school. In 1909 in New York City:

- Only 13% of children whose parents were foreign-born went on to high school compared to 32% of white children whose parents were native born.
- Of the students who had started high school in New York, 0% of Italian-Americans and 0.1% of Irish-Americans received a diploma in 1911.
- Only 20% of the adult population (both immigrant and native-born) had completed high school in 1940.

The dropout rate was enormous but it was not a significant problem because the numerous jobs available in the manufacturing sector did not require that workers have an education. Thus, immigrants with very minimal English skills and little education could find jobs, have a steady income, buy a home, and make a better life for their children.

Today’s immigrants are not much different from those in the past, but the world in which they live has changed drastically. Immigrants come with the same desire to work hard and achieve, but the economy has shifted from a manufacturing to an information technology focus. High school graduation is now considered a minimum for even basic jobs and many require further education. If students drop out of school, the labor market is not standing by to absorb them into jobs that will allow them to have a decent standard of living. Immigrants today have to work harder in school and achieve more academically than those in the past. They need to have not only reading and writing ability, but also some computer literacy.

Bilingual education gives students the opportunity to succeed in school by ensuring that they develop content area knowledge and literacy in a language they understand while learning English. It helps to provide companies with the literate, educated workers they require who are proficient in English. Even though bilingual education could have helped immigrants in the past attain school success, it was never as necessary as it is today. So, although grandfather may have been able to “make it” back in the earlier part of this century, it is doubtful that he would “make it” today.

Developed by the Illinois Resource Center, in collaboration with the Illinois Advisory Council on Bilingual Education, 1998, <http://www.center.affect.org/irc.html>

Legal Landmarks in the Education of Language Minority Students

All children in the United States, regardless of their immigration status, have the right to a free appropriate public education. Under the law, school districts are required to develop a special program for children who need English language support. At a minimum, that program must provide special help through a trained teacher to ensure that an English language learner is provided with special assistance to learn English and learn what other children are learning, even if he or she does not speak sufficient English. This help must continue until the child no longer has a barrier to learning due to his or her English language skills.

Title VI of the Civil Rights Act of 1964 states:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The “May 25 Memorandum of 1970,” issued by the Office for Civil Rights, interprets Title VI of the Civil Rights Act as follows:

“Where the inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational programs offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional programs to these students.”

The Equal Educational Opportunities Act (EEOA) of 1974 states:

“No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex or national origin by ... failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.”

The Presidential Executive Order issued August 2000 states:

“Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients...(that) shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance.”

Court Rulings and their Impact on Bilingual Education

Plessy v. Ferguson (1896). Established the “separate but equal” standard. See *Lau v. Nichols* (1974) below which reversed this standard as it was applied to the education of limited English proficient students.

The "Lemongrove Incident" (1931). This event took place in San Diego at a time well before the national desegregation movements. It began in the rural community of Lemon Grove, CA, when the school board called a special meeting to consider an urgent request by the town PTA: to build a Second school to segregate Mexican-American students. Citing reasons such as the Hispanics' lack of English Skills and the need to improve "sanitation and morals," the new school was approved by the board, which had neglected to survey Mexican-American reaction to the proposal. News of the impending segregation provoked Hispanic parents into protesting the decision, facing risks that for many included harassment, loss of their jobs, and deportation. The Hispanic community argued that the PTA was preventing their children from entering local schools with whites and as well as providing the Hispanic community with an inadequate educational environment. They won their segregation lawsuit.

Serrano v. Priest (1971). The California Supreme Court in *Serrano* was the first state Supreme Court to strike down a school finance system for violating the federal or state constitution. The court held that wealth-based inequalities violate the equal protection provisions of both the federal and state constitutions. Due to the importance of public education, the court considered education a "fundamental interest" for purposes of constitutional review.

Lau v. Nichols (1974). In this case, the Supreme Court ruled that identical education does not constitute equal education under Title VI of the Civil Rights Act of 1964. The case was filed by Chinese parents in San Francisco who claimed their children were denied an education because they could not speak English. The courts found that the lack of adequate instructional procedures for these students denied them a significant opportunity to participate in the educational system, and limited their ability to receive benefits from it.

Serna v. Portales (1974). The Tenth Circuit Court of Appeals found that Spanish surnamed students' achievement levels were below those of their Anglo counterparts. Portales Municipal Schools were therefore ordered to implement bilingual/bicultural curriculum, revise methods to assess achievement, and hire bilingual school personnel.

Ríos v. Reed (1978). This New York Federal District Court case concluded that the Pastchogue-Medford School District's transitional bilingual program was basically a course in English, and that the students were denied equal educational opportunity by not receiving instruction in Spanish.

Castañeda v. Pickard (1981). As a result of this Fifth Circuit Court decision in which the plaintiff claimed that the Raymondville, Texas Independent School District's language remediation programs violated the Equal Educational Opportunities Act (EEOA) of 1974, the court developed a set of standards by which to determine a school district's compliance with the EEOA. Called the “Castañeda” test, it judges educational services on three criteria: (1) is the program based on an educational theory recognized as sound by some experts in the field or is considered by experts as a legitimate experimental strategy? (2) are the programs and practices,

including resources and personnel, reasonably calculated to implement this theory effectively? and (3) does the school district evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome?

Plyler v. Doe (1982). The U.S. Supreme Court ruled that a Texas State statute denying school enrollment to children of illegal immigrants “violates the Equal Protection Clause of the Fourteenth Amendment.” This decision determined, under the Fourteenth Amendment of the Constitution, that all children, regardless of their immigrant status, have the right to a free public school education in the district in which they live. Schools cannot use children’s immigration status to exclude them from schooling. Moreover, the schools cannot engage in activities that may have a “chilling effect” on immigrant parents’ ability to register their children in schools.

United States v. State of Texas (1982). The case required State Educational Agencies to set guidelines regarding services provided to LEP students and ensure that those guidelines are monitored and enforced.

Gómez v. Illinois (1987). The Seventh Circuit Court of Appeals ruled that State Education Agencies are also required under EEOA to ensure that language minority students' educational needs are met.

Edgewood Independent School District v. Kirby (1989). The Texas Supreme Court upheld a Texas District Court decision that Texas's system of school finance was unconstitutional on two grounds. First, it denied children in poor districts “the equal protection of the laws, and equality under the laws guaranteed by the Texas Constitution.” Second, it failed to provide an “efficient” educational system, as required by the State Constitution. This criticism of the school system as “inefficient” was based on the Texas Constitution which, like that of most other states, provides that, since “a general diffusion of knowledge” is “essential” to Texas, it is the duty of the State Legislature to provide “for the support and maintenance of an efficient system of public free schools.”

Abbott v. Burke (1985, 1990, 1994, 1997, 1998). In five separate rulings, the New Jersey Supreme Court found that the education offered to urban students is “tragically inadequate” and “severely inferior.” The Court ordered the New Jersey Commissioner of Education to dramatically improve urban schools. Under Abbott, urban students have the right to an education based on New Jersey’s Core Curriculum Content Standards; school funding at the spending level of successful suburban school districts, or “parity funding”; intensive preschool and other supplemental programs to wipe out disadvantages; and educationally adequate school facilities

Campaign for Fiscal Equity v. State (1995). The New York State Court of Appeals gave CFE the green light to pursue a constitutional challenge to the New York’s education finance system on the grounds that it denies thousands of students, both in New York City and across the state, the opportunity to a “sound basic education.” On January 10, 2001, the State Supreme Court ruled in favor of CFE, declaring that “New York State has over the course of many years consistently violated the State Constitution by failing to provide the opportunity for a ‘sound basic education’ to New York City public school students. The court ordered the State to reform the school funding system by September 15, 2001. In its remedial order, the Court gave the State guiding parameters to ensure that all public schools have the ability to provide the opportunity to a sound basic education.

Federal Compliance

The U.S. Department of Education (ED) is the agency of the U.S. government that administers federal funds for education programs, conducts and disseminates education research, focuses national attention on issues and problems in education, enforces federal civil rights statutes prohibiting discrimination in programs and activities receiving federal funds, and ensures equal access to education for every individual.

The Office for Civil Rights (OCR) is responsible for enforcing five federal civil rights laws prohibiting discrimination on the basis of **race, color, national origin, sex, disability, and age** in programs and activities receiving Federal financial assistance. OCR resolves complaints of discrimination against education institutions receiving Federal funds, targets for proactive compliance activities selected school districts, colleges, and universities, and provides technical assistance to encourage voluntary compliance with the civil rights laws. In addition to a small headquarters staff in Washington, D.C., OCR has 12 enforcement offices around the country.

OCR initiates compliance reviews of ED recipient institutions to ensure compliance with the civil rights laws OCR enforces. OCR targets institutions for proactive compliance activity based on information from such sources as survey data, interest groups, the media, and the general public that may indicate potential compliance problems. Most compliance reviews are conducted on OCR's national priority issues, which include:

- disproportionate representation of minority students in special education classes and programs;
- underinclusion of women, girls, and minority students in math and science and gifted and talented education programs;
- admissions/testing;
- equal educational opportunity for limited English proficient students;
- athletics opportunities for women and girls;
- racial and sexual harassment; and
- school desegregation.

