

**Commonwealth of Pennsylvania
Department of Education**

*A Guidebook for Planning Programs
for
English Language Learners*

May 2002

TABLE OF CONENTS

Introduction	1
<u>Figure 1</u> Program Development for English Language Learners.....	5
<u>Figure 2</u> A Process of Program Development to Address the Needs Of English Language Learners	6
Section I: Pre-Instructional Components	7
Section II: The PDE 3044 Program Narrative	21
Appendix:	
Questions and Answers.....	42
Resources	47
Glossary	49
PDE Documents.....	52

This guidebook, developed by the Pennsylvania Department of Education, Bureau of Curriculum and Academic Services, Division of Curriculum and Instruction in collaboration with Janet Lorant, Ed.D., assists Pennsylvania public school districts and charter schools in developing programs for English Language Learners that are compliant with state and federal regulations. All questions regarding the contents of the guidebook may be addressed to: Nancy Neil, Ph.D., Chief, Division of Curriculum and Instruction, 717-783-6746 mneil@state.pa.us or the ESL/Bilingual Education Advisors.

INTRODUCTION

There are approximately 43,000 students in Pennsylvania with Limited English Proficiency (LEP) who speak 175 different languages. Educating these students is both a challenge to and a responsibility of our public/charter schools. Many school districts in Pennsylvania are experiencing a substantial increase in the enrollment of students who cannot speak, read or write English well enough to participate meaningfully in educational programs. Without basic instruction in learning English and appropriate support services, these students are at risk of losing the educational opportunities provided to students generally. This guidebook is designed to help school districts/charter schools plan and implement the components of an English as a Second Language Program that meets state and federal regulations and that are compliant with court case decisions.

The Pennsylvania School Code of 1949 Chapter 4, Section 4.26 states:

Every school district/charter school shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards under section 4.12 (relating to academic standards). Programs under this section shall include appropriate bilingual-bicultural or English as a second language (ESL) instruction.

In July 2001, the Basic Education Circular (BEC), *Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL)* 22 PA Code 4.26 was issued to clarify the administrative responsibilities of Pennsylvania public/charter schools. In addition, professional education related to ESL programs was defined in two documents:

1. Professional Education Plan Guidelines of April 2000
2. Memo to all LEAs from Thomas P. Carey, Deputy Secretary of Elementary and Secondary Education regarding Amendment to the Professional Education Plan Guidelines, September 2000

On the federal level the US Office for Civil Rights is responsible for enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color or national origin. As in *Lau v. Nichols* (1974) the US Supreme Court affirmed the Department of Education memorandum of May 25, 1970 that directed school districts to take affirmative steps to help English Language Learners (ELLs) overcome language barriers. The Supreme Court decision stated that a school district may not compromise a student's right to meaningful education before proficiency in English is obtained.

The Equal Education Opportunities Act of 1974 states that no state shall deny equal education opportunity to an individual on account of race, color, sex, or national origin. The Act prohibits denying equal educational opportunity by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. An individual denied an equal

educational opportunity as defined by this part of the Act may institute a civil action in an appropriate district court of the United State against such parties.

In 1981 the Fifth Circuit Court of Appeals formulated a test to determine school district compliance with the Equal Educational Opportunities Act of 1974 in the *Castaneda v. Pickard* case. The three-part test includes the following criteria:

1. Theory: the school must pursue a program based on an educational theory recognized as sound for ELLs.
2. Practice: the school must actually implement the program with instructional practices, resources, and personnel necessary to transfer theory to reality.
3. Results: the school must not persist in a program that fails to produce results.

Based on the above federal and state documents, each district/charter school has a clear responsibility to develop an appropriate English as a Second Language (ESL) program. Since program development is a lengthy process and the district/charter school responsibility is not to be without services for any amount of time upon enrollment of an English Language Learner (ELL), districts with no ELLs enrolled need to anticipate student enrollment. The overall components of ESL program development are illustrated in Figure 1 and further outlined in Figure 2. All PA school districts must complete the program preparation stage as per the following:

**PENNSYLVANIA SCHOOL DISTRICT/CHARTER SCHOOLS
PRE-INSTRUCTIONAL RESPONSIBILITIES**

RESPONSIBILITIES	TIMELINE	REFERENCE
Develop a Board approved ESL district/charter school Policy (administrative procedures for the policy must be developed in conjunction with the PDE 3044 program narrative).	All districts/charter schools were required to have a board-approved policy by the beginning of the 2002-03 school year even if the district/charter school did not have any ELLs enrolled at that time.	<ul style="list-style-type: none"> • BEC-Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL) 22 PA Code 4.26; July 1, 2001 • <i>Castaneda v. Pickard</i>, 1981
Use the Home Language Survey developed by the state (available on the PDE website) or develop a Home Language Survey for parents of incoming students as a means of identifying ELLs; file the survey in the students’ permanent records.	All districts were required to have a Home Language Survey available for administration for all enrolling students by the beginning of the 2002-03 school year even if the district/charter school had no ELLs enrolled. The plan was to be implemented	<ul style="list-style-type: none"> • BEC-Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL) 22 PA Code 4.26; July 1, 2001 • Civil Rights Act of 1964, Title VI

	when an ELL enrolled or during the 2002-03 school year if ELLs were already enrolled.	
Add an ESL/Bilingual component to the district/charter school Professional Education Plan	All districts were required to have a plan for providing professional education to the staff relative to ELLs by the beginning of the 2002-03 school year even if the district/charter school had no ELLs enrolled. The plan was to be implemented when an ELL enrolled or during the 2002-03 school year if ELLs were already enrolled.	<ul style="list-style-type: none"> • Professional Education Plan Guidelines, April 20, 2000 • Memo to all LEAs from Thomas P. Carey regarding Amendment to the Professional Education Plan Guidelines, September 6, 2000 • BEC-Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL) 22 PA Code 4.26; July 1, 2001
Revise/write the strategic plan to include ESL/Bilingual as a component of the plan	All district/charter schools were required to include ESL/Bilingual programs in their strategic plans by the beginning of the 2002-03 school year even if the district/charter school had no ELLs enrolled. The plan was to be implemented when an ELL enrolled or during the 2002-03 school year if ELLs were already enrolled.	<ul style="list-style-type: none"> • Title 22, PA Code Chapter 4 Rules and Regulations, Academic Standards and Assessments, January 16, 1999 • Strategic Planning Guidelines, PA Department of Education, March 1999
Select a survey assessment instrument and train appropriate staff in assessment procedures to ascertain students' English language proficiency levels.	All districts were required to identify a survey assessment to measure English language proficiency by the beginning of the 2002-03 school year even if the district/charter school had no ELLs enrolled.	<ul style="list-style-type: none"> • Title 22, PA Code Chapter 4 Rules and Regulations, Academic Standards and Assessments, January 16, 1999; Section 4.26 • BEC-Educating Students with

	Appropriately certified staff members will administer the survey assessment when an ELL enrolls in the school.	Limited English Proficiency & English Language Learners PA Cod 4.26; July 2001
Train the building principals and secretaries on the proper procedures for enrolling the ELL.	Before the beginning of the 2002-03 school year, the district was required to schedule training for appropriate staff so that they know that the only required documents for admission are the proofs of immunization and a local address	<ul style="list-style-type: none"> • Plyler v. Doe 1982 • Fourteenth Amendment prohibits states from denying a free public education to undocumented immigrant children regardless of immigrant status.
Complete the PDE 3044 and the attached program narrative each school year	All district/charter schools were required to complete the PDE 3044 narrative by October 31, 2002 (or the date designated by PDE annually) if the district/charter school already had ELLs enrolled; districts who did not have ELLs enrolled were required to complete the program narrative portion of the 3044 at the time of enrollment of such students or by the close of the 2002-03 school year, whichever occurred first.	<ul style="list-style-type: none"> • PDE – 3044 Program Narrative Outline, PA Department of Education • BEC-Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL) 22 PA Code 4.26; July 1, 2001

Guidebook Format

The purpose of this guidebook is to assist district/charter schools in meeting their obligations regarding ELLs and to guide ESL program development. The first section provides background information regarding pre-instructional planning components for an ESL program. The second section outlines the components of the ESL program narrative (PDE 3044) that describe the district/charter school ESL program. Each section provides guided questions to prompt district/charter school responses. Appendix A contains frequent questions and answers regarding programs for ELLs, resource information, a glossary, the Basic Education Circular (BEC) of July 2001 and other appropriate materials.

Figure 1

Program Development for English Language Learners

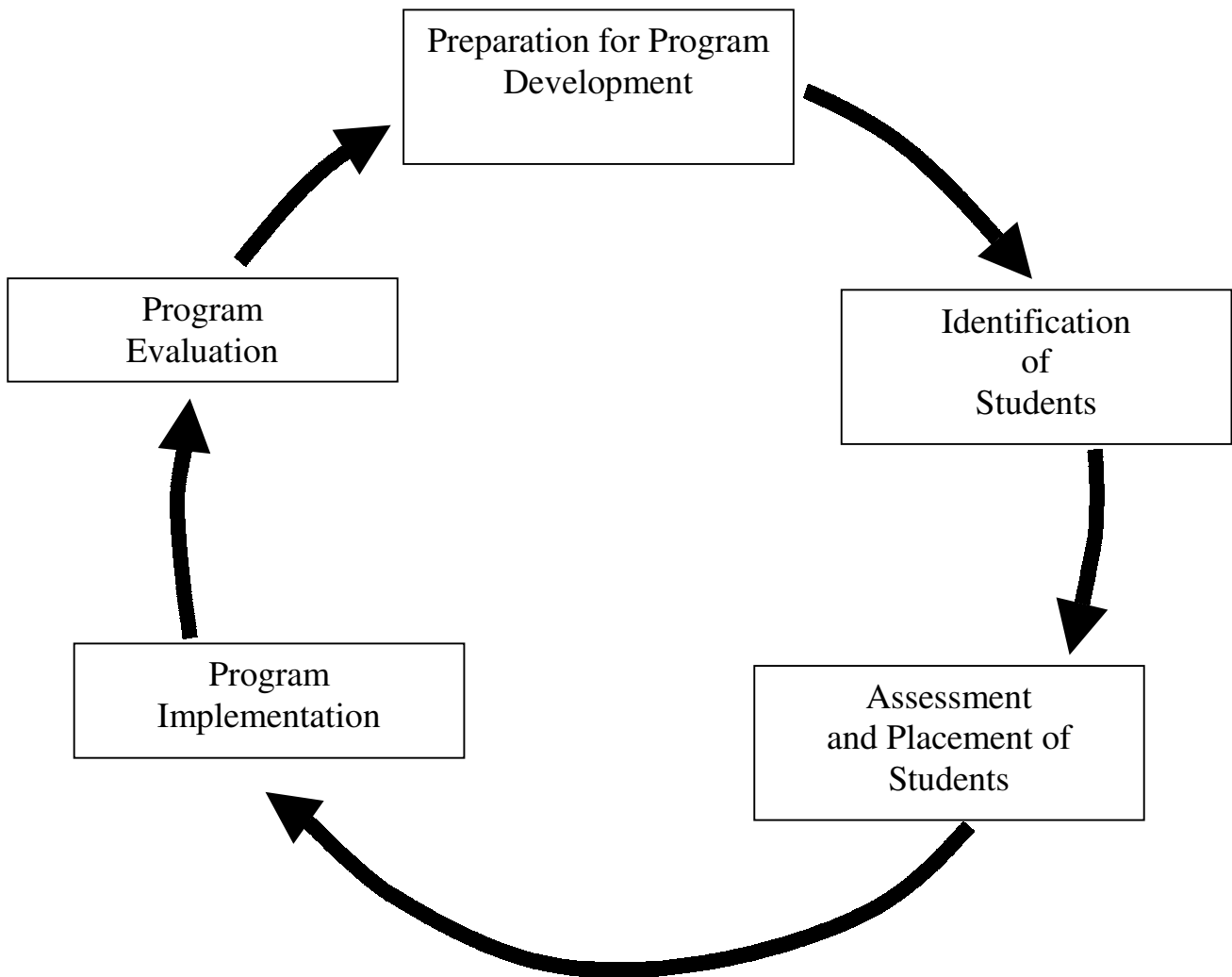


Figure 2

**A Process of Program Development
To Address the Needs of English Language Learners**

Preparation for Program Development (Pre-Instructional Components)

