

ENGLISH AS A SECOND LANGUAGE PROGRAM POLICY

Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL) 2016-2017

PURPOSE

In accordance with the Board's philosophy to provide a quality educational program for all students, Charter High School for Architecture + Design ("CHAD") shall provide an appropriate planned instructional program for identified students whose dominant language is not English.

The purpose of the Charter High School for Architecture + Design ESOL Program is to increase the English language proficiency of eligible students so that they can attain academic standards and academic success. These mandates and interpretations are based on the Pennsylvania Regulations, Chapters 4 and 11; and on federal law, including Title VI of the Civil Rights Act, the Equal Educational Opportunity Act (EEOA), the No Child Left Behind Act (NCLB), and regulations and case law under those statutes (cited below).

OVERVIEW

State regulation, 22 Pa. Code § 4.26, declares:

Every school district shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards under § 4.12 (relating to academic standards). Programs under this section shall include appropriate bilingual-bicultural or English as a second language (ESL) instruction.

As used here, the term "program" refers to: (1) planned instruction by a qualified ESL Teacher, (2) adaptations/modifications in the delivery of content instruction by all teachers based on the student's language proficiency level and the Pennsylvania Language Proficiency Standards (PA ELPS) for ELLs as well as the Pennsylvania academic standards.

Charter High School for Architecture + Design will provide an ESOL program for each student whose dominant language is not English, for the purpose of facilitating the student's achievement of English proficiency and academic standards.

Key components of the program that will be provided to every ELL are enclosed.

IDENTIFICATION OF ELLs

Enrollment

Student identification for placement in an instructional program for ELLs

CHAD uses the following PDE criteria to determine placement in the language program:

- Based on the responses to the Home Language Survey (HLS), students will be assessed for potential placement in the program unless they meet the criteria outlined below. There are certain scenarios that may preclude assessment if a student can demonstrate English language proficiency (ELP).
- Students should meet two of the following three criteria to be exempted from a formal ELP assessment. Student records for children from other states or school systems can be considered as part of the criteria.
- Final grades of B or better in core subject areas (Mathematics, Language Arts, Science and Social Studies);
- Scores on district-wide assessments that are comparable to the Basic performance level on the PSSA;
- Scores of Basic in Reading, Writing and Math on the PSSA or an equivalent assessment from another state.
- Newly enrolling students without academic records must be assessed for their ELP.
- CHAD will use the WIDA ACCESS PLACEMENT TEST (W- APT), which is aligned to the required annual State ELP assessment, ACCESS for ELLs, to assess students for placement in language instructional programs for ELLs.
- CHAD may choose to use other formal, standardized ELP assessments for additional information but identification and placement must be based on the W-APT and the multiple criteria outlined above.
- The W- APT results are one of the indicators for placement in the ESL program and must be used in combination with the above multiple criteria, if available, to determine placement in an ESL program.
- Educators must take into consideration the State's ELP levels described within the PA ELPS standards when placing students in an instructional program for ELLs.
- Instructional placement of ELLs must be age and grade appropriate. Additionally, ELLs must be given equal access to all educational programs, opportunities, and extra-curricular activities in the same manner as for all students.
- Parent permission to assess is not required.
- Parent notification of student assessment results and placement in an ESL program is required.

Parents' Limited Right to Opt Out of ESL /Bilingual Programs

22 Pa. Code § 4.4(d)(3) of the Pennsylvania State Board of Education regulations requires school entities to adopt policies that permit parents to have their children excused from specific instruction only in the limited circumstance described below:

(3) The right to have their children excused from specific instruction that conflicts with their religious beliefs, upon receipt by the school entity of a written request from the parents or guardians.

Consequently, a parent may not seek to have his or her child excused from CHAD's ESL program unless the instruction conflicts with the family's religious belief.

