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## Agora Cyber Charter School

### Board of Trustees Policy

#### ENGLISH AS A SECOND LANGUAGE/BILINGUAL PROGRAM POLICY

##### **Purpose:**

In accordance with the Board of Trustees's ("Board") philosophy to provide a quality educational program to all students, the Agora Cyber Charter School ("Charter School") shall provide an appropriately planned instructional program for identified students whose dominant language is not English. When the Every Student Succeeds Act (ESSA) was signed on December 10, 2015, reauthorizing the Elementary and Secondary Education Act of 1965 (which was amended by the No Child Left Behind Act of 2001), it changed the terminology to identify such students as English Learners (ELs). English Learners ("ELs") are the students who require English as a Second Language ("ESL") service by the Charter School.

The purpose of the program shall be to increase the English language proficiency of ELs so they can attain the state academic standards within the ESL program setting as well as within the regular classroom environment, to provide equal opportunities for ELs to participate in extra-curricular activities, and to provide the cultural, social and emotional supports for ELs to adapt to this new cultural setting.

##### **Authority**

The Board declares it their policy to provide an equal opportunity for all students, including ELs, to achieve their maximum potential through the curriculum, instruction, and programs offered in the Charter School. At no time shall the Charter

School, including the Board, permit, condone, encourage or facilitate discrimination against students during the course of recruitment, admissions and enrollment, instruction, counseling and daily interactions with Charter School faculty and staff. Equal Education Opportunity Act, 20 U.S.C.A. § 1703; Title VI, Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, et seq.

### **Definition:**

ESSA defines an "English learner" as an individual who, among other things, has difficulties in speaking, reading, writing, or understanding the English language to the extent that it may be sufficient to deny the individual the ability to meet challenging state academic standards. The term "English learner," when used with respect to an individual, means an individual — (A) who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C)(i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual — (i) the ability to meet the challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society. (ESEA Section 8101(20)).

ELs are from diverse linguistic and cultural backgrounds. The Charter School must equip them with the skills to function, compete, and prosper in American society. EL students must develop academic skills along with their general program peers while also learning English. As EL students are in transition from their native language to English, the emphasis must be on developing academic skills that comply with Pennsylvania State Standards.

### **Responsibility:**

The Charter School shall adopt an instructional program for each EL student for the purpose of facilitating the student's achievement of English proficiency and academic standards ("ESL Program"). 22 Pa. Code. § 4.26. All students who may be ELs must be assessed within the first thirty (30) days of enrollment at the Charter School, or within fourteen (14) days of mid-year transfer. The CEO and the director of the ESL Program ("ESL Director") shall implement and supervise an ESL Program that meets the legal requirements for ESL Program compliance under federal and Pennsylvania law, especially:

1. Based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy;

2. Reasonably calculated, including provisions for resources and personnel, to implement the theory effectively; and
3. Evaluated and adjusted where needed to ensure language barriers are actually being overcome.

20 U.S.C.A. § 6812. The ESL program will come under the direction of the ESL Director. The ESL Director will be responsible for the assurance of the implementation of the program and that proper Charter School policies and procedures are being followed. The CEO and the ESL Director will be responsible for informing Charter School staff with instructional strategies and cultural needs of students who will receive ESL instruction. ESL teaching resource materials will be obtained by the ESL Director and kept in his/her office for reference for both program and non-program teachers.

All teachers instructing within the ESL Program shall hold the requisite certification and endorsements required by Pennsylvania law. Bilingual teachers must demonstrate academic language proficiency both in English and in the language of instruction. 22 Pa. Code §403; 20 U.S.C.A. §6826.

