California Association for Bilingual Education

Bridging Multiple Worlds for Local and Global Success

March, 2016
San Francisco, CA
1) Overview of national data on English Learners
2) Highlight key shifts in the Every Student Succeeds Act
3) Share resources from the Department to support educators working with English Learners
PERCENTAGE CHANGE IN NUMBER OF ELs, BY STATE:
SYs 2004-05 TO 2013-14

NUMBERS OF IDENTIFIED ELs: SYs 2002-03 TO 2013-14

## TOP FIVE LANGUAGES SPOKEN BY ELs NATIONALLY: 2013-14

<table>
<thead>
<tr>
<th>Language</th>
<th>Number of ELs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish</td>
<td>3,770,816</td>
</tr>
<tr>
<td>Arabic</td>
<td>100,461</td>
</tr>
<tr>
<td>Chinese</td>
<td>99,943</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>80,283</td>
</tr>
<tr>
<td>Haitian/Haitian Creole</td>
<td>35,467</td>
</tr>
</tbody>
</table>

UNACCOMPANIED CHILDREN RELEASED TO SPONSORS IN FY2014 THROUGH FY2016, BY STATE

NATIONAL NAEP GRADE 4 READING SCORES FOR ELs and NON-ELs: 2000 TO 2015

NATIONAL NAEP GRADE 8 READING SCORES FOR ELs and NON-ELs: 1998 TO 2015

HIGH SCHOOL GRADUATION RATES: SY 2013-14
BY RACIAL/ETHNIC CATEGORY

- All students: 82.3%
- Asian/Pacific Islander: 69.6%
- American Indian/Alaska Native: 72.5%
- Hispanic: 76.3%
- Black: 87.2%
- White: 87.2%
HIGH SCHOOL GRADUATION RATES: SY 2013-14
BY STUDENT GROUP

- **All students**: 82.3%
- **Economically disadvantaged students**: 74.6%
- **Students with disabilities**: 63.1%
- **ELs**: 62.6%
TRENDS IN HIGH SCHOOL GRADUATION RATES BY STUDENT GROUP

<table>
<thead>
<tr>
<th>Year</th>
<th>All Students</th>
<th>Economically Disadvantaged</th>
<th>Students with Disabilities</th>
<th>ELs</th>
</tr>
</thead>
<tbody>
<tr>
<td>SY 2010-11</td>
<td>79.0%</td>
<td>59.0%</td>
<td>61.0%</td>
<td>57.0%</td>
</tr>
<tr>
<td>SY 2011-12</td>
<td>80.0%</td>
<td>61.0%</td>
<td>62.0%</td>
<td>59.0%</td>
</tr>
<tr>
<td>SY 2012-13</td>
<td>81.0%</td>
<td>62.0%</td>
<td>62.0%</td>
<td>61.1%</td>
</tr>
<tr>
<td>SY 2013-14</td>
<td>82.3%</td>
<td>63.1%</td>
<td>63.1%</td>
<td>62.6%</td>
</tr>
</tbody>
</table>
ESSA, signed on December 15, 2015, builds on our progress and solidifies many of the reforms the Department has championed for the last 7 years.
EVERY STUDENT SUCCEEDS ACT
THE BIG PICTURE

THE BIPARTISAN BILL TO FIX NO CHILD LEFT BEHIND WILL HELP
ENSURE OPPORTUNITY FOR ALL OF AMERICA'S STUDENTS:

- Holds all students to high academic standards
- Prepares all students for success in college and career
- Provides more kids access to high-quality preschool
- Guarantees steps are taken to help students, and their schools, improve
- Reduces the burden of testing while maintaining annual information for parents and students
- Promotes local innovation and invests in what works
EVERY STUDENT SUCCEEDS ACT

TRANSITION AND IMPLEMENTATION

- ESSA provides time and authority for ED to work with our State and local partners to ensure a smooth and orderly transition from NCLB and ESEA Flexibility.

- It is important that we get regulations, guidance and technical assistance out to support high-quality implementation of the law.

- ED has begun communicating with States and districts regarding the transition and will continue to provide guidance over the coming weeks and months.
EVERY STUDENT SUCCEEDS ACT

TRANSITION AND IMPLEMENTATION

- States and districts should **continue to implement** the activities and programs they have in place now through the end of the 2015-2016 school year.
- ED continues to meet with teachers, administrators, the civil rights community and others to inform the development of regulations and guidance.
- ED is **receiving input from all stakeholders** to help support high-quality transition to, and implementation of, the new law.
- Transition FAQ’s are available on our ESSA webpage at [www.ed.gov/ESSA](http://www.ed.gov/ESSA)
EVERY STUDENT SUCCEEDS ACT
REGULATIONS AND NEGOTIATED RULEMAKING

- In early February, ED put out a notice of intent to engage in negotiated rulemaking in two key topic areas: Title I-A assessments and “supplement not supplant.”

- These sessions are open to the public and will be hosted at the Department on:

  - March 21-23
  - April 6-8
  - April 18-19 (possible third session)

- On March 4, 2016 ED announced a slate of negotiators representing diverse viewpoints and a wide variety of constituencies.
ESSA and English Learners

- Replaces “Limited English Proficient” with “English learners”
- Reauthorizes Title III: Language Instruction for English Learners and Immigrant Students
  - President’s 2017 budget proposes an increase of $63 million in FY 2017
- Requires that states establish and implement standardized statewide entry and exit procedures for ELs
- Requires State-determined accountability systems under Title I to include goals and interim targets for English language proficiency (ELP) for ELs
  - ELP accountability for ELs has been moved from Title III to Title I
ESSA and English Learners

- Allows states to include former ELs in the EL subgroup for academic content accountability up to four years after they have been reclassified
- Requires Title I LEAs to conduct outreach, including regular meetings for parents of ELs
ESSA and English Learners

- Adds subgroup reporting requirements for Title III LEAs
  - ELs with disabilities
  - long-term ELs (i.e. ELs who have not achieved proficiency after 5 years of being initially classified as an EL)
ESSA and English Learners

- Requires each Title I State plan to identify the languages other than English that are present to a “significant extent” and indicate the languages for which annual student assessments are not available and are needed.

- Expands the uses of funds under the competitive grant program in Title I, Part B to include developing or improving ELP assessments or assessments in languages other than English.
ESSA Resources

- Please direct your questions to: ESSA.Questions@ed.gov
- Visit the website for more information: www.ed.gov/essa
- Read the Every Student Succeeds Act here.
- Sign up for ESSA news and updates
EL GUIDANCE OVERVIEW

Jointly released by the U.S. Departments of Education (ED) and Justice (DOJ) on January 7, 2015 and available at:
www.ed.gov/ocr/ellresources.html

www.justice.gov/crt/about/edu/

Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA)

Public schools must ensure that EL students can participate meaningfully and equally in educational programs.

Guidance is available in multiple languages.
EL GUIDANCE OVERVIEW

PURPOSE OF THE GUIDANCE

- The Guidance:
  - Reminds state and local education agencies (SEAs / LEAs) of their legal obligations to EL students and LEP parents
  - Suggests ways that SEAs and LEAs can meet those obligations
  - Discusses ten of the most frequent civil rights issues that arise in the context of EL students and LEP parents to promote compliance
  - Eliminates confusion between Title VI, the EEOA, and Title III
EL GUIDANCE OVERVIEW

LEGAL BASIS OF THE GUIDANCE

- **Title VI** prohibits recipients of Federal financial assistance from discriminating on the basis of race, color, or national origin.
  

- **The EEOA** requires SEAs and LEAs to take “appropriate action to overcome language barriers that impede equal participation by students in [their] instructional programs.” 20 U.S.C. § 1703(f).

- **Case law interpreting Title VI and the EEOA**
EL GUIDANCE OVERVIEW
Castañeda's Three-Part Test for Evaluating Compliance


  - The educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy;

  - The program and practices used by the school system are reasonably calculated to implement effectively the educational theory adopted by the school; and

  - The program succeeds, after a legitimate trial, in producing results indicating that students' language barriers are actually being overcome within a reasonable period of time.
EL GUIDANCE OVERVIEW

WHO MUST COMPLY?

- The EL Guidance applies to:
  - State education agencies (SEAs);
  - Local education agencies (LEAs); and
  - Any “school district” that receives Federal financial assistance from ED or DOJ including:
    - Public school districts
    - Public charter schools
    - Public alternative schools
EL GUIDANCE OVERVIEW

TEN MAIN CIVIL RIGHTS ISSUES COVERED

A. Identification and assessment
B. Language assistance program
C. Staffing and supporting an EL program
D. Meaningful access to curricular and extra curricular programs
E. Unnecessary segregation
F. Evaluating EL students for special education & providing special education
G. Opting out of EL programs
H. Monitoring and exiting EL students
I. Evaluating the effectiveness of a program
J. Meaningful communication with LEP parents
OCR and DOJ created two facts sheets that highlight many of the key points in the EL Guidance:

1. Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs
   - Overviews the EL guidance, focusing on school district responsibilities
   - Does not try to address all of the issues in the guidance.

2. Information for Limited English Proficient Parents and for Schools and School Districts that Communicate with Them
   - Answers common questions about the rights of parents and guardians who are not proficient in English because it is not their primary language.

- The facts sheets are available in 11 languages.
ENGLISH LEARNER TOOL KIT

- Intended to help state and local education agencies in meeting their obligations to English Learners (ELs)
- Should be read in conjunction with the Dear Colleague Letter
- There are ten chapters of the EL Tool kit; each chapter aligned to reflect a section of the Dear Colleague Letter
- Each EL Tool Kit chapter contains an overview, sample tools, and resources relevant to the topic of the chapter
- Completed Tool Kit was released in September

YOU CAN ACCESS THE EL TOOL KIT AT: ED.GOV/OELA/ENGLISH-LEARNER-TOOLKIT/
EL TOOL KIT - CHAPTER 1

TOOLS AND RESOURCES FOR IDENTIFYING ALL ENGLISH LEARNERS

This is the first chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) in meeting their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights and the U.S. Department of Justice’s joint guidance, “English Learner Students and Limited English Proficient Parents,” which outlines SEAs’ and LEAs’ legal obligations to EL students under civil rights laws and other federal requirements.

