

# **English Language Learners**

## **Program Plan**

### **Fargo Public Schools**

**June, 2011**

# English Language Learners Program Plan

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Approved by School Board on \_\_\_\_\_.

It is the policy of the Fargo Public School District (FPS) not to discriminate against English Language Learners (ELLs). According to the Equal Educational Opportunities Act (1974), this district must make an effort to do whatever is educationally appropriate to address the English and educational needs of ELLs so that they can compete with their same-age English background peers. Qualifying students will be identified and placed in programs and services in accordance with statutory guidelines. Fargo Public Schools will strive to provide a linguistically, culturally, and academically rich learning environment. It is the policy of Fargo Public Schools to comply with all federal and state laws prohibiting discrimination against students on the basis of all civil rights categories.

Fargo Public Schools serves refugees, Hispanics, American Indians, and immigrants in its ELL program. The majority of the ELLs are refugee children.

**Following are the components of the equal access policy for the ELLs in the Fargo Public School District:**

#### **Identification**

A Home Language Survey (HLS) (Appendix A) is included in all students' (K-12) registration packets. The HLS and a parent interview alert staff to students who may need ELL services. Mainstream teachers or other staff may also alert ELL teachers to a potential need.

Potential students are given the grade appropriate Measure of Developing English Language (MODEL) or WIDA Access Place Placement test (WAPT) by a trained instructor. These assessments are administered within 30 days of the beginning of the school year or within 2 weeks for students admitted during the year.

Identified ELL students are served or monitored according to Fargo Public Schools guidelines.

Parent Notification Forms (Appendix B) are given to parents following identification. This form informs parents of their students English Language Proficiency (ELP) level and whether ELL services will be provided.

Parents may refuse services by writing a letter to the school or filling out a Refusal of Services Form (Appendix C). The student will continue to be assessed for ELP yearly until he/she is exited from the program.

The HLS, MODEL or WAPT results, Parent Notification and parent letters are placed in the student's cumulative file.

Fargo Public Schools staff works together with parents at quarterly parent meetings to discuss parenting issues and concerns.

Multicultural Parent Teacher Association (MPTA) was initiated to increase parent/school collaboration.

The ELL teachers collaborate with Title I teachers to encourage attendance at family events.

The ELL department works closely with other community agencies to help smooth the resettlement process for refugees. Ethnic community leaders and elders are consulted and included in decision making and projects.

Interpreters are utilized as needed for conferences and parent meetings.

### **Evaluation of Program**

The ELL director and the Assistant Superintendent of Curriculum and Instruction establish yearly goals. These goals are monitored and evaluated.

AYP and AMAO goals are also monitored.

Teachers and PLCs make and evaluate their individual department related Specific, Measurable, Achievable, Results oriented, Timed (SMART) goals.

The department teachers and staff make ongoing suggestions for improvement to the program. These are evaluated and implemented as needed.

External educators have provided important feedback.

ACCESS results are monitored and compared from year to year.

## **Placement**

ELLs are placed in grades that are age appropriate. Elementary and middle school students are never placed in a grade level that is more than one year below his or her chronological age. The following factors will be considered when making grade placements: The student's

- Chronological age
- Educational background
- ELP level
- Academic performance
- Number of credits previously earned.

## **Assessment**

In addition to the one-time placement test, the Assessing Comprehension & Communication in English State to State (ACCESS) assessment is administered to each ELL state to state every year. Trained staff administer ACCESS during the state approved window (An approximate 5 week window in February and March).

ACCESS results are used to inform class placement, monitor individual progress, and evaluate effectiveness of service.

Federal and state regulations and guidelines regarding AYP (Adequate Yearly Progress) and AMAO's (Annual Measurable Achievement Objectives) are implemented.

## **Exit**

Fargo Public Schools recognizes research findings that the acquisition of a second language for academic proficiency can take from 4 to 10 years under optimal conditions.

Students are exited from the ELL program when they have reached a composite score of 5.0 or higher on the ACCESS. No language modality (speaking, listening, reading, or writing) may be lower than 3.5. State test (NDSA, MAP) scores, grades, and team (mainstream and ELL teachers, principal, ELL director, and other staff) decision are also considered in the decision making process.

Exited students are monitored for academic success for 2 years. (Monitoring Form: Appendix D)

Exited students experiencing academic difficulty due to lack of language proficiency may reenter the ELL program.

