

# **For Wayne Community Schools ELL Action Plan**

**REVISED FOR 2013-14**

“Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational 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.”

Office for Civil Rights, May 25, 1970 Memorandum

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# Mission Statement

Wayne Community Schools seeks to prepare limited English proficient (LEP) learners to engage in the district’s K-12 educational process by addressing their special language needs, building on their heritage, and encouraging the participation of their parents. The mission of Wayne Community Schools is “Learning for Life.”

A second language is acquired in the same way that a first language is acquired – by the learner’s development of language relationships for the purpose of natural communication within a defined context. K-12 receptive and productive language skills grow out of activities planned to support the total development of the learners. Ultimately these skills will serve the learner not only in the school setting but in the greater society.

We believe that family and community leaders should be involved in order to make education a cooperative effort between home and school. A cooperative effort among all staff must be developed to maximize assistance given to LEP students.

Wayne Community Schools has a broad school improvement goal of improvement reading for all learners. Within that goal is the following:

**The Wayne Community Schools Board of Education will actively support the efforts of the superintendent, district staff, and families to ensure continuous achievement for all students as 21<sup>st</sup> century learners.**

## Goal Priorities

### Indicator A) – Student Achievement Goals (New)

- 1) Grade level and District MAP and NeSA scale scores and growth at or above state and national average.
  - a. This will be measured each year when the State of Schools report is released to school districts
  - b. The goal is achievable and reflects performance in past standardized assessments.
    - i. Prior to NeSA assessments, review sessions to prepare students to take the NeSA will be held, which may include an adjustment in class schedules.

- ii. C4L and various instructional strategies will be used by teaching staff and incorporated in to daily lesson plans.
  - iii. Regular review of curriculum will occur to ensure alignment with state and national standards.
  - iv. Staff and administration will consider motivational techniques to help students understand the importance of these assessments.
- c. The goal is realistic and reflects high expectations and considerations for all students at Wayne will be reflected.
  - d. The timeline for evaluation of performance on statewide assessments is annual and is based on information from NePAS.

2) Composite ACT scores at or above state average.

- a. To be measured when annual ACT scores are released to school districts.
- b. This is a high expectation that is achievable. We do not require all students to take ACT, but typically have a large majority of the students, and most college bound students involved.
- c. The goal is reachable as the district will continue to hold the ACT prep courses each semester for students. The district will continue to monitor the rigor of academic courses that prepare students for college.
- d. The timeline for this goal is on-going. ACT prep courses will be offered each semester prior to the October and April ACT test date. Schedules will be adjusted to allow students to miss part of 8<sup>th</sup> period, reading period, and part of their after school activities to accommodate their attendance at the ACT prep course.

3) Students will demonstrate grade level reading ability by the end of their second grade year in school.

- a. This will be measured by each individual students RIT score on their spring MAP.
- b. This goal is achievable, however in evaluating progress toward this goal, we will consider students who have qualified for special programs such as SPED, ESL, and Title and look for improvement in all students RIT scores.
- c. An evaluation of FTE staff within our Reading and Title program will need to be considered using an AIM document. This will be presented to the school board in Spring of 2013.
- d. Considering exceptions outlined above this goal is reachable and manageable within our K-2<sup>nd</sup> grade curriculum.
- e. The timeline for this goal is spring of each school year.

## Legal Foundation

Wayne Community Schools is obligated to follow all federal and state guidelines in providing equal educational opportunities to all students. The rights of this group of students to an equal education are protected by the force of legislation, judicial opinion, and administrative regulation. Limited English Proficient (LEP) is the term used by the United States Department of Education (USDE) to describe students whose home-language background is other than English and whose English language skills are not sufficiently advanced for them to participate successfully in classrooms in which all academic instruction is provided in English. Numerous acts, laws, and court decisions have been written with the needs of LEP students in mind. These documents combine to create and clarify the current legal responsibilities of all United States school districts for the education of English language learners.

A number of documents detail the federal requirements for the education of LEP students. Brief summaries or excerpts from key documents are listed.

### *Title VI, Civil Rights Act, 1964*

No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of , or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Health, Education, and Welfare.

### *May 25, 1970 Memorandum, Department of Health, Education, and Welfare*

This Memorandum interprets the Civil Rights Act of 1964. It concerns the responsibility of school districts to provide equal educational opportunity to national origin minority group students whose English language proficiency is limited. The following excerpts address specific major areas of concern with respect to compliance with Title VI and have the force of Law:

School districts have the responsibility to adequately notify national origin minority group parents of school activities which are called to the attention of other parents. Such notice, in order to be adequate, may have to be provided in a language other than English.

School districts must not assign national origin minority group students to special education on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin minority group children access to college preparation courses on a basis directly related to the failure of the school system to inculcate English language skills.

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

*The Bilingual Education Act, 1968 (Amended in 1974 and 1978)*

In order to establish equal educational opportunity for all children, Congress declared that the policy of the United States would be as follows:

(a) to encourage the establishment and operation, where appropriate, of educational programs that use Bilingual educational practices, techniques, and methods; and (b) for that purpose, to provide financial assistance to local education agencies, and to state education agencies for certain purposes.

*Equal Education Opportunities Act of 1974*

This law requires that students not be denied access to educational opportunities based on race, color, sex, or national origin. The need for agencies to address language barriers is discussed specifically.

*Lau v. Nichols, 1974*

This class action suit was brought by parents of non-English-proficient Chinese students against the San Francisco Unified School District. The Supreme Court ruled that identical education does not constitute equal education under the Civil Rights Act of 1964. The court ruled that the district must take affirmative steps to overcome educational barriers faced by the non-English speaking students.

*Castenada v. Pickard, 1981*

The major outcome of this case was a set of three guidelines to use to evaluate programming for English Language Learners (ELLs):

- (1) Is the program theoretically sound or experimentally appropriate?
- (2) Is the program set up in a way that allows this theory to be put into practice?
- (3) Is the program regularly evaluated and adjusted to ensure that it is meeting the linguistic needs of the students it serves

*Phylar v. Doe, 1982*

In *Phylar v. Doe*, the United States Supreme Court held as unconstitutional the Texas law that allowed local education agencies to deny enrollment to children of undocumented immigrants. The ruling was based on the equal protection provision of the Fourteenth Amendment to the U.S. Constitution. Of particular concern to the Court was the fact that children were affected, rather than their parents. The Court believed that denying undocumented children access to education punished the children for their parents' behavior. Such an action, the Court noted, did not square with basic ideas of justice.

*The No Child Left Behind Act of 2001 (NCLB) (a reauthorization of the Elementary and Secondary Education Act of 1965)*

Title I: Improving the Academic Achievement of the Disadvantaged

This portion of NCLB mandates English language proficiency testing and academic achievement testing of ELLs, setting requirements for the establishment of achievement objectives and a number of other educational reforms.

Title III: Language Instruction for Limited English Proficient and Immigrant Students

This portion of NCLB mandates English language proficiency testing of ELLs, discusses a number of issues related to programming for ELLs, and outlines ELL-specific parent notifications, in addition to addressing a number of other related issues.

*Rule 15 Nebraska Department of Education (2011)*

Law outlines the responsibilities of Nebraska districts regarding identification, placement, programming, exit criteria and program evaluation for English language learners.















## **Educational Rationale**





The legal rationale provides only part of the reason that special instructional programs for English language learners (ELLs) are necessary. Equally important, if not more so, is the fact that these types of programs are consistent with best educational practices. Both research and experience have proven that such programs provide the most valuable educational opportunities for ELLs.

Language learners progress through several stages. The amount of time a learner spends in each level varies greatly. The teacher's role is to recognize the learner's stage of language development and provide the learner support that is appropriate to the level.



Stage	Student Behavior	Teacher Should
<p><b>Stage 1</b> <b><u>Pre-Production</u></b></p> <p>ⓂMinimal comprehension</p> <p>ⓂNo verbal production</p>	<ul style="list-style-type: none"> <li>👂 Begins to listen attentively to an English speaker.</li> <li>👂 Follows one-step directions.</li> <li>👄 Responds with nods and gestures.</li> <li>👄 Expresses needs in English with single words and gestures.</li> <li>👄 Repeats English words and phrases.</li> <li>👄 Echoes single words and/or short phrases.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Encourage students to follow simple directions involving physical actions.</li> <li>✓ Encourage students to join in group songs, chants, recitations, and role-playing activities.</li> <li>✓ Assist in developing phonemic awareness.</li> <li>✓ Check comprehension frequently.</li> <li>✓ Maintain a consistent daily schedule with regular routines to facilitate comprehension.</li> <li>✓ Provide ample listening opportunities.</li> </ul> <p><b>More commands than questions:</b>  <b>Point to the _____.</b>  <b>Find the _____.</b>  <b>Touch the _____.</b></p>
<p><b>Stage 2</b> <b><u>Early Production</u></b></p> <p>ⓂSome comprehension</p> <p>ⓂOne or two word responses</p>	<ul style="list-style-type: none"> <li>👂 Begins to understand illustrated stories and classroom instruction.</li> <li>👂 Follows simple two-step directions.</li> <li>👄 Responds to greetings with single words and/or phrases.</li> <li>👄 Begins to respond to simple questions with one-word answers.</li> <li>👄 Begins to communicate using short phrases and simple language patterns.</li> <li>📖 Uses some vocabulary from various content areas.</li> <li>📖 Identifies people, places, and objects.</li> <li>📖 Lists, compares, and contrasts.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Continue to provide listening opportunities with rich context.</li> <li>✓ Have students complete simple sentences with 1 or 2 word responses.</li> <li>✓ Do shared reading with props, building on students' prior knowledge.</li> <li>✓ Ask yes/no and Who? What? When? Where? questions.</li> <li>✓ Have students label, manipulate, and evaluate pictures and objects.</li> </ul> <p><b>One word response:</b>  <b>Is _____ wearing green? (yes or no)</b>  <b>What color is the giraffe?</b>  <b>Is this hot or cold? (either/or)</b></p>
<p><b>Stage 3</b> <b><u>Speech Emergence</u></b></p> <p>ⓂGood comprehension of contextualized information</p> <p>ⓂEnough proficiency to speak in simple sentences (with approximations)</p>	<ul style="list-style-type: none"> <li>👂 Follows multi-step directions.</li> <li>👄 Communicates using short phrases and simple sentences.</li> <li>👄 Describes events, places, and people.</li> <li>👄 Begins to use English in social situations.</li> <li>👄 Begins to summarize information.</li> <li>📖 Begins to use and understand vocabulary, classroom, and content area language.</li> <li>📖 Writing may include loosely connected sentences, but there is evidence of fluency.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Ask open-ended questions.</li> <li>✓ Continue to provide language opportunities with rich context.</li> <li>✓ Use predictable and patterned books for shared and guided reading.</li> <li>✓ Engage students in increasingly longer and deeper conversations.</li> <li>✓ Have students create books through language experience activities.</li> <li>✓ Support the use of content area themes with retellings and role-play.</li> <li>✓ Have students describe personal experiences.</li> <li>✓ Provide sentence frames to support academic language.</li> </ul> <p><b>Phrases, extended response:</b>  <b>How is the _____ today?</b>  <b>How do you care for a _____?</b>  <b>Tell me about your _____.</b>  <b>What are you going to buy at the store?</b>  <b>Are you _____?</b>  <b>Did you _____?</b></p>

Stage	Student Behavior	Teacher Should
<p align="center"><b>Stage 4</b> <b><u>Intermediate</u></b></p> <p>ⓈVery good comprehension of contextualized information</p> <p>ⓈProficiency to communicate well (with approximations)</p>	<ul style="list-style-type: none"> <li> Paraphrases oral information with approximations.</li> <li> Communicates effectively in most formal and informal settings.</li> <li> Contributes to group discussions, offers opinions and/or feedback during discussions.</li> <li> Begins to respond to more complex questions with greater detail.</li> <li> Begins to ask questions to clarify content and meaning.</li> <li> Begins to use more complex thoughts and ideas (e.g., hypothesis, synthesis, analysis, and evaluation) within an academic context.</li> <li> Vocabulary use and writing usually demonstrate understanding of audience and purpose.</li> <li> Rephrases or clarifies content language.</li> <li><input checked="" type="checkbox"/> Begins to use correct verb tense to express present, past, and future.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Provide instruction that requires students to use academic language.</li> <li>✓ Utilize variety of genres.</li> <li>✓ Structure guided group discussions that promote student interactions.</li> <li>✓ Provide ample opportunities for developing oral language fluency (<i>Reader's Theater</i>).</li> </ul> <p><b>Encourage Independent Thinking:</b>  <b>What do you think of the story? Why? How will it end?</b>  <b>What would happen if _____?</b>  <b>Which do you like best?</b>  <b>Compare that with your _____.</b></p>
<p align="center"><b>Stage 5</b> <b><u>Advanced</u></b></p> <p>ⓈNear native speech</p> <p>ⓈVery good comprehension (with some vocabulary gaps)</p>	<ul style="list-style-type: none"> <li> Paraphrases oral information independently.</li> <li> Communicates competently in social and academic settings.</li> <li> Contributes to group discussion with ideas and appropriate suggestions.</li> <li> Uses abstract and complex language to express ideas and opinions appropriate to age.</li> <li> Uses a wide range of classroom and content area language with native competence.</li> <li> Pronunciation, intonation, and grammar approximate that of native English speakers.</li> <li><input checked="" type="checkbox"/> Uses a wide range of language patterns.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Provide opportunities for further language enhancement and refinement.</li> <li>✓ Continue with complex and varied literacy tasks.</li> </ul> <p><b>Encourage responses reflective of higher-order thinking:</b>  <b>Do you agree with _____?</b>  <b>How would you decide about _____?</b>  <b>What criteria would you use to assess _____?</b></p>

-  Listening and Comprehension
-  Oral Expression
-  Oral/written Vocabulary
-  Pronunciation and Fluency
- Grammar

Adapted by Cindy Segotta-Jones, Cartwright School District, Phoenix, Arizona from:  
 Bonnie Campbell Hill. *Developmental Continuums: A Framework for Literacy Instruction and Assessment K-8*  
 Stephen Krashen. *Stages of Language Acquisition*

## General Considerations

Educators should keep in mind certain general considerations when planning an educational program for ELLs. These considerations are outlined below.

- **ELLs need not give up their first language to learn a second language.**

On the contrary, the development and maintenance of skills and proficiency in the first language *enhance* acquisition of a second language. Compared to students who are not proficient in their first language, those who are first-language proficient will acquire English more easily and quickly, and will learn to read faster and more easily.

*It is, therefore, neither useful nor practical, and in many ways counterproductive, to discourage parents of ELLs from speaking their first language with their children at home. Parents can provide much support in the first language and should be encouraged to speak and read to their children in any language that is comfortable for them to use.* The school and parents together can plan for additional rich and pleasant experiences for ELLs in English, both in and out of school.

- **Lack of English proficiency does not in itself qualify a student for Special Education services.**

A student who lacks English language skills is different from an individual with a language disorder. A student from another culture may have learning styles and concepts of appropriate school and classroom behavior that, while they may differ from the American mainstream perception of the same, may be appropriate to that student's cultural background and experiences. In the course of normal second language acquisition, a student may not be able to perceive or pronounce certain sounds that do not exist in his or her first language, or that are not used in the same position. Normal sound patterns and interference from the first language may lead students to fail to discriminate sounds in the second language. This is not a learning, speech, or hearing disorder. In addition, a student may acquire oral and written skills in English at different rates. Oral fluency in English may not be an indication of the overall English language skills necessary for academic achievement. Therefore, before a student can be served in Special Education, he or she should be assessed in the first language to determine whether the suspected condition exists in the language and cultural context with which the student is most familiar and comfortable. A suspected speech disorder, for example, that does not appear in the first language can be assumed to be a natural characteristic of second-language acquisition. Consequently, the student should be referred for English as a second language instruction.

- **It may take a long time for a student to learn English well enough to participate fully in an all-English-language mainstream classroom.**

Researchers have concluded that it may take from three to ten years to master sophisticated English in the four skill areas (listening, speaking, reading, writing) required for full participation and learning in an academic setting (Cummins, 1991; Hakuta, Butler, & Witt, 2000; Thomas & Collier, 2002). The amount of time will vary with each student’s background, age, experience, and first-language literacy, as well as with the amount of support provided by school and parents. It is important to note that the oral language needed for basic survival, while acquired relatively quickly (1 to 3 years), by itself is not sufficient for students to perform well in the classroom. Early acquisition of basic, predictable oral language—or even slang—may lead mainstream teachers to believe that an English language learner is reasonably proficient in English. Yet, the student actually may not know enough English to fully participate academically in an English-medium mainstream classroom. The acquisition of these Basic Interpersonal Communicative Skills (BICS) (Cummins, 1979, 1981) is an important first step in learning English. BICS alone, however, are not sufficient to enable English language learners to take advantage of the educational opportunities offered in the all-English mainstream classroom. First-language content instruction, as well as English as a Second Language (ESL) instruction, will provide both academic and linguistic support for the English language learner until Cognitive Academic Language Proficiency (CALP) (Cummins, 1979, 1981) can be reached and the student is able to actively and fully achieve academic success.

## Categories of English Proficiency

	<b>BICS/Social Language</b>	<b>CALPS/Academic Language</b>
<b>Stands for:</b>	Basic Interpersonal Conversation Skills	Cognitive Academic Language Proficiency
<b>Characteristics:</b>	Survival, functional, conversational Repetitive, predictable Words refer to tangible objects, basic vocabulary Usually oral, can often be pointed at or acted out  Present tense verbs Single sentences, simple phrases and questions	Language of academic subjects, opinions, feelings, conjecture Original, not repetitive or predictable Intangible, abstract vocabulary and concepts Oral and written, not necessarily in immediate surroundings or context Past, present, future and conditional verb tenses Complex phrases, sentences, and questions, extended speech and readings
<b>Time to acquire:</b>	6 months- 3 years	Up to 10 years

# Funding

## **Federal**

U.S. Department of Education

English Language Acquisition State Grants

<http://www.ed.gov/programs/sfgp/nrgcomp.html>

Local educational agencies, (LEAs) and schools are responsible for providing a language instruction educational program that increases the English proficiency and academic achievement of LEP students. The U.S. Department of Education distributes the funds by formula to state educational agencies (SEAs). SEAs make subgrants to LEAs. Under section 3114 of Title III, there are two types of subgrants that SEAs can make to LEAs. Under section 3114(a), LEAs are eligible for subgrants based on the number of LEP students enrolled in schools served by the LEA. Under section 3114(d), SEAs reserve up to 15% of their Title III grants to award subgrants to LEAs that have experienced a significant increase in the percentage or number of immigrant children and youth enrolled in public and non-public elementary and secondary schools in their jurisdiction. States make section 3114(a) subgrants to LEAs on a formula basis. Allocations to LEAs are based on the number of limited English proficient students enrolled by the LEA. However, section 3114(d) subgrants, for LEAs that have experienced a significant increase in the number of immigrant students, are not made on a formula basis. In Nebraska, a significant increase in immigrant students is defined as 5%. To figure the percentage of increase, the current year's immigrant enrollment is compared to the immigrant enrollment average of the previous two years. ESU#13 provides support for a Title III ESL Consortium so that districts might access these funds and share best practices.

## **State**

In order to access state aid dollars set aside for meeting the needs of LEP students, districts must complete the Limited English Proficiency Plan and submit it to the Nebraska Department of Education's Finance and Organizational Services Department. NDE contacts district superintendents with instructions for completing the plan and due dates. The description below was announced in 2010-2011, the district is aware of the need to check any NDE updates for current regulations.

### **Instructions for Completing the 2013/14 Limited English Proficiency Plan**

Each school district shall designate a maximum Limited English Proficiency Allowance on or before October 10. The school district may decline to participate in the Limited English Proficiency Allowance by providing the Department of Education with a maximum Limited English Proficiency Allowance of zero dollars. Each school district designating a maximum Limited English Proficiency Allowance greater than zero dollars shall submit a Limited English Proficiency Plan pursuant to section 79-1014. The Department of Education shall determine

the Limited English Proficiency Allowance for each school district that meets the requirements of section 79-1007.08 and has not been disqualified pursuant to section 79-1007.09. The Limited English Proficiency Allowance for the certification of State Aid will be the lesser of: (1) the dollar amount estimated by the school district; or (2) a calculated amount determined by section 79-1007.08 The Limited English Proficiency Plan is to be completed as a requirement for State Aid purposes. As school districts develop the Limited English Proficiency Plan, the needs and strategies would also be integrated into the school district's School Improvement Plan. The definition for Limited English Proficient may be found under field number 95 in the [Nebraska Staff and Student Record System Student Template Instruction Manual](#).

## Nebraska Revised Statute 79-1014

[Revised Statutes](#) » [Chapter 79](#) » 79-1014

Limited English proficiency plan; submission required; when; review; approval; elements required; appeal.

[Print Preview](#)

79-1014 Limited English proficiency plan; submission required; when; review; approval; elements required; appeal. (1) On or before October 10 of each year, each school district designating a maximum limited English proficiency allowance greater than zero dollars shall submit a limited English proficiency plan for the next school fiscal year to the department and to the learning community coordinating council of any learning community of which the school district is a member. On or before the immediately following December 1, (a) the department shall approve or disapprove such plans for school districts that are not members of a learning community, based on the inclusion of the elements required pursuant to this section and (b) the learning community coordinating council, and, as to the applicable portions thereof, each achievement subcouncil, shall approve or disapprove such plan for school districts that are members of such learning community, based on the inclusion of such elements. On or before the immediately following December 5, each learning community coordinating council shall certify to the department the approval or disapproval of the limited English proficiency plan for each member school district.

(2) In order to be approved pursuant to this section, a limited English proficiency plan must include an explanation of how the school district will address the following issues for such school fiscal year:

- (a) Identification of students with limited English proficiency;
- (b) Instructional approaches;
- (c) Assessment of such students' progress toward mastering the English language; and

(d) An evaluation to determine the effectiveness of the elements of the limited English proficiency plan.

(3) The state board shall establish a procedure for appeal of decisions of the department and of learning community coordinating councils to the state board for a final determination.

### **Source**

1. Laws 2007, LB641, § 24;
2. Laws 2008, LB988, § 37;
3. Laws 2009, LB549, § 33.

Effective Date: August 30, 2009

## Nebraska Revised Statute 79-1007.08

[Revised Statutes](#) » [Chapter 79](#) » 79-1007.08

Limited English proficiency allowance; calculation.

[Print Preview](#)

79-1007.08 Limited English proficiency allowance; calculation. (1) For school fiscal year 2008-09 and each school fiscal year thereafter, the department shall determine the limited English proficiency allowance for each school district that meets the requirements of this section and has not been disqualified pursuant to section 79-1007.09. Each school district shall designate a maximum limited English proficiency allowance on or before October 15 of the school fiscal year immediately preceding the school fiscal year for which aid is being calculated. The school district may decline to participate in the limited English proficiency allowance by providing the department with a maximum limited English proficiency allowance of zero dollars on such form on or before October 15 of the school fiscal year immediately preceding the school fiscal year for which aid is being calculated. Each school district designating a maximum limited English proficiency allowance greater than zero dollars shall submit a limited English proficiency plan pursuant to section 79-1014.

(2) The limited English proficiency allowance for each school district that has not been disqualified pursuant to section 79-1007.09 shall equal the lesser of:

(a) The amount designated pursuant to subsection (1) of this section by the school district, if such school district designated a maximum amount, for the school fiscal year for which aid is being calculated; or

(b) The statewide average general fund operating expenditures per formula student multiplied by 0.25 then multiplied by:

(i) The number of students in the school district who are limited English proficient as defined under 20 U.S.C. 7801, as such section existed on January 1, 2006, if such number is greater than or equal to twelve;

(ii) Twelve, if the number of students in the school district who are limited English proficient as defined under 20 U.S.C. 7801, as such section existed on January 1, 2006, is greater than or equal to one and less than twelve; or

(iii) Zero, if the number of students in the school district who are limited English proficient as defined under 20 U.S.C. 7801, as such section existed on January 1, 2006, is less than one.

#### **Source**

1. Laws 2006, LB 1024, § 81;
2. Laws 2007, LB641, § 21;
3. Laws 2008, LB988, § 30;
4. Laws 2009, LB549, § 28.

Effective Date: August 30, 2009

## Nebraska Revised Statute 79-1007.09

[Revised Statutes](#) » [Chapter 79](#) » 79-1007.09

Financial reports relating to limited English proficiency; department; duties; report; appeal of department decisions.

[Print Preview](#)

79-1007.09 Financial reports relating to limited English proficiency; department; duties; report; appeal of department decisions. (1)(a) For school fiscal year 2007-08, the annual financial report required pursuant to section 79-528 shall include:



(i) The amount of federal funds received based on students who are limited English proficient as defined by the federal program providing the funds; and

(ii) The expenditures and sources of funding for each program related to limited English proficiency with a narrative description of the program and the method used to allocate money to the program and within the program.

(b) The department shall set up accounting codes for the receipts and expenditures required to be reported on the annual financial report pursuant to this subsection. The department shall also determine for each school district an amount that shall be deemed the limited English proficiency allowance for purposes of this section. Such amount shall equal the adjustments to the weighted formula students pursuant to subdivision (1)(c)(ii) of section 79-1007.01 multiplied by the average formula cost per student in the school district's cost grouping.

(2)(a) For school fiscal year 2008-09 and each school fiscal year thereafter, the annual financial report required pursuant to section 79-528 shall include:

(i) The amount of the limited English proficiency allowance used in the certification of state aid pursuant to section 79-1022 for such school fiscal year;

(ii) The amount of federal funds received based on students who are limited English proficient as defined by the federal program providing the funds;

(iii) The expenditures and sources of funding for each program related to limited English proficiency with a narrative description of the program, the method used to allocate money to the program and within the program, and the program's relationship to the limited English proficiency plan submitted pursuant to section 79-1014 for such school fiscal year;

(iv) The expenditures and sources of funding for support costs directly attributable to implementing the district's limited English proficiency plan; and

(v) An explanation of how any required elements of the limited English proficiency plan for such school fiscal year were met.

(b) The department shall set up accounting codes for the receipts and expenditures required to be reported on the annual financial report pursuant to this subsection.

(3) For school fiscal year 2009-10 and each school fiscal year thereafter, the department shall determine the limited English proficiency allowance expenditures using the reported expenditures on the annual financial report for the most recently available complete data year that would only include in the limited English proficiency allowance expenditures those expenditures that were used to specifically address issues related to the education of students with limited English proficiency or to the implementation of the limited English proficiency plan, that do not replace expenditures that would have occurred if the students involved in the program did not have limited English proficiency, that are not included in other allowances, and that are paid for with noncategorical funds generated by state or local taxes or funds distributed through the Tax Equity and Educational Opportunities Support Act pursuant to the federal American Recovery and Reinvestment Act of 2009. The department shall establish a procedure to allow school districts to receive preapproval for categories of expenditures that could be included in limited English proficiency allowance expenditures.

(4) For school fiscal year 2009-10 and each school fiscal year thereafter, if the limited English proficiency allowance expenditures do not equal 117.65 percent or more of the limited English proficiency allowance for the most recently available complete data year, the department shall calculate a limited English proficiency allowance correction. The limited English proficiency allowance correction shall equal the limited English proficiency allowance minus eighty-five percent of the limited English proficiency allowance expenditures. If the limited English proficiency allowance expenditures do not equal fifty percent or more of the allowance for such school fiscal year, the school district shall also be disqualified from receiving a limited English proficiency allowance for the school fiscal year for which aid is being calculated.

(5) For school fiscal year 2010-11 and each school fiscal year thereafter, if the department determines that the school district did not meet the required elements of the limited English proficiency plan for the most recently available complete data year, the department shall calculate a limited English proficiency allowance correction equal to fifty percent of the limited English proficiency allowance for such school fiscal year and the school district shall also be disqualified from receiving a limited English proficiency allowance for the school fiscal year for which aid is being calculated. Any limited English proficiency allowance correction calculated pursuant to this subsection shall be added to any limited English proficiency allowance correction calculated pursuant to subsection (4) of this section to arrive at the total limited English proficiency allowance correction.

(6) The department may request additional information from any school district to assist with calculations and determinations pursuant to this section. If the school district does not provide information upon the request of the department pursuant to this section, the school district shall be disqualified from receiving a limited English proficiency allowance for the school fiscal year for which aid is being calculated.

(7) The department shall annually provide the Legislature with a report containing a general description of the expenditures and funding sources for programs related to limited English proficiency statewide and specific descriptions of the expenditures and funding sources for programs related to limited English proficiency for each school district.

(8) The state board shall establish a procedure for appeal of decisions of the department to the state board for a final determination.

**Source**

1. Laws 2006, LB 1024, § 82;
2. Laws 2007, LB641, § 22;
3. Laws 2008, LB988, § 31;
4. Laws 2009, LB545, § 6.

Effective Date: May 20, 2009

**Local**

When ELL Program funding needs exceed the state aid available and federal funds allotted, the district is responsible for the remaining costs.

# Wayne Community Schools ELL Procedures and Program Description

## District ELL Program Manager, Misty Bear

### Identification:

1. Student enrolls in the district and is placed in age/grade appropriate level.  
At registration, **all** students new to the district are given a Home Language Survey in the appropriate language in the enrollment packet or by the enrolling personnel, usually the school secretary. The Home Language Survey is available through TransACT, <http://www.transact.com>. The secretaries are responsible for creating and accessing TransACT accounts in order to access the necessary forms. A translator will be provided to enrolling families if available. The building principal(s) ensure(s) that identification procedures are in place.

**About TransACT:** TransACT membership is provided by the Nebraska Department of Education. Transact.com provides many forms, from the home language survey to field trip permission slips, in multiple languages. These forms are legally valid. Should we choose to create our own forms at our own district, we will need to seek legal council regarding the validity of our forms. To get started, go to the website. Be sure to select the state forms file since Nebraska has 3 specific questions that must be asked. When assistance is needed, call the exceptional help line or use the on line support. Through NDE, each Nebraska school's membership is already paid.

2. Criteria used to refer student to the **English Language Learning Program (ELLP)**:
  - a. Home language survey indicates that:
    1. The student's first language was other than English
    2. The student understands a language other than English
    3. The student's parents speak a language other than English at home or the student's language has been influenced by a language other than English by someone such as a grandparent, babysitter, or other adult
    4. The student primarily speaks a language other than English at home
    5. The student was placed in an ELLP with another school
  - b. A teacher, counselor, administrator or Student Assistance/RTI team may also have evidence from grades, student work or observations that a student may be eligible for ELLP. In that case, a conference with parents is advised.

- c. Upon arrival, a student who has been in an ELLP or bilingual program in a previous district will be placed in the ELLP program at current district pending receiving documentation of the previous LEP designation within 30 days of the student's enrollment
3. Assessment of English language proficiency will occur within two weeks (10 school days) of the student's arrival during the school year.

## **English Language Proficiency Assessment**

1. All students referred will be initially assessed by a certified teacher using the IPT (IDEA Proficiency Test).
  - a. The assessment will assess listening, speaking, reading and writing.

The assessment has been determined to be reliable and valid in measuring English language acquisition by reviewing the technical manual.

Currently, Wayne Community Schools uses the IPT test. IPT does provide a Technical Manual for each test. Each manual indicates the use of a research director, technical analysts and a technical reviewer. The manuals were reviewed to ensure that reliability and validity was provided and the tests were appropriate for use in our school.

As example :

**IPT 1&2 Reading and Writing Grades 2-6 Forms 1A and 2 A** provided a Cronbach's Alpha (.95 and .91) indicating that the items used to measure reading are consistent. The Standard error of Measurement of 2.71 and 2.76 out of 51 reading items shows that in 67% of the cases and support reliability. In an alternative measure of reliability, the same tests rated .87 and .89 for test-retest reliability. Validity was calculated in three ways. Content validity was provided in a matrix of items and what they assess. Construct Validity was not as appropriate for an achievement test, but was calculated showing moderate correlations among the reading subtests. The authors used this data to determine that subtests should not be weighted in determining final cut-scores. Construct validity was also shown by measured increases from grade to grade after exposure to curriculum,. Criterion/Concurrent Validity was checked by comparison with student scores on the CTBS test showing a Pearson's R correlation of .76, a substantial degree of association.

**IPT II Oral Grades 7-12 forms C and D** reliability was shown through Cronbach's Alpha of .99. Standard Error of Measurement was 2.86 and 2.75. The test/retest reliability of first and second administrations is a Pearson's R of .83 which shows high inter-rate and test/retest reliability. The manual provided charts of Content Validity ranging from 57% for Syntax and 71% for morphology to 100% for lexicon and comprehension. Construct validity was examined with some caveats expressed for the fact that Second language learners would not be expected to achieve as high when they have not yet been exposed to English—the correlation tables did not correlate for age

showing the range of oral ability at all age levels. Criterion Validity was first measured based on teacher prediction (.78 and .74) as well as teacher opinion and district designation showing positive correlation between the measures and IPT results.

- b. All assessment results will be kept in the student file.

## **Initial Placement**

1. The ELL teacher will review the scores. The student will be placed in the ELLP when assessment data reflects the need for English language development and/or language support.
2. ELLP Entrance Criteria
  - a. IPT results indicate NES, Non English Speaker, or LES, Limited English Speaker
  - b. The district may also have additional assessment data available to assist in determining programming for the student . (i.e. AIMSweb; district norm referenced tests scores (NWEA) , or NeSA scores and other information such as prior education and social experiences, written recommendations/observations by current and previous instructional school staff.
3. Documents regarding ELLP placement or continuation of placement will be sent to parents/guardians within the first 30 days of the school year in the parents' home language. If the student is new to the district after the start of the school year, parent notification will take place within two weeks of enrollment. The following documents will be sent to the parents/guardians in the language that the parents understand. These documents are available at <http://www.transact.com>
  - a. Notification of English Language Program Placement (upon initial placement and every year thereafter)
  - b. Description of District English Language Development Program(s) (upon initial placement and every year thereafter)
2. In case of refusal of placement by parent/guardian, the Request for English Language Development program Withdrawal/Denial of Enrollment form must be signed by parent/guardian before services will be terminated. This document is available at <http://wwwtransact.com>
3. However, parents cannot terminate the civil rights of the child, so the district recognizes a continued obligation to ensure the student learns. When a parent/guardian refuses the services, it will be the responsibility of the ELL teacher and regular classroom teacher to monitor the academic progress of the student as the student is still identified as an ELL and must still meet state requirements. Monitoring must be documented.

## **Continued Placement:**

As a new school year begins, students already placed in the ELLP will continue services. The following documents must be sent to parent/guardian in home language within 30 days from the start of the school year:

- Notification of English Language Program Placement (upon initial placement and every year thereafter)
- Description of District English Language Development Program(s) (upon initial placement and every year thereafter)

## **English Language Learner Program Models**

The district is aware of requirements to ensure that LEP students both learn English and learn academic content. Appendix C. provides a more comprehensive outline of our ELL program which is based upon ESL Pull-Out/ESL Push-In. Students learn content subject matter through the use of English that is adapted to the students' proficiency level and supplemented by gestures, visual aids, and other means of contextualizing the content subjects. An ELL teacher and/or para professional provides individual support to students in the ELLP if available. The goal of this model is fluency in English. This model is able to make use of co-teaching or coaching, and provides teachers professional development in ESL strategies to meet the language and academic needs of the students. Students are served in mainstream classrooms and receive instruction in English with some native language support, as needed.

## **Program Content**

Newcomer support to assist a student to acclimate into the school and classroom is provided as needed on an individualized basis.. Literacy is the initial priority with support or oral language as well as reading, writing and listening. Developing Literacy in Second-Language Learners: The Report of the National Literacy Panel on Language-Minority Children and Youth explains that “developing literacy in a second language depends to great extent on the amount and quality of the schooling that is provided to language-minority students” pg 10. Our District is committed to “...focusing instruction on key components, such as phonemic awareness, decoding (alphabetic principle), reading comprehension, vocabulary and writing, that have clear benefits” pg 16. The ELL student will be instructed in research based, standards driven, curriculum material. While we acknowledge that the grade level standards are the goal for every student, we know that the ELL student must work from his instructional level on his path toward meeting the standards. Appendix C shows a more complete outline of our program offerings at various grade levels.

## **Staffing**

ELLs will be instructed by professional who possess valid Nebraska teaching certificates who are fluent in English. Such teachers may have an endorsement in ESL or be required to participate annually in professional development in the district's language program model for the student(s) being taught.

## **Role of the Mainstream Classroom Teacher**

The role of the mainstream classroom teacher is vital to the success of the ELL student. Teachers must differentiate instruction to empower students to become active learners. Teachers should:

- a. Apply the understanding of language acquisition and proficiency levels.
- b. Simplify instruction, not the concept.
- c. Use the student's own name.
- d. Work toward depth in a clear, concise manner, eliminating all peripheral, nonessential information.
- e. Use strategies with support comprehension such as gestures, increasing the opportunity for short student/partner responses and interaction, use of graphic organizers and presenting content area vocabulary and concepts using realia, picture files, repetition and hands-on activities.
- f. Examine the ELL's background and learn how the student's past experiences will affect learning. The impact of a student's background on learning will depend on his previous schooling, home languages and cultures, and the concepts important to those cultures.
- g. Understand that ELL students may not have had experience with all of the concepts being taught in American schools. For example, concepts such as freedom and democracy, perceptions of time, and right to privacy may be different or non-existent in many cultures.
- h. Teach to Nebraska standards and ESL guidelines.
- i. Become aware of appropriate accommodations for assessments and grading and apply them consistently.

## **Instructional Strategies and Materials**



LEP students will be instructed through strategies of differentiation such as Sheltered Instruction Observation Protocol (SIOP), Cognitive Academic Language Learning Approach (CALLA), and direct, explicit vocabulary instruction. Scheduled communication and collaboration between ELL teacher and classroom teachers will also occur.

The program is outlined in Appendix C and includes use of the materials listed below. The program is highly individualized due to low-incidence of LEP and district desire to meet needs.

The district also includes LEP students in any Response to Intervention plans

- a. Instructional level text (comprehensible input)
- b. Language Central - Pearson
- c. Daily 5
- d. Title 1 Services
- e. In a low incidence school, the program also is very individualized and requires teachers to use quality strategies to support language such as vocabulary, sentence frames, visuals, gestures and leveled materials.

### **Ongoing Assessment and Evaluation**

There will be an on-going evaluation of LEP student progress. Appropriate accommodations are provided (based upon state recommendations) to ensure meaningful participation.

- a. The ELL teacher and classroom teacher(s) will collect data such as student work, anecdotal records or monitoring notes, grades, and assessment scores.
- b. The ELL teacher and classroom teacher(s) will communicate regularly about the data. Together the teachers will determine the next instructional steps to be taken.
- c. ELDA (English Language Development Assessment) will be given yearly (Spring to Spring). The ELDA will be sent from NDE.
- d. Assessments used to report state standards (NESA) will also be used to measure progression or regression (annually).
- e. The district will review student progress as part of program evaluation.

### **Professional Development**

“A mainstream teacher who is provided with appropriate information and support can make the time an ELL student spends in the classroom effective learning time” (Berube 2000). Ongoing professional development is that support. The district is a member of the

ESU 7 Title III Consortium which plans and facilitates professional development opportunities and ESL endorsement courses for educators working with ELL students. The district is planning annual professional development in the language instruction educational model of Differentiated Instruction, and attendance at Consortium meetings by the ESL teacher.

## **Parental and Community Involvement**

The report of the National Literacy Panel on Language-Minority Children and Youth found that “schools underestimate and underutilize parents’ interest, motivation, and potential contributions” in regard to the academic success of their children (pg 15).

“The academic success of LEP students is a responsibility shared by all educators, the family, and the community” (The Center for Equity and Excellence in Education). Ongoing parental/community involvement is an important contributor to effective schools (August and Hakuta 1998). Berube (2000) suggests seven core beliefs leading to the empowerment of the language minority family.

- a. The family is the child’s first teacher.
- b. Learning is life-long.
- c. Families can and want to learn.
- d. In our global world bilingualism is an asset, not a liability.
- e. Families, regardless of ethnicity or socioeconomic status, want to make a positive impact on their children’s education.
- f. Education is the shared responsibility of the home and school.
- g. A child’s education at home or at school is powerfully defined by culture.

The district encourages parental participation for parents of ELL students by providing a welcoming atmosphere and by communicating with the parents in their native language when possible through writing and translators. Open house, parent conferences , teacher/parent communications and learning events are encouraged.

## **Exiting Criteria**

Rule 15 has established the criteria to determine if the student has attained English language proficiency in speaking, writing, reading and understanding at a level sufficient to participate in the classroom. When reached, the student will be exited from the ELLP.

- a. K-2: composite score if proficient on the annual state English language proficient assessment (ELDA) and teacher(s) recommend that the student exit.

- b. 3-12: composite score of proficient on the annual state English language proficient assessment (ELDA) OR achieves a proficiency level of “meets the standards” or “exceeds the standards” on the annual Nebraska State Accountability reading (NeSA-R); OR If an LEP student has verified disabilities, if a committee of assessment and educational personnel determine that the educational needs of a student with verified disabilities are not affected by his or her degree of proficiency in the English language, the committee may recommend that the student exit the ELLP. Such committee includes persons knowledgeable about the language and educational needs, at least one member of the IEP team and must maintain documentation that the educational needs are not affected by the degree of proficiency in English.

Students who do not qualify to exit remain in the current program. Students who exit the ELLP must be monitored for two years.

### **Monitoring of ELL Students**

The ELL teacher and the classroom teacher(s) are to monitor the academic progress of former LEP students for at least 2 years to compare their academic performance to non-LEP students. Evidence of monitoring includes but is not limited to assessment scores, report cards, attendance records, discipline records, and teacher monitoring notes. Monitoring can include support for the teacher for strategies that may assist the student or supplemental materials. Students may receive assistance, without formal re-entry, if the assistance needed is related to access to resources or help with problem solving, and is limited in duration and frequency.

### **Program Evaluation**

ELL Program evaluation is a component of CIP (Continuous Improvement Process). Data is reviewed to determine the effectiveness of the program, identify areas of concerns, propose program modifications, and set new program goals. ELLP evaluation can include ELLP manager, administrators, classroom teachers, ELLP student(s), parent(s) and an external member such as ESU staff. An evaluation tool is provided in Appendix G Program review. The review includes a focus on improving student learning with recommendations to the superintendent to guide the planning, implementation, evaluation and modifications of the language instruction educational program. The review is submitted in writing and shall be available to patrons upon request. The evaluation plan tool is included in Appendix G. The designated team reviews and reports on the processes for identification, implementation of the program, staffing, assessment, accommodations and exit criteria. It also includes analysis of student data and growth on the annual language proficiency exam and the state content standards exams. Other data may also be included such as grades, honor roll, graduation rates, drop-out rates, discipline referrals, participation in extracurricular activities, and parent information. Question the team may consider include:

- a. Are students acquiring English language skills at a pace that is consistent with ELL program goals?
- b. Is the rate of language development progress compatible with the district's objectives for academic progress?
- c. How are ELL students performing in English language skills compared to the district's goals and standards?
- d. Are ELL students progressing in English language skills so they will be able to successfully handle regular coursework?
- e. Do former ELL students who have exited the program continue to demonstrate English language skills that enable them to successfully handle regular coursework?
- f. Are ELL students who are currently receiving English language development services progressing academically relative to the program goals/expectations?
- g. Are ELL students making sufficient academic progress so that they are either at grade level or closing the gap between their instructional level and grade level?
- h. How are ELL and former ELL students doing, over time, as compared to the academic performance of all other students generally?
- i. Are multiple measures used to assess the overall performance of ELL students in meeting the goals the district has established for its ELL Program?

## **References**

August, D., Hakuta, K. (Eds.). (1998). *Educating language minority children*. Washington, DC: National Academy Press.

Biagini, J., Díaz, M., & Phommasouvanh, B. (1991). *Guidelines for serving students with limited English proficiency*. St. Paul: Minnesota Department of Education.

*Castenada v. Pickard*, 648 F. 2d 989 (5th Cir., 1981).

Cummins, J. (1979). Linguistic interdependence and the educational development of bilingual children. *Review of educational research*, 49, 222-151.

Cummins, J. (1981). *Schooling and language minority Students: A theoretical framework* (pp. 3-50). Los Angeles: California State University, Evaluation, Dissemination, and Assessment Center.

Cummins, J. (1991). *Schooling for Language Minority Students* (pp. 3-49). Sacramento, CA: California Department of Education.

*Diana v. State Board of Education*, No. C-70 RFT (N. D. Cal. 1970).

Elementary and Secondary Education Act of 1965, Pub. L. 89–10, 79 Stat. 27 (1965).

Equal Education Opportunities Act of 1974, 20 U. S. C. §1203(f).

Hakuta, K., Butler, Y. G., & Witt, D. (2000). *How long does it take English language learners to attain proficiency?* (The University of California Linguistic Minority Research Institute Policy Report 2000-1). Stanford, CA: Stanford University. Retrieved August 18, 2004, from <http://www.stanford.edu/~hakuta/Docs/HowLong.pdf>

Iowa's 75th General Assembly (1993 Session). Chapter 280, Section 280.4, as amended by House File 457, Code of Iowa. Des Moines: 75th General Assembly.

Iowa Department of Education Bureau of Compensatory and Equity Education (1988): *Educating Iowa's limited English proficient students*. Des Moines: Iowa Department of Education.

Iowa Department of Education Division of Elementary and Secondary Education (1996): *Educating Iowa's limited English proficient students*. Des Moines: Iowa Department of Education.

*Lau v. Nichols*, No. 72 – 6520, Supreme Court of The United States 414 U.S. 563 (1974).

Malakoff, M., & Hakuta, K. (1990): History of language minority education in the United States.

In M. Padilla, H. Fairchild, and C. Valadez (Eds.), *Bilingual education*. Newbury Park, CA: Sage Publications.

No Child Left Behind Act of 2001, Pub. L. No. 107-110, § 1001-1908, 115 Stat. 1439-1620; § 301-3304, 115 Stat. 1689-1734, (2002). Retrieved February 25, 2003, from <http://www.ed.gov/legislation/ESEA02/107-110.pdf>

*Plyler v. Doe*, No. 80-1538, United States Court of Appeals for the Fifth Circuit. 457 U.S. 202 (1982). The Bilingual Education Act of 1968, 20 U. S. C. §3283.

Thomas, W. P., & Collier, V. P. (2002). *A national study of school effectiveness for language minority students' long-term achievement final report: Project I.I.* Retrieved August 18, 2004, from [http://www.crede.ucsc.edu/research/llaa/1.1\\_final.html](http://www.crede.ucsc.edu/research/llaa/1.1_final.html)

Title VI, Civil Rights Act of 1964 (Revised, 1999), 34 CFR 100.1. Retrieved August 18, 2004, from [http://www.access.gpo.gov/nara/cfr/waisidx\\_99/34cfr100\\_99.html](http://www.access.gpo.gov/nara/cfr/waisidx_99/34cfr100_99.html)

United States Department of Education. (1970, May 25). *Identification of discrimination and denial of services on the basis of national origin*. Retrieved August 18, 2004, from <http://www.ed.gov/about/offices/list/ocr/ell/may25.html>

103rd Congress 2nd Session (1994). *Improving America's Schools Act*. Washington, DC: United States Printing Office.

Biagini, J., Díaz, M., & Phommasouvanh, B. (1991). *Guidelines for serving students with limited English proficiency*. St. Paul: Minnesota Department of Education.

Equal Educational Opportunity Act of 1974, 20 U.S.C. Sec. 1703. Retrieved September 5, 2004, from <http://www.maec.org/laws/eo.html>