Agenda

- 9:00-11:45 Break-Out Session
- 11:30-12:45 Lunch
- 12:45-2:00 Break-Out Session
- 2:00-2:30 Question & Answer
It’s the Law!
All EL Law is based on the Civil Rights Act of 1964

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

• Same Does NOT mean Equal – **Lau v. Nichols** (US Supreme Court Decision 1974)
  • Equal is providing the skills necessary for each student to achieve success in the school environment.
• It’s ALL about the Program – **Castañeda v. Pickard, 5th Cir., 1981 648 F.2d 989** (US COURT OF APPEALS)
  • Sound Theory and Research, Implementation, Evaluation
• ALL in – **Plyler v. Doe** (U.S. Supreme Court Decision 1982)
  • Chilling, Registration Process
Dear Colleague Letter

This guidance provides an outline of the legal obligations of SEAs and school districts of EL students under the civil rights laws. Additionally, the guidance discusses compliance issues that frequently arise in OCR and DOJ investigations under Title VI and the EEOA and offers approaches that SEAs and school districts may use to meet their Federal obligations to EL Students.
As a result of the Dear Colleague Letter from January 7, 2015 the Department of Education has developed a TOOL KIT for Educators of English Learners.

ENGLISH LEARNER TOOLKIT for State and Local Education Agencies (SEAs and LEAs)
USED English Learner Tool Kit

Chapters

1. **Identifying** All English Learner Students (PDF, 1.5MB)
2. Providing English Learners with a **Language Assistance Program** (PDF, 800KB)
3. **Staffing and Supporting** an EL Program (PDF, 921KB)
4. Meaningful **Access to Core Curricular, Extra Curricular Programs** (PDF, 1.75MB)
5. Creating an **Inclusive Environment** and Avoiding Unnecessary Segregation (PDF, 910KB)
6. **Addressing English Learners with Disabilities** (PDF, 1.27MB)
7. Serving English **Learners who Opt-Out of EL Programs** (PDF, 386KB)
8. **Monitoring and Exiting English Learners** from EL Programs and Services (PDF, 1.23MB)
9. **Evaluating the Effectiveness** of a Districts EL Program (PDF, 907KB)
10. Ensuring **Meaningful Communication** with Limited English Proficient Parents (PDF, 1.26MB)

(Go to [www.ed.gov](http://www.ed.gov); search EL Tool Kit)
Four Square Activity for Chapters 2 & 3

- Divide sections of the text among your group
- Read your section... summarize, and share with each other
- Complete the sections of the graphic organizer on chart paper
- Choose a speaker to present to the whole group
Chapter Two: Providing English Learners with a Language Assistance Program

- 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.
Staffing an English Learner Program

- 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.
LEAs are obligated to provide the resources necessary to effectively implement EL programs.

Necessary resources include adequate and appropriate materials for the EL programs.
Identifying Potential English Learners

- 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 One: Identifying ALL English Learners

Determining Which Students are English Learners

- All potential ELs must be assessed with a valid and reliable assessment to determine if they are in fact ELs.
- Parents and guardians must be informed in a timely manner of their child’s ELP level and EL program options.
- LEAs are required to communicate information regarding a child’s ELP level and EL program options in a language the parent understands.
Chapter One: Identifying ALL English Learners

- Home Language Survey
  - Purpose communicated to families and those that administer the test?
  - Clear and understandable?

- English Proficiency Assessment
  - W-APT
  - MODEL

- Parent Notification
  - Within 30 days at beginning of the school year
  - Within 10 days during the school year
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.
Graffiti Activity for Chapters 4 & 5

- Divide sections of the text among your group

- Working individually and within the group, use symbols, drawings, shapes and colors, alongside words and quotations, constructing a graphic of the section on the posters

- Choose a speaker to present to the whole group explaining why you depicted the elements for discussion
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.
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.
Chapter Five:
Creating an Inclusive Environment and Avoiding Unnecessary Segregation

- 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.
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.
Chapter Six:
Addressing English Learners with Disabilities

- Language Differences versus Disabilities
- Trained Interpreter
- Checklist for IEP Teams
Lunch
3, 2, 1 Activity for Chapter 9

Divide the text by these sections, read, and share with your group

1. Checklist – page 2
2. Tool #1 A & B – pages 4-5
3. Tool #1 C & D – pages 6-7
4. Tool #1 E – pages 8
5. Tool #3 – pages 11-12
6. Tool #4 – pages 13-14

As a group, write on chart paper...

- 3 things you learned
- 2 things to be implemented
- 1 thing that is a challenge
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.
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.
Tracking the Progress of English Learners

- 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.
Exiting English Learners

- LEAs must document that an EL has demonstrated English proficiency using a valid and reliable ELP assessment that tests all four language domains. 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.

- Students exiting from EL status must be monitored for at least two years to ensure that (1) they have not been prematurely exited; (2) any academic deficits incurred as a result of participating in the EL program have been remedied; and (3) they are meaningfully participating in the standard program of instruction comparable to their never-EL peers.
Chapter Eight:
Monitoring and Exiting English Learners

- Examples of Rubrics
- Digital Progress Monitoring
Resources

• Dear Colleague Letter
• English Learner Tool Kit
• WIDA
• TransAct

• ASDE ESL COACHES – Contact Information
  • Debbie Baeder  dbaeder@alsde.edu
  • Michele Lee  mlee@alsde.edu
  • Robin Stutts  rstutts@alsde.edu
  • Krista Whatley  kwhatley@alsde.edu

• https://www.surveymonkey.com/r/MG5HQYC