THE LANGUAGE INSTRUCTIONAL PROGRAM

CHAD will have a written program plan, in compliance with the PDE, that includes:

- a description of the instructional models implemented by CHAD (see chart below)
- the process for identification of ELLs (see above: W-APT screening)
- the criteria for program exit (see below: Access for ELLs, PSSA, grades), and
- the monitoring process after exit from a language instructional program (see below: 2-year).

The description will be sufficient to provide guidance to school personnel and families regarding the programs and services that students will receive. The language instructional program will include planned instruction for English Language Acquisition and scaffolds and support for instruction in content area classes for ELLs:

Instructional Models

The Program model(s) that CHAD adopts for ELLs (see chart below) will consider CHAD demographics and student characteristics, and will be in accordance with the PDE standards and Castañeda v. Pickard, 648 F.2d 989 (1981):

- 1) based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy;
- 2) reasonably calculated, including provisions for resources and personnel, to implement the theory effectively; and
- 3) evaluated and adjusted where needed to ensure language barriers are actually being overcome.

ESOL Pull-Out	Students can share the same NL or be from different language backgrounds;	English adapted to students' proficiency level & supplemented by gestures & visual	English; students leave their English-only classroom to spend part of the
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	generally no support for NL	aids	day receiving ESL instruction often focused on grammar, vocabulary, & communication skills (no content)
ESOL Push-In	Students can share the same NL or be from different language backgrounds	English; ESL teacher or instructional aide provides clarification, translation if needed	English
ESOL SIOP	Students can share the same NL or be from different language & cultural backgrounds	English adapted to students' proficiency level, & supplemented by gestures, visual aids, manipulatives, etc.	English

Planned Instruction for English language acquisition (ESOL) classes

CHAD will provide that planned instruction compliance is upheld according to the PDE standard:

- Direct English language instruction will not take place during other content classes which are required under 22 Pa Code § 4.
- Planned Instruction in the ESL Program will include daily instruction supporting the program model chosen by CHAD, including scientific/research based instructional tools and resources.
- Language instruction will be commensurate with the student's proficiency level (i.e. students at levels 1-3 require a greater amount of language instruction than students at levels 4 and 5). This includes both direct language instruction and adaptations to instruction/assessment in all content areas.
- Exact hours of direct language instruction by proficiency level will be determined based on student need and program/instructional delivery model. Instruction will meet all requirements under *Lau v Nichols*, 414 U.S. 563 (1974) and *Castañeda v. Pickard*, 648 F.2d 989 (1981).
- CHAD will consider the following guidelines, as defined by PA ELPS, when planning direct instruction of ESOL :
 - Entering (level 1) / Beginning (level 2) students: 2 hours
 - Developing (level 3): 1-2 hours
 - Expanding (level 4): 1 hour

- Bridging (level 5): up to 1 hour or support dictated by student need
- ESOL will be delivered via curriculum aligned with Pennsylvania's Reading, Writing, Speaking, and Listening Standards, and the PA ELPS for ELLs.
- In order to acquire English, students with LEP will receive instruction the same as they would receive instruction for other curricular areas. In other words, ESOL classes will be part of the daily schedule and thoughtfully planned so that students are not removed from other content classes to receive instruction for English language acquisition.
- As the proficiency of a student advances into the upper levels (i.e. Expanding/Bridging), if a student requires only minimal instructional time, which may be in the form of ongoing support as needed, this support will be planned, structured time within the school day.

Planned Instruction in Academic content areas (content area classes)

CHAD will ensure that content area instruction is consistent with the PDE requirements:

- The language instructional program will provide ELLs with meaningful, comprehensible access to instruction in all content areas required by Pennsylvania academic standards.
- The PA ELPS (K-8) are an overlay to the academic standards and will be incorporated in planned instruction for ELLs by all teachers.
- CHAD will support instructional planning/evaluation efforts between the ESL teachers and the content-area teachers by providing common planning time as appropriate.

Grading of ELLs

CHAD will ensure, in compliance with the PDE, that ELLs will be graded using the same grading system as all other students.

