



OT-CO-001-015

## Exhibit A

### Objections and Comments of Padres Unidos, Inc. to Proposed Settlement of CHE v. School District #1, Denver

The following represent serious concerns related to the proposed English Language Acquisition (ELA) Program proposed as settlement of CHE v. *School District #1, Denver*.

**Parents need REAL information** -Pg. 11 of the proposed settlement agreement specifies that parents have the option of placing their child in an English Language Acquisition (ELA) program or choosing not to participate. The plan specifies that a written description of the ELA Program will be available to parents. Further, at parent request, an interpreter may be made available. Concerns with this aspect of the plan are as follows:

1. There is no guarantee that copies of the written plan describing the program to parents will be available in languages other than English at the school site, unless parents pay a \$3.00 fee at the central district offices;
2. Non-English speaking parents may not be literate in their native language, thus written documents alone do not provide real access to information;
3. The plan outlines a provision to provide an oral interpreter in cases where 100 or more students speak the same language. However, parents must request these services. Information regarding the right to an interpreter that is provided only in English once again makes it unlikely that parents will have real access to information about the program;
4. As reported to the district Bilingual Parent Advisory Committee (BPAC) President Rosa Garcia by ELA director Jose Perea, school secretaries will be given the responsibility of informing the parents about the program. In many cases, the school

secretary is not bilingual, once again making it doubtful that parents have real information.

It is unlikely that the plan, as written, will **provide real information to parents allowing them to make informed decisions**. It is suggested that the district be required to provide written information about the program in languages other than English which will not require a \$3.00 fee. Padres Unidos also suggests that the attached “Parents Bill of Rights” be provided to parents at each school identified under the proposed settlement agreement, and that the district develop, with approval from the plaintiff or Padres Unidos, a video-tape presentation for all schools to use which describes program options to parents. This “Parents Bill of Rights” and the video-tape should be available in languages other than English when at least 100 students speak that language.

**Parents have no Right of Appeal** - Pgs. 13-16 of the proposed settlement agreement outline procedures for exiting children from the program. If parents do not agree with the decision to exit their child from the program, they may request that the decision be reviewed by the ELA Director (pg. 14). The ELA director will keep a record of each request. This procedure does nothing to insure that parents have a voice in their child’s exit from the program. The right to appeal a decision and to have a record kept of it is a meaningless gesture, and may impede a child’s opportunity to receive a meaningful education, and a parent’s right to be involved with their child’s education. It is suggested that the language for exiting children from the program be aligned with the language for entering the program. Parents have the right to refuse to put their children in the program: they should also have the right to refuse to have them exited.

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**Monitoring** - The new plan calls for an external monitor to evaluate the implementation of the program (pgs. 48-51). Parents and teachers who will be impacted by the new plan need to have

access to the program monitor. It is recommended that the district make available to each school and to all parents the name of the monitor and how to gain access to the monitor.

**Standards of Exit are Too Low** - Exit criteria outlined on pgs. 13-16 of the plan are meant to be indicators that students are proficient enough in English to meaningfully participate in an English classrooms. The standards are so low, however, that it is questionable that they assure that a student who meets them will succeed after they are exited.

As an example, one of the standards outlined in this section of the plan, is that students can be exited from the program if they score between the 20th and 29th percentile on norm referenced reading and language tests provided they are orally proficient in English (pg.13). A score between the 20th and 29th percentile on a norm referenced test places a student in the lowest quartile of that exam. It is both inappropriate and misleading for students who score between the 20th and 29th percentile on a standardized test to be considered to be 'proficient' in reading in English.

Ironically, at some DPS schools, a student who achieves this score on a standardized test is considered to be a low reader and is referred for a special reading program such as Title I. It is ironic that for the standard for being 'proficient in reading' for second language learners is the same standard that labels other students as being 'poor readers.'

The focus of the plan is to prepare English Language Learners to meaningfully participate in English only classrooms, yet the exit criteria are so low that it is highly unlikely that students who meet these criteria will have the requisite academic skills to be successful after exit.

