



BPS Office of  
**English  
Learners**

# OEL Compliance Update for EL Task Force

**Priya Tahiliani, Assistant Superintendent**  
EL Task Force - October 9, 2018



# Overview of Legal Edicts for ELs



## Successor Agreement, 2012

- Translation & Interpretation
- ESL Services
- Teacher Certification
- Access to Advanced Learning Opportunities



## Consent Decree, Amended 1992

- High Intensity Literacy Training (HILT) programs for Students with Limited or Interrupted Formal Education (SLIFE)
- Title I Expenditures for ELs



## State Guidance, 2017

- Coordinated Program Review
- State Regulations
- ACCESS testing

## Initial DOJ Intervention

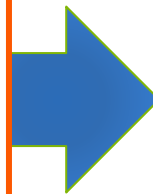
### **DOJ/OCR intervened when external research revealed:**

- 4,000 ELLs “opted out” of services and were placed in preferred schools where services were not offered

### **DOJ/OCR found:**

- BPS failed to provide services to approximately 10,000 ELLs
- The ELL student identification assessment only tested the student’s English ability in listening and speaking

**Settlement Agreement Executed  
October 2010**



### **As a result, BPS:**

- Changed ELL identification policies
- Safeguards for opt-outs
- Tested 7,000 students
- Increased numbers of category trained teachers / ESL licensed / SEI endorsed teachers
- Produced “leveraging staff” school reports
- Expanded programming to allow for services to follow student

**Successor Agreement Executed  
April 2012**

The Successor Agreement replaces and supersedes the Settlement Agreement that governs the **district’s transition from these short-term remedies to longer term policies.**

## History of Successor Agreement

The Successor Agreement replaces and supersedes the Settlement Agreement entered into by the United States and the District on October 1, 2010.

*Successor Agreement, Paragraph 23*

“The agreement governs the **district’s transition from these short-term remedies to longer-term policies** that expand the coverage of Boston’s ELL program and are designed to ensure that the services provided to ELL students are of high quality, **delivered by qualified teachers and tailored to the specific needs of each individual student.**”

DOJ Press Release, April 23, 2012

## Fundamental Rights

### **The Agreement continues to impress upon the importance of fundamental rights for ELs:**

- ❖ The District shall provide all ELs, including ELSWD, with appropriate services consisting of ESL and SEI content instruction.
- ❖ ELs do not need to change schools in order to receive these services.
- ❖ ELs are entitled to continue attending their current school through the final grade offered by the school while receiving EL services.
- ❖ ELs are not forced to choose between schools they desire and the receipt of services.

*Successor Agreement, Paragraphs 32 and 36*

# Data Reports

## Level of Services for All EL Students

### Paragraph 54

This comprehensive data report provides the level of ESL provided for all ELs

- Appropriate Type
- Requisite Minutes
- ESL Certification
- Correct Grouping

## Tallies of Level of Services by School

### Paragraph 55

This data report provides tallies of the information provided in paragraph 54 by school

## Plans from Schools to Rectify Service Shortfalls

### Paragraph 56

Once the level of services are submitted, any service shortfalls are then sent individually to schools where each shortfall is addressed by schools. These plans are sent to DOJ.

## Monitoring Progress of Former ELs

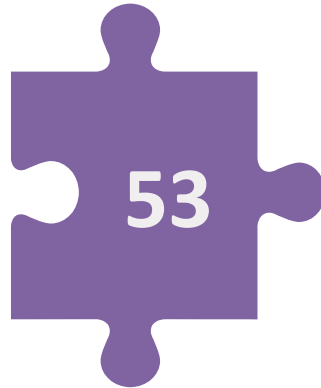
### Paragraph 31

We provide a list of all Former EL students in the monitoring period and whether they are making progress by way of grades and interim assessments.

# Staffing Reports

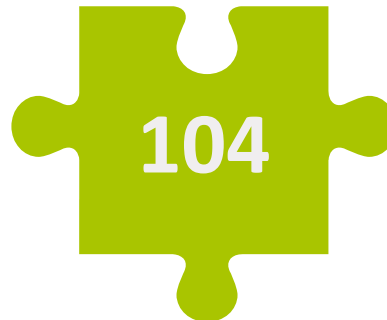
## Staffing Report

List of all core content teachers and whether they have their SEI Endorsement and/or ESL license.



## Staff Monitoring

Report that monitors the progress of teachers obtaining their SEI Endorsement and/or ESL license over time



## Newly Hired Teachers

List of newly hired core content teachers and whether they have SEI Endorsement and/or ESL license and whether they have been retained.

