Santa Ana Unified School District

Al Mijares, Ph.D., Superintendent

July 20, 2004
The Honorable Frederick P. Horn
Presiding Judge, Orange County Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Re: Response to 2003-04 Orange County Grand Jury Report, "Speaking English in Santa Ana – Proposition 227 Then and Now?"

Dear Judge Horn:

Pursuant to Penal Code 933.05 (a) and (b), the Santa Ana Unified School District Superintendent and Board of Education hereby present the attached response to each of the findings and recommendations of the 2003-04 Orange County Grand Jury Report, "Speaking English in Santa Ana – Proposition 227 Then and Now?"
If you have any questions or need further information, please contact me.

Sincerely,

John W. Bennett, Ed.D.
Deputy Superintendent of Schools

AM:lib
Attachment
Response to 2003-04 Orange County Grand Jury Report, "Speaking English in Santa Ana – Proposition 227 Then and Now?"

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Santa Ana Unified School District Grand Jury Response:

Finding 1:

The SAUSD has received no clear guidance for the implementation of Proposition 227.

The District agrees in part with this finding.

The Santa Ana Unified School District (hereinafter "SAUSD" or "the District") partially agrees with the Grand Jury finding that the District has not received clear guidance from the State of California on the implementation of Proposition 227. The District agrees that there is, in some areas, a lack of detailed guidance in the statutory language of Proposition 227, i.e. California Education Code Sections 310, et. seq. However, the District has utilized the following sources to provide additional guidance for its implementation of Proposition 227 to ensure that it at all times acts within the confines of the law:

- California Education Code § 300 et. seq.
- Title 5, California Code of Regulations; Div. 1, Chap. 11; English Language Learner Education; subchapter 4
- California Department of Education *Coordinated Compliance Review (CCR) Training Guide 2003-2004*

In response to the above guidelines, the SAUSD Board of Education adopted Board Policy 6174 on Aug. 25, 1998, and Administrative Regulation 6174 on Sept.8, 1998, "to adhere to the provisions of Proposition 227 and the State Board of Education Title 5, California Code of Regulations of the English Language Education for Immigrant Children." All school sites have copies of these regulations.

The following documents have provided the District with further information that the District has utilized to assure that it is properly implementing Proposition 227:

- California Department of Education, *Frequently Asked Questions Regarding the Implementation of EC § 300-340 (Proposition 227)*, Language Policy and Leadership Unit Legal Office (Aug. 1999)
- California Department of Education, Memorandum to District and County Superintendents, *Update on Activities to Implement Proposition 227*, Curriculum and Instructional Leadership Branch (Dec. 18, 1998)
- Letter of Clarification Regarding Implementation of Cal. Ed. Code § 311(c), Response from California Department of Education, Deputy General Counsel Allan Keown to Pajaro Valley Unified School District (Jan. 15, 1999)
- California School Boards Association, *School Board Checklist: Proposition 227 Implementation* (Sept. 22, 1998)
- *McLaughlin v. State Board of Education,* 75 Cal.App.4th 196 (1999)

The District agrees that some of the information it received from the State of California and from other sources conflicts with other statutory guidance it has received, or has contained ambiguities, and in such cases, the District continues to review its implementation of the law to assure that it is in conformity with the statutory letter and intent of Proposition 227. One example of the ambiguities received from the State of California involved the requirement in the law to provide for a thirty-day placement of students in an English language classroom at the beginning of "that" school year, before one can enter an alternative program. The California Department of Education provided a legal opinion to the District which stated that it was the Department's legal opinion the thirty-day placement for "that" school year meant it only had to be done once, and not year after year. Therefore, if a student had received a waiver into an alternative program in the first grade after first being placed in an English language classroom for thirty days, that student would not have to repeat the thirty-day placement in an English language classroom at the beginning of second grade if a waiver were approved into an alternative program for the second grade.

Further, two years ago the California State Board of Education considered a revised administrative regulation that provided that this thirty-day placement was only a one-time, not an annual, requirement. However, after public hearings at which Mr. Unz, one of the proponents of Proposition 227, spoke against the adoption of such a regulation, it was dropped by the State Board.

It is important for the Court to note that in August 2003 the District revised its procedures for Parental Exception Waivers and annual placement of students in English language classrooms. The Board wrestled with implementation timelines and it was agreed that the revised procedures would apply immediately for new enrollees and that they would apply to all students beginning July 2004. At this time, all students are placed in an English language classroom at the beginning of each school year, even though the State Department of Education is still of the opinion that this is not a requirement of the law.

