

<b>Timberlane Regional School District</b>	<b>Procedure Code: IHBEA-R</b>
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## **ENGLISH AS A SECOND LANGUAGE INSTRUCTION**

A Plan for the Identification, Assessment and Instruction of Students  
with Limited Proficiency in English

### I. Introduction

New Hampshire public schools have enrolled an increasing number of students who speak little or no English. This document defines the requirements for providing and designing appropriate instructional programs for limited English proficient students enrolled in the school district.

To be consistent with current educational nomenclature, this document will refer to students whose first language is not English as students with limited English proficiency (LEP). This terminology recognizes that students with limited English arrive in public school districts with a wide range of English proficiency, from a level of no competency to a high level of competency in all the language domains of English. This terminology also recognizes that there are numerous linguistic, cultural, socio-economic, and family factors which will influence how quickly or slowly a student develops proficiency in English while enrolled in English speaking schools.

Historically, children with limited English proficiency who were enrolled in New Hampshire public schools were mainly from Franco-American and Chinese backgrounds. However, in the past several years, the number of limited English proficient students who speak little or no English has increased.

Non-English language background students can be immigrant children, emigrating from another country where English is not the primary or official language. There has also been an increase in students with limited English who, although born in the United States, come from non-English language background families and whose English proficiency is not sufficient for achievement in the standard curriculum classroom.

Typically, educational services provided to students with limited English were not based on an organized plan or a specific policy. These services were not based on an organized plan or a specific policy but were confined to content area tutoring by English-speaking tutors who were hired by the school district.

### II. Legal Responsibilities

#### A. Federal Mandates

1. Equal Education Act of 1974: "No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex or national origin, by ...the failure by an educational agency to overcome language barriers that impede equal participation by its students in its instructional programs."

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The failure of an educational agency to rectify appropriately limited English proficient students' English competencies is a denial of equal educational opportunities and access.

2. Civil Rights Act of 1964, Title VI: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied under the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Title VI of the Civil Rights Act prohibits discrimination against students on the basis of race, color, or national origin in programs receiving federal funds. Any institution or agency receiving federal funds is covered by Title VI. Most education activities of a recipient agency or institution are covered, including activities or programs not in direct receipt of federal funds.

The May 25, 1970 Memorandum, Dept. of HEW, 35 Fed. Reg. 11595 (1970) clarified how Title VI applied to national origin minority students:

"Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the education program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

Further, the memo states:

"A ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as educational dead-end or permanent track."

The memo places equal emphasis on (1) placing students in appropriate programs and (2) removing students from these programs once their linguistic needs are met.

- B. State of New Hampshire - School Administrative Units must develop and write Educational Plans for compliance with the Minimum Standards for New Hampshire Public Elementary and Secondary Schools.

Each district must have written policies which establish the procedures by which the school's educational programs, services, instructional practices, and facilities comply with all applicable state and federal laws and regulations of the State Board of Education pertaining to equal education.

### III. Policy Document

- A. Rationale and Goals - Because the School District has a small population of limited English students, the district has chosen a program which will enable the student to learn English and eventually be able to compete on an educational basis with their peers. This program strives to meet federal and state criteria.

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It is the goal of the school district to develop the English language skills of students with limited English proficiency so that these students can participate in and benefit from the districts' regular instructional program on an equal basis with English background students.

**B. Identification and Assessment Plan**

**1. Target Student Populations**

a. The language performance of this limited English student ranges from totally limited in all the English language domains, to limited in some aspects or degrees of the English language domains, to a high degree of fluency in the English language domains. This student May 10, 1999

1. be limited in comprehending, listening, speaking, reading, writing, and learning with the English language;
2. or, have studied English as a foreign language during his/her primary-language schooling;
3. or, have acquired minimal or pidgin English language forms for social purposes but have not learned the English forms and skills for learning with English in all-English instruction classrooms;

b. Non-English Language Background Students

The student may be from a non-English language background. Although born in the United States or immigrated at an early age, he/she was raised in a Non-English home, community, or neighborhood where English was not necessary for communication. He/she may