IDENTIFYING POTENTIAL ENGLISH LEARNERS

KEY POINTS

- LEAs must identify in a timely manner EL students in need of language assistance services.
- The home language survey (HLS) is the most common tool used to identify potential ELs.
- An HLS must be administered effectively to ensure accurate results.
CHAPTER 1 – TOOLS
IDENTIFYING ALL ENGLISH LEARNERS
HOME LANGUAGE SURVEYS

Tiếng Việt (VIETNAMESE)
1. Có nói tiếng nào khác tiếng Anh không được nói ở nhà quý vị không?
   □ Không □ Có __________________________ (hãy cho biết tiếng nào)

2. Con quý vị có nói tiếng nào khác tiếng Anh không?
   □ Không □ Có __________________________ (hãy cho biết tiếng nào)

3. Con quý vị đã học tiếng nào đầu tiên?
   __________________________ (hãy cho biết tiếng nào)

4. Quý vị muốn nhận được thông tin từ trường học bằng tiếng nào?
   __________________________ (hãy cho biết tiếng nào)

5. Quý vị có quan hệ như thế nào đối với con?
   □ Cha □ Mẹ □ Người giám hộ □ Quan hệ khác (hãy cho biết) __________________________

CHINESE
1. 除了英语之外，您家是否还说其他语言？
   o 否 □ 是 __________________________（请说明是哪种语言）

2. 除了英语之外，您的孩子是否还说其他语言？
   o 否 □ 是 __________________________（请说明是哪种语言）

3. 您的孩子最先学习的是哪种语言？________________________（请说明是哪种语言）

4. 您希望学校用哪种语言授课？________________________（请说明是哪种语言）

5. 您与孩子的关系？
   o 父亲 □ 母亲 □ 其他（请说明）________________________

AMHARIC
This is the fourth chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights' and the U.S. Department of Justice’s Dear Colleague Letter on “English Learner Students and Limited English Proficient Parents,” published in January 2015, which outlines SEAs’ and LEAs’ legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at http://www2.ed.gov/about/offices/list/ocr/ellresources.html.

PROVIDING ENGLISH LEARNERS EQUAL ACCESS TO CURRICULAR AND EXTRACURRICULAR PROGRAMS

KEY POINTS

- SEAs and LEAs must design and implement services and programs that enable ELs to attain both English proficiency and parity of participation in the standard instructional program, within a reasonable length of time.

- SEAs and LEAs must provide equal opportunities for EL students to meaningfully participate in curricular, co-curricular, and extracurricular programs and activities.

- SEAs must ensure that schools and LEAs use appropriate, reliable, and valid evaluations and testing methods to measure ELs’ acquisition of English and core-content knowledge.
CHAPTER 4 – RESOURCES

PROVIDING ENGLISH LEARNERS EQUAL ACCESS TO CURRICULAR AND EXTRACURRICULAR PROGRAMS

RESOURCES

The U.S. Department of Education does not mandate or prescribe particular standards, curricula, lesson plans, assessments, or other instruments in this tool kit. This tool kit contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information is provided for the reader’s convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other interested parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to resources does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided. All links included here were verified on June 10, 2015. The list of resources will be updated and revised in the future.


This article provides guidance on how to teach literacy to ELs most effectively. The author identifies four critical components of reading instruction for ELs: (1) phonics, (2) vocabulary, (3) comprehension, and (4) speech. Several recommendations intend to help policy makers provide literacy support to ELs.


This practice guide offers “educators specific, evidence-based recommendations that address the challenge of teaching ELs in the elementary and middle grades: building their ELP while simultaneously building literacy, numeracy skills, and content knowledge of social studies and science. The guide provides practical and coherent information on critical
CIVIL RIGHTS DATA COLLECTION - NEW EL REPORT

- Identifies the proportion of ELs students in a school or district compared to overall enrollment who were:
  - In each race/ethnicity category
  - In early childhood, gifted and talented, or EL programs
  - In AP courses or advanced math courses
  - Served under the IDEA
  - Took the SAT or ACT
  - Suspended or expelled

- Online at ocrdata.ed.gov
ENGLISH LEARNER TOOL KIT CHAPTERS

1. Identification and assessment
2. Language assistance program
3. Staffing and supporting an EL program
4. Meaningful access to curricular and extra curricular programs
5. Unnecessary segregation
6. Evaluating EL students for special education & providing special education
7. Opting out of EL programs
8. Monitoring and exiting EL students
9. Evaluating the effectiveness of a program
10. Meaningful communication with LEP parents
This is the first chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) in meeting their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights and the U.S. Department of Justice’s joint guidance, “English Learner Students and Limited English Proficient Parents,” which outlines SEAs’ and LEAs’ legal obligations to EL students under civil rights laws and other federal requirements.

IDENTIFYING POTENTIAL ENGLISH LEARNERS

KEY POINTS
- LEAs must identify in a timely manner EL students in need of language assistance services.
- The home language survey (HLS) is the most common tool used to identify potential ELs.
- An HLS must be administered effectively to ensure accurate results.
HOME LANGUAGE SURVEYS

The following information about home language surveys is provided for the reader's convenience and is included here to offer examples. LEAs are reminded to check with their SEAs to see if a particular HLS is prescribed, and, if so, what the current version is.

The following three HLS questions have been approved by the U.S. Department of Education Office for Civil Rights (OCR) and the U.S. Department of Justice (DOJ) in their compliance work under Title VI of the 1964 Civil Rights Act and the Equal Educational Opportunities Act of 1974. Asking these three questions, and then testing a student whose parent or guardian responded to one or more of these three questions with a language other than English, is considered minimally compliant under the law.

OCR- and DOJ-approved home language survey questions:

1) What is the primary language used in the home, regardless of the language spoken by the student?

2) What is the language most often spoken by the student?

3) What is the language that the student first acquired?
IDENTIFYING ALL ENGLISH LEARNERS

HOME LANGUAGE SURVEYS

SAMPLE #1

Home Language Survey

To make sure that all students receive the education services they need, the law requires us to ask questions about students’ language backgrounds. The answers to Section A below will let us see if a student’s proficiency in English should be evaluated and help us to ensure that important opportunities to receive programs and services are offered to students who need them. The answers to Section B below will help us communicate with you regarding the student and all school matters in the language you prefer.

Student’s Name: ___________________________ Date of Birth: ___________________________

SECTION A: Please answer the questions below.

1. What are the primary languages used in the home regardless of the language spoken by the student? (Select up to three.)

   - English
   - Arabic
   - Burmese
   - Cambodian
   - Cantonese
   - Creole
   - Greek
   - Haitian-Creole
   - Italian
   - Korean
   - Mandarin
   - Somali
   - Spanish
   - Tolkish
   - Vietnamese
   - Other (Please specify) ________________

2. What is the language most often spoken by the student? (Select only one.)

   - English
   - Arabic
   - Burmese
   - Cambodian
   - Cantonese
   - Creole
   - Greek
   - Haitian-Creole
   - Italian
   - Korean
   - Mandarin
   - Somali
   - Spanish
   - Tolkish
   - Vietnamese
   - Other (Please specify) ________________

3. What is the language that the student first acquired? (Select only one.)

   - English
   - Arabic
   - Burmese
   - Cambodian
   - Cantonese
   - Creole
   - Greek
   - Haitian-Creole
   - Italian
   - Korean
   - Mandarin
   - Somali
   - Spanish
   - Tolkish
   - Vietnamese
   - Other (Please specify) ________________

Parents/Guardian Signature: ___________________________ Date: ___________________________

SECTION B: Please answer the questions below.

1. In which language do you prefer to receive written school communications? (Select only one.)

   - English
   - Arabic
   - Burmese
   - Cambodian
   - Cantonese
   - Creole
   - Greek
   - Haitian-Creole
   - Italian
   - Korean
   - Mandarin
   - Somali
   - Spanish
   - Tolkish
   - Vietnamese
   - Other (Please specify) ________________

2. In which language do you prefer to receive oral school communications? (Select only one.)

   - English
   - Arabic
   - Burmese
   - Cambodian
   - Cantonese
   - Creole
   - Greek
   - Haitian-Creole
   - Italian
   - Korean
   - Mandarin
   - Somali
   - Spanish
   - Tolkish
   - Vietnamese
   - Other (Please specify) ________________
**IDENTIFYING ALL ENGLISH LEARNERS**

**HOME LANGUAGE SURVEYS**

### Vietnamese

1. Có nói tiếng nào khác tiếng Anh không được nói ở nhà quý vị không?
   - ☐ Không  ☐ Có ______________________ (hãy cho biết tiếng nào)

2. Con quý vị có nói tiếng nào khác tiếng Anh không?
   - ☐ Không  ☐ Có ______________________ (hãy cho biết tiếng nào)

3. Con quý vị đã học tiếng nào đầu tiên?
   - ______________________ (hãy cho biết tiếng nào)

4. Quý vị muốn nhận được thông tin từ trường học bằng tiếng nào?
   - ______________________ (hãy cho biết tiếng nào)

5. Quý vị có quan hệ như thế nào đối với con?
   - ☐ Cha  ☐ Mẹ  ☐ Người giám hộ  ☐ Quan hệ khác (hãy cho biết) ______________________________________

### Chinese

1. 除了英语之外，您家是否还说其他语言？
   - ☐ 否  ☐ 是 ______________________ （请说明是哪种语言）

2. 除了英语之外，您的孩子是否还说其他语言？
   - ☐ 否  ☐ 是 ______________________ （请说明是哪种语言）

3. 您的孩子最先学习的是哪种语言？________________________ （请说明是哪种语言）

4. 您希望学校用哪种语言授课？________________________ （请说明是哪种语言）

5. 您与孩子的关系？
   - ☐ 父亲  ☐ 母亲  ☐ 其他 （请说明） ______________________

### Amharic
IDENTIFYING ALL ENGLISH LEARNERS

PLACEMENT TEST CHECKLISTS

The following checklists provide suggestions and some requirements (as indicated) for assisting with reviewing placement/screened test used to determine a student’s EL status.

State Education Agency Checklist
- Has the SEA clearly communicated to LEAs which placement test is recommended or required?
- Is SEA guidance about EL placement testing readily available to LEAs?

If a placement test (i.e., assessment) is required or recommended by the SEA:
- In what year was the assessment developed? Have items been refreshed since its initial development? What is the refreshment cycle?
- Does the assessment developer follow best practices in placement test development, such as pilot testing, field testing, and ensuring consistency with SEA ELP standards?
- Has the assessment developer provided information about the reliability and validity of the assessment?
- Does the assessment developer provide a test administration manual and test administration training for those administering the assessment and scoring results?
- Have templates been developed in languages representative of the EL community for LEAs to use in communicating placement information to EL families?

Local Education Agency Checklist
- Have LEA or school staff checked with the SEA to determine whether to adopt a required or recommended placement test?

If a required test is not provided and the LEA selects a placement test:
- Does the placement test assess English language proficiency appropriately, including the required testing in all four domains (speaking, listening, reading, and writing)?
- In what year was the assessment developed? Have items been refreshed since its initial development? What is the refreshment cycle?
- Does the assessment developer follow best practices in placement test development, such as pilot testing, field testing, and ensuring consistency with SEA ELP standards?
- Has the assessment developer provided information about the reliability and validity of the assessment?
- Does the assessment developer provide a test administration manual and test administration training for those administering the assessment and interpreting the results?

