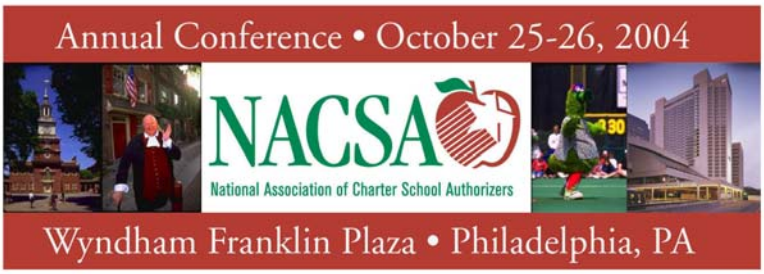

Concurrent Session E:

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

Handouts

Contents:

ELL Workshop Packet

Charter Application Excerpt - The New School (grades PreK-8)

Terminology Bingo

School-Based Monitoring Instrument Survey

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

NACSA Annual Conference ■ Philadelphia, PA
10:45am-12:15pm ■ Tuesday, October 26, 2004

Presenters:

- Ariana Quinones, Executive Director, DC Public Charter School Association, aquinones@dcpcsa.org
- Dr. Esther Monclova-Johnson, Director, District of Columbia Public Schools Office of Civil Rights and Multicultural Affairs, Esther.Monclova-Johnson@k12.dc.us

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 approaches 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...

- Be able to identify the three approaches to English language acquisition services.
- Understand federal OCR compliance issues and NCLB requirements for serving ELLs.
- 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, Introductions
- Exercise: Terminology Bingo
- Language Acquisition Approaches
- The Authorizer's Role
- Federal Requirements (OCR and NCLB)
- Monitoring ELL Service Provision in Schools
- Exercise: Application Review
- Questions and Closing

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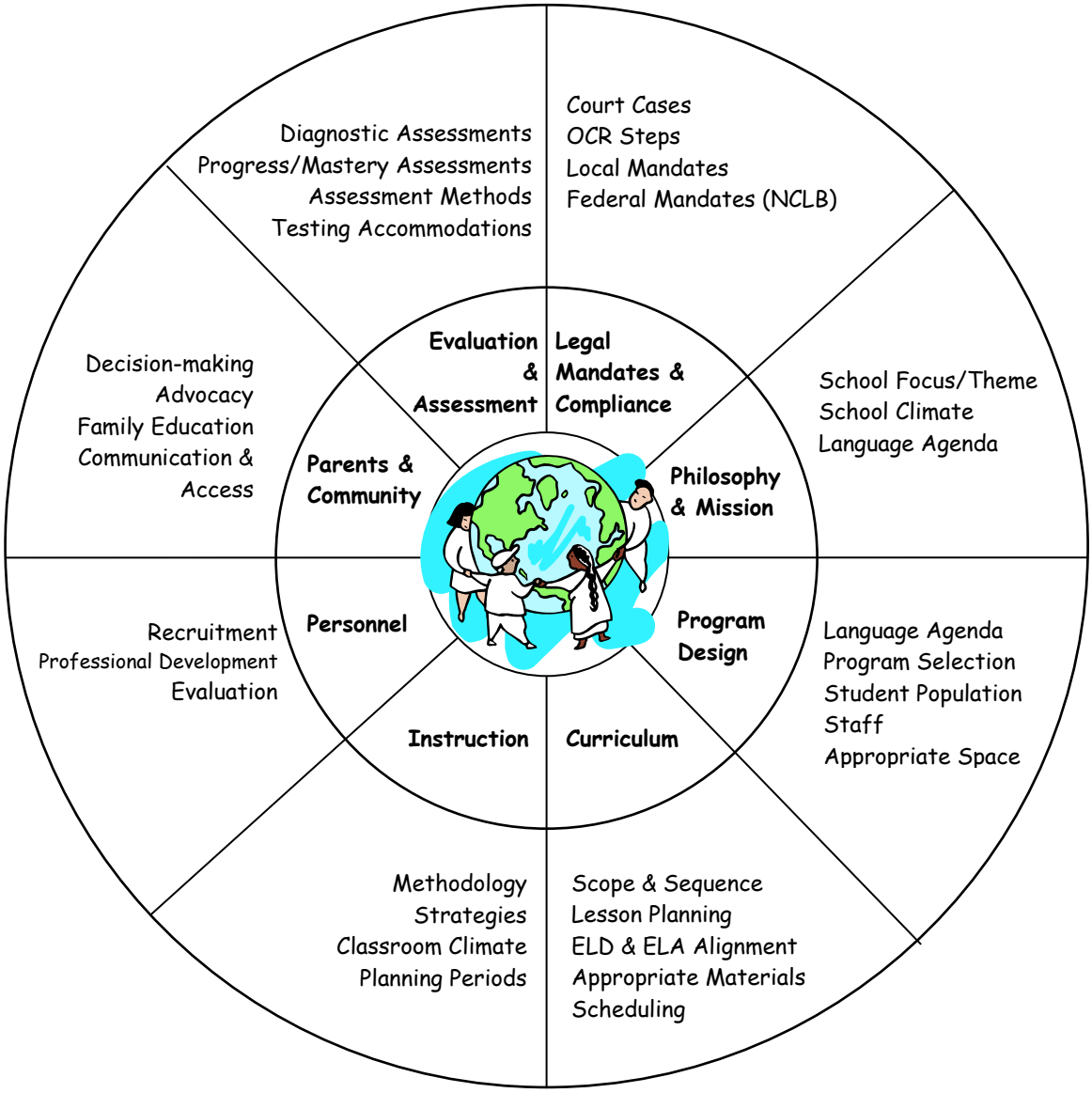
Core Competencies: Programs Serving ELLs



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.

