



Book	BHASD Policies
Section	100 Programs
Title	Language Instruction Educational Program for English Learners
Code	138
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Purpose

In accordance with the Board's philosophy to provide quality educational programs to all district students and to increase the English language proficiency of students who are English Learners (EL), the district shall provide an effective Language Instruction Educational Program (LIEP) that meets the needs of English Learners. The goal of the LIEP shall be to demonstrate success in increasing English language proficiency and student academic achievement so that EL students can attain the academic standards adopted by the Board and achieve academic success. EL students shall be identified, assessed and provided appropriate instruction in accordance with the LIEP, and shall be provided an equitable opportunity to achieve their maximum potential in educational programs and extracurricular activities, consistent with federal and state laws and regulations. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

Authority

The Board shall approve a LIEP to provide English Language Development instruction (ELD) to EL students as part of the approved curriculum, in order to develop the English language proficiency of EL students. The district shall provide EL students with both planned ELD instruction and modifications in content instruction and assessments for all curricular areas, based on the provisions of the LIEP. The LIEP shall be thoughtfully and deliberately planned and evaluated in accordance with state and federal laws and regulations, and shall meet the needs of the district's EL students. The LIEP shall be based on effective research-based theory, implemented with sufficient resources and appropriately trained staff, and shall meet the following requirements: [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)

1. Aligned to state academic content standards for the appropriate grade levels of EL students.
2. Include ELD instruction delivered by properly certified English as a Second Language (ESL) teachers, and other certified content area teachers working in conjunction with ESL certified teachers.
3. Incorporate the use of state assessments and ELD criteria.
4. Provide equitable access to content for EL students at all proficiency levels.
5. Provide equitable access to enrollment in courses or academic programs for which EL students are otherwise eligible.

The Board directs the LIEP to be evaluated for effectiveness based on student outcomes at least annually, and the results documented in accordance with state and federal laws and regulations, and state guidelines.[6][7][8][9]

The district's LIEP and evaluation results of the LIEP shall be made available to district staff working with EL students and parents/guardians of EL students.

The Board may address EL students and programs in the district's comprehensive planning process.[10]

The Board may contract with Berks County Intermediate Unit No. 14 for ELD services and programs.

Delegation of Responsibility

The Superintendent or designee shall implement and supervise a LIEP that ensures appropriate instruction in each school and complies with federal and state laws and regulations.

The Superintendent or designee shall ensure that the district complies with all federal and state laws and regulations, and program requirements, for ELD program funding, including required reports in the form prescribed by the state.[9]

The Superintendent or designee, in conjunction with appropriate stakeholders, shall develop administrative regulations regarding the LIEP and provision of services to EL students.

Guidelines

Identification and Placement of EL Students

The district shall establish procedures for identifying and assessing the needs of students whose dominant language is not English. In order to identify which students are potential English Learners, the Home Language Survey shall be completed for each student upon enrollment in the district, and shall be maintained as part of the student's education records.[4][11][12]

EL students shall be appropriately placed in accordance with the LIEP within the first thirty (30) days of the school year, or within fourteen (14) days of enrollment.[13]

Program Access

EL students shall have equitable access to and be encouraged to participate in all academic and extracurricular activities available to district students.[14][15][16][17]

Assessment

The district shall annually administer required assessments to EL students to measure students' English Language proficiency and progress in reading, writing, speaking and listening/understanding. Assessment results shall be maintained in the student's education records. Parents/Guardians may not opt students out of English language proficiency assessments.[9]

EL students shall participate in all annual state or locally required assessments, with accommodations where applicable, and meet established academic standards and graduation requirements, in accordance with law, regulations and Board policy.[2][7][8][9][18][19][20][21][22][23][24]

Program Exit

The district shall include uniform provisions in the LIEP, in accordance with state required criteria, for:[8][9]

1. Reclassifying EL students as former EL students when they attain English language proficiency.
2. Actively monitoring and reporting the progress of former EL students for a period of two (2) years following reclassification and program exit, and reporting students to the state in a monitor status for an additional two (2) years, to ensure students are meeting academic standards.

3. Redesignating former EL students as active EL students if they struggle academically based on persistent language barriers.