Administration Procedures
- Have LEA or school staff created detailed administration procedures to describe (1) whose responsibility it is to administer the assessment, (2) what the training requirements are (based on the test developer’s recommendations), and (3) whether refresher training is suggested?
- Have procedures for record keeping been developed, including, for example, how assessment results will be stored and linked to the student’s permanent records, and shared with appropriate instructional staff?
- Are the purpose and use of the placement test clearly communicated to stakeholders?
- Have procedures and translated forms been developed for communicating placement information to EL families?
- Has the LEA established a process by which teachers may recommend a student for further ELP testing if, for example, the student’s language needs as observed in class indicate that the student is EL despite the placement test results to the contrary?
IDENTIFYING ALL ENGLISH LEARNERS
RESOURCES

The U.S. Department of Education does not mandate or prescribe particular curricula, lesson plans, assessments, or other instruments in this tool kit. Rather, this tool kit contains examples, adaptations of, and links to resources created and maintained by other public and private organizations. This information is provided for the reader's convenience and is included here as an example of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to resources does not reflect their importance, nor is such inclusion intended to endorse any views expressed, or materials provided.


This article addresses issues concerning the assessment, identification, and classification of ELs with disabilities. Accommodations for ELs with disabilities are discussed and recommendations for more accessible assessments for these students are provided.


This document guides the creation of enhanced home language surveys to better discriminate between students in the general k–12 student population who may need further assessment or placement in English language support services. It also provides a validity argument that the responses to new items will produce meaningful information so that an HLS can be more effectively used for its intended purpose of initially identifying the EL student population.
Questions? Suggestions?
EL TOOL KIT - CHAPTER 2

TOOLS AND RESOURCES FOR PROVIDING ENGLISH LEARNERS WITH A LANGUAGE ASSISTANCE PROGRAM

This is the second chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights’ (OCR) and the U.S. Department of Justice’s (DOJ) Dear Colleague Letter on “English Learner Students and Limited English Proficient Parents,” published in January 2015, which outlines SEAs’ and LEAs’ legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at http://www2.ed.gov/about/offices/list/ocr/ellresources.html.

PROVIDING ENGLISH LEARNERS WITH A LANGUAGE ASSISTANCE PROGRAM

KEY POINTS

- EL services and programs must be educationally sound in theory and effective in practice.
- EL programs must be designed to enable ELs to attain both English proficiency and parity of participation in the standard instructional program within a reasonable length of time.
- LEAs must offer EL services and programs, until ELs are proficient in English and can participate meaningfully in educational programs without EL support.
- Additionally, LEAs must provide appropriate special education services to ELs with disabilities who are found to be eligible for special education and related services.
EL TOOL KIT - CHAPTER 2

SELF MONITORING CHECKLIST

- On which educational theory are the EL services and program options based?
- What are the resources needed to effectively implement the chosen program?
- Does the school have qualified staff to implement the chosen program?
- How are placement in a particular EL program and the provision of EL services informed by a student’s English proficiency level, grade level, and educational and language backgrounds?
- Are EL services and programs provided to all eligible ELs, regardless of scheduling conflicts, grade, disability, or native language?
- Does the chosen EL program include instruction aligned to the state ELP standards and grade-level content standards?
- Do the EL services and programs provide ELs in all grades with equal opportunities to participate meaningfully and equally in all of the schools’ curricular and extracurricular programs?
- Are EL services and programs designed to provide more intensive instruction for ELs who are the least proficient in English?

- Are ELs at the highest levels of ELP continuing to receive EL services until they have exited from EL services and programs?
- Are there additional EL services and programs available for ELs who have not made expected progress despite extended enrollment in the EL program (i.e. LTEls)?
- What criteria is the LEA using to evaluate its program and determine if it is meeting its goals?
  For example:
  a. Are there processes and criteria in place to monitor ELs in and across programs in both academic content and ELP?
  b. Is there a process for modifying or replacing the EL program if data shows that students are not making expected progress within a reasonable period of time?
  c. Is there a process for monitoring ELs after exiting the program?
## SOME EL PROGRAMS CONSIDERED EDUCATIONALLY SOUND IN THEORY UNDER CASTAÑEDA’S FIRST PRONG

<table>
<thead>
<tr>
<th>Program Option</th>
<th>Program Goal</th>
<th>Language/s Used for Instruction</th>
</tr>
</thead>
<tbody>
<tr>
<td>English as a Second Language (ESL) or English Language Development (ELD)</td>
<td>Program of techniques, methodology, and special curriculum designed to teach ELs explicitly about the English language, including the academic vocabulary needed to access content instruction, and to develop their English language proficiency in all four language domains (i.e., speaking, listening, reading, and writing).</td>
<td>Usually provided in English with little use of the ELs’ primary language(s)</td>
</tr>
<tr>
<td>Structured English Immersion (SEI)</td>
<td>Program designed to impart English language skills so that the ELs can transition and succeed in an English-only mainstream classroom once proficient.</td>
<td>Usually provided in English with little use of the ELs’ primary language(s)</td>
</tr>
<tr>
<td>Transitional Bilingual Education (TBE), or early-exit bilingual education</td>
<td>Program that maintains and develops skills in the primary language while introducing, maintaining, and developing skills in English. The primary purpose of a TBE program is to facilitate the ELs’ transition to an all-English instructional program, while the students receive academic subject instruction in the primary language to the extent necessary.</td>
<td>Students’ primary language and English</td>
</tr>
<tr>
<td>Dual Language or Two-Way Immersion</td>
<td>Bilingual program where the goal is for students to develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of half primary-English speakers and half primary speakers of the other language.</td>
<td>English and another language</td>
</tr>
</tbody>
</table>
CHAPTER 2 - TOOLS

TOOL #1

GUIDING QUESTIONS TO LEARN ABOUT YOUR EL POPULATION

STUDENT POPULATION DISCUSSION TOOL

1. How many or what percentage of students in the school have a home language other than English?
2. What languages are spoken in their homes?
3. What places of origin are represented?
4. Are students from urban or rural backgrounds?
5. What community organizations represent various groups?
6. What educational backgrounds are represented? (Continuous or interrupted prior schooling, no prior schooling, schooling in home country, rural or urban schooling, preschool, kindergarten?)
7. Are some students literate in another language?
8. Are ELs the subject of many disciplinary referrals or actions in your school?
9. How many or what percentage of students in the school are actually classified as EL?
   - How many students currently receive language services?
   - How are these students distributed across grade levels?
   - What are their levels of English proficiency?
   - What language services do ELs currently receive?
   - In what types of classrooms do they receive literacy and content instruction?
   - What are these ELs’ academic strengths and weaknesses? (What is the evidence?)
10. How many students (for whom English is a second language) have met exiting criteria and are now classified as “English proficient”?
    - How are these students distributed across grade levels?
    - What services, such as monitoring or transitional support, do exited ELs currently receive?
    - How do they perform in mainstream classes? (What is the evidence?)
    - What are their academic strengths and weaknesses? (What is the evidence?)
A DISTRICT CHECKLIST

STEPS FOR ADDRESSING THE NEEDS OF LONG TERM ENGLISH LEARNERS

District and school leadership should be knowledgeable about the diversity of the EL enrollment (typologies) and understand the implications of that diversity for program design, program implementation and instructional practices. District systems should be created to prevent the development of Long Term English Learners and serving those Long Term English Learners who are enrolled in secondary schools across the district.

A district addressing the needs of Long Term English Learners should have the following in place:

* We have a formal definition for Long Term English Learners.
* We have designated annual benchmark expectations for English Learners by number of years in United States schools and by progress towards English proficiency.
* We have conducted our own inquiry (including analysis of data, student interviews, and focus groups, review of cumulative file histories, and classroom observations) to develop a deeper understanding of our own Long Term English Learner population.
* We have an English Learner Master Plan that includes descriptions of research based program models for different typologies of English Learners, including a designated program and pathway for Long Term English Learners.
* Site and district leadership are knowledgeable about the diversity of the English Learner enrollment in our district, including the different needs of newcomer students, normatively progressing English Learners, and Long Term English Learners.
* Our data system enables us to analyze English Learner achievement data by length of time in United States schools and by English proficiency levels.
* We can analyze data longitudinally to assess issues of program consistency and long-term program impact for our English Learners.
PROVIDING ENGLISH LEARNERS WITH A LANGUAGE ASSISTANCE PROGRAM

RESOURCES

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This executive summary presents the findings from an Institute of Education Sciences (IES) expert panel review of research related to the development of literacy in language-minority students. Research topics include the development of literacy; cross-linguistic relationships; sociocultural contexts and literacy development; instruction and professional development; and student assessment.


This court case established the following three-part test to evaluate the adequacy of an LEA’s program for ELs: First, is the program based on “an educational theory recognized as sound by some experts in the field or considered a legitimate experimental strategy”? Second, are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively? Third, does the LEA evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome within a reasonable period of time?


Questions?  Suggestions?
TOOLS AND RESOURCES FOR STAFFING AND SUPPORTING AN ENGLISH LEARNER PROGRAM

This is the third chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights’ and the U.S. Department of Justice’s Dear Colleague Letter on “English Learner Students and Limited English Proficient Parents,” published in January 2015, which outlines SEAs’ and LEAs’ legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at http://www2.ed.gov/about/offices/list/ocr/ellresources.html.

STAFFING AN ENGLISH LEARNER PROGRAM

KEY POINTS

- LEAs must provide the personnel necessary to effectively implement EL programs.
- Necessary personnel include teachers who are qualified to provide EL services, core-content teachers who are highly qualified in their field as well as trained to support EL students, and trained administrators who can evaluate these teachers.
- LEAs must provide adequate professional development and follow-up training in order to prepare EL program teachers and administrators to implement the EL program effectively.
- LEAs must ensure that administrators who evaluate EL program staff are adequately trained to meaningfully evaluate whether EL teachers are appropriately employing their training in the classroom in order for the EL program model to successfully achieve its educational objectives.
- SEAs must ensure that LEAs have qualified teachers and administrators for their EL programs.
EL TOOL KIT - CHAPTER 3

SELF MONITORING CHECKLIST

Qualified Teachers

★ Do all EL program, core-content, and special education teachers who instruct ELs have the appropriate certification, licensure, or training to teach ELs? If not, are they working to obtain it within a reasonable period of time?

★ Does the SEA provide guidance about and monitor whether LEAs have qualified teachers to deliver instruction to ELs?