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Education.

Title VI has been interpreted to require that school districts receiving federal financial assistance must provide alternative language services for limited English proficient students enrolled in the district to enable them to participate effectively in the regular instructional program.

At the elementary and secondary level, potential Title VI issues include:

- inappropriate use of assessment instruments for placement of minority students in classes and programs;

- failure to identify and provide alternative language services to students who are limited English proficient;
- disproportionate overrepresentation of minority students in special education classes or programs;
- underinclusion of minority students in gifted and talented education programs;
- ability grouping or tracking that results in racially segregated classes;
- racial harassment of students, and;
- differential treatment on the basis of race, color, or national origin in the application of disciplinary sanctions.

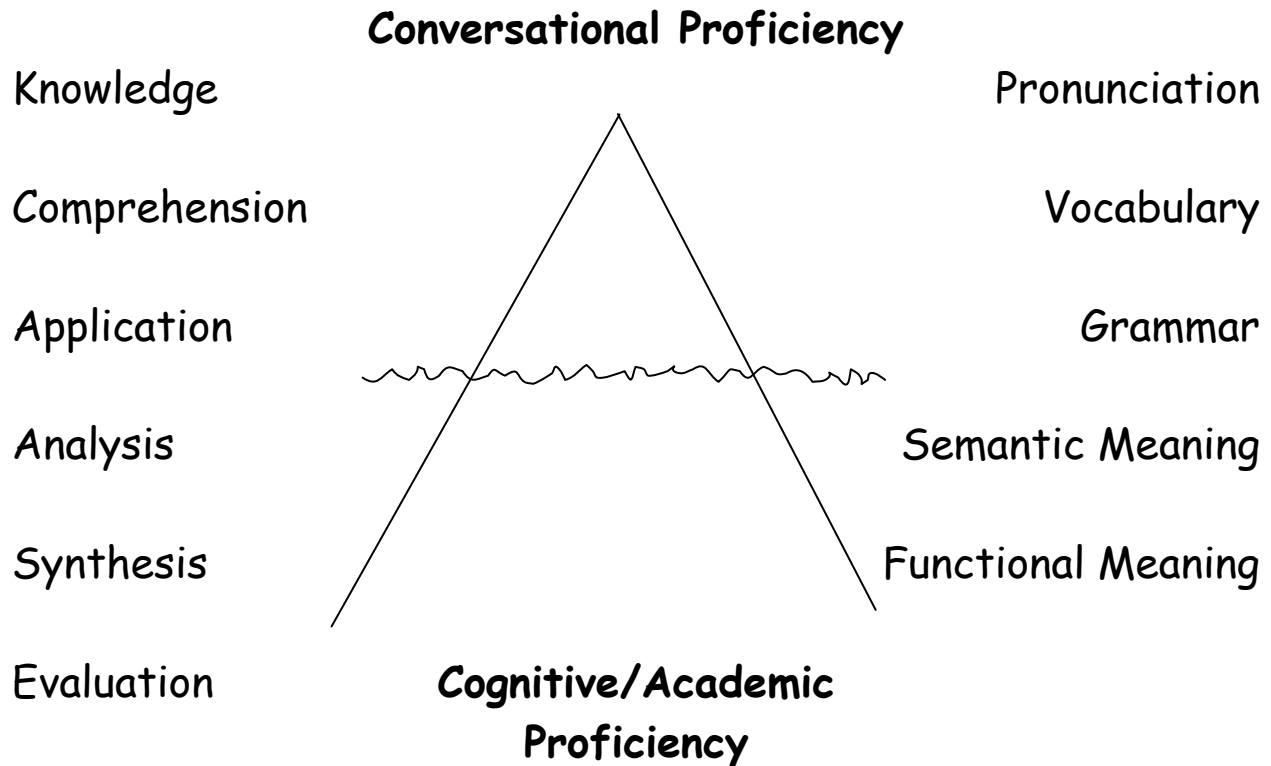
In addition to the OCR national headquarters, there are four divisions, consisting of 12 enforcement offices. Most of the OCR critical enforcement activities take place in these offices. The core organizational unit within OCR is the case resolution team. These groups of attorneys, investigators, and support staff work to resolve, promptly and appropriately, cases of illegal discrimination. The OCR office for District of Columbia is located at:

**District of Columbia Office
Office for Civil Rights
U.S. Department of Education
1100 Pennsylvania Ave., N.W., Rm. 316
P.O. Box 14620
Washington, D.C. 20044-4620
Telephone: 202-208-2545
FAX: 202-208-7797; TDD: 202-208-7741
Email: OCR_DC@ed.gov
<http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>**

The Language Learning Process

Cognitive Process

Language Process



- It is critical to distinguish between BICS (basic interpersonal communicative skills) and CALP (cognitive academic language proficiency)
- Immigrant students require, on average, 5 to 7 years to approach grade norms in second language academic skills (CALP) yet show peer-appropriate second language conversational skills within 2 years of arrival (BICS)

Cummins, J. (1992) "Language Proficiency, Bilingualism, and Academic Achievement" in P. Richard – Amato & M. Snow (eds.) The Multicultural Classroom: Reading for Content – Area Teachers Essex: Longham. Pp.16-26

How Long Does It Take To Learn A Second Language?

1. When students are schooled in two languages, with solid cognitive academic instruction provided in both the first and second language, they usually take from 4 to 7 years to reach national norms on standardized tests in reading, social studies and science, whereas their performance may reach national norms in as little as two years in mathematics and language arts (when the skills being tested include spelling, punctuation, and simple grammar points).
2. Immigrants arriving at ages 8 to 12, with at least 2 years of schooling in their first language, take 5 to 7 years to reach the level of average performance by native speakers of English on standardized tests in reading, social studies and science when they are schooled exclusively in English after arrival. Their performance may reach national norms in as little as 2 years in mathematics and language arts.
3. Young arrivals with no schooling in their first language may take as long as 7 to 10 years to reach the average level of performance of native English speakers on standardized tests in reading, social studies and science.
4. Adolescent arrivals with no previous exposure to the second language who are not provided with an opportunity to continue academic work in their first language do not have enough time left in high school to make up the lost years of academic instruction. This is true both for adolescents with a good academic background and for those whose schooling has been limited or interrupted.
5. Consistent, uninterrupted cognitive academic development in all subjects throughout students' schooling is more important than the number of hours of instruction in the second language for successful academic achievement in the second language.

Based on Virginia Collier's 1989 synthesis of research on academic achievement in a second language from *Myths and Realities: Best Practices for Language Minority Students* by Katherine Davies Samway and Denise McKeon (1999), Heinemann: Portsmouth, New Hampshire.

The OCR Process For Providing Language Support Services To English Language Learners

It is expected that many youth who are limited- or non-English proficient (LEP/NEP) as defined by federal guidelines will be drawn to the opportunities and supportive environment generally provided at charter schools. This document is designed to provide an overview on ensuring compliance with all statutes and regulations regarding the education of NEP/LEP students as defined by the U.S. Department of Education's Office for Civil Rights (OCR). There are six main steps in any language support program: *enrollment*, *identification*, *assessment*, *services*, *transition/exiting*, and *monitoring*.

Step 1: Enrollment. The district/school must have enrollment procedures that do not discriminate based on English language proficiency or immigration status. For example, a school cannot turn away a student who is not proficient in English or who does not have a social security number.

Step 2: Identification. Districts/Schools are responsible for identifying all students with a primary or home language other than English (PHLOTE). Part of the school's enrollment process should involve the implementation of a "Home Language Survey" (HLS) which every student, regardless of racial or ethnic background, must complete. The HLS serves to *identify* students who come from homes where a language other than English is spoken, and does so in a manner that is equitable, comprehensive, and not based upon assumptions or stereotypes.

Step 3: Assessment. If a student's HLS indicates that a language other than English is spoken in the home, it will trigger assessment of the student to determine if language support services are necessary. Districts/Schools are responsible for assessing each identified PHLOTE student with valid and reliable testing instruments. An assessment tool must be used which is specifically designed to measure English language proficiency in the areas of speaking, reading, writing, and comprehension of English. In no case should a student be determined to need language support services, or labeled LEP/NEP, without a valid assessment on file.

Step 4: Placement and Services. Districts/Schools are obligated to provide language support services to all students who qualify as NEP/LEP. Students will come to the school with varying degrees of prior schooling and English language proficiency. No one particular bilingual education or English as a Second Language (ESL) model is appropriate for all. Language proficiency test results will enable the school to ensure that educational services provided are commensurate with student needs. Educational programming for English language learners should be parallel to that provided for all students in the school.

Step 5: Transition/Exiting. Districts/Schools are responsible for exiting a student from the language support program once the student gains proficiency in English so that the student can participate meaningfully in the general education program. Districts/Schools are responsible for establishing criteria to determine when a student qualifies for exiting.

Step 6: Monitoring. Districts/Schools will monitor students for two years to ensure that students exited from the language support program are performing in the general education program without significant barriers primarily caused by limited English proficiency.