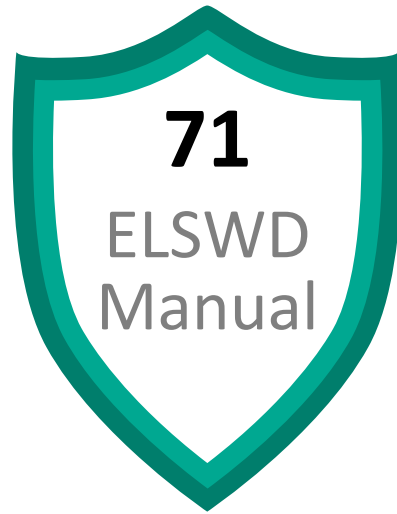


All EL core content teachers must obtain an SEI Endorsement.

## Reports for English Learners with Disabilities



Every year, all Special Education and EL staff must meet to discuss the intersection of EL and SPED at each school



We are charged with submitting our manual that includes updated assessment procedures



The list of qualified bilingual SPED evaluators along with their language must be maintained



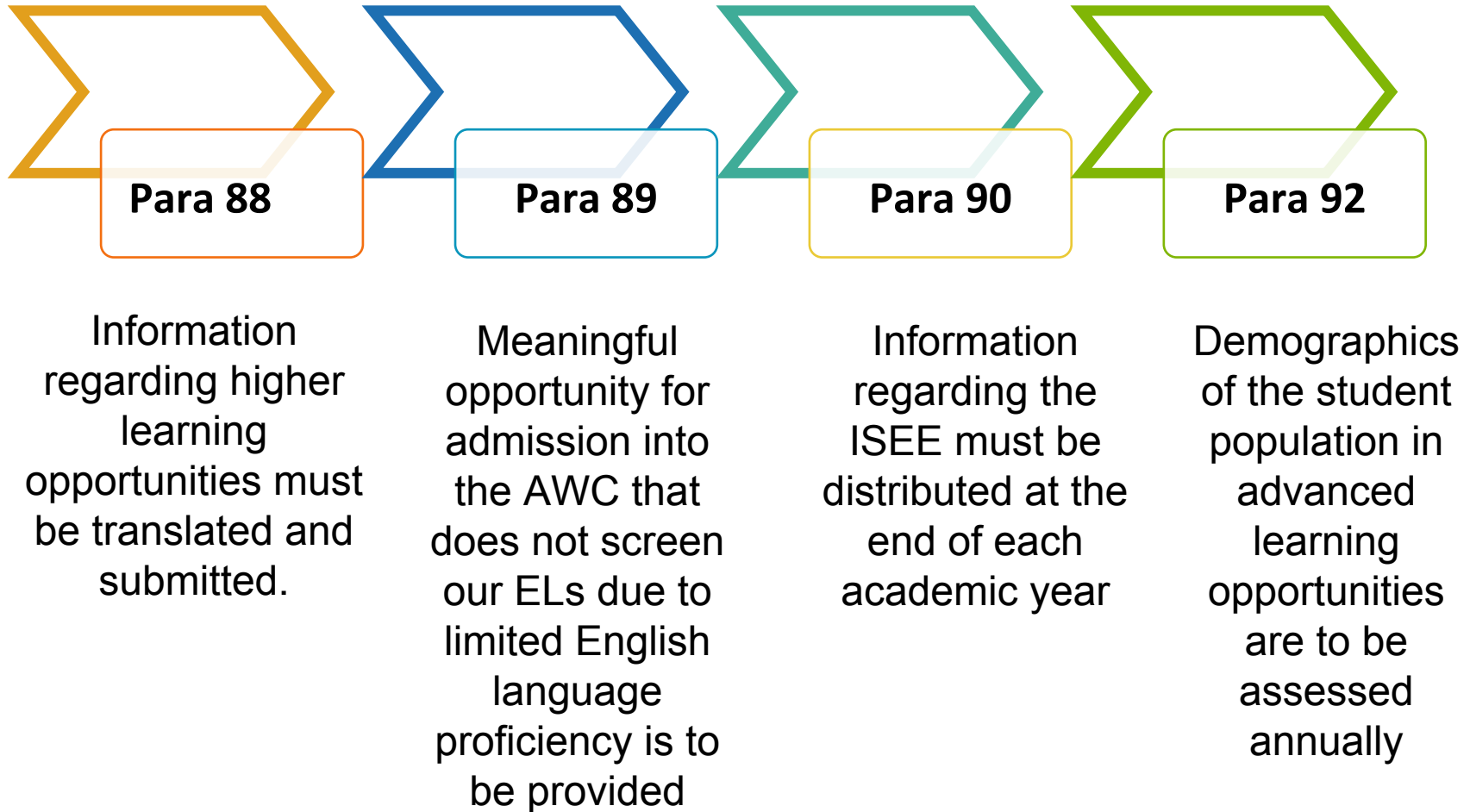
Analyze the effectiveness of the McKinley monitoring tool and the instructional model