- Develop and enact Board approved ESL policy
- Train building principals and secretaries on the proper admission of ELLs
- Develop a Home Language Survey with three initial questions for all students and procedures for its use for the purpose of identifying ELLs
- Amend/write the professional development plan to include plans for assisting classroom teachers make accommodations if ELLs are enrolled
- Amend/write the strategic plan to address needs of ELLs
- Acquire assessment/s and assessment procedures to determine English proficiency of ELLs (to be administered if one of the answers to the three required questions on the Home Language Survey is not English)
- Complete the PDE 3044 program enrollment information and program narrative; align narrative with district/charter school policy and procedures

Identification of Students

- Administer the Home Language Survey for all students and file the results in each student's permanent record
- Assess English language proficiency of possible ELLs (if one of the answers to the three required questions on the Home Language Survey is not English)

Assessment and Placement of ELL Students

- Assess identified ELLs for instructional needs (achievement levels, native language proficiency)
- Place students in appropriate ESL instructional program to learn English

Program Implementation

- Address program goals: development of English language skills and provision for meaningful participation in subject area instruction
- Notify parents of program options and school activities
- Provide ELLs with opportunities to participate in all district/charter school programs for which they qualify
- Train staff to implement the program (program/non-program professional staff and support staff)
- Provide instructional facilities comparable to the general student population
- Provide quality instructional materials to implement the ESL program
- Integrate ELLs with peers except as necessary to implement the ESL Program

Program Evaluation

- Collect information (e.g., English proficiency assessments, classroom data, achievement data, portfolios, report card grades) on program effectiveness
- Identify any program deficiencies
- Implement modifications and improvements to address deficiencies
- Conduct periodic evaluations on program effectiveness **based on the success of the students in learning English.**

SECTION I: PRE-INSTRUCTIONAL COMPONENTS

A series of preparatory program planning activities are required to yield program components that place the district/charter school in readiness for enrollment of ELLs. These program components were required to be in place by the beginning of the 2002-2003 school year:

1. Board-approved district/charter school policy regarding ELLs and a program to meet their needs
2. A Home Language Survey for the purpose of screening for possible ELLs administered for all students currently enrolled or who do enroll
3. Act 48 Continuing Professional Education Plan to include professional development required to prepare staff to educate ELLs
4. District/charter school strategic plan to include the ESL program
5. Assessment instrument/s to determine a student's level of proficiency in English

Each of these components and guiding questions to develop them are provided in Section I of this guidebook.

District/Charter School ESL/Bilingual Program Policy

(Note: A sample ESL/Bilingual Program Policy is in the Appendix.)

The Pennsylvania School Code of 1949 Chapter 4, Section 4.26 states:

Every school district shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards under section 4.12 (relating to academic standards). Programs under this section shall include appropriate bilingual-bicultural or English as a second language (ESL) instruction.

According to the BEC of July 1, 2001, districts are required to enact board approved ESL policies and procedures.

To implement an ESL or bilingual education program the school district/charter school must have clearly delineated procedures for enrolling students with limited English proficiency. The procedures must be written and provide guidance to school personnel and families regarding the program and services students will be provided.

Accordingly, each district/charter school must develop a board-approved policy to address the needs of ELLs. At minimum there are six issues to be affirmed in the school district/charter school ESL policy:

1. ESL must be provided as a basic content area (i.e., a core curriculum) to be offered in the district/charter school educational program.
2. Students must have access and be encouraged to participate in all academic and extracurricular opportunities in the district/charter school.
3. District/charter school must allocate adequate resources (i.e., comparable to other basic core subjects) and funds to implement the ESL program.
4. District/charter school must provide adequate certified staff and instructional time to provide for the needs of ELLs.
5. District/charter school must conduct periodic ESL program evaluations for the purpose of program improvement.
6. The ELLs will participate in the PSSA and district/charter school large scale assessments not specifically developed for non-English language speakers.

Developing the District/Charter School ESL Program Policy

Guiding Questions

District/Charter School Notes

<p>How will the district/charter school define ESL as a program? Will it be available to all students who need it? Will it be offered every year to all identified students until English proficiency is achieved?</p>	
<p>How will the district/charter school provide adequate teaching staff to identified ELLs? What certification and preparation will be required?</p>	
<p>How will the district/charter school provide adequate resources for the ESL program? What part of the district/charter school budget will be allocated to ELLs? Is there a budget breakdown to provide for staffing, staff development, assessment, etc.?</p>	
<p>What rights will ELLs have relative to district/charter school curricular and extra curricular programs?</p>	
<p>Will the district/charter school evaluate the ESL program on a regular basis? When and how often will these evaluations occur, and to what purpose? How will the assessment of English proficiency be used in determining program success?</p>	
<p>What will be the district/charter school position regarding participation of ELLs in the PSSA and large-scale assessments not specifically developed for non-English speakers? *</p>	

* Please note: According to the Pennsylvania System of School Assessment Handbook for Report Interpretation, 2001 PSSA Mathematics and Reading Assessment for Grades 5, 8, and 11, page 42

Beginning with the 2001 assessment, federal regulations require all students to participate in the assessment. However, some students do not have assessment results for PSSA mathematics and/or reading. The reasons include written parental request, participation in the Pennsylvania Alternative Assessment for extremely low functioning students, Limited English Proficiency (LEP) status for students who do not understand, speak, read, or write any English and have been in the school district less than one year, extended absence from school, withdrawal from school and other reasons.

Utilizing the district/charter school notes from the previous page, draft the statements to include in the district/charter school ESL policy.

Identification of Students through the Home Language Survey (HLS)

(Note: A sample Home Language Survey is in the Appendix.)

According to the BEC of July 1, 2001, districts/charter schools are required to administer a Home Language Survey to all students (those presently enrolled and those who may enroll) to identify students whose dominant language is not English.

The school district/charter school must identify any student whose dominant language is not English as required by the Civil Rights Law of 1964. In Pennsylvania the Home Language Survey will be used statewide for this identification. The results of that survey must be retained in the student's permanent record folder. For those students whose primary language is other than English (PHLOTE), the district must also determine the student's English language proficiency level. Then ESL instruction at the appropriate level must be provided for the limited English proficient student with local/state funds.

The survey should be signed by the parent/guardian and maintained in each student's permanent record folder. Districts/charter schools should make every effort to make the information on the survey available to the parent in the parent's preferred language. The survey should contain questions that assist in determining the English language experience and language needs of the student. The survey must contain the following questions at minimum:

1. What was the first language your child learned to speak?
2. Does the child speak a language other than English? If yes, specify the language. (Do not include languages learned in school.)
3. What language(s) is/are spoken in your home?

If the answer to one of these three questions is a language other than English, an assessment of the student's level of English proficiency is necessary to determine the amount of daily English instruction that must be planned.

Developing the District/Charter School Home Language Survey

Guiding Questions

District/Charter School Notes

<p>What directions will you provide to:</p> <ul style="list-style-type: none"> • The parent completing the survey? • School personnel administering the survey? 	
<p>What headings will you add to the survey identifying:</p> <ul style="list-style-type: none"> • Student name and gender • Date of completion of the form • Date, age, grade of the student • Parent/guardian name • Telephone and address • Other information if answer is other than English 	

<p>Are the three basic questions on the Home Language Survey form?</p> <ul style="list-style-type: none"> • What was the first language your child learned to speak? • Does the child speak a language other than English? If yes, specify the language. (Do not include languages learned in school.) • What language(s) is spoken in your home? 	
<p>What other information will be helpful to district/charter school personnel in determining the English language experiences and language needs of the student?</p>	
<p>Does the survey have a place for the parent/guardian's signature? If the parent refuses to provide the information, what procedure will be followed (e.g., sign statement that the person refused to complete the form, staff person completes form with information provided and indicates person would not sign)?</p>	

Based on these questions, use the space below to draft the headers and statements in the district/charter school Home Language Survey.

Act 48 Professional Education Plan

According to the memo regarding the Amendment to Professional Education Plan Guidelines from Thomas P. Carey, Ed.D., (September 2000), the April 2000 Professional Education Plan Guidelines have been amended as follows:

If a school entity has enrolled students with limited English proficiency and/or students who are English language learners, the Professional Education Plan must include programs, activities or learning experiences for professional staff to assure that programs offered to the students are based on sound educational theory; are effectively implemented; and result in successfully removing language barriers. The professional education offerings must be available to all teachers. The requirement above is effective immediately. Therefore, if a district has limited English proficient students and has already submitted a professional education plan, the plan must be amended as required. Plans that have not been submitted must include the provision.

According to the BEC, July 2001:

If a school district has students with limited English proficiency enrolled, its Act 48 Professional Development Plan must include opportunities for district personnel in areas related to the education of students with limited English proficiency such as: cultural information, second language acquisition, adapting/modifying classroom instruction, and appropriate assessment practices.

Each district/charter school needs to amend or write their professional education plan to address the following items the district/charter school will implement upon the enrollment of ELLs:

1. Training or learning experiences for ESL professional staff to assure that the district/charter school ESL program is based on sound educational theory, is effectively implemented and produces successful results to remove language barriers (See certification guidelines for Program Specialist for ESL/Bilingual Programs required beginning in 2002-03).
2. Training or learning experiences for non-ESL program teaching staff to assure that elementary and content area professionals have the knowledge and skills necessary to accommodate ELLs in content area instruction
3. A listing of what organization(s) would provide these learning experiences for the staff and how they would be scheduled or offered to the staff
4. Assurance that the offerings are available to all teachers

Developing/Amending the Professional Education Plan

Guiding Questions

District/Charter School Notes

<p>What are the needs of the staff regarding the implementation of the ESL program?</p> <ul style="list-style-type: none"> ● Needs of ESL teachers ● Needs of non-program classroom teachers 	
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<p>What topics will assure:</p> <ul style="list-style-type: none"> ● the program is based on sound education theory? ● the program will be effectively implemented? ● the program will produce successful results? 	
<p>What options will be available to the staff to receive the staff development activities?</p>	
<p>How will the district/charter school assure that the offerings are available to all teachers?</p>	
<p>What resources/organizations will be called upon to assist in the delivery of the professional development activities?</p>	

Based on the information provided above, use the space below to draft statements to include in the district/charter school Professional Education Plan. The statements should address the professional development activities for staff that the district/charter school would implement upon the enrollment of ELLs.

The District/Charter School Strategic Plan

(Note: This description applies to districts involved in the six-year cycle of strategic planning. See the Appendix for the directions for school districts/charter schools not scheduled for submission of a strategic plan.)

According to Chapter 4, Section 4.26 of the Curriculum Regulations section 4.13 (a): every school district (including charter schools) shall develop and file with the Department a strategic plan once every 6 years and review that plan for revision at the mid-point according to an implementation schedule developed by the Department under 4.83 (relating to implementation schedule). The regulations also state under Section 4.13 that the strategic plan shall include the following components:

***Item 4.** The planned instruction to be offered and the instruction and assessment practices to be used to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under 4.24 (relating to high school graduation requirements).*

***Item 5.** An assessment plan under 4.52 (relating to local assessment system) designed to determine the degree to which students are achieving academic standards under paragraph (3) including descriptions of methods and measures used to determine achievement, how information from the assessment shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher and how information from the assessments shall be made available to the public.*

***Item 6.** A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achievement goals shall demonstrate a connection to the academic standards under 4.12 including but not limited to annual improvement goals for student scores on State and local assessments.*

***Item 9.** A description of the professional personnel, school library, classroom and other resources the school district (including charter schools) or AVTS plans to devote to the attainment of academic standards.*

***Item 11.** A plan for additional instructional opportunities for students not achieving at the proficient level including identification procedures, alternate instructional strategies, monitoring of assessment procedures, and opportunities for extended learning time.*

Under Section 4.26, ESOL, Chapter 4 states:

Every school district shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards under 4.12 (relating to academic standards). Programs under this section shall include appropriate bilingual-bicultural or English as a second language (ESL) instruction.

Under Section 4.24, high school graduation requirements, Chapter 4 states:

(a) Each school district, including charter schools, shall specify requirements for graduation in the strategic plan under 4.13 (relating to the strategic plan).

Under Section 4.24, high school graduation requirements, Chapter 4 states:

(e) Each school district including charter schools, shall describe in its strategic plan under 4.13 how its planned instruction is designed to prepare students to meet the requirements of subsection (a) of section 4.24, high school graduation requirements.

As per the above requirements, each district/charter school should amend or include in their strategic plan basic information addressing how the district/charter school will meet the needs of ELLs upon their enrollment (further specification should be added once ELLs enroll in the district/charter school). The information should address:

1. How the needs of ELLs will be addressed in the instructional program
2. What assessment procedures will be utilized to identify and determine student achievement and mastery of the standards
3. What assistance will be provided to ELLs to prepare them for attainment of the academic standards and to meet the district/charter school's graduation requirements
4. What resources and staff will be made available to assist ELLs in becoming English proficient and to master the standards
5. What additional instruction will be made available to identified ELLs who have not mastered the Pennsylvania Academic Standards.

