

THE SCHOOL DISTRICT OF
PHILADELPHIA

No. 138

Section: 100 Programs

Title: English Language Development/
Bilingual Education Program

Adopted: January 18, 2018

Revised: June 23, 2022

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 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 ELs and DLLs at all levels of language proficiency to access grade-level academic content standards while developing advanced levels of English with support for students’ integration and participation in the community.

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.

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.

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.

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.

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]

Delegation of Responsibility

The 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 of Multilingual eCurriculum and Programs (“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]

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

A Home Language Survey ("HLS") shall be completed for each student upon enrollment in the District. Students who require language screening for ELD services, based on the HLS, must be administered a state-approved language screener. The HLS, language screener results, and current language proficiency level as determined by the annual State ELD assessment, must be maintained in accordance with [Policy 800](#) - Records Management. [5][6][7]

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. [2][9]

Students shall be reclassified or exited from their EL status in accordance with the English Language Development/Bilingual Education Manual with notification made to families in their preferred language. [2][10]

Programming

All students identified as ELs or DLLs will be provided an asset-based LIEP, which values students' linguistic, cultural, and educational backgrounds; 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.

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 ELs and DLLs the full opportunity to master the essential knowledge and skills of the core curriculum. Staff will

incorporate all appropriate scaffolds and interventions to instruction and assessment to promote meaningful access to the core curriculum and to promote language development. 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]

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, scaffolded, and aligned with state and national standards. All teachers, including, but not limited to, grade level teachers, content area teachers, specialists, ESL teachers, and special education 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]

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 Education programs. 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][10]

ESL Education Programs must include 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 planning and incorporating language instruction, as well as appropriate scaffolding to provide access to 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 content skills and knowledge. ESL and non-ESL teachers and administrators will be supported through consistent and research-based professional development opportunities in order to implement and sustain effective ESL and DL programs. [2]

Equitable Access

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

District policies apply to all students; regardless of immigration status, in order to establish a positive and safe school environment. [1][20][21][22][23][24]

ELs and DLLs shall have equitable access to all academic programs, including Career and Technical Education (“CTE”), as covered by [Policy 115](#) - Career and Technical Education, and special admission schools and programs, as well as extracurricular activities and programs available to District students. Students shall be assisted by persons knowledgeable about District schools and programs to consider a range of opportunities and to obtain the supports needed for student success. 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. [25][26][27][28]

EL students in all settings, including alternative placements, newcomers programs, special admission, city-wide admission, CTE, and students with an Individualized Education Plan (“IEP”), as defined by [Policy 113](#) - Special Education 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][25][26][27][28][29][30]

ELs and DLLs are eligible for IEPs, 504 Plans, and/or GIEPs, and shall be identified in accordance with law, regulations, and District policy. Any assessment of a student for individualized and gifted education services shall include consideration of intervening factors, such as English proficiency, that may be interfering with school staffs’ 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][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 facilitate participation in all educational opportunities and services. [2][4][29]

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 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 student achievement. [10][11][12]

ELs and DLLs must be assessed annually with Pennsylvania's language proficiency assessment. [3] Individual schools and the ESL program shall collect and disaggregate data based on student progress to inform District and school-based planning, including school improvement planning. [5][12]

Parent, Family, and Community Engagement

In order to facilitate meaningful participation, parents/guardians whose dominant language is not English shall be offered 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 train staff to promote language access for all families. [2][32]

School administrators must maintain a record of the family's preferred language and facilitate meaningful opportunities for participation in that language. [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 community stakeholder and parental/family involvement in the education of their children. 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 and United States federal standards. [2][10][11]

Legal References:

1. [Policy 103](#) - Nondiscrimination in School and Classroom Practices
2. [22 PA Code 4.26](#)
3. [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](#)

Related Information:

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

LeGare 1994, Consent Decree

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

[Policy 139](#) - Supporting Language Accessibility for Parents and Guardians Whose Primary Language Is Not English