## Reports to Provide Training

- **Paragraph 30:** Training for Welcome Center and Assessment staff on registration forms, language proficiency, and referrals.
- **Paragraph 50:** Training on ESL curriculum frameworks
- **Paragraph 61:** Training on Principals Institute on the requirements of the agreement, scheduling, assigning, and students who opted out of services.
- **Paragraph 69:** Training to LAT-Fs and SPED Coordinators on strategies for educating ELs with disabilities and the provisions that pertain to ELSWD
- **Paragraph 52:** Supplemental SEI training for core content teachers of ELs
- **Paragraph 97:** List of RETELL trainings sponsored by the District

# Reports for Higher Learning Opportunities



# Reports for Parent Communications



## EL Services

Notices of EL services are deemed essential information and are to be translated in the District's major languages



## Interpreters

Communications regarding essential information is to be provided in a language that the parent and/or guardian can understand by means of an interpreter



## Translated Document Library

The District is charged with compiling a repository of translated documents and templates that is available for all BPS staff to access

## Additional Reports

### **School Choice Paragraph 32(b)**

The District is obligated to record instances in which ELLs are denied enrollment into a school.

To meet this requirement, we provide the school assignment choices for ELs.

### **Opt Outs Paragraphs 34/35**

In an effort to ensure that there are guardrails in place for students who opt out of services, documentation that the school met and the parent understands the impact of refusing services is submitted.

### **Supplemental Programs Paragraphs 79/80**

Each report consists of:

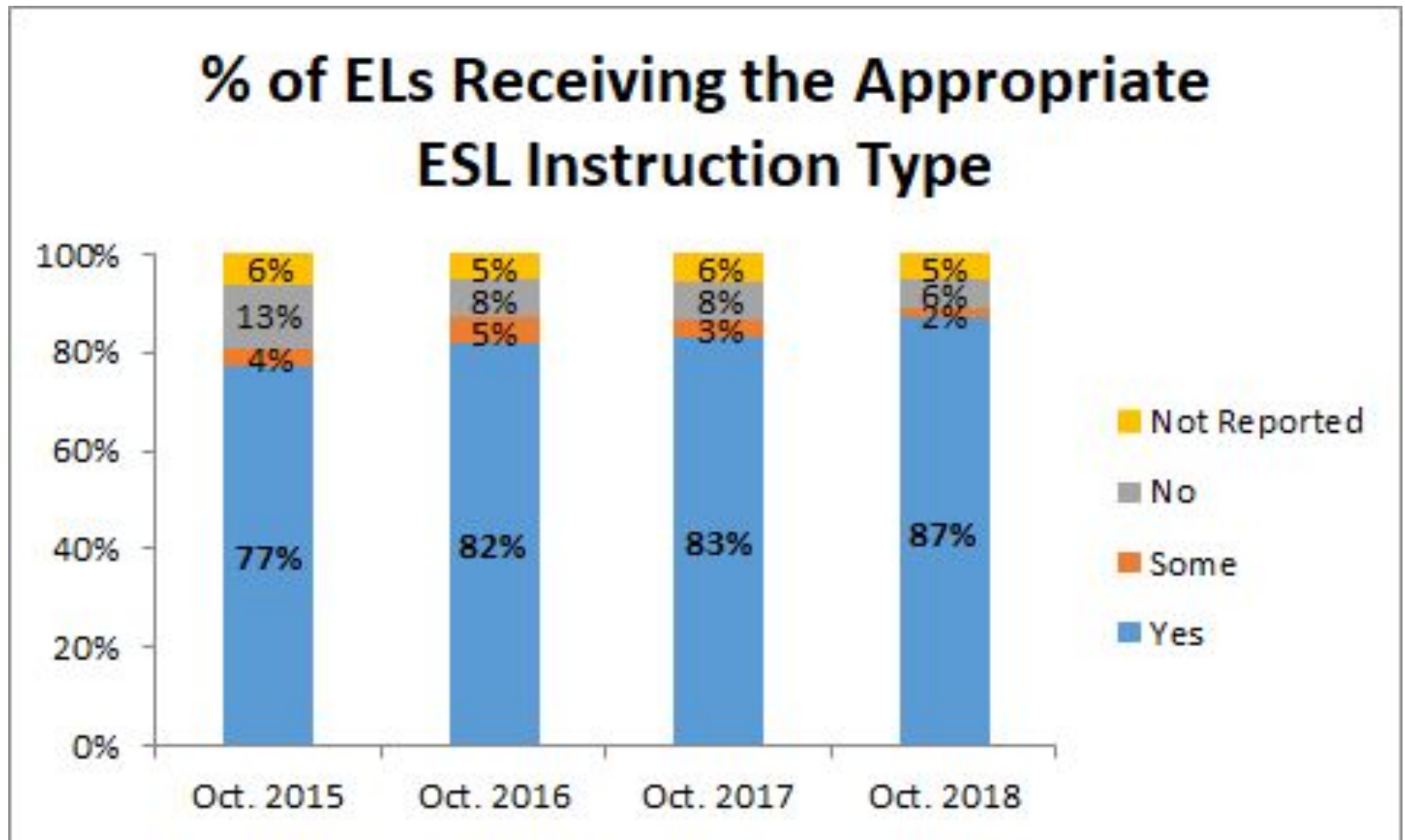
- Number of students contacted
- Copy of notices
- Parent preferences
- Number of acceptances
- Program sites
- Qualifications of summer school staff

