

INDEPENDENT MONITOR REPORT

CONGRESS OF HISPANIC EDUCATORS ET AL., PETITIONERS, V.
SCHOOL DISTRICT NO. 1, DENVER, COLORADO

Submitted to

U.S. DISTRICT JUDGE RICHARD MATSCH
& ALL FORMAL PARTIES TO THE CASE

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ADVANCE SUMMARY

This is my seventh and final report as Independent Monitor (IM) in the case *Congress of Hispanic Educators et al., Petitioners, v. School District No. 1, Denver, Colorado*. The recently submitted Report 6 was the first of two reports intended to provide the outcome of spot audits for the 10 chapters of the Consent Decree (CD). Report 6 covered a period of 14 months and summarized our spot audits for six of the CD chapters. This is the second of these two reports and covers the period from March 1, 2017 – June 30, 2018, a period of 15 months, with some reference to later, related events in July 2018 and September 2018 that will be covered in more detail in a subsequent report by the next IM. In this report, we summarize the results of the remaining four chapters of the CD not covered in Report 6 and report on a second spot audit of CD Chapter 7.

The format and structure of this report is very similar to that of the sixth report. The Independent Monitor, with the assistance once again of Dr. Chris Nelson, utilized a mixed methods research approach in which data were collected during onsite spot audits, with the data for Report 7 consisting primarily of interviews and document reviews focused on representative indicators of CD implementation. Beginning with the IM's Report 5 and certainly in the sixth report, a description and rationale for use of a spot-audit approach was discussed. Spot audits at school sites are typically one-half day school visits during which data are collected to document whether there is evidence of examples (representative indicators) of what an observer might expect to see if the CD chapter that is the focus of the data collection is being implemented as described in the CD. The spot audit checklists we used at each school were based on the representative indicators for the CD

chapter on which data were being collected during that school visit. Additional data were collected from interviews and document review at the DPS central office. Dr. Nelson and I continue to stand firmly behind this mixed methods research approach as the best means to collect meaningful information about representative requirements of the CD.

During the 15 months covered by this report, Dr. Nelson and I made seven trips to Denver and one trip to Boston to meet with the parties there. Dr. Nelson also made an eighth trip to Denver in February, 2018 that the IM was unable to participate in due to a death in his family. Within the timeframe covered by this report, we conducted spot audits of the remaining four chapters of the CD not addressed in Report 6. It should also be clarified that the IM and Dr. Nelson determined that Chapter 7 of the CD, *Considerations Related to Special Education and Section 504 Services for English Language Learners*, required a follow-up spot audit to ascertain whether changes proposed to the IEPs of ELs involving required information from the CD to be electronically populated, had indeed been successfully completed. During the site visit to Denver that Dr. Nelson completed in February, 2018 and that the IM was unable to participate in, the focus was on undertaking a second spot audit of Chapter 7.

The other CD chapters we spot audited during this last 15-month timeframe included:

- Chapter 1: Instructional Services
- Chapter 9: Accountability
- Chapter 5: Personnel and Training
- Chapter 10: Duration of CD Enforcement, and Remedies for Noncompliance

In Report 6, we subsumed our summary of some of the requirements of CD Chapter 4, Redesignation and Exiting the Program, into our summary of CD Chapter 2, which deals more broadly with ISA requirements.

One of the changes that occurred during the period covered by this report is that Ms. Toni Wehman, DPS Deputy General Counsel, began to assume more of a coordination role in terms of all IM efforts related to the CD. Ms. Wehman and Mr. Jorge Robles, then ELA Program Executive Director, became our primary points of contact in terms of scheduling site visits to Denver, arranging school site meetings based on our selection of schools to visit and coordinating half-day visits with relevant school personnel. The IM continued the practice of inviting CHE members to join us at school site visits and participate in relevant district meetings. Additionally, we scheduled meetings with CHE during every visit to Denver across this 15-month period. We were also joined at some site visits by staff from the BUENO Center for Multicultural Education at the University of Colorado.

The selection of school sites to visit was discussed in significant detail in the sixth report. We followed a very similar process during this timeframe as well. The IM maintains a spreadsheet that identifies all DPS schools visited, the actual date/s that those school visits occurred, and denotes whether schools were visited more than once. Prior to each planned visit to Denver, the spreadsheet is updated and reviewed. We then identified potential schools to visit from the list of remaining schools not visited. Using data compiled in the most recent report that the ELA Program submits to the parties every six months, we determined the program designation at those schools and whether they were elementary, middle, or high schools. For the period covered by this seventh report, we continued the practice of trying to visit one middle and high school, in addition to two or more

elementary schools, during each site visit. Once we selected the school sites we wanted to visit, that information was submitted to Ms. Wehman and school site visits were arranged. Our goal as we discussed in Report 6 was to identify a representative sample of schools to visit and that practice carried over to this report. It is important to note once more that the IM and Dr. Nelson selected the schools we identified to visit rather than DPS selecting schools for us.

As we reviewed the CD requirements for the five chapters that comprise the main part of this report, we recognized that much of the data to be collected would be in the form of documentation such as records and reports that DPS should be able to provide for us. Additionally, we also realized that as part of our planning for evidence gathering, we would need to interview a number of persons in various offices in the DPS Central Office in downtown Denver. We also determined that some site visits would combine both school site visits along with document reviews and interviews at the central office. During December 2017 for example, we completed four school site visits as part of spot audits of Chapters 1, 5, and 9 of the CD. In addition, we had nine different district meetings with the Human Resources Department staff; Accountability, Research and Evaluation staff; and ELA Program staff (as examples) to discuss topics and review documentation that ranged from Paraprofessional Evaluations, to Materials Inventory, to the Longitudinal Study.

During both the school site visits and document review sessions, we continued our practice of trying to be as transparent as possible. For example, we communicated to Attorney Wehman and Executive Director Robles our request that the ELA Network Partner assigned to schools we had selected join us at school site visits. CHE members who are based in Denver were also invited to join Dr. Nelson and the IM at both the school visits

and central office sessions where we conducted interviews or collected evidence and reviewed documentation.

We continued the process of developing a spot audit checklist for each of the remaining chapters of the CD that comprise this report. As noted above, in our sixth report, an explanation was provided for choosing a representative sample of CD requirements (representative indicators) derived from the chapter we were auditing. Our methodology of selecting a representative sample of requirements guided our spot audit efforts. Some chapters of the CD contain a small enough number of requirements that all of them can be represented on one spot audit checklist. In most cases however, CD chapters have far too many requirements to adequately address and collect information on all of them given our personnel and time limitations. In some cases, we selected a representative sample of requirements to audit and followed up a month later with different schools and additional requirements from the same CD chapter. We have found that spending a half-day at each school site allowed us to visit six to eight schools during the week, meet with district personnel and others, and still meet with community leaders or persons who've requested to meet with us privately during most site visits to Denver.

As noted previously, this report is organized in a manner similar to the organization used in Report 6. Following this Advance Summary, we provide an Introduction which is intended to further describe the organization of the report. Following the Introduction, we provide an update of six concerns expressed by CHE and the DOJ several years ago. We have provided similar updates of progress made by the District (or lack of) in previous reports. Since this is the final report completed by the current IM, it is important to address the current status of each of those six concerns.

For each of the five CD chapters addressed in this report, we provide our findings and a discussion of them by chapter. We conclude each chapter with a summary of our findings which includes the IM's assessment of that specific CD chapter's level of implementation.

We close Report 7 by offering a series of Recommendations based on our findings. Just as we noted in the sixth report, our goal once again is to present both qualitative and quantitative findings about CD implementation based on data collected over the 15-month timeframe covered by this report.

INTRODUCTION

This is the seventh report to the Court by the Independent Monitor (IM) and it will be my last one. I informed all of the parties in this case in March, 2018, of my intent to discontinue in the role of IM, effective June 30, 2018. I made my final visit to Denver during April 30--May 3, 2018 for the most recent meeting of all parties. The completion of this report marks the end of my participation in this work under my final contract but I have offered to assist whomever was appointed as the IM during their period of transition should my help be needed and requested. As I noted in my sixth report which was previously filed, it was a professional and personal pleasure to serve the Court during the past five years. I am grateful for having been given this opportunity. The role of Independent Monitor is not an easy one but essential to this case moving forward. I am pleased that my colleague on this project, Dr. Chris Nelson, was ultimately appointed to succeed me.

Since the sixth IM Report was different from all previous ones, that report included a thorough explanation of the reasons for, and outcomes intended by, utilizing a mixed methods program evaluation and research approach to guide our efforts. During the 15-month period which is the timeframe covered by this report, we continued with a mixed methods methodology as the structure for our work and this report. Our overarching goal, once again, was to determine the degree of CD implementation for the remaining four chapters we examined, including the additional spot-auditing of Chapter 7. We used a combination of approaches to collect both qualitative and quantitative data including interviews with teachers and leaders at school sites, review of school based data,

presentations by central office staff within the ELA Program and outside of the program, and a review of documentation associated with CD requirements that is maintained at Central Office. We spent more time reviewing documentation at the DPS Central Office than we have previously. We participated in conference calls with the parties, engaged in conversations with members of CHE who are based in Denver, had meetings with community leaders, and had discussions with persons who requested that we meet with them privately. We have been consistent in our approach to collecting and analyzing the data collected and report what we believe those data reveal in terms of progress that DPS has made in meeting the requirements of the CD. We reiterate once more that the reporting of our findings is but one of multiple perspectives about whether CD requirements are being met. We feel that the methodology we have used in collecting and reporting our data has yielded both valid and reliable information. Given that many of the findings in this report are based on interview and document review evidence, it is important that our findings be further confirmed through the collection of additional direct evidence by the IM and the parties of the District's CD implementation.

In order to ensure the validity and reliability of the information we gathered and report on, we continued with the practice of preparing a spot-audit checklist for every CD chapter we examined. As described in our sixth report and noted once again here, the spot-audit checklists were created around a representative sample of CD requirements from each chapter audited. Not only does this provide us with a representative sample of CD requirements but it also can be useful in determining a role moving forward for Dr. Nelson who has been appointed as the IM. One lesson learned by both Dr. Nelson and I, was precisely how much we could accomplish during a one-week visit to Denver. In the ideal,

we would have included more items in each spot audit checklist but time limitations were a serious factor. It seems that unless the parties are averse to Dr. Nelson using a spot-audit approach, a useful role for him might be to conduct a second round of spot-audits across all or most of the 10 CD chapters where additional CD requirements not already covered are examined. Moreover, this could be done in collaboration with the parties. For this seventh report however, we maintained the practice of creating spot audit checklists that are comprised of our selection of representative samples of CD requirements. These checklists can be found in Appendices A through E.

Although a review of our data collected for this report has been ongoing since mid-2017, the real analysis took place after the most recent meeting of all parties. Our goal, basic as it may sound, was to continue to report accurately what we heard, reviewed, and documented. Our basic premise is that CHE, the DOJ, and DPS each have opinions about the progress that the District is making in meeting CD requirements based on their own evidence. What follows in this report is our own interpretation of the evidence we collected and examined. The way that we present those findings is quite similar to the format we used in the sixth report. Each of the chapters of the CD that we spot audited form a separate section of the report. The discussion of each chapter begins with a short introduction followed by a summary of the results for each question from our spot audit checklist in the order the questions were asked. Those questions were directly tied to one or more CD requirements. Our interpretation of the responses and evidence provided for each of these questions are summarized in table form both quantitatively and qualitatively. A short narrative again accompanies the data summarized in tables and any opinions we form and present are based on the data collected and reviewed.

In our sixth report, we cited *The Program Evaluation Standards: A Guide for Evaluators and Evaluation Users* (Yarbrough, Shulha, Hopson, & Carruthers as cited in Mertens, 2015) as a set of guidelines to apply for determining the veracity of that report. We've applied the same five standards to our data collection for and preparation of this report as well.

During the timeframe covered by this report, we visited a total of 30 schools. This total included five schools that Dr. Nelson visited during February 2018 and five schools identified by the DOJ and CHE as part of the all parties meeting in April. We discussed in our sixth report the process used to select schools to visit, and we used that same process for selecting schools visited for this report. Using the most current data from the reports that DPS completes every July and January, we selected a representative sample of schools that represented the range of grade levels and ELA Program types. We attempted to select a high school and middle school, in addition to elementary schools, during each site visit but at times identified a K-8 school in place of a middle school. As we've noted previously, Dr. Nelson and I selected the schools to visit and they were not identified or selected for us by any of the parties. Each of the schools visited is identified in the respective CD chapter discussions that follow.

Since this is the final report that included my participation both as the IM and previous IM, I want to once more thank not only the ELA Program staff and leadership, but all of those persons district-wide who met with us, made presentations, provided us with documentation that we requested, and hosted us at the 30 schools we visited over the 15 months covered by this report. The ELA Network Partners are exemplary and they form a core of support for the district that we personally have never witnessed in any other school

district. They have proven to be a major resource for the work and efforts of the IM and we have come to value the roles they play in schools. Over the years, teachers, principals, instructional superintendents, and others have spoken positively about the expertise that the ELA Network Partners possess and their worth as an educational resource in the DPS.

During the April/May 2018 meeting of the parties in Denver, the time came to bid farewell to many people. Without question, the most difficult aspect of this was meeting for the final time with the Denver-based members of CHE. Even though I've learned that the most important attribute of the IM is to remain neutral, fair, and even-handed, education is an institution that creates all forms of relationships. My work over the past five years has led me to both form and examine many of these relationships as they relate to the implementation of the CD. One of the most essential relationships was the one I formed with the members of CHE. I came to value their experience, wisdom, and perseverance. Equally valuable was my understanding of the need to listen carefully and truly hear what they had to say. I was diligent in my pursuit to earn their respect and we learned that even in our respective roles, we could agree to disagree. I am forever indebted to these courageous advocates.

In my first report to the Court early in 2014, I made a reference to what I perceived then as significant mistrust between the parties. This perception was based on several factors, including interactions with numerous persons associated with this case. Conversely, I made the suggestion in that first report that the parties should work toward creating a climate of greater mutual trust toward each other. I received very little reaction from the parties, positive or negative, and I felt that my suggestion was not necessarily embraced by these primary stakeholders. However, over the past five years, I've seen slow

yet positive progress toward achieving increased mutual trust, as part of bringing about needed educational change in the DPS. Stringer (2013) makes the point that, "Reframing what happens in schools requires school authorities, outside agencies and government officials working together in new ways to achieve: meaningful communication across all levels of schooling; appropriate capacity building practices; problem solving mindsets; and leadership that initiates, manages and sustains change."

As this work in the Denver Public Schools moves forward without my direct participation, there remains a need for continuing to build mutual trust among the parties. There remains a need, at least in the immediate future, for the Consent Decree. Most importantly, that reframing of how DPS more comprehensively meets the needs of English learners and their families that it serves, is well in place and leading to notable progress on numerous fronts. The events over several decades that led to the modification of the CD in 2013 are not easily forgotten nor should they be. The progress that the DPS has made since then should be an indicator that transformation can take place in education, an institution where change is often slow. I urge the parties to work together in new ways as Stringer suggests, so that changes already made and those that are yet to come can be sustained over time.

UPDATE ON SIX CONCERNS

Beginning with the Fourth IM Report, a series of concerns expressed by CHE, the DOJ, and the IM were brought to the attention of DPS. Since that time, we have reported multiple times on progress made by the District in addressing those six concerns. In preparing for this seventh report, we engaged in discussions with several persons representing different offices or programs within the district over site visits in December, 2017 and March, 2018. We reviewed documentation that we requested, asked for a scheduled meeting with Mr. Robles and key staff members to focus on the status of these concerns, and requested that the district provide us with as current an update as possible. Among those persons we requested to meet with were: Cathy Martin, Executive Director of Curriculum and Instruction; staff from the Accountability, Research, and Evaluation Office; Veronica Maes at the ELA Department who oversees ISA Teams; and others. Following is a listing of each of the six concerns that were first identified in the IM's Fourth Report followed by an update on the current status of each concern.

Concern 1: District Self-assessment

In 2014, the IM recommended to the district that they conduct a district self-assessment that they could use to track and report on the progress they were making in meeting the requirements of the CD. Late in 2014, both CHE and the DOJ apprised the district that they were open to meeting with them to assess that progress if DPS felt that they had sufficiently addressed a requirement and could document it. At about this same time, DPS created a tool identified as the Implementation Tracker to assist in a district self-assessment of the requirements which comprise the CD. It was an ambitious undertaking

but hard to fully implement for numerous reasons. Eventually, the Implementation Tracker was discontinued as a tool in 2015. The ELA Department has used a variety of management tools to document their progress in CD implementation but to date, the district has not yet completed a full self-assessment. There has been general agreement among the parties that the district has made much progress in implementing much of the CD and this has been communicated on multiple occasions.

However, the IM continues to recommend that at some point, DPS should identify those requirements of the CD that they feel they have met, gather the requisite evidence, and request to meet with CHE and the DOJ to present their findings. This would serve multiple purposes and certainly delineate those requirements that have been adequately met and those still requiring additional work and documentation. It is DPS's position that it has attempted to do exactly this on several occasions especially related to CD Chapters 2, 4 and 5. However, it has not been clear to the District that these efforts have resulted in moving the parties closer to agreement regarding implementation of CD requirements.

Concern 2: Lack of Adequate Spanish language Materials

In order to update the progress that DPS has made in meeting this concern, Dr. Nelson and I met with Dr. Cathy Martin, Executive Director of the Curriculum and Instruction Department, the program responsible for addressing textbook and material needs district-wide. We were impressed with the efforts that DPS has undertaken over the past several years to address not only the lack of Spanish language materials but the comparability to materials in English, especially in terms of alignment to the Common Core State Standards. Our review of this issue took place over two separate site visits.

The collaboration between the ELA Department and the Curriculum and Instruction Department initiated during Dr. Darlene LeDoux's tenure as ELA Executive Director has been maintained and strengthened over the past several years under the direction of Mr. Robles and Ms. Martin. Areas that we reviewed included availability of core content materials in Spanish, the bidding process undertaken during the adoption of a set of materials, comparability between Spanish and English language materials, and processes in place for addressing the supplemental materials in Spanish for teachers in TNLI and Dual Language classrooms. Among some of our more important findings as part of reviewing the status of this concern are:

- A. The bidding process for securing materials is more comprehensive, clearly written, and quantitative. For example, we reviewed the RFP for K-5 Literacy Intervention materials and potential bidders are informed clearly that materials must align with Common Core State Standards in elementary literacy, they must offer parity in terms of English and Spanish resources, they must appear on the CDE READ Act Advisory list, and the materials must have a documented research base predicated on at least one rigorous evaluation by a third party. As part of the selection process, DPS used a companion Literacy Intervention Materials Evaluation Rubric which Ms. Martin walked us through. The process described above is one that DPS now consistently uses in adopting any core content materials. Ms. Martin walked us through the high school Math Evaluation Tool that they used as part of a recent adoption and the RFP clearly stated that all student-facing materials must be available in Spanish in order to be considered.

- B. During 2017 and through the present, DPS adopted five separate sets of core content materials. By adopting Core Connections, which is a Grades 9-11 Integrated Math curriculum, the district has now fully adopted a new mathematics curriculum in English and Spanish for grades K-12. DPS has also adopted a grades 6-8 Geography and World Cultures set of materials that are in both English and Spanish. More recently, the district has adopted the Amplify science curriculum for grades 6-8, a high school social studies curriculum from McGraw Hill which includes Geography, Civics, Economics, and US History materials. Finally, the DPS adopted I-Station as the K-5 Literacy Intervention Curriculum. All of the adoptions above are both in Spanish and English.
- C. In our second meeting with Ms. Martin, we discussed library services practices that are related to the CD. We learned that through recent efforts by the district, online resources are now much more available for students and families than they have been previously. Also, Ms. Martin apprised us that Library Services staff members partner with local Spanish book distributors to select high quality Spanish materials for students. Library services offers classes for new library staff at schools to reinforce the importance of selecting books that meet the needs of a respective school community and reflect the languages and cultures of the area. Other notable activities that we were apprised of included subscribing to the Overdrive Interface which makes eBooks available for students in four languages (English, Spanish, French, and Russian). The system has 284 eBooks available for students in Spanish. Additionally, Library Services has purchased access to Tumblebooks which are read along books in Spanish and French; Britannica Escolar, a K-12 digital encyclopedia

in Spanish; Enciclopedia Moderna, an academic grades 9-12 digital encyclopedia in Spanish; and Brainpop Espanol which is a series of digital animated videos that support literacy, math, science, and music. Another resource she informed us of is the ALMA Collection which includes books and artifacts that support units of study for grades ECE-12 on the history, contributions, and issues pertinent to Hispanics in the Southwest. Finally, Library Services is working more closely with EDUCA Radio to inform parents about media literacy and many of the resources listed above. This outreach is done in Spanish and English. Related to this initiative, Library Services has created the Denver Connect Home Initiative where staff members attend PAC and DAC sessions to inform parents of resources that they have available to them.