Language Instruction Educational Programs ("LIEPs") - Title III of the ESEA replaces the expectation in the ESEA, as amended by NCLB, that LIEPs be "scientifically based" with a new expectation – that LIEPs be "effective." A LEA must:

- Use Title III funds for effective approaches and methodologies for teaching ELs (ESEA Section 3115(a));
- Increase the English proficiency of ELs by providing effective language instruction educational programs that meet the needs of ELs and demonstrate success in increasing (A) English language proficiency; and (B) student academic achievement (ESEA Section 3115(c)(1));
- Use Title III funds in ways that build its capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards (ESEA Section 3113(b)(3)(E)); and
- Include in its local plans for a Title III subgrant a description of the effective programs and activities that will be provided, including language instruction educational programs (ESEA Section 3116(b)(1)).

## **ESL Program:**

The goals of the Charter School's ESL Program are to assist the EL students in using English, per 20 U.S.C.A. §6812:

1. to communicate in social settings;
2. to achieve academically in all content areas; and
3. in socially and culturally appropriate ways.

The CEO and the ESL Director shall implement and supervise the ESL Program, and further ensure that the ESL Program meets the legal requirements for ESL program compliance. The CEO and the ESL Director, in conjunction with appropriate certified ESL teachers, shall develop and disseminate written procedures regarding the ESL Program. The procedures shall include, but will not be limited to, the following:

1. Detailed program goals;
2. Student enrollment/transfer procedures (i.e., Home Language Survey);
3. Assessment procedures within 30 days of enrollment/transfer for program entrance, measuring progress in gaining English proficiency, and program exiting;
4. Accommodations for EL students in the general education classroom;
5. Grading policies; and
6. List of resources, including support agencies and interpreters.

20 U.S.C.A. § 6826. The ESL Program shall include daily instruction for EL students, supporting the ESL Program's goals, and will receive curriculum aligned with Pennsylvania standards. 22 Pa. Code. § 4.26. Language instruction shall correspond to each EL student's English proficiency level, which shall include both direct language instruction and adaptation of instruction in all content classes. The exact hours of direct language instruction will be determined based on each EL student's needs. All ESL instruction shall be part of each EL student's daily schedule, and will not interfere with or prohibit each EL student's instruction in all grade level content classes.

All EL students will be placed in appropriate grade level content classes. Each EL student will receive instruction in all content areas, as other students in the class. Each EL student will receive additional supplemental support and instruction from ESL teachers periodically for Language Arts class and for necessary content area classes. An ESL teacher will assist the classroom teacher in identifying and implementing teaching strategies that will help each EL student achieve academic success in the classroom comparable to their non-EL peers. During the initial period of language acquisition and development, the Charter School may grade the EL student on a pass/fail basis comparable to their non-EL peers if necessary.

The WIDA Consortium's English Language Development (ELD) Standards help educators determine students' English language proficiency levels and how to appropriately challenge them in reaching higher levels.

WIDA will also assist teachers by giving Model Performance Indicators, which include:

- a. The language function, or how students will use language to demonstrate proficiency (e.g. Depth of Knowledge, Bloom's Taxonomy),
- b. The grade level content or standards that students will learn or meet, and
- c. The supports or instructional strategies / scaffold to assist students in accessing the content.

The Pennsylvania English Language Proficiency Standards shall be incorporated in both ESL instruction and grade level content classes.

### **Program Goals and Objectives:**

The Charter School has developed the following goals and objectives for the ESL Program, based on WIDA English Language Proficiency Standards of each student:

Goal 1:            To use English to communicate in social settings.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to participate in social interactions. This will be evidenced by observation of EL students in cooperative learning activities, playground interactions and personal conversation.

Objective: By the end of the school year, EL students will improve and increase their ability to interact, through and with spoken and written English for personal expression and enjoyment. This will be evidenced by personal writing journals and book choice with reading log.

Goal 2:            To use English to achieve academically in all content areas.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to interact in the classroom, evidenced by conversations with ESL teachers, observations of students in cooperative group settings, and observations of students in social interactions, report cards and test results.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to obtain, construct and provide subject matter information in spoken and written form. This will be evidenced by an increase in standardized testing content area scores, a portfolio of EL student work, and ESL teachers' observations of the EL students' ability to pose questions and have discussions in content area classes.