★ Do all teachers who instruct ELs demonstrate the skills necessary to effectively implement the LEA’s EL program?

★ Does the LEA or SEA provide supplemental professional learning opportunities, when necessary, to ensure that the EL program is implemented effectively?

★ Do all EL program, core-content, and special education teachers who deliver instruction to ELs with disabilities receive PD specifically related to teaching dually identified ELs?

Adequate Number of Qualified EL Staff

★ Are the LEA’s EL services adequately staffed with qualified ESL, bilingual, core-content, and special education teachers trained in EL strategies, in order to meet ELs’ language and content needs?

★ Are principals or other administrative staff tasked with evaluating EL teachers certified and sufficiently trained in EL strategies in order to meaningfully evaluate teachers who deliver instruction to ELs?

★ Are paraprofessionals adequately trained to support ELs, and are they working under the direct supervision of a qualified teacher?

Adequate Resources for an EL Program

★ Does the LEA provide sufficient and appropriate materials for EL students at all levels of English language proficiency, including all grade levels, and for each EL program?

★ Do the resources provide challenging academic content aligned with grade-level state content standards?
CHAPTER 3 – RESOURCES

STAFFING AND SUPPORTING AN ENGLISH LEARNER PROGRAM

RESOURCES

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This article discusses a partnership between Chula Vista Learning Community Charter School and the bilingual teacher education program at the College of Education at San Diego State University. The partnership prepares teachers and administrators to implement and develop dual language instruction that is aligned to Common Core State Standards. The article addresses the opportunities, strategies, and challenges of working together to implement a pedagogy-based curriculum.

practice rubrics with consideration of ELs and SWDs, developed by NYSUT and RIFTHP, as well as a basic training module to “make evaluators and educators more familiarized with ELLs and SWDs and the issues involved in instruction and classroom observations.” Funding for the work by ESTL came from an I3 grant provided by the U.S. Department of Education, and initial funding provided by the AFT Innovation Fund.

CHAPTER 3 – RESOURCES


In this report, the authors set a new vision for English Language Development. They share instructional delivery models that are appropriate for urban school districts. They also provide step-by-step guidance to apply these models, along with accompanying materials, to hasten ELs’ acquisition of the academic language skills and grade-level content necessary for success. The methods contained in this report can be used alone or in concert with other LEA-approved evaluation methods.


The author discusses the roles and responsibilities of paraprofessionals in EL classrooms, including their responsibilities to students during both instruction and testing, and offers tips on how they can collaborate effectively with classroom teachers.


This report discusses a set of “Dual Language Learner Teacher Competencies (DLLT).” These competencies are seen as integral to the preparation of prospective teachers who wish to successfully work with dual language learners.


This paper is “intended to inform K-12 ESL professionals, a group of key individuals in U.S. education that includes teachers, teacher-leaders, school principals, district administrators, and other K-12 educators who work primarily or exclusively with ELs,” of the “challenges and possibilities associated with the new standards for the ESL profession in the K-12 context.” It also examines the ways in which implementation of these standards raises important questions about the views on the teaching and learning of English as a second language.
CHAPTER 3 - TOOLS

TOOL #4
FRAMEWORKS FOR SUPPORTING CLASSROOM TEACHING OF ELs

The American Institutes for Research’s (AIR’s) Center on Great Teachers and Leaders and Center for English Language Learners have been working collaboratively with the Council of Chief State School Officers’ ELL State Collaborative on Assessment and Student Standards (ELL SCASS) to ensure that current teacher evaluation and support systems incorporate effective instructional practices for ELs. An additional goal of the collaboration is to inform the next iteration of teacher evaluation and support systems and teacher pre-service evaluation systems. Diane August, a managing researcher at AIR, is leading this work. The following tool provides an overview and examples of the work currently underway.

INDICATORS AND EXAMPLES OF EFFECTIVE CLASSROOM TEACHING FOR ELs

OVERVIEW

ELs constitute a large and growing percentage of students in U.S. schools. For schools to educate a diverse student population effectively, all teachers of ELs must have the necessary knowledge and skills to do so. To measure and evaluate teacher competencies, many states have recently updated their teacher evaluation and support systems; however, additional attention to ELs would enhance instruction for these students.

Many states have based their new teacher evaluation systems on one of three major frameworks:


As part of this work each of these frameworks has been reviewed. The components or elements of the evaluation systems have not been changed, but staff has provided indicators and examples to illustrate how the components and elements might be enacted in classrooms with ELs. Subsequent activities to further develop indicators and examples of effective teaching for ELs include face-to-face collaborative work with ELL SCASS members and local educational agency representatives, and field-testing of the indicators and examples in select school districts. A publication will be prepared that documents the work.
Questions?  Suggestions?
This is the fourth chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights and the U.S. Department of Justice’s Dear Colleague Letter on “English Learner Students and Limited English Proficient Parents,” published in January 2013, which outlines SEAs and LEAs’ legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at https://www2.ed.gov/about/offices/list/ocr/colleague-letter.html.

PROVIDING ENGLISH LEARNERS EQUAL ACCESS TO CURRICULAR AND EXTRACURRICULAR PROGRAMS

KEY POINTS
- SEAs and LEAs must design and implement services and programs that enable ELs to attain both English proficiency and parity of participation in the standard instructional program, within a reasonable length of time.
- SEAs and LEAs must provide equal opportunities for EL students to meaningfully participate in curricular, co-curricular, and extracurricular programs and activities.
- SEAs must ensure that schools and LEAs use appropriate, reliable, and valid evaluations and testing methods to measure ELs’ acquisition of English and core-content knowledge.

PROVIDING ENGLISH LEARNERS EQUAL ACCESS TO ADVANCED COURSES AND GIFTED AND TALENTED PROGRAMS

KEY POINTS
- LEAs may not exclude ELs from GATE programs, or other specialized programs, such as AP, honors, and IB courses.
- LEAs must ensure that evaluation and testing procedures for GATE or other specialized programs do not screen out ELs because of their ELP levels.
- SEAs and LEAs should monitor the extent to which ELs and former ELs are referred for and participate in GATE programs and AP, honors, and IB courses, as compared to their never-EL peers.
EL TOOL KIT - CHAPTER 4

SELF MONITORING CHECKLIST

English Language Development (ELD)
- Does ELD instruction prepare ELs to participate in the academic curriculum in English?
- Is the ELD instruction tailored to and does it build upon students’ levels of ELP?
- Is there ongoing, systematic assessment of ELs’ progress toward English proficiency?

Curricular and Extracurricular Programs
- Do the EL programs provide access to the same standard grade-level curriculum—or to a comparable curriculum, equally rigorous—as is offered to never-ELs, while also providing appropriate language assistance strategies in core instruction?
- Are ELs integrated into the school’s educational programs, extracurricular offerings, additional services, and student body?
- Do ELs have equal access to all of the school’s facilities (e.g., computer labs, science labs, cafeteria, gym, and library)?
- Are ELs assessed in the core-content areas with appropriate and reliable evaluations and testing methods?
- Do content assessments indicate that ELs are making academic progress while in the EL program, and that former ELs are performing comparably to that of their never-EL peers? If not, are timely services provided to ELs to accelerate academic progress? Are those services offered within the school day?

Do GATE admission criteria apply equally to both ELs and their never-EL peers? Are criteria for ELs unwittingly or arbitrarily set higher (for example, admitting only students with “B” averages or higher, when grades may be affected by ELP levels)?
- Are GATE evaluations and testing methods available in formats that do not depend on students’ English language skills?
- Do GATE evaluations include multiple sources, methods, and recommendations from both ESL teachers and general education teachers?
- Do the school personnel making GATE program participation decisions have knowledge of ELs’ cultures and backgrounds?
- Do policies and processes enable ELs to access advanced classes and GATE programs for which ELP is not necessary for meaningful participation?
- Do policies and processes ensure that advanced classes, GATE programs, and EL services are not scheduled at the same time?
- Do SEAs and LEAs have a process and policy to monitor the rate at which ELs and former ELs are referred for and participate in GATE programs and AP, honors, and IB courses, as compared to their never-EL peers?
CHAPTER 4 - TOOLS

TOOL #1
DATA COLLECTION
CHAPTER 4 – RESOURCES

PROVIDING ENGLISH LEARNERS EQUAL ACCESS TO CURRICULAR AND EXTRACURRICULAR PROGRAMS

RESOURCES

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This article provides guidance on how to teach literacy to ELs most effectively. The author identifies four critical components of reading instruction for ELs: (1) phonics, (2) vocabulary, (3) comprehension, and (4) speech. Several recommendations intend to help policy makers provide literacy support to ELs.


Additional Resources from:
CCSSO
NAGC
TESOL
Understanding Language
and specific resources to support
Native American and Southeast Asian students
Tools and Resources for Creating an Inclusive Environment for and Avoiding the Unnecessary Segregation of English Learners

This is the fifth chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights’ (OCR) and the U.S. Department of Justice’s (DOJ) Dear Colleague Letter on “English Learner Students and Limited English Proficient Parents,” published in January 2015, which outlines SEAs’ and LEAs’ legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at http://www2.ed.gov/about/offices/list/ocr/ellresources.html.

Creating an Inclusive Environment for and Avoiding the Unnecessary Segregation of English Learners

Key Points

- LEAs must limit the segregation of ELs to the extent necessary to reach the stated goals of an educationally sound and effective program.

- LEAs should not keep ELs in segregated EL programs (or “EL-only” classes) for periods longer or shorter than required by each student’s level of English proficiency, time and progress in the EL program, and the stated goals of the EL program.

- While ELs may receive intensive English language instruction or bilingual services in separate classes, it would rarely be justifiable to segregate ELs from their non-EL peers in subjects like physical education, art, music, or other activity periods outside of classroom instruction.
EL TOOL KIT - CHAPTER 5

SELF MONITORING CHECKLIST

- What steps have been taken to develop positive and inclusive school climates for ELs?
- What are the stated educational goals of the EL program? Is the degree of segregation necessary to achieve those goals?
- Does the degree of segregation decrease commensurate with ELs’ rising ELP levels as well as their time and progress in the EL program?
- Do EL students participate with their non-EL peers during:
  - grade-level curriculum?
  - extracurricular activities?
  - after-school activities?
  - other subjects (e.g., physical education, art, music)?
- Is the EL program carried out in the least segregative manner, consistent with achieving the program’s stated educational goals?

