

Team: Kerstin Johnson, Tiffany Hood, Tricia Tulipano

Dear Mr. Superintendent,

In light of the recent arrival of Serbo-Croatian students to our schools, we felt it important to remind you of your legal obligation to those students. The law states that the district has a responsibility to provide equal educational opportunity, in learning English as well as other content areas, to students for whom English is a second language. The steps toward fulfilling this legal obligation are outlined in the *Castaneda vs. Pickard* decision.

The first step is to choose an instructional method which is approved by the courts. This includes English as a Second Language programs, transitional bilingual programs, and bilingual education. We recommend a transitional bilingual education program, but if you would like to locate further information on available programs, the National Clearinghouse for Bilingual Education and the United States Department of Education are good resources of information.

The second component includes adequate identification of limited English proficient students and the provision of adequate resources for those students. This applies to instructional materials, like books, which are understandable to those students and trained staff. In fact, to assist in the students' transition to United States public schools, we request an aide teacher that is well-versed in Serbo-Croatian to be in the classroom. A "newcomer" program should be established at this district in order to handle the possible effects of a war-ridden country on these students. As far as including these new students in school programs, it is important that students cluster to support each other for a part of the day, but they must not be completely segregated. In addition, these students must be included in assessment measures so as to provide a means to determine their progress.

The third "prong" in the *Castaneda* decision is for the district to set up a plan to evaluate the program using quantitative and qualitative measures.

Instruction without comprehension is just noise. These new students to our district must be given an equal opportunity to learn curriculum of high quality and content while also gaining English proficiency. The *Castaneda* decision provides a guideline for this. If you have further questions, please don't hesitate to contact our parent group.

Sincerely,
The PTA

By Katie Fesus and Tina Wu

South Bay Advocates for Language Minority
Students
321 Equity Lane Palo Alto, CA 94301

January 19, 2000

MEMORANDUM

To: Superintendent of Local School District B

From: Katie Fesus, Tina Wu; Co-chairs

Subject: District Responsibilities under federal law to educate recent
infusion of Bosnian immigrants.

Background: Federal Law requires that schools provide equal access to educational opportunities for students regardless of their country of national origin. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in the operation of any federally assisted programs. The Lau vs. Nichols (1974) court ruling requires that states "take affirmative steps" to open instructional programs to language minority students, and the Castenada standard requires that programs for language minority students are 1)based in educational theory 2)implemented and 3)evaluated.

In recent weeks, hundreds of Bosnian immigrants have sought enrollment in Local School District B, a demographically homogeneous district which is not prepared to serve the needs of a language minority population. We offer the following summary of responsibilities that Local School District B must undertake in order to ensure that Bosnian students are provided with quality instructional programs.

1. Language minority students must be identified and assessed in terms of their English language and cognitive academic abilities. (Suggested methodology include home language surveys and individual interviews with students by staff which speak their native language.)

2. An instructional program must be created and implemented for the Bosnian students based on assessments of their needs and abilities, and on an educational theory which includes how students will be taught both English and academic content areas. This instructional program must incorporate an integration plan for the language minority students.

3. Students must be guaranteed equal access to all educational programming including but not limited to facilities, resources, extracurricular activities, special needs programs, and gifted education.

4. Language minority students must be taught by the appropriate number of trained staff to accommodate their needs in both English language acquisition and in subject matter instruction. Their families must be notified and communicated with in their home language on all issues open to parental involvement.

5. The educational program implemented for the language minority students must be monitored, and evaluated. District-wide data must be collected to monitor student outcomes, and necessary adjustments made thereafter.

A careful analysis of the receptivity of the school board and administration would have to be undertaken before deciding on the best approach to take in writing the memo. Factors to take into account would be intra-district politics, teacher and community support. Provisions for technical support may also be added to the memo, and the tone of the letter changed depending on which approach would hold the most weight politically.

By Tiana Murillo, Hallie Kim, and Rebecca Chavez

Dear Superintendent:

As concerned parents of the community, we feel it is our duty to bring to light the issue of the recent increased Bosnian immigrant population. Since their infusion, it has come to our

attention that the quality of education that the Serbo-Croatian language minority has been receiving is deficient when compared to that of other language minority students in our school district.

We would like to emphasize the federal laws which outline the district's responsibility in educating language minority students. Along the lines of the *Castañeda v. Pickard* decision, we must remember the importance of providing quality content, and not just English language instruction. For this reason, these students are entitled to texts, materials, and instruction with native language assistance. Moreover, any reform efforts based on standards (i.e. standards-based assessment procedures) applied within this district should be applied for our students as well.

We insist that our students be challenged with the same level of quality education as any other student. Furthermore, clustering should be limited to the first year of instruction, or until students are found to no longer require it. Placement of our students is of immense importance, and it is our hope that they not be clustered for purposes of division or segregation.