Developing/Amending the District/Charter School Strategic Plan

Guiding Questions

District/Charter School Notes

<p>Under item 4 of the strategic plan:</p> <ul style="list-style-type: none"> • What ESL planned instruction will be offered leading to English proficiency and the attainment of academic standards and district/charter school high school graduation requirements? 	
<p>Under item 5 of the strategic plan:</p> <ul style="list-style-type: none"> • What initial survey assessment will be used to determine the ELL's level of English proficiency? • What assessment measures will be utilized to determine the degree to which students are achieving English proficiency and the academic standards? • What methods and measures will be used to determine English proficiency and academic achievement? • How will information from the assessments be used to assist students who do not demonstrate mastery of English and the academic standards at a proficient level or higher? 	

<ul style="list-style-type: none"> • How will information about the ESL program be made available to the public? 	
<p>Under item 6 of the strategic plan:</p> <ul style="list-style-type: none"> • What is the plan for improving ELLs' achievement including specific, measurable goals for student growth in English language proficiency and mastery of standards in the content areas? 	
<p>Under item 9 of the strategic plan:</p> <ul style="list-style-type: none"> • Describe the professional personnel, classroom and other resources the district/charter school plans to devote to identified ELLs and their attainment of academic standards. 	
<p>Under item 11 of the strategic plan:</p> <ul style="list-style-type: none"> • What additional instructional opportunities will be utilized for ELLs not achieving at the proficient level? • What identification procedures will be used to identify ELLs not achieving at proficient levels? • What alternate instructional strategies will be used? • What assessment procedures will be utilized to monitor student progress? • What opportunities for extended learning time will be made available to identified ELLs? 	

Using the notes on the previous pages, draft the district/charter school strategic plan amendments or statements that will address the ESL program needed for ELLs currently enrolled or that would be implemented upon the enrollment of ELLs.

***Please note:** Since districts may decide which format to use for their strategic plans, the district/charter school's response regarding the needs of ELLs could also appear in an additional, but separate item, rather than added to several items in the plan. The requirement is that each /charter school includes the specific information; how that is done is the district/charter school's choice.*

Add additional sheets as needed.

District/Charter School English Language Proficiency Assessment

According to Chapter 4, Section 4.26 ESOL:

Every school district shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards under 4.12 (relating to academic standards). Programs under this section shall include appropriate bilingual-bicultural or English as a second language (ESL) instruction.

According to the BEC-Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL) 22 PA Code 4.26; July 1, 2001:

For those students whose primary language is other than English (PHLOTE), the district must also determine the student's English language proficiency. ESL instruction at the appropriate level must be provided for the limited English proficient student with local/state funds. After it is determined that the student is in need of ESL instruction or bilingual education, the student's English language and native language proficiency must be determined for appropriate instructional placement. Students must also be assessed for achievement and for program exit. Multiple measures should be used for determining placement and progress. Measures may be formal or informal and could include curriculum-based assessments, teacher observations, portfolios and standardized tests among others. Multiple criteria must be established and consideration must be given to listening, speaking, reading and writing skills as well as academic progress. Assessment processes must reflect the academic standards and instruction.

When a student is identified as a potential ELL based on the Home Language Survey, districts/charter schools must acquire an appropriate assessment tool to determine the English proficiency level of ELLs and a plan for administration of the assessment. These tools need to be secured before the enrollment of ELLs so that they are available should the need arise. Upon the enrollment of ELL, the district utilizes an appropriate assessment instruments to determine the instructional placement. In collaboration with a contracted agency or the district ESL teacher, additional assessments will be necessary to develop an appropriate instructional plan.

Assessment Tools to Determine English Proficiency Levels of ELLs

Guiding Questions

District/Charter School Notes

<p>What initial assessment instrument will the district/charter school utilize to determine the English proficiency level of a student? (A listing of sample tools is provided on the next page of this document.)</p>	
<p>Who in the district will administer and score the initial assessment?</p>	

Sample Assessment Tools	Summary of Content
<p>Language Assessment Scales (DeAvila & Duncan, 1978; 1991) CTB MacMillan McGraw-Hill 2500 Garden Road Monterey, CA 93940 1-800-538-9547</p>	<p>The various forms of the LAS (1978 & 1991) are designed to measure oral proficiency and reading and writing ability for students in grades K through adult. The oral measure must be individually administered, but the reading and writing tests can be administered in small groups. In general, the tests can be described as discrete-point and holistic, measuring content such as vocabulary, listening comprehension, and story retelling. All forms of the LAS are available in Spanish and English.</p>
<p>Woodcock-Munoz Language Survey (1993) Riverside Publishing Co. 8420 Bryn Mawr Ave. Chicago, IL 60631 1-800-323-9540</p>	<p>The Language Survey (1993) is designed to generate measures of cognitive aspects of language proficiency for oral language as well as reading and writing for individuals 48 months and older. All parts of this test must be individually administered. The test is discrete-point in nature and measures content such as vocabulary verbal analogies, and letter-word identification. The Language Survey is available in Spanish and English.</p>
<p>Basic Inventory of Natural Language (Herbert, 1979) CHECpoint Systems, Inc. 1520 North Waterman Ave. San Bernadino, CA 92404 1-800-635-1235</p>	<p>The BINL is used to generate a measure of the K-12 student's oral language proficiency. The test must be administered individually and uses large photographs to elicit unstructured language samples from the student which must be tape recorded for scoring. The student's language sample is scored on fluency, level of complexity and average sentence length. The test can be used for more than 32 different languages.</p>
<p>Bilingual Syntax Measure I & II (Burt, Dulay & Hernandez-Chavez, 1975) Psychological Corporation P.O. Box 839954 San Antonio, TX 78283 1-800-228-0752</p>	<p>BSMI is designed to generate a measure of the K-2 student's oral language proficiency; BSM II is designed for grades 3-12. The oral language sample is elicited using cartoon drawings with specific questions asked by the examiner. The student's score is based on the student's use of the desired grammatical structure in the responses. Both the BSM I & II are available in Spanish and English.</p>

<p>Idea Proficiency Test (Dalton, 1978; 1994) Ballard & Tighe Publishers 480 Atlas Street Brea, CA 92612 1-800-321-4332</p>	<p>The various forms of the IPT ('78 & '94) are designed to generate measures of oral proficiency and reading and writing ability for students in grades K- adult. The oral measurement must be individually administered, but the reading and writing tests can be administered in small groups. In general, the tests can be described as discrete-point, measuring content such as vocabulary, syntax, and reading for understanding. All forms of the IPT are available in Spanish and English.</p>
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Please note: Additional assessments are required once students have been identified as in need of English language instruction as per the English Language Proficiency Assessment. These will be addressed in Section II of this guidebook.

SECTION II: THE PDE 3044 PROGRAM NARRATIVE (2001-02)

(Note: This PDE form is subject to change annually based on new state or federal requests for data.)

All districts/charter schools were required to complete or revise the PDE 3044 narrative by October 31, 2002 if the district/charter school had ELLs enrolled; districts that did not have ELLs enrolled were required to complete the program narrative portion of the PDE 3044 at the time of enrollment of such students or by the close of the 2002-03 school year, which ever comes first.

According to the BEC of July 1, 2001, districts/charter schools are required to enact board approved ESL policies and procedures. The narrative and the school district/charter school procedures that accompany the policy on ELLs should complement each other. Together they provide the reader with an understanding of the program that will be provided to all identified ELLs.

Listed below are the necessary components of the PDE 3044 Program Narrative and the information from the BEC of July 1, 2001 regarding what must be addressed in the district/charter school procedures that accompany the district/charter school policy.

PDE 3044 Narrative Components

1. Program goals and objectives
2. Identification of ELLs and orientation procedures for ELLs and parents
3. Assessment of ELLs to determine instructional placement
 - A. English proficiency level
 - B. Instructional placement
 - C. Transition in proficiency levels
 - D. Program exit
 - E. Monitoring student progress after exiting the program
4. Instructional program
 - A. Type of program (e.g., bilingual transitional, developmental, two-way, English as a second language)
 - B. Planned instruction and standards
 - C. Allocated time in ESL instruction and adaptations/accommodations or modifications in content classes
5. Student participation in related and extracurricular activities including gifted education
6. Pupil personnel services
 - A. Counseling
 - B. Special Education
 - C. Other related services
7. Professional education related to program
 - A. ESL/bilingual program staff
 - B. Non-program professional teaching staff
 - C. Non-professional/support staff

8. Community involvement
 - A. Program planning
 - B. Communication with students' homes
 - C. Program advisory committee
 - D. Complaint resolution process
9. Program evaluation procedures

District/Charter School Policy and Procedures

According to the BEC of July 1, 2001, districts are required to enact board approved ESL policies and procedures.

To implement an ESL or bilingual education program the school district/charter school must have clearly delineated procedures for enrolling students with limited English proficiency. The procedures must be written and provide guidance to school personnel and families regarding the program and services students will be provided. They should include a statement of program goals, school enrollment procedures, definition of limited English proficiency, and assessment procedures (including a Home Language Survey and tools to ascertain a student's English proficiency). The procedures should also include program entry and exit procedures, grading policies, listing of resources including agencies and interpreters. The procedures must be disseminated and staff acquainted with the contents.

The local district/charter school should have in place a policy regarding participation in large-scale assessments or other standardized tests not specifically developed for English language learners.

The BEC outlines the content of the procedures as follows:

1. Clearly delineated procedures for identifying ELLs (including a definition of an ELL, procedures for administering the Home Language Survey and assessing English language proficiency)
2. Written procedures for communicating with families of ELLs regarding the ESL program and services (provided in their preferred language)
3. A statement of ESL program goals, assessment/s procedures for instructional placement, program entry and exit procedures, grading policies, and listings of resources
4. How the procedures will be disseminated and how staff will be acquainted with the contents
5. How an administrator with appropriate background will be identified to coordinate and assure implementation of the ESL program
6. What procedures and forms will be used uniformly across the district/charter school
7. How ELLs will have equal access to participation in all academic and extracurricular opportunities
8. How the district/charter school will orient all school personnel to cultural information about ELLs to help prevent cultural clashes
9. A listing of resources and interpreters available to the district/charter school
10. Procedures and resources to address professional staff needs relative to teaching ELLs.

Program Goals and Objectives

The goals and objectives for the ESL/Bilingual program should relate to the overall educational goals for the educational program (including the attainment of the PA Academic Standards). In selecting a model, the district/charter school must consider the needs of and numbers of students with limited English proficiency. The ESL/Bilingual program goals should address both English language development and subject matter instruction.

All programs must include ESL/Bilingual classes and must be based on sound educational and second language acquisition theory. Goal statements should indicate what level of performance is expected, when the performance level should be attained, and how success will be measured. Goals may also address the social/cultural needs of ELLs and the staff development, curriculum development, and parental participation required to meet their academic and affective needs. The goals should also reflect the individual district/charter school's choice of the ESL/Bilingual program approach.

Developing ESL/Bilingual Program Goals and Objectives

Guiding Questions	District/Charter School Notes
How will the goals for ELLs reflect the educational goals for all students?	
Will the program address both English language development and collaboration with classroom teachers in the ELL's mastery of content area standards?	
Will the program be based on sound educational and second language acquisition theory?	
How will the necessary staff and resources be ensured at the level of other core subjects?	
What level of performance will be expected from ELLs?	
When should ELLs achieve the expected level of performance (e.g, after what amount of instruction or time in the district/charter school?)	
Will the district/charter school meet both the academic and cultural needs of the students? What indicators will reflect this?	
How will program success be measured? What indicators will reflect success?	

Using the notes from the previous page, draft the ESL/Bilingual statement of program goals and objectives.

Identification of ELLs and Orientation Procedures for ELLs and Parents

Educating ELLs is both a challenge to and a responsibility of public/charter schools. The initial stage of the educational process is the registration of the student at the school building office. First impressions made during this contact affect the student's orientation into the school and the community. School personnel who are responsible for this first contact need to make every effort to make it as positive as possible. The first meeting between school personnel and parents sets the tone for the entire relationship between parent, student and the school. A negative experience may keep parents at a distance for the student's entire school career, while a positive one can be the building block for good parent/school cooperation and student success. Therefore, carefully planned orientation procedures for both child and parent are crucial.

