

Charter Schools Serving English Language Learners: The Authorizer's Role

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Description:

Like any public school, charter schools must ensure that English language learners (ELLs) receive an appropriate education. There are rigorous requirements but also significant flexibility for charter schools in how to meet those requirements. This interactive workshop will inform charter authorizers of federal requirements as they relate to ELLs and their implications for a school's academic program. The facilitators will present a brief overview of the language acquisition process and program models to give participants appropriate context. Participants will then have the opportunity to rate mock charter application plans for services to ELLs using model criteria. Participants will receive a sample monitoring instrument for operational schools and a list of relevant resources.

Objectives:

By the end of the workshop session, participants will...

- Understand federal OCR compliance issues and NCLB requirements for serving ELLs.
- Be able to identify and understand the various ELL program models.
- Be able to use criteria to meaningfully review charter application plans for services to ELLs.
- Know what to look for when monitoring schools that serve ELLs.

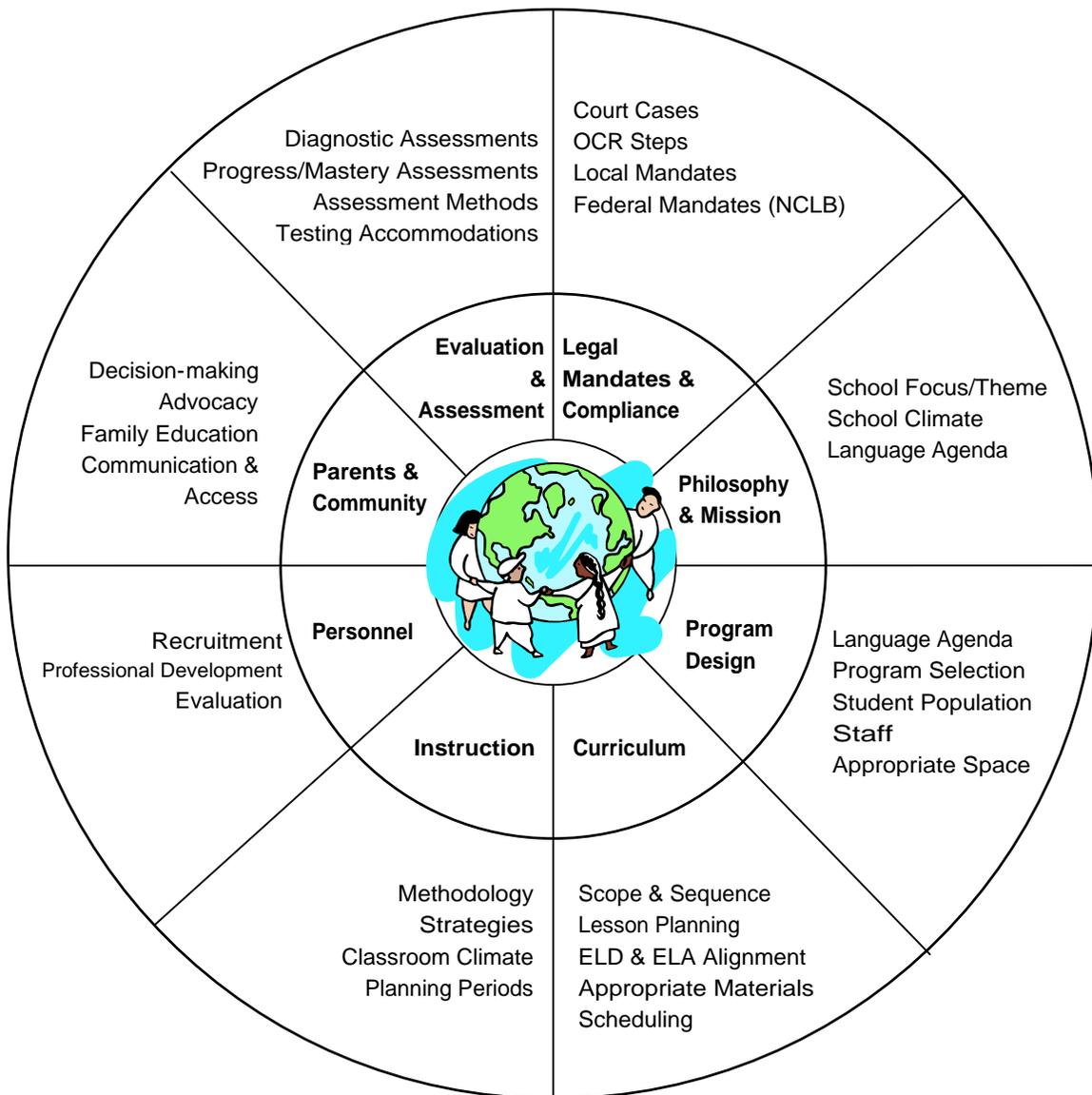
Agenda:

- Welcome and Introductions
- General Principles of Language Acquisition
- Office for Civil Rights (OCR) Requirements
- Overview of ELL Program Models
- Reviewing Applications for Articulation of the ELL Service Plan
- Monitoring ELL Service Provision in Schools
- The Authorizer's Role
- Questions and Closing

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Core Competencies: Programs Serving ELLs



My Grandfather Made It, Why Can't You?

