

**SAU 16 Lau Policy  
For ESOL Students**

**Revised January 2007**

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## **Program Policy and Rationale**

The acquisition of communicative competencies for social purposes and the development of language and learning skills is a long and complex process. Numerous cultural, linguistic, learning, socio-economic, and motivational factors play an important part in the speed, quality and quantity of English language acquisition.

Such a complex and long-range process requires a well-organized and effective instructional program. Also needed is a supportive environment which fosters cultural awareness among all students and faculty and policies which encourage social integration in and out of the classroom.

The policy of SAU 16 is to implement services for limited English proficient students. These services will provide effective activities and learning experiences necessary for these students to succeed culturally, socially and academically in English language classrooms with their peers.

## **Program Goals and Objectives**

### **A. Goals**

SAU 16 is committed to providing appropriate services for ESOL students.

The instructional program for limited English proficient students enrolled in SAU 16 public schools has three basic goals:

1. To provide curriculum objectives and an Education Plan for students who are limited in the English language. The aim of the curriculum objectives

- and Education Plans is to develop the English language competencies of ELL students so that they can compete socially and academically with their same age peers in all-English language classrooms.
2. To provide instructional and integrative activities which will lead to recognition of American cultural attitudes and behaviors, and the use of such attitudes and behaviors in their interactions with English speakers in the United States. These instructional and integrative activities will lead to the successful integration into the English social and school communities.
  3. To provide curriculum objectives and learning experiences which will lead to a command of the learning strategies and skills necessary for the ELL student to compete with his or her English language peers in the all English classroom, and hopefully meet his or her learning potential.

## **B. Program Objectives**

To reach the goals, the following program objectives will be implemented:

1. ELL students will develop proficiency in the English language so that he or she will understand and be understood in a variety of social and educational situations, relative to the student's age. The sound/grammar differences between English and the student's primary language should be identified to develop compensatory speaking/listening skills.
2. ELL students will develop the cognitive-academic skills necessary for learning content with the English language.

3. ELL students will be integrated with their English language peers for extra-curricular and non-language basis activities whenever possible.
4. ESOL students will require two categories of ESOL service:
  - a. The ESOL program will include assessment, development and monitoring of the student's English proficiency in speaking, listening, reading and writing.
  - b. ESOL assistance will also be required in order for the student to succeed in content area domains.

### **Referral and Screening**

The ESOL teacher will be notified by the principal or principal designee when a non-English or ELL student registers at his or her school.

Using the Home Language Survey (Appendix C) completed during student registration, the ESOL teacher will identify potential ELL students who may be at risk because of their lack of English skills, and who may be in need of ESOL services. A certified ESOL teacher will administer an English proficiency test to determine and classify the student's English proficiency level.

Based on the results of the English proficiency assessment test, the principal and ESOL teacher will place the ELL student in ESOL services as well as standard curriculum instruction. The ESOL teacher will develop an educational plan and review it with the classroom teachers.

### **Program Approach**

An appropriate instructional program for limited English students is designed to develop the English communicative competencies necessary for successful social integration into the United States English-speaking community. The program will also assist the student in developing, refining and applying the English language and learning skills necessary for competing with their English language peers.

### **Program Design**

This district uses the ESOL Support Model/Pullout. ESOL services will be coordinated by an ESOL certified teacher. Aides and/or tutors may provide support services but no direct instruction. It is an assumption of SAU 16 that an effective program for ELL students should have personnel who are qualified to meet the special English language skill and content knowledge development needs of non-English language background learners.

1. This model provides formal ESOL instruction using the pullout or resource room design, individualized for each student.
2. This model is recommended for school districts with “low incidence” populations of ELL students.

In formal ESOL instruction, the student receives support in the following areas:

1. Instruction in English language development (i.e., listening, speaking, reading, writing and thinking skills) preferably based upon themes and content of the subject areas which the student’s English language

peers are studying in the standard curriculum. If the student lacks the informational background to comprehend content from the subject areas, the background information for the subject areas becomes the “content” of the ESOL lessons.

