
**English Language Learners:
Action Needed to Improve Program
Compliance and Performance**

A report by the District Performance Auditor
October 2010

**PORTLAND PUBLIC SCHOOLS
PORTLAND, OREGON**



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Richard C. Tracy
District Performance Auditor

MEMORANDUM

To: Board of Education

From: Richard C. Tracy, District Performance Auditor

Date: October 15, 2010

Re: **English Language Learners - Performance Audit**

Attached is my audit report on English Language Learners at the Portland Public School district. The audit was performed in response to the 2010 Performance Audit Plan approved by the School Board.

I would like to thank the District management and staff for their assistance and cooperation in conducting this audit.

I look forward to meeting with you at upcoming Board and committee meetings to more fully discuss the report's findings and recommendations. Thank you for your ongoing support.

cc
Carole Smith
Jollee Patterson

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SUMMARY

English Language Learners (ELL) are the fastest growing segment of the student population in the United States. ELL students are increasingly present in all U.S. states and now comprise over 10 percent of the nation's K-12 population, up from 5 percent in 1990. ELL enrollment at Portland Public Schools exceeded 4,700 students in 2009-10, representing students speaking over 70 different languages and dialects. This audit analyzes the provision of ELL instructional services at Portland Public Schools and evaluates opportunities to improve performance.

The PPS district has been out of compliance with federal and state rules governing the provision of services to ELL students for 13 of the past 17 years, approximately 80 percent of the time between 1994 and 2010. Investigations and reviews by the federal Department of Education and the Oregon Department of Education have found recurrent problems in a number of areas despite PPS promises of corrective action and multiple efforts to improve compliance. Recurrent problems include:

- Poor delivery of English language proficiency instruction
- Inadequate access to core academic classes
- Using unlicensed staff to provide instructional services and lack of appropriate professional development
- Inappropriate methods for identifying eligible students and exiting proficient students

In addition to these compliance issues, PPS, like many districts in Oregon and around the nation, has had only modest success in helping students achieve English language proficiency and in closing the reading and math achievement gap between ELL and non-ELL students. For example, the percent of ELL students achieving proficiency and leaving the program declined from 47 percent in 2006-07 to 32 percent in 2008-09. In addition, the percent of ELL students meeting state benchmarks in reading and math has been significantly lower than the average of all PPS students and PPS economically disadvantaged students at all grade levels over the past five years. High school

graduation rates declined to 39% in 2008-09, 28 points lower than the district average of 67%.

It is difficult to determine with certainty the reasons for the district's inability to operate a compliant and high performing program for ELL students. However, based on my review, I believe there are four underlying factors that have had the most influence on recurrent compliance and performance problems. These factors are:

Lack of sustained commitment and leadership. While the district has been responsive and diligent in addressing compliance problems, district management has not made a serious effort to develop a vision for change and a defined strategy to achieve it. Additionally, frequent changes and turnover in key management positions has left the district without an effective and vocal advocate for improvement.

Inadequate monitoring and accountability systems. The district lacks a consistent and rigorous mechanism for on-site monitoring of schools to ensure accountability for ELL performance results. A significant amount of data on ELL language proficiency and achievement levels are available but I found little evidence that this information is compiled, analyzed, and communicated in useful formats on a frequent basis, or used consistently for decision-making.

Inconsistent and incomplete guidance and support for schools. School principals and administrators desire more complete and user-friendly operational guidance on how to manage and deliver services to ELL students. School officials say that information on the ELL program is available but it is not well-organized, changes frequently, and is difficult to understand.

Lack of collaborative effort. Progress toward a compliant and better performing ELL program is hampered by the lack of effective collaboration between the major groups involved with the delivery of services: ELL program managers, principals, regional managers, family service center staff, and parents. All expressed various levels of dissatisfaction with the operation of the program and distrust of other parties involved in the delivery.

In order to help the PPS district to establish a more stable, compliant, and better performing program for ELL students I make a number of recommendations and suggestions on pages 33 - 36 of this report. In brief, I recommend that the district undertake an improvement initiative, establish a rigorous accountability system, provide better operational support to schools, and strengthen collaboration.

INTRODUCTION

This report provides an analysis of educational services provided to English Language Learners (ELL) at the Portland Public School District. ELL students receive a broad array of services intended to help increase English proficiency and academic achievement. ELL programs are governed by a complex set of federal and state regulations and by a legal framework established by case law. This report provides an overview of ELL requirements, describes PPS compliance with these requirements over a 17 year period, evaluates the performance of ELL students, and assesses the impact of compliance problems on students and the district. In addition, the report explores some of the factors that have contributed to long-term problems with the delivery of educational services to ELL students at the Portland Public School district. A more detailed description of the reports objectives, scope, and methodology is presented on page 14.

English Language Learners: Statutory and regulatory requirements

Educational services to students who are ELL are prescribed by a relatively complex set of federal and state laws and regulations, executive orders and agency policies, and various provisions of federal case law. The major elements of this legal and regulatory scheme are:

- Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs funded by federal financial assistance
- The Elementary and Secondary Education Act of 1965 as subsequently amended and reauthorized by the Bilingual Education Act and the No Child Left Behind Act of 2001 established 1.) programs to meet the special needs of children with limited English speaking ability, 2.) a dual expectation that ELL students should have access to English language instruction and core academic classes, and 3.) standards for academic accountability to ensure ELL students meet the same academic benchmarks as other subgroups of the student population.

- Lau vs. Nichols (1974) found a denial of equal educational opportunity under the Civil Rights Act of 1964 and affirmed the authority of the federal government to require affirmative remedial efforts to give special attention to linguistically deprived children
- Castaneda vs. Pickard (1981) formulated a three-part test to determine school district compliance with equal educational opportunity for limited English proficient students. Schools must 1.) pursue a program based on sound, recognized educational theory or legitimate experimental strategy, 2.) implement the program with practices, resources, and personnel to transfer theory to reality, and 3.) evaluate the program and modify programs that fail to produce results
- Oregon State Statutes and Administrative Rules establish school district requirements to provide specific courses to English language learners to teach speaking, reading, and writing English. Districts must also comply with federal and state anti-discrimination laws. Authorizes state to provide special funding for ELL students and to monitor, evaluate, and sanction school district non-compliance.

The Oregon Department of Education (ODE) has primary responsibility for providing state school funding to districts with eligible students enrolled in English as a Second Language (ESL) programs and monitoring and overseeing local agency programs to ensure they meet the basic guidelines for these programs established by the US Department of Education, Office of Civil Rights (OCR). In addition, ODE provides technical advice and assistance to local school districts, awards federal funding for services to ELL students available through Title I and III of the No Child Left Behind Act (NCLB), and reports on school district performance helping ELL students achieve English language proficiency and meet academic benchmarks.

Annual Measureable Achievement Objectives

The federal No Child Left Behind Act establishes a number of requirements to measure and report on the achievement of students. For ELL students, a set of performance metrics called Annual Measureable Achievement Objectives (AMAO) measure student progress in English language proficiency and academic achievement against established standards. In order to meet federal requirements, school districts in 2008-9 were required to meet targets in three areas:

1. At least 35 percent of ELL students move up by one level of English proficiency by the end of the school year.
2. At least 50 percent of ELL students in the program for five years or more achieve English proficiency and leave the program.
3. ELL students make adequate yearly progress (AYP) in language arts and math, school attendance and graduation, and participation in assessment as measured by the annual Oregon Assessment of Knowledge and Skills test.

School districts that fail to meet all three of these objectives for two consecutive years are considered in “improvement status” and must submit a plan of improvement to the ODE. Performance targets for AMAO 1 and 2 increase every three years and students are expected to make continual and substantial improvement equaling almost 10 percent improvement each year. (For example, in school years 2009-10 through 2011-12 AMAO #1 target will be 65 percent and increase to 95 percent for school years 2012-13 through 2014-15. Targets for AMAO #2 will move from 70 percent to 90 percent over these same periods.)

English Language Proficiency

Proficiency in learning the English language is determined by the English Language Proficiency Assessment (ELPA). ELPA is a standardized test administered annually for the past four years by the state ODE. All enrolled ELL students are assessed in four areas: reading, writing, listening, and speaking and then assigned an overall proficiency level on a 1 to 5 scale ranging from beginning (1) to advanced (5). Students scoring a 5 are considered proficient and are eligible to exit the program.

ELL enrollment, staffing, and financial trends at Portland Public Schools

Over the past five years, the number of ELL students enrolled at PPS has declined by 10 percent, from 5,230 in 2005-06 to 4,721 in 2009-10. As shown in the table below, most of the decline is due to lower ELL enrollments at the high school level. The number of ELL students enrolled at the elementary level has increased while the number of middle school enrollment has remained relatively steady. Over all, ELL students represent about 10 percent of the district wide enrollment.

Figure 1 ELL enrollment at PPS by grade level, 2005-06 to 2009-10

	2005-6	2006-7	2007-8	2008-9	2009-10	PPS		
						Total	% ELL	
Elementary K-8	3276	3239	3,314	3,594	3,670	78%	25,629	14%
Middle	981	660	338	296	291	6%	5,211	6%
High	955	839	830	816	590	12%	11,034	5%
Other Special	18	5	267	189	170	4%	4,722	4%
TOTAL	5,230	4,743	4,749	4,895	4,721	100%	46,596	10%

Source: Fall Enrollment Data from *School Profile and Enrollment Data*

Online at <http://www.mis.pps.k12.or.us/docs/pg/10310>

According to PPS, ELL students speak over 70 different languages and dialects. Disaggregated by major language cluster, the language spoken by the largest group of ELL students is Spanish, with approximately 2,368 students or 50.5 percent of all ELLs. Spanish speakers are followed by Vietnamese (12.8%), Somali/Maay-Maay speakers (7.6%), Chinese/Cantonese (4.9%), other Southeast Asian speakers (4.6%), and Russian (3.5%). As shown by table 2 below, the number Spanish, Russian, and Chinese/Cantonese speakers has declined over the past five years, while the number of Somali/Maay-Maay speakers has increased significantly and Arabic and Vietnamese speakers grew slightly.