(Background on immigrants and educational attainment)

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

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

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

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

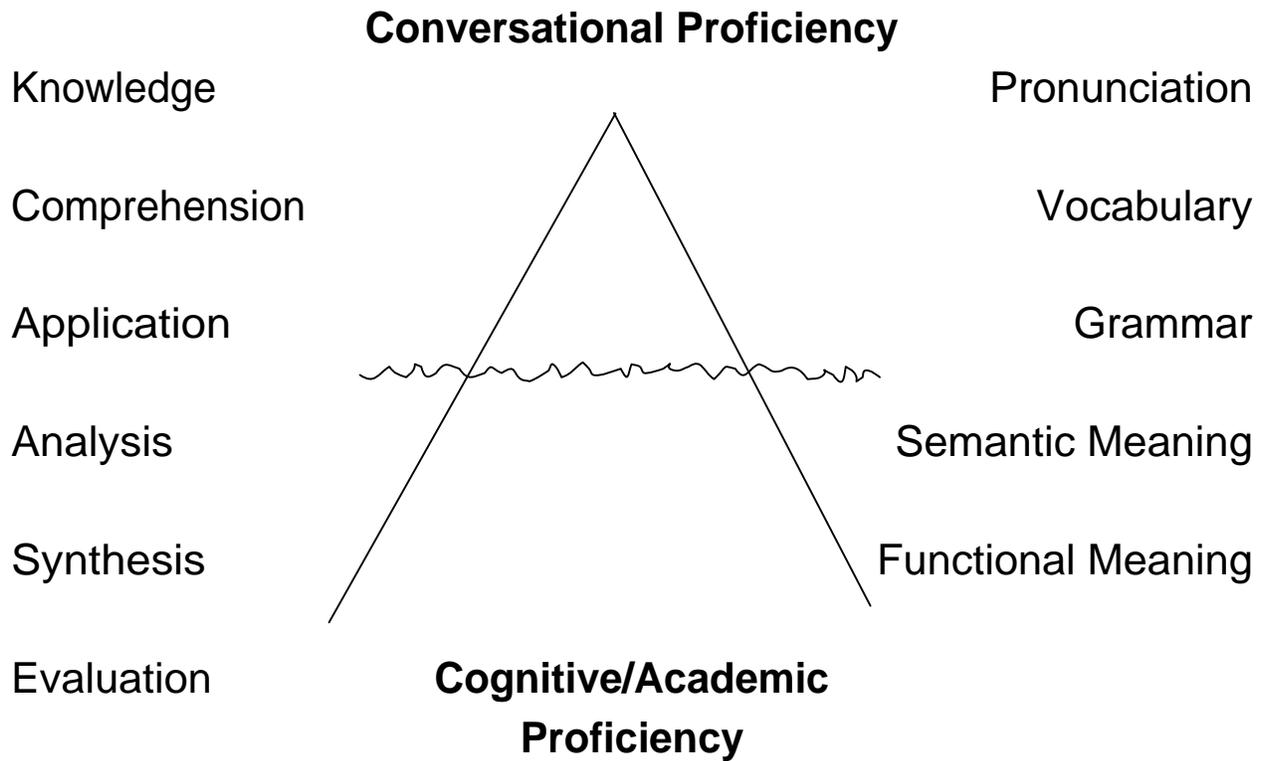
Bilingual education gives students the opportunity to succeed in school by ensuring that they develop content area knowledge and literacy in a language they understand while learning English. It helps to provide companies with the literate, educated workers they require who are proficient in English.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

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

The Language Learning Process

Cognitive Process

Language Process



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

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

How Long Does It Take To Learn A Second Language?

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

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

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

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

Step 1: Identification. Districts/Schools are responsible for identifying all students with a primary or home language other than English (PHLOTE). Part of the school's enrollment process should involve the implementation of a "Home Language Survey" (HLS) which every student, regardless of racial or ethnic background, must complete. The HLS serves to *identify* students who come from homes where a language other than English is spoken, and does so in a manner that is equitable, comprehensive, and not based upon assumptions or stereotypes.

Step 2: Assessment. If a student's HLS indicates that a language other than English is spoken in the home, it will trigger assessment of the student to determine if language support services are necessary. Districts/Schools are responsible for assessing each identified PHLOTE student with valid and reliable testing instruments. An assessment tool must be used which is specifically designed to measure English language proficiency in the areas of speaking, reading, writing, and comprehension of English. In no case should a student be determined to need language support services, or labeled LEP/NEP, without a valid assessment on file.