Based on the two meetings with Ms. Martin, confirmation of the progress made relative to Spanish language materials by Mr. Robles and members of his staff, and our review of information and documents provided to us, our update suggests that this concern is being addressed much more comprehensively than at any time before. This was a positive finding for us.

Concern No. 3: ISA Team Monitoring of Students Whose Parents Opted for No Services

For at least three years now that we are aware of, DPS has had a process in place in which the ELA Department generates PPF3 Monitoring Forms and sends them to ISA Teams each semester. We checked with the ELA Program and onsite ISA Teams and confirmed that these forms are indeed generated, sent to them with due dates, and follow-up takes place if there is a glitch in this process. Also, PPF3 student lists continue to be made available electronically to both ISA Teams and school leaders through the Principal

Portal. During the most recent meeting of the parties in April and May 2018, ELA Program staff presented briefly on a module they've created called the Lifecycle of an EL (LCE). The module and presentation were intended to visually display what the LCE is and how it is implemented. The module was custom designed for Infinite Campus and IC is interested in offering to other school districts.

As part of preparing this update, the IM reviewed the ISA Team Handbook for the 2017-18 school year to ascertain that monitoring of PPF3 students is accurately described in that document consistent with what the CD requires. The ISA Team Handbook clearly instructs ISA Teams of their responsibility to contact parents if their student is not meaningfully and equally participating in the classroom. ISA Teams are also instructed to remind parents that ELA Program services are available for their child. The information regarding monitoring of PPF3 students is not only a part of the ISA Team Handbook, it is addressed in the requisite training that all ISA Team members undertake each school year.

The DPS has made several strategic moves in the past several years to strengthen the role and responsibilities of ISA Teams including monitoring of progress for PPF3 students. The first of those actions was to appoint someone to oversee the implementation of the ISA Team responsibilities required by the CD. That person, Veronica Maes, was appointed as the ELA Program Implementation Manager. During the timeframe of this report, we saw Ms. Maes assume a lead role in strengthening ISA Team functions such as improving communication between schools and the ELA Department; training of all ISA Team members; increasing coordination with other strategic initiatives such as the Quality Assurance Team and her ISA Charter School (Ch-ISA) counterpart Tanis Humes; and coordinating the work of ELA ISA Team specialists, Nubia Ponce Orozco and Erika Krueger,

at the elementary and secondary levels respectively. During the 2017-2018 school year, Dr. Nelson and I had many interactions with Ms. Maes and were impressed by her leadership and ability to communicate at multiple levels ranging from individual ISA Team members to Instructional Superintendents. We also had numerous principals inform us that the ISA Team process is more effective because of the efforts the district has undertaken to increase communication, serve as a resource, and follow-up when issues arise.

It is clear to us that DPS better understands the CD Chapter 2: ISA Team requirements than it did in 2013 and has, over time, put a system in place that addresses many of their obligations. We are in schools often and have interacted with many ISA team members, school leaders, and ELA Network Partners over the past several years. We believe there is consensus that the ISA Team responsibilities are clearer, reporting of information including student Bodies of Evidence and other required information is more systematic and functional, and that the District has made supports at several levels available to ISA Teams. There are still concerns that have been raised by CHE and the DOJ and need to be addressed as we've noted in our recommendations.

On May 18, 2018 we were contacted by CHE Attorney, Roger Rice, to express concerns that CHE still has with ISA Teams. One of those concerns is related to whether the progress of all ELL students is being adequately monitored. Mr. Rice wrote, "CHE has serious concerns about the extent to which ISA Teams are monitoring ELL students who are not up for possible redesignation or are not newly entered." In other words, if there is not a "triggering event" such as redesignation, is the ISA team still monitoring that ELL student's progress? Mr. Rice also noted that CHE "has questions about students who are

long-term ELLs, students who didn't receive ELD or ELA-S prior to the current year, and students where Infinite Campus showed gaps between the time they entered school and the time of identification." Since these are serious concerns to CHE, they should be addressed by the District.

It is the District's position that these concerns have been addressed. DPS schools have data teams that do day-to-day monitoring of ELL students' performance and progress. DPS's ISA teams do such monitoring at defined intervals of an ELL's school career (i.e., across the ELL Lifecycle). To address CHE's concern, the District has agreed to ensure that a fully qualified ELA-E teacher is a member of each school's data teams and to create a formal mechanism for school data teams to raise concerns regarding an ELL's progress to the ISA team for consideration.

In our sixth report, we presented the results of our spot-audit of Chapter 2: ISA Teams. The ELA Department opens windows or timeframes at designated times during the school year that impact the actions of ISA Teams. One of those windows concentrates on Identification of ELs, another window at a different time addresses Redesignation of ELs, and a third focuses on PPF3 and Year 1 and 2 post-redesignation monitoring. When we conducted our spot audit of Chapter 2, we were in the district during a time when the identification and redesignation windows had been open, and those decisions were the focus of most of the records we reviewed. We only saw or heard references to PPF3 and post-redesignation Year 1 and Year 2 monitoring during the ISA Team meetings we attended. What we reported on is what we witnessed first-hand during the time that we conducted our spot audit, and we would like to clarify that our Report 6 conclusions about ISA processes are limited to the identification and redesignation windows, and not

generalizable to the PPF3 and post-redesignation Year 1 and 2 monitoring window or to the monitoring of ELLs for whom there is not a triggering event. The concerns expressed by Mr. Rice could be further examined by collecting additional data on ISA team decisions that we did not directly observe in our document review or the meetings we attended when collecting information reported in Report 6.

A next step for Dr. Nelson might be to coordinate a discussion among the parties to address CHE's concerns as noted above. The IM could then schedule a follow-up visit to the district during the 2018-2019 school year when the post-redesignation and PPF3 monitoring windows are open for ISA Teams, examine CHE's concerns regarding monitoring of students as part of another Chapter 2 spot audit, and report his findings. This would be consistent with my earlier suggestion that, for the immediate future, the parties might identify specific areas of concern along with requirements from CD chapters that we did not spot audit, and have those serve as a focus for the IM's efforts moving forward.

Concern No. 4: How ISA Teams Weigh Conflicting Data in a Student's File

When this concern initially surfaced, there were reports based on inquiries that CHE and the DOJ had made that some students were being redesignated as early as second grade. The ELA Department quickly dealt with this issue, in large part, by creating guidance through a document that clearly states that students will not be redesignated before the end of third grade. In addition, the LCE module in IC will not allow schools to create redesignation forms for students to consider for redesignation before the end of third grade. This directive was based on guidance that the Colorado Department of Education provided for school districts. This information regarding redesignation in DPS

was provided to all ISA Teams and school leaders and reinforced in the mandatory ISA Team training that members undertake each fall shortly after the start of a school year.

During our spot audit of Chapter 2, we made the decision to include questions directly tied to CD requirements in this chapter as well as several open-ended questions. One of these open-ended questions dealt with concern number 4. We asked those ISA team members we interviewed the following: How does your ISA Team weigh or reconcile conflicting data in cases where some data indicate a redesignation should be recommended yet other data indicate there should not be a redesignation? We interviewed six ISA Teams and posed the question above to the entire team.

The summary of responses can be found in Table 2.5.2 beginning on page 55 of the Sixth IM Report filed with the Court in May of 2018. ISA Team members on all six teams responded that they weigh the body of evidence and determine how much weight to assign each data point. Additionally, all six teams reported that they gather input from families, classroom teachers, and SPED teachers and they also practice caution in making redesignation decisions, feeling no rush or pressure to redesignate students. Three of the six teams responded that they seek consensus of their ISA Team members when making any decisions regarding redesignation.

In addition to the responses above in our interviews with ISA Teams, Dr. Nelson and I observed ISA Team meetings at several of the school sites we visited and saw first-hand how those ISA Teams deliberated when there were cases of conflicting data and what their redesignation decisions were. Again, this information was provided in our Sixth Report. What Dr. Nelson and I saw was ISA Teams that seem to deal cautiously with the issue of redesignation and whose members shared with us at multiple school sites that they

examine as much data as possible, confer with classroom teachers and parents, and lean toward having students receive ELA Program services as long as they can.

The District's ARE Department conducted a Redesignation Study which is alluded to later in this section under Concern Number Six. What the data reveal in this study is that English learners in DPS are in the ELA Program an average of 5.8 years before they are redesignated. These data support our narrative regarding the open-ended question on how ISA Teams deal with conflicting data, specifically that ISA Teams feel no pressure to have to redesignate students as soon as possible. It seems that the ELA Department clearly understands the concern, has acted to address it through guidance and training, and the results support their actions.

Finally, related to ISA Teams and concerns voiced by CHE as a follow-up to our All Parties meeting in May of 2018, Attorney Roger Rice contacted the IM and Dr. Nelson on July 22, 2018 and expressed the following. "During our recent monitoring visit to DPS schools in May when we met with ISA teams we requested, but for the most part did not see, anything approaching what you were able to observe in 2016 beyond what was found in Infinite Campus. Subsequently we wrote to DPS and requested the ISA team agendas, minutes, records and notes from the schools we had just visited as well as for the schools you described in Report #6."

The DPS responded to Mr. Rice's inquiry and he cites their response in that same July 22nd correspondence: "Most ISA teams no longer keep formal meeting minutes...there is no requirement in Chapter 2 for formal agendas, meeting minutes, or separate note catcher...The District had hoped that ISA teams would follow the practices of IEP meetings

or student data team meetings...The District is seeing that...some information regarding an ISA team's deliberative process is not being recorded in much detail."

We should note that at several times over the past several years when we were either observing ISA Teams or visiting schools where we interviewed ISA Team members, DPS pointed out to us that the CD does not require ISA Teams to draft or maintain formal agendas or meeting notes as part of Chapter 2, although the District understood these to be "best practices." After having developed the LCE (Life Cycle of an ELL) module for ISA team notes, DPS no longer believes that the additional paperwork of agendas or meeting minutes is necessary.

While we accurately described our findings regarding our documentation through observation of ISA agendas and minutes or notes in the sample of six schools we visited during the spot audit of Chapter 2 detailed in our sixth report, we need to acknowledge the different findings of the DOJ and CHE based on their own school site visits. To add additional context to our Report 6 findings, what we observed were not necessarily printed agendas or notes that we saw ISA Team members or the team lead writing. In some cases, it was a team lead writing the decisions that the ISA Team arrived at on their laptop computer and at several schools it was more formalized. At Hamilton Middle School, we witnessed lengthy ISA Team discussions about individual students including samples of work from the Body of Evidence and notes that summarized decisions reached. At North High School, the ISA Team Lead and Assistant Principal specifically noted that they used Google Docs to summarize meetings and track decisions, and even went as far as reading from their laptops decisions they reached regarding the redesignation of individual

students, explicitly citing from their notations recommendations made for students who were not redesignated at that meeting.

In response to this difference between the IM's findings and the DOJ/CHE findings, DPS suggested that the difference is due at least in part to differences between the IM and DOJ/CHE in what they each operationally defined as "agendas and minutes" (e.g., printed copies versus electronic records entered into computers as referred to in the additional context added above, or formal versus less formal documentation). DPS also noted that the IM observed ISA meetings in progress and so collected information in a different context than DOJ and CHE, and this, along with different information sources (e.g., differences in documents reviewed, schools visited), may also have been a factor in the differences in the respective findings. DPS believes that ISA teams can document their decisions via current electronic methods such as the LCE system or shared data trackers. DPS agrees with the parties that more information could be provided by ISA teams into the narrative fields of the LCE forms but does not agree that the lack of ISA team agendas or meeting minutes does not comply with the CD.

To assist in resolving at least some of the questions and concerns posed by CHE regarding documentation of ISA Team meetings, we make a recommendation regarding ISA meeting documentation in the final section of this report.

Concern No. 5: Implementation of Engage/New York as the Common Core Aligned Curriculum for Grades 4-6 and the Lack of a Comparable Spanish Curriculum

At the time that this issue was expressed as a concern in April 2015, the ELA Department had already made the decision to implement a Common Core aligned curriculum called Engage/New York at the 4th-6th grade level. This decision by DPS caused

a great deal of concern since there was no comparable Spanish curriculum. However, DPS has reiterated on several occasions that they adopted Engage/New York *along with* added Spanish curriculum created by DPS in partnership with the BUENO Center. The District believes that this approach provides more authentic learning opportunities than just materials in English translated to Spanish. Furthermore, it provides students with authentic and non-repetitive class topics in their separate English or Spanish classes. The District has clearly expressed and demonstrated its intention to implement a paired literacy instructional approach in which students learn to read, write, speak, and listen in both English and Spanish to promote comprehension. Ultimately, it is the goal of the district that students become biliterate (literate in Spanish and English) through this curricular and instructional approach.

Since the 2015-2016 school year, the Engage/New York curriculum was rebranded as the First Edition of Expeditionary Learning for grades 4-5 and beginning with the 2016-2017 school year, the District began implementing the curriculum at 3rd grade. Since Expeditionary Learning is only available in English, the district undertook measures to create materials in Spanish so that students would be supported in both English and Spanish literacy. By pairing literacy instruction in both languages, the notion is that students will acquire literacy skills across languages and transfer skills and content learned in one language to the other. To achieve this, the district partnered with the BUENO Center at the University of Colorado in 2014 to create daily paired literacy lessons that would provide both Spanish and English literacy instruction for grades 4 and 5. Members of the BUENO Center attend school site and Central Office meetings on behalf of CHE during visits to Denver by the IM.

Since then, the existing 3rd grade Expeditionary Learning English curriculum has been adopted and a Spanish paired literacy curriculum was built by acquiring authentic Spanish texts to support DPS/BUENO Center-written Spanish literacy lessons with the target of providing 65% instruction in Spanish and 35% instruction in English. These percentages of instruction match the District Language Allocation Guidelines. In addition, the existing 4th and 5th grade Expeditionary Learning English curriculum is being used as is, and a Spanish paired literacy curriculum has been developed by acquiring a collection of authentic Spanish texts that can be used in tandem with DPS/BUENO Center-written Spanish literacy lessons to provide 65% of instruction in English and 35% in Spanish.

During the 2017-2018 school year in grade 3, the primary language used was Spanish (65%) paired with daily English lessons (35%) to achieve both the goals of paired literacy and to meet the Language Allocation Guidelines. The District monitors a school's compliance with these Language Allocation Guidelines by requiring students to be assessed in Spanish to ensure students are learning the requisite Spanish per the Guidelines to assist in the transition to English and to foster biliteracy. In grades 4 and 5, the primary language of instruction was English (65%) with daily Spanish lessons (35%) paired with English lessons. Therefore, 3rd grade ELs who are PPF1 are supported in both English and Spanish literacy through lessons adapted from EL Expeditionary Learning modules and DPS created Spanish modules. In grades 4 and 5, PPF1 ELs are supported in both English and Spanish literacy through additional, aligned DPS-created Spanish modules. Paired literacy, through its structure, supports students and teachers in meeting the shifts of the Common Core State Standards. All of the curricular supports provided for ELA-S classrooms were designed to meet the Language Allocation Guidelines, an action that the IM supports.

Concern No. 6: Concerns Regarding Key Features of Longitudinal Study

The status of the Longitudinal Study, which is tasked to the Accountability, Research and Evaluation (ARE) Department in DPS, surfaced both in December 2017 during our spot audit of CD Chapter 9 and in March 2018, during our scheduled site visit to Denver. During the March visit, a topic on our agenda was a discussion of the Six Concerns expressed by CHE and DOJ and addressed in my Report 5. That meeting provided an opportunity for the ELA Program Staff to present us with updates on the Six Concerns, including the Longitudinal Study. Our more comprehensive update regarding the Longitudinal Study is in the section of our current report where we present the results of and discuss our spot audit of CD Chapter 9.

During our Spot Audit of CD Chapter 9, which took place both in November and December of 2017, an item on our Central Office Spot Audit checklist asked, "What is the status of the longitudinal study referred to in the Consent Decree Chapter 9.IV.D?" To gain a greater and more current understanding of this question, Dr. Nelson and I met with Jorge Robles and two researchers from the ARE Department which is the lead DPS department overseeing the longitudinal study. Over a period of several hours, we discussed with them several studies of ELL student performance ARE staff have been carrying out designed to collectively meet CD Chapter 9.IV requirements (Evaluating Program Effectiveness) and to provide information useful to the ELA department. We discussed the types of data they have gathered, what inferences ARE has drawn from these data, an overview of the interrelated studies that they have completed, and some of their preliminary findings. ARE and Mr. Robles also discussed their intent to conduct additional studies which inform the ELA Department, result in improved services for ELs, and provide information required by

the CD. One of the challenges the District has raised with the IM and the Parties is the lack of consistency in student assessment data; this has especially been an issue with the ACCESS test used to assess English proficiency. Due to the test maker's practice, DPS's data is calculated differently as a result of the District's use of paper and pencil rather than computer-based tests. Test makers also adjust scores from one year to another for other internal reasons, making it difficult to compare data across years.

CHAPTER 1: INSTRUCTIONAL SERVICES

Method

Chapter 1 of the CD describes the instructional services the district is required to provide to target the instructional needs of students who are ELLs. All ELLs are to be provided instruction through a TNLI program and/or an ESL/ELA-E program, with the program a school uses dependent on the number of ELL students in the school. All ELLs in the TNLI program are to be provided with ELD and native language instruction in Spanish and/or Supported English Content Instruction. All ELLs in the ESL/ELA-E program are to be provided “with ELD and supported English content instruction, with written native language supports through curricular resources, and, as needed and unless not feasible, oral native language support” (CD Chapter 1, p. 7)

Chapter 1 is divided into nine sections: I. Elementary Services; II. Secondary Services; III. Newcomer and SIFE Services; IV. Program Services Provided by Supplemental and Support Staff; V. Response to Instruction and Intervention; VI. Curriculum and Materials; VII. Progress in Program Schools Offering a Transitional Native Language Instructional Model; VIII. Progress Toward Instruction in English; and IX. Spanish Language Assessments.

Given the scope of the Chapter 1 requirements, we spread out our Chapter 1 data collection across site visits to DPS in September, October, November and December 2017. During each visit, we collected Chapter 1 data about implementation of one or more of the nine chapter sections as well as data on CD Chapters 5 and 9, which are also addressed in

this report. Data were collected at school sites and at the Central Office through interviews and document review.

In September 2017 we collected CD Chapter 1 data using our Chapter 1 and 5 Spot Audit Checklist, detailed below, at four schools. As we have been doing for our previous school-based spot audits, we purposively chose schools, taking into account the type of ELA program at the school, whether we had visited the school previously (preferring not to visit the same school repeatedly), and the level of the school – trying to visit schools at the elementary, middle, and high school levels. The four schools to which we made school site visits were Dora Moore Elementary School (ECE – 8, ESL Resource Spanish), Thomas Jefferson High School (ELA –E with Spanish Qualified Resource), Pascual LeDoux Academy (Elementary – Early Childhood, TNLI), and Colfax Elementary School (TNLI). The role of the Spanish-Qualified Resource Teacher, like the one at Thomas Jefferson High School and other schools from which we collected CD Chapter 1 data (identified later), varies across school sites. At the elementary level, when a school is not TNLI, that teacher focuses primarily on ELD, providing support as needed in Spanish. At the secondary level, the Spanish-Qualified Resource Teacher is “pushed in” to content classes to provide support to Spanish speaking students. Within each school, the level and type of support provided by the resource teacher varies based on individual student and teacher needs as well as the number of students who require Spanish language support as specified in CD Chapter 1.

We designed the Chapter 1 and 5 Spot Audit Checklist (Appendix A) to collect information on representative indicators of CD implementation. As detailed in IM Reports 5 and 6, representative indicators refer to evidence we would expect to be able to document at a school site if the section of the CD being examined is being implemented as

intended. Six sections of the checklist are based on CD Chapter 1. Checklist section II is based on CD 1.I.B.1 (Item A), 1.I.B.2 (Item B), and 1.II.D (Item C), sections of the CD that refer to the provision of ELD and to resource teacher requirements triggered when a specified number of students in a school speak Spanish (15 at elementary, 50 at secondary). Checklist section III is based on CD 1.I.C.1 (elementary) and CD 1.II.E.1 (secondary), which require the provision of native language instruction, supported English content instruction, and ELD in TNLI schools. Checklist section IV is based on CD 1.IV.A.2, which requires that an administrator or staff development professional review ELL assessment data at each school. Checklist sections V and VII are based on CD 1.IV.A.5, which requires that school staff explain program services to parents, ensuring that information and explanation are in a language LEP parents can understand. Checklist section VI is based on CD 1.IV.B, which specifies that, in selecting supplemental staff, consideration be given to the native languages spoken by ELLs at the school.