- Have parents been informed of their right to opt their children out of the EL program or particular EL services?
- Does the LEA at least annually assess the ELP of ELs and base program placement decisions on that data?
- How is EL student progress monitored and assessed throughout the school year to inform instruction and placement?
- For those EL students who are newcomers:
  - Does the LEA offer a segregated newcomer program? If so, is participation in it voluntary?
  - Is participation in a newcomer program based on ELs’ academic and linguistic needs and not perceived behavior issues or other perceived needs?
  - Does the LEA offer opportunities for ELs in a newcomer program to take classes and participate in activities with non-ELs?
  - What support is provided to assist ELs to successfully transition out of newcomer programs?
CHAPTER 5 - TOOLS

TOOL #2
RESOURCES TO ADDRESS BULLYING AND HARASSMENT

As part of the White House Initiative on Asian Americans and Pacific Islanders (AAPI), the U.S. Department of Education, the U.S. Department of Health and Human Services, and the U.S. Department of Justice collaborated to form an AAPI Bullying Prevention Task Force (AAPI Task Force). The AAPI Task Force recently launched a bullying prevention website, available at http://www.ed.gov/edblogs/aaapi/aaapi-bullying/. The website includes timely, relevant statistics about bullying, specifically bullying related to race, religion, or immigration status. It also provides links to useful resources from multiple federal agencies, many of which are available in multiple languages.

INFORMATION ON BULLYING AND HARASSMENT

- Some students, such as Micronesian students whose families have recently immigrated to the United States, face bullying and harassment based on their immigration status.

- Other students are bullied for the way they look or for their lack of English language skills. One 2014 study found that 67 percent of turbaned Sikh youths in Fresno, California, have experienced bullying or harassment.

- A 2012 survey found that half of the 163 Asian-American New York City public school student participants reported experiencing some kind of bias-based harassment, compared with only 27 percent in 2009.

- Another 2012 survey found that 50 percent of Muslim youths surveyed experienced verbal or social bullying because of their religion.

SAMPLE RESOURCES AVAILABLE

Federal Partners in Bullying Prevention
http://www.stopbullying.gov
Video: Overview of School Districts’ Federal Obligation to Respond to Harassment
TOOL #3
SAMPLE SELF-MONITORING AID

The following tool is a self-monitoring aid that schools, LEAs, and SEAs can use to determine if ELS are unnecessarily segregated from their non-EL peers. The sample tool is based on current LEA and SEA tools. The form begins with key guidelines for creating an inclusive environment for ELS.

CREATING AN INCLUSIVE ENVIRONMENT FOR ELS:
SELF-MONITORING FORM

KEY GUIDELINES

- While most EL programs require that EL students receive separate instruction for a limited period of time (e.g., a period of ELS), LEAs must implement each program in the least segregative manner, consistent with the programs’ stated educational goals.
- LEAs must ensure that (5) parents are informed that they have the right to opt their children out of the EL program or particular EL services, and (2) EL students have their English proficiency assessed at least annually to ensure appropriate placement and levels of language assistance services.
- LEAs should not keep EL students in EL programs for periods longer or shorter than necessary to achieve the program’s educational goals, and the degree of segregation should not extend to that required by each student’s level of ELP and time and progress in the EL program.
- LEAs operating newcomer programs or schools should limit the duration of self-contained newcomer programs (to generally one year) and regularly evaluate students’ EL progression to allow appropriate transitions into more integrated EL programs throughout the academic year.

Elements to Support Inclusion | Rating | Evidence to Support Rating | Needed Action
--- | --- | --- | ---
1. Vision | 5 = All of the time | 1 = Never | 
- The LEA values and celebrates student diversity as reflected in its organizational vision or mission statement.
- Leadership is knowledgeable about civil rights laws as they pertain to English Learners.
- The LEA has a plan of action to facilitate an inclusive school culture and climate.

2. Program Placement | 5 = Mostly at the time | 
- The ELA enrollment forms do not inquire about students or their parents’ immigration status.
- The LEA does not segregate EL students from their English-speaking peers, except when isolation is justified, such as in an educational setting where English language and literacy instruction is needed.
- The LEA has an integrated education program that provides ELS with the same academic standards and rigorous curricula as their non-EL peers.
- If it is programmatically necessary to separate ELS from their English-speaking peers for part of the school day, the LEA offers SEAs when providing the LEA program provides guidance on the amount of time that is strategically appropriate for each program model and the ELA LEA and time and progress in the program.
- ELS participate fully in their non-EL peers in English or core academic classes.
- The ELS placement program is voluntary by informing parents of their right to opt their students out of EL programs and services.
- Program facilities and resources are comparable to those facilities and resources of the non-EL student population.

3. Staffing | 5 = Mostly at the time | 
- The ELA provides professional staff to provide EL services, core content teachers who are highly qualified in their field as well as trained to support EL students, and site administrators who can evaluate these teachers.
- The LEA provides ongoing support and professional learning of all staff in the requirements for EL inclusion and effective EL instructional practices.
- The LEA provides appropriate administrative support for implementing inclusive practices for ELS.

4. Communication with Students and Parents | 5 = Mostly at the time | 
- Limited English proficient (LEP) parents are provided information in a language they understand, including information about the LEA’s implementation of the activity that is causing the attendance of non-LP parents.
- Parents of EL are informed through members of school and family representatives and engaged in decision-making activities affecting their children’s education.
- The LEA provides support to schools and their staff on how to involve and engage them in the children’s education.
- The LEA provides parents with information, training, and support that are respected of cultural and linguistic diversity.

Evidence to Support Rating | Required Evidence
--- | ---
- The LEA shares that ELS have access to the same academic standards and rigorous curricula as their non-EL peers.
- The LEA ensures that ELS have the opportunity to meet academic standards, receive credit, and are able to access the full range of programs as non-EL students.
- ELS are included in SEL and LEA assessments.
- Classroom assessments are accurate and linguistically appropriate.
- The LEA regularly monitors EL placement patterns to ensure that placement decisions are based on students’ needs for ELP and time and progress in the program.
- Access to support services and activities
- The LEA provides access to the full range of academic instruction and support services included in the LEA’s service plan for eligible students with disabilities under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973 as amended.
- Therapy services, career and technical education, magnet programs, and any other services and supports available to non-EL students.
- The LEA ensures that ELS have equal access to all co-curricular and extracurricular activities.

Continued on next page
CHAPTER 5 – RESOURCES

CREATING AN INCLUSIVE ENVIRONMENT FOR AND AVOIDING THE UNNECESSARY SEGREGATION OF ENGLISH LEARNERS

RESOURCES

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This article responds to the Supreme Court 2007 decision in Parents Involved in Community Schools v. Seattle School District, also known as the “PICS” case, and looks at it through the lens of the English acquisition needs of Latino ELs. The author argues that, if Latino ELs are to receive constitutionally guaranteed access to opportunities to learn English, there must be mechanisms permitted for identifying and implementing best practices and beneficial educational contexts most conducive to ELs’ academic success.


This paper reviews the research on the impact of segregation on Latino students and ELs, including empirical research conducted in Arizona. It also reviews court decisions regarding students’ right to be integrated with their mainstream peers and provides data on the segregation of Arizona’s Latino students and ELs. This paper also reviews the existing literature on the impact of segregation at both the school and classroom levels and pays special attention to the effects of linguistic isolation for ELs.


This article provides suggestions for teachers who would like to help students learn about bullying through “language, visuals, and peer translation.” The
EL TOOL KIT - CHAPTER 6

TOOLS AND RESOURCES FOR ADDRESSING ENGLISH LEARNERS WITH DISABILITIES

This is the sixth chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights' (OCR) and the U.S. Department of Justice’s (DOJ) Dear Colleague Letter on “English Learner Students and Limited English Proficient Parents,” published in January 2015, which outlines SEAs’ and LEAs’ legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at http://www2.ed.gov/about/offices/list/ocr/ellresources.html.

TOOLS AND RESOURCES FOR ADDRESSING ENGLISH LEARNERS WITH DISABILITIES

KEY POINTS

- LEAs must identify, locate, and evaluate ELs with disabilities in a timely manner.
- LEAs must consider the English language proficiency of ELs with disabilities in determining appropriate assessments and other evaluation materials.
- LEAs must provide and administer special education evaluations in the child’s native language, unless it is clearly not feasible to do so, to ensure that a student’s language needs can be distinguished from a student’s disability related needs.
- LEAs must not identify or determine that EL students are students with disabilities because of their limited English language proficiency.
- LEAs must provide EL students with disabilities with both the language assistance and disability-related services they are entitled to under federal law.
## TOOL #2

**CONSIDERING THE INFLUENCE OF LANGUAGE DIFFERENCES AND DISABILITY ON LEARNING BEHAVIORS**

Differentiating language and literacy acquisition from disability can be difficult for some educators. The following table illustrates learning behaviors that a student might exhibit in class, followed by corresponding indicators of whether that behavior could represent a language difficulty or a potential learning disability. By determining the root of each student’s difficulties, educators can select the most appropriate and effective teaching and learning strategies to use.

### COMPARISON OF LANGUAGE DIFFERENCES VERSUS DISABILITIES

This tool is taken from *Meeting the Needs of English Learners with Disabilities: Resource Book* by Janice Butterfield, Ph.D., Santa Barbara County SELPA, on behalf of the SELPA Administrators of California Association. In the tool below, L1 refers to the student’s native language and L2 refers to the student’s second language (English). It is reprinted with permission of Dr. Butterfield.

