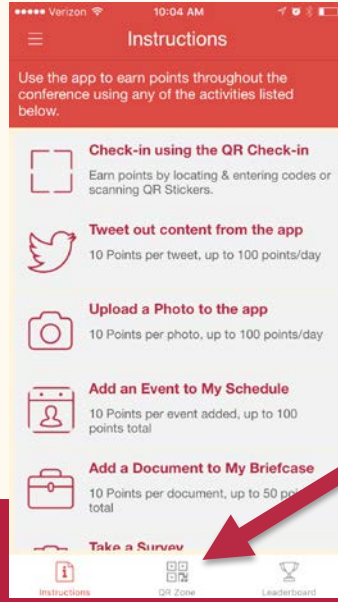
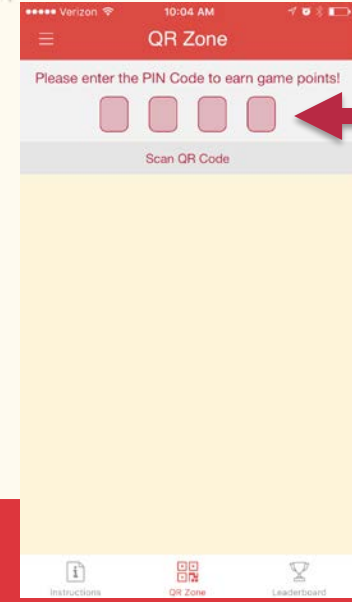


**GO TO THE  
GAME CENTER**



**CLICK "QR  
ZONE"**



**ENTER YOUR  
SESSION'S PIN**

**SESSION NAME:** Smarter Strategies for Serving English Language Learners

**LET YOUR  
PRESENTERS  
KNOW YOU'RE  
HERE, AND EARN  
POINTS!**

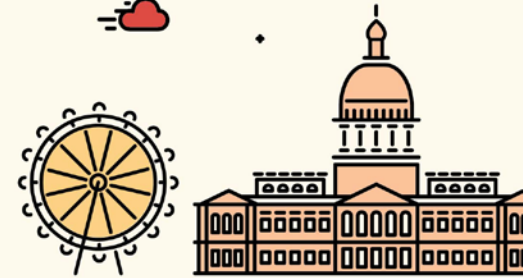
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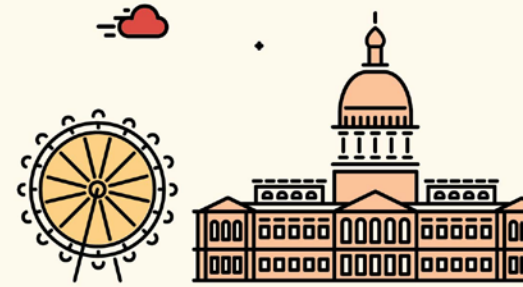
# STAND TOGETHER TO FACE THE FUTURE