Goal 3:            To use English in socially and culturally appropriate ways.

Objective: By the end of the school year, EL students will improve and increase their ability to use the appropriate language variety, register, and genre according to the audience, purpose and setting. This will be evidenced by EL student academic presentations, observations of EL students' social conversations with peers, and conversations with ESL teachers.

Objective: By the end of the school year, EL students will improve and increase their ability to use nonverbal communication appropriate to audience, purpose and setting. This will be evidenced by observations of EL students by ESL teachers.

The success of the ESL program will be measured by: EL students increasing scores within their level of the program; EL students testing to the next level of the program; and EL students testing out of the program as evidenced by yearly WIDA English Language Proficiency Standards testing. Success will also be measured by an increase in academic scores on a content area standardized test. 22 Pa. Code § 403; 20 U.S.C.A. § 6841. The ESL Director will also look at student portfolios and ESL teacher narratives to demonstrate progress of each EL student.

Attendance policies will be the same for EL students as for English-speaking students.

The Student Handbook will clearly state the Charter School's policy and expectations regarding the ESL Program.

### **Enrollment of EL Students:**

EL students and families shall be provided translation and interpretation services to the extent needed to assist with the enrollment process. All students seeking first time enrollment in the Charter School shall be given a Home Language Survey in accordance with requirements of the U.S. Department of Education's Office for Civil Rights. Enrollment of a student may not be delayed in order to administer the Home Language Survey. The completed survey shall be filed in each student's permanent record folder through graduation. 22 Pa. Code § 11.11(e).

Based on the Home Language Survey responses, each student shall be assessed for potential placement in an ESL Program within 30 days of school or within 14 days of enrollment if a student enrolls after the first day of school.

## Identification & Placement of EL Students:

### Entry Criteria

The Charter School will use the WIDA-ACCESS Placement Test (W-APT) to assess newly enrolled students for placement in the ESL program. The W-APT results will be one indicator for placement in the ESL program. Additional criteria for placement in the ESL program include: educational and cultural backgrounds, interviews with families, and native language literacy. Other indicators shall include current or previous grades, performance on state assessments, and Charter School-based formative or summative assessments. This ESL-Program eligibility criterion is aligned with requirements established by the Pennsylvania Department of Education.

Student placement in the ESL Program and designated instruction time (WIDA levels of English language proficiency: 1. Entering, 2. Beginning, 3. Developing, 4. Expanding, 5. Bridging and 6. Reaching) will comply with program guidelines and will be based upon the instructional need of each ESL student. Instructional placement will be age and grade appropriate.

Parents may request an EL student to be excused from the ESL Program if the instruction conflicts with the family's religious beliefs, or for any reason and must be made clear to the EL's Parents. 22 Pa. Code § 4.4(d)(3).

All EL students shall have access to and should be encouraged to participate in all Charter School educational programs, opportunities, and extracurricular activities available. Equal Education Opportunity Act, 20 U.S.C.A. § 1703; Title VI, Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, et seq.

### **Required Exit Criteria (see Reclassification Guidance):**

<b>Grade Level</b>	<b>ACCESS Score</b>	<b>Required W-APT Scores*</b>
K	<i>Cut-off score flexibility not allowable for Kindergarteners</i>	
1-5	4.6-4.9	5.0 in each domain
6-8	4.7-4.9	5.0 in each domain
9-12	4.8-4.9	5.0 in each domain

1. 4.5 or higher on ACCESS for ELs Composite (overall) Score.
2. At least one (1) ESL teacher recommendation for reclassification (exit) and one (1) content teacher. In the absence of an ESL teacher, two (2) recommendations for reclassification (exit) from two (2) different content teachers will be accepted.

Once an EL student exits the ESL Program, he/she will be monitored for four years. The law requires the Charter School to maintain a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the four years after such children are no longer receiving services. Such monitoring of students shall begin as soon as the student exits an ESL/Bilingual program. For students who exit a program at the end of the school year, monitoring will begin the following school year. The progress of the exited EL student will be monitored at quarterly intervals throughout the academic year, utilizing collaborative conversations regarding progress monitoring of the exited EL students between content and ESL teacher. A review of the following items can provide evidence of a student's academic progress:

- Report card grades
- Predictive test progress
- Standardized test scores
- Classroom work samples
- Writing samples

During the four -year monitoring period, any student encountering academic difficulty that is determined to be because of English language proficiency skills may be re-designated and returned to an ESL/Bilingual education program. However, such re-designation should only occur after collaboration between the ESL teacher and content teachers has ensured that effective and appropriate core curriculum instruction, including differentiation and interventions has been implemented. Content and ESL teacher input is critical in determining whether re-designation is the appropriate support to enable the former EL to succeed.

### **Notifications to Parent(s)/Guardian(s) of ELs:**

Title I requires that every LEA that uses funds under either Title I or Title III for services to ELs must provide a parent with notification that outlines their child's identification as an EL and placement in an LIEP. (ESEA Section 1112(e)(3)).

Initial notification should include:

1. Detailed description of the LIEP as outlined in the BEC, including a description of its intended benefits for children and an explanation of its effectiveness (this description should include information on screening, identification, and placement of ELs)
2. Description of the EL identification process and the reason that their child was identified as an EL
3. Their child's current English proficiency level and a description of what that means
4. Information explaining their right to refuse enrollment of their child in the LIEP

Annual notification should include:

1. Notification of their child's continued participation in the LIEP
2. Description of the LIEP including its intended benefits for their children and an explanation of its effectiveness
3. Notification of their right to refuse services as outlined in the BEC
4. Description of any Title III supplemental services being offered (if applicable)
5. Notification of their right to refuse Title III supplemental services (if applicable)

The initial notification must be provided no later than 30 calendar days after the beginning of the school year or within the first two weeks of placement in an LIEP for students who enroll after the start of the school year. (ESEA Section 1112(e)(3)(A), 1112(e)(3)(B)). The notice and information provided must be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand. (ESEA Section 1112(e)(4)).

### **Assessment of ESL Students:**

In accordance with Pennsylvania academic standards and Charter School academic standards, the Charter School will monitor the progress of EL students and will provide appropriate accommodations within the content areas to ensure achievement of the academic standards and curricular goals. 22 Pa. Code § 403; 20 U.S.C.A. § 6842. The ESL Director will oversee the review, both annual and periodic, of EL students.

Pennsylvania's assessments shall be administered to all EL students annually to measure progress and determine each EL student's English language proficiency for each language domain (Reading, Writing, Speaking and Listening/Understanding). Each designated ESL teacher will complete the annual grading and evaluation process for EL students (English, Reading and Language Arts). Other considerations will include EL student portfolios and teacher narratives regarding observations of each EL student. Students with immigrant status who have lived in the United States for less than one year are exempt from participating in the PSSA and local assessments.

Throughout the course of the year, individual student progress will be evaluated on a continuous basis with each ESL teacher and the classroom teacher. Each teacher will modify EL students' learning plans to ensure academic success for each EL student.

A standardized form will be kept in each EL student's permanent record folder through graduation. The form shall identify the date, level, and English proficiency score upon entering the ESL Program; report(s) of progress toward ESL Program goals; and academic standardized test scores. A narrative from the designated ESL teacher, regarding each EL student's progress toward satisfying the ESL Program objectives, will also be part of the data collection and review process.

An EL student may not be retained in a grade level based solely on his/her lack of English language proficiency. Before an EL student is retained in a grade, the ESL Director must demonstrate that all appropriate modifications were made to instruction and assessment in order to allow the EL student's meaningful access to the grade level content curriculum as well as to promote ESL instruction.

### **EL Students with Disabilities**

All EL students shall be eligible for special education services. All procedures for the screening, evaluation, IEP, and the provision of services and/or instruction for EL students must be in compliance with governing state and federal laws and regulations. However, the Charter School, as LEA, must ensure that their program is effective before referring the child for evaluation. The questions should be asked to determine if a Student should be evaluated for IDEA disability or a Section 504 Plan:

- Is ESL instruction sufficient in quantity and quality?
- Is the core ESL instructional program effective and aligned to the proficiency level of the student, and the English Language Proficiency Standards?
- Is planned instruction in the content areas delivered according to the English language proficiency level of the student and the English Language Proficiency Standards, and are appropriate ESL-related adaptations/modifications are provided by content teachers?
- Collaboration exists between the ESL and content teachers?
- Instruction and home-school communication is culturally responsive?

A current practice with many LEAs is to hire a bilingual psychologist to implement an IQ test of a student. The problem arises when the results are used as the only criteria to make identification and placement decisions without having a complete profile of the child, e.g.:

- Has the student received any instruction in the native language?
- What is the student's dominant language?
- How many years of instruction has the student had in English?
- How is the student progressing in ESL instruction? How is the student progressing in comparison to other ELs (like peers)...not compared to native speakers of English.
- Was a translator/interpreter used during assessment? If yes, was the test developed for the use of a translator/interpreter?
- Was the student born in the US?
- Was the student transient? What amount of time were they in school (in and outside the US)?
- What is the level of acculturation?
- Has the assessor acknowledged the impact of cultural and linguistic diversity on assessment performance? e.g., increased processing time, cultural bias, gaps in vocabulary and prior knowledge, false cognates, etc.

The IEP team for an EL student shall include either the ESL Director or an appropriately certified ESL teacher, or at a minimum, the IEP team shall receive input from either the ESL Director or the appropriate ESL teacher when appropriate. In Pennsylvania, the ESL Program Specialist (PK-12) is the add-on certificate for teachers who provide English as a Second Language instruction. The ESL teacher has the training, expertise, and experience to:

- Analyze and interpret English language proficiency assessment results of Focusing on English language proficiency levels and Calculating language proficiency growth using the scaled scores;

- Identify the student's language strengths and needs;
- Provide essential guidance related to the process of second language acquisition, communication with families, cultural responsiveness, and reduction of language barriers;
- Provide information concerning the ecology of the student (e.g., first language literacy, cultural and educational background, length of time in the U.S., interrupted education, mobility, acculturation stages, socio-economic status).

The IEP team for an EL student shall consider the need for ESL instruction as it addresses the EL student's needs related to the provision of a Free and Appropriate Public Education. In determining an EL student's needs, the IEP team shall consider both special education services and ESL instruction simultaneously. Special education services do not replace ESL instruction. LEAs must not identify or determine that ELs are students with disabilities because of their limited English language proficiency.

For special education students, the term ESL Program refers to:

- planned instruction by a qualified ESL Education teacher;
- adaptations/modifications in the delivery of content instruction by all teachers, based on the student's English language proficiency levels and the Pennsylvania English Language Development Standards (PA ELDS) for ELs, as well as the Pennsylvania Core Standards. LEAs must ensure that their program is sufficient in quantity and quality before referring the student for an evaluation, demonstrating evidence that:
- ESL instruction is daily, rigorous, and research-based;
- the core ESL instructional program is aligned to the English language proficiency levels of the student, and the PA English Language Development Standards;
- grade-level planned instruction in the content areas is delivered according to the English language proficiency levels of the student and the PA English Language Development Standards, and appropriate adaptations/modifications are provided by content teachers to allow meaningful access to core curriculum;
- collaboration is ongoing between the ESL and content teachers;
- instruction and home-school communication are culturally and linguistically responsive.

ELs with IEPs may receive both ESL instruction and special education services simultaneously. The IEP must be developed by the IEP Team, which should include the ESL teacher as a member, or at a minimum, information provided by the ESL teacher to the IEP team.

EL students receiving special education services must submit to Pennsylvania's annual assessments. Each EL student may participate in assessments through the use of one or more state-approved accommodations appropriate to his/her disability. The IEP team may make decisions regarding assessment accommodations for EL students with disabilities, considering the following:

1. Accommodations must not invalidate the results of the assessment;
2. Accommodations may be used for the entire assessment or only for part/parts of the assessment;
3. Determinations of any accommodation must be:
  - Based on a student's disability;
  - Made by the student's entire IEP team;
  - Properly documented in the student's IEP; and
  - Properly coded on the assessment.

### **Exit of ELs with IEPs:**

Monitoring of the EL status is required for four years after a student exits a language instruction educational program and appropriate records of student progress must be maintained. ESSA Section 3121(a)(5). Monitoring may include any or all of the following:

- Periodic review of grades
- Local assessments
- Required state assessments
- Teacher observation
- Teachers may implement appropriate interventions to assist students who are not meeting benchmarks in core content areas.
- Monitoring is not an extension of the language instruction educational program. Students who are monitored cannot be counted as ELs in any state or federal data collection systems for the purpose of acquiring state or federal funding.
- For accountability purposes, an LEA must report on the academic achievement of an EL for each year of the four years after such student has achieved English language proficiency and no longer receives ESL services. These data must include results on content assessments for reading/language arts, mathematics, and science.

### **Communications with EL Parents/Guardians**

Communications with EL parents and/or guardians must be in the parents'/guardians' preferred language and mode of communication. The Charter School will provide interpretation services (written and/or oral, depending on the preferred mode of communication). 20 U.S.C.A. § 7012.

The Elementary and Secondary Education Act ("ESEA") does not define the term "families." Families may include relatives involved in the social, emotional, and academic support of the student and expand beyond parents and guardians to include siblings, grandparents, aunts, uncles, cousins and others. As such, States, LEAs, and schools looking to involve and support families should be responsive to their students' diverse family structures. For an EL or immigrant student, extended family members may have a powerful impact on the student's academic success. In many cultures, grandparents in particular play a pivotal role in guiding and shaping household values. Providing outreach to those relatives, including through information about school programs and student progress, as well as opportunities for meaningful involvement, such as participation in school functions like family literacy nights and other such events, can have a positive impact on student learning. It is also important to consider the family situation of foster youth, unaccompanied children, and others whose "family" network may extend beyond biological relatives.

### **Requirements for pre-service and in-service professional development for teachers**

The ESSA made several important changes pertaining to preparation and professional development for teachers of ELs. First, instead of describing these programs and activities as "high-quality," as under NCLB, the statute has strengthened these provisions by clarifying that such programs and activities supported by Title III funds must be "effective."

LEAs must use Title III funds to provide effective professional development for teachers and principals of ELs that is:

- Designed to improve the instruction and assessment of ELs;
- Designed to enhance the ability of teachers and principals to understand and implement curricula, assessment measures and practices, and instructional strategies for ELs;
- Effective in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers of ELs; and
- Of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom. This does not include one-day or short term events, unless as part of a teacher's comprehensive professional development plan that is based on a needs assessment. (ESEA Section 3115(c)(2)).

Second, the use of Title III State-level funds for professional development was previously limited to assisting personnel in meeting certification and licensing requirements for teaching ELs. States may now also provide professional development to improve teaching skills to meet the diverse needs of ELs, including how to implement effective programs and curricula to teach ELs. (ESEA Section 3111(b)(2)(B)). The professional development provided by either the State or an

LEA need not be limited to teachers who teach exclusively ELs, but may be provided to all teachers who have ELs in their classrooms, to enable them to teach those ELs more effectively.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**