1. speak a language other than English at home with parents, grandparents, and peers, and have had very limited or no exposure to English for social or academic purposes;
2. have acquired English skills for social communication purposes but does not have the English skills for learning the second language or for learning with the second language;
3. have been "submerged" in standard English language programs (e.g., kindergarten) with minimal or no English as a second language services and, as a result of this inappropriate educational placement, is not developing the English forms and skills necessary to learn content, reading-writing skills, and cognitive skills necessary for competing with his/her English language peers.

c. "Language and Schooling Impoverished" Students

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Some immigrant students have limited schooling experiences before immigrating to the United States; or, they come from a socio-economic status which does not receive higher levels or skill in their schooling in their land or origin; or, they come from a culture which is tribal and “learning” is passed on orally; or, the students’ primary language does not have a written form. These students may

1. be quite proficient in social English but not proficient in reading, writing, and studying with English. They appear to take longer to develop these skills than students who already read, write, and learn in their first language;
2. be only concerned in developing the non-threatening, lower risk-taking and receptive skills of reading, writing, and learning with English than orally using the new language in classrooms and learning situations;
3. take a long time (five to seven years) to develop the language skills for automatically comprehending, speaking, reading, writing, and learning with the English language.

2. Identification of Students

New students will be identified through the student registration procedure. Specific questions concerning primary language background will be included on the student registration form.

Students presently enrolled in school will be given a home language survey, and student records will be reviewed to ensure that no student eligible for services has been overlooked.

3. Proficiency Assessment

When it has been determined that the student’s primary language is not English, their English language proficiency will be assessed. Diagnostic tests as recommended in Modular 4: Testing and Monitoring Instruments of the Standards Series for Appropriate and Effective Educational Programs for Limited English Students or other appropriate diagnostic tools will be utilized. The tests will enable students to be classified as follows:

- a. Non-English Proficient Students (NEPS)
- b. Limited English Proficient Students (LEPS)
- c. Transitional English Proficient Students (TEPS)
- d. Fluent English Proficient Students (FEPS)

The mathematics content knowledge of a student with limited English proficiency who is transferring from another English-language school district or has completed grade/course work in mathematics in her/his native-

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language school will be determined by administering curriculum referenced diagnostic tests for mathematics.

The ESL Team (refer to Section E) will identify other content areas to be assessed. Whenever possible, a student from a non-English language background referred for language proficiency assessment will be tested in her/his native language in speaking, listening comprehension, reading comprehension, and composition. A summary of the results of the native language proficiency assessment will be sent to relevant ESL and standard curriculum teachers by the evaluator and will be included in the target students' cumulative folder.

The ESL Team will serve as a resource to assist with locating native language proficiency instruments, as well as adults who are proficient enough in the students' language to administer and interpret the tests.

It is the responsibility of each district to assure that all proficiency assessment are administered by a professional who is trained in administering and appropriately interpreting student performance on an integrative and holistic language proficiency instrument.

4. Record Keeping

The test data and instrument placement data should be kept in the students' cumulative folder. Forms recording the development and achievement of LEP students will be maintained.

5. Monitoring, Assessing, and Reclassifying

In each school the designated ESL staff shall provide ongoing monitoring of the development of the students' proficiency in English. At least quarterly the ESL provider shall review the students' portfolios with the standard curriculum teacher(s), building team, and any ancillary service providers. A written report shall be prepared for the parent(s) and distributed with the report card. A copy off the quarterly reports shall be filed in the cumulative record of the student. Progress in the acquisition of English proficiency and course content shall be obtained by the ESL team using teacher-made quizzes and/or criterion-referenced tests.

Assessments will be completed annually utilizing current referenced assessment/diagnostic instruments. Annual English Language Proficiency Assessments and Academic Cognitive Achievement Tests will be given. Students will be reclassified based upon their proficiency in English.

