



November 1, 2017

School Reform Commission
School District of Philadelphia
Joyce S. Wilkerson, Chair
Dr. Christopher McGinley
Estelle Richman
William J. Green
Farah Jimenez

Re: Policy 138 English Language Development/Bilingual Education Program

Dear Commissioners:

I write on behalf of the Education Law Center with regard to your review of proposed Policy 138, entitled *English Language Development/Bilingual Education Program*. We greatly appreciate all of the efforts by the School District of Philadelphia to develop this new policy with input from community members in order to ensure the provision of culturally and linguistically appropriate planned instructional programs for all English learners (ELs) across the District.

We write to request consideration of a specific revision to the policy on page 5 in order to add a reference the *LeGare* waiver process and its applicability to ELs. In the absence of a direct reference to this critically important protection, it is unlikely that parents of ELs -- particularly those with limited English proficiency -- will ever have any knowledge of this process and the opportunities it secures. Notably, while the *LeGare* process is expressly referenced in the accompanying 92-page *English Learners Programming Handbook* employed by teachers and staff, it is unlikely that parents will ever read this document. Accordingly, we propose that the following additional language be added to Policy 138 following the statement referencing "equitable access" to District programs and schools. These proposed revisions, underscored below are derived from the current language appearing in the *Handbook*¹ regarding *LeGare*:

¹ The *English Learners Programming Handbook* states as follows on pages 41-42:

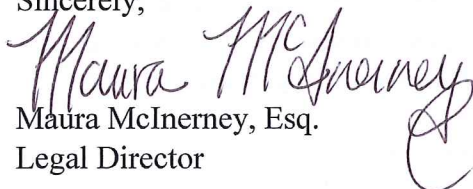
- A. **LeGare** The LeGare review process allows for English Learners to apply for Special Admission and City Wide High Schools.
- What does LeGare mean for ELs?** All families should be assisted by persons knowledgeable about high schools and high school programs in considering a range of programs, in identifying the accommodations and supports needed for the student to be successful, and in recommending modifications and waivers of admission criteria. Families should receive guidance in a language that they understand. The counselor and the ESL teacher are responsible for counseling students on high school options and for supporting students' development of application materials. Students may not be excluded on the basis of admission criteria if they can participate

Students shall have equitable access to and be encouraged to participate in all academic programs, including honors, Career and Technical Education, and Special Admission/Magnet schools and programs, and extracurricular activities and programs available to district students, with appropriate accommodations and supports. [22][23][24][25] Specifically, in accordance with the *LeGare Waiver Process*, students shall be assisted by persons knowledgeable about high schools and high school programs to consider a range of programs and to obtain the accommodations and supports needed for the student to be successful, including modifications and waivers of admission criteria to enable EL students to access special programs and specialized schools. Families shall receive guidance in a language they understand. Students may not be excluded on the basis of admission criteria if they can participate successfully, given reasonable accommodations.

Adding this language to Policy 138 is imperative because it is well documented that the current high school application process fails to enable ELs to access expanded educational opportunities. This is a particular barrier for recently-arrived immigrant students and their parents. ELC often receives calls regarding students with great academic potential, but whose limited English proficiency or lack of standardized test scores resulted in their inability to be considered for special-admission schools. ***Tragically, while the agreed-upon target under the LeGare Consent Decree and SRC policy was to enroll 7 percent of EL students in special admission schools, this has never occurred. In fact, EL students are barely represented in special admission schools*** as parents struggle to navigate the process and are not informed of available waivers for standardized tests etc. ***For example, during the 2015-16 school year, when 10.21% of District students were identified as ELs, Masterman reported “0.08%” EL students while Central High School reported “1.12%” ELs.*** We believe that the high school selection process must be made more accessible for EL students and their families and referencing the *LeGare* process is an first essential step in that important endeavor.

Thank you for considering these comments. Please feel free to contact me with any questions you may have regarding this matter.

Sincerely,


Maura McInerney, Esq.
Legal Director

successfully, given reasonable accommodations. The District has established a procedure for an impartial review of any individual decision not to admit a student with disabilities when the decision is based on a reason other than racial balance or space. Information regarding the impartial review and hearing procedures will be provided to parents when they are notified of the decision not to admit. More information about the *LeGare* Process and the school's responsibility can be found on the Office of Multilingual Curriculum and Programs' website.

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