How to Develop A Home Language Survey

Home Language Surveys (HLS) are used to determine a primary or home language other than English (PHLOTE). The information provided in *italics* provides an explanation as to why the question is being asked and is intended to help guide you as you prepare your own version of a home language survey. The survey you construct will be dictated by your needs. Some of the questions listed below, if not included in your survey, may be included in a student profile or background sheet, depending on various factors and your school district's needs. Your version of a home language survey may be as long or as short as you like. Just remember to include the questions required by the Office for Civil Rights. They are marked by an asterisk.

Instructions: At registration, please ask **all** parents or guardians the following questions about the language use of the child. Print responses. If one of the answers is a language other than English or the country of origin is other than the United States, contact _____ (the person in the district or school responsible for language proficiency assessment or instructional placement.) Otherwise, the student is considered English language proficient and no further action is needed. A copy of this survey shall be placed in the student's permanent folder.

These instructions assume that the survey will be administered when the parent or guardian is enrolling the student. Generally, the district/school will have an interpreter available at that time. Districts/schools may choose to send the survey home to the parents. While this is useful for some purposes, there is always the chance that the survey will not get to the parent/guardian or that they will not be able to answer it because it is in English. It is the district's/school's responsibility to provide a version in the preferred language or mode of communication of the parent/guardian. Should you decide to send the survey home, the instructions will need to reflect what you want parents to do and should be written in clear, concise terms.

Name _____ Date _____

Date of Birth _____ Age _____ Grade _____

Parent/Guardian Name _____ Relationship _____

Daytime Telephone _____ Evening Telephone _____

Languages Spoken at Home _____

Country of Origin _____

Other countries of residence (please list) _____

The country of origin is especially important in cases where English is the language of the country, but the students do not speak a standard American dialect. They will require some instruction, especially in listening and speaking, to be able to participate in mainstream classrooms successfully.

The questions listed below are in some logical order. Please note that only the ones marked with an asterisk are required for Office for Civil Rights purposes. The others are designed to assist you to more accurately determine the role of language in the student's personal and educational life.

What was the first language your child learned to speak?* May be the language of a caretaker/relative, rather than that of the parents.

What language(s) does your child speak most often at home?* May indicate preference and/or dominance.

What language(s) does your child read?

What language(s) does your child write?

What language(s) has your child studied in school?

What language(s) do you use when speaking to your child? As students become proficient in English, parents may speak to their children in the native language, although the student will sometimes respond in English.

What language(s) is spoken most often in your home?*

Does your child understand, but not speak a language(s) other than English? This would indicate receptive knowledge of a language(s).

What language(s) does your child speak with grandparents, aunts, uncles, cousins, babysitters? Helps to determine the amount of another language(s) a child is exposed to and its influence on the acquisition of English.

What language(s) does your child use with brothers and sisters? This will help to determine student's language preference.

What language(s) does your child speak with friends and neighbors? The neighborhood language may be different from that of home and school.

Other than the languages studied in school, does your child speak any languages other than English? Which ones? Knowing which others will provide insight into possible language interference.

What language(s) do you (parents/guardians) read? This is important for determining the language of documents you send home.


Do you (parents/guardians) read English? Some parents/guardians may have a good command of written English, but are not able to speak it fluently. They may want documents sent home in English.

What language(s) do you (parents/guardians) write?

Survey conducted/completed by: _____

This may require the signature of the parent/guardian if it is a version that has been sent home.

Sample Home Language Survey

	HOME LANGUAGE SURVEY SCHOOL NAME: _____	DCPS ID NUMBER: _____ STUDENT NAME: _____																																																											
Parent Name: _____ Parent's Signature: _____ Date: _____																																																													
This document MUST be signed and dated by the parent or guardian.																																																													
ENGLISH (Please answer ALL five questions.)																																																													
Please make sure to provide your name and signature in the space provided above																																																													
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Revised 5-2008

What are your Language Acquisition Goals?

(or what is your Language Agenda?)

Schools in the U.S. must consider how to educate linguistically and culturally diverse students in the best possible way. Choosing and implementing effective education for ELLs requires an understanding of the available program models, a careful consideration of a district's or school's language goals, resources, and the needs and characteristics of its students. In selecting a language acquisition model, the first question should be, "What is the language goal?" Your answer to the questions below will help to determine the appropriate program model. Is the goal for students in your school to:

- Acquire oral and written English as quickly as possible?
- Acquire oral and written English and maintain oral fluency in their native language?
- Be bilingual and biliterate in English and their native language?

Factors to Consider When Selecting a Program Model

You will want to visit schools that use the various models described in the section below to see them in action, get a better understanding of how they are implemented, and know what resources are needed to implement them effectively. Talk to other schools or ELL professionals to learn more. Charter applicants should be prepared to justify their choice of a program model. The questions below can be used to guide your decision-making in the selection process.

(Projected) School/Student Demographics
<ul style="list-style-type: none"> What grade levels will the school serve? What is the % ELL enrollment? How many different languages are spoken by the ELLs? What is the ELL distribution across the grade levels? Are ELLs a minority or majority of students in a classroom? What is the anticipated educational experience of students? (i.e., little, interrupted, or no schooling; literacy level in the native language)
(Projected) School Resources
<ul style="list-style-type: none"> What recruitment strategies do you use to hire teachers with the language backgrounds of the students? Do you have bilingual, biliterate, and bicultural administrative staff representative of students' backgrounds? How many teachers are certified in ESL or Bilingual Education? How many are bilingual in the ELL students' languages? What curriculum and instructional materials do you have to support your ELL program(s)?
(Projected) Community Resources
<ul style="list-style-type: none"> What community partnerships have been identified and sought that would strengthen the ELL program? Are creative methods utilized to foster participation by parents who are not proficient in English? How will the school do outreach in languages other than English (media, community-based organizations, embassies, etc.)? What other resources could be tapped?

Once you have identified an appropriate program model, you will need to consider what curriculum and what supplemental materials you will use in the classroom. The program model decision will affect the necessary qualifications of the staff you hire. The school schedule will need to allow time for ESL teachers to interact, meet, and plan with mainstream classroom teachers. Professional development activities must take ELL needs into account. Assessment plans may need to include references to accommodations to be made for ELL students. The more you research the topic, the better prepared you will be to serve ELL students in your charter school.

The Recognized ELL Program Models

Because it takes time to learn English, the most effective program models for promoting the academic achievement of language minority students are those which enable students to continue to develop academic content knowledge while they are learning their new language. These programs build upon the skills and knowledge that students bring to school and incorporate their linguistic and cultural needs and, as a result, students do not fall behind academically while learning English.

Below is a general description of a number of common ELL programs. Before choosing your program, you will want to research the programs in depth. These descriptions do not address the effectiveness of the program.

English as a Second Language (ESL) Programs

ESL programs are appropriate for grades PreK through 12 and are likely to be used in schools where the language minority population is diverse or small. ESL programs accommodate students from different language backgrounds in the same class, and teachers do not need to be proficient in the home language(s) of their students. *If you do not expect to have many ELLs, you will want to choose one of these programs.*

- **ESL pull-out** is generally used in elementary school settings. Students spend part of the school day in a mainstream classroom, but are pulled out for a portion of each day to receive instruction in English as a Second Language (ESL).
- A variation of this model is **ESL push-in** where the ESL teacher comes to the mainstream classroom for a designated amount of time each day or week to work with the ELLs within the classroom.
- **The ESL resource center** is a variation of the pull-out design, bringing students together from several classrooms or schools for varying time periods. The resource center concentrates ESL materials and staff in one location and is usually staffed by at least one full-time ESL teacher.
- **ESL class period** is generally used in middle school settings. Students receive ESL instruction during a regular class period and usually receive course credit. They may be grouped for instruction according to their level of English proficiency.
- **Sheltered English** or **Content-Based Programs** (also known as **SDAIE**, specially designed academic instruction delivered in English) group language minority students from different language backgrounds together either in mainstream or self-contained classes where teachers use English as the medium for providing content area instruction, adapting their language to the proficiency level of the students. They may also use gestures and visual aids to help students understand. Teachers should have training in

sheltered English methods, ESOL, TESOL, or an ESL teaching credential. Although the acquisition of English is one of the goals of sheltered English and content-based programs, instruction focuses on content rather than language.

- **Structured Immersion Programs** use only English, but there is no explicit ESL instruction. As in sheltered English and content-based programs, English is taught through the content areas. Structured immersion teachers should have basic oral and comprehension skills in their students' first language and have a bilingual education or ESL teaching credential. The teacher's use of the children's first language is limited primarily to clarification of English instruction. Most students are mainstreamed after 2 or 3 years.
- **Newcomer Programs** are generally found at the high school level and were developed for newly arriving immigrant students. The instructional program combines teaching ESL with content instruction, as well as some native language academic support when feasible, and social service information is provided to assist families with adaptation to this country. For desegregation purposes, students are not generally kept in a separate newcomer program for more than one to two years.

Bilingual Program Models

A true bilingual program use the students' home language, in addition to English, for instruction. These programs require a large number of students from the same home language. Students in bilingual programs are grouped according to their first language, and teachers must be proficient in both English and the students' home language. Bilingual programs are appropriate for grades PreK through 12, but, to be effective, implementation must begin in the early elementary grades.