Figure 2 PPS ELL students by major language group, 2005-06 to 2009-10

	'05-06	'06-07	'07-08	'08-09	'09-10	
Arabic	38	29	17	39	54	1.2%
Chinese /Cantonese	292	315	280	219	232	4.9%
Russian	281	197	217	194	165	3.5%
Somali /Maay-Maay	17	285	303	355	357	7.6%
Southeast Asian (other)	315	229	240	228	216	4.6%
Spanish	2,744	2,525	2,468	2,511	2,368	50.5%
Vietnamese	565	558	543	583	602	12.8%
Other	978	605	681	782	694	14.8%
TOTAL	5,230	4,743	4,749	4,911	4,688	100.0%

Source: Portland Public School ESL program data

The table below displays the number of ELL students by English proficiency level over the past five years. The table shows that the percentage of students at proficiency levels 1 and 2 (50%) is about the same as the percentage of students at levels 3 and 4 (48%). Although there does not appear to be a clear pattern in the growth or decline in the number of students by proficiency level, the number of Early Intermediate (level 2) students has increased rather steadily over four years and the number of early advanced/advanced has declined slightly.

Figure 3 ELLs by English Language Proficiency level, 2005-06 to 2009-10

	'05-06*	'06-07	'07-08	'08-09	'09-10	
Beginner	<i>n.a.</i>	826	549	624	771	16.4%
Early Intermediate	<i>n.a.</i>	1,120	1,293	1,445	1,574	33.4%
Intermediate	<i>n.a.</i>	925	1,419	1,476	1,286	27.3%
Early Advanced	<i>n.a.</i>	1,074	1,226	1,168	963	20.4%
Advanced	<i>n.a.</i>	837	343	277	-	0.0%
<i>n.a.</i>	<i>n.a.</i>	2	30	-	120	2.5%
TOTAL	<i>n.a.</i>	4,784	4,860	4,990	4,714	100.0%

Source: Portland Public Schools ESL program data.
 ODE had not fully implemented the ELPA
 assessment - 05-06 data are not comparable.

As shown in Figure 4 below, over the past five years, the PPS general fund expenditures have remained relatively stable, increasing from \$11.4 million to \$11.9 million. Elementary schools have the highest number of ELL students and comprise most of the expenditures in 2009-10 (65%) followed by High Schools (21%) and Middle Schools (14%). ELL federal grant funding has increased from approximately \$600,000 to over \$1.2 million in the same period.

Revenues to support educational services for ELL students are derived from two primary sources - the state school fund and federal grants. Under the Oregon state school fund grant formula, school districts receive additional funding for eligible students enrolled in ESL programs. On average, this amounts to approximately \$2,700 for each ELL student each year. In addition, districts also receive approximately \$136 per ELL student through Title III of the federal No Child Left Behind Act.

Figure 4 PPS ESL Expenditures - FY2005-06 to 2009-10

	'05-06	'06-07	'07-08	'08-09	'09-10
ESL General Fund expenditures (actual)					
Elementary	\$6,584,862	\$7,112,157	\$7,699,893	\$8,706,488	\$7,775,735
Middle	\$2,075,397	\$1,950,262	\$1,380,632	\$1,161,616	\$1,261,406
High	\$2,342,185	\$2,186,394	\$2,324,216	\$2,547,066	\$2,445,451
Assessment	\$399,529	\$420,926	\$390,554	\$412,144	\$396,259
	11,401,973	\$11,669,739	\$11,795,295	\$12,827,314	\$11,878,851
ESL other grant funds expenditures (actual)					
Elementary.	\$169,492	\$186,143	\$135,588	\$440,324	\$552,897
Middle	\$46,691	\$19,603	\$4,657	\$13,326	\$13,543
High	\$62,411	\$116,196	\$174,904	\$232,572	\$658,650
Assessment	\$338,253	\$311,530	\$283,689	\$356,193	\$0
	\$616,847	\$633,472	\$598,838	\$1,042,415	\$1,225,090

Source: PPS Budgets

Overall staffing for ELL education is comprised of ESL teachers and educational assistants at PPS schools, ESL/Bilingual Department management and administrative staff, and Family Service Center and curriculum and training employees funded by the ESL/Bilingual Program. The table below, shows that the number of ESL teachers and educational assistants, supervisors and administrators, family service center staff, and curriculum and training support staff from FY '05-06 through '09-10.

Figure 5 PPS ELL staffing FY2005-06 to 2009-10

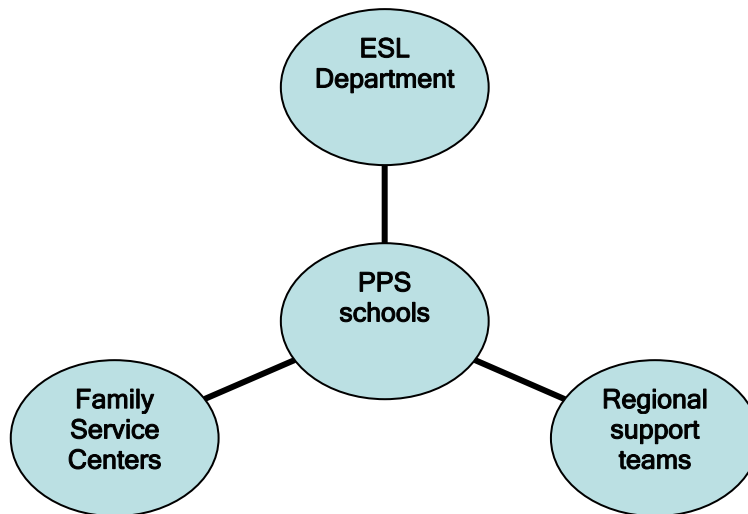
	'05-06	'06-07	'07-08	'08-09	'09-10
Licensed teachers & assistants at schools	179	173	175	178	164
ESL/Bilingual program supervision & administration	12	14	16	19	17
Family center, social work, & assessment staff	12	12	11	11	13
Curriculum development and training support staff	0	3	2	7	6
Total funded ESL/Bilingual FTEs	203	201	204	214	200

Source: PPS budget records. Rounded to nearest FTE.

Delivery of ELL services at PPS

English language and academic instruction is provided to ELL students at elementary, middle, and high schools. While school administrators (principals) and teachers have the primary responsibility for improving English language proficiency and ensuring students have access to core academic content, the ELL program is supported by three other groups: the ESL/Immersion department, Regional management and service teams, and the Family Support Centers.

Figure 6 Support for ELL services at PPS schools



ROLES AND RESPONSIBILITIES

PPS schools. Approximately 78 elementary, middle, and high schools provide English language and core academic instruction to PPS ELL students. Schools have the primary role and responsibility to improve the English proficiency of students while providing access to the grade level curriculum. In many cases, an ESL teacher under direction by the principal acts as a case manager at each school to monitor performance, coordinate testing and assessments, maintain records, and review promotions from the program.

Regional district management and services teams. The district is organized into three regions, each managed by a Deputy Superintendent. In each district, a cluster of

elementary, middle, and high schools report to a service team composed of a Deputy Superintendent, a part-time Regional Administrator, and various teacher specialists, such as special education and ESL teachers on special assignment (TOSAs). One of the Deputy Superintendents supervises alternative schools and charters while focus schools are supervised by the deputy superintendent in whose region the school resides. The three regional service teams coordinate, assist, and oversee all educational services provided by schools, including ELL services.

ESL/Immersion Department. The ESL/Immersion department provides support and assistance to all schools to ensure ELL students receive appropriate services. Under the direction of the ESL Director, the department prepares the biannual ESL District Plan, provides technical advice and support to schools and teachers, and coordinates professional development for ESL teachers. The department helps integrated appropriate technology and curriculum into schools, works with parent groups and other stakeholders, and helps schools develop appropriate daily schedules for ELL services.

Family support centers. The two Family Support Centers on the Northside and Southside provide initial services to all new ELL students and their families. The centers administer an oral language proficiency assessment to all students that are identified as having a primary language other than English. The assessment staff inform parents of the eligibility for ELL services, create manual and automated records for the student, and send records and assessment results to schools for placement in appropriate classes.

OVERALL PROCESS

The overall process for delivering services to ELL students involves six major steps, shown on the flowchart on page 13. The steps and features of the overall process include, in chronological order:

1. Identify eligibility

- Administer a Home Language Survey to all students to determine the student's first or home language - survey administered at schools or Family Service Centers
- Refer new students to Family Service Centers for language proficiency assessment and other services

2. Assess English proficiency

- Administer an oral language proficiency assessment to students who are identified by the Home Language Survey as having a language other than English
- Inform schools and parents of assessment results and student eligibility for ELL services
- Create manual and automated record of student profile and English proficiency level
- Obtain parental approval to place student in ELL program

3. Place in English language development and sheltered instruction

- Place student in appropriate English language development (ELD) class at schools depending on proficiency level
- Ensure ELD class is a minimum of 150 minutes throughout the week
- Provide meaningful access to all aspects of the general education program at schools including math, language arts, social studies and science
- Provide ELD instruction at middle and high schools in place of one elective period

4. Deliver curriculum with qualified teachers

- Provide research-based ELD instruction with licensed teacher trained in methods that are effective with second language learners
- Provide adequate instructional materials and support services such as tutoring
- Ensure general education teachers have appropriate credentials and training to offer sheltered instruction in ways that make academic content accessible to ELL students

5. Annually test English proficiency and academic achievement

- Administer the Oregon English Language Proficiency Assessment annually to all ELL students to determine progress in improving English proficiency
- Administer the Oregon Assessment of Knowledge and Skills annually to Assess progress in meeting language and math benchmarks, test participation levels, and attendance and graduation rates

6. Exit the program

- Promote ELL students out of the ELL program when students achieve English language proficiency
- Monitor students that have left the program for at least two years to assess progress and to determine if additional language assistance is needed

