

NGUYEN-VENTURA Jessica

From: Rev Joseph Santos-Lyons <joseph@apano.org>
Sent: Thursday, December 10, 2015 7:45 AM
To: NOOR Salam; HUNT Cindy L; BAUTISTA David; NGUYEN-VENTURA Jessica; REP Gallegos; REP Whisnant; CAPPS Lindsey; michael.wiltfong@state.or.us
Cc: ell-advocates-oregon@googlegroups.com
Subject: HB3499 Rule Making Comments
Attachments: APANOSantos-LyonsHB3499RuleTestimony12.10.15.pdf

Dear Dr. Noor, Dr Bautista, Cindy, Michael and Jessica,

Please accept these public comments on the latest draft of the proposed rules. While we believe we're headed in the right directions, several key changes are still needed to meet legislative direction and intent. APANO continues to work very closely with a range of community based organizations on this issue, and remains concerned about the current proposed rules.

Our community based organizations of color work daily with the families and students who are impacted by the current programs and system. We continue to pool our resources to consistent advocacy and communication on HB 3499, which is a top priority of the Racial Equity Report, Coalition of Communities of Color and the Oregon Alliance for Education Equity.

The recommended changes outlined have been shared and discussed repeatedly throughout this process. I urge you to incorporate these changes before final adoptions. Please let me know what questions you have.

Sincerely,
Joseph

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Rev. Joseph Santos-Lyons, Executive Director My gender pronouns are: he/him
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Date: December 10, 2015

To: Oregon Department of Education and State Board of Education

From: Joseph Santos-Lyons, APANO

Re: ELL District and School Improvement (OAR 581-020-0600 to 0615) AND ELL Revenue and Expenditure Report Criteria (OAR 581-023-0250)

Dear Deputy Superintendent Noor, Chair Summer, and State Board of Education members:

My name is Joseph Santos-Lyons and I am the Executive Director of APANO. APANO is one of the leading organizations that worked to research, develop, and secure support for the broad structural reforms embodied in HB 3499. The urgency and focus of HB 3499 speak to the generation of concerns raised by Asian and Pacific Islander families and advocates about the quality and accountability of our English Language Learner programs in public schools. There are over 250,000 Asian and Pacific Islanders in Oregon, and our communities are the fastest growing in the United States. Despite years of marginal engagement of our communities from the Oregon Department of Education and traditional education stakeholders, we believe positive change is happening. These rules are critical to providing direction to the next generation, and supporting ELL programs that best serve Oregon's significantly changing racial, cultural and linguistic demographics.

APANO is fully engaged in the rulemaking process, and we appreciate the opportunity to comment on the proposed rules. For our testimony today, we want to focus on two key changes we and our Oregon Alliance for Education partners would like to see.

Under the ELL District and School Improvement (OAR 581-020-0600 to 0615) rules that were revised on December 2, 2015, we recommend updating the ODE funding control language under the Program section (581-020-0603):



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Under subsection 1(f), we suggest that the following language be added to provide clear guidance in alignment with the law—

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.*

Our other feedback falls under the ELL Revenue and Expenditure Report Criteria rules (OAR 581-023-0250). We still remain concerned about how the rule does not provide guidelines on what to code as ESL expenditures.

Some common areas where there is a lot of confusion around accounting and coding include, but are not limited to:

- Translation and Interpretation
- Multicultural/Language Liaisons - both at the district and building level
- Cross Program Collaboration Effort (SPED, Title I, ELL)
- Sheltered Staffing/Mainstream Teachers
- Technology to support administration of English Language Proficiency Assessments
- English Language Development Administration

We have been told by ODE that the Program Budgeting and Accounting Manual (PBAM) Committee will continue to carry the torch on this work. With that, we strongly encourage that the State Board add language in the rules that directs the PBAM Committee to develop (and continue to update) guidance and criteria around what goes into the ESL expenditure codes whenever the Committee meets to review and update the manual.

We also think that key stakeholders like teachers, Title III directors, school board directors, superintendents and community members should be invited to participate



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in the upcoming PBAM meetings in order to provide input on the guidance and criteria.

While we appreciate the hardwork that has led to the current draft rules, these are still not ready for adoption and we urge you to direct ODE to make the changes we've outlined before final approval. These are essential to meeting the legislative direction and intent of House Bill 3499.

Sincerely,

Rev. Joseph Santos-Lyons
Executive Director