The only requirement for registration of a student in a Pennsylvania public school is an immunization record and proof of residency in the district. The proof of residency can be an address. At a later time the school district/charter school may require a copy of a rental receipt or any other viable evidence of parent or guardian residency. The district/charter school may ask parents for additional information that is helpful in meeting the student's educational needs, **but it is not appropriate to withhold the student from school for lack of this additional information, including a social security number or birth certificate.**

Regulations require districts to provide information about assessment and related academic achievement to parents in their native language. The orientation should include basic school information, a description of the ESL/Bilingual program, what content classes the student will attend, what special programs are available, homework and attendance policies, and district-wide assessment practices and procedures. Expectations for participation and behavior should be clear to all involved. (BEC, July 2001)

Developing ELL Identification and ELL/Parent Orientation Procedures

Guiding Questions	District/Charter School Notes
What will be the student identification procedures? (Refer to the Home Language Survey in Section I)	
What basic school information will be communicated to parents and ELLs?	
What are the components of the ESL program that will be included in the program description to ELLs and their parents?	
What content classes will the student attend and how will this information be communicated to the ELLs and their parents?	

What special programs are available to ELLs who qualify? Will parents and ELLs be notified of these opportunities?	
What will be school's policy regarding homework for ELLs? Will parents be notified of these procedures and regulations?	
What will be the school's attendance policy for ELLs? Will parents and ELLs be notified regarding these policies and procedures?	
What will be the school policy on ELL participation in district-wide assessments and the PSSA? Will the parents and ELLs be notified of these policies?	
What expectations regarding student behavior will be communicated to ELLs and their parents?	
Will the above communications be provided to parents and ELLs in their home language?	

Using the notes from the previous page, construct the orientation procedures for student and parents in the district/charter school.

Assessment of ELLs to Determine Instructional Placement

- A. English proficiency level**
- B. Instructional placement**
- C. Transition in proficiency levels**
- D. Program exit**
- E. Monitoring student progress after exiting the program**

The school district/charter school must administer a Home Language Survey to all students as required by the Office for Civil Rights. The results of that survey must be retained in the student’s permanent folder. For those students whose primary language is other than English, the district must also determine the student’s English language proficiency. Then, ESL instruction at the appropriate level must be provided for the limited English proficient student with local/state funds. After it is determined that the student is in need of ESL instruction or bilingual education, the student’s English language and native language proficiency must be determined for appropriate instructional placement. Students must also be assessed for achievement and for program exit. (BEC, July 2001)

According to the BEC, districts/charter schools are required to administer a Home Language Survey to all entering students. The district/charter school must also determine English language proficiency if one of the answers to the Home Language Survey indicates that a language other than English is: (1) the first language the student learned to speak, or (2) the language used at home, or (3) a language spoken by the child at home. Once English proficiency is determined and ESL instruction is indicated, multiple measures (formal or informal) should be used for determining placement and progress. Multiple criteria must be established and consideration given to the PA Academic standards. Once a student exits the program, student progress must be monitored for at least one year. If students are found to no longer be successful after one year, students should be entered into the district/charter school ESL program.

The local district/charter school should have a policy regarding participation in large-scale assessments or other standardized tests not specifically developed for English language learners; however, participation in the PSSA is required for all students with limited English proficiency unless they are eligible for a one-time exemption.

Developing Student Assessments

Guiding Questions	District/Charter School Notes
What assessment instrument will be used to determine a student’s English language proficiency?	
What criteria will determine if the student should receive ESL instruction and further assessments?	

What assessment instruments and criteria will be utilized to determine a student's proficiency in their native language, their achievement levels in content areas, and appropriate placement in the program?	
What criteria and assessment tools will be utilized to determine if a student should progress from one language proficiency level to the next?	
What criteria and assessment tools will be utilized to determine if a student should exit the program?	
What assessment tools and procedures will be utilized to monitor student progress after exiting the ESL program?	
What does the district/charter school policy say regarding student participation in district large-scale assessments and the PSSA?	

Using the notes from above, describe the ESL assessment procedures.

Instructional Program

- A. Type of program**
- B. Planned instruction and standards**
- C. Allocated time in ESL instruction and adaptations/accommodations or modifications in content classes**

Districts may choose which ESL/bilingual program model to implement, so long as it meets the requirements of the three-prong test mandated by the Civil Rights Act of 1964, Title VI and *Castaneda v. Pickard*, 648 F. 2d 989 (1981): the program must be (1) based on sound educational and language learning theory; (2) implemented with sufficient resources and staffed by appropriately prepared personnel; and (3) periodically evaluated. According to the BEC, July 2001:

Planned instruction in ESL includes listening, speaking, reading and writing at different levels of proficiency (beginning, intermediate, and advanced). Standards must be addressed and objectives must be developed for ESL classes at all levels. Therefore, ESL replaces language arts/English instruction. At the secondary level, ESL replaces English classes required for graduation.

The amount and type of standards-based ESL instruction provided to students will depend upon their level of language development and proficiency as determined by an appropriate English language proficiency instrument. The following are recommended amounts of daily instructional time: for non-English speaking student – 2 to 3 hours; beginner – 2 hours; intermediate – 1 to 1 ½ hours; advanced – 1 hour. Students who have exited the program should be carefully monitored for progress. They may require some support that can be provided two to three times per week.

In order to achieve academic standards, students must be scheduled in content area classes with the understanding that they may be not able to comprehend all the instruction. These needs must be addressed by the content area teachers and content area instruction aligned with the corresponding standards.

Districts should determine when students are ready to proceed from one proficiency level to another or to exit the program; after exiting the program the student's progress should be monitored for at least one year. ELLs are expected to meet the requirements for graduation. The local district/charter school has the discretion to determine how the student will meet those requirements.

Developing the Instructional Program

Guiding Questions

District/Charter School Notes

Guiding Questions	District/Charter School Notes
What type of program will the district/charter school implement?	
How is the ESL planned instruction aligned with PA Academic Standards?	

What amount of time will students spend in ESL instruction per proficiency level?	
How will student progress be assessed and monitored after exiting the ESL program?	
How will the instruction in content areas be aligned with PA academic standards and adapted to meet the needs of ELLs?	
How will ELLs meet the graduation requirements?	
How and where will student instructional services be delivered?	
What staff will be required to deliver the ESL program instruction?	

Use the notes above, describe the district/charter school ESL instructional program.

Student Participation in Related and Extracurricular Activities

Students with limited English proficiency may participate in all the federal or other programs available within the school for which they qualify. Collaboration among programs to provide services to students should maximize the benefits to the students. Students must have access to and should be encouraged to participate in all aspects of the academic and extracurricular opportunities available in the district. (BEC, July 2001)

ELL students are eligible for gifted education or any other program that is available to all students in the school and for which they qualify. Assurances and procedures must be in place to allow equal access to all such programs.

Developing Assurances for Student Participation in Related/Extracurricular Activities

Guiding Questions	District/Charter School Notes
What assurances and precautions are in place so that students have equal access to all aspects of the academic and extracurricular programs in the district/charter school (including gifted education)?	
How are these assurances/precautions coordinated to maximize the benefits to all students?	

Using the notes on the previous page, write the district/charter response assuring student participation in all related programs and extracurricular activities.

Pupil Personnel Services

A. Counseling

B. Special Education

C. Other Related Services

According to the BEC, July 2001:

Students who are English language learners may be eligible for special education services once it has been determined that the disability exists and this disability is not solely due to lack of instruction or proficiency in the English language. Then, the established procedures and timelines for determining the disability and developing the IEP must be followed. All English language learners eligible for special education services whether in district or in intermediate unit classes must continue receiving ESL instruction at the appropriate proficiency and developmental level.

Communication with parents of English language learners being considered for special education placement, who may be English language learners themselves, must be clear and presented in a mode and language they understand. It is the responsibility of the school district to ensure that parents are aware of all the options available to them.

The participation of English language learners in vocational-technical education classes and programs is not determined by their level of English language proficiency. English language learners should have access to any course of study available. It is the responsibility of the program to make the necessary accommodations. Vocational students who are English language learners must be provided ESL instruction appropriate to their level of proficiency.

As noted earlier, ELLs must have equal access to all school programs; therefore, counseling services and other school services must be available to them. Counseling services and school programs should address issues related to adjustment to a new culture and placement in the school program with peers despite gaps in English proficiency and/or content knowledge.

Developing Pupil Personnel Services

Guiding Questions

District/Charter School Notes

What counseling services will be provided to students?	
What special education services will be available to students?	
What other services will be available to students?	
How will information regarding pupil personnel services, counseling, or special education be made available to parents in a language they understand?	

Using the notes from the previous page, construct a response regarding what pupil personnel services will be provided to ELLs.

Staff Development Related to Program

- A. ESL/Bilingual Program Staff**
- B. Non-Program Professional Teaching Staff**
- C. Non-Professional/Support Staff**

According to the BEC, July 2001:

If a school district has students with limited English proficiency enrolled, its Act 48 Professional Development Plan must include opportunities for district personnel in areas related to the education of students with limited English proficiency such as: cultural information, second language acquisition, adapting/modifying classroom instruction, and appropriate assessment practices.

According to the memo regarding the Amendment to Professional Education Plan Guidelines from Thomas P. Carey, Ed.D., (September 2000), the April 2000 Professional Education Plan Guidelines have been amended as follows:

If a school entity has enrolled students with limited English proficiency and/or students who are English language learners, the Professional Education Plan must include programs, activities or learning experiences for professional staff to assure that programs offered to the students are based on sound educational theory; are effectively implemented; and result in successfully removing language barriers. The professional education offerings must be available to all teachers. The requirement above is effective immediately. Therefore, if a district has limited English proficient students and has already submitted a professional education plan, the plan must be amended as required. Plans that have not been submitted must include the provision.

According to the BEC, July 2001:

The impact of the new culture on the student and the student's culture on the school will pose a challenge for everyone. Providing orientation and factual cultural information for everyone in the school will help to alleviate the most serious of culture clashes.

Providing appropriate staff development to non-professional and support staff that interacts with ELLs and their parents is key to program success. It is imperative that districts do not overlook this group of key staff members when planning their staff development activities.

Developing the Professional Education Related to Program

Guiding Questions

District/Charter School Notes

What are the needs of the ESL/Bilingual staff and non-program professional staff regarding the implementation of the ESL program? What are the needs of the non-professional support staff regarding ELLs and the ESL program?	
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<p>What activities will assure:</p> <ul style="list-style-type: none"> • The program is based on sound educational theory? • The program is effectively implemented? • The program produces successful results? • The professional education programs are ongoing and intensive? 	
How will these staff development programs be made available to all teachers?	
What resources/organizations will be called upon to assist in the delivery of the professional development?	
How will the Professional Education Plan address staff development for ESL/Bilingual and non-program teaching staff?	
What staff development will be provided to support staff such as secretaries and other non-professionals regarding orientation and identification of ELLs?	

Using the notes above, draft statements to describe the district/charter school staff development plan. These statements should also reflect the Act 48 Professional Education Plan. Statements should address the professional development activities for the ESL/Bilingual staff, non-program staff, and non-professional support staff.

Community Involvement

- A. Program Planning
- B. Communication with Students' Homes
- C. Program Advisory Committee
- D. Complaint Resolution Process

According to the BEC, July 2001:

All information disseminated to the students and their parents must be provided in a language or mode preferred by the parents.

If use of the standard report card is the selected option or if the parallel version is developed, the information provide therein should be in the language understood/read by the parents.

Federal regulations require districts to provide information about assessment, academic achievement and related issues to parents in their native language or in their preferred mode of communication. This means that it is the district's/charter school's responsibility to provide for translation and interpretation services.

District/charter schools should make every effort to provide an orientation to parents as well as to the students. The orientation should include basic school information, a description of the ESL or bilingual education program, what content classes the student will attend, what special programs are available, homework and attendance policies and district-wide assessment practices and procedures. Expectations for participation and behavior should be clear to all involved.

School districts/charter schools need to involve appropriate community in the various aspects of the ESL program. These areas include: planning of the program, processes to communicate with parents or guardians of ELLs, involvement of a program advisory committee, and a complaint resolution process.

Developing Community Involvement

Guiding Questions	District/Charter School Notes
How will parents and/or the community be involved in program planning?	
Will there be a program advisory committee to assist in program planning? (This committee can be a separate committee or a subcommittee of an existing advisory group.)	
How will the district/charter school communicate with parents or guardians	

in the student home (oral or written communications)?	
How will complaints be resolved regarding program or student issues?	

Using the notes from the previous page, write a description of district/charter school community involvement regarding the ESL program.

