

Revised by CH on 10/4/15

10/9/2015

This copy of the draft rules regarding ELL district improvement features recommended changes that have been suggested by OAE and CCC coalition members and partners.

581-xx-xxxx Definitions

The following definitions apply to OAR 581-xx-xxxx to 581-xx-xxxx:

- (1) "English language learner" means a student who has limited English language proficiency because English is not the native language of the student or the student comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.
- (2) "Ever ELL" means a student who either is currently an English language learner or who was previously enrolled in an English language learner program in Oregon.

(3) "School district" means a common or union high school district.

~~(3)~~(4) We recommend that the definition of long-term ELL students be added here. Our recommended definition is: "Any ELL student in grades 6-12 who has been eligible for, and enrolled in, an English language development (ELD) for six or more years, or has scored at the same level of English proficiency for three or more years."

581-xx-xxxx Program

- (1) The purposes of the ELL District and School Improvement program are to:
 - (a) Improve ELL student outcomes including high school graduation rates and English language proficiency.
 - (b) Identify school districts that are not meeting objectives and the needs of students eligible for and enrolled in an English language learner program, taking into account the specific learning challenges and demographics of the students.
 - (c) Provide- technical assistance and interventions to be provided to identified school districts.
 - (d) Ensure that identified focus and target districts achieve expected growth in student progress indicators, and the expected benchmarks for student progress indicators that an identified district is expected to within four years of identification.
- (2) The Department of Education shall identify school districts that are:
 - (a) Focus Districts that are in need of interventions and targeted assistance; and
 - (b) Target Districts that are in need of targeted assistance.

(3) If a school district is identified as a focus or target district the district shall remain as such for four years.

(4) The law also requires that ODE, “Direct a school district on how to expend moneys received under ORS 327.013 (1)(c)(A)(ii) if the school district is:

(a) Not meeting objectives and the needs of students eligible for and enrolled in an English language learner program, taking into account the specific learning challenges and demographics of the students; or

(b) In need of targeted assistance.

We recommend that a fourth point be added here to:

i) Define each district’s responsibility to make significant improvements within four years; and

ii) Outline the Department’s role in directing districts on how to spend their 0.5 ELL allocation, as required by law.

581- xx-xxxx District Eligibility (Note: In this section, clarify that districts with 20 or less ELL students will be tracked and monitored for their ELL student progress. We recommend that the Department use data approaches including aggregating data over multiple years that can ensure the Department meets privacy while still providing critical information on the outcomes to inform improvement planning and support.)

(1) To be eligible for selection as a Focus or Targeted District:

(a) The district must have enrolled 20 or more English Language Learners on a date specified by the Department;

(b) The district must not have been identified for district improvement in another state program; and

(c) The district must have at least one school which has not been identified for school- improvement in another state or federal programs and which has enrolled 20 or more English Language Learners on a date specified by the Department.

(2) A public charter school is not eligible for selection as a focus or target district. However, a public charter school may be selected by the Department as a school within an identified focus or target district for interventions and technical assistance.

581-xx-xxxx Focus District Selection (Note: We recommend that the Department explore a new label for these districts.)

(1) The Department shall identify school districts as focus districts which have demonstrated a history of low performance as compared to other districts relating to ELL students (by...[add annual date here for when this identification must be complete]). To be considered for identification a district has been identified as being in the bottom 15 percent of all districts with 20 or more English Language Learners.

- (2) The Department shall identify focus school districts from each of the following categories:
 - (a) Large Districts with 500 or more English Language Learners on a date specified by the Department.
 - (b) Medium Districts with at least 100 but less than 500 English Language Learners on a date specified by the Department.
 - (c) Small Districts with at least 20 but less than 100 English Language Learners on a date specified by the Department.
- (3) After a Focus District is identified, the Department, in consultation with the District, shall select up to three schools within each large district, up to two schools within each medium district and one school within each small district for interventions and targeted assistance. (Note: We recommend that the Oversight Committee be in this process.)
- (4) The Department shall consider the following data in identifying the focus school districts: (Note: We recommend that the Department also disaggregate all of the "Ever ELL" categories in this section by: long-term ELL students, current ELL students, and former ELL students.)
 - (a) The 5 year graduation rate for Ever ELL students and the growth in the 5 year graduation rate from year to year; (see comment in point 4 above)
 - (b) The growth in the percentage from year to year of Ever ELL students in meeting benchmarks in reading and mathematics as measured by a statewide standardized assessment; (see comment in point 4 above)
 - (c) Attendance rates of ELL students; (see comment in point 4 above)
 - (d) The growth in the percentage of ELL students meeting benchmarks on the English Language Proficiency Exam (ELPA); and (see comment in point 4 above)
 - (e) Percentage of student who exit ELL programs within seven years of enrollment in a program in Oregon.
- (5) The Department shall also consider how the district compares to other districts with similar characteristics. The Department shall consider the following student demographic information of students enrolled in the district schools in making this comparison:
 - (a) Race/ethnicity of students;
 - (b) Percentage of students in families in poverty; and
 - (c) Percentage of students identified as in need of special education services.
- (6) After identifying potential focus districts, the Department may adjust the list of districts:
 - (a) To achieve geographic diversity of school districts;
 - (b) To achieve an identification of elementary, middle or high schools within identified focus school districts that is proportionately as equal as possible to the proportion of ELL students enrolled in elementary, middle and high schools statewide;
 - (c) Based on data trends identified by the Department related to a school district;
 - (d) Based on changes of leadership within the district or other promising district improvement efforts;

