

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

Title/OAR # : First Reading—K-12 Biliteracy Pathway Rules/OAR- 581-017-0380, 581-017-0383, 581-017-0386, 581-017-0389, 581-017-0392, 581-017-0395

Date: December 10, 2015

Staff/Office: David Bautista and Martha I. Martinez/Office of Education Equity

New Rule **Amend Existing Rule** **Repeal Rule**

Hearing Date: _____ **Hearings Officer Report Attached**

Prompted by: **State law changes** **Federal law changes** **Other**

Action Requested:

First Reading/Second Reading **Adoption** **Adoption/Consent**
Agenda

PROPOSED/AMENDED RULE SUMMARY:

These rules are needed to support a K-12 Biliteracy Pathways Grant Program, in accordance with HB 3499’s provision relating to the development and implementation of a statewide plan to support students eligible for English Language Learner programs. These rules were presented as temporary rules to the State Board of Education on September 17, 2015.

BACKGROUND:

Supporting K-12 biliteracy pathways is a state priority, with state funds provided to support Dual Language Grants in 2013. In 2015, HB 3499 was passed, which focuses the state’s resources and attention directly on improving outcomes for English Learners (ELs). This includes developing a statewide plan of support for districts and schools that serve these students. A new grant program under HB 3499 supporting the development, improvement and evaluation of K-12 biliteracy pathways was created to assist the state in identifying model EL instructional practices and programs for statewide replication. This program will provide grants (up to \$120,000, depending on available funds) to district and school sites that are in the midst of developing or have already established K-12 biliteracy pathways for students. The program will also provide expert consultants to grantees to assist them with program design, implementation and evaluation to ensure (a) that the biliteracy pathways developed under the grant are well implemented and (b) that ODE can continue to develop a solid research base on effective EL instructional practice and EL program models. Grantees will be required to work with the grant’s consultants and to sustain their efforts to further develop and improve their biliteracy pathways for at least two years past the grant period. Grants will be awarded on a competitive basis, and preference will be given to applicants that have demonstrated successful student outcomes. The rationale for a K-12 Biliteracy Pathways Grant Program follows.

Although achievement for ELs in Oregon reflects isolated pockets of success and promise in schools and classrooms across the state, the overall achievement of ELs continues to lag behind their peers, as measured by state assessment results, high school graduation and college completion rates. As we transition to Common Core State Standards (CCSS), it is critical that we support all students, but particularly English Learners, as they engage with and demonstrate understanding of rigorous course content. ELs are underachieving not because they lack the motivation or the ability to succeed, but because we have not

consistently provided the rich learning opportunities that they need to develop and demonstrate deep understandings of academic content.

In 2013, the Oregon Department of Education (ODE) created an Education Equity Unit and the state unveiled an EL Strategic Plan in 2013 to proactively address opportunity gaps, while creating interventions to close the achievement gap between English Learners and their peers. In an effort to foster effective EL instructional practices, ODE has supported the development of long-term dual language programs and plans to focus future state investment on the development of K-12 biliteracy pathways.

Long-term dual language programs that strive to develop biliteracy in both English and the partner language have been found to be particularly effective in improving academic outcomes among English Learners and closing achievement gaps. Longitudinal research findings from one-way and two-way dual language programs demonstrate their effectiveness in increasing math and English Language arts achievement among English Learners, as well positively impacting their performance on high school exit exams (Lindholm-Leary, 2009). With this research as a foundation for the work in the Educational Equity unit, ODE offered Dual Language Grants to eight sites beginning in 2013, and, in 2015, Oregon's State Seal of Biliteracy was offered for the first time to 423 graduating high school students. This grant builds on the previous Dual Language grant, the state's recent adoption of a State Seal of Biliteracy, and the substantial research supporting the effectiveness of long-term dual language programs for all students, but especially for English Learners.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

The rules were posted on ODE's website with the State Board of Education meeting materials for September 17, 2015. On September 28, they were also circulated to all individuals who indicated an interest in applying for this grant. These individuals (over 40 total) represented approximately 30 different institutions, including charter schools, other public schools, school districts and ESDs. At an OAR Rules Hearing on November 23, the Oregon School Boards Association testified in support of the K-12 Biliteracy Pathways grant but raised some concerns about the proposed rules for grant selection. They opposed the language that gives preference to established programs. ODE agrees that the criteria for grant selection includes a preference for established programs. This was intentional. A related grant that was established last biennium, the Dual Language/Two-Way Bilingual Program grant, funded only one established program. The remaining funded programs were either brand new or only enrolled students in K-2 or lower. The purpose of the K-12 Biliteracy Pathways grant is to identify established programs that are well on their way toward a K-12 Biliteracy Pathway so that the state can further improve these programs, evaluate their effectiveness, and replicate their effective practices in other parts of the state.

CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
 No; same as last month
 Yes – As follows:

FISCAL IMPACT:

There will be some cost to the Department of Education to administer the grant program. However, the legislature designated new positions and funding to cover these costs and other costs associated with implementing HB 3499 (2015) .