During our October 2017 DPS site visit, we again used the Chapter 1 and 5 Spot Audit Checklist to collect CD Chapter 1 data during visits to four additional schools – Cowell Elementary School ((TNLI), Force Elementary School (TNLI), Centennial Elementary School (ESL Resource Spanish), and George Washington High School (ELA-E with Spanish-qualified Resource Teacher).

In November 2017, we developed a new spot audit checklist designed to gather data on different sections of CD Chapter 1 than we had collected data on in September and October, and we combined those checklist items with items based on CD Chapter 9 requirements, for which we also collected data during that visit. The Chapter 1 and 9 Spot Audit Checklist is in Appendix B. Using the same purposive sampling approach described

previously, we collected CD Chapter 1 data at four schools – Northfield High School (ELA-E), Garden Place Elementary School (TNLI), Sabin World School (Elementary, TNLI plus ESL Resource), and Hill Campus of Arts and Sciences Middle School (ELA-E with Spanish-qualified Resource Teacher).

Our Chapter 1 and 9 Spot Audit Checklist contains 10 items based on CD Chapter 1. Item 1 on the checklist is based on CD 1.V.B, which requires that, before referral for targeted or intensive level services, the district has ensured that an ELL student has had sufficient access to ELD and core content instruction provided by on-track or fully qualified ELA teachers. Checklist items 2 through 4 are based on CD 1.V.C, which specifies requirements for intervention team membership and referral consideration. Checklist item 5 is based on CD 1.VI.A, which requires that the curriculum used for ELLs is the same as that used for the mainstream English language instructional program. Checklist items 6 and 7 are based on CD 1.VI.C, which requires that the district provide students who are ELLs with Spanish language core content materials, wherever available, comparable to English language content materials used in mainstream English language classrooms, when the ELL students are taught in Spanish in ELA-S and dual language classes. Checklist items 8 and 9 are based on CD 1.VII.B, which describes the factors to be considered when a student who is an ELL at a TNLI school is being considered by the ELA-S teacher for transition from native language instruction to supported English instruction. Checklist item 10 is based on the CD 1.VII.D requirement that, in TNLI schools, there be ongoing communication between ELA-S and supported English content instruction teachers regarding ELL students' assignments to a particular combination of ELA services in a TNLI school.

We collected additional CD Chapter 1 data during our November visit using a Chapter 1 and 5 Central Office Spot Audit Checklist (Appendix C). This central office checklist was designed to collect data on CD Chapter 1 implementation more likely to be accessible or stored at the central office, including interviews we conducted with central office personnel. Six items on the checklist are based on representative indicators of CD Chapter 1 implementation. Item 1 is based on based on CD 1.V.B (sufficient access to ELD and core content instruction). Item 2 is based on 1.V.C (a student's unique linguistic needs considered). Item 3 is based on CD 1.VI.B, which requires that students who are ELLs are provided with meaningful opportunity for admission to Gifted and Talented programs and other advanced classes. Items 4 and 5 are based on CD 1.VI.A, C and D (comparability of curriculum for students who are ELLs versus non-ELLs and availability of Spanish language core content materials). Item 6 is based on CD 1.VIII.B (monitoring of ELP and academic progress of ELLs).

During our December 2017 site visit, we again used the Chapter 1 and 9 spot audit checklist for school visits, this time at three schools – McGlone Academy (Elementary, TNLI plus ESL Resource), West Leadership Academy (Middle School and High School, TNLI), and Grant Ranch ECE-8 School (its ECE-5 is TNLI and it is ELA-E with ESL Resource for grades 6-8).

Results

This summary of the results of the Chapter 1 spot audit are organized, first, by the Chapter 1 items from the Chapter 1 and 5 and Chapter 1 and 9 spot audit checklists used to collect data at the schools visited in fall 2017, and then, following that first section, by the Chapter 1 items from the Chapter 1 and 5 Central Office spot audit checklist.

Results of selected response checklist items from data collected at the schools are summarized quantitatively and described narratively, as are the responses to constructed response items where responses could be coded into categories and counted. Data collected for CD Chapter 1 implementation using the Chapter 1 and 5 Central Office spot audit checklist during central office interviews are summarized descriptively in the narrative, focusing on the main points made by the interviewees in response to questions we asked and supported by hyperlinks in the narrative to documents the district provided to us as evidence or as examples during the interviews.

Chapter 1 Items from the Chapters 1 & 5 Spot Audit Checklist

As noted above, we collected data related to the implementation of CD Chapter 1 using the Chapter 1 and 5 Spot Audit Checklist at eight schools in September and October 2017. Four schools were TNLI schools (Colfax, LeDoux, Cowell, and Force) and the remaining four were ESL/ELA-E (Dora Moore, Thomas Jefferson, Centennial, and George Washington).

Items II.A-C. If the school is ESL/ELA-E . . .

A. Who provides ELD in reading, writing, speaking and understanding English? (CD Chapter 1.I.B.1)

At Dora Moore Elementary School, two fully qualified ELA-E teachers were providing ELD. At Centennial Elementary School, one fully qualified ELA-E teacher was providing ELD. At Thomas Jefferson High School, one fully qualified ELA-E teacher was providing ELD, and at George Washington High School, ELD was being provided by one fully qualified ELA-E teacher, who taught one ELD class, and one on-track ELA-E teacher who taught four ELD classes.

B. What are the qualifications of the Elementary resource teacher when more than 15 ELLs in a school speak Spanish? (CD Chapter 1.I.B.2 & D.2)

At Dora Moore, more than 15 students spoke Spanish (the criterion for a school to have a Spanish-qualified resource classroom teacher) and the two resource teachers at the school were both ELA-S. At Centennial, which also had at least 15 Spanish-speaking ELLs, the resource classroom teacher was on-track for ELA-S.

C. What are the qualifications of the secondary resource teacher when more than 50 ELLs in a school speak Spanish? (CD Chapter 1.II.D)

At two secondary ELA-E/ESL schools we visited, Thomas Jefferson and George Washington, more than 50 ELLs spoke Spanish, and both schools' ELA models are ELA-E with a Spanish Qualified Resource Teacher. At Thomas Jefferson, the resource teacher was ELA-S. At George Washington, where there was not a fully-qualified or on-track ELA-S resource teacher, an ELD teacher traveled with a Spanish-speaking paraprofessional who provided Spanish support to students at beginning, early intermediate, and intermediate ACCESS levels.

Item III.A. *If the school is a TNLI . . .*

A. (Elementary) are native language, supported English content, and ELD instruction provided? At what grade levels? Who provides the instruction? (CD Chapter 1.I.C.1)

Three of TNLI schools we visited (Colfax, Cowell, and Force) were elementary schools with early childhood programs - ECE through 5th grade. The fourth TNLI school we visited, Pascual LeDoux, was an early childhood school serving 3 and 4 year olds. All three elementary schools reported providing native language instruction, supported English content instruction, and ELD. Table 1.1 summarizes the grade levels at which these types

of instruction were being provided and the qualifications of the teachers providing the instruction.

Table 1.1. Type of Language Instruction and Teacher Qualifications at TNLI Elementary Schools

School	Instruction	Grade Levels	#FQ Teach	#OT Teach	%FQ Teach
Colfax	Native Language	All	3 ELA-S	4 ELA-S	43%
	Supp. Eng. Content	All	4 ELA-E	1 ELA-E	80%
	ELD	All	6 ELA-E	3 ELA-E	67%
Cowell	Native Language	All	7 ELA-S	5 ELA-S	58%
	Supp. Eng. Content	All	4 ELA-E	4 ELA-E	50%
	ELD	All	10 ELA-E	9 ELA-E	53%
Force	Native Language	All	8 ELA-S	0 ELA-S	100%
	Supp. Eng. Content	All	29 ELA-E	5 ELA-E	85%
	ELD	All	24 ELA-E	5 ELA-E	83%

Table 1.1 shows that, at all three schools, native language instruction, supported English content instruction and ELD were being provided at all grade levels. The table also shows the number of fully qualified (FQ) and on-track (OT) teachers providing the three types of instruction, with the percentages of fully qualified teachers providing that instruction listed in the last column.

Pascual LeDoux, being an early childhood program only, reported providing an integrated Spanish and English early childhood program (Creative Curriculum) - not easily divided into the categories of native language instruction and supported English content

instruction - with dedicated daily ELD instruction. LeDoux reported having 17 ELA-S teachers, all fully qualified, and 9 ELA-E teachers, 6 fully qualified and 3 on-track (67% FQ).

Item IV. *What process do you use for reviewing ELL assessment data?* (CD Chapter 1.IV.A.2)

All eight schools visited in September and October 2017 were able to describe a process used at the school for reviewing ELL assessment data throughout the school year. The processes described varied among the schools, as did the frequency of the review of the data (e.g., weekly in some schools, less often in others) with some identifiable commonalities. Interviewees at 7 of the 8 schools referred to using ACCESS data to determine starting points for instruction and grouping; the one school that didn't refer to ACCESS was LeDoux, where the students are too young to take ACCESS. LeDoux reported using TS Gold, an early childhood language development scale, in Spanish and English. Five schools referred to a literacy and/or math focus in their review of ELLs' assessment data. Four of the schools referred to the role of ISA teams in reviewing ELLs' assessment data, four schools made reference to the use of data trackers or progress monitoring, and four mentioned sharing the data with parents. Three schools referred to data review occurring in other types of team meetings (e.g., data or grade level team meetings), three referred to reviewing I Station data, and three referred to assessment in Spanish and/or English.

Item V. *How do you ensure that explanations of the ELA program are understandable to parents who are LEP?* (CD Chapter 1.IV.A.5)

Five of the eight schools indicated they use videos in English and Spanish to explain program options to parents who are LEP; five schools also noted that they have bilingual faculty or administrators or office staff who assist parents who are LEP. Four schools referred to providing ELA program information at parent meetings. Three schools noted

that interpreters are available for parents who speak non-English languages other than Spanish. DPS pointed out in the first draft of this report that Item V was a constructed response (i.e., response options are not provided) rather than a selected response item (i.e., response options are provided), and that this may explain why more schools did not report the use of the video.

Item VI. *What language(s) do your front office staff speak?* (CD Chapter 1.IV.B)

Six of the eight schools reported front office staff speak Spanish and English; one school specified Spanish; and one school specified “mostly English.”

Item VII. *What does the school do if no one at the school speaks a language spoken by a parent who is LEP?* (CD Chapter 1.IV.A.5)

All eight schools reported that they use DPS interpreter and translation services when working with a parent who is LEP and no one at the school speaks the parent’s language.

Chapter 1 Items from the Chapters 1 and 9 Spot Audit Checklist

We collected additional school-level CD Chapter 1 implementation data during our November and December 2017 visits to DPS. During those visits we also collected CD Chapter 9 data at the schools and we used the Chapters 1 and 9 Spot Audit Checklist to guide our data collection. In November we collected data at four schools - Northfield High School, Garden Place Elementary School, Sabin Elementary School, and Hill Campus Middle School. In December we collected data at four additional schools – McGlone Elementary/Middle School, West Leadership Academy High School, Grant Ranch Elementary/Middle School, and Lowry Elementary School. Garden Place, Sabin, McGlone,

West Leadership, and Grant Ranch (Elementary) were TNLI schools. Northfield and Hill Campus were ELA-E schools, and Lowry was an ESL Resource school.

Item 1. *Prior to an ELL's referral for targeted level or intensive level instruction, how does the school's intervention team (MTSS) ensure an ELL has had sufficient access to ELD and core content instruction by on-track or fully qualified ELA teachers in an environment supportive of the student's language development?* (CD Chapter 1.V.B)

School staff we interviewed at all eight schools described a response to intervention process that included team meetings in which team members use assessment information to monitor ELL student progress, the assumption being that if a student is making acceptable progress, then the student is receiving sufficient access to ELD and core content instruction. At all the schools, interviewees showed us examples of data trackers teachers and team members use to summarize assessment data collected throughout the year. Commonalities mentioned most often in the interview responses to this constructed response item were the use of instructional strategies targeted to student needs (noted at 8/8, 100%, of the schools), teacher ELA qualifications or training (7/8 schools, 88%), the use of multiple assessments (6/8 schools, 75%), the use of teacher feedback (6/8 schools, 75%), ELD being scheduled for the required time (4/8 schools, 50%), student language skills being taken into account (5/8 schools, 63%), use of assessments for instructional placement or planning (5/8 schools, 63%), and use of data trackers (5/8 schools, 63%, cited use of a data tracker in response to the item although, as noted above, all eight schools showed us a data tracker during our visits).

Item 2. *Does your intervention team include a fully qualified ELA teacher?* (CD Chapter 1.V.C)

Interviewees at all eight schools (100%) replied "Yes" to this question.

Item 3. *How are the unique linguistic needs of an ELL taken into account when providing RTI services (including assessment methods and interpretation of assessment results)?* (CD Chapter 1.V.C)

In response to this question, interviewees at the eight schools described the approaches used specifically for students who are ELLs that take into account student linguistic needs. At each of the eight schools, interviewees referred to taking ELL students' language skills into account during the provision of intervention services. In describing the assessment data used, interviewees cited ACCESS scores; the use of multiple assessments; assessment of the language modalities (reading, writing, listening, speaking); and assessment of content (e.g. with CMAS). In describing intervention instruction for ELLs, interviewees referred most often to providing instruction based on student language proficiency assessment information (cited at 6 of 8 schools, 75%), including native language support, strategic support based on student language needs, provision of instruction by ELA-qualified teachers and paraprofessionals, and provision of ELD. In general, the schools communicated that more support was provided to students with lower levels of proficiency in English, and the type of support varied based on individual student linguistic needs.

Item 4. *How are ELL considerations for each ELL student documented by the intervention team?* (CD Chapter 1.V.C)

For this item we asked for descriptions and examples of how schools documented ELL student performance. Interviewees at all eight schools described data tracking or progress monitoring systems used at the schools, all of which used multiple assessments to monitor students throughout the year. We observed the system used at each school,

typically by viewing spreadsheets either projected from personal computers to the wall during the meeting with school staff or on individual computer screens. At five of the eight schools, we had time during the school visit to systematically select up to 10 student records at the school and to record examples of the type of language assessment information that had been entered up to that point in the school year for each student. The results of that examination of individual student records are summarized in Table 1.2. The table shows that, at all five schools, multiple types of language assessment scores were being maintained in the data trackers. CD Chapter I.V.C requires that the unique linguistic needs of ELs be considered in the provision of services. The language assessment data maintained in the data trackers for individual students indicates that the intervention team is monitoring each EL student's language progress and using those data as the basis for instructional decisions, a primary role of the intervention team. Examples of the types of language assessments schools were recording are listed in parentheses in the fourth column of the table.

Table 1.2. Percent of Individual Student Records with Multiple Language Assessments

Schools	# records	% with lang assess	% with multiple lang assess (examples)
Garden Place	10	100%	100% (ACCESS literacy, ACCESS overall)
Sabin	7	100%	100% (ACCESS, IStation, CMAS Spanish)
Hill Campus	10	100%	100% (Listen, Read, Writ, Speak scores)
McGlone	6	83%*	83% (Vocab Words, STEPS literacy)
Grant Ranch	10	100%	100% (SLO, IStation, Vocab, Writing)

*One student record had only a placement test for a new student who had just enrolled.

Item 5. *What are the differences between the curriculum used for ELLs in your school and the curriculum used for the mainstream English language instructional program?* (CD Chapter 1.VI.A)

The discussions in other sections of this report of Item 4 from the Central Office Chapters 1 and 5 Spot Audit Checklist and of the “Six Concerns” (carried over from previous IM reports) detail the adoption over the past year of five sets of core content materials available in English and Spanish and the comparability of the curriculum used for ELLs and for the mainstream English language instructional program.

The responses of the interviewees at the eight schools to Item 5 on the Chapters 1 and 9 Spot Audit Checklist reflected the district’s focus on coverage of the Common Core State Standards, with respondents at four of the eight schools noting that, while different materials were being used in Spanish and English, the same objectives were being covered. The school administrators and faculty we interviewed also referred to the use of Spanish and English during instruction (at five of the eight schools – three were non-TNLI) and the use of bilingual instructional materials (four of the eight schools) to support comparability of the curriculum in the two languages.

Item 6. *Does your school use any Spanish language core content material in ELA –S classrooms and/or ELA-E classrooms?* (CD Chapter 1.VI.C)

Of the eight schools we visited, interviewees at five stated they have been using Spanish language core content materials in ELA-S classrooms – the three additional schools (non-TNLI schools) had no ELA-S classrooms. Six of the eight schools reported using

Spanish language core content materials in ELA-E classrooms as well, with one school indicating this item was not applicable.

The level and type of use of Spanish language and English language instructional materials reported by the interviewees in response to interview items 5 and 6 could be verified through direct observation of the use of Spanish and English language materials in a sample of ELA-S and ELA-E classrooms.

Item 7. *To what degree are the Spanish language core content materials comparable to English language materials in terms of addressing common core standards?* (CD Chapter 1.VII.C)

Item 7 was a selected response item for which interviewees chose among four responses – Comparable, Somewhat Comparable, Not Comparable, or Not Applicable. Data on Item 7 were collected at seven of the eight schools. Faculty and administrators at six of the seven schools (86%) rated Spanish language core content materials as being “Comparable” to English language materials, while at the seventh school the Spanish language materials were rated as “Somewhat Comparable.” Given the time constraints of the one-half day school site visits, the IM did not independently determine comparability of these materials. A direct analysis of the comparability of Spanish and English language core content materials should be conducted in the future to verify the accuracy of these ratings.

Item 8 (TNLI Only). *Which abilities are considered when you make the determination that an ELL student has the skills to move from transitional native language instruction to supported English content instruction?* (CD Chapter 1.VII.B)

Item 8 was framed as a selected response item and was asked at TNLI schools only. The interviewees at all five TNLI schools (100%) stated that they considered each of the response alternatives provided in the item when they make the determination that an ELL student has the skills to move from TNLI to supported English content instruction. At all five schools, consideration is given to an ELL student's ability to understand academic English vocabulary, to engage in classroom conversation in English, and to understand classroom materials in English. School personnel at all five TNLI schools also stated they use "Other" information in addition to these three areas of ability. "Other" information cited most often included the use of CMAS, ACCESS, and the WIDA writing rubric. Dialogue with school personnel also reflected the idea that, rather than "exiting" students from native language instruction when their English language abilities had improved enough to participate in sheltered English content instruction, native language instruction was also being maintained due at least in part to the district's emphasis on the Seal of Biliteracy. This is also a recommended practice in the ISA Team Handbook guidance given to teams.

Item 9 (TNLI Only). *What evidence have you used to make the determination that an ELL student has the skills to move from transitional native language instruction to supported English content instruction?* (CD Chapter 1.VII.B)

Item 9 used the selected response format and the responses of the five TNLI schools to this item are summarized in Table 1.3. The response alternatives listed in the table are possible types of evidence listed in CD Chapter 1.VII.B. The table shows that all five TNLI schools reported using five of the six types of evidence listed as response alternatives while four of the five reported using attendance (i.e., lack of exposure to content due to low attendance). Four of the five schools also reported using "Other" types of evidence,

collectively listing a variety of other evidence including additional writing samples, assessments of language (DRA reading, SRI reading, EL Achieve), and discussions with or observations of students.

Table 1.3. Evidence Used in TNLI Schools to Support Moving from TNLI to Sheltered English Content Instruction

Evidence Used	% Using Evidence
Assessment of English Language Proficiency	100% (5/5)
Classroom Performance	100% (5/5)
Interim and State Assessments	100% (5/5)
Standards-based Progress Reports	100% (5/5)
Attendance	80% (4/5)
Classroom Behavior	100% (5/5)
Other	80% (4/5)

Item 10 (TNLI Only). *How and how often do ELA-S and supported English content instruction teachers communicate about an ELL student's assignment from TNLI to supported English content instruction to determine if the assignment is appropriate or should be reconsidered?* (CD Chapter 1.VII.D)

At three of the five TNLI schools we visited, communication between ELA-S and supported English content instruction teachers was occurring weekly through grade level team meetings. One of the five TNLI schools reported that this type of communication took place two or three times a week (daily between two teachers who teach ACCESS level 1 and 2 students). At the fifth TNLI school, the interviewees noted that the ELL students are not

pulled out of ELA-S upon redesignation, but that every six weeks ELD class groupings are revisited.