The students' parents or guardians and all relevant staff will be apprised of the results and the implication of the English Language assessment activities.

6. Instructional Placement Procedures

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Using the findings of the interview, other school records, if any, and the Language Proficiency Assessment, the designated professional, together with standard curriculum teachers and others as specified by the building principal, will determine the appropriate placement for referred students. Placement decisions to be made by the ESL Team include (1) the level of ESL instruction needed, (2) the educational placement for each student, and (3) the need, if any, for ancillary services.

The principal shall designate a Team member to communicate the recommend placements/services to the parents. Should the parents decide to execute their right to refuse ESL services, the principal shall secure the appropriate release document.

The interim between registration and placement should be no longer than one month. During this interim a student with limited English proficiency will be placed in standard curriculum classrooms or courses with their same-age peers unless the ESL Team determines that the students' lack of native-language schooling and native-language proficiency warrants lower grade or level placement. Typically students will not be placed more than one year below their same-age English language peers. Proficiency assessment will begin immediately, and the student will begin attending standard curriculum classes as soon as other attendance requirements are met.

7. Exit Criteria

Students will exit the ESL program by demonstrating proficiency in English as well as the ability to compete on their representative academic level. If a student is to be exited from district ESL services, multiple exit criteria must be used, including but not limited to (1) recommendations, of ESL staff, standard curriculum teachers, and ancillary staff, (2) performance on the Language Proficiency Battery, (3) performance on standardized norm referenced tests, (4) parental input, and, if possible, (5) student input.

A designated Team member will notify the parent(s) and appropriate instructional personnel of the student's reclassification as well as any pertinent language or learning needs diagnosed by the exit-testing activities. A description of the rationale for reclassifying the student and a description of the student's new program will also be provided to these parties and filed in the student's cumulative record. Should the parents decide to execute their right to refuse ESL services, the principal shall secure the appropriate release document.

8. Post Service Monitoring

Each student who has received direct ESL services shall be monitored for a minimum of two (2) full academic years following transition to monitoring . This is done to insure continued development of English language

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proficiency in the absence of direct ESL instruction. Post direct service monitoring shall consist of the following activities:

- (1) teacher observations, (2) periodic observations by ESL staff using proficiency scales and matrices to pinpoint skills, (3) student grades and performance on daily work and achievement tests, (4) parental input, (5) student input, and (6) observations from any ancillary services providers.

If the ESL Team decides that the student is showing inadequate development of English language proficiency, the Team shall revise the services the student is receiving to include reinstatement of direct instruction in English language development and/or tutoring in content areas as indicated.

9. Social and Educational Integration

The ESL Team shall periodically review the services provided to the target population to insure that (1) direct ESL services do not exclude students from comparable educational and ancillary resources or services, (2) the students are not subjected to unfair practices such as grade/course placement, automatic retention, and/or automatic special education placement, (3) the students are not isolated from same-age peers, and (4) ESL services are not provided in inappropriate learning spaces.

In the event that corrective actions are indicated, the ESL Team shall make recommendations to the principal and request, as needed, the assistance and resources of the SAU #23 Administrative Staff.

10. Parental Input

The importance of the parent-professional partnership is recognized and affirmed in the design and provision of ESL services to students. The local school districts encourage the native language communities to participate and give input into the educational decisions about their children.

The local districts will strive to recognize and respect the cultural attitudes towards education and educators of the diverse non-English language background communities living within our towns and state.

Parents of a student identified as needing ESL services will receive information about the assessment, classification, placement, program, services, and any changes proposed for their child. Parents will also receive information of their right to challenge the findings, practices, and/or services offered by the district’s ESL program.

C. Services Provided

1. Instructional Program

The program provides formal ESL instruction daily using the pull-out model and appropriate ESL instructional materials. The instruction emphasizes the

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development of all the language domains in a sequenced, multi-leveled curriculum. The pullout instruction normally will occur at the same time their peers are Studying English or language arts. The instructional emphasis is upon language skills for social-integrative purposes; reading readiness (the development of a large sight repertoire); developmental listening, speaking, reading, writing and thinking skills; and study skills. In conjunction with formal ESL instruction students will receive appropriate content are intervention.

