

# **ESOL Program Guidance Webinar Series:** **Exiting/Monitoring Students, Meaningful Communication with LEP Parents, Program Evaluation**



**presented by**

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

**April 21, 2016**

# ESOL Program Guidance Webinar Series:

## Exiting/Monitoring Students, Meaningful Communication with LEP Parents, Program Evaluation

- <http://medianetwork.k12.ar.us/>
- 1) Click on Conference Information
- 2) Click Conference Listings
- 3) **Login as guest**
- You do not have to have a user name or password (I made it guest friendly and one less password to remember)
- 4. Scroll to the desired event and you will find the descriptor as well as the link to the webinar.

# Welcome!

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

- Monitoring English Learners
- Exiting ELs from ESOL Services
- Monitoring Former ELs for 2 years
- Meaningful Communication with LEP Parents
- Translation/Interpretation Legal Citations
- Program Evaluation
- Regional ELP Standards Workshop Sessions
- Other Items of Interest



# 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 4-7 (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.



# Monitoring English Learners

- LEAs must monitor the progress of all ELs in achieving English language proficiency (ELP) and in acquiring content knowledge.
- LEAs should establish rigorous monitoring systems that include benchmarks for expected growth and take appropriate steps to assist students who are not adequately progressing towards those goals.



# Monitoring English Learners

- SEAs must monitor LEAs to ensure that they are providing ELs meaningful access to grade level core content instruction and remedying any academic deficits in a timely manner



# ELP Standards

- Districts must annually assess English Language Proficiency progress in listening, speaking, reading and writing using a valid and reliable instrument aligned to state ELP Standards
- ELPA21 in Arkansas
- Monitoring progress throughout the year informs instruction in English Language Development



# Content Area Assessment

- ELs must participate in state content assessments
- Districts should monitor progress in content area achievement regularly
- Response to Intervention (RTI) is one way to provide multi-tiered support to English Learners (but is NOT a substitute for a Language Acquisition Program)



# Exiting ELs from ESOL Services

- A valid and reliable ELP assessment of all four language domains must be used to ensure that all K-12 EL students have achieved English proficiency
- ELP “Proficiency” Score must be set at a level that enables students to effectively participate in grade-level content instruction in English without ESOL services



# Exiting ELs from ESOL Services

- ADE may include additional objective criteria related to English proficiency to decide if an EL student who scores proficient on the ELP assessment is ready for exit or requires additional language assistance services
- These additional criteria may not serve as a substitute for a proficient on a valid and reliable ELP assessment.



# Arkansas' Exit Criteria

- Score proficient (5)s on ALL parts of the ELDA
- Core Content Area Grades of C or above
- State Content Area Assessments
  - “Proficient” or above in Language Arts and Mathematics
  - 40<sup>th</sup> Percentile or above on NRT in Language Arts and Mathematics
- Two teacher recommendations (can be indicated by signing the LPAC Exit Form)



# Exit Criteria Update

- Every Student Succeeds Act (ESSA) requires each state to have common entry and exit criteria in place by 2017-18
- Arkansas will be reviewing the exit criteria to account for changes in assessments used
- Arkansas will be developing common entry criteria
- Will involve stakeholder input



# Documenting EL Students Who Exit Services

## eSchoolPLUS

- **ELL/LEP Exit Date:** *The date the student met criteria for Fluent English Proficient status and was exited from the ESL/LEP program; no longer receives services; is a regular education student.*

MM/DD/YYYY

- Uncheck the box to the right of the ELL/LEP Entry Date



# Why do we need an exit date?

- To determine how long a student received ESOL services
- To report accurate enrollment data to State and Federal governmental agencies
- To know when monitoring of a former EL began in your district
- **To trigger the “Status-English Language Learner” field to read as “N”**
- **Must also un-check the box next to the ELL/LEP entry date (it will uncheck anyways)**



# Monitoring Former ELs for 2 years

Districts must ensure that:

- the students have not been prematurely exited;
- any academic deficits they incurred as a result of participation in the EL program have been remedied; and
- they are meaningfully participating in the standard instructional program comparable to their never-EL peers



# Monitoring Former ELs for 2 years

- Monitor whether maintaining exit criteria.
- Districts should re-test the student with a valid and reliable, grade-appropriate ELP test to determine if there is a persistent language barrier and must offer additional language assistance services where needed to meet its civil rights obligations.
- In no case should re-testing of an exited student's ELP be prohibited.