Grading of ELL students: The below guidelines are followed when grading English Language Learners.

No ESL student should receive a D or F unless the teacher can provide documentation in the following areas:

- Teacher has modified instruction and assessment to be in alignment with Can-Do Descriptors appropriate for the student's level
- The student has not made a reasonable effort despite appropriate accommodations
- Parent outreach has occurred
- Collaboration among ESL and classroom teachers took place

Annual assessment of ELLs

CHAD will adhere to the PDE's guidelines for assessment requirements as follows:

- Assessment processes will align to the academic standards and PA ELPS.
- The annual state ELP assessment of ELLs is required by federal law. 20 U.S.C. §§ 6311(b)(7), 6826(b)(3)(C),(d)(2)
- The State ELP assessment will be administered annually to measure progress and/or attainment of the student's English language proficiency for each language domain, i.e., reading, writing, speaking and listening/understanding. These score results will be maintained in the student's permanent record folder.
- The annually published PSSA accommodations allowable for ELLs will be utilized.

Access for ELLs:	Reading	Speaking	Listening	Writing
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Language Instructional Program Exit Criteria

CHAD will not permit LEP students to be removed from the language instruction program unless that student has met all of the required state exit criteria in accordance with the outlined PDE exit criteria.

Students will not be exited from the language instructional program based only on their oral proficiency; proficiency in academic reading and writing must also be assessed.

Required Exit Criteria

1. Score of 5.0 on an ACCESS for ELLs Kindergarten assessment (accountability score) or score of 5.0 on a Tier C ACCESS for ELLs assessment. Cutoff score flexibility is available in the following special circumstances:
 - Following the grade and score criteria in the table below, the W-APT may be administered between June and September to students who scored below the minimum cutoff for program exit on the January administration of the ACCESS in order to demonstrate sufficient progress to justify exit.

NOTE: The W-APT may only be administered to a student once in any school year.

Grade Level	ACCESS Score	Required Scores*	W-APT
K	<i>Cut-off score flexibility not allowable for Kindergarteners</i>		
1-5	4.6-4.9	5.0 in each domain	
6-8	4.7-4.9	5.0 in each domain	
9-12	4.8-4.9	5.0 in each domain	

- *NOTE: A student must score 5.0 in each domain (listening, speaking, reading and writing). A composite proficiency score will not be used.*
 - A score of PROFICIENT on the English Language Arts PSSA or Literature Keystone assessments can be used along with the other required criteria outlined in this policy (Required Exit Criteria #2 and Additional Exit Criteria #1 or #2) to justify exit for students who achieve a composite proficiency score of 4.5 to 4.9 on the January administration of the ACCESS. In this case, W-APT scores are not necessary to demonstrate progress from the time of ACCESS administration to the end of the school year.
2. Score of BASIC on the annual Pennsylvania System of School Assessment (PSSA) math or algebra I Keystone AND English language arts PSSA or literature Keystone. *NOTE: PSSA and Keystone exam scores must be from the most recent academic school year. Cutoff score flexibility is available in the following special circumstances:*
- For students that were administered a PSSA math and/or PSSA English Language Arts assessment in school year 2014-15 and did not score BASIC or higher, each of the remaining exit criteria must be met to exit (Required Exit Criteria #1, Additional Exit Criteria #1, Additional Exit criteria #2).
 - For students that are in a grade that is not assessed with a PSSA or Keystone assessment, each of the remaining exit criteria must be met to exit (Required Exit Criteria #1, Additional Exit Criteria #1, Additional Exit criteria #2).
 - For students that were opted out of participation in a PSSA or Keystone assessment due to a religious objection or conflict, each of the remaining exit criteria must be met to exit (Required Exit Criteria #1, Additional Exit Criteria #1, Additional Exit criteria #2).

- For students transferring from other states, the results of academic achievement assessments used for accountability in other states may be considered when the academic proficiency level is comparable to BASIC on the PSSA/Keystone assessments.