Program Evaluation Procedures

According to the BEC, July 2001:

Any program that is implemented must, at minimum, meet a three-prong test mandated by federal law (Civil Rights Act of 1964, Title VI, Castaneda v. Pickard, 648 F. 2d 989 (1981)). The program must be: (1) based on sound educational and language learning theory; (2) implemented with sufficient resources and staffed by appropriately prepared personnel; and (3) periodically evaluated. A program that fails to produce positive result does not meet the test.

The program evaluation should follow a logical process of review such as:

- Collection of information on program effectiveness
- Identification of any program deficiencies
- Implementation of modifications and improvements to address deficiencies
- Periodic evaluations of program effectiveness

The program evaluation should include collection of information regarding:

- The implementation of the ESL program
- The effectiveness of the ESL program in meeting the goals for students' English language development and their ability to participate meaningfully in the educational program
- Appropriate input from knowledgeable persons and other stakeholders regarding the quality and effectiveness of the program

Developing the Program Evaluation Procedures

Guiding Questions

District/Charter School Notes

Guiding Questions	District/Charter School Notes
What will be the process to conduct the program evaluation?	
What information will be collected regarding program effectiveness and goal attainment?	
What information (such as achievement data, graduation rates, informal assessment data, etc) will be collected regarding the student acquisition of English and their ability to participate in the educational program?	
What information will be solicited from knowledgeable persons and stakeholders regarding the quality and effectiveness of the program?	
How will data from the program evaluation be collected and maintained?	

Using the notes on the previous page, describe the district/charter school program evaluation procedures.

Appendix

Questions and Answers	42
Resources	47
Glossary.....	49
PDE Documents.....	52
BEC, July 2001	
Amendment to Professional Education Plan September 2000	
Foreign Exchange Students May 10, 2002	
PDE 3044 Program Narrative (2001-02 form)	
Home Language Survey (Sample form)	
English As a Second Language/Bilingual Program Policy (Sample)	
Strategic Plan Directions for School Districts/Charter Schools	

QUESTIONS AND ANSWERS: PENNSYLVANIA PUBLIC SCHOOLS ESL PROGRAMS AND ELL STUDENTS

What is an English as a Second Language (ESL) program?

An ESL Program is a school district's written plan for educating ELLs to both improve their English language proficiency and to assure that they meet the Academic Standards in the content areas. The Program, therefore, considers the entire curriculum for students including their entry and exit criteria.

Who is responsible to provide ESL instruction?

Every school district/charter school shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards. Programs shall include appropriate bilingual-bicultural or English as a second language (ESL) instruction.

What funds are available to pay for ESL instruction?

There are no categorical state funds available. Supplemental services may be provided from federal funds. Since ESL curriculum is a basic educational program for the ELLs, the basic cost of the first instruction should be part of the budget planning. Each school district/charter school should allot funds for resources and teachers based on the number of ELLs currently enrolled. If the ESL population has been increasing yearly, anticipated increases should be budgeted. The amount allocated for ELLs and the ESL program should be in proportion to amounts spent for the general population and basic programs. (For example: the cost per child for English language arts instruction should be the same as the cost per child for ESL instruction.)

What is required to register an English Language Learner (ELL) in a PA public school? The only requirement for registration of a student in a Pennsylvania public school is an immunization record and proof of residency in the district. The proof of residency can be a copy of a rental receipt or any other viable evidence of parent or guardian residency. The district may ask parents for additional information that is helpful in meeting the student's educational needs, but it is not appropriate to withhold the student from school for any amount of time due to the lack of this additional information including a social security number or birth certificate. Subjecting them to scrutiny that is not part of the normal enrollment process is discriminatory and may place the school district/charter school at risk of legal action.

What certification is required to teach ESL?

1. Hold at least a bachelor's degree
2. Hold a valid Instructional Certificate (e.g. Instructional I, Instructional II or Intern certificate but not an emergency permit) and as of the beginning of the 2004-2005 school year, Pennsylvania Program Specialist-ESL certificate.

What are the public school responsibilities toward ELLs enrolled in nonpublic schools?

A school district is not required to provide ESL program instruction at the nonpublic school. A non-public school student may participate in an ESL program that is operating at the public school. The parent of the non-public school student can request dual

enrollment at the public school in order to participate in the ESL program that is operating at the public school. For reimbursement purposes, membership and attendance of nonpublic school pupils lawfully enrolled part-time in the public schools shall be calculated by counting the time the pupils spend in the public school program on a pro rata basis. The school district will complete the proper Child Accounting Form to receive reimbursement for the time the non-public student attends the public school.

The parent has the responsibility to provide the transportation to the public school at the appropriate time during the day for the non-public student to attend the ESL Program. The school does not have to change the ESL program time to accommodate the parent or non-public student. The school district does not have to create an ESL class for a non-public student if the school district does not have an ESL class for public school students. In addition to the information already included, this information specifically relates to Title III requirements.

Local Educational Agencies (LEAs) intending to accept Title III funds must provide timely and meaningful consultation with non-public officials regarding equitable participation in Title III funded activities, programs, and professional development. LEAs are responsible for making the initial contact with non-public school officials. The purpose of the initial consultation is to inform non-public school officials of the LEAs intent to apply for Title III funds thereby seeking feedback on the non-public schools' intent to participate in Title III supplemental services.

After timely and meaningful consultation with appropriate private school officials, LEAs receiving Title III funds must provide equitable Title III services to limited English proficient (LEP) children and educational personnel in non-public schools that are located in the geographic area served by the LEA. These services must address the educational needs of the non-public school children and personnel. Funds must be equitable on a per pupil basis taking into account the number and educational needs of non-public school children, as compared to the funds used for public school children served under Title III.

LEAs must include non-public school students who are located within the geographic area served by the LEA in the LEP student court reported to the Pennsylvania Department of Education (PDE) for the purpose of calculating Title III allocations.

The LEA has the obligations to assess the English proficiency of LEP private school students for identification purposes. The final responsibility for determining whether a non-public school student is LEP and eligible for service rests with the LEA.

What are the district/charter school ESL responsibilities regarding admission of foreign exchange students?

Foreign exchange students are not required to be identified for English as a second language instructions based on Pennsylvania's home language survey. Foreign exchange students come to our country to experience the American culture and at the same time provide our students with the opportunity to learn from other cultures. The Pennsylvania Department of Education supports the educational and cultural values of these programs and encourages school districts to participate and support these cultural enriching programs.

Every child, being a resident of any school district, between six and 21 years may attend the public schools in his district. The board of school directors of any school district may admit to the schools of the district, with or without the payment of tuition, any non-resident child temporarily residing in the district, and may require the attendance of such non-resident child in the same manner and on the same conditions as it requires the attendance of a resident child. The board of school directors of any school district may permit any non-resident pupils to attend the public schools in its district upon such terms as it may determine, subject to the provision of Act 24 PS 13-1326.

Must ELLs participate in the state assessment (PSSA)?

In 2004, the USDE released guidance on participation of LEP students in state assessments.

This flexibility allows LEP students in their first year of enrollment in U.S. schools as an option of taking the Reading PSSA. A student's enrollment in a school in Puerto Rico is not to be considered as enrollment in a U.S. school. If students choose to participate in the Reading assessment, their performance level results will not be included in the AYP calculations for the school/district.

All LEP students are required to participate in the Mathematics PSSA with accommodations as appropriate.

The Mathematics scores of LEP students in their first year of enrollment in U.S. schools, not including Puerto Rico, will not be used to determine the percent proficient or higher for AYP status.

LEP students in their first year of enrollment in U.S. schools are not required to take the Writing PSSA.

What is the Home Language Survey?

The survey is the tool used to meet the requirement that school districts identify students with a primary or home language other than English (PHLOTE). The school district must maintain a list of students with another language in their background. It is the document that must be completed for each student enrolled in the public/charter school that determines the dominant language spoken in the home and the possible needs of ESL services. All students enrolled in school districts and charter schools must complete the Home Language Survey (HLS) and place it in the student's permanent record file.

Is half-day attendance for ELLs acceptable until an ESL teacher is hired?

No. Half-day attendance is not acceptable for any student in grades 1-12. The school's ESL Program plan should have a procedure to begin instruction upon enrollment.

Does a school district/charter school need parental permission to provide ESL instruction?

No. ESL is a basic curriculum, not a supplemental service.

Should the school district provide the same instruction for all ELLs?

No. The amount of ESL time, the type of instruction and the support for content learning is dependent on the student's English proficiency level and the level of mastery of the standards.

Is an aide eligible to direct instruction for ELLs?

No.

Is a person hired as an aide, who has an Instructional I or II certificate, eligible to direct instruction for ELLs?

No. The official job for which the person was hired is an instructional aide, not as a teacher.

What type of assistance is an instructional aide eligible to provide?

The aide reinforces the teacher's instruction, guides practice on specific skills, and provides tutorial assistance when needed.

Is it necessary for the teacher to speak the student's language(s) in order to have students succeed in an ESL program?

No. English as a second language (ESL) instruction involves teaching, listening, speaking, reading, and writing at appropriate developmental and proficiency levels with little or no use of the native language.

Can the ESL program be totally funded by Title I?

No. Title I is a supplemental program available to students who are identified as not progressing toward the standards in reading and/or mathematics. The basic ESL program must be provided first before the supplemental program can be used for instructional support.

Is an English language deficiency a reason for placement in special education?

No. ELLs may be eligible for special education services only when it has been determined that a disability exists that is not solely due to lack of instruction or proficiency in the English language.

Does ESL instruction end when special education services begin?

No. ESL instruction must continue for ELLs placed in special education. The ESL instruction can be discounted when the student meets the exit criteria described in the school district/charter school ESL program plan.

Are ELLs eligible for career education (vocational-technical school)?

Yes. ELLs should have access to all educational program opportunities. Their level of English language proficiency does not determine program participation. In addition, ELLs may participate in all the federal and other programs available within the school for which they qualify.

Are there any program services that can replace the basic ESL curriculum?

No. ESL is a basic curriculum. Therefore, speech therapy and tutoring in language arts and content areas are support services and are not the same as teaching English as a second language.

How long will ELLs need an ESL program?

The length of time will depend on the student's English proficiency level. It is unusually a five- to seven-year process in a program that meets student's needs. ELLs should be monitored for at least one year after exiting the ESL program to ensure continued academic success.

How many students should be scheduled for each instructional period?

Class size is a local decision. Consideration should be given to the students' age range, their levels of English proficiency and the teacher's ability to provide effective instruction during the period.

Can content area teachers refuse to have an ESL student in their classrooms?

No. ELLs must be instructed in the same content areas as other students in a school district. The instruction should be modified and adapted to meet the needs of ELLs.

How should the content area instruction be modified for ELLs?

All teachers must modify instruction to meet the needs of each student in reaching the proficient level of the academic standards. Emphasis on important vocabulary, multiple strategies to learn core concepts with less detail and simple sentence structures are examples of effective modifications in helping ELLs move toward mastery of the academic standards.

Should district/charter school tests be adapted for ELLs?

ELLs should have opportunities to demonstrate the proficient level of the standards through a variety of assessment strategies (e.g., portfolio, demonstration, models, observations, paper and pencil tests). Testing an ELL with the same test as native speakers is inappropriate.

Should the grading system be adapted for ELLs?

ELLs should be graded on the modified objectives established at the beginning of the grading period. Giving the ELL a failing grade because he/she did not complete the same projects or course work as native speakers is inappropriate.

Can an ELL be retained due to lack of English proficiency?

No. An ELL needs differential instruction rather than retention.

Where can I get materials to teach English as a second language?

Major textbook publishers have texts and/or teacher reference materials for teaching English as a second language. Many have catalogs dedicated entirely to the subject.

