

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 138

Section: 100 Programs

Title: English Language Development/
Bilingual Education Program

Adopted: January 18, 2018

Revised:

138 ENGLISH LANGUAGE DEVELOPMENT/BILINGUAL EDUCATION PROGRAM

Purpose

The Board of Education (“Board”) is committed to giving each student what they need to reach their fullest potential. The purpose of this policy is to provide a quality educational program for all students, the School District of Philadelphia shall provide culturally and linguistically appropriate planned instructional program for English Learners (“ELs”) **and dual language learners (“DLLs”)**, which builds on students’ home language and culture. The goal of the program ~~is for shall be to ensure~~ ELs **and DLLs** at all levels of language proficiency ~~to can~~ access grade-level academic content standards while developing advanced levels of English with support for students’ integration and participation in the community. ~~Students who are ELs shall be identified, assessed, and provided an equal opportunity to participate in instructional programs with equal access to educational programs and extracurricular activities, consistent with federal and state laws and regulations. [1][2]~~

Definitions

For purposes of this policy, terms are defined as follows:

Bilingual Education: Academic programs that are taught in two languages with the goal of all students becoming bilingual and biliterate.

~~**Career and Technical Education (“CTE”):** Academic programs that specialize in the skilled trades, applied sciences, modern technologies, and career preparation~~

Dual Language Learners (“DLLs”) - Students who receive literacy and content instruction in two languages, specifically in a dual language (“DL”) program.

English Learners (“ELs”): Students who are learning English as an additional language.

English Language Development (“ELD”): Instruction specifically designed to develop English proficiency.

English as a Second Language (“ESL”): Academic programs for students who are learning English.

Former English Learners (“FELs”): Students who have demonstrated proficiency in English and no longer qualify as an English Learner.

~~**Gifted Individualized Education Plan (“GIEP”):** A written plan describing the education to be provided a gifted student.~~

Home Language Survey (“HLS”): A survey completed for all students as part of the enrollment process. The survey indicates the language(s) used in the home.

~~**Individualized Education Plan (“IEP”):** A written plan describing the education to be provided a student who has a disability under the law.~~

Language Instruction Educational Program (“LIEP”): District plan and design of instruction for English Learners.

Newcomer: An English Learner who has been in the U.S. for less than one year.

~~**Positive Behavior Interventions and Supports (“PBIS”):** A framework for adopting evidence-based behavior interventions.~~

Student with Limited or Interrupted Formal Education (“SLIFE”): A diverse subset of English Learners who have limited backgrounds in reading and writing in their home language(s) and/or who are below grade level in most academic skills due to interruptions in their formal education.

Authority

As required by Pennsylvania Department of Education (“PDE”) Regulations and other applicable laws, the District 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. [1][2][3][4][5]

Delegation of Responsibility

The ~~SRC~~ **Board** authorizes the Superintendent or designee, **through the Office of Academic Supports**, to approve a written Language Instruction Educational Program (“LIEP”) for students whose dominant language is not English and to maintain an ~~Office for of m~~ **Office of Multilingual eCurriculum and pPrograms (“OMCP”)** to develop and support a plan that shall include English Language Development (“ELD”) and bilingual instruction programs. The programs shall be

evidence-based and implemented with sufficient resources and appropriately trained staff. Programs shall be evaluated regularly for effectiveness in developing students' language proficiency and access to grade-level content. [1][2][3][4][5]

~~The Superintendent or designee shall address ELs and programs in all District functions, partnerships, and planning processes, as necessary to provide effective ELD and Bilingual Education instruction programs in compliance with laws and regulations. The District's plan for ELs shall include:~~

- ~~1. appropriate preparation and professional development for all professional staff, including core content and grade teachers, ESL teachers, and principals;~~
- ~~2. sufficient resources to implement the language instruction program including appropriate textbooks/materials and supportive technology;~~
- ~~3. effective curriculum and programming to meet the needs of ELs at varying levels of proficiency, including newcomers, students with interrupted or limited formal education (SLIFE) and older ELs (18-21);~~
- ~~4. effective and accessible data management systems with accurate and relevant EL data points; and~~
- ~~5. language access for families and community. [3][6]~~

~~The Superintendent or designee shall implement and supervise an ELD/Bilingual Education program that ensures appropriate instruction for ELs in all schools and complies with federal and state laws and regulations.~~

~~The Superintendent or designee, in conjunction with appropriate stakeholders, shall develop administrative procedures regarding the ELD/Bilingual Education program. Administrative procedures shall be updated and revised annually, made public through the District's website and appropriate offices and distributed to District administrators, school-based administrators, teachers, and staff, to ensure the implementation of Policy 138 is being transparently, consistently, and equitably adhered to across the District.~~

The Superintendent or their designee, through the OMCP, shall create a plan that addresses the needs of ELs and DLLs in all District functions, partnerships, and planning processes, by providing effective ELD and Bilingual Education instruction programs in compliance with laws and regulations. The District's plan shall be captured in an English Language Development/Bilingual Education Program Manual that shall include:

- 1. A system for identification, placement and notification;**
- 2. Research/evidence-based programing;**
- 3. A plan to ensure equitable access;**
- 4. Program evaluation and accountability; and**
- 5. Facilitating parent, family, and community engagement.**

Mandatory Regulatory Procedures

The Superintendent or their designee, through the OMCP, in conjunction with appropriate stakeholders, shall review annually the implementation of this Policy. A summary of the review shall be made public through the District's website and appropriate offices and distributed to District administrators, school-based administrators, teachers, and staff, to facilitate the transparent, consistent, and equitable implementation of Policy 138 across the District.

The Superintendent or designee shall implement and supervise an ELD/Bilingual Education program that ensures appropriate instruction for ELs and DLLs in all schools and complies with federal and state laws and regulations.

Identification, Placement, and Notifications

~~The dDistrict shall establish procedures for identifying and assessing the needs of students whose dominant language is not English. The A Home Language Survey ("HLS") shall be completed for each student upon enrollment in the dDistrict. Students who require language screening for ELD services, based on the Home Language SurveyHLS, must be administered a state-approved language screener the Pennsylvania Department of Education's approved language screener. The Home Language Survey HLS, language screener results, and current language proficiency level as determined indicated by the annual State ELD assessment, must be maintained in accordance with [Policy 800 - Records Management](#). in the student's permanent record folder and recorded in the District's student information system through graduation. [4][5][6][7][8]~~

EL students shall be appropriately identified and placed in accordance with the LIEP within the first thirty (30) days of the school year, or within fourteen (14) days of enrollment. [8]

Families shall be notified, in the preferred home language, of **their** student's entry into ELD services, right of refusal as defined by State law, and student's current language proficiency level as indicated by **the** annual State ELD assessment. [3][2][9]

~~Students with a secondary school transcript will have their transcript evaluated in a timely manner to ensure proper placement in high school. Secondary EL students will be rostered in appropriate credit-bearing courses in accordance with the District's rostering guidelines for secondary students. Elementary and middle school students will be placed in an age appropriate grade based on District policy.~~

~~Promotion and retention of ELs must follow District, State, and Federal regulations, and procedures must align with District guidelines. An EL may not be retained in a grade based solely on his/her lack of English proficiency. [3]~~

Students shall be reclassified or exited from their EL status in accordance with **the English Language Development/Bilingual Education Manual** District required criteria as specified in ~~State law~~ with notification made to families in their preferred language. [2][3][10]

Programming

All students identified as ~~English Learner (ELs) students~~ or **DLLs** will be provided an asset-based ~~Language Instruction Educational Program (LIEP)~~, which values students' linguistic, and cultural, **and educational backgrounds** resources;; is grounded in effective research-based theory;; and allows students to draw from their entire linguistic repertoire, including languages other than English. Curriculum in language and grade/content areas shall be standards-based and **grade-level aligned** ~~modified as appropriate for ELs. In all language programs, students' home languages and cultures, as well as their educational experiences from the home country and family, shall be valued as a strong foundation for the acquisition of another language not limited to students participating in a designated Bilingual Education program.~~ [3]

The LIEP must include either Bilingual or English as a Second Language (“**ESL**”) program components. Both Bilingual Education and ESL programs shall be aligned to the core instructional program and utilize certified teaching personnel to **afford ensure that ELs and DLLs are afforded** the full opportunity to master the essential knowledge and skills of the core curriculum. Staff will incorporate all appropriate **scaffolds and modifications**, interventions to instruction and assessment to **promote allow ELs** meaningful access to the **core general** curriculum and to promote language **development and grade-appropriate content learning**. Programs shall draw from students' linguistic and cultural resources and shall be assessed based on progress towards **language** proficiency and achievement in core subjects and skills including math, reading, science, and social studies. [2][3]

Bilingual and ESL programs must meet or exceed minimum State requirements and include instructional strategies and/or curriculum which integrates language and content instruction that is culturally **inclusive and responsive** ~~competent~~, scaffolded, and aligned with state and national standards. ~~Instruction must be “high challenge with high support” to ensure access to the core curriculum.~~ **All teachers, including, but not limited, to grade level teachers, content area teachers, specialists, ESL teachers, and special education teachers** ~~ESL and non-ESL teachers, including grade or content teachers,~~ will be provided with opportunities to plan instruction collaboratively to ensure academic language development and access to grade-level content for all ELs **and DLLs** including newcomer students. [2][3]

Bilingual Education programs will include language and literacy instruction in both English and the additional language and shall promote bilingualism, biliteracy, and biculturalism for all students. Language and literacy proficiency, including reading proficiency, must be formally tracked and recorded for both English and the additional language in District-issued report cards for students in bilingual programs. Teachers and administrators shall be provided consistent and appropriate preparation and professional development opportunities in order to effectively implement and sustain Bilingual Educations programs. **and Teachers** must be certified with

appropriate content or grade certification and able to provide instruction in the additional language as demonstrated by the District's screening process. [2][3][10]

ESL Education Programs must include ~~English Language Development (ELD)~~ instruction delivered by ESL certified teachers with appropriate content or grade certification in alignment with State requirements. ELD must be incorporated into all classes taught by ESL and non-ESL certified teachers, including grade and/or content teachers, in which ELs **and DLLs** are enrolled. All teachers of ELs **or DLLs** are responsible for ~~deliberately~~ planning for, and incorporating language instruction, as well as appropriate **scaffolding** supports, ~~modifications, interventions, and accommodations needed to~~ **provide access** allow ELs to fully access course **core** standards and curriculum. ELD instruction by ESL and non-ESL teachers shall promote the use of students' home language skills and culture to support and enhance learning and development of ~~core~~ content skills and knowledge. ~~ELD instruction by~~ ESL and non-ESL ~~grade/content~~ teachers and administrators will be supported through consistent and research-based ~~supplemental education and~~ professional development opportunities in order to ~~effectively~~ implement and sustain effective ESL **and DL** programs. [2][3]

Equitable Access

EL students, at all levels of language proficiency, shall be required, with accommodations, to participate in assessments, ~~as appropriate,~~ and meet established academic standards and graduation requirements. [9][10][11][12][13][14][15][16][17][18][19][20][21]

~~Pursuant to establishing a positive and safe school environment for all students, District policies apply to all students; regardless of immigration status, in order to establish a positive and safe school environment, especially, but not limited to Bullying and Harassment Policies 248 and 249; Multiracial, Multicultural, Gender Education Policy 102; Nondiscrimination in Classroom Policy 103; Homeless Students Policy 251; Transgender and Gender Nonconforming Students Policy 252.~~ [1][20][21][22][23][24]

ELs and DLLs ~~students~~ shall have equitable access to ~~and be encouraged to participate in~~ all academic programs, including Career and Technical Education ("CTE"), **as covered by Policy 115 - Career and Technical Education, and** special admission/~~magnet~~ schools and programs, ~~and as well as~~ extracurricular activities and programs available to ~~all~~ District students. Students shall be assisted by persons knowledgeable about ~~all~~ District schools and programs to consider a range of opportunities ~~programs~~ and to obtain the ~~accommodations and~~ supports needed for the student **success** ~~to be successful, including modifications~~. Families shall receive guidance in a language they understand. Students may not be excluded on the basis of admission criteria if they can participate successfully, given reasonable accommodations. [22][23][24][25][26][27][28]

EL students in all settings, including alternative placements, newcomers programs, special admission/~~magnet~~, city-wide admission, ~~Career and Technical Education (CTE)~~, and students with an Individualized Education Plan ("IEP"), **as defined by Policy 113 - Special Education** ~~Gifted Individualized Education Plan (GIEP), as defined by~~ **Policy 114 - Gifted Education**, 504

plan, or students in schools with low EL enrollment, are entitled to equitable access to language development instruction and resources. [2][3][22][23][24][25][26][27][28][29][30]

~~ELs students and DLLs are eligible for Individualized Education Programs (IEPs), 504 Plans, and/or Gifted Education Programs (GIEPs), and shall be identified in accordance with law, regulations, and District policy. The District shall ensure that Any~~ assessment of a student for individualized and gifted education services **shall** includes consideration of intervening factors, such as English proficiency, that may be interfering with school ~~staffs' officials' ability to~~ **identification of** various learning abilities. **ELs and DLLs who are eligible for specialized education services shall continue receiving ESL/Bilingual Education instruction in accordance with their IEP, GIEP, or 504 Plan at the appropriate language proficiency and developmental level, and with regular input and monitoring from an ESL specialist or trained and certified designee.** [4][13][5][12][29][30]

Students' language proficiency or EL **or DLL** status cannot be grounds for denying or delaying evaluation to determine eligibility for special education services. ELs **and DLLs** 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. An evaluation for an EL **or DLL** student must be conducted in a language the student understands to accurately assess eligibility with bilingual evaluations conducted when feasible in accordance with state and federal laws. [29] Parents/guardians shall be consistently and equitably offered the District's interpretation and translation services to ~~ensure~~ **facilitate meaningful participation in all educational opportunities and services.** ~~the special education process.~~ [2][3][4][5][12][29]

~~EL students who are eligible for specialized education services shall continue receiving ESL/Bilingual Education instruction in accordance with their Individualized Education Program (IEP), Gifted Individualized Education Plan (GIEP), or 504 Plan at the appropriate language proficiency and developmental level, and with regular input and monitoring from an ESL specialist or trained designee.~~ [5][12][13]

~~Students who are~~ ELs **and DLLs** may remain in high school through their 21st birthday regardless of credit attainment. Students who do not finish high school by the age of 21 are eligible for alternative education programs with ELD and content classes deemed appropriate and necessary to enable the student to obtain a high school diploma. [31]

Evaluation & Accountability

The District's plan for ELs **and DLLs**, including ESL and Bilingual Education programs, professional development offerings, and curriculum and instruction, shall be regularly evaluated with asset-based approaches by District offices, superintendents, and school-based administrators with input from students, parents/families, and community stakeholders, at least once every three years, to ~~ensure~~ **determine whether** all components are aligned, implemented, and working effectively to facilitate the acquisition of the English language and achievement of academic

standards, and shall be revised when necessary to ~~promote~~ **ensure** greater student achievement. ~~[9][10][11][12]~~

~~Students who are ELs~~ **and DLLs** must be assessed annually with Pennsylvania's state-adopted English Language Development **language proficiency** assessment. [3] Individual schools and the ESL ~~P~~program shall collect and disaggregate data based on student progress ~~as reported to~~ inform ~~the~~ District and school-based planning, including school improvement planning. [5][12]

Parent, Family, and Community Engagement

In order to ~~ensure~~ **facilitate** meaningful participation, parents/guardians whose dominant language is not English shall be offered **appropriate qualified** interpretation and translation services by the District. These services, including training for families in how to be involved in a student's education and removing barriers to family involvement, shall be provided by trained professionals. The District will ~~ensure sufficient training of staff to~~ **ensure promote** language access for all families. ~~[1][3][2][32]~~

School administrators must maintain a record of the family's ~~primary home~~ **preferred** language and **facilitate** ~~ensure that~~ meaningful opportunities for participation **in that language are** ~~provided in a language that the parents/guardians understand.~~ ~~[1][3][2][32]~~

The District shall maintain ~~a~~ clear, comprehensive, and reliable means of outreach, including web-based **platforms**, that is not solely reliant upon parents/families coming to a school building, to **facilitate ensure** community stakeholder and parental/family involvement in the education of their children. ~~The program(s) designed for outreach to parents~~ **Family and community outreach** will be carefully monitored and evaluated by the Superintendent or designee, **through the OCMP**, and school-based administration in accordance with the **PDE** ~~Pennsylvania Department of Education~~ and United States federal standards, ~~for effectiveness.~~ ~~[2][3][9][10][11]~~

~~Annual meetings will be convened by appropriate District administrators for community stakeholders, District offices, and interested educators, and families to monitor and review Policy 138.~~

Legal References:

1. [Policy: 103](#) - Nondiscrimination in School and Classroom Practices
2. [22 PA Code 4.26](#)
3. ~~20 U.S.C. 6801 et seq.~~ [20 U.S.C. 6312](#)
4. [Policy: 103.1](#) - Nondiscrimination-Qualified Students With Disabilities/Protected Handicapped Students
5. [22 PA Code 11.11](#)
6. [Policy: 200](#) - Enrollment of Students
7. [Policy 800](#) - Records Management

8. [20 U.S.C. 6823](#)
9. [34 CFR 100.3](#)
10. [20 U.S.C. 6826](#)
11. [20 U.S.C. 6812](#)
12. [20 U.S.C. 6841](#)
13. [22 PA Code 4.51](#)
14. [22 PA Code 4.51a](#)
15. [22 PA Code 4.51b](#)
16. [22 PA Code 4.51c](#)
17. [22 PA Code 4.52](#)
18. [Policy: 127](#) - Assessments
19. [Policy: 217](#) - Graduation **Requirements**
20. [Policy 102](#) - **Multiracial, Multicultural, and Gender Education**
21. [Policy 248](#) - **Harassment and Discrimination of Students**
22. [Policy 249](#) - **Bullying/Cyberbullying**
23. [Policy 251](#) - **Students Experiencing Homelessness**
24. [Policy 252](#) - **Transgender and Gender Nonconforming Students**
25. [20 U.S.C. 1703](#)
26. [Policy: 115](#) - Career and Technical Education
27. [Policy: 122](#) - Extracurricular Activities
28. [Policy: 123](#) - Interscholastic Athletics
29. [Policy: 113](#) - Special Education
30. [Policy: 114](#) - Gifted Education
31. [22 PA Code 11.12](#)
32. [42 U.S.C. 2000d et seq](#)

[Pol. 333](#) - Professional Development
[20 U.S.C. 6842](#)

Related Information:

[English Language Development/Bilingual Education Program Manual](#)
[34 CFR Part 200](#)

LeGare 1994, Consent Decree

[Policy: 304](#) - Employment of District Staff