2016 NACSA LEADERSHIP CONFERENCE | ATLANTA, GA

# SMARTER STRATEGIES FOR SERVING ENGLISH LANGUAGE LEARNERS

LAUREN BAUM AND RENITA THUKRAL  
CIVIL RIGHTS SOLUTIONS, LLC

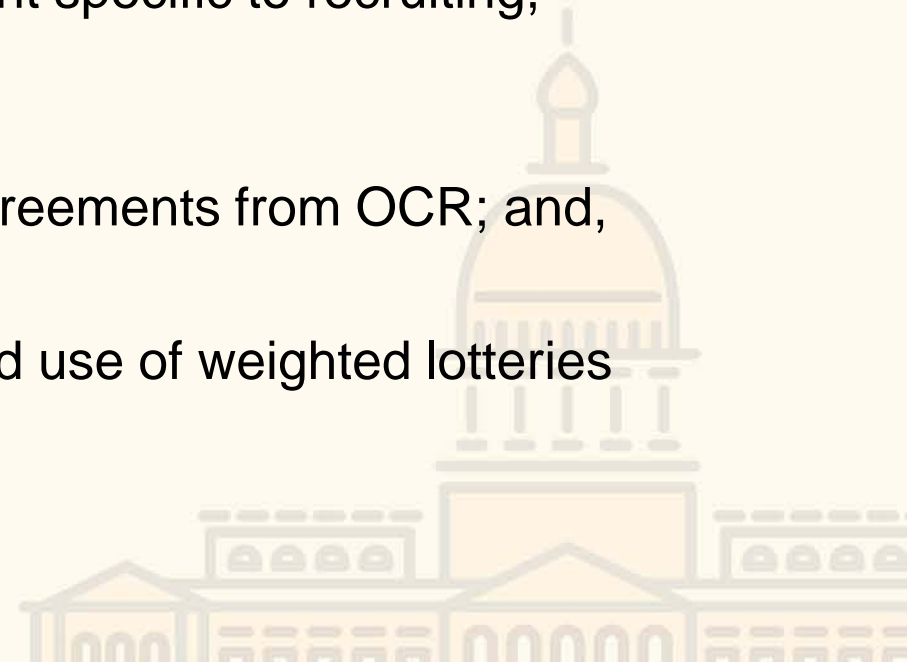
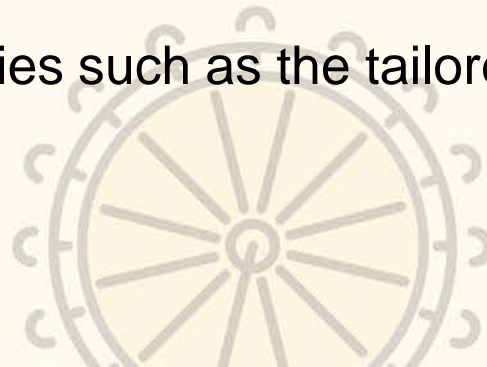


#NACSAcon



# OUR SESSION OBJECTIVES

- Federal legal framework applicable to enrolling and serving EL's;
- Examine how ESSA may impact that federal legal framework;
- Discuss trends in state statutory and regulatory development specific to recruiting, retaining and educating EL's;
- Discuss increasing scrutiny, investigation and resolution agreements from OCR; and,
- Brainstorm effective outreach strategies such as the tailored use of weighted lotteries



# OUR SESSION ROADMAP

Authorizer Role

The Laws

Enrollment

Language Access

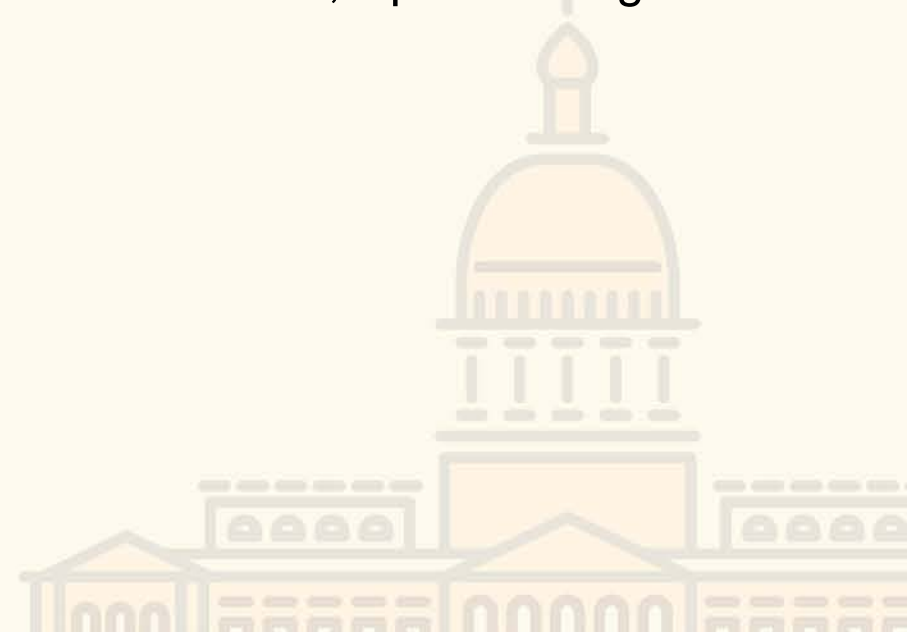
Affirmative Obligations for Educating EL Students