Step 3: Placement and Services. Districts/Schools are obligated to provide language support services to all students who qualify as NEP/LEP. Students will come to the school with varying degrees of prior schooling and English language proficiency. No one particular bilingual education or English as a Second Language (ESL) model is appropriate for all. Language proficiency test results will enable the school to ensure that educational services provided are commensurate with student needs. Educational programming for English language learners should be parallel to that provided for all students in the school.

Step 4: Transition/Exiting. Districts/Schools are responsible for exiting a student from the language support program once the student gains proficiency in English so that the student can participate meaningfully in the general education program. Districts/Schools are responsible for establishing criteria to determine when a student qualifies for exiting.

Step 5: Monitoring. Districts/Schools will monitor students for two years to ensure that students exited from the language support program are performing in the general education program without significant barriers primarily caused by limited English proficiency.

How to Develop A Home Language Survey

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

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

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

Name _____ Date _____

Date of Birth _____ Age _____ Grade _____

Parent/Guardian Name _____ Relationship _____

Daytime Telephone _____ Evening Telephone _____

Languages Spoken at Home _____

Country of Origin _____

Other countries of residence (please list) _____

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

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

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

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

What language(s) does your child read?

What language(s) does your child write?

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

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

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

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

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

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

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

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

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

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

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

Survey conducted/completed by: _____

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

Sample Home Language Survey

HOME LANGUAGE SURVEY	SIS ID NUMBER: _____
SCHOOL NAME: _____	STUDENT NAME: _____

Parent Name: _____ Parent's Signature: _____ Date: _____

This document **MUST** be signed and dated by the parent or guardian.

ENGLISH (Please answer ALL five questions.)	AMHARIC (እባይዎን ለምሳሌ የሚሰጡ ጥያቄዎችን በውስጥ ይመለከቱ)																																																																								
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What are your Language Acquisition Goals? (or what is your Language Agenda?)

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

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

Factors to Consider When Selecting a Program Model

(Projected) School Demographics
<ul style="list-style-type: none"> • What is the total student enrollment? • What is the ELL student enrollment? • What is the student % of each language background? • What is the ELL distribution across the grade levels? • From where do you enroll your students? • What grade levels will the school serve at full capacity?
(Projected) Student Characteristics
<ul style="list-style-type: none"> • What is the educational experience of students? (i.e., little, interrupted, or no schooling, literate) • Do students perform at or above grade level in their native language? • What family factors impact students' educational experience? (i.e. intergenerational family structure, single parent home, foster care) • What other factors affect educational experience? (i.e. drug abuse, domestic violence, migrant)?
(Projected) School Resources
<ul style="list-style-type: none"> • Do you have bilingual, biliterate, and bicultural administrative staff representative of students' backgrounds? • How many teachers are certified, how many are certified in ESL or Bilingual Education? • How many are bilingual in the minority students' language? • What recruitment strategies do you use to hire teachers with similar language backgrounds? • What curriculum and instructional materials do you have to support your ELL program(s)?
(Projected) Community Resources
<ul style="list-style-type: none"> • What community partnerships have been identified and sought that would improve the ELL program? • Are creative methods utilized to foster parent participation? • What are the challenges of involving parents? • Other resources:

The Recognized ELL Program Models

According to the latest census reports, language minority students are one of the fastest growing groups of students in U.S. schools. These students are immigrants, refugees, and U.S.-born. They come to school with a range of education levels, from little or no formal schooling to extensive formal education. Some may be academically-delayed and/or illiterate, while others are achieving above grade-level in their native language. Such students arrive at school with varying degrees of English proficiency, and need assistance in acquiring the English language for both communicative and academic purposes.

Several bilingual education programs exist which reflect research-based instructional models for the education of English language learners. The types of programs that are implemented in the nation's schools vary widely and are usually the result of school-based decisions, often guided by available resources and personnel.

Because it takes time to learn English, the best program models for promoting the academic achievement of language minority students are those which enable students to continue to develop academic skills while they are learning their new language. These programs build upon the skills and knowledge which students bring to school and incorporate their linguistic and cultural needs and, as a result, students do not fall behind while learning English. Program models for ELL students must be adapted for the specific needs of the given ELL population in a particular district and school. Consequently, no one program model works best all the time or in all situations. Following are descriptions of program models, ranging from the most to the least instructional support.

English as a Second Language (ESL) Programs (rather than bilingual programs) are likely to be used in districts where the language minority population is very diverse and represents many different languages. ESL programs can accommodate students from different language backgrounds in the same class, and teachers do not need to be proficient in the home language(s) of their students.