- **Transitional Bilingual Programs (also called “early exit”)** are designed to help children acquire the English skills required to succeed in an English-only mainstream classroom. These programs provide some initial instruction in the students' first language, primarily for the introduction of reading, but also for clarification. Instruction in the first language is used to help the students access content in English but is phased out rapidly, with most students mainstreamed after two or three years.
- **In Developmental Bilingual Programs (also called “maintenance” or “late exit”)** students remain in the program throughout elementary school and continue to receive 40% or more of their instruction in their first language, even when they have been reclassified as fluent-English-proficient, so as to build on and preserve proficiency in the native language.
- **Two-way Bilingual or Dual Language Programs** group English language learner students from a single language background in the same classroom with native English speaking students. Ideally, there is a nearly 50/50 balance between ELLs and native English speaking students. Students serve as native-speaker role models for their peers and building bridges across cultures is another important aspect of this model. Separation of languages is an important principle and lessons are never repeated or translated in the second language. These classes may be taught by a single teacher who is proficient in both languages or by two teachers, one of whom is bilingual. There are two primary approaches used: 90-10 and 50-50.
 - In the 90-10 model, 90 percent of the school day is in the *minority* language (the language less supported by the broader society), for kindergarten and first grade. Following the introduction of literacy and math through the minority language in grades K through 1, the majority language is introduced into the curriculum in

grade 2 or 3, and time spent using the majority language gradually increases until the curriculum is taught equally through both languages by grade 4 or 5. This model offers a bilingual immersion experience for the English speakers and a bilingual maintenance experience for the language minority students.

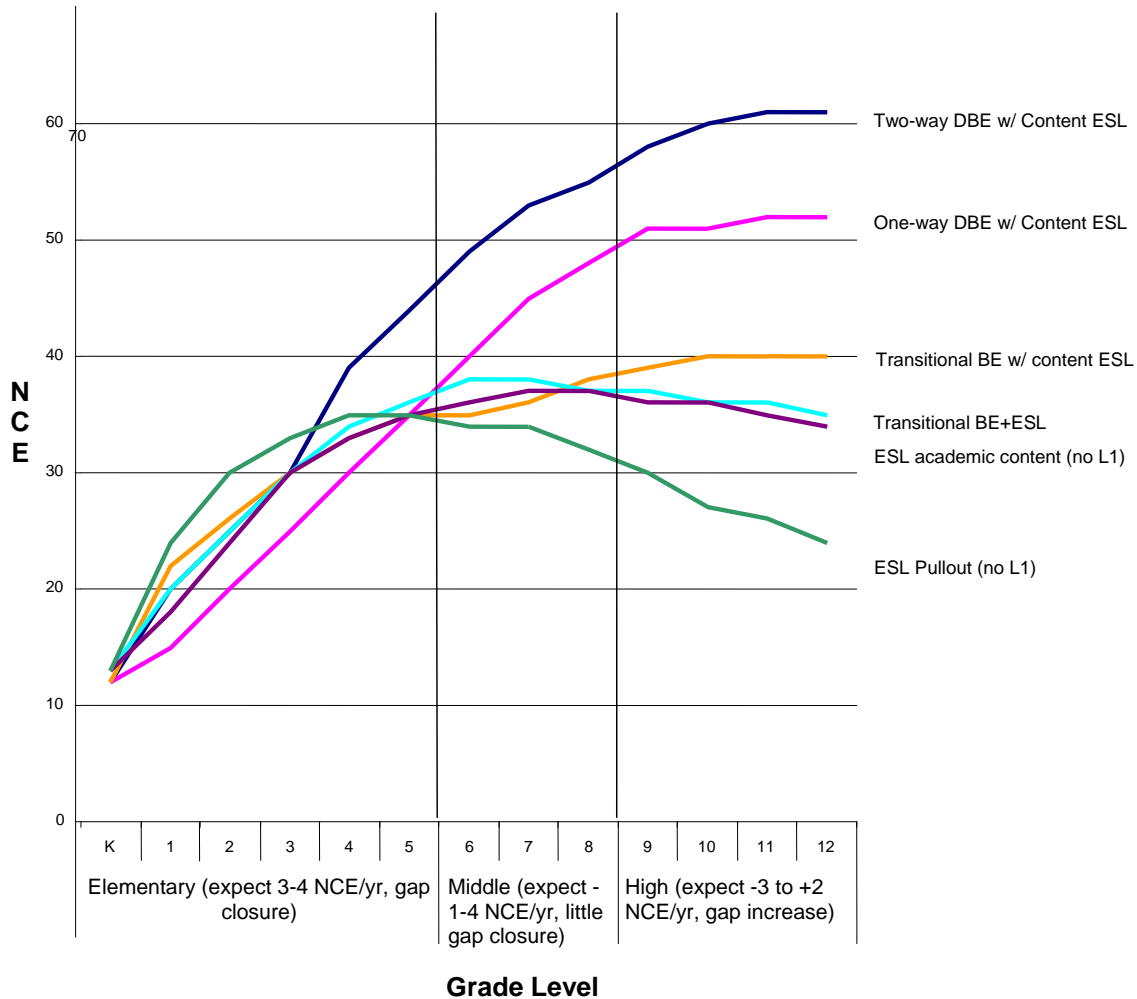
- The 50-50 model provides instruction in each language for half of each school day. Thus, half of the instructional time is in English and the other half is in the minority language, for grades K-12. However, concepts taught in one language are reinforced across the two languages. In some programs, the languages are used on alternating days. Others may alternate morning and afternoon, or they may divide the use of the two languages by academic subject.
- **(One-Way) Bilingual Immersion or Dual Language Programs** may use either the 90-10 or 50-50 approach and generally includes students from the same language background; often all native English speakers being immersed in a foreign language.

English “Submersion” is the *sink-or-swim approach and NOT a program model*, but unfortunately a reality for many students. This occurs when ELLs are put in mainstream (all English) classrooms with no formal instructional or language support provided. Very few mainstream classroom teachers have training in second language acquisition and are therefore unprepared to adequately serve ELLs. Because these students are often learning to read for the first time in an unfamiliar language, they lack the ability to transfer native language literacy skills to English. The submersion process can result in students becoming proficient in “playground English” relatively quickly but falling behind academically in the content areas. This method is not in compliance with U.S. federal standards defined as a result of the *Lau v. Nichols* Supreme Court decision which determined that all students have a right to education that is appropriate for their needs.

Adapted from ERIC DIGEST ESL and Bilingual Program Models and from School Effectiveness for Language Minority Students by V. Collier and W. Thomas, 1997. National Clearinghouse for Bilingual Education.

Comparing the Program Models

Language Minority Student Achievement Compared Across Different Program Models



Data taken from a series of 3-7 year studies of well-implemented, mature programs in five U.S. school districts.

Excerpted from *National Study of School Effectiveness for Language Minority Students Long-Term Academic Achievement* by Wayne P. Thomas & Virginia P. Collier, 2002.

NCE – A Normal Curve Equivalent is a transformation of an original test result into a value on a scale from 1 to 99. NCEs are normalized scores with a mean of 50 and standard deviation of 21.06, chosen so that NCE value equals percentile value. They are used for comparisons across tests instead of percentiles.

What are ESL Standards and Why are They Needed?

ELLs vary greatly in English proficiency and academic needs. The ESL Standards describe the language skills necessary for both social and academic purposes. They provide the bridge to general education standards expected of all students in the United States. Thus, the ESL standards are important because they:

- articulate the English language development needs of ELLs
- provide directions to educators on how to meet the needs of ELLs
- emphasize the central role of language in the attainment of standards in other content areas

Teachers of English to Speakers of Other Languages (TESOL) established three broad goals for ELLs at all age levels that include personal, social, and academic uses of English. Each goal is associated with three distinct standards that will be met as a result of the instruction students receive.

Goal 1: To use English to communicate in social settings. A primary goal of ESL instruction is to assist in communicating effectively in English. This goal does not suggest, however, that student should lose their native language proficiency.

Goal 2: To use English to achieve academically in all content areas. English competence is critical for success in school settings. They are expected to understand content in English and compete academically with native-English speaking peers. This process requires that learners use spoken and written English in their schoolwork.

Goal 3: To use English in socially and culturally appropriate ways. Students need to be able to understand and appreciate people who are different, culturally and linguistically, and communicate effectively with them. Such communication includes the ability to interact in multiple social settings.

Resources:

Adamson, H.D. (1990). ESL students' use of academic skills in content courses. *English for Specific Purposes*, 9, 67-87.

August, D., & Hakuta, K. (Eds.). (1998). *Educating language-minority students*. Washington, DC: National Academy Press.

Short, D. (1993). Assessing integrated language and content instruction. *TESOL Quarterly*, 27(4), pp. 627-656.

Teachers of English to Speakers of Other Languages. (2001). *Scenarios for ESL Standards-based Assessment*. Alexandria, VA: Author.