EFFECT OF YES VOTE:

This will enable the grant to continue to move forward on the current timeline outlined in the Request for Application, including announcement of grant winners in November, 2015, and the distribution of grant funds in December, 2015.

EFFECT OF NO VOTE:

This could delay the distribution of grant funds.

STAFF RECOMMENDATION:

- Adopt administrative rule as prepared this month
- Adopt administrative rule next month
- No recommendation at this time (rarely used)

Comments:

K-12 Biliteracy Pathways Grant

581-017-0380 Definitions

The following definitions apply to OAR 581-017-0380 to 581-017-0395:

- (1) “K-12 Biliteracy Pathways Grant” means the Grant established in OAR 581-017-0383 to implement ORS 336.079.
- (2) “K-12 Biliteracy Pathway” means an educational program that begins in at least Kindergarten and continues through grade 12 that promotes biliteracy outcomes and provides students who complete this pathway with the skills necessary to earn a State Seal of Biliteracy. For the purposes of this grant, these pathways must include an existing dual language program that:
 - (a) Already serves students at the elementary school level;
 - (b) Also operates at or there are plans for expansion to the middle and high school level; and
 - (c) Is primarily designed to serve English Learners.
- (3) “Dual language program” means any program that provides literacy and content instruction to all students through two languages and that promotes bilingualism and biliteracy, grade-level academic achievement, and multicultural competence for all students. This grant is intended to support dual language programs that are primarily designed to serve English Learners. These types of dual language programs are commonly referred to as two-way immersion, developmental bilingual, and heritage language programs. .

Stat. Auth.: ORS 326.051

Stat. Implemented: ORS 336.079

581-017-0383 Establishment

There is established the K-12 Biliteracy Pathways Grant, which is intended to support Oregon public school districts or public charter schools to develop and implement model dual language programs and K-12 biliteracy pathways. This includes improving existing K-12 dual language programs, as well as expanding well-implemented elementary programs into middle and high school.

Stat. Auth.: ORS 326.051

Stat. Implemented: ORS 336.079

581-017-0386 Eligibility

- (1) The following entities shall be eligible to receive the K-12 Biliteracy Pathways Grant:
 - (a) School districts;
 - (b) Public charter schools; and
 - (c) Consortium of school districts, public charter schools or an Education Service District (ESD). Each consortium must have at least one school district or public charter school as a member.
- (2) A single grant proposal may include more than one eligible applicant.

Stat. Auth.: ORS 326.051

Stat. Implemented: ORS 336.079

581-017-0389 Criteria

- (1) The Oregon Department of Education (ODE) shall establish a request for proposal solicitation and approval process to be conducted each biennium for which the K-12 Biliteracy Pathways grant funds are available.
- (2) Grants shall be awarded based on the following criteria:
 - (a) Whether the grant application identifies how English Learners enrolled in the applicant's school(s) will benefit from the proposed K-12 Biliteracy Pathway.
 - (b) Whether the grant application demonstrates school district or public charter school support, commitment and readiness to design a K-12 Biliteracy Pathways Grant program.
- (3) ODE shall give priority to proposals that meet the minimum criteria and:
 - (a) Provide a sustainability plan to continue the program for at least two additional years after the grant period ends.
 - (b) The extent to which the applicant clearly documents its capacity to implement a model K-12 Biliteracy Pathway, including demonstrated intentions to work in a collaborative way with other grantees.
- (4) ODE shall allocate funds for the grant program based on the evaluation of the grant application and the following considerations:
 - (a) Geographic location of district to insure geographic diversity within the recipients of grant program funds throughout the state;
 - (b) Districts who have a high level of students who are economically disadvantaged; and
 - (c) Give preference to districts or schools that have demonstrated success in improving student outcomes, particularly for English Learners.
- (5) ODE may also provide funding on a non-competitive basis to previous Dual Language Grant recipients for the purposes of fostering K-12 biliteracy pathways at these sites and to support a more complete evaluation of dual language programs and K-12 biliteracy pathways across the state.

Stat. Auth.: ORS 326.051

Stat. Implemented: ORS 336.079

581-017-0392 Funding

- (1) Each grantee who is awarded a competitive K-12 Biliteracy Grant based on the criteria identified in OAR 581-017-0389(1) to (4) may receive up to \$120,000 for the biennium.
- (2) Each grantee who is awarded a non-competitive K-12 Biliteracy Grant based on the criteria identified in OAR 581-017-0389(5) may receive up to \$40,000 for the biennium.
- (3) Grantees shall use funds for planning, implementation and evaluation activities associated with the development and/or improvement of their dual language program into a model for statewide replication, and shall engage administrators, teachers, parents and the community in the design, implementation and evaluation of the program with a focus on building school and school district capacity to sustain efforts.
- (4) Grantees must be able to expend the funds for allowable purposes specified in the request for proposal within the grant timeline according to acceptable accounting procedures.

Stat. Auth.: ORS 326.051

Stat. Implemented: ORS 336.079

581-017-0395 Reporting

The Oregon Department of Education shall provide to grant recipients a template for an interim and final grant report. Grantees are required to submit a final report prior to receiving their final request for funds.

Stat. Auth.: ORS 326.051

Stat. Implemented: ORS 336.079