ESL Programs
ESL pull-out is generally used in elementary school settings. Students spend part of the school day in a mainstream classroom, but are pulled out for a portion of each day to receive instruction in English as a second language. Although schools with a large number of ESL students may have a full-time ESL teacher, some districts employ an itinerant ESL teacher who travels to several schools to work with small groups of students scattered throughout the district. A variation of this model is ESL push-in where the ESL teacher comes to the mainstream classroom for a designated amount of time each day or week to work with the ELLs within the classroom.
ESL class period is generally used in middle school settings. Students receive ESL instruction during a regular class period and usually receive course credit. They may be grouped for instruction according to their level of English proficiency.
The ESL resource center is a variation of the pull-out design, bringing students together from several classrooms or schools for varying time periods. The resource center concentrates ESL materials and staff in one location and is usually staffed by at least one full-time ESL teacher.

Bilingual Program Models use the students' home language, in addition to English, for instruction. These programs are most easily implemented in districts with a large number of students from the same language background. Students in bilingual programs are grouped according to their first language, and teachers must be proficient in both English and the students' home language.

Bilingual Programs
<p>Transitional Bilingual Programs (also called "early exit") are designed to help children acquire the English skills required to succeed in an English-only mainstream classroom. These programs provide some initial instruction in the students' first language, primarily for the introduction of reading, but also for clarification. Instruction in the first language is phased out rapidly, with most students mainstreamed after two or three years. The choice of an early-exit model may reflect community or parental preference, or it may be the only bilingual program option available in districts with a limited number of bilingual teachers.</p>
<p>Developmental Bilingual Programs (also called "maintenance" or "late exit") differ from early-exit programs primarily in the amount and duration that English is used for instruction as well as the length of time students are to participate in each program. Students remain in late-exit programs throughout elementary school and continue to receive 40% or more of their instruction in their first language, even when they have been reclassified as fluent-English-proficient.</p>
<p>Two-way Bilingual or Dual Language Programs group English language learner students from a single language background in the same classroom with native English speaking students. Ideally, there is a nearly 50/50 balance between ELLs and native English speaking students. Separation of languages is an important principle and lessons are never repeated or translated in the second language. There are two primary approaches used: 90-10 and 50-50.</p> <p>In the 90-10 model, 90 percent of the school day is in the <i>minority</i> language (the language less supported by the broader society), for kindergarten and first grade. Following the introduction of literacy and math through the minority language in grades K through 1, the majority language is introduced into the curriculum in grade 2 or 3, and time spent using the majority language gradually increases until the curriculum is taught equally through both languages by grade 4 or 5. This model offers a bilingual immersion experience for the English speakers and a bilingual maintenance experience for the language minority students.</p> <p>The 50-50 model provides instruction in each language for half of each school day. Thus, half of the instructional time is in English and the other half is in the minority language, for grades K-12. However, concepts taught in one language are reinforced across the two languages. In some programs, the languages are used on alternating days. Others may alternate morning and afternoon, or they may divide the use of the two languages by academic subject. Students in both model variations serve as native-speaker role models for their peers. These classes may be taught by a single teacher who is proficient in both languages or by two teachers, one of whom is bilingual.</p> <p>(One-Way) Bilingual Immersion or Dual Language Programs may use either the 90-10 or 50-50 approach and generally includes students from the same language background; either all non-native English speakers or all native English speakers.</p>

Other program models provide neither instruction in the native language nor direct instruction in ESL. However, instruction is adapted to meet the needs of students who are not proficient in English.

Other Programs

Sheltered English or Content-Based Programs (also known as SDAIE, specially designed academic instruction delivered in English) group language minority students from different language backgrounds together either in mainstream or self-contained classes where teachers use English as the medium for providing content area instruction, adapting their language to the proficiency level of the students. They may also use gestures and visual aids to help students understand. Teachers should have training in sheltered English methods, ESOL, TESOL, or an ESL teaching credential. Although the acquisition of English is one of the goals of sheltered English and content-based programs, instruction focuses on content rather than language.

Structured Immersion Programs use only English, but there is no explicit ESL instruction. As in sheltered English and content-based programs, English is taught through the content areas. Structured immersion teachers should have basic oral and comprehension skills in their students' first language and have a bilingual education or ESL teaching credential. The teacher's use of the children's first language is limited primarily to clarification of English instruction. Most students are mainstreamed after 2 or 3 years.

