

**FLORIDA DEPARTMENT OF EDUCATION**  
**Bureau of Student Achievement through Language Acquisition (SALA)**

**Bureau Chief Noticias**

**Spring 2014**

Dear Colleagues,

This issue of the Bureau of Student Achievement through Language Acquisition (SALA) newsletter focuses on the United States Education Department Office for Civil Rights (OCR). There has been an increase of compliance reviews nationwide regarding services to English language learners (ELLs). I think it is important for you to think about your district's practices and policies and ensure that the barriers to the education of ELLs in your district are being adequately addressed. The mission of OCR is... "to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights." This office provides the following services for ELLs:

- \* Serving student populations facing discrimination
- \* Promoting systemic solutions to resolve civil rights problems
- \* Resolving complaints of discrimination
- \* Conducting compliance reviews
- \* Providing technical assistance to help agencies reach voluntary compliance
- \* Designing partnerships that develop creative approaches to preventing discrimination

The Florida Consent Decree, the federal law that governs how Florida public schools are to serve students with limited English proficiency, is based on civil rights law. I want you to be informed of what is expected and to communicate these expectations to your district. Often the people we know who are the English for Speakers of Other Languages (ESOL) leaders in various districts have provided information to their districts and schools, but for some reason, action is not taken. However, it is all of our responsibility to ensure that our districts and schools know what is expected based on the law.

Thanks for your efforts to continue to work to remove barriers so that the academic achievement of our students increases!

**COLLEGE & CAREER READINESS CORNER**

What is the greatest predictor of student academic success? There has been much research on the answer to this question. Some believe it is the intelligence of the student; some believe it is the prior education of the student; some believe it is the discipline of the student; some believe it is the socio-economic level of the student. I believe the greatest predictor of success for our students is...drumroll, please...our teachers! Teachers make all the difference! What makes a teacher effective? I think it is training...teachers and educational leaders need to know what works in the classroom to increase student academic achievement...do you believe in teacher training? Are you personally seeking out professional learning opportunities for your professional growth as an educational leader or teacher? I hope that you are; I am including bullets below for conference opportunities for teachers and educational leaders right here in the sunshine state. My life is one of continuous growth and improvement; I hope yours is too because our students need us: when I teach better, my students reach and even exceed every single academic goal. When I as an educational leader recommend the right program for my students, their academic achievement impresses the whole state. Let's provide the best education in the world for our students so that they possess the skills necessary to compete globally in the world marketplace! Please find below the following professional learning opportunities:

- \* The Florida Association of State and Federal Education Program Administrators (FASFEPA) and the East Coast Technical Assistance Center (ECTAC) 2013-2014 Spring Technical Assistance Forum, "Linking Federal Programs for Student Success," May 5-7, 2014, Tampa, Florida
- \* The 36<sup>th</sup> Annual Sunshine State Teachers of English to Speakers of Other Languages (SSTESOL) Conference, "Creativity through Collaboration in Language Teaching and Learning," May 7-10, 2014, St. Petersburg, Florida
- \* 2014 League of United Latin American Citizens (LULAC) Florida State Convention, "Uniting Efforts for a Better Future," May 24-25, 2014, Melbourne, Florida
- \* The Florida Association of Bilingual and ESOL Supervisors (FABES) Meeting, June 18, 2014, Clearwater, Florida
- \* The 36<sup>th</sup> Annual Sanibel Leadership Conference, "Journey to Leadership: Impacting ESOL Programs," June 18-20, 2014, Clearwater, Florida
- \* The Florida Foreign Language Association (FFLA) 2014 Conference, "Dare to Use Languages beyond the Classroom," October 16-18, 2014, Miami Florida

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## PREVENTING AND ADDRESSING DISCRIMINATION IN SCHOOL ENROLLMENT AND DISCIPLINE

A red rectangular box containing the words "ZERO" in large white letters above the word "DISCRIMINATION" in smaller white letters.