# Monitoring Former ELs for 2 years

- If the results of the re-testing qualify the student as EL, the school district must reenter the student into EL status and offer ESOL services.
- If the student is reentered into EL services, school districts should document the bases for the reentry and the parents' consent to such reentry



# Documenting Monitored Former EL Students

## eSchoolPLUS

- **Former ELL/LEP Monitored** *“A student who was exited from ESL services and whose academic progress is being monitored for two years in the regular education classroom as required by Federal Law.”*
  - M1—Monitored Year 1 (first year after exit date)
  - M2—Monitored Year 2 (second year after exit date)



# Documentation of Monitoring and Exiting

- LPAC must annually monitor progress of ELs (Annual Review)
- LPAC must exit students who meet exit criteria (Exit Form)
- LPAC must monitor former English learners for 2 years (will increase to 4 years by 2017-18) (Former EL Form/Exit Form)



# Monitoring Example

- Some school districts choose to create forms for their ESOL and content teachers to use to monitor EL students each quarter. These forms include the students' grades in each subject, scores on district and State assessments and standardized tests, and the teachers' comments on an EL student's strengths and weaknesses in each of the four language domains and each academic subject.



# Monitoring Example (cont.)

- When the monitoring form of an intermediate EL student reflects difficulties in social studies and writing papers, an ESOL teacher suggests sheltering strategies and writing rubrics to the social studies teacher to assist the EL student.



# Exiting Example

- School districts throughout a **State** found that a longitudinal cohort analysis shows that EL students who completed and exited the ESOL program are not able to meaningfully participate in regular education classes comparable to their never-EL peers.



# Exiting Example (cont.)

- The State revises its criteria for exiting EL students from ESOL programs to ensure that the criteria are valid and reliable and require proficiency in the four domains. The district then provides teachers and staff with training on revised exit criteria and procedures. The district takes additional steps to improve the ESOL program's services.



# Compliance Issues—Monitoring/Exiting

*Some examples of when the Departments have found compliance issues involving segregation include when school districts:*

- (1) Exit intermediate and advanced EL students from ESOL programs and services based on insufficient numbers of teachers who are qualified to deliver the ESOL program;*



# Compliance Issues—Monitoring/Exiting

- (2) prematurely exit students before they are proficient in English, especially in the specific language domains of reading and writing;*
- (3) fail to monitor the progress of former EL students; or*
- (4) fail to exit EL students from ESOL programs after EL students demonstrate (or could have demonstrated if assessed) proficiency in English;*



# Monitoring/Exiting Guiding Questions

- See questions on pages 53-54 of ESOL Program Guidance document



# Meaningful Communication with LEP Parents

- School districts and ADE must develop and implement a process for determining whether parents are LEP, and evaluate the language needs of LEP parents;
- School districts and ADE must provide language assistance to parents or guardians who indicate they require such assistance;



# Meaningful Communication with LEP Parents

- School districts and ADE must ensure that LEP parents have adequate notice of and meaningful access to information about all school district or SEA programs, services, and activities; and
- School districts and ADE must provide free qualified language assistance services to LEP parents.



# Translation/Interpretation Legal Citations

- The provision of information, whether written or oral, to LEP parents in a language they understand has its base in Title VI of the Civil Rights Act of 1964 and related court cases (*Lau* and *Castañeda*).
- Title VI is cited in a number of government guidance documents (including the Jan. 7, 2015 OCR & DOJ guidance).
- In the Federal Register, 67 41455  
<http://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/DOJFinLEPFRJun182002.pdf>  
“Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons”.
- This guidance specifically addresses the requirement for recipients of federal financial assistance to ensure meaningful access to their programs and activities by persons with limited English proficiency. This includes written translations and oral interpretation services where appropriate.



# Citations continued

- On August 11, 2000, the Department of Justice issued its “LEP Guidance” and at the same time the White House issued Executive Order 13166, which is found at: <http://www.justice.gov/crt/federal-coordination-and-compliance-section-180>
- Both the LEP Guidance and Executive Order 13166 emphasize the requirements for recipients of federal financial assistance to provide information to LEP parents in a language they can understand.
- Executive Order 13166 says, *“Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries.”*



# Citations continued

- The Elementary and Secondary Education Act (also known as ESSA) includes, in numerous places, the requirement that parent notifications and information about educational services and programs made available by school districts must be provided, to the extent practicable, in a language that parents can understand.