Figure 7 Overall process for delivering services to ELL students

IDENTIFY ELIGIBILITY

- Parents complete home language survey
- Survey completed at school or Family Center



PROFICIENCY LEVEL ASSESSMENT

- If language other than English is identified, language proficiency assessment given (IPT)
- If ESL eligible, student profile and student ESL records created
- If HS student, determine if student has eligible credits from previous schooling



ELD AND SHELTERED INSTRUCTION

- Student profile and proficiency level data sent to school
- Student placed in English language development (ELD) and core academic classes if parent accepts ELL services



CURRICULUM / QUALIFIED STAFF

- Trained and qualified ESL and classroom teachers provide academic instruction
- Special support provided to students as needed



ANNUAL ELPA & OAKS ASSESSMENT

- Assessed by ODE
- Students tested for English proficiency level and academic achievement each spring
- Students continue with ELD/sheltered instruction or considered for exit



EXIT ELL PROGRAM

- If evidence indicates English proficiency, promoted from ELD
 - Monitored for continuing proficiency for 2 years - retained/ returned
-

Audit objectives, scope, and methods

This audit had four primary objectives as follows:

1. To identify and describe the history of PPS non-compliance with federal and state laws and regulations for the provision of services to English language learners from 1994 to 2010.
2. To identify and summarize major provisions of laws, regulations, policies and best practices for how school districts should provide services to English language learners.
3. To determine the major factors that contribute to the inability of PPS to consistently operate a compliant and high-performing ELL program.
4. To evaluate the impact of non-compliance on the PPS district and ELL students.

To address these objectives, I interviewed PPS managers and administrators including the ESL/Immersion Department, school principals, four Deputy Superintendents, the Chief Academic Officer, ESL Program Administrators and assessment specialists, representatives from the Family Service Centers, and parent representatives. I also met with officials from the Oregon Department of Education and three other school districts in the region (Salem-Keizer, Forest Grove, and Hillsboro) to learn about the requirements of ELL service delivery and how other districts implement the program. In addition, I reviewed laws, regulations, policies and procedures from PPS, ODE, and the federal Department of Education, and obtained documents from prior investigations, audits, and reviews. I also reviewed academic research and professional publications on the delivery of services to English language learners.

I obtained data on ELL academic achievement and English proficiency level testing results from ODE and PPS Research and Evaluation. I also obtained data on PPS' ELL population including enrollment, home language, program duration, and exit rates. Finally, I obtained information on PPS School Improvement Plans, organizational structures for ELL delivery, and ESL budget information.

This audit was conducted in accordance with my 2010 Audit Plan approved by the PPS School Board. It was performed during the months of March, April, May, and June of 2010. I was assisted on this audit by an independent performance audit consultant, Kathryn Nichols. The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that I plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for my findings and conclusions based on my audit objectives. I believe the evidence obtained

provides a reasonable basis for the finding and conclusions based on the audit objectives. I have implemented an internal quality control process to ensure standards are met but have not undergone an external quality review as required by standards.

AUDIT RESULTS

Over the past seventeen years, PPS has been in and out of compliance with federal and state regulatory requirements with no sustained improvement in the delivery of ELL services. Similar to many school districts in the nation, PPS has had only modest success in helping ELL students achieve English proficiency and in closing the reading and math achievement gap between ELL and non-ELL students. Many of these problems are inherent in the challenge of helping students learn English while also achieving mastery of core academic content in a new language. However, some of the problems at PPS are the result of various weaknesses in the overall management of the program. Specifically, the district has not made a strong commitment to improve the approach to ELL instruction nor implemented rigorous methods to monitor performance and strengthen accountability for results. In addition, the district has not provided consistent and clear guidance and support to schools to help improve delivery of services to the ELL population. Finally, unlike districts around the country that show improvement in ELL instruction, there is an overall lack of positive collaboration among the various parties involved in the delivery of ELL services at PPS. There are recent signs of progress in parent collaboration and expanded professional development opportunities but they are threatened by continuing resource constraints and turnover in key leadership positions.

Lengthy history of non-compliance: 1994 to 2010

The Portland Public Schools has been out of compliance with state and federal regulations governing the provision of ELL educational services for 13 of the past 17 years, approximately 80 percent of time between 1994 and 2010. Beginning with the initial compliance investigation by the federal Department of Education's Office of Civil Rights (OCR) in 1994 through the most recent compliance review by the Oregon Department of Education in 2009, the district has had recurrent deficiencies in the delivery of services to ELL students. The sections below summarize the four main investigations and reviews conducted at PPS and compare the finding results.

1. 1994 Office of Civil Rights investigation

The initial event in PPS' history of non-compliance was a complaint to the federal Department of Education's Office of Civil Rights (OCR) in 1994. In a letter to Superintendent Jack Bierwirth, an OCR investigation found several problems including eligible students not receiving services and weaknesses in identifying eligible ELL students. A settlement agreement between PPS and the OCR stipulated that the district would reexamine and revise its plan for ELL services to ensure weakness would be addressed at all schools. Among various corrective actions, the agreement required all PPS schools to submit self-evaluations through July of 1998. However, a 1998 letter from OCT to the district found that the district despite the agreement had not brought itself into full compliance and OCR required an in-depth comprehensive evaluation of the program.

2. 1999 Office of Civil Rights compliance review

OCR compliance visits in Winter and Spring of 1999 resulted in 14 new findings of non-compliance. Findings included failure to track and evaluate ELL effectiveness at schools, lack of consistency in programs across school sites, no accountability for implementation, and continuing problems with identifying and exiting ELL students. OCR and PPS entered into an agreement in December of 1999 to resolve the findings and reiterated many of the provisions of the original settlement agreement.

In a letter to Superintendent Ben Canada, the OCR agreed to suspend monitoring of PPS compliance contingent upon the successful completion of the agreement to resolve. PPS was directed to conduct an internal investigation of the causes for non-compliance, to implement a comprehensive action plan for improvement with specific goals and timelines for completion, prepare periodic evaluations and reports on the ELL program and submit progress to OCR. Several reports and evaluations were conducted by PPS between 2000 and 2004. On November 2004, the OCR closed its monitoring of the 1999 agreement to resolve in a letter to Superintendent Jim Sherzinger.

3. October 2005 Oregon Department of Education review

After closing the 1994 and 1999 OCR investigations, responsibility for monitoring and overseeing school district compliance with federal laws and regulations was placed with state education agencies under provisions of the NCLB Act. NCLB also brought additional accountability for performance in achieving English language proficiency and academic achievement.

ODE's first review of PPS compliance with NCLB and Title III provisions for English Language Learners in October 2005 identified a number of compliance

problems. Major findings included problems with translating information for parents, lack of specifically designed classes to provide English language development classes, a failure to exit proficiency students from the program, and differences in planned versus actual program delivery models. In May 2006 letter to Superintendent Vicki Phillips, ODE found that the district had addressed the review findings and was in compliance with federal requirements.

4. January 2009 Oregon Department of Education review

ODE conducted their second compliance review at PPS in January 2009. The review identified five findings related to the delivery of ELD and core subject instruction, unreliable data on program models, and lack of translated materials for parents. A follow-up visit in November of 2009 found that the district had resolved three of the findings but identified three additional findings related to consistently applying the exit criteria, using educational assistants to provide instruction, and weaknesses in the ELD instruction. ODE delayed release of Title III funding until resolution of the findings.

Over several months, PPS provided evidence of planned corrective action to the ODE. In a May 2010 letter to Superintendent Carole Smith, ODE issued a letter of compliance to PPS and released the withheld Title III funds.

RECURRENT PROBLEM AREAS

As shown in the table below, over the 17 years we examined, the district's ELL program has failed to meet federal and state requirements across a broad range of program areas. In four areas, findings of non-compliance were made three or four successive times despite previous promises of corrective action and previous efforts to improve compliance. These recurrent problem areas are:

- Failure to develop translated materials and information for non-English speaking parents
- Staffing issues such as a need to upgrade teacher qualifications, lack of adequate training and professional development, and using unlicensed staff to provide ELL services
- Inappropriate delivery of English language proficiency instruction and lack of access to core academic classes
- Employing inappropriate methods for identifying and removing proficient students from the program and monitoring status for two years

Figure 8 Recurrent problem areas

ESL compliance problems identified by OCR and ODE	1994 (OCR)	1999 (OCR)	2005 (ODE)	2009 (ODE)
Identification/assessment	X	X		
Translation	X	X		X
Placement/curriculum	X	X	X	X
Staffing	X	X		X
Textbooks and materials	X	X		
Exiting and monitoring		X	X	X
Evaluation		X		
Other	X	X		

Source: Auditor’s analysis of ESL compliance and monitoring documents

Our review also suggest that the ten years spent bringing PPS into compliance from 1994 to 2005 appears to have addressed previous recurrent problems in identification and assessment of eligible students, development of adequate textbooks and instructional materials, and the evaluation of ELL effectiveness. These weaknesses have not been identified in the last two ODE reviews in 2005 and 2009.

Over this 17-year period, four separate complaints were filed with the federal Department of Education Office of Civil Rights. The initial complaint in 1994 was followed by another complaint in 1998. Both these complaints have subsequently been investigated and closed. A new complaint in January 2010 alleges ongoing problems with communicating with non-English speaking parents. OCR is currently reviewing ODE’s monitoring efforts to determine if the district has met regulations in this area. Another complaint in February 2010 alleges that students at one high school do not have access to a quality and equitable education. We could not determine if OCR has officially opened a case for this investigation.

HISTORY OF CORRECTIVE ACTIONS

From 1994 through May of 2010, the district has been in corrective action status for thirteen of the seventeen years. Failure to comply with initial agreements to correct deficiencies led to more intensive monitoring and additional findings of non-compliance. For example, the initial OCR 1994 settlement agreement included two general findings and seven remedial findings and 61 action steps. The 1999 agreement to resolve was more comprehensive and resulted in 14 findings and 75 substantial and far-reaching action steps.