## **Individual Language Plan (ILP)**

Plans for services, or Individual Language Plans (ILPs) (Appendix E) are written for each ELL yearly.

Plans are distributed to parents, regular education teachers, and placed in the cumulative files. Goals and modifications are written by the ELL case manager and agreed upon by the team.

ILPs include programs and strategies for improving English language proficiency (speaking, reading, listening, and writing) and academic achievement in core subjects. Goals are based on ELP and core subject standards.

Fargo Public Schools guidelines for serving ELLs through the ELL program are:

- 3 – 4 periods\* per day for level ones
- 2 – 3 periods per day for level twos
- 1 – 2 periods per day for level threes
- 1 period per day for level fours

(\*A period is approximately 25 minutes for grades K-5 and 45-50 minutes for grades 6 – 12.)

The individual student's time allotment for structured language support will be determined by the team.

In addition to ELL program services, ELLs will receive accommodations in the mainstream classrooms according to their needs. These are described in the ILP.

ELL teachers and other team members maintain a close collaborative relationship to work toward students' academic and language success.

### **Core Program**

- All instruction is in English.
- District ELLs may also be served by other programs and services such as: Title I, special education reading recovery, and the Refugee School Impact Grant (STEEP).
- ELL student involvement in other programs does not replace ELL services.
- ND recommends case loads of 25-40 ELLs per ELL teacher.

### **Elementary (Grades K-5)**

Highly qualified ELL teachers and paraprofessionals primarily teach through small group instruction in different models including:

- Push – In (ELL teachers enter classrooms to collaborate with mainstream teachers)
- Pull – Out (ELL teachers work with small groups to differentiate instruction)
- Students are grouped according to the following content:
  - Reading
  - Language and writing
  - Speaking and listening
  - Combinations of the above

## ELL instructional supplements, rather than supplants, classroom instruction

Research based materials used with the curriculum include:

- Intervention By Design (IbD)
- Guided reading library
- Carousel of Ideas
- Rosetta Stone
- Fasttmath

### **Middle Level (Grades 6-8)**

Middle level certified ELL teachers provide sheltered instruction in math, reading, language, social studies, science, and/or resource. In sheltered classes, ELL teachers instruct students in English and content simultaneously.

Research based materials used with the curriculum include:

- Read 180
- System 44
- Plato
- Fasttmath
- Rosetta Stone
- Saxon math

### **High School Grades 9-12**

Teachers are highly qualified in ELL as well as one of the following content areas: English, science, math or social studies. Credit towards graduation is earned in these sheltered classes. ELLs may earn credit for all core classes in the ELL program.

Research based materials used with the curriculum include:

- Read 180
- System 44
- Content text books (As used in the mainstream classroom)
- Fasttmath
- Saxon math

ELL and content standards for each subject have been aligned to ensure rigorous academic and language learning.

### **Supplemental Programs (K-12)**

Fargo Public Schools has implemented several supplemental programs to better serve ELLs.

These include:

Two social workers (1.8 FTE) who serve ELL students and their families. Their primary goal is to support students toward graduation and academic and social success.

ELL summer school (half days in June) as funds permit. The purpose of summer school is to lengthen the time available

for learning English in all modalities and to continue the process of acculturation. The ultimate goal is to enable greater success in school.

ELL Learning by Doing (half day program in July). This program is offered most years, as funds permit. It is targeted to the district's level 1 and 2 students. The primary purpose is for ELLs to learn to communicate in English, practice social skills, and become more familiar with the community.

Homework rooms are offered at all grade levels to expand the school day.

ELL involvement in extracurricular activities is encouraged and supported however possible through rides, uniform and shoe purchases, waived fees, help filling out forms, to meet needs.

ELL open houses/orientations/registrations are offered before school starts. Transportation and interpreters are provided.

ELL field trips are offered during the school year in the summer for experiential learning.

### **Staff**

ELL teachers and paraprofessionals meet state and federal licensing requirements.

ELL teachers and paraprofessionals are fluent in oral and written English.

### **Professional Development (PD)**

All district ELL teachers meet as a group monthly for Professional Development (PD) to learn together and discuss department concerns.

ELL grade level teachers meet in Professional Learning Communities (PLCs) bimonthly to improve student learning.

