

Book Policy Manual

Section 100 Programs

Title Language Instruction Educational Program for Multilingual Learners

Code 138

Status Active

Adopted

Purpose

In accordance with the Board's philosophy to provide quality educational programs for all district students and to increase the English language proficiency of students who are Multilingual Learners (MLs), the district shall provide an effective Limited English Proficiency Program (LIEP) that meets the needs of Multilingual Learners.

The purpose of the LIEP shall be to demonstrate success in increasing English language proficiency and student academic achievement so that MLs can attain the academic standards adopted by the Board and achieve academic success. Students who are MLs shall be identified, assessed and provided with an equal opportunity to achieve their maximum potential in educational programs and extracurricular activities consistent with federal and state laws and regulations. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

Authority

The Board shall approve an LIEP to provide English Language Development instruction (ELD) to ELs as part of the approved curriculum in order to develop the English language proficiency of MLs. The district shall provide MLs with both planned ELD instruction and modifications in content instruction and assessments for all curricular areas, based on the provisions of the LIEP. The LIEP shall be thoughtfully and deliberately planned and evaluated in accordance with state and federal laws and regulations and shall meet the needs of the district's MLs. The LIEP shall be based on effective research-based theory, implemented with sufficient resources and appropriately trained staff, and shall meet the following requirements: [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)

1. Aligned to state academic content standards for the appropriate grade levels of ELs.
2. Include ELD instruction delivered by properly certified English as a Second Language (ESL) teachers, and other certified content area teachers working in conjunction with ESL certified teachers.
3. Incorporate the use of state assessments and ELD criteria.
4. Provide equitable access to content for MLs at all proficiency levels.
5. Provide equitable access to enrollment in courses or academic programs for which MLs are otherwise eligible.

The Board directs the LIEP to be evaluated for effectiveness based on student outcomes at least annually, and the results documented in accordance with state and federal laws and regulations, and state guidelines. [\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)

The district's LIEP and evaluation results of the LIEP shall be made available to district staff working with MLs and parents/guardians of MLs.

The Board will address MLs and related programming in the district's comprehensive planning process. [\[10\]](#)

The Board may contract with the Luzerne Intermediate Unit #18 for ELD services and programs, including but not limited to professional development, assessments, and services.

The Board shall ensure that eligible MLs who are enrolled in nonpublic schools are identified, assessed, evaluated, provided with equitable LIEP services and programs and monitored in accordance with applicable laws and regulations. The district shall coordinate with nonpublic schools in the provision and monitoring of services and programs for eligible MLs. [\[6\]](#)[\[8\]](#)

Delegation of Responsibility

The Superintendent or designee shall implement and supervise a LIEP that ensures appropriate instruction in each school and complies with federal and state laws and regulations.

The Superintendent or designee shall ensure that the district complies with all federal and state laws and regulations, and program requirements, for ELD program funding, including required reports in the form prescribed by the state. [\[9\]](#)

The Superintendent or designee, in conjunction with appropriate stakeholders, shall develop administrative regulations regarding the LIEP and provision of services to MLs.

Guidelines

Identification and Placement of ELs

The district shall establish procedures for identifying and assessing the needs of students whose dominant language is not English. In order to identify which students are potential MLs, the Home Language Survey shall be completed for each student upon enrollment in the district, and shall be maintained as part of the student's education records. [\[4\]\[11\]](#)[\[12\]](#)

MLs shall be appropriately placed in accordance with the LIEP within the first thirty (30) days of the school year, or within fourteen (14) days of enrollment. [\[13\]](#)

Program Access

MLs shall have equitable access to and be encouraged to participate in all academic and extracurricular activities available to district students. [\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

Assessment

The district shall annually administer required assessments to MLs to measure their English Language proficiency and progress in reading, writing, speaking and listening/understanding. Assessment results shall be maintained in the student's education records. Parents/Guardians may not opt students out of English language proficiency assessments. [\[9\]](#)

MLs shall participate in all annual state or locally required assessments, with accommodations where applicable, and meet established academic standards and graduation requirements, in accordance with law, regulations and Board policy. [\[2\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[18\]](#)[\[19\]](#)[\[20\]](#)[\[21\]](#)[\[22\]](#)[\[23\]](#)[\[24\]](#)

Program Exit

The district shall include uniform provisions in the LIEP, in accordance with state required criteria, for: [\[8\]](#)[\[9\]](#)

1. Reclassifying ELs as former ELs when they attain English language proficiency.
2. Actively monitoring and reporting the progress of former MLs for a period of two (2) years following reclassification and program exit, and reporting students to the state in a monitor status for an additional two (2) years, to ensure students are meeting academic standards.
3. Redesignating former MLs as active MLs if they struggle academically based on persistent language barriers.

Staff Qualifications and Professional Development

Certified employees and appropriate support staff, when necessary, shall provide the LIEP. The district shall ensure that all teachers providing ELD instruction hold the appropriate certification and can demonstrate academic language proficiency both in English and in the language used for instruction in their classroom. [\[8\]](#)[\[25\]](#)

Non-ESL staff shall incorporate ELD into all classes for MLs, as well as provide supports, modifications, and accommodations for curricular content to enable MLs to achieve academic standards.

The district shall provide appropriate training in ELD for all professional staff as part of the Professional Development Plan. [\[7\]](#)[\[26\]](#)

Special Education and Gifted Education Services

MLs may be eligible for special education services when they have been identified as a student with a disability and it is determined that the disability is not solely due to lack of instruction or proficiency in the English language. [\[27\]](#)[\[28\]](#)

MLs may be eligible for gifted education services, when identified in accordance with law, regulations and Board policy. The district shall ensure that assessment of a student for gifted education services screens for intervening factors, such as English language proficiency, that may be masking gifted abilities. [\[29\]](#)

Students participating in ELD instruction who are eligible for special education services shall continue receiving ELD instruction, in accordance with their Individualized Education Program (IEP) or Gifted Individualized Education Plan (GIEP), at the appropriate proficiency and developmental level. [\[27\]](#)[\[28\]](#)[\[29\]](#)

Parent/Family Engagement and Communication

Communications with parents/guardians shall be in the mode and language of communication preferred by the parents/guardians. [\[1\]](#)[\[30\]](#)[\[31\]](#)

Within thirty (30) days of the beginning of each school year, or within fourteen (14) days of enrollment during the school year, the district shall notify parents/guardians of students identified as MLs about the process for identifying their children as MLs, the results of that process, and the recommended program placement. The district shall also provide parents/guardians with

detailed information regarding the LIEP, the benefits of ELD instruction for their children, and an explanation of the program's effectiveness.^[6]

Parents/Guardians shall be regularly apprised of their child's progress, including achievement of academic standards and assessment results.^{[23][32]}

The district shall maintain an effective means of outreach to encourage parental involvement in the education of their children.^{[6][7][8][30][31]}

Parental Right to Opt Out of ELD Programs and Services -

Parents/Guardians of MLs have the right to refuse specialized programs and services that may be part of the LIEP for their child. A parent's/guardian's decision to refuse programs or services must be informed and voluntary; the district shall not influence a parent's/guardian's decision in any way, or make any program or placement determinations without parental notification and an opportunity to opt the student out of programs and services.^{[1][6]}

The district shall make a parental waiver form available for parents/guardians to opt their EL child out of ELD programs and services.

The district shall document all notifications made to parents/guardians regarding assessment and recommended placements and programs for MLs, and whether or not a parental waiver form is received. When a waiver form is not received from the parent/guardian, the district shall proceed with the recommended placement.

ELs who have a parental waiver for ELD programs and services shall be assessed on English language proficiency annually and shall be provided with supports and accommodations to participate in general curricular and extracurricular programs, in order to meet academic standards and graduation requirements.^{[2][3][23]}

Parents/Guardians of MLs who have been opted out of ELD programs and services shall be notified of their child's progress, including achievement of academic standards and assessment results, and shall be provided with opportunity and a form to opt their child back into ELD programs and services.^{[24][32]}

Grading

Grades should reflect students' mastery of content standards based on "Can Do Descriptors" to assess and grade Multilingual Learners (MLs) in a way to reflect their language proficiency and content knowledge accurately and equitably.

MLs should be given equitable access to the curriculum and be assessed on their understanding of the content and their English language proficiency.

Accommodations and modifications should be provided to MLs to support their learning and assessment.

Retention

Multilingual Learners shall not be retained in their current grade solely based on their English language proficiency. Retention decisions must consider the student's overall academic performance, social and emotional development, and other relevant factors.

Legal

1. 42 U.S.C. 2000d et seq

2. Pol. 102

3. Pol. 103

4. 20 U.S.C. 6801 et seq

5. 22 PA Code 4.26

6. 20 U.S.C. 6312

7. 20 U.S.C. 6812

8. 20 U.S.C. 6826

9. 20 U.S.C. 6841

10. Pol. 100

11. 22 PA Code 11.11

12. Pol. 200

13. 20 U.S.C. 6823

14. 20 U.S.C. 1703

15. Pol. 115

16. Pol. 122

17. Pol. 123

18. 22 PA Code 4.51

19. 22 PA Code 4.51a

20. 22 PA Code 4.51b

21. 22 PA Code 4.51c

22. 22 PA Code 4.52

23. Pol. 127

24. Pol. 217

25. Pol. 304

26. Pol. 333

27. Pol. 103.1

28. Pol. 113

29. Pol. 114

30. 20 U.S.C. 6318

31. Pol. 918

32. Pol. 212

20 U.S.C. 7011

20 U.S.C. 7801

34 CFR Part 200

Basic Education Circular, July 1, 2017: Educating English Learners (ELs)

Pol. 105.1