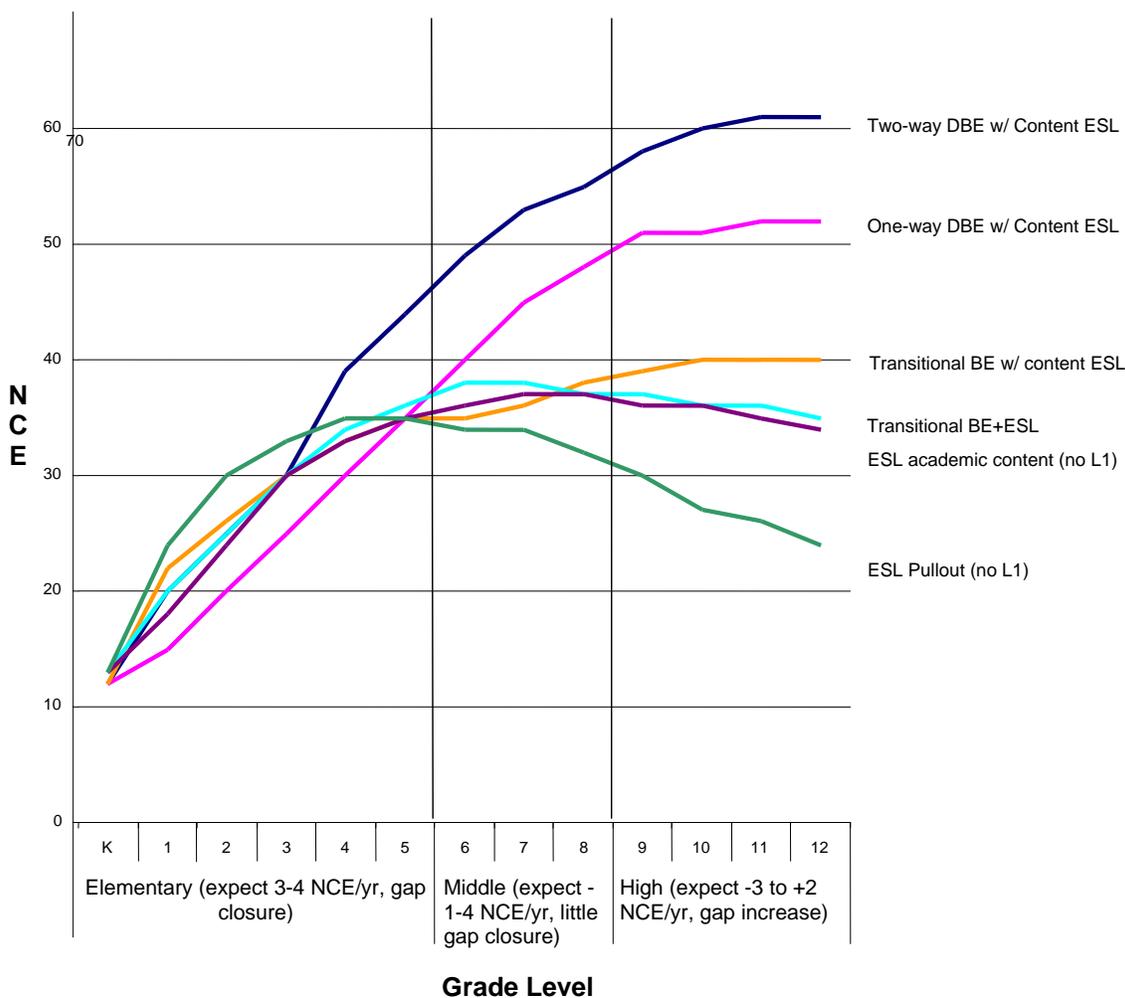
Newcomer Programs were developed for newly arriving immigrant students in some schools/districts. The instructional program combines teaching ESL with content instruction, as well as some L1 (native language) academic support when feasible, and social service information is provided to assist families with adaptation to this country. For desegregation purposes, students are not generally kept in a separate newcomer program for more than one to two years.

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

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

Comparing the Program Models

Language Minority Student Achievement Compared Across Different Program Models



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

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

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

Assessment Types & Purposes

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

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

Note: A comprehensive searchable database of English language proficiency tests that includes test descriptions, purchasing information, grade levels assessed, purposes of tests, and languages addressed can be found at the Center for Equity and Excellence in Education Test Database Website: <http://ericae.net/eac/>

Sample Testing Accommodations for ELLs

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

The No Child Left Behind Act

Selected Provisions and Implications for ELLs

Testing

Basic Provisions. The bill requires annual state tests in at least reading and math for every child in grades three through eight, beginning in the 2005-06 school year. In 2007-2008, schools will have to add science tests. The state tests must:

- be aligned with state academic standards
- be valid and reliable for the purposes they are being used
- be consistent with nationally recognized professional and technical standards
- be useful for diagnostic purposes (although not restricted to this use)
- allow for test data to be disaggregated by race, ethnicity, English proficiency, gender, migrant status, disability, and socioeconomic status

English Language Learner (ELL) Provisions. ELLs must be tested, to the extent practicable, in the language and form most likely to yield accurate results for ELLs, except that ELLs who have attended schools in the U.S. (not including Puerto Rico) for three consecutive years must be tested in English unless it is determined, on a case-by-case basis, that native-language tests will yield more accurate results. In that case, those ELLs can be tested in their native-language for up to two additional years. States must begin administering English language proficiency tests to ELLs by the 2002-03 school year.

