

# English Learners in NH Charter Schools: Supporting NH's English Learners

**NH Charter School Summer Conference**  
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# Supporting English Learners in NH Charter Schools

**Session Goal: Provide an overview of English learner (EL) education and resources to support EL students in NH's charter schools.**

## Agenda:

- **Legal context related to EL programs**
- **Core responsibilities of all Charters and educators in supporting ELs**
- **Title VI and Required Language Assistance Services**
- **Title III, Part A**
- **Q&A/Discussion**



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# English Learners in New Hampshire

## 2020 EL Enrollment Data:



## 2020 EL Language Data:

1	Spanish (3,185)	6	Vietnamese (239)
2	Portuguese (452)	7	French (148)
3	Arabic (428)	8	Chinese-Mandarin (136)
4	Swahili (360)	9	Indonesian (134)
5	Nepali (310)	10	Chinese (129)



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# Legal Context for English Learner Education

Lau v. Nichols, 414 U.S. 563, 1974

The U.S. Supreme Court ruled that:

- San Francisco Unified School District failure to provide English language instruction and support denied students “*meaningful opportunity to participate in the educational program.*”
- The lack of support violated Title VI’s prohibition against discrimination based on race, color, or national origin.
- The ruling required the district to “take affirmative steps to rectify the language deficiency [barrier] in order to open its instructional program to these students.”



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# Legal Context for English Learner Education

## Equal Educational Opportunities Act, 1974

***“No State shall deny equal education opportunity to an individual on account of his or her race, color, sex or national origin.”***

- **EEOA requires districts/schools to take “appropriate action to overcome language barriers that impede equal participation by students in [their] instructional programs.”**

**20 U.S.C§703(f)**



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# Legal Context for English Learner Education

## Castañeda v. Pickard, 1981

The Fifth Circuit Court of Appeals established a three-part test to determine if a district's program for its ELs is adequate to meet its responsibilities under the EEOA.

### PRONG 1:

Is the program based on sound educational theory?

### PRONG 2:

Are the program and practices used by the district reasonably calculated to implement effectively the educational theory adopted by the district?

### PRONG 3:

Has the program succeeded in producing results that indicate that students' language barriers are actually being overcome within a reasonable period of time (*e.g., in NH, ELs are expected to obtain ELP by year 5*).



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## Legal Context for English Learner Education

### Plyer v. Doe, 1982

The U.S. Supreme Court ruled that States cannot deny a free and public education to children based on their immigration status. The court noted that “directing the onus” for their parents’ actions on children “does not comport with fundamental conceptions of justice.”



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# Summary of Legal Requirements of Charters to ELs:

- |   |  |
|---|--|
| 1 | Charters must have a policy/practice of admitting students regardless of their immigration status or English language proficiency (ELP) level.   |
| 2 | <p>Charters must have a policy/procedure in place to identify potential English learners:</p> <ul style="list-style-type: none"><li>• LEAs must adopt the state-approved Home Language Survey (HLS) and include a copy in registration materials for all students (link to state approved <a href="#">HLS</a>). LEAs maintains these forms in the students cumulative folders.</li><li>• LEAs must administer the state-approved ELP screener to all students identified as potential ELs within 30 days of enrollment at the beginning of the school year, and within 14 days if enrolled later in the year. This assessment must be administered by a NH certified ESOL teacher.</li><li>• LEAs must share EL student enrollment in the NHDOE i4see ESOL database.</li></ul> |
| 3 | Charters must notify parents of EL eligibility.  |

\***Parent Notification:** Information about the ELP screener, including administration procedures, [qualifying criteria](#) as well as the process for placement in the LIEP is shared with parents.



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# Summary of Legal Requirements of Charters to ELs:

- 4 Charters must provide a Language Instruction Educational Program (LIEP) to all eligible students. EL services must be provided by a NH certified ESOL teacher.

Program Option	Program Description
Transitional Bilingual Education or Early-Exit Bilingual Education	Program that maintains and develops skills in the primary language while introducing, maintaining, and developing skills in English. The primary purpose of a TBE program is to facilitate the ELs' transition to an all-English instructional program, while the students receive academic subject instruction in the primary language to the extent necessary. Bilingual programs are permitted with prior approval from the NH State Board of Education and local school district.
Dual Language or Two-way Immersion	Bilingual program with goal to support students as they develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually half primary-English speakers and half primary speakers of the other target language. Bilingual programs are permitted with prior approval from the NH State Board of Education and local school district.
ESL or ELD	Program of techniques, methodology, and special curriculum designed to teach ELs explicitly about the English language, including the academic vocabulary needed to access content instruction, and to develop their English language proficiency in all four language domains (i.e., speaking, listening, reading, and writing)
Content Classes with integrated ESL support	Instruction simultaneously introduces both language and content, using specialized techniques to accommodate ELs' linguistic needs. Instruction focuses on the teaching of academic content rather than the English language itself, although English development may be one of the instructional goals.
Structured English Immersion or Newcomer programs	Separate, relatively self-contained programs designed to meet the academic and transitional needs of newly arrived immigrants. Typically, students attend these programs before they enter other types of EL programs. Often build foundational skills in content areas, as well as instruction to familiarize newcomers with American culture and educational settings.
Other/Missing	A language instructional program model designed to develop English that does not match the

