

ESOL Program Guidance Webinar Series: **Educational Approach, Language Assistance Program, Staffing, Meaningful Access to All Programs**



presented by

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Arkansas Department of Education**

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Welcome!

- Webinar is being recorded
- PowerPoint and recording will be posted on the ADE English Learners webpage
- Alan Lytle & Miguel Hernandez are joining us to monitor the Q/A
- Please post Q/A in the Q/A box
- Questions will either be answered during webinar or by email from Tricia Kerr

Agenda

- ❑ Educational Approach
- ❑ Language Assistance Program
- ❑ Staffing & Supporting ESOL Programs
- ❑ Meaningful Access to All Curricular & Extra-Curricular Programs
- ❑ Next Steps
- ❑ Regional ELP Standards Workshop Sessions



**Programs
for
English Language Learners**

**Resource Materials for
Planning and Self-Assessments**

U.S. Department of Education
Office of Civil Rights



"There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education."

Lau v. Nichols, 1974

November 30, 1999



U.S. Department of Justice
Office of the Inspector General



January 7, 2013

Data Colloquium

Twenty years ago, the Supreme Court of the United States determined that in order for public schools to comply with their legal obligation under Title VI of the Civil Rights Act of 1964 (Title VI), they must take affirmative steps to ensure that students with limited English proficiency (LEP) can meaningfully participate in their educational programs and services.¹ That same year Congress enacted the Equal Educational Opportunity Act (EEOA), which confirmed that public schools and State educational agencies (SEAs) must act to overcome language barriers that impede equal participation by students in their educational programs.²

Ensuring that SEAs and school districts are equipped with the tools and resources to meet their responsibilities to LEP students (who are now most commonly referred to as English Learners (EL) students or English Language Learner students), is as important today as it was then. EL students are now enrolled in nearly three out of every four public schools in the nation, they constitute nine percent of all public school students, and their numbers are steadily increasing.³ It is critical to the future of our nation that these students, and all students, have equal access to a high-quality education and the opportunity to achieve their full academic potential. We applaud those working to ensure equal educational opportunities for EL students, as well as the many schools and communities creating programs that recognize the heritage languages of EL students as valuable assets to preserve.

The Office for Civil Rights (OCR) at the U.S. Department of Education (ED) and the Civil Rights Division at the U.S. Department of Justice (DOJ) share authority for enforcing Title VI in the education context. DOJ is also responsible for enforcing the EEOA. (In the published guidance, Title VI and the EEOA will be referred to as "the civil rights laws.") In addition, ED administers the English Language Acquisition, Language Enhancement, and Academic Achievement Act, also known as Title III, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (Title III).⁴ Under Title III, ED awards grants to SEAs, which, in turn, award Federal funds through subgrants to school districts in order to improve the

¹ Lau v. Nichols, 414 U.S. 163 (1974); 42 U.S.C. § 2006a to 2006a-7 (prohibiting race, color, and national origin discrimination in any program or activity receiving Federal financial assistance).
² Pub. L. No. 89-380, § 2042, 89 Stat. 404-523 (1974) (codified at 20 U.S.C. § 1708(d)).
³ U.S. Department of Education, National Center for Education Statistics, NCEES 2013-332, Characteristics of Public and Private Elementary and Secondary Schools at the Local Level: Annual Report to the 2012-13 National and Statewide Survey, at 4 (Table 2) (Aug. 2013), U.S. Department of Education, National Center for Education Statistics, NCEES 2013-332, The Condition of Education 2013, at 12 (December 11) (http://nces.ed.gov/ipeds/data/conditionofeducation/2013/11/0014871).



Selecting the Educational Approach

**Arkansas Department of Education and the Office for Civil Rights
does not prescribe a specific program design/educational approach**

It is the district's responsibility to ensure that the educational approach selected addresses:

- whether the approach provides for **English language development**,
and
- whether the approach provides for **meaningful participation** of EL students in the **district's educational program**.



Resources for Selecting Approach

<https://www2.ed.gov/rschstat/eval/title-iii/language-instruction-ed-programs-report.pdf>

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap2.pdf>

Pages 7-9 specifically



Comprehensive Program

Title III and ESOL Programs are to be comprehensive and work together collaboratively.