**Oral Comprehension/Listening**

<table>
<thead>
<tr>
<th>Learning Behavior Manifested</th>
<th>Indicators of a Language Difference due to 2nd Language Acquisition</th>
<th>Indicators of a Possible Learning Disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student does not respond to verbal directions</td>
<td>Student lacks understanding of vocabulary in English but demonstrates understanding in L1</td>
<td>Student consistently demonstrates confusion when given verbal directions in L1 and L2; may be due to processing deficit or low cognition</td>
</tr>
<tr>
<td>Student needs frequent repetition of oral directions and input</td>
<td>Student is able to understand verbal directions in L1 but not L2</td>
<td>Student often forgets directions or needs further explanation in L1 and L2 (home &amp; school); may be due to auditory memory difficulty or low cognition</td>
</tr>
<tr>
<td>Student delays responses to questions</td>
<td>Student may be translating question in mind before responding in L2; gradual improvement seen over time</td>
<td>Student consistently takes a longer time period to respond in L1 &amp; L2 and it does not change over time; may be due to a processing speed deficit</td>
</tr>
</tbody>
</table>

**Phonemic Awareness/Reading**

<table>
<thead>
<tr>
<th>Learning Behavior Manifested</th>
<th>Indicators of a Language Difference due to 2nd Language Acquisition</th>
<th>Indicators of a Possible Learning Disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student does not remember letter sounds from one day to the next</td>
<td>Student will initially demonstrate difficulty remembering letter sounds in L2 since they differ from the letter sounds in L1, but with repeated practice over time will make progress</td>
<td>Student has difficulty retaining a story or event in L1 and L2; may have memory or sequencing deficits</td>
</tr>
<tr>
<td>Student is unable to blend letter sounds in order to decode words in reading</td>
<td>The letter sound errors may be related to L1 (for example, L1 may not have long and short vowel sounds) with direct instruction, student will make progress over time</td>
<td>Student makes letter substitutions when decoding not related to L1, student cannot remember vowel sounds; student may be able to decode sounds in isolation, but is unable to blend the sounds to decode whole word; may be due to processing or memory deficit</td>
</tr>
<tr>
<td>Student is unable to decode words correctly</td>
<td>Sound not in L1, so unable to pronounce word once decided</td>
<td>Student consistently confuses letters/words that look alike; makes letter reversals, substitutions, etc. that are not related to L1, may be processing or memory deficit</td>
</tr>
</tbody>
</table>

**Math**

<table>
<thead>
<tr>
<th>Learning Behavior Manifested</th>
<th>Indicators of a Language Difference due to 2nd Language Acquisition</th>
<th>Indicators of a Possible Learning Disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student manifests difficulty learning math facts and/or math operations</td>
<td>Student lacks comprehension of oral instruction in English; student shows marked improvement with visual input or instruction in L1</td>
<td>Student has difficulty memorizing math facts from one day to the next and requires manipulatives or devices to complete math problems; may have visual memory or processing deficits</td>
</tr>
<tr>
<td>Student has difficulty completing multiple-step math computations</td>
<td>Student lacks comprehension of oral instruction in English; student shows marked improvement with visual input or instruction in L1</td>
<td>Student forgets the steps required to complete problems from one day to the next, even with visual input; student reverses or forgets steps; may be due to a processing or memory deficit</td>
</tr>
<tr>
<td>Student is unable to complete word problems</td>
<td>Student does not understand mathematical terms in L2 due to English reading proficiency; student shows marked improvement in L1 or with visuals</td>
<td>Student does not understand how to process the problem or identify key terms in L1 or L2; may be a processing deficit/reading disability</td>
</tr>
</tbody>
</table>
CHAPTER 6 - TOOLS

TOOL #3
DEVELOPING AN IEP FOR AN ENGLISH LEARNER WITH A DISABILITY

The following list of questions is included as part of a National Dissemination Center for Children with Disabilities (NICHCY) training tool on IDEA. It is a tool to assist educators in developing IEPs for an EL student with a disability.

A CHECKLIST FOR IEP TEAMS: CONSIDERING LIMITED ENGLISH PROFICIENCY—DEVELOPING THE IEP

In developing an IEP for a student with limited English proficiency, the IEP Team must consider the student’s level of ELP; this includes both second language conversational skills as well as academic language proficiency. Therefore, the IEP Team must consider the student’s level of ELP in listening, speaking, reading and writing, to support and strengthen implementation of the IEP goals. The IEP Team may find it helpful to ask the following framing questions:

<table>
<thead>
<tr>
<th>Framing Questions</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Has the dominant language in the home been considered?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Has the child’s primary language of communication been considered?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Have the cultural values and beliefs of the parents been considered in planning for the child’s education?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Does the instructional plan incorporate a variety of instructional strategies?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Does the IEP Team have access to assessment data that is accurate and unbiased?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Does the assessment information use a variety of methods and environments?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Does the “present levels” statement in the IEP address both how the student uses his or her native language and how the student uses English?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Do progress monitoring activities measure progress toward the mastery of English?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Do the goals delineate in which language they will be addressed and who will be responsible for measuring the outcomes?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Is there collaboration between general and special education as well as English as a Second Language and bilingual education if appropriate?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Is an interpreter for the parents and the student present at the IEP meeting?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Are the IEP Team members trained in how to use an interpreter?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Is the evaluation process that will be used carefully defined in the native language and in English during the reviews and reevaluations?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Are the behaviors that are being measured carefully defined in the native language and in English during the reviews and reevaluations?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Is the setting that the language is being measured in defined?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Is the type of language that is being measured defined?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ADDRESSING ENGLISH LEARNERS WITH DISABILITIES

RESOURCES

The U.S. Department of Education does not mandate or prescribe particular standards, curricula, lesson plans, assessments, or other instruments in this tool kit. This tool kit contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information is provided for the reader’s convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other interested parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to resources does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided. All links included here were verified on August 10, 2015. The list of resources will be updated and revised in the future.


This study examines “the role of communication between parents of children with special needs and schools.” The study uses a survey as the data collection tool to “determine perceptions of Arab American parents of children with special needs regarding communications between the home and school. Findings...indicated that parents born in the United States had more positive perceptions regarding communications with teachers.”


This paper provides context and recommendations related to selecting accommodations for ELs and students with disabilities. Under this framework an accommodation must be feasible to implement; appropriate for the student; sensitive to a student’s background; not alter the assessment; and make the assessment more accessible. The authors offer research to support these conditions.
Questions? Suggestions?
This is the seventh chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights' and the U.S. Department of Education’s Dear Colleague Letter, “English Learner Students and Limited English Proficient Parents,” published in January 2015, which outlines SEAs’ and LEAs’ legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at http://www2.ed.gov/about/offices/list/ocr/ellresources.html.

SERVING ENGLISH LEARNERS WHO OPT OUT OF EL PROGRAMS

KEY POINTS

- Parents have the right to opt their children out of EL programs or particular EL services. This decision must be voluntary and based on a full understanding of the EL child’s rights, the range of services available to the child, and the benefits of such services to the child.

- If a parent decides to opt his or her child out of EL programs or particular EL services, that child still retains his or her status as an EL.

- LEAs must continue to monitor the English language proficiency (ELP) and academic progress of students who opt out of EL programs and services. If a student does not demonstrate appropriate growth in ELP or maintain appropriate academic levels, the LEA must inform the parents in a language they understand and offer EL services.
SERVING ENGLISH LEARNERS
WHO OPT OUT OF EL PROGRAMS

TOOLS

The U.S. Department of Education does not mandate or prescribe particular curricula, lesson plans, assessments, or other instruments in this toolkit. This toolkit contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information is provided for the reader's convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided. All links included here were verified September 9, 2015.

The following set of tools is intended to assist schools, LEAs, and SEAs in developing processes to assist in meeting legal requirements when parents of ELs choose to opt their child out of EL programs or particular EL services. LEAs are reminded to check with their SEAs to see if a particular parent notification letter is required, and, if so, what the current version is.

Tool #1, Statutorily Required Elements of Parent Notification Letter, cites relevant Title III requirements for notifying parents of their children’s EL status and their right to opt their children out of EL programs or particular EL services.

Tool #2, Sample Parent Notification Letter for a Child’s Placement in English Learner Programs and Services, provides one example of a parent notification letter that LEAs could use to notify parents of their children’s EL status and their right to opt their children out of EL programs or particular EL services.

Tool #3, Sample English Learner Programs and Services Opt-Out Notification, provides one example of a form that LEAs could use to provide documentation for legal compliance when a parent has expressed the desire to opt his or her child out of EL programs or particular EL services.

Tool #4, Sample Notification to Opt a Child Back into English Learner Programs or Services, provides one example of a form that LEAs could use to provide documentation when a parent reverts his or her decision and decides to opt the child back into EL programs or particular EL services.
CHAPTER 7 – RESOURCES

SERVING ENGLISH LEARNERS WHO OPT OUT OF EL PROGRAMS

RESOURCES

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This tool is one example of a parent notification letter that LEAs could use to notify parents of their children’s EL status and their right to opt their children out of EL programs or particular EL services. The tool reflects forms currently used by SEAs and LEAs.


and services. This guidance provides an outline of the legal obligations of SEAs and LEAs to ELs under the civil rights laws. Additionally, the guidance discusses compliance issues that frequently arise in OCR and DOJ investigations under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act and offers approaches that SEAs and LEAs may use to meet their federal obligations to ELs. A discussion of how SEAs and LEAs can implement their Title III grants and subgrants in a manner consistent with these civil rights obligations is included. Finally, the guidance discusses the federal obligation to ensure that limited English proficient parents and guardians have meaningful access to SEA-, LEA-, and school-related information.

Questions? Suggestions?
EL TOOL KIT - CHAPTER 8

TOOLS AND RESOURCES FOR MONITORING AND EXITING ENGLISH LEARNERS FROM EL PROGRAMS AND SERVICES

This is the eighth chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) in meeting their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights’ and the U.S. Department of Justice’s Dear Colleague Letter on “English Learner Students and Limited English Proficient Parents,” published in January 2015, which outlines SEAs’ and LEAs’ legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at http://www2.ed.gov/about/offices/list/ocr/ellresources.html.

TRACKING THE PROGRESS OF ENGLISH LEARNERS

KEY POINTS

- LEAs must monitor the progress of all ELs in achieving English language proficiency (ELP) and in acquiring content knowledge.
- LEAs should establish rigorous monitoring systems that include benchmarks for expected growth and take appropriate steps to assist students who are not adequately progressing towards those goals.
- SEAs must monitor LEAs to ensure that they are providing ELs meaningful access to grade-level core content instruction and remedying any academic deficits in a timely manner.
SELF MONITORING CHECKLIST

Tracking the Progress of ELs

- Are all ELs, including those who have opted out of EL programs and services, monitored at least annually for progress in achieving ELP and acquiring content knowledge?

- Are LEAs monitoring ELs’ progress toward established benchmarks for expected growth in ELP and the grade-level content areas and assisting students who are not making timely progress towards those goals?

- Does the SEA monitor LEAs to ensure that they are both providing ELs meaningful access to grade-level core content instruction and remedying any academic deficits in a timely manner?

- Has the SEA developed ELP standards and ensured that LEAs are implementing those ELP standards to inform EL programs, services, and assessments?

Exiting ELs

- Are procedures in place to ensure that students exit from EL programs, services, and status only after they demonstrate English proficiency on a valid and reliable ELP assessment?

- What processes are in place to monitor the progress of former ELs? Do LEAs monitor, for at least two years, the academic progress of students who have exited EL status to ensure that they have not been prematurely exited and that they are meaningfully participating in the LEA’s standard educational programs comparable to their never-EL peers?
TOOL #1
MONITORING ENGLISH LEARNER PROGRESS IN ENGLISH LANGUAGE PROFICIENCY

Educators need tools that will help them continually monitor students’ progress and adjust instructional strategies to target and support students’ language needs. Such tools must be used in addition to, rather than in lieu of, the annual ELP assessment.