- (e) Based on programs for ELL students within the district which have been shown to either improve high school graduation rates or English language proficiency; and
 - (f) Based on available funding. (Note: We recommend that the rules specifically mention that this funding stream is from 3499 to avoid confusion.)
- (7) Data used by the Department to identify focus school districts may be from different school years but must be the best data available as identified by the Department.

581-xx-xxxx Targeted District Selection (Note: We recommend that the Department explore a new label for these districts.)

- (1) The Department shall identify school districts as targeted districts which have demonstrated a history of low performance as compared to other districts relating to ELL students. To be considered for identification a district has been identified as being in the bottom 25 percent of all districts with English Language Learners and has not been identified as a focus district.
- (2) The Department shall identify targeted school districts from each of the following categories:
- (a) Large Districts with 500 or more English Language Learners on a date specified by the Department.
 - (b) Medium Districts with at least 100 but less than 500 English Language Learners on a date specified by the Department.
 - (c) Small Districts with at least 20 but less than 100 English Language Learners on a date specified by the Department.
- (3) The Department shall consider the following data in identifying the targeted school districts: (Note: We recommend that the Department also disaggregate all of the “Ever ELL” categories in this section by: long-term ELL students, current ELL students, and former ELL students.)
- (a) The 5 year graduation rate for Ever ELL students and the growth in the 5 year graduation rate from year to year; (see comment in point 3 above)
 - (b) The growth in percentage of Ever ELL students in meeting benchmarks in reading and mathematics as measured by a statewide standardized assessment; (see comment in point 3 above)
 - (c) Attendance rates of ELL students; (see comment in point 3 above)
 - (d) The growth in percentage of ELL students- meeting benchmarks on the English Language Proficiency Exam (ELPA); and (see comment in point 3 above)
 - (e) Percentage of students who exit ELL programs within seven years of entry in an Oregon program.
- (4) The Department shall also consider how the district compares to other districts with similar characteristics. The Department shall consider the following student demographic information in making this comparison:
- (a) Race/ethnicity of students;
 - (b) Percentage of students in families in poverty; and

(c) Percentage of students identified as in need of special education services.
(5) After identifying potential target districts, the Department may adjust the list of districts:

- (a) To achieve geographic diversity of school districts;
- (b) To achieve an identification of elementary, middle or high schools within identified target school districts that is proportionately as equal as possible to the proportion of ELL students enrolled in elementary, middle and high schools statewide;
- (c) Based on data trends identified by Department related to a school district;
- (d) Based on changes of leadership within the district or other promising district improvement efforts;
- (e) Based on programs for ELL students within the district which have been shown to either improve high school graduation rates or English language proficiency; and
- (f) Based on available funding. (Note: Please clarify in the rules here that this funding is from 3499).

(6) Data used by the Department to identify target school districts may be from different school years but must be the best data available as identified by the Department.

We recommend that the Department add the following two sections:

- Requirements for Districts Selecting Schools
- Creation of an Oversight Committee

Requirements for Districts Selecting Schools

1. The rules need to provide clear and robust guidelines for how districts select the schools that need intervention support for ELL students. The draft rules that were shared with our workgroup did not cover how districts would select schools in need of ELL support. As the Department drafts that portion of the rules, we recommend that the Department:

- a. Develop a streamlined, common application for districts to complete when they are selecting the specific schools that need targeted support; and
- b. Require that each identified district conduct a school needs and assets assessment for supporting ELL language learners.

Creation of an Oversight Committee

1. The rules should establish an Oversight Committee where community stakeholders can monitor and provide ongoing oversight over the implementation of HB 3499 and the spending of ELL funding. Some of the duties of the Oversight Committee should include, but not be limited to:

a. Helping review which districts are ultimately selected as “target” districts and “focus” districts; and

b. Overseeing the development, and reporting of, improvement metrics agreed upon by the Department and districts.

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