
To: Boston Public School Leader and Instructional Staff
From: Dr. Esparza, Assistant Superintendent, Office of English Language Learners (OELL)
Date: Monday, August 1, 2016
RE: **Guidance for Scheduling English Learners (EL) in Boston Public Schools (BPS)**

This document provides guidance on how to appropriately service English Language Learners in the various English Learner (EL) programs found in BPS. It integrates U.S. Department of Education guidelines, the Department of Elementary and Secondary Education (DESE) “Guidance on Identification, Assessment, Placement, and Reclassification of English Language Learners, August 2015¹”, the requirements of the “United States Department of Justice (DOJ) Successor Settlement Agreement with Boston Public Schools (BPS), 2012” and “META Consent Order, 1992” to provide information pertinent to serving ELs within our district.

Since 2010, Boston Public Schools has been striving to align programmatic and instructional resources in order to effectively service the academic and linguistic needs of the EL population that makes up over 40% of the student body. As we have made great strides to turn the corner, the commitment to ensuring that EL students have equitable access to all services remains a strong focus.

1. Policy and Legal Responsibility

Under Massachusetts State Law Chapter 71A, all Boston Public Schools with an EL student assigned and enrolled are obligated to offer an English Language Education (ELE) program. Under DESE guidance, an ELE program constitutes of SEI content services and ESL instruction that correlate to the students ELD level. Please note that under Section 6 of this chapter, “any school district employee... may be held personally liable” for not providing students access to EL programming. (See Attachment A)

The following are additional policies that pertain to English Learner Education (ELE):

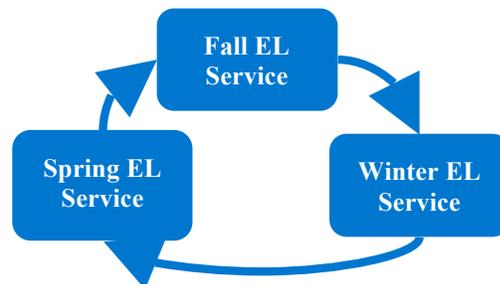
- Department of Justice Successor Agreement (DOJ.SA.)
www.justice.gov/crt/about/edu/documents/bostonsuccessoragree.pdf
- Multicultural Education Training and Advocacy (META) Consent Decree
drive.google.com/file/d/0B0sgAykrpwFISTkzSzFPeFFRUGM/edit?usp=sharing
- Massachusetts DESE Transitional Guidance on Identification, Assessment, Placement, and Reclassification of English Language Learners - August 2016
www.doe.mass.edu/ell/Guidance.pdf
- Massachusetts DESE Students with Limited or Interrupted Formal Education (SLIFE) Definition and Guidance
<http://www.doe.mass.edu/ell/SLIFE-Guidance.pdf>

¹ DESE is expected to release an updated guidance during August or September 2016. Once the information is released, OELL will review and generate any amendments if necessary.

- Massachusetts DESE Guidance for Defining and Implementing Two Way Immersion and Transitional Bilingual Education Programs
<http://www.doe.mass.edu/ell/TWI-TBE-Guidance.pdf>
- Limited English Proficiency (LEP) -A Federal Interagency Website
<https://www.lep.gov/>

II. Level of EL Services Reporting Cycle

The scheduling information that schools input into the Aspen Student Information System (SIS) will be used to **generate three annual reports** in order to assess the level of ELE services that students are receiving per school.



For each cycle of the reports, BPS reviews the following quality indicators for ESL services:

1. Are teachers qualified to provide services to EL students in ESL and SEI core content classes?
2. Are students in the right course and receiving the instruction type?
3. Are students receiving the right amount of ESL instructional time for their ELD level?
4. Are students appropriately grouped in accordance to mandated guidelines to receive ESL instruction?