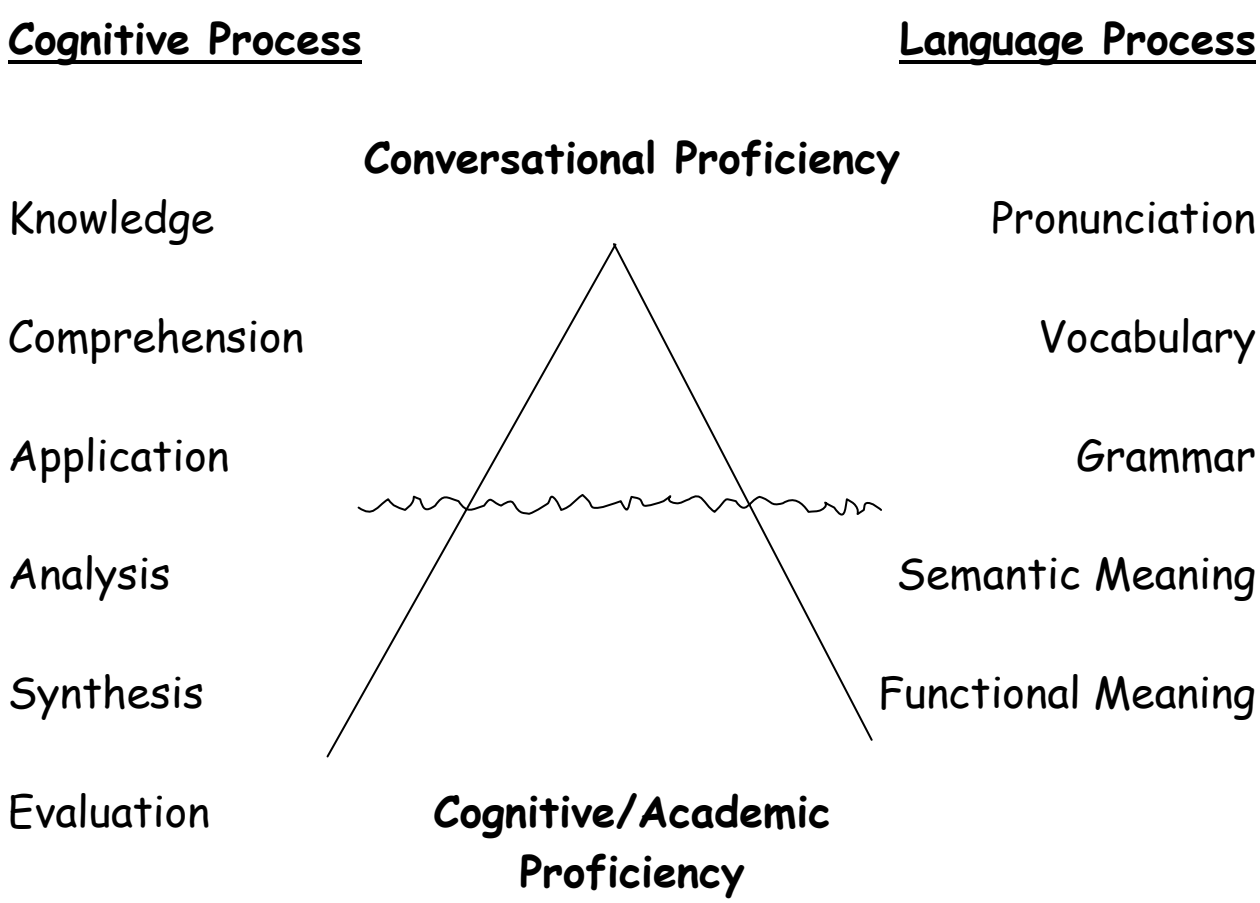
The dropout rate was enormous but it was not a significant problem because the numerous jobs available in the manufacturing sector did not require that workers have an education. Thus, immigrants with very minimal English skills and little education could find jobs, have a steady income, buy a home,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



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

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

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

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

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

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

How to Develop a Home Language Survey

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

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

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

Name_____ Date_____

Date of Birth _____Age_____ Grade_____

Parent/Guardian Name_____ Relationship_____

Daytime Telephone _____ Evening Telephone_____

Languages Spoken at Home_____

Country of Origin_____

Other countries of residence (please list)_____

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

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

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

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

What language(s) does your child read?

What language(s) does your child write?

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

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

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

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

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

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

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

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

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

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

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

Survey conducted/completed by:_____

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

Sample Home Language Survey

HOME LANGUAGE SURVEY **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.)

		Yes	No
1)	Is a language OTHER THAN English used at home?	☐	☐
2)	What language did your child first speak?		
	o English o Spanish o Amharic o French		
	o Chinese o Vietnamese o Other (specify): _____		
3)	Does the student frequently speak a language other than English at home?	☐	☐
4)	Was your child born in a country OUTSIDE OF THE USA?	☐	☐
5)	What is your relationship to the child?		
	o Mother o Father o Guardian o Other (specify): _____		

AMHARIC (እባክዎን አምስቱንም ጥያቄዎች በሙሉ ይመልሱ)

		አዎ	የለም
1)	በቤት ውስጥ ከእንግሊዘኛ ኬላ የምትጠቀሙበት ቋንቋ አለ ወይ?	☐	☐
2)	ልጅዎ በመጀመሪያ አፋን የፈታው በምን ቋንቋ ነው?		
	o እንግሊዘኛ o ስፓኒሽ o አማርኛ o ፈረንሳይኛ		
	o ቻይና o ቪየትናም o ኬላ (ይጠቀሱ): _____		
3)	ተማሪው አብዛኛውን ጊዜ በቤቱ ከእንግሊዘኛ ኬላ ቋንቋ ይጠቀማል ወይ?	☐	☐
4)	ልጅዎ ከአሜሪካ ግዛት ከክፍ ውጪ ነው ወይ የተወለደው?	☐	☐
5)	ከልጁ ጋር ያለዎት ዝምድና ምንድን ነው?		
	o እናት o አባት o አሳዳጊ o ኬላ (ይጠቀሱ): _____		

SPANISH (Por favor responda a TODAS las cinco preguntas.)