Similarly, the 2005 ODE investigation identified findings in two areas at three high schools but the 2009 ODE monitoring identified visits identified eight finding areas with substantial corrective action requirements. The table below summarizes the corrective actions taken by PPS over the past 17 years to address ELL program deficiencies. Appendix C provides more detailed information on actions taken by PPS over the past 17 years to address OCR and ODE investigations and reviews.

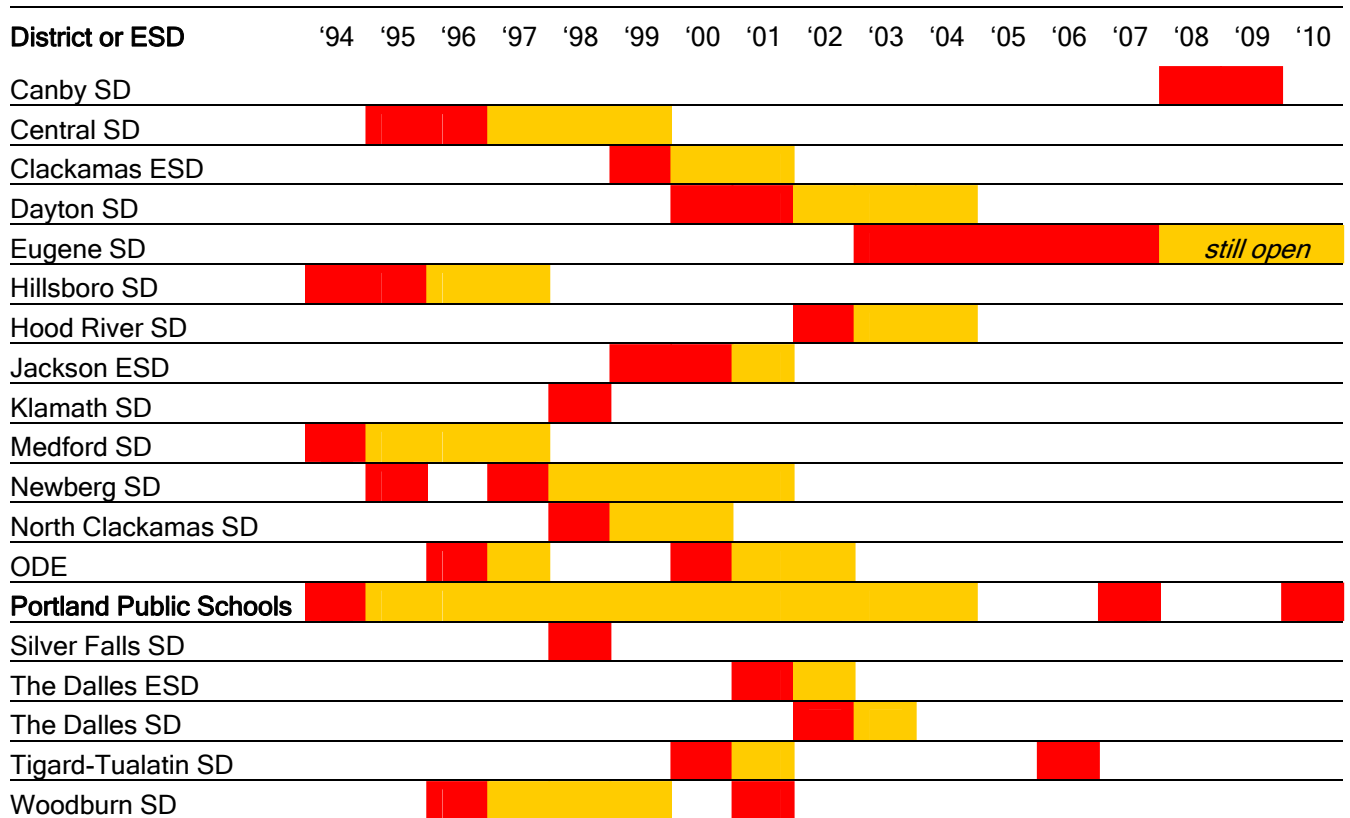
Figure 9 Summary of corrective actions taken to achieve compliance

1994-1999 (OCR)	(deemed insufficient to meet Settlement Agreement by 1998)
1999-2004 (1999 Agreement to Resolve)	More detailed and comprehensive corrective actions in 1999 Agreement to Resolve were completed over 5-year period
2005-6 (ODE)	Corrective actions focused on improving ELD teacher training, parent notification, and better reporting.
2008-9 (OCR)	Corrective actions focused on enhancing ELL program at 4 high schools
2009-10 (ODE)	Comprehensive corrective actions implemented to achieve compliance and restore Title III funding
Source: Auditors analysis of PPS responses.	

FREQUENCY OF OCR COMPLAINTS IN OTHER DISTRICTS

Although the PPS district has had a long history addressing OCR complaints, the district is not the only district in Oregon that has had civil rights investigations by the federal Department of Education.

Figure 10 History of OCR complaints at Oregon school districts - 1994 - 2010



KEY:
 Complaint to resolution ■
 Resolution to close ■

Source: Chronology obtained from Region 10 Office of OCR with all OCR complaints filed in Oregon between 1994 and the present.

Impact on ELL students and the PPS district

The long history of non-compliance with the provisions of state and federal regulations has affected the district in a variety of ways. Over \$600,000 in federal Title III funds were temporarily withheld in 2009-10 and the district's community image has suffered. In addition, while the district has spent significant time and effort over the years demonstrating compliance and pursuing corrective actions to federal and state findings, ELL students at PPS have had only marginal success in achieving language proficiency, exiting the program, meeting reading and math benchmarks, and graduating from HS.

Federal funds temporarily withheld

As a result of continued findings of non-compliance with NCLB requirements identified in ODE monitoring visits in January and November of 2009, the Oregon Department of Education withheld the disbursement of 2009-10 Federal Title III funding to PPS. Approximately, \$617,000 in federal funding was withheld until PPS could demonstrate to ODE that planned corrective action on five identified findings was sufficient to address the weaknesses in the delivery of ELL services.

After several months of effort in 2009 and 2010, the district submitted final planned corrective actions to ODE in April 2010. Upon review of these revised corrective action plans, ODE found that PPS had met the corrective actions requested. A May 2010 letter from ODE to Superintendent Smith indicated that withheld Title III funds would be released to PPS and that ODE would return to PPS during the 2010-11 school year to "verify the faithful implementation of the correction actions submitted" to ODE.

Significant administrative effort pursuing compliance

Because PPS has been out of compliance for so many years, the district and the ESL department has been in an ongoing reactive mode. According managers and district staff, the ongoing process of bringing the district into compliance has been very labor intensive and has involved significant administrative time and effort by the ESL department, the Compliance Officer, school principals and ESL staff, Research and Evaluation, and central district management.

My discussions with ESL managers and staff indicate a general frustration with the ongoing problems with compliance. Some believe that the ESL department is constantly "putting out fires" but not developing and implementing a thoughtful plan for providing service to ELL students. One administrator said that the department spends most of its time reacting to monitoring visits and complaints but too little time establishing a clear vision and plan on how the program should operate. An over-emphasis on compliance is seen as inhibiting more systematic instructional improvements.

The inability to implement a compliant and stable program to serve ELL students has affected the image and reputation of PPS. In particular, the withholding of federal funds in 2009 -10 resulted in adverse local and national media reports.

Student English proficiency and academic achievement

Despite the level of effort taken by PPS to improve compliance with federal and state requirements, the performance of the district in helping students achieve English language proficiency has not shown improvement. Over the past five years, the percent of students making progress in acquiring English language proficiency (i.e. the percent of students increasing proficiency by at least one level) has declined, particularly from 2006-07 to 2008-09. Although the district exceeded the state target of 35 percent in these years, the state target has increased to 50 percent in 2009-10.

In addition, the percent of students attaining English language proficiency and leaving the program has declined from 45 percent in 2006-07 to 32 percent in 2008-09, and the district did not meet the state target of 50 percent in the past three years.

Figure 11 English proficiency level assessments, 2004-05 to 2008-09

		'04-05*	'05-06*	'06-07	'07-08	'08-09
% ELL students making progress	TARGET:			35%	35%	35%
		55%	49%	51%	46%	43%
% ELL students attaining proficiency	TARGET:			50%	50%	50%
		6%	11%	47%	25%	32%

Source: Oregon Department of Education ELPA assessments and PPS assessment data

* Different assessment method used in these years

It should be noted that most other Oregon districts with large ELL populations met goals related to making progress but also failed to reach the targeted goal for achieving proficiency. As shown in the table below, in 2008-09 PPS had the lowest percentage of students making progress in attaining English proficiency compared to other districts with large ELL enrollments but one of the highest percentages of students achieving proficiency after at least five years with the program.

**Figure 12 2008-09 English Language Proficiency: Top 10 Oregon Districts by ELL enrollment
ODE ELPA data**

	ELL count	% making progress	% achieved proficiency
Salem-Keizer	6,830	44%	16%
Beaverton	5,323	51%	30%
Portland	4,539	43%	32%
Reynolds	3,065	49%	22%
Hillsboro	2,847	46%	23%
Woodburn	2,769	47%	22%
David Douglas	2,352	53%	31%
North Clackamas	2,135	51%	27%
Tigard-Tualatin	1,429	53%	34%
Forest Grove	1,325	50%	19%

An analysis (Figure 13) of the PPS schools with the highest number of ELL students shows some interesting patterns in the percent of students making progress and achieving proficiency in the English language. Based on review of ELPA scores in 2008-09 at 31 elementary, middle, and high schools, progress and proficiency ratings do not appear to be associated with the level of enrollment. Some students at high enrollment schools appear to do as well or better than students at somewhat lower ELL enrollment schools. Also, elementary school ELL students at high enrollment schools have a lower percent of students making progress than middle school or high school students. Several factors may explain this condition including the fact that elementary students may be comprised of more students in their first years of schooling. As they progress in grade levels, they may begin making progress and reaching proficiency in higher grades.