ESL students will be integrated in content area instruction and other school-based activities as defined by their program needs.

2. Adjunct and Ancillary Services

Adjunct and ancillary services will be provide in accordance with students' program needs as determined by the ESL Team. These services may include adjustment counseling, content are tutoring, Chapter I services, and/or special education services. These services will be designed to supplement, not supplant ESL services.

3. Special Needs Referrals

Referrals for special needs services will be reviewed by the ESL Team and Pupil Placement Team

Student will be assessed in compliance with guidelines outlined in Modular I, Standard Services for Appropriate and Effective Educational Programs for Limited English Students.

4. Promotion/Grade Assignments

At the elementary level, the limited English student will normally be promoted to the next grade level with his or her English language peers. A limited English student will be retained in is or her present grade if:

- a. the student is so limited in language and learning skills in his first language that it hinders the development of cognitive-academic competencies in English, and/or
- b. a younger peer group would be more supportive to the social and developmental needs of the LEP student.

At the secondary level, the student receives partial credit for the ESL through the content area courses and full credit for ESL course work as well as standard curriculum work if he/she meets the multiple criteria established for successful completion of the course, criteria established by affected instructors, department heads, and administrators in conjunction with the Review Team or ESL Coordinator.

D. Personnel



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1. Staff

A person who is trained and certified in ESL will be hired whenever possible. When certified ESL personnel are not available, a person willing to be trained and become certified will be employed.

2. Staff Development

ESL personnel will comply with the District Staff Development Master Plan. Inservice training will be provided for classroom teachers working with ESL students.

E. Each principal shall establish an ESL Team to coordinate the implementation of ESL Services within the district's schools. Typically the ESL Team would include the principal, guidance counselor, ESL teacher, standard curriculum teachers, and other staff appropriate to the size of the school and numbers of students needing ESL services. The functions of the ESL Team include the following:

1. to ensure the implementation of the identification, proficiency assessment, and instructional placement procedures adopted by the local district:
2. to ensure the coordination of the ESL program with standard curriculum programs:
3. to establish a record keeping system for recording assessment results, instructional placement, reclassification procedures, follow-up monitoring activities, student progress, and contacts with parents:
4. to establish and distribute grading and promotion criteria and formulae to be used for ESL instruction and standard curriculum courses when students with limited English proficiency are enrolled in those courses:
5. to review at least quarterly the progress of students receiving ESL services:
6. to distribute relevant language, instructional, and cultural information about ESL students to the school community:
7. to facilitate the collaboration between ESL and standard curriculum staffs:
8. to participate in training activities for ESL, standard curriculum, and support services staff as appropriate and necessary:
9. to mediate conflicts or problems concerning the delivery of ESL services:
10. to conduct a program self-evaluation annually and make changes in process, content, and/or activities based on the findings:
11. to coordinate and facilitate, with the district staff development committee, training activities for ESL and standard curriculum staff:
12. to review the total ESL program plan annually and propose any revisions to the plan to the superintendent.

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**F. PROGRAM EVALUATION:**

The ESL Team is responsible for providing evaluation data for decision making at the local level and coordination at the SAU level. The following checklist may be used to evaluate the ESL program at the local level:

Mark YES or NO on the blank provided:

1. There are programmatic procedures for identification, instructional placement, English language development monitoring, exiting, and post-direct service monitoring.