2. The student will continue to receive ESOL support services as necessary in order to succeed in the content area classrooms. The New Hampshire guidelines state:
  - a. Beginning ELL students should receive three clock hours per day of ESOL support.
  - b. ELL students should receive two clock hours per day of ESOL support.
  - c. Expanding and Bridging students should receive one clock hour per day of ESOL support.

### **Placement in Standard Curriculum Classroom and Special English Services for ELL Students**

Appropriate placement in the standard curriculum classroom and in the ESOL instructional program will not exceed fifteen (15) school days.

### **Grading of Students Enrolled in ESOL and Standard Curriculum Classrooms**

When an ELL student is learning English at the non-English proficiency and limited English proficiency levels, it is important to give the student a relevant but fair grade for each marking period as well as a final grade for the year.

Grading will be based on “objective” and “subjective” criteria cooperatively established by the ESOL and subject area teachers. The criteria will be based on the student’s Education Plan. ESOL assistance may be required for the student to succeed in content area domains.

### **Instructional Placement, Grading and Promotion Guidelines**

Instruction will be supervised by an ESOL certified teacher. Most effective programs for ELL students include multiple criteria for appropriate ESOL instructional placement and for placement in content area instruction or in an appropriate elementary, self-contained classroom.

No programmatic placement decisions should be made based on only one test or one interview. The ELL student should be placed in ESOL and English language support services as well as any all-English instruction based on the recommendation of the Review Team. Deciding to promote ELL students to the next grade is difficult. The following flexible policies may assist the decision making process:

- A. Elementary Level: The ELL student is usually promoted to the next grade level with his or her English language peers. An ELL student will only be considered for retention in his or her present grade if the student is so limited in language and learning skills in his/her first language that the development of cognitive-academic competencies in English is impeded. In this case a younger peer group would be more supportive to the social and developmental needs of the student.

- B. Middle/Secondary Level: According to Title VI of the Civil Rights Act of 1964, students cannot be penalized for their limited English. Their Evaluation must be based on the amount of content that they have assimilated during the course, not their English proficiency. The student will receive full credit for content area courses and ESOL course work. ESOL course work may fulfill the English requirements for graduation. Criteria for promotion will be established by the Review Team.
- C. Graduation: According to Title VI, criteria for graduation may be adjusted by the Review Team as necessary. A graduation plan must be developed by course registration for tenth grade. Graduation cannot be delayed because of a student's limited English.

### **The ESOL Review Team**

The ESOL Review Team will be formed in each building containing ESOL students. It will be chaired by the principal or designee. An existing building level child study team can assume the roles and responsibilities of the ESOL Review Team; the membership may consist of the following staff members: an ESOL instructor, a counselor, an instructional specialist, the student's regular education teachers and the principal or designee.

### **Responsibilities of the ESOL Review Team**

The roles and responsibilities of the ESOL Review Team will be to:

1. Review previous school documentation if available.
2. Ensure placement of ELL students in the appropriate level of ESOL instruction and assign the ESOL instructor as case manager.
3. Review assessments annually with standard curriculum staff to determine how the student is functioning, and to determine the student's schedule and placement.
4. Monitor students who have exited the direct service program for two years.
5. Establish multiple criteria for promotion to the next level of ESOL proficiency instruction, for promotion to the next grade level, and partial and full exiting for the ESOL services.

### **Exiting**

The Review Team will review the collected data and may choose one of the following options.

- A. **Partial Exit:** If a student has scored below the pre-established score range on the standardized test and the proficiency instrument, but the Review Team, the student, and the parents feel he or she should be given the opportunity to try the mainstream experience, then the ESOL services can be reduced as long as the student is closely monitored.
- B. **Full Exit:** If the student meets the multiple exiting criteria, the student is placed in a standard curriculum classroom with no direct services. He or she will receive periodic monitoring to determine if he or she is

still competing in all-English instruction. The ESOL teacher in collaboration with the school principal will notify the student's parent(s) or guardian(s) of the reclassification and new instructional placement. Written or verbal notification will be in the home or primary language of the parent. The written or verbal notification will include a simple rationale for exiting the student and a description of the student's new program. If this requirement places an unreasonable burden on the local school district or the parent does not read either language, someone from the school system must visit and explain to the parent the student's new program. Notification to the parents will include information of their legal right to challenge the reclassification of their child.

