**Updated by CH on 10/10/16**

**English Language Learners**

**District and School Improvement**

**581-020-0600**

**Definitions**

The following definitions apply to OAR 581-020-0600 to 581-020-0624:

1. “Current ELL student” means a student who is enrolled as an English language learner program in Oregon during the school year.
2. “ELL Target District” means a district selected for technical assistance under OAR 581-020-0609.
3. “ELL Transformation District” means a district selected for technical assistance and progressive interventions under OAR 581-020-0609.

(2) “English language learner” or “ELL” 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.

(3) “Former ELL student” means a student who was previously enrolled in an English language learner program in Oregon.

(4) “Percentage of students in poverty” means the percentage of students in poverty using the number of students in poverty as calculated under OAR 581-023-0102 for purposes of calculation of the State School Fund distribution.

(5) “School district” means a common or union high school district.

Stat. Auth.: Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

Stats. Implemented: ORS 339.079 and Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

**581-020-0603**

**Program**

(1) The Department of Education through the ELL District and School Improvement program shall:

(a) Improve ELL student progress indicators including high school graduation rates and English language proficiency.

(b) Identify school districts that are not meeting objectives and the needs of ELL students, taking into account the specific learning challenges and demographics of the students.

(c) Collaborate with selected districts to better meet objectives and the needs of ELL students.

(d) Partner with identified ELL transformation and target districts, to ensure that those districts achieve expected growth in student progress indicators, and the expected benchmarks for student progress indicators that an identified district is expected to meet within four years of identification.

(e) In consultation with ELL transformation and target districts design and implement an accountability system of progressive interventions for the school districts.

(f) Direct transformation and target school districts on how to expend moneys received under ORS 327.013(1)(c)(A)(ii) (ELL weight) for up to three years, for identified districts that have not met the expected growth in student progress indicators, and the expected benchmarks for student progress indicators. (2) The Department of Education shall identify school districts that are:

(a) ELL transformation districts that are in need of progressive interventions and technical assistance; and

(b) ELL target districts that are in need of technical assistance.

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

Stat. Auth.: Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

Stats. Implemented: ORS 339.079 and Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

**581-020-0606**

**District Eligibility and Selection**

(1) To be eligible for selection as an ELL transformation or target district, a district must have enrolled 20 or more English Language Learners on a date specified by the Department. School districts with fewer than 20 English Language Learners will be eligible for other regionally based services and supports provided by the Department.

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

Stat. Auth.: Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

Stats. Implemented: ORS 339.079 and Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

**581-020-0609**

**District Selection**

(1) The Department shall identify school districts that are not meeting objectives and needs of ELL students, taking into consideration the specific learning challenges and demographics of the students. The Department shall consider whether the district has demonstrated a history of not meeting objectives and needs of ELL students as compared to other districts relating to ELL students.

(2) To identify school districts that are not meeting objectives and needs of ELL students, the Department shall consider the following student progress indicators in identifying the school districts in need of improvement:

(a) The cohort 5 year graduation rate for current and former ELL students;

(b) The academic growth of current and former ELL students in grades 6, 7 and 8 as measured by statewide standardized assessments;

(c) The growth in language acquisition of current ELL students in grades 1 through 8 as measured by the English Language Proficiency Assessment (ELPA);

(d) The growth in language acquisition of current ELL students in grades 10 through 12, combined as measured by the English Language Proficiency Assessment (ELPA); and

(e) Percentage of former ELL students who enroll in a post-secondary institutions after graduation from the district.

(3) The Department shall also consider the needs of the district by considering learning challenges and demographic information of students enrolled in the district including but not limited to:

(a) The percentage of current and former ELL students as a percent of all students in the district;

(b) The percentage of all students in poverty as calculated using the district small area income and poverty estimate (SAIPE);

(c) The percentage of current and former ELL students who are economically disadvantaged;

(d) The percentage of current and former ELL students who are mobile;

(e) The percentage of current and former ELL students who are homeless;

(f) The percentage of current and former ELL students who are migrant students;

(g) The percentage of current and former ELL students who are recent arrivers to Oregon; and

(h) The number of unique home languages of current and former ELL students.

(4) After identifying potential districts based on student progress indicators that are not meeting objectives and needs of ELL students, the Department may adjust the list of districts:

(a) To achieve geographic diversity of school districts;

(b) Based on the percentage of current ELL students identified as needing special education;

(c) Based on data trends identified by the Department related to a school district;

(d) 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

(e) Based on available funding.