# Overall ESL Compliance

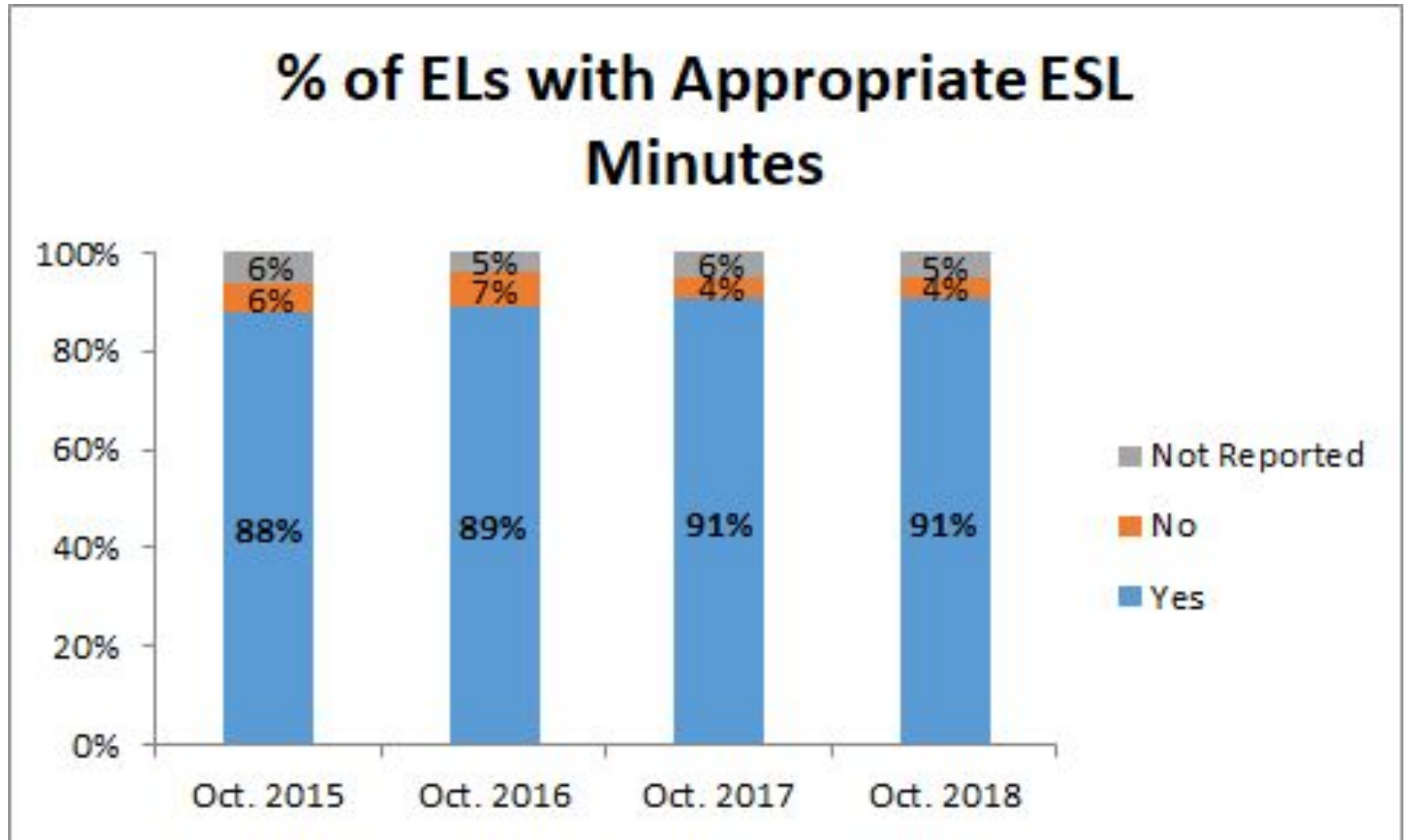
District Overview of ESL Compliance: October 2018*				
		<i>Elementary</i>	<i>Secondary</i>	<b><i>Total</i></b>
<b>Total ELs</b>		<b>7,261</b>	<b>5,837</b>	<b>13,098</b>
<b>% of ELs whose ESL Courses are All the Approved Type:</b>	Total	6,554	4,828	11,382
	Percent	90%	83%	<b>87%</b>
<b>% of ELs whose Teachers of ESL are All ESL Certified</b>	Total	6,624	4,871	11,495
	Percent	91%	83%	<b>88%</b>
<b>% of ELs who are Receiving the Appropriate Amount of ESL</b>	Total	6,790	5,127	11,917
	Percent	94%	88%	<b>91%</b>
<b>% of ELs who are Correctly Grouped for All ESL Courses</b>	Total	6,041	4,444	10,485
	Percent	83%	76%	<b>80%</b>

