

Supporting the Language & Academic Achievement
of English Language Learners
Status Report

September 2, 2009

Topics

1. A description of the legal protections for LEP students.
2. An analysis of the process of Opting Out
3. BPS Plan to provide Limited English Proficient students with appropriate services in 2009-2010 and in the future.

Legal Background & Update

Limited English Proficient=Protected Group

Title VI of the Civil Rights Act of 1964

Prohibits discrimination on the grounds of race, color, or national origin by recipients of federal assistance. The Title VI regulatory requirements have been interpreted to prohibit denial of equal access to education because of a language minority student's limited proficiency in English.

The May 25, 1970 Memorandum

To clarify a school district's responsibilities with respect to national-origin-minority children...where inability to speak and understand the English language excludes nation-origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open the instructional program to students.

Lau v Nichols: 1974

The failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program and thus violates 601 of the **Civil Rights Act of 1964**, which **bans discrimination based "on the ground of race, color, or national origin,"** in "any program or activity receiving Federal financial assistance," and the implementing regulations of the Department of Health, Education, and Welfare. Pp. 565-569.

Castañeda v Pickard: 1981

Established a legal standard for "appropriate action" by schools: 1. It must be based on "a sound educational theory." 2. It must be "implemented effectively," with adequate resources and personnel. 3. After a trial period, it must be evaluated as effective in overcoming language handicaps.

Chapter 71A: November 2002

Who is considered an LEP?

A child who does not speak English or whose native language is not English, and who is not currently able to perform ordinary classroom work in English.

ELE Classroom

Any general education classroom in which LEP students are placed is considered an ELE classroom for the purposes of standards under Chapter 71A.

Federal law requires that any language support program offered by a district be designed and implemented to assure that English language learners receive effective English language and content instruction at appropriate academic levels. Content and curriculum of structured English immersion classrooms should be appropriate to the age(s), and grade(s) of the students in the class. Instruction should be appropriate to the student's level of English proficiency.

May the parent or guardian of an English Language Learner “opt out” of a Sheltered English Immersion program or any other type of English Language Learner program?

Yes. A parent or guardian of an English learner may “opt out” of sheltered English immersion instruction and/or any other type of English language learner program. The district must then place the student in an English language mainstream classroom. A parent may “opt out” a child under 10 even if the child has not yet been enrolled in a sheltered English immersion classroom for 30 days. However, districts should encourage parents who wish to opt out to allow their children to participate in sheltered English immersion for a limited amount of time before they make a final determination to opt out of the program. **For students who opt out, federal law (Title VI) requires the district to continue to ensure that the students have equal opportunity to have their English language and academic needs met.**

Please see OCR-6 at page 17 for more information on this issue.

MA Department of Education Questions and Answers Regarding Chapter 71A: English Language Education in Public Schools

BPS Challenge

Historically opting out in the BPS has been interpreted to mean that by choosing regular education, families make the decision to not have English Language Development support (ESL) or sheltered content instruction.

While some schools have ESL teachers in place as well as SEI teachers teaching LEP students there were still a significant number of LEP students who were not receiving services.

DESE and the Department of Justice

Effective September 2009 all LEP students in general education must receive services.

This means...

All LEP Students in General Education must have.

ESL according to English Language Development Level

- ESL Teacher:
- ✓ Licensed to teach English as a Second Language.

&

Content instruction at appropriate academic levels

- SEI Teacher:
- ✓ Highly Qualified in content area
- ✓ Has taken the 4 categories

“**Professional Development** District schools with LEP students implement a professional development plan that provides high quality training in (1) second language learning and teaching **10-15 hours**; (2) sheltering content instruction **26 seat hours + outside 4-10 hours** ; (3) assessment of speaking and listening **8-10 hours** ; and (4) teaching reading and writing to limited English proficient students in the content areas.”

Or:

- TBE or Two Way Bilingual Teacher (with the Four DESE Categories)
- ✓ Highly Qualified in content area
- ✓ Has TBE endorsement or TBE license

Approach to Resolving the Opt Out Problem

- 1 Determine what generates the problem
- 1 Reduce the Problem to a level that we can resolve
- 1 Unit of Intervention: LEP Students in General Education
- 1 Identify Targeted Interventions

Determine what generates the problem

Shortage of LEP Seats 2004



During SY 08-09 BPS offered 7,249 LEP program seats for LEP students

- ➔ This represents a shortage of 3,609 (33%) LEP program seats for SY 08-09
- ➔ There is a discrepancy between seat availability and seat demand

The Opt Out problem is structural creating limited availability of LEP seats by geographical areas, schools and grades.