Chapter 1 Items from the Chapters 1 and 5 Central Office Spot Audit Checklist

During our November 2017 visit to Denver, we collected CD Chapter 1 implementation data at the DPS Central Office using the Chapters 1 and 5 Central Office Spot Audit Checklist described earlier. Our data collection at the Central Office consisted of interviews conducted with DPS personnel who had been identified as those best able to answer our questions about CD Chapter 1 implementation. We provided our questions to the ELA Department about two weeks prior to our visit so they could ensure those individuals were available to interview. The November interviews were conducted during two one-half day meetings and then a third one-hour meeting. During the interviews, interviewees responded to the items on our spot audit checklist, providing, in some cases, written responses they had prepared prior to the interview as well as supporting documents. In our following summary of this information below, we have embedded hyperlinks to documents provided to us during the interviews so readers of this report can see detail that we aren't able to capture in our summary.

Item 1. *In the DPS RTI system, how does the District ensure that before ELLs are recommended for Targeted Level of Intensive Level services, those students have had sufficient access to ELD and core content instruction by on-track or fully-qualified ELA teachers? (CD Chapter 1.V.B)*

In response to this interview question, DPS provided a document that overviews the district's RTI approach.

www.dropbox.com/sh/4snxap9o804c353/AAB3LhXuUSfDxSgWkR6YJI6Va/RTI?dl=0&preview=Nov+2017+RTI+Summary.docx

CD Chapter I.V.A states, “The District shall offer to students identified as needing intervention or remediation to achieve their full potential opportunities for assistance through a “Response to Intervention” (RTI) system . . . that includes three levels of instruction and/or interventions which are designed to be fluid and accessible, based on current student needs.” Chapter I.V.B requires that, as part of the RTI process, “ . . . the District shall ensure that these students have had sufficient access to ELD and core content instruction by on track or fully qualified ELA teachers in an environment that is supportive of their language development.”

While the introductory paragraph in the linked document notes that the DPS RTI system is “different than the wording in the CD,” what the document actually does is delineate what occurs in the DPS RTI system at each of the three tiers of graduated support to which the CD refers. DPS notes in that same paragraph in the link that, “In alignment with guidance from the state, the district supports schools to engage in Multi-Tiered Systems of Support (MTSS), a preventative approach designed to best meet the needs of students in each school community. This helps avoid isolating students and ensures access to ELD or other core content instruction occurs.” The reference to ELD and core content access incorporates the terminology regarding that access in CD I.V.B.

As overviewed during our interview, the framework in place at Tier I (evidence-based instruction in the general education classroom) is anchored in content and language objectives and requires that students who are ELLs receive at least 45 minutes per day of ELD plus access to core content and differentiated literacy instruction in the ELA model

used in a school. DPS is providing professional development to teachers focusing on biliteracy, and when a student struggles in Tier I instruction, schools first determine whether the requirements of the framework are in place and whether instructional approaches covered in that professional development are being employed. In addition, DPS is pilot testing a universal screening for social and emotional health using the Behavior and Emotional Screening System (BESS) to determine if that might be a factor in a student's struggles. BESS will be implemented district-wide by 2020.

If a student is not responding to effective Tier 1 instruction, then the student is referred to the MTSS team (Multi-Tiered System of Support). That referral is documented using a form that provides background information on the student, including language proficiency scores and language of instruction (the English Learner Student Form).

www.dropbox.com/sh/4snxap9o804c353/AAB3LhXuUSfDxSgWkR6YJI6Va/RTI?dl=0&preview=MTSS+Form.pdf

Based on dialogue with the student's teacher and the assessment and instruction information summarized on the English Learner Student Form, the MTSS then develops a Data Narrative and Action Plan that summarizes the student's background, describes the Tier 2 intervention (MTSS-mediated intervention for students who struggle at Tier 1), and a six-week cycle of progress monitoring. At the end of that six-week cycle, based on the student's response to the Tier 2 intervention, the team makes the decision to exit the student from Tier 2 intervention (if the intervention was effective), to continue with another cycle of Tier 2 intervention, or to make an additional referral (e.g., to Tier 3, special education). As described in the district's RTI overview, the SEAS team is involved at the school's request at Tier 2 and Tier 3 to determine the role of language and cultural issues in

the student's performance. During the interview, one interviewee made the point that the District's RTI process is more fluid than what might be used in other districts. DPS tries to provide student support as needed from a continuum of supports available rather than adhering to a strict system in which particular supports are provided only at one versus another tier. Such flexibility is important in RTI implementation so that the MTSS team matches an intervention to an individual student's needs and is not constrained by strict adherence to a hierarchy of graduated instructional supports.

The District's overview of the MTSS process during our interview shows that DPS has a system in place for identifying and monitoring ELL students who would benefit from enhanced Tier 1 and Tier 2 instruction, with some ultimately being referred for Tier 3, special education. The system as designed includes assessments of ELP and academic performance as required by the CD. In reviewing the MTSS documents after our site visit, we noticed that the forms don't contain reference to the ISA team. Since the ISA team is identified in the CD as being responsible for monitoring the performance of ELL students and redesignated ELLs, the role of, and the MTSS's means of coordination with, the ISA team should be specified to ensure coordination between these teams for ELL students participating in the MTSS process.

Implementation of the MTSS process as designed for EL students could be verified in several ways. A sample of English Learner Student Forms could be reviewed to ensure that they contain the information about EL students specified in the form's data fields. Additional direct evidence of implementation might include observations of a sample of MTSS meetings where one or more EL students' need for, or response to, intervention is being discussed. Direct evidence might also be obtained through classroom observations of

a sample of EL students to determine whether they are actually receiving the instructional interventions suggested by the MTSS team along with receiving their CD-specified ELA instruction.

Item 2. *How are the unique linguistic needs of ELLs considered in the provision of RTI services?* (CD Chapter 1.V.C)

As noted in the previous item, the English Learner Student Form summarizes an ELL's language of instruction and ACCESS language proficiency scores. During the interview, the DPS interviewees emphasized that there is communication between the ISA team and the MTSS centered on an ELL student's linguistic needs ("the conversation between ISA and MTSS is important"). Interviewees also noted that a SEAS partner is connected to every school, and SEAS conducts bilingual assessment for ELLs on a case-by-case basis. The involvement of ISA and SEAS in the MTSS process is meant to ensure that an ELL student's linguistic needs are taken into account in the RTI process.

Item 3. *How does the District provide meaningful opportunity for ELLs to be considered for admission to gifted and talented programs and other advanced classes using criteria that do not screen out ELLs because of their limited English proficiency?* (CD Chapter 1.VI.B)

DPS uses criteria that allow students who are ELLs to participate in GT services without having to meet Colorado state criteria. The state of Colorado recently tightened its definition of giftedness eligible for state resources. DPS created its criteria in order to provide access to GT services to more students than would be served following the State criteria. The DPS criteria are detailed in a checklist provided during the interviews.

www.dropbox.com/sh/4snxap9o804c353/AADxdPpHQECTl56ALBTcO5lsa/GT?dl=0&preview=GT+Checklist.pdf

The criteria detailed in the checklist are primarily performance-based rather than assessment-based (e.g., the criteria don't include a minimum score on a formal test of intellectual ability), asking the observer filling out the checklist to provide information on such things as an ELL student's approach to classroom tasks, cultural awareness, performance on math and language activities, code-switching ability, imagination, and originality of ideas. DPS uses a guideline that students identified for talent development must match the demographics of the school ("e.g., if the school population is 67% ELL, then the talent development group must be comprised of 67% ELL students").

CHE raised issues about these checklist criteria, questioning whether, for example, an ACCESS level 1 EL ("entering" level of proficiency) who was a prodigy in music or art would qualify for the DPS GT program using the checklist. CHE also is interested in obtaining a breakdown of the percentage of GT enrollment by school and by language proficiency level. It would be useful if the District was able to provide that information during the 2019-2020 school year.

During our Central Office interviews, a DPS March 2017 research brief was overviewed that concludes that many ELs classified as gifted after redesignation or ELA program exit should have been classified as gifted prior to redesignation or exit.

<https://www.dropbox.com/sh/4snxap9o804c353/AADxdPpHQECTl56ALBTc05lsa/GT?dl=0&preview=GT+Research+Brief.pdf>

The research brief also shows, graphically, that there is a positive correlation between EL students' ACCESS scores and scores on what is supposed to be a "nonverbal" performance-based assessment used as one criterion for GT eligibility, the Naglieri Nonverbal Ability Test (NNAT2). As a result, an EL with a lower ACCESS score is less likely

to meet the NNAT2 score criterion commonly used as one piece of evidence for gifted eligibility. The research brief recommends that schools use alternatives to NNAT2 for determination of EL GT eligibility. The research brief shows the District is aware of the need to ensure better access of ELs to GT programs, and the IM should check at a future date to determine what progress the District has made in this regard. Central Office staff reported during the interview that schools have also been working to increase access to Advanced Placement (AP) and dual enrollment classes for students who are ELLs. As an example, they described a collaborative effort among school counselors, the GT staff, and secondary level ELA staff piloting the use of two DPS-developed non-verbal assessments at four high schools (Lincoln, MLK, Kennedy, and South) to target ELLs who might benefit from being in more advanced classes.

Item 4. How is the curriculum for ELLs the same as that used for the Mainstream English Language instructional program? (CD Chapter 1.VI.A)

During the interview regarding Items 4 and 5 from the Chapters 1 and 5 Central Office Spot Audit Checklist, DPS personnel from the Curriculum and Instruction Office provided several documents detailing what the District has done to ensure equivalence between the curriculum for ELLs and Mainstream English Language instruction. The District provided the IM with a handout, “Key Takeaways from Curriculum and Instruction,” that details its approach.

www.dropbox.com/sh/4snxap9o804c353/AACpq0Vrh6J4zh1DraK_D9JOa/Curriculum%20Materials?dl=0&preview=CI+Takeaways.pdf

That document specifies three principles: 1. Ensure that curriculum materials used in ELA-S or ELA-E classrooms are comparable to those used in mainstream English

language classrooms with reference to the Common Core State Standards. Key to this first principle is that, in the curriculum adoption process the district uses, there are two non-negotiables - “all student-facing materials are available in Spanish and are aligned with the Common Core and Colorado Academic Standards;” 2. Provide professional development to support classroom instructional strategies that make the curriculum accessible to ELLs; and 3. Provide additional resources and supports for ELLs.

The District also provided a document that details the equivalence of Spanish and English curriculum materials across grade levels and content areas.

www.dropbox.com/sh/4snxap9o804c353/AACpq0Vrh6J4zh1DraK_D9JOa/Curriculum%20Materials?dl=0&preview=Materials+Comps.pdf

At the early childhood level, the Creative Curriculum is used in both English and Spanish versions. In the area of language and literacy: Grades K through 2 use Benchmark Literacy Planning Guides that are available in English and Spanish; in grade 3, EL Education is used in English and for Spanish EL Education with Trans-adopted paired literacy is used; in grades 4 and 5, EL Education is used in English and a paired literacy approach is used in Spanish; in grades 6 through 8, Expeditionary Learning is used in English and similar Spanish language arts materials are used depending on students’ language proficiency level following the Language Allocation Guidelines (LAG); in grades 9 through 12 the DPS Core (Washington DC Curriculum) is used in English and similar Spanish language arts materials are again used depending on students’ language proficiency level following the LAG.

In mathematics, Bridges in Mathematics is used in both English and Spanish in grades K through 5. In grades 6 through 8, Connected Mathematics Project 3 is used in both English and Spanish. In grades 9-11, the Core Connections is used in both English and

Spanish. In grade 12, pre-calculus, financial algebra, AP calculus, and probability and statistics are covered in English and the District is searching for equivalent Spanish language materials.

In science, English and Spanish versions of Connecting Science and Literacy are used in grades K through 5. In grades 6 through 8, the District has adopted the Amplify curriculum, available in both English and Spanish, in 2018/2019. In grade 9, "Earth Comm" is used in both English and Spanish. In grade 10, IHub Biology is used in both English and Spanish. In Grade 11, Active Chemistry is used in English and there is no equivalent Spanish language curriculum specified. In grade 12, Active Physics is used in English and no equivalent Spanish language curriculum is specified.

In social studies, Social Studies Alive is used in both English and Spanish in grades K through 5. In grades 6 and 7, World Culture (Western Hemisphere grade 6 and Eastern Hemisphere grade 7) is used in both English and Spanish. In grade 8, American History: Beginnings through Reconstruction is used in both English and Spanish. In grade 9, the District has adopted Geography, the Human and Physical World in English and Spanish for 2018/2019. In grade 10, the District has adopted America through the Lens in both English and Spanish for 2018/2019. In grade 11, the District has adopted United States Government in both English and Spanish for 2018/2019. In grade 12, the District is adopting Understanding Economics in both English and Spanish for 2018/2019.

Item 5. *How are Spanish language core content materials used in ELA-S or ELA-E classrooms comparable to English language content materials used in mainstream English language classrooms?* (CD Chapter 1.VI.C)

Based on the detail provided in the document specifying the curriculum materials provided in English and Spanish in the core content areas at the different grade levels, it is possible to summarize the comparability of English and Spanish language materials in the following way: In Language and Literacy, English and Spanish materials are the same in grades K through 2, so the materials have the same level of core content coverage. In grades 3 through 5, a paired literacy approach is used in which Spanish language materials are chosen that have similar coverage of core content to English language materials, but they are not the same materials in both languages simply translated. In grades 6 through 12, Spanish language materials are chosen based on an ELL student's language proficiency following Principle 1 in the Key Takeaways document, also referred to in the previous section, which states that comparability of Spanish language materials to English language materials is determined with reference to the Common Core State Standards.

In mathematics, English and Spanish curriculum materials are the same in grades K through 11, and for grade 12 comparable Spanish language materials are being sought.

In science, Spanish and English language materials are the same in grades K through 8, and grades 9 and 10. The District is still seeking comparable Spanish and English mathematics materials for grades 11 and 12.

In Social Studies, English and Spanish materials are the same in grades K through 8 and the District has adopted materials that will be the same in English and Spanish for 2018/2019.

Item 6. *How does the district monitor the ELP and academic progress of ELLs regularly?* (CD Chapter 1.VIII.B)

DPS provided the IM with a 46-page PowerPoint presentation describing how the District regularly monitors the English Language Proficiency (ELP) and academic progress of ELLs.

www.dropbox.com/sh/4snxap9o804c353/AACEonNKmf-I13fLz4aFm3Ura/Monitoring%20of%20progress%20towards%20English?dl=0&preview=ELP+%26+Academic+Progress+Monitoring_110617.pdf

This document describes the District's assessment system, including the assessment calendar the district followed for 2017/2018, and contains graphic representations as well as brief narrative interpretations of assessment results in for ELLs in English Language Proficiency and academic progress.

The DPS assessment system includes formative, interim and summative assessments, and involves three levels of monitoring – by district leaders, by school leaders, and by teachers. As detailed in this document, district leaders focus on summative assessment results based on district level and school level aggregations of data. Monitoring by district leaders centers on strengths, weaknesses, and opportunity gaps revealed in the district level and school level data summaries. They look at yearly data trends and comparisons of DPS student performance to state-level data.

School leaders monitor school-level performance through the Principal Portal in the IC as well as Illuminate reports. School leaders have access to interim and formative assessment results for their schools and also access to the same summative data as district leaders.

Teachers access student level results on interim and formative assessments through the Teacher Portal and Illuminate reports in the IC. Data are updated in the Teacher Portal and Illuminate several times a year.

The district's assessment calendar, on pages 6 and 7 in the document, list the assessment windows for MAPs, CMAS, ACCESS, READ Act assessments, gifted and talented assessments, semester and course final exams, and supplemental assessments.

During the IM's interview with district personnel, the ELA Executive Director demonstrated examples of how to access the assessment data through the Principal Portal, using Sabin Elementary School as an example. We were able to see assessment data for the school overall as well as for individual students at the school. In observing this demonstration, we noticed that data were available for students starting with the 2013/2014 school year. During the presentation, district interviewees made the point that the decision about which data to include in the portals is made based on discussions between the ELA department and the ARE department. DPS provides training to principals and teachers on how to access these reports and use the data. Every network has an Instructional Support Partner (ISP) who works with school leaders to unpack the data, and ELA Partners assist as well for ELL data.

District level monitoring of ELP is based on ACCESS scores, ACCESS trajectories, and ACCESS MGP (growth), detailed on page 9 of the document. ACCESS data comparing 2016 to 2017 performance is presented graphically and described narratively on pages 17 through 30 of the document and this constitutes evidence of district-level monitoring of ELP as required by the CD.

District-level, school-level, and teacher level monitoring of academic progress is further detailed on page 32 of the document and includes reference to CMAS, READ Act assessments, progress monitoring, literacy assessments, supplemental and interim assessments, performance-based tasks, and unit assessments. Page 35 of the document summarizes “key takeaways” of the monitoring of ELLs’ academic progress and pages 36 through 46 contain graphic and narrative descriptions of ELLs’ academic progress on CMAS, CSAP/TCAP, and PARCC, collectively covering the time period from 2005 to 2017. These pages constitute evidence of district-level monitoring of ELL students’ academic progress as required by the CD.

Summary

Interview and document review data related to CD Chapter 1 implementation were collected during four visits to DPS in September, October, November, and December 2017. Data were collected during one-half day site visits to 15 schools: one Early Childhood program; seven elementary schools (ECE/K – grade 5); two ECE/K – 8 schools; two middle schools (grades 6 – 8); and three high schools. Six of the 15 schools were classified in fall 2017 as TNLI, three were TNLI plus an ESL Resource Teacher, two were ESL plus a Resource Teacher in Spanish, three were ELA-E with a Spanish Qualified Resource Teacher, and one was ELA-E.

Data were collected using three spot audit checklists developed by the IM and Dr. Nelson that were based on the 38 CD Chapter 1 requirements (defining a CD requirement as a primary chapter section; e.g., 1.I.A., 1.I.B., 1.II.A. are the first three requirements of CD Chapter 1). Two of the spot audit checklists were used to collect data during school site visits and one spot audit checklist was used to collect data at the Central Office.

Collectively, the items on the three spot audit checklists sampled 15 of the 38 Chapter 1 requirements (39%) by focusing on one or more representative indicators of the CD requirement.

Given the scope of CD Chapter 1 and our focus on a sample of the Chapter 1 requirements, the results of our spot audit are best summarized by the main areas we addressed in our Chapter 1 spot audit.

Staffing. Our data show that, at the schools we visited, teacher qualifications in nearly all instances matched the school's ELA program classification, and that classes in which ELLs were enrolled were taught by teachers who are fully qualified or on-track. At one school, where a fully qualified or on-track ELA-S teacher was not in place, an alternate approach (a Spanish speaking paraprofessional who accompanied an ELD teacher) was used to address ELL student needs.

Parent Communication. At the eight schools where we asked about the school's communication with parents who are limited in English proficiency, school staff reported that through the combination of front office staff who speak (especially) Spanish and through DPS interpretation services, they have been able to effectively communicate with parents and to ensure that parents understand ELA program options.

Monitoring ELL Student Progress and Appropriate Instructional Programming. At the eight schools where we asked how ELL student progress is monitored, all eight were able to describe for us and show examples of the system used in the school for monitoring ELL progress in ELP and academic performance. Student progress and appropriate assignment to instructional programming are monitored at the school level by ISA teams and/or grade level teams. CD Chapter 2.B.3 specifies that the monitoring of EL student progress is the

responsibility of ISA teams: “The ISA Team’s responsibilities shall include . . . Reviewing the ELP and academic progress of all ELLs . . .” One issue raised as a result of our school visits is how the different teams in a school (grade level data teams, ISA teams, MTSS teams) in a school share assessment information and distribute the responsibility for monitoring ELL student progress and appropriate instructional assignment. DPS has created a system whereby, when data teams have concerns about ELs, they send them to the ISA teams for consideration. At the district level, DPS now has in place an automated system through which teachers and principals, using teacher and principal portals, can access assessment data to monitor ELL students’ ELP and academic performance. School level and district level assessment systems both use multiple assessments, which we saw examples of, to monitor ELL student progress.