Finding 2:

The SAUSD has fostered an atmosphere that has encouraged resistance to implementation of Proposition 227 by the Board of Education, administrators, teachers and other staff and parents.

The District disagrees with this finding.

It is SAUSD's policy to act well within the confines of the law, and its implementation of Proposition 227 is no exception. Since the passage of Proposition 227, the District has made a concerted effort to comply with both the letter of Proposition 227, as codified in the California Education Code, and with the demands and regulations of the California Department of Education. Coordinated Compliance Review (CCR) findings by State reviewers, including the most current review in May 2004, consistently have found the District to be in compliance with Proposition 227.

In addition to the procedures developed to provide parents with unbiased information, see Response to Finding 3, *infra*, the District drafted, revised, and implemented Board policies

and administrative regulations in conjunction with annual enrollment procedures for placement of new and continuing students, to ensure complete compliance with the requirements of Proposition 227. The District has repeatedly advised its administrators, both orally and in writing, and through them, its teaching staff, that Proposition 227 is the law of the State of California, and must be complied with by all District personnel. Far from fostering resistance, the District has consistently encouraged all of its employees to act within both the spirit and the letter of the law. In no case has any State agency found the District to be out of compliance with the mandates of Proposition 227. In addition, the District has collected data to monitor site compliance with the new District procedures. The SAUSD continues to refine procedures and forms related to Proposition 227, based upon continuing recommendations from:

- The English Learner Accountability Unit Review Team (formerly the Comité Review Team) - The ELAU Review Team
- The SAUSD Board of Education
- The Blue Ribbon Commission - an organization of District Administrators and other District leadership in the community
- The District English Learner Advisory Committee (DELAC)

A complete description of the District's current procedures is contained in Section B, "Parental Exception Waivers," of the *Master Plan for English Learners* and the *EL Supplement* (attached). *See also*, SAUSD Response to Grand Jury Recommendation 2, *infra*.

Finding 3:

Parents of SAUSD school children were led into believing that lengthy bilingual education programs rather than rapid English acquisition were in their children's best interests.

The District disagrees with this finding.

The District implemented specific procedures to inform parents in a complete, unbiased fashion and in full compliance with Proposition 227, of the alternative programs available to their children. Specifically, the District drafted, revised, and implemented the following items:

- Power Point, transparency, and videotape presentations with accompanying scripts to ensure that parents receive unbiased information at site parent informational meetings (SAUSD: script for parent information meeting, Aug. 1998)
- Parent notification letters of initial and annual student placement (SAUSD: *Parent Notification of Initial Placement* Letter and Parent Notification of Pupil Placement Annual Results for English Learners K-12)
- A parent information packet that includes explanations of English Learner programs, parental rights, and the process for requesting a Parental Exception Waiver (SAUSD: *English Learner Programs* parent information packet)

The parents/guardians of the District's children were not misled into believing that lengthy programs would be in their children's best interests. The programs developed by the District, including Structured English Immersion (SEI), Alternative Bilingual, and English-language Mainstream (ELM), along with the waiver request and evaluation processes, are all designed

to further rapid English acquisition. Furthermore, students must qualify each year in order to be placed an alternative program, including students that were previously "grandfathered" such that they did not have to be placed in an English language classroom for each year. Parents are notified of the initial and annual placement procedures, and therefore are aware that students will only continue in an alternative program if there is a special need.

The District believes that the Grand Jury would have benefitted from a more thorough review, including parent interviews, since it based its findings on cursory reviews at only three of the District's fifty-seven schools. Members of the Grand Jury spent a total of no more than half a day at the District's schools to collect observational data upon which it based its findings.

Finding 4:

The SAUSD has instituted elaborate and lengthy programs in bilingual education that impede student progress in the acquisition of English proficiency by devoting too much time to the teaching of Spanish and core curriculum in Spanish.

The District disagrees with this finding.

The goal of all educational programs for English Learners is to expedite the acquisition of full proficiency in English. The District's bilingual program has been developed in order to meet the requirements of Proposition 227, while still allowing students to develop the entirety of their education. The District asserts that the programs it has developed for its students fit prevailing understandings of the most rapid and effective methods of English acquisition. SAUSD's alternative educational programs were designed to comply with the California Code of Regulation guidelines for EL Item 3b and with Cal. Ed. Code section 310 et. seq., which requires that districts use "generally recognized educational methodology."

The SAUSD program designs are based on recognized, relevant research studies. Specifically, the District relies on studies by Wayne P. Thomas and Virginia P. Collier, *School Effectiveness for Language Minority Students*, George Mason University (Apr. 1997) and Kenji Hakuta, Goto Yuko Butler, and Daria Witt, *How Long Does it Take English Learners to Attain Proficiency?*, Stanford University (Jan. 2000). Prominent studies have shown that "only quality enrichment bilingual programs using current approaches to teaching, such as two-way bilingual education and late-exit developmental bilingual education, when implemented to their full potential, will give language minority students the cognitive and academic development needed to be academically successful in English." Using the most current and reliable studies available, the District strives to educate students using the most effective methods possible within the confines of the law. Alternative programs include class instruction in Spanish at a proportion that is appropriate to the needs of the student, and since the students are in these programs only after the proper waiver procedure has been implemented, it is entirely within the scope of the Cal. Ed. Code § 300 et. seq. to instruct students in the Spanish language within such alternative programs.

Finding 5:

In the bilingual education programs in the SAUSD, the emphasis on instruction of and in the Spanish language is so extensive that it is, in effect, schooling in a foreign language, parallel to mainstream schools, in which English is just one of the many subjects taught.

The District disagrees with this finding.

Under current District procedures, English Learners must meet specific Parental Exception Waiver criteria to qualify for continued participation in an alternative program. These are comprehensive program designs in order to accommodate those students who qualify. (see Section B, "Parental Exception Waivers," (attached) of the *Master Plan for English Learners* for complete criteria).

The goal of all educational programs for English Learners is full proficiency in English. Students' progress toward English proficiency is monitored at designated intervals for expected growth. Students in an alternative bilingual program who do not make adequate progress in English receive appropriate academic interventions.

Following a review by the California Department of Education's ELAU Review Team in May 2004, the "Follow-up Monitoring Report" (attached) stated that "[t]here is substantial evidence that English Learners at the elementary schools in Santa Ana are acquiring English rapidly and effectively. This statement is true for students in Structured English Immersion, English language Mainstream, and alternative bilingual classrooms....In addition, results of the California English Language Development Test (CELDT) for all District English Learners provides additional verification that English Learners in Santa Ana are acquiring English. Preliminary District results of the 'Annual Measurable Achievement Objective' (AMAO) indicate that English Learners in Santa Ana exceeded state targets for 2004 CELDT growth." (see attached Report for complete text, tables, and data).

The District also asserts that the determinations by the Grand Jury were not accurately reached because the Grand Jury observed only a few classrooms in order to reach this finding. If the Grand Jury had looked at a broad cross-section of students and classrooms within the District, it would have seen that English is taught in the schools at a rate that is appropriate to the level of English mastery of the students in each grade level. Further, the Grand Jury visited the schools during the fall semester/trimester. During this early portion of the year, the students in the primary grades of the alternative bilingual programs receive more Spanish instruction than they typically do in the middle or the end of each school year.

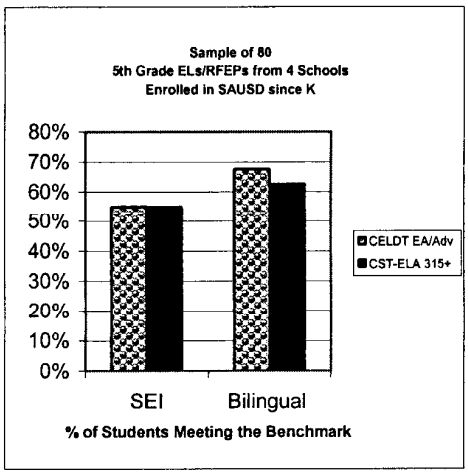
The following information was provided to the Grand Jury in the District *Master Plan for English Learners* in order to inform the Grand Jury of the actual amount of instructional time in each language for each subject within each grade level. The *Master Plan for English Learners* is currently being revised by District staff and the District's legal counsel. However, the District asserts that the following charts demonstrate that the Grand Jury reached an unsubstantiated conclusion when it asserted that the education the bilingual students receive is parallel to English-Only mainstream. Rather, as demonstrated by the following information, the bilingual and 2Way programs are in line with the proper ratio of English to Spanish curriculum. Additionally, Cal. Ed. Code § 300 et. seq. does not prohibit or limit the amount of Spanish instruction provided in alternative programs. After a student has been properly

granted a waiver and it has been determined that the student does in fact have a special need, necessitating placement in an alternative program, the student is to have Spanish instruction according to accepted methodologies, otherwise the program would not be "alternative" to Structured English Immersion.

The following text and tables are excerpted from the May 2004 ELAU Review Report of Findings:

EL3a – English Language Development (Elementary Schools)
There is substantial evidence that English learners at the elementary schools in Santa Ana are acquiring English rapidly and effectively. This statement is true for students in Structured-English Immersion, English language mainstream, and alternative bilingual classrooms. During the May 2004 review, the review team visited over 60 classrooms, interviewed students at all grade-levels, and reviewed student work and achievement data. At all sites, staff was knowledgeable about student English proficiency levels and data on student acquisition of English. Students were grouped appropriately for instruction. The team sampled California English Language Development Test [CELDT] and California Standards Test-English Language Arts [CST-ELA] scores for 80 students from four of the elementary sites reviewed. The data verified review team observations that students in all programs in the district are acquiring English. The chart and table below illustrate the results of the sample. (It is important to note that the bilingual group includes students who received primary language instruction in an alternative bilingual program initially, though most transitioned to English in second or third grade and as 5th graders may currently be in an English language classroom. The SEI group includes students who have been in English language classrooms for all their years in school.)

The following tables are based on results of the 2003 CELDT and CST/ELA:



Sample of 80 - 5th Grade ELs/RFEPs 4 Schools - SAUSD since K				
Program Setting	**Total # of Students**		**Percent**	
Structured English Immersion (SEI)	**Met**	**Did Not Meet**	**Met**	**Did Not Meet**
CELDT EA/Adv	22	18	55.00%	45.00%
CST-ELA 315+	22	18	55.00%	45.00%
Bilingual	**Met**	**Did Not Meet**	**Met**	**Did Not Meet**
CELDT EA/Adv	27	13	67.50%	32.50%
CST-ELA 315+	25	15	62.50%	37.50%

	State Target 2004	Santa Ana – 2004 Preliminary Results
AMAO 1 - % of ELs gaining 1 level on CELDT (B, EI, I) or maintaining proficiency (EA or A)	51%	**61%**
AMAO 2 -% of ELs reaching proficiency on CELDT (of those who could be reasonably expected to do so)	30%	**48%**

EL3b – Access to Core Content (Elementary Schools)
There is evidence that English learners are making progress toward meeting the district's content and performance standards for their respective grade levels in core curriculum areas. School-site staffs implement an *Academic Improvement Plan* (AIP) for each student who incurs academic deficits. Review of student work and data on student achievement indicate that students in general are making appropriate progress, and that interventions targeted to specific academic deficits are provided for students who do not make appropriate progress. In addition, the results of state testing (STAR) for 2003 for the district's approximately 1,400 reclassified (R-FEP) students in grades 3-6 indicate that these students are, as a group, doing well, exceeding the state average for R-FEP students on most measures. These results are provided in the table below.

	3rd grade	4th grade	5th grade	6th grade
2003 CST-ELA – percent at or above proficient	57	70	45	42
2003 CAT 6 - percent at or above 50 NPR	49	51	57	61

	Garfield	Harvey	Hoover	King	Lincoln	Lowell	Pio Pico	Walker	Washington
2003 API Growth Target	14	6	14	13	13	13	13	9	13
2003 API Growth	40	57	82	43	61	33	58	47	44

Finding 6:

The SAUSD has used the waiver program inappropriately, unnecessarily placing many children in bilingual education rather than English immersion and/or mainstream classes in English.

The District disagrees with this finding.

All California Department of Education CCR and ELAU reviews since 1999-2000 have found the District's procedures for Parental Exception Waivers to be in compliance with State legal requirements. During the last 18-24 months, the District has made many modifications to its waiver process and its criteria for granting or denying a waiver. Last summer, the District conducted a major overhaul of its entire procedure for parental exception waivers. The District developed a new form for parents to request a waiver into the bilingual program. The District further developed an entire program to educate the District principals and assistant principals explaining the rigors with which they should investigate the reasons for waiver requests and implemented this program by way of the *Parental Exception Waiver Procedures* (for Principals and Teachers).

The District modified its waiver process guidelines, including, but not limited to:

- Parental Exception Waiver Request form, including:
  - Simplification of instructions to parents
  - Additional space on the form for parental explanation of special needs for
  - section 311(c) students
  - Additional space on the form for principal and educational staff explanation of reasons for recommendation of approval or denial of waiver request
- *Master Plan for English Learners* to be used by educational staff for reference and explanation of entire program for English Learners
- Revision of *Principal/Teacher Procedures Handbook for the Parental Waiver Process* to be used by educational staff and administrators when dealing with the specifics of the Parental Waiver process - this is a more in-depth, step-by-step guide for the waiver process
- Revision of the Parental Appeal process for a student subsequent to a denial of a Waiver Request by the Superintendent
- Revision of the Compliance Agreement with the California Department of Education with respect to issues in secondary education, pursuant to its request.

The District is committed to on-going review, refinement, and improvement of its programs and continues to revise its guidelines. Like the Grand Jury, agencies responsible for overseeing bilingual education programs within the District, such as the California Department of Education, have never found the District to be in violation of Proposition 227.

Finding 7:

Plans to reform the administration of the waiver process conflict with existing and projected bilingual and 2Way programs, which continue for several years.

The District disagrees with this finding.

Under current District procedures, English Learners must meet specific Parental Exception Waiver criteria to qualify for continued participation in an alternative program. These are comprehensive programs that may continue for more than one year to accommodate those students who qualify for an additional year. In order to accurately reflect these revised procedures, the following statement has been deleted from page C-11 (attached) of Section C, "Instructional Programs," in the most recent draft of the SAUSD *Master Plan for English Learners*: "Parents must have a strong commitment to keep their sons/daughters in this program for at least 5-6 years." A complete description of criteria is available in Section B, "Parental Exception Waivers", (attached) of the *Master Plan for English Learners.* Parents who believe their child would benefit from an alternative bilingual program may request a waiver each year. Each child is subject to annual placement in an English language classroom prior to being reviewed for placement in an alternative program. These alternative programs, and the process by which a child is placed in them, do not conflict with future plans to reform the administration of the waiver process.

Recommendation 1:

Rely on Education Code 305 and its own close reading of the law in implementing the mandates of Proposition 227.

The District agrees that it should continue to rely on Education Code section 305 in implementing and revising alternative programs and waiver procedures.

The District has followed, and will continue to follow, California Education Code 305. In addition to Proposition 227, the District must also comply with 1) California Education Code §300 et seq., 2) Title 5, California Code of Regulation; Division 1, Chapter 11; English Language Learner Education; Subchapter 4---State Board of Education; 3) State guidelines for the Consolidated Compliance Review (CCR), English Learner Items 1-10; 4) decisions rendered by the State Attorney General's office.

The Grand Jury did not find the District to be out of compliance with the law and mandates of Proposition 227. This is consistent with the evaluations performed by other entities, such as the CDE, which have also found the District to be in compliance. Additionally, specific concerns by the Grand Jury, such as the practices of "grandfathering" students who may not be subject to being placed in the English language classroom each year, have ceased and each child is now subject to being placed in the English language classroom before being reviewed for placement in the alternative bilingual program. The District will continue to comply with the law when implementing and revising programs within the scope of Proposition 227.

Recommendation 2:

Commit itself to complying with the mandates of Proposition 227 and educate its staff and parents both in the requirements of the law and the benefits of English proficiency for their children.

The District agrees to follow the mandates of Proposition 227.

The District is committed to educating staff and parents in the requirements of the law and the benefits of English proficiency for students and communicates current EL program information by means of the following procedures:

- Monthly district meetings with school-site leadership
- Monthly district meetings with school-site parent leadership
- Power point presentations for site staff members by school-site leadership
- School-site parent meetings and written communications for parents

More recently, the ELAU Review Team interviewed over 500 parents at several sites as to whether they had received adequate and appropriate information regarding the District's EL programs and procedures. The attached "Follow-up Monitoring Report" states that "[i]n all cases, the parents indicated that the instructional options had been explained to them and that they had made their decision with absolutely no coercion from District staff."

Recommendation 3:

Use contact with parents on an individual level, at their committee meetings and at community tutoring sessions, to emphasize the advantages of early and rapid English acquisition.

The District agrees to use contact with parents to emphasize the advantages of early and rapid English acquisition.

The SAUSD collaborates with the community to develop procedures for implementing the relevant Board Policies and Administrative Regulations. The procedures are conveyed to parents, in a language that they understand, by means of public presentations, individual conferences, and written correspondence. The District continues to update these communications in order to reflect the most current SAUSD procedures.

Additionally, site principals are responsible for parent education regarding the benefits of rapid English acquisition. Parents are informed of the reasons for each of the District's programs and the benefits of learning English in the most efficient manner possible. The district monitors overall implementation of programs for English Learners, including parent education.

Recommendation 4:

Discontinue its numerous classes in "Spanish language arts" in bilingual and 2Way programs and accelerate the ratio of the use of English to Spanish in the teaching of core curriculum subjects.

The District disagrees with this recommendation.

The District is in full compliance with the law and it is required by law to offer alternative programs. The District's alternative program designs, including 2Way programs, are supported by research and are implemented by many districts in the state, including several in Orange County (i.e., Capistrano Valley and Saddleback Unified School Districts).Only students who qualify are placed in alternative programs, where the curriculum is designed for rapid language acquisition using accepted methodologies. The District will continue to use the ratio of English to Spanish and core curriculum in the manner that is both in compliance with the law and best for SAUSD student's to rapidly acquire English proficiency.

Recommendation 5:

Reduce the length and curtail the scope of existing and projected bilingual education and 2Way programs and issue waivers for children to stay in these programs only for the most compelling reasons.

The District disagrees with this recommendation.

The District disagrees with this recommendation to the extent that it suggests the creation of a new statutory criteria for placement of students into alternative programs. Education Code Section 311(c), which sets forth the criteria for granting parent exception waivers, does not

contain any requirement that waivers be issued only "for the most compelling reasons." Rather, the statute states that children must have special needs in order to be placed in alternative programs.

Under current District procedures, only those English Learners who meet specific criteria will qualify for placement in an alternative program. These programs are comprehensive programs that may continue for more than one year to accommodate those students who continue to qualify. The District issues waivers only to children with "special needs." and is not required to find "compelling special needs".

The goal of educational programs for English Learners is full proficiency in English. English Learner students are monitored at designated intervals for expected growth in English. Those students in bilingual programs who do not show adequate progress in English are provided with appropriate academic interventions. The length and scope of existing programs are consistent with the needs of the students and requirements of the law.

To demonstrate the success of the District's focus on English proficiency, the 2003-04 R30 Language Census shows that SAUSD reclassified 3,700 students from English Learner status to Fluent English Proficient status, resulting in a reclassification rate of 9.5%, considerably above the state average from the previous year. This reclassification of English Learners students resulted in a net decrease in the number of English Learners in the 2003-04 school year, from 40,000 to 38,000. This is the first time since the Language Census was initiated that SAUSD showed a decrease in the number of English Learners.

Recommendation 6:

Use the resources recovered from the curtailment of bilingual education and 2Way programs in Spanish to establish more English immersion classes in which children from different language backgrounds would be mixed.

The District disagrees with this recommendation.

The District disagrees with the Grand Jury's recommendation to the extent that it calls for the District to curtail appropriate alternative instructional programs required by law solely for the purpose of diverting the funds from such programs to establish more Structured English Immersion classes. In fact, the proper procedure for implementation of Proposition 227 is for each student to be placed in an appropriate class that will best facilitate the child's rapid acquisition of English and meet the child's special needs, if any, whether that class is SEI, English-language Mainstream, or an alternative program. At that point, "the money will follow the child" and will be expended for the class in which the child is best placed.

Factually, the number of District students who are in alternative programs rather than in Structured English Immersion or English-language Mainstream classes has decreased considerably in the last year, and it is expected that the numbers will continue to decline. This decrease is particularly due to the District's decision to require all English Learners to be placed initially in an English language classroom each school year.

SAUSD Response to Findings of the Grand Jury
List of Supporting Documents

Finding 1, Rec. 1	Title 5, California Code of Regulations; Div. 1, Chapter 11; English Language Learner Education; subchapter 4 (State Board of Education)
	Letter of clarification regarding implementation of California Education Code §311(c), Response from California Department of Education Deputy General Counsel Allan Keown to Pajaro Valley Unified School District (Jan. 15, 1999)
	California Department of Education *CCR Training Guide 2003-2004* (EL Items 5, 8)
Finding 1	California Department of Education, *Frequently Asked Questions Regarding the Implementation of EC §300-340 (Proposition 227)*, Language Policy and Leadership Unit Legal Office (Aug., 1999).
	California School Boards Association, *School Board Checklist: Proposition 227 Implementation (Sept. 22, 1998)*
	California School Boards Association, *Sample Board Policy*
	McLaughlin vs. State Board of Education, 75 Cal.App.4th 196 (1999)
Findings 1, 4, 5 Recs. 1, 5	California Education Code §300-340 et. seq.
Findings 1, 2, 3 Rec. 3	SAUSD: Board Policy 6174
	SAUSD: Administrative Regulation 6174
Findings 2, 3, 5 Recs. 1, 2	"Follow-up Monitoring Report", CDE English Learner Accountability Unit (ELAU) Review Team, May 2004
Findings 2, 5, 6, 7	**SAUSD: Section B "Parental Exception Waivers," *Master Plan for English Learners***
	SAUSD: Section B "Parental Exception Waivers," *EL Supplement* to the *Master Plan for English Learners*
Finding 3	***Parent Notification of Initial Placement* Letter and *Parent Notification of Pupil Placement Annual Results for English Learners (K-12)* Letter**
	SAUSD: script for Parent Information Meeting: Aug.1998; revised Aug. 2003, Spring 2004
	SAUSD: *English Learner Programs* parent information packet (Annual Parent Notification of English Learner Placement K-12), including explanations of English Learner programs, parental rights, and the process for requesting a Parental Exception Waiver
	Thomas, Wayne P. and Collier, Virginia P., *School Effectiveness for Language Minority Students* (Executive Summary) George Mason University, April 1997
	Hakuta, Kenji; Butler, Goto Yuko; Witt, Daria; "Key Policy Milestones and Directions in the Education of English Language Learners"(abstract of *How Long Does It Take English Learners to Attain Proficiency?*): Stanford University, January 2000
	Slavin, Robert E.; Cheung, Alan; *Effective Reading Programs for English Language Learners: A Best-Evidence Synthesis* (Overall Conclusions), Johns Hopkins University, October 2003
Finding 3 Rec. 3	SAUSD: Letters from the Superintendent to: all SAUSD staff, all K-5 parents of English Learners, which stated the District's goals for English Learners and described the revised procedures for English Learner program placement
	SAUSD: Student ELD Report (attached to EL student Report Card)
Findings 4, 7 (cont.)	SAUSD: Section C "Instructional Programs," page C-11, *Master Plan for English Learners*

Findings 4, 7 (cont.)	California Department of Education *R30 Language Census,* Spring 2004
	Estimated AMAO 1 and 2 Report for Spring 2004
	California Department of Education *CCR Training Guide 2003-2004*, EL Item 3b
Finding 5	"Monitoring Report", CDE English Learner Accountability Unit (ELAU), 1999 et. seq.
Finding 6	SAUSD: *Parental Exception Waiver Procedures* (for Principals and Teachers)
Finding 7	See Findings 2, 4
Rec. 1	See Findings 1, 2, 3
Rec. 2	See Findings 1, 2
Rec. 3	See Findings 1, 3
Rec. 4	
Rec. 5	See Finding 1
Rec. 6	

Santa Ana Unified School District

ELD/Bilingual Education & Student Achievement Dept.

Glossary of Terms and Acronyms

AIP — **Academic Improvement Plan:**
The SAUSD process to provide academic and interventions for students who are not meeting academic benchmarks

Access to the Core:
A requirement that English Learners be enrolled in the same rigorous academic program as their English-only peers and be provided with comprehensible instruction, fair and reliable assessments, appropriate and meaningful interventions, and recognition of their achievements

AMAOs — **Annual Measurable Achievement Objectives:**
Title III of the federal No Child Left Behind law requires that states define two English language proficiency benchmarks for English Learners: 1) annual increase in the percentage of students making progress in learning English, and 2) annual increase in the percentage of students attaining English proficiency

API — **Academic Performance Index**:
A statewide ranking of schools according to test scores. Most schools are ranked by elementary, middle, or high school in comparison to 100 similar schools, with growth targets for the following year

ABE — **Alternative Bilingual Program:**
An educational program in which instruction in the core curriculum (Language Arts, Math, Science, Social Studies) is delivered in the students' primary language

California Education Code:
A collection of the laws directly related to K–12 public schools in California. Sections of the Education Code are created or changed by the governor and Legislature when they make laws. Local school boards and county offices of education are responsible for complying with these provisions.

CELDT — **California English Language Development Test**:
An assessment of English language listening/speaking, reading and writing proficiency for students whose primary language—as reported on the *Home Language Survey*—is not English. Students are assessed upon initial enrollment and English Learners are assessed annually until they meet District and State criteria for reclassification as Fluent English Proficient (FEP).

CCR **Coordinated Compliance Review:**
The process used by the California Department of Education to monitor school districts for compliance with laws pertaining to categorical programs

Core Curriculum:
The required academic subjects in schools ---usually English/Language Arts, Social Studies, Math, and Science---which represent the essential core of learning that must be provided to all students throughout the District

DELAC **District English Learner Advisory Committee**:
A District-level parent advisory group composed of representatives from each school's English Learner Advisory Committee (ELAC). The responsibility of the DELAC is to advise the local governing board on district-wide issues a ffecting English Learners.

Dual Language Immersion Program
(see **2Way Language Immersion Program**)

English Language Classroom:
An instructional setting defined in Proposition 227 as a classroom taught overwhelmingly in English. SAUSD provides two English Language Classroom settings: Structured English Immersion (SEI) and English Language Mainstream (ELM). Descriptions for each setting are included herein.

ELD **English Language Development** (formerly **English as a Second Language**):
An educational approach that addresses the teaching of English as a second language according to the level of proficiency of each student. Instruction is based on State-adopted standards, involves little or no use of the students,' primary language, focuses on language acquisition (as opposed to content), and is usually taught during specific school periods.

English Language Development Standards:
A supplement to the English Language Arts content standards to ensure that English L earners develop proficiency in both the English language and the concepts and skills contained in the English Language Arts content standards

ELM **English Language Mainstream Program**:
An instructional setting for native English speakers, Fluent English Proficient (FEP) students, and English Learners who have achieved a good working knowledge of English. English Learners continue to receive English Language Development instruction and additional and appropriate services to meet reclassification requirements.

EL — **English Learner** /formerly **Limited English Proficient (LEP):**
A designation for a student who has a home language other than English and is identified as limited in English according to State and District criteria. The English Learner receives services /instruction through either the Structured English Immersion Program, the English-Language Mainstream Classroom Program, or an Alternative Bilingual Program (with an approved Parental Exception Waiver) in order to meet the criteria to be reclassified as Fluent English Proficient (FEP).

ELAU — **English Learner Accountability Unit:**
The California Department of Education unit responsible for monitoring English Learner programs across the State (formerly known as the Comité Review Unit)

ELAC — **English Learner Advisory Committee**:
A site-level parent advisory committee composed of staff members and parents , the majority of whom are parents of English Learners. Its responsibility is to advise the site principal and staff on services for English Learners.

EO — **English Only:**
A designation for a student who speaks or understands *only* English

FEP — **Fluent English Proficient**:
A designation for a student who has a home language other than English and who has met District and State criteria for Fluent English Proficient. District criteria include passing scores on assessments of understanding, speaking, reading and writing in English. (see also **Reclassified Fluent English Proficient)**

I-FEP — **Initially Fluent English Proficient**:
A designation for students with a primary language other than English whose oral and written English skills as measured by the CELDT upon initial enrollment approximate those of their native English-speaking peers. I-FEP students are placed in English-Language Mainstream classes.

Language Census (Form R30-LC):
An annual accounting, taken in March, which collects the following data elements: numbers of English Learners (ELs) and Fluent English Proficient (FEP) students in California public schools (K-12) by grade and primary language other than English and other related information

Language Proficiency:
The level of oral language proficiency and academic literacy required to understand and effectively communicate ideas and concepts

Less than Reasonable Fluency in English:
A term used in Proposition 227 to refer to students whose level of proficiency in English is such that they are placed in a Structured English Immersion Program

PL **Primary Language**:
A student's home language

R30 (see **Language Census (Form R30-LC)**

Reasonable Fluency in English:
A term used in Proposition 227 to refer to students whose level of English is sufficiently developed for them to be placed in an English Mainstream Classroom

Reclassification Rate:
The percentage of students who are reclassified from English Learner (EL) to Fluent English Proficient (FEP) each year . Often used as part of the accountability system for a school or district. (also referred to as the *Redesignation* Rate)

R-FEP **Reclassified Fluent English Proficient:**
A designation for a former English Learner who was reclassified as Fluent English Proficient (FEP) after having met all District and State reclassification criteria to be considered Fluent English Proficient. (see also **Fluent English Proficient)**

SEI **Structured English Immersion**:
An English language class for English Learners who do not yet have reasonable fluency in English. The classroom instruction is provided "overwhelmingly" in English, but primary language support is allowed for up to 20% of the day. The curriculum and presentation is designed for English Learners. The goal is to assist these students in acquiring proficiency in English while they are achieving in the content areas. (also referred to as *Sheltered* English Immersion)

TBE **Transitional Bilingual Education Program:**
An instructional approach that provides a foundation for learning by using the student's primary language while they are acquiring English. As students gain proficiency in English, the percentage of instruction in the students' primary language decreases. Within this program, students move from dominant Spanish instruction to dominant English instruction as they meet District criteria for transition.

2Way **2Way Language Immersion Program** (also known as **Dual Language Immersion Program**):
An instructional program for English Learners, Fluent English Proficient students, and English Only students. Instruction is provided in two languages in a balanced manner to ensure that both groups learn to understand, speak, read, and write in both English and another language. Selected SAUSD schools offer the 2Way Program in English and Spanish. Instructional materials written in English and Spanish are used.

Santa Ana Unified School District/Board of Education

Additional information available to view at the Orange County Public Law Library
515 North Flower
Santa Ana, CA 92703

(Building 32, Civic Center Plaza)