Additional Exit Criteria

1. Final grades of C or better in core subject areas (Mathematics, Language Arts, Science and Social Studies).Final grades of C or better in core subject areas (Mathematics, Language Arts, Science and Social Studies).
2. Scores on district-wide or local assessments that are comparable to the BASIC performance level on the math PSSA or Algebra I Keystone AND English Language Arts PSSA or Literature Keystone assessments

Monitoring of ELLs after language instructional program exit

CHAD will ensure that the two-year monitoring requirement is met after a student exits the ESL program and appropriate records of student progress will be maintained in accordance with 20 U.S.C. § 6841(a)(4):

- Monitoring will include any or all of the following:
- Periodic review of grades
- Local assessments
- Required state assessments
- Teacher observation
- Teachers may offer support to monitored students as they would for any student seeking additional assistance with classroom work, instruction, or assessment.
- Monitoring is NOT an extension of the language instructional program.
- Students who are monitored cannot be counted as ELLs in any state or federal data collection systems for the purpose of acquiring state or federal funding.
- The Post Exit Monitoring Form is used to document progress

Retention/Promotion

CHAD will ensure that LEP students are not retained in a grade based solely on his/her lack of English language proficiency, as stated by the PDE:

If an ELL is retained in a grade, the LEA must be able to demonstrate that all appropriate modifications were made to instruction and assessment in order to allow

ELLs meaningful access to the general curriculum as well as to promote second language learning. Lau v Nichols, 414 U.S. 563 (1974)

1. Teachers share lesson objectives with ESOL Teacher for assistance	2. Can-Do Descriptors are reviewed by teachers, for language learning domains	3. ESOL Teacher provides supplemental material based on lesson objectives	4. Modifications for assignments and tests are created and implemented	5. Progress is evaluated to determine whether proper modifications and supplements were effective
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ELLs with Disabilities

According to the PDE, ELLs may be eligible for Special Education. CHAD will ensure that the IEP team considers the need for ESL instruction as they address all students' needs related to the provision of Free Appropriate Public Education (FAPE). In determining the student's needs, IEP teams must consider both special education services and ESL instruction simultaneously, as appropriate.

All procedures for the screening, evaluation, IEP, and the provision of services and/or instruction will be in compliance with the Individuals with Disabilities Education Act (IDEA) and PA Chapter 14 Regulations.

The IEP team

As outlined by the PDE, CHAD will ensure that the IEP team for an ELL with disabilities include an ESL professional familiar with the student's language needs as well as the nature of his/her disability or, at a minimum, that the IEP team receive input from an ESL professional when appropriate. If a student is identified as an ELL, then the IEP team will check the Limited English proficiency under special considerations on Part I of the IEP. Any special considerations identified must be addressed in the IEP.

The academic program

CHAD will ensure that the ESL program is aligned with The Pennsylvania School Code of 1949, Chapter 4, Section 4.26, as general curriculum: The academic program for an ELL with a disability will consider ESL just as it must consider any other general curriculum services available to non-disabled students. Programmatic decisions regarding ELLs with disabilities will be made by the IEP team with appropriate representation. It is not appropriate for an ELL with a disability to be denied access to general curriculum including an English language instructional program as defined above. Special education services do not replace an English language instructional program.

Requirement for annual English language proficiency assessment

In accordance with Titles I and III of NCLB, CHAD will provide an annual assessment of English language proficiency for all ELLs in the academy, from grades K-8 in the domains of speaking, listening, reading, and writing. This includes students with disabilities.

Even though ELLs with disabilities may always achieve depressed scores in particular domains of language as a result of their specific disability, they will be given the opportunity to demonstrate their level of proficiency in English and be included in the annual state ELP assessment in all domains, which includes Access for ELLs and Alternate Access for ELLs.