		Sí	No
1)	¿Se habla otro idioma que NO sea el inglés en la casa?	☐	☐
2)	¿En qué idioma comenzó a hablar su hijo/a?		
	o Inglés o Español o Amárico o Francés		
	o Chino o Vietnamés o Otro (especifique): _____		
3)	¿Habla frecuentemente el estudiante otro idioma que NO sea el inglés en la casa?	☐	☐
4)	¿Nació su hijo/a en otro país que NO sea EE.UU. (USA)?	☐	☐
5)	¿Cuál es su relación al niño/a?		
	o Madre o Padre o Tutor o Otro (especifique): _____		

FRENCH (S'il vous plait respondez à TOUTES les cinq questions.)

		Oui	Non
1)	Est-ce-que chez vous, une langue AUTRE QUE L'ANGLAIS est en usage?	☐	☐
2)	Quelle langue votre enfant utilise lorsqu'il commence à parler?		
	o Anglais o Espagnol o Amharic o Français		
	o Chinois o Vietnamien o Autre: _____		
3)	Chez vous, l'élève parle t-il souvent une langue AUTRE QUE L'ANGLAIS?	☐	☐
4)	Votre enfant était-il né HORS DES ÉTATS-UNIS?	☐	☐
5)	Quel est votre lien de parenté avec l'enfant?		
	o Mère o Père o Tuteur o Autre: _____		

CHINESE (請回答所有五條的問題)

		是	否
1)	你家 庭中是否使 用不是英 語的另 一種語言 ?	☐	☐
2)	你孩 子最初學 說話時是 說以下那種語 言?		
	o 英 語 o 西班牙語 o 阿姆哈拉語 o 法 語		
	o 漢語 o 越語 o 其他語言(說 明): _____		
3)	你孩 子在家是否經常說不是英 語的另 一語 言?	☐	☐
4)	你孩子是否出 生在美 國以外的國 家 ?	☐	☐
5)	你與孩子的關系是:		
	o 母 親 o 父 親 o 監 護人 o 其他關 系(說 明): _____		

VIETNAMESE (Xin vui lòng trả lời TẤT CẢ năm câu hỏi.)

		Có	Không
1)	Ở nhà có thường sử dụng thứ tiếng nào KHÁC HƠN Anh Ngữ không?	☐	☐
2)	Con quý vị đã nói thứ tiếng nào trước nhất?		
	o Anh Ngữ o Tây Ban Ngữ o Am-ha-ric o Pháp Ngữ		
	o Hoa Ngữ o Việt Ngữ o Ngôn ngữ khác: _____		
3)	Ở nhà, học sinh thường nói thứ tiếng nào khác hơn Anh Ngữ không?	☐	☐
4)	Con quý vị đã sinh ra ở một NƯỚC NÀO KHÁC HOA KỲ không?	☐	☐
5)	Liên hệ của quý vị với đứa trẻ?		
	o Mẹ o Cha o Giám Hộ o Liên hệ khác: _____		

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
• 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
• 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
• 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
• 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
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.
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.
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. In the 90-10 model, 90 percent of the school day is in the *minority* language (the language less supported by the broader society), for kindergarten and first grade. Following the introduction of literacy and math through the minority language in grades K through 1, the majority language is introduced into the curriculum in grade 2 or 3, and time spent using the majority language gradually increases until the curriculum is taught equally through both languages by grade 4 or 5. This model offers a bilingual immersion experience for the English speakers and a bilingual maintenance experience for the language minority students. The 50-50 model provides instruction in each language for half of each school day. Thus, half of the instructional time is in English and the other half is in the minority language, for grades K-12. However, concepts taught in one language are reinforced across the two languages. In some programs, the languages are used on alternating days. Others may alternate morning and afternoon, or they may divide the use of the two languages by academic subject. 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. **(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.

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.