Date(s)	Activity or Accountability
Fall 2016 English Learner (EL) Service Review	
Mon. Aug. 29 to Fri. Sep. 9, 2016	OELL will be providing EL Scheduling Technical Support between August 29 and September 9 where schools will be asked to send an administrator to review all inputted information for accuracy.
Mon. Sep. 12, 2016	OELL will review the quality of data entry to provide schools feedback for areas that need correction. Information will be shared with Instructional and Operational Superintendents to provide support to schools in need. Schools will have one week to review and complete any corrections.
Fri. Sep. 16, 2016	Deadline for Inputting and Correcting EL-related Data for October 2016 Report.
Fri. Sep. 30, 2016	Dual Language programs are to submit their annual language policy report.
Winter 2016 English Learner (EL) Service Review	
Tue. Nov. 1, 2016	OELL will review the quality of data entry to provide schools feedback for areas that need correction. Information will be shared with Instructional and Operational Superintendents to provide support to schools in need. Schools will have two weeks to review and complete any corrections.

Fri. Nov. 18, 2016	Deadline for Inputting and Correcting EL-related Data for December 2016 Report.
Wed. Feb. 1, 2016	OELL will review the quality of data entry to provide schools feedback for areas that need correction. Information will be shared with Instructional and Operational Superintendents to provide support to schools in need. Schools will have two weeks to review and complete any corrections.
Fri. Feb. 17, 2016	Deadline for Inputting and Correcting EL-related Data for March 2016 Report.

III. EL Program Enrollment and Assignment in BPS

When a student enrolls in BPS, the student and/or family complete the Home Language Survey (HLS) at the Welcome Centers. Based on the HLS results, students are sent to the Newcomers Assessment Center (NACC) in order to establish if they are eligible for ESL services. Some students are also provided Native Literacy and Numeracy assessments to identify if they had interrupted education and if they are eligible for SLIFE² programming.

The family is able to select a range of schools based on their home base, available language learning programs for which they qualify and submit their forms to the registration team. Students are assigned based to programs or schools based on choice and availability of schools and programs. When the student presents to your building, it is your responsibility to place the student in the appropriate classroom setting, based on their program code.

Early Childhood Grades (K0 to K1) Programs

Students at K0-K1 grades also complete an HLS, but are not sent to NACC to be assessed for a language level. Families are able to rank their school choices at Welcome Services, and students are assigned where there is capacity. Though K0-K1 students are identified as potential LEPs based on the HLS survey, it is during the academic year that your schools LAT-F and the Early Childhood teachers will administer the appropriate language assessment test in order to determine a student's language development level. All students in grades K0 and K1 are required to receive SEI core content instruction from teachers who possess an SEI Endorsement or an ESL license.

Elementary Grades (K2 to 5) SEI Language Specific or SEI Multilingual Programs

Only English Learners (ELs) with English Language Development (ELD) levels 1 to 3 with the requisite program codes can be assigned to the SEI language specific or multilingual program classrooms. Students in SEI programs who are assigned to teachers without an ESL license must receive ESL instruction from a teacher who is qualified.

If your school has a language specific and multilingual SEI strand, assign all ELLs with ELD 1, 2 and 3 with the same program code and grade to the grade appropriate SEI program strand's teachers. The

² Student with Limited and Interrupted Formal Education

teacher-student ratio is 1:20,³ and the ratio can go up to 1:25 with a paraprofessional. ELs with ELD levels 4 and 5 must not be placed in SEI program classrooms but should have a code of “REG” and be assigned to the classroom regular education peers.

Elementary Grades SEI-Hybrid Classrooms

Students who are coded with the SEI Code: AIM should only be found in schools with SEI language specific programs at the elementary grades. In order to have a classroom coded as “Hybrid” school leadership must obtain approval from OELL. No hybrid classrooms can be initiated without prior OELL approval.

If a classroom is designated as a ‘Hybrid’, this will require a review of grouping for ESL instruction. ELD 1 to 3 students assigned to that classroom must receive ESL instruction from an ESL licensed teacher, while other students receive literacy instruction from another qualified staff member during the ELA literacy block.