# Why? Parent Engagement

- The EL Toolkit found on OELA's website explains why. <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf>
- Chapter 10 of the EL Toolkit starts by identifying the research that shows that parent engagement with schools is an indicator of student success (leading indicator).
- The EL Toolkit says that communication with LEP parents *“in a language they can understand provides a foundation for students’ academic success”*.



# What is Required?

- So what are SEAs and districts required to communicate meaningfully in the appropriate language?
- The Jan. 7, 2015 guidance says that SEAs and districts are obligated to meaningfully communicate information related to “***any*** program, service, or activity of a school district or SEA that is called to the attention of non-LEP parents.”
- So, exactly which programs, services, or activities are being referenced here?
- There is an extensive list, but it might be best understood by saying, ‘Any means any!’



# The What: continued

The Jan. 7, 2015 guidance and the [LEP Parent factsheet](#) that was issued at the same time as the guidance says, this essential information for States and districts includes but is not limited to information regarding:

- *language assistance programs;*
- *notices of nondiscrimination;*
- *report cards;*
- *parent-teacher conferences;*
- *magnet and charter schools;*
- *special education and related services, and meetings to discuss special education;*
- *student discipline policies and procedures;*
- *requests for parent permission for student participation in district or school activities; and*
- *any other school and program choice options.*
- *grievance procedures;*
- *registration and enrollment;*
- *parent handbooks;*
- *gifted and talented programs;*
- *IEP meetings;*



# Processes to Put in Place

- a process to determine if the parents of ELs are LEP parents;
- a process to determine the primary language and/or the language parents prefer for communications;
- a process to identify LEP parents of non-ELs; and
- a process to identify LEP parents whose language is not common in the district.



# Processes continued

- These processes can actually be combined into one process, but that process should be able to make the distinctions identified.
- By including questions on the HLS that are targeted toward the parent's language preference(s) for receiving oral and written communications, as well as a cover sheet or sign with information in less common languages, gathering this information could be included in the enrollment process.
- A process to verify or update this information regularly should be in place as well.



# Documenting Language Preference of Guardian/Parents

## eSchoolPLUS

- Districts should enter the preferred language of communication as the “guardian language” in eSchool.
- This field is also what school districts should use when providing data to outside programs designed to either call parents or generate letters based on the preferred language of the parent.

(NOTE: Using the “student language” field is not appropriate for this purpose.)



# Competent and Trained

- Staff or outside resources that are used to provide written translations and/or oral interpretation must be able to provide these services effectively and competently.
- Staff or outside resources should have the appropriate training and sufficient knowledge in both languages to be able to understand specialized terms or concepts as well as what is required for the role of an interpreter or translator.
- They should be aware of the ethics of translating and/or interpreting as well as the necessity of maintaining confidentiality.



# Meaningful Communication Example

- A district captures parents' language needs on a home language survey and stores these data electronically in its student information system. The district analyzes the parent language data to identify the major languages, translates essential district-level documents into the major languages, assists schools with translating essential school-level documents into the major languages and other languages, and stores these translated documents in a database that all schools can access electronically.



# Meaningful Communication Example (Cont.)

- For less common languages, the district ensures that LEP parents are timely notified of the availability of free, qualified interpreters who can explain district- and school-related information that is communicated in writing to parents. The district also canvasses the language capabilities of its staff, creates a list of staff who are trained and qualified to provide interpreter and/or translation assistance, contracts out for qualified interpreter and translation assistance in languages that are not represented on this list, and trains all schools on how to access these services.



# Compliance Issues-Meaningful Communication

*Some examples of when OCR and the DOJ have found compliance issues regarding communication with LEP parents include when school districts:*

- (1) rely on students, siblings, friends, or untrained school staff to translate or interpret for parents;*
- (2) fail to provide translation or an interpreter at IEP meetings, parent-teacher conferences, enrollment or career fairs, or disciplinary proceedings;*



# Compliance Issues-Meaningful Communication

- (3) fail to provide information notifying LEP parents about a school's programs, services, and activities in a language the parents can understand; or*
- (4) fail to identify LEP parents*



# Summary of Meaningful Communication to LEP Parents

1. Communication with LEP parents or guardians must be in a language they they can understand;
2. Districts must have a process to identify LEP parents and their language needs; and
3. Translators and interpreters must be competent, trained, and have knowledge of specialized terms in both languages.