Diversity classes are offered for credit after school (EED I and EED II). These classes are each offered yearly.

Sheltered Instruction Observation Protocol (SIOP) classes are offered in collaboration with MSUM.

ELL teachers participate in school and district PLCs and PDs where they advocate for ELLs and learn with their fellow teachers.

District-wide PDs address the needs of all students, ELL and others.

### **Parent Involvement**

The ELL social workers serve as liaisons between home and school. They advocate for and facilitate understanding between cultures and individuals.

Phone calls, home visits, and transportation are used to encourage parent involvement.

Fargo Public Schools staff works together with parents at quarterly parent meetings to discuss parenting issues and concerns.

Multicultural Parent Teacher Association (MPTA) was initiated to increase parent/school collaboration.

The ELL teachers collaborate with Title I teachers to encourage attendance at family events.

The ELL department works closely with other community agencies to help smooth the resettlement process for refugees. Ethnic community leaders and elders are consulted and included in decision making and projects.

Interpreters are utilized as needed for conferences and parent meetings.

### **Evaluation of Program**

The ELL director and the Assistant Superintendent of Curriculum and Instruction establish yearly goals. These goals are monitored and evaluated.

AYP and AMAO goals are also monitored.

Teachers and PLCs make and evaluate their individual department related Specific, Measurable, Achievable, Results oriented, Timed (SMART) goals.

The department teachers and staff make ongoing suggestions for improvement to the program. These are evaluated and implemented as needed.

External educators have provided important feedback.

ACCESS results are monitored and compared from year to year.

# Appendix

## Forms A-E



## Home Language Survey and Parental Permission for ELL Services

Student's Name: \_\_\_\_\_ Student's Grade: \_\_\_\_\_

Student's School: \_\_\_\_\_

Please respond to the following questions in order to help us determine if your child may be eligible for English language support services. If it appears that another language may have influenced your child's English, we may administer an assessment. If so, you will be informed of the results.

This form also asks for information to help your student in school. You are not required to answer these questions, but if you circle yes for questions 1-5, your student may qualify for additional services.

1. Is a language other than English spoken in your home by you or any other person living in the home? Yes                  No

2. If "yes", what language is spoken at home? \_\_\_\_\_

3. **Immigrant Student**  
Is your child an immigrant? Yes                  No

If yes, please fill in the Country \_\_\_\_\_ and US entry date (mm/dd/yy) \_\_\_\_/\_\_\_\_/\_\_\_\_  
(For refugee students, this is the country that you originally fled, not the country that you lived in most recently).

4. **Refugee Student**  
Is your child a refugee? Yes                  No

5. Put an **X** in the boxes on the top line to show the grades your child has gone to school in the United States. Put an **X** in the boxes on the bottom line to show the grades that your child went to school in another country.

School	Grade													
Grade level attended school inside of the US	Pre K	K	1	2	3	4	5	6	7	8	9	10	11	12
Grade level attended school outside of the US	Pre K	K	1	2	3	4	5	6	7	8	9	10	11	12

6. **Native American or Alaska Native Student**  
Is your child considered Native American or Alaska Native? Yes                  No

(Continued on following page)

7. **Migrant Student**

A migrant student has a parent who is a migratory agricultural worker and in the last three years, has moved from one school district to another, in order to work (temporary or seasonal) in agricultural activities.

Is your child a migrant?

Yes

No

If yes, what is the date that you moved to this area? (mm/dd/yy) \_\_\_\_/\_\_\_\_/\_\_\_\_

If your family moved to this area for agricultural (temporarily or seasonally) in what area(s) do you work: (please check all that apply)

Sugar Beet Industry

Meat Processing Plant

Trimming Trees

Potato Industry

Chicken Farm/Processing

Raw Cheese Production

Bee Keeper/Honey Processing

Plant/Cultivate Trees

Custom Combining

Turkey Farm/Processing

General Dairy Farm Work

Landscaping, laying sod  
or Planting grass

Egg Production

Transportation of Agricultural  
Products

Parental/guardian signature will indicate your agreement to place your child in a program designed to improve English language skills. Parent/guardian may refuse services at anytime. The district has the responsibility to annually assess ELLs until they reach proficiency.

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

**Attention School Staff:** If any of these questions are answered "yes" this form must be copied. Place the original in the cum file. Please send a copy to the ELL teacher and the ELL Department.