Secondary Grades (6-12) SEI Language Specific or SEI Multilingual Programs

At the secondary level, SEI language specific strands are grouped by homeroom. Students ELD levels will determine their ESL schedule. Students are to be grouped by grade to ensure that they are able to access grade level content from an SEI endorsed teacher. Due to Newcomer ELs who may enter BPS secondary schools with previous school transcripts that provide credit towards graduation, high schools guidance counselors are expected to review students’ transcripts where applicable and to schedule students appropriately. This may cause for some ELs to not be scheduled for a core content course within the grade assigned in order to meet graduation requirements. This type of exception will need to be well documented in a student’s ELD folder.

Dual Language: Two Way Immersion Programs

Per DESE Guidance (July 2016), a Two Way Immersion (TWI) program is a dual language education model designed to promote bilingualism and biliteracy, cross-cultural competency and high levels of academic achievement for both native English speakers and English Language Learners (ELs). Two Way Immersion programs embed second language support into standard instruction in both languages.⁴

BPS’s Dual Language program schools are required to submit a Dual Language Program Policy that will be used to confirm if EL students are receiving appropriate language development services. The purpose of this Language Policy will be to monitor the development of biliteracy for all students enrolled in the Dual Language program. Schools will be required to describe their current Two Way Immersion model and explain how ELs are provided explicit English language development opportunities, based on the required ESL instructional hours, given their ELD level and qualifications.

A caveat for ‘strand schools’ will apply. For example, a ‘strand school’ will have some grades that have dual language programming and other grades that do not. For example, School XYZ is a K-8 school and provides dual language instruction to grades K1-3, and does not have dual language programming in

³ Per the Boston Teachers Union Contract.

⁴ Page 15, DESE TWI/TBE Guidance.

grades 4 to 8. Therefore, School XYZ must ensure that appropriate ESL instructional time is scheduled for ELL students in grades 4 to 8.

Dual Language Policy templates will be provided for all Dual Language Schools. New and updated language policies for Dual Language schools must be submitted to the Office of English Language Learners annually by September of each year.

Students with Limited or Interrupted Formal Education (SLIFE) Programs⁵

SLIFE students are grouped across a grade span (3-5, 6-8, 9-12) and carry the “BI” code. SLIFE students must receive the same hours of ESL instruction as ELs of comparable ELD levels. The SLIFE schedule must allow room for elective courses. During electives, SLIFE are to be included with any and all other students. SLIFE must have dedicated teachers for all of their core classes and work independently from of other groups during all core classes, including ESL. Teachers must follow exit criteria guidelines for exiting SLIFE students to SEI programs.

SLIFE in language specific programs such as Spanish, Haitian, and Cape Verdean must receive Native Language High Intensity Literacy Training (HILT) as they develop literacy in their native language as well as English. ESL teachers and native language teachers support other core subjects such as Math, Science, and Social Studies which must be taught in students’ native or primary language. SLIFE instruction should target skills and knowledge that SLIFE may lack, using culturally and linguistically responsive approaches to provide content instruction.

“Daily Common Planning Time” must be allocated for ESL teachers and Native Language Teachers for age/grade appropriate lessons design and materials development. SLIFE classes should not exceed 15 students to facilitate students’ language and literacy development as well as individualized support based on needs. Upon exiting the SLIFE classroom, all SLIFE should have a portfolio documenting their progress and performance which must be submitted to OELL at the end of year by the due date listed.

ELs in General Education Programs

When an EL is assigned to non-EL language program school or an EL program strand, the student must be scheduled for appropriate ESL services based on the ELD level, and must be assigned to teachers who are SEI endorsed for content instruction.

Special Education Programs

English Learner Students with Disabilities (ELSWD), who receive specialized services for mild to moderate disabilities, should be scheduled for the required amount of ESL instruction time appropriate to their ELD level. Modifications to ESL service requirements are only permitted on a case-by-case basis for those ELSWD when decided upon by the IEP team and reflected in the IEP.