# Meaningful Communication with LEP Parents—Guiding Questions

- See questions on page 64 of ESOL Program Guidance document



# Program Evaluation

- A district must periodically evaluate its EL programs, and modify the programs when they do not produce these results.
- Continuing to use an EL program with a sound educational design is not sufficient if the program, as implemented, proves ineffective.



# Program Evaluation

- Success is measured in terms of whether the particular goals of a district's educationally sound language assistance program are being met without unnecessary segregation.
- **As previously discussed, those goals must include enabling EL students to attain within a reasonable period of time, both**
  - **(1) English proficiency and**
  - **(2) meaningful participation in the standard educational program comparable to their never-EL peers**
- OCR, the DOJ and ADE will not view a program as successful unless it meets these two goals.



# Program Evaluation

If an EL program is not effective, the district must make appropriate programmatic changes reasonably calculated to enable EL students to reach these two goals.

**Neither school districts nor ADE may exit an EL student from EL status or services based on time in the program if the student has yet to achieve English proficiency.**



# Program Evaluation

## **Meaningful ESOL program evaluations include:**

- Longitudinal data that compare performance in the core content areas (*e.g.*, valid and reliable standardized tests in those areas),
- Graduation, dropout, and retention data
- The performance of EL students in the program and former EL students who exited the program should be compared to that of never-EL students



# Program Evaluation

**School districts must monitor EL students' progress from grade to grade to know:**

- Whether the ESOL program is causing academic content area deficits that require remediation
- Whether EL students are on track to graduate and have comparable opportunities to their never-EL peers to become college- and career-ready



# Program Evaluation

## **Other important indicators of program success include:**

- Whether the achievement gap between EL students and never-EL students is declining over time
- The degree to which current and former EL students are represented in advanced classes, special education services, gifted and talented programs, and extracurricular activities relative to their never-EL peers.



# Example 1 – Program Evaluation

A district conducts a longitudinal cohort analysis that examines the percentage of beginner-level EL students who complete and successfully exit ESOL program services within four years, five years, and at other intervals. The district also compares the performance of the exited EL students and their never-EL peers on the standardized reading, math, science, and social studies tests in grades 3, 5, 8, and 10, as well as their retention-in-grade, drop out, and graduation rates. The district considers whether it is possible to attribute earlier exits and disparate performance data of exited EL students in the content areas to a specific program design, teacher training, or differences in programming across grade levels. The district disaggregates the average rate of EL program exit and the average standardized test performance by program, school, content areas, years in ESOL programs, and grade to determine which EL programs and services require modification.



## Example 2 – Program Evaluation

Some school districts have updated or modified their existing data systems for the purpose of collecting and analyzing complete and accurate information about EL and former EL student data relative to never-EL student data. Such data include standardized tests, district assessments, participation in special education and gifted programs, enrollment in AP classes, and graduation, drop-out, and retention-in-grade rates. For example, when a district's four-year longitudinal cohort analysis data revealed higher drop-out rates for EL students and exited EL students than never-EL students, the district revised its grade 6-12 ESOL curriculum with the help of its ESOL teachers and mandated more training for secondary sheltered content instructors.



# Compliance Issues—Program Evaluation

In their investigations, the OCR and the DOJ consider, among other things, whether:

- *SEAs and school districts monitor and compare the academic performance of EL students in the program and those who exited the program over time, relative to that of their never-EL peers; and*
- *SEAs and school districts evaluate ESOL programs over time using accurate data and timely modify their programs when they are not meeting the standards discussed herein.”*



# Program Evaluation Guiding Questions

See questions on page 57-60 of ESOL Program Guidance document

- Program Implementation Information
- Student Performance Information
  - English Language Development
    - Rate of English Language Development
    - Attainment of English Language Proficiency
  - Academic Performance
    - Rate of Academic Progress
    - Comparison to Other Students
- Analyzing the Information and Identifying Areas for Improvement



# 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](#) has details!!



# Other Items of Interest

- EL Achieve Symposium, June 1-2 in Springdale
  - English Language Development (ELD)
  - Constructing Meaning (CM)
- ESOL Coordinator 101 Sessions—throughout summer and early fall at various ESCs

# 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