**Federal regulations require that these students be tested within two weeks of school entrance.**



**Notification of Program Eligibility: ( Entrance / Continuation / Exit )**

School \_\_\_\_\_ Date \_\_\_\_\_

Dear Parent/Guardian of: \_\_\_\_\_

According to the information you provided on the Home Language Survey as well the results of an English language proficiency assessment, your child:

( \_\_\_ is identified and eligible for) ELL services

( \_\_\_ is qualified to continue) ELL services

( \_\_\_ does not qualify for) ELL services.

*The goal of ELL services is to help your child speak, listen, read and write English more proficiently.*

In the Fargo School District, Title III eligibility and/or Language Proficiency is assigned on a **scale of 1-6**. On the English language proficiency test, your child tested at level \_\_\_\_\_. Below is an explanation of the levels.

**English Language Proficiency Levels (grades K-12):**

Level 1: (Entering) The student knows and uses minimal social language and minimal academic language with visual support.

Level 2: (Beginning) The student knows and uses some social English and general academic language with visual support.

Level 3: (Developing) The student knows and uses social English and some specific academic language with visual support.

Level 4: (Expanding) The student knows and uses social English and some technical academic language.

Level 5: (Bridging) The student knows and uses social and academic language working with grade level material.

Level 6: (Reaching) The student knows and uses social and academic language at the highest level measured by this test.

Former: Formerly Limited-English / English Proficient: The student was Formerly Limited-English proficient and is now English proficient. The student reads, writes, speaks, and comprehends English in academic classroom settings.

Not LEP: Fully English Proficient / Never Limited-English Proficient: The student was never classified as Limited-English and does not fit the definition of Limited-English proficient outlined in state or federal law.

**To Exit from the ELL program, ELLs will have reached the minimum level of a 5.0 Overall Proficiency Level on the ACCESS test with at least a 3.5 proficiency level in each area of Reading, Writing, Speaking and Listening.**

**An Individual Language Plan (ILP) is:**

\_\_\_ attached (Entrance or Continuation)

\_\_\_ will be written (Entrance or Continuation)

\_\_\_ not applicable – student does not qualify

\_\_\_ not applicable – student is exiting

Parents/guardians have the right to decline services, but annual English language proficiency assessment remains a district responsibility. If services are declined, an ILP is written to address the student's linguistic needs in the regular education setting. The ELL decline of services form must be signed, dated and filed.

If you have any questions, please feel free to contact the ELL teacher below.

ELL Teacher \_\_\_\_\_ Date \_\_\_\_\_ Phone \_\_\_\_\_

(Original to cumulative file, copy to parent, copy to ELL office)

Revised 8/10

# Refusal of ELL Services

**I refuse to have my child go to English Language Learner classes or activities. I accept full responsibility for my child's English development.**

**I understand that Federal and State law mandate yearly English Language Proficiency testing until the student is exited. (Students are exited when the ACCESS composite score is 5.0 or greater and all of the subscores are at or over 3.5.)**

**Comments:**

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**Student's name** \_\_\_\_\_

**Parent's name** \_\_\_\_\_

**Date** \_\_\_\_\_

**Fargo Public Schools Title III & ELL Program**  
Monitoring Worksheet for Exited Elementary ELL Students

Student Name: \_\_\_\_\_ Exit Date: \_\_\_\_\_

Circle: Year 1 Year 2 School: \_\_\_\_\_ Grade: \_\_\_\_\_

AIMSWEB (K-2)	
Tests of Early Literacy or Phoneme Segmentation and Nonsense Word Fluency	
<input type="checkbox"/> At Risk	<input type="checkbox"/> At Risk
<input type="checkbox"/> Some Risk	<input type="checkbox"/> Some Risk
<input type="checkbox"/> Low Risk	<input type="checkbox"/> Low Risk
Oral Reading Fluency	
<input type="checkbox"/> At Risk	<input type="checkbox"/> At Risk
<input type="checkbox"/> Some Risk	<input type="checkbox"/> Some Risk
<input type="checkbox"/> Low Risk	<input type="checkbox"/> Low Risk