Measuring Progress

Adequate Yearly Progress (AYP). Each state may set its own definition of AYP, and is required to get all students to meet the state's "proficient" level of academic achievement in 12 years from the 2001-02 school year (100% proficiency). AYP must include separate measurable annual goals for *all* students and groups of students characterized by: race, ethnicity, English proficiency, and socioeconomic status. AYP must be based on each state's academic standards and shall be measured primarily by the state assessments, and may include other measures, such as other assessments, grade retention, attendance rates, and participation in gifted and advanced courses. High schools must use graduation rates.

Baseline Data. The states must use 2001-02 school year data on student proficiency levels as the baseline data on which states must measure progress toward meeting AYP. The baseline data must be set based on the group of students listed above with the lowest proficiency level or on the school within each state whose students are at the 20th percentile ranking, whichever measure is higher.

Schools with a subgroup of students (such as ELLs) that are not making AYP can avoid sanctions (see below) if that subgroup makes some progress.

Report Cards

The legislation requires state report cards that must contain information, such as:

- Student achievement data disaggregated by race, ethnicity, gender, English proficiency, disability status, migrant status, and poverty
- Academic objectives for each subgroup
- The percentage of students not tested
- Information on other indicators of progress
- High school graduation rates
- Professional qualifications of teachers in the state

School district report cards must include district- and school-level information, including:

- How many schools in the district have been identified for school improvement
- How students in the district fared on the state assessment and other AYP measures
- At the school level, whether a school has been identified for improvement

Other Important Provisions

Program Improvement. Language instruction educational programs will be required to develop an improvement plan, including professional development and program improvements, if they fail to meet performance objectives for two consecutive years. If programs are still failing after four consecutive years, then the programs will be required to re-vamp their approach to educating ELLs, and states may withhold funds or require replacement of personnel related to program failure.

Parental Involvement. The final measure retains current law regarding notifying parents of their child's participation in bilingual or ESL programs. The agreement does provide parents of ELLs with greater choice and information regarding services for their children, and expands outreach to more effectively involve parents in programs. The agreement does not include language requiring parents of LEP students to provide written consent prior to their child's enrollment in a program.

Time Limits. The agreement does not require a 3-year limit on language instruction for limited English proficient students. Programs will be held accountable for ensuring that students make gains in learning English and academic achievement.

Use of Native Language Instruction. The legislation does not impose a restriction on schools that would have only allowed them to use English-only programs, and allows school districts to choose an approach that will help ELLs succeed academically.

Performance Objectives and Accountability. The legislation requires states to establish annual achievement objectives for the development and attainment of English proficiency of students enrolled in language instruction educational programs. Programs will be held accountable for meeting these annual targets, while also meeting AYP to ensure that students keep up with challenging academic standards.

Sources: *No Child Left Behind Act* Conference Report; National Association for Bilingual Education

Effective Bilingual Education Program Checklist

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

Adapted from the Intercultural Development Research Association, January 1998.

Sample Application Questions

Category	Reviewers will look for evidence of...	Weak (or inadequate as is)	Strong
Recruitment & Outreach	<i>Student recruitment plans that ensure adequate enrollment and full accessibility of the school to all eligible students.</i>	Describe the recruitment process that the charter school will use to attract students and families.	Describe several specific practices/policies you will use which are likely to lead to a diverse applicant pool and which will ensure equal and bias-free access for all students, regardless of race, national origin, sexual orientation, gender, religion, English proficiency, socio-economic status or disability. Provide a definition of English Language Learners for admission purposes that includes measurable academic criteria and does not rely solely or primarily upon demographic criteria.
Academic Design	<i>A plan that reflects an understanding of services associated with providing support for all ELLs.</i>	Outline the plan of the charter school to meet underserved populations, i.e. at risk and limited English proficient (LEP) students.	How will the educational program increase learning opportunities for <u>all</u> students? If the charter school is created to serve students from underserved populations, i.e. English Language Learners, describe the expanded learning experiences that will be provided for these students.
Curriculum	<i>Program models that are suitable for limited English proficient students.</i>	Explain how limited English proficient learners, disabled students and students who enter the school below grade level will benefit from the curriculum.	Outline the curriculum design to meet and expand students' strengths and needs based on research and effective best practices. Specify how English Language Learners and students below grade level are included and how they will access the curriculum.
Instruction	<i>Delivery strategies that are suitable for limited English proficient students.</i>	Describe instructional design or strategies based upon successful practice or research.	Describe instructional design or strategies based upon successful practice or research on English Language Learners. Elaborate on what is effective, different and/or innovative.
Assessment	<i>A sound design for measuring, disaggregating and reporting the performance and progress of the charter school, and an understanding of state, federal and NCLB requirements and alternate assessment requirements.</i>	Describe the plan to assess students and describe how the school will use student assessment data to gauge the effectiveness of curricula and instruction.	Describe the procedures for providing accommodations and modifications for testing ELLs. Include reference to the use of the state alternate assessment for those students exempt from taking the state standardized test under NCLB.

