

U.S. Department of Education Office for Civil Rights Programs for English Language Learners

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BICS: Basic interpersonal communication skills. The language ability required for verbal face-to-face communication.

CALP: Cognitive academic language proficiency. The language ability required for academic achievement.

Castañeda v. Pickard: On June 23, 1981, the Fifth Circuit Court issued a decision that is the seminal post-Lau decision concerning education of language minority students. The case established a three-part test to evaluate the adequacy of a district's program for ELL students: (1) is the program based on an educational theory recognized as sound by some experts in the field or is considered by experts as a legitimate experimental strategy; (2) are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively; and (3) does the school district evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome? [648 F.2d 989 (5th Cir., 1981)]

Content-based English as a Second Language: This approach makes use of instructional materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive and study skills. English is used as the medium of instruction.

Dual Language Program: Also known as two-way or developmental, the goal of these bilingual programs is for students to develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of half native English speakers and half native speakers of the other language.

ELL: English language learner. A national-origin-minority student who is limited-English-proficient. This term is often preferred over limited-English-proficient (LEP) as it highlights accomplishments rather than deficits.

English as a Second Language (ESL): A program of techniques, methodology and special curriculum designed to teach ELL students English language skills, which may include listening,

speaking, reading, writing, study skills, content vocabulary, and cultural orientation. ESL instruction is usually in English with little use of native language.

Equal Education Opportunities Act of 1974: This civil rights statute prohibits states from denying equal educational opportunity to an individual on account of his or her race, color, sex, or national origin. The statute specifically prohibits states from denying equal educational opportunity by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. [20 U.S.C. §1203(f)]

FEP: Fluent (or fully) English proficient.

Informed Parental Consent: The permission of a parent to enroll their child in an ELL program, or the refusal to allow their child to enroll in such a program, after the parent is provided effective notice of the educational options and the district's educational recommendation.

Language Dominance: Refers to the measurement of the degree of bilingualism, which implies a comparison of the proficiencies in two or more languages.

Language Proficiency: Refers to the degree to which the student exhibits control over the use of language, including the measurement of expressive and receptive language skills in the areas of phonology, syntax, vocabulary, and semantics and including the areas of pragmatics or language use within various domains or social circumstances. Proficiency in a language is judged independently and does not imply a lack of proficiency in another language.

Lau v. Nichols: A class action suit brought by parents of non-English-proficient Chinese students against the San Francisco Unified School District. In 1974, the Supreme Court ruled that identical education does not constitute equal education under the Civil Rights Act of 1964. The court ruled that the district must take affirmative steps to overcome educational barriers faced by the non-English speaking Chinese students in the district. [414 U.S. 563 (1974)]

LEP: Limited-English-proficient. (See ELL)

Maintenance Bilingual Education (MBE): MBE, also referred to as late-exit bilingual education, is a program that uses two languages, the student's primary language and English, as a means of instruction. The instruction builds upon the student's primary language skills and develops and expands the English language skills of each student to enable him or her to achieve proficiency in both languages, while providing access to the content areas.

The May 25 Memorandum: To clarify a school district's responsibilities with respect to national-origin-minority children, the U.S. Department of Health, Education, and Welfare, on May 25, 1970, issued a policy statement stating, in part, that "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 school district, the district must take affirmative steps to rectify the language deficiency in order to open the instructional program to the students."

NEP: Non-English-proficient.

Newcomer Program: Newcomer programs are separate, relatively self-contained educational interventions designed to meet the academic and transitional needs of newly arrived immigrants. Typically, students attend these programs before they enter more traditional interventions (e.g., English language development programs or mainstream

classrooms with supplemental ESL instruction).

Sheltered English Instruction: An instructional approach used to make academic instruction in English understandable to ELL students. In the sheltered classroom, teachers use physical activities, visual aids, and the environment to teach vocabulary for concept development in mathematics, science, social studies, and other subjects.

Structured English Immersion Program: The goal of this program is acquisition of English language skills so that the ELL student can succeed in an English-only mainstream classroom. All instruction in an immersion strategy program is in English. Teachers have specialized training in meeting the needs of ELL students, possessing either a bilingual education or ESL teaching credential and/or training, and strong receptive skills in the students' primary language.

Submersion Program: A submersion program places ELL students in a regular English-only program with little or no support services on the theory that they will pick up English naturally. This program should not be confused with a structured English immersion program.

Title VI of the Civil Rights Act of 1964: Title VI prohibits discrimination on the grounds of race, color, or national origin by recipients of federal financial assistance. The Title VI regulatory requirements have been interpreted to prohibit denial of equal access to education because of a language minority student's limited proficiency in English.

Title VII of the Elementary and Secondary Education Act: The Bilingual Education Act, Title VII of the Elementary and Secondary Education Act (ESEA), recognizes the unique educational disadvantages faced by non-English speaking students. Enacted in 1968, the Bilingual Education Act established a federal policy to assist educational agencies to serve students with limited-English-proficiency by authorizing funding to support those efforts. In addition to providing funds to support services to limited-English-proficient students, Title VII also supports professional development and research activities. Reauthorized in 1994 as part of the Improving America's Schools Act, Title VII was restructured to provide for an increased state role and give priority to applicants seeking to develop bilingual proficiency. The Improving America's Schools Act also modified eligibility requirements for services under Title I so that limited-English-proficient students are eligible for services under that program on the same basis as other students.

Transitional Bilingual Education Program: This program, also known as early-exit bilingual education, utilizes a student's primary language in instruction. The program maintains and develops skills in the primary language and culture while introducing, maintaining, and developing skills in English. The primary purpose of a TBE program is to facilitate the ELL student's transition to an all English instructional program while receiving academic subject instruction in the native language to the extent necessary.