⁵ Students with Interrupted or Formal Education (SIFE) programs and services are governed by the META Consent Decree 1992 with Boston Public Schools. If your school has a SIFE Program, please make sure to review this information.

IV. *ESL Instructional Time Requirements*

As per DESE guidance, programmatic design for ELLs including SEI, TBE, Two-Way Dual Language under Chapter 71A must include an ESL component for the program to be effective. Below are BPS approved ESL instructional time based on ELD levels, that aligns DESE Guidance with DOJ expectations.

Table 2: Requisite ESL Instructional Time		
Student's ELD Level	Daily ESL Instructional Time	Weekly ESL Instructional Time
ELD 1	135 minutes (2 hours, 15 minutes)	675 minutes (11 hours, 15 minutes)
ELD 2	90 minutes (1 hour, 30 minutes)	450 minutes (7 hours, 30 minutes)
ELD 3	60 minutes (1 hour)	300 minutes (5 hours)
ELD 4	45 minutes	225 minutes (3 hours, 45 minutes)
ELD 5	45 minutes	225 minutes (3 hours, 45 minutes)

ESL Instruction Types Recommendations and Requirements

All ESL standalone courses are coded on Aspen SIS with “ESL” in the course title. It is highly recommended that all courses where an ESL teacher has a class of ELLs that are being instructed for ESL that schools create the course on Aspen SIS. ALL standalone ESL teachers should be ready to submit grades per each marking period.

Table 3: Recommendations for ESL Instructional Types or Methods	
ESL Instruction Type	Description
Standalone ESL	<ul style="list-style-type: none"> For ELs in all grades (K2-12) with ELD levels 1 to 3, this is the <i>recommended</i> instructional model for ESL service delivery for students who are not in an EL specific program. Students are appropriately grouped by their ELD levels and scheduled for appropriate “ESL” titled courses that are within the BPS course catalog.
ESL in Homeroom (Embed HR)	<ul style="list-style-type: none"> This is the approved instructional type for ELs (ELD1-3) in SEI language specific or SEI multilingual programs at the Elementary grades (K2 to 5). Students are scheduled for their literacy time (course

	titles: Reading, Writing). Teachers providing instruction need to complete the 18 hour WIDA webinar trainings. ⁶
ESL in English Language Arts (Embed / ELA)	<ul style="list-style-type: none"> For ELs in all grades (K2 to 12) with ELD levels 4 and 5, this is the <i>recommended</i> instructional model, where ESL is embedded in ELA or literacy courses only.
Pull-Out ESL	<ul style="list-style-type: none"> For ELs in Elementary grades (K2 to 5), when a student is being taken out of a literacy based course to receive ESL instruction.
Push-In ESL	<ul style="list-style-type: none"> For ELs in Elementary grades (K2 to 5), when the ESL teacher is coming into an ELA course to provide ESL services for a specific small group of students within the same classroom while other students continue to receive content instruction.

Grouping Requirements for ESL Instruction for ELs in General Education programs

The following ESL grouping methodology does not apply for K2-5 ELL students who are coded and placed in a BPS EL program (SEI Language Specific, SEI Multilingual). SLIFE students cannot be grouped for ESL services with non-SLIFE students.

Students' ELD Levels	Elementary Grades K2 to 5	Secondary Grades 6 to 12
ELD 1	<ul style="list-style-type: none"> With fellow ELD 1 only across two consecutive grades, <i>or</i> With ELD 2 in one grade span. 	<ul style="list-style-type: none"> With fellow ELD 1 only, but can be across secondary grades
ELD 2	<ul style="list-style-type: none"> With fellow ELD 2 only across two consecutive grades, <i>or</i> With ELD 1 in one grade span 	<ul style="list-style-type: none"> With fellow ELD 2 only, but can be across secondary grades
ELD 3	<ul style="list-style-type: none"> With ELD 3 only across two consecutive grades 	<ul style="list-style-type: none"> With fellow ELD 3 only, but can be across secondary grades
ELD 4 and ELD 5 Grouped...	<ul style="list-style-type: none"> With fellow ELD 4 and 5 	<ul style="list-style-type: none"> With fellow ELD 4 and 5 students in an ELA across all secondary grades