Last year, the United States Department of Justice (DOJ) reached a settlement with Palm Beach County Schools to protect the rights of ELLs and other students against discrimination on the basis of national origin, race, color, sex, religion and disability. The DOJ had received complaints about the school district's policies and practices including those that could lead to exclusion of students because of their parents' actual or perceived national origin or immigration status; inadequate translation and interpretation services during enrollment; ELLs and parents' lack of accessibility to or understanding of aspects of the district's system of discipline; and School Resource Officers (SROs) without adequate policies and practices for interacting with ELLs in languages they understand. The DOJ conducted an investigation of the allegations under Title IV and the Equal Educational Opportunities Act (EEOA) of 1974 Section 1703 (f) which require state and local educational agencies to take appropriate action to overcome language barriers that impede equal participation by students in the agencies' instructional programs.

The settlement requires the district to remove barriers to registration, develop a new registration policy, provide translation and interpretation services during the enrollment process and train all school district personnel involved in the registration and enrollment process. The settlement also requires translation and interpretation of Code of Conduct and discipline-related forms and documents provided to students and parents; effective translation of communication with parents regarding student's behavior or discipline; expansion of Positive Behavior Supports; and ensuring SROs' positive interaction with students in a culturally and linguistically competent manner and in a language that students can understand. For more information on the case and the settlement terms, please visit:

<http://www.justice.gov/iso/opa/resources/442201322616361724384.pdf>

On January 8, 2014, OCR and the DOJ jointly issued a Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, to assist public elementary and secondary schools in meeting their obligations under Federal law in administering student discipline without discriminating on the basis of race, color, or national origin. The letter refers to investigations that had been conducted on racial discrimination and disparities in student discipline rates and zero tolerance policies with findings that correlated with the term, the "school to prison pipeline."



Title IV and Title VII of the Civil Rights Act, both of which protect students from discrimination based on race in connection with all academic, educational, extracurricular and other school programs, provided the legal framework for the letter. The letter provides a detailed summary of the analysis that either the OCR or the DOJ will utilize in determining whether students have been disciplined differently based on race or other protected categories; significant information for schools in developing the policies, training and record keeping necessary to meet the obligations of non-discriminatory school discipline; and reiteration that the Departments view suspensions and expulsions as only a last resort which should be limited to appropriately serious infractions. The process that the Departments will utilize in addressing complaints is described and great emphasis was placed on training staff in alternative strategies for addressing problem behaviors so that all students may remain in the classroom engaged in instruction. For more information on the letter and the accompanying guiding principles, please visit:

<http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

## ENSURING EQUAL ACCESS TO ALL STUDENTS



Please refer to DOJ and OCR's Dear Colleague Letter of 5/6/2011 and its accompanying Fact Sheet, issued jointly to assist schools and parents with appropriate enrollment practices. The letter is based on Title VI of the Civil Rights Act of 1964, previous OCR Policy Memos and Plyler v. Doe.

Please visit <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201101.html> for the Dear Colleague Letter, Q&As and Fact Sheets.

## ELL PARENT MATTERS

On July 29, 2013, OCR issued a compliance resolution under Title VI of the Civil Rights Act of 1964 to the DeKalb County Georgia School District after addressing complaints that the school district discriminates against national origin minority ELL parents by failing to adequately communicate with them and ensuring that they have meaningful access to school-related information that is provided to parents in English.

OCR's investigation examined evidence related to the following areas:

(a) identification of ELL parents; (b) availability of interpreters/translators and written translations; (c) provision of trained and qualified interpreters/translators; (d) parental notice of language assistance; (e) staff notice on availability of language assistance; and (f) self-monitoring/effectiveness.



DOJ's four-factor analysis test was used to determine whether the school district was taking reasonable steps to ensure meaningful access of ELLs. The four-factor analysis examines the following:

- 1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
- 2) the frequency with which LEP individuals come in contact with the program;
- 3) the nature and importance of the program, activity, or service provided by the program; and
- 4) the resources available to the grantee/recipient and costs.

DeKalb School District signed the Voluntary Resolution Agreement with OCR to:

(a) develop and submit to OCR for review and approval a written plan to provide language assistance to ELL parents/guardians that ensures that they have meaningful access to the District's programs and activities; (b) develop and submit to OCR for review and approval a written plan to ensure identification and provision of services to ELLs; (c) train its staff on its policy and procedures for effectively communicating with ELL parents; (d) utilize a trainer, qualified in addressing cultural sensitivity issues, to train staff on the impact of ethnic and cultural differences on effective communication and the importance of cultural sensitivity in communicating with ELL parents; and (e) develop and submit to OCR for review and approval a written plan for the annual evaluation of the effectiveness of its language assistance plan.

For more details, please visit: <http://www2.ed.gov/about/offices/list/ocr/docs/investigations/04115002-a.pdf>.

## RECENT OCR DATA REPORT ON ELLs



The OCR's nationwide civil rights data showed that ELLs were not necessarily disproportionately suspended out of school during the 2011-12 school year as was found for their black and special education peers. Seven percent of ELLs compared to ten percent of non-ELLs were suspended out of school during the period of study. However, the study found that ELLs were: (a) more likely to be taught by inexperienced teachers; (b) more likely to attend high school with a limited selection of math and science courses; (c) more likely to be retained in grade for a year in high school; and (d) less likely than their non-ELL peers to be participating in gifted and talented education programs.

For an analysis of the report, please visit :

[http://blogs.edweek.org/edweek/learning-the-language/2014/03/english-learners\\_not\\_dispropor.html?qs=2014+English+language+learners](http://blogs.edweek.org/edweek/learning-the-language/2014/03/english-learners_not_dispropor.html?qs=2014+English+language+learners)

To review the full report, please visit the OCR Civil Rights Data Collection site at <http://ocrdata.ed.gov/>

Language is the road map of a culture. It tells you where its people come from and where they are going—Rita Mae Brown

# COMPREHENSIVE ENGLISH LANGUAGE LEARNING ASSESSMENT (CELLA)

## 2014 CELLA Customer Satisfaction Survey

Please visit the [FDOE-CELLA website](#) to complete the 2014 CELLA Customer Satisfaction Survey by **May 2, 2014**. We greatly appreciate any feedback that will be meaningful to the FDOE and Questar.

## CELLA Score Reporting Window: May 23, 2014 – September 30, 2014

The 2014 CELLA Reports Shipment will be delivered to the district office by **May 23, 2014**. This shipment will include the Spring 2014 CELLA Individual Student Reports (ISRs)\*, school-level login information to [ServicePoint](#), and a quick reference guide to assist school personnel in accessing the Spring 2014 School Report.

\* Two copies of the Spring 2014 CELLA ISR are provided for each student. One copy is for distribution to the student/ parent and a second copy must be retained in the student cumulative folder. If available, School Coordinators should provide a hardcopy of the 2014 CELLA Interpretive Guide to parents in the student's home language to accompany the Spring 2014 CELLA ISR. This guide will be available exclusively on the [FDOE-CELLA website](#) and translated to Florida's 10 most common languages.

## CELLA Secure Materials Missing Report – Available on [ServicePoint](#) by June 13, 2014

If applicable, schools will receive a report listing all secure materials that were not returned after test administration. If there are any CELLA secure materials located, please promptly notify the [District CELLA Coordinator](#).

If there are any questions or concerns regarding the CELLA, please contact: [Sabrina.Read@fldoe.org](mailto:Sabrina.Read@fldoe.org).



We need YOUR input to ensure the SALA Bureau is adequately supporting your efforts to improve the English language acquisition and the academic achievement of ELLs and immigrant students in Florida.

Click [HERE](#) to complete a brief survey. Your feedback is greatly appreciated!