- Identification and Assessment
- Adequacy of EL Program
- Implementation of EL Program: Staffing, Training, Segregation, Core Curriculum, Special Programs
- Meeting Needs of Students Who Opt Out
- Exiting Students from EL Program
- Periodic Evaluation

Parent Involvement/Notification

Advanced Topics/Evolving Trends

Helpful Tools



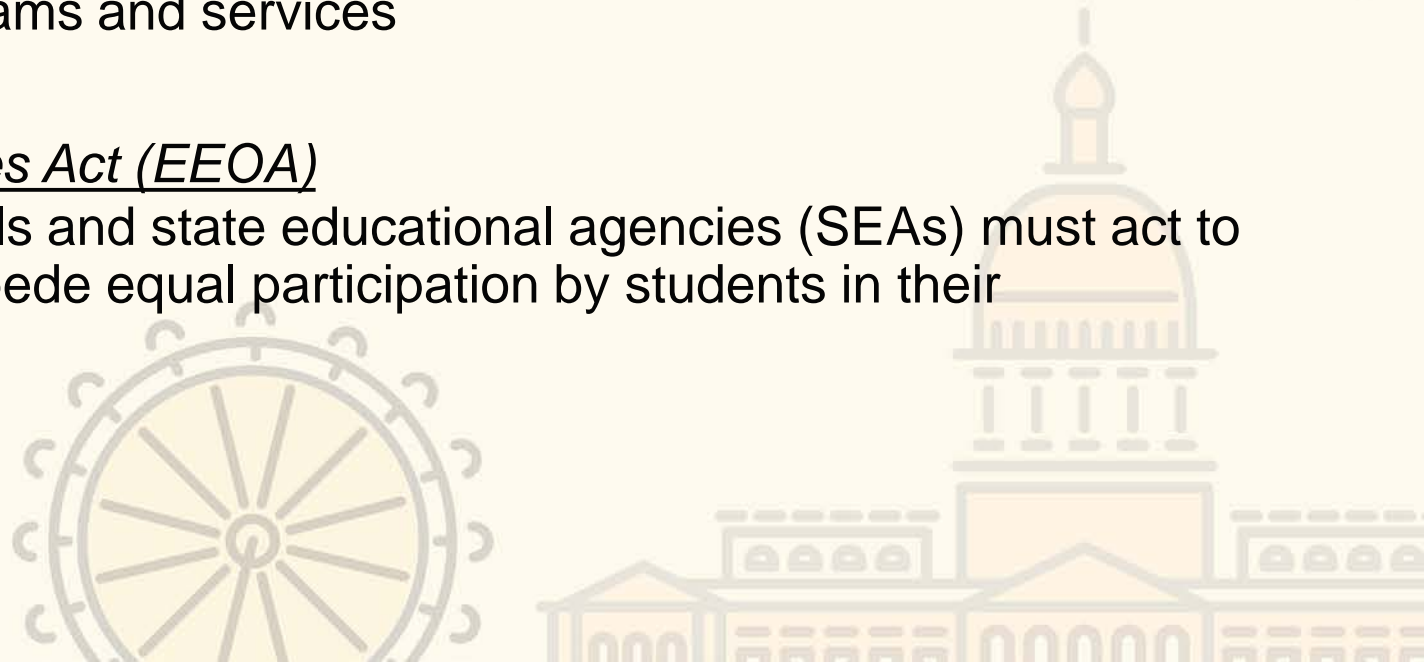
# WHAT IS THE AUTHORIZER'S ROLE?

- Application
- Charter Contract
- Monitoring
  - Data Collection, Review
- Resources
- Professional Development
- What else?



