

Bayard Public Schools

EL Plan

Updated Spring 2026

“Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.”

Office for Civil Rights
May 25, 1970

Mission Statement

Bayard believes:

We seek to prepare English learners to engage in the district's K-12 educational process by addressing their special language needs, building on their heritage and encouraging the participation of their parents.

SCHOOL GOALS and relationship to ESL PLANS

Philosophy Statement

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

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

Legal Foundation

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

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

Title VI, Civil Rights Act, 1964

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

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

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

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

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

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

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

In order to establish equal educational opportunity for all children, Congress declared that the policy of the United States would be as follows: (a) to encourage the establishment and operation, where appropriate, of educational programs that use Bilingual educational practices, techniques, and methods; and (b) for that purpose, to provide financial assistance to local education agencies, and to state education agencies for certain purposes.

Equal Education Opportunities Act of 1974

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

Lau v. Nichols, 1974

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

Castenada v. Pickard, 1981

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

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

Phylar v. Doe, 1982

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

The Every Student Succeeds Act (ESSA)

The Every Student Succeeds Act (ESSA) is a US law passed in December 2015 that governs the United States K–12 public education policy. The law replaced its predecessor, the No Child Left Behind Act (NCLB), and modified but did not eliminate provisions relating to the periodic standardized tests given to students. The law is the latest reauthorization of the 1965 Elementary and Secondary Education Act (ESEA).

https://cdn.education.ne.gov/wp-content/uploads/2018/06/Nebraska_ESSA_Final.pdf

Rule 15 Nebraska Department of Education (June 2012 revised 2018)

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

The purposes of Title III are to:

1. Improve the education of English Learners by assisting them attain English proficiency, attain high levels of academic achievement in English and meet challenging academic standards. AND
2. Provide enhanced instructional opportunities for immigrant children and youth.

<https://www.education.ne.gov/natlorigin/rule-15/>

Educational Rationale

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

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

Stage	Student Behavior	Teacher Role
<p align="center">Stage 1</p> <p><i>Pre-Production</i></p> <p>Minimal comprehension</p> <p>No verbal production</p>	<p>Begins to listen attentively to an English speaker. Follows one-step directions. Responds with nods and gestures. Expresses needs in English with single words and gestures. Repeats English words and phrases. Echoes single words and/or short phrases.</p>	<p>Encourage students to follow simple directions involving physical actions. Encourage students to join in group songs, chants, recitations, and role-playing activities. Assist in developing phonemic awareness. Check comprehension frequently. Maintain a consistent daily schedule with regular routines to facilitate comprehension. Provide ample listening opportunities.</p> <p>More commands than questions: Point to the _____. Find the _____. Touch the _____.</p>
<p align="center">Stage 2</p> <p><i>Early Production</i></p> <p>Some comprehension</p> <p>One or two word responses</p>	<p>Begins to understand illustrated stories and classroom instruction. Follows simple two-step directions. Responds to greetings with single words and/or phrases. Begins to respond to simple questions with one-word answers. Begins to communicate using short phrases and simple language patterns. Uses some vocabulary from various content areas. Identifies people, places, and objects. Lists, compares, and contrasts.</p>	<p>Continue to provide listening opportunities with rich context. Have students complete simple sentences with 1 or 2 word responses. Do shared reading with props, building on students' prior knowledge. Ask yes/no and Who? What? When? Where? questions. Have students label, manipulate, and evaluate pictures and objects.</p> <p>One word response: Is _____ wearing green? (yes or no) What color is the giraffe? Is this hot or cold? (either/or)</p>
<p align="center">Stage 3</p>	<p>Follows multi-step directions. Communicates using short phrases and simple sentences. Describes events, places, and people. Begins to use English in social situations.</p>	<p>Ask open-ended questions. Continue to provide language opportunities with rich context. Use predictable and patterned books for shared and guided reading.</p>

<p style="text-align: center;">Speech Emergence</p> <p>Good comprehension of contextualized information</p> <p>Enough proficiency to speak in simple sentences (with approximations)</p>	<p>Begins to summarize information.</p> <p>Begins to use and understand vocabulary, classroom, and content area language.</p> <p>& Writing may include loosely connected sentences, but there is evidence of fluency.</p>	<p>Engage students in increasingly longer and deeper conversations.</p> <p>Have students create books through language experience activities.</p> <p>Support the use of content area themes with retellings and role-play.</p> <p>Have students describe personal experiences.</p> <p>Provide sentence frames to support academic language.</p> <p style="padding-left: 40px;">Phrases, extended response:</p> <p>How is the _____ today?</p> <p>How do you care for a _____?</p> <p>Tell me about your _____.</p> <p>What are you going to buy at the store?</p> <p>Are you _____?</p> <p>Did you _____?</p>
<p style="text-align: center;">Stage 4</p> <p style="text-align: center;">Intermediate</p> <p>Very good comprehension of contextualized information</p> <p>Proficiency to communicate well (with approximations)</p>	<p>Paraphrases oral information with approximations.</p> <p>Communicates effectively in most formal and informal settings.</p> <p>Contributes to group discussions, offers opinions and/or feedback during discussions.</p> <p>Begins to respond to more complex questions with greater detail.</p> <p>Begins to ask questions to clarify content and meaning.</p> <p>Begins to use more complex thoughts and ideas (e.g., hypothesis, synthesis, analysis, and evaluation) within an academic context.</p> <p>Vocabulary use and writing usually demonstrate understanding of audience and purpose.</p> <p>Rephrases or clarifies content language.</p> <p>Begins to use correct verb tense to express present, past, and future.</p>	<p>Provide instruction that requires students to use academic language.</p> <p>Utilize variety of genres.</p> <p>Structure guided group discussions that promote student interactions.</p> <p>Provide ample opportunities for developing oral language fluency (<i>Reader's Theater</i>).</p> <p>Encourage Independent Thinking:</p> <p>What do you think of the story? Why? How will it end?</p> <p>What would happen if _____?</p> <p>Which do you like best?</p> <p>Compare that with your _____.</p>
<p style="text-align: center;">Stage 5</p> <p style="text-align: center;">Advanced</p> <p>Near native speech</p>	<p>Paraphrases oral information independently.</p> <p>Communicates competently in social and academic settings.</p> <p>Contributes to group discussion with ideas and appropriate suggestions.</p> <p>Uses abstract and complex language to express ideas and opinions appropriate to age.</p> <p>Uses a wide range of classroom and content area language with native competence.</p> <p>Pronunciation, intonation, and grammar approximate that of native</p>	<p>Provide opportunities for further language enhancement and refinement.</p> <p>Continue with complex and varied literacy tasks.</p> <p>Encourage responses reflective of higher-order thinking:</p> <p>Do you agree with _____?</p> <p>How would you decide about _____?</p> <p>What criteria would you use to assess _____?</p>

Very good comprehension (with some vocabulary gaps)	English speakers. Uses a wide range of language patterns.	
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Adapted by Cindy Segotta-Jones, Cartwright School District, Phoenix, Arizona from: Bonnie Campbell Hill. *Developmental Continuums: A Framework for Literacy Instruction and Assessment K-8* Stephen Krashen. *Stages of Language Acquisition*

General Considerations

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

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

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

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

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

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

disorder, for example, that does not appear in the first language can be assumed to be a natural characteristic of second-language acquisition. Consequently, the student should be referred for English instruction.

- **A student needs to be given time to learn English well enough to participate fully in an all-English-language mainstream classroom.**

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

Categories of English Proficiency

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

Funding

Local

The primary responsibility for meeting the needs of English learner (EL) students lies with the local school district. Appropriate services should be provided by the school district to meet the language and educational needs of these students. Federal and state funds are intended to supplement, not supplant, local resources. When other sources of funding are unavailable or insufficient, it is the local district's responsibility to provide appropriate services to EL students.

State

The Nebraska Department of Education receives funding under Title III based on the number of English learner and Immigrant youth identified by schools in the state. In turn, districts receive funds based on the number of students identified.

English Learner Grants

School districts receive funds under this program based on the number of English learner students identified to the Nebraska Department of Education.

Minimum Qualifications

Districts must have enough English learner students to qualify for a minimum \$10,000 grant or form a consortium with other districts to reach the minimum grant allotment.

Required Activities

Required activities under this grant include: Providing effective language instruction educational programs that meet the needs of English learners and demonstrate success in increasing English proficiency and student academic achievement; providing effective professional development to classroom teachers, principals and other school leaders, administrators, and other school or community-based organizational personnel; and providing and implementing other effective activities and strategies that enhance or supplement language instruction educational programs which shall include parent, family, and community engagement activities and may include strategies that serve to coordinate and align related programs.

Authorized Activities

1. Upgrading program objectives and effective instruction strategies.
2. Identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.

3. Provide tutorials and academic or vocational/technical education.
4. Provide intensified instruction which may include materials in a language that the student can understand, interpreters and translators
5. Develop and implement language instruction educational programs that are coordinated with other relevant programs and services.
6. Improve the English proficiency and academic achievement of English Learners.
7. Provide community participation programs, family literacy services and parent outreach/training activities to English Learners and their families.
8. Improve the instruction of English Learners, which may include English learners with a disability, by providing for:
 - o The acquisition or development of educational technology or instructional materials;
 - o Access to, and participation in electronic networks for materials and training
9. Offer early college high school or dual or concurrent enrollment programs or courses designed to help English Learners achieve success in postsecondary education.

Federal

Federal funding is available in three major categories: Title I - Part A: Improving Basic Programs Operated by Local Educational Agencies and Part B: Student Reading Skills Improvement Grants; Title I - Part C: Education of Migratory Children; and Title III - Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act. Descriptions of these funding sources follow.

Title I - Improving the Academic Achievement of the Disadvantaged - Part A: Improving Basic Programs Operated by Local Educational Agencies

English learner students are eligible for Title I services on the same basis as other children selected to receive them. In schools operating school wide programs in which the goal is to upgrade the instructional program in the entire school, all children—including English learner students—are intended to benefit from the program. Therefore, the needs of all students are to be taken into account in the program design. In targeted-assistance schools (schools not operating school-wide programs), English learner students are to be selected for services on the same basis as other children. That is to say, on the basis of multiple, education-related, objective criteria for determining which children are failing, or most at risk of failing, to meet the state’s student performance standards. Through an application process, grant monies are awarded to the local education agencies. Each agency must assure that the monies will be used to provide supplementary educational services to eligible children, pre-kindergarten through high school.

Title I - Improving the Academic Achievement of the Disadvantaged - Part C: Education of Migratory Children

This program provides migratory children with appropriate educational services that address their special needs. It seeks to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors

that inhibit their ability to do well in school. A migratory child is a child who is—or whose parent, spouse, or guardian is—a migratory agricultural worker and who, in the preceding 36 months, in order to obtain temporary or seasonal employment in agricultural work, has moved from one school district to another.

The state education agency is directly responsible for administering the state’s migrant education program

Title III - Language Instruction for Limited English Proficient and Immigrant Students - Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act

Title III provides school districts (via Area Education Agencies) with services in order to implement language institution educational programs designed to help ELL students, including immigrant children and youth, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet. State educational agencies, local educational agencies, and schools are accountable for increasing the English proficiency and core academic content knowledge of EL students.

The Nebraska Department of Education has provided and will continue to provide support to LEAs in meeting Long-Term Goals, Interim Measures of Progress, and the challenging State academic standards by:

The adoption and implementation of rigorous English language proficiency standards aligned to the state’s English language proficiency assessment, the ELPA21.

Conducting alignment studies of the Nebraska ELP standards and the state’s College and Career Ready Standards (CCR); including the development of resources to aid content and EL teachers in the implementation of both sets of standards.

Providing resources and technical assistance on allowable EL testing accommodations for content tests, including the administration of native language assessments.

The adoption of State Rule 15 and accompanying resources outlining the regulations and provisions for the education of English learners including programming and staffing of programs. Including an allowance for districts with ELs in the state funding formula that is tied to the submission of an annual EL Plan by the LEA.

Bayard Public Schools

EL Procedures and Program Description

Identification:

1. Student enrolls in the district and is placed in age/grade appropriate level.

At registration, **all kindergarten students and students new to the district, unless transferring from another NE district**, are given a Home Language Survey in the appropriate language (a sample is included in the appendix). A translator will be provided if available. Copies of completed surveys will be placed in a file which is then forwarded to the EL personnel.

Rule 15 Guide for Implementation pgs 6-15 and Appendix B Provide further guidance

<https://www.education.ne.gov/natlorigin/rule-15/>

- a. If a student has been identified as an English learner in his or her previous NE school district and has not met the exit requirements in Section 007 of Rule 15, Bayard Public Schools shall continue to identify the student as EL.
 1. The district is not required to administer an English language assessment upon enrollment.
 2. The district shall obtain documentation of the previous EL determination in order to provide timely notification as required by Rule 15.

About TransACT: Through NDE, each Nebraska school's membership is paid. Transact.com provides all forms, from the home language survey to field trip permission ships, in multiple languages. Transact.com also provides customer service.

2. Criteria used to refer students to the **Language Instruction Educational Program (LIEP)**:
 - a. Home language survey indicates that:
 1. The student's first learned language is not English
 2. The language spoken most often by the student is not English
 3. The language spoken in the student's home regardless of the language spoken by the student is a language other than English.
 - b. The student was placed in an LIEP with another Nebraska school district

Assessment for Potential LIEP Placement

1. If an answer to any one of the home language survey questions in Subsections indicates that a student speaks a language other than English, the school district shall administer an English language proficiency assessment to the student in order to determine if the student may be an English learner. The assessment shall assess listening, speaking, reading, and writing. The district shall determine the assessment to be valid and reliable in measuring English language acquisition. The English language proficiency assessment shall yield composite scores or levels that indicate whether the student is proficient or not proficient in English, as defined by the assessment instrument.
 1. Request technical assistance from the ESU, NDE, or other school districts if the district does not yet have an ELP screener
 2. Use a valid and reliable ELP screener designed to measure English language acquisition
 3. Follow the testing protocol as outlined in the testing administration manual of the chosen assessment
 4. Provide professional development for school district personnel in administering the ELP screener
 5. Train the assessment personnel to interpret the results of the ELP screener
 6. Communicate the results of the assessment to teachers and others who are implementing the language instruction educational program (LIEP)
 7. Designate the student as EL eligible in the school district database (e.g., Infinite Campus, PowerSchool) if the assessment results indicate that the student is an English learner

Definition of English Learner Students:

NE Department of Education Rule 15 002.02

002.02 English Learner (EL): The term ‘English learner’, when used in this Chapter with respect to a student, means a student:

002.02A Who is enrolled or preparing to enroll in an elementary school or secondary school;

002.02B Who falls into at least one of the following categories:

002.02B1 Who was not born in the United States or whose native language is a language other than English;

002.02B2 Who is a Native American or Alaska Native, or a native resident of the outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or

002.02B3 Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

002.02C Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual at least one of the following:

002.02C1 The ability to meet the challenging State academic standards adopted pursuant to 20 U.S.C. S6311(b);

002.02C2 The ability to successfully achieve in classrooms where the language of instruction is English; or

002.02C3 The opportunity to participate fully in society.

Initial LIEP Placement

1. The EL teacher (or other designee) will review the test scores and criteria. The student will be placed in the LIEP according to:
 - a. Rule 15, 003.03. If the home language survey indicates that the student has a home language other than English and the student has a composite score or level on the English language proficiency assessment indicating that the student is not proficient in English, the student shall be determined by the school district to have met the definition of an English learner in Subsection 002.02.
 - b. 003.05 If a student has been identified as an English learner in his or her previous Nebraska school district and has not met the exit requirements in Section 007 of Rule 15, the enrolling school district shall continue to identify the student as EL. The school district shall not be required to administer an English language proficiency assessment upon enrollment. The school district shall obtain documentation of the previous EL determination in order to provide timely notification consistent with provisions in Rule 15.
2. On an annual basis, documents regarding LIEP placement or continuation of placement will be sent to parents/guardians within 30 calendar days after the beginning of the fall term. If the student is new to the district after the start of the school year, parent notification will take place within two weeks of enrollment. The following documents will be sent to parents/guardians in the language that the parents understand. These documents are available <http://www.transact.com>
 - Determination of Student Eligibility (initial placement only)
 - Notification of Language Instruction Educational Program Placement
 - Description of District Language Instruction Educational Program(s)
 - Parents/Student Rights –Section 504 Rehabilitation Act
3. In case of refusal of placement by parent/guardian, the Request for Language Instruction Educational Program Withdrawal/Denial of Enrollment form must be signed by parent/guardian before services will be terminated. This document is available at <http://wwwtransact.com>
4. When a parent/guardian refuses the services, it will be the responsibility of the EL teacher and regular classroom teacher to monitor the academic progress of the student as the student is still identified as an English learner and must still meet state requirements. Monitoring must be documented.

Continued Placement:

As a new school year begins, students already placed in the LIEP will continue services. The following documents must be sent to parent/guardian in their home language within 30 calendar days after the beginning of the fall term:

1. Notification of English Language Program Placement (upon initial placement and every year thereafter)
2. Description of District English Language Development Program(s) (upon initial placement and every year thereafter)
3. Scores from testing as available (i.e. ELPA21)

Program Models

<https://www.education.ne.gov/natlorigin/rule-15/>

English Language Learner Program Models

Newcomer Program

Sheltered Instruction

EL Pull-Out Program

EL Push-in/In-class Supports

Dual Language Program

Transitional Bilingual

Program Content

Rule 15 004

Language instruction educational programs assist all English learners in acquiring the English language to successfully participate in classrooms where the language of instruction is English. The language instruction educational program needs to be effective and value the cultural and linguistic diversity of the student.

The district shall implement a language instruction educational program that meets the following requirements:

- 004.01A** Is designed to provide a systematic approach to teaching the English language to English learners;
- 004.01B** Is educationally sound in theory and effective in practice as recognized by experts in the field of language acquisition;
- 004.01C** Is designed to help English learners increase English proficiency and meet academic standards; and
- 004.01D** Is designed to allow for meaningful access to programs and activities that are available to all students including, if appropriate, special education.

According to the *EXECUTIVE SUMMARY of Developing Literacy in Second-Language Learners: Report of the National Literacy Panel on Language-Minority Children and Youth* (<http://www.cal.org/projects/archive/natlitpanel.html>)

- Instruction that provides substantial coverage in the key components of reading—identified by the National Reading Panel (NICHD, 2000) as phonemic awareness, phonics, fluency, vocabulary, and text comprehension—has clear benefits for language-minority students.
- Instruction in the key components of reading is necessary—but not sufficient—for teaching language-minority students to read and write proficiently in English. Oral proficiency in English is critical as well.
- Becoming literate in a second language depends on the quality of teaching, which is a function of the content coverage, intensity or thoroughness of instruction, methods used to support the special language needs of second-language learners and to build on their strengths, how well learning is monitored, and teacher preparation
- Oral proficiency and literacy in the first language can be used to facilitate literacy development in English.
- Individual differences contribute significantly to English literacy development

- There is surprisingly little evidence for the impact of sociocultural variables on literacy achievement or development. However, home language experiences can have a positive impact on literacy achievement.

Staffing

Bayard Public Schools will ensure that there are qualified personnel working with EL students in accordance to Rule 15 section 005.

Rule 15 005:

Each school district shall ensure that all teachers of language instruction educational programs possess valid Nebraska teaching certificates. In addition, the school district shall ensure that each teacher(s) specifically responsible for the English language instruction of English learners regardless of the program model:

- 005.01A Shall hold an endorsement or a provisional endorsement in English as a Second Language; or
- 005.01B Shall participate annually in professional development designed to teach skills and strategies for meeting the language and academic needs of the English learners he or she teaches.

Para-professionals may be assigned duties in connection with English learners that are nonteaching in nature if the employing school district has assured itself that the aides have been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of their work. A teacher aide shall not teach, as defined in Neb. Rev. Stat. §79-101(12).

Rule 15 Guide for Implementation pgs 23-26 and Appendix B Provide further guidance

<https://www.education.ne.gov/natlorigin/rule-15/>

Professional Development

“A mainstream teacher who is provided with appropriate information and support can make the time an EL student spends in the classroom effective learning time” (Berube 2000). Ongoing professional development is that support. Bayard Public Schools professional development is driven by our school improvement plan.

The following topics will be considered when planning professional development for staff (certified and noncertified) that are responsible for the English-language instruction of English learners:

- Supporting the language instruction educational program model(s)
- Levels of language acquisition

- Strategies for language acquisition through content-area instruction
- Instructional strategies to support English-language learners (ELL)
- Classroom Instruction that Works with English Language Learners
- Academic vocabulary and discourse
- Strategies for supporting oral language development
- Literacy development for ELL students
- Increasing comprehensibility
- Integration of speaking, listening, reading, and writing in the content areas
- Supporting the inclusion of ELs in mainstream classrooms
- Classroom and testing accommodations
- Culturally relevant pedagogy
- Use of native language in English-language acquisition
- Making connections with community and regional resources
- Communicating with parents of EL students
- Parent, family, and community engagement
- Effective use of teacher aides/paraprofessionals, interpreters and translators

Rule 15 Guide for Implementation Appendix C Provide further guidance (tools and modules)

<https://www.education.ne.gov/natlorigin/rule-15/>

Role of the Mainstream Classroom Teacher

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

- Apply the understanding of the construct of language acquisition.
- Evaluate the EL's listening comprehension skills.
- Simplify instruction, not the concept.
- Work toward depth, not the broad topic in a clear, concise manner, eliminating all peripheral, nonessential information.
- Use graphic organizers.
- Present content area vocabulary and concepts using realia, picture files, and hands-on activities.
- Examine the EL's background and learn how the student's past experiences will affect learning. The impact of a student's background on learning will depend on his previous schooling, home languages and cultures, and the concepts important to those cultures.

- Understand that EL students may not have had experience with all of the concepts being taught in American schools. For example, concepts such as freedom and democracy, perceptions of time, and right to privacy may be different or non-existent in many cultures.
- Build background knowledge before teaching a lesson.

Instructional Strategies

Rule 15 Quality Indicator: Language instruction educational programs assist English learners in acquiring the English language to successfully participate in classrooms where the language of instruction is English. The language instruction educational program is effective and values the cultural and linguistic diversity of the student. Therefore, Bayard Public Schools' language instruction educational program

- Is a systematic approach to teaching English;
- Is educationally sound in theory and effective in practice as recognized by experts in the field of language acquisition;
- Designed to help English learners increase English proficiency and meet academic standards
- Designed to allow for meaningful access to programs and activities that are available to all students including, if appropriate, special education

EL students may be instructed in language utilizing methods of Sheltered English Instruction wherein instruction is provided in English only and adapted to the student's English proficiency level, principals of Cognitive Academic Language Learning Approach (CALLA), Total Physical Response (TPR), Direct Instruction and communication and collaboration between the EL and classroom teachers.

Instructional Strategies:

- To meet the individual needs of students consider the \ supports to be used throughout daily instruction.
- Reword, rephrase, or summarize test directions and/or test items in English.
- Provide student with take- home materials to practice concepts.
- Provide support in academic/content vocabulary.
- Use the projector, and provide students with copies of teacher notes.
- Use technology (including online testing and instruction).
- Make instruction visual to aid in understanding. Use graphic organizers, pictures, maps, and graphs.
- Provide extended time to complete tests and assignments.
- Build background knowledge to help students connect to content.
- Provide assignments that emphasize both oral language and literacy development.
- Provide language support for students to engage in group discussions and/or projects.
- Break assignments into a series of smaller assignments.

- Provide linguistic supports for students while reading grade-level text.
- Provide a word-to-word bilingual dictionary or other reference materials as appropriate.
- Teach note-taking strategies for content area.
- Teach text structure specific to the content area.
- Other:

Essential Materials (required)

- Instructional level text (comprehensible input)

Ongoing Assessment and Evaluation

There will be an on-going evaluation of EL progress

- The EL teacher and classroom teacher(s) will collect data such as student work, anecdotal records or monitoring notes, grades, and assessment scores.
- The EL teacher and classroom teacher(s) will communicate regularly about the data. Together the teachers will determine the next instructional steps to be taken.
- The English learners will participate in the ELPA21 (English Language Proficiency Assessment for the 21st Century) given annually (Spring).
- Bayard Public Schools shall ensure that all English learners have meaningful access to academic content standards and participate in the assessments required by Section 005 of 92 NAC 10 with appropriate linguistic accommodations provided as needed.
- Bayard Public Schools shall ensure that all English learners with disabilities be provided with appropriate linguistic accommodations as well as any accommodations as documented in the Individual Education Plan (IEP) or a 504 Plan.

Parental and Community Involvement

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

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

Bayard Public Schools encourages parental involvement in the educational experiences of their students. We desire to create a welcoming environment to EL parents. Translators, if possible, are available as needed.

Exit Criteria

In accordance to Nebraska Department of Education Title 92, Rule 15 *Regulations and Procedures for the Education of Students with Limited English Proficiency in Public Schools*, revised May 8, 2018, Bayard Public Schools will exit an EL student that has attained English language proficiency in speaking, reading, writing, and understanding at a level sufficient to participate successfully in the classroom.

Bayard Public Schools shall require the following in order for a student to exit the language instruction educational program:

K-12: A student in grades K-12

- receives a composite score of proficient on the annual state English language proficiency assessment (ELPA21)

For EL students with verified disabilities:

- A committee of assessment and educational personnel may recommend that the student exit the language instruction educational program if it can be determined that the educational needs of a student with verified disabilities are not affected by his or her degree of proficiency in the English language.
- The committee:

- shall be knowledgeable about the language and educational needs of the student
- shall include at least one member of the student's IEP team
- must maintain documentation that the student's educational needs are not affected by his or her degree of proficiency in the English language

Students who do not qualify to exit remain in the current program. Students who exit the LIEP must be monitored for four (4) years to compare their academic performance to non-EL students.

Monitoring of EL Students

Rule 15 Guide for Implementation pg 36 and Appendix B Provide further guidance

The EL teacher and the classroom teacher(s) are responsible for collecting data concerning the exited EL student for eight consecutive semesters. Evidence of monitoring includes but is not limited to assessment scores, report cards, attendance records, discipline records, and teacher monitoring notes. Students who do not exhibit passing grades each semester will be referred back to the EL Team for consideration of re-entry.

- a. If an EL student has been exited from the LIEP but is still struggling in the content classroom, the district should determine the source of the student's difficulties and provide support. For example, districts may offer additional services such as Title I, Response to Intervention (RtI), instructional coaching for classroom teachers, after school programs, tutoring, paraprofessional support to reinforce instruction, assistance in completing assignments, and any other supports that may be provided in a Multi-Tiered System of Support.
- b. In rare cases, when monitoring a redesignated EL student, a district may determine that there is a persistent language barrier that impacts academic achievement in general education classrooms. This should only be considered after other supports and services have been tried, documented and have resulted in minimal or no growth. At this point a student must be re-assessed for EL services. If the student qualifies for EL services based on an English-language proficiency assessment, the student may be re-enrolled in the LIEP with parents' consent (see DOJ/OCR Dear Colleague Letter, January 2015, Section H).
- c. Students may receive assistance, without formal re-entry, if the assistance needed is related to access to resources or help with problem solving, and is limited in duration and frequency.

A monitored student is one who has met the district exit criteria and has been redesignated English fluent as “ but is formally monitored and reviewed to ensure that they are successful in the content area classrooms. This is a process required by the Office for Civil Rights under Title VI of the Civil Rights Act.

Generally speaking, a student on “monitor status” is not classified as an English learner while a student who is classified as in “transition” still meets the definition of an EL student. (Nebraska Department of Education K-12 Guidelines for English Language Proficiency, p.70)

Program Evaluation

Bayard Public Schools will convene a panel to annually evaluate the EL Program and to determine the effectiveness of the program, identify areas of concerns, propose program modifications, and set new program goals. The panel members may include, but not limited to, administrator(s), ELLP coordinator(s), ESL teacher(s), classroom teacher(s), EL student(s), parent(s) of EL student, and an external member such as ESU staff or ESL staff from another district.

I. Prior to the work of the panel, data will be collected and summarized.

A. Comparison of EL student data to district wide data – (Are students in the LIEP performing at the same levels as students who are not in the LIEP?)

- NRT data
- CRT data, including the annual English language proficiency assessment and state content assessments
- Classroom performance measured through formative assessment data such as portfolios and teacher monitoring notes
- Grades, honor roll, graduation rates, drop-out rates
- Discipline referrals
- Participation in extracurricular activities
- Awards and honors for secondary students
- Promotion rates, college attendance rates, grade-level retention rates
- inclusion in gifted and talented and other special programs
- inclusion in special education
- Participation in extended instructional opportunities (e.g. summer school or extended-day programs)
- Attendance, disciplinary actions, and suspension rates
- Participation/communications/surveys with parents

B. Comparison of LIEP data to previous years' data --(Are students in the LIEP growing, in what areas, at what rates?)

- NRT data
- CRT data, including the annual English language proficiency assessment and state content assessments
- Classroom performance measured through formative assessment data such as portfolios and teacher monitoring notes
- Grades, honor roll, graduation rates, drop-out rates
- Discipline referrals
- Participation in extracurricular activities
- Participation/communications/surveys with parents
- Number of students exiting the program

C. Program Implementation (Are procedures and services outlined in the EL Action Plan being followed?)

- Identification process

- Assessment process
- Provision of program services to all identified students
- Provision of staff and resources consistent with program design
- Meaningful access to standards
- Accommodations
- Following established criteria for exiting students from the LIEP
- Number of years students receive language services
- Implementation of monitoring practices for students who have exited the program

II. Panel convenes to

- A. Analyze data and identify areas for improvement. Data displayed in charts supported with a short, summarizing narrative serves as the impetus for the panel discussion which could address the following questions:
- Are students acquiring English language skills at a pace that is consistent with EL program goals?
 - Is the rate of language development progress compatible with the district's objectives for academic progress?
 - How are EL students performing in English language skills compared to the district's goals and standards?
 - Are EL students progressing in English language skills so they will be able to successfully handle regular coursework?
 - Do former EL students who have exited the program continue to demonstrate English language skills that enable them to successfully handle regular coursework?
 - Are EL students who are currently receiving English language development services progressing academically relative to the program goals/expectations?
 - Are EL students making sufficient academic progress so that they are either at grade level or closing the gap between their instructional level and grade level?
 - How are EL and former EL students doing, over time, as compared to the academic performance of all other students generally?
 - Are multiple measures used to assess the overall performance of EL students in meeting the goals the district has established for its EL Program?
- B. Plan and design modifications and improvements based on findings and conclusions of data review
- Describe changes to be made and expected results of the changes
 - List who is responsible for what including notifying all staff, students, and parents of program changes and expectations and organizing necessary training (staff development) and monitoring

- Set dates for when each step of the plan will be accomplished
- C. A written summary report of the annual review shall be submitted to the district superintendent. It shall be kept on file and available to the public, with personally identifiable student information redacted, for so long as the report is retained pursuant to the district's records retention schedule.
- III. Implement and monitor implementation of plan

Summary of Program Evaluation

Step One: Gather the data and present it in a user friendly fashion such as graphs and short narratives.

Step Two: Panel convenes to analyze the data, identify areas for improvement, and to develop a plan to improve in the determined areas which includes goals, concrete actions, and persons responsible for those actions.

Step Three: Implement and monitor the implementation of the plan

Step Four: Gather data... Process is recursive. See step one.