Flexibility for Grouping ELD 3 as of August 2015

In the case of ELD level 3 students, DESE has provided an opportunity to differentiate ESL services by ACCESS scores. Students who scored an overall composite score on most recent WIDA ACCESS results

⁶ U.S. Department of Justice Successor Settlement Agreement, Paragraph 39. The WIDA 18-Hour PD is available through MyLearningPlan. It can be completed as an individually self-paced session or as part of a BPS learning group.

of 3.4 or less can be grouped with ELD level 2 students for additional ESL support beyond their 60 minutes per day (300 minutes per week). This option of grouping for ELD level 3 is to provide some flexibility for schools who have low incidence of ELD level 2 and ELD level 3 students. The ESL minutes that should be implemented is the 90 minutes instructional time that ELD level 2 students receive.

ELD level 3 students who score an overall 3.5 or more can be grouped with ELD level 4 for direct ESL instruction. The ESL instructional model for ELD level 3 and ELD level 4 grouping cannot be embedded ELA. The students grouped with ELD level 4 for 45 mins (1 block) should be scheduled for the additional 15 minutes of ESL services in order to meet the DOJ requirement that all ELD level 3 students receive at least 60 mins per day (300 minutes per week).

ELD level 3 students should not be grouped with students who are more than one ELD level from them. SEI language specific programs and SEI multilingual programs are exempt, as the program model is specifically for students with ELD levels 1 to 3.

V. Staffing Requirements for ESL Instruction

To ensure the best possible leveraging of staff for your students, you should consider creating your schedule for ELL services first to ensure that an optimal allocation of staff is available to meet ELL service needs.

If the SEI program elementary homeroom teacher is ESL certified and has completed the 18 hour WIDA PD, that classroom teacher can provide ESL instruction to ELD level 1 to 3 ELLs.⁷

If core academic teachers have one or more English language learners (ELLs) in their classroom during a given class period, they must earn the SEI Teacher Endorsement. In the case of a principal, assistant principal, supervisor, or director ("administrator") who supervises or evaluates one or more core academic teachers of ELLs, she/he must obtain the SEI Administrator Endorsement. SEI Endorsement is part of DESE's Rethinking Equity and Teaching for English Language Learners (RETELL) initiative.⁸

⁷ Per DOJ Agreement Paragraph 39.e, BPS has submitted these online webinars as training that will meet the requirements of ESL teachers developing and enhancing their skills of providing differentiated instruction by ELD levels in a mixed classroom. These webinars are available through BPSLearns for all staff in need (learn.mybps.org/).

⁸ Rethinking Equity and Teaching for English Language Learners (RETELL) www.doe.mass.edu/retell/

The following teachers are "core academic teachers" for the purposes of providing SEI instruction: teachers of students with moderate disabilities; teachers of students with severe disabilities; subject-area teachers in English, reading or language arts; mathematics, science; civics and government, economics, history, and geography and early childhood and elementary teachers who teach such content.⁹

All content teachers who are servicing ELLs must possess the SEI endorsement, or be enrolled in a pathway to obtain the SEI endorsement by the beginning of the school year. School Leaders are to keep electronic records of all teachers who are in the process of obtaining the SEI endorsement and the pathway that they are pursuing to meet this obligation. All ELLs must be placed in classrooms where teachers are already endorsed or in a confirmed pathway.