CHE has expressed an interest in how often teachers and principals use the system. The IM did not collect information on frequency of use of the system for this current report, and that would be useful information to collect during 2019-2020.

Consideration of ELL Status in the Tiered Support System (MTSS). At the eight schools where we examined the MTSS process we found that all took into account ELL status, looking at ACCESS scores to determine English language proficiency, considering whether adequate instruction (e.g., ELD) had been provided, using multiple measures of student achievement and progress, taking into account individual student needs in prescribing appropriate instructional alternatives for students who teachers had identified as struggling, and monitoring student progress in response to suggested Tier 2 interventions. We found that MTSS teams typically include an ELA-E or ELA-S teacher as a member to help ensure that ELL students’ language and cultural needs are taken into account in the

MTSS process, and schools reported communicating with ISA or grade level teams as part of the MTSS process.

In our interview at the Central Office with representatives of the several departments involved in shared responsibility for the DPS MTSS process, District personnel overviewed the MTSS process for identifying, and providing a continuum of instructional supports to, students who struggle in the general education setting. The process includes as one of its initial steps verification that an ELL student referred to the MTSS team has been enrolled in ELD and has been receiving differentiated literacy instruction through the ELA program used at the school. Central Office staff also described biliteracy training being provided to teachers to help ensure that Tier 1 instruction addresses the needs of ELL students in general education classrooms. An ELL student who enters DPS's MTSS process is tracked with the English Learner Student form on which ELL student background, assessment information, and language of instruction is recorded. The District's SEAS team is involved at Tier 2 and tier 3 at a school's request to provide bilingual and culturally appropriate assessment. The student's academic performance and English language proficiency are then monitored for the intervention timeframe as components of the assessment information used by the team to determine the student's response to the MTSS intervention. The Central Office interviewees also described an approach being piloted at selected DPS schools (BESS – the Behavior and Emotional Screening System) as being helpful in the MTSS process for ELL students, with plans to adopt it district-wide in 2018-2019. One component that appears to be lacking in the MTSS system is a defined role for the ISA team, a specification of how ISA and MTSS teams share information, and their mutual responsibilities during the MTSS process. The IM recommends that the mutual

roles of the ISA Team and MTSS Team in the MTSS process be explicitly addressed with a guideline or set of guidelines for these teams to follow.

Curriculum Equivalency and Enhancement. Equivalency between the district's mainstream curriculum and that provided for ELL students was examined both at our school site visits and in the Central Office interview.

At the school level, staff at 86% of the schools felt that the curriculum content was comparable between English and Spanish at their school, while the remaining 14% classified the English and Spanish curriculum content as somewhat comparable. At the five schools we visited that had ELA-S classrooms when we were looking at the curriculum section of CD Chapter 1, all used Spanish language materials in covering core content, and six of the eight schools we visited reported using Spanish language core content materials in ELA-E classrooms as well.

During the Central Office interview, DPS staff provided a comprehensive comparison of instructional content and materials used in mainstream, ELA-S, and ELA-E classrooms. As detailed earlier in this chapter and in the document links provided, DPS is able to show curriculum equivalency in content coverage tied to the common core standards across all core content areas and grade levels. The District provides curriculum materials in English and Spanish, especially in the Language Arts, and Spanish language materials in science and mathematics up to 11th grade, with less availability of Spanish language curriculum materials in 12th grade or advanced science and mathematics. District personnel specified additional adoptions of Spanish language instructional materials slated for 2018-2019. During the interview, the ELA Executive Director Robles commented regarding the availability of equivalent English and Spanish instructional materials, "Next

year we'll have everything . . . (that's a) big change from a couple years ago." He further noted that he felt improvement in this area was due in part to the district's emphasis on the Seal of Biliteracy. Our findings regarding scope and comparability of English and Spanish language curriculum materials are based on interviews and could be verified through a review of those materials by bilingual content area experts.

As for curriculum enhancements, DPS has a system in place for identifying ELL students for possible participation in Gifted and Talented programs that incorporates alternative performance-based assessments, which are considered to be more valid for students who are ELLs than traditional standardized achievement or ability assessments normed or standardized using groups with different cultural and language backgrounds than ELLs. During the interview, DPS staff also described efforts underway to increase advanced placement and dual enrollment courses available for ELLs.

IM Assessment of CD Chapter 1 Implementation

Our data show that in the areas of CD Chapter 1 on which we focused (staffing, parent communication, ELL student monitoring and instructional programming, consideration of ELL status in the MTSS system, and curriculum equivalency and enhancement) DPS is implementing CD requirements at an acceptable level. That's not to say there aren't areas in which Chapter 1 implementation could be improved. Spanish language materials in 12th grade and some advanced secondary science and mathematics had not been identified; the role of ISA teams in the MTSS process should be addressed, as should the collaboration and mutual responsibility of ISA teams, grade level teams, and the MTSS team in monitoring EL student performance; ideally, some schools would be staffed by higher percentages of fully qualified ELA-S and ELA-E teachers rather than on-track

teachers, although the CD allows for on-track teacher staffing; and, ideally there would be no exceptions found to CD staffing requirements given a school's ELA program model. Overall, though, there is substantial evidence of Chapter 1 CD implementation for the Chapter 1 areas in which we collected data based on the schools we visited, the Central Office staff we interviewed, and the documents we reviewed. Our findings regarding CD Chapter 1 implementation, which are based on interviews and document review and focused on selected sections of Chapter 1, should be further verified by collecting data on the implementation of additional sections of CD Chapter 1 and by collecting additional direct evidence that DPS has the infrastructure and systems in place to deliver the services required by the CD and is actually delivering those services to ELL students and their families. That direct evidence might consist of direct observation of services as they are being delivered (e.g., classroom observations), interviews with primary sources (teachers who can comment on their own instructional practices) to confirm what secondary sources have described (DPS administrators who report what teachers are doing), and additional document review (e.g., comparison of the equivalency of English and Spanish language instructional materials across content areas).

CHAPTER 5: PERSONNEL AND TRAINING

Method

Chapter 5 of the CD describes requirements for Personnel and Training. Chapter 5 has 13 sections: I. General Policy; II. Teacher Qualifications; III. Teacher Training Program; IV. Program and Teacher Assignments; V. Training and Designation of ELA-T Teachers; VI. Teacher Recruitment. VII. Teacher and Staff Appraisal; VIII. Training of Teacher Evaluators; IX. Principal Appraisal; X. Training for Supervisors of Principals; XI. Instructional Services Advisory Team Training; XII. Paraprofessionals; and XIII. Counselors.

We collected data on CD Chapter 5 implementation during each of our four visits to DPS in Fall 2017 - in September, October, November, and December. In September and October, we collected Chapter 5 data at school sites using the Chapters 1 and 5 Spot Audit Checklist (Appendix A). Our data sources for these school visits consisted of document review and interviews. During September, we also directly observed several ELA Teacher Qualification classes. In November, we collected Chapter 5 data at the Central Office using the Chapters 1 and 5 Central Office Spot Audit Checklist (Appendix C), and in December we collected data for one additional section of Chapter 5 at the Central Office. The data sources for our November and December visits were interviews and document review.

During our September 2017 visit, we collected CD Chapter 5 data at the same four school sites for which we concurrently collected CD Chapter 1 data: Dora Moore Elementary School (ECE – 8, ESL Resource Spanish); Thomas Jefferson High School (ELA –E with Spanish Qualified Resource); Pascual LeDoux Academy (Elementary – Early Childhood, TNLI); and Colfax Elementary School (TNLI). As we noted in the Chapter 1

section of this report, these four schools were purposively selected, taking into account the type of ELA program at the school, whether we had visited the school previously (preferring not to visit the same schools repeatedly), and the level of the school – elementary, middle, and high school. In October, we used the Chapter 1 and 5 Spot Audit Checklist to collect CD Chapter 5 data at the same four schools at which we were concurrently collecting Chapter 1 data: Cowell Elementary School ((TNLI); Force Elementary School (TNLI); Centennial Elementary School (ESL Resource Spanish); and George Washington High School (ELA-E with Spanish-qualified Resource Teacher).

Five sections of our Chapter 1 and 5 Spot Audit Checklist focused on CD Chapter 5. Section VIII is based on CD Chapter 5.I.B, which requires that ESL/ELA-E and TNLI/ELA-S classrooms be staffed with fully qualified or on-track teachers. Section IX is based on CD Chapter 5.IV.C, which requires that, when there are not enough on-track or fully qualified ELA-S teachers, Program classrooms be staffed with on-track or fully qualified ELA-E teachers with support from either a Spanish speaking paraprofessional or with the provision that students be regrouped for instruction so that core subject area instruction is provided in Spanish. Section X is based on CD Chapter 5.VII. B and 5.VIII.A, which describe requirements for teacher and staff appraisal. Section XI is based on CD Chapter 5.XII.A, which requires that paraprofessionals assigned to ELA-S classrooms demonstrate proficiency on a valid and reliable assessment of Spanish language proficiency. Section XII is based on CD Chapter 5.XIII.A-C, which specifies requirements for counselors who work with ELLs and requirements for notifying parents about the availability of Spanish-speaking counselors.

Our observations of ELA Teacher Qualification classes in September was based on the requirements detailed in CD Chapter 5.III.B and C, which specify the ELA training program structure and the knowledge and skills that should be covered in ELA coursework.

In November 2017, we collected CD Chapter 5 implementation data at the Central Office using the Chapter 5 section of the Chapters 1 and 5 Central Office Spot Audit Checklist. Three sections of that checklist focused on CD Chapter 5. The first of those sections is based on CD Chapter 5.III. D and F, which describe how satisfactory completion of the district's ELA Training Program must be demonstrated (5.III.D) and the manner in which the district must track progress of designated teachers toward fully qualified status (5.III.F). The second Chapter 5 section is based on Chapter 5.VI.D, which requires that the district maintain records of its annual assessment and activities related to its recruitment of teachers and other staff. The third Chapter 5 section is based on CD Chapter 5.VII.B and D, which specify the factors that must be included in teacher appraisal (5.VII.B) and paraprofessional appraisal (5.VII.D). We collected data on all Chapter 5 parts of the Chapters 1 and 5 Central Office Spot Audit Checklist during our November visit except for the last section, 5.VII.D; we collected data for that section of the checklist during our December visit.

Results

This summary of the results of the Chapter 5 spot audit are organized, first, by the Chapter 5 items from the Chapters 1 and 5 spot audit checklist used to collect data at the schools visited in fall 2017, and then, following that first section, by the Chapter 5 items from the Chapter 1 and 5 Central Office spot audit checklist. Following those, we then summarize the results of our observations of ELA teacher training.

Results of selected response checklist items from data collected at the schools using the Chapters 1 and 5 Spot Audit Checklist are summarized quantitatively and described narratively, as are the responses to constructed response items where responses could be coded into categories and counted. Data collected for CD Chapter 5 implementation using the Chapter 1 and 5 Central Office Spot Audit Checklist during Central Office interviews are summarized descriptively in the narrative, focusing on the main points made by the interviewees in response to questions we asked and supported by hyperlinks in the narrative to documents the district provided to us as evidence or as examples during the interviews.

Chapter 5 Items from the Chapters 1 & 5 Spot Audit Checklist

We collected data related to the implementation of CD Chapter 5 using the Chapters 1 and 5 Spot Audit Checklist at eight schools in September and October 2017. Four schools were TNLI schools (Colfax, Pascual LeDoux, Cowell, and Force) and the remaining four were ESL/ELA-E (Dora Moore, Thomas Jefferson, Centennial, and George Washington).

Item VIII.A. *What percentage of ESL/ELA-E classrooms are staffed with fully qualified ELA-E teachers?* (CD Chapter 5.I.B)

Table 5.1 shows the percent of ESL/ELA-E teachers who are fully qualified ELA-E teachers at each school. These percentages range from 50% FQ at Cowell to 92% FQ at Thomas Jefferson High School. At all eight schools, 100% of ELA-E teachers were FQ or OT; in other words, all ESL/ELA-E classrooms were covered by either a FQ or OT ELA-E teacher, as required by the CD. As noted in the Table 5.1 footnote, denominators used for two of the schools were based on the sum of FQ and OT teachers reported, which differed from the total number of ESL/ELA-E teachers recorded on our data sheets.

Table 5.1. Fully Qualified and On-Track ELA-E Teachers in ELA-E/ESL Classrooms

Schools	#ELA-E/ESL Classrooms	#FQ ELA-E Teachers	# OT ELA-E Teachers	% FQ ELA-E Teachers
Thomas Jefferson	60 teachers	55	5	92%
Dora Moore	19	16	3	84%
Cowell	8	4	4	50%
Force	13	8	5	62%
LeDoux	9 teachers	6	3	67%
Centennial	25	15	11	58%*
George Washington	324	254	63	80%**

*Denominator used for Centennial was 26 (15 + 11) **Denominator used for George Washington was 317 teachers (63 + 254). These are different from the number of classrooms at each of these two schools.

Item VIII.B. *What percentage of TNLI/ELA-S classrooms are staffed with fully qualified ELA-S teachers?* (CD Chapter 5.I.B)

Table 5.2 shows, for the four TNLI schools we visited in September and October, the percent of ELA-S classrooms staffed by FQ ELA-S teachers. The table shows the percentage of FQ ELA-S teachers ranges from 33% at Colfax to 100% at Force and Pascual LeDoux. At Colfax, the ELA-S classrooms not staffed by FQ ELA-S teachers were staffed by OT ELA-S teachers, as required by the CD, and at Cowell, four of the five ELA-S classrooms were staffed by on-track ELA-S teachers and one by an on-track ELA-E teacher who was collaborating with an ELS-S teacher. This classroom was referred to as an “ELA-S/E”

classroom during our interview, with the administrator we spoke with stating that it had been hard to find a fifth grade ELA-S teacher and that this had been the school's first posting in September 2017.

Table 5.2. Fully Qualified and On-Track ELA-S Teachers in TNLI/ELA-S Classrooms

Schools	#TNLI Classrooms	# FQ ELA-S Teachers	# OT ELA-S Teachers	% FQ ELA-S Teachers
Colfax	6	2	4	33%
Cowell	12	7	4*	58%
Force	7	7	0	100%
LeDoux	17 teachers	17	0	100%

*At Cowell, one ELA-S classroom is staffed by an OT ELA-E teacher who collaborates with an ELA-S teacher.

Item IX.A. *How many ELA-S classrooms are not staffed by an ELA-S teacher?* (CD Chapter 5.IV.C)

As noted in the narrative above, of the four schools we visited with ELA-S classrooms, all but one ELA-S classroom were staffed with FQ or OT ELA-S teachers, with the one exception being at Cowell.

Item X.A. *Who on the school staff evaluates ELA-E and ELA-S teachers at this school?* (CD Chapter 5.VIII.A-B)

At all eight schools we visited, 100% stated that the Principal, Assistant Principal, and Teacher Leaders were evaluating ELA-E and ELA-S teachers. Others mentioned as

being involved in teacher evaluations included Instructional Deans (at two schools) and the instructional management team (one school).

Item X.B. *What type of training has DPS provided to each of these individuals in evaluating ESL/ELA-E or ELA-S instruction?* (CD Chapter 5.VIII.A-B)

All eight schools cited LEAP training provided by DPS when asked this question. Other types of training referred to included feedback provided to teachers as a result of walk-throughs (three schools), peer observations (three schools), feedback from the school's ELA partner (two schools), monthly professional development (two schools), and network meetings (two schools).

Item X.C. *What form is used by these individuals to document their teacher evaluations?* (CD Chapter 5.VII.B)

Interviewees at seven of the eight schools cited LEAP as the form used for teacher evaluations. The one that did not, Pascual LeDoux, is an early childhood program and they reported using the Colorado state teacher evaluation form used for early childhood – the Classroom Assessment Scoring System (CLASS). In addition to LEAP (and CLASS at Pascual LeDoux), other forms mentioned during the interviews included the Sheltered Instruction Observation Protocol (SIOP), the ELD rubric, and CLASS, each cited by one school. Two schools mentioned using other forms which they did not specify by name.

Item X.D. *How are teachers provided feedback on their ESL/ELA-E or ELA-S instruction?* (CD Chapter 5.VIII.B.3)

Interviewees at all eight schools said that teachers are provided individual feedback. Interviewees at four schools stated this feedback was provided in a coaching environment and four schools cited LEAP indicators or LEAP. Interviewees at two schools each

indicated feedback was provided during full evaluations or partial evaluations. Other answers given in response to this question, at one school each, included RELAY feedback, videotapes, walk throughs, and email.

Item X.E. *How is the determination made that a teacher requires additional support based on the observation of their ESL/ELA-E or ELA-S instruction?* (CD Chapter 5.VIII.B.3)

At seven of the eight schools, interviewees said they made the determination as to whether a teacher requires additional support based on what the observation of the teacher revealed. At five of the eight schools, interviewees stated they used a score, the LEAP score, or the LEAP framework as the basis for making this determination. We did not document whether the same score was used at each school to determine the need for teacher support, the type of support provided, or the follow-up to the support.

Item.XI.A. *How many paraprofessionals are assigned to ELA-S classrooms and how was each paraprofessional's Spanish language proficiency demonstrated?* (CD Chapter 5.XII.A)

Interviewees at five of the eight schools indicated they have paraprofessionals assigned to ELA-S classrooms (Pascual LeDoux, 22 paraprofessionals; Colfax, 6; Cowell, 7; Force, 8; and George Washington, a “qualified” 0). At three of those schools (Pascual LeDoux, Colfax, and Force) interviewees stated paraprofessional Spanish proficiency had been documented using the Berlitz (two schools) or “pass the ‘SLP’” (one school). Cowell reported that none of their paraprofessionals were officially ELA-S paraprofessionals (i.e., the paraprofessionals had not passed a Spanish language proficiency test), but that all were native Spanish speakers. George Washington, which reported “0” in response to the first part of this item, provided the contextual information that the school had a Spanish speaking paraprofessional who had been traveling with ACCESS 1 students among classes

to provide Spanish language support. We did not record whether paraprofessionals who had not passed a Spanish language proficiency assessment both wrote and spoke Spanish.

Item XII.A. *(TNLI High School only) How many counselors are proficient in Spanish?* (CD Chapter 5.XIII.A)

When we developed the Chapters 1 and 5 Spot Audit Checklist we anticipated visiting at least one TNLI High School, but our actual sample did not include a TNLI High School, so this item was not applicable to any of the schools we visited in September and October.

Item XII.B. *What training has DPS provided this year to counselors to support the needs of ELLs?* (CD Chapter 5.XIII.B)

All eight schools responded to this item. Five of the eight schools had at least one counselor, but interviewees at the other three reported having a school psychologist rather than a counselor. The District clarified for us that DPS middle and high schools have specifically licensed (by the Colorado Department of Education – CDE) counselors who work with students on, for example, class scheduling, credits needed, or goal paths. Elementary schools all have either a CDE-licensed school psychologist or social worker whose main priority is providing IEP supports and who have different licensing than the secondary counselors. Of the five schools that had a counselor, two indicated that DPS had not provided much training to counselors on supporting the needs of ELLs, one school reported the counselor had attended DPS counselor training, one said the counselor “took courses,” and one said the counselor attended monthly counselor meetings. An interviewee at one of the two schools that indicated DPS had provided “Not Much” training

to the counselor stated that the counselor had participated in “school-based training” on ACCESS.

Of the three schools that had a school psychologist instead of a counselor, one reported that the school psychologist attended cultural responsiveness training conducted by DPS, one reported that “not much” training had been provided but that the school psychologist participated in ongoing professional development, and one reported that the school psychologist had been attending monthly counselor meetings.

Item XII.C. (TNLI Schools) *How did DPS notify parents of ELLs at the beginning of this school year about the presence of a Spanish-speaking counselor or Spanish-speaking teachers or administrators who are fulfilling the counselor role?* (CD Chapter 5.XIII.C)

All four TNLI schools responded to this item and, at each, interviewees gave a unique answer to this item. One said parents were informed at registration (that a school psychologist was present), one said the school provides a list of resources, one said it was unclear if the parents knew in general that a Spanish speaking counselor was available, and the fourth responded that the counselor does not speak Spanish.

Chapter 5 Items from the Chapters 1 and 5 Central Office Spot Audit Checklist

During our November 2017 visit to Denver, we collected CD Chapter 5 implementation data at the DPS Central Office using the Chapters 1 and 5 Central Office Spot Audit Checklist described earlier. As described in the Chapter 1 section of this report, our data collection at the Central Office consisted of interviews conducted with DPS personnel who had been identified as those best able to answer our questions about CD Chapter 1 and Chapter 5 implementation. We provided our questions to the ELA Department one to two weeks prior to our visit so they could ensure those individuals

were available to interview. The November interviews were conducted during two one-half day meetings and a third one-hour meeting. Interviewees responded to the items on our spot audit checklist and in some cases provided written responses they had prepared prior to the interview as well as supporting documents. In the following summary of the CD Chapter 5 implementation data, hyperlinks are embedded to documents provided during the interviews.