However, some high enrollment elementary schools do far better or far worse than the average of all PPS schools. For example, Whitman school had a much higher than average percent of students making progress (63%) and attaining proficiency (57%) while Clarendon-Portsmouth had a much lower than average percent of students making progress (23%) and reaching proficiency (8%).

ELL students at middle schools with high enrollments have a consistently higher percentage of students making progress than elementary or high schools. There was great variation in the grade level of students achieving proficiency and no level seems to be better than others. Overall, of these 31 schools, Benson High School had the highest

percent of students making progress (70%) and Biz Tech high school had the highest percent of students achieving English proficiency during the year (65%).

Figure 13 2008-09 ELPA Proficiency Assessment results for PPS schools with highest ESL enrollments (xx% = below PPS average)

		ESL students*	Progressing**	Proficient***
Elementary/K8				
1	Harrison Park	256	41%	30%
2	Scott	227	39%	16%
3	Rigler	206	42%	30%
4	Cesar Chavez	199	23%	8%
5	Lent	173	43%	22%
6	Kelly	169	39%	59%
7	Woodmere	169	26%	19%
8	James John	159	42%	30%
9	Marysville	140	35%	9%
10	Rosa Parks	136	43%	31%
11	Atkinson	130	42%	12%
12	Beach	130	31%	5%
13	Whitman	129	63%	57%
14	Lee	125	24%	9%
15	Markham	106	44%	52%
16	Vestal	107	38%	16%
17	Sitton	98	31%	25%
18	Grout	98	48%	37%
19	Bridger	97	52%	17%
20	Peninsula	91	39%	37%
Middle Schools				
21	Lane	90	59%	33%
22	George	67	53%	26%
23	Hosford	58	63%	45%
24	Jackson	45	64%	42%
25	Mt. Tabor	25	52%	7%
High Schools				
26	Madison	149	55%	45%
27	Franklin	109	49%	46%
28	Biz Tech	64	55%	65%
29	Cleveland	64	45%	32%
30	Jefferson	63	51%	24%
31	Benson	63	70%	62%
PPS AVERAGE			43%	32%
STATE LARGE SCHOOL AVG			49%	22%

* Unduplicated student count by ODE

** AMAO #1: % of students moving up one proficiency level

*** AMAO #2: % of students in program at least 5 years that reach proficiency and exit

As shown by the three tables that follow, there is a significant gap in the achievement scores between ELL students and the subgroup of economically disadvantaged PPS students and the average of all PPS students. The percent of ELL students that meet benchmarks in reading and math at the elementary, middle, and high school levels is generally much lower. While ELL attendance rates in elementary and middle school are as good or better, graduation rates for ELL students in high school are also much lower than the economically disadvantaged subgroup and the average for all PPS students.

In addition, while ELL student performance at the elementary level meets or exceeds state standards, performance begins to fall in middle school and deteriorates significantly by high school. As shown in the Figure 14 below, ELL student reading and mathematics scores, and graduation rates in high school are significantly lower than the economically disadvantaged student subgroup and the average of all PPS students in comparison to elementary and middle school comparisons.

Figure 14 Annual Yearly Progress Assessments

PPS GRADES 3 to 5		% of students meeting state target				
		'04-05	'05-06*	'06-07	'07-08	'08-09
English/Language Arts	STATE TARGET:	50%	50%	50%	60%	60%
ELL students		67%	52%	51%	62%	62%
Economically disadvantaged students		79%	70%	67%	71%	74%
All PPS students		87%	-	80%	83%	84%
Math Knowledge/Skills	STATE TARGET:	49%	49%	49%	59%	59%
ELL students		73%	61%	54%	63%	65%
Economically disadvantaged students		79%	69%	62%	69%	70%
All PPS students		86%	-	75%	81%	81%
Attendance	STATE TARGET:	92%	92%	92%	92%	92%
ELL students		95%	95%	95%	95%	95%
Economically disadvantaged students		94%	93%	93%	93%	93%
All PPS students		94%	95%	94%	94%	95%

PPS GRADES 6 to 8		% of students meeting state target				
		'04-05	'05-06*	'06-07	'07-08	'08-09
Reading Knowledge/Skills	STATE TARGET:	50%	50%	50%	60%	60%
ELL students		40%	38%	50%	49%	43%
Economically disadvantaged students		58%	60%	64%	62%	65%
All PPS students		73%	-	76%	77%	79%
Math Knowledge/Skills	STATE TARGET:	49%	49%	49%	59%	59%
ELL students		48%	49%	56%	65%	57%
Economically disadvantaged students		59%	64%	62%	66%	68%
All PPS students		74%		76%	79%	79%
Attendance	STATE TARGET:	92%	92%	92%	92%	92%
ELL students		94%	94%	94%	94%	95%
Economically disadvantaged students		93%	93%	93%	92%	93%
All PPS students		94%	94%	94%	94%	94%

PPS GRADE 10		% of students meeting state target				
		'04-05	'05-06*	'06-07	'07-08	'08-09
Reading Knowledge/Skills	STATE TARGET:	50%	50%	50%	60%	60%
ELL students		9%	16%	17%	22%	19%
Economically disadvantaged students		32%	47%	43%	46%	47%
All PPS students		37%		64%	65%	66%
Math Knowledge/Skills	STATE TARGET:	49%	49%	49%	59%	59%
ELL students		18%	22%	26%	28%	30%
Economically disadvantaged students		29%	40%	34%	36%	40%
All PPS students		32%		56%	55%	58%
Graduation	STATE TARGET:	68%	68%	68%	68%	68%
ELL students		66%	53%	46%	50%	39%
Economically disadvantaged students		68%	67%	69%	68%	69%
All PPS students		65%	68%	70%	68%	67%

xx% = below state standard * 2005-06 data not available for all students

Factors contributing to on-going problems

It is difficult to determine with certainty the reasons why PPS has had such difficulty in developing and implementing a stable and compliant program for ELL students. PPS managers, administrators, and staff have a variety of views about the weaknesses in the program but no common agreement on the primary factors for the long duration of non-compliance. However, based on over 60 interviews with PPS officials, ODE representatives, and staff from other districts, and my reading of recent national reports on ELL education, I believe there are four underlying factors that have had the most influence on the inability to address recurrent weaknesses in the delivery of ELL services at PPS.

LACK OF SUSTAINED COMMITMENT AND LEADERSHIP

PPS has not made a strong commitment to improving the district's approach to ELL instruction. While the district has been both responsive and diligent in addressing compliance issues identified by the federal and state governments, these actions have been largely exercises in compliance rather than a systematic effort to develop a clear vision for change and a defined strategy to achieve it.

A 2009 study of English Language Learners by the Council of Great City Schools found that districts that have experienced gains in ELL achievement took several organizational steps that fundamentally altered the way instructional services were provided to ELL students. These steps included developing a clear, unified vision for reform, employing an effective, vocal leader/advocate, and giving more authority and stature to the ELL department.

Lack of a defined strategy. My discussions with district officials indicate that the district has not fundamentally altered the way instructional services are delivered to ELL students over the past decade. Although the district has prepared biannual ELL plans required by regulation and expended significant effort to administer programs in accordance with federal and state provisions, the district has not identified and communicated a clear vision and strategy on how ELL students will achieve English proficiency and increase achievement. School officials I talked to do not clearly understand their respective roles and disagree on the best strategy for improvement.

According to the ESL director, the biannual ELL District Plan prepared by the department and submitted to the Oregon Department of Education is the central document that should guide the delivery of services to ELL students. As required by ODE, the plan defines the goals and strategies of the program and describes practices for identification, assessment, placement, and scheduling of students. However, my

discussions with Deputy Superintendents and school principals reveal little knowledge of this plan and its contents. Consequently, those officials with primary responsibility for improving the English language proficiency and academic achievement of ELL students have not participated in the development of the district plan to carry out the program nor understand the practices the district is committing them to.

Frequent leadership changes and no recognized internal advocate. During the 17 year period of compliance problems, the district has employed five different Superintendents, three different ESL directors, several permanent and interim academic officers, and a variety of different area directors and deputy superintendents. The current ESL director with a tenure of five years has more seniority than any central management level employee dealing with ELL at the PPS.

While it is not uncommon in large districts to have frequent turnover at key management positions, the ability to create and maintain an institutional commitment to a particular reform strategy becomes more difficult. Moreover, the institutional knowledge about what works and doesn't work in the delivery of programs is low, leading to repetitive responses and reactions to the same ongoing problems.

In addition, it does not appear that PPS has an effective and vocal internal advocate for the improvement of ELL services who has helped create and advance improvement efforts. In each of the improving districts identified in the 2009 study by the Council of Great City Schools, principals, teachers, and managers could identify a person that was a driving force in improving the district strategy toward ELL. This role was usually played by the ELL director, superintendent, chief academic officer, or school board member.

Organizational limitations. The ESL department at PPS is a central office staff organization with no direct authority over the delivery of ELL instructional services at schools or the supervision of ESL teachers in classrooms. The ESL department director and staff report to the Chief Academic Officer, while school administrators (principals) report to three different Deputy Superintendents. The ESL department establishes policy and practices for ELL instruction, provides professional development opportunities and a variety of support services to ESL teachers, and is the central point of contact for federal and state monitoring. However, the quality of teaching and instruction and the faithful implementation of district policies is the responsibility of principals and their direct superiors, the Deputy Superintendents.

While this organizational structure and reporting arrangement is common to other districts and other PPS academic programs, the oversight and assessment of teacher

and school performance in improving ELL achievement is made more difficult, particularly if schools have a strong tradition of site-based management. Additionally, with a span of control approaching 30 to 1, deputy superintendents are hard pressed to address all the complex demands of managing schools and overseeing performance, let alone focus on an ELL population that is only 10 percent of the total district enrollment.

