

# **ESOL Program Guidance Webinar Series: Ensuring EL Access to Equitable Education**



**presented by**

**Tricia Kerr, ESOL Program Director  
Arkansas Department of Education**

**February 4, 2016**

# Welcome!

- Webinar is being recorded
- PowerPoint and recording will be posted on the ADE English Learners webpage
- Miguel Hernandez & Alan Lytle 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

- Goals/Purpose of the Guide
- SEA/District Obligation to English Learners and LEP Parents
- ESOL Plan Development
- Key Components of Comprehensive Plan
- Support in the ADE EL Guide
- Sample Forms and Flow Charts
- Next Steps



The Arkansas Department of Education ESOL program believes that an:

- Effective education of every English Learner (EL) is the responsibility of all educational personnel.
- Effective education requires that excellent English Language Development and supplemental services are rendered to EL students.
- Effective programs for EL students respect and celebrate all students' native language in the contexts of both school and community.



To fully meet the demands of the current language arts, math and science standards, and to ensure access to an equitable education for ELs, ESOL programs are expected to provide effective English Language Development programs and provide support to English Learners so that they learn how to effectively employ a second language in an academic setting while learning through that second language knowledge and skills in multiple disciplines.



# Programs for English Language Learners

## Resource Materials for Planning and Self-Assessments

U.S. Department of Education  
Office for 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  
Civil Rights Division



U.S. Department of Education  
Office for Civil Rights

January 7, 2015

Dear Colleague:

Forty years ago, the Supreme Court of the United States determined that in order for public schools to comply with their legal obligations 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.<sup>1</sup> That same year, Congress enacted the Equal Educational Opportunities 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 instructional programs.<sup>2</sup>

Ensuring that SEAs and school districts are equipped with the tools and resources to meet their responsibilities to LEP students, who are now more commonly referred to as English Learner (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.<sup>3</sup> It is crucial 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 enclosed 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).<sup>4</sup> Under Title III, ED awards grants to SEAs, which, in turn, award Federal funds through subgrants to school districts in order to improve the

<sup>1</sup> *Lau v. Nichols*, 414 U.S. 563 (1974); 42 U.S.C. § 2000d to d-7 (prohibiting race, color, and national origin discrimination in any program or activity receiving Federal financial assistance).

<sup>2</sup> Pub. L. No. 93-380, § 204(f), 88 Stat. 484, 515 (1974) (codified at 20 U.S.C. § 1703(f)).

<sup>3</sup> U.S. Department of Education, National Center for Education Statistics, NCES 2013-312, *Characteristics of Public and Private Elementary and Secondary Schools in the United States: Results From the 2011-12 Schools and Staffing Survey*, at 9 (Table 2) (Aug. 2013); U.S. Department of Education, National Center for Education Statistics, NCES 2014-083, *The Condition of Education 2014*, at 52 (Indicator 12) (May 2014).

<sup>4</sup> 20 U.S.C. §§ 6801-6871.



# General Contents of the ESOL Program Guide

- ELP Standards Overview
- Common terminology and acronyms
- Language Instruction Education Program (LIEP)/Alternative Language Program (ALP) Components
- Appendices with Resources
- Integrated input from ESOL programs around the state and country as well as information from a presentation by Mark Vazquez, Attorney, to summer ESL Graduate Academies regarding providing equitable services for English Learners



# Note on Definition of Language Instruction Educational Program

[Language Instruction Educational Program \(LIEP\)](#): (See section 3301 (8)) An instruction course:

(a) in which a limited English proficient child is placed for the purpose of developing and attaining English proficiency, while meeting challenging state academic content and student academic achievement standards, as required by section 1111(b)(1); and

(b) that may make instructional use of both English and a child's L1 to enable the child to develop and attain English proficiency, **and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language (L2). (not allowed in Arkansas.)**



# SEA/School District Obligations to EL Students and LEP Parents



# Title VI Expectations

- ❑ prohibits recipients of Federal financial assistance, including SEAs and school districts, from discriminating on the basis of race, color, or national origin
- ❑ requires SEAs and school districts to take “affirmative steps” to address language barriers so that EL students may participate meaningfully in schools’ educational programs