Item 7. *How does the District document teacher proficiency in the District's ELA Training Program?* (CD Chapter 5.III.D)

In response to this item, the Central Office interviewees provided us with a document that describes each of the 10 courses that comprise the ELA Teacher Qualifications Training Program along with the assessments used in each one to document teacher proficiency.

<https://www.dropbox.com/s/xfs4znl137q2vh1/Report%207%20Chapter%205%20ELA%20Qualification%20Program.pdf?dl=0>

As detailed in that document, the assessments used include an online interactive quiz, online written assignments, and a paper and pencil quiz. In addition to the assessments specified in the course descriptions, DPS requires that teachers enrolled in the courses provide videotapes showing their use of the instructional techniques they are learning about in the classes, longer term projects, and in-class feedback. This document includes a description of each of the 10 courses and also specifies course outcomes for each course that the assessments are designed to measure. An examination of the course descriptions and course outcomes in the document reflects a comprehensive coverage of

the district's instructional program for ELLs and also shows that course outcomes, upon which the assessments are based, reflect course descriptions.

CD Chapter 5.III.D requires that the District assess the knowledge of each training participant within 21 days of the completion of training, that the District require additional training for any participant who fails to demonstrate sufficient knowledge of the material covered in the training, shall retest the participants following the supplemental training, and shall provide additional training until the participant demonstrates proficiency. The IM did not examine whether the District is meeting these CD requirements.

Item 8. *How does the district track the progress of its designated teachers toward fully qualified status?* (CD Chapter 5.III.F)

Interviewees described and showed us examples of ELA Training Status spreadsheets that the district uses to track the progress of its designated teachers toward completion of the coursework that leads to full qualified status.

<https://www.dropbox.com/s/f0rnlc3e9uj2fru/Report%207%20Chapter%205%20Teacher%20Qualification%20Monitoring%20Forms.pdf?dl=0>

The first spreadsheet in the hyperlink shows how teachers' progress is tracked within an individual class and the second spreadsheet shows an individual teacher's profile, summarizing that teacher's status for each course in the ELA Teacher Training Program toward completion (successfully completed or not), including specification of the date of that status for each course. The ELA Department has access to these reports and the interviewees reported the Department has a system in place to identify problems and take action for teachers who are not progressing as expected through the courses.

Item 9. *What records does the district maintain of its annual assessment and activities related to its recruitment of teachers and other staff?* (CD 5.VI.D)

District HR staff provided two documents during their interview as they discussed recruitment of teachers and other staff. The first of those documents was a list of 75 Talent Acquisition recruiting events already conducted or planned as of November 15, 2017, covering the time period from August 26, 2017 to November 2018 (events identified without specific dates attached). The events reflect local, regional, and national recruiting efforts.

[www.dropbox.com/sh/4snxap9o804c353/AAAcq07NpSdsL5o2bttmd6I3a/HR%20Recruitment?dl=0&preview=DPS+Talent+Acquisition+Planned+Events+\(as+of+11-15-17\).xlsx](http://www.dropbox.com/sh/4snxap9o804c353/AAAcq07NpSdsL5o2bttmd6I3a/HR%20Recruitment?dl=0&preview=DPS+Talent+Acquisition+Planned+Events+(as+of+11-15-17).xlsx)

The second document provided by DPS during this interview was a summary of the ELA-S, ELA-E, and ELA-E/ELA-S postings and recruitment efforts during the 2017-2018 recruiting season and the plans for the 2018-2019 recruiting season.

www.dropbox.com/sh/4snxap9o804c353/AAAcq07NpSdsL5o2bttmd6I3a/HR%20Recruitment?dl=0&preview=HR+Recruitment+Handout.pdf

This document includes a breakdown of current and “to-date” (11/6/17) ELA and non-ELA teaching openings, and, by type of opening, the average number of applicants, total applicants, and surplus of applicants for the openings. Further, the document outlines the process of recruiting ELA educators, identifies highlights of the District’s current recruitment efforts, and includes a section titled “Additional Efforts and Known Opportunities for the 2018-2019 Recruitment Season.”

Item 10. *How does LEAP address each component of (CD) Chapter 5.VII.B?* (CD Chapter 5.VII.B)

In the discussion with DPS staff regarding LEAP, we referred to a hard copy of the LEAP handbook as well as a handout prepared by the district titled “Central Office Supports” that described “three lenses” through which the LEAP system might be viewed. For the purpose of Item 10 on our spot audit checklist, “Lens 2” is of most interest because it identifies which sections of the LEAP system address the requirements for teacher evaluation listed in CD Chapter 5.VII.B.

<https://www.dropbox.com/s/6kfdn404350jmir/Report%207%20Central%20Office%20Supports.pdf?dl=0>

Our own comparison of LEAP to the CD, for which we read through the LEAP Handbook and identified where in the LEAP system each requirement from this section of CD Chapter 5 is addressed, verifies the accuracy of the district’s alignment of LEAP sections to the CD requirements. In our opinion, and according to the district’s alignment in this document, all CD Chapter 5.VII.B requirements are explicitly addressed with the exception of the reading instruction requirements (5.VII.B.5.g & h), which specify “g. teaching reading comprehension skills (e.g., prediction, summarizing, making inferences, and identifying important information); and h. using reading strategies that are effective with ELLs (e.g., partner reading, reading aloud, and teacher think-alouds) and that include phonemic awareness, phonological awareness, decoding, word knowledge, and fluency while taking into account the ELLs’ ages and ELP levels.” (CD p. 33)

Examining the “Lens 2” section of the Central Office Support document, one can see that every other section of CD Section 5.VII.B is aligned with a specific section of the LEAP; for 5.g and 5.h, the district document states, “Reading skills such as comprehension, prediction, and summarizing are cognitive functions that we expect to see in all literacy

lessons and embedded in non-literacy labeled content because these are the functions required in any CLO. We would see these manifest in a lesson as the forms (syntax, vocabulary, etc.). LEAP assesses the performance level at which these are being planned for and observable during lessons.”

The IM’s concern is that failure to specify in LEAP the specific instructional approaches listed in the CD might lead to teacher evaluators not looking for these specific instructional activities, with the possible result that those instructional activities might not be used by teachers since they are not explicitly identified in LEAP. In our own review of LEAP, we identified reference to some of the specific instructional activities specified in the CD in LEAP sections I2 (Provides rigorous tasks that require critical thinking with appropriate digital and other supports to ensure student success), I3 (Intentionally uses instructional methods and pacing to teach the content-language objectives), and I4 (Ensures all students’ active and appropriate use of academic language).

Responding to our concern regarding lack of specification of the explicit reading strategies cited in the CD, ELA Executive Director Nadia Madam Morrow made the following points which we quote in full:

“The LEAP Framework is intended to be content-area agnostic meaning that an evaluator should be able to apply this framework to any lesson observed. It is implied that best practices for ELs would be utilized during a reading lesson. For example, in I.1 the observer of a reading lesson should be looking for the "CLO connection to the grade-level standard". The grade level standards for reading include items such as comprehension skills, phonemic awareness, decoding, etc. If a lesson does not reflect grade level standards and content in a reading lesson, this would be reflected in an observer's evidence and

rating of the lesson. In I.3, the observer is looking for the teacher to use "instructional methods and pacing to teach the content-language objective." This would include the use of strategies that are effective for ELs to be used in the lesson. Similarly, I.6 calls for the teacher to provide "differentiation that address students' instructional needs and supports mastery of content-language objective." This means in the reading lesson, the teacher is "taking into account the ELLs' ages and ELP levels" and providing the appropriate accommodations and scaffolds to support student mastery. Therefore, while the LEAP tool does not directly address those CD requirements, it does indirectly and ensures that teachers employ best practices for ELs in all content areas, including reading. It is also important to note that not all teachers are reading teachers. And, the strategies called out in the CD such as phonemic awareness largely apply to our beginning readers and may not apply to our secondary students."

Item 11. *How does DPS evaluate the effectiveness of each paraprofessional and tutor who assists in the instruction of ELLs?* (CD Chapter 5.VII.D)

DPS paraprofessionals have their own bargaining unit and all are evaluated using an evaluation form for classified and nonaffiliated staff (paraprofessionals, office personnel, and pro techs) with the exception of paraprofessionals at 12 schools where a competency-based evaluation is being pilot-tested in hopes of moving to a districtwide on-line competency-based evaluation. Below is a hyperlink to the current evaluation form.

www.dropbox.com/sh/k3u3yth4jcpvd1z/AABmn5lHqeBXJ94dq9hdwVRca/Paraprofessional?dl=0&preview=Paraprofessional.pdf&subfolder_nav_tracking=1

An examination of the form shows that six areas are rated on a five-point rubric by a paraprofessional's supervisor: Job Knowledge, Organization, Productivity, Initiative,

Communication, and Teamwork. Additional job requirements listed in the form are Safety, Attendance, and Punctuality. The rating form does not make specific reference to working with students who are ELLs, and ELA personnel interviewed stated that HR is working with the ELA Department on “teasing out” indicators of paraprofessional effectiveness in working with ELLs so that this can be incorporated into future paraprofessional evaluations.

CD Chapter 5.VII.D states “The appraisal of each paraprofessional and tutor who assists in the instruction of ELLs shall include an evaluation of the paraprofessional’s or tutor’s effectiveness in assisting in the instruction of ELLs, consistent with the ELA program, this CD, and research-based language allocation guidelines where appropriate.” Thus, the District must bring its ELA paraprofessional evaluation form into compliance with this CD requirement.

Observation of Classes in the DPS ELA Training Program

CD Chapter 5.III describes the ELA Teacher Qualification Program that DPS must provide for “teachers who: are not 1. State-endorsed in teaching the linguistically different; 2. Have not earned a Masters or doctorate degree in teaching the linguistically different; or 3. Have not completed the requirements to become fully qualified ELA teachers” (CD, p. 27).

During our September visit, we sat in on two ELA Teacher Qualification classes conducted in the evening at North High School: 1. ELA 105B - Sheltering; and 2. ELA 202 - Literacy Development for ELLs. Both courses are 16-hour hybrid courses with three face-to-face sessions and five on-line sessions. ELA 105B is one of six ELA-T Basic Training courses and ELA 202 is one of five ELA-E Advanced Training courses.

The content of the ELA Teacher Qualifications Program has been thoroughly reviewed and commented on by DOJ consultant Dr. Claude Goldenberg, who has also conducted multiple observations of the courses in the ELA Teacher Qualification Program and has provided feedback to the district based on those observations. The purpose of our observations was to document that appropriate higher education level instruction was occurring in the two classes we observed.

In both classes, the instructor led a whole group discussion with the teachers that focused on course content appropriate based on the course description. In both courses, a portion of class time was also spent discussing assignments that were due and the remaining schedule of on-line and in-person sessions. The instruction was typical of what one sees in competently-run college or university classes. Both classrooms were full and, overall, the teachers were actively engaged throughout the two class sessions. For example, in one class, the instructor had the teachers view video scenarios of classroom instruction that then served as the basis for an in-class activity and discussion.

Both instructors were clearly knowledgeable in the course content each was teaching and both classes were held for the duration of the scheduled class time. The DPS ELA Administrator responsible for the Teacher Qualifications Program, who accompanied us during the observations, told us the instructors in the Teacher Qualifications Program had been carefully selected by DPS based on their knowledge of course content and familiarity with the ELA Program.

Our impression is that we observed classes that were carried out in a “business-as-usual” manner – i.e., they were not staged just for our benefit. Assuming that what we observed was representative of the instruction in the ELA Teacher Qualifications Program,

and while we would defer to Dr. Goldenberg's more informed judgement regarding program quality, in our opinion the quality of instruction we observed was high and should be providing teachers with the training they need to be fully qualified ELA-E or ELA-S teachers.

Summary

Data were collected to verify CD Chapter 5 implementation during four visits to Denver in September, October, November and December 2017. Interview and document review data were collected in September and October during one-half day school site visits to eight schools (four TNLI and four ESL/ELA-E; three EC/K – 5 elementary schools, two high schools, one EC – grade 8 school, and one EC school). We also observed two ELA Teacher Qualification classes held in the evening at a DPS high school. Additional interview and document review data were collected during two visits to the DPS Central Office.

Interview and document review data were collected using two spot audit checklists developed by the IM and Dr. Nelson based representative indicators of a sample of the 47 CD Chapter 5 requirements (defining a CD requirement as a primary chapter section; e.g., 5.I.A., 5.I.B., 5.I.C. are the first three requirements of CD Chapter 5). Since we had already collected and reported on data tied to the four requirements of Section XI of CD Chapter 5 (ISA Team training) in IM Report 6, we did not include those four requirements in our fall 2017 data collection. Collectively, with the two spot audit checklists and the direct observations, we collected data based on 14 of the remaining 43 Chapter 5 requirements, or approximately 33% of the CD Chapter 5 requirements.

We can make the following observations regarding CD Chapter 5 implementation based on our data.

Staffing. At the eight schools we visited, all ELA-E/ESL and ELA-S classrooms were staffed by fully qualified or on-track teachers with the appropriate designation (ELA-E or ELA-S) with one exception, where the school had been unable to find an ELA-S teacher and was having an on-track ELA-E teacher collaborate with an ELA-S teacher to cover a classroom that was classified as “ELA-E/ELA-S.” At two of the eight schools, 100% of the teachers were fully qualified and at the remaining six, percentages of fully qualified teachers ranged from 33% to 92%.

Teacher Evaluation and Feedback. At all eight schools, teachers were being evaluated by trained school administrators (Principal, Assistant Principal) and teacher leaders. The LEAP framework was used as the primary evaluation tool at seven of the schools and the eighth school, which is an Early Childhood program school, reported using CLASS, the Colorado state teacher evaluation for Early Childhood programs. While we analyzed the LEAP framework for CD alignment, we did not analyze CLASS. Administrators at all eight schools reported providing individual teacher feedback based on these evaluations and using that feedback as the basis for providing teachers additional support if needed.

Spanish-speaking Paraprofessional Language Certification. Administrators at three of the five schools where Spanish-speaking paraprofessionals worked in ELA-S classrooms reported their paraprofessionals had passed a Spanish language proficiency assessment; at one school Spanish-speaking paraprofessionals working in ELA-S classrooms had not taken a certification exam; and the status of the one Spanish-speaking paraprofessional at the fifth school is not clear from our field notes.

Teacher Qualification Program. DPS has in place a Teacher Qualification Program through which ELA-T teachers are able to become fully qualified ELA-E or ELA-S teachers. The district tracks the progress of each teacher enrolled in the program so is able to determine if each teacher is on-track. Our review of course descriptions, tracking documents, and our observation of two Teacher Qualification courses verify that the Teacher Qualification Program and the district's tracking system met the requirements in Chapter 5 of the CD.

Counselor/School Psychologist Training and Availability. Our impression from the eight schools we visited to examine CD Chapter 5 implementation is that the training of counselors (anticipated by the CD) and school psychologists (serving in place of counselors in several schools) to work with ELLs and their families may need additional attention from the district. School administrators who we asked about counselor/school psychologist training gave mixed responses regarding whether training like that required in the CD is being provided. Additionally, it was not clear in the four TNLI schools we visited that there is a systematic way for TNLI schools to let parents of Spanish-speaking ELLs know that a Spanish-speaking counselor is available through the school or that someone who speaks Spanish and can serve in the role of a counselor is available.

The LEAP teacher evaluation system aligns with CD requirements and is being used as the basis for teacher feedback and support. Our examination of the LEAP teacher evaluation system shows that the system aligns with CD Chapter 5 requirements, is being used to provide individualized feedback to teachers, and as the basis for the provision of additional support to teachers as needed. As detailed above, one suggestion we have is that the LEAP framework might make more explicit reference to specific reading instructional activities

specified in CD Chapter 5 to help ensure that teacher evaluators look for evidence of use of those strategies and to help ensure that teachers of ELLs are using them during reading instruction.

DPS is analyzing ELA Teacher Openings and Recruiting Teachers at Local, Regional, and National Levels. In our interviews at the Central Office we saw documentation of the district's analysis of ELA teacher openings and a list of completed and planned talent acquisition activities as required by CD Chapter 5.

IM Assessment of CD Chapter 5 Implementation

Our data show that for the areas of CD Chapter 5 on which we collected data (General Policy, Program Teacher Assignments, Teacher and Staff Appraisal, Training of Teacher Evaluators, Counselors, and Teacher Recruitment) the District is implementing CD Chapter 5 at an acceptable level, a judgement we make with three qualifications. One area that merits further attention from DPS is the use of Spanish-speaking paraprofessionals. There appears to be a need in some schools to ensure that those paraprofessionals working in ELA-S classrooms have passed a Spanish language proficiency exam, and the evaluation used with those paraprofessionals include specific expectations for paraprofessionals as who work with ELLs as specified in CD Chapter 5.VII.D. A second area the District might give attention to is the that of counselors and school psychologists who work with ELLs and their families. It is not clear that counselors and school psychologists are receiving systematic training in working with ELLs and their families. It is also not clear that there is a standard means within the District of informing families of Spanish-speaking ELLs at all school sites of the availability to them of a Spanish-speaking counselor or school staff member who can serve in a counseling role at their child's school. A third area which

requires attention is the appraisal of paraprofessionals who work with ELLs. As noted earlier, the current DPS evaluation form does not include an evaluation of the effectiveness of the paraprofessional or tutor in assisting in the instruction of students who are ELLs, as required by the CD, and that should be added to the paraprofessional and tutor evaluation form.

Our CD Chapter 5 findings apply to the sections of that chapter on which we collected data. Data could be collected on additional sections of Chapter 5 to determine whether those sections of the chapter are being implemented, and verification of what was reported to us in interviews could be achieved through the collection of additional direct evidence of CD implementation in specific areas (e.g., training of teacher evaluators might be directly observed; use of the LEAP framework during actual teacher evaluations or provision of feedback to teachers based on the LEAP framework might be directly observed; teachers might be interviewed to verify that they receive LEAP-based feedback as reported to us during interviews with administrators).

CHAPTER 7: CONSIDERATIONS RELATED TO SPECIAL EDUCATION AND SECTION 504 SERVICES FOR ENGLISH LANGUAGE LEARNERS

Method

The IM's sixth report (Martinez, 2018) describes the results of a spot audit conducted in Spring 2016 of CD Chapter 7, Sections A through G, which specify content that is required in Individualized Education Plans (IEPs) and Section 504 plans for students who are English Learners. It was concluded in Report 6 that, in the five schools where we collected spot audit data, the evidence showed partial implementation of Chapter 7 CD requirements for Sections A through G. While the 504 plans spot audited for Report 6 generally contained the information required by the CD, the spot audits of the IEPs showed more mixed results. The Infinite Campus (IC) was not populating one IEP field as intended (documentation that the student is an ELL and the student's language proficiency level, CD Chapter 7.F), and three of the other four representative indicators examined showed a roughly 75% implementation level related to documentation of program services and the linkage of student language proficiency to academic performance.

In response to our findings - which we shared with the district as formative evaluation information as well as with CHE and DOJ at an all parties meeting before formally reporting it in Report 6 - DPS planned to take action to ensure that the IC would populate the IEP's ELL and language proficiency field for IEPs going forward.

In February 2018, we chose five representative schools to visit in order to carry out a second spot audit of CD Chapter 7. As was the case for the first Chapter 7 spot audit in Spring 2016, the focus was on CD Chapter 7 sections A through G. Since the Spring 2016

spot audit showed that ELLs' 504 plans generally contained the information for ELLs required by the CD, only IEPs for a sample of ELLs at each school were examined in the second spot audit. The five schools visited in February 2018 were Green Valley Elementary (preK – 5, TNLI plus ESL Resource), Marie Greenwood Academy (1 – 8, TNLI plus ESL Resource), North High School (ELA –E with Spanish Resource), Gust Elementary (preK – 5, TNLI plus ESL Resource), and Farrell B. Howell (K – 8, TNLI plus ESL Secondary). In choosing the schools for the spot audit, considerations taken into account were whether the school had been previously visited, the desire for a relatively high percentage of students classified as ELLs to increase the IEP pool from which to choose a representative sample, school level, and type of ELA program.