Participation in assessments

In accordance with the PDE, ELLs with disabilities participate in all assessments, including the annual state ELP assessment and PSSA (or PASA, if appropriate) in accordance with 34 CFR § 300.160. Participation in state and local assessments is documented in Part III of the IEP. An ELL student with a disability may participate in assessments through the use of one or more state-approved accommodations appropriate for his/her disability.

Rules governing assessment accommodations

According to PDE, the IEP team, with appropriate representation, may make decisions regarding assessment accommodations for ELLs with disabilities as they would for any student with a disability. The following rules govern assessment accommodations for ELLs:

- Accommodations must not invalidate the results of the assessment.
- Accommodations may be used for the entire assessment or only for part/parts of the assessment.
- Determinations of any accommodations used must be:
 - based on a student's disability,
 - made by the student's IEP team,
 - properly documented in the student's IEP, and
 - properly coded on the assessment.

CHAD will utilize the PSSA Accommodations Guidelines and WIDA ACCESS for ELLs® Accommodations Guidelines for LEP students.

SUPPORT/SUPPLEMENTAL PROGRAMS AND SERVICES

ELLs will participate in all federal and other programs for which they are identified and/or qualify that are available within the school.

Program evaluation

CHAD will periodically evaluate its language instructional program to ensure all components are aligned and working effectively to facilitate the acquisition of the English language and academic achievement defined by the PA academic standards as stated in:

22 Pa. Code §4.52, Castañeda v. Pickard, 648 F.2d 989 (1981) and 20 U.S.C. § 6841

Data reported to CHAD from state level assessments of ELP and academic achievement (ACCESS for ELLs and PSSA) will be used in program review and improvement.

The program will be evaluated based on the attainment of English proficiency. If ELLs are not learning English, the program will be revised to ensure greater success.

1. Individual ELL needs based on four language domains and Can-Do Descriptors are shared with teachers	2. Instructional resources comparable to the resources of other core academic subjects	3. Students have access to and are encouraged to participate in all academic and extra-curricular activities	4. Communication with parents is in the parent's preferred language and issues of student achievement are communicated, and annual ELP scores are shared with the parent	5. ESL Teacher must have completed PA Certified ESL Certificate and Act48 PD plans for staff	6. Content area instruction must be aligned with the corresponding standards and adapted to meet the needs of the students
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Communication with Parents

- Communication with parents will be in the parent's preferred language and mode of communication according to the Civil Rights Act of 1964, Title VI.
- CHAD will provide for written translation and/or verbal interpretation and provide Language Request Card in the parents' native language.
- CHAD will utilize translated documents necessary for communication with parents and students regarding general education and NCLB requirements via Transact.
- Communication with parents will include information about assessment, academic achievement, and other related education issues in the language understood by the parent whenever possible.

Staffing

All teachers in language instructional programs will hold the certification and endorsements required by PDE.

Professional Development

CHAD will offer staff development related to ESL for all LEA personnel as part of the Professional Development Act 48 Plan.

Funding

- The CHAD budget will include provision for resources/materials, staffing for language instructional programs, and professional development for all school personnel as part of core programming outlined in 22 Pa Code § 4.26.
- Federal funds will be used to supplement local funding for language instructional programs, but not to supplant state/local funds.