Staff Qualifications and Professional Development

Certified employees and appropriate support staff, when necessary, shall provide the LIEP. The district shall ensure that all teachers providing ELD instruction hold the appropriate certification and can demonstrate academic language proficiency both in English and in the language used for instruction in their classroom. [8][25]

Non-ESL staff shall incorporate ELD into all classes for EL students, as well as provide supports, modifications and accommodations for curricular content to enable EL students to achieve academic standards.

The district shall provide appropriate training in ELD for all professional staff as part of the Professional Development Plan. [7][26]

Special Education and Gifted Education Services

EL students may be eligible for special education services when they have been identified as a student with a disability and it is determined that the disability is not solely due to lack of instruction or proficiency in the English language. [27][28]

EL students may be eligible for gifted education services, when identified in accordance with law, regulations and Board policy. The district shall ensure that assessment of a student for gifted education services screens for intervening factors, such as English language proficiency, that may be masking gifted abilities. [29]

Students participating in ELD instruction who are eligible for special education services shall continue receiving ELD instruction, in accordance with their Individualized Education Program (IEP) or Gifted Individualized Education Plan (GIEP), at the appropriate proficiency and developmental level. [27][28][29]

Parent/Family Engagement and Communication

Communications with parents/guardians shall be in the mode and language of communication preferred by the parents/guardians. [1][30][31]

Within thirty (30) days of the beginning of each school year, or within fourteen (14) days of enrollment during the school year, the district shall notify parents/guardians of students identified as EL about the process for identifying their children as EL, the results of that process, and the recommended program placement. The district shall also provide parents/guardians with detailed information regarding the LIEP, the benefits of ELD instruction for their children, and an explanation of the program's effectiveness. [6]

Parents/Guardians shall be regularly apprised of their child's progress, including achievement of academic standards and assessment results. [23][32]

The district shall maintain an effective means of outreach to encourage parental involvement in the education of their children. [6][7][8][30][31]

Parental Right to Opt Out of ELD Programs and Services -

Parents/Guardians of EL students have the right to refuse specialized programs and services that may be part of the LIEP for their child. A parent's/guardian's decision to refuse programs or services must be informed and voluntary; the district shall not influence a parent's/guardian's decision in any way, or make any program or placement determinations without parental notification and an opportunity to opt the student out of programs and services. [1][6]

The district shall make a parental waiver form available for parents/guardians to opt their EL child out of ELD programs and services.

The district shall document all notifications made to parents/guardians regarding assessment and recommended placements and programs for EL students, and whether or not a parental waiver form is received. When a waiver

form is not received from the parent/guardian, the district shall proceed with the recommended placement.

EL students who have a parental waiver for ELD programs and services shall be assessed on English language proficiency annually, and shall be provided with supports and accommodations to participate in general curricular and extracurricular programs, in order to meet academic standards and graduation requirements.[2][3][23]

Parents/Guardians of EL students who have been opted out of ELD programs and services shall be notified of their child's progress, including achievement of academic standards and assessment results, and shall be provided with opportunity and a form to opt their child back into ELD programs and services.[24][32]

Legal

1. 42 U.S.C. 2000d et seq
 2. Pol. 102
 3. Pol. 103
 4. 20 U.S.C. 6801 et seq
 5. 22 PA Code 4.26
 6. 20 U.S.C. 6312
 7. 20 U.S.C. 6812
 8. 20 U.S.C. 6826
 9. 20 U.S.C. 6841
 10. Pol. 100
 11. 22 PA Code 11.11
 12. Pol. 200
 13. 20 U.S.C. 6823
 14. 20 U.S.C. 1703
 15. Pol. 115
 16. Pol. 122
 17. Pol. 123
 18. 22 PA Code 4.51
 19. 22 PA Code 4.51a
 20. 22 PA Code 4.51b
 21. 22 PA Code 4.51c
 22. 22 PA Code 4.52
 23. Pol. 127
 24. Pol. 217
 25. Pol. 304
 26. Pol. 333
 27. Pol. 103.1
 28. Pol. 113
 29. Pol. 114
 30. 20 U.S.C. 6318
 31. Pol. 918
 32. Pol. 212
 - 20 U.S.C. 7011
 - 20 U.S.C. 7801
 - 34 CFR Part 200
- Basic Education Circular, July 1, 2017: Educating English Learners (ELs)
- Pol. 105.1