As ELA director Jose Perea has reported to the Denver Post, elements of the ELA plan are already in place in DPS schools. Therefore, it is important to evaluate this years test results during initial implementation of the ELA plan. Examples of low standards for exiting students have already begun to emerge, and are demonstrated in the results on the 3rd grade Colorado CSAP reading tests (see attached page for Summary of Current Effects of ELA Plan Implementation).

English Language Learners in the proposed program should not be exited into failure. The exit criteria are likely to lead to failure. It is recommended that the exit criteria be rewritten and aligned with the high expectations and standards expected for all students in the district.

**No Training for Administrators** - School site administrators will have the greatest responsibility for implementing the new ELA plan. They will be responsible for identifying and selecting students, for creating and monitoring the ISA teams, and for evaluating and supervising teachers and other staff in the program. They will be held accountable for results. The plan, however, has absolutely no requirements that principals and other site administrators have training related to second language acquisition, and learning, or program development and supervision. An administrator training plan is needed to facilitate complete and appropriate implementation of the proposed plan. Such a plan should be developed prior to implementation of the new ELA plan.

**Materials** - The DPS has been cited by U.S. Department of Education's Office of Civil Rights and other groups for not having adequate and appropriate instructional materials for teaching English as a Second Language and for instruction in languages other than English. Having appropriate instructional materials is critical to providing effective educational opportunities for all children, and is especially critical for English Language Learners. There are provisions in the plan for creating standards for materials (pgs. 48 & 50); however, there are NO provisions for materials acquisition. There are also no provisions to insure that classrooms and schools have

adequate instructional materials. It is recommended that the monitoring plan also include a component to assure that schools have adequate and appropriate instructional materials.

**A Summary of Current Effects of ELA Plan Implementation with Reference to Third Grade Reading Achievement by Latino and Second Language Students in Denver Public Schools: Cause for Concern**

The following is a brief summary of the reading achievement of third grade students in Denver Public Schools. The summary is limited to schools with large numbers of Latino students. These are also schools that will be impacted by the proposed settlement agreement, the English Language Acquisition Plan in DPS. In short, the results and changes over the course of one year are a grave cause of concern for the Latino community.

In general, these results represent a downward spiral for the entire school district. Of the **73** total schools whose results were reported in the Denver Post (5-6-99), **45 (62%)** had lower scores in 1999 than 1998, **26 schools (35%)** were higher, and **2 schools (3%)** stayed the same.

This summary has been divided into two parts:

**Part I** summarizes the results for schools in the district which have been identified under the proposed settlement agreement (ELA plan) as being classroom based Transitional Native Language Instruction (TNLI) schools. These are schools where students will be given short term instruction in Spanish, coupled with English as a Second Language. The ELA program in these TNLI schools will be classroom based programs. These schools are the district schools that have the

largest number of students who speak languages other than English, and the largest number of Latinos. Summary results for these schools are as follows:

- Approximately 42 schools have been identified as classroom based ELA schools. Outcomes for each of these schools are reported individually at the end of this summary.
- 29 of these schools (69%) had fewer students passing the 3rd grade CSAP reading test in 1999 than in 1998.
- 10 of the schools had 10% or more students failing the 3rd grade CSAP this year than last
- 1 school (1%) posted the same results this year as last.
- 13 schools (31%) had more students passing the 3rd grade CSAP this year than last.

From the groups of schools listed above, it is important to make reference to two specific cases. The first is Mitchell Elementary.

Mitchell school volunteered to be a pilot school for the new DPS-ELA program. During the past year, significant numbers of students at Mitchell have been “exited” from ELA classrooms to English only classrooms. Mitchell students went from having 30% of their students passing the 3rd grade CSAP in 1998 to having 14% pass in 1999, a drop of 16%. Mitchell has received a significant amount of additional district and foundation resources. Children at Mitchell went to school 4 more weeks than other DPS students, and received a reading program in English designed

to significantly improve reading achievement. The reading program known as the "Lindamood Bell Program," was funded to Mitchell at a cost of over \$100,000.

