

Requirements of ¶ 2.f. of Amended Appendix C: Instruction of ELLs

CPS shall ensure that all schools use the results of the state-prescribed English language proficiency assessment to ensure that the language acquisition placement of every ELL is appropriate.

Findings Related to ¶ 2.f. of Amended Appendix C: Instruction of ELLs

► **¶ 2.f.** CPS began requiring use of the state-prescribed English language proficiency assessment for screening (W-APT™) as of 12/1/06. Prior to 12/1/06, CPS was using the ELPTS by Metritech to determine program placement. BCFs' compliance review reports and technical assistance forms revealed four lapses in implementation of this section of Amended Appendix C:

- Tonti compliance review report completed by Ms. Rosales, Mr. McNulty, Ms. Rodriguez and R. Puente, dated 9/27/06, stated that initial assessments of newly enrolled ELLs had not been completed as of their visit (CPS Bates #0009496).
- Eberhardt compliance review report completed by Ms. Rosales, Mr. Cristobal, Ms. Wilczynski, Mr. McNulty, Ms. Rodriguez and Ms. Omelczuk, dated 9/22/06, stated that initial assessments of newly enrolled ELLs had not been completed as of their visit (CPS Bates #0009328).
- Saucedo technical assistance form completed by Ms. Wilczynski (BCF), dated 1/31/07, stated that ACCESS™ was administered inappropriately to 30 students and therefore the scores were invalid (CPS Bates #0009994).
- Jackson compliance review report completed by Ms. Rodriguez (BCF), dated 9/26/06, stated that all ELLs had not been given the appropriate state and CPS academic assessments and all ELLs had not been given language assessments in all four language domains (CPS Bates #0009398-401).

► **¶ 2.f.** Staff at 31 schools visited reported use of the ELPTS in all four language domains prior to 12/1/06 and staff at 32 schools reported implementation of the W-APT™ in all four language domains beginning on 12/1/06. While all schools visited, except Tonti, satisfied the requirement of assessment of ELLs in all four language domains, not all schools visited satisfied the requirement of appropriate ELL placement.

Requirements of ¶ 2.g. of Amended Appendix C: Instruction of ELLs

CPS shall take reasonable steps to ensure that at least one language acquisition teacher, or such other teacher or administrator as CPS may designate at schools with no state-designated ESL position, of each ELL shall be responsible for recording and timely updating the ELL's language, program entry and exit dates, annual English proficiency test scores, acquisition of certain language skills, and other relevant information on each ELL's English Language Learner Data Folder, or in any updated electronic student information database that may become operational while this SACD is in effect.

Findings Related to ¶ 2.g. of Amended Appendix C: Instruction of ELLs

► **¶ 2.g.** During school visits I was not permitted to view the Bilingual SI on-line Roster and chose not to do random sampling of IBIPs since CPS was no longer requiring the use of the ELL Data Folder. Instead, I pursued a careful review of compliance review reports and technical assistance forms. These reports reveal that 39 schools failed to record and provide timely updates on ELL progress and benchmarks. While CPS has designated one person responsible for the process at each school, the actual data entry has been judged by BCFs as incomplete and/or untimely, contravening this section of the Amended Appendix C. Resolution of this non-compliance issue was noted in only six instances, contravening ¶ 8.a. of Amended Appendix C in 33 instances.

Quarter	School	Report	BCF	Date	Bates #	BCF's Comments
1st	Cardenas	compliance	Wilczynski	9/6/06	0010234	Bilingual SI on-line Roster not updated. Resolved by 4/23/07 (CPS Bates #0010232).
1st	Tonti	compliance	team	9/27/06	0009496 & 0009498	Bilingual SI on-line Roster not updated. IBIPs not prepared for all PY5 and PY6 ELLs.
1st	Waters	compliance	Cristobal	9/27/06	0009507	IBIPs not done for PY5 and PY6 ELLs.
1st	Cameron	compliance	McNulty	10/17/06	0009278 & 0009280	Bilingual SI on-line Roster not updated. IBIPs not prepared for all PY5 and PY6 ELLs.
1st	Chase	compliance	McNulty	10/19/06	0009288	Bilingual SI on-line Roster not updated.
1st	Cooper	compliance	Rodriquez	10/25/06	0009299	Bilingual SI on-line Roster not updated.
1st	Hammond	compliance	Rodriquez & Rosales	9/14/06	0009379-81	Bilingual SI on-line Roster not updated. IBIPs not prepared for all PY5 and PY6 ELLs.
1st	Jackson	compliance	Rodriquez	9/28/06	0009399	IBIPs not prepared for all PY5 and PY6 ELLs.
1st	Northwest Middle	compliance	McNulty	10/17/06	0009457	IBIPs not prepared for all PY5 and PY6 ELLs.
1st	Paderewski	compliance	Rodriquez & Wilczynski	9/21/06	0009466 & 0009469	IBIPs not prepared for all PY5 and PY6 ELLs. IBIPs from 2005-06 were incomplete and there is no evidence IBIPs have been done this year.
1st	Sabin	compliance	Wilczynski & McNulty	9/28/06	0009486	IBIPs not available for review.
1st	Eberhardt	compliance	team	9/22/06	0009329	IBIPs not prepared for all PY5 and PY6 ELLs.
1st	Davis	compliance	Wilczynski	9/14/06	0009314	IBIPs not prepared for all PY5 and PY6 ELLs. In process of resolution by 10/26/06 (CPS Bates #0009321).
1st	Gary	compliance	team	9/15/06	0009356 & 0009358	Bilingual SI on-line Roster not updated. IBIPs not available for review.
1st	Gunsaulus	compliance	Wilczynski	10/23/06	0009369 & 0009370	Bilingual SI on-line Roster not updated. IBIPs not prepared for all PY5 and PY6 ELLs.
2nd	Chase	compliance	McNulty	10/19/06	0009715	Bilingual SI on-line Roster is not current.
2nd	Nobel	compliance	McNulty	10/10/06	0009727	Bilingual SI on-line Roster is not current.
2nd	North Grand	compliance	Boni	1/11/07	0009514	IBIPs not available for review. Mr. Boni sent a letter to Ms. Pierzchalski (principal) informing her of the same, dated 1/17/07 (See CPS Bates #0009770 also). Resolved on 3/2/07 (CPS Bates #0010152).
2nd	McKinley	compliance	Wilczynski	1/25/07	0009561 & 0009562	IBIPs are not prepared for all PY 5 and PY 6 ELLs. IBIPs not available for review - not complete. (See CPS Bates #0009990 for duplicate).
2nd	Pulaski	compliance	Wilczynski	12/7/06	0009609-11	IBIPs not prepared for all PY5 and PY6 ELLs and IBIPs not available for review. ELL folders incomplete. Resolved by 2/5/07

						(CPS Bates #0010034).
2nd	Lewis	compliance	Rodriguez	11/16/06	0009670-74	Bilingual SI on-line roster is not current. IBIPs not prepared for all PY5 and PY6 ELLs.
2nd	Belmont-Cragin	tech assist	McNulty	11/6/06	0008705	IBIPs need to filled in up to the first quarter. Last year's IBIPs were incomplete.
3rd	LaFayette	compliance	McNulty	3/21/06	0010101	IBIPs not prepared for all PY5 and PY6 ELLs.
3rd	Princeton	compliance	Wilczynski	1/26/07	0010000	IBIPs are not prepared for all PY5 (11) and PY6 (8) ELLs.
3rd	Marshall Middle	compliance	Omelczuk	2/6/07	100005-8	IBIPs are not prepared for all PY5 and PY6 ELLs. IBIPs need to be prepared for 6 students.
3rd	Ebinger	compliance	Omelczuk	2/7/07	10009-12	Attendance records, cum. Cards, grade books and IBIPs not available for review.
3rd	Onahan	compliance	Omelczuk	2/8/07	10014-16	IBIPs are prepared for all PY5 and PY6 ELLs. Attendance records, cum. cards, grade books, and IBIPs not available for review.
3rd	Pulaski	compliance	Wilczynski	12/7/06	0010037	IBIPs are not prepared for all PY5 and PY6 ELLs.
3rd	Little Village	compliance	Wilczynski	2/26/07	0010073	Some IBIPs are incomplete or missing.
3rd	Hitch	compliance	Omelczuk	3/26/07	0010084-86	Bilingual SI on-line Roster not updated. IBIPs not completed.
4th	Hedges	tech assist	Rosales	4/9/07	0010253-4	No ESL grades recorded. IBIPs are incomplete, do not include support services, ELLs are getting "Ds" and "Fs" on their report cards and there is no remediation plan(s).
4th	De la Cruz	compliance	Wilczynski	5/23/07	0010340-43	No ESL grades recorded.
4th	Telpochalli	Compliance	Wilczynski	6/4/07	0010158	IBIPs not prepared for all PY5 and PY6 ELLs.
4th	Albany Park	tech assist	Omelczuk	4/30/07	0010195 & 0010198	IBIPs not prepared for all PY5 and PY6 ELLs.
4th	Galileo	tech assist	Rodriguez	4/24/07	0010217	BCF recommended to the BLT to file all ELLs' documentation and to complete the IBIPs.
4th	McCormick	compliance	Wilczynski	4/16/07	001022 & 001024	IBIPs not prepared for all PY5 and PY6 ELLs.
4th	Burroughs	compliance	Wilczynski	4/19/07	0010225-28	Partial completion of IBIPs - 3rd quarter not recorded. Resolved by 5/21/07 (CPS Bates #0010348).
4th	Edwards	tech assist	Rosales	4/17/07	0010244	ELL folders were lacking pertinent documentation. Resolved by 4/26/07 (CPS Bates #0010250).
4th	Fairfield	tech assist	Rosales	4/19/07	0010245	IBIPs are incomplete and in some cases ambiguous.

Requirements of ¶ 2.h. of Amended Appendix C: Instruction of ELLs

To the extent practicable, CPS shall integrate ELLs with non-ELL general education students in appropriate classes and activities, including art, music, lunch, recess, physical education and extra curricular activities. To the extent practicable, CPS shall integrate ELLs with non-ELL general education students in school functions and co-curricular activities.

Findings Related to ¶ 2.h. of Amended Appendix C: Instruction of ELLs

► **¶ 2.h.** The extent of integration depends largely upon the organization of students and teachers within the building. Schools that place ELLs in general education

homerooms and provide ESL and native language instruction through a pullout model achieve integration in the specials classes (physical education, music and art) by default. Schools that place ELLs in self-contained TBE and/or TPI classrooms can also achieve integration in the specials classes; however, additional efforts must be directed towards scheduling. All of the schools visited with self-contained TBE/TPI classrooms failed to integrate in the specials classes offered at the school. The following situations contravene this section of Amended Appendix C:

- At Falconer on 10/17/06, Mr. Pawlski (principal) stated that ELLs are not integrated in physical education, music and art classes.
- At Reilly on 10/17/06, Ms. O'Keefe (principal) reported that ELLs are not integrated in art classes. There are no music classes and before and after-school sports are substitutes for physical education classes.
- At Tonti on 10/18/06, Ms. Vallejos-Howell (principal) reported that ELLs were not integrated in physical education, music and art classes.
- At Eberhardt on 10/18/06, Ms. Jager (principal) stated that integration occurs only at lunch; ELLs are not integrated in physical education, music and art classes.
- At Disney on 11/17/06, the Spanish TBE program at the kindergarten and first grade levels was described as having an *integrated homeroom*. Integrated was defined by Ms. Khan (BLT) to mean having 20 ELLs and five or six non-ELLs (in kindergarten) and one or two non-ELLs (in first grade) enrolled in the same homeroom. When asked to clarify their understanding of integration, Ms. Khan asserted that the school was mixing ELLs and non-ELLs for integration purposes and to maintain class sizes. Mr. Colunga (assistant principal) stated that as long as at least two ELLs are present, the classroom is considered *integrated*. When asked if the parents of non-ELLs had been informed of this arrangement, Mr. Cristobal (BCF) stated, "Three students don't harm the ELLs." Mr. Cristobal said that he looks at art, physical education and music classes to evaluate whether or not a school integrates. Ms. Thorton-Pierce (CPS attorney) stated that the CPS Board did not condone Disney's definition or method of integration. Later, in her letter dated 3/1/07, Ms. Thorton-Pierce wrote that she did not recall making the above statement and that she had referenced the fact that Disney is a magnet school and that, accordingly, the school's admission and enrollment must follow the district's magnet schools application procedures. Staff stated that art, physical education and music classes are not integrated. Staff at this school are grouping ELLs and monolingual students to achieve a misinformed goal of integration at the expense of their academic and linguistic instruction and failing to integrate ELLs with their mono-lingual peers in non-academic classes.
- At Gunsaulus on 11/29/06, Mr. Jonikaitis (principal) stated that ELLs, who qualify for the TBE program in kindergarten and first grade, were not placed in self-contained classrooms so as to "spread the diversity around." He said that he was worried about animosity and perceived special treatment if he had utilized a self-contained model for TBE eligible ELLs. Ms. Thorton-Pierce (CPS attorney) wrote in her letter dated 5/3/07 that CPS objects to the characterization of statements attributed to Mr. Jonikaitis during the onsite visit to Gunsaulus and

that CPS does not endorse a practice of enrolling TBE ELLs in general education classrooms without bilingual instruction to further diversity.

- At Davis on 11/29/06, Mr. Rodriguez (principal) stated that ELLs are not integrated in physical education, music and art classes.
- At Hammond on 11/30/06 Ms. Salinas (principal) stated that ELLs in grades K-3 are not integrated in physical education, music and art classes, because they are in self-contained classrooms.
- At Gary on 11/30/06 Ms. Dangerfield (principal) stated that ELLs are not integrated in physical education, music and art classes, because they are in self-contained classrooms.
- At Nobel on 11/30/06, Ms. Fonseca (BLT) said that ELLs in the primary grades are not integrated in physical education, music and art classes because they are in self-contained TBE classrooms.
- At Cooper on 2/26/07, Ms. Monrroy (principal) stated that ELLs attend physical education and music as a self-contained class and therefore are not integrated.
- At Northwest Middle on 2/27/06, Mr. Bilderes (BLT) said that ELLs that are placed in the self-contained TBE sections are not integrated in physical education, music and computer classes because they attend those classes with their section. ELLs are integrated that are placed into the general education homerooms and pulled out for ESL instruction.
- At Fairfield on 4/26/07, Ms. Thomas (principal) reported that ELLs are not integrated in physical education, music and art class because they attend those classes with their TBE section.
- At Edwards on 4/26/07, Ms. Sauri (principal) stated that ELLs in grades K-3 are not integrated in physical education, music and art classes.
- At Cardenas on 4/27/06, Mr. Feiwell (principal) said that physical education and art classes were not integrated.
- At Healy on 4/27/07, Ms. Ratovich (principal) said that the specials classes were not integrated and that she failed to see how integration would bolster academic achievement.
- At Lee on 5/16/07, Ms. Arroyo (principal) stated that integration is not occurring in art, library and physical education classes.

► ¶ 2.h. The following schools were noted in compliance review reports as failing to integrate ELLs in art and/or physical education and/or music classes. Additionally, there is no documentation of steps taken to resolve this non-compliance issue as required by ¶ 8.a. of Amended Appendix C.

- Ortiz de Domínguez (CPS Bates #0009461-64)
- Gary (CPS Bates #0009356-59)
- Irving Park (CPS Bates #0009565-68)
- Monroe (CPS Bates #0009569-72)
- Cleveland (CPS Bates #0009637-40)

► ¶ 2.h. All 32 schools visited indicated that ELLs had the same opportunities to participate in extra-curricular activities, school functions and co-curricular activities as

their native English speaking peers. Attendance or participation lists are not kept. Staff interviewed at most schools indicated that activities such as lunch, recess, assemblies, field trips and tutorials are integrated. While ELLs may participate in these activities along with their monolingual peers, unless educators take proactive steps to facilitate integration in these situations, integration may not occur. For example, a school may schedule ELLs into a lunch period with all other students, thereby appearing to have achieved integration. However if ELLs are required to sit at the lunch table with their TBE/TPI classroom, integration is not achieved. Rather, if educators create seating arrangements that pair a TBE/TPI classroom with a general education classroom at each table, then integration is achieved. No schools were able to provide documentation to substantiate ELLs' participation and/or integration in these types of activities. Such documentation is required to substantiate whether or not schools have met the requirements of this section of Amended Appendix C.

Opinions Related to ¶ 2 of Amended Appendix C: Instruction of ELLs

In my opinion, the policies detailed in the *Framework* establish a sound theoretical base, align well with current research and are well regarded in the field of ESL/bilingual education. Many schools visited and many schools identified by BCFs have done a poor job of implementing these educationally sound and well-intended policies and therefore have failed to satisfy the requirements of this section of Amended Appendix C. Area instructional officers, area instructional coaches, BCFs and staff from the OLCE should provide a very thorough and mandatory workshop series to school principals, BLTs, ESL/bilingual teachers and general education teachers. This workshop series should focus on the following topics:

- Program design at the building level,
- Explanations of district expectations with regard to native and second (English) language instruction across grade levels and language proficiency levels,
- Efficient and effective use of program staff,
- Samples of appropriate minutes or periods of instruction in all subject areas for different program models (such as pull-out, resource, push-in, self-contained, etc.)
- Appropriate standards-based course content,
- Required entry/exit criteria and state/federal legal concerns, and
- Continued training in the area of lesson design and incorporation of the English language proficiency standards into lessons.

The Board should hold building principals accountable for implementation of the program model at their building. As noted on page one of the *Bilingual Program Specialists' Handbook*, "It is the responsibility of the principal that all components and requirements of this state mandated program are implemented and that they are in compliance with all federal, state and CPS policies." The Board should hold bilingual compliance facilitators, bilingual instructional coaches, bilingual lead teachers and TBE/TPI teachers accountable for their part in assisting the principal in meeting these obligations.

Over the years, several schools have repeatedly disregarded the requirements contained within the Modified Consent Decree (MCD) and Amended Appendix C, seemingly without consequence from the Board. BCFs have documented numerous instances of non-compliance in their compliance review reports and technical assistance forms. It appears that such reports and their notation of non-compliance are ignored. Principals at Smyser, Eberhardt, Falconer, and Disney have been notified of non-compliance issues as far back as March 2004, yet those same instances of non-compliance appear again on compliance review reports completed in 2006-07. Additionally, three of these four schools (Smyser, Eberhardt and Falconer) have been invited to participate as AMPS schools, intended to reward high performing and rapidly improving schools, despite serious concerns noted by BCFs and the United States about the educational programming offered to the ELLs attending those schools. The CAP, as detailed in the *Framework*, seems appropriate on paper. In light of the ongoing presence of these unresolved non-compliance issues, it seems that the CAP in practice does not serve to remedy non-compliance situations. A new accountability mechanism, with meaningful consequences and incentives, is needed to ensure that schools are fully implementing the sections of Amended Appendix C as well as Board policies.

The Board should remedy situations where more than 20 students of the same language group are not receiving native language instruction. Native language support is not an equal substitute for native language instruction. It does not matter whether this situation is due to a lack of materials, absence of appropriately qualified teachers, a lack of classroom space or insubordination. The MCD, replaced by Amended Appendix C, has been in place for a sufficient amount of time to allow administrators to plan for enrollment, to modify their budgets, to requisition the necessary materials, to recruit the necessary staff and to plan for the use of space within the building. The requirement to provide TBE services when 20 or more students of the same language group attend the same school is also found in Article 14-C-3 of the Illinois School Code. This provision in the state's school code has been in place much longer than the MCD or Amended Appendix C.

Bilingual instructional coaches and BCFs should work together to provide technical assistance to those schools struggling with progressive and consistent language allocation in instruction and establishing appropriate student groupings for ESL instruction. The bilingual coaches' and BCFs' positions should be maintained and the number of schools they monitor should not be increased.

Within TPI programs, teachers should group students for ESL instruction by proficiency level within and across appropriate grade levels. A plan similar to the one already created for the TBE program that details the amount of ESL instruction and content area instruction (or the amount of ESL integrated into content instruction) based on language acquisition and student needs should be developed, included in the *Framework* and implemented. The Board should articulate both shared and separate instructional responsibilities of TPI teachers and general education teachers to set the standard at the building level. Teachers without appropriate certification should not be providing

ESL instruction or content area instruction to students with low levels of English language proficiency. The Board should train general education teachers thoroughly and competently to function effectively and efficiently when teaching ELLs with high levels of English proficiency or in rare instances or emergencies when the principal assigns general education teachers to teach ELLs with lower levels of English proficiency.

To facilitate adequate and consistent language acquisition instruction for students in the program longer than three years, the Board needs to fold into the existing program design instruction for students in PY4, PY5, PY6 and above, creating a continuum of service framework. As mentioned previously, a series of workshops that explains the Board's expectations for instruction, language allocation, and materials at these levels of program participation should be mandatory for building principals, bilingual compliance facilitators, bilingual instructional coaches and bilingual lead teachers. The Board should tie services to students' level of English language acquisition, literacy development and content area needs, not program year. At the high school level, expansion of sheltered content course offerings, taught by ESL certificated teachers or teachers adequately trained in sheltered English methodology would help meet the linguistic and academic needs of ELLs in PY4, PY5, PY6 and above.

All school districts within the state of Illinois have been required to implement ACCESS™ as the state prescribed annual language proficiency measure beginning in 2005-06. The state made the W-APT™ for screening and placement available for use on 9/1/05 and required its use by all districts as of 12/1/06. Exiting decisions are made at OLCE, based on a composite score of 4.0 on the ACCESS.™ The Board has followed the state's direction and in this area has satisfied the requirements of Amended Appendix C.

TBE/TPI staff should be given time periodically throughout the year (once each quarter for example) to give data to the bilingual lead teacher who then inputs the data into the Bilingual SI on-line Roster or IMPACT. Such time should also be provided for teachers to photocopy report cards and to complete IBIPs for ELLs in PY4 and above. BLTs should monitor this database on a quarterly basis, so as to provide timely intervention when students need help. Principals should implement positive incentives, rather than punitive measures, to ensure that teachers can complete data collection accurately and in a timely fashion. Quarterly deadlines for data input should be established.

Integration is an integral part of an ELL's linguistic and social development. Integration occurs easily when ELLs and their teachers are organized in pull-out, resource or push-in configurations. It is more challenging and more difficult to implement integration when ELLs and their teachers are organized in a self-contained configuration, but it can be done. The TBE class is divided in half as is a sister class at the same grade level in the general education program. One half of the TBE class pairs up with one half of the general education class and those two groups attend a physical education, music or art class as a class. The remaining halves (one TBE and one general education) attend another specials class together at the same time. This requires the building principal to

pay close attention to scheduling, keeping the need for integration at the top of the list of priorities in the building. A failure to implement integration for ELLs, outside of simply not knowing how to schedule integration in a building, can be attributed to a failure on the part of the principal to recognize the importance of integration or a misunderstanding of the purpose and intent of integration. Sponsors and organizers of extra-curricular and co-curricular activities should implement proactive strategies to facilitate integration. Documentation of participation and the results of integration strategies implemented should be collected, maintained and reviewed.

Purpose of ¶ 3 of Amended Appendix C: Resources for ELLs

The purpose of this section is to ensure that ELLs have access to sufficient literary and instructional materials that are both English language ability appropriate and in the native language of the student. Additionally, the purpose of this section is to ensure that ELLs have access to educational programs, activities and services that are comparable to those offered to non-ELLs and have instruction in facilities that are comparable to facilities used by non-ELLs.

Requirements of ¶ 3.a. of Amended Appendix C: Resources for ELLs

CPS shall take reasonable steps to ensure that:

Each school and/or class library has sufficient language-ability appropriate literary materials in English, as well as age-appropriate literary materials in the native language(s) of the ELLs at the school. Such materials may include those accessible to ELLs on the internet;

Findings Related to ¶ 3.a. of Amended Appendix C: Resources for ELLs

► **¶ 3.a.** Eight schools were identified by BCFs as having insufficient language-ability appropriate literary materials and/or insufficient age-appropriate literary materials in the native language. Additionally, no evidence of follow-up to rectify these issues of non-compliance was found in CPS-provided documentation. The lack of materials at these schools fails to satisfy the requirements of this section and the lack of follow-up documentation fails to satisfy ¶ 8.a. of Amended Appendix C:

Quarter	School	Report	BCF	Date	Bates #	BCF's Comments
1st	Tonti	compliance	team	9/27/06	009500	While native language materials were observed, the school library was only beginning to be organized.
1st	Gunsaulus	compliance	team	10/23/06	009370	The school/classroom library does not include appropriate library materials in the native languages of the ELLs at the school.
1st	Jackson	compliance	Rodriguez	9/26/06	009398	The school library and/or classroom library does not include library materials in the native languages of the ELLs at the school.

2nd	Nobel	compliance	McNulty	10/10/06	009728	The school library and/or classroom library does not include library materials in the native languages of the ELLs at the school. (See CPS Bates #0009451 for duplicate.)
3rd	Ebinger	compliance	Omelczuk	2/7/07	0010009-12	Appropriate library materials in the native language are needed.
3rd	Onahan	compliance	Omelczuk	2/8/07	0010013-16	Appropriate library materials in the native language are needed.
4th	De Diego	compliance	Wilczynski	4/10/07	0010206-9	There is a lack of books and materials in the native language for PY0 and PY1 ELLs.
4th	Burroughs	compliance	Wilczynski	4/19/07	0010225-28	School and classroom libraries need to increase the number of books in the native language of the students.

► **¶ 3.a.** School visits illuminated an inconsistent picture of the availability of native language materials at different school and classroom libraries. While some schools are meeting the requirements of this section of Amended Appendix C, other schools are not.

- At Holden on 11/30/06, 15 Dr. Seuss books in Chinese and one shelf of Spanish books were observed. This is an insufficient number of books in the native language to serve 40 Cantonese-speaking ELLs and 108 Spanish-speaking ELLs. Dr. Seuss books fail to meet the age-appropriate standard for all the ELLs attending this K-8 school.
- At Falconer on 10/17/06, Mr. Pawlski (principal) stated that he had allocated \$23,000.00 to refurbish classroom libraries for all 1,526 students in the school, including 674 ELLs (\$15.70 per ELL). By contrast, Mr. Travalos (principal at Smyser) has only allocated \$1,500.00 for literary materials for 192 Spanish-speaking ELLs (\$7.80 per ELL).
- At Edwards on 4/26/07, an ample supply of age-appropriate and native language literary materials were observed in the school library. Ms. Wilson (BLT) explained that the school had received these volumes through an Oppenheimer grant.
- At Logandale Middle on 2/27/07, Ms. Sweeney (principal) stated that the Bilingual Advisory Council ("BAC") had been approached to provide funds to purchase Spanish materials. The purchase of instructional materials in the native language is a district responsibility, not a responsibility of the BAC.

Requirements of ¶ 3.b. of Amended Appendix C: Resources for ELLs

CPS shall take reasonable steps to ensure that:

ELLs in each school receive all instruction (e.g., in classroom, pullout, other) in facilities that are comparable to the facilities used by students who are not ELLs:

Findings Related to ¶ 3.b. of Amended Appendix C: Resources for ELLs

► **¶ 3.b.** School visits and review of the compliance reports reveal that most ELLs receive instruction in facilities that are comparable to the facilities used by their monolingual English peers. Schools that failed to provide comparable facilities to ELLs

and thereby fail to satisfy the requirements of this section of Amended Appendix C are listed below:

- The Davis compliance report dated 9/14/06 completed by Ms. Wilczynski (BCF) stated that facilities for ELLs are not comparable and room 403 has very poor lighting and is small for the group of students (CPS Bates #0009314-17).
- The Ebinger compliance report dated 2/7/07 completed by Ms. Omelczuk (BCF), noted that facilities for ELLs are not comparable; ESL is taught in a second floor hallway adjacent to the stairs (CPS Bates #0010009-12).
- Brighton Park compliance report dated 3/28/07 completed by Ms. Wilczynski (BCF) reported that some bilingual classrooms are small for the number of students (CPS Bates #0010135-38).
- At Hammond on 11/30/06, Mr. Vail (ESL teacher) was observed teaching two ESL lessons in the hallway; there was no space for visuals or a chalkboard and the 11 children were surrounded by boxes and storage closets in a very small alcove at the end of the hallway, adjacent to the stairs. Mr. Vail stated that he had borrowed the chairs from a nearby classroom.
- At Durkin on 4/12/07, Mr. Rosales teaches his morning ESL classes on the stage in the auditorium. There is no chalkboard and no visual display space, crucial items in the instruction of ELLs. Mr. Rosales teaches his afternoon classes in a storage closet that accommodates one table, as well as a soda pop machine, a refrigerator, shelves storing park district sports equipment and a piano. A dry erase board was visible. Mrs. Park, another ESL teacher at the school, teaches at the end of a hallway that is connected to the storage room described previously.

Requirements of ¶ 3.c. of Amended Appendix C: Resources for ELLs

CPS shall take reasonable steps to ensure that:

Sufficient funds are allocated to each school to provide ELLs with educationally sound textbooks and instructional materials; and

Findings Related to ¶ 3.c. of Amended Appendix C: Resources for ELLs

► **¶ 3.c.** Textbooks and instructional materials that are geared to the needs of ELLs and are matched to the language of instruction are essential to provide a high quality educational experience for ELLs and their teachers. There is inconsistency in both quality and quantity in these materials across the 32 schools visited pointing to a contravention of this section of Amended Appendix C that spans across the district:

- At Disney on 11/17/06, no formal instructional materials in either Spanish or Urdu (languages served in the TBE program at the school) were found during the school visit. Ms. Khan (BLT) and other teachers said they make all their own materials that they might use in those two languages. While it is a bit more challenging to obtain language arts and content area materials in Urdu, there are

ample resources in Chicago for Spanish materials. In contrast, a program compliance report completed by Mr. Cristobal (BCF) on 11/9/06 stated that Spanish and Urdu instructional materials had arrived (CPS Bates #0009654).

- At Cooper on 2/26/07, staff reported using the *Mondo Kits* for ESL instruction. These materials are not on the approved list of ESL instructional materials in the *Framework* and have been cited by BCFs on compliance review reports as inappropriate for ESL instruction.
- At Kelly on 4/12/07, Mr. Gonzalez (BLT) stated that he had difficulty purchasing Cantonese textbooks and discussed the difficulty he has experienced in trying to find a vendor.
- At Edwards on 4/26/07, staff reported that teachers make their own materials for Arabic and Polish native language instruction and/or support in math, science and social studies.
- At Sauganash on 5/15/07, staff reported that they are using the ESL component of the Scott Foresman reading series. This is not an ESL textbook and is not listed in on the list of approved ESL instructional materials in the *Bilingual Program Specialists' Handbook* (p. 10).
- At Logandale Middle on 2/27/07, Ms. Wilson (BLT and assistant principal) reported that the staff uses only supplemental materials for ESL instruction; there are no formal textbooks or series for ESL instruction in the building.
- At Senn on 11/17/06, Mr. Roa (Spanish biology teacher) reported that he rarely uses the textbook for this class because it is available only in English. He stated that there were textbooks with an easier readability level in English, but they had been tossed out.
- At Amundsen on 5/15/07, no textbooks were observed in Mr. Guenette's ESL class. When I asked Spanish-speaking ELLs where their textbooks were students told me in Spanish that they did not have textbooks.

► ¶ 3.c. At some schools, teachers are using materials that are not listed on the list of approved ESL instructional materials in the *Bilingual Program Specialists' Handbook* (p. 10). At other schools, teachers are using text editions that are outdated or dog eared. Instructional materials ten years old and older are regarded as inadequate among most educators. Such materials do not reflect current research in instructional methodology no matter the subject area and do not reflect English language proficiency standards in the area of ESL instruction. Other schools simply do not have any ESL instructional materials. Still other schools do not have sufficient native language materials to conduct native language instruction. Failure to provide ELLs with educationally sound textbooks and instructional materials compromises the consistency of the educational program as students advance in their English language school acquisition within an individual school, and hinders the district's ability to cope with student mobility from school-to-school within the district. No evidence of follow-up to rectify these issues of non-compliance was found in CPS-provided reports, except in four instances, as noted in the BCF's comments column. The schools listed below were cited in compliance review reports for a failure to provide appropriate publisher materials for ESL instruction and/or native language instruction a situation that

contravenes this section of Amended Appendix C. Additionally, the lack of follow-up documentation at 21 schools fails to satisfy ¶ 8.a. of Amended Appendix C.

Quarter	School	Report	BCF	Date	Bates #	BCF's Comments
1st	Reilly	compliance	Omelczuk & Blahuta	10/16/06	0009477	Appropriate publisher materials for ESL instruction and native language instruction are not available. The school is using <i>Language for Learning</i> (not an ESL text) in one kindergarten classroom and Mondo's <i>Let's Talk About it</i> (not an ESL text) in another kindergarten class classroom. These classrooms have no ESL materials. Rooms 208, 140 and 240 do not have ESL materials (CPS Bates #0009480).
1st	Sabin	compliance	Wilczynski & McNulty	9/28/06	0009487	Some classrooms don't have ESL materials - progress noted on this issue on 10/24/06 (CPS Bates #0009489).
1st	Eberhardt	compliance	team	9/22/06	0009331	No native language materials for K-2 ELLs.
1st	Disney	Compliance	Cristobal	10/23/06	0009327	Follow up is needed to verify if <i>Trofeos</i> (Spanish text for ELLs in PY0-2) and native language instructional materials in Urdu arrived at the school. Resolved by 11/9/06 (CPS Bates #0009654).
1st	Gunsaulus	compliance	Wilczynski	10/23/06	0009372	ESL materials found are outdated - copy right dates are 1991 & 1992.
1st	Tonti	compliance	team	9/27/06	0009499	ESL instruction was not evident in most classrooms due to a lack of materials.
1st	Carpenter	tech assist	Wilczynski	10/26/06	0009287	There is a need for ESL/bilingual instructional materials.
1st	Blaine	tech assist	Wilczynski	10/10/06	0009264	Most ESL materials are outdated. Resolved by 10/19/06 (CPS Bates #0009266).
1st	Jackson	compliance	Rodriquez	9/26/06	0009401	No evidence of ESL materials.
1st	McAuliffe	compliance	McNulty	10/5/06	0009439-42	<i>Reading in Motion</i> is being used for ESL instruction. It is not an ESL program.
1st	Hammond	compliance	Rodriquez & Rosales	9/14/06	0009382	ESL materials are not available.
2nd	Smyser	compliance	Omelczuk	11/9/06	0009626	Appropriate native language publisher materials are not available.
2nd	Cleveland	compliance	Omelczuk	11/30/06	0009640	Using <i>Language for Learning</i> (an oral language development program, not an ESL text) for ESL instruction in grade K-3.
2nd	Von Humboldt	compliance	McNulty	11/7/06	0009697	Native language materials are needed for PY0-3 for pull-out instruction.
2nd	Belmont-Cragin	tech assist	McNulty	11/6/06	0009705	Action taken: Talk about the lack of native language materials in the classrooms where PY0-3 ELLs are located.
3rd	Thorp	compliance	Omelczuk	3/28/07	0010095	ESL is taught through the core reading program, the Harcourt Trophies series. On 3/28/07 the BCF noted that she will forward a list of OLC recommended ESL materials to the school (CPS Bates #0010095).

3rd	Brighton Park	compliance	Wilczynski	3/28/07	0010135-38	In some classrooms, ESL materials are not enough for all students.
3rd	Monroe	tech assist	Omelczuk	1/24/07	0009957	Teachers are using older versions of the same core basal in the bilingual classrooms.
3rd	Burr	tech assist	Wilczynski	1/30/07	0009982	I reviewed the ESL materials. There is a need for more materials; they are not enough for all grades.
3rd	Princeton	compliance	Wilczynski	1/26/07	0009999-10002	There are not enough ESL instructional materials for all the groups. Materials were ordered on 1/26/07.
4th	Salazar	compliance	Wilczynski	5/17/07	0010313-16	There is a need for ESL instructional materials.
4th	De la Cruz	compliance	Wilczynski	5/23/07	0010340-43	There is need for ESL and native language instructional materials.
4th	De Diego	compliance	Wilczynski	4/10/07	0010206-9	There is a lack of books and materials in the native language for PY0 and PY1 ELLs.
4th	Whittier	tech assist	Rodriquez	4/23/07	0010214	Inadequate ESL materials.
4th	Brighton Park	compliance	Wilczynski	3/28/07	00103553	Not enough ESL materials in some bilingual classrooms. Some materials have been ordered as of 5/21/07 (CPS Bates #0010354).
4th	Castellaños	compliance	Wilczynski	5/15/07	10356059	Outdated ESL materials. There are new ESL materials in some classrooms.

Requirements of ¶ 3.d. of Amended Appendix C: Resources for ELLs

CPS shall take reasonable steps to ensure that:

ELLs in each school have meaningful access to educational programs, activities and services (e.g., kindergarten, tutoring, after-school programming and magnet schools and programs) that are comparable to the educational programs, activities and services provided to students in the same school who are not ELLs.

Findings Related to ¶ 3.d. of Amended Appendix C: Resources for ELLs

► **¶ 3.d.** Staff at the 32 schools visited indicated that ELLs are welcomed into educational programs, activities and services that are comparable to the same provided to their monolingual English peers. ELLs are not precluded from participation; however, schools, BCFs, BLTs and activity sponsors do not collect either qualitative or quantitative data on ELL participation. Lack of data makes it difficult to determine whether staff at an individual school are making reasonable efforts to encourage and enable ELL participation or whether efforts at improvement in this area should be recommended in order to satisfy the requirements of this section of Amended Appendix C.

► **¶ 3.d.** Compliance reports completed for the following schools noted that PY5 and eligible PY6 ELLs' access to a summer bilingual transitional support program was not available:

- Moos compliance report dated 10/16/06, completed by Mr. McNulty (CPS Bates #0009709-11).
- McKinley compliance report dated 1/25/07, completed by Ms. Wilczynski (CPS Bates #0009560-3 and CPS Bates #0009990-3).

► ¶ 3.d. Compliance reports completed for the following schools noted that PY5 and eligible PY6 ELLs' access to a summer bilingual support program was "NA" or not applicable:

- The Eberhardt compliance report dated 9/22/06, completed by a team of bilingual compliance facilitators (CPS Bates #0009329).
- Tonti compliance report dated 9/27/06, completed by a team of bilingual compliance facilitators (CPS Bates #0009497).
- Irving Park compliance report dated 12/12/06, completed by Ms. Omelczuk (CPS Bates #0009566).
- The Brentano compliance report dated 10/18/06, completed by Mr. McNulty (CPS Bates #0009270).
- The Jackson compliance report dated 9/26/06, completed by Ms. Rodriguez (CPS Bates #0009399).
- The Disney compliance report dated 10/23/06, completed by Mr. Cristobal (CPS Bates #0009325).

Opinions Related to ¶ 3 of Amended Appendix C: Resources for ELLs

In my opinion, while the Board has made good progress in this area since 2004; there are at least eight schools where there continues to be a lack of sufficient language ability appropriate and literary materials as well as age-appropriate literary materials in the native language. Because CPS has conducted compliance reviews at only 120 schools this number may be much greater. As suggested in my previous report, the Board should establish a transparent and well-communicated waiver process that allows for purchases outside of the Board's approved vendor/distributor or would allow school librarians and/or teachers to purchase materials easily in languages other than English. OLCE in collaboration with TBE teachers and BAC members should create a list of recommended literary materials in the native language (fiction, non-fiction, reference materials, periodicals and multi-media) to help librarians build their holdings. A list of materials and websites in multiple languages that can be assessed on the internet should also be compiled and distributed. High-interest, low vocabulary books should also be on the list. Perhaps TBE/TPI staff and World Language staff should collaborate more often. In the Cantonese language, there appear to be ample materials for those studying the language as their second language, but a dearth of materials for those ELLs who speak Cantonese as their first language.

The Board should immediately remedy the few situations where ELLs are receiving instruction in non-comparable facilities.

The Board should continue to increase the purchase of appropriate instructional textbooks and materials for ELLs, namely, native language literacy materials and native

language and sheltered English materials in the content areas. The Board should improve its management of textbook purchasing and inventory. All TBE classrooms should have instructional textbooks and materials in the students' native language available and accessible for instruction in native literacy and in math, science and social studies in a manner that correlates with the district's plan for language allocation within the program. All TBE and TPI classrooms should have instructional textbooks and materials that are designed specifically for ESL instruction and sheltered English instruction in the content areas. All textbooks and instructional materials for ELLs should reflect the current research and the current instructional methodology.

The Board should continue to ensure that ELLs have access to educational programs, activities and services that are comparable to the same provided to students in the same school who are not ELLs. Qualitative and quantitative data should be collected so as to document ELLs' participation and involvement in these programs, activities and services.

Purpose of ¶ 4 of Amended Appendix C: Teacher Certifications

The purpose of this section is to ensure that ELLs receive instruction from appropriately certified ESL and bilingual teachers and when such staff is difficult to recruit, hire and retain, that the Board provides principals with assistance. Another purpose of this section is to ensure that the general education teachers who provide instruction to ELLs have had staff development in the areas of professional development that relate directly to the instruction of ELLs. Finally, the last purpose of this section is to ensure that student/teacher ratios within TBE/TPI programs are not substantially higher than the ratios in the general education program.

Requirements of ¶ 4.a.-1 of Amended Appendix C: Teacher Certifications

CPS shall ensure, to the extent practicable, that:

- 1) *Those teachers who lack appropriate certification receive adequate training in working with ELLs and are working towards achieving full certification in a timely manner;*

Findings Related to ¶ 4.a.-1 of Amended Appendix: Teacher Certifications

► **¶ 4.a.-1.** The following schools were cited in compliance review reports for the failure to ensure that teachers employed in the school's TBE and/or TPI program without the required certification were enrolled in a program leading to appropriate and required certification. These situations contravene this section of Amended Appendix C.

- Northwest Middle (CPS Bates #0009456-58), Monroe (CPS Bates #0009569-72), Smyser (CPS Bates #0009626-28), Cleveland (CPS Bates #0009637-40), and Falconer (CPS Bates #0010083).

Requirements of ¶ 4.a.-2 of Amended Appendix C: Teacher Certifications

CPS shall ensure, to the extent practicable, that:

- 2) *Vacancies for teachers in the language acquisition program are filled in a reasonable amount of time with fully certified teachers (i.e., teachers who have a standard certification plus either an ESL or bilingual certification); and*

Findings Related to ¶ 4.a.-2 of Amended Appendix C: Teacher Certifications

► **¶ 4.a.-2.** On school visits no staff members reported that any vacancies within the language acquisition program at their school had persisted longer than thirty days, with the three exceptions of Mr. Wawrzyniak (principal) at Holden, Mr. Alvarez (principal) at Roosevelt and Ms. Arroyo (principal) at Lee. Compliance review reports and CPS-provided data, Appendix – C 2006-07 Item d Positions Vacant for 30 Days or More, illustrate that several schools did experience vacancies that were not filled within thirty days, potentially contravening this section of Amended Appendix C if 30 days or less is considered to be a reasonable amount of time.

- The Young compliance report completed by Ms. Rodriguez (BCF) stated that all state funded ESL/bilingual positions had not yet been filled as of 11/20/06 (CPS Bates #0009680-84).
- The Gunsaulus compliance report completed by Ms. Wilczynski (BCF) stated that all state funded bilingual/ESL positions were not filled as of 10/23/06, more than one month after September 5 - the first day of school (CPS Bates #0009369-72).
- The Locke compliance report completed by Ms. Rodriguez (BCF) stated that all funded ESL/bilingual positions had not been filled as of 10/23/06, more than forty-eight days after the first day of school (CPS Bates #0009424-27).
- The Chase compliance report completed by Mr. McNulty (BCF) stated that all state funded ESL/bilingual positions had not yet been filled as of 10/19/06 (CPS Bates #0009715).
- The Cameron compliance report completed by Mr. McNulty (BCF) stated that all state-funded bilingual/ESL positions were not filled as of 10/17/06, more than one month after September 5 - the first day of school (CPS Bates #0009278-81).
- The Tonti compliance report completed by a team of bilingual compliance facilitators, stated that all state funded bilingual/ESL positions were not filled as of 9/27/06, 22 days after the first day of school (CPS Bates #0009496-500).
- The Kanoon compliance report completed by Ms. Wilczynski (BCF) stated that all state funded bilingual/ESL positions were not filled by either 9/18/06 or 9/27/06, 22 days after the first day of school (CPS Bates #0009406-409).

- CPS identified 30 schools where vacancies persisted 30 days or more (Appendix – C 2006-07 Item d Positions Vacant for 30 Days or More). Four schools from the above list were visited: Holden, Gary, Hedges and Senn. With the exception of Holden, principals at those schools denied that they had open positions for 30 or more days. Mr. Wawrzyniak, the principal at Holden, stated that he was very disturbed by the length the position at his school had remained open. He stated that he had approached the Chinese Cultural Association to help in filling the position. Mr. Alvarez (principal) at Roosevelt High School stated on 10/17/06 that he had a vacancy go unfilled since the first day of school, 9/5/06, but Roosevelt was not on the list referenced above. Similarly, Ms. Arroyo (principal at Lee) said that she also had a vacancy that lasted more than 30 days, but Lee was not on the list referenced above.

► ¶ 4.a.-2. Additionally, compliance review reports indicate that positions within the TBE and/or TPI program at the school were filled by individuals who did not have the appropriate certification required by the position. Additionally, with the exception of Tonti, no follow-up documentation was provided by CPS indicating that these certification issues had been resolved, as ¶ 8.a. of Amended Appendix C requires.

Quarter	School	Report	BCF	Date	Bates #	BCF's Comments
1st	Reilly	compliance	Omelczuk	10/16/06	0009477	Teacher Otoño (room 250/4) does not have a bilingual certificate but is serving PY3 ELLs. ESL instruction in grades 6-8 is being provided by a teacher without ESL approval. (Also CPS Bates #0009480, #0009481, #0009634, and #0010177).
1st	Sabin	compliance	Wilczynski & McNulty	9/28/06	0009486	ESL instruction in grades 6-8 is being provided by a teacher without ESL approval.
1st	Tonti	compliance	team	9/27/06	0009498	ESL instruction in grades 6-8 is being provided by a teacher without ESL approval. Resolved by 10/13/06 (CPS Bates #0009501)
1st	Gunsaulus	compliance	Wilczynski	10/23/06	0009371	ESL instruction in grades 6-8 is being provided by a teacher without ESL approval.
1st	Brentano	compliance	McNulty	10/18/06	0009272	Two general education teachers without ESL or bilingual certification are assigned to work with ELLs with board quota positions.
1st	Hammond	compliance	Rodriguez & Rosales	9/14/06	0009381	ESL instruction in grades 6-8 is being provided by a teacher without ESL approval.
1st	Hayt	compliance	Cristobal	10/13/06	0009389	32 ELLs are receiving services from Mr. Khan who has an expired Type 29 certificate.
1st	Cameron	compliance	McNulty	10/17/06	0009281	Not all state-funded bilingual program teachers or board quota bilingual teachers have required certification.
1st	Daley	compliance	McNulty & Rosales	9/7/06	0009307	ESL instruction in grades 6-8 is being provided by a teacher without ESL approval.
1st	Locke	compliance	Rodriguez	10/23/06	0009426	Not all staff has required certification. ESL instruction in grades 6-8 is being provided by a teacher without ESL approval. Not all staff lacking appropriate certification is enrolled in a program leading to appropriate certification.
1st	Northwest Middle	compliance	McNulty	10/17/06	0009458	All Type 29 certificate holders are not enrolled in a program leading to appropriate certification.

1st	Paderewski	compliance	Rodriquez	9/21/06	0009467	ESL instruction in grades 6-8 is being provided by a teacher without ESL approval.
2nd	Darwin	compliance	McNulty	10/13/06	0009724	Two board quota positions are not fully certified.
2nd	Nobel	compliance	McNulty	11/20/06	0009726	Three teachers are without proper certification.
2nd	Monroe	compliance	Omelczuk	12/19/06	0009571	All Type 29 certificate holders are not enrolled in a program leading to appropriate certification.
2nd	Smyser	compliance	Omelczuk	11/9/06	0009626	All Type 29 certificate holders are not enrolled in a program leading to appropriate certification. Language approvals do not match the languages of ELLs served. Psarros, in room 409, is listed as a Polish bilingual teacher, but only has an ESL approval.
2nd	Cleveland	compliance	Omelczuk	11/30/06	0009639	All Type 29 certificate holders are not enrolled in a program leading to appropriate certification.
2nd	Hayt	compliance	Cristobal	10/13/06	0009646	One teacher, Mr. Khan, is operating on an expired Type 29 certificate and is not enrolled in any certification program. He is serving 32 ELLs.
2nd	Moos	compliance	McNulty	10/16/06	0009711	ESL instruction in grades 6-8 is not provided by a teacher who has a standard state certificate and ESL approval. (See CPS Bates #0009445 for duplicate).
2nd	Clinton	compliance	Cristobal	10/30/06	0009653	The following non-certified teachers are also providing ESL services to ELLs: Aguirre, Ibrahim, Gordo and Phillip. They have lapsed Type 29 certificates.
3rd	Falconer	tech assistance	Omelczuk	3/2/07	0010083	Some Type 29s are not enrolled in a certification program.

Requirements of ¶ 4.a.-3 of Amended Appendix C: Teacher Certifications

CPS shall ensure, to the extent practicable, that:

- 3) *Schools that have a high percentage of less than fully certified ELL teachers in the language acquisition program are identified and provided assistance in securing certified staff.*

Findings Related to ¶ 4.a.-3 of Amended Appendix C: Teacher Certifications

► **¶ 4.a.-3** Interviews conducted during school visits illuminated inconsistent data reported by schools and by CPS as to the certification status of teachers in a given building. Principals at Disney, Belmont-Cragin, Gary, Hedges, Durkin, Fairfield, Cardenas, Sauganash and Lee disputed CPS-reported data on teacher certification. When CPS has incorrect information about teachers' certification and the number of teachers assigned to a TBE or TPI position, they are in a compromised position that prevents their provision of assistance to the school principal in securing certified staff.

This in turn hinders the school's ability to comply with this section of Amended Appendix C.

► ¶ 4.a.-3 It is unclear how CPS provided assistance to schools that had TBE/TPI vacancies. Only two schools reported instances of assistance. In one case the BLT took action, in another case the BCF took action. No staff at any school visited shared instances where CPS provided assistance in securing ESL/bilingual certified staff.

- Farragut High School, represented by Paul Welsh (BLT), attended the annual state-wide TBE/TPI job fair. Mr. Welsh said he attended the fair in order to recruit, interview and possibly hire teachers to work with the ELL population at the school. This is an example of a proactive response that more schools should emulate.
- At Kanoon, Ms. Wilczynski (BCF) noted that she offered a resume to Ms. Saucedo (principal) as a possible candidate for an open ESL position (CPS Bates #0009411).

Requirements of ¶ 4.b. of Amended Appendix C: Teacher Certifications

CPS shall encourage all teachers of general education classes (i.e., teachers of classes that are not specifically a part of a language acquisition program) to receive training regarding working with current and recently transitioned ELLs and coordinating with ESL and Bilingual teachers to identify and address any language barriers that may hinder current or recently transitioned ELLs from participating in general education classes.

Findings Related to ¶ 4.b. of Amended Appendix C: Teacher Certifications

► ¶ 4.b. Most schools visited indicated that professional development opportunities had been offered to the general education teachers; however, most topics associated with these staff development sessions were oriented to the education of either the general education student or the special education student. Additionally, no documentation was provided to me that detailed which staff members attended which staff development offerings. The schools listed below reported that general education teachers attended the staff development sessions that TBE/TPI teachers attended on the topics of ELL identification, ESL instructional strategies, the Illinois English Language Proficiency Standards, lesson plan design and ACCESS™ training and certification.

- At Farragut on 5/16/07, Mr. Welsh (BLT) reported that 35 to 37 teachers were ACCESS™ certified.
- At Northwest on 2/27/07, Mr. Bilderes (principal) proudly announced that he was ACCESS™ certified.
- At Hedges on 4/11/07, Mr. Garcia (principal) stated that 18 to 20 staff members, including him, were ACCESS™ certified.

- At Cardenas on 4/27/07, Mr. Feiwell (principal) reported that all staff members in the building are ACCESS™ certified.
- Clemente and Edwards sent staff members to the National Association of Bilingual Education conference in San Diego.
- Edwards, Cardenas, Mather and Farragut are either in the process of establishing cohorts or have established cohorts offering graduate coursework in ESL/bilingual education and providing all participants who complete the coursework with either their ESL or bilingual certification. At Cardenas, Mr. Feiwell (principal) stated that all teachers in the school are participating in the cohort.

► **¶ 4.b.** A general concern encountered when reviewing compliance review reports is that many schools and many BLTs fail to keep documentation of the professional development sessions the teachers attend. The lack of documentation makes it difficult to assess the degree of CPS' compliance with this section of Amended Appendix C.

Requirements of ¶ 4.c. of Amended Appendix C: Teacher Certifications

CPS shall ensure, to the extent practicable, that:

CPS shall ensure, to the extent practicable, that the student/teacher and student/staff ratios in classrooms serving ELLs are not substantially higher than the student/teacher and student/staff ratios in general education classes in the same school that serve the same grade level and teach similar subject matter.

Findings Related to ¶ 4.c. of Amended Appendix C: Teacher Certifications

► **¶ 4.c.** Generally, the student/teacher ratio observed during school visits did not appear to be substantially higher than the student/teacher ratios observed in the school's general education classes. The following five exceptions that contravene this section of Amended Appendix C were identified:

- At Smyser on 11/10/06, Ms. Gomez (BLT) stated that her caseload was between 80 and 90 ELLs and Ms. Spinka's caseload (another ESL teacher) was approximately 130 ELLs. Ms. Omelczuk (BCF) urged an adjustment to those numbers to reflect a caseload of 100 ELLs for Ms. Gomez and 100 ELLs for Ms. Spinka.
- At Sauganash on 5/15/07, staff reported that 41 ELLs are served by one part-time ESL teacher.
- Chopin technical assistance report dated 10/6/06, completed by Mr. McNulty (BCF) who noted that three teachers were serving 302 ELLs (CPS Bates #0009293).
- Daley compliance review report dated 9/7/06, completed by Mr. McNulty and Ms. Rosales (BCFs) who noted that the teacher-to-student ratios in the ELL classes

were substantially higher than the teacher-to-student ratios in the general education classes in the school (CPS Bates #0009306).

- On the Onahan compliance report dated 2/8/07, Ms. Omelczuk (BCF) noted that one part-time (.5) teacher was serving 35 ELLs (CPS Bates #0010013).

Opinions Related to ¶ 4 of Amended Appendix C: Teacher Certifications

In my opinion, the Board should continue to find ways to assist current teachers in obtaining the proper credentials in order to satisfy the provisions in Amended Appendix C. Continued partnership with ISBE and universities to recruit and train teachers is needed, as is more intensive collaboration with the Transitions to Teaching Program and other similar programs. Recently, several professional development grants have been awarded to Institutions of Higher Learning ("IHEs") in the Chicago area; therefore, opportunities for CPS and its teachers should be expanding. The diligent monitoring of teachers' paths in pursuing their appropriate credentials is warranted; many teachers, especially those with a Type 29 provisional certificate, received their bachelor's degree in another country and are unfamiliar with our country's system of post-secondary education. Assigning a mentor or the BLT to work with such individuals would ensure a smoother navigation through the bureaucracy of higher education and lead to more timely completion of coursework and corresponding certification.

The Board should provide additional assistance to building principals as they struggle to recruit qualified teachers for vacancies in TBE/TPI programs in their buildings. The Board's human resources department should be monitoring the length of time it takes to fill a TBE/TPI vacancy and strategizing ways to help principals recruit, interview, hire and retain highly qualified and competent ESL/bilingual and ESL/bilingual/special education teachers. The Board should implement a data collection/retention process regarding vacancies to reduce errors and to target assistance to buildings that need help in filling TBE/TPI vacancies.

Staff development opportunities are a required component of each building's School Improvement Plan ("SIP") and the Board's District Improvement Plan ("DIP"). ISBE requires a SIP for each school that fails to meet adequate yearly progress ("AYP") and a DIP for each district that fails to meet annual measurable achievement objectives ("AMAOs"). BCFs and bilingual instructional coaches should be involved in the creation of the SIP and the DIP to be sure that the principal and/or staff development team is including staff development opportunities in the area of ESL/bilingual instruction to all staff members, including general education teachers. The Board must hold area instructional officers and principals accountable for providing such in-service training to all of their teachers, not just staff members of the TBE/TPI program. The scheduled workshops held at both Tilden and Roosevelt in the fall of 2006 provide a good foundation upon which to build.

Additionally, while documentation of staff development participation is required, it is not enforced. Many compliance review reports noted that the documentation was not available. BCFs should be given access to CPS' ePD to track teachers' progress in

professional development, in the same way principals and area instructional officers are given access.

The Board should address high student-to-teacher ratios and high caseloads, when they occur among ELLs and their teachers. The Board should take steps to ensure that each building with TBE/TPI eligible ELLs is staffed adequately to meet the instructional and assessment needs of the ELLs in attendance.

Purpose of ¶ 5 of Amended Appendix C: ELL Access to Special Programs

The purpose of this section is to ensure full implementation of the practices and policies that provide ELLs and their parents' equal access to gifted and talented programs.

Requirements of ¶ 5.a.-1 of Amended Appendix C: ELL Access to Special Programs

CPS acknowledges that ELLs are entitled to services that shall enable them to participate meaningfully in all CPS educational programs, services and activities for which they are eligible.

- 1) *CPS shall ensure that ELLs are provided an opportunity for assessment, as appropriate, for CPS' gifted and talented programs, which are conducted in English and certain foreign languages.*

Findings Related to ¶ 5.a.-1 of Amended Appendix C: ELL Access to Special Programs

► **¶ 5.a.-1** There is no provision on CPS' compliance review report form for monitoring this portion of Amended Appendix C.

► **¶ 5.a.-1** All staff interviewed stated that they pass information on to parents at BAC meetings and parent-teacher conferences that they receive from CPS regarding gifted and talented opportunities. Persistently low numbers of ELLs in CPS' gifted and talented programs, gathered during interviews over the last three years, point to questionable progress regarding this section of Amended Appendix C. During the interviews, I asked staff if any ELLs that they know of are participating in gifted and talented programs in the CPS system. In rare cases, a BLT or a principal may name one or two students, but in most cases, neither individual can name a single child. CPS should analyze the process for providing ELLs an opportunity for assessment for gifted and talented programs to determine the adequacy of that opportunity.

Requirements of ¶ 5.a.-2 of Amended Appendix C: ELL Access to Special Programs

CPS acknowledges that ELLs are entitled to services that shall enable them to participate meaningfully in all CPS educational programs, services and activities for which they are eligible.

- 2) *CPS shall advise all school-based administrators and BLTs in writing that ELLs who qualify for gifted programs are entitled to participate in those programs while also receiving appropriate language acquisition instruction.*

Findings Related to ¶ 5.a.-2 of Amended Appendix C: ELL Access to Special Programs

- **¶ 5.a.-2** There is no provision on CPS' compliance review report form for monitoring this portion of Amended Appendix C.
- **¶ 5.a.-2** During visits to 20 schools in 2005-06 and 32 schools in 2006-07, no staff member (principal, bilingual compliance facilitator, bilingual instructional coach, bilingual lead teacher or teacher) has shared a written set of procedures created by CPS or a written advisement sent to principals regarding ELLs and gifted programs. Although CPS has provided some documents dated 2/15/00 to the United States, it is unclear whether appropriate documents have been received and disseminated at the school level during the 2006-07 school year.

Opinions Related to ¶ 5 of Amended Appendix C: ELL Access to Special Programs

In my opinion, it is still not known how successfully the Board has accomplished parent outreach required by this section of Amended Appendix C. There does not appear to be an increase in the number of gifted and talented ELLs based on staff interviews. Staff has been very consistent over the years in identifying few if any ELLs at their building who are participating or have participated in any gifted and talented programs.

In general, the Board should find better ways to inform all stakeholders of the process for parent and teacher referral of potentially gifted and talented ELLs. The process needs to be more transparent and accessible to parents of ELLs, many of whom may be illiterate in their native language, non-English proficient, without access to the internet, with limited navigational knowledge of a large, urban school system and unable to attend evening or daytime meetings at the school.

The Board should monitor this section of Amended Appendix C on the compliance review form.

Standardized tests are rife with linguistic, cultural and class bias that serve to bar minority students from participating in gifted and talented programs, rather than truly identifying those within the ELL population who are gifted and talented. In order to make the assessment process more accessible to ELLs, especially those from low

incidence language backgrounds, CPS should rely less heavily on standardized test measures particularly those that are largely language dependent and rely more on student work samples, multiple intelligence domains and non-verbal tasks. Utilizing these authentic/alternative assessments will allow CPS to assess ELLs for gifted and talented programming when native language assessments are unavailable and the student's level of English language acquisition is in the early stages.

The Board should develop and implement written procedures for ELL access to gifted and talented programs. These statements should be disseminated in a variety of ways to reach all stakeholders. The written procedures should include a statement indicating that ELLs can participate in the gifted and talented program and the TBE/TPI program simultaneously. A process for monitoring and reviewing the implementation of these procedures should be designed and implemented.

Purpose of ¶ 6 of Amended Appendix C: Special Education

The purpose of this section is to ensure that ELLs with an identified, qualifying disability receive sufficient services that address both their disability needs and their language acquisition needs from teachers who are appropriately qualified to meet those needs. A second purpose of this section is to ensure that the Board applies one of the six models of ESL/Bilingual/Special Education to all ELLs detailed in the *Framework* who qualify for services in both programs.

The *Framework* states that the Individualized Education Plan ("IEP") of an ELL with a disability is expected to include specifications for providing bilingual and/or ESL services most appropriate for the students and this specification includes the bilingual instruction/staffing service model (abbreviated as "SM#" in CPS-provided reports) to be used for the students. The addition/deletion of the model designation is a part of the IEP process. These models were established in accordance with mandates from ISBE, the Office for Civil Rights and the United States Department of Education. English language acquisition categories are referenced in each model: category 1 is beginning, category 2 is intermediate and category 3 is advanced.

The *Framework* states that ELLs in language acquisition categories 1, 2, and 3 and "S" (deaf, hard-of hearing, etc.) who spend less than one half of their school day in special education must participate in either TBE or TPI programs. ELLs who spend more than 50 % of their school day in special education classes may participate in either TBE or TPI programs, if the IEP committee considers it appropriate. The *Framework* explains different service models that help the principal organize ELLs and their teachers to provide the most appropriate educational program, given the linguistic and cultural needs of individual ELLs.

Bilingual Special Education (SM#1) can be organized as either a self-contained or a resource program. Priority placement should be given to ELLs in language acquisition categories 1, 2 and 3 over non bilingual students. The school can also make

arrangements to transfer an ELL to another school, if they do not employ a bilingual special education (dual certificated) teacher. TBE and special education team teaching (SM#2) can also be organized as a self-contained or a resource program. This model can serve ELLs in language acquisition categories of 1, 2 and 3.

ESL Special Education (SM#3) is an option that is recommended for only ELLs in the language acquisition category of 3 or ELLs in language acquisition category of 1 or 2 if they are provided with a bilingual paraprofessional. SM#3 does not provide native language instruction; only ESL instruction. General education (with ESL approval) and special education team teaching (SM#4) is best used with ELLs in the language acquisition category of 3.

Using a bilingual teacher assistant (SM#5) is considered the model of *last resort* when SM#1, SM#2, SM#3, and SM#4 cannot be implemented. SM #5 involves no native language instruction and no ESL instruction; rather only native language support from a bilingual paraprofessional. Consultation between special education and TBE/TPI teachers (SM#6) is to be used when an ELL spends less than 50% of the school day in special education classes and have achieved an English language acquisition level of 3 (*The Framework*, pgs. 37-41 and *The Bilingual Special Education Manual* pgs. 48-51).

Requirements of ¶ 6.a.-1 of Amended Appendix C: Special Education

CPS shall take reasonable steps to ensure that:

- 1) *Special education services at each school are sufficient to address the language acquisition and special education needs of ELL students; and*

Findings Related to ¶ 6.a.-1 of Amended Appendix C: Special Education

► **¶ 6.a.-1** Special education services at each school are not consistently sufficient to address the language acquisition and special education needs of ELLs with a diagnosed disability. Some schools may be under-referring ELLs in need of special education and other schools may be over-referring ELLs who are experiencing academic difficulties. It is unclear whether the 2,292 ELLs without a specified service model or SM#0 are receiving TBE/TPI services (Appendix – C 2006 – 2007 Item – f (ii)). It is also unclear whether ELLs with a specified service model or SM# are receiving corresponding TBE/TPI services; interviews revealed that many special education ELLs are not receiving those services, school-reported and CPS-reported data are inconsistent and BLTs have expressed confusion about implementation of the models. This situation, when it occurs, contravenes this section of the Amended Appendix C.

► **¶ 6.a.-1** There is no provision on CPS' compliance review report form for monitoring this portion of Amended Appendix C.

► **¶ 6.a.-1** During school visits problems surfaced regarding the decision-making process during the IEP conference. This situation points to a failure to implement the

IEP conference as directed in the *Framework* and CPS' *The Bilingual Special Education Manual*. The *Framework* states that decisions about the English and native language instructional category and/or whether an ELL with disabilities is ready to exit from bilingual/ESL services must be made at IEP meetings. The *Framework* further asserts that these decisions must be based on the results of language assessments and the professional judgment of the IEP team members, including bilingual special education teachers and/or bilingual/ESL teachers (p. 43). The *Bilingual Special Education Manual* states that a bilingual specialist shall be present at the IEP conference of an ELL to determine initial eligibility or for an annual review; the purpose of having a bilingual specialist at the IEP conference is to give input on how the student's unique cultural/linguistic needs will be addressed (p. 38).

Additionally, an attachment to a memo sent by Renee Grant-Mitchell from the Office of Specialized Services on 9/6/05, regarding participation at IEP meetings, provides a form entitled *IEP Participation Excusal from IEP Meeting* which is to be attached to a student's IEP. The bilingual specialist is one of the ten team members listed on the form. Principals and case managers are directed to require attendance at the IEP meeting of those staff members listed on the form. The *Chicago Public Schools Policy Manual* includes a directive that bilingual personnel will participate in individualized education conferences (Bilingual Education Policy, Section 603.1, Board report: 02-1023-PO01, Adopted 10/23/02). Schools' failure to involve educators with expertise in ESL/bilingual education in decisions regarding services for ELLs with disabilities contravenes this section of Amended Appendix C.

- At Disney on 11/17/06, Ms. Khan (BLT) reported that neither she, nor any other TBE/TPI staff member is involved in the creation or the implementation of the IEP for ELLs served through SM#6 (consultation between a TBE/TPI teacher with either bilingual or ESL approval and a special education teacher). Ms. Khan said that she did not see the need for such involvement. Ms. Khan does not appear to be involved in the decision-making as to whether or not ELLs with an IEP continue to receive ESL and/or native language instruction along with implementation of their IEP. Ms. Thorton-Pierce (CPS attorney) interjected during the interview what Ms. Khan should have said and should have done regarding this issue: that she was providing consultation. When Ms. Khan was asked directly if she was providing consultation, she provided a blank look as her answer and then stated that maybe she had provided consultation once. Review of Ms. Perez's (special education teacher) lesson plans provided no documentation of consultation and/or efforts to coordinate services. Ms. Thorton-Pierce, however, asserted in her letter dated 3/1/07 that nine special education ELLs receive services from a non-bilingually certified special education teacher, Ms. Perez, and that Ms. Perez undertakes these services in consultation with Ms. Khan.
- At Smyser on 11/10/06, Ms. Gomez (BLT) said that all ELLs in special education were receiving ESL services, but she was not certain whether or not those ELLs were receiving native language instruction.
- At Senn on 11/17/06, staff had no idea who provided the consultation associated with SM#6, which serves 19 special education ELLs. Ms. Khosaba (BLT) was

absent on the day of the school visits and interview; however, given the advance notice of these visits and the familiarity with the questions posed during the interview, it is not unreasonable to expect staff participating in the interview to be able to answer this question.

- At Amundsen on 5/15/07, Ms. Gutiu (BLT) said that ELLs with a disability are only receiving ESL instruction if such instruction is indicated on their IEP and that no ELLs are receiving native language instruction. CPS-reported data indicates that six ELLs are served in SM#1 and one ELL is served in SM#2; both service models require native language instruction (Appendix - C – 2006-07 Item f (ii) Number of Special Education ELLs by Model Number).
- At Clemente on 5/16/07, Ms. Forsline (BLT) was asked who provided ESL instruction to 25 ELLs served in special education classes that continued to require ESL instruction. Ms. Forsline declined to answer the question. She stated that she didn't know about the different service delivery models assigned to ELLs served in special education and that she did not understand the six different models.

► ¶ 6.a.-1 There seems to be little evidence that the service models assigned to ELLs with disabilities are related to their linguistic and cultural needs; rather service models appear to be assigned based on the availability of special education staff and without required input from ESL/bilingual specialists. There is little evidence that CPS is using dual certificated staff to provide SM#1 to ELLs with disabilities that may require this service delivery model. This situation contravenes this section of Amended Appendix C.

- At Gary on 11/30/06, staff reported 89 ELLs were served in special education through SM #5. It seems unlikely that such a large number of ELLs with a learning disability would have the same linguistic and cultural needs leading to placement in the same service delivery model. CPS should ensure whether these 89 ELLs are served through the appropriate model.
- At Gunsaulus on 11/29/06, Ms. Andrade (BLT) clarified that she pulls out six ELLs, who are served in special education classrooms, for instruction rather than engage in team teaching with the special education teacher as required by the service model (SM#2) assigned to these students.
- At Fairfield on 4/26/07, staff reported that ELLs assigned to SM#1 do not receive ESL and native language instruction from the bilingual special education teacher (as that model calls for); rather those students are pulled out by TBE/TPI staff for ESL and native language instruction.

Requirements of ¶ 6.a.-2 of Amended Appendix C: Special Education

CPS shall take reasonable steps to ensure that:

- 2) *To the extent practicable, schools with special education ELLs hire teachers who have Bilingual or ESL certification and special education certification and/or adequately train teachers and aides who lack such certification and provide special education services to ELLs.*

Findings Related to ¶ 6.a.-2 of Amended Appendix C: Special Education

► **¶ 6.a.-2** There is a shortage of qualified staff with dual certification in both special education and ESL/bilingual education. School districts across the state, indeed, across the nation, are grappling with this shortage of staff. Some schools, however, have managed to address this issue well, have secured dual certificated staff members and in the process satisfied the requirements of this section of Amended Appendix C.

- Eberhardt on 10/18/06 employs a special education teacher with an ESL endorsement.
- Belmont-Cragin on 11/10/06 employs a bilingual speech-language therapist.
- Holden on 11/30/06 employs a bilingual special education teacher.
- Nobel on 2/26/07 employs a bilingual, Spanish-speaking speech and language therapist.
- Cooper on 2/26/07 employs a bilingual special education teacher.
- Northwest Middle on 2/27/07 employs a bilingual special education teacher.
- Logandale Middle on 2/27/07 employs a bilingual special education teacher.
- Edwards on 4/26/07 employs a trilingual psychologist, a bilingual social worker, two bilingual speech pathologists and a bilingual counselor.
- Healy on 4/27/07 employs a Cantonese-speaking special education teacher and a Mandarin-speaking psychologist.
- Cardenas on 4/27/07 employs a bilingual speech and language therapist and a bilingual psychologist.

► **¶ 6.a.-2** Other schools are not managing the shortage of dual certification teachers well.

- At Gary on 11/30/06, staff reported that the paraprofessional provides ESL instruction to some special education ELLs served in SM#5.
- At Roosevelt on 10/17/06, staff reported that the paraprofessional provides ESL and native language instruction occasionally.

► **¶ 6.a.-2** Should schools fail to recruit, hire and retain dual certified staff the existing staff should be provided training in the area of ELLs and disabilities.

- A review of the Fall 2006 staff development schedule at the Tilden Bilingual Resource Center and the Multicultural Resource Center at Roosevelt show two workshop offerings that deal with special education ELLs: 1.) Special Education

for Linguistically Diverse ESL Students and 2.) Teaching the Special Needs Student. It is possible, if not probable, that similar offerings were publicized in winter or spring brochures. However, without documentation of teacher participation and attendance, it is difficult to determine whether CPS has satisfied the requirements of this section of Amended Appendix C.

Requirements of ¶ 6.b. of Amended Appendix C: Special Education

CPS shall take reasonable steps to ensure that the approximately 1,576 special education ELLs who had no special education model recorded in CPS' student information system as of March 27, 2006, are receiving one of the six models approved by CPS and shall update its student information system to reflect the model number for all ELLs.

Findings Related to ¶ 6.b. of Amended Appendix C: Special Education

► **¶ 6.b.** Previously, CPS had been unable to articulate the type of language assistance programming being provided to a large number of ELLs, who continued to be eligible for TBE/TPI services, with disabilities and an IEP. As detailed previously in this report, CPS established six service delivery models for providing instruction to ELLs with disabilities (*Framework* p. 36-43 and *The Bilingual Special Education Manual* pgs. 48-51).

The models are listed from more to less TBE/TPI service with SM#5 noted as the *last resort*. SM#1 is bilingual special education, SM#2 involves team-teaching between a TBE/TPI teacher with either bilingual or ESL approval and a special education teacher, SM#3 is ESL special education, SM#4 involves team-teaching between a general education teacher with an ESL approval and an English monolingual special education teacher, SM#5 is the use of a bilingual teacher assistant, and SM#6 involves consultation between a TBE/TPI teacher with either bilingual or ESL approval and a special education teacher.

Ms. Fassos (Professional Development Administrator for OLCE) stated that SM#0, as reported in CPS data, indicates that no model has been assigned to the ELL and therefore the model is unknown (Fassos deposition p. 127). During the 2002-03 school year, 2,700 special education ELLs were recorded in the CPS data base as having an unknown special education model. As a result of this situation, CPS was required by the MCD of 2004 to ensure that all ELLs who are eligible for special education and TBE/TPI services, are receiving one of the six models approved by CPS and to update its database to reflect the model number for all ELLs served in special education as set forth in the *Framework*. The requirement to assign a service delivery model and update the data base to accurately reflect the service delivery model was extended in Amended Appendix C.

- CPS reported 1,576 special education ELLs who had no special education model reported in the student information system as of 3/27/05 and 2,292 special education ELLs who had no special education service model reported in the student information system as of 2/9/07. These increasing numbers indicate a persistent problem with assigning a model and maintaining a current data base regarding special education ELLs and their service delivery models. CPS has failed to satisfy this requirement of Amended Appendix C and should pursue resolution of this situation immediately.
- CPS reported data in Appendix –C 2006-07 Item f (ii), as of February 9, 2007, for 7,608 special education ELLs is as follows:

SM #0	SM#1	SM#2	SM#3	SM#4	SM#5	SM#6
2,292	829	371	167	312	1,725	1,912

- 2,292 special education ELLs, or 30% of the entire special education ELL population, still have no identified special education service delivery model in the data base. CPS should ensure immediately that these ELLs are receiving the services to which they are entitled.

► ¶ 6.b. This aspect of the Amended Appendix C is not addressed on CPS' compliance review report form. Occasionally, the BCF writes comments stating the model numbers need to be updated at a particular school, but no comments have been made as to the accuracy of the numbers of ELLs with a disability or the model number attributed to their instructional program or whether the model assigned is the best service delivery model that can be offered at the school.

► ¶ 6.b. On school visits, the discrepancy between school data and CPS-reported data on the total number of special education ELLs was fairly common. Many of these discrepancies can be attributed to the reporting dates and that likelihood of actions taking place in between the data collection points: special education ELLs moving into CPS with an IEP already in place, special education ELLs moving out of CPS, completed staffing of ELLs who were previously at the referral stage or confusion about whether to count speech and language therapy as a special education service. Situations where discrepancies in reported numbers or the total count of special education ELLs exceeded five students may point to more serious problems with timely updates in the data base. On visits to nine schools of 32 visited, such discrepancies were noted; discrepancies occurred in 28% of the schools visited.

Date	School	School data	Date	CPS Data	Date	CPS Data
10/17/06	Roosevelt	79	2/9/07	73		data not provided by CPS
10/18/07	Tonti	19	2/9/07	29		data not provided by CPS
4/11/07	Hedges	45	2/9/07	58	4/11/07	45
4/12/07	Kelly	71	2/9/07	81	4/12/07	71
4/12/07	Durkin	25	2/9/07	22	4/12/07	0
4/26/07	Fairfield	16	2/9/07	21	4/26/07	16
5/15/07	Amundsen	34	2/9/07	40	5/15/07	34
5/16/07	Lee	19	2/9/07	27	5/16/07	19
5/16/07	Clemente	25	2/9/07	56	5/16/07	48

► ¶ 6.b. Also on school visits, the discrepancy between school data and CPS-reported data on the special education service model (SM#) was also fairly common.

- At Falconer on 10/17/06, Mr. Pawlski (principal) stated that the school uses SM#1 for students who receive less than 750 minutes of special education instruction, that students who receive more than 750 minutes of special education instruction are served through SM#5 and some students are receiving services through other models. CPS reported that on 2/9/07, 19 ELLs had no SM#, one ELL was served through SM#1, 23 ELLs were served through SM#2, zero ELLs were served in SM#3, 27 ELLs were served in SM#4, 13 ELLs were served in SM#5 and zero ELLs were served in SM#6 (Appendix - C – 2006-07 Item f (ii) Number of Special Education ELLs by Model Number).
- At Reilly on 10/17/06, staff did not know their school's count of special education ELLs, but did know that there were both Spanish and Polish-speaking ELLs receiving special education services. Staff reported that they use SM#5 and SM#6 predominately because none of the special education teachers speaks Spanish or Polish. However, CPS reported that at Reilly ten ELLs have no SM#, seven ELLs are served in SM#1, zero ELLs are served in SM#2, zero ELLs are served in SM#3, zero ELLs are served in SM#4, 47 ELLs are served in SM#5 and 27 ELLs are served in SM#6 (Appendix - C – 2006-07 Item f (ii) Number of Special Education ELLs by Model Number). Seven ELLs cannot possibly be served in SM#1 as that model requires a bilingual special education teacher, which Reilly asserts they do not have.
- At Davis on 11/29/06, staff reported that all 33 special education ELLs were served via SM#1 by Ms. Garza. Ms. Garza holds dual certification: special education and the bilingual approval. However, CPS-reported data as of 2/9/07 cited six ELLs had no SM#, 11 ELLs are served in SM#1, zero ELLs are served in SM#2, one ELL is served in SM#3, zero ELLs are served in SM#4, nine ELLs are served in SM#5 and seven ELLs are served in SM#6 (Appendix - C – 2006-07 Item f (ii) Number of Special Education ELLs by Model Number).
- At Daley on 11/29/07, staff reported that 21 special education ELLs are served: 12 ELLs are served in SM# 3 and nine ELLs are served in SM#6. However, CPS-reported data as of 2/9/07 cited two ELLs had no SM#, zero ELLs are served in SM#1, zero ELLs are served in SM#2, zero ELLs are served in SM#3, zero ELLs are served in SM#4, 12 ELLs are served in SM#5 and seven ELLs are served in SM#6 (Appendix - C – 2006-07 Item f (ii) Number of Special Education ELLs by Model Number).
- At Gary on 11/30/06, staff reported that there were 89 special education ELLs all of whom were served through SM#5. CPS-reported data as of 2/9/07 indicated that there were 92 special education ELLs: eight of whom had no SM#, one ELL served through SM#1 and 83 ELLs are served through SM#5. Gary did not report having a bilingual special education teacher qualified to implement SM#1 (Appendix - C – 2006-07 Item f (ii) Number of Special Education ELLs by Model Number).
- At Nobel on 2/26/07 staff reported that 26 ELLs had a diagnosed disability and of those: ten ELLs are served in SM#1, eight ELLs are served in SM# 5 and eight ELLs are served in SM#6. CPS-reported data 20 days earlier on 2/9/07 and

cited 28 special education ELLs; eight who had no SM#, one ELL served in SM#1, two ELLs served in SM#2, zero ELLs served in SM#3, 12 ELLs served in SM#4, five ELLs served in SM#5 and zero ELLs served in SM#6 (Appendix - C – 2006-07 Item f (ii) Number of Special Education ELLs by Model Number).

- At Kelly on 4/12/07, staff reported 71 ELLs with a diagnosed disability and of those 39 are served in SM#5 and 32 are served in SM#6. CPS-reported data on 2/9/07 cited 81 special education ELLs; 11 who had no SM#, 14 served through SM#1, one served in SM#2, one served in SM#3, zero served in SM#4, 47 served in SM#5 and seven served in SM#6 (Appendix - C – 2006-07 Item f (ii) Number of Special Education ELLs by Model Number).
- At Durkin on 4/12/07, staff disputed the data CPS reported on the day of the school visit. CPS reported that zero ELLs at Durkin were receiving special education services. Staff reported that 25 ELLs were receiving special education services: three ELLs served through SM#5 and 22 served through SM#6. CPS-reported data on 2/9/07 cited 22 ELLs received special education services: 17 who had no SM#, one served through SM#1, two served in SM#4, one served in SM#5 and one served in SM#6 (Appendix - C – 2006-07 Item f (ii) Number of Special Education ELLs by Model Number).
- At Edwards on 4/26/07, staff confirmed data reported by CPS on the date of the school visit: 42 ELLs are served in special education and of those ELLs; ten are served in SM#2, ten are served in SM#5, nine are served in SM#5 and 13 are served in SM#6. This data conflicts with data CPS reported on 2/9/07 which cited 42 ELLs served in special education and of those ELLs; 20 had no SM#, two are served in SM#1, two are served in SM#2, two are served in SM#4, six are served in SM#5 and ten are served in SM#6 (Appendix - C – 2006-07 Item f (ii) Number of Special Education ELLs by Model Number). It seems unlikely that the models assigned to these students would change so dramatically in two months, especially when a conference is required to change the IEP.
- At Sauganash on 5/15/07, staff disputed CPS-reported data on the date of our school visit. CPS reported six ELLs served in special education: two ELLs served in SM#3, one ELL served in SM#4 and two ELLs served in SM#6. These numbers equal five. Staff at the school asserted that all ELLs served in special education are served in SM#6.
- At Clemente on 5/16/07, Ms. Forsline (BLT) stated that 23 ELLs should be subtracted from the CPS reported total of 48 ELLs served in special education. She stated that the IEPs for those students state they no longer need ESL instruction. This should be confirmed by CPS, because it is unlikely that none of these ELLs needs TBE/TPI services.

Opinions Related to ¶ 6 of Amended Appendix C: Special Education

In my opinion, while some schools have met the requirements of this section of Amended Appendix C, other schools have failed to meet the requirements.

The Board should take immediate steps to resolve the large and growing numbers of special education qualified ELLs who do not have a service model assigned. CPS has

not only failed to remedy this situation but also has allowed it to worsen. This contravenes this section of Amended Appendix C. This situation calls into question the appropriateness of the educational programming for 30% of ELLs with a disability. The Board should monitor more actively the implementation of district models for ESL/bilingual special education. Inconsistent reporting of the model number and staff displaying their unfamiliarity with the models during the interviews show a significant problem in implementation of this service delivery model system. Model numbers should be applied to a student and written on the IEP. These model numbers serve to clarify who provides instruction (special education teacher, ESL/bilingual teacher or consultation) and what type of instruction is needed and how it should be provided (native language instruction, native language support and ESL instruction and ESL support).

The inconsistency and unreliability of the data reported illustrates the need for a comprehensive review and monitoring process to determine whether ELLs with disabilities are also receiving appropriate TBE/TPI services and whether dual certificated staff is utilized effectively to provide more preferred service models over less preferred service models.

ESL/bilingual teachers need to be more involved in the decision-making process: from pre-referral to initial referral through case study evaluation to IEP writing to exit or transition. This will assure that language acquisition and cultural competency needs as they relate to the ELL's qualifying disability are addressed. Principals must provide time and space for special education staff and TBE/TPI staff to work together collaboratively, and area instructional officers should hold principals accountable for providing the necessary structure for this collaboration. Some buildings have a problem-solving team (also called FLEX or TAT) in place to support teachers whose students, monolingual English and ELLs, are experiencing academic difficulty; this practice should be replicated at all buildings.

The Board should take proactive steps to remedy the chronic shortage of dually certified special education teachers. The Board's department of human resources should forge relationships with area universities to offer the required courses for dual certification in a cohort situation. Special education teachers need to take four graduate classes in the field of ESL/bilingual education to become dually certified and ESL/bilingual teachers need to take three graduate classes in the field of special education to become dually certified. Current special education teachers and ESL/bilingual teachers may be interested in participating.

Purpose of ¶ 7 of Amended Appendix C: Transitioning and Monitoring Transitioned ELLs

The purpose of this section is to ensure that no ELL is forced to exit the TBE/TPI program without meeting CPS' exit criteria, which must include a language proficiency assessment that measures a student's growth in the four language domains of English:

listening, speaking, reading and writing. Additionally, the purpose of this section is to ensure that uniform criteria, with multiple and sufficiently flexible measures, are applied in all contexts of transitioning and that provisions are made for ELLs who need to re-enter the TBE/TPI program. In addition, this section requires the monitoring of ELLs who have transitioned out of TBE/TPI programs to provide support services if they begin to experience academic or linguistic difficulty.

Requirements of ¶ 7.a. of Amended Appendix C: Transitioning and Monitoring Transitioned ELLs

CPS shall ensure that ELLs are not exited from the TBE or TPI program during the 2005-2006 and 2006-07 school years until their score is "proficient" on the annual state-prescribed English language proficiency assessment, which evaluates all four language domains.

Findings Related to ¶ 7.a. of Amended Appendix C: Transitioning and Monitoring Transitioned ELLs

► **¶ 7.a.** This section relates back to ¶ 2.c. of Amended Appendix C. At the high school level, many ELLs who had not achieved a composite score of 4.0 on the ACCESS™ (this is the state's imposed minimum exit criteria) were exited prematurely because they had exhausted the ESL course offerings at their school. The schools, in turn, failed to proactively design a course to meet the needs of this group of ELLs last spring. This situation is a serious contravention of this section of Amended Appendix C. Examples of this situation at Amundsen, Kennedy, Farragut, Senn, and Kelly high schools are detailed in ¶ 2.c.

► **¶ 7.a.** Elementary schools have satisfied this section of Amended Appendix C simply by ceasing the practice of discretionary exits.

Requirements of ¶ 7.b. of Amended Appendix C: Transitioning and Monitoring Transitioned ELLs

CPS shall identify current ELLs and transitioned ("T") students on the rosters for general education classes so that general education teachers are aware of such students.

Findings Related to ¶ 7.b. of Amended Appendix C: Transitioning and Monitoring Transitioned ELLs

► **¶ 7.b.** At the schools visited, all staff reported identifying T students in some way for the general education teacher, whether it is simply composing a list and disseminating it or placing a "T" next to the child's name on the general education

teacher's class roster. While T students are identified and general education teachers are made aware of T students, assistance offered to struggling T students is inconsistent, unstructured, sporadic and typically outside of the school day and therefore voluntary. The basic intent (identify and make aware) of this section of Amended Appendix C has been satisfied, but the monitoring and assistance offered to T students is poorly implemented.

Opinions Related to ¶ 7 of Amended Appendix C: Transitioning and Monitoring of Transitioned ELLs

In my opinion, the Board has failed to plan for the continued linguistic and academic needs of ELLs that were predicted to exhaust all high school ESL course offerings, yet not meet the state's newly established exit criteria. These students were exited prior to meeting exit criteria. The situation was predicted in the spring of 2006, yet many high schools did not take advantage of the advance notice and only began to address the issue when brought to their attention by the BCF. Some schools sought to remedy the situation by creating new credit-bearing courses. This solution at least provided students with the benefit of structured instruction by a certified teacher (though perhaps not always ESL certified). However, ELLs lost ground in their language acquisition and academic achievement, because the instruction halted and then resumed at different points in the term, depending on the school. Other schools sought to remedy the situation by relying on tutorials to provide the lapsed instruction. While most tutorials are either before school or after school and therefore voluntary; no tutorials provide the same systematic instruction as a credit-bearing course during the school day. Instruction outside of the school day is ineffectual for many ELLs, in that they may have employment that begins after school ends or they may have sibling care responsibilities. ELLs' ability to participate in extra-curricular and co-curricular activities (sports, clubs, etc.) along with their monolingual peers is surely compromised if they participate in an extended day program and start times for sports and clubs are not adjusted.

One possible solution the Board should consider is to expand their sheltered English content area course offerings at the high school level. Current staff could be identified who have or are willing to obtain in-depth training that delves into sheltered English methodology, not just adapted and modified general education methodology and materials. Other staff members in content area departments may already have their ESL certification. Such additional courses could also help CPS address changing demographics and assist in meeting AYP goals and AMAOs. Implementation of more sheltered content area courses would help schools simultaneously meet the obligations detailed in ¶ 4.b., ¶ 2.c., and ¶ 7.b. of Amended Appendix C and would be consistent with guidelines in the *Framework* for serving PY4 and above ELLs (p. 8).

The Board has satisfied the requirement in Amended Appendix C to identify transitioned ELLs on the rosters for general education teachers. However, while general education teachers are made aware of the transitioned status of the ELLs in their class, assistance that is offered to transitioned ELLs that are experiencing difficulty in school is

inconsistent, unstructured, sporadic and typically outside of the school day and therefore voluntary.

Purpose of ¶ 8 of Amended Appendix C: Systemic Monitoring

The purpose of this section is to ensure that the Board, and its employees designated to act on its behalf, monitor the implementation of the Board's language acquisition programs for ELLs.

Requirements of ¶ 8.a. of Amended Appendix C: Systemic Monitoring

At least once each school year, CPS shall monitor the implementation of its language acquisition programs and the ELL-related requirements set forth in this Amended Appendix C at each school that reports having ELLs for that school year to assess each school's compliance with the Framework and the terms of Section IV of the Second Amended Consent Decree. Consistent with the Framework, CPS also shall identify schools for technical assistance visits and shall conduct compliance review visits for schools that fail to implement technical assistance recommendations. CPS shall keep a record of each finding of non-compliance with the terms of the Framework and Section IV of the Second Amended Consent Decree and shall document the steps taken to achieve compliance. Such records and documentation shall be made available for review by the United States, upon request.

Findings Related to ¶ 8.a. of Amended Appendix C: Systemic Monitoring

► **¶ 8.a.** CPS is not monitoring the implementation of its language acquisition programs and the ELL-related requirements set forth in Amended Appendix C at each school that reports having ELLs for the school year. 99 schools with ELL enrollment exceeding 100 did not participate in a compliance review with a BCF. Five of those 99 schools were scheduled for a compliance review (Jungman 11/10/06, Orozco 11/13/06, Perez 11/16/06, Pickard 11/6/06 and Washington 11/13/06) which appears never to have materialized as compliance review reports for these schools were not in any documents forwarded to the United States. Many other schools with smaller numbers of ELLs (fewer than 100) received neither a compliance review nor a technical assistance visit. 28 of those 99 schools were never visited by a BCF for technical assistance. Only five high schools participated in a compliance review. This situation contravenes this section of Amended Appendix C.

► **¶ 8.a.** CPS' failure to assign a service delivery model to ELLs with a disability and to update the data base to reflect accurately the service delivery model for increasing larger numbers over the last four years illustrates a serious breakdown in the monitoring process and contravenes this section of Amended Appendix C.

► ¶ 8.a. CPS continues to fail to serve PY6 ELLs and above at numerous high schools, even though the SACD prohibits CPS from exiting ELLs prior to meeting exit criteria.

► ¶ 8.a. A pattern of failure to show resolution has been noted in previous sections of this report. This pattern seems to impede progress in rectifying identified issues and concerns. Failure to document steps taken to resolve issues of non-compliance contravenes this section of Amended Appendix C.

- Only one resolution was noted in ¶ 1.a. for 14 identified non-compliance issues.
- Two resolutions were noted in ¶ 1.b. for five identified non-compliance issues.
- Three resolutions were noted in ¶ 1.c. for 17 identified non-compliance issues.
- 28 complete and five partial resolutions were noted in ¶ 1.d-1. for 50 schools with identified non-compliance issues.
- No resolutions were noted in ¶ 2.a. for 31 schools with identified non-compliance issues.
- No resolutions were noted in ¶ 2.b. for 24 schools with identified non-compliance issues regarding TBE programming and/or native language instruction.
- No resolutions were noted in ¶ 2.c. for 19 schools with identified non-compliance issues regarding TPI programming and/or ESL instruction.
- No resolutions were noted in ¶ 2.d. for over 289 ELLs who were identified as not being served. This statement is made based on the assumption that CPS-reported and staff-reported steps taken and documented toward resolution of failure to serve 2,021 ELLs were in fact legitimate and served to provide 1,732 ELLs with appropriate language assistance services as specified in the *Framework*. As mentioned previously in this report, several schools reported to have resolved their citations for failing to serve large numbers of ELLs in an incredibly short period of time, all in time for a scheduled site visit:
 - Falconer was able to resolve their failure to serve 132 ELLs in 11 days,
 - Reilly was able to resolve their failure to serve 62 ELLs in one day,
 - Tonti was able to resolve their failure to serve 110 ELLs in 16 days,
 - Eberhardt was able to resolve their failure to serve 427 ELLs in 20 days,
 - Edwards was able to resolve their failure to serve PY5, PY6 and most ELLs in grades 6-8 in seven days, and
 - Smyser was able to resolve their failure to serve an unspecified number of ELLs in one day.
- Six resolutions were noted in ¶ 2.g. for 39 identified non-compliance issues.
- No resolutions were noted in ¶ 2.h. for five identified non-compliance issues.
- No resolutions were noted in ¶ 3.a. for eight identified non-compliance issues.
- Four resolutions were noted in ¶ 3.c. for 25 identified non-compliance issues.
- Only one resolution was noted in ¶ 4.a-2. for 21 identified non-compliance issues.

- CPS has not only failed to resolve the large numbers of special education qualified ELLs who do not have a service model number assigned, as required in ¶ 6.b. of the Amended Appendix C, but has also allowed the situation to worsen.

► ¶ 8.a. Some of the compliance issues noted by the BCFs have gone unresolved for long periods. Compliance reviews conducted at some schools were conducted by a team of BCFs.

- Smyser has been identified repeatedly as failing to meet the requirements of the MCD, Amended Appendix C and well as CPS policies. Ms. Blahuta told Mr. Travalos (principal) in the summer of 2005 that he was in trouble. In 2005-06, Ms. Blahuta (former and now retired BCF) had been out to the school 11 times as of February 2006. At that time she noted three top concerns: certification, materials and services. In 2006-07, Ms. Omelczuk (BLT) and Ms. Blahuta (it appears as though she was brought back from retirement to help out at this building) noted that all ELLs were not receiving language acquisition services and the school does not provide TBE as required. ESL instruction is not implemented according to program design and is not reflected in lesson plans and time distribution sheets. For PY0-3 ELLs, native language instruction is not implemented according to program design, is not reflected in lesson plans and time distribution sheets, and appropriate publisher materials are not available. The TBE program for PY4 - PY6 ELLs does not include ESL instruction with native language support as needed. ELLs' native country's history and culture are not taught. Language acquisition services are being provided under the guise of *Open Court* reading instruction. Classrooms are not organized for optimal ELL instruction, e.g. Sokolowska (a Polish bilingual teacher has 12 ELLs and 8 general education students) (CPS Bates#0009626-29).
- Smyser has been cited for the last three years for failure to serve ELLs: 122 ELLs were not served in 2004-05 and 40 ELLs in 1st-8th grades and 41 kindergarten ELLs were not served in November of 2005 (p. 3 and p.11 of my May 2006 report). During a school visit in February of 2006, it was noted again that the school failed to provide native language instruction to TBE eligible ELLs (p. 15 of May 2006 report). Smyser was cited again in November of 2006 for a failure to provide services to all identified ELLs (CPS Bates #0009626).
- Eberhardt has also had repeated citations for non-compliance. This school year, in a compliance report dated 9/22/06, the BCF reported that for PY0-PY3 ELLs, ESL instruction and native language instruction is not implemented according to program design, is not reflected in lesson plans or time distribution sheets and appropriate publisher materials are not available (CPS Bates #0006230-46.) The BCF determined that 427 ELLs were not receiving services (CPS Bates #0009328). I noted a lack of native language materials and inconsistent ESL materials in my report in May of 2006 (p. 24). In a compliance report dated 1/19/05 the BCF noted that it was the second audit and the second time the principal had been told to offer TBE services. The compliance review report stated that there were no native language materials in the building, ESL instructional materials were inconsistent and six teachers who were supposed to work with ELLs were assigned to the general education program. Parent

concerns had been voiced in the report and in the conversation the BCF had with the principal. Eberhardt was cited on 3/8/04 for a failure to provide native language instruction and a failure to provide formal ESL instruction (CPS Bates #0005538). Eberhardt was cited for a failure to provide native language instruction and a failure to follow the program design detailed in the *Framework* during their first audit on 9/14/04 (CPS Bates #0005984).

- Disney was noted as failing to provide native language instruction to 31 Spanish-speaking ELLs in grades 4-8 in 2005-06 (p.12 of my May 2006 report and CPS Bates #0006394 and CPS Bates #0008268). The school was noted for the same issue of non-compliance during the school visit on 11/17/06.
- Hedges has also had repeated citations for non-compliance issues. Ms. Rosales (BCF) noted in her technical assistance form dated 4/9/07 that she reviewed IBIPs again and nothing had changed since her visit on 3/30/07. She also stated that many ELLs continued to receive ESL instruction for less than 30 minutes each day and that this issue continued to be a concern. Ms. Rosales wrote that she had made several visits to the school, which included a full compliance review, a follow-up and many other short visits to address identified issues of non-compliance and on the date of the report she found that once again, these concerns had not yet been addressed (CPS Bates #0010253-255). One work day later, on 4/11/07 at our school visit, Ms. Rosales stated that all identified issues of concern had been remedied and resolved. This situation seems unlikely.

Requirements of ¶ 8.b. of Amended Appendix C: Systemic Monitoring

CPS shall provide to the United States on a quarterly basis a copy of all technical assistance, compliance review and monitoring reports prepared during that quarter. The first set of reports shall be provided by November 15, the second set by February 1, the third set by April 15, and the fourth set at least one week prior to the last day of school.

Findings Related to ¶ 8.b. of Amended Appendix C: Systemic Monitoring

► **¶ 8.b.** I received the court ordered documents as required by this section of Amended Appendix C.

Requirements of ¶ 8.c. of Amended Appendix C: Systemic Monitoring

CPS shall designate appropriate personnel to fulfill these monitoring obligations.

Findings Related to ¶ 8.c. of Amended Appendix C: Systemic Monitoring

► **¶ 8.c.** BCFs, who are designated as appropriate personnel to monitor TBE/TPI programs within their assigned areas, are conducting compliance reviews and providing technical assistance as evidenced by their compliance review reports and technical assistance forms that I received.

Requirements of ¶ 8.d. of Amended Appendix C: Systemic Monitoring

CPS shall permit the United States (10) days of site visits per semester to monitor school's compliance with Amended Appendix C.

Findings Related to ¶ 8.d. of Amended Appendix C: Systemic Monitoring

► **¶ 8.d.** Visits were scheduled and completed on the following days: October 17 and 18, November 10, November 17, November 29 and 30, February 26 and 27, April 11 and 12, April 26 and 27 and May 15 and 16 during the 2006-07 school year. Occasionally, field trips, assemblies, emergency drills and classroom testing hindered classroom observations.

Opinions Related to ¶ 8 of Amended Appendix C: Systemic Monitoring

In my opinion, CPS should develop an articulated and communicated process for monitoring its language acquisition programs and the ELL-related requirements set forth in Amended Appendix C at each and every school that reports having ELLs in attendance. This process should include specific language detailing the steps required to document actions taken to achieve compliance and to resolve identified issues of non-compliance. The compliance review report should be revised to include all ELL-related requirements and documentation of steps taken to achieve compliance.

The Board should immediately address the failure to ensure that ELLs with a disability are receiving one of the six service delivery models approved by CPS and implement a process that ensures timely input of that data into its student information system.

The CAP mentioned in the *Framework* needs to be revamped or redesigned as it seems to be largely ineffective in supplying follow-through and pressure to motivate building principals to take corrective action on non-compliance issues related to Amended Appendix C. The purpose of monitoring is to identify problems and then to fix them. As mentioned previously, BCFs seem to be doing their jobs well, noting and reporting issues of non-compliance and needs of technical assistance; however, the process appears to end with the filing of their reports.

No one at the central office level (with a few exceptions noted herein) appears to be taking responsibility for fixing problems that BCFs have brought to the attention of the

OLCE and area instructional officers. A new accountability mechanism that provides for both proactive strategies and serious and swift consequences appears to be warranted as well as a process for tracking the steps taken toward resolution of non-compliance issues.

Additionally, it would be advantageous for other departments, besides OLCE, which appears to have limited responsibility for the TBE/TPI program, (Ms. Fassos' deposition, dated 4/6/06, p.135), to begin to take a more active and supervisory role in areas of their own departments that affect ELLs. Individuals at the upper levels of the Area Instructional Offices, Gifted and Talented Program, the Special Education Program and others, would serve the entire system better if they were knowledgeable about the SACD, Amended Appendix C, law and pedagogy, as applied to ELLs.

Requirements of ¶ 9.a.—f. of Amended Appendix C: Reporting

CPS shall provide a report to the United States by March 1 of each year that includes the following:

- a. The number of ELLs, by school, grade and native language, who: (i) participated in a language acquisition program (e.g., Transitional Bilingual Education, Transitional Program of Instruction, Dual Language or other), specifying the type of program; (ii) waived their right to be served in a language acquisition program; and (iii) did not waive their right to be served in a language acquisition program, but were not served in such a program;*
- b. The number of students, by school and native language, who: (i) completed an HLS in connection with registering for the school year preceding the annual report; (ii) indicated on the HLSs that they speak a language other than English or that a language other than English is spoken in the home; (iii) based on their responses on the HLSs, were assessed for possible placement in a language acquisition program; and (iv) after being assessed, were identified as ELLs;*
- c. For each school offering either a TBE or a TPI program, the number of teachers assigned to the program, broken down by type of certification held (e.g., Bilingual, English as a Second Language, Type 29);*
- d. A list of schools that had vacant teaching positions in the language acquisition program that remained vacant for more than thirty (30) days, specifying the number of such vacancies;*
- e. For each school, the number of students who were re-entered into one of CPS' language acquisition programs, broken down by grade, native language, language acquisition program and number of years in the language acquisition program; and*
- f. For each school, the number of ELLs who (i) were referred for special education assessment, and (ii) are eligible for and receiving special education services, specifying the model or models by which those ELLs are receiving special education services.*

Findings Related to ¶ 9.a.-f of Amended Appendix C: Reporting

► **¶ 9.a.-f.** I received and reviewed a copy of CPS' report forwarded to the United States.

Opinions Related to ¶ 9.a.-f of Amended Appendix C: Reporting

► **¶ 9.a.-f.** I received and reviewed a copy of CPS' report forwarded to the United States.

Compensation and Qualifications

I have been paid by the U.S. Department of Justice at a rate of \$900.00 per day plus expenses. See attached curriculum vitae for full detail of my qualifications. I have not testified in a prior case.

Barbara Marler
Signature

9-6-07
Date