Teachers of English to Speakers of Other Languages. (1997). *ESL standards for pre-K-12 students*. Alexandria, VA: Author.

Adapted from ESL Standards for Pre-K-12 Students, TESOL, 1997. For more information, go to www.tesol.org
Also see www.wida.org for the newer WIDA standards.

Assessment Types & Purposes

While the main purposes of assessment instruments may vary somewhat, the results will inevitably indicate a student's strengths or areas where the student needs improvement, relative to the student's ability to negotiate the test. When used appropriately, this information helps instructors in identifying the need for intervention or modifications to instruction.

Type of Assessment	Purpose	Source	Use of Outcomes	Reporting Uses	How Administered
Language Proficiency Assessments	To identify and place ELL students	Commercial or customized	Provision of appropriate language services	Information to parents about student placement, compliance with federal laws	Individually administered by trained personnel
Content Mastery: Informal Assessments	To monitor student progress	Usually teacher made; some commercial	Grading, modifying instruction	Report to parents on progress and strengths	Group or individual, can be administered by teachers, instructional aides, or can be student self-assessments
Content Mastery: Formal or Standardized Assessments	To monitor student progress, often used for "high stakes" purposes	Commercial, state, or district developed	To benchmark progress, compare student against others or a standard of achievement, program accountability, identify patterns in school/district, promotion or graduation	Report to parents and community, report to funding sources, possible compliance with state or federal laws	Usually group administered by instructional personnel; training may be required to administer the test
Special Purpose Assessments	To identify students for special services such as special education or gifted programs	Usually commercial; many locally-developed instruments are available	Provision of special services	Report to parents, documentation of special services, compliance with federal laws	Administered by specially trained personnel

Sample Testing Accommodations for ELLs

See your state policy for acceptable ELL accommodations

Condition	Accommodations
Some children require longer response times. They process information more slowly in the less familiar language. Allow this type of child ample time to respond.	<ul style="list-style-type: none"> Extended testing time (same day) Extended testing time (other days) Time of day most beneficial to student Frequent or extra breaks
Some children may be easily disturbed by noise and other distracting testing conditions.	<ul style="list-style-type: none"> Preferential seating Individual administration Small group administration In a separate location
Some children do not do well with structured testing items, that is, being tested when everyone else is being tested. Provide this type of child with a flexible testing schedule.	<ul style="list-style-type: none"> Individual administration Small group administration In a separate location
Some children become exhausted faster than others do when being tested, especially from having to translate questions and answers from one language to another.	<ul style="list-style-type: none"> Frequent or extra breaks Assessment divided into smaller sections and given over an extended time period
<p>Some students may not have a level of English oral proficiency or literacy adequate to comprehend the instructions or questions.</p> <p>Native English-speaking test administrators may intimidate some children.</p>	<ul style="list-style-type: none"> Translation of directions Explanation/clarification of directions Repetition of directions Oral reading of questions in English Oral reading of questions in native language Translation of test into native language Bilingual version of test Simplified/sheltered English version of test Student can respond in native language Student dictates answers Student provided with a word list or dictionary, in the native language and/ or English Person familiar with student administers test Use native language audio taped instructions with the student being tested
Some students may not be familiar with testing procedures and conditions.	<ul style="list-style-type: none"> Prior to actual testing, provide the student with workshops conducted in native language on testing, and practice the testing conditions Prior to testing, show the student how to use a dictionary or calculator

NCLB and ELLs: What Do Charter Schools Need to Know?

General ELL Facts

- We use the term English Language Learner (ELL) to refer to students who are non- or limited-English proficient (also known as NEP and LEP)
- There are 5.5 million ELLs in U.S. public schools who speak more than 400 different languages.
- 80% of ELLs speak Spanish as their first language.
- Under Title I and Title III, NCLB provides more than \$13 billion (FY 04 funding) for ELLs for English language acquisition and academic achievement.
- In some states these funds are paying for activities such as developing assessments and accommodations for ELLs that are aligned with NCLB provisions.

ELLs Are Assessed Two Ways Under NCLB

1. First, ELLs as a subgroup must meet Adequate Yearly Progress (AYP) targets under Title I for reading and math proficiency
2. Second, ELLs must meet Annual Measurable Achievement Objectives (AMAOs) under Title III for English language proficiency

NCLB Title III: Language Instruction For ELL Students

- **Requires that teachers be certified as English language proficient.** School districts are to certify that all teachers in a language instruction education program for limited English proficient students are fluent in English and any other language used by the program, including written and oral communication skills.
- **Requires that curricula be demonstrated to be effective.** Language instruction curricula used to teach limited English proficient children are to be tied to scientifically based research and demonstrated to be effective.
- **Provides discretion over instructional methods.** Local entities have the flexibility to choose the method of instruction to teach limited-English proficient children.
- **Targets funds to the classroom.** Ninety-five percent of funds must be used for grants at the local level to teach limited English proficient children.
- **Establishes annual achievement objectives for limited English proficient students.** States must establish standards and benchmarks for raising the level of English proficiency and meeting challenging state academic standards for limited English proficient students that are aligned with state standards.
- **Sets English language proficiency as the objective.** Annual achievement objectives for limited English proficient students must relate to gains in English proficiency and meet challenging state academic standards that are aligned with Title I achievement standards.
- **Requires reading and language arts assessments of children in English.** Title I requirements to annually assess children, including limited English proficient students, in English for any student who has attended school in the United States (excluding Puerto Rico) for three or more consecutive years apply to grantees funded under Title III.

- **Enforces accountability requirements.** States must hold subgrantees accountable for making adequate yearly progress as described in Title I and for meeting all annual achievement objectives.
- **Notifies parents about program placement.** Parents must be notified by the local education agency concerning why their child needs a specialized language instruction program. Parents have the right to choose among instructional programs if more than one type of program is offered and have the right to remove their child from a program for limited English proficient children.

Some Progress Made

- Until NCLB there had been little attention paid to academic achievement for ELLs in many public schools.
- We still have challenges that are not addressed by the new flexibilities to NCLB released in February 2004, but it's a start. We need to make sure that we comment on the proposed regulations when they are released so that we can surface and raise the challenges to the administration and work to correct them.

Meeting AYP Targets in Reading and Math	Current Flexibility
ELLs are required to take both reading and math assessments, but if a student is not literate in English, the test results are not valid. While states may use native language assessments to test ELLs, most states do not have native language assessments that are approved for NCLB purposes. Additionally, a number of states have students representing more than 100 languages, making it virtually impossible to provide native language assessments for all students.	ELLs, during their first year of enrollment in U.S. schools, may, but are not required to take the reading/language arts content assessment. These students must take the mathematics assessment, with accommodations as appropriate. However, states may, but would not be required to, include results from the mathematics assessment and, if given, the reading/language arts content assessments in Adequate Yearly Progress (AYP) calculations. Students would be counted as participants for AYP purposes for the 95 percent testing requirement.
LEP Students as a "Subgroup"	Current Flexibility
A second issue concerns the definition of the limited English proficient subgroup itself. LEP is not a demographic group per se, but a classification that changes as a student gains language proficiency. Its membership can change from year to year with language proficient students exiting each year and new LEP students entering each year. Since LEP students exit the subgroup once they attain English language proficiency, states may have difficulty demonstrating improvements on state assessments for this student subgroup.	For AYP calculations, states may, for up to two years, include in the LEP subgroup students who have already attained English proficiency. This serves as a response to the complaint that schools do not receive credit for the good work they have done helping LEP students attain full proficiency. The concept of including students who have exited the LEP subgroup for up to two years is consistent with Title III of the law, which requires Title III-funded schools to include in their evaluations for two years academic achievement data of students who used to be in the LEP group but who no longer receive Title III services.

Remaining Challenge: Subgroup “N” Numbers

States are responsible for setting their subgroup numbers. In some cases it's 20 students, in others it's 40, etc. In some states, this has created a loophole that charters cannot benefit from, especially if the school enrolls higher numbers of special needs students including ELLs (especially in the case of “newcomer” schools).

For example, if the subgroup number is 40 and the neighborhood school serves 30 ELLs, and those students do not meet the proficiency targets, there are no sanctions because the group is less than 40. If a charter school serves 42 ELL students, and those students do not meet the proficiency targets, there are sanctions because the group is more than 40. This creates the loophole whereby which one school may receive sanctions and another escapes them.

Quick AYP and AMAO Q & A...

1. Does this apply to my school? Yes, if you receive federal funds (Title I and Title III specifically).
2. Who sets the AYP and AMAO targets? The states.
3. What are the AYP targets? Varies state by state.
4. What are the AMAO targets? Varies by state.
5. What is the subgroup “N” number? The minimum number of students that must be in a subgroup for the scores to be considered statistically valid. However, the “N” number varies greatly state by state.
6. What alternative assessment is available for ELLs? Any alternative assessment must be approved by the US Department of Education and they vary state by state when they exist at all.
7. What accommodations are allowed? Varies state by state. There are about 70 recognized accommodations often used with special needs students, 30 apply to ELLs, 5 are considered research-based.
8. What is safe harbor? If a subgroup moves at least 10% from the previous year's scores, even if the group did not meet the AYP target, they will not be counted against a school's calculations for AYP purposes.
9. Are any students exempt from AYP or AMAO targets? No, but under certain conditions, the scores for some students may not be included for AYP calculations. No ELL is exempt from English language proficiency testing.
10. Can I include my FEP (Fluent English Proficient) students in my LEP subgroup? Yes, for up to two years after they have been classified as a FEP student.