Sample web sites include:

1. Center for Applied Linguistics (CAL) – www.cal.org
2. National Association for Bilingual Education (NABE) – www.nabe.org
3. Teachers of English to Speakers of Other Languages (TESOL) – www.tesol.org

RESOURCES

Support Organizations:

1. ACTFL – American Council on the Teaching of Foreign Languages
<http://www.actfl.org>
2. CAL – Center for Applied Linguistics
<http://www.cal.org>
3. ERIC – Test Locator
<http://www.ericae.net>
4. MAEC – Mid-Atlantic Equity Consortium (Desegregation Assistance)
<http://www.maec.org>
5. NABE – National Association for Bilingual Education
<http://www.nabe.org>
6. National Clearinghouse for English Language Acquisition (NCELA) formerly National Clearinghouse of Bilingual Education (NCBE)
<http://www.ncela.gwu.edu>
7. Northwest Regional Educational Laboratory
<http://www.nwrel.org/cnorse/index.html>
8. Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA) Department of Education
<http://www.ed.gov/about/offices/list/oela/index.html>
9. OCR – Office for Civil Rights
<http://www.ed.gov/about/offices/list/ocr/ell/index.html>
10. PaTTAN – PA Training and Technical Assistance Network
<http://www.pattan.k12.pa.us>
11. PDE – PA Department of Education
<http://www.pde.state.pa.us>
1. TESOL – Teachers of English to Speakers of Other Languages
<http://www.tesol.org>
2. US Department of Education
<http://www.ed.gov/>

Resources for Developing ELL Programs:

1. LEP Students and Title I: A Guidebook for Educators
<http://www.ncbe.gwu.edu/ncbepubs/resource/lepguide>
2. The Newcomer Program: Helping Immigrant Students Succeed in U.S. Schools
<http://www.ncbe.gwu.edu/ncbepubs/pigs/pig8.htm>

Resources for Developing Program Goals:

1. Creating Appropriate Goals and Objectives
<http://www.ncbe.gwu.edu/miscpubs/eacwest/handouts/goal-obj/backgrnd.htm>

Resources for the Identification of Potential ELL Students:

1. Handbook for English-Language Proficiency Tests
<http://www.ncbe.gwu.edu/miscpubs.eacwest.elptests.htm>
2. Identifying Limited-English Proficient Students
<http://www.ncbe.gwu.edu/miscpubs/eacwest/handouts/id-lep/backgrnd.htm>

Resources for the Assessment of ELL Status:

Resources for Program Design:

1. ESL Standards for Pre-K-12 Students
<http://www.tesol.edu/assoc/k12standards/index.html>

Resources for Evaluating ELL Programs

GLOSSARY

1. **BICS** – acronym for basic interpersonal communication skills required for verbal face-to-face communication; a type of “survival English” where linguistic interactions are embedded in a situational context accompanied by gestures
2. **Bilingual Education** – a carefully planned instructional program in which two languages are used; the program provides ESL instruction and utilizes the student’s native language as the medium for instruction in the content areas; language arts instruction in the student’s native language is also provided; bilingual education models include transitional, development and dual-language programs
3. **Bilingualism** – the ability to use two languages
4. **CALP** – acronym for cognitive/academic language proficiency; the language ability required for academic achievement
5. **Castaneda v. Pickard** – 1981 decision in the 5th Circuit Court establishing a three-pronged test for evaluating programs serving ELLs; accordingly schools must:
 - A. Base their program on educational theory recognized as sound or considered to be a legitimate experimental strategy
 - B. Implement the program with resources and personnel necessary to put the theory into practice, and
 - C. Evaluate programs and make adjustments where necessary to ensure that adequate progress is being made
6. **Communicative-Based ESL** – an approach to teaching English as a second language (also referred to as the *functional approach* or *communicative approach*) based on the theory that language is acquired through exposure to meaningful and comprehensive messages, rather than being learned through the formal study of grammar and vocabulary; the goal of communicative-based ESL is communicative competence
7. **Communicative Competence** – ability to interact appropriately with others by knowing what to say, to whom, when, where, and how
8. **Content-Based English as a second language** – an approach to teaching English as a second language making use of instructional materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive and study skills; English is used as the medium of instruction
9. **Dominant Language** – the language with which the speaker has greatest proficiency and/or uses most often
10. **Dual Language Program** – also known as two-way immersion, development or two-way bilingual education; the program aims to develop language proficiency in two languages by putting two language groups together and delivering instruction through both languages; for example, in the US native English-speakers might learn Spanish as a foreign language while continuing to develop their English literacy skills and Spanish-speaking students might learn English while developing literacy in Spanish; the goal is for both groups to become bilingual

11. **ELL** – acronym for English language learners; students whose first language is not English and who are in the process of learning English
12. **ESL** – acronym for English as a second language; an academic discipline that is designed to teach English language learners social and academic language skills as well as the cultural aspects of the English language necessary to succeed in an academic environment; it involves teaching listening, speaking, reading and writing at appropriate developmental and proficiency levels with little or no use of the native language; courses of study must be carefully articulated K-12 and must be correlated to the PA Academic Standards for Reading, Writing, Speaking and Listening; ESL program models include departmentalized, sheltered, intensive, pull-out and push-in
13. **ESOL** – acronym for English for speakers of other languages
14. **Equal Education Opportunities Act of 1974** – a civil rights statute prohibiting states from denying equal educational opportunity to an individual on account of his or her race, color, sex or national origin; the statute specifically prohibits states from denying equal educational opportunity by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs
15. **Immersion Program** – an approach to teaching language in which the target language is used exclusively to provide all instruction
16. **Language Experience Approach** – an approach to literacy development based on the idea that students can learn to write by dictating to the teacher what they already know and can express verbally, and that they can then read that which has been written
17. **Lau v. Nichols** – 1974 landmark Supreme Court ruling that identical education does not constitute equal education under the Civil Rights Act; school districts must take affirmative steps to overcome educational barriers faced by non-English speakers
18. **LEP** – acronym for limited English proficient; a term used to identify those students who have insufficient English to succeed in English-only classrooms
19. **LEA** – acronym for local education agency
20. **Migrant Education** – educational programs established mainly to meet the needs of children of farm laborers, who often face such challenges as poverty, poor health care, limited English proficiency, and the readjustments of moving often from school to school
21. **Multilingualism** – use of three or more languages
22. **NABE** – acronym for the National Association for Bilingual Education; an association of teachers, administrators, parents, policy makers and others concerned with securing educational equity for language minority students
23. **NEP** – acronym for non-English proficient

24. **OCR** – acronym for the Office for Civil Rights, US Department of Education; OCR has the responsibility for enforcing Title VI of the Civil Rights Act of 1964 and investigates allegations of civil rights violations
25. **PDE 3044** – Pennsylvania Department of Education form for school district annual report of services to ELLs
26. **PSSA** – acronym for the Pennsylvania System of School Assessment
27. **PHLOTE** – acronym for primary home language other than English
28. **SEA** – acronym for state educational agency
29. **Structured Immersion** – an approach to instruction in which students receive all of their subject matter instruction in their second language; the teacher uses a simplified form of the second language; students may use their native language in class, however, the teacher uses only the second language; the goal is to help minority language students acquire proficiency in English while at the same time achieving in content areas
30. **TESOL** – acronym for Teachers of English to Speakers of Other Languages; a professional association of teachers, administrators, researchers and others concerned with promoting scholarship, the dissemination of information and strengthening of instruction and research in the teaching of English to speakers of other languages and dialects
31. **Title VI of the Civil Rights Act of 1964** – prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance; Title VI regulatory requirements have been interpreted to prohibit denial of equal access to education because of language minority student’s limited proficiency in English
32. **TPR** – acronym for total physical response; a language-learning approach based on the relationship between language and its physical representation or execution; emphasizes the use of physical activity for increasing meaningful learning opportunities and language retention; a TPR lesson involves a detailed series of consecutive actions accompanied by a series of commands or instructions given by the teacher while students respond by listening and performing the appropriate actions

Basic Education Circular

**SUBJECT: Educating Students With Limited English Proficiency (LEP) and
English Language Learners (ELL)
22 Pa. Code §4.26**

DATE OF ISSUE: July 1, 2001

DATE OF EXPIRATION: June 30, 2005

The education of students whose dominant language is not English is the responsibility of every school district/charter school in the Commonwealth. Title 22, Chapter 4, Section 4.26 of the Curriculum Regulations requires that the school district/charter school provide a program for every student who is limited English proficient (LEP) or an English language learner (ELL). The regulation states:

Every school district shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards under § 4.12 (relating to academic standards). Programs under this section shall include appropriate bilingual-bicultural or English as a second language (ESL) instruction.

The purpose of this circular is to clarify the responsibilities of school districts and charter schools to provide a carefully articulated planned educational program for each student with limited English proficiency that allows the student to meet state academic standards and succeed in school. Such a program must include: standards-based English as a second language instruction at the appropriate proficiency level, content area instruction aligned with the corresponding standards and adapted to meet the needs of the students and assessment processes that reflect the academic standards and instruction.

Any program that is implemented must, at minimum, meet a three-part test which is mandated by federal law (Civil Rights Act of 1964, Title VI, Castañeda v. Pickard, 648 F.2d 989 (1981)). The program must be: (1) based on sound educational and language learning theory; (2) implemented with sufficient resources and staffed by appropriately prepared personnel; and (3) periodically evaluated. A program that fails to produce positive results does not meet the test.

Definitions

1. Limited English Proficient Student

The Improving America's School Act defines a limited English proficient student as one who:

- A. i) was not born in the United States or whose native language is other than English and comes from an environment where a language other than English is dominant; or ii) is a Native American or Alaska Native who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such an individual's level of English language proficiency; or

iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

B. has sufficient difficulty speaking, reading, writing or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

2. English as a Second Language (ESL)/English to Speakers of Other Languages (ESOL)

English as a second language instruction is an academic discipline that is designed to teach English language learners social and academic language skills as well as the cultural aspects of the English language necessary to succeed in an academic environment and contribute to society. It involves teaching listening, speaking, reading and writing at appropriate developmental and proficiency levels with little or no use of the native language. Courses of study must be carefully articulated K-12 and must be correlated to the Pennsylvania Academic Standards for Reading, Writing, Speaking and Listening. ESL program models include departmentalized, sheltered, intensive, pull-out and push-in ESL.

3. Bilingual Education

Bilingual education is a carefully planned instructional program that provides ESL instruction and utilizes the student's native language as the medium for instruction in the content areas. It also provides language arts instruction in the student's native language. Programs where the native language is used for clarification during content instruction only are not considered bilingual education programs. Bilingual education models include transitional, developmental and dual-language programs.

Policies and Procedures

To implement an ESL or bilingual education program, the school district/charter school must have clearly delineated procedures for enrolling students with limited English proficiency. The procedures must be written and provide guidance to school personnel and families regarding the program and services students will be provided. They should include a statement of program goals, school enrollment procedures, definition of limited English proficiency, assessment procedures and policies, program entry and exit procedures, grading policies, listing of resources including agencies and interpreters. Procedures must be disseminated and staff acquainted with the contents. When selecting an administrator to be responsible for the implementation of the program, consideration must be given to the scope of services to be provided to the students and the background knowledge required for efficient operation.

To facilitate program implementation, any forms developed for use with the program should be the same across the district and should be included with the written program procedures.

Students must have access to and should be encouraged to participate in all aspects of the academic and extracurricular opportunities available in the district. Similarly, all information disseminated to the students and their parents must be provided in a language or mode preferred by the parents.

The impact of the new culture on the student and the student's culture on the school will pose a challenge for everyone. Providing orientation and factual cultural information for everyone in the school will help to alleviate the most serious of cultural clashes. Consideration of culture and how it relates to the student and the instruction provided will also serve to ease the transition for all.

Enrollment

English language learners must be enrolled upon presentation of a local address and proof of immunization. It is not appropriate to deny students access to school (telling them to stay home) for any period of time while verifying the information they present. Subjecting them to scrutiny that is not part of the normal enrollment process is discriminatory and may place the school district/charter school at risk of legal action.

Note: Students are not required to provide social security numbers or immigration status information as a condition for enrollment and may not be denied enrollment as a result.

Student Identification and Assessment

The school district/charter school must administer a home language survey (HLS) to all students as required by the Office for Civil Rights (OCR). The results of that survey must be retained in the student's permanent folder. For those students whose primary language is other than English (PHLOTE), the district must also determine the student's English language proficiency. Then, ESL instruction at the appropriate level must be provided for the limited English proficient student with local/state funds. A sample annotated Home Language Survey is available on the PDE web page, www.pde.psu.edu.

After it is determined that the student is in need of ESL instruction or bilingual education, the student's English language and native language proficiency must be determined for appropriate instructional placement. Students must also be assessed for achievement and for program exit.

Due to the nature of language testing and the availability of tests in the many languages of the students, multiple measures should be used for determining placement and progress. Measures may be formal or informal and could include curriculum-based assessments, teacher observations, portfolios and standardized tests among others. Multiple criteria must be established and consideration must be given to listening, speaking, reading and writing skills as well as academic progress. Assessment processes must reflect the academic standards and instruction.

The local district/charter school should have in place a policy regarding participation in large-scale assessments or other standardized tests not specifically developed for English language learners.

Participation in the PSSA is required for all students with limited English proficiency unless they are eligible for a one-time exemption. Please see the current PSSA assessment update information for accommodations and recommended testing procedures.

