

Date: December 10, 2015

To: Deputy Superintendent Noor, Chair Summer, Vice Chair Martinez, Second Vice Chair Bowen, Board Member Henry, Board Member Veliz, and Board Member Colonna

From: Oregon Alliance for Education Equity

Re: Proposed rules on ELL District and School Improvement (OAR 581-020-0600 to 0615)

Dear Deputy Superintendent Noor and State Board of Education Members,

The Oregon Alliance for Education Equity (OAE) is the leading coalition of communities of color, immigrants and refugees who are directly affected by K-12 English Language Learner programs. OAE worked with many stakeholders to help design and advocate for HB 3499, which unanimously passed (90-0) last session. Our members have been deeply engaged in the rulemaking process, and believe several key improvements are required in order to meet the spirit of the law.

We write this letter to provide our feedback on the rules regarding ELL District and School Improvement (OAR 581-020-0600 to 0615, last revised on December 2, 2015). We have also submitted another letter that comments on the rules related to the ELL Revenue and Expenditure Report Criteria (OAR 581-023-0250).

We greatly appreciate the tremendous amount of work that ODE has put into this set of rules, especially around the criteria for district selection and ODE's role in selecting districts in need of ELL support.

Before these rules are adopted, we believe that several important changes need to occur in order to 1) set clear, consistent and high expectations for ELL student achievement and growth; 2) improve the district selection process; and 3) ensure that ODE is prepared to help deliver meaningful support and technical assistance to select districts.

We strongly urge that the following additions and revisions be made to these sections in the proposed rules:

581-020-0603 Program

- 1. ODE funding control.** Under subsection 1(f), we suggest that the following language be added to provide clear guidance in alignment with the law (note: this is informed by our previous ELL student outcomes workgroup discussion)—

For districts that have not achieved the benchmarks and goals for ELL student improvement by the end of the four year period, ODE will:

- a) Evaluate the district's ELL program;*
- b) Complete an additional ELL student needs assessment;*
- c) Review that district's ESL budget and expenditures;*

- d) *Use the information gathered from the program evaluation, needs assessment and review in directing the district on how to spend their 0.5 ELL allocation.*

581-020-0609 District Selection

2. **Timing of district identification and notification.** Under this section, we recommend that specific deadlines be added to indicate when ODE will identify, and notify ELL transformation and target districts.
3. **Academic growth and proficiency.** Under subsection 2(b), we urge the Department to review the academic growth and proficiency of current ELL students, former ELL students and long-term ELL students in grades K-12, as measured by statewide standardized assessments in core subjects to ensure that ELL students are on track to be college- and career- ready.
4. **English language growth and proficiency.** Under subsection 2(c), we recommend that the Department review English language growth and proficiency of current ELL students and long-term ELL students in grades K-12, as measured by the English Language Proficiency Assessment.
 - o Under subsection 2(c), we support adding language around identifying the percentage of ELL students who have scored at the same level of English proficiency (or whose English proficiency scores have declined) for three or more consecutive years.
5. **Time in an ELL program.** Under subsection 3, we ask that the Department also include the length of time an ELL student is in an ELL program, similar to what Oregon already does for Title III AMAOs.
6. **Commitment level.** Under subsection 6, the proposed rule states that, “The Department may use the demonstrated commitment level of a district’s superintendent and board as a factor in determining whether the district is an ELL transformation or ELL target district.” –What does “demonstrated commitment level” mean? How will it be measured?

581-020-0612 ELL Transformation Districts

7. **School selection.** Under subsection 1, “The Department, in consultation with an ELL transformation district, shall: (1) Select specific schools within the district for interventions and targeted assistance.” –How, and when, will this happen?
8. **Timing of key decisions.** Throughout the rest of this section, ODE should be clear on **when** key decisions should be made: ELL program review, finalization of improvement plans, identification of supports and interventions, and application of technical assistance and HB 3499 funding.

581-020-0615 ELL Target Districts

9. **When will key decisions be made?** Similar to our prior recommendation, throughout the rest of this section related to target districts, ODE should be clear on **when** key decisions should be made: ELL program review, finalization of improvement plans, identification of supports and interventions, and application of technical assistance.

581-020-0600 Definitions

10. **Missing definitions.** We recommend adding the following terms and definitions to this section:
 - a) *Long-term ELL student: Any ELL student in grades 6-12 who has been enrolled in English Language Development for 7 or more years.*

- b) Transformation district: A district that has been identified by ODE as in need of progressive ELL interventions and technical assistance.*
- c) Target district: A district that has been identified by ODE as in need of ELL technical assistance.*

We crafted our recommendations very intentionally—with ELL student improvement at the forefront of our thoughts. With that, we hope that you take each recommendation into consideration as you provide feedback to the Department.

Thank you again for your time and your leadership.

Sincerely,

Toya Fick & Parasa Chanramy
Stand for Children Oregon

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

Jesse Beason
Northwest Health Foundation

Julia Meier
Coalition of Communities of Color

Dr. Wei-Wei Lou
Oregon Council of Title III Directors

Sue Hildick
Chalkboard Project