Further Resources...

www.ncela@gwu.edu
www.ed.gov/offices/oela

AYP/AMAO Requirements for ELLs At-A-Glance

	AYP: Reading	AYP: Math	AMAO: English Proficiency
	<i>Must take every year in 3rd-8th grade and one year of high school</i>	<i>Must take every year in 3rd-8th grade and one year of high school</i>	<i>Must take English proficiency test every year in grades K-12</i>
Student A LEP Student in US for less than one year and in school for less than one academic year	Optional; scores don't count	Must take; scores don't count	Must take; scores count
Student B LEP Student in US for 2 years and in school for two academic years	Must take; scores count; may be able to take it in native language for first three full years in US or certain "approved" accommodations may be made	Must take; scores count; may be able to take it in native language for first three full years in US or certain "approved" accommodations may be made	Must take; scores count
Student C LEP student in US for 3 ½ years	Must take; scores count; may be able to take it in native language as determined on a case-by-case basis or certain "approved" accommodations may be made	Must take; scores count; may be able to take it in native language as determined on a case-by-case basis or certain "approved" accommodations may be made	Must take; scores count

Effective Bilingual Education Program Checklist

#	ELL Program Success Indicators	Standard
1.	Clear Vision and Mission. The school has a clear vision and mission which are communicated to students and parents, and guide classroom instruction. The school values diversity of cultures, backgrounds, bilingualism and biliteracy.	<input type="checkbox"/> Below <input type="checkbox"/> Meets <input type="checkbox"/> Exceeds
2.	Define a Language Agenda with measurable goals and benchmarks. There are clear objectives for students in regards to English language acquisition and native language proficiency. For example, to have bilingual and biliterate students in Spanish and English by 6 th grade requires fluent teachers in the target language instructing on content material in a structured daily format.	<input type="checkbox"/> Below <input type="checkbox"/> Meets <input type="checkbox"/> Exceeds
3.	Program Articulation. There is a clear program of instruction for ELLs across grade levels that is aligned with standards. The program strongly considers developmentally appropriate practices and language proficiency levels of students in English as well as in their native language. This data determines the use of a particular language for primary instruction.	<input type="checkbox"/> Below <input type="checkbox"/> Meets <input type="checkbox"/> Exceeds
4.	Receptive Classroom and School Climate. The school environment communicates high expectations to English Language Learners, values high academic achievement, and displays a high level of respect for all students. Trust exists among all school personnel, and shared responsibility and decision making is practiced.	<input type="checkbox"/> Below <input type="checkbox"/> Meets <input type="checkbox"/> Exceeds
5.	Appropriate and High Quality Curriculum. Sufficient and appropriate books, instructional materials, and lessons are available in all languages and are actively used by the teacher in classroom instruction. Curriculum is aligned with high standards, as well as with the instructional methods used in the bilingual program	<input type="checkbox"/> Below <input type="checkbox"/> Meets <input type="checkbox"/> Exceeds
6.	Effective Instruction. Classroom teaching methods are interactive, hands-on, collaborative and meaningful to students. Teachers use a variety of techniques that respond to different learning styles, and place material in a meaningful context for students. Once it is instructionally appropriate, students are gradually introduced content area instruction in English.	<input type="checkbox"/> Below <input type="checkbox"/> Meets <input type="checkbox"/> Exceeds
7.	Efficient Classroom and School Organization. Both the school and classroom are organized in a manner maximizing the impact of instruction. School staff is organized into small arrangements (i.e. clusters and academic teams) to increase communication among teachers and administrators.	<input type="checkbox"/> Below <input type="checkbox"/> Meets <input type="checkbox"/> Exceeds
8.	Effective Program Leaders. School staff and administration are informed as to the rationale for bilingual education, and share an active commitment to bilingualism and biliteracy. They proactively involve the community and private sector in the design and development of the English Language Learner program. Roles and responsibilities of each staff member implementing the selected ELL program are clearly communicated and linked to the expected outcomes of the language agenda.	<input type="checkbox"/> Below <input type="checkbox"/> Meets <input type="checkbox"/> Exceeds
9.	Effective Staff Selection and Development. Potential teaching and support staff are screened to ensure proficiency in both languages. Teachers are trained in literacy and language acquisition, and the program is adjusted to ensure that all teachers and para-professionals are able to serve English Language Learners. Teachers feel supported and free to innovate.	<input type="checkbox"/> Below <input type="checkbox"/> Meets <input type="checkbox"/> Exceeds
10.	Parent Involvement. The school actively involves parents in the educational process of their children, and parents feel welcome and play different roles (leadership, decision making, and resource). The school provides opportunities for parents who do not speak English to participate actively in school activities.	<input type="checkbox"/> Below <input type="checkbox"/> Meets <input type="checkbox"/> Exceeds
11.	Appropriate Student Assessment and Progress Monitoring. The program uses baseline student data on language and content knowledge to plan and adjust instruction. Student performance is determined using multiple measures, rather than from the result of a single assessment. Students are assessed using native language tests, if such tests will more likely yield accurate results of what a student knows and can do.	<input type="checkbox"/> Below <input type="checkbox"/> Meets <input type="checkbox"/> Exceeds

Adapted from the Intercultural Development Research Association, January 1998.

Title III Data Collection

Data Elements Required from Local Education Agencies for Title III federal Reporting

- 1. Type of language instruction program(s) implemented¹**
- 2. Home Language**
- 3. Country of Origin**
- 4. Number of LEP students**
- 5. Number of LEP students tested annually for English Language Proficiency (ELP)**
- 6. Number of Monitored Former Limited English Proficient (MFLEP) students by grade**
 - a. # of students transitioned into classrooms not designed for LEP students
 - b. # of students who are no longer receiving LEP services and who are being monitored for academic content achievement for 2 years after transition
- 7. Immigrant student data**
 - a. # of students who meet the definition of immigrant children and youth in Title III, section 3301(6): individuals who:
 - are age 3-21
 - were not born in any US state; and
 - have not been attending one or more schools in any one or more states for more than 3 full academic years
- 8. Professional development**
 - a. Type of professional development activity:
 - instructional strategies for LEP students
 - understanding and implementation of assessments of LEP students
 - understanding and implementation of ELP standards and academic content standards for LEP students
 - alignment of curriculum in language instruction programs to ELP standards
 - subject matter knowledge for teachers
 - other
 - b. Number of participants in professional development:
 - Provided to content classroom teachers
 - Provided to LEPLP classroom teachers
 - Provided to principals
 - Provided to administrators other than principals
 - Provided to other school personnel/non-administrative
 - Provided to community-based organization personnel

¹ Dual language, two-way immersion, transitional bilingual, developmental bilingual, heritage language, sheltered English instruction, structured English immersion, Specially Designed Academic Instruction in English (SDAIE), content-based ESL, pull-out, other.

ELL Classroom Observation Checklist

Observer:		Date:
Teacher(s):		Subject Area:
Grade:	# of Students:	# of ELLs:
# of Students at Each Proficiency Level:		
L1:	L3:	L5:
L2:	L4:	L6:
Home Languages Spoken:		

<u>Part A. Instructional Planning</u>	
1. Short-term and long-term plans reflect the instructional needs of ELLs.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Both content and language objectives are included.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. The content and format of the state English language proficiency test and of the state content assessments are well known and used to inform instruction.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Individualized student test data is used to plan instruction.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. ELL specialists and content specialists engage in collaborative planning.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<u>Part B. Instructional Delivery/Teachers</u>	
1. Builds on students' prior knowledge, cultural experiences, and interests	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Uses a variety of techniques and materials to make the content and language comprehensible to students (e.g., demonstrations, modeling, graphic organizers, visuals and manipulatives)	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Explicitly teaches students how to use learning strategies (e.g., preview, predict, seek resources, summarize)	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Models and uses a variety of question types (e.g., recall, analysis, synthesis)	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Modifies spoken language for the proficiency level of the learners by using techniques such as speaking slowly, repeating information, and clarifying vocabulary and instructions	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Explicitly teaches and has students practice and review new vocabulary	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Addresses all four language skills (listening, speaking, reading, writing)	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Provides wait-time for student responses	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Uses supplementary materials, parses or simplifies text to enable students to comprehend text	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Notices when students are not engaged, and reorients them	<input type="checkbox"/> Yes <input type="checkbox"/> No
11. Puts forth extra effort to include all students in the classroom community, especially during socializing and team-building activities	<input type="checkbox"/> Yes <input type="checkbox"/> No
12. Paces the lesson appropriately for students' language proficiency levels	<input type="checkbox"/> Yes <input type="checkbox"/> No
13. Provides opportunities for the students to work in both homogeneous and heterogeneous skill-level groups	<input type="checkbox"/> Yes <input type="checkbox"/> No
14. Enables students to represent their learning in non-verbal ways (e.g. pointing, illustrating)	<input type="checkbox"/> Yes <input type="checkbox"/> No
15. Conducts on-going assessment of students' content and language learning	<input type="checkbox"/> Yes <input type="checkbox"/> No
16. Checks for understanding at the conclusion of lessons	<input type="checkbox"/> Yes <input type="checkbox"/> No
<u>Part C. Classroom Environment</u>	
1. Pictures, photographs and other classroom displays include the cultures and languages of the students.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. The classroom library contains reading material at various reading levels.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. The classroom library includes multicultural books in which the students are able to "see themselves" because the books are representative of their cultures or countries of heritage.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Student work, which is celebrated on the walls of the classroom, includes the work of all students.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Students are seated so that they can interact with each other to each other's benefit (for example, bilingual students may serve as language buddies for newly-arrived students).	<input type="checkbox"/> Yes <input type="checkbox"/> No