### **Exit Criteria**

Multiple criteria will be used for full exit from ESOL services. Full exit decisions will be based on the following collected student data:

1. An English global proficiency instrument. The student will perform at the transitional or fluent level on a standardized ESOL proficiency instrument.
2. A review of the student's performance will be done by the Review Team.
3. A student interview. The student will be interviewed to determine if the student feels ready for competing in the mainstream.

4. Parent or guardian interview.
5. Students will exit ESOL services when they have met the pre-determined, multiple reclassification and exiting criteria.

If a student is exited, a record of this notification will be maintained by the district in each ESOL student's cumulative folder. Relevant instructional personnel will also receive a report of the student's reclassification, and any pertinent language or learning strategies diagnosed by the exit activity.

### **Post Service Monitoring**

The ESOL Review Team will monitor student performance for two years. This includes performing any testing mandated by the NH Department of Education. If monitoring indicates that the Exited student is falling behind in classroom work and/or English skills, the student will immediately receive support services.

### **Yearly Evaluation**

A yearly evaluation will be conducted by the ESOL Review Team. The team will evaluate changes in the program created by enrollment and personnel changes.

The following questions will guide the discussion:

1. Are staff members aware of who is responsible for ESOL students in the building?

2. How are students being identified?
3. Are Home Language Surveys being completed and the results reported to the ESOL teacher?
4. Are classroom teachers receiving support from the ESOL teacher?
5. Are materials that are needed being purchased?
6. Are exited and service refusal students being monitored for two years?
7. Is the budget appropriate to meet the needs of the ESOL population?
8. Are student needs being surveyed?

### **Procedures for Referral and Evaluation of Exceptionality in ESOL Students**

The **Review Team** will use the following procedures for referral to special education:

1. Insure that a child is placed in an appropriate ESOL program and content area classes prior to referral to the Special Education Team.
2. Allow an ESOL student to adapt to the school environment before referring him or her for testing. The **Special Education Team** shall use the following procedures after referral:
  - a. Refer student for language dominance testing.

- b. Arrange that the evaluation be performed in the child's dominant language by a bilingual psychologist.
- c. Look carefully at the student's performance on verbal and non-verbal portions of the test. Where you suspect difficulty in the language of the test, and the student's performance supports your suspicion (e.g., the student performs better in non-verbal sections than verbal) make a note in the student's file that the scores may not be reliable due to limited language ability.
- d. List the needs identified in the evaluation which should be served in conjunction with the ESOL, or content area class placement if a student is not targeted for special education services.
- e. Develop an individualized educational program (IEP) if the child is identified as educationally handicapped.

As part of the IEP the ESOL program will be designed by the ESOL instructor, in cooperation with the Review Team, to meet the needs of individual students.

### **Responsibilities of the ESOL Teacher**

1. The ESOL teacher will keep a list of all students being presently serviced and monitored. This list will be available to the administrators in each building.

2. Teaching: Develop Education Plans for all ESOL students. Provide direct, intensive English instruction to ESOL students. Provide content area support for students in mainstream classes. Select and develop materials to be used in ESOL and/or mainstream classes.
3. Assessment: Assess incoming students and reassess current ESOL students annually.
4. Record Keeping: Establish a record keeping system for recording assessment results, instructional placement, reclassification procedures and follow-up monitoring.
5. Staff Development: Develop and implement support services and training activities for standard curriculum teachers or specialists who have ELL students partially or fully in their classroom. Provide development opportunities for all staff in the areas of second language acquisition, modification of instruction, cultural awareness, and other facets of multi-cultural education. Encourage and assist mainstream teachers to provide quality multicultural activities in their classrooms. Identify, review, and make available instructional resources and materials for ESOL classes, modified mainstream instruction, and multicultural instruction.
6. Monitoring: Keep track of progress of ELL students. Inform Review Team of any needs for additional support.