MAP (2-5)	
Reading	
Start of Year	End of Year
<input type="checkbox"/> Low	<input type="checkbox"/> Low
<input type="checkbox"/> Avg	<input type="checkbox"/> Avg
<input type="checkbox"/> High	<input type="checkbox"/> High
Math	
Start of Year	End of Year
<input type="checkbox"/> Low	<input type="checkbox"/> Low
<input type="checkbox"/> Avg	<input type="checkbox"/> Avg
<input type="checkbox"/> High	<input type="checkbox"/> High

NDSA (3-5)	
Reading	
Start of Year	End of Year
<input type="checkbox"/> Low	<input type="checkbox"/> Low
<input type="checkbox"/> Avg	<input type="checkbox"/> Avg
<input type="checkbox"/> High	<input type="checkbox"/> High
Math	
Start of Year	End of Year
<input type="checkbox"/> Low	<input type="checkbox"/> Low
<input type="checkbox"/> Avg	<input type="checkbox"/> Avg
<input type="checkbox"/> High	<input type="checkbox"/> High

Grades (Avg.)					
Lang. Arts		Science		Social Studies	
A	A	A	A	A	A
P	P	P	P	P	P
PP	PP	PP	PP	PP	PP
N	N	N	N	N	N

After one year of monitoring, this student is performing successfully in the mainstream classroom.  
 After one year of monitoring, this student is having difficulty in the following area(s):

It is recommended that this student:  
 Is reclassified back into the ELL Program \_\_\_\_\_ Continues to be monitored for the second year.  
 Will no longer require monitoring for an additional year. \_\_\_\_\_ Other (specify): \_\_\_\_\_

Date \_\_\_\_\_ Teacher \_\_\_\_\_

# Fargo Public Schools Title III & ELL Program

## Monitoring Worksheet for Exited ELL Middle Level Students

Student Name: \_\_\_\_\_

Exit Date: \_\_\_\_\_

Circle:

School: \_\_\_\_\_

Grade: \_\_\_\_\_

Year 1

Year 2

MAP Grade 6-10			NDSA Grade 6-8, 11			Grades (average)			
Reading			Reading			Language Arts		Science	
						1 <sup>st</sup> Semester	2 <sup>nd</sup> Semester	1 <sup>st</sup> Semester	2 <sup>nd</sup> Semester
<input type="checkbox"/> Low									
<input type="checkbox"/> Ave.									
<input type="checkbox"/> High									
Math			Math			Math		Social Studies	
						1 <sup>st</sup> Semester	2 <sup>nd</sup> Semester	1 <sup>st</sup> Semester	2 <sup>nd</sup> Semester
<input type="checkbox"/> Low									
<input type="checkbox"/> Ave.									
<input type="checkbox"/> High									

- After one year of monitoring, this student is performing successfully in the mainstream classroom.
- After one year of monitoring, this student is having difficulty in the following area(s):

**It is recommended that this student:**

- Is reclassified back into the ELL program.
- Continues to be monitored for the second year.
- Will no longer require monitoring for an additional year.
- Other (specify): \_\_\_\_\_

Date \_\_\_\_\_

Teacher \_\_\_\_\_

Fargo Public Schools Title III & ELL Program

Monitoring Worksheet for Exited ELL High School Students

Student Name:

Exit Date:

Monitored School year:

School:

Grade:

MAP (8 and 10)		NDSA (8 and 11)		Grades (average)											
Reading		Reading		Language Arts						Science					
Date:	Date:	Date:	Date:	Year:		Year:		Year:		Year:		Year:		Year:	
<input type="checkbox"/> High	<input type="checkbox"/> High	<input type="checkbox"/> A	<input type="checkbox"/> A												
<input type="checkbox"/> Ave.	<input type="checkbox"/> Ave.	<input type="checkbox"/> P	<input type="checkbox"/> P												
<input type="checkbox"/> Low	<input type="checkbox"/> Low	<input type="checkbox"/> PP	<input type="checkbox"/> PP												
		<input type="checkbox"/> N	<input type="checkbox"/> N												
Math		Math		Math						Social Studies					
Date:	Date:	Date:	Date:	Year:		Year:		Year:		Year:		Year:		Year:	
<input type="checkbox"/> High	<input type="checkbox"/> High	<input type="checkbox"/> A	<input type="checkbox"/> A												
<input type="checkbox"/> Ave.	<input type="checkbox"/> Ave.	<input type="checkbox"/> P	<input type="checkbox"/> P												
<input type="checkbox"/> Low	<input type="checkbox"/> Low	<input type="checkbox"/> PP	<input type="checkbox"/> PP												
		<input type="checkbox"/> N	<input type="checkbox"/> N												

After one year of monitoring, this student is performing successfully in the mainstream classroom.