**Most common EL program models in NH**



## Summary of Legal Requirements of Charters to ELs:

- |   |   |
|---|---|
| 6 | <b>Administer the annual ELP assessment (WIDA ACCESS 2.0) to all identified English learners.</b> <ul style="list-style-type: none"><li>• Share assessment results with parents/guardians</li></ul> |
| 5 | <b>Include EL students in all statewide assessments (e.g., NHSAS &amp; SAT)</b>   |
| 6 | <b>Provide language assistance to families with limited English proficiency (LEP)</b>   |

[Link to NHDOE EL Program Page:](#)

- **Guidance and Program Resources Available**
- **Send Wendy Perron an email to be added to Statewide EL Educators network list**



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# Title VI: Language Assistance Services

## Action Required by Federal Law and/or State Policy:

Schools must provide critical information to LEP families in a language they can understand.

*So..what is  
considered  
“critical  
information?”*



- Registration/enrollment
- Language Assistance programs
- Report Cards
- Student Discipline Notices
- Special Education Notices
- Parent/Teacher Conferences
- Process of Filing Complaint
- Parent Handbook
- Requests for Parent Permission (field trip, in-class activities, etc.)

# Title VI: Language Assistance Services

## Action Required by Federal Law and/or State Policy

School districts must provide language assistance to LEP families effectively, with appropriate, competent staff--or appropriate and competent outside resources.

### Potential Compliance Findings:

Students, siblings, friends, or untrained school staff to translate or interpret for parents

Lack of translation or an interpretation at IEP meetings, parent-teacher conferences, enrollment or career fairs, or disciplinary proceedings

Failure to provide information notifying LEP parents about a school's programs, services, and activities in a language the parents can understand

No procedure in place to identify LEP parents.



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# Language Assistance: Developing a Charter School Plan

Interpretation	Translation
For oral communication	For written communication

Local NH Resources	National Providers	Multilingual Apps
<a href="#">Community-based Independent Vendors</a>	<a href="#">Language Line</a>	<a href="#">Remind</a>
<a href="#">Language Bank</a>	<a href="#">Talking Points</a>	<a href="#">Class Dojo</a>
<a href="#">Pinpoint</a>		WhatsApp

<input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	11. English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

DB-3309

U.S. DEPARTMENT OF COMMERCE  
Economics and Statistics Administration  
U.S. CENSUS BUREAU

[Sample District Language Assistance Plan](#)

[“I Speak” Multilingual Flashcards](#)



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# Supplemental Supports for English Learners and their Families:

## Title III Participation :

- Any district that serves English learners (ELs) is eligible to receive Title III funding.
  - Title III is a federal formula grant
  - The 2021-22 per pupil allocation is **\$180.94**
  - Quick link to [2021-22 NH Preliminary Allocations Report](#)
- Under Section 3114(b) of the Every Student Succeeds Act (ESSA), a State Educational Agency cannot award a Title III sub-grant less than \$10,000.
  - School Districts or Charters with fewer than 56 ELs should coordinate with another district to form a consortium.

A **consortium** is a collective group of LEAs whose combined total subgrant allocations qualify the group to act as a single “sungrantee.”



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# Title III Consortium Building

## Current Title III Membership in NH

### Consortia:

**Somersworth**  
Rollingsford  
Derry

**Newmarket**  
Oyster River

**Milford**  
Hudson

**Pelham**  
Claremont  
Goffstown

**Hooksett**  
Auburn  
Mill Falls  
MicroSociety  
Sanborn

**Winnacunnet**  
Seabrook  
Hampton  
Windham

**Lebanon**  
Hanover

### Single Entities:

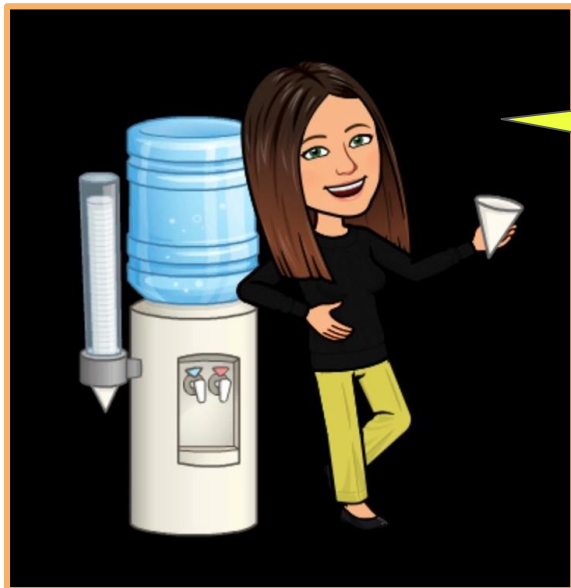
**Dover**  
Manchester  
Nashua  
Portsmouth  
Rochester  
Salem

On 13% of eligible LEAs are participating in the Title III program.

*\*Highlighted districts denote consortium fiscal agents*

# Title III Consortium Building

## Q&A and Discussion...



Any other  
questions?



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