7. Reporting: Report to parents on progress, in coordination with mainstream teachers. Report to principals on student progress. Report to Review Team on status of program and students.
8. Coordination: Work with administrators to Implement and monitor all required state and federal standards and requirements for educational services for ELL students. Coordinate all services and decisions for ELL students: Serve as a liaison between school and families. Regularly contact classroom teachers.
9. Budgeting: Develop a financial budget for each school for the purchase materials and supplies for ESOL instruction.

## Appendix A

**ESOL Resources**

ESOL Program-Department of Education, Concord: 271-3887 (Technical Assistance; free NH ESOL Publications; Information about Legal Compliance, Assessment, Educational Materials, Translators and Interpreters, ESOL Teachers' Network, etc.)

UNH-Manchester (for information on ESOL collection of books, videos, life skills picture cards, etc. available through loan at NH ESOL teachers with a special library card

Parent ESOL classes: NH Dept of Education, 271-6701 and International Institute, Manchester, 647-1500

Free posting of "electronic want ads" for ESOL teaching positions via the NH ESOL Teachers' Listserve (sponsored by the LAB at Brown University): contact Dr. Suzanne Irujo at [sirujo@bu.edu](mailto:sirujo@bu.edu) or (603) 744-8371, FAX (603) 744-7961

Office of Civil Rights (OCR), Boston, (617) 233-9662 (Legal information about federal laws and court cases)

Office for English Language Acquisition (OELA) **Washington**, D.C.  
Contact the NH ESOL Program for appropriate telephone number and contact people.

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Each district Superintendent's Office or SAU Office has on file a compliance plan for K-12 for all schools to use and one copy each of the NH ESOL Toolkit, Compliance Guide, and Parent Handbooks (in English, Lao, Vietnamese, French

and Spanish). Special Education Directors have the *Translators/interpreters Directory* and *Bilingual Special Education Evaluators Directory*. All NH of Dept of Education publications are not copyrighted and therefore can be photocopied by districts without penalty. These publications are also available online at [www.ed.state.nh.us](http://www.ed.state.nh.us)

## Appendix B

**Modifications to be made for ESOL students****Course Content**

The ESOL teacher will assess each student's needs and will devise an educational plan to meet their needs.

Homework is often difficult for these students to complete independently. Students often need more time to complete their homework. Doubling the time or halving the homework is often helpful.

After giving directions the teacher should have the student retell the directions to you. Asking the student if they understand is ineffective because in many cultures it is impolite to ask for a second set of directions if they did not understand the first time.

If the ESOL student still does not understand, the teacher should try to reword or remodel the directions. If the student still does not comprehend, have an English speaking student try to explain to the ESOL student. Sometimes children are better at explaining to other children than are adults.

The teacher should ask questions requiring multiple-word responses, and for which there is not necessarily a single correct answer. The child may be quite good at reproducing one-word, right or wrong answers that will be acceptable without understanding what was said.

## Evaluation

By law these students cannot be penalized for their limited English. Their evaluation must be based on the amount of course content that they have assimilated. This evaluation should include both what is done in the classroom and with the ESOL teacher

Written tests are often more difficult for ESOL students. The following modifications can provide for more accurate assessment:

1. Administer a test with one-on-one assistance so that the teacher can be certain that the ESOL student understands the questions as well as the English speakers do. (This assistance can be provided by the ESOL teacher.)
2. Modify the expected responses to the test so that the student can use alternate means of communicating, such as gesture, performance, practical demonstration, or any other means of showing understanding which are available in common to the teacher and student.
3. Focus on the parts of the test which the student can answer. Base the exam grade on the portions that can be completed. Ignore the remainder of the test. When written responses are required, allow up to several hours for the student to respond.
4. Waive the test entirely, and find some other means of evaluating the student that does not depend on proficiency in English.

## Appendix C

## Home Language Survey

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

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

Age: \_\_\_\_\_ Name of Parent/Guardian: \_\_\_\_\_

The State of New Hampshire mandates that all new students be given this survey to determine a child's English proficiency. English for Speakers of Other Languages help is available for those students who qualify.

1. Please list all languages frequently spoken by people living in your home.

A. English B. \_\_\_\_\_

**IF YOU FILLED IN B, PLEASE COMPLETE THE REST OF THIS FORM.**

2. What was the first language your child spoke? \_\_\_\_\_

3. What languages does your child use when speaking with you? \_\_\_\_\_

4. What languages does your child understand? \_\_\_\_\_

5. What languages does your child use when speaking with adults in the home?

\_\_\_\_\_

6. What languages does your child use when speaking with children in the home? \_\_\_\_\_

7. What languages does your child use most often when speaking with friends?

\_\_\_\_\_

8. Has your child had formal schooling in another language? \_\_\_No \_\_\_Yes

What languages? \_\_\_\_\_ How many years? \_\_\_\_\_

## Glossary of Terms

**English Language Learner (ELL) or Limited English Proficient (LEP)**

This student may have studied the English language in his/her native land or been enrolled in ESOL classes previous to enrollment. This student would be formally and objectively assessed with a reliable and valid English language proficiency test. The student would be placed in an ESOL instructional level as indicated by the proficiency instrument.

**NELB:** non-English language background. Students who have an answer other than English to any of the questions on the Home Language Survey

**ESL:** English as a Second Language

**ESOL:** English for Speakers of Other Languages

**WIDA:** Education consortium of states. The name comes from the beginning letter of each original member state. It now stands for World Class Instructional Design and Assessment.

**ACCESS:** *Assessing Comprehension and Communication in English from State to State*. This is the name of the WIDA test that is used during the mandated testing time.

**W-APT:** WIDA-ACCESS for ELLs Placement Test, the test used for initial entry into the ESOL program.

**School Administrative Unit #16****Exeter, NH****Waiver**

The English for Speakers of Other Languages (ESOL) staff of SAU #16 and the Exeter School District have recommended to me that my child, should enter/continue in the ESOL Program. I understand that my child has the right under State and Federal laws, as well as District policy, to attend this program.

The ESOL Program has been fully explained to me by and I understand it. However, I do not want my child to attend this program and waive any rights or claims that my child or I may have to this entitlement.

Date: \_\_\_\_\_ Parent: \_\_\_\_\_

Date: \_\_\_\_\_ ESOL Teacher: \_\_\_\_\_

Date: \_\_\_\_\_ Principal: \_\_\_\_\_

## Appendix F

**Districts must provide direct service which is “sufficient” and “appropriate”.**

**Appropriate**

- based on English proficiency needs
- based on current program and instructional practices
- “effective” services which lead to “comparable performance” and district can prove this
- includes multiple criteria for placement, promotion, exit, etc.
- teaches English and learning-with-English skills
- provides equal access to equal opportunity
- does not segregate students
- documents services

**Sufficient Service**

The district provides direct English language development and content area instruction (or prior knowledge for content success) until the ELL student can perform equal to his/her language peers in the mainstream.

This stay in direct service is reasonable and exit from service is based on specific, multiple criteria, which includes proof of sustained performance in English.

## Appendix G

## Fact Sheet

## Appropriate and Effective ESOL Instruction

Q. What do the federal and state laws require?

A. Federal Civil Rights laws require that schools (1) identify limited English proficient students (2) assess English proficiency to determine instructional placement (3) place students in appropriate and sufficient services (4) provide for equal educational opportunity and (5) document the provision of service and its effect on student performance. In 1989, as a result of a complaint to the federal Office of Civil Rights, the New Hampshire Dept of Education entered a statement of intent with OCR agreeing to meet these requirements.

Q. How are ELL students identified?

A. A Home Language Survey is administered to all new enrollees. School staff is trained to conduct classroom surveys and to review records to identify previously unserved ELL students. Non-English Language Background (NELB) students who are born in households where English is not the primary language or whose first language is other than English may have English proficiency which impacts upon their education.

Q. How are ELL students assessed for English language proficiency?

A. Qualified ESOL teachers screen students with a mandated test based on answers from the Home Language Survey.

Q. What are appropriate and sufficient services?

A. The School District Instructional Plan, based on the guidelines provided in the NH Program Compliance Guide: *Implementing Educational Services for ELL Students* should include:

- schedule for delivery of services
- identification of personnel who provide services
- an assessment plan for proficiency development and reclassification, performance grading, promotion within the program and exit criteria
- a description of current ESOL teaching practices for the development of basic communicative English skills and cognitive academic language skills
- a list of appropriate instructional materials
- curriculum, the scope and sequence of which parallels the mainstream curriculum
- a description of adjunct services
- identification of post service monitoring procedures

Q. What are current ESOL practices used to provide appropriate and effective instruction for ELL students?

A. ESOL teachers provide comprehensible, meaning driven instruction through the use of action routines, visuals, graphic organizers, language experience, write-to-read activities, thematic units, sheltered content, interactive learning, integrated instruction, modified guided instruction (numerous review and

comprehension checks), cognitive strategies, and multicultural teaching strategies.

## Appendix H

## WORKING WITH ESOL STUDENTS IN THE REGULAR CLASSROOM

**Teacher Behavior**

- Establish a language-rich learning environment
- Speak slowly and clearly in a normal tone of voice
- Repeat key phrases to ensure student learning
- Activate prior knowledge
- Draw connections between course content and real life
- Provide hands-on activities
- Break information into manageable chunks
- Limit new vocabulary per lesson or unit
- Provide alternative texts and adapted materials as resources
- Allow extra wait time for language processing as needed
- Ask factual questions first, then proceed to those requiring higher order thinking skills
- Affirm the native language and personal experiences of students

**Teaching Strategies**

- Use cooperative learning, providing instruction and reinforcement in working collaboratively
- Use peer tutoring
- Use graphic organizers
- Use visuals: photos, illustrations, maps, charts and realia

- Demonstrate, dramatize and use body language
- Record materials on tape
- Use multimedia to provide a visual dimension to enhance learning

### **Assessment/Evaluation**

- Involve students in lesson planning and test design
- Provide review sheets
- Teach test taking terms and strategies
- Practice test taking ahead of time
- Have a class brainstorm test questions
- Make directions clear
- Allow extra time or provide alternative assessment

### **General Strategies**

- Coordinate with the ESOL teachers and staff
- Encourage use of bilingual dictionaries and other resources
- Build cultural awareness and understanding within the classroom
- Use students as a resource
- Invite school/community resource persons into the classroom

## Appendix I

**FEDERAL LAWS AND COURT CASES MANDATING EQUAL  
EDUCATIONAL ACCESS FOR NATIONAL ORIGIN STUDENTS***1964 Civil Rights Act, Title VI*

“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 be subjected to discrimination under any program or activity receiving Federal financial assistance.”

*Office of Civil Rights, October 1970 Memo (requirements based on the  
1964 Act)*

“Where the 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.”

*Equal Educational Opportunities Act, 1974*

“No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by ... (f) the failure by an educational agency to overcome language barriers that impede equal participation by its students in its instructional programs.”

*Lau v. Nichols 1974 (US Supreme Court)*

"...there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education."

*Rios v. Read 1977 (US District Court of New York)*

"It is not enough simply to provide a program for language disadvantaged children or even to staff the program with bilingual teachers; rather, the critical question is whether the program is designed to assure as much as is reasonably possible the language deficient child's growth in the English language. An inadequate program is as harmful to a child who does not speak English as no program at all."

*Citron v. Brentwood 1977, 1978 (US District Court, Eastern District of New York)*

"The goal instruction by competent bilingual teachers in the subject matter of the curriculum while at the same time teaching non-English speaking children the English language."

*Castenada v Pickard 1981 (5<sup>th</sup> Circuit Court)*

The court's decision states that the burden of proof is upon the district that the instructional program designed for an ELL student has clearly

developed English language skills of comprehension, speaking, reading, and writing necessary for learning and achieving in English -only instruction at a level substantially equivalent to pupils whose primary language is English.