# THE LAWS

- 1964 - Title VI of the Civil Rights Act
  - Congress prohibits discrimination on the basis of race, color, national origin in any program or activity receiving Federal financial assistance
- 1974 - Lau v. Nichols
  - Supreme Court decides that in order to comply with Title VI, schools must take affirmative steps to ensure that students with limited English proficiency (LEP) can meaningfully participate in their educational programs and services
- 1974 – Equal Educational Opportunities Act (EEOA)
  - Congress confirms that public schools and state educational agencies (SEAs) must act to overcome language barriers that impede equal participation by students in their instructional programs



# THE LAWS

- Every Student Succeeds Act (ESSA), Title I
- History of OCR Guidance
  - 1970, 1985, 1990, 1991; January 7, 2015 – guidance to assist schools in meeting their obligations to ensure that EL students can participate meaningfully and equally in educational programs and services
  - 5/6/11 and 5/8/14 Dear Colleague Letters re: immigrant student enrollment





# ENROLLMENT

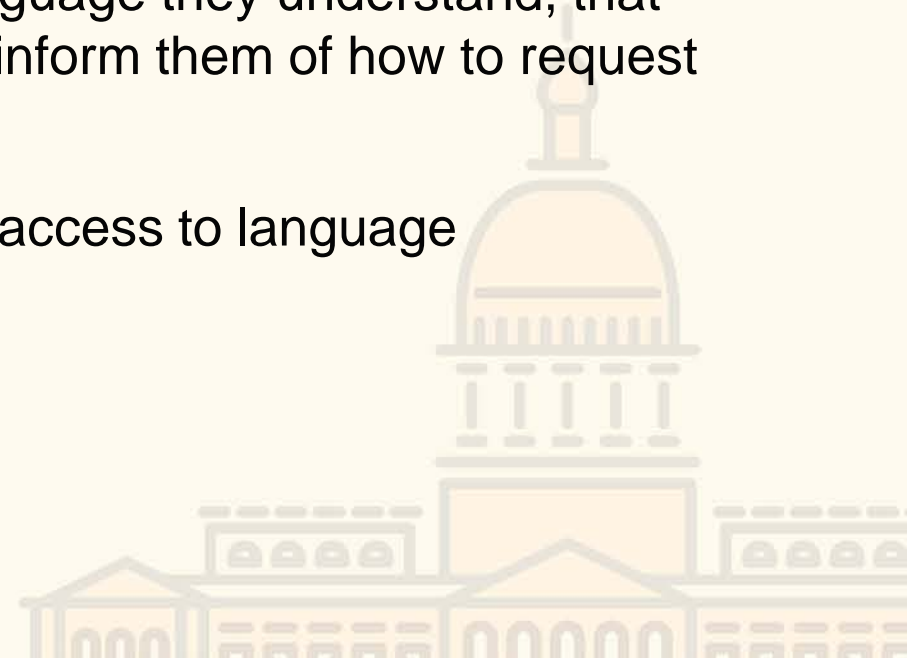
- Can't deny enrollment on the basis of race, ethnicity, color, citizenship
  - May not categorically deny enrollment of EL or immigrant students
- Recruitment/Outreach
  - Must recruit from all segments of the community served by the school
  - Information must be accessible to individuals who are not proficient in English
- Enrollment Practices – cannot have a chilling effect on enrollment of immigrants or non-citizens; May 8, 2014 Dear Colleague Letter
  - Can't require applicants to identify race/ethnicity, provide SSN, or provide birth certificate
    - Can ask for this information, but can't deny enrollment if it is not provided
    - If a district chooses to request this information, it shall inform the individual that the disclosure is voluntary, provide the statutory or other basis upon which it is seeking the information, and explain what uses will be made of it.
  - Shouldn't ask for information about citizenship status or country of birth
  - May require proof of residency

# LANGUAGE ACCESS

- Schools have an obligation to ensure meaningful communication with LEP parents in a language they can understand - parents who are not proficient in English must receive the same information provided to other parents, in a manner and form they understand
- Schools must ensure LEP parents are aware of their right to free language assistance services
- Schools must have process for determining whether parents are LEP and what their language needs are
- Schools must provide written translation and/or oral interpretation of essential information into both Major Languages and Lower Incidence Languages
  - Written translation of “vital documents” required for predominant languages (5% of population)

# LANGUAGE ACCESS

- Schools should develop a written Language Access or Language Assistance Policy that address how LEP parents are identified and how information is provided in a way that LEP parents can understand
- Schools should designate individuals who are responsible for coordinating language assistance services
- Schools must let LEP parents and guardians know, in a language they understand, that language assistance is available and is free of charge and inform them of how to request an interpreter or secure translation of a document
  - Should provide notice in predominant languages about access to language assistance services
  - Website, handbook, school newsletters, etc.