TOOL #2
MONITORING ENGLISH LEARNER PROGRESS IN CORE CONTENT AREAS

LEAs should create rigorous monitoring systems that include benchmarks for expected growth in acquiring academic content knowledge during the academic year and take appropriate steps to assist students who are not adequately progressing towards those goals. Classroom teachers and EL specialists should gather data on EL progress and collaborate based on this data to ensure that the EL is growing at an acceptable rate in both English language acquisition and content knowledge.

TOOL #3
DIGITAL PROGRESS MONITORING

There are numerous Web-based tools available to monitor students’ academic progress. Each tool has a wide range of functionality, including the ability to monitor an EL’s placement and progress. Some systems generate individualized lesson plans and assignments and chart progress based on assessment results and the proficiency levels of all students. Some additional considerations may include accessibility for parents and staff with disabilities as well as availability of parent information in multiple languages.
MONITORING AND EXITING ENGLISH LEARNERS FROM EL PROGRAMS AND SERVICES

RESOURCES

The U.S. Department of Education does not mandate or prescribe particular standards, curricula, lesson plans, assessments, or other instruments in this tool kit. This tool kit contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information is provided for the reader’s convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other interested parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to resources does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided. All links included here were verified on August 25, 2015. The list of resources will be updated and revised in the future.


The purpose of this paper is to “reveal issues concerning the validity of the current EL classification system”. Past studies show inconsistencies in how states, LEAs, and schools within states determine English language proficiency and define ELs. This paper suggests using pre-existing criteria, such as home language surveys and standardized language assessments, in a step-by-step process to ensure consistency in the classification of ELs.


This framework provides criteria for high-quality ELP standards and aligned assessments using research and practice. Intended primarily for SEAs, the framework suggests a cross-disciplinary process for using the criteria to either “1) engage in an evaluation of states’ existing ELP standards and assessments, and their implementation, or 2) oversee the development and implementation of new ELP standards and assessments.”

Questions? Suggestions?
EL TOOL KIT - CHAPTER 9

TOOLS AND RESOURCES FOR EVALUATING THE EFFECTIVENESS OF A DISTRICT’S EL PROGRAM

This is the ninth chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights' and the U.S. Department of Justice’s Dear Colleague Letter on “English Learner Students and Limited English Proficient Parents,” published in January 2015, which outlines SEAs’ and LEAs’ legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at http://www2.ed.gov/about/offices/list/ocr/ellresources.html.

EVALUATING THE EFFECTIVENESS OF A DISTRICT’S EL PROGRAM

KEY POINTS

- Successful EL programs enable EL students to attain both English proficiency and parity of participation in the standard instructional program within a reasonable period of time.

- LEAs should collect longitudinal data to monitor and compare the performance of current ELs, former ELs, and never-ELs in the LEA’s standard instructional program. Data should not be limited to annual measurable achievement objectives (AMAOS).

- When EL programs do not produce both English proficiency and parity of participation within a reasonable period of time, SEAs and LEAs must modify the EL program.
The following checklist is intended to assist with evaluating programs and services for ELs. The checklist provides suggested questions only. Schools and LEAs should check their SEA's policies and federal guidance to ensure compliance.

- To what extent is the LEA tracking data, both periodically and longitudinally, and by EL program, on ELs' acquisition of English proficiency and mastery of grade-level content?
- To what extent is the EL program meeting its stated educational goals without unnecessarily segregating EL students from never-EL students?
- Do all ELs have comparable access to opportunities that prepare them for college and careers (e.g., higher-level courses, extracurricular activities, field trips, etc.) as their never-EL peers?
- Are ELs making progress toward achieving language proficiency within a reasonable period of time, as evidenced by multiple performance indicators?
- To what extent do longitudinal data compare performance in the core-content areas (e.g., via valid and reliable standardized tests), and graduation, dropout, and retention data among current ELs, former ELs, and never-ELs?
- To what extent are EL students meeting exit criteria and being exited from EL programs within a reasonable period of time?
- Are all ELs receiving EL services until they achieve English proficiency and not exited from these services based on time in the EL program or opted-out status?
- Is the LEA tracking data of former ELs over time and is it able to compare that data to that of their never-EL peers? For example, to what extent do grades and state and local assessment data in the core-content areas indicate that former ELs
  - participate meaningfully in classes without EL services?
  - perform comparably to their never-EL peers in the standard instructional program?
- Do LEAs modify EL programs when longitudinal performance data indicate ELs are not reaching English proficiency within a reasonable period of time, or when former ELs are not participating in the standard instructional program comparable to their never-EL peers?

Exhibit 1 displays data elements for SEAs, LEAs, and schools to collect in order to determine how ELs are progressing academically, whether the EL program provides ELs with equal opportunities to participate in all other programs and activities, as well as whether any achievement gaps exist between former ELs and their never-EL peers.

**Exhibit 1: Data Elements for Evaluating and Monitoring Programs for English Learners**
- Scores on state and local assessments
- Scores on annual English language proficiency tests
- Grades in content courses
- Retention in grade
- Reclassification/exit rates
- Graduation and dropout rates
- Participation rates in gifted and advanced courses (e.g., honors, Advanced Placement (AP), gifted and talented, and International Baccalaureate (IB) courses)
- Enrollment rates in pre-kindergarten, magnet, and other choice programs
- Enrollment rates in special education and related services
- Mobility and attendance rates
- Participation in extracurricular programs
- Suspension rates
- Other indicators of college and career readiness
CHAPTER 9 - TOOLS

TOOL #1
EVALUATING PROGRAMS AND SERVICES
FOR ENGLISH LEARNERS

It is important that evaluations of EL programs and services focus on overall and specific program goals. The goals should address expected progress in English language development and core-content instruction. SEAs and LEAs are encouraged to develop continuous evaluation systems that align with both program design and the needs of EL students in each state or community.

COMPONENTS OF AN EVALUATION OF PROGRAMS
AND SERVICES FOR ELs

The following tool is based on the U.S. Department of Education’s Office for Civil Rights’ Web page “Developing Programs for English Language Learners,” located at: http://www2.ed.gov/about/offices/list/ocr/eli/programeval.html. It may help SEAs and LEAs identify elements for evaluating EL programs and services. Questions and data sources focus on EL program implementation information, staffing and professional learning; student performance in English language development and academic content areas; and analyzing the information collected and identifying areas for improvement. EL program evaluation will vary from LEA to LEA; thus, the information below is illustrative.

A. EL Program Implementation Information

Overview: Following are questions to consider in collecting and maintaining information needed to determine whether all aspects of an LEA’s EL program(s) are being evaluated. Where an LEA uses more than one EL program, the evaluation should disaggregate current and former EL students’ performance data by program to ensure that each program’s strengths and weaknesses can be identified and addressed, as needed.

Questions to Ask About EL Program Implementation:
1. Does the evaluation cover all procedural and service provision requirements set forth in the LEA’s EL plan, including:
   - the identification/screening process?
   - the student assessment process, including the annual EL assessment?
   - the provision of EL programs and services to all EL students in ways that avoid the unnecessary segregation of EL students?
   - the provision of qualified staff and resources consistent with EL program design?
   - equal opportunities to participate meaningfully in programs and activities, whether curricular, co-curricular, or extracurricular?
   - following appropriate criteria for exiting students from EL program services?
   - the implementation of monitoring practices for current EL students, including opt-out ELs, and former EL students who have transitioned from EL program services?
2. Is the information collected on each EL program element being assessed with reference to the specific requirements of the district’s EL plan? For example, when looking at the process for identifying potential EL students, does the evaluation determine whether the LEA has followed the established plan for identifying potential EL students with a home language survey (HLS) and timely referrals for an EL assessment?
3. Does the evaluation determine whether staff are adequately trained and have followed applicable procedural and service requirements, including frequency, timeliness, and documentation to ensure no lapses in EL services?

Continued on next page
CHAPTER 9 - TOOLS

TOOL #3
IMPROVING LEA SYSTEMS TO SUPPORT ENGLISH LEARNERS

Evaluating the effectiveness of EL programs and services is essential for ensuring that LEAs meet the needs of all ELs. The following tool may help LEAs evaluate various aspects of their EL programs and services, collect data, and inform instructional program decisions for ELs.

SEVEN DIMENSIONS OF AN LEA’S NEEDS ASSESSMENT: THE PROMOTING EXCELLENCE APPRAISAL SYSTEM

The Promoting Excellence Appraisal System (PEAS) was developed by the George Washington University Center for Equity and Excellence in Education to support higher achievement among ELs. The system comprises seven dimensions and corresponding standards of practice: leadership, personnel, professional development, instructional program design, instructional implementation, assessment and accountability, and parent and community outreach. The following tool is excerpted from one dimension—instructional program design. In this tool, the term “ELL” (English Language Learner) is used to refer to “EL” (English Learner).

**Instructional Program Design**

<table>
<thead>
<tr>
<th>Constructs</th>
<th>Code</th>
<th>Standard Name</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Design</td>
<td>DE1</td>
<td>Research-based</td>
<td>The district's ELL program design is consistent with current theory and research about effective instructional programs for ELLs.</td>
</tr>
<tr>
<td></td>
<td>DE2</td>
<td>Aligned with vision</td>
<td>The district's ELL program design is aligned with the district's overall vision, mission, and goals for ELLs.</td>
</tr>
<tr>
<td></td>
<td>DE3</td>
<td>Aligned with needs</td>
<td>The district's ELL program design addresses the needs of the diverse populations of ELLs in the district (students at different English language proficiency levels, ages, linguistic, and cultural backgrounds, time in the U.S., and levels of prior schooling).</td>
</tr>
<tr>
<td>Access to grade-level content</td>
<td>DA1</td>
<td>Rigor</td>
<td>The district's ELL program design is academically rigorous (inc. remedial), and promotes the knowledge and higher-level thinking skills to prepare students for college and satisfying careers.</td>
</tr>
<tr>
<td></td>
<td>DA2</td>
<td>Access to grade-level instruction</td>
<td>The district's ELL program(s) are designed to ensure ELLs have equitable access to grade-level instruction in the academic content areas.</td>
</tr>
<tr>
<td></td>
<td>DA2A</td>
<td>Instructional time</td>
<td>ELLs are provided adequate instructional time to learn the intended curriculum.</td>
</tr>
<tr>
<td></td>
<td>DA3</td>
<td>Additional support</td>
<td>The district provides additional grade-level academic support for ELLs, including translators, tutors, and bilingual instructional aides.</td>
</tr>
<tr>
<td></td>
<td>DA4</td>
<td>High quality resources</td>
<td>The district provides sufficient and equitable access to high quality instructional materials, educational technology, libraries, laboratories and other relevant resources that support ELLs' English language development and grade-level, academic content learning in English and the native language.</td>
</tr>
</tbody>
</table>

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CHAPTER 9 - TOOLS

TOOL #4
IMPROVING SCHOOL-BASED SYSTEMS FOR ENGLISH LEARNERS

Evaluating the effectiveness of EL programs and services is essential for ensuring that schools meet the needs of all ELs. The following tool may help schools evaluate various aspects of their EL programs and services, collect data, and inform instructional program decisions for ELs.