	(a) The Student Registration Form is used.
	(b) The principal is notified when the First Language Survey questions are answered in the affirmative.
	(c) Language proficiency assessments, including a formal interview, are completed within 15 days of registration.
	(d) The district has a designated ESL Team.
	(e) The district has a record keeping system for recording ESL assessment results, instructional placement, reclassification procedures, follow-up monitoring activities, student progress, and parental contacts.
	(f) The district has identified the instruments to be used for proficiency assessment in English language, mathematics, and other content areas.
	(g) Assessment activities and instruments are designed specifically for students with limited English proficiency.
	(h) Student movement through the instructional and programmatic process is always based on multiple criteria, and decisions are made by the ESL Team.
	(i) Decisions about an individual students' placement in, progress through, or exit from the program process are determined by the program and standard curriculum professionals.
	(j) The district has established grading and promotion criteria to be used for ESL instruction and for standard curriculum courses when students with limited English proficiency are enrolled in those courses.

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2. There is sufficient quality and quantity of ESL services to meet the needs of eligible students.

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|  | (a) There is sufficient time provided for formal, daily English as a second language and/or English language development instruction.                                     |
|  | (b) Ancillary services, such as content area tutoring, are provided to assist students in completing assignments or practicing English features or skills.                |
|  | (c) ESL services are continued until the student meets the district's predetermined multiple exit criteria.   |
|  | (d) Credentialed and trained staff deliver all instructional services and program process assessment. The staff members are provided specific roles and responsibilities. |
|  | (e) The ESL program is provided stability of staffing through appropriate planning and funding.   |
|  | (f) ESL instruction is based on recent findings and reports from the relevant fields of English as a Second Language, Bilingual Education, and Linguistics.               |
|  | (g) Native language assistance is provided to students and parents whenever possible.   |

3. Equal access issues are kept in mind as the ESL program/service is designed and implemented.

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|  | (a) Students are housed in a setting suitable for English as a second language/English language development instruction.                       |
|  | (b) Students are integrated into general school activities. They are not housed separately from their English language peers.                  |
|  | (c) There is no supplanting of required ESL services with special education, Chapter One, or other federal or state mandated special programs. |
|  | (d) The ESL program and instruction are developmental in nature.   |
|  | (e) Students are not automatically placed in lower-track course work   |

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|  | because of low English proficiency.   |
|  | (f) Students are given sufficient language development time before they are referred for special education evaluation/services.   |
|  | (g) Students are not automatically retained as a method for helping them “catch up” with their English language peers. Rather, retention is based on specific, multiple criteria and the decision is made by the On-site ESL Program Team.                                |
|  | (h) Older students are not automatically placed in lower grades as a method for helping them “catch up” with their English language peers. Rather, they are provided an accelerated English development program which is based on their future career and academic goals. |

4. The ESL program continuously evaluates the efficacy of its outcomes, objectives, procedures, and process.

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|  | (a) ESL and standard curriculum staff confer at least quarterly about a students’ progress, and plan activities and performance outcomes collaboratively.                      |
|  | (b) There is opportunity for participation and input by non-English language background parents and community. English language guardians are also encouraged to participate.  |
|  | (c) The ESL program has a variety of mechanisms for reporting a students’ progress to parents and all relevant professionals who deal with the student.                        |
|  | (d) If parents decide not to enter a student in the ESL program, the student is still provided English language development assistance to the extent possible.                 |
|  | (e) The ESL program has a document coordination plan.  |
|  | (f) The ESL program has access to, or includes, professionals who can assist in making decisions about a students’ physical and mental health, motivation, and learning needs. |
|  | (g) The district has a plan for appropriately advising students with limited English proficiency about higher education, career, and course work opportunities.                |

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- (h) The district has a plan for assisting students to adjust to the schooling process and protocols of school, culture shock situations, and family conflicts which may occur when students become more Americanized than their parents.
- (i) Under the direction of the ESL Team, each student who has received direct ESL services is monitored for two full academic years after direct service is terminated
- (j) The district's documented policies, guidelines, and procedures are consistent with federal and state mandates, decisions of the United States Supreme Court as well as significant lower court decisions, and memoranda from the United States Department of Education and the Office of Civil Rights, Washington, D.C.
- (k) District administrators and school board members are supportive of the ESL program at the local level.
- (l) A program self-evaluation is done annually by members of the ESL Team. The findings of this evaluation are disseminated to the Superintendent of Schools.