# LANGUAGE ACCESS

- Schools must provide language assistance for LEP parents and guardians effectively, with competent staff, or competent outside resources
  - For example, onsite translators/interpreters, telephonic translators/interpreters, and effective translation programs
- Schools must ensure that interpreters are trained on the role of an interpreter/translator, the ethics of interpreting and translating, and the need to maintain confidentiality
  - Not all bilingual staff will be considered appropriate or competent to provide language assistance
  - Schools must ensure that interpreters and translators have knowledge in both languages of any specialized terms or concepts to be used in the communication at issue
  - Schools must ensure that interpreters and translators are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality
- Schools should not use other parents, family members, friends or children to interpret absent extenuating circumstances and only with consent of the LEP parent

# LANGUAGE ACCESS

- Schools should provide teachers with a list of LEP parents and inform them of the resources available and the procedures that they should follow to request an interpreter or secure translation of written documents
- Schools should annually update list of persons in each school building and/or vendors qualified to offer interpretation and/or translation services (except in emergency, cannot rely on another student to translate or interpret)
- Schools should train school-level staff on using interpretation and translation services (e.g., other school-level qualified staff, third-party service providers, telephone interpretation services)
- Schools should collect, update and maintain language preferences of all parents of EL and LEP students and of all parents whose students are given a Home Language Survey; communicate with these parents based on their preferences/needs

# Affirmative Obligations for Educating EL Students

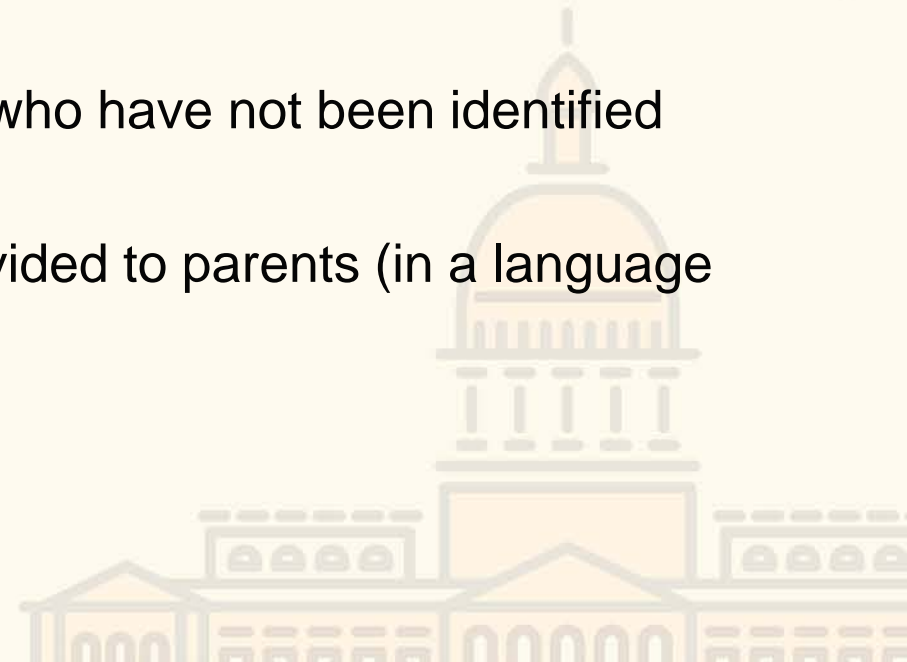
- Identification and Assessment
- EL Program
- Periodic Evaluation





# IDENTIFICATION AND ASSESSMENT

- Identification – schools must have process in place to ensure that all potential EL students are identified and assessed within 30 days of the start of the school year
  - Screen all enrolling students – Home Language Survey
  - Administer valid and reliable assessment of proficiency in four domains of English (i.e. speaking, listening, reading and writing) to determine if EL services are necessary
  - Solicit teacher input about whether there are EL students who have not been identified
  - Notice of identification and placement in ALP must be provided to parents (in a language they understand) within 30 day window



