

III. Staffing and Supporting EL Programs

As *Castañeda* recognizes, SEAs, through their guidance and monitoring responsibilities, must also have procedures in place for ensuring that districts have adequately trained teachers to implement their EL programs. School districts need to ensure that administrators who evaluate the EL program staff are adequately trained to meaningfully evaluate whether EL teachers are appropriately employing the training in the classroom and are adequately prepared to provide the instruction that will ensure that the EL program model successfully achieves its educational objectives.¹

LEAs must hire teachers qualified and certified to teach ELs, or support unqualified staff as they work towards obtaining the qualifications within a reasonable period of time (e.g., within two years). LEAs that cannot hire an adequate number of qualified ESL/bilingual or trained core-content teachers must ensure that current teachers obtain the requisite training, either through the SEA's training and certification program or through the LEA's own training program.²

ELs who are also students with disabilities (dually identified ELs) may be receiving content instruction in general classroom environments and special education services as defined in their Individualized Education Program (IEP), as appropriate. Thus, it is important to train both general and special education teachers of dually identified ELs.³

Under ESEA Section 8101(42) the term “professional development” means activities that—

(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

- (i) improve and increase teachers'—(I) knowledge of the academic subjects the teachers teach; (II) understanding of how students learn; and (III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;
- (ii) are an integral part of broad schoolwide and districtwide educational improvement plans;
- (iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;
- (iv) improve classroom management skills;

¹ *Dear Colleagues Letter: English Learner Students and Limited English Proficient Parents*. (Jan. 7, 2015). Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

To implement an EL program effectively, there must be a meaningful evaluation of whether the teachers who deliver the program are qualified to do so. See *Castañeda*, 648 F.2d at 1013. This includes ensuring that those tasked with evaluating the instruction of EL program teachers, such as principals, are qualified to do so. See *Rios*, 480 F. Supp. at 18, 23-24 (district's bilingual program violated the EEOA based on findings that included using administrators who were not bilingual and lacked relevant training to evaluate bilingual teachers).

² U.S. Department of Education, Office of English Language Acquisition. (2017). *English Learner Tool Kit* (2nd Rev. ed.). Washington, DC: Author.

³ *Ibid.*

- (v) support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;
- (vi) advance teacher understanding of (I) effective instructional strategies that are evidence-based; and (II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;
- (vii) are aligned with, and directly related to, academic goals of the school or local educational agency;
- (viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;
- (ix) are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
- (x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;
- (xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;
- (xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;
- (xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;
- (xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;
- (xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in Section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;
- (xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of Title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;
- (xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and
- (xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

The ESSA makes several important changes pertaining to preparation and professional development for teachers of ELs. First, instead of describing these programs and activities as “high-quality,” as under NCLB, the statute has strengthened these provisions by clarifying that such programs and activities supported by Title III funds must be “effective.” Specifically, the ESEA provides that:

- States may use State-level Title III funds to provide *effective* teacher and principal preparation, as well as for ongoing professional development activities that are effective, which may include helping educators meet State and local certification and licensing requirements for teaching English learners and improving their teaching skills to meet the diverse needs of English learners (including *effective* instruction) (ESEA Section 3111(b)(2)(B)); and
- LEAs must use Title III funds to provide *effective* professional development for teachers and principals of ELs that is:
 - o Designed to improve the instruction and assessment of ELs;
 - o Designed to enhance the ability of teachers and principals to understand and implement curricula, assessment measures and practices, and instructional strategies for ELs;
 - o *Effective* in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers of ELs; and
 - o Of sufficient intensity and duration to have a positive and lasting impact on the teachers’ performance in the classroom. This does not include one-day or short term events, unless as part of a teacher’s comprehensive professional development plan that is based on a needs assessment.

(ESEA Section 3115(c)(2)).