ENGLISH LEARNER PROGRAM SURVEY FOR PRINCIPALS

Regional Educational Laboratory Northeast & Islands (REL-NEI), administered by the Education Development Center, and the English Language Learners Alliance developed a survey to collect consistent data on EL programs and students. The survey is designed for school principals and covers EL programs, policies, and practices. The survey itself is a multi-page document. Below is an overview of its domains and the information obtained by each domain. Both SEAs and LEAs may wish to use the survey as a planning tool for providing school leaders professional learning opportunities about ELs. “ELL” (English Language Learner) is used to refer to “EL” (English Learner).

THE ENGLISH LANGUAGE LEARNER PROGRAM SURVEY FOR PRINCIPALS

<table>
<thead>
<tr>
<th>Domain</th>
<th>Information Obtained</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal characteristics</td>
<td>• Characteristics of the responding principal</td>
</tr>
<tr>
<td>ELL student population</td>
<td>• Percentage of students in school who are ELL students</td>
</tr>
<tr>
<td>Former ELL student population</td>
<td>• Percentage of students in school who are former ELL students</td>
</tr>
<tr>
<td>ELL instructional models</td>
<td>• Instructional models used in the school</td>
</tr>
<tr>
<td>Responsibility for ELL students</td>
<td>• What personnel at the school are responsible for the education of ELL students</td>
</tr>
<tr>
<td>ELL professional development</td>
<td>• Types of professional development received and types of professional development needed</td>
</tr>
<tr>
<td>ELL student monitoring</td>
<td>• Whether and how the school monitors the academic achievement and English proficiency of ELL students</td>
</tr>
<tr>
<td>Former ELL student monitoring</td>
<td>• Whether and how the school monitors the academic achievement of former ELL students</td>
</tr>
<tr>
<td>ELL teacher evaluation</td>
<td>• School practices regarding the evaluation of ELL teachers and general education teachers with ELL students in their classrooms</td>
</tr>
<tr>
<td>Response to intervention for ELL students</td>
<td>• How the school uses response to intervention for ELL students</td>
</tr>
</tbody>
</table>
EVALUATING THE EFFECTIVENESS OF A DISTRICT’S EL PROGRAM

RESOURCES

The U.S. Department of Education does not mandate or prescribe particular curricula, lesson plans, assessments, or other instruments in this toolkit. This toolkit contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information is provided for the reader’s convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided. All links were verified on September 8, 2015. The list of resources will be updated and revised in the future.


This resource provides an example of the information collected during an evaluation of an EL program. It illustrates data elements for SEAs and LEAs to consider when making the decisions about actions most likely to improve learning and teaching for ELs.


This practice guide offers educators specific, evidence-based recommendations that address the challenge of teaching ELs in the elementary and middle grades: building their ELP while simultaneously building literacy, numeracy skills, and content knowledge of social studies and science. The
Questions? Suggestions?

U.S. DEPARTMENT OF EDUCATION
This is the tenth chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights’ (OCR) and the U.S. Department of Justice’s (DOJ) Dear Colleague Letter on “English Learner Students and Limited English Proficient Parents,” published in January 2015, which outlines SEAs’ and LEAs’ legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at http://www2.ed.gov/about/offices/list/ocr/elsresources.html.

ENSURING MEANINGFUL COMMUNICATION WITH LIMITED ENGLISH PROFICIENT PARENTS

KEY POINTS

- SEAs and LEAs have an obligation to communicate meaningfully with limited English proficient (LEP) parents and to notify LEP parents adequately of information about any program, service, or activity called to the attention of non-LEP parents.
- LEAs must have a process to identify LEP parents and provide them with free and effective language assistance, such as translated materials or an appropriate and competent interpreter.
- Appropriate and competent translators or interpreters should have proficiency in target languages; ease of written and oral expression; knowledge of specialized terms or concepts; as well as be trained on their role, the ethics of interpreting and translating, and the need for confidentiality.
EL TOOL KIT - CHAPTER 10

SELF MONITORING CHECKLIST

Family, Language, and Culture
- How does the school honor and reflect the diversity of families, including their languages and cultures?
- Are staff members trained in engaging diverse families and communities?
- Are parent meetings and school events scheduled with interpreters present on dates and times that facilitate LEP parent participation?

Language Identification Procedures
- What is the process for determining parents’ language needs (e.g., HLS)?
- Does the LEA or school have the HLS translated into the language(s) common to the community and have qualified interpreters available to help parents complete the survey accurately?

Interpretation and Translation Services
- What is the process for providing language assistance to LEP parents or guardians?
- How does the LEA inform LEP parents about the availability of free language assistance services, including qualified interpreters and translators?
- What is the process for acquiring qualified and trained interpreters and translators?
- What is the process for determining that the LEA staff is competent and appropriate to serve as interpreters or translators?
- How does the LEA ensure that interpreters and translators have knowledge of all specialized educational terms and concepts?

Parent Notification
- What procedures are in place for LEP parents to be informed of programs, services, and activities in a language they understand?
- How does the LEA ensure that translated written communications—including information regarding progress reports, report cards, and permission slips—are provided in a language that LEP parents understand?
- What is the process for providing translation or interpretation services, when needed, for parent-teacher conferences, IEP meetings, and disciplinary proceedings?

Partnerships
- What parent, school, and community partnerships exist at the SEA-, LEA-, and school levels?
- What learning and leadership opportunities are available for LEP parents?
TOOL #1
ESTABLISHING FAMILY SCHOOL PARTNERSHIPS

Figure 2: The Dual Capacity-Building Framework for Family-School Partnerships

**THE CHALLENGE**
- Lack of opportunities for School/Program Staff to build the capacity for partnerships
- Lack of opportunities for families to build the capacity for partnerships

**OPPORTUNITY CONDITIONS**
- Process Conditions
  - Linked to learning
  - Relational
  - Development vs. service orientation
  - Collaborative
  - Interactive
- Organizational Conditions
  - Systemic: cross-organization
  - Integrated: embedded in all programs
  - Sustained: with resources and infrastructure

**POLICY AND PROGRAM GOALS**
- To build and enhance the capacity of staff/families in the "4 C" areas:
  - Capabilities (skills and knowledge)
  - Connections (networks)
  - Cogntivity (beliefs, values)
  - Confidence (self-efficacy)

**FAMILY AND STAFF CAPACITY OUTCOMES**
- School and Program Staff who can:
  - Honor and recognize families’ funds of knowledge
  - Connect family engagement to student learning
  - Create welcoming, inviting cultures
- Families who can negotiate multiple roles:
  - Supporters
  - Encouragers
  - Mentors
  - Advocates
  - Decision Makers
  - Collaborators

**Effective Family-School Partnerships Supporting Student Achievement & School Improvement**
TOOL #3
INTERPRETATION AND TRANSLATION RESOURCES

The following tool is a sampling of resources for interpretation and translation resources from the U.S. Department of Justice’s LEPgov website. Not all resources on the website are listed below. It is important to note that the interpretation and translation resources included here are not necessarily endorsed by ED, DOI, or the Federal Interagency Working Group on LEP. A more complete list of LEP information and resources can be found at http://www.lep.gov/interpreters/translation/trans_interpret.html.

A. Federal Resources
1. Before You Hire—Ask Yourself: “What Are My Project’s Language Needs?”—TIPS (Translation and Interpretation Procurement Series) for making language service hiring decisions. (PDF)
2. TIPS on Hiring the Right Telephonic Interpretation Vendor—TIPS to finding a high-quality telephone interpretation vendor. (PDF)
3. TIPS for Working With Telephone Interpreters—TIPS for planning, placing, and troubleshooting phone calls with telephone interpreters. (PDF)
4. What Does It Mean To Be a Certified Linguist?—TIPS for discovering vendor and linguist qualifications. (PDF)
5. Top 10 Best Practices for Multilingual Websites—Suggestions include providing prominent access on the English site and ensuring that the multilingual site and English site provide a comparable experience.
6. Lost in Translation, Automated Translations—Good Solution or Not?

B. The Difference Between an Interpreter and a Translator
1. “[T]he ordinary or common meaning of ‘interpreter’ does not include those who translate writings. Instead, we find that an interpreter is normally understood as one who translates orally from one language to another.” Iwai v. Ken Pac. Seaport, Ltd., 132 S.Ct. 1997, 2005-04 (May 21, 2012).
2. What is the difference between a bilingual staff person and an interpreter or translator? DOJ Question 13, Commonly Asked Questions and Answers Regarding Limited English Proficient (LEP) Individuals

C. National Interpreter and Translator Associations and Organizations
1. Regional and State Interpreter Associations (Word document)
2. Interpreter and Translator Training and Certificate Programs (Word document)
3. The American Association of Language Specialists
4. The American Literary Translators Association
5. The American Translators Association (ATA)
6. ATA Affiliated Chapters and Groups
7. ATA Other Interpreter and Translator Groups
8. The Association of Language Companies
9. National Association of Judiciary Interpreters & Translators
ENSURING MEANINGFUL COMMUNICATION WITH LIMITED ENGLISH PROFICIENT PARENTS

RESOURCES

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The American Speech-Language-Hearing Association outlines several roles and responsibilities for providing culturally competent materials and translation or interpretation services when working with non-English speakers. The article is written for speech and language pathologists; however, it provides suggestions that LEAs may wish to consider when working with interpreters and translators.


This guide offers 20 ideas to help school leaders


This chapter of the BRYCS tool kit on refugee children provides information about federal laws and regulations on national origin discrimination, and translation and interpretation for students and parents. Educational glossaries are included, along with other resources on etiquette for translators, suggestions for improving LEP services, and the effective use of interpreters for parent-teacher conferences.


Additional Resources from Colorín Colorado National Charter School Resource Center REL Pacific U.S. Department of Education and specific resources to support for refugee students
Questions? Suggestions?
The White House Task Force on New Americans

Strengthening Communities by Welcoming All Residents

A Federal Strategic Action Plan on Immigrant & Refugee Integration
ED and DOJ Guidance on English Learners

Schools’ Civil Rights Obligations to EL Students and Limited English Proficient Parents
www.ed.gov/ocr/ellresources.html

English Learner Tool Kit
www.ed.gov/oela/english-learner-toolkit/

National Clearinghouse for English Language Acquisition (NCELA)
http://ncela.ed.gov/

ED Immigrant Landing Page
http://www2.ed.gov/about/overview/focus/immigration-resources.html

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Questions? Suggestions?