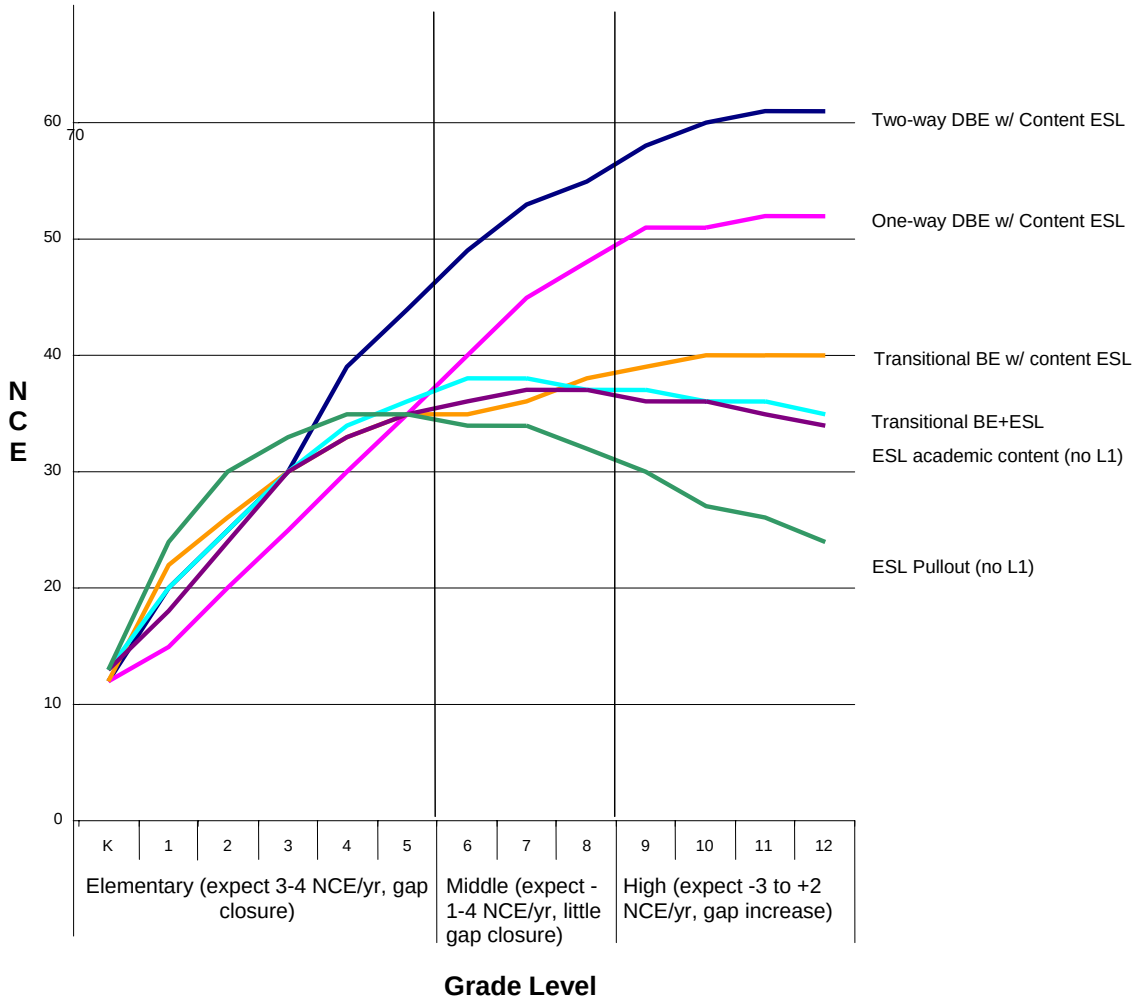
Other Programs
Sheltered English or Content-Based Programs (also known as SDAIE, specially designed academic instruction delivered in English) group language minority students from different language backgrounds together either in mainstream or self-contained classes where teachers use English as the 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.

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.	▪ 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.	▪ 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.	▪ 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.	▪ Frequent or extra breaks ▪ Assessment divided into smaller sections and given over an extended time period
Some students may not have a level of English oral proficiency or literacy adequate to comprehend the instructions or questions. Native English-speaking test administrators may intimidate some children.	▪ 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.	▪ Prior to actual testing, provide the student with workshops conducted in native language on testing, and practice the testing conditions ▪ Prior to testing, show the student how to use a dictionary or calculator

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

General ELL Facts

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

ELLs Are Assessed Two Ways Under NCLB

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

NCLB Title III: Language Instruction For ELL Students

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

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

Some Progress Made

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

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

Remaining Challenge: Subgroup "N" Numbers

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

For example, if the subgroup number is 40 and the neighborhood school serves 30 ELLs, the scores for those students are calculated for AYP purposes whether they met the targets or not. If a charter school serves 42 ELL students, those test scores are counted. This creates the loophole whereby which one school may receive sanctions and another escapes them.

Quick AYP and AMAO Q & A…

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

Further Resources…

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

AYP/AMAO Requirements for ELLs At-A-Glance

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

Effective Bilingual Education Program Checklist

#	ELL Program Success Indicators	Standard
1.	**Clear Vision and Mission**. The school has a clear vision and mission which are communicated to students and parents, and guide classroom instruction. The school values diversity of cultures, backgrounds, bilingualism and biliteracy.	☐ Below ☐ Meets ☐ 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 6th grade requires fluent teachers in the target language instructing on content material in a structured daily format.	☐ Below ☐ Meets ☐ 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.	☐ Below ☐ Meets ☐ 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.	☐ Below ☐ Meets ☐ 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	☐ Below ☐ Meets ☐ 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.	☐ Below ☐ Meets ☐ 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.	☐ Below ☐ Meets ☐ 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.	☐ Below ☐ Meets ☐ 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.	☐ Below ☐ Meets ☐ 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.	☐ Below ☐ Meets ☐ 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.	☐ Below ☐ Meets ☐ Exceeds

Adapted from the Intercultural Development Research Association, January 1998.

Sample Application Questions

Category	Reviewers will look for evidence of…	Weak Question	Strong Question
Recruitment & Outreach	*Student recruitment plans that ensure adequate enrollment and full accessibility of the school to all eligible students.*	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.
Academic Design	*A plan that reflects an understanding of services associated with providing support for all ELLs.*	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 opportunities theses students will have to participate in school-wide regular and special programs as well as the expanded learning experiences that will be provided specifically for these students.
Curriculum	*Program models that are suitable for limited English proficient students.*	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	*Delivery strategies that are suitable for limited English proficient students.*	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	*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.*	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 any state alternate assessment for those students exempt from taking the state standardized test under NCLB.