Some districts have attempted to address these organizational limitations by giving additional stature to the ESL department and appointing strong directors with authority to establish district-wide ELL practices and to work closely with central office departments and schools to oversee programs and performance. According to the Council of Great City Schools study, “..... superintendents were well-served in their decisions to appoint and explicitly support strong administrators to carry out a broad mandate to reform the ELL program.”

INADEQUATE MONITORING AND ACCOUNTABILITY SYSTEMS

PPS has not developed and implemented effective monitoring and accountability systems for the ELL program. I found little evidence of consistent and rigorous on-site monitoring at schools and few mechanisms to ensure schools are accountable for ELL performance results. Principals and ESL administrators indicate that monitoring visits from ESL staff are rare and direct observation of ELL program implementation is infrequent. In addition, while annual OAKS and ELPA data are provided to schools, there is a lack of periodic reports throughout the year on how well schools and ELL students are performing in improving English proficiency and academic achievement. In addition, my review of a sample of School Improvement Plans for 2009-10 show that ELL student performance issues receive only cursory mention, even for schools that are struggling most to improve student English language proficiency.

Districts that have demonstrated improvement in the education of ELL students are characterized by the collection and use of student assessment data to diagnose individual student needs and to target instructional improvement efforts. While PPS has a significant amount of data on the English proficiency and achievement levels of ELL students, I found little evidence that this information is compiled, analyzed, and communicated in useful formats on a frequent basis. Annual assessment data on English proficiency, reading and math is readily available at PPS, as is individual ELL student profile information, but this data and information does not appear to be used to develop individual improvement plans for ELL students or to drive changes in schools that are struggling with ELL student achievement.

To address these weaknesses in monitoring and accountability, the ESL department is proposing to implement a comprehensive ESL monitoring system beginning in the 2010-11 school year. This planned system will include three phases of monitoring:

- Individual student reviews in the fall and spring to identify current proficiency and achievement status, determine appropriate placement and support needs, and to monitor progress throughout the year.
- School reviews by a central office team to assess compliance with corrective action plans undertaken to respond to ODE non-compliance findings, and to provide support to schools in the implementation process. The school visits will replicate the process used by ODE monitoring visits.
- Community Performance review in the fall of 2010 involving district staff, parents, and community stakeholders. The review team participants will analyze the overall performance of the ESL program, gather feedback from the community, identify areas needing improvement, and develop plans and recommendations for the district Continuous Improvement Plan and the school level School Improvement Plans

INCONSISTENT AND INCOMPLETE GUIDANCE AND SUPPORT FOR SCHOOLS

My discussions with several school administrators and regional administrators indicated a common desire for more complete and consistent guidance and support from the PPS ESL department. Principals I spoke with wanted more user-friendly, understandable, and assessable guidance on what is required and how best to provide services to ELL students. Although the ESL department provides a significant amount of information to schools through the PPS intranet, periodic newsletters, model class schedules, and professional development sessions, principals say the guidance is not well-organized, changes frequently, and is difficult to understand. According to some managers, the annual ELL District Plan is not useful as an operational guide for principals and ESL teachers because it is focused primarily on compliance with rules instead of instructions for those delivering the service.

Another characteristic of improving districts identified by the Council of Great City Schools report was the extensive and continuing support for implementation of ELL programs. According to the report, implementation of reforms was clearly planned-out and districts actively engaged school leaders in the formulation of strategies and systems for monitoring at the school and classroom levels. Active support of schools in improving their ELL programs included an ELL toolkit for schools with guidance on the kinds of instruction and services to be offered to students, and instructions on how to

implement components, along with videos, planning guides and professional resources on second language acquisition. Other districts assigned especially trained TOSAs to each school to provide information and coaching, to conduct presentations and facilitate meetings, and to serve as the “eyes and ears” of the ELL central office. This approach helped to both provide active and ongoing support and to ensure faithful implementation of the program.

The PPS ESL department is currently developing an ESL handbook for school administrators, ESL teachers, and educational assistants. The handbook is intended to provide information on what ESL teachers and principals need to know in order to maintain a successful ESL program in their building. An outline of the handbook includes a comprehensive list of all elements of the ELL program including initial assessment processes, school evaluation and performance targets, the role of ESL teachers, record keeping and data requirements, curriculum information, and master schedules.

LACK OF COLLABORATIVE EFFORT

Progress toward designing and implementing a compliant and high performing ELL program at PPS is hampered by the lack of collaborative effort among the major groups involved in the delivery of ELL services. Principals, ESL department administrators, family service center staff, and deputy superintendents all expressed varying levels of dissatisfaction with the operation of the program. While principals complained about the lack of consistent guidance and support from the ESL department, the ESL administrators were concerned that schools made independent decisions that deviated from established program requirements. Deputy superintendents said that schools lacked trust in the ability of the ESL department, and staff at family service centers were concerned about the inability of schools to properly identify ELL students and create complete files and records for identified students. ELL parent dissatisfaction with various elements of the program over the years has led to formal civil rights complaints and the multi-year effort to improve delivery compliance.

While there may be a number of valid reasons for this culture of dissatisfaction, it frustrates needed collaboration between the parties and affects the successful delivery of services to ELL students. My reading indicates that districts with strong ELL reform efforts took steps to change the organizational culture through increased collaboration and shared responsibility for ELL success. Some districts adopted a collaborative model of instruction that required ESL teachers, content area teachers, and central ELL support staff to work together as a team to improve student performance. Teachers and principals were directed, trained, encouraged, and sometimes required to work with their colleagues to improve ELL instruction.

Signs of progress and threats to change

Over the past six months, PPS has initiated several efforts that hold promise for helping the district make progress in ensuring compliance and delivering a higher performing program for ELL students. Some of these efforts include:

- More active parent involvement - The district held parent meetings and training sessions to actively involve parents in the education of their children and to inform them of their authority and responsibilities.
- Creation of an ESL Workgroup - The Chief Academic Officer created a diverse kitchen cabinet of school officials and parents to discuss ELL program clarity, address complaints and problems, to assess school accountability for ELL performance, parent involvement, and funding.
- Development of a comprehensive professional development plan - A multi-year plan to provide training sessions, workshops, and online instruction to K8 and High school teachers, administrators, and educational assistants. Training will focus on sheltered instruction and procedures for exiting students from the ELL program.

However, other events over the past several months pose new threats to the success of the program and the continuity of improvement efforts. Specifically:

- Resignation of the Chief Academic Officer - The former CAO was responsible for establishing the ESL workgroup and initiating a critical review of how the program was operating. Although a capable replacement is in place, some of the reform energy may be lost in the transition period.
- Budget reductions - Initial plans to enhance the number of ESL teachers in schools were changed due to the continuing structural deficit facing the district. In addition, several support and administrative positions in the ESL department were eliminated including ESL TOSAs responsible for instructional technology and professional training.
- Eliminating assessment staff positions at family service centers - The two assessment positions were primarily responsible for administering the initial assessments of English proficiency for all ELL students and creating the initial student profile records for ELL students. Transitioning these functions to other staff increases the risk that mistakes will occur in appropriately identifying and placing ELL students.

RECOMMENDATIONS

In order to establish a stable and compliant program for English Language Learners that improves student's English proficiency and academic achievement, the Portland Public Schools should take a number of actions. These actions should enhance and support corrective actions that are planned for 2010-11 in response to the most recent ODE monitoring visits. My recommendations should not require additional resources but will require a more deliberate, coordinated, and managed approach to delivery of ELL instructional services. Specifically, I recommend that the Superintendent direct the Chief Academic Officer in collaboration with Deputy Superintendents to take the following actions:

1. **Develop and implement an ELL improvement initiative.** The ELL initiative should establish a broadly shared vision for improvement and a clear strategy for change that focuses on measurable increases in English language proficiency and academic achievement. Although compliance with federal and state requirements must be achieved, the ELL initiative should be guided by the need for performance improvement. The development of this initiative may require several changes in the management and organizational structure of the ELL program. For example, the district should consider:
 - a. Establishing a temporary task force to develop and guide the ELL improvement initiative. The task-force should include representatives of the major parties involved in the delivery of ELL instructional services: Deputy Superintendants, ESL administrators, school administrators, ESL and core subject teachers, assessment and evaluation staff, and parents.
 - b. Appointing a PPS district official as the chair of the task force and giving this official significant authority and stature to lead the improvement initiative effort. The chair should have primary responsibility for 1) helping the task-force develop a shared vision for ELL improvement and a strategy for change, 2) obtaining school board support for the vision and strategy, and 3) communicating this vision to the school and parent communities.

- c. Empowering the ELL program. Consider placing the director on the Superintendent's leadership cabinet and giving the ESL program the responsibility and authority to implement the improvement initiative, to establish district-wide ELL practices, and to work closely with other central office managers and school administrators to oversee progress.
2. **Establish a strong monitoring and accountability systems for the ELL program.**
The elements of an improved monitoring and accountability system for the delivery of ELL instructional services should include:
- a. School-specific targets for improvements in language proficiency and academic achievement based on the current performance at each school. The district may wish to focus on those schools having the most difficulty.
 - b. Periodic progress reports on ELL student performance prepared by each school based on teacher assessments of student work, results of standardized testing, report cards and progress reports, and other indicators of ELL student performance
 - c. Mid-year ELL self-assessment conducted by school principals, teachers, and counselors that assess progress toward meeting targets, compliance with district policies and procedures, need for mid-year changes and interventions
 - d. Development of specific annual educational plan for each ELL student based on particular needs and strengths. ESL teachers in collaboration with the ESL program administrators should work with parents to develop this plan and to develop specific interventions or enhancements
 - e. Rigorous use of the annual School Improvement Plan to identify areas of weaknesses, to plan instructional strategies to address weaknesses, and to provide support to teachers to carry-out strategies
 - f. Frequent and scheduled reporting and use of ELL performance data during school board committees, superintendent cabinet meetings, regional cluster meetings, and school team meetings

The newly developed monitoring and accountability process planned by the ELL Director as part of the ELL District Plan to ODE addresses several elements described above and proposes additional multi-level approach to accountability. However, this plan is not fully developed or communicated to all participating parties.