(Funding guidelines for Title III and ELL funds may differ some, but programmatic guidelines are very similar, often identical—see Session 1 of Webinar series)



Language Assistance Programs

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



Three-Pronged Test

- 1) Is the program based on an educational theory recognized as sound by some experts in the field or considered a legitimate experimental strategy?
- 2) Are the programs and practices (including resources and personnel) reasonably calculated to implement this theory effectively?
- 3) Does the program succeed in producing results indicating that students' language barriers are being overcome within a reasonable period of time?



Common EL Programs Under 1st Prong

ESOL/English Language Development (ELD)

- 1) designed to teach EL students **explicitly** about the English language
 - including the *academic vocabulary* needed to access content instruction,
 - *developing their English language proficiency* in all four language domains (i.e., speaking, listening, reading, and writing).
- 2) Instruction is in English with little use of the EL students' primary language(s).

(L1 is a resource)



Common EL Programs Under 1st Prong

Structured English Immersion (SEI)

- 1) Designed to impart English language skills so EL student can transition and succeed in an English-only mainstream classroom once proficient.
- 2) All instruction is in English.
- 3) ESL endorsed teacher
- 4) Strong skills in promoting ELD and SEI strategies for ensuring EL students' access to content.



Common EL Programs Under 1st Prong

New arrivals and students with interrupted formal education (SIFE), LEAs may establish **newcomer programs** which offer specialized services and classes to help these students

- 1) acclimate to U.S. schools,
- 2) develop foundational skills in content areas (e.g., basic literacy and math concepts), and
- 3) prepare them for the program options above

Newcomer programs are short-term, typically lasting no longer than one year.



Common EL Programs Under 1st Prong

In school districts or schools where the number of EL students is small:

- 1) EL students still **must** receive language assistance services;
- 2) ESOL program may be less formal, but must be present;
- 3) Additional ESOL programs not mentioned above may also meet civil rights requirements



Language Assistance Programs- Guiding Topics

- On which **educational theory** are the EL services and program options based?
- What are the **resources** needed to **effectively implement** the chosen program?
- Does the school have **qualified staff** to implement the chosen program?
- How are **placement** in a particular EL program and the provision of EL services informed by a student's **English proficiency level, grade level, and educational and language backgrounds**?



Language Assistance Programs- Guiding Topics

- Are EL services and programs provided to **all eligible ELs**, regardless of scheduling conflicts, grade, disability, or native language?
- Does the chosen EL program include instruction **aligned** to the state **ELP standards** and **grade-level content standards**?



Language Assistance Programs- Guiding Topics

Differentiated Services—

- Designed to provide more **intensive instruction** for ELs who are the **least proficient** in English
- ELs at the **highest levels of ELP continue** to receive EL services **until they have exited** from EL services and programs
- **Additional EL services** and programs available for ELs who have **not made expected progress** despite extended enrollment in the EL program (i.e. Long-term ELs)



Example 1-Providing ELs with Language Assistance Program

“A beginner-level EL student may receive two periods of ELD instruction per day, EL-only sheltered content classes in social studies and language arts, and sheltered content classes in math and science with both EL and non-EL students. As his English proficiency increases to a high intermediate level, he transitions into a daily period of ELD targeted to his lack of English proficiency in writing, and sheltered content classes with EL and non-EL students.”



Example 2-Providing ELs with Language Assistance Program

“A school district enrolls EL students at the high school with a range of English proficiency levels and years of study in the ESOL program. Recognizing that different EL students have different needs, the district creates EL-only ELD classes that appropriately target the English proficiency levels of students and the specific needs of long-term EL students.” (see next slide)



Example 2 (cont)-Providing ELs with Language Assistance Program

“These ELD courses, which EL students take in addition to grade-level English, are designed to provide language development services with an emphasis on advanced academic vocabulary and expository writing. The EL students also receive integrated ELD instruction in their grade-level content classes from content-certified teachers who are adequately trained in ELD and sheltering techniques.”



Arkansas ESL/ESOL Course Codes

ESL/ESOL English—

<https://adedata.arkansas.gov/ccms/>

- Enter “ESL” in the “Course Title” box
- Use grade appropriate version, 9-12
- May change last digit to represent different levels
- May teach more than one code at the same time (i.e., ESOL English 9 and 10 with same teacher at same time)

English Language Learner 971600 can be used for ELD in scheduling if needed



Arkansas ESL/ESOL Course Codes

Content Area ESOL Courses--

When offering an ESOL version of a course

- 1) Use the **correct content area course code and adjust the last digit** (per however the district decides for a system) for ESOL sections of a content area course
 - Algebra I = 430000
 - ESOL Algebra I COULD = 43000E

- 2) Highly recommended that **ESOL sections** of content area courses be taught by an **ESOL endorsed teacher** (*in addition to* already being licensed in the corresponding content area which is required)



Arkansas ESL/ESOL Course Codes

Content Area ESOL Courses--

In **process of deleting** ESL Physical Science, ESL Life Science, ADE Approved ESL Mathematics, ESL Social Studies from course code **system—DO NOT USE 2016 and beyond**

Course Code Questions??