Category	Reviewers will look for evidence of…	Weak Question	Strong Question
OCR Compliance	*Knowledge of the school's obligations regarding state and federal laws on students with limited English proficiency.*	Describe how the charter school will 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: 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	*A plan that demonstrates a clear understanding of staffing needs and requirements for serving ELLs.*	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	*Describe the meaningful and sustained professional development opportunities provided to teachers and staff and how these opportunities will promote higher levels of student achievement.*	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	*Plans for communicating with and developing working relationships with all parents/families in the school.*	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	*A plan that reflects an understanding of costs associated with providing support for ELLs.*	Outline projected expenditure assumptions for multicultural activities.	Outline projected costs associated with the plan to provide support for English Langauge 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 and/or practical experience with the various language support models for ELLs?

- Does the candidate have knowledge of OCR compliance mandates for schools serving ELLs?
- Does the candidate have an understanding of how NCLB applies to ELL students?

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 in this packet 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.

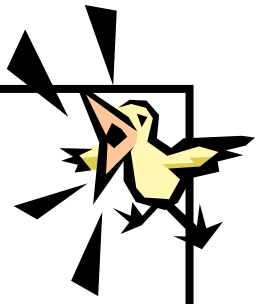
TESOL – Teaching English to Speakers of Other Languages. (See ESL)

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)

Charter Application Excerpt – The New School (grades PreK-8)

The school will serve English Language Learners (ELL) based on the U.S. Department of Education's six steps of progression through an ELL program: 1) enrollment in school, 2) identification of potential ELL, 3) assessment determines need for ELL services, 4) provision of appropriate ELL services, 5) transition from ELL services, and 6) monitoring ability to participate meaningfully.[1]

Before enrollment, the school's ELL coordinator will engage and educate families in which English is a second language about the school's educational program and support services for ELLs. We expect that the majority of ELL families will be native Spanish speakers, and that the ELL Coordinator will be a bilingual Spanish/English speaker.

During the enrollment process, the school will distribute a home language survey to every child to identify preliminarily language minority students. Potential ELL students then will be evaluated by a team of teachers, including the student's classroom teacher(s), the ESL teacher and the ELL coordinator to determine whether the student is Limited English Proficient (LEP) or Non-English Proficient (NEP). Once the evaluation has been completed, the ELL coordinator will meet with parents to discuss their child's need for specialized support services, the educational approach used to teach ELLs, and the parents' right to remove their child from receiving the ELL services.

We expect that approximately twenty percent of the total student body will be from Latino families, and that native Spanish speaking students will comprise the vast majority ELLs. Primarily, the ESL/Bilingual teacher will support English literacy instruction in grades 1-4 by working with ELL students in the classroom during the daily reading and writing block. If needed, additional services will be provided. On a bimonthly basis, the ESL/Bilingual teacher and the ELL coordinator will meet with classroom teachers and or grade level teams as appropriate to assess the progress of ELL students. Together, the ESL/Bilingual teacher and ELL coordinator will be responsible for monitoring the assessment of ELL students, reevaluating the ELL services, and communicating with ELL student families on a bi-annual basis about their progress.

To complement the ESL services, students in PreK-8 will participate in Spanish language classes for two to four half hour blocks per week using the FLES[2] model. The integration of the FLES and ESL/Bilingual programs creates complimentary platforms of instruction as they provide native English speaking students with secondary language instruction and reinforce regular classroom instruction with parallel content lessons in Spanish.

The ELL coordinator will also act as a liaison between the school and language minority families, providing translation services, and attending conferences between teachers and parents and community meetings for the school community.

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[1] www.ed.gov/offices/OCR/ELL/cprogression.html

[2] The FLES (Foreign Language for Elementary School) model's goal is functional proficiency in a second language. See Foreign Language Instruction in the Curriculum section above for further description of FLES.

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Charter Application Excerpt – The Academy (grades 9-12)

Currently, a significant percent of the students in the district speak a language other than English in the home, and many youth are Limited- or Non-English Proficient (LEP/NEP). Of the three high schools closest to the expected location of the Academy, 8.4% of the students attending High School A are LEP, 11.5% of the students at High School B are LEP, and 10.3% of the students at High School C are LEP.

These students have traditionally struggled the most and achieved the least in school. The Academy is committed to eliminating the barriers that have prevented many English language learners (ELLs) from achieving success in the classroom and the workplace. Instruction will be provided in English at all grade levels in all classes to ensure that ELLs become fluent in English as quickly as possible.

As ELL students are identified, they will be assigned to work with the ESL Coordinator for ESL services during the Language Arts period. ELL students will receive extra language development opportunities before and after school with volunteer tutors working with small groups of students.

The ESL Coordinator will meet monthly with classroom teachers to ensure that ELL students are making progress. Additionally, this monitoring will ensure that the appropriate level of services are provided as a student moves from grade to grade and will assist in determining when ESL services are no longer necessary.

The ESL Coordinator will also serve as the liaison to the non-English speaking families and will ensure translation of documents as necessary.

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Program Design for English Language Learners (ELLs)

0: Does Not Apply	1: Non-Existent	2: Needs Improvement	3: Adequate & Defensible	4: Exemplary
Does not apply to this school.	School founders have not realized that this documentation or practice is necessary.	Issues of completeness or thoroughness exist, and school founders do not appear to be aware of the weakness.	Knowledge of the requirements and best practices exists and is articulated in the application.	The narrative goes beyond minimum requirements and can serve as a model application.

INDICATORS	OBSERVATION ASSESSMENT	EVIDENCE
1. The application articulates how the school plans to comply with the OCR five-step process for meeting the needs of ELLs.	0 1 2 3 4 ☐ ☐ ☐ ☐ ☐	
2. The application defines the school's "language agenda."	0 1 2 3 4 ☐ ☐ ☐ ☐ ☐	
3. A program model for English language development is clearly articulated and justified based on the projected ELL student characteristics.	0 1 2 3 4 ☐ ☐ ☐ ☐ ☐	
4. The program model does not segregate ELL students from their English-speaking peers except as necessary to implement the program.	0 1 2 3 4 ☐ ☐ ☐ ☐ ☐	
5. The application describes how ELLs will be held to the academic standards of the school.	0 1 2 3 4 ☐ ☐ ☐ ☐ ☐	
6. The staffing pattern is appropriate and adequate for meeting the needs of ELLs and their families.	0 1 2 3 4 ☐ ☐ ☐ ☐ ☐	
7. The application describes appropriate professional development plans for training staff to work with ELL students.	0 1 2 3 4 ☐ ☐ ☐ ☐ ☐	
8. The application articulates how ELLs will be assessed for content mastery.	0 1 2 3 4 ☐ ☐ ☐ ☐ ☐	
9. The application describes testing accommodations to be provided for ELLs on standardized and other assessments.	0 1 2 3 4 ☐ ☐ ☐ ☐ ☐	
10. The application states how the school will communicate with families who speak a language other than English.	0 1 2 3 4 ☐ ☐ ☐ ☐ ☐	

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TERMINOLOGY BINGO

Take the next few minutes to fill out the following squares. The first person to get three correct responses in a row, in any direction, is the winner!

What do the acronyms NEP, LEP, and FEP stand for?	**What does OCR stand for and what is its function?**	**What does the acronym LCD or CLD stand for?**
What does the acronym BICS stand for?	**When is a student considered a "language minority" student?**	**What does the acronym CALP stand for?**
What does the acronym ELL stand for?	**What does OELA stand for?**	**What are AMAOs?**

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School-Based Monitoring Instrument
Survey

I. School: _____

II. Please indicate your current school position:

Principal	☐	Bilingual/ESL Teacher	☐
Front Office Staff	☐	Bilingual Counselor	☐
Bilingual Service Provider	☐	General Education Teacher	☐

Other, please specify_____

III. Please circle the number that most closely matches your response for the following items: (If you feel that you don't know and/or do not have access to the specific information about an item, circle DK for "Don't Know" in the final column.)

	Always	⟷			**Never**	**Don't Know**
The school uses social security numbers of the students as a pre-requisite for enrollment.	5	4	3	2	1	DK
The school verifies immigration and/or visa status upon enrollment.	5	4	3	2	1	DK
Language minority students are provided with Student ID numbers immediately.	5	4	3	2	1	DK
Language minority students are immediately enrolled.	5	4	3	2	1	DK
Language minority students are provided with temporary class schedules upon enrollment.	5	4	3	2	1	DK
The school follows procedures to ensure that students have visited the Office of Bilingual Ed Intake Center.	5	4	3	2	1	DK
The Bilingual Service Provider has access to a copy of the Intake Center results.	5	4	3	2	1	DK
The school has several copies of the Office of Bilingual Education 2002-2003 Handbook.	5	4	3	2	1	DK
(Principal and Instructional staff only) General education and bilingual/ESL staff have scheduled planning time to coordinate instructional activities.	5	4	3	2	1	DK
(Principal and Instructional staff only) The school uses multiple measures (LAS, Assessment Matrix, Stanford-9) to make programmatic decisions about English language learners).	5	4	3	2	1	DK

Thank you for completing this survey.

Based on instruments developed for the DC Public Schools

School-Based Monitoring Instrument
Observation Checklist

1. General Information

School:	
Observer(s):	
Teacher(s):	Grade:
Day of Week and Date:	Time, from _____ to _____
Language(s) of instruction:	

2. Instructional Setting & Subject Taught (Mark all that apply)

☐ General Classroom	☐ Pull-out	☐ Push-In
☐ Whole Group	☐ Small Group	☐ Individual
☐ Language Arts	☐ Mathematics	☐ Science
☐ Social Studies	☐ Art	☐ Physical Ed.
☐ Content-based ESL	☐ Other, please specify:	

3. To what extent did you observe the following behaviors? If not observed, circle "N/O".

	Always	**Usually**	**Sometimes**	**Rarely**	**Not at all**	**Not Observed**
Uses a variety of techniques to make content concepts clear (modeling, visuals, hands-on activities, demonstrations, gestures, body language)	5	4	3	2	1	N/O
Modifies spoken language to the level of the learner by using techniques such as speaking slowly, repeating information, and clarifying vocabulary and/or instructions	5	4	3	2	1	N/O
Checks students' understanding of concepts and/or assignments	5	4	3	2	1	N/O
Provides wait-time for student responses	5	4	3	2	1	N/O

4. Additional observations and/or comments, please use other side:

Based on instruments developed for the DC Public Schools

School-Based Monitoring Instrument
Resource and Materials Rubric–Elementary Level

School:	Date/Time of Review:	Observers:

Does the school leadership provide adequate resources and materials for ELL instruction in the following categories?	**Adequate**	**Marginal**	**Inadequate**
Displays in languages other than English (signs, posters, bulletin boards, etc.).	Four or more displays are evident in a variety of locations throughout the building, (including the office, hallways, general education, ELL classrooms or pull-out area) in at least two of the languages of the ELL student population.	Up to three displays are evident in different locations of the building (offices, hallways, general education, ELL classrooms or pull-out areas) in at least one of the languages of the ELL student population.	No displays are evident in the building in any of the languages of the ELL student population.
Bilingual or picture dictionaries	Two or more bilingual or picture dictionaries in any language are available to NEP and LEP students as a resource.	One bilingual or picture dictionary in any language is available to NEP and LEP students as a resource.	Bilingual or picture dictionaries are not available.
English language development materials for students (textbooks, practice books, etc.)	At least one copy of each material is available for **each NEP** student in the general classroom and/or pull-out area.	At least one copy of each of the materials is available for **NEP** students in the general classroom and/or pull-out area.	No materials are available.
Content area math and reading material/textbooks appropriate for the English language proficiency and education levels of ELLs.	**Each** ELL student **has one or more** math and reading material/textbook appropriate for his/her English language proficiency level and education level.	Each ELL student has access to at least one math material/ textbook **or** one reading material/textbook appropriate for his/her English language proficiency level and education level.	ELL students **do not** have access to any math textbook or reading textbook, or other math and reading materials that are appropriate for his/her English language proficiency level and education level.

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Does the school leadership provide adequate resources and materials for ELL instruction in the following categories?	**Adequate**	**Marginal**	**Inadequate**
Teaching guides/kits to accompany textbooks.	A teaching guide/kit is available for math, reading, and other textbook series utilized in the classroom.	A math **or** a teaching guide/kit is available for textbook series utilized in the classroom.	Teaching guides/kits are not available for any textbook series utilized in the classroom.
Visual and manipulatives to make content comprehensible	Three or more visual/manipulative resources are available for each of the different content area subjects taught in the classroom.	At least two visual/ manipulative resources are available for the majority of different content area subjects taught in the classroom.	No visual and manipulative resources are available for the different content area subjects taught in the classroom.
Maps, globes, and atlases	At least three or more maps, globes and/or atlases are available.	At least two maps, globes and/or atlases are available.	No maps, globes and atlases are available.
Computer hardware	Access to computer hardware is available to meet the needs of each ELL student at a ratio at least equivalent to that of the general education population in the building.	Access to computer hardware is available to ELL students at a lower ratio to that of the general education population in the building.	ELL students do not have access to computer hardware.
Computer software	Three or more computer software programs to meet the needs of ELL students are available.	One or two computer software programs to meet the needs of ELL students are available.	No computer software programs to meet the needs of ELL students are available.

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School-Based Monitoring Instrument
Physical Space Rubric–Elementary Level

School:	Date/Time of Review:	Observers:

Does the school leadership provide teachers and ELLs with adequate space in the following categories?	**Adequate**	**Marginal**	**Inadequate**
Appropriate work space for bilingual and ESL staff	The work space for bilingual and ESL staff is sufficient to conduct necessary work, and is equivalent to the work space of other resource staff serving a similarly sized population in the building.	The work space for bilingual and ESL staff is sufficient to conduct necessary work, however it is not equivalent to the work space of other resource staff serving a similarly sized population in the building.	The work space for bilingual and ESL staff is not sufficient to conduct necessary work, and is not equivalent to the work space of other resource staff serving a similarly sized population in the building.
Comfortable amount of space for pull-out work with individuals and/or small groups.	The pull-out space is equivalent to a typical classroom with regard to space per pupil. Each ELL student has his/her own desk to work at, or the equivalent amount of desk space at a table, his/her own chair, the teacher has sufficient space to use instructional tools as necessary (for example, chalk board, chart table, overhead projector, etc.), and there is room for students to move about for special projects and group activities.	The pull-out space is not equivalent to a typical classroom with regard to space per pupil. Each ELL student has his/her own desk or desk space at a table, and his/her own chair, however the teacher may not have sufficient space to use instructional tools as necessary (for example, chalk board, chart table, overhead projector, etc.), or there may not be room for students to move about for special projects and group activities.	The pull-out space is not equivalent to a typical classroom with regard to space per pupil, and is not sufficient. Each ELL student does not have his/her own desk or desk space at a table, his/her own chair, the teacher does not have sufficient space to use instructional tools as necessary (for example, chalk board, chart table, overhead projector, etc.), and there is no room for students to move about for special projects and group activities.

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Does the school leadership provide teachers and ELLs with adequate space in the following categories?	**Adequate**	**Marginal**	**Inadequate**
Quiet pull-out spaces that allow concentration	The pull-out space is equivalent to a typical classroom with regard to outside noise level interference. The space permits concentration, and doors are present and able to be opened and closed.	The pull-out space is not equivalent to a typical classroom with regard to outside noise level interference, and occasionally does not permit concentration. Outside distractions and noises are present, and/or doors are not present or able to be opened and closed.	The pull-out space is not equivalent to a typical classroom with regard to outside noise level interference, and does not permit concentration. Outside distractions and noises are present, and/or doors are not present or able to be opened and closed.
Attractive pull-out spaces	The pull-out space is equivalent to a typical classroom with regard to environment. The walls are brightly painted, the carpet or floors are clean, the desks and/or tables are fresh, and there are displays on the walls.	The pull-out space is not equivalent to a typical classroom with regard to environment. The walls may need painting, the carpet or floors, desks or tables may not be fresh or clean, and/or there may be no displays the walls.	The pull-out space is not equivalent to a typical classroom with regard to environment, and is not attractive. The walls need painting, the carpet or floors are not clean, and/or there are no displays the walls.