Program Development and Design

Districts have the option of choosing which program model to implement, so long as it meets the requirements of the three-prong test set forth above. In selecting a model, the district must consider the needs of and numbers of students with limited English proficiency who are enrolled. All programs must include ESL classes and must be based on sound educational and second language acquisition theory. Placing students in remedial reading and speech therapy classes does not constitute a program. Neither does placing them in all English classrooms without the benefit of ESL instruction and modification of classroom content. Students must have meaningful access to the academic content classes in order for them to achieve the academic standards.

Those districts with a low incidence of English language learners are not exempt from the requirement to provide a planned program of ESL instruction. Chapter 4 of Title 22 Pennsylvania Code requires that an English as a second language planned program must have school board approval.

Sometimes, students with limited English proficiency (especially refugees) may also have limited formal schooling (LFS). Their schooling may have been interrupted for many reasons, e.g. civil war in their county of origin or residence in refugee camps for extended periods of time. These students generally tend to be older and may present challenges and require additional consideration. Their educational programs require careful attention to socialization skills, unfamiliarity with a school culture and other developmental needs. Although age appropriate placement will require many accommodations, it is generally best for them to be scheduled with their peer group as often as possible.

During the initial periods of language acquisition and development, school districts/charter schools may opt to grade English language learners on a pass/fail basis. Some may choose to develop a parallel version of the standard report card for English language learners during the initial stages of language learning. If use of the standard report card is the selected option or if the parallel version is developed, the information provided therein should be in the language understood/read by the parents.

Once the program model has been selected and is in place, it is recommended that periodic evaluations take place to ascertain that it is meeting its goals for the students. Some of the data which help to monitor programs include report card grades and indicators of academic achievement, attendance, rate of participation in extra-curricular activities, graduation rate and discipline rate.

Curriculum and Instruction

Planned instruction in ESL includes listening, speaking, reading and writing at different levels of proficiency (beginning, intermediate and advanced). Standards must be addressed and objectives must be developed for ESL classes at all levels. Therefore, ESL replaces language arts/English instruction. At the secondary level, ESL replaces English classes required for graduation. Tutoring students in the content area or English language arts and reading is not the same as teaching them English as a second language. Placement in speech therapy classes does not constitute an ESL planned program.

The amount and type of standards-based ESL instruction provided to students will depend upon their level of language development and proficiency as determined by an appropriate English language proficiency instrument. The following are recommended amounts of daily instructional time: for non-English speaking student – 2 to 3 hours; beginner – 2 hours; intermediate – 1 to 1½ hours; advanced – 1 hour. Students who have exited the program should be carefully monitored for progress. They may require some support that can be provided two to three times per week.

In order to achieve academic standards, students must be scheduled in content area classes with the understanding that they may not be able to comprehend all the instruction. Content area instruction must be aligned with the corresponding standards and adapted to meet the needs of the students. Simply placing students in content area classes does not provide them meaningful access to content if they do not understand English. Teachers must adapt courses of study to meet student needs. Adapting coursework does not mean diluting or placing in lower grades for instruction.

Determining when a student is ready to proceed from one proficiency level to another, or from an ESL class/program or a transitional bilingual education program is best done by the use of multiple measures that provide information on the students' listening, speaking, reading and writing proficiency. The student's progress should be monitored for at least one year after the student has exited from the program.

English language learners are expected to meet the requirements for graduation. Some students arrive without the necessary documentation of studies in other countries and could be eligible to attend school until they are 21 years of age. The local district has the discretion to determine how the students will meet the requirements. As with placement, curriculum-based assessments may be used to determine student proficiency and mastery of the standards and content.

Communication with Parents

Federal regulations require districts to provide information about assessment, academic achievement and related issues to parents in their native language or in their preferred mode of communication. This means that it is the district's/charter school's responsibility to provide for translation and interpretation services.

Districts/charter schools should make every effort to provide an orientation to parents as well as to the students. The orientation should include basic school information, a description of the ESL or bilingual education program, what content classes the student will attend, what special programs are available, homework and attendance policies and district-wide assessment practices and procedures. Expectations for participation and behavior should be clear to all involved.

Staffing and Professional Development

Careful consideration must be given when determining who will staff the program. Teachers must hold an Instructional I or II certificate and should also have appropriate training to teach ESL classes. Collaboration between the classroom teacher and the ESL teacher is a hallmark of an effective program. Content area teachers should have appropriate training in modifying instruction for English language learners.

Criteria for the selection of ESL teachers should be carefully developed and should consider, among other things, the amount of training the person has had in second language acquisition, ESL methods, cross cultural processes, and adapting content area instruction for ELLs. An ESL teacher with proper training and experience will be a valuable resource for the program.

Teachers in bilingual classes must have sufficient proficiency to teach content area classes in the target language and must have knowledge of the instructional strategies appropriate to a bilingual education program. Being a native speaker of the target language does not make a person a bilingual educator.

If a school district has students with limited English proficiency enrolled, its Act 48 Professional Development Plan must include opportunities for district personnel in areas related to the education of students with limited English proficiency such as: cultural information, second language acquisition, adapting/modifying classroom instruction, and appropriate assessment practices.

Migrant Education

Students identified as migrant and who are English language learners must be provided ESL instruction, as would any other student who would be eligible for ESL.

Special Education

Students who are English language learners may be eligible for special education services once it has been determined that the disability exists and this disability is not solely due to lack of instruction or proficiency in the English language. Then, the established procedures and timelines for determining the disability and developing the IEP must be followed. All English language learners eligible for special education services whether in district or in intermediate unit classes must continue receiving ESL instruction at the appropriate proficiency and developmental level.

Communication with the parents of English language learners being considered for special education placement, who may be English language learners themselves, must be clear and presented in a mode and language they understand. It is the responsibility of the school district to ensure that parents are aware of all the options available to them.

Please refer to *Culturally and Linguistically Diverse Students*, Basic Education Circular issued July 1, 1999 for further information.

Vocational-Technical Education

The participation of English language learners in vocational-technical education classes and programs is not determined by their level of English language proficiency. English language learners should have access to any course of study available. It is the responsibility of the program to make the necessary accommodations. Vocational students who are English language learners must be provided ESL instruction appropriate to their level of proficiency.

Funding

In addition to local funding efforts, many districts/charter schools use supplemental, categorical funds to operate their programs. Federal funds can be used to supplement local funding for ESL programs but not to supplant state/local funds.

Other Program Eligibility

Students with limited English proficiency may participate in all the federal or other programs available within the school for which they qualify. Collaboration among programs to provide services to students should maximize the benefits to the students.

Reporting

School districts/charter schools must submit an annual data collection report form (PDE 3044) indicating the number of students with limited English proficiency served and their native language background. The superintendent must sign the form. A narrative description of the program provided to English language learners must also be submitted. Submission does not imply approval of your program. More information is available from the Department regarding program design, program compliance or technical assistance.

REFERENCES:

Purdon's Statutes

43 P.S. §§951-963

State Board of Education Regulations

22 Pa. Code §4.26

Federal Statutes

Civil Rights Act of 1964, Title VI
Equal Educational Opportunities Act of 1974
P.L. 103-382, Title VII
P.L. 105-17 (IDEA)

Others

Castañeda v. Pickard, 648 F.2d 989 (1981)
Lau v Nichols, 441 U.S. 563 (1974)
Plyler v Doe, 457 U.S. 202 (1982)

Certification and Staffing Policies and Guidelines (CSPG) No. 80A
CSPG No.108

CONTACT BUREAU/OFFICE:

Division of Curriculum and Instruction
Bureau of Curriculum and Academic Services
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333
Phone: (717) 783-6649
(717) 787-8913

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION**

September 6, 2000

SUBJECT: Amendment to the Professional Education Plan Guidelines

TO: All LEAs

FROM: Thomas P. Carey, Ed.D
Deputy Secretary, Office of Elementary and Secondary Education

There are approximately 43,000 students in Pennsylvania with limited English proficiency. These students speak 175 different languages. To ensure that these students receive instruction that will enable them to attain the academic standards and receive a thorough and efficient education, page 4 of the April 2000 Professional Education Plan Guidelines has been amended as follows:

If your school entity has enrolled students with limited English proficiency and/or students who are English language learners, the Professional Education Plan must include programs, activities or learning experiences for professional staff to assure that programs offered to the students are based on sound educational theory; are effectively implemented; and produce the successful result of removing language barriers. The professional education offerings must be available to all teachers.

The requirement above is effective immediately. Therefore, if your district has limited English proficient students and has already submitted a professional education plan, the plan must be amended as required. Plans that have not been submitted must include the provision.

If you have any questions about this memo please contact your Regional Director at the number below.

IUs-1, 2, 3, 4, 5, 7 and 27-Ms. Deb Klabe-717-783-7755
IUs 6, 8, 9, 10, 17, 18, 19 and 28-Mr. Robert Borrows-717-783-6583
IUs 11, 12, 13, 14, 15, 16 and 29-Ms. Carol Bellew-717-783-9260
IUs 20, 21, 22, 23, 24, 25, and 26-Dr. Parker Martin-717-783-4307

DATE: April 3, 2003

SUBJECT: Foreign Exchange Students

TO: School District Superintendents
AVTS/CTC Directors
Intermediate Unit Executive Directors
Charter School Directors

FROM: Vicki Phillips
Secretary Of Education
Pennsylvania Department Of Education

This memorandum contains a clarification of the May 14, 2002 memorandum, Subject: Foreign Student Exchange. Contrary to what was previously indicated, foreign exchange students are not required to be identified for English as a Second Language instruction based on Pennsylvania's home language survey.

For your reference, we have included the revised and accurate memorandum below:

The Pennsylvania Department of Education is committed to assist all districts in Pennsylvania to meet challenging state and federal goals and provide appropriate educational programs for the children that reside in our state and country. As a result, foreign exchange students formerly identified for ESL instruction through Pennsylvania's home language survey no longer require assessment for placement in ESL programs and instruction. The United States Department of Education, Office of English Language Acquisition, Language Enhancement, and Academic Achievement For Limited English Proficient Students, has issued an official letter to clarify this issue.

The letter states that an important goal is to help English language learners who reside in the United States attain English language proficiency in comprehension, listening, speaking, reading and writing English and achieve challenging academic content standards. Foreign exchange students come to our country to experience the American culture and at the same time provide our students with the opportunity to learn from other cultures. The Pennsylvania Department of Education supports the educational and cultural values of these programs and encourages school districts to participate and support these cultural enriching programs.

SCHOOL YEAR

2001-2002

SCHOOL DISTRICT/CHARTER SCHOOL ANNUAL REPORT:

(CHECK APPROPRIATE BOX)

PROGRAMS AND SERVICES FOR STUDENTS WITH
 . LIMITED ENGLISH PROFICIENCY (LEP)
 . ENGLISH LANGUAGE LEARNERS (ELLs)

- LEP Children to Report-ESL Program
- LEP Children to Report-No ESL Program
- No LEP Children to Report
(If checked, omit Sections A-L)

BASIC FORM
(4 pages)

(PLEASE DO NOT BIND)

INSTRUCTIONS: Every school district and charter school in Pennsylvania must submit the original and one copy of the PDE-3044 BASIC FORM based on October 1 enrollment data. The original and one copy of the PDE-3044 Supplement Form must be submitted for each school in the district and each charter school where there are students with limited English proficiency. When there are no children to report, omit sections A-L and the Supplement Form. The superintendent or charter school administrator must sign the form. Please refer to the accompanying memorandum for detailed instructions. Submit this form by October 30 to the Department of Education, Bilingual/ESL Education, 333 Market Street, 8th Floor, Harrisburg, PA 17126-0333. Attention: Bonnie Bardell. Questions should be directed to bbardell@state.pa.us or 717-705-3829.