Category	Reviewers will look for evidence of...	Weak (or inadequate as is)	Strong
OCR Compliance	<i>Knowledge of the school's obligations regarding state and federal laws on students with limited English proficiency.</i>	Describe how the charter school meet OCR compliance mandates.	Describe how the charter school will meet the needs of ELLs in accordance with federal and state statutes and regulations, including a description of: <ol style="list-style-type: none"> 1. ELL identification method 2. methods for assessment of English language proficiency 3. appropriate placement 4. design and delivery of appropriate services 5. monitoring of English proficiency acquisition 6. exiting of ELLs from language support programs
Hiring	<i>A plan that demonstrates a clear understanding of staffing needs and requirements for serving ELLs.</i>	Provide an organizational chart of the charter school staff.	Describe qualifications, certifications (if applicable) and responsibilities of each job title (administrators, teachers, special education and bilingual service providers, nurse, counselors, support staff, etc.).
Staff Development	<i>Describe the meaningful and sustained professional development opportunities provided to teachers and staff and how these opportunities will promote higher levels of student achievement.</i>	Describe how the charter school will provide teachers with meaningful and sustained professional development opportunities to promote higher levels of student achievement for all pupils.	Describe how the charter school will provide teachers with professional development that will lead to their understanding, growth in instructional practice, and increased collaboration with their teaching peers about the nuances of teaching, i.e. English Language Learner issues.
Parent/Family Involvement	<i>Plans for communicating with and developing working relationships with all parents/families in the school.</i>	Describe what role parents have in the planning and governance of the school.	Describe the plan to engage and sustain parental involvement in the charter school planning process <u>and</u> in the operation of the school as well as specify what accommodations will be made for the authentic integration of culturally and linguistically diverse parents.
Budget	<i>A plan that reflects an understanding of costs associated with providing support for ELLs.</i>	Outline projected expenditure assumptions for multicultural activities.	Outline projected excess expenditure costs associated with the plan to provide support for English Language Learners, i.e. alternative assessments, time and format accommodations for parent activities.

The Authorizer's Role

The following areas are critical points in the authorizer-school relationship where the authorizer can ensure the provision of appropriate services to English language learners (ELLs).

1. Student Demographics. It's important to understand the demographics of the student body in the jurisdiction you serve and how the school system is currently responding to those demographics. For example, is there a recent influx of new immigrants to the district and few or no schools with appropriate language support programs or bilingual staff? Having this information will allow you to do a "gap analysis" and determine if there are certain types of charter schools you would like to encourage as a means to help address the gap, for example:

- ❑ Is a "newcomer" high school needed in the district?
- ❑ Are parents interested in a two-way dual immersion/bilingual program?

2. Authorizer Staff. Immigrant student populations are now present in communities where they hadn't been before. It is rare to find a jurisdiction that does not serve any ELL students. Knowledge of ELL issues cannot be left up to the "experts" anymore. Most of us will have to have some basic understanding of federal compliance mandates at the very least. But a broader understanding of immigrant and ELL issues will come in handy in the day-to-day work.

- ❑ Is the ELL knowledge institutionalized? If you have one board member who plays this role, and his/her term expires, you may be left with a void.
- ❑ Who reviews policy decisions to make sure that they do not inadvertently discriminate against immigrant or ELL student populations? For example, do you require charter operators to collect social security numbers for student enrollment?

3. Application Design. Carefully crafting the right questions will allow the authorizer to find out how much the founding group knows about services to ELLs. The questions in the packet are designed to provide examples of both strong and weak questions. The goal is to articulate the question in such a manner as to elicit responses that will allow the authorizer to determine whether the applicant's plan meets the OCR requirements and is a sound academic plan to ensure student achievement for ELLs.

4. Selection of Reviewers. Depending on the number of applications to be read, it is important that one or more people on the application review team have experience with ELL issues. Or you might consider having someone provide training for all reviewers on ELL issues. The following criteria will assist you with selecting individuals with the right background knowledge.

- ❑ Does the candidate have a degree in bilingual education?
- ❑ Does the candidate have certification in ESL or bilingual education and experience in teaching ELLs?
- ❑ Does the candidate have an understanding of how second language acquisition occurs?
- ❑ Does the candidate have knowledge of OCR compliance mandates for schools serving ELLs?

- ❑ Does the candidate have knowledge of and/or practical experience with the various language support models for ELLs?