After one year of monitoring, this student is having difficulty in the following area(s):

It is recommended that this student:

- Is reclassified back into the ELL program.
- Continues to be monitored for the second year.
- Will no longer require monitoring for an additional year.
- Other (specify):

Date \_\_\_\_\_ Teacher \_\_\_\_\_



# Fargo Public Schools

## ELL Individual Language Plan

Name			School	Date of Plan
Last	First	M		Grade
ELL Entrance date	Years of Education	Gender	<input type="radio"/> M <input type="radio"/> F	Birth Date
Country of Origin	Date Entered U.S.	Home Language		
English Speaker in home? <input type="radio"/> Yes <input type="radio"/> No Who? <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Sister <input type="checkbox"/> Brother <input type="checkbox"/>				
ELL Status <input type="checkbox"/> Born in USA <input type="checkbox"/> Immigrant <input type="checkbox"/> American Indian <input type="checkbox"/> Migrant				

**Type Instructional Program(s) (Check all that apply)**

- Mainstream Classes/ELL Monitor Status       Title 1  
 IEP       other  
 Remedial Reading Instruction

**ELL Services**

- ELL Push-in (teacher serves ELLS in mainstream classroom)       ELL Pull-Out (Students served in small groups)  
 ELL Resource (student receives help with content classwork & skills building)       ELL Sheltered Instruction (students receive English and content instruction in each ELL class)

**ACCESS Scores**

Reading      Writing      Listening      Speaking      Composite

Additional comments or concerns:

\*Remember ELL is to support instruction, not supplant it.

One Period at elementary level = 25 minutes      One Period at secondary level = 50 minutes

Standard of Effort for periods of service by level:

- Level 1 - 3-4 periods
- Level 2 - 2-3 periods
- Level 3 - 1-2 periods
- Level 4 - 1 period

Goals based on ELL Standards:

Content Area	Strengths - Needs	Objectives
English/LA	Strengths:  Needs:	
Math	Strengths:  Needs:	
Social & Instructional	Strengths:  Needs:	

**Accommodations**

**Accommodations to NDSA Testing**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> 1. Shorten Assignments   | <input type="checkbox"/> 10. Provide clear instructions, check for understanding  | <input type="checkbox"/> 19. Allow extra assessment time            |
| <input type="checkbox"/> 2. Simple vocabulary and syntax  | <input type="checkbox"/> 11. Read questions and response options aloud in English | <input type="checkbox"/> 20. Provide breaks during testing          |
| <input type="checkbox"/> 3. Simplify sentence structure   | <input type="checkbox"/> 12. Note-taking assistance, copies of teacher notes      | <input type="checkbox"/> 21. Administer testing in several sessions |
| <input type="checkbox"/> 4. Add visual supports (manipulatives, pictures)                                 | <input type="checkbox"/> 13. Preferential seating                                 | <input type="checkbox"/> 22. Administer testing in small groups     |
| <input type="checkbox"/> 5. Use glossaries or dictionaries in native language or on electronic translator | <input type="checkbox"/> 14. Assign a buddy                                       | <input type="checkbox"/> 23. Administer testing individually        |
| <input type="checkbox"/> 6. Create glossaries in English  | <input type="checkbox"/> 15. Allow more time                                      | <input type="checkbox"/> 24. Administer testing in separate room    |
| <input type="checkbox"/> 7. Simplify test directions  | <input type="checkbox"/> 16. Slow down and repeat                                 | <input type="checkbox"/> 25. Allow dual language dictionary         |
| <input type="checkbox"/> 8. Add example items/tasks   | <input type="checkbox"/> 17. Allow student to write answers directly in test book | <input type="checkbox"/> 26. Simplify directions                    |
| <input type="checkbox"/> 9. Pre-teach vocab/content   | <input type="checkbox"/> 18. Allow student to dictate answers or use scribe       | <input type="checkbox"/> 27. Exempt from reading/LA                 |
|   |   | <input type="checkbox"/> 28. Read aloud MATH/SCIENCE test items     |
|   |   | <input type="checkbox"/> 29. Other:                                 |

Tracy Deplazes

ELL Teacher

Regular education teacher

Parent

**Key Laws Governing**

**English Learner Programs**

## ELL Student's Rights

The following Federal Statues represent key legislation requiring service to English Language Learners. For a more complete listing, you may review "English Language Learners in North Dakota: Student Rights" on the DPI website.

