




School Leaders Risk Management Association

UPDATE

June 2015



How much does this cost?
Cuánto cuesta esto?
Cái này giá bao nhiêu?
Ile to kosztuje?
Wieviel kosztet das?
Hila igai?

Don't Let Your ELL Policies and Curriculum Get Lost in Translation!!

Sample Checklists Inside

Download SLRMA's English Language Learner Services and Education: Self-Audit Checklist and Best Practices for School Districts Today

In 1974, the U.S. Supreme Court ruled that schools must take affirmative steps to ensure that students with limited English proficiency can meaningfully participate in their educational programs and services as required by Title VI of the Civil Rights Act of 1964. That same year, Congress enacted the Equal Educational Opportunities Act ("EEOA") which requires schools and state educational agencies to overcome language barriers that impede equal participation by students in their instructional programs. Since that time, the need to have comprehensive and effective English Language Learner ("ELL") curriculums have become even

greater than when these laws were enacted in 1974.

The number of ELL students is growing. The percentage of public school students who are ELL rose from 8.7% (an estimated 4.1 million students) in 2002-2003 to 9.1% (an estimated 4.4 million students) in 2011-2012¹. Over 60% of the nation's public schools (about 70,000 schools) have at least one ELL student, and schools can face significant liability for failing to address the needs of ELL students. In 2014, the ACLU prevailed against the

¹ U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Local Education Agency Universe Survey," May 2015

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Navigating Risk
Has Never Been Easier

Part 1 ELL Services & Policy: Self Audit & Best Practices

This part of SLRMA's ELL Self-Audit and Best Practices is intended to assist your school in assessing its policies and procedures and the methods by which your school engages the parents of ELL students.

I. Written ELL Policies and Procedures

The District's written ELL policy requires that its secondary program establish a path for ELL students to graduate high school in a timely way and have equal access to high-level programs and instruction that can prepare them for college and/or careers. Yes No

II. Parental Notification and Participation

The District relies on qualified translators and interpreters who have knowledge (in both English and the target language) of any special terms or concepts that need to be utilized during the communications with the parents or guardians. Yes No

III. District Program Models

The District uses one of the following research-based approaches to ELL, as described in the 2015 Guidance: "Transitional Bilingual Education (TBE); "Dual Language Program", "Structured English Immersion" or "English as a Second Language" Yes No

All teachers assigned to ESL, TBE, Structured Immersion or Dual Language are appropriately endorsed or certified, or are in the process of attaining endorsement or certification. Yes No

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California Department of Education in a class action alleging the districts failed to fulfill their obligations to ELL students.

In addition, the U.S. Department of Justice's Civil Rights Division and the U.S. Department of Education's Office for Civil Rights ("OCR") are concerned with ensuring that ELL students participate meaningfully and equally in educational programs and services. For example, in 2014 OCR entered into a resolution agreement with a school district in Oregon to resolve a compliance review that it initiated four years earlier; the agreement addressed, among other topics, the availability of qualified ELL teachers, the provision of language assistance services for parents, and the District's plan to ensure that all ELL students, including special education students, receive the services to which they are entitled. Also, on January 7, 2015, the two offices jointly issued Guidance to assist school districts with meeting their legal obligations to ELL students. It is clear that the government watchdog groups are closely monitoring

The top foreign languages spoken in
Spanish, German, Arabic, Polish, Vietnamese, Cherokee, and Karen

Part 2 Educating & Evaluating The English Language Learner: Self-Audit and Best Practices

This part of SLRMA's ELL Self-Audit and Best Practices is intended to help your school apply its ELL Pedagogical Program in a manner that is consistent with federal requirements regarding ELL students.

I. Identifying ELL Students

The District provides opportunities for ELL students to meaningfully participate in all programs, including pre-kindergarten programs, magnet programs, career and technical education programs, counseling services, Advanced Placement and International Baccalaureate courses, gifted and talented programs, online and distance learning opportunities, performing and visual arts, athletics, and extracurricular activities such as clubs and honor societies.

Yes No

Students Who Opt Out of ELL Programs

If the District experiences high opt out rates for ELL services, the District investigates in order to determine the cause(s), addresses the underlying cause(s), and ensures the academic and language proficiency needs of ELL students who have opted out of services are being met.

Yes No

II. Assessing Achievement

The District evaluates longitudinal data that compares performance in the core content areas, graduation, dropout, and retention data for ELL students as they progress through the program, former ELL students, and students who never participated in an ELL program.

Yes No

schools' education of ELL students to determine compliance with federal requirements.

To help your school remain compliant with federal ELL student education requirements and avoid potential liability under the EEOA, SLRMA is pleased to provide its 2015 English Language Learner Services and Education: Self-Audit Checklist and Best Practices for School Districts. The self-audit and best practices will be released over the next several weeks in two parts to allow your administrators the ability to systematically review your district's ELL services and educational program. We encourage your school to use this checklist now in anticipation of the 2015-2016 school year. Failure to ensure that your districts programs are compliant with federal ELL education law may severely cost your school time and resources. Now is the time to learn the language of the applicable rules and regulations. 🌍

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SLRMA members' schools are
(a tonal language from Southern and Southeastern Burma).

Recent Dispatches in the Newsroom



Log In and Download the Recent Case Summaries That Impact Your School District and Find Out What You May Be Missing

Doe v. Prince George County

May 8, 2015

Schools must be prepared to properly document and manage bullying claims. In this recent case from the federal appellate court in Maryland, the Board of Education of Prince George's County successfully defeated charges that it violated Title IX by properly documenting its escalating response to the alleged bullying incidents. The appellate court held that the board's response to the bullying was not "clearly unreasonable" and, therefore, did not demonstrate deliberate indifference.

SLRMA's Checklists are tools to help you avoid potentially damaging liability.



In the last quarter, SLRMA's most popular downloads were:

- 1** **Bullying and Harassment: Identification, Investigation and Remediation**
- 2** **Undocumented Student Enrollment Policy: Self-Audit and Best Practices**
- 3** **School Districts Cloud Computing Services Self-Audit Checklist**
- 4** **Disciplining Students with Disabilities Self-Audit Checklist/Best Practices On the Use of Restraint**

August 2014

California Department of Education Ordered to Ensure ELL Education

In January, 2013, the ACLU of California reported that over 20,000 students were not receiving the English language instruction required by federal and California law. In August 2014, Los Angeles Superior Court Judge James Chalfant found that several school districts failed to provide such services and the California Department of Education failed to take any remedial action when it knew about the failures. As a consequence, the judge issued an injunction against the California Department of Education requiring it to take the necessary steps of ensuring ELL students receive the education required by law.