NAME OF LEA (School District/Charter School)

NAME AND TITLE OF CONTACT PERSON RESPONSIBLE FOR THIS PROGRAM and who can answer questions about this program (address if different from above)

AREA CODE AND TELEPHONE NUMBER

A. TYPE OF PROGRAM: Check all that apply

- Bilingual
- English as a second language
- No program with Tutorial Support for content areas
- None

Program(s) is/are conducted by: 1 School District/Charter School 2 Intermediate Unit 3 Both
(Check all that apply)

B. NUMBER OF STUDENTS IN THE PROGRAM WHO

- 1. Are presently enrolled in vocational-technical secondary programs _____
- 2. Completed high school last year _____
- 3. Are seniors and plan to attend a college or university _____

C. Indicate the number of students with limited English proficiency retained.

K-6 _____
7-12 _____

D. Total number of children in program (This number matches the sum of Section I page 4 of 4) _____

Number of students in nonpublic schools who receive services from your program.) _____

E. School district/charter schools regular budget funds for bilingual/ESL programs \$ _____

ADDITIONAL SUPPLEMENTARY FUNDS AND AMOUNTS (if any used for bilingual or ESL programs)

- 1. Title I, IASA (05) \$ _____
- 2. Title VI, IASA (10) _____
- 3. Title VII, ESEA (15) _____
- 4. Vocational Education Act (20) _____
- 5. Private (foundation grants, etc.) (25) _____
- 6. Migrant Education (30) _____
- 7. Others (Specify) (99) _____

Supplementary Funds TOTAL _____

F. Number of district/charter school bilingual/ESL staff, by language dominance and certification (professional). If a staff person has more than one certificate, count him or her in the block which most closely relates to his/her assignment in the program.

Please write in the appropriate numbers, do not use "Xs".

Dominant Language spoken by staff person	Certification of Teachers in ESL/ESOL Program				Certification of Teachers in Bilingual Program				
	3-Digit Code	Foreign Language	English	Elementary	Other Specify	Foreign Language	English	Elementary	Other Specify
English	001								
Spanish	200								
Vietnamese	240								
Chinese	495								
Russian	190								
Other	260								

G. PROGRAM OUTLINE: Describe the program(s) in your district/charter school based on the outline below. Districts with IU-operated programs must submit a program narrative as outline in Section G. The program will include IU and District services. **DO NOT SEND THE IU GENERAL OUTLINE OF SERVICES AVAILABLE**

1. Statement of program goals and objectives
2. Student and parent orientation procedures
3. Identification and placement
 - a. Screening procedures, entry/exit criteria
 - b. Assessment process
4. Instructional program
 - a. Describe type of program:
 Bilingual transitional, developmental, two-way, etc.
 English as a second language
 - b. Describe planned instruction standards
 - c. Indicate amount of time in: ESL classes
 Content classes
5. Student participation in related and extracurricular activities
6. Pupil personnel services
 - a. Counseling
 - b. Special education
 - c. Other related services
7. Staff development related to program
 - a. ESL/Bilingual staff
 - b. Non-Program staff
8. Community involvement
 - a. Program planning
 - b. Communication with students' homes
 - c. Program advisory committee
 - d. Assistance request process
9. Program evaluation procedures

I affirm that limited English proficient (LEP) students are being provided appropriate services as described above and that those services are in agreement with federal and state laws, regulations and guidelines including BEC 22 PA Code 4.26 dated July 1, 2001.

Superintendent's Signature _____ Date _____

Charter School Administrator's signature _____ Date _____

PDE UNIT CODE:

Methods for LEP/ELL Identification

H. Check each method that is used in your district/charter school to identify LEP/ELL students.

Student Records	
Teacher Interview	
Parent Information	
Home Language Survey *	

Teacher Observation	
Referral	
Student Grades	
Informal Assessment	

* Required for all students

Explain how the methods checked above are used in student identification. Attach additional page(s) if necessary.

ASSESSMENTS USED

List the assessments used to identify LEP/ELL students and specify cut-off scores or other criteria for identification. List the specific name of the assessment instrument used and the cut-off scores for identifying students for service.

Language Proficiency Tests

Achievement Tests

Criterion-referenced tests

Content instruction incorporates the student's native language.

I. Indicate the NUMBER of students in the corresponding grade block after the appropriate response.

Grade	PREK	K	1	2	3	4	5	6	ELEM UNGR	7	8	9	10	11	12	SEC UNGR
YES																
NO																

Reclassification of Students, Sections J-K-I. These students have been exited from the Bilingual/ESL program.

J. Number Reclassified: Indicate the appropriate NUMBER in the corresponding grade block.

Grade	PREK	K	1	2	3	4	5	6	ELEM UNGR	7	8	9	10	11	12	SEC UNGR
No.																

K. Methods Used for Reclassification: Enter an "X" in the appropriate grade level next to the method(s) (1-8) used.

- | | | |
|-----------------------|-------------------------|------------------------|
| 1. Student Records | 4. Home Language Survey | 7. Students Grades |
| 2. Teacher Interview | 5. Teacher Observation | 8. Informal Assessment |
| 3. Parent Information | 6. Referral | |

Method Used	PREK	K	1	2	3	4	5	6	ELEM UNGR	7	8	9	10	11	12	SEC UNGR
1																
2																
3																
4																
5																
6																
7																
8																

L. Test Used for Reclassification: Enter an "X" in the corresponding grade block next to the *type of test(s) used.

Test Used	PREK	K	1	2	3	4	5	6	ELEM UNGR	7	8	9	10	11	12	SEC UNGR
1																
2																
3																
4																

*Type of test(s) used

1. Language Proficiency Test(specify) _____
2. Achievement Test(specify) _____
3. Criterion Referenced Test(specify) _____
4. Other(specify) _____

NAME OF LEA (DISTRICT/CHARTER SCHOOL)

SUPPLEMENT FORM

SCHOOL DISTRICT/CHARTER SCHOOL ANNUAL REPORT:

PROGRAMS AND SERVICES FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY (LEP) ENGLISH LANGUAGE LEARNERS (ELLs)

NAME OF SCHOOL

Complete one for each school with students of limited English proficiency

SCHOOL NUMBER (four digit)

I.U.

TYPE OF PROGRAM (Check all that apply)

SCHOOL YEAR

- BILINGUAL ENGLISH AS A SECOND SECOND LANGUAGE NO PROGRAM WITH TUTORIAL SUPPORT NONE

INSTRUCTIONS: This report must be filled out for EACH SCHOOL/CHARTER SCHOOL involved in the Bilingual/ESL Program. Return this form to the school district office for submission with PDE-3044, BASIC FORM. DO NOT provide district-wide totals on this sheet. Please duplicate this form for each school with a program.

** INDICATE THE NUMBER OF CHILDREN WITH LIMITED ENGLISH PROFICIENCY SERVED IN THIS SCHOOL PROGRAM FOR THE CURRENT SCHOOL YEAR IN THE APPROPRIATE BLOCK BELOW. **

Provide Numeric Count		PREK	K	1	2	3	4	5	6	ELEM UNGR	7	8	9	10	11	12	SEC UNGR
Amharic (Ethiopia)	010																
Arabic (Specify on reverse)	015																
Armenian	020																
Bengali	030																
Burmese	035																
Cambodian (Khmer)	040																
Chinese (Cantonese)	045																
Chinese (Mandarin)	050																
Creole (Haitian French)	055																
Croatian (Serbo-Croatian)	060																
Danish	065																
Dutch	070																
Efik (Nigeria)	075																
Farsi (Persian)	080																
Flemish	085																
French	090																
German	095																
Greek	100																
Gujarati	105																
Hebrew	110																
Hindi (India)	115																
Hmong	120																
Icelandic	125																

		PREK	K	1	2	3	4	5	6	ELEM UNGR	7	8	9	10	11	12	SEC UNGR
Italian	130																
Japanese	140																
Korean	145																
Lao	150																
Malay	155																
Norwegian	160																
Pashto/Pushto (Afghan)	228																
Pennsylvania German (Dutch)	170																
Polish	175																
Portuguese	180																
Romani (Gypsy)	185																
Russian	190																
Slovak	195																
Spanish (Specify Below)	200																
Swahili	205																
Swedish	210																
Tagalog/Filipino (Philippines)	215																
Thai (Thailand)	220																
Turkish	225																
Ukrainian	230																
Urdu	235																
Vietnamese	240																
Slovenian	245																
Unknown	250																

Other (please refer to list of languages and the 3-digit codes provided)

(Please indicate the number of children from each group)

1. NATIVE AMERICAN BREAKDOWN (Navajo, Cherokee, etc.)

2. ARABIC BREAKDOWN (Egyptian, Saudi Arabian, Iranian, Syrian, Lebanese, etc.)

3. SPANISH BREAKDOWN (Puerto Rican, Colombian, Cuban, etc.)

HOME LANGUAGE SURVEY*

The Civil Rights Law of 1964, Title VI requires that school districts/charter schools identify limited English proficient (LEP) students. Pennsylvania has selected the Home Language Survey as the method for the identification.

School District:

Date:

School:

Student's Name:

Grade:

1. **What was the student's first language?**
2. **Does the student speak a language other than English?**
If yes, specify language _____
(Do not include languages learned in school.)
3. **What language(s) is/are spoken in your home?**

Person completing this form (if other than parent/guardian):

Parent/Guardian signature:

*The school district/charter school has the responsibility under the federal law to serve students who are limited English proficient and need English instructional services. Given this responsibility, the school district/charter school has the right to ask for the information it needs to identify English Language Learners (ELLs). As part of the responsibility to locate and identify ELLs, the school district/charter school may conduct screenings or ask for related information about students who are already enrolled in the district as well as from students who enroll in the school district/charter school in the future.

Policy Number:

SECTION: Programs

TITLE: English As A Second Language/
Bilingual Program

Adopted:

Revised:

<p>Purpose</p> <p>Authority Title 22 Sec 4.26 Castaneda v. Pickard, 1981 Title 22 Sec. 4.13 Title 22 Sec. 4.13 (c) (7) 24 P. S. § 12-1205.1 and § 49.16-17 Civil Rights Act of 1964 Title VI P.L 103-382 Basic Education Circular July 1, 2001: Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL) Delegation of Responsibility</p>	<p>ENGLISH AS A SECOND LANGUAGE/BILINGUAL PROGRAM</p> <p>In accordance with the Board's philosophy to provide a quality educational program for all students, the _____SD shall provide an appropriate planned instructional program for identified students whose dominant language is not English.</p> <p>The purpose of the program is to increase the English language proficiency of eligible students so that they can attain the academic standards adopted by the Board and achieve academic success.</p> <p>The school district shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards. The program shall include bilingual-bicultural or English As a Second Language instruction. The program shall meet the three-pronged test of program compliance: (1) sound research-based education theory, (2) sufficient resources and staffed by appropriate prepared personnel, (3) periodic program evaluation.</p> <p>The Board shall include provisions for the LEP programs in its Strategic Plan.</p> <p>The Board shall include provisions for the LEP professional education for ESL teachers, classroom teachers of LEP students and new teachers in its professional development plan.</p> <p>The Board shall establish procedures for identification of students whose dominant language is not English. The Home Language Survey shall be completed for every student in the district and filed in the student's permanent record folder through graduation. For students whose dominant language is not English, assessment of the student's English proficiency level must be completed to determine the need for English as a Second Language instruction.</p> <p>The Superintendent or designee shall implement and supervise a ESL/Bilingual Program that meets the legal requirements for ESL/Bilingual program compliance.</p> <p>The Superintendent or designee, in conjunction with appropriate stakeholders, shall develop and disseminate written procedures regarding the ESL program.</p> <ol style="list-style-type: none">1. Program goals2. Student enrollment procedures (i.e., Home Language Survey)3. Assessment procedures for program entrance, measuring progress in gaining English proficiency, and program exiting.4. Accommodations for English Language Learners (ELL) in the classroom5. Grading policies6. List of resources including support agencies and interpreters
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<p>Fourteenth Amendment Plyler v. Doe, 1982</p> <p>Lau v. Nichols, 1974</p> <p>Castaneda v. Pickard, 1974</p> <p>Equal Education Act of 1974</p>	<p style="text-align: center;"><u>Guidelines for the ESL/Bilingual Program</u></p> <p>LEP students shall be enrolled upon presentation of a local address and proof of immunization.</p> <p>The ESL/Bilingual program shall be designed to provide instruction to meet each student's individual needs based on the assessment of English proficiency in reading, writing, listening and speaking. Adequate content area support shall be provided while the student is learning English to ensure achievement of academic standards.</p> <p>A PA certified teacher hired as a teacher and, if necessary, appropriate support staff (e.g., teacher aides) shall provide the ESL program.</p> <p>Instructional resources shall be comparable to the resources provided other core academic subjects.</p> <p>The program shall be evaluated for effectiveness based on the attainment of English proficiency. If ELLs are not learning English, the program shall be changed to ensure greater success.</p> <p>The ELL shall be required to meet established academic standards and graduation requirements with accommodations as adopted by the Board.</p> <p>Students shall have access to and should be encouraged to participate in all academic and extracurricular activities available in the district.</p> <p>Communication with parents shall include information about assessment, academic achievement and other related education issues in the language understood by the parent whenever possible.</p>
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