Additional district resources for more English reading program, and four additional weeks of school resulted in a significant decline in achievement.

At Fairmont, 15% more (22% to 37%) students passed the 3rd grade CSAP between 1998 and 1999. Fairmont also reported that 60% of the students taking the 3rd grade CSAP in Spanish passed the test (17% above the overall district average). To our knowledge, Fairmont has not yet begun to implement the new ELA plan.

**These results place serious doubt on the viability of the new ELA program.**

Part II summarizes the results for schools in the district which have been identified under the proposed settlement agreement (ELA plan) as being resource room Transitional Native Language Instruction (TNLI) schools. These are schools where students will receive short-term instruction in Spanish (now called TNLI) with English as a Second Language. The delivery model will be resource room based rather than classroom based. These schools are the district schools that have significant numbers of student who speak languages other than English, and large numbers of Latinos. Results for these schools are summarized below.

- Approximately 18 schools have been identified as resource room ELA schools. Outcomes for each of these schools are listed individually at the end of this summary.

- **9** of these schools (**50%**) had fewer students passing the 3rd grade CSAP reading test in 1999 than in 1998.

- **9** of the schools had 10% or more students failing the 3rd grade CSAP this year than last.

- **1** school (**5%**) posted the same results this year as last year.

- **8** schools (**44%**) had more students passing the 3rd grade CSAP this year than last.

It is important to consider these results with results for students who took the 3rd grade CSAP in Spanish. Results of the Spanish CSAP are available, but have not yet been summarized.  
Individual school results are listed below.



**Table 1**  
**Third Grade CSAP Results**  
**ELA schools with Proposed Classroom based TNLI and ESL**

School	3rd Grade CSAP 1998	3rd Grade CSAP 1999	Change
Amesse	35	30	-5
Ashley	11	20	+9
Barnum	30	25	-5
Beach Court	46	52	+6
Brown	33	31	-2
Bryant-Webster	48	19	-19
Castro	34	42	+8
Cheltenham	35	29	-6
Colfax	41	51	+10
College View	40	55	+15
Columbian	39	31	-8
Columbine	31	26	-5
Cowell	36	26	-10
Del Pueblo	42	38	-4
Denison	66	67	+1
Eagleton	37	49	+8
Ebert	37	31	-6
Ellis	68	60	-8
Fairmont	22	37	+15
Fallis	62	40	-22
Force	44	65	+21
Ford	23	26	+3
Garden Place	47	40	-2
Gilpin	30	24	-6
Godsman	34	41	+7
Goldrick	45	31	-14
Greenlee	25	24	-1
Harrington	52	25	-17
Knapp	33	25	-8
McGlone	43	34	-9
McMeen	50	57	+7
Mitchell	30	14	-16
Moore	64	43	-21
Munroe	37	20	-17
Newlon	57	50	-7
Pioneer	23	9	-14
Remington	26	21	-5
Scheneck	40	38	-2
Smedley	25	34	+9
Swansea	31	20	-11
Valdez	14	14	0
Valverde	48	21	-27

**Table 2**  
**Third Grade CSAP Results**  
**ELA schools with Proposed Resource Room TNLI and ESL**

School	3rd Grade 1998	3rd Grade 1999	Change
Barnett	28	50	+22
Carson	59	52	-7
Centennial	42	53	+11
Edison	59	53	-6
Fairview	44	12	-32
Gust	52	52	0
Hallet	27	30	+3
Holm	56	62	+6
Lincoln	51	47	-4
Marrama	58	57	-1
Palmer	61	63	+2
Park Hill	67	57	-10
Samuels	54	74	+20
Stedman	40	37	-3
Steele	62	70	+8
Teller	62	52	-10
Whittier	38	49	+11
Wyman	31	21	-10