The result is the organizational inability to respond to changes in enrollment of LEPs in the district.

Reduce the Problem to a level that we can resolve

We know that:

- 1 80%** of LEP students are in Program Schools. Programs schools are schools where there are Language Support Programs such as SEI, TBE, and Two Way Bilingual Programs.
- 2 62% of Opt Out LEPs** are enrolled in schools with LEP programs

Opt Outs in Program & Low Incidence Schools

Program Enrollment	Type of School		Total LEPs	%
	LEPs in Non Program School	LEPs in Program School		
LEPs enrolled in programs (SEI, TBE, SIFE or HILT, Two way)	51	6280	6,331	58%
LEPs in General Education (Opt out)	1710	2817	4,527	42%
Total	1,761	9,097	10,858	
%	16%	84%	100%	

Opt Out Distribution

	LEP Students Occupying General Education Seats (Opt out)	Type of School		Total LEP Students in General Education	
		Non Program School	Program School	Total	%
1	ELLs in grades K2-5	570	762	1,332	29%
2	ELL/SPED Students	468	788	1,256	28%
3	ELLs with an ELD Level: Transitioning	380	826	1,206	27%
4	ELLs in K-0 and K-1	140	164	304	7%
5	ELLs in grade 9-12	78	148	226	5%
6	ELLs in grades 6-8	74	129	203	4%
	Opt out ELLs Total	1,710	2,817	4,527	100%
	%	38%	62%	100%	0%

First Intervention: Leveraging Qualified Staff

All principals and headmasters in the district are in the process of leveraging all ESL and SEI teachers in their buildings to provide services for LEP students in general education. By leveraging we mean combining existing and new resources to address the needs of all of our LEP students.

Leveraging Existing Resources

- All LEP students are identified by grade and ELD level to determine instructional needs for SEI and ESL instruction
- ESL certified staff are identified
- Students are grouped whenever possible by ELD level and grade level to form groups of no more than 20 students for ESL instruction
- Beginner, Early Intermediate, and Intermediate students are to be scheduled for ESL classes with a certified ESL teacher as per DESE guidelines
- For all other content areas (ELA, Math, Science and Social Studies) students are assigned to teachers with the Four DESE Category Trainings

Second Intervention: Adding New ESL Teachers

Intervention impacts 27 schools with 1566 (35% of Opt Outs) or number of LEPs in general education.

9 ESL Specialists- Teach ESL & Provide Category Training

Schools were selected using the following criteria:

1. High need for ESL teachers based on:

- ✓ Current numbers of ESL teachers on staff;
- ✓ Numbers of Beginning, Early Intermediate; Intermediate ELD levels currently without services.

&

2. Need for SEI PD based on:

- ✓ Total number of ELLs & numbers of teachers with category training

17 ESL Teachers- Centrally Assigned to Schools

- ✓ Program Schools with high numbers of Opt Outs
- ✓ Commonwealth Priority Schools
- ✓ Current numbers of ESL teachers

1-2 Itinerant ESL teachers

Targeted Interventions



ARRA Funding for LEP Students

For SY 2009-2010 and 2010-2011 BPS will invest **\$4.2 million** per year to address the ELL Access Gap.

This will allow us to invest in the following areas:

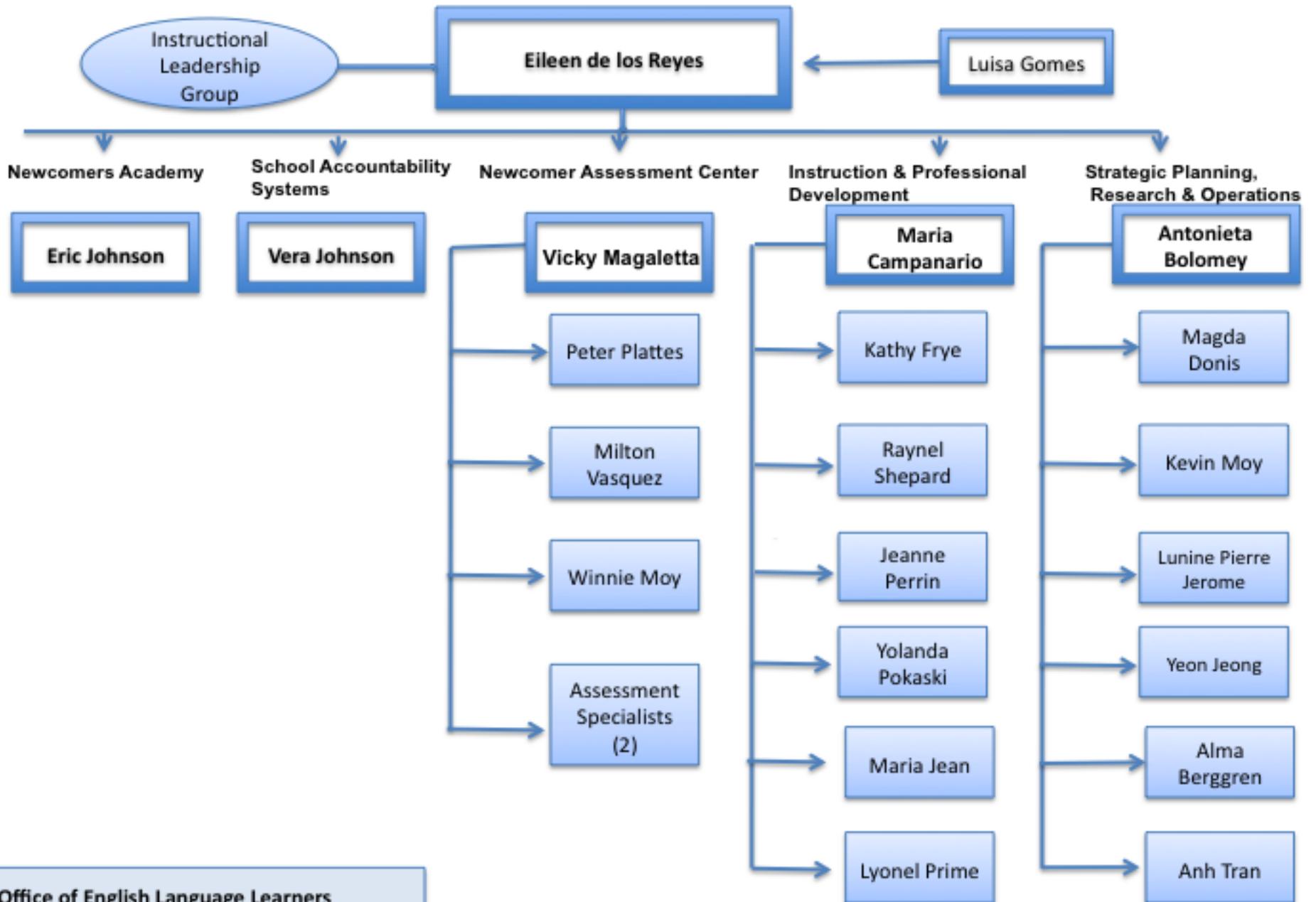
- Materials
- Formative Assessments (Grades 3-10)
- School Based Translation Services
- ESL Specialists and ESL Teachers
- Professional Development

Leveraging Our Strengths

- The support of **Principals and Headmasters in the BPS** who are working with us to leverage their qualified staff, provide category training in all schools, and strengthen the instruction of all LEP students in all classrooms.
- The integrated approach through cross-function teams in **Central Office** allowing us to implement procedures efficiently and effectively.
- **The Newcomer Assessment & Counseling Center** which began in 2005 assessing LEP students in grades 9-12 (Listening, Speaking, Reading and Writing) is now assessing LEP students in grades K2-12.
- **Newcomer Academy** which began Spring 2009 will offer LEP students with interrupted schooling and late arrivals to the BPS in ages 14-18 an opportunity to learn English & content areas as well as receive an introduction to the city and to the BPS.
- **Fast Forward and BELLS Summer Programs** providing 1,100 LEP students ESL and content instruction as well as a safe and engaging summer.

SCHOOL COMMITTEE
POLICY FOR ENGLISH LANGUAGE LEARNERS
September 25, 2002

English Language Learners *must* be prepared to meet high academic standards. For these students, academic achievement requires that they become fully proficient in academic English without having to lose their native language (Cummins, 2000). Learning and competency in more than one language and exposure to different cultures can influence and prepare children to succeed in our pluralistic society (The Bilingual Task Force, 1999).



Looking to the Future

Strategic Planning: 2010-2011

Redistribution and expansion of SEI, TBE and Two Way Bilingual Programs for SY2010-11

- Develop and refine a programmatic change proposal
- Develop and refine a plan to counsel parents about options for LEPs
- Get stakeholder input as we develop and refine a proposal

Proposal to School Committee by October 21, 2009

Next Steps

1. Fully implement the ESL curriculum
1. Provide professional development in the four categories
1. Evaluate existing language support programs and ELL education in non program schools in the district
1. Establish strong collaborative ties will all linguistic communities