# Equal Educational Opportunity Act

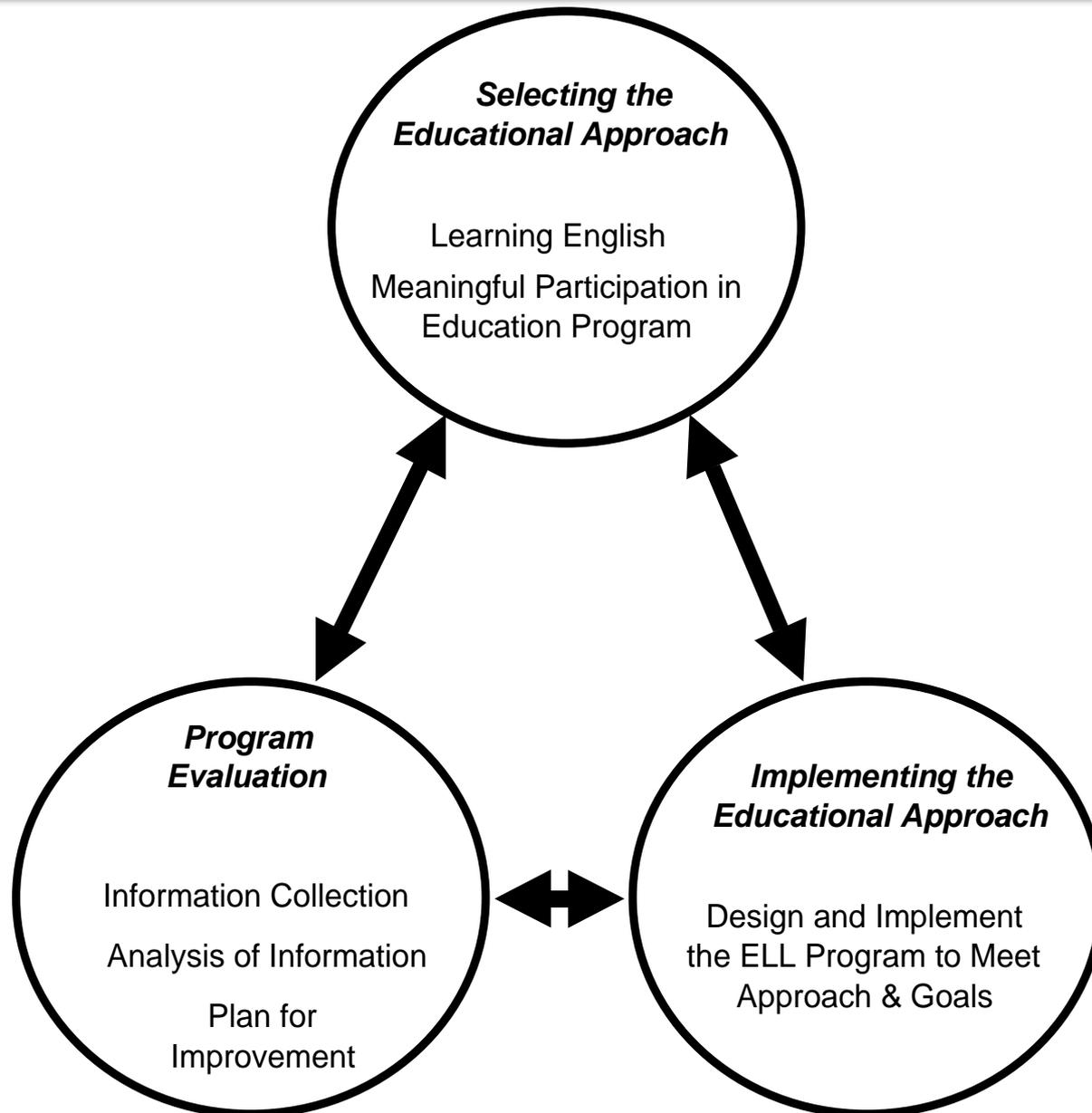
Requires SEAs and school districts to take  
“appropriate action to overcome language barriers  
that impede equal participation by [their] students  
in [their] instructional programs.”



# Castañeda vs Pickard Expectations

- (1) The educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy;
- (2) The program and practices used by the school system are reasonably calculated to implement effectively the educational theory adopted by the school; and
- (3) The program succeeds, after a legitimate trial, in producing results indicating that students' language barriers are actually being overcome within a reasonable period of time.





