

ASSOCIATE SUPERINTENDENT APPROVAL



STATE BOARD MEETING DATE January 27, 2014

SUBJECT: Presentation and discussion regarding Board responsibilities related to Districts and Charters determined by the department to be in noncompliance with laws applicable to English language learners, pursuant to A.R.S. 15-756.08 (J).

SUBMITTED BY: Jordan Ellel and Kelly Koenig

MANAGEMENT TEAM REVIEW: January 9, 2014

BACKGROUND INFORMATION:

Pursuant to Arizona Revised Statutes (A.R.S.) § 15-756.08(J), the Arizona Department of Education (ADE) is required to report districts or charters to the State Board of Education (SBE) who are not in compliance with state and federal laws applicable to English language learners (ELLs) for multiple years.

The Office of English Language Acquisition Services (OELAS) has set forth specific criteria to determine whether a district or charter should be reported to the SBE for a finding of non-compliance. The compliance criteria requires a review of the following items:

- (1) district/charter's proper implementation of the Structured English Immersion (SEI) Models;
- (2) district/charter's reclassification rate of ELL students (number of students exiting the program); district/charter's passing rate for students who have exited the program within two years (FEP2 students) on Arizona's Instrument to Measure Standards (AIMS) in reading.

OELAS determines that a district or charter is out of compliance with the SEI Models through its monitoring reviews. The district or charter must comply with the legal requirements of the SEI Model as outlined below:

- Classrooms must allocate time for English language development pursuant to the SEI Models;
- Classrooms must divide English language development time pursuant to the SEI Models between the required components of reading, writing, grammar, oral English conversation and vocabulary;
- Lesson plans must be based on/driven by English Language Proficiency Standards;
- English language learners are grouped by proficiency level; and
- Teachers instructing SEI classrooms must be highly qualified and properly certified.

In conjunction with a review of the implementation of the SEI Models, OELAS reviews the outcome data of the district/charter's SEI program. The rate at which students are exiting the

program (Found English Proficient or FEP) as compared to the state average is analyzed to ensure that students are moving from the program at a rate comparable to the state average. Additionally, OELAS reviews the passing rate for second year FEP students (FEP2 students) on AIMS reading as compared to the state average to ensure that students who have recently exited the district/charter's SEI program are succeeding academically in the mainstream classroom.

In order for a district or charter to be reported to the SBE, OELAS determines that the district/charter is below 70% compliant on the legal requirements of the SEI Models, and below on either the state average for reclassification rates or FEP2 AIMS reading passing rates.

A.R.S. § 15-756.08(J) states that "a district or charter found to be noncompliant by the SBE shall not continue to receive any monies from the Arizona structured English immersion fund established by § 15-756.04 for [ELLs] and shall not reduce the amount of monies spent on the school district's or charter school's [ELL] programs despite the loss of monies caused by the noncompliance."

In addition to the statutory requirements outlined in A.R.S. § 15-756.08(J), ADE recommends that the SBE require districts or charters found by the SBE to be non-compliant to come into compliance immediately with the findings outlined and report back to the SBE. Once the district or charter has reported back, ADE/OELAS will conduct another follow-up monitoring to confirm that the district or charter is in compliance. Upon receiving ADE's confirmation of compliance, the SBE would then lift its finding of noncompliance, thus enabling the district or charter to receive money from the Arizona structured English immersion fund.

**BOARD ACTION REQUESTED: [X] INFORMATION [] ACTION/DESCRIBED
BELOW:**

ATTACHMENTS: YES [] NO [X]