*Courtesy of Lisa Tabaku, K-12 ELL Specialist, CAL Professional Services, 202 362 0700 ext. 510; ltabaku@cal.org; www.cal.org.
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Glossary of Selected Terms Related to ELLs

Bilingual Education – An education program, usually for students for whom English is a second language, in which instruction to support English language acquisition is provided with some amount of instruction in the students native language. There are several different models of bilingual education, the most commonly known model being dual-language where students generally receive half of their instruction in English and half in another language. Dual-language bilingual instruction is also popular in private or “international” schools where native English speakers are taught in a second language. Also see ESL.

BICS – Basic Interpersonal Communication Skills. Relates to oral language proficiency, as opposed to cognitive or academic proficiency, of students who are learning a second language.

CALP – Cognitive/Academic Language Proficiency. Relates to academic proficiency, as opposed to oral language proficiency, of students who are learning a second language.

Core Content – Refers to classroom lessons in subjects such as math, geography, language arts, biology, etc. as opposed to supplemental instruction to support English language acquisition.

ELD – English Language Development. English language development (ELD) means instruction designed specifically for LEP students to develop their listening, speaking, reading, and writing skills in English. This type of instruction is also known as "English as a second language" (ESL) or "teaching English to speakers of other languages" (TESOL). ELD or ESL standards are a version of English Language Arts standards that have been crafted to address the specific developmental stages of student learning English.

ELL – English Language Learners (ELLs) are students whose first language is not English and who are in the process of learning English. Also see LEP.

ESL – English as a Second Language. English as a Second Language (ESL) is an educational approach in which limited-English proficient students are instructed in the use of the English language. Their instruction is based on a special curriculum that typically involves little or no use of the native language, focuses on language (as opposed to content) and is usually taught during specific school periods. For the rest of the school day, students may be placed in mainstream classrooms, an immersion program, or a bilingual education program. Every bilingual education program has an ESL component.

ESL Pull-out Instruction – In this model, eligible students are moved or “pulled out” to a separate classroom for one or more class sessions per week to work with an ESL/bilingual education teacher to reinforce English language acquisition and/or subject matter content such as language arts or math.

ESOL – English for Speakers of Other Languages. (See ESL)

Exit Criteria – Measures that are established to determine when a student has gained proficiency in English and is ready to transition to mainstream classes or no longer has a need for additional ESL support.

FEP – A student who is now Fully English Proficient, but who may have needed additional classroom support in the past in order to progress academically.

Inclusion – Generally, inclusion refers to an education model which features collaborative team-teaching by general education teachers and special education or bilingual/ESL teachers. The students remain in the mainstream class for instruction as opposed to being “pulled out” and taught separately.

Language Minority – Refers to any student for whom English is not their native language, or a language other than English is spoken in the home. This includes students such as those who speak a dialect, Jamaican Patois, or a Native American language. A language minority student may be fluent English proficient, but if the family members are not, notices must be provided to the family in a language they understand.

Language Assessment Scales (LAS) – A battery of tests for students in grades K-12 whose first language is not English and used to place and reclassify limited English proficient students.

LCD – Linguistically and Culturally Diverse.

LEP – The official term found in federal legislation to identify a student who is Limited English Proficient and needs additional classroom support to progress academically.

Mainstreaming – The placement of an educationally disabled or language minority student in a regular classroom. Also see *inclusion*.

NEP – A student who is Non-English Proficient, has not yet begun acquiring or who is in the initial stage of learning English.

OCR – The U.S. Department of Education’s Office for Civil Rights which is responsible for ensuring that programs supported by Federal dollars comply with federal regulations and do not discriminate on the basis of race, color, or national origin.

PEP – Potentially English Proficient.

PHLOTE – Primary or Home Language Other Than English.

SDAIE – Specially Designed Academic Instruction Delivered In English (SDAIE) is a program of instruction in a subject area, delivered in English, that is specifically designed to provide LEP students with access to the curriculum.

TESOL – Teaching English to Speakers of Other Languages. (See ESL)

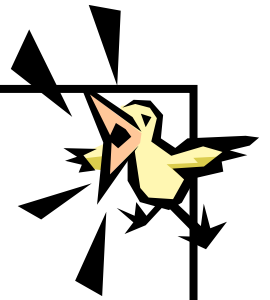
Title I – Federal legislation which provides funding to schools to raise the performance of disadvantaged students.

A Sampling of Bilingual Education Resources

Organization	Contact Information	Focus/Services
DCPS Office of Bilingual Education Garrison ES – East Wing 1200 S Street NW Washington, DC 20009	202 671-0750 tel 202 671-2667 fax www.k12.dc.us	Local DCPS office that serves schools with ELL students
Office of the State Superintendent of Education 51 N Street NE, 7 th Floor Washington, DC 20002	202 741-0475 tel http://seo.dc.gov/seo/site/default.asp	State ELL office that works on ESL/bilingual education and Title III issues for all schools/LEAs in the District
Center for Applied Linguistics 4646 40th Street, NW Washington, DC 20016-1859	202 362-0700 tel 202 362-3740 fax info@cal.org http://www.cal.org	Seeks to improve ESL teaching; promote teaching of less commonly taught languages; conduct research to enhance the educational process
Center for Research on Education, Diversity and Excellence (CREDE) 1640 Tolman Hall University of California, Berkeley Berkeley, CA 94720-1670	510-643-9024 tel crede@berkeley.edu http://www.crede.ucsc.edu	Multicultural education, professional development, school reform, second language acquisition, standards, and more
Mid-Atlantic Equity Consortium 5272 River Road, Suite 340, Bethesda, Maryland 20816	301-657-7741 tel 301-657-8782 fax www.maec.org	Provides technical assistance and training and works to improve educational opportunities for language minority students
National Association for Bilingual Education 1030 15th Street, NW Suite 470 Washington, DC 20005	202 898-1829 tel 202 789-2866 fax NABE@nabe.org http://www.nabe.org	Ensures equality of educational opportunity through research, professional development, public education, & legislative advocacy
National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs at the George Washington University 2121 K Street, NW, Suite 260 Washington, DC 20037	800 321-NCBE 202 467-0867 tel 202 467-4283 fax askncbe@ncbe.gwu.edu http://www.ncbe.gwu.edu	Funding opportunities, technical assistance, links to resources, databases, success stories, lesson plans, e-mail discussion group, conference calendar, instructional strategies toolbox for ELLs
Northeast & Islands Regional Educational Lab at Brown University 222 Richmond Street, Suite 300 Providence, RI 02903-4226	800 521-9550 tel 401 421-7650 fax lab@brown.edu http://www.lab.brown.edu	The Lab's research specialty explores how education can better address the needs of culturally and linguistically diverse populations
Southwest Educational Development Laboratory (SEDL) 211 East Seventh Street Austin, Texas 78701-3281	512 476-6861 tel 800 476-6861 tel 512 476-2286 Fax jbuttram@sedl.org http://www.sedl.org	Language and Diversity Program (LDP) to improve/facilitate effective education for children with limited English proficiency and/or whose cultural backgrounds differ from those of the dominant community
Teachers of English to Speakers of Other Languages, Inc. (TESOL) 1600 Cameron Street, Suite 300 Alexandria, Virginia, 22 314-2751	703-836-0774 tel 703-836-7864 fax tesol@tesol.edu http://www.tesol.edu	Develops expertise of those involved in teaching English to speakers of other languages while respecting individuals' language rights







For more information on these issues, go to the National Council of La Raza (NCLR) website at <http://www.nclr.org> to find the following helpful documents: (1) Meeting the Strengths and Needs of English Language Learners: Educational Programs; (2) Meeting the Strengths and Needs of English Language Learners: Using and Understanding Assessments; and (3) Meeting the Strengths and Needs of English Language Learners: Best Instructional Practices.

SCHOOL OPENING ALERT



The U.S. Supreme Court has ruled in the Supreme Court case *Plyler v. Doe* [457 U.S. 202 (1982)] that undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. Like other children, undocumented students must, under state law, attend school until they reach a mandated age, usually 18.