Next Steps

- Schedule dialogue with members of your school's Instructional Leadership Team (ILT) and Language Assessment Team (LAT) around the items shared in this document to ensure all key stakeholders are aware of their responsibility.
- Identify what relevant information needs to be reviewed on a monthly basis, and which additional leaders are in the school who can support this work.
- Work with your LATF to audit your school scheduling to assure that every EL is appropriately scheduled for all services.
- Utilize the LATF calendar to integrate EL related activities during your staff updates.
- **Note that the following deadlines are absolute and non-negotiable:**
Friday, September 16, 2016; Friday, November 18, 2016; and Friday, February 17, 2017.

OELL Instruction and Support Specialists: oellinstructionteam@bostonpublicschools.org

OELL Equity and Accountability Specialists: ellequityteam@bostonpublicschools.org

Attachment A: Mass. State Law, Chapter 71A, Section 6. Legal standing and parental enforcement

(a) As set forth in Section 4 of this chapter, all school children are to be provided at their assigned school with an English language public education. The parent or legal guardian of any school child shall have legal standing to sue for enforcement of the provisions of this chapter, and if successful shall be awarded reasonable attorney's fees, costs and compensatory damages.

(b) Any school district employee, school committee member or other elected official or administrator who willfully and repeatedly refuses to implement the terms of this chapter may be held personally liable for reasonable attorney's fees, costs and compensatory damages by the child's parents or legal guardian, and shall not be subsequently indemnified for such monetary judgment by any public or private third party. Any individual found so liable shall be barred from election or reelection to any school

⁹ DESE Letter Concerning Requirements to Obtain the SEI Endorsement, August 2013

committee and from employment in any public school district for a period of five years following the entry of final judgment.

(c) Parents and legal guardians who apply for and are granted exception waivers under Section 5(b)(3) of this chapter retain full and permanent legal right to sue the individuals who granted such waivers if they subsequently discover before the child reaches the age of eighteen that the application for waivers was induced by fraud or intentional misrepresentation and injured the education of their child.”

Attachment B: OELL Student “Program Codes”

Program Code	Program Name	Description of Programming
BEC / BLC	Chinese SEI Language Specific Program	For identified LEP students, ELD levels 1 to 3 who identify as Mandarin, Cantonese, Toishanese or another Asiatic languages as a language in the HLS.
BEH / BLH	Haitian Creole SEI Language Specific Program	For identified LEP students, ELD levels 1 to 3 who identify French-based Creole dialect as Haitian Creole speakers or Creole speakers from francophones countries, as a language in the HLS.
BEK / BLK	Cape Verdean Creole SEI Language Specific Program	For identified LEP students, ELD levels 1 to 3 who identify Portuguese-based Creole dialect that originated in Cabo Verde as a language in the HLS.
BEM / BLM	Multilingual SEI Program	For identified LEP students, ELD levels 1 to 3, who a) speak a language for which BPS does not have a specific program strand, or b) students who have language specific strands but are in need of multilingual placement due to geographical placement.
BES / BLS	Spanish SEI Language Specific Program	For identified LEP students, ELD levels 1 to 3, who identify Spanish as a language in the HLS
TLE / TLS TES/TEE	Two Way Immersion Program	TES/TLS- L1 is Spanish in a Two-Way Immersion program TEE/TLE-L1 is English in a Two-Way Immersion program Eligible students can apply for this program directly through the Welcome Centers.
BIH, BIK, BIM, and BIS	Students with Limited or Interrupted Formal Education (SLIFE) Program	High Intensity Literacy Training (HILT) program for identified LEP students who a) 8-21 years who entered US after grade 2 or exited the US for six months or more, b) entering grades 3 to 12, c) ELD levels 1 or 2 , d) are newcomers and e)has no formal schooling or interruptions in formal schooling and f) functions two or more years below expected grade level in native language literacy and numeracy relative to typical peers BIH - Haitian Kreyol, BIK - Cape Verdean Creole BIM - Multilingual, BIS - Spanish
AIM	“Hybrid” or Advanced Immersion Multilingual	For identified LEP students, ELD levels 1 to 3, in a school with a language specific SEI program, but are being serviced in an alternative fashion that is approved by OELL.