\*As in previous cover letters submitted, this analysis excludes the schools reported separately. Totals for ESL compliance also exclude students who are approved opt-outs (n=10 for October 2018).

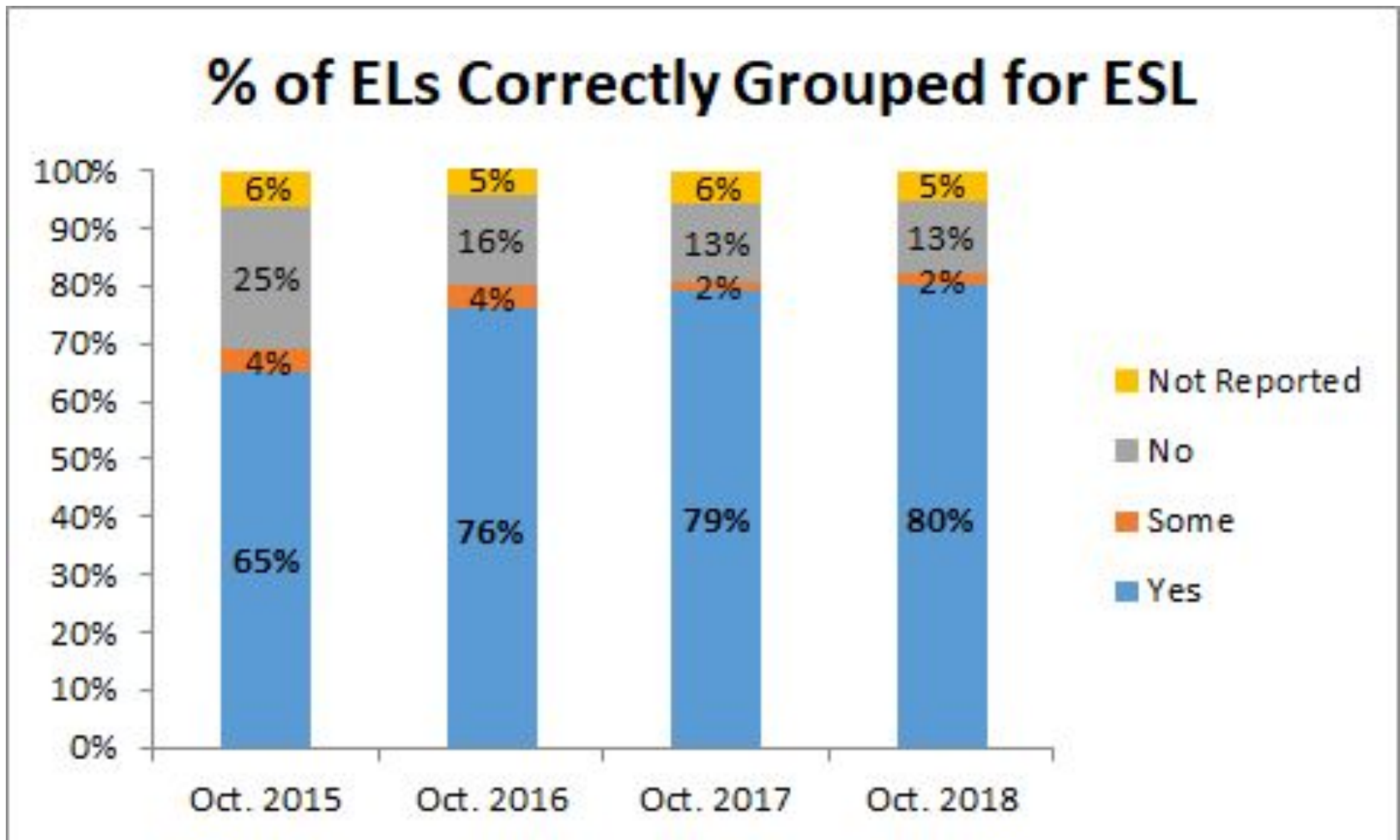