Lastly, we emphasize the importance of informing parents in a way that is understandable. Information provided, whether oral or written, should be rendered in their native language if necessary.

Our organization, like you and the school board, are concerned with what is in the best interests of the students. It is our sincere hope that you will recognize the need to apply the existing federal law to provide them with a quality education.

Sincerely,

The Education Improvement Council

TO: School superintendent

FROM: Concerned citizens (Javier Barraza, Kelly Brown, & Vikram Jaswal)

DATE: 18 January, 2000

RE: Serbo-Croatian LEP students

We are concerned about insuring the quality and integrity of the educational opportunities afforded to limited English proficient (LEP) students, particularly recent LEP students from Bosnia. As you are no doubt aware, the federal government requires certain considerations with regard to the education of LEP children, and while we are confident that the district is prepared for the recent influx of Bosnian families and their children, we want to take this opportunity to outline the district's responsibilities.

Most importantly, we want to insure that these recent immigrants will be provided with equal opportunity in the schools and equal access to school programs, as well as appropriate instruction in the English language.

What follows is a summary of the domains the Office of Civil Rights of the Dept. of Education considers important when conducting compliance reviews with regard to LEP instruction. We urge the district to review these criteria, evaluate readiness, and make changes where appropriate.

1. Identification. Any new student in the district should be given a home language survey. This will allow the identification of students whose primary home language is not English.
 2. Assessment. Following identification of a potentially LEP student, the district is responsible for providing further assessment of that student*s needs, both in the English language and in content areas.
 3. Program. Instruction must be provided in the English language and in the district*s content (or subject) areas. Importantly, the content instruction must be provided in a manner comprehensible to the child. Thus, content instruction may take the form of bilingual education, sheltered instruction, or other theoretically grounded method. Additionally, we would urge the district to provide instruction on any cultural issues which may be likely to be a difficulty for these students. Finally, the district must have in place exit and reclassification criteria.
 4. Staffing. The district*s policy should call for the retention of a teacher (or aide where a teacher is not available) in each school who can converse fluently with the LEP children in their native language, if there are at least 20 children speaking the same language. Additionally, teachers who will be primarily teaching English to the LEP students should, of course, be certified to do so. Finally, other teachers who will be coming into contact with the LEP children (e.g., content area teachers) should be trained (and certified) in effective methods of teaching their subject to LEP children. In this regard, if it does not already, the district should provide in-service training.
 5. Access. Of course, it goes without saying that LEP students should have the same access to all available programs as non-LEP students, including enrichment programs, vocational training, counseling services, and so forth.
 6. Monitoring. The district must monitor how well the programs are being implemented at particular schools with students and also needs to consider the usual criteria of graduation and retention rates, as well as standardized test scores. If the district finds problems in any area, steps should be taken immediately to rectify the situation. Importantly, we wish to emphasize that at every point, parents need to be included and educated about the opportunities available to their children. This means, of course, that school correspondence needs to be provided to parents in a manner understandable to them, which may require the translation of documents into Serbo-Croatian. This district is further urged to retain individuals fluent in Serbo-Croatian to conduct outreach programs to encourage the active participation of the parents of the LEP students.
- We look forward to working with you and your staff to insure that all children receive the best possible education in this district. Should you have any questions, please do not hesitate to contact us.

[With regard to the question about how we might tailor our memo, depending on the receptivity of the school board and administration:

If the district has an effective LEP plan in place, then perhaps a gentle reminder about the requirements is all that is needed (even that may be superfluous, but it never hurts!). One thing that would be important to consider would be whether the memo is being sent to the superintendent prior to the arrival of large numbers of Bosnian LEP students, or whether we are writing to point out a failure to comply with the regulations.]

By Gabriel Nunez Ingrid Roberson Michael Zárate

January 20, 2000

Dear Superintendent Linda Davis,

Our office records indicate that San Francisco Unified School District has recently experienced an infusion of immigrant students from Bosnia whose native language is Serbo-Croatian. Under Title VI of the Civil Rights Act of 1964, the district is required to provide any alternative language program necessary to ensure that these students with limited English proficiency have meaningful access to the schools' programs. Since San Francisco Unified School District has already developed alternative language programs for other students with limited English proficiency, a timely response to the educational needs of these students is expected. The following guidelines will be used in determining compliance with Title VI of the Civil Rights Act:

The district must develop a process to identify students who are eligible for an alternative language program such as a home language survey. After potential students are identified, the district must then assess students' level of proficiency in English in the following domains: reading, writing, speaking, and listening.

Once a number of students have been assessed and there is a definite need for alternative language program, the district is responsible for developing programs that will meet the needs of such students. Such programming must have two goals in mind: the first goal will be to help LEP students develop their English skills, in all four domains of communication (oral, aural, writing and reading); the second goal will be to develop programming designed to teach such students academic content in their mother tongue, or in a language and manner which they can comprehend and understand. This second element is meant to keep LEP students up to par in regards to subject matter and content within academic settings.

In addition to these basic programs delineated above, the district is also responsible for developing exit criteria. In this manner each student will be tested or assessed, after having completed some amount of English language training, as to whether they are competent enough in English to be placed into standard classrooms. Students who have not yet developed their skills in English have the right to continue in the LEP programs as long as needed. Staff should also keep in mind that even once a student is exited into normal classrooms, he or she should be monitored. If once LEP students begin to fall back in the standard classroom they may need a little more work in LEP classrooms, and thus may have to re-placed, or re-classified. In designing these programs staff may want to take a look at other schools and district materials for advice and simple nuts and bolts.

In designing such programs staff should also keep in mind the need to be culturally sensitive to the students who will be served by such programs. Not only should the programs be designed to deliver English language training, and content lessons, but should also be designed in a way that will empower the students and with dignity and respect. LEP students must also be allowed access to all facilities and activities at the school site.

The accessibility of school facilities and activities is an essential element in educating LEP students. Simply because they are lacking in English language skills does not mean that they should be quarantined in their own special programs and buildings. Students of limited English proficiency deserve to participate and be a part of all school activities just as any other student would be. In considering this sensitivity staff should not over react – there are good things that arise from grouping LEP students together, as they will learn from each other and with each other. A medium must be reached in which the LEP students are clustered for their own educational benefit during certain parts of the day, or week, and then de-clustered in order so that they may participate in school wide activities allowing them to learn from all the students and staff at the school site.

Once the basic LEP programming is in place, the staff should begin to concentrate on selecting, or assessing, LEP students for alternative and extracurricular programs, such as GATE. This process may seem daunting: how is one to assess a student for giftedness if such a student does not even speak English? There exist much technical support provided by not only the federal government but other private and public organizations. Such technical support will spell out the exact manners in which much of this programming can be developed and designed. If such a need exists simply contact our office and staff will be connected to the appropriate support.

There also exist certain standards in regards to what constitutes qualified staff when speaking of LEP students. In order for staff to qualify for teaching LEP students they must undergo a rigorous training process. This process differs depending on the State and the district, but includes language training. If your district does not currently have staff qualified to teach in Serbo-Croatian, then qualified staff should be acquired. Current staff can also begin to undergo training in order to be aids and content teachers for the LEP students. In order for teachers to teach students who speak Serbo-Croatian, teachers must have a working knowledge of Serbo-Croatian. This is a fundamental requirement for the primary language teachers who will be involved in the LEP program for the new influx of Serbo-Croatian speaking students.

Due to varying circumstances within each school district, OCR does not assume to know which programs are best suited for each school situation. However, OCR expects school officials to monitor and assess newly created alternative, language programs after a reasonable, trial period. In addition, regular checks on alternative language programs should be conducted in order to discover problems as they arise. Should problems become apparent, OCR also expects school officials to adjust alternative language programs as needed in order to continue the educational needs of alternative language children. A failure to correct ineffective programs is in violation of Title VI.

There are no requirements for schools to create new records pertaining to alternative language children. However, it is assumed school officials will maintain accurate records that outline both the progress of the student and the program itself.

While the Office of Civil Rights does not require the district to adopt any particular alternative language program, it does expect the district to follow the above guidelines in complying with Title VI of the Civil Rights Act of 1964. The OCR will provide technical assistance where needed in an effort to prevent potential Title VI problems.

If there are any questions, please call (415) 642-7000.
Sincerely,

Gabriel Nunez Ingrid Roberson Michael Zárate

It was assumed that the receptivity to this letter outlining the responsibilities of the district is high given the existence of other language minority groups. In fact, in a district such as San Francisco with a high and diverse LEP population, the letter was seen as more of a formality. SFUSD is probably aware of their responsibilities under law and are familiar with the guidelines for compliance. In another district without existing procedures and programs for language minorities or even a familiarity with Title VI of the Civil Rights Act, this would have been an introductory letter from the OCR, explaining the responsibilities of districts under law to LEP students, outlining the guidelines for compliance, and existing technical assistance provided by OCR.

District Language Policy by Jay Saldivar, Merry Kuo, and Gretchen Iverson

Assumption: Thus far the only limited English speaking students in the district are Serbo-Croatian speaking, but this document has been written for students of all language backgrounds entering into the school district.

Following are the steps that the district will take in educating the population of limited English speakers in grades k-12.

1. **Identify and Assess student-** goal is to identify those who are dominant in another language other than English and assess them in their English skills as well as their primary language skills
 - 1.1. Home Language Survey
 - 1.2. Assess English skills in
 - 1.2.1. oral and aural skills of all students in grades k-12
 - 1.2.2. reading and writing skills of students in grades 2-12
 - 1.3. Assess psychological well-being of the student
 - 1.3.1. This would be to see if any conditions exist that would interfere with the student's academic achievement, such as post traumatic stress syndrome, depression, etc.
 - 1.4. Assess primary language skills
 - 1.4.1. oral and aural skills of all students in grades k-12
 - 1.4.2. reading and writing of students in grades 2-12 (if the language has a written system)

2. **Placement in appropriate programs**-goal is to teach them English, teach them subject matter and provide them with a positive learning experience. Parents will have a choice of what program to put them in when the two options are available.
 - 2.1. Bilingual education program
 - 2.1.1. With twenty or more children of the same grade level with the same primary language background
 - 2.1.2. This could be a transitional, maintenance, or two-way immersion bilingual program
 - 2.2. classroom of English Speakers of Other Languages (ESOL)
 - 2.2.1. The limited English speaking students will be integrated with the fluent English speaking students during such activities as physical education, art, music, lunch and recesses

3. **Equal Access to district facilities, services, programs, etc.**-goal is to ensure that all students have access to all service, facilities, and programs regardless of their language background or English proficiency
 - 3.1. special education, vocational education, gifted and talented education, early childhood education,
 - 3.2. before, during and after school activities, sports, clubs, field trips, and other extra-curricular activitiessupport services- counseling, drop-out prevention

4. **Personnel and Staffing**-goal is to train all personnel appropriately to work with limited English speaking students from different cultures than their own.
 - 4.1. Bilingual Teachers/Aides-
 - 4.1.1. Serbo-Croatian or other primary language teachers need to be trained in methods and theories of bilingual education and be appropriately certified
 - 4.1.2. trained to work with immigrants coming from adverse conditions in their native country
 - 4.2. ESOL Teachers/Aides
 - 4.2.1. trained in ESOL teaching strategies as well as cultural awareness training
 - 4.2.2. trained to work with immigrants coming from adverse conditions in their native country
 - 4.3. Counselors
 - 4.3.1. trained in ESOL strategies as well as cultural awareness training
 - 4.3.2. trained to work with immigrants coming from adverse conditions in their native country
 - 4.4. Administrators
 - 4.4.1. trained in ESOL strategies as well as cultural awareness training
 - 4.4.2. trained to work with immigrants coming from adverse conditions in their native country
 - 4.5. Translators
 - 4.5.1. trained to provide appropriate translating duties to communicate with the community

- 4.6. Parent Committee
 - 4.6.1. trained to make sure that the LEP students are getting the services that they need and that the schools are taking appropriate measures to ensure academic success of the LEP students
- 4.7. Parent Support Organization
 - trained in teaching English to parents with limited skills
- 4.8. Monitoring Groups
 - 4.8.1. will need to be trained in some ESOL strategies as well as cultural awareness training and the process of the entire program
- 5. **Assessment of the Programs**-goal is to evaluate whether the programs for the LEP students are helping them become proficient in English as well as helping them to make academic gains
 - 5.1. Set up a committee that includes all stakeholders to assess and evaluate the programs
 - 5.2. The committee will assess all sectors of the district
 - 5.2.1. administration-includes registration and assessment of the students
 - 5.2.2. school site-includes all who work with the LEP students to make sure that they are getting the appropriate services
 - 5.3. The committee will make recommendations for improving the programs if necessary
- 6. **Reclassification of Students** -goal is to set the guidelines for determining when students are ready to be placed in mainstream classrooms with fluent English speaking students
 - 6.1. After students are assessed in their English skills and other subject areas, a team of teachers, administrators and experts (e.g. from the field of second language learning) will discuss what percentile score students need to have on achievement tests before they can be placed in mainstream classrooms.
 - 6.2. To determine the cut-off percentile score of the achievement tests, the team will need to decide if the LEP student's score will be compared with other students in the same school, with other students in the district or with students in the state or nation.
 - 6.3. Monitoring the student once they've been reclassified up to the point of graduation to see that they are continuing with their academic achievements with regards to a "normal" period of growth.
 - 6.4. Even after reclassification, LEP students will continue to have access to services if they need them.
- 7. **Monitoring**-goal is to have the process and programs monitored to make sure stakeholders are following through with their commitments.
 - 7.1. Several Groups in the district will be formed to monitor certain aspects-these groups shall be equally mixed with people from the following sectors:
 - 7.1.1. administrative

- 7.1.2. teaching staff
- 7.1.3. parents
- 7.1.4. community/business members
- 7.2. If the certain parties are not following through on their commitment for whatever reason, support will be provided