# ADEQUACY OF EL PROGRAM

- Schools must provide language assistance services so that students attain proficiency in English and are able to meaningfully participate in the school's educational programs
- No particular EL Program required – three standards must be met
  - Program must be based upon sound educational theory or principles
  - Program must be implemented effectively
  - After a reasonable period of time, the program must result in students overcoming language barriers



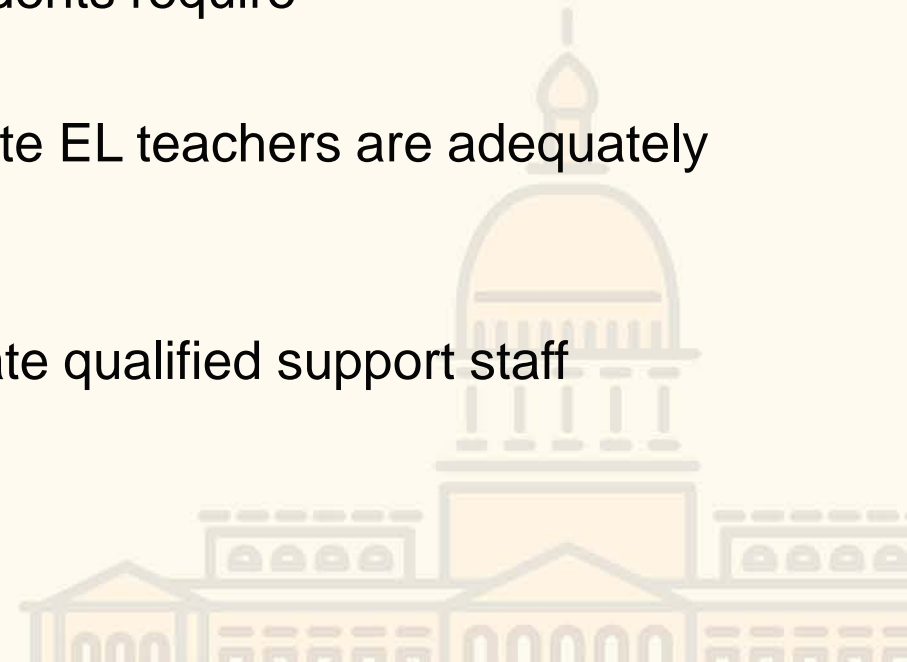


# ADEQUACY OF EL PROGRAM

- EL programs considered educationally sound
  - English as a Second Language (“ESL”) – uses techniques, methods and special curriculum designed to teach about English language and is usually in English with little use of primary language of students
  - Structured English Immersion (“SEI”) – provides all instruction in English with teachers trained in meeting needs of EL students and demonstrated skills in promoting ELD and SEI strategies
  - Transitional Bilingual Education (“TBE”) – uses students primary language in instruction with primary purpose to facilitate transition to all-English instruction, while student receives academic subject instruction in primary language to extent necessary
  - Dual Language – has a goal to develop language proficiency in two languages by receiving instruction in English and another language in a class that is usually comprised of primary English speakers and half primary speakers of other language

# Implementation of EL Program: Staffing/Training Requirements

- Schools must have adequate number of qualified staff to implement EL Program
  - Qualifications necessary will depend on chosen EL Program
- Schools must ensure that teachers are adequately trained to implement EL program
- Staff must be made aware of services/supports that EL students require
- Evaluate Staff; Must ensure that administrators who evaluate EL teachers are adequately trained
- Schools must provide adequate resources and, if appropriate qualified support staff



# Implementation of EL Program: Segregation

- Segregation of EL students may not occur unless necessary to implement ALP
- Schools must be able to demonstrate valid, nondiscriminatory reasons for segregated class assignments
  - Valid educational purpose exists when class is specially designed to teach English
  - May require separate instruction for limited period consistent with EL program's goals
  - Not likely to be justification to separate EL students in physical education, music, lunch, recess, assemblies and extracurricular activities
- Schools must use nondiscriminatory evaluation, placement and exit criteria and procedures for making placements in segregated classes