## Correct Instruction Type



## Requisite Weekly ESL Minutes

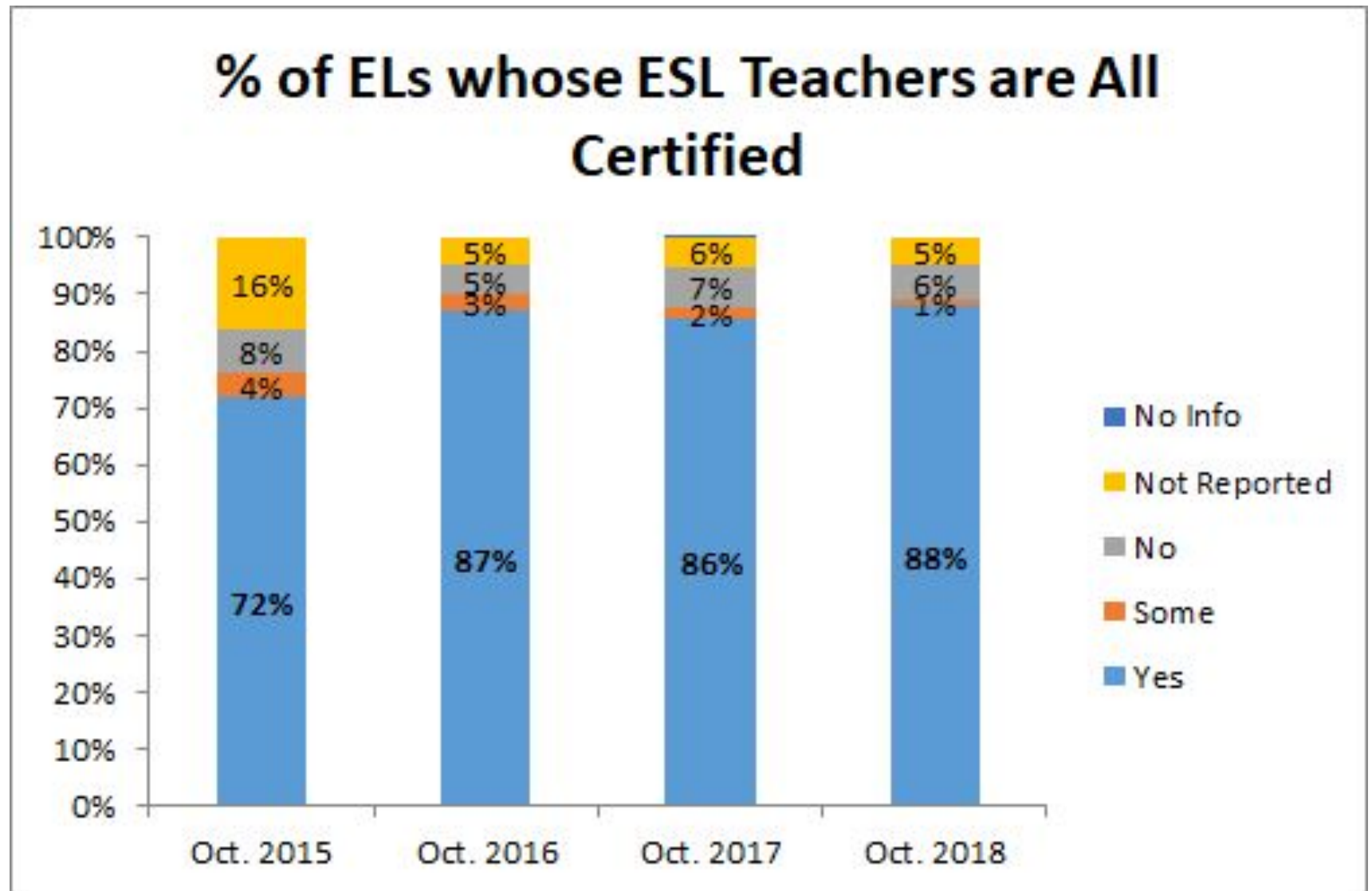


## ELs Correctly Grouped for ESL Instruction

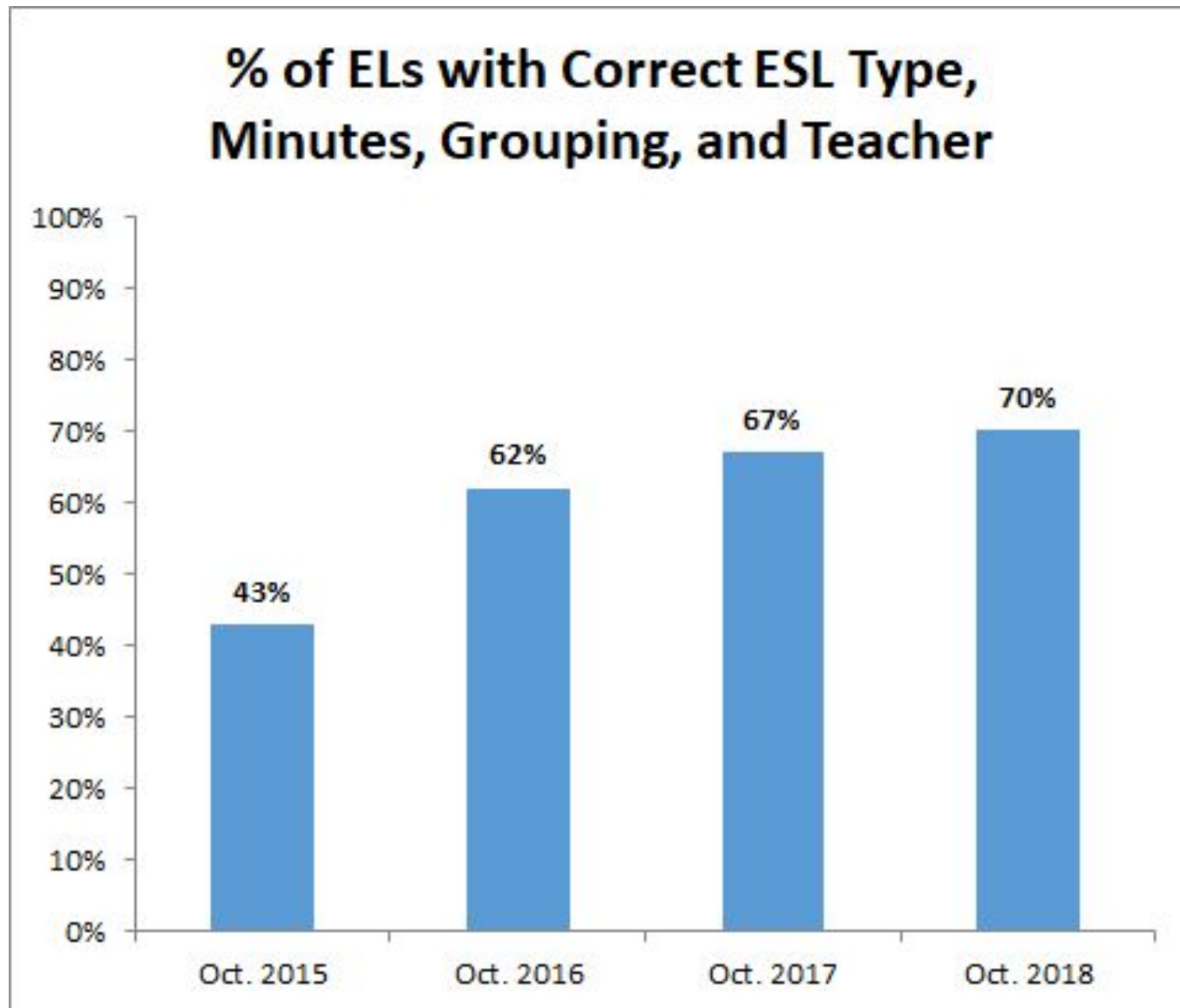




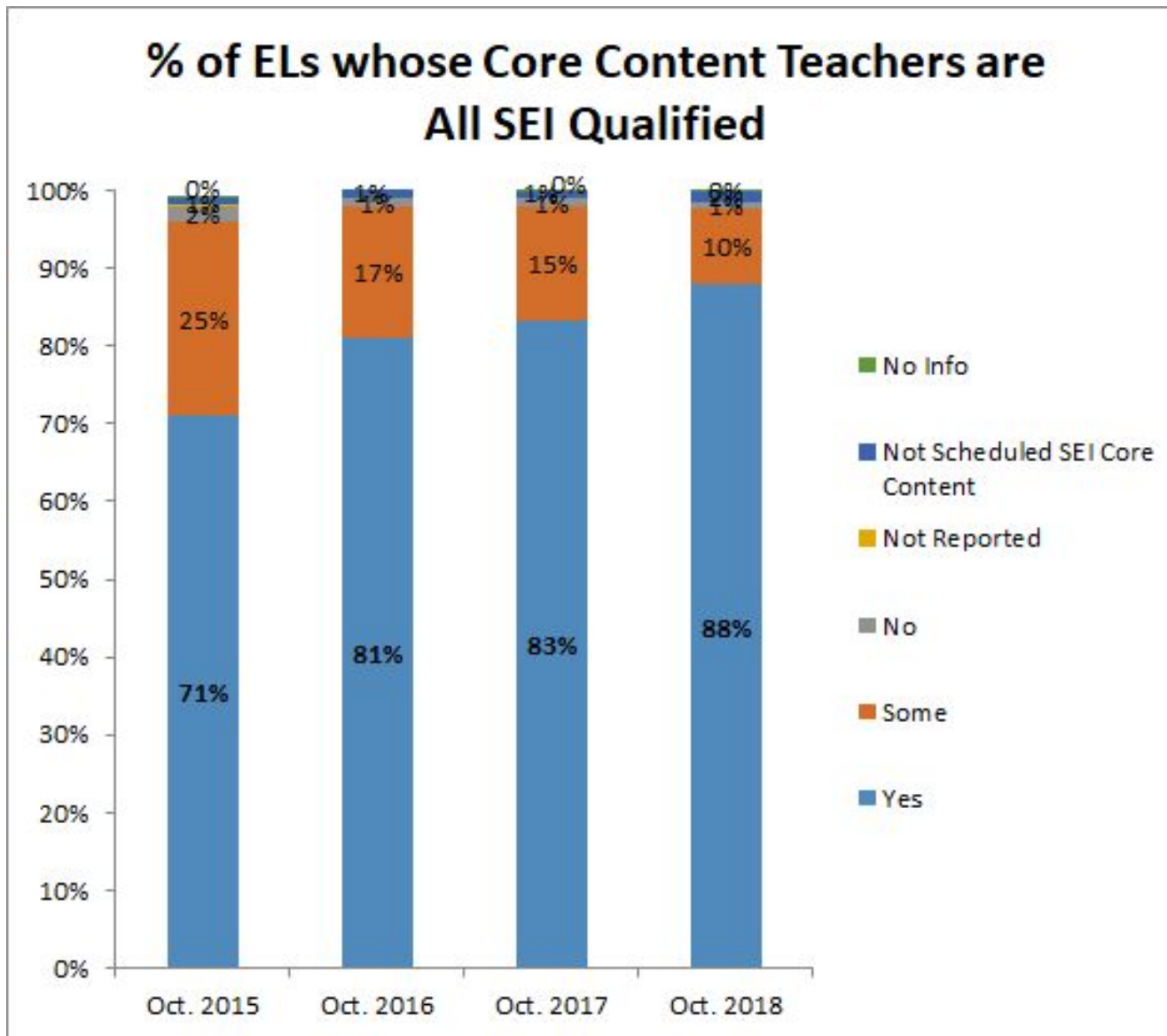
# ESL Certified Teachers



## Linking the Services Together



# Qualified SEI Teachers



# Most Recent DOJ/OCR Letter

The Federal government provided input on BPS compliance efforts:

- *“The current administration is taking our Agreement seriously, and that BPS is turning the corner on compliance.”*
- Principals were hiring applicants with SEI endorsement and ESL licensure.
- Students were receiving appropriate amounts of ESL instruction, and were assigned to an SEI- endorsed teacher for core content instruction.
- BPS is generating positive momentum in terms of its compliance with the Agreement and services to its ELL students.