# SEA Obligations

- ❑ SEAs have a responsibility under the civil rights laws to provide appropriate guidance, monitoring, and oversight to school districts to ensure that EL students receive appropriate EL services
- ❑ To the extent that SEAs select EL instructional program models that their school districts must implement or otherwise establish requirements or guidelines for such programs and related practices, these programs, requirements, or guidelines must also comply with the Castañeda requirements



# Title III Expectations

- ❑ Requires SEAs and school districts that receive funding under Title III sub grants to provide high-quality professional development programs and implement high-quality language instruction education programs, both based on scientifically-based research, that will enable EL students to speak, listen, read, and write English and meet challenging State standards
- ❑ Several key school district requirements for recipients under Title III that are discussed are also required by Title I of the ESEA, which has no minimum enrollment requirement
  - ❑ Annually assess EL student for English proficiency
  - ❑ Provision of specific written notices for parents of EL students
  - ❑ Prohibitions on discrimination on the basis of surname and language-minority status



# Title III Continued

- ❑ Because the civil rights laws require SEAs and school districts to take appropriate action to overcome language barriers for EL students, Title III, Part A funds may not be used to fund the activities chosen to implement an SEA's or school district's civil rights obligations
- ❑ SEAs and school districts can use these funds only for activities beyond those activities necessary to comply with Federal civil rights obligations



# Funding and Legal Obligations

It is important to remember, however, that the legal obligations of an SEA and a school district under Title VI and the EEOA are ***independent of*** the amount or type of State or Federal funding received.



# ESOL Plan Development

To be effective, an ESOL plan needs to be comprehensive:

- address each aspect of the district's program for all EL students, at all grade levels, and at all schools in the district
- needs to be viewed by district staff as containing useful information
- should contain enough detail and specificity so that each staff person can understand how the plan is to be implemented
- should contain the procedural guidance and forms they need to use to carry out their responsibilities under the plan.



# ESOL Plan Development

Does your plan answer the following questions?

- Who is responsible for the step?
- When is the step expected to be completed?
- What standards and criteria are to be applied to the step?
- How will the district document implementation of the step?



# Key Components of a Comprehensive Plan

- the district's educational theory for its program of services;
- the district's methods for identifying and assessing the students to be included in the district's ESOL program;
- the specific components of the district's program of English language development ESOL students;
- the specific staffing and other resources to be provided to EL students under the district's ESOL program;
- the specific methods for providing meaningful access to all curricular and extracurricular programs;



# Key Components (cont.)

- the district's approach to avoid unnecessary segregation of EL students;
- the district's approach to evaluating EL students for special education services and providing dual services when appropriate;
- the district's approach to meeting the needs of EL students who opt out of ESOL programs or particular ESOL services;
- the district's method and procedures for exiting students from its ESOL program and for monitoring their success afterward;
- the district's method for evaluating the effectiveness of its program for EL students; and
- the district's procedures for ensuring meaningful communication with Limited English Proficient parents.



# 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



# Support in the ADE EL Guide

- Specific requirements when necessary
- General guidance as to what to consider for each component
  - Guiding questions
  - Examples of component in action
  - Potential compliance issues
- eSchool tips *eSchoolPLUS*



# Sample Forms and Flow Charts

- Home Language Survey
- Exit Form
- Waiver of Services Form
- Other forms to be added
  
- Identification Flow Chart
- Assessment Flow Chart
- Program Placement/Design Flow Chart
- Exiting/Monitoring Flow Chart
- Program Evaluation Flow Chart



# Next Steps

- Wednesday, February 17, 2016, 9:00-10:00 am– Identification and Assessment of Potential ELs
- Thursday, March 10, 2016, 9:00—10:00 am—Educational Approach, Language Assistance Program, Staffing, Meaningful Access to Comprehensive Curriculum
- 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



# Other Items of Interest

- ELPA21 Contrasting Groups Study—please participate!!
- February 26<sup>th</sup> ESL Symposium sponsored by University of Arkansas in Fayetteville

# ADE ESOL Team

- Tricia Kerr, ESOL Program Director
  - [Tricia.Kerr@arkansas.gov](mailto:Tricia.Kerr@arkansas.gov)
  - 479-267-7450
- Miguel Hernandez, Title III Specialist
  - [Miguel.Hernandez@arkansas.gov](mailto:Miguel.Hernandez@arkansas.gov)
  - 501-682-6620
- Dr. Alan Lytle, ELL Assessment Specialist
  - [Alan.Lytle@arkansas.gov](mailto:Alan.Lytle@arkansas.gov)
  - 501-682-4468