3. **Provide better support and guidance to schools on their roles and responsibilities for ELL instruction.** PPS schools should receive improved support and guidance to help deliver instructional services to ELL students effectively and efficiently, and to improve compliance with established federal and state requirements. Support and guidance that the district should consider providing to schools includes:

- a. Clear and concise written policies and procedures for how the ELL program will be operated at PPS including guidance on 1) identifying eligibility, 2) assessing English language proficiency, 3) placing in appropriate ELD and core subject classes, 4) delivering approved curriculum with adequate materials and support services, 5) ensuring appropriated teacher credentials and training, 6) administering annual testing, and 7) promoting proficient students out of the program
- b. Communication of ELL policies and procedures in various formats and venues including hard-copy handbooks, intranet delivery, training sessions, and facilitated meetings. Professional development sessions for building administrators, teachers, counselors, and classified staff should be designed and delivered by central ELL program administrators based on the contents of the policies and procedures
- c. On-going technical assistance at school sites by ELL program administrators and TOSAs to ensure that the written operating policies and procedures are understood and faithfully implemented. Each school with ELL students should be visited at least twice each year to provide technical assistance and training to teachers and principals.
- d. One-stop virtual “ELL store” that ESL teachers can access to obtain curriculum support, instructional materials, training videos, master schedules, and other support materials.
- e. Implementation of the Professional Development Plan for sheltered instruction in 2010 - 2012. The ELL Professional Development Plan was developed in response to the ODE monitoring findings and provides for a comprehensive program of training over the next two-year period. Implementation of this plan should provide needed support to teachers in sheltered instruction.

4. **Strengthen collaboration among the various parties that provide ELL program services** - Improving communication and building trust between schools, teachers, the ESL department, central district management, parents, and the community at large will require conscious, long-term effort from all interested parties. The school board and the superintendent could support this effort by establishing a clear expectation that collaboration will occur. This “tone at the top” could be reinforced by a number of other actions such as :
- a. Continued outreach to ELL parents in their language to assess their satisfaction with services and to identify opportunities for improvement. Facilitated meetings at schools and family support centers could help the district monitor the pulse of the ELL parent community and respond to patterns of concerns and needs.
 - b. Establishing processes to receive frequent feedback from teachers and principals on what is working and not working, and to obtain suggestions for changes and modifications to policies and procedures. ELL administrators could consider using surveys, focus groups, and random interviews to obtain ideas from teachers on how to improve the delivery of ELL instructional services.
 - c. Establishing an ELL Ombudsperson to receive complaints and concerns from participating parties. The Ombudsperson would be independent from the central instructional management and the ELL department and would serve as a problem solver between parties in disagreement.
 - d. Annual recognition program for students and schools making significant progress in improving ELL language proficiency and academic achievement. Recognition and discussion of lessons learned and actions taken to improve performance could occur at a school board session or other community venue.

MANAGEMENT RESPONSE



PORTLAND PUBLIC SCHOOLS

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Carole Smith
Superintendent

OFFICE OF THE SUPERINTENDENT

October 4, 2010

Richard C. Tracy, District Performance Auditor
Portland Public Schools Board of Education
501 N. Dixon Street
Portland, Oregon 97227

Dear Mr. Tracy:

Thank you for your thorough review of Portland Public Schools' services to English language learners.

Our challenges in meeting the growing and important needs of these students—who make up 10 percent of our population—are well-documented. There is no question that we must move beyond our current state of compliance to make significant strides in reaching and educating this vital population. Meeting the terms of a corrective action plan, or checking off recommendations on a list is not the end goal; we must continue to strive to truly prepare our English language learning students for success.

As I reviewed the audit, I was struck by emerging themes that hold true not only for our ESL services, but for our school district as a whole. As a district, we recognize and celebrate the diversity of our schools—in programs, interests and demographics—and recognize that each has a different constellation of students and needs. At the same time, we need to define what we hold in common and the opportunities that must be open to all, so that we can deliver consistent support and services to all of our students. We must deliver strong, sustained vision and leadership, through a central office that collaborates across departments in direct service to schools and students.

I believe that we are making strides across the school district to improve our collaboration, our effectiveness and our consistent support for schools and students. I know that is the firmly held goal of my entire executive team, and especially Chief Academic Officer Carla Randall and the three Deputy Superintendents: Mark Davalos, Cynthia Gilliam and Toni Hunter.

I am also committed to further reform in our services to English language learners. Achieving compliance was just a starting point. You have identified four factors that must be in place to help Portland Public Schools move forward and for our English language learners to succeed:

- Sustained commitment and leadership to develop and implement ESL improvements.
- Strong monitoring and accountability systems.
- Better and more consistent support and guidance for our schools.
- Greater and more effective collaboration to deliver services to English language learners.

Many of your audit recommendations dovetail nicely with work underway; you have also suggested some new actions we can take. I have attached a summary of the action plan we have undertaken in response to the audits conducted by the Oregon Department of Education. It provides very specific steps we have taken and will continue to take to improve our services to English language learners.

These are a few high-leverage, concrete strategies we are implementing now:

Strengthen collaboration to support schools and students. I am ensuring that leaders of all of our educational programs are at the table as we develop collaborative and comprehensive plans to move achievement forward. ESL services are not an afterthought or separate conversation, but an integral part of our plans to ensure that all students meet our academic Milestones. This collaboration plays out tangibly in several ways:

- The ESL/Immersion Department is part of our Student and Academic Supports (SAS) Department, designed to increase the collaboration and integration of ESL services, special education, Talented and Gifted services and curriculum and instruction.
- My new weekly Academic Cabinet meetings include the deputy superintendents, their regional administrators, the chief academic officer and her directors, including the ESL/Immersion director.
- Three ESL staff, including an administrator, a teacher on special assignment (TOSA) or an achievement coordinator, and a third member who is an educator or community member, serve on each deputy superintendent's regional team, a focused work group supporting specific schools.

Quite simply, we hope that this integrated approach ensures that ESL services are front and center and integrated into the comprehensive support we offer to schools.

Engaging parents in their students' success. The parents of students in ESL programs—usually English language learners themselves—have far too often felt excluded from decision-making, unwelcome at schools and disempowered. Yet we know that they are crucial to supporting their students' educational success. We are working to empower parents on many fronts:

- The ELL Parent Advisory Council, with representatives from each major language group, meets monthly to help shape district-level initiatives.
- Roughly 200 parents from across the district, representing all five major languages, participated in new leadership training offered last year. We will expand that effort this year by training new parents and engaging the parents trained last year in authentic ways at the school and district level.
- Each school will hold its own parent meeting for ELL parents, with support from the ESL/Immersion Department, to ensure their voices are heard in the decisions that most affect their children.

Tracking success, student-by-student. ESL staff are part of the Student and Academic Support Department's comprehensive work to extend wrap-around support to students, starting at the identified Academic Priority Zone schools. Many of those schools enroll high percentages of English language learners: BizTech Academy, Bridger K-8, George Middle School, Humboldt preK-8, Jefferson High, Kelly Elementary, King preK-8, Ockley Green K-8, Roosevelt Campus schools (ACT, POWER and SEIS) and Sitton Elementary. ESL staff at each school site will work with parents, ESL and general education teachers to ensure that each student is being served appropriately. As the model proves itself, it will be rolled out to other high priority PPS schools.

Every teacher trained to be effective with English language learners. We have created online sheltered instruction resources (through a Mt. Hood Regulatory Commission grant) and have collaborated with the Student and Academic Supports Department’s curriculum staff to train all teachers in better serving English language learners. This year’s professional development plans include a Train the Trainer model for all district achievement coordinators to be able to train and support teachers across the district in the effective use of sheltered instructional strategies. This will be complemented with training of principals by SAS staff in “job alike” meetings to provide specific feedback to teachers on their use of sheltered instructional strategies.

As you note, truly developing and implementing an ELL improvement initiative will take comprehensive and sustained effort and leadership moving forward.

This is a high priority for me.

For too long, English language learners have not been provided effective services in a consistent manner across this District. This inconsistency cannot continue, and we all need to increase our urgent delivery of a robust system of supports for these students. To this end, I will continue to urge our leadership—in the school district, in our ESL/Immersion Department and within each of our schools—to focus our efforts and reach tangible, positive outcomes for our ESL students. I will ask staff to provide me with regular updates on our progress in implementing our plans and will share increased results for students with our school board prior to the end of this school year.

Again, I appreciate your insights and review of this particularly pressing challenge facing our school district. No matter which Milestone you choose, elementary reading success, middle school writing or high school graduation, it is clear that Portland Public Schools must do more to help its English language learners succeed. The urgency is there—and so must be the action.

Sincerely,



Carole Smith
Superintendent

Attachment



PORTLAND PUBLIC SCHOOLS
ESL /Immersion Department
6941 N. Central
Portland, OR 97203
503-916-6525

October 4, 2010

Summary of Oregon Department of Education
Audit of ESL Program
Portland Public Schools
Based on Fall 2010 Visit

FINDING 1: ENGLISH LANGUAGE INSTRUCTION

- Not every English learner is scheduled for specific instruction for learning English (English language development class).

PPS REQUIRED TO:

- Define the programs the district will use for English learners
- Make sure that English language classes are in each schools' master schedule and each student's schedule

WHAT WE'VE DONE:

- Four definitions were provided to principals
- Reviewed each student's schedule, changed students' schedules and master schedules

FINDING 2: IMPROVING TEACHING OF ENGLISH LEARNERS

- Use of teaching strategies that are effective with English learners is not consistent across district schools.