Since we were interested in how CD Chapter 7 implementation compared to what we saw in 2016, we generally replicated the first spot audit. We selected several representative indicators from the Chapter 7 requirements to document at each school site and developed a Chapter 7 Spot Audit Checklist that was used to collect the information at each school (Appendix D).

In choosing the representative indicators for Chapter 7, we concentrated on Sections A through G of the chapter since those sections specified CD expectations of IEP content that could be documented in a one-half day school visit. We did not indicate to DPS until just prior to the visit which indicators from each section of Chapter 7 we would be looking at; as far as school personnel knew before our visit, we could be looking at anything Chapter 7 required of special education process and documentation. While we looked at several of the same indicators used in the previous 2016 Chapter 7 spot audit, we chose several new ones as well. As can be seen by examining the Chapter 7 Spot Audit checklist in

Appendix D, we chose as representative indicators seven requirements from CD Chapter 7.F (which focuses on identification of the student as an ELL, the student's language proficiency, Program services, and any assessment accommodations provided). Five of the seven indicators tied to Chapter 7.F were also used in the 2016 spot audit, with the two additional ones used in 2018 being whether student LEP status was specified in the Family and Information section of the DPS IEP and whether LEP status was specified in the Consideration of Special Factors section of the IEP. Both sections prompt the user to indicate LEP status. One indicator was chosen from Chapter 7.G (the requirement for an analysis of the link between language proficiency and student assessment results), and this was the same indicator we looked at in the 2016 spot audit.

The IM was not able to participate in the February 2018 Chapter 7 spot audit, so Dr. Nelson led the data collection activities at each school site. Each site visit was attended by the ELA Executive Director, the ELA CD Manager, the school's ELA Partner, and a DPS attorney. School staff typically included the Principal and/or Assistant Principal and at least one special education teacher. At each school, working with the special education teacher and/or the ELA Partner, we systematically selected up to 10 IEPs of ELs to review. School staff and the ELA Partner helped us identify ELs with IEPs at each school. Systematic sampling consists of drawing every "nth" record to get a specified sample size from a defined "population" within the school (e.g., drawing every 6th record from 60 EL IEPs to get a sample of 10 IEPs). Using this approach, we reviewed 10 IEPs at Greenwood, North High School, and Farrell B. Howell; 9 at Green Valley; and 8 at Gust, for a total of 47 IEPs. This is similar to the number of IEPs reviewed in the first Chapter 7 spot audit in 2016 during which 49 IEPs were reviewed.

The primary exceptionality was recorded for each of the 47 students, and the breakdown was as follows: Specific Learning Disability, 53.2% (25/47); Developmental Delay, 14.9% (7/47); Communication Disorder, 10.6% (5/47); Other Health Impaired, 8.5% (4/47); Intellectual Disability, 6.4% (3/47); and one each (2.1%) of Autism Spectrum, Severe Emotional Disturbance, and Multiple Disabilities.

At each school, the IEP review was a collaborative effort among the attendees led by Dr. Nelson during which the IEP and any IC links that were examined were projected on a wall or screen using the ELA partner's laptop. This was a replication, albeit with more attendees at each school visit, of the process used in the first Chapter 7 spot audit. All attendees had a copy of the Chapter 7 spot audit checklist and this enabled everyone to participate in a dialogue about the IEP content for each student's IEP that was reviewed. This had been arranged by the ELA Department and resulted in the data collection being an interactive process that enabled the collection of the spot audit data while at the same time providing formative feedback to the ELA and school staff about presence and adequacy of the ELL-related IEP information examined during the spot audit. Moreover, the process built in an informal check of interrater reliability (consistency or agreement across raters) and validity (drawing accurate inferences from the data). Taking the dialogue around each student record into account, Dr. Nelson, representing the IM, made the final decision about what to record on each data form.

This process was especially useful in recording data for the Chapter 7.G indicator in the spot audit checklist. Section 7.G of Chapter 7 requires that IEPs include "an analysis of the effect of proficiency in English and other languages on the student's learning, including an analysis of the student's assessment results in relation to the students' language

proficiency.” In order to check “Yes” on this item of the spot audit checklist, the requirement was that, in some way (given individual differences in writing style), the IEP link language proficiency to the student’s assessment results. For example, in a description of an EL student’s language arts assessment performance on an achievement test like the Colorado Measures of Academic Success (CMAS), we might expect to see a statement linking the student’s English language proficiency scores on the ACCESS test to the student’s performance on the English language achievement test. As the IM and Dr. Nelson had done less formally during the first Chapter 7 spot audit in 2016, the determination as to whether to check “Yes” or “No” on this item was made for each student based on dialogue with the attendees.

Of course, a collaborative process involving the IM’s representative along with a DPS attorney and school staff raises the question as to whether DPS personnel might have unduly influenced the final decision about what to record on each data form. Dr. Nelson (a former Professor of Special Education with expertise in bilingual special education) was aware of that possibility and feels he was able to ensure, as the leader of the dialogue at each school site, that the items on the spot audit checklist were applied consistently across the school sites and that decisions made by each group were not unduly influenced or shaped by the opinions of the DPS personnel.

Results and Discussion

The results of the Chapter 7 spot audit are summarized in Table 7.1. The indicator examined for Chapter 7.F showed that 100% (47/47) of the IEPs identified the student’s primary language in the Family and Information section. This is the section of the IEP that was not being populated by IC when we audited Chapter 7 in 2016, so the DPS “fix” for this

field undertaken in response to our 2016 findings worked. Of the 47 IEPs reviewed, 91.5% (43/47) of the students were identified as Spanish speakers, and one each (2.1%) spoke Amharic, Navajo, Somali, and Vietnamese.

Student English language proficiency level as determined using ACCESS scores was specified for 100% (47/47) of the students whose records were reviewed. As delineated in Table 7.1, language proficiency level was most often recorded in the IEP document (63.8% of the records), whereas language proficiency level was recorded in the IC for 27.7% of the records and in both the IEP and the IC for 8.5% of the records. This finding reflects the fact that, in about a quarter of the cases sampled, IEP teams link to student information in the IC that the CD anticipated being contained in the IEP document itself. School staff and the ELA partner demonstrated for multiple student records during the IEP review how they use the automated system dashboard to move among information sources to access the information required by the CD. Proficiency in any language other than English (L1 language proficiency) was not examined and thus not recorded on the spot audit data sheets, nor was a distinction consistently made on the data sheets as to whether overall English language proficiency versus proficiency in separate language modalities (i.e., speaking, listening, reading, writing) was contained in a student record.

The next representative indicator tied to CD Section 7.F we looked at was whether the student's LEP status was specified in the IEP's Student and Family Information section.

Table 7.1. CD Chapter 7 Spot Audit Results

CD Chapter 7 Section	Spot Audit Results
7.F. "ELLs' IEPs and 504 plans shall document that the student is an ELL"	<p>IEP Student & Family Information section specifies student's primary language</p> <p>Yes 100% (47) No 0% (0)</p>
7.F. "ELLs' IEPs and 504 plans shall document . . . the student's language proficiency level"	<p>Language proficiency level specified</p> <p>Yes, in the IEP 63.8% (30/47) Yes, in the IC 27.7% (13/47) Yes, in both IEP & IC 8.5% (4/47) No 0.0% (0/47)</p> <p>LEP status in Student & Family Information*</p> <p>Yes 0.0% (0/47) No 100.0% (47/47)</p> <p>*During the first school site visit it was determined that this IEP field was not being populated by the IC as had been intended.</p> <p>LEP status in Consideration of Special Factors**</p> <p>Yes 100.0% (47/47) No 0.0% (0/47)</p> <p>**Beyond recording whether LEP status was recorded in the Special Factors section, I additionally recorded if "LEP" vs "Not LEP" was recorded for 45 of the 47 student records (95.7%). Of those 45, 51.1% (23) were identified as LEP while 48.9% (22) were identified as "Not LEP." However, of those 22 "Not LEP" students, ACCESS scores in the IEP or IC showed that 6 students (27.3%) actually should have been classified as LEP.</p>
7.F. "ELLs' IEPs and 504 plans shall document . . . the Program services the	Documentation of the Program services the student is receiving (i.e., ESL/ELA-E, TNLI)

student is receiving (i.e., ESL/ELA-E, TNLI)”	<div>Yes, in the IEP 76.1% (35/46)</div> <div>Yes, in the IC 4.3% (2/46)</div> <div>Yes, in both the IEP & IC 19.6% (9/46)</div> <div>No 0.0% (0/46)</div>
7.G. “The district shall maintain in all ELLs’ IEPs or 504 plans . .(b) an analysis of the effect of proficiency in English and other languages on the student’s learning, including an analysis of the student’s assessment results in relation to the student’s language proficiency”	<div>Yes, linked to lang. prof. 74.5% (35/47)</div> <div>Yes, language discussed but no clear link to lang. prof. 14.9% (7/47)</div> <div>No 10.6% (5/47)</div>

This indicator was not used in the 2016 spot audit and was one of the ones we added for the 2018 spot audit. As noted in Table 7.1, it was discovered at the first school site visit that this field was not being populated by IC as the district intended, so 0.0% of the IEPs at the five schools contained this information. DPS staff participating in the site visits were the ones who determined that this was the case as we began looking through the IEPs, and stated they would follow-up and address the issue so student LEP status appears in this IEP section.

A second new Section 7.F representative indicator we used in 2018 was whether LEP status was recorded in the Special Factors section of the IEP. One hundred percent (47/47) of the IEPs we reviewed contained student LEP status. A couple records into the data collection process at the first school, and as referred to in Table 7.1, the decision was made to record not only whether LEP status was included in this IEP section, but additionally what that LEP status was (i.e., “LEP” versus “not LEP”). Further, closer attention was paid to whether the LEP designation matched with each student’s ACCESS scores. As also noted in Table 7.1, of the 45 records for which status was recorded on the

spot audit data sheets, 51.1% (23/45) were classified as LEP while 48.9% (22/45) were identified as not LEP. In comparing LEP status with ACCESS scores for the 22 students identified as “not LEP,” it was observed that 6 of the 22 (27.3%) had low enough ACCESS scores that they should have been identified as LEP. This suggests the need to ensure that IEP teams are aware of ACCESS score interpretations and the need to check the alignment between LEP status and ACCESS scores so that LEP status is accurate.

A final representative indicator used to document implementation of Section 7.F was whether type of ELA program service the student was receiving was documented for each student. This indicator was also used in the 2016 spot audit. Data on type of ELA program service the student was participating in was recorded for 46 students (it was inadvertently not recorded for one student). Table 7.1 shows that this information was identified for 100% of the 46 students whose records were reviewed, either in the IEP (76.1%), in the IC (4.3%), or in both the IEP and the IC (19.6%). This represents an improvement over the 2016 spot audit result which was that type of program service was cited in 72.9% of the IEPs reviewed. The type of program listed most often in the 46 records was “ELD” (73.9%, 34/46), followed by specification of “PPF2” and/or “ELA-E” (63.0%, 29/46), specification of “PPF1” and/or “ELA-S” (21.7%, 10/46), and the notation that a student was in special education language arts or was receiving ELD in special education language arts (15.2%, 7/46).

The last item on our Chapter 7 spot audit checklist was the same one we used in the 2016 Chapter 7 spot audit and linked to CD Chapter 7.G.b which states “The district shall maintain in all ELLs’ IEPs or 504 plans . . . (b) an analysis of the effect of proficiency in English and other languages on the student’s learning, including an analysis of the student’s

assessment results in relation to the student's language proficiency." As described above, a "Yes" versus "No" designation for this item was based, for each student, on the consensus among the attendees at each school site visit, with Dr. Nelson being the final decision maker as to what to record on the spot audit data form. To check "Yes," narrative in the IEP needed to in some way link the student's language proficiency to their learning (i.e., describe the effect of language proficiency on learning, as specified in the CD). Table 7.1 shows that, using the decision-making approach described, 74.5% (35/47) of the IEPs linked student language proficiency to student learning; 14.9% (7/47), while at least referring to student language skills, did not clearly link language proficiency to student learning (i.e., the narrative referred to student language skills but did not describe the effect of language skills on learning as the CD requires); and 10.6% (5/47) did not include discussion of student language skills in any parts of the IEP narrative. These findings are similar to those of the 2016 Chapter 7 spot audit, in which it was found that 77.6% of the IEPs had narrative that linked student learning to language proficiency, 10.2% mentioned language skills but did not link language to student learning, and 13.2% did not include discussion of student language in the IEP narrative (Martinez, 2018).

During the school site visits and meetings with ELA and other district staff at the Central Office, several topics arose that warrant reporting and comment. The first, arising from discussions during the school site visits, is that the ELA Department, working with Special Education, might provide models to IEP teams from existing "exemplar" district IEPs showing how to explicitly make the linkage between language proficiency and student performance in IEP narratives as required by CD Chapter 7.G. On multiple occasions, the group reviewing the IEPs commented that a particular narrative clearly linked student

language proficiency to student learning, whereas others addressed the requirement minimally or fell just short because the narrative did not describe the effect of student language proficiency on student learning. As noted in the summary of the results in Table 7.1, some IEPs failed to address this requirement at all. Clearly, IEP teams at some schools expertly address this requirement, and sharing their IEPs narratives as models could be an effective way to encourage “best practice” in meeting the CD Chapter 7.G requirement.

A second observation is that some of the best IEP narratives were reportedly written, or influenced, either by Speech Language Pathologists (SLP) on an IEP team due to a communication disorder (i.e., speech or language exceptionality) being a student’s primary or secondary exceptionality, or by members of the district’s SEAS (Special Education Assessment Services) team, which includes bilingual school psychologists, SLPs, social workers, and special education teachers. That SLP-influenced IEP narratives explicitly address language proficiency and student performance linkage is not surprising since SLPs’ expertise centers on the effect of student language on academic performance. Yet, a language difference is not a disability, and it is important, in the multi-tiered intervention process leading to possible special education referral, to differentiate a language difference arising from a typical second language acquisition process characteristic of ELLs (and which is not a learning problem or exceptionality) from a communication disorder. Of the 47 IEPs reviewed, five (10.6%) identified a communication disorder as the primary disability, and an additional 9 (19.1%) identified a communication disorder as the student’s secondary disability; six of the IEPs that identified a communication disorder as a secondary exceptionality were at two schools housing early childhood programs, meaning that 30% (6 out of 20 IEPs at the two schools) of the ELL

students at those schools whose IEPs were reviewed contained the communication disorder designation as a secondary exceptionality. These statistics align fairly closely with recent national figures which show that about 20% of students in special education are classified as having a communication disorder, and that about 50% of students served in early childhood special education programs have a communication disorder specified as a secondary exceptionality. This suggests that, based on the sample of IEPs reviewed, DPS is doing a good job of differentiating language difference from a language-based exceptionality.

When asked, school staff spoke highly of the SEAS team's role in assisting IEP and MTSS teams in helping differentiate language difference from language disability for Spanish speaking students referred for tiered support or for special education. SEAS team members are able to assess a Spanish speaking student in both Spanish and English, a "best practice" for making the differentiation between language difference and disability (District interpreters are used to assess EL students in an L1 other than Spanish). A special education teacher participating in the Chapter 7 spot audit dialogue at one of the schools visited stated that maintaining access to SEAS services was "the most critical" need, "especially with primary students." That teacher made the point that while district-provided interpreters can bridge language differences in the assessment process used by MTSS and IEP teams, the professional knowledge along with the bilingual capabilities of SEAS team members allow them to make recommendations based not only on bilingual assessment but also based on their knowledge of effective instruction, for which interpreters do not have the training or experience.

This issue merits attention because, leading up to the February 2018 spot audit and during the visit, concerns were raised with the IM and with CHE that DPS was planning a restructuring of the SEAS team, and a main concern was that the planned restructuring would adversely affect SEAS services at the school level and thus the appropriate assessment of ELL students referred to the MTSS process or for special education. The District addressed these concerns in a meeting at the Central Office attended by Dr. Nelson and a CHE member, explaining that, from the District's perspective, SEAS services would not be diluted or eliminated in the proposed reorganization, but would instead be more school-based and available to a greater number of schools. Ultimately, the District decided in spring 2018 to postpone SEAS reorganization due to higher priority District reorganization actions already underway and the desire on the part of the District to not take on too much systemic reorganization at the same time.

Summary

The February 2018 spot audit of CD Chapter 7 requirements showed that the district has addressed issues raised in the first Chapter 7 spot audit in Spring 2016, with the result being that an IEP field not populated by IC in 2016 was being correctly populated in the IEPs reviewed in 2018. Additionally, information on student language proficiency was contained in either the IEP document or could be found in the IC using the ELA Department dashboard. As alluded to in the summary and discussion of the results of the Chapter 7 spot audit, the district's evolving computer-based data management system has resulted in a situation where information anticipated in the Consent Decree as being in the IEP document may instead be available through links within the automated system, and to pull that information into the IEP document itself may be unnecessarily redundant. A

question that arises is whether IEP teams are accessing this information in different locations in the automated system on such important factors as a student's relative levels of proficiency across different language modalities reflected in ACCESS subtest scores (e.g., listening proficiency versus reading proficiency). While that information is available in the automated system, it is only useful in decision-making if teams are accessing it during or in preparation for IEP, MTSS, and ISA team meetings.

While the District showed progress in CD Chapter 7 implementation since the spring 2016 Chapter 7 spot audit, an additional IEP field examined in the 2018 spot audit was not being populated by the IC and clear linkage of language proficiency to student learning was present in about the same percentage of IEPs as was the case in 2016. Moreover, the nature of the postponed SEAS reorganization is still of concern to CHE and to the IM – the concern being that if SEAS reorganization is to occur, that there be no dilution of bilingual assessment and subsequent programming recommendations by MTSS, ISA, and IEP teams for students who are Spanish speakers or who are bilingual in English and Spanish. Additionally, it is important that students with an L1 other than Spanish and their families are receiving the same CD-required services, safeguards, and benefits within the District's three-tier system of support, including special education, that Spanish speaking ELs and their families receive. Whether this is the case should be a focus of a future IM visit. Taking into account the district's progress, maintenance of desirable practices, and continuing challenges regarding CD Chapter 7, our judgment is that the district continues to partially implement CD Chapter 7 for Spanish-speaking ELs in the areas for which we collected data.

CHAPTER 9: ACCOUNTABILITY

Method

The Consent Decree clearly states that to support the effective implementation of the Program, the District is required to meet a series of obligations listed in Chapter 9.

These requirements are distributed across five major topical headings and include:

- I. Effective Program Implementation
- II. Student Progress
- III. Procedures for Parental Request for Review of Services
- IV. Evaluating Program Effectiveness
- V. Reports to the United States and to Private Plaintiffs

We made the decision to spot-audit and report on this chapter in two ways. First, we created a Spot Audit Checklist for Chapter 9, consistent with our ongoing practice, that would provide us information at school sites and also at the DPS Central Office level. Further, we determined that in order to complete our spot-audit, we would collect information over two separate site visits during November and December, 2017. We selected requirements from sections I--IV above. We did not identify any requirements under V., Reports to the United States and to Private Plaintiffs, because the District reports information from Chapter 9.V. in the January and July reports they provide for the parties every year. The most recent of those reports was submitted to the Parties on July 15, 2018.

Utilizing the process we described in detail in Report 6 for identifying schools to visit, we selected eight schools to conduct spot audits during November and December. We requested that DPS inform principals at the eight schools we identified to select a team

of persons from their respective staffs most qualified to address requirements comprising Chapter 9 of the CD. During November 2017 we visited four schools including:

- Sabin Elementary
- Garden Place Elementary
- Hill Campus of Arts and Sciences
- Northfield High School

During December of 2017, we visited an additional group of four schools:

- McGlone Elementary
- Grant Ranch (Small TNLI)
- Lowry Elementary
- West Leadership Academy

At each of the eight schools, we met with the Principal, representatives of their Instructional Leadership Team, and the ELA Network Partner assigned to that school. Also present at each of our eight school visits was the District's Instructional Superintendent assigned to that school.

As noted above, each site visit in November and December had an additional spot audit component that allowed us to begin collecting information from the DPS Central Office. Our spot-audit checklists, in addition to posing questions that we used to guide our school site visits, also contained a series of questions regarding Chapter 9 obligations for which we requested documentation from the Central Office. This included one or two questions from; Chapter 9.1.A through 9.1.E, 9.II.C, 9., and 9.III.A and 9.IV.D (see Appendix E).

The findings we report of our Chapter 9 spot audit are presented in two ways. The information we gathered from the DPS Central Office is presented in narrative fashion based on conversations we held with DPS staff and, more importantly, from the supporting evidence or documentation they provided us. Within the narrative for each of the six questions we used to gather information at the DPS Central Office, we provide a hyperlink (if applicable) to the documents that the district provided to us.