(5) After identifying the districts that are not meeting objectives and needs of ELL students, the Department shall further identify the districts as:

(a) ELL transformation districts; or

(b) ELL target districts.

(6) 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.

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

Stat. Auth.: Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

Stats. Implemented: ORS 339.079 and Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

**581-020-0612**

**ELL Transformation Districts**

The Department, in consultation with an ELL transformation district, shall:

(1) Select specific schools within the district for interventions and targeted assistance.

(2) Identify the specific interventions and technical assistance to be provided to ELL transformation districts which may include grant funds.

(3) Establish the expected growth in student progress indicators, and the expected benchmarks for student progress indicators, for English language learners of the district.

(4) Design and implement an accountability system of progressive interventions for the school district which will be provided for four years after the district has been identified as an ELL transformation district.

Stat. Auth.: Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

Stats. Implemented: ORS 339.079 and Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

**581-020-0613 (new rule)**

**Transformation District Technical Assistance**

(1)The technical assistance provided by the Department to ELL Transformation Districts shall have the following phases which may be repeated as necessary:

(a) Phase 1: Identify local district needs.

(b) Phase 2: Identify interventions.

(c) Phase 3: Plan for implementation.

(d) Phase 4: Implement and monitor.

(e) Phase 5: Review, reflect and adjust.

(2) The technical assistance must be within the following framework:

1. Be in collaboration with the school district;
2. Be based on a district needs assessment;
3. Be based upon district and state data;
4. Be individualized based on district needs and areas identified for improvement;
5. Be evidence-based;
6. Culturally responsive;
7. Consider the ELL student backgrounds and demographics of the district;
8. Include an examination of school district expenditures of federal and state funds for ELL students; and
9. Identify district improvement goals including expected growth in student progress indicators and the expected benchmarks to meet those goals.

(3) The technical assistance process must include engagement with:

(a) District administrators, teachers, ELL directors and other school district staff;

(b) Improvement and instructional coaches;

(c) Parents of ELL students; and

(d) Community stakeholders which may include community based organizations and federally recognized tribes.

Stat. Auth.: Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

Stats. Implemented: ORS 339.079 and Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

**581-020-0615**

**ELLTarget Districts**

The Department shall identify the:

(1) The technical assistance to be provided to ELL target districts.

(2) Establish the expected growth in student progress indicators, and the expected benchmarks for student progress indicators, for English language learners of the district.

(3) If resources are available after providing grant funds to ELLTransformation Districts, the Department may provide grant funds to ELL Target Districts.

Stat. Auth.: Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

Stats. Implemented: ORS 339.079 and Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

**581-020-0621 (new rule)**

**District Expenditure of Monies**

1. The Department shall direct transformation and target school districts on how to expend moneys received under ORS 327.013(1)(c)(A)(ii) (ELL weight) for up to three years, for identified districts that have not met the expected growth in student progress indicators, and the expected benchmarks for student progress indicators that were identified for the school district.
2. If a school district meets or exceeds the expected growth in student progress indicators and the expected benchmarks for student progress indicators, then the Department may no longer direct the expenditure to State School Fund monies under this section for that school district.
3. The Department shall utilize the following framework to direct the expenditure of monies under this section. The expenditure direction must be:
4. Individualized for each district based on state and district data and the district improvement work from the previous four years;
5. Aligned with evidence-based practices;
6. Focused on supporting the district in meeting expected growth in student progress indicators and the expected benchmarks for student progress indicators identified for the school district;
7. Be in writing and communicate to the district the specific direction of expenditures and the rationale for that direction; and
8. Be reviewed at least annually.
9. The Department may utilize the district and community engagement process established as part of the technical assistance process to receive feedback on the expenditure direction.
10. The direction on expenditure of moneys for school districts identified as ELL transformation or target districts in 2016 will first apply to monies received by those school districts from the ELL weight on or after July 1, 2020.

Stat. Auth.: Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

Stats. Implemented: ORS 339.079 and Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

**581-020-0624 (new rule)**

**Best Practices for ELL Students**

1. The Department shall create an online resource bank for sharing national, state and local best practices in serving ELL students and engaging parents of ELL students.
2. The online resource bank shall include resources for best practices that are evidence-based and culturally responsive which address at a minimum:
3. The provision of support for students who are in grades 6 to 12 and have been identified as ELL student for six or more years;
4. The provision of support for students who are former ELL students;
5. Engagement of parents and delivering essential notifications relating to ELL programs; and
6. Identification of students who are eligible to be enrolled as ELL students.

Stat. Auth.: Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

Stats. Implemented: ORS 339.079 and Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)