PPS REQUIRED TO:

- Prepare plan for training teachers
- Show how the training will be evaluated, how it will help students
- Include how administrators will be trained

WHAT WE'VE DONE:

- Prepared a plan for the next two years
- Includes follow-up visits and feedback
- Includes evaluation of program by looking at student data and class observation

FINDING 3: SCHEDULING CORE SUBJECTS (MATH, ENGLISH, SCIENCE, SOCIAL STUDIES)

- Not every English learner was receiving instruction in the core subjects (math, English, science, social studies)

- Students do not have access to on-grade level classes based on language proficiency.

PPS REQUIRED TO:

- Revise students' schedules to include core classes (math, English, science, social studies)
- Revise schools' master schedules

WHAT WE'VE DONE:

- Each student's schedule was reviewed
- Schools' master schedules changed

FINDING 4: Exit Criteria

- Exit criteria are not clear to staff at the district's schools.
- The exit criteria are not consistently applied across district schools.
- Students are exited without clear evidence that they have achieved English language proficiency at a level that they no longer need assistance from the English language development (ELD) program.

PPS REQUIRED TO:

- Revise exit criteria that has a narrative that includes the following:
 - Description of the student performance on the state proficiency over time
 - The length of time student has been in the program
 - Description of language based interventions
 - Written parent notification in the language(s) the parent understands
 - Documentation that schools have been trained on the revised exit criteria.

WHAT WE'VE DONE:

- Revised the exit criteria
- Trained administrators in May, June 2010, new administrators in August, September
- Trained teachers at Job Alikes in May

FINDING 5: Role of Educational Assistant (EA)

- Non-licensed staff are assigned to instructional groups of students for the purpose of providing direct instruction.

PPS REQUIRED TO:

- Ensure that EAs provide support and not direct instruction.
- Indicate EA's schedule on master schedule
- Provide clarification to teachers, administrators, EAs on role

WHAT WE'VE DONE:

- Created explanation of role of EA
- Checked schedules of EAs at various schools..

FINDING 6: ELD and Reading

- At some schools, reading standards instead of ELD standards are being taught.

PPS REQUIRED TO:

- Ensure that ELD standards are being taught.
- Obtain a letter of assurance from building administrator that guarantees that ELD is being addressed.

WHAT WE'VE DONE:

- Checked master schedules for ELD
- Obtained letters of assurance from each school

Diana Fernandez, Director
ESL/Immersion Department

APPENDICES

APPENDIX A

PPS District ESL/BILINGUAL PROGRAM	
TOTAL SCHOOL ENROLLMENT*	46898
TOTAL SCHOOL ENROLLMENT MINUS ESL/BILINGUAL STUDENTS	42210
NUMBER OF ENGLISH LANGUAGE LEARNERS ELIGIBLE FOR SERVICES	4688
NUMBER OF STUDENTS WITH A HOME LANGUAGE OTHER THAN ENGLISH	8902
PERCENTAGE OF STUDENTS IN ESL/BILINGUAL PROGRAM	10%

TOP 10 LANGUAGES	
Spanish	2368
Vietnamese	602
Somali	273
Cantonese/Chinese/Mandarin	232
Russian	165
Maay-Maay	84
Chuukese	63
Burmese	55
Arabic	54
Oromo	52
Other	740
TOTAL	4688

Percentage of students served in
ESL/Bilingual program



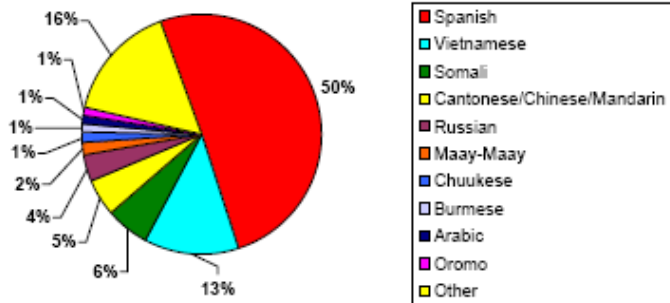
■ TOTAL SCHOOL ENROLLMENT MINUS
ESL/BILINGUAL STUDENTS
■ NUMBER OF ENGLISH LANGUAGE LEARNERS
ELIGIBLE FOR SERVICES

* Numbers include PK and in alternative ed programs.

OTHER LANGUAGES

Albanian, Amharic, Armenian, Bashkir, Bengali, Bosnian, Bulgarian, Cambodian, Creole, Czech, Danish, Dutch, Farsi, French, German, Guatemalan, Haitian, Haitian Creole, Hindi, Hmong, Hungarian, Indonesian, Italian, Japanese, Karen, Kazakh, Kirundi, Korean, Kurdish, Lao, Maay-Maay, Mayan, Mien, Moldovian, Nepali, Palauan, Panjabi-Western, Pashto-Southern, Persian, Pohnpeian, Polish, Portuguese, Romanian, Samoan, Serbian, Serbo-Croatian, Sindhi, Sudanese, Swahili, Tagalog, Tamil, Thai, Tibetan, Tigrinya, Tonga, Trukese, Turkish, Ukraininan, Urdu, Yoruba.

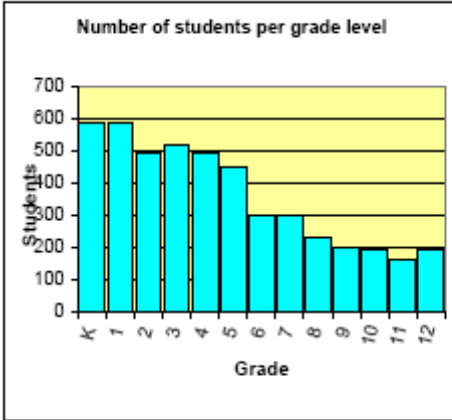
Languages Spoken



Data Based on October 2009 Numbers

W O R K I N G D R A F T

PPS District ESL/BILINGUAL PROGRAM

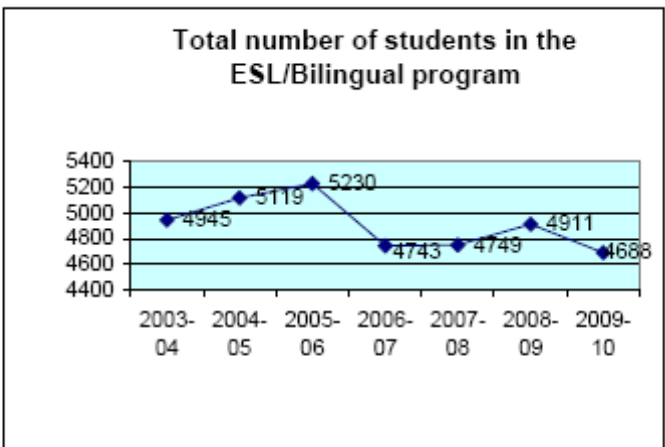


GRADE LEVELS												
K	1	2	3	4	5	6	7	8	9	10	11	12
584	585	493	517	493	449	297	297	228	198	189	164	194
Number of exited students												
2851												
Exited during last year												
707												
Number of students refused service												
84												
Number of EL students also Sped												
671												
Number of EL students that are also TAG												
30												
exited students that are TAG 259												

ELPA LEVELS	1	2	3	4	5	na
Percent of K-5	16 %	42 %	23 %	18 %	1 %	<1 %
Percent of 6-8	12 %	19 %	37 %	30 %	1 %	1 %
Percent of 9-12	22 %	15 %	37 %	20 %	<1 %	6 %
Percent of All	16 %	33 %	27 %	20 %	1 %	2 %

Students on monitoring status	Year 1 - 567	Year 2 - 337
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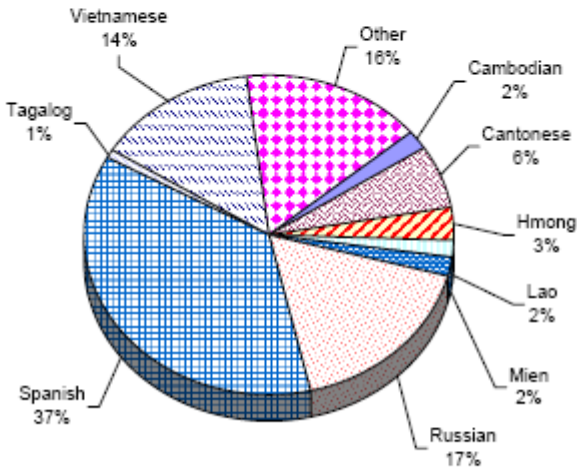
HISTORICAL INFORMATION	
The total number of students in the ESL/Bilingual Program	
2003-04	4945
2004-05	5119
2005-06	5230
2006-07	4743
2007-08	4749
2008-09	4911
2009-10	4688



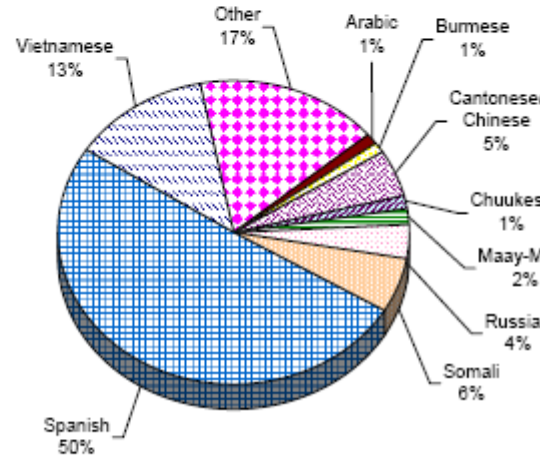
Data Based on October 2009 Numbers

Comparison of Major Languages from 1999 to 2009

1999 Languages



2009 Languages



1999			
Language	Number	Language	Number
Cambodian	91	Russian	793
Cantonese	285	Spanish	1666
Hmong	155	Tagalog	36
Lao	75	Vietnamese	647
Mien	86	Other	719
Total		4853	

2009			
Language	Number	Language	Number
Arabic	54	Russian	165
Burmese	55	Somali	273
Cantonese/Chinese	232	Spanish	2368
Chuukese	63	Vietnamese	602
Maay-Maay	84	Other	792
Total		4688	

03/12/10

W O R K I N G D R A F T

APPENDIX B

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