As a result of the *Plyler* ruling, public schools may not:

-  Deny admission to a student during initial enrollment or at any other time on the basis of immigration status.
-  Treat a student differently to determine residency.
-  Engage in any practices to “chill” or hinder the right of access to school.
-  Require students or parents to disclose or document their immigration status.
-  Ask students or parents questions that may expose their undocumented status.
-  Require social security numbers as a requirement for admission to school, as this may expose undocumented status.

Students without social security numbers should be assigned a number generated by the school. Adults without social security numbers who are applying for a free lunch and/or breakfast program on behalf of a student need only indicate on the application that they do not have a social security number.

Changes in the F-1 (Student) Visa Program **do not** change the *Plyler* rights of undocumented children. These changes apply only to students who apply for a student visa from outside the U.S. and are currently in the U.S. on an F-1 Visa.

Additionally, the Family Education Rights and Privacy Act (FERPA) and various state privacy acts prohibit schools from providing any outside agency – including the Immigration and Naturalization Service – with any information from a child's school file that would expose the student's undocumented status without first acquiring permission from the student's parents. Schools should note that even requesting such permission from parents may act to “chill” a student's *Plyler* rights.

Finally, school personnel – especially building principals and those involved with student intake activities – should be aware that they have no legal obligation to enforce U.S. immigration laws.

To order free copies of this flyer or to report incidents of school exclusion or enrollment problems, call:

NCAS	Nationwide	800-441-7192	(Spanish/English)
META	Nationwide	617-628-2226	(Spanish/English/Kreyol)
NY Immigration Hotline	Outside NYC	800-232-0212	(Spanish/English/18 Other)
	New York City	718-899-4000	(Spanish/English)
MALDEF	Texas	210-224-5476	(Spanish/English)
MALDEF	California	213-629-2512	(Spanish/English)

Washington, DC Common Charter School Application 2011-2012

Charter School Information					
Application Deadline		Lottery Date			
Name of Charter School					
Campus Name (if applicable)					
Address of Charter School					
Phone		Fax		Email	

Student Information							
First Name		Middle Initial		Last Name			
Date of Birth		<input type="checkbox"/> Male <input type="checkbox"/> Female	Student ID # (If known)				
Street Address						Apt #	
City		State		Zip		Ward	
Current School					Current Grade		

Parent/Guardian Information							
First Name		Middle Initial		Last Name			
Home Phone		Work Phone			Cell Phone		
Email Address							
Street Address						Apt #	
City		State		Zip		Ward	
First Name		Middle Initial		Last Name			
Home Phone		Work Phone			Cell Phone		
Email Address							
Street Address						Apt #	
City		State		Zip		Ward	

Sibling Information			
Does the student have any siblings attending this charter school?		<input type="checkbox"/> Yes <input type="checkbox"/> No	If so, please list below
First Name, Initial, Last Name		Grade	
First Name, Initial, Last Name		Grade	
First Name, Initial, Last Name		Grade	
First Name, Initial, Last Name		Grade	

I affirm that the information I have submitted above is true to the best of my knowledge. Additionally, I understand that submitting this application does not guarantee admission to the charter school mentioned above.

Print Name: _____

Date (month/day/year): ____/____/____

Signature: _____

Instructions for Completing the Common Charter School Application

These instructions will assist you in completing the Common Charter School Application. The Common Charter School Application must be delivered to the desired charter school no later than _____. Please contact each charter school you are interested in to see if it requires additional information and the date by when such additional information must be submitted. The application is required to enroll in the charter school and/or to participate in the charter school's admissions lottery, if one is held. Please keep in mind that a separate application must be completed for every charter school to which the student wishes to apply.

1. School Information: Write the name and address of the charter school to which you are applying.

- a Complete one application for each charter school you wish to apply to. There is no limit to the number of charter schools you may apply to.

2. Student information

- a Enter the student's last name, followed by their first name and middle initial.
- b Enter the student's date of birth, student ID # (if known), and indicate whether the student is male or female.
- c Enter the student's legal address.
- d List the grade the student will be entering for the 2011/2012 school year and the school the student is currently attending.

3. Parent/Guardian Information: This information will be used to contact you regarding questions that the school may have AND to provide you with lottery information including the results of the lottery drawing.

- a Enter the parent/guardian last name, followed by their first name and middle initial.
- b Enter the parent/guardian primary phone number, work phone number, cell phone number, and email address if applicable.
- c Repeat (a) and (b) for a second parent/guardian if applicable.

4. Sibling Information: Students with siblings presently attending the desired charter school are given preference when applying for admission. This may increase your student's chances of admission depending on the admissions policy of the school.

- a Indicate yes or no regarding whether the applying student has a sibling already attending the desired charter school.
- b If the student listed on the application has a sibling that already attends the desired charter school, enter the name, grade, and date of birth of the sibling.

5. Agreement

- a Print your name, sign your name, and enter today's date if you (1) agree that the information entered on the Common Charter School Application is correct to the best of your knowledge and (2) understand that submitting this application does not guarantee admission to the charter school mentioned above.

District of Columbia Statewide School Enrollment Form

School Year _____

Please complete and return this form to the school in which the student is enrolling. In addition to this form, each enrollee may need to complete an additional enrollment form specific to your school.

Student Information

Last name	First name	Middle name	Suffix
Date of birth (MM/DD/YYYY)		Sex (circle one)	Social Security number
____/____/____		Female Male	irrelevant
Ethnicity (choose one) _____ Hispanic origin _____ Not of Hispanic origin			
Race (choose one or more, regardless of Ethnicity) _____ American Indian or Alaskan Native _____ Asian _____ Black or African American _____ Native Hawaiian or Other Pacific Islander _____ White			
Has the student been known by a different name? _____ Yes _____ No		If yes, please provide the name:	
Does the student prefer to be called by a nickname? _____ Yes _____ No		If yes, please provide the nickname:	

City of birth	Name of last school attended		
County of birth	Last grade completed	Date last attended	
State of birth	irrelevant	____/____/____	
Country of birth	If not a returning student, city / state of previous school		
Country of citizenship	Special services student receives (check any that apply) _____ Advanced placement _____ Any special needs _____ Current IEP _____ Current 504 plan _____ English (ESL) learner _____ Free & Reduced Lunch		
If not a US citizen, date of entry into US _____/____/____ Language spoken at home _____ Spanish _____ Chinese _____ Amharic _____ Vietnamese _____ Other	DC residency (check one) _____ DC resident (student & parent/guardian live in DC) _____ Non-resident (student & parent/guardian live outside DC) _____ Receipt for payment of non-resident tuition attached		

Student's residential address		Student's mailing address (if different from residential address)	
Street		Street	
Apartment or suite number	Ward	Apartment or suite number	Ward
City		City	

District of Columbia Statewide School Enrollment Form

School Year _____

State	Zip code	State	Zip code
Type of living arrangement: _____ Permanent _____ Temporary		If temporary, is it due to loss of housing or economic hardship? _____ Yes _____ No	
Home phone number _____ - _____ - _____		Cell phone number _____ - _____ - _____	
Student's email address _____			
Sibling name _____		Sibling name _____	
School attending _____		School attending _____	

Parent / Guardian and Emergency Contact Information

Provide parent / legal guardian names. Provide contact information if different from student's.

Parent / Guardian 1 contact information

First name	Middle name	Last name
Street address (if different from student)		
Apartment or suite number	Ward	
City		
State	Zip code	
Home phone _____ / _____ / _____		
Cell phone _____ / _____ / _____		
Work phone _____ / _____ / _____		
Email address _____		

Parent / Guardian 2 contact information

First name	Middle name	Last name
Street address (if different from student)		
Apartment or suite number	Ward	
City		
State	Zip code	
Home phone _____ / _____ / _____		
Cell phone _____ / _____ / _____		
Work phone _____ / _____ / _____		
Email address _____		

Emergency contact information 1 (Other than parent / guardian)

First name	Last name
Primary phone _____ / _____ / _____	
Alternate phone _____ / _____ / _____	

Emergency contact information 2 (Other than parent / guardian)

First name	Last name
Primary phone _____ / _____ / _____	
Alternate phone _____ / _____ / _____	

Title III Allowable Costs

Title III, Language Instruction for Limited English Proficient and Immigrant Students, provides funds to ensure that children who are limited English proficient (LEP), including immigrant children and youth, attain English proficiency, develop high levels of academic achievement in English, and meet the challenging state academic content and student academic achievement standards. Funds are to be used to provide high-quality language instruction and educational programs to meet the same challenging state performance standards expected of all students and to provide high quality professional development of sufficient intensity and duration to have a positive and lasting impact on performance in the classroom.

Examples of allowable uses of Title III funds include:

- Purchase educational material and supplies to support the bilingual/ESL program;
- Fund sustained professional development opportunities for staff on the teaching and learning of English language learners (ELLs);
- Fund after-school/Saturday programs for ELLs;
- Sponsor parent involvement activities and classes for parents of ELLs;
- Translate materials to keep ELL parents informed of school policies, information and activities;
- Purchase computer hardware and software for use by ELLs and their teachers

Title III expenditure reporting is required quarterly, and is monitored to ensure that activities funded by Title III increase English proficiency and academic achievement through high quality language instruction educational programs and provide high quality professional development.