Strategic Planning Components

CORE PROGRAM COMPLIANCE REFERENCE CHART

Pennsylvania Training and Technical Assistance Network (PaTTAN) 2009

Requirements	Legal Reference	Program
1. Identify	Office of Civil Rights 1970 Memo Lau v. Nichols 1974 <i>Supreme Court decision</i>	<ul style="list-style-type: none"> • Home language survey • Train intake staff • Classroom survey
2. Assess <ul style="list-style-type: none"> • Determine need for instruction • Place in appropriate program of instruction 	Office of Civil Rights 1970 Memo Gomes v. Illinois State Board of Education 1987 <i>U.S. Court of Appeals, 7th Circuit</i>	<ul style="list-style-type: none"> • Appropriate proficiency test (W-APT) • Multiple criteria for placement/exemption • Identify home language proficiency • Diagnose mathematics skills/literacy • Investigate prior schooling experience
3. Provide Instruction <ul style="list-style-type: none"> • Direct, appropriate, sufficient • Designed for students' needs • Based on current practices 	<ul style="list-style-type: none"> • Castañeda v. Pickard 1981 <i>U.S. Court of Appeals, 5th Circuit</i> • Equal Education Act 1974 Titles VI& VII of Civil Rights Act 1964 Rios v. Read 1977 Cintron v. Brentwood 	Develop Instructional Plan <ul style="list-style-type: none"> • Schedule daily instruction • Hire/contract qualified teachers • Assessment plan • Research-based ESL best practices • Identify what is taught

<ul style="list-style-type: none"> • Appropriate staffing • Appropriate materials 	<p>1977, 1978 Gomez v. Illinois State Board of Education 1987 <i>U.S. Court of Appeals, 7th Circuit</i></p> <ul style="list-style-type: none"> • The Provision of an Equal Education Opportunity to Limited English Proficient Students <i>Office of Civil Rights, 1992</i> 	<p>(curriculum)</p> <ul style="list-style-type: none"> • Identify appropriate materials • Describe Available Opportunities (tutoring, afterschool, programs, etc.) • Train and support staff (professional development plan)
<p>4. Ensure integration</p> <ul style="list-style-type: none"> • Instructional integration • Social integration 	<p>Titles VI & VII of Civil Rights Act 1964 Equal Education Act 1974 Office of Civil Rights 1970 Memo Lau v. Nichols 1974 <i>Supreme Court decision</i></p>	<ul style="list-style-type: none"> • Describe access to programs and services (gifted, extracurricular, special education, vocational, etc.) • Ensure accommodations for language proficiency • Identify how integrated with same-age peers • Communicate levels and needs to relevant staff • Communicate with parents in preferred mode
<p>5. Re-Assess</p> <ul style="list-style-type: none"> • For progress • To exit a program • Monitor exited students 	<p>Rios v. Read 1977 Cintron v. Brentwood 1977, 1978 <i>Office of Civil Rights 1970 Memo</i></p>	<ul style="list-style-type: none"> • Specific multi-criteria reclassification procedures • PA exit criteria • Monitoring plan/documentation
<p>6. Document</p> <ul style="list-style-type: none"> • Instruction • Student achievement • Program compliance • Program effectiveness 	<ul style="list-style-type: none"> • Castañeda v. Pickard 1981 <i>U.S. Court of Appeals, 5th Circuit</i> • The Provision of an Equal Education Opportunity to Limited English Proficient Students <i>Office of Civil Rights, 1992</i> 	<ul style="list-style-type: none"> • Develop program guide • Develop record keeping plan • Appoint team to implement program evaluation • Schedule program evaluation and periodic data review

REFERENCES:

State Regulation

22 Pa. Code §4.4 , 22 Pa. Code § 11.11 , 22 Pa. Code § 11.12 , 22 Pa. Code §4.26 , 43 P.S. §§951-963

Federal Statutes

Civil Rights Act of 1964, Title VI

Equal Educational Opportunities Act of 1974

NCLB Title I 20 U.S.C. § 6301 et seq., Title III, 20 U.S.C. § 6801 et. seq.

P.L. 105-17 (IDEA)

Other

Castañeda v. Pickard, 648 F.2d 989 (1981)

Lau v Nichols, 414 U.S. 563 (1974)

Plyler v Doe, 457 U.S. 202 (1982)

Certification and Staffing Policies and Guidelines (CSPG) No. 68

Basic Education Circular, July 1, 2001: Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL)

Equal Education Act of 1974

Commonwealth of Pennsylvania Department of Education: Program Planning for ELLs, 2002

WIDA Can-Do Descriptors, 2008

National Clearinghouse for English Language Acquisition

WIDS Access for ELLs Accommodation Guidelines

PaTTAN, 2009