

October 22, 2015

Dear Deputy Superintendent Noor and State Board of Education Members,

On behalf of the Oregon Alliance for Education Equity, the Coalition of Communities of Color and signatory organizations, we write this follow-up letter to share our remaining concerns and feedback regarding the latest version (10/12/2015) of the draft rules for ELL district and school improvement.

While we greatly appreciate that some of the recommendations from our last letter (10/9/2015) were added to the current draft of the rules, we remain disappointed with the fact that several key recommendations were not included.

We believe that all of our proposed changes are critical to both meeting the intent of the law, and most importantly, leading us to produce better outcomes for ELL students across Oregon.

Below, we noted which recommendations have been integrated, and which ones have not been added to the rules.

| <b>Our Recommendations</b>   | <b>Have they been incorporated?</b>  |
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| <p><b>I. Provide clarity around district accountability and school selection.</b></p> <p>1. The rules should provide guidelines for how the Department will direct and hold districts' accountable for ELL student progress. Under the "Program" section, we recommend that the Department:</p> <ul style="list-style-type: none"><li>a. Define each district's responsibility to make significant improvements within four years; and</li><li>b. Outline the Department's role in directing districts on how to spend their 0.5 ELL allocation, as required by law.</li></ul> | <p><b>Recommendation 1a has not been incorporated into the draft rules.</b> In the current draft of the rules, there is still no specific guidance on a district's responsibility (once a district is identified as an "improvement" or "targeted" district) to make significant improvements within four years.</p> <p><b>Recommendation 1b has only partially been fulfilled on page 4 of the draft rules.</b> To strengthen the rules, we recommend that the Department and the Board:</p> <ul style="list-style-type: none"><li>i) require at least 90% of the 0.5 ELL allocation be spent on ELL programs; and</li><li>ii) outline how the Department will direct districts in spending their 0.5 ELL allocation.</li></ul> |

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| <p>2. 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:</p> <ul style="list-style-type: none"> <li>a. Develop a streamlined, common application for districts to complete when they are selecting the specific schools that need targeted support; and</li> <li>b. Require that each identified district conduct a school needs and assets assessment for supporting ELL language learners.</li> </ul> | <p><b>Recommendations 2a and 2b have both been incorporated in the rules—which we really appreciate.</b></p>   |
| <p><b>II. Define the “Long-term ELL” subgroup in the rules and disaggregate the “Ever ELL” data.</b></p> <ul style="list-style-type: none"> <li>1. The rules should include a definition of “Long-term ELL.” We propose the following definition: “Any ELL student in grades 6-12 who has been eligible for, and enrolled in, an English language development (ELD) program for six or more years, or has scored at the same level of English proficiency for three or more years.”</li> <li>2. The “Ever ELL” data also needs to be disaggregated in the following ways: Long-term ELL students, current ELL students, and former ELL students—</li> </ul>   | <p><b>Recommendation 1 has not been incorporated.</b></p> <p><b>Recommendation 2 has only partially been incorporated.</b> “Former ELL student data” has been added, but not “Long-term ELL students.”</p> <p>Since long-term ELL data is already collected for AMAO 2B, we should also include this data when we assess whether or not districts are serving ELL students well.</p> |

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| <p>that way the Department and school districts have a more accurate picture of how ELL students are performing academically. These data will also help the Department and identified districts target funding, support, and interventions where they are needed most.</p>  |   |
| <p><b>III. Build in community engagement and oversight.</b></p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>a. Helping review which districts are ultimately selected as “target” districts and “focus” districts; and</li> <li>b. Overseeing the development, and reporting of, improvement metrics agreed upon by the Department and districts.</li> </ol> </li> </ol> | <p><b>Recommendations 1a and 1b have not been incorporated.</b></p>   |
| <p><b>IV. Track the progress of ELL students in all districts, regardless of the size of the district.</b></p> <ol style="list-style-type: none"> <li>1. There are 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.</li> </ol>  | <p><b>Recommendation 1 under this section has not been included.</b></p> <p>The Department should continue to monitor the progress of ELL students in all Oregon school districts—regardless of the size of the ELL population.</p> |

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| <p><b>V. Reconsider how districts are labeled—so that these labels are not confused with federal or other state labels for accountability.</b></p> | <p><b>Part of Recommendation V has been factored in—“focus” districts are now labeled as “improvement” districts.</b></p>  |
| <p><b>VI. Ensure that both the ELL policy and budget workgroups have an opportunity to streamline their work.</b></p>                              | <p><b>Recommendation VI has not been fulfilled.</b> The ELL budget work group should develop criteria around what—and what cannot go—into the new ELL budget code. Additionally, the coding and reporting requirements developed by the ELL budget work group should be shared with the ELL policy work group.</p> |

As community partners and education advocates who played a pivotal role in helping pass HB 3499 unanimously, we want to make sure that this policy has a positive impact on ELL student outcomes as soon as possible.

With that, we strongly urge you to adopt our recommendations that have not been incorporated in the ELL implementation rules. Oregon’s ELL students need your leadership.

We look forward to more meaningful dialogue and collaboration.

Thank you again for your time.

Sincerely,

Joseph Santos-Lyons  
Asian Pacific American Network of Oregon (APANO)

Toya Fick  
Stand for Children Oregon

October 9, 2015

Dear Deputy Superintendent Noor,

On behalf of the Oregon Alliance for Education Equity, the Coalition of Communities of Color and signatory organizations, we would like to share our recommendations related to the draft rules for HB 3499 on ELL district improvement. Our groups have led the effort to win unanimous support for HB 3499 from the legislature and Governor, and our recommendations are aligned with the core purpose and intent of the legislation.

The majority of our recommendations revolve around themes of accountability, data and oversight. With that, we strongly urge the Oregon Department of Education to make the following revisions to the draft rules before they are submitted for first reading to the State Board of Education:

**I. Provide clarity around district accountability and school selection.**

1. The rules should provide guidelines for how the Department will direct and hold districts' accountable for ELL student progress. Under the "Program" section, we recommend that the Department:
  - a. Define each district's responsibility to make significant improvements within four years; and
  - b. Outline the Department's role in directing districts on how to spend their 0.5 ELL allocation, as required by law.
2. 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.

**II. Define the "Long-term ELL" subgroup in the rules and disaggregate the "Ever ELL" data.**

1. The rules should include a definition of "Long-term ELL." We propose the following definition: "Any ELL student in grades 6-12 who has been eligible for, and enrolled in, an English language development (ELD) program for six or more years, or has scored at the same level of English proficiency for three or more years."

2. The “Ever ELL” data also needs to be disaggregated in the following ways: Long-term ELL students, current ELL students, and former ELL students—that way the Department and school districts have a more accurate picture of how ELL students are performing academically. These data will also help the Department and identified districts target funding, support, and interventions where they are needed most.

### **III. Build in community engagement and oversight.**

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.

### **IV. Track the progress of ELL students in all districts, regardless of the size of the district.**

1. There are 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.

### **V. Reconsider how districts are labeled—so that these labels are not confused with federal or other state labels for accountability.**

### **VI. Ensure that both the ELL policy and budget workgroups have an opportunity to streamline their work.**

We really appreciate the opportunity to share our recommended changes to the draft rules. On that note, we have also included an attachment with this letter that features our recommended revisions to the draft rules.

We look forward to working with the Department and the State Board more to ensure that all children in our state receive a high-quality education.

Thank you again for your time and all of your hard work.

Sincerely,

Joseph Santos-Lyons  
Asian Pacific American Network of Oregon (APANO)

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Stand for Children Oregon

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