# Implementation of EL Program: Core Curriculum and Special Programs

- EL students must receive instruction in core curriculum
- EL students must be given opportunity to participate in special programs (i.e. GT, AP, etc.)
  - Schools may not categorically exclude EL students from these activities
  - Schools must ensure that evaluation/testing procedures for GATE or other specialized programs do not screen out EL students because of limited English proficiency unless can demonstrate that English proficiency is required for meaningful participation



# Meeting Needs of Students Who Opt Out

- Schools are obligated to take “affirmative steps” and “appropriate action” to provide students who opt out access to educational program
  - Must still monitor progress
  - Must inform parents if students not making progress and offer EL services
  - Must provide services if students continue to struggle
  - Must assess English language proficiency annually
  - Must monitor progress once meet exit criteria for at least 2 years

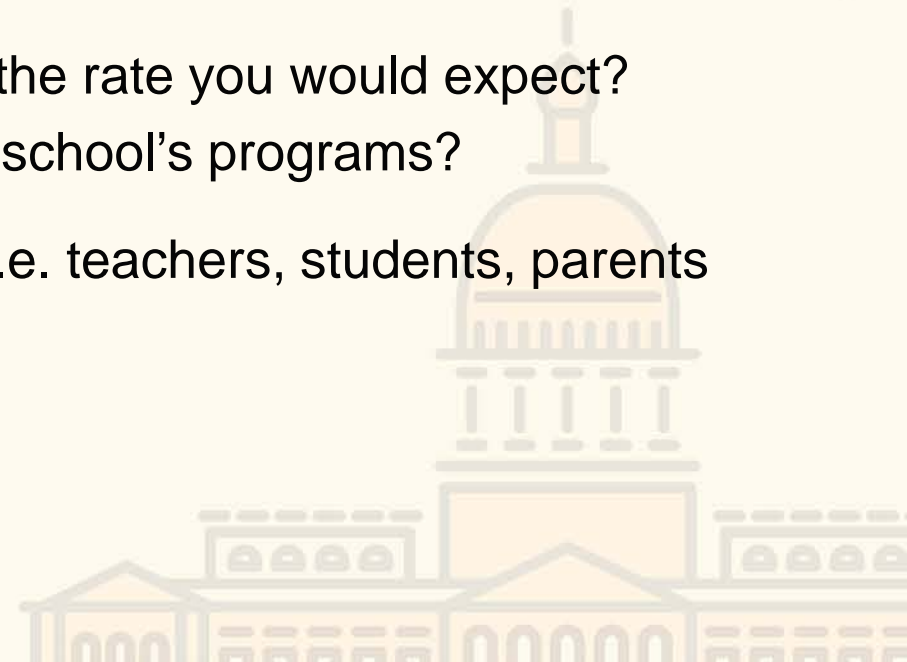


# Exiting Students from EL Program

- Schools must provide services until EL student is proficient enough in English to participate meaningfully in regular education program
- Exit criteria requirements
  - Must be based on objective standards
  - Cannot be based solely on oral language skills – must also look at reading, writing and comprehension of English
  - Academic deficits must be remediated if they are the result of a student's focus on learning English
- Monitoring – minimum of 2 years
  - Schools must monitor students who have been exited to ensure that they are able to meaningfully participate in educational program
  - Students who are not able to participate should be assessed to determine why, and appropriate services should be provided accordingly

# Adequacy of EL Program: Periodic Evaluation

- After a reasonable period of time, the program must result in students overcoming language barriers
- Evaluation should consider:
  - Is the ALP being implemented?
  - Is the ALP effective?
    - Is the ALP achieving its established goals?
    - Are EL students developing English language skills at the rate you would expect?
    - Are EL students able to participate meaningfully in the school's programs?
- Evaluation should include input from various stakeholders – i.e. teachers, students, parents
- Document evaluation and revisions to program