During our December site visit, we focused part of our Central Office data gathering efforts around two questions, including 9.1.A and 9.1.B. To gain greater insight and an updated report concerning the sufficiency of instructional materials for ELs, we met with Dr. Cathy Martin, Executive Director of Curriculum and Instruction, ELA Executive Director Jorge Robles and others. Dr. Martin is ultimately responsible for addressing the instructional materials needs of DPS. Following is the first of two questions we asked from CD Chapter 9.

Chapter 9.1.A

Question 1. How does the district determine whether any schools lack sufficient instructional materials for ELLs?

When the IM began working on this project five years ago, CHE and DOJ representatives emphasized the fact that a lack of instructional materials for ELs existed in the district. As part of nearly every classroom observation and subsequent interview with the classroom teacher, I would ask about the sufficiency of instructional materials for ELs. More often than not, classroom teachers complained, especially, about the lack of quality materials to support instruction in Spanish. I noticed a shift in those concerns several years ago, and after numerous meetings with various persons charged with meeting this

obligation at the District level, I began to hear fewer complaints. Additionally, although I had witnessed collaboration between the ELA Program and Curriculum and Instruction (C&I) even as far back as 2013, what we heard and saw in terms of processes for meeting this requirement during December of 2017, suggested that a truly collaborative effort between both departments is now clearly in place and working more effectively than any time past. We should note that CHE has suggested that the IM ask more specific questions of C & I at another time related to 9.I.A. Specifically, do ELA classrooms have appropriate materials in Spanish for ELs, and if not, were the shortages rectified, and when. The IM will consider asking those questions during a future site visit to Denver. The following link provides a few responses to questions we posed to C & I that helped frame our conversations with Dr. Martin.

www.dropbox.com/sh/k3u3yth4icpvd1z/AABVNBEnIrt_YJYENi_9ENaUa/Materials%20Inventory?dl=0&preview=ELA+Court+Monitor+Visit+12.6.17.docx&subfolder_nav_tracking=1

As we learned from Dr. Martin and Mr. Robles, network partners are key to meeting the requirements of the CD and, more importantly, the instructional needs of teachers and others who serve ELs. Just as the ELA Department has Network Partners assigned to every school in the District, every school also has literacy and math network partners assigned to them. The C&I Department has designated social studies and science curriculum specialists who work with every school either weekly or biweekly. It is the responsibility of the ELA Network Partners and the Math and Literacy Network Partners to ensure that schools have the necessary instructional materials for ELs.

We spent a considerable amount of our interview with Dr. Martin discussing the existing curriculum materials available in English and Spanish in core content areas for

grades kindergarten through 12. We reviewed documentation she presented that outlined all K-12 core content instructional materials currently in use by the DPS. In previous reports and in several conversations with DPS staff prior to Dr. Martin assuming her current role, I expressed my frustration at not having an inventory of available instructional materials by grade level for ELs. As shown by the document she provided us that outlines current instructional materials used in classrooms in grades K-12 by title of the materials, the district is much closer to demonstrating that they are addressing this important CD obligation.

www.dropbox.com/sh/k3u3yth4jcpvd1z/AABVNBEnIrt_YJYENi_9ENaUa/Materials%20Inventory?dl=0&preview=Materials+Inventory.pdf&subfolder_nav_tracking=1

As part of our conversation, we also discussed the evaluation tool that the district has designed to appraise instructional materials to assure alignment with the Common Core State Standards (CCSS), and several non-negotiable criteria. Equally important, the materials must be available in Spanish to be considered. Any time there is an adoption of materials such as the recent high school mathematics materials, a panel assesses them using an evaluation tool created internally for this purpose. An example of this Evaluation Tool (for High School Mathematics) can be accessed here:

www.dropbox.com/sh/k3u3yth4jcpvd1z/AABVNBEnIrt_YJYENi_9ENaUa/Materials%20Inventory?dl=0&preview=Materials+Inventory.pdf&subfolder_nav_tracking=1

As noted above, when curriculum adoptions occur, the RFP requires that student-facing materials be available in Spanish. If C & I receives a submission that is NOT available in Spanish, that resource is removed from the review. In addition, when the schools decline the district-supported resource, they must indicate what materials will be used in its place

and attend a consultation where C & I representatives review the decision to ensure that student-facing materials will be available in Spanish.

Several examples among many of district-supported diverse, culturally relevant, high quality instructional materials that are currently available for various grade levels are:

- *Amplify* Middle School Science Curriculum, an English and Spanish language curriculum, that has two key features very supportive of language learners: 1) an online glossary in multiple languages including English, Spanish, Arabic, Chinese-French, Haitian-Creole, Indonesian, Portuguese, Russian, Tagalog, Urdu and Vietnamese; and 2) units that are written with a do, talk, read, write, and visualize model.
- Central texts with companion instructional materials written in secondary literacies (such as Spanish, Chinese, or Vietnamese) are available for all grade levels. These texts reflect DPS students' diverse cultures and lived experiences. Two examples among many are: 1) *Lyddie* (for 7th grade students) that takes a deep look at the issues presented in Cesar Chavez's "Commonwealth Club Address" in relation to a young girl's experiences as a factory worker in the mid-1800s; and 2) *Just Like Us* (for 10th graders) that tells the story of four Denver high school friends whose parents entered the country illegally. All four girls want to go to college and live "the American Dream," though only two of them have documents.

The DPS Library Services is also tasked with developing and disseminating high quality instructional materials and fulfill its mission to create "equitable access to diverse,

high quality physical and digital resources aligned with students' interests, abilities, culture, and curriculum." Among the Library Services' programs and resources are:

- **The Diverse Books Initiative** (<http://weneeddiversebooks.org>) that connects with a national grassroots project advocating "for essential changes in the publishing industry to produce and promote literature that reflects and honors the lives of all young people."
- **Overdrive eBooks** is a multilingual district-wide eBook collection currently in English, Spanish, French, and Russian, that works to ensure that all DPS students in all schools and all neighborhoods have equitable access to high quality eBooks. It also includes an eBook professional library for teachers and staff with resources on culturally responsive instruction and the needs of English language learners.
- **High Quality Digital Content** (<http://lion.dpsk12.org>) in Spanish and other languages that was purchased by Library Services to support student inquiry and supplement the curriculum while meeting the diverse language needs of students in all grades. Examples include:
 - **Tumblebooks**—a selection of read-along books in Spanish and French;
 - **Brittanica Ecolar**—digital encyclopedias in Spanish for K-12 students;
 - **Brainpop Espanol**—animated videos that support literacy, math, science art, and music; and
 - **PebbleGo Animales**—database about animals and their habitats for 2nd – 5th grade students;

- **All other digital content/databases** have built-in translation for up to 22 languages and provide a read aloud feature and interactive dictionaries.

Also the DPS Library Services works with publishers and book vendors to increase awareness of diverse books through featured titles in the DPS annual Expo where library, curriculum, and district staff can view the latest in children's literature in order to create culturally responsive book collections for students. Library Services also creates system reports to analyze individual school library collections and increase books in Spanish (and the other most common DPS languages) to better reflect and serve the needs of each school community.

In addition to the DPS Library Services available to schools, DPS has partnered with the Denver Public Library to waive late fees for teachers who may want to check out non-English resources for their students.

Question 2: When a school is determined not to have sufficient instructional materials for ELLs, what action does the district take?

From our discussions with Dr. Martin, we learned that the DPS maintains a warehouse at the Science Resource Center where all textbooks and supplemental instructional materials are maintained for the district. An inventory of what is available to schools is maintained there. Teachers are informed about the warehouse during new teacher orientation, and if a school determines that there are not sufficient instructional materials, the first step is to determine whether the materials needed are at the warehouse. The contact person at that facility is Brandy Burdick. Ms. Burdick is responsible for sending the instructional materials, if they are available, directly to the school requesting them. If they are not available at the warehouse, C & I has a textbook buyer, Maggie Wolfe,

and she places an order for these instructional materials. Scanned purchase orders, which we were told about but did not examine, document spending by schools on instructional materials, including Spanish language materials. Dr. Martin noted that once the order is placed, delivery typically occurs within 7 to 10 days.

As new ELA Executive Director Nadia Madan expressed to me during one of several phone interviews prior to completion of this report, "We have really made some headway in addressing the core instructional materials for ELs and we're closer to parity than we have been." I also brought up the issue of supplemental instructional materials in Spanish for ELs. Ms. Madan responded that ELA-S teachers are constantly looking for supplemental materials in Spanish. Additionally, she noted that the flexibility for making budget decisions at each school site provides an option for purchasing materials in Spanish is much easier for schools than in previous times. At the close of our interview with Dr. Martin in December, she mentioned that, "ordering Spanish materials is a top priority" for Maggie Wolfe, C & I textbook buyer. Although Dr. Martin's comment appeared sincere, the IM believes that the District needs to be even more diligent and aggressive in purchasing Spanish language materials.

Chapter 9.1.B

Question 3: How does the District annually evaluate the effectiveness of its ELA Training programs using objective evidence provided by participants and trainers.

Over the course of the past five years, we have participated in numerous ELA Teacher Qualifications (TQ) activities including participating in class sessions for a number of the courses offered; in large and small group discussions with team members; in planning sessions with the leadership of the TQ program; and in discussions between the

parties, TQ staff, and Dr. Claude Goldenberg, DOJ Consultant on TQ matters. We have interviewed course instructors, teachers enrolled in TQ courses, and individual TQ program staff and leadership. Like numerous other ELA Program systems that have been created and refined over the past five years, the TQ Program is one that has worked over time to improve course offerings, provide alternative forms of course delivery, create a program conceptual framework, and evaluate its effectiveness. To ascertain how the TQ program is addressing Question 3 above, we met with Sarah Grimm, Senior Program Manager, as well as ELD and ELA Teacher Qualifications and other DPS staff persons.

We learned from our discussions and review of documentation that the ELA Teacher Qualification team members are expected to lead an ongoing effort to monitor, evaluate and improve the quality and effectiveness of the DPS ELA Teacher Training program. The summative ELA Teacher Qualification Program Evaluation team retreat is conducted annually in the fall to assess the program outcomes from the previous year and action plan for the upcoming academic year. The following link provides a Power Point presentation that was shared with us by Sarah Grim and provides an overview of the discussion themes and issues which formed the basis for their most recent evaluation retreat.

www.dropbox.com/sh/k3u3yth4jcpvd1z/AABsMvP58Feu22Uup3fjdq1Va/TQ%20Program%20Evaluation?dl=0&preview=Court+Monitor+6DEC17+Visit.pptx&subfolder_nav_tracking=1#

The program evaluation criteria are based on objective evidence and feedback categorized under four areas: Program Quality, Instructor Development, ELA Teacher Qualification Processes, and Operational Efficiency.

- A. Program Quality evaluation is based on objective evidence from the program goals, action plan, course surveys, evaluation of the instructors, review of the

course materials, access to teachers' course progression data, and the availability of online support resources and tools.

- B. Instructor Development evaluation is based on objective evidence from instructor credential reviews, instructor surveys, class observations, instructor feedback forms, and instructor course training sessions.
- C. ELA Teacher Qualification Processes evaluation is based on objective evidence from Interim Measure Schools that are identified in the CD, updated course waiver documents, participant pass/fail numbers, updated course schedules, and the assurance that ELA 103 is included in the New Educator Welcome Week. As a reminder, Interim Measure Schools are those high needs schools where ELA courses are offered in the evenings, and then other nearby schools can attend.
- D. Operational Efficiency evaluation is based on objective evidence from course schedules, the presence of a diversity of course locations and times, the required posting locations of the course schedules, the updating of course schedules, specific training for instructors from a team trainer that relates to the course they are teaching, and the weekly ELA team meetings scheduled to review the course calendar, course updates, and evaluate program risks.

In addition to the evaluation data collected from the above sources for the ELA TQ Programs, all ten courses of the ELA TQ Program (developed by the ELA Teacher Qualification Office) require online or written assessments that are graded by the instructor according to rigorous learning objectives. The following link outlines the Teacher Qualification courses required under the ELA-T, ELA-E, and ELA-S designations.

thecommons.dpsk12.org/cms/lib/CO01900837/Centricity/domain/107/teacher%20qualification/Teacher_Qualification_Worksheet.pdf

For example, the course entitled *ELA 103: The Denver ELA Program* (required for all new teachers), is a 3.5 hour face-to-face class “designed to strengthen participants foundational understandings about teaching English learners.” The objective evidence of the effectiveness of the course provided by the class participants is a pencil and paper quiz on which they must demonstrate understanding of:

- the various populations of English learners in DPS;
- how ELA school programs are determined,
- how and why teachers are designated, and
- content language objectives (CLO).

As a further example, the 16-hour hybrid course (taught online and in occasional face-to-face classes) entitled *ELA 105 A: English Language Development*, “is designed to deepen participants’ knowledge around how to instruct Dedicated English Language Development (ELD) as a separate 45-minute instructional block of time.” The objective evidence of the effectiveness of the course provided by the class participants and graded by the course facilitator/instructor are online assignments that evaluate the participant’s ability to:

- intentionally plan using forms and functions of language, and
- plan for the linguistically appropriate development of language, interaction structures, formative assessments, and supports.

A final example of objective evidence of the effectiveness of an ELA course is the assessment of the 8-hour face-to-face course -- *ELA 204: Transitioning Strategies for ELA-S*

(Spanish). This course is designed to “further participants’ abilities to use Language Allocation Guidelines and research-based best practices to intentionally and systematically plan Spanish and English instruction to meet the critical needs of English learners...” The online assignment, graded by the instructor, must show that the participants are able to demonstrate the ability to:

- create a lesson that bridges the key academic language of a unit from Spanish to English, and
- create a metalinguistic analysis lesson to compare and contrast the linguistic systems of Spanish and English.

Our impression based on five years of interactions with the TQ staff and leadership is that the program continually strives to improve and become more effective. They continuously use the substantial amount of survey data they collect to improve course content, delivery, and quality of instruction. Course instructors, most of whom are DPS employees with Master's and Doctorate degrees, are well versed in the needs of ELs in DPS and the knowledge and instructional skills that teachers need to be effective. It is that melding of learner and teacher needs that has led to ongoing improvements and modifications that have resulted in a quality teacher preparation program.

Chapter 9.I.C

Question 4: How does the District monitor staffing assignments to ensure that they are consistent with the CD?

In an effort to better assess the manner by which the District monitors staffing assignments, we requested a meeting with Mr. Robles and key ELA Program staff that he felt could help us understand how they address this CD requirement. As our conversation

ensued, we realized that in order to determine how the monitoring process was implemented, we also had to more clearly understand how projections for school enrollment are made, and how resources were allocated in order to meet those projections. Although there were limits on our time during this meeting, Mr. Robles and staff provided us with information regarding the school budget cycle and is viewable at the link below:

www.dropbox.com/sh/k3u3yth4icpvd1z/AAATUhM7LtuT5pHaReB9DVFHa/Monitor%20Staffing?dl=0&preview=Monitor+Staffing+and+Student+Progress.pdf&subfolder_nav_tracking=1

CHE recommended that the IM ask additional questions about the school budget process during a future site visit, which will be considered. Those questions include: At the start of the school year and at any point in time of the school year, were there staffing shortages at individual schools? Where were these documented and how and when were they resolved?

The school budget process is ongoing every school year over an approximately 10 month period. For the 2018-19 school year, the first steps that ultimately led to the adoption of the current budget began in August of 2017. There were four significant phases that took place as part of the school budget process. From August through November of 2017, DPS began by examining its preliminary enrollment counts near the start of the school year and again in October. Beginning in November and continuing through January of 2018, schools were provided with budget guidance, and a series of meetings took place between departments like ELA, district staff at the executive leadership level. Ultimately, allocations were determined. Continuing, from January through March, 2018, the budgeting process shifted to the school level. Budget-related guidance and all necessary forms were sent to schools and they in turn, engaged in budget development meetings

within their school. Budgets were finalized in March and principals began examining school staffing for the coming school year and their recruitment needs. During April and May of 2018, the DPS Board reviewed budgets and ultimately approved them. It was that budget determined in May 2018 that created the 2018-19 school year budget.

The District prepared a document which we did not have access to titled the Resource Allocation Automated Report. This report breaks down resource allocations school by school. It also allows the ELA Department to determine resource allocations to schools at any point in time. We were provided, however, with access to one school's allocation overview and were able to examine Place Bridge Academy's allocation of resources at the link which follows:

https://www.dropbox.com/s/si2wy4u2upkii7x/ELAResourceAllocations_example_20181101.xlsx?dl=0

It is our understanding that every school in the district has a similar resource allocation profile and it is all of those profiles, school-by-school, that comprise the Resource Allocation Automated report.

The District provided us a more detailed graphic description of the process above and it provides more specificity to the process. This graphic is referred to as Resource Allocation & Projections and can be accessed at the following link:

www.dropbox.com/sh/k3u3yth4icpvd1z/AAATUhM7LtuT5pHaReB9DVFHa/Monitor%20Staffing?dl=0&preview=Monitor+Staffing+and+Student+Progress.pdf&subfolder_nav_tracking=1

There are two important issues that relate to the budget process and are listed on the graphic. First, just as in most school districts that we are familiar with across the country, the October enrollment count is critical to the crafting of a district's budget. In the case of DPS, the October count drives funding for ELLs. Second, when the ELA Department

begins to prepare their budget for the following year, their projections regarding English learners takes into account number of provisional ELs, Spanish vs. other, ELP level, and those students enrolled in Early Childhood Education (ECE). Finally, we were reminded in this meeting, as we have been at previous times during the past several years, that DPS is invested in forecasting. They examine enrollment numbers, patterns, housing prices, expansion in neighborhoods, and numerous other factors which the District refers to as inputs. The five-year forecast, especially as it relates to enrollment trends, is a factor that goes into examining resources that will be needed for not only the current and following school year but into the next several years as well.

Regarding staffing assignments, the ELA Department monitors their staffing assignments using the following reports and data sources: 1) resource allocation and projections; 2) teacher placement, service percentage, and teacher designations; 3) the ELA Service System (ESS); 4) the ELA budget reviews; and 5) CD reports which are sent to the parties every six months.

In order to gain a better understanding regarding monitoring of staffing, it is helpful to view the process within the context of a timeline. In December and January, the ELA Executive Director and other staff, including the ELA Network Partners and HR, begin making projections for ELA staffing for the next year. In December of the 2018-2019 school year, they began the process of planning for the 2019-2020 school year. They reviewed school enrollment of ELA Program students at the school, current staffing, and examined key questions such as whether there are enough sections of ELD, etc. Based on all of their information gathering including enrollment projections, they prepared a staffing

plan for the school and the allocation of resources that this will require. Once the resource allocations have been planned, the school can start the budget process.

Following that timeline, in August and September, or near the start of the school year, the ELA Network Partners begin to monitor very closely in each of their assigned schools the accuracy of their enrollment projections and staffing needs that are actually occurring and in place. If staffing questions or issues arise that raise red flags, the Network Partners bring this back to the ELA Department and those concerns are examined internally there for a solution.

For example, a school involved in the Small TNLI Pilot had a staffing issue. The ELA Network Partner and the principal examined the service percentage data for the school and determined that they needed an ELA S teacher for the next school year. In April of 2018, the request was made and approved for an additional ELA S teacher. At the start of the 2018-2019 school year, the Network Partner flagged this allocation request because the school had not hired an ELA-S teacher prior to the start of school. It was discovered that the school leader could not find an ELA-S teacher to fill that slot. In such a case, the ELA Department, school principal, and HR then begin to address the issue to resolve it.

As part of the timeline, the ELA Network Partners began leading the program review process as part of the ELA Service System during April and May of 2018 for schools that were part of the 2018-19 school year. This is the process and point at which schools are held accountable. As mentioned above, one of the biggest challenges is that positions can be difficult to fill such as in the case of Place Bridge Academy. The school leaders there, based on several data sources, requested and received an allocation for for 10 native language tutors. However, they were unable to find qualified tutors to fill all of the

approved slots. Were ELA Network Partners not heavily involved with the school, the staff problem might not have been identified as early as it was so that a solution could be sought.

From the ELA Department's internal management of staff monitoring assignments, three critical departments or entities are involved in the monitoring process. The ELA Leadership and Program Management Team led by Director Veronica Maes works closely with the ELA Network Partners to determine the allocations for the coming school year during December and January. Once the school year starts, the ELA Strategic Planning and Accