
Bismarck Public Schools
English Language Learner Program
PLAN



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I. INTRODUCTION

Statement of Commitment-BPS Policy (IDDBAA)

The Bismarck Public School system is committed to providing appropriate educational services to ensure all students learn. The district has a legal responsibility to provide equal educational opportunities, along with curricular, instructional, and other related services to ensure that all English Language Learners are equipped to participate effectively in the schools' educational programs.

To accomplish this, Bismarck Public Schools is committed to implementing the English Language Learner Plan, which details the procedural requirements and services provided to English Language Learners, including identification, assessment, registration, placement, and exit criteria. The plan shall include the instructional model chosen, method of developing Individualized Language Plans, and an assurance of a licensed and endorsed (ELL or bilingual) teacher for assessment and instructional planning.

Bismarck Public Schools' English Language Learner Program ensures that these services are provided and that all federal and state regulations and standards regarding the education of English Language Learners are implemented in the schools. The ELL program is consistent with best educational practices, which both research and experience have proven to be most valuable for ELL students.

Legal References:

The Civil Rights Act of 1964 and a series of acts, laws, court decisions, and guidelines have clarified the legal responsibilities of Bismarck Public Schools.

Title VI of the Civil Rights Act of 1964 was the first piece of federal legislation to address the needs and rights of speakers of other languages in public education, asserting that school districts are responsible for providing equal educational opportunities to national origin minority students with limited English proficiency (**LEP**). Since then there has been additional legislation to further clarify the distribution of funding and the responsibilities of educators in addressing the education of LEP students, the most recent being the No Child Left Behind Act of 2002 (**NCLB**). The overall stated purpose of NCLB is "To close the achievement gap with accountability, flexibility, and choice, so that no child is left behind."

Challenging Standards for English and Content Area Instruction

NCLB requires states to establish challenging academic content standards for all students, and Title III of this act indicates that ELLs are not exempt from meeting these high expectations. It asserts that *English learners must develop English proficiency and skills for high academic*

achievement in English WHILE SIMULTANEOUSLY MEETING the same challenging State standards that all students are required to meet.

Title VI, Civil Rights Act of 1964

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Office of Civil Rights Memorandum, 1970

This *Memorandum* interprets the *Civil Rights Acts* of 1964. It concerns the responsibility of school districts to provide 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:

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.

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 skill needs of national origin minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

No Child Left Behind (January 12, 2002)

The term “limited English proficient” is described in No Child Left Behind legislation (NCLB 2000) as an individual:

- Who is age 3-21 and enrolled or preparing to enroll in an elementary school or secondary school;
- Who was not born in the United States or whose language is a language other than English; or 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
- 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
 - Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:
 - i. The ability to meet the state's proficient level of achievement on state assessments;
 - ii. The ability to successfully achieve in classrooms where the language of instruction is English;
 - iii. The opportunity to participate fully in society.

(Title IX, Section 9109, No Child Left Behind Act, 2001)

Title I and Title III of *No Child Left Behind* state requirements for the assessment of limited English proficient students.

- **Accountability through Assessment**
NCLB also calls for accountability in meeting State standards through high quality assessments. Schools must not only demonstrate improvements in students' English proficiency each school year, but also demonstrate that English learners are making the same "adequate yearly progress" as other students. As a result, ELLs must participate in annual State assessments:
 - ELLs must take annual standardized tests assessing English language proficiency.
 - ELLs are required to take the same State tests as all other students. Refer to DPI in ELL administrative binder for accommodations for ELLs on the NDSA.
 - Test scores of LEP students who have been in the United States less than a year are exempt from the language arts portion of the NDSA their first year. They still are still required to participate and take the mathematics portion with appropriate accommodations. These scores will count towards the percentage of students assessed but not AYP.
- **Language Proficiency Assessment Requirements for LEP students:**
 - School districts must assess annually the English language proficiency of LEP students in speaking, reading, writing, and listening. Scores from the language proficiency test must be submitted to the Department of Public Instruction by June of the current school year.

Other References:

Lau vs. Nichols (1974)
Equal Educational Opportunities Act of 1974
The Lau Remedies (1975)

II. THE ENGLISH LANGUAGE LEARNER PROGRAM

The district operates the ELL program to serve the needs of Bismarck Public Schools' Limited English Proficient (LEP) students. The philosophy of the ELL program is to promote the English language development focusing on vocabulary and grammar while supporting the classroom or content teachers in their goal to meet the needs of all diverse learners.

Bismarck Public Schools' Title III ELL Program design is based on the research of Cognitive Academic Language Learning Approach (CALLA) and Sheltered Instruction approach.

CALLA is designed to enhance academic achievement. Broadly speaking, this approach advocates the teaching of language through the content areas. The application of this research in Bismarck's ELL program with LEP students is very appropriate. It uses a number of varied learning strategies to meet the needs of the LEP students, has focus on the acquisition of academic language and views the role of content as a critical element for motivation in developing English language proficiency.

Sheltered Instruction (SIOP) is a proven effective approach in addressing the academic needs of English language learners. The model consists of eight components:

- Lesson Preparation
- Building Background
- Comprehensible Input
- Strategies
- Interaction
- Practice/Application
- Lesson Delivery, and
- Review/Assessment

Using instructional strategies linked to these components, content area teachers help English learners develop their academic English skills as they learn grade-level content.

Bismarck Public Schools' ELL Program is designed to meet the needs of the student by providing a secure environment where the students are encouraged to focus on their own prior knowledge within the context of the grade-level classroom. They acquire new information by learning to ask and answer higher-level comprehension questions and then expanding on new concepts. Content is more motivating than language alone and it provides a context for learning and applying new learning strategies.

Native American students who qualify for the Title I/District reading program, and middle and high school students that are failing English, math, and other core academic courses may qualify for the ELL program.

Some American Indian LEP students speak what is referred to as *American Indian English*. This is a non-standard dialect of English and is well documented in linguistic literature by William Leap. His research is presented in *Language Renewal Among American Indian Tribes*, National Clearinghouse for Bilingual Education, 1982. He states that *American Indian English* has specific grammatical, phonological, and lexical elements not found in Standard English. Regardless of the language spoken at home, students who speak Reservation English do not enter school possessing the skills in standard and academic English needed to succeed in school. Although this non-standard dialect form is well documented, no standard form for rating oral language proficiency has been developed.

Research indicates that certain instructional techniques and strategies work particularly well with American Indian students. (*Effective Practices in Indian Education: A Teachers' Monograph*. Pepper, 1985). Learning by discovery, cooperative learning and concrete learning experiences will be stressed in the developed learning activities. By acknowledging the student's cultural backgrounds' contributions in the LEP students' grade-level classroom, an appreciation for diverse cultures is gained in the BPS ELL program.

Based on assessment results, LEP students will be provided instruction in fundamental English language, phonics, vocabulary, reading, and conversational language strategies to help students develop the Basic Interpersonal Cognitive Skills (BICS) and Cognitive Academic Language Proficiency (CALP) levels. The staff will use a variety of evaluation, assessment, and teaching strategies to work with LEP students. LEP students should be able to participate in a certain amount of classroom activities with support. They will continue to need English language instruction to assist them in accessing the classroom curriculum. ELL services should coordinate more with the classroom curriculum as students gain proficiency.

Staff Responsibilities and Credentials for Instruction

ELL Program Director

The ELL Director supervises the overall operation of the ELL program. The ELL Program Director is expected to:

- Ascertain that the goals and requirements of the program are met
- Manage the budget
- Hire and supervise ELL staff
- Write grants for financial support
- Prepare and submit federal and state program applications and documentation
- Coordinate program with other existing district programs
- Manage the program consistent with the current knowledge base on LEP instruction
- Oversee activities and materials for ELL use that indicate an understanding of the language proficiency level of students
- Promote and understand the supportive roles and responsibilities of parents
- Ensure the district's compliance with NCLB and ongoing review for periodic update and presentation to the school committee for its action

- Oversee scheduling, proper placement, and appropriate accommodations for the BEST INTEREST of the STUDENT
- Must hold their ND Administrative license

ELL Program Coordinator

The ELL Coordinator serves as a liaison between teachers and the program director. The ELL Coordinator is expected to:

- Supervise annual English proficiency testing, including ordering of testing materials, dissemination, development, and maintenance of records
- Supervise scheduling and activities of ELL instructional aides and other ELL staff members
- Monitors progress of exited students
- Maintain accurate PowerSchool data
- Serves as a contact person upon the arrival of new non-English speaking students
- Provides consultative services for the Missouri River Educational Consortium (MREC)
- Must hold a Master's degree in addition to Resource Teacher Qualifications (see below)

ELL Resource Teacher

To work cooperatively with program director, classroom teachers and building principals in teaching ELL students in kindergarten through 12th grade.

A. Program Responsibilities:

The ELL teacher position requires a combination of program coordination, staff supervision and teaching of ELL students. The ELL teacher is expected to:

- Assist with the enrollment of new immigrant students
- Completes language proficiency assessments and assists with accommodations with district assessments
- Develop an Individual Language Plan (ILP), in cooperation with classroom teachers for LEP students
- Coordinates instruction and student needs with general education teachers
- Provide assistance and/or ELL curriculum materials for classroom teachers for the education of LEP students
- Update LEP Power school data
- Coordinate translators and interpreters for conferences and school events
- Provide training for instructional aides and classroom teachers on appropriate ELL methodology
- Attend Teacher Assistance Team, Child Study, Problem Solving team meetings when an LEP student is referred for intervention
- Quarterly monitor LEP students grades, attendance, and drop-out rate

- Maintain ELL student records

B. Qualifications:

- North Dakota licensure in elementary and secondary education with ESL/bilingual education endorsement
- Ability to work with a variety of people and situations
- Ability to manage, coordinate and supervise
- Experience working with multicultural students (preferred)
- Knowledge of second language (preferred)

ELL Instructional Aide

To work cooperatively with and assisting ELL resource teacher and classroom teachers in the instruction of English Language Learner students.

A. Performance Responsibilities

- To assist the resource teacher and classroom teacher in achieving ELL Program objectives by working with individual students or small groups and using techniques consistent with program design
- To reinforce learning of materials, concepts, and skills initially introduced by resource teacher or classroom teacher
- To work with targeted students, using a variety of materials and instructional methods, including: computer-assisted instruction, instructional manipulatives, etc.
- To contribute to a well-organized, smooth functioning class environment in which students can take full advantage of the instructional program and available resource materials
- To confer with the classroom teachers or resource teacher on any problems, or special information about individual students
- To maintain the same high level of ethical behavior and confidentiality on information about students as is expected of certified staff
- To develop an awareness and sensitivity of the cultural/language background of LEP students in program
- To attend in-service training programs as assigned

III. BPS' ELL PROGRAM MODELS

BPS uses an integrated ELL program that provides language-assistant services in the mainstream classroom as much as possible. Specialized staff work closely with classroom teachers to provide services. Classroom teachers modify materials, and use peer tutors along with instructional aides to provide in-class services. Specialized ELL methodology and materials are incorporated into classroom activities as much as possible.

Research has shown that an inclusionary, least-restricted environment is a sound educational practice for all special learners. LEP students can learn English from peers and feel more successful if they are part of the whole group.

Pull-Out Instruction

Pull-out instruction is generally used in elementary school setting. Students spend the majority of the day in a mainstream classroom, but are pulled out for a portion of each day to receive direct instruction in English language. Although schools with a large number of LEP students may have a full-time ELL teacher, some districts employ an ELL teacher who travels to several schools to work with small groups of students scattered throughout the district. This program model is also used at all grade levels with students at low proficiency levels.

Push-In Instruction

Push-In instruction is generally used at the elementary school setting. Students spend the majority of the day in a mainstream classroom, but are provided in-class instruction or language support by and ELL teacher or ELL instructional aide.

Content Based Education

Content instruction is in English with adjustment to proficiency level so subject matter is comprehensible. Students receive instruction as a regular class period. They may be grouped for instruction according to their level of English proficiency. Grades 9-12 receive 1 credit per semester class.

Co-Teaching

Mainstream content area teacher and ELL teacher share the responsibility for planning, delivering, and evaluating instruction for a group of students, some of whom are LEP. Instruction occurs within the context of a single classroom (i.e. Biology, U.S. History) where the both teachers work collaboratively to create a classroom community.

Sheltered English Immersion

Sheltered English immersion is seen at all grade level settings. All classroom instruction is in English but with curriculum and presentation designed for children who are learning the language. Books and instructional materials are in English and all reading, writing, and subject matter are taught in English. Teachers are provided staff development specific to instructional strategies and accommodations for ELLs that can be implemented in daily practice.

IV. PROCEDURES FOR IDENTIFICATION, QUALIFICATION, AND PROGRAMMING OF ELLs

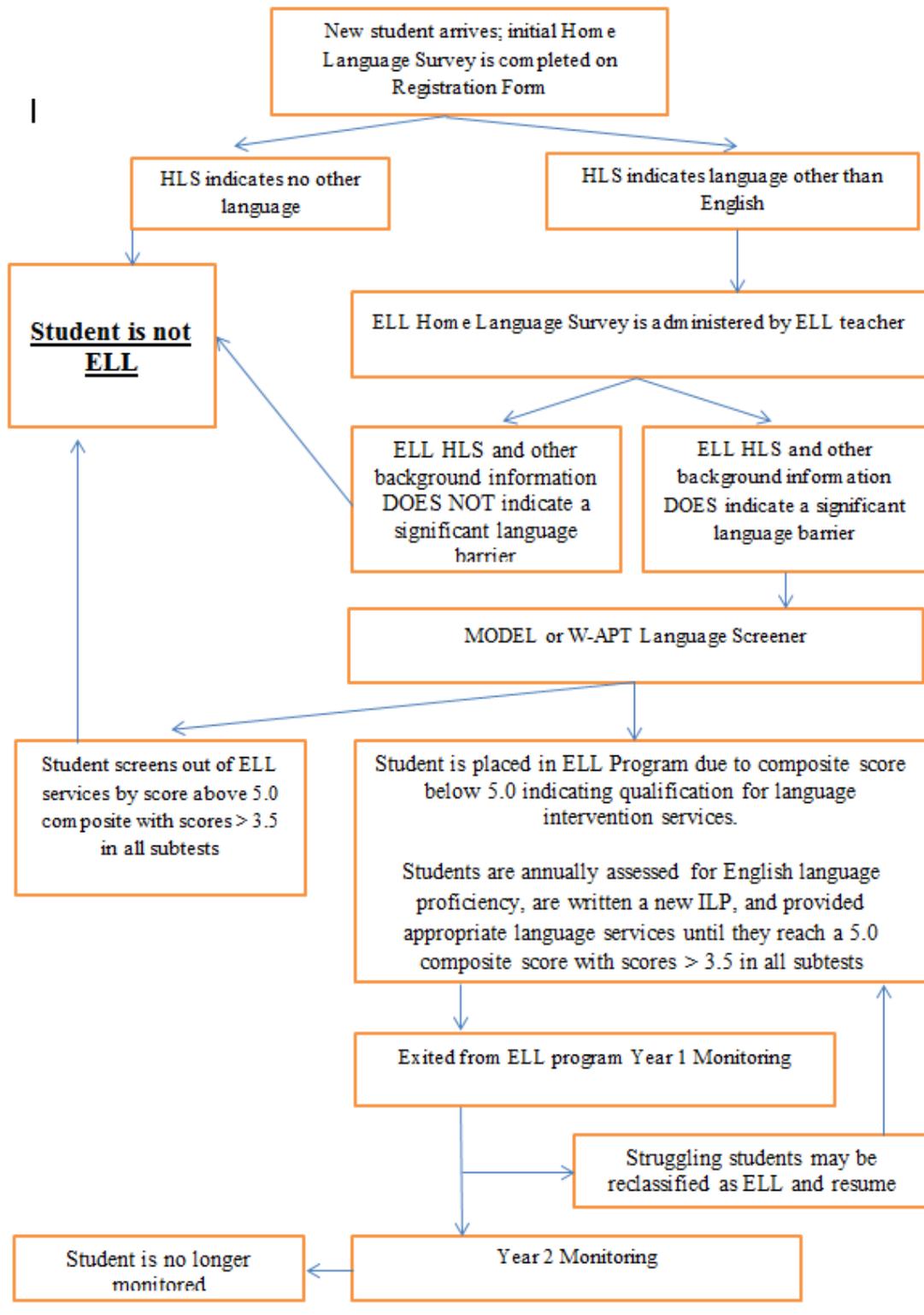
LEP Student definition:

The term “limited English proficient”, which is defined in section 9101 of Title IX when used with respect to an individual, means an individual –

- Who is age 3-21 and enrolled or preparing to enroll in an elementary school or secondary school;
- Who was not born in the United States or whose language is a language other than English; or 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
- 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
- Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:
 - iv. The ability to meet the state’s proficient level of achievement on state assessments;
 - v. The ability to successfully achieve in classrooms where the language of instruction is English;
 - vi. The opportunity to participate fully in society.

(Title IX, Section 9109, No Child Left Behind Act, 2001)

General Procedures for Initial Student Identification



Procedures for student identification at student enrollment/registration

1. Bismarck Public School's registration form is completed. This form indicates the home language. Students from a different district or country follow the same policies and guidelines as all students.

2. **Home Language Survey** is administered either at registration or with ELL teacher at school. The student and parents are interviewed in order to gather relevant home background information, cultural information, and educational history. During this interview, a facilitator or translator, if needed or requested, may help to interview the student and parents about any school or non-school experiences (e.g., number of years in school, exposure to other languages, family movements, native language literacy, etc.) which may affect the student's ability to learn.

3. **Referral** is made if there is determined to be a limited English proficiency. Previous ELL testing or program placement from former school districts can be used in this process. For students who have indicated English on their registration information, but at a later time are discovered by school personnel as speaking or being influenced by a second language at home, can be referred by the classroom teacher using a Pre-Referral form.

4. An **English Language Proficiency Assessment** will be completed by a licensed ELL teacher within 30 days of enrollment if the student enrolls at the beginning of the school year or within 14 days of enrollment if the student enrolls mid-year. BPS uses the WIDA MODEL assessment for initial screening. **Bismarck Public Schools shall inform parent of their child's identification for participation in the ELL program no later than 30 days after the beginning of the school year. For a child who enters after the beginning of the school year, BPS must inform parents within two weeks of the child's placement.**

5. An **Individual Language Plan (ILP)** will be written, and updated annually, for students who qualify for ELL language instruction. ILP writing will involve the ELL teacher, classroom teacher, administrator, and parent (ELL Program Committee). This plan outlines English language interventions, goals for language growth, accommodations, and personnel responsible for carrying out interventions and instruction. Qualifying students have the right to accommodations, modified curriculum, modified grades and support services, based on need and level of English language proficiency.

***Students who are receiving accommodations, modified curriculum and grading shall participate in ELL programming at parent discretion.**

ELL Program Committee

The ELL Program Committee consists of any combination of the following members:

- ELL Director
- ELL Resource Teacher (signature required on ILP)
- ELL Instructional Assistant
- Classroom or Content teachers (signature required on ILP)
- School administrator (signature required on ILP)
- Other program specialists
- School counselor
- Parents (signature required on ILP)
- Student

The ELL Program Committee will:

- Meet with the school staff to provide information about LEP student enrollees and ELL support services.
- Carry out periodic monitoring for at least 2 years after a student's reclassification to consultation services.
- Make decisions from data about placement in any given program and appropriate ELL support.
- Meet on a regular basis to monitor the LEP student's language and academic progress (grade reports, a portfolio, standardized tests when applicable, and parent and teacher observations).
- Recommend modification of ELL support services or reclassification of a student receiving direct services to consultation.
- Continually evaluate the ELL program as a whole.

ELL Programming

Students that receive scores ranging from 1.0-4.9 on WIDA MODEL, WAP-T, or ACCESS qualify for some level of ELL service from the ELL Resource teacher, instructional aide, or classroom teacher. An ILP will be developed for all students who are identified as ELL. The plan will be developed by the LSC committee. Specific accommodations, modifications, and direct services will be decided on individual basis.

ELL Service Levels

The amount of service time will vary depending on factors such as the amount of literacy the student has in their first language, the current grade level assignment and the student's level of English language proficiency as determined by the ELP screening tool (W-APT or MODEL). There are many factors to consider when determining service time for ELLs. Decisions must be carried out with attention to the student's least restrictive environment.

ELL students are expected to meet the same challenging state academic achievement standards as their mainstream peers, therefore schools must assure that ELLs have access to core instruction. Limited segregation, i.e., newcomer center, is only permissible in the short-term. The benefits of the language instruction educational program must outweigh the adverse effects of segregation.

The North Dakota State ELL Program Advisory Committee has developed the following guidelines for recommended daily service time for ELLs with an ELL Endorsed teacher.

English Language Proficiency Level	Recommended LIEP Service Time
Newcomer	4-6 units of English language instruction educational services
Level 1 – Entering	3-4 units of English language instruction educational services
Level 2 – Beginning	2-3 units of English language instruction educational services
Level 3 – Developing	1-2 units of English language instruction educational services
Level 4 – Expanding	1 units of English language instruction educational services
Level 5 – Bridging and Level 6 – Reaching	up to 1 unit of English language instruction educational services

A unit is defined as a class period. In the elementary grades, this might be 30 minutes per unit. At the secondary level a unit would typically be a class period. A class that is taught in a 75-90 minute block may count as two units at the secondary level.

An ELL newcomer is defined as “recent immigrants who have little or no English proficiency and who may have had limited formal education in their native countries”. Due to the needs of this subgroup of ELL students, newcomer programs have been developed to bridge the gap between newcomers’ needs and more traditional LIEPs. Kindergarten students who have little or no exposure to English before entering school may also qualify for newcomer programs based on their similar needs of adjusting to English and American school culture.

ELL Caseload Criteria

The ELL Program Advisory Committee has made a recommendation that there be a 24-40 students per ELL teacher. This will be monitored through the number of ELL students assigned to each ELL teacher’s license number in the LEP/ELL student detail record in STARS. Factors to consider regarding caseload criteria include other professional or teaching responsibilities of the ELL teacher, ELL program administrative duties, the number of buildings that the ELL teacher travels between, the proficiency level of students, and the amount of ELL service that is recommended for each student

Instructional Materials and Resources

Materials, resources and instructional facilities for ELLs must be comparable to those available for non-ELL students. The general fund must supply ELL staff with the materials that they need to provide a core language instruction educational program. Additional materials to supplement the core may be purchased with Title III or other supplemental funds (supplement not supplant clause). (NDDPI does not make recommendations on specific language development materials from publishing companies. However, WIDA has a protocol (PRIME) that measures the representation of WIDA's English language development standards within published materials. More information can be found at <http://prime.wceruw.org/>).

Student Characteristics By Proficiency Level

- **Level 1, Entering**
 - When compared with others of the same age or grade, a Level 1 individual demonstrates negligible cognitive-academic language proficiency. If provided with monolingual instruction at the subject's chronological age or corresponding grade level, it is expected that a Level 1 student will find the *language demands* of the learning task impossible to manage.
- **Level 2, Entering**
 - When compared with others of the same age or grade, a Level 2 individual demonstrates very limited cognitive-academic language proficiency. If provided with monolingual instruction at the subject's chronological age or corresponding grade level, it is expected that a Level 2 student will find the *language demands* of the learning task extremely difficult.
- **Level 3, Developing**
 - When compared with others of the same age or grade, a Level 3 individual demonstrates limited cognitive-academic language proficiency. If provided with monolingual instruction at the subject's chronological age or corresponding grade level, it is expected that a Level 3 student will find the *language demands* of the learning task difficult.
- **Level 4, Expanding**
 - When compared with others the same age or grade, a Level 4 individual demonstrates fluent cognitive-academic language proficiency. If provided with monolingual instruction at the subjects' chronological age or corresponding grade level, it is expected that a Level 4 student will find the *language demands* of the learning task manageable.
- **Level 5, Bridging and Level 6, Reaching**
 - When compared with others of the same age or grade, a Level 5 individual demonstrates advanced cognitive-academic language proficiency. If provided

with monolingual instruction at the subject’s chronological age or corresponding grade level, it is expected that a Level 5 student will find the *language demands* of the learning task very easy. Most students at Level 5 and 6 are exited from ELL program and are being monitored for continued academic success.

Examples of Accommodations and Modifications:

<p>Accommodations (Change in how a student learns. Grade is not marked with an asterisk.)</p> <ul style="list-style-type: none"> • Concrete examples • Extended completion time • Highlighted text • Individual or small group instruction • Manipulatives • Multiple forms of communication • Preview lessons/materials • Prioritized material • Reduced number of problems • Review lessons/materials • Simplified directions • Study guides • Teacher lecture notes • Word banks 	<p>Modifications (Change in the expectation and amount of learning. Grade is marked with an asterisk.)</p> <ul style="list-style-type: none"> • Alternative grading scale • Alternative tests and assessments (This could include ELL materials) • Alternative text and materials • Change of percentage correct or completed reflected in grade • Grading on effort • Modified expectations in written language and/or English mechanics. • Paraphrased texts • Pre-copy of test • Project or demonstration rather than report or test grades • Retaking of tests • Shortened spelling lists
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General Procedures for Annual Assessment Participation

ELL students are required to participate in annual language proficiency testing as well as annual achievement testing regardless of parental consent to decline ELL services.

Annual English Language Proficiency Assessment – WIDA ACCESS for ELLs

Students who are identified as ELL shall be administered the North Dakota English Language Proficiency Assessment (NDELPA), ACCESS for ELLs, annually to reestablish eligibility, to determine readiness to exit, as well as measure progress. These scores will be kept on file to document eligibility and provide data for submission to the ND State Department of Public Instruction regarding program accountability.

Bismarck Public Schools must assure North Dakota Department of Public Instruction that all LEP students are:

1. Included in the statewide achievement assessment system.
2. Identified and assessed for English language proficiency.
3. Provided appropriate instructional services based on assessment.

Annual Achievement Assessment - NDSA

LEP students must participate in the statewide achievement assessment program as other students.

- Teachers must identify the students as LEP on the test inside front cover sheets.
- LEP students have a right to accommodations according to level of English language proficiency. Such accommodations are marked on ILP:
 - Bilingual resources (i.e. word-to-word dictionary)
 - Test directions read aloud
 - Test items & answer options read aloud verbatim
 - New immigrant student; exempt from Reading

Bismarck Public Schools documents and reports on the language proficiency and academic achievement of identified LEP students.

- Academic achievement assessment reporting on LEP students is included with district reporting on all students.
- Language proficiency assessment reporting is submitted separately.

ELL Folder

The ELL folder is maintained by ELL Staff. The primary ELL folder is a working file kept inside the student's cumulative folder. Student's ELL folder should include the following:

- Home language survey
- W-APT and/or ACCESS assessment results
- ILP
- Any relevant referral documents
- Any vital correspondence
- Completed monitoring form

V. ENGLISH LANGUAGE PROFICIENCY STANDARDS

In 2006 ND joined the World-class Instructional Design and Assessment (WIDA) consortium. This consortium provides the assessment tools that are used for English language proficiency assessing. Along with the adoption of the assessments, ND also adopted the language proficiency standards that the assessments are aligned to.

- <http://www.wida.us/index.aspx>

VI. ELL PARTICIPATION IN SPECIAL PROGRAMS

Meeting the ELL criteria does not disqualify a student from other special programs. Special programs may include Title I, Title III, Gifted & Talented and Special Education. Schools should take steps to ensure that ELL students have equal access, and are represented proportionately, in all special programs.

Title III

Districts and consortia can apply for Title III supplemental funds in the consolidated application in STARS. Districts, groups of districts and Regional Education Agencies may pool their resources to form a consortium in order to qualify for Title III funding. More information on the ND Title III program can be found at: <http://www.dpi.state.nd.us/bilingul/nochild/index.shtm>

Title I

ELL students often meet the targeted criteria for Title I reading or math services. ELL students that meet the Title I targeted criteria must be served in the Title I programs and in the LIEP. Targeted criteria must use universal assessments (i.e., an assessment that is given to all students) to determine eligibility. English language proficiency scores (WAPT, MODEL, and/or ACCESS) cannot be used to disqualify a student from additional services like Title I. In order to determine that the linguistic and academic needs of an ELL student are being met, a team consisting of an ELL teacher, general education teacher and Title I teacher should meet to determine the most appropriate services. This may include a student going to multiple teachers for services. More information about Title I programs and serving LEP students can be found at: <http://www.dpi.state.nd.us/title1/targeted/general/facts/ldstudnts.pdf>

Gifted & Talented

Selection criteria for Gifted & Talented programs must not discriminate on the basis of language. Many Gifted & Talented programs use assessments to determine eligibility. These assessments must account for linguistically and culturally diverse students.

The exclusion of LEP students from specialized programs such as gifted/talented programs may have the effect of excluding students from a recipient's programs on the basis of national origin, in violation of 34 C.F.R. § 100.3(b)(2), unless the exclusion is educationally justified by the needs of the particular student or by the nature of the specialized program.

LEP students cannot be categorically excluded from gifted/talented or other specialized programs. If a recipient has a process for locating and identifying gifted/talented students, it must also locate and identify gifted/talented LEP students who could benefit from the program. In determining whether a recipient has improperly excluded LEP students from its gifted/talented or other specialized programs, OCR will carefully examine the recipient's explanation for the lack of participation by LEP students. OCR will also consider whether the recipient has conveyed these reasons to students and parents.

Educational justifications for excluding a particular LEP student from a specialized program should be comparable to those used in excluding a non-LEP peer and include: (1) that time for the program would unduly hinder his/her participation in an alternative language program; and (2) that the specialized program itself requires proficiency in English language skills for meaningful participation.

Unless the particular gifted/talented program or program component requires proficiency in English language skills for meaningful participation, the recipient must ensure that evaluation and testing procedures do not screen out LEP students because of their limited-English proficiency. To the extent feasible, tests used to place students in specialized programs should not be of a type that the student's limited proficiency in English will prevent him/her from qualifying for a program for which they would otherwise be qualified.

Special Education

Determining special needs placement for students in the ELL program is a complex process. There may be a number of individual or combined factors determining why language minority students are achieving little academic progress over time. The normal process of second language acquisition, the acculturation process, different learning styles, motivation to learn, or the student's lack of prior schooling are a number of potential factors instead of intrinsic learning problems. These factors need to be taken into consideration before a child is referred to Special Education.

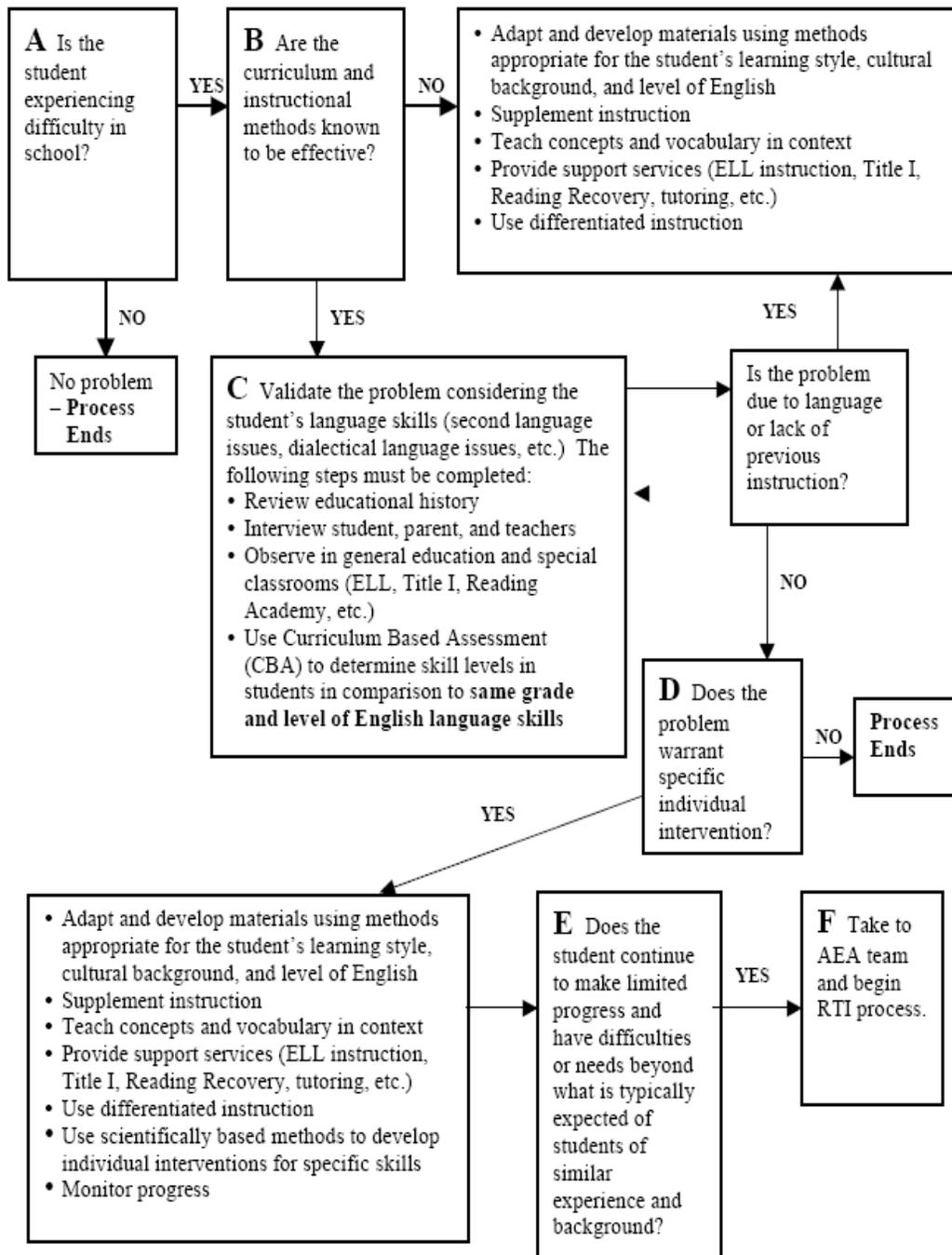
When considering the needs of English Language Learner students and culturally diverse students, the following general guidelines should be considered through the general education intervention, assessment, and programming process:

- Lack of proficiency and skills in English does not, in itself, make students eligible for special education.
- An individual who lacks English language skills is different from an individual with a language disorder.
- Oral fluency in English is not a true indication of the overall English language skills necessary for academic success.
- Students may be eligible for both ELL and special education services if the students have been appropriately assessed.
- There is no such thing as a “culture fair” or “culture-free” test.
- All tests given in English are tests of English language proficiency, regardless of their content.
- Learning styles are determined on an individual basis and by the culture of the students.
- Culturally-based behaviors may appear to suggest special education needs.
- Parents of English Language Learner students and culturally diverse students may have a different perception of school from parents of traditional, non-ELLs.
- Parents and family members of all ethnic groups have valuable information about the students to share when planning an appropriate educational plan.

English Language Learner and culturally diverse students must be involved in the Response to Intervention (RTI) problem solving process before being considered as candidates for special education evaluation and eligibility. This process may involve one or more levels of the RTI procedure and should include data on the student’s culture, experiential and educational background, language proficiency, current curriculum, instructional interventions and accommodations that have been implemented, behavior and adaptive skills, academic progress, documentation of insufficient growth in relation to increased interventions, and progress monitoring data.

The use of the RTI process is vital in determining if an ELL student’s difficulties are a result of language/cultural differences or due to innate learning problems or emotional/behavioral issues.

Prior to involving professional resource staff in the RTI procedure, problem solving should have already begun at the building level. The building level process should include a description of the difficulty the student is experiencing. Determination should be made as to the appropriateness and effectiveness of the curriculum and instructional methods for ELLs, and the student’s problem **should be validated in both the first and second languages when possible (ex. Language Sample)**. At this stage of the problem solving process, materials and methods should be developed, adopted, and modified to fit ELL needs; concepts and vocabulary should be taught in context, and ELL services should be provided as appropriate to the language acquisition level of the student. The following flow chart can be used to clarify this referral process.



Adapted from Garcia and Ortiz. (1988). *Preventing Inappropriate Referrals of Language Minority Students to Special Education.*

Service time in the ELL Program cannot be counted towards Special Education service minutes, but can be indicated in the “related services” section of the Individualized Education Plan (IEP). ELL students with an IEP qualify for Special Education and ELL/LEP accommodations on state academic achievement assessments (NDSA, NDAA2). ELL students with an IEP also qualify for

Special Education accommodations on the annual English language proficiency assessment (ACCESS). Details regarding these accommodations can be found in the ACCESS for ELLs® District and School Test Administration Manual. ELLs qualifying for Special Education who are taking the NDAA2 qualify to take the Alternate ACCESS for ELLs .

VII. EXITING AND RECLASSIFICATION

Students classified as English language learners (ELLs) will no longer be considered limited-English proficient when they have the language skills necessary to perform at the level of native English speakers in age and grade appropriate settings in all areas of language development without the use of adapted or modified English materials.

Exit Criteria

To qualify for exit from the ELL program the scores achieved on the NDELPA must meet a minimum level in each of the following areas if assessment:

- A. Minimum Overall (Composite) Proficiency Level Score: 5.0
- B. Minimum Proficiency Level Scores on each of the four subtest assessments:
 - a. Reading: 3.5
 - b. Writing: 3.5
 - c. Listening: 3.5
 - d. Speaking: 3.5

These ELL students will have demonstrated their **ability** to:

- A. Understand and speak English in relation to the full range of demands of the classroom and the academic language needed to succeed.
- B. Read and comprehend English as evidenced by successful classroom performance and a proficient score on standardized achievement tests;
- C. Write English as evidenced by successful classroom performance and a proficient scores on standardized achievement tests; and
- D. Meet or exceed district guidelines in their academic subjects

BPS is required to monitor former ELL students for two years after the student has exited the program. The primary purpose of monitoring a student after exit from the ELL program is to ensure that the student is not encountering difficulty as a result of English language proficiency. Exited students who are determined to be encountering difficulty as a result of language proficiency can be reentered into the ELL program if an ELL teacher, along with other staff, determines that the information collected during the monitoring period indicates a need for reclassification. Reclassification can occur during the two year monitoring period, immediately after the two year monitor period or anytime thereafter, when the student shows evidence of academic difficulty as a result of limited English language proficiency.

During these two years of monitoring, student scores will count toward district ELL subgroup for Annual Yearly Progress (AYP).

Impact on Policy and Funding

Once reclassified as fully English proficient, the student will no longer be assessed on the ACCESS for ELLs or receive testing accommodations for ELLs on NDSA.

VIII. PROGRAM EVALUATION

BPS is committed to conducting an evaluation to determine the successful implementation of the ELL program. The primary purpose of the evaluation plan is to assure effective and appropriate ESL interventions for LEP students. In school year 2011-2012 the Department of Public Instruction (DPI) began an ELL Program Monitoring committee that would evaluate district programs in a four-year rotation; evaluating two districts per year.

A District Self Study Guide will be used on a five year cycle to provide a comprehensive overview of BPS ELL practices and procedures. The assessment will address the following areas: identification, assessment and evaluation, program, staff, exit criteria, program evaluation, equitable access, special education, and parent communication.

Districts that participate in the Title III program are held accountable for Annual Measureable Achievement Outcomes (AMAOs). ELL students are expected to make annual gains in their overall English language proficiency, districts are expected to exit students from their program and the LEP subgroup must make AYP on the state academic achievement assessment.

Annual Measurable Achievement Objectives (AMAOs)

AMAO 1 is the progress ELL students make in learning English. In ND, this is calculated by comparing the Overall Proficiency Level (PL) of two consecutive ACCESS test scores. ND has defined “growth” or “progress” as an increase of 0.2 PL from one year to the next. AMAO 1 is reported as the percentage of students in a district who gain at least 0.2 PL in their Overall score.

The targets from year to year to determine annual yearly progress are established by using the lower and upper quarter of district performances as starting and ending targets. This is due, in part, by the small number of districts with ELLs in North Dakota.

.2 PL Gain AMAO 1 Targets	
Year	Targets
2010	48%
2011	51%
2012	53%
2013	56%
2014	58%
2015	61%
2016	63%
2017	66%
2018	68%
2019	71%

Students who do not have two consecutive years of ACCESS data will be expected to maintain the same annual Proficiency Level growth as students who remained in the state for consecutive years. The determination will be calculated by multiplying the number of years between data points by the AMAO 1 criteria (.2 PL).

In ND all students who are identified as LEP or ELL and who are enrolled during the testing window are included. Kindergarten students would not have two consecutive scores to calculate the case of retention). Newcomer students in their first year of school in the US cannot be included in AMAO 1. Migrant students who are not living in ND during the annual testing window cannot be included in AMAO 1.

AMAO 2 is the progress ELL students make in attaining English Language Proficiency.

The approved Exit Criteria for ND is based on the ACCESS test results; therefore ND uses ACCESS test data to calculate AMAO 2. All students who are enrolled during the testing window are included in the denominator. Only those students who have reached the exit criteria are included in the numerator.

The ELL program exit criteria in ND are determined by a composite proficiency level of 5.0 and a minimum of 3.5 in each domain. Domain scores are specific to the areas of Reading, Writing, Listening and Speaking. The starting point (i.e., year 2010), ending point (i.e., year 2019), and annual rate of increase were established similar to those seen for the AMAO 1 analysis. (The targets from year to year are established by using the lower and upper quarter of district performances as starting and ending targets.)

5.0 PL with minimum 3.5 in all areas of RWLS AMAO 2 Targets	
Year	Targets
2010	10.0%
2011	11.0%
2012	12.0%
2013	13.0%
2014	14.0%
2015	15.0%
2016	16.0%
2017	17.0%
2018	18.0%
2019	19.0%

AMAO 3 is the measurement of Adequate Yearly Progress for the LEP (ELL) subgroup for each district in the areas of Reading and Math. This is calculated in the Title I AYP report and the district information is carried over to Title III for accountability purposes for AMAO 3. The LEP subgroup must make AYP in both subject areas to meet AMAO 3.

IX. OTHER RELATED ELL INFORMATION

Parental Involvement

Bismarck Public School values the joint efforts of parents and schools working together to ensure quality education for ELL students. Several avenues will be utilized in informing parents about their child’s education and promoting participation in the ELL program.

The parents are an active part of the Language Support Committee. Through this committee parents will be kept informed of any assessment plans for their child and all assessments will be shared with them.

An ELL committee will be in place that will have parents and students from the immigrant and Native American communities as well as teachers and students from the elementary, middle, and high schools. This provides an avenue for input in developing procedures, instructional strategies, parent and professional development plans which affect their children’s education, as well as a resource network with other parents within the district.

A meeting will be held at least once a year which provides an opportunity for parents to visit other parents of ELL students. This meeting is valuable to parents because their input helps define how the school educates their children.

Title III Parent Involvement Requirements

- Inform parents how they can be active participants in assisting their children to:
 - learn English
 - achieve at high levels in core academic subjects
 - meet the same challenging state academic achievement standards as all other children

- Inform parents regarding their child's participation in an ELL Program:
 - the reasons for identification and placement in the ELL program
 - the child's level of English language proficiency
 - the method of ELL instruction, including descriptions of alternative language instruction programs
 - a description of how the program will meet the educational strengths and needs of the student
 - a description of how the program will help the child learn English and meet academic achievement standards
 - the program exit requirements, including the expected rate of transition and the expected rate of graduation from secondary school
 - the way in which the LEL program will assist to meet the objectives of an Individualized Education Program for a child with a disability
 - the parent rights, including written guidance that:
 - Specifies the right that parents have to have their child immediately removed from a language instruction educational program upon their request
 - Describes the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available and
 - Assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered

- Schools must inform parents of a child identified for participation in a language instruction educational program supported by Title III not later than 30 days after the beginning of the school year. For a child who enters school after the beginning of the school year, the LEA must inform parents within two weeks of the child's placement in such a program.

- School districts are required to provide notice to the parents of LEP children participating in a Title III language instruction educational program of any failure of the program to make progress on the annual measurable achievement objectives described in section 3122 of Title III. This notice is to be provided no later than 30 days after this failure occurs.

- The required notices described must be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

State Requirements

- The school district shall inform the student's parent or guardian how they may be involved in their child's program of English language acquisition, including periodic progress reporting.
- The school shall invite the student's parent or guardian to be a team member on the individualized language plan team.
- The school district shall provide information at least annually to the student's parent or guardian on the progress of the student's language proficiency and academic achievement and on alternative language services being provided.

Private School Participation

Bismarck Public Schools will conduct a timely and meaningful consultation with the private schools that are within their school district boundaries. They must work together to determine how they will provide support to ELL students and/or to staff working with ELL students. All services (consultation, professional development, student services) must be agreed upon and funded directly by the grantee (funds cannot be transferred to the private school). Funds may be spent to identify, screen and annually assess the English language proficiency of private school students (funds may not be spent for identification, screening and the annual English language proficiency assessment for public school students).

X.

DEFINITIONS

*****Definitions taken from the book, Managing ESL Programs in Rural and Small Urban Schools by Barney Berube.**

Anecdotal records: Used as a component of authentic assessments, these are observations of a student's behavior through learning activities, social interaction, and work habits.

Authentic assessment: An integrative and comprehensive approach for collecting demographic, outcome, and process data on LEP student learning, particularly as the information relates to the student's acquisition of English and academic subject mastery.

Basic interpersonal communication skills (BICS): A component of second language proficiency that usually occurs on an informal level that precedes the more complex skills of cognitive academic language proficiency. If only an oral assessment of a student's skills is taken, the student may appear proficient according to BICS. BICS are less abstract and more concrete than the more demanding cognitive academic language proficiency skills (CALPS). BICS can be acquired in less than 2 years; CALPS require 4-10 years.

Bilingual education: A program of instruction that uses more than one language as the medium of instruction.

Bilingualism: The ability to communicate in two languages. A balanced bilingual is one who can use both languages equally well. Most bilingual persons prefer one language to the other, depending on the context of the communication.

Cognitive academic language learning approach (CALLA): Developed by Chamot and O'Mally (1987), CALLA is an intermediate and advanced transition program that permits post-elementary LEP students to acquire greater English fluency and content-area mastery by teaching them unique learning strategies.

Cognitive academic language proficiency skills (CALPS): A component of second language proficiency that occurs at the complex higher language acquisition level after the simpler, basic interpersonal communication skills (BICS). According to Collier (1995b), it may take at least 4 and as many as 10 years for an LEP student to reach national grade-level norms of native English speakers in all subject areas of language and academic achievement as measured on standardized tests. The span of time for acquiring CALPS is directly influenced by factors such as (a) age at arrival in a second language culture, (b) amount of uninterrupted schooling in the heritage language, and (c) length of residence.

Content ESL: An approach to second language teaching that utilizes content-area subject matter to teach language. With contextualized and understandable concepts attached to content-area school subjects, the second language acquisition process is enhanced through content ESL. Concepts and vocabulary may be set at a lower academic level to target the student's level of English proficiency. This approach helps the second language learner maintain the cognitive structures that may have already been developed in the native language. The ESL teacher usually pursues this approach.

English as a second language (ESL): An instructional approach whereby LEP students are placed in regular English-only instruction for most of the day. During part of the day, however, these students receive extra instruction in English. This extra help is based on a curriculum designed almost solely to teach English as a second language. The non-English home language may sometimes be used in conjunction with ESL instruction.

ESL pullout: Through this kind of instruction, services to LEP children are provided in isolation from the regular curriculum and the mainstream classroom. Instruction is typically one-on-one or in very small groups offered for almost 40 minutes daily. It is the least effective approach short of submersion (which is illegal).

Home language survey: A simple form, administered by school systems, to determine language spoken at home by a student. Such surveys are often in English and another language. The survey, by itself, does not determine English proficiency.

Individual accommodation plan: A process used to define the special language service needs of LEP students. Each student has such a plan developed for him or her. Such a process is analogous to the individual education plan (IEP) developed for students with disabilities.

Itinerant ESL: In this type of instruction, one or two periods of English language instruction is given on a "pull out" basis by a teacher who travels to more than one school each day.

Language support committee (LSC): A group of building or district-level educators whose responsibilities are outlined in the district's *Lau* plan. The committee is generally charged with the task of ensuring that all LEP students are served according to district policy consistent with state and federal statute.

Language dominance: The language in which a person is most fluent or most comfortable. Dominance can be determined through testing. It is not unusual to have one language dominant in certain situations and the other language dominant in other situations.

Language minority students: Students whose primary or home language is other than English.

Language process file (LPF): A tool (e.g., a portfolio) for recording the progress an LEP student is making in academic performance as well as in acquisition of English. The ESL teacher maintains the LPF.

Language proficiency: Language fluency skills acquired in one or more languages.

Lau Plan: An equal access plan and policy targeted for language minority youth of a given school district. The plan includes identification of LEP students, an academic program plan for them, and criteria for their ultimate exit from a language support program.

Limited English proficient (LEP): A descriptor for one who comes from a non-English language background and whose language skills limit that person's ability to function successfully in an all-English classroom. An LEP student is not fluent in all communicative skill areas of English speaking, listening, writing, or reading and cannot compete with peers in an English-only academic setting.

Limited English-speaking ability (LESA): Students with a primary language other than English who have difficulty with speaking English.

Native Language: The language normally used by an individual, the family, or both at home. Also referred to as the heritage or first language.

Office of Civil Rights (OCR): The civil rights enforcement arm of the U.S. Department of Education, which is charged with enforcing federal civil rights laws prohibiting discrimination on the basis of race, color, national origin, sex, handicap, and age in services, programs, or activities receiving federal assistance. Through complaint investigations, compliance reviews, and technical assistance, the OCR oversees the education of LEP students in public schools across the United States.

Oral Language proficiency tests: Oral language proficiency tests measure how well a student is functioning specific to language. Measurement of oral proficiency ranges from informal measures to commercial tests that cover language acquisition skills, ranging from those necessary for conducting basic interpersonal communications to those required for conducting complex activities.

Primary language: The first language the student acquired and which he or she normally uses; generally, but not always, the language usually used by the parents of the students. This is frequently referred to as the heritage language.

Proficiency: Proficiency in conversational English is that which is well developed by native speakers by the time they reach school and is used informally for interpersonal relations. This level of proficiency may not be sufficient to allow LEP students to excel in school subjects. The kind of English proficiency that does relate with school achievement can be referred to as academic English. This is the kind of language skill required for literacy skills, such as decoding meaning from context, study skills, writing mechanics, and vocabulary development. This kind of proficiency is most often-measured on norm or criterion-referenced tests of language, reading, writing, and mathematics.

Sheltered English: This approach utilizes the simplification of the English language to teach ESL and subject-area content simultaneously. Sheltered English permits LEP students to acquire state and local standards in comprehensible English. The actual content is the same as that taught

to mainstream non-LEP students (not watered down), although key concepts and vocabulary are at a lower academic level, targeted to fit the ESL student's proficiency level in the English language. Sheltered English may be loosely referred to as content ESL.

Qualified ESL personnel: Individuals who have received special training in English language methodology and linguistics with attention to all four communicative language skills – listening, speaking, reading, and writing. In many states, ESL licensures (certification and endorsements) determine such credentials.

Rubrics: Often used in conducting authentic assessments, these are fixed scales used to describe what an LEP student can or cannot do. A continuum of four benchmarks is commonly used as a checklist of data on student performance outcomes.

Title VI of the Civil Rights Act of 1964: Passed by Congress, this law prohibits discrimination in education on the basis of race, color, sex, and national origin. The Office for Civil Rights of the U.S. Department of Education is the enforcement agency for implementation of this law that protects LEP students based on their national origin of race.

Tutorial program: Students in a tutorial program receive one-on-one and small group instruction in English and regular subjects, usually by a paraprofessional. A tutorial program may also be done bilingually. If conducted by unqualified staff, by student peers, or not done as part of an organized system of instruction, it may not pass legal sufficiency by the Office for Civil Rights.

XI.

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