**Equal Protection Clause** –The 14<sup>th</sup> Amendment of 1868 states that "no state shall...deny any person within its jurisdiction the equal protection of the laws." The "equal protection" in practice has included fair treatment, nondiscrimination and the allowing for provision of equal opportunities.

**Civil Rights Act of 1964, Title VI** – This law prohibits discrimination in any federally funded programs. All schools must comply with the law established in the Civil Rights Act of 1964:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activities receiving Federal financial assistance (Section 2000d)

Additionally, all schools that receive federal funds must comply with providing services to ELLs that are comparable to the services that are provided to students who are native English speakers (Title VI of the Act).

**Bilingual Education Act (1968)** – The first federal allocation for language-minority students, this law was initially known as Title VII and later named Title III in No Child Left Behind (2002). It did not require language instruction to be bilingual in nature; rather it encouraged programs to use bilingual education practices and methods with the goal of assisting students to learn English. This was also the first law that acknowledged that having limited English proficiency is a barrier to "equal access" to educational opportunity.

**May 25 Office of Civil Rights (OCR) Memorandum (1970)** – This memo disallowed the practice of placing English Learner students in Special Education classes using criteria used to evaluate English language proficiency or deny ELLs access to college preparatory courses based on the failure of the school system to effectively teach English to ELLs. In addition to the rules in the Bilingual Education Act, school districts were found responsible to assist students in overcoming the language barriers that prevent the full benefits of educational instruction. The practice of tracking or dead-ending was disallowed and schools were required to provide programs that accelerate the learning of language skills needed to participate in mainstream courses. For activities in which native English speaking parents are notified, schools must provide notification to parents of ELLs and the notification may need to be in a language other than English. Districts are responsible to identify all ELLs and provide services to all identified ELLs. Schools must evaluate programs to determine effectiveness and modify the program when programs no longer resulted in positive outcomes for ELs.

***Lau v. Nichols (1974)*** – The US Supreme Court found that the school was using federal funds to provide a lesser quality program for the ELLs in the district by failing to assist Chinese-American students to learn English. The district's requirement of passing an English exam prior to graduation was found to be an unfair practice, especially in the context of the district failing to provide English language support for the students. The court noted that Spanish speaking students in the same district were receiving language services and ruled that schools cannot pick and choose which students to serve based on the ease of creating programs.

All students deserve a quality educational program and it is also a civil right for students to receive language instruction. Schools must have a procedure in place to determine how it will serve the needs of ELLs. If a school does not have a language program in place, it is effectively denying the student the ability to access education opportunities. The Lau case also provided that OCR may establish regulations that prohibit discrimination, even if there is no intent to discriminate. Finally, if a school enrolls a significant number of ELLs, at the same grade level, who speak the same language, the school may be required to provide instruction in that language.

***Castaneda v. Pickard (1981)*** – The school in question placed ELL students in separate classes in order to provide a program for the students. The court noted that the practice of placing students according to intelligence rather than linguistic ability is “highly suspect” since English proficiency cannot be used as the sole indicator of a student's ability. This case related specifically to the quality of an “appropriate program” (from the **Equal Education Opportunities Act of 1974**). The Court of Appeals defined appropriate programs as those that are based on sound educational theory, are implemented and practiced in full and are evaluated to ensure students are overcoming linguistic barriers. Appropriate programs may be reviewed to ensure the program is continuing to aid students in overcoming language barriers.

***Plyler v. Doe (1982)*** – The US Supreme Court determined that states are required to provide full access to a free and appropriate education to all students in their jurisdiction, regardless of immigration status. The court found that children should not be penalized for the “crimes” of their parents and noted that schools may not act as agents of the immigration office. Therefore, schools cannot require identification tools that effectively ascertain immigration status such as proof of citizenship, Social Security Numbers or other tools that would estimate immigration status as a condition of participation in the school program. The court also concluded that the cost of providing an education would be less than the cost associated with having uneducated, illiterate members of society. Finally, all people within a “US jurisdiction” qualified for equal protection, not just US citizens.