

## ENGLISH AS A SECOND LANGUAGE

## I. INTRODUCTION

Historically, children with limited English proficiency who were enrolled in New Hampshire public schools were mainly from Franco-American and Chinese backgrounds. However, in the past several years, the number of limited English proficient students who speak little or no English has increased.

Non-English language background students can be immigrant children, emigrating from another country where English is not the primary or official language. There has also been an increase in students with limited English who, although born in the United States, come from non-English language background families and whose English proficiency is not sufficient for achievement in the standard curriculum classroom.

Typically, educational services provided to students with limited English were not based on an organized plan or a specific policy. These services were not based on an organized plan or a specific policy, but were confined to content area tutoring by English-speaking tutors who were hired by the School District.

## II. LEGAL RESPONSIBILITIES

## — A. Federal Mandates

## — 1. Equal Education Act of 1974

— “No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex or national origin, by...the failure by an educational agency to overcome language barriers that impede equal participation by its students in its instructional programs.”

The failure of an educational agency to rectify appropriately limited English proficient students’ English competencies is a denial of equal educational opportunity and access.

## 2. Civil Rights Act of 1964, Title VI

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied under the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Title VI of the Civil Rights Act prohibits discrimination against students on the basis of race, color, or national origin programs receiving federal funds. Any institution or agency receiving federal funds is covered by Title VI. Most educational activities of a recipient agency or institution are covered, including activities or programs not in direct receipt of federal funds.

The May 25, 1970 Memorandum, Dept. of HEW, 35 Fed. Reg. 11595 (1970) clarified how Title VI applied to national origin minority students:

“Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a

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school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.”

Further, the memo states: “Any ability grouping or tracking system employed by the school system to deal with the special language skill need of origin minority group children must be designed to meet such language skill needs as soon as possible and must not operate as educational dead end or permanent track.”

The memo places equal emphasis on (1) placing students in appropriate programs and (2) removing students from these programs once their linguistic needs are met.

3. State of New Hampshire School Administrative Units must develop and write Educational Plans for compliance with the Minimum Standards for New Hampshire Public Elementary and Secondary Schools.

Each district must have written policies, which establish the procedures by which the school’s educational programs, services, instructional practices, and facilities comply with all applicable state and federal laws and regulations of the State Board of Education pertaining to equal education.

4. School Administrative Unit #68 School Board policy JB states that all children have the right to equal educational opportunities, regardless of color, creed, race, national origins or sex.

## II. POLICY DOCUMENT

It is the goal of SAU #68 to develop the English language skills of students with limited English proficiency so that these students can participate in and benefit from the District’s regular instructional program on an equal basis with English background students.

Parents of a student identified as needing ESL services will receive information about the assessment, classification, placement, program, services and any changes proposed for their child. Parents will also receive information of their right to challenge the findings, practices, and/or services offered by the District’s ESL program.

### A. Coordination

The Principal in SAU #68 shall establish an ESL Team to coordinate the implementation of ESL Services within the District’s school.

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