# Adequacy of EL Program: Periodic Evaluation

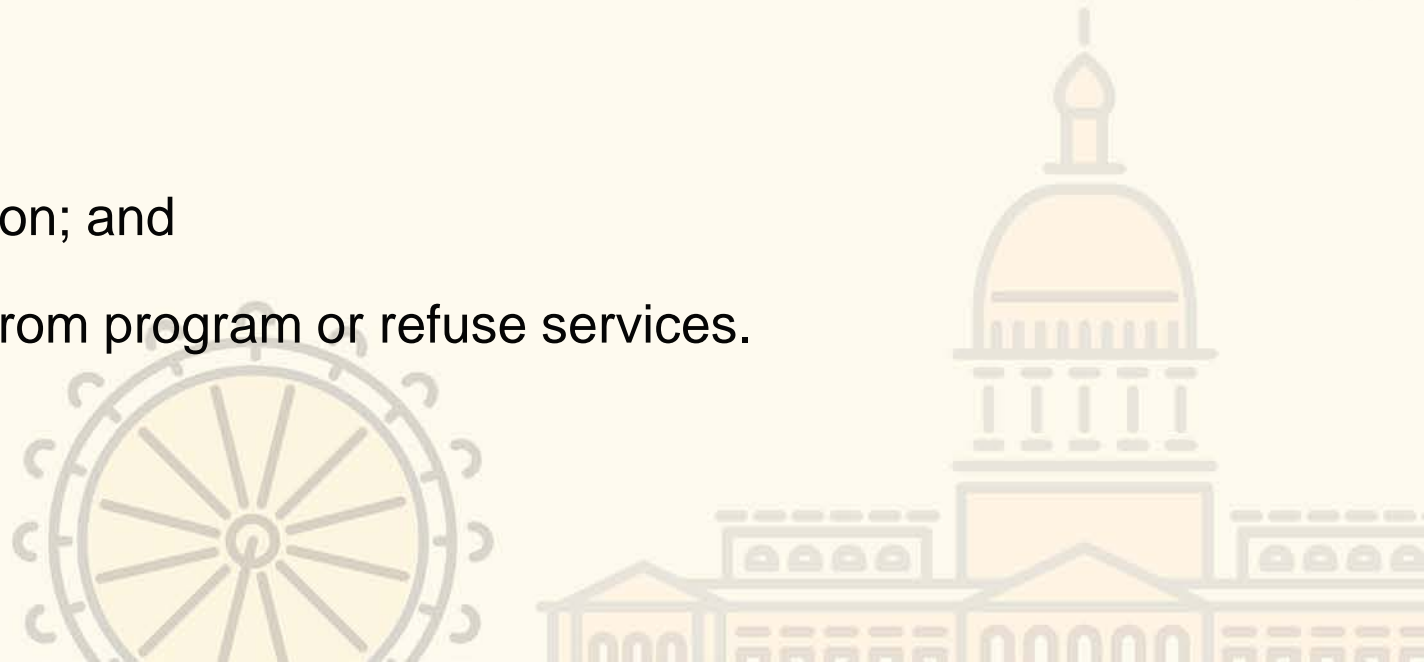
- EL program must succeed in producing results that indicate that language barriers are overcome
- Schools must review performance data of current EL, former EL and never EL students
- EL program must meet 2 goals of enabling students to attain within reasonable time English proficiency and meaningful participation in standard educational program
- Schools must make program changes if program does not meet 2 goals





# Parental Involvement/Notification

- Parents must be provided notice (in a language that they understand) of initial or continuing placement in ALP; Notice should include:
  - Level of English proficiency and how level was assessed;
  - Method of instruction and other available methods of instruction;
  - How the program will meet the educational needs of the student;
  - Graduation requirements;
  - Exit requirements;
  - LEP students and special education; and
  - Parental right to remove student from program or refuse services.



# ADVANCED TOPICS/EVOLVING TOPICS

- Subgroup Proportionality in Enrollment and Academic Performance
- Weighted Lotteries
- Bilingualism as Default Program (gaining traction in few urban areas)
- Enhanced OCR scrutiny – investigations and voluntary resolution agreements
- What else are you seeing?



# HELPFUL TOOLS FOR AUTHORIZERS

- What tools serve you best now?
- What additional/alternative tools would you like?
- What information would you like more of?
- What are you curious about but aren't sure may be relevant/useful to your work?
- What are we missing?



# KEEP IN TOUCH

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