5. Application Review Process. What opportunities are provided to applicants to articulate or clarify their plan for meeting the needs of ELLs? And what mechanisms are in place to evaluate these plans?

- ❑ Scoring rubrics. See sample questions on pages 21-22 and sample rubric handout.
- ❑ Applicant Interviews. This is a good way to “dig deeper” and clarify any questions reviewers had about the plan for services to ELLs.
- ❑ Public Hearings. Open forums provide an avenue for a broader cross-section of questions, comments, and feedback on the applications and the ELL service plan.

6. School Accountability Plan. Just as the questions asked in the charter application are critical, so are the standards or benchmarks included in the accountability plan.

- ❑ Is the accountability plan aligned to the application and the monitoring instrument? Does it include benchmarks that relate to services to ELLs?
- ❑ Does the school disaggregate student data deeply enough to differentiate student progress for not only Hispanic, Asian, etc. students but for those who are ELLs?

7. School Monitoring. Alignment is important, the application, the accountability plan, the monitoring instrument should include the same indicators....

- ❑ Is the monitoring instrument aligned to the application and the accountability plan? Does it include indicators or observables that relate to services to ELLs?
- ❑ Does anyone on the monitoring team have the type of experience noted in #2 above?
- ❑ What training is provided to monitors so that they can effectively assess the provision of services to ELLs?

Glossary of Selected Terms Related to ELLs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LCD – Linguistically and Culturally Diverse.

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

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

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

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

PEP – Potentially English Proficient.

PHLOTE – Primary or Home Language Other Than English.

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

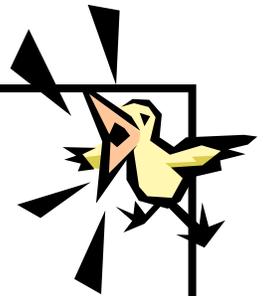
TESOL – Teaching English to Speakers of Other Languages. (See ESL)

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

A Sampling of Bilingual Education Resources

Organization	Contact Information	Focus/Services
National Association for Bilingual Education 1030 15th St., NW Suite 470 Washington, DC 20005	202 898-1829 tel 202 789-2866 fax NABE@nabe.org http://www.nabe.org	Ensures equality of educational opportunity through research, professional development, public education, & legislative advocacy
National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs at the George Washington University 2121 K Street, NW, Suite 260 Washington, DC 20037	800 321-NCBE 202 467-0867 tel 202 467-4283 fax askncbe@ncbe.gwu.edu http://www.ncbe.gwu.edu	Funding opportunities, technical assistance, links to resources, databases, success stories, lesson plans, e-mail discussion group, conference calendar, instructional strategies toolbox for ELLs
Center for Applied Linguistics 4646 40th Street, NW Washington, DC 20016-1859	202 362-0700 tel 202 362-3740 fax info@cal.org http://www.cal.org	Seeks to improve teaching of English as a second/foreign language; promote teaching of less commonly taught languages; and conduct research to enhance the educational process
Teachers of English to Speakers of Other Languages, Inc. (TESOL) 1600 Cameron Street, Suite 300 Alexandria, Virginia, 22 314-2751	703-836-0774 Tel 703-836-7864 Fax tesol@tesol.edu http://www.tesol.edu	Develops the expertise of those involved in teaching English to speakers of other languages while respecting individuals' language rights
ERIC Clearinghouse on Urban Education Institute for Urban and Minority Education Box 40 Teachers College Columbia University New York, NY 10027	1 800 LET-ERIC askeric@ericir.syr.edu http://eric-web.tc.columbia.edu	Offers manuals, articles, reviews annotated bibliographies, summaries of outstanding publications, conference announcements, etc.
Center for Research on Education, Diversity and Excellence (CREDE) University of California, Santa Cruz 1156 High Street Santa Cruz, CA 95064	408 459-3500 tel 408 459-3502 fax crede@cats.ucsc.edu http://www.crede.ucsc.edu	Multicultural education, professional development, school reform, second language acquisition, standards, and more
Northeast & Islands Regional Educational Lab at Brown University 222 Richmond Street, Suite 300 Providence, RI 02903-4226	401 274-9548 tel 800 521-9550 tel 401 421-7650 fax lab@brown.edu http://www.lab.brown.edu	The Lab's research specialty explores how education can better address the needs of culturally and linguistically diverse populations
Southwest Educational Development Laboratory (SEDL) 211 East Seventh Street Austin, Texas 78701-3281	512 476-6861 tel 800 476-6861 tel 512 476-2286 Fax jbuttram@sedl.org http://www.sedl.org	Sponsors Language and Diversity Program (LDP) to improve and facilitate effective education for children with limited English proficiency and/or whose cultural backgrounds and perspectives differ from those of the dominant community

SCHOOL OPENING ALERT



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

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

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

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

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

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

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

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

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