

# Tacony Academy Charter School ESL Board Policy

Policy Number:

SECTION: Programs  
TITLE: English as a Second Language (ESL) Program  
  
Adopted: 8/2014  
Revised: 8/2021

<p>Purpose</p> <p>Authority Title 22 Section 4.26 Castañeda v. Pickard, 1981</p>	<p>It is the policy of the Tacony Academy Charter School to provide all students equal access to a quality education, including those whose dominant language is not English and who are learning English as a second language (ESL). Tacony Academy Charter School will provide assistance through an appropriate, planned instructional program to enable English Learners (EL) students to progress academically while they are learning English.</p> <p>The purpose of the program is to increase the English language proficiency of eligible students so that they can attain the academic standards adopted by the Board and achieve academic success.</p> <p>Tacony Academy Charter School (TACS) shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards. The program shall meet the three-pronged test of program compliance: (1) sound research-based education theory, (2) sufficient resources and staffed by appropriate personnel, and (3) periodic program evaluation.</p> <p>As used here, the term "program" refers to: (1) planned instruction by a qualified ESL Teacher, (2) adaptations/modifications in the delivery of content instruction by all teachers based on the student's language proficiency level and the Pennsylvania English Language Development Standards (PA ELDS) for ELs as well as the Pennsylvania academic standards.</p> <p style="text-align: center;"><b>THE LANGUAGE INSTRUCTIONAL PROGRAM</b></p> <p>TACS will have a written program plan, in compliance with the Pennsylvania Department of Education (PDE), that includes:</p> <ul style="list-style-type: none"><li>● A description of the instructional models implemented by TACS (see chart below)</li><li>● The process for identification of ELs</li><li>● The criteria for program exit</li><li>● Exit monitoring process for 2 years after exit from a language instructional program</li></ul> <p>The description will be sufficient to provide guidance to school personnel and families regarding the programs and services that students will receive. The language instructional program will include planned instruction for English Language Acquisition by an ESL certified teacher and scaffolds and support for instruction in content area classes for ELs.</p>
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Instructional Models

The Program model(s) that TACS adopts for ELs (see chart below) will consider TACS demographics and student characteristics, and will be in accordance with the PDE standards and *Castañeda v. Pickard*, 648 F.2d 989 (1981):

- 1) Based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy.
- 2) Reasonably calculated, including provisions for resources and personnel, to implement the theory effectively.
- 3) Evaluated and adjusted where needed to ensure language barriers are actually being overcome.

<b>Program Name</b>	<b>Native Language of Students</b>	<b>Language of Content Instruction</b>	<b>Language of Instruction</b>
<b>ESL Pull-Out</b>	Students can share the same NL or be from different language backgrounds; generally no support for NL	English adapted to students' proficiency level & supplemented by gestures and visual aids	English; students leave their English only classroom to spend part of the day receiving ESL instruction often focused on Grammar, Vocabulary, and Communication Skills
<b>ESL Push-In</b>	Students can share the same NL or be from different language backgrounds	English; ESL teacher provides support in the classroom and provides clarification and translation as needed (scaffolding, graphic organizers, vocabulary preview, study notes, etc.)	English

Planned Instruction for English language acquisition (ESL) classes

TACS will provide that planned instruction according to the PDE standard:

- Direct English language instruction will not take place during other content classes which are required under 22 Pa Code § 4.
- Planned Instruction in the ESL Program will include daily instruction supporting the program model chosen by TACS, including scientific/research-based instructional tools and resources.
- Language instruction will be commensurate with the student's proficiency level (i.e. students at levels 1-3 require a greater amount of language instruction than students at levels 4 and 5). This includes both direct language instruction and adaptations to instruction/assessment in all content areas.

- Exact hours of direct language instruction by proficiency level will be determined based on student need and program/instructional delivery model. Instruction will meet all requirements under *Lau v Nichols*, 414 U.S. 563 (1974) and *Castañeda v. Pickard*, 648 F.2d 989 (1981).
- TACS will consider the following recommendations when planning direct ESL instruction:
  1. Entering (Level 1)/ Beginning (Level 2): 2 hours
  2. Developing (Level 3): 1-2 hours
  3. Expanding (Level 4): 1 hour
  4. Bridging (Level 5): Up to 1 hour or support dictated by student need, must still occur daily
- ESL instruction will be delivered via curriculum aligned with Pennsylvania's Reading, Writing, Speaking, and Listening Standards, and the PA ELDS for ELs.
- In order to acquire English, students with Limited English Proficiency will receive instruction the same as they would receive instruction for other curricular areas. ESL classes will be part of the daily schedule and thoughtfully planned so that students are not removed from other content classes to receive instruction for English language acquisition.
- As the proficiency of a student advances into the upper levels (i.e. Expanding/Bridging), if a student requires only minimal ESL instructional time, this will still be in the form of planned, ongoing support during a structured time within the school day.

#### Planned Instruction in Academic content areas (content area classes)

TACS will ensure that content area instruction is consistent with the PDE requirements:

- The language instructional program will provide ELs with meaningful, comprehensible access to instruction in all content areas required by Pennsylvania academic standards.
- The PA ELDS (K-12) are an overlay to the academic standards and will be incorporated in planned instruction for ELs by all teachers.
- TACS will support instructional planning/evaluation efforts between the ESL teachers and the content-area teachers by providing common planning time as appropriate.

ESL is a basic core curricular area (i.e., content area subject) that will be available to all identified students as determined by appropriate assessments and consideration of multiple criteria. It will be provided to all identified students until English proficiency is achieved. Sufficient daily instructional time based on level of English proficiency and supporting the chosen instructional model will be allotted to enable students' development of English at the proficient level.

#### **Professional Development**

The Board shall include provisions for appropriate professional development for all stakeholders in its professional development plan.

TACS will offer staff development related to ESL for all LEA personnel as part of the Professional Development Act 48 Plan.

Professional development topics will include:

- Review of Can-Do Descriptors
- Review of Accommodations and Modifications checklist
- Collaboration sessions with ESL teacher (support with lesson plans, instructional strategies, and monitoring progress)

Title 22 Section 4.13 (c) (7)  
24 P.S. § 12-1205.1 and §  
49.16-17

Civil Rights Act of 1964  
Title VI  
P.L. 103-328  
Basic Education Circular April  
14, 2009: Educating Students  
with Limited English  
Proficiency (LEP) and English  
Language Learners (ELL)

- Review of grading guidelines for ELs and documentation requirements
- Review of English Language Development Standards and academic language
- Equity vs. Equality (Meeting the needs of English Language Learners)

### **Identification of English Language Learners**

The Board shall establish procedures for identification of students whose dominant language is not English. The LEA is required to identify ELs at the time of enrollment, notify parents of the identification and programming options, and appropriately place the ELs into a language instruction educational program (LIEP). This process must be completed within the first 30 days of school or within 14 days of enrollment if a student enrolls after the first day of school.

In the LEA of residence, the Home Language Survey shall be completed for every student by his/her caregiver(s) and filed in the student's permanent record folder. For students whose native language is not English and for whom background and/or additional evidence warrants formal assessment of the student's English proficiency level, the LEA of residence will administer the required proficiency assessment and consider multiple criteria to determine the need for English as a Second Language instruction.

LEP students shall be enrolled upon presentation of a local address and proof of immunization.

### **Enrollment**

#### **Student identification for placement in an instructional program for ELs**

TACS uses the following PDE criteria to determine placement in the language program:

- Based on the responses to the Home Language Survey (HLS) and parent interview, students will be assessed for potential placement in the program unless they meet the criteria outlined below. There are certain scenarios that may preclude assessment if a student can demonstrate English language proficiency.
- Students should meet two of the following three criteria to be exempt from a formal ELD assessment: Final grades of B or better in core subject areas (Mathematics, Language Arts, Science and Social Studies); Scores on district-wide assessments that are comparable to the Basic performance level on the PSSA; Scores of Basic in Reading, and Math on the PSSA or an equivalent assessment from another state. Student records for children from other states or school systems can be considered as part of the criteria.
- Newly enrolling students without academic records must be assessed for their ELD level.
- TACS will use the WIDA Screener for Grades 1 to 12, which is aligned to the required annual State ELD assessment, ACCESS for ELs, to assess students for placement in language instructional programs for ELs.
- TACS may choose to use other formal, standardized ELD assessments for additional information but identification and placement must be based on the screening and the multiple criteria outlined above.
- The screening results are one of the indicators for placement in the ESL program and must be used in combination with the above multiple criteria, if available, to determine placement in an ESL program.
- Educators must take into consideration the State's ELD levels described within the PA ELDS standards when placing students in an instructional program for ELs.
- Instructional placement of ELs must be age and grade appropriate. Additionally, ELs must be given equal access to all educational

programs, opportunities, and extra-curricular activities in the same manner as for all students.

- Parent permission to assess is not required.
- A parent interview is required using the approved PDE form.
- Parent notification of student assessment results and placement in an ESL program is required.

#### **Parents' Limited Right to Opt Out of ESL/Bilingual Programs**

All LEAs must recognize a parent's unqualified right to decline enrollment in specialized, separate EL services for a child. Accordingly, a parent of an EL student may choose to decline a child's placement in a Language Instruction Education Program (LIEP) or opt-out of specific components of that program. A parent's decision to decline a LIEP program or opt-out of specific components of it must be fully informed and voluntary. A meeting must be held in person with the parent and the school to discuss this decision. The parent must sign a parental waiver form. The parent must be notified of his/her right to reinstate the services at any time. The student must participate in ACCESS testing even when opting out of EL services. LEAs may not recommend that a parent opt a child out of the LIEP program or specific EL services for any reason.

#### **Guidelines for the ESL Program**

The ESL program shall be designed to provide planned instruction to meet each student's individual needs based on the English language development level as identified through multiple criteria in reading, writing, listening, and speaking. Adequate content area support shall be provided while the student is learning English with a focus on both English Language Development Standards and Academic Standards to ensure student achievement in both language and content. ESL curriculum will be aligned to Pennsylvania's English Language Arts standards and the PA English Language Development Standards. Content area instruction will incorporate the PA English Language Development Standards as an overlay to Pennsylvania academic standards.

Teachers are professionally developed in the English Language Development standards. All ELs are provided with instruction in the core curriculum by professionally developed teachers. The ESL program focuses on providing Listening, Speaking, Writing and Reading standards-based instruction, but it is also content based. Dr. Deborah Short asserts, "ELs clearly need support in acquiring academic English and in achieving success in content area classes." Our program bolsters academic vocabulary and focuses on exposing students to major topics in science and social studies. Both fiction and nonfiction text provide students with opportunities to connect to the information through their own experiences and cultures. Our program goals are to develop English language while also preparing ELs to be successful in the content area classes (Lyster, 2007; Short, 2006; Stoller, 2004). ESL lessons target key content area vocabulary as well as the academic tasks ELs need to become familiar with for the content area classes (e.g., creating a timeline, taking notes from reference materials, creating an oral presentation, solving a math problem, writing observations during a science experiment, etc.)" (Short, *Best Practices*). Students are seen in grade-span clusters for the PA recommended amount of time according to their ELD level. TACS provides both a push-in and pull-out model. TACS teachers are professionally developed to preview vocabulary, use pictures and graphic organizers, use role play and songs with younger students, and build background knowledge with English Learners to assist students in gaining full access to the core curriculum. ELs' writing skills take longer to master than the speaking, reading, and listening skills. Intensive

Fourteenth Amendment  
Plyler v. Doe, 1882  
Lau v. Nichols, 1974

writing intervention is a strong focus of the ESL teacher, classroom teachers, and reading specialist for English Learners so we can prepare students to meet the new PA Common Core expectations and write focused, organized, evidence-based essays and responses.

Castañeda v. Pickard, 1974  
Certification and Staffing  
Policies and Guidelines (CSPG)  
No.68

Title III ESSA Section  
3115(g)

**Staffing**

A highly qualified PA certified teacher with a Program Specialist ESL Certificate shall provide the ESL instruction.

**Program Funding**

Adequate resources and funds, including a specific line item in the appropriate program budget, will be provided for an ESL program (e.g., staffing, professional development, assessments, etc.). Instructional resources shall be comparable to the resources provided for other core academic subjects. The disbursement of Title III funds, as allocated within the LEA's budget, must be used to supplement the ESL/Bilingual Education Program.

The TACS budget will include provision for resources/materials, staffing for language instructional programs, and professional development for all school personnel as part of core programming outlined in 22 Pa Code § 4.26.

- Federal funds will be used to supplement local funding for language instructional programs, but not to supplant state/local funds.

**Program Evaluation**

Periodic ESL program evaluations will be conducted for the purpose of program improvement. Evaluations will be based on students making progress and attaining proficient levels of English as collected in PIMS. The program shall be evaluated for its effectiveness and compliance based on the attainment of Annual Measurable Achievement Objectives (AMAOs). If ELs are not progressing and/or achieving English language proficiency, the program must be revised to ensure greater achievement.

TACS will periodically (annually and ongoing) evaluate its language instructional program to ensure all components are aligned and working effectively to facilitate the acquisition of the English language and academic achievement defined by the PA academic standards as stated in:

22 Pa. Code §4.52, Castañeda v. Pickard, 648 F.2d 989 (1981) and 20 U.S.C. § 6841

Data reported to TACS from state level assessments of ELD and academic achievement (ACCESS for ELs) will be used in program review and improvement.

The program will be evaluated based on the attainment of English proficiency. If ELs are not learning English, the program will be revised to ensure greater success.

**Program Exit Criteria**

Districts must employ uniform procedures in accordance with state requirements for reclassifying English learners (ELs) as former ELs (FELs) when they attain proficiency. This document outlines the procedure and rules for doing so. Upon exit from the ESL program, a student's progress will be monitored quarterly for two years.

An EL must demonstrate the ability to access challenging academic content and interact with other students and teachers both academically and socially in an English

language setting in order to be considered for reclassification. Evidence of this ability is demonstrated by the student on the annual English language proficiency assessment, ACCESS for ELLs®, and gathered by teachers using standardized language use inventories.

Using the following system, the ACCESS for ELLs® and the language use inventory together produce a single score. If that score exceeds the state-defined threshold, then the student is eligible to be reclassified. Two language use inventories must be completed. An ESL teacher must complete one of the inventories when possible. The other inventory may be completed by a single content teacher or a team of content teachers. In cases in which an ESL teacher cannot complete an inventory (e.g. students whose parents have refused services and who are not seen by an ESL teacher or ELs in higher proficiency levels who do not work with an ESL teacher regularly), both inventories may be completed by content teachers or teams of teachers. If only one teacher can accurately complete the inventory (e.g. elementary classes in which the classroom teacher is ESL certified and provides both content and language instruction and there is no other teacher or administrator who can accurately complete the inventory), one inventory may be completed and the single score is multiplied by two. The two inventories do not need to agree. The language use inventories must be completed prior to the release of ACCESS scores each year for students who, based on teacher input and previous ACCESS scores, are likely to reach the threshold. Once ACCESS scores are released, the points are added to the points from the rubrics to determine if students are eligible to be reclassified. Each language use inventory produces a single score and the sum of the two inventory scores is added to the ACCESS for ELLs® points assigned to determine if the student meets the minimum threshold for reclassification.

The following tables display the points possible from the ACCESS for ELLS and Teacher Inventories:

ACCESS Proficiency Level Score	Points Assigned
4.5 to 4.7	3.6
4.8 to 5.0	4.5
5.1 to 5.3	5.8
>5.3	8.4

Rubric	Language Use Inventories	ESL Teacher			Content Area Teacher		
		Low	Moderate	High	Low	Moderate	High
1	Interaction	0	.3	.5	0	.3	.5
1	Speaking	0	.3	.5	0	.3	.5
1	Reading	0	.3	.5	0	.3	.5
1	Listening	0	.3	.5	0	.3	.5
2	Writing: Cohesion	0	.2	.3	0	.2	.3
2	Writing: Word/Phrase	0	.2	.3	0	.2	.3
2	Writing: Grammar/Sentence	0	.2	.3	0	.2	.3
2	Writing: Narrative	0	.2	.3	0	.2	.3
2	Writing: Reports/essays	0	.2	.3	0	.2	.3
2	Writing: Arguments	0	.2	.3	0	.2	.3

Total possible points from both inventories 7.6

Total Possible Points from all components: 16  
Threshold for reclassification: 10.5

When this reclassification score is equal to or greater than the cutoff, then a student should be reclassified. However, if there is compelling evidence to suggest that a student should remain identified as an EL when his/her score exceeds the cutoff, and this evidence is documented along with the ACCESS for ELLs® score report and language use inventory forms, then the EL status may be retained.

Reclassification of current ELs to former ELs takes place annually between June and September. The EL status of students for the 2021-2022 school year must be determined by September 30, 2021 and reported in the PIMS October, 2021 District and School Enrollment Collection. Students reported as current ELs in the PIMS October District and School Enrollment Collection cannot be reclassified during the period from October 1, 2021 until June, 2022.

### **Post-Exit Monitoring**

All English learners (ELs) who are exited from language instructional programs must be monitored for a two year period after exit.

Specifically the law requires LEAs to maintain “a description of the progress made by children in meeting challenging state academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services. Monitoring of student progress shall begin as soon as the student exits an ESL/bilingual program. For students who exit a program at the end of the school year, monitoring begins the following school year.

It is recommended that the progress of the exited EL be monitored at quarterly intervals throughout the academic year, utilizing collaborative conversations regarding progress monitoring of the exited ELs between content and ESL teachers. The Pennsylvania Department of Education form should be completed. The completed report form is evaluated by an ESL professional in collaboration with other administrators and educators and must be maintained in the student record folder.

The primary purpose of the report forms is to monitor a former EL’s academic achievement after exit and to ensure that he/she is continuing to progress and be successful without encountering difficulty as a result of English language skills.

Please note that multiple criteria related to progress monitoring such as summative, benchmark, formative, and diagnostic assessments, grades, work samples, teacher observations, and other relevant academic achievement records must be considered. Attention must also be focused upon the core instructional program that has been offered to the student, including differentiated instruction, student progress in meeting state academic and student achievement standards, and MTSS tier interventions and related implications. To that end, the report form includes additional space for LEAs to document additional multiple criteria considered in monitoring former ELs’ academic achievement and progress.

During the two year monitoring period, any student encountering academic difficulty that is determined to be a result of English language proficiency skills may be reclassified and returned to an ESL/bilingual education program. However, reclassification should only occur after collaboration between the ESL teacher and content teachers has ensured that effective and appropriate core curriculum instruction, including differentiation and interventions has been implemented. Content and ESL



teacher input is critical in determining whether reclassification is the appropriate support to enable the former EL to succeed.

Teachers may offer support to monitored students as they would for any student seeking additional assistance with classroom work, instruction, or assessment. Monitoring is NOT an extension of the language instructional program.

Parents must be notified of the student's progress and any evaluation to reclassify the student into an ESL/bilingual program if monitoring of student academic achievement and progress identifies the need for continued ESL/bilingual instruction.

Students who are monitored CANNOT be counted as ELs in any state or federal data collection systems for the purpose of acquiring state or federal funding.

Every Student Succeeds Act

EL students will participate in the PSSA/Keystone assessments and other large-scale assessments with appropriate accommodations. Formative assessments will align to the academic standards and English language development standards and ELs will be graded with the same grading system used for all students. EL students will not be retained in a grade based solely on a lack of English proficiency.

#### **Annual assessment of ELs**

TACS will adhere to the PDE's guidelines for assessment requirements as follows:

- Assessment processes will align to the academic standards and PA ELDS.
- The annual state ELD assessment of ELs is required by federal law. 20 U.S.C. §§ 6311(b)(7), 6826(b)(3)(C),(d)(2)
- The State ELD assessment will be administered annually to measure progress and/or attainment of the student's English language proficiency for each language domain, i.e., reading, writing, speaking and listening. These score results will be maintained in the student's permanent record folder.
- The annually published PSSA accommodations allowable for ELs will be utilized.

#### **Grading of ELs**

TACS will ensure, in compliance with the PDE, that ELs will be graded using the same grading system as all other students.

The below guidelines are followed when grading English Learners:

No EL student should receive a D or F unless the teacher can provide documentation in the following areas:

- Teacher has modified instruction and assessment to be in alignment with Can-Do Descriptors appropriate for the student's level
- The student has not made a reasonable effort despite appropriate accommodations
- Parent outreach has occurred and been documented
- Documented collaboration between ESL and classroom teachers took place

#### **Retention/Promotion**

TACS will ensure that EL students are not retained in a grade based solely on his/her lack of English language proficiency, as stated by PDE.

If an EL is retained in a grade, the LEA must be able to demonstrate that all appropriate modifications were made to instruction and assessment in order to allow ELs meaningful access to the general curriculum as well as to promote second language learning. *Lau v Nichols*, 414 U.S. 563 (1974)

Equal Education Act of 1974

Every Student Succeeds Act  
Basic Education Circular April  
14, 2009: Educating Students  
with Limited English  
Proficiency (LEP) and English  
Learners (EL)

1. Teachers share lesson objectives with ESL teacher for assistance.
2. Can-Do Descriptors are reviewed by teachers, for language learning domains.
3. ESL teacher provides supplemental material based on lesson objectives.
4. Modifications for assignments and tests are created and implemented.
5. Progress is evaluated to determine whether proper modifications and supplements were effective.

Students shall have access to and should be encouraged to participate in all academic and extracurricular activities available specific to the Tacony Academy Charter School program.

TACS ensures all academic and extracurricular activities are available to all students. Permission forms can be translated as needed. Translation services are utilized to contact parents.

Communication with parents shall include information about placement, assessment, academic achievement, and other related education issues, whenever possible, in the mode and language of communication preferred by the parents.

#### **Communication with Parents**

- Communication with parents will be in the parent's preferred language and mode of communication according to the Civil Rights Act of 1964, Title VI. Teachers will contact the ESL Coordinator to set up translation services or interpreters for documents, meetings, or parent conferences.
- TACS will provide for written translation and/or verbal interpretation in the parents' native language.
- TACS will utilize translated documents necessary for communication with parents and students regarding general education and ESSA requirements via Transact.
- Communication with parents will include information about assessment, academic achievement, and other related education issues in the language understood by the parent whenever possible.

#### **Data Collection and Management**

##### ELL Data Folders/Envelopes

As required by the Pennsylvania Department of Education ESL Monitoring System, ESL teachers/ESL point persons must maintain an ELL Data Folder/Envelope for every student presently classified as an ELL, enrolled in the ESL program, and those who have exited the program. If a school does not have a full-time ESL teacher, the itinerant ESL teacher or a designee assigned by the Principal is responsible for making sure the ELL Data Folders/Envelopes are maintained with the appropriate documentation.

Additionally, at TACS:

- The ELL Data Folder/Envelope is part of the student's cumulative record and must always accompany the student's permanent file.
- The teacher who provides ESL instruction is responsible for maintaining the updated folder/envelope.
- Records, including the testing results, initial Parent Notification Letter, a copy of Exit Notification to Parents, and the Year 1 and Year 2 Post-Exit Monitoring forms must be included in the folder/envelope.
- If a student transfers to or from a school, ELL Data Folders/Envelopes must accompany the student's pupil pocket

- When a student leaves the Academy, storage of the ELL Data Folder/Envelope will follow the same procedure as storage for the student's pupil pocket.

#### Primary Home Language Other Than English List

As required by the Commonwealth of Pennsylvania, TACS keeps a Primary Home Language Other Than English List (PHLOTE) in order to ensure that interpretation and translation services are provided appropriately to families. The PHLOTE list includes:

- Student name
- Student ID number
- Country of origin
- Spoken language
- Document language
- ESL status (yes, no, exited)

#### **Translation and Interpretation Services**

To serve the needs of the students and families whose primary language is other than English, TACS offers several additional supports which include:

- Translation and Interpretation services
- English for Speakers of Other Languages and bilingual instruction
- Tutoring
- The services of bilingual counseling assistants
- Translation of important parent communications

#### **Reporting Requirements**

TACS will ensure completion of the Pennsylvania Information Management System (PIMS) and the Limited English Proficient (LEP System) annually.