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Does the school leadership provide teachers and ELLs with adequate space in the following categories?	**Adequate**	**Marginal**	**Inadequate**
Appropriate room temperature in pull-out spaces	The pull-out space is equivalent to a typical classroom with regard to room temperature. It is not too hot or too cold throughout the school year. Heating and air-conditioning functions properly, and windows are present and are able to be opened and closed.	The pull-out space is not equivalent to a typical classroom with regard to room temperature, and occasionally the room temperature is not appropriate during some parts of the year. Sometimes it may be too hot or too cold. The heating/air-conditioning may not function properly, and/or windows are not present or are not able to be opened and closed.	The pull-out space is not equivalent to a typical classroom with regard to room temperature, and the room temperature is not appropriate throughout the year. It is too hot or too cold. The heating/air-conditioning does not function properly, and/or windows are not present or are not able to be opened and closed.

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School-Based Monitoring Instrument
Document Review

Completed by: _____ Date: _____

Part I: Identification, Enrollment, and Placement Procedures	**Evidence**
Are home language surveys completed for every student in the school?	**Random sampling cumulative folders review** Number examined: Number in compliance:
Does the school leadership have an updated Language Minority Student Enrollment Report (not more than 3 months old)?	**Document review** (Circle) Yes No
Part II: Instructional Services	**Evidence**
Does the service delivery model(s) used to provide services to ELLs at the secondary level include any of the following?	**Schedule review:** (Circle courses available) ▪ Content-based ESL ▪ Newcomer Oral Language & Literacy Development ▪ Native Language Literacy Instruction ▪ English, Math, Research, and Study Skills Support Classes ▪ Sheltered Content Classes
Does the number of bilingual/ESL staff comply with Weighted Student Formula local school planning requirements?	**Itemized list of bilingual/ESL staff by categories** Total number of bilingual/ESL teachers: Total number of bilingual counselors: Total number of bilingual aides:
Do all bilingual/ESL staff meet DCPS certification requirements?	**Certification documentation review** Number examined: Number in compliance:
Do bilingual/ESL teacher class rosters indicate that they primarily serve NEP/LEP students (secondary only)?	**Class rosters review** Number of teachers' rosters examined: Number of rosters documenting services to NEP/LEP students only:

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Part III: Assessment, Exiting, and Monitoring	**Evidence**
Do cumulative folders contain the following:	**Random sampling cumulative folders review**
Results of OBE Intake Center Assessment for all language minority students?	Number examined: Number in compliance:
Results of the LAS English language proficiency test on an annual basis?	LAS test history reports are forthcoming from OBE; current LAS results appear on the Language Minority Enrollment Report
Completed NEP/LEP Portfolio Evaluation Forms for all NEP/LEP students?	Number examined: Number in compliance:
Stanford-9 scores of eligible NEP/LEP students?	Number examined: Number in compliance:
Monitoring forms (with monitoring labels) documenting that students exited from the bilingual/ESL program within the past two years are receiving monitoring services?	Number examined: Number in compliance:
Copy of Exit Notification letter sent to parents for FEP students? (**Former ELLs only**)	Number examined: Number in compliance:
Does the school disaggregate Stanford-9 data to show progress of ELLs?	**Reports review (if available)** Yes No
Part IV: Parent Participation	**Evidence**
Does the school provide parents with information and/or notification about all educational and assessment decisions in a language they can understand?	**Written notices review** (Circle as appropriate) Yes Somewhat No
Does the school have records of interpretation and translation services provided?	**Available records review** (Circle as appropriate) Yes No
Does the school routinely send notices and other school communication to parents in a language they are able to understand?	**Available records review** (Circle as appropriate) Yes Somewhat No
Does the LSRT include representation from LCD parents and/or bilingual/ESL staff in schools where there is a large percentage of LCD students (40 percent or more)?	**List of LSRT members review** Yes No

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Part V: Special Opportunity Programs and Extracurricular Activities	Evidence
Do ELLs have appropriate access to after-school programs?	**Enrollment data review** Total number of students enrolled: Total number of ELLs enrolled:
Do ELLs have appropriate access to career and technical education programs (if applicable)?	**Enrollment data review** Total number of students enrolled: Total number of ELLs enrolled:
Do ELLs have appropriate access to advanced placement (AP) courses (if applicable)?	**Enrollment AP data review** Total number of students enrolled: Total number of ELLs enrolled:
Do ELLs have appropriate access to extracurricular athletic activities (as determined by the review of one athletic activity)?	**Enrollment athletic activity** Total number of students enrolled: Total number of ELLs enrolled:

Part VI: Resource and Materials	Data Collection		
Does the school have adequate resources and materials for ELLs' instruction in the following categories? (See specific criteria for selecting instructional settings and rating individual items in this section.)	**Adequate**	**Marginal**	**Inadequate**
Displays in languages other than English (signs, posters, bulletin boards, etc.)			
Bilingual or picture dictionaries			
English language development materials for students (textbooks, practice booklets, etc.)			
Content area math and reading textbooks appropriate for the English language proficiency and education levels of ELLs			
Teaching guide/kits to accompany textbooks			
Visual and manipulatives to make content comprehensible			
Maps, globes, and atlases			
Computer hardware			
Computer software for ELLs			

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Part VII: Physical Space	**Data Collection**			
Does the school provide teachers and ELLs with adequate space in the following categories? (See specific criteria for selecting observation sites and rating individual items in this section.)	**Adequate**	**Marginal**	**Inadequate**	**n/a**
Adequate office space for bilingual and ESL staff				
Comfortable amount of space for pull-out work with individuals and/or small groups				
Quiet pull-out spaces that allow concentration				
Attractive pull-out spaces				
Appropriate room temperature in pull-out spaces				

Comments:
Use this section to include comments and/or additional information that you may find useful and/or important. Thank you!

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