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Parent Notification

- Are procedures included for notification to parents of newly enrolled students, in a **language that the parents understand**, of the **availability and type of program** of services and other options for EL students?
- Are the notification procedures **sufficient** so that the parents can make **well-informed educational decisions** about the participation of their children in the district's ESOL program and other service options that are provided to parents?



Compliance Issues— Language Assistance Program

Some examples of when OCR and the DOJ have identified compliance issues include when school districts:

- (1) Exclude kindergarteners, or EL students with scheduling conflicts, from their ESOL program;
- (2) Supplement regular education instruction with only aides who tutor EL students as opposed to teachers adequately trained to deliver the ESOL program;
- (3) Fail to offer an ESOL program to a certain subset of EL students, such as students with disabilities or students speaking particular languages;



Compliance Issues— Language Assistance Program

Some examples of when OCR and the DOJ have identified compliance issues include when school districts:

- (4) Stop providing language assistance services when EL students reach higher levels of English proficiency but have not yet met exit criteria (including proficiency on a valid and reliable ELP assessment); or
- (5) Fail to address the needs of EL students who have not made expected progress in learning English and have not met exit criteria despite extended enrollment in the ESOL program



Language Assistance Program— Plan to Evaluate

What criteria is the LEA using to evaluate its program and determine if it is meeting its goals?

For example:

- 1) Are there processes and criteria in place to monitor ELs in and across programs in both academic content and ELP?
- 2) Is there a process for modifying or replacing the EL program if data shows that students are not making expected progress within a reasonable period of time?
- 3) Is there a process for monitoring ELs after exiting the program?



Staffing & Supporting ESOL Programs

Obligation to provide the personnel and resources necessary to effectively implement your chosen ESOL program(s).

Includes having:

- 1) highly qualified teachers to provide language assistance services
- 2) trained administrators who can evaluate these teachers
- 3) adequate and appropriate materials for the ESOL programs



Staffing & Supporting ESOL Programs

Teachers

At a minimum, every school district is responsible for ensuring

- a) an adequate number of teachers to instruct EL students
- b) these teachers have mastered the skills necessary to effectively teach in the district's program for EL students



Staffing & Supporting ESOL Programs

Teachers

Where formal qualifications have been established using specific Arkansas Course Codes, or a school district generally requires its teachers in other subjects to meet formal requirements, a school district must either hire teachers who already have the necessary formal qualifications to teach EL students or require that teachers already on staff be trained or work towards attaining the necessary formal qualifications and obtain the formal qualifications within a reasonable period of time.



Staffing & Supporting ESOL Programs

Administrators to Evaluate Teachers

Ensure that administrators who evaluate the ESOL program staff are adequately trained to meaningfully evaluate whether ESOL teachers are appropriately employing the training in the classroom and are adequately prepared to provide the instruction that will ensure that the ESOL program model successfully achieves its educational objectives.

[ESOL Considerations for TESS \(PDF\)](#)

(ADE's English Learners Page
"English Learner Resources for Teachers")



Staffing & Supporting ESOL Programs

Adequate & Appropriate Materials

EL students are entitled to receive appropriate instructional materials in the ESOL program, including adequate quantities of English Language Development materials available at the appropriate English proficiency and grade levels.



Staffing & Supporting ESOL Programs

Use of Paraprofessionals/Aides/Tutors

- a) May not take the place of qualified teachers
- b) May be used only as an interim measure while the school district hires, trains, or otherwise secures enough qualified teachers to serve its EL students
- c) If district uses paraprofessionals to provide language assistance services to EL students that supplement those provided by qualified teachers, it may do so only if the paraprofessional is trained to provide services to EL students and instructs under the direct supervision of a qualified teacher



Staffing/Support Guiding Questions (p. 31)

If circumstances beyond the control of the district necessitate temporary use of staff that do not meet the established qualification standards in order to implement its language assistance program to EL students, does the plan address the following:

- What are the training needs (i.e., in-service training and formal college course work) of current staff?
- What is the amount, type, and schedule of training that will be provided to staff?
- What steps will be taken by the district to recruit and hire qualified staff for its ESOL program?
- What is the schedule for having fully qualified staff in place, and how will the district ensure appropriate services are provided during the period of staff development?



Examples—Staffing/Supporting

“An SEA receives complaints that teachers who acquired the State’s ESOL endorsement do not have some of the skills needed for effective ESOL instruction. In response to the complaints, the SEA surveys ESOL-endorsed teachers in the State and the administrators who evaluate them to identify areas where the teachers need additional training and support. The SEA develops teacher training supplements specific to those identified needs, requires the trained teachers to deliver an ESOL lesson as part of the SEA evaluation of whether teachers mastered the training’s content, and provides training for administrators on how to evaluate teachers on appropriate ESOL instruction.”



Examples—Staffing/Supporting

“A school district with a Structured English Immersion program, consisting of ESOL and sheltered content instruction, does not have a sufficient number of either qualified ESOL-licensed teachers to provide ESOL services or qualified content area teachers who are adequately trained to shelter content for EL students. The school district creates an in-service training on sheltering techniques, requires all core content teachers to successfully complete the training within two years, and requires a quarter of its new hires to obtain an ESOL license within two years of their hiring date.”



Compliance Issues—Staffing & Support

Some examples of when OCR and the DOJ have identified compliance issues in staffing and resourcing an ESOL program include when school districts:

- (1) offer language assistance services based on staffing levels and teacher availability rather than student need;
- (2) utilize mainstream teachers, paraprofessionals, or tutors rather than fully qualified ESOL teachers for ESOL instruction; or
- (3) provide inadequate training to general education teachers who provide core content instruction to EL students



Providing Meaningful Access to All Curricular & Extracurricular Programs

EL students have to acquire English proficiency and recoup any deficits that they may incur in other areas of the curriculum as a result of spending extra time on ELD.



Meaningful Access

Curricular, Co-Curricular, or Extra-Curricular

- Pre-kindergarten programs
- Magnet programs
- Career and technical education programs
- Counseling services
- Advanced Placement and International Baccalaureate courses
- Gifted and talented programs
- Online and distance learning opportunities
- Performing and visual arts,
- Athletics
- Extracurricular activities such as clubs and honor societies



Meaningful Access

Core Curriculum

EL students are entitled to

- 1) instruction in the school district's core curriculum (e.g., reading/language arts, math, science, and social studies)
- 2) equal access to the school's facilities, such as computer, science, and other labs or facilities, to ensure that EL students are able to participate meaningfully in the educational programs



Meaningful Access-Grade Appropriate

- 1) Provide **full access to grade-appropriate core curriculum from the start** of the ESOL program while using appropriate language assistance strategies in the core instruction so that EL students can participate meaningfully as they acquire English
- 2) Ensure that **specialized instruction** (e.g., SEI/Sheltered classes)
 - a) Does **not use a watered-down** curriculum that could leave EL students with academic deficits when they transition into general education classrooms
 - b) Designed such that EL students can **meet grade-level standards within a reasonable period of time**
- 3) Place EL students in **age-appropriate grade levels** so that they can have meaningful access to their grade-appropriate curricula and an **equal opportunity to graduate**



Meaningful Access— Temporary Emphasis of ELD Implications

Districts may use a curriculum that temporarily emphasizes ELD over other subjects, provided that:

- 1) Any interim academic deficits in other subjects are remedied within a reasonable length of time
- 2) Districts measure EL students' progress in core subjects to assess whether they are incurring academic deficits
- 3) Provide assistance necessary to remedy content area deficits that were incurred during the time when the EL student was more focused on ELD



Meaningful Access—Students Entering 9th Grade as Beginning ELs

- If an EL student enters the ninth grade with beginner-level English proficiency, the school district should offer EL services that would enable her to earn a regular high-school diploma in four years
- EL students in high school, like their never-EL peers, should have the opportunity to be competitive in meeting college entrance requirements
- Ensure that there are no structural barriers within the design of your academic program that would prevent EL students who enter high school with beginner-level English proficiency from graduating on time with the prerequisites to enter college



Meaningful Access—Progress Monitor Els in English Proficiency and Core Content

- School districts must use appropriate and reliable evaluation and testing methods that have been validated to measure EL students' **English language proficiency** and **knowledge of the core curriculum**
- Only by measuring the progress of EL students in the core curriculum during the EL program can districts ensure that students are not incurring “irreparable academic deficits.”



Example 1—Core Curriculum

*“A science class using sheltered instruction for EL students should offer the **same content** and the **same access to laboratories** as the general education science class. And while a ninth-grade EL student with interrupted formal education may need **targeted help in math** to catch up to his grade-level math curriculum, his ESOL program should provide access to that curriculum and **not be restricted to an elementary-grade math curriculum.**”*



Example 2—Core Curriculum

“A district has a Structured English Immersion (SEI) program, in which 20 percent of its EL students receive only part of their grade K-3 social studies and science curricula in their intensive ESOL courses while the other 80 percent of EL students received their full grade-level science and social studies curricula in sheltered classes with non-EL students. The district finds that the 20 percent are not performing as well as the 80 percent on the third-grade assessments in social studies and science or on the annual ELP test. (see next slide)



Example 2 cont.—Core Curriculum

“In light of this data, the district provides intensive, supplemental instruction in science and social studies during the school day to the lower-performing 20 percent of EL students when they start fourth grade. To further address their academic deficits, their period of designated ESOL incorporates grade-level science and social studies texts in ESOL exercises focused on the reading and writing domains. The district also adjusts its SEI program so that when EL students in grades K-3 reach an intermediate level of English proficiency, they transition out of the second period of ESOL incorporating only some science and social studies into the sheltered classes of the full science and social studies curricula with non-EL students.”



Meaningful Access— Specialized Programs

Districts may not categorically exclude EL students from gifted and talented education or other specialized programs such as Advanced Placement (AP), honors, or International Baccalaureate (IB) courses.

Unless a particular gifted and talented education program or advanced course is demonstrated to require proficiency in English for meaningful participation, schools must ensure that evaluation and testing procedures for gifted and talented education or other specialized programs do not screen out EL students because of their limited English proficiency.



Example 1—Specialized Programs

*“An EL student demonstrates advanced math skills in the classroom but does not perform well on English language diagnostic tests. The student’s math teacher recommends the student for the gifted math program. The school uses a **different testing method**, such as a non-verbal assessment or a math-only test with EL testing accommodations, to give the student an opportunity to demonstrate his or her readiness for entrance into the gifted math program.”*



Example 2—Specialized Programs

*“A school requires at least a B+ math average and an overall B average to enroll in AP Calculus. The school learns that some interested EL students cannot take AP Calculus because they lack an overall B average due to their limited English proficiency. So that more EL students can take this course, the school drops the **overall** B average requirement for all students because it is not necessary to meaningful participation in AP Calculus”*



Compliance Issues— Specialized Programs

Some examples of when OCR and the DOJ have identified compliance issues in this area include when schools:

- (1) schedule EL language acquisition services during times when gifted and talented education programs meet;
- (2) exclude EL students from all components of a gifted and talented education program, even though proficiency in English is not necessary for a meaningful participation in a math, science, or technology component of the gifted and talented education program;



Compliance Issues— Specialized Programs

Some examples of when OCR and the DOJ have identified compliance issues in this area include when schools:

- (3) use arbitrarily high admissions criteria in English for a gifted and talented education math program that causes the exclusion of EL students who could meet the math requirement but not the arbitrarily high English requirement; or
- (4) solicit teacher recommendations of students for gifted programs from all teachers except teachers of ESOL program classes.



Next Steps

- Thursday, March 31, 2016, 9:00-10:00 am—Avoiding Segregation, Identifying/Serving Special Education ELs, Addressing Opt-Out Students
- Thursday, April 21, 2016, 9:00-10:00 am—Exiting/Monitoring Students, Meaningful Communication with LEP Parents, Program Evaluation



Regional ELP Standards Workshop Sessions

1. Crowley's Ridge Education Service Cooperative; June 14-16, 2016
2. Northwest Education Service Cooperative; June 27-29, 2016
3. Wilbur Mills (Pulaski County) Education Service Cooperative; July 6-8, 2016
4. Guy Fenter Education Service Cooperative; July 12-14, 2016
5. De-Queen/Mena Education Service Cooperative; July 18-20, 2016
6. Southeast Education Service Cooperative; July 26-28, 2016

Commissioner's Memo coming soon with details!!



Other Items of Interest

- ELPA21 Contrasting Groups Study—THANK YOU!!
- 2016 ESL Graduate Academy (**due April 1**)
- EL Achieve Symposium, June 1-2 in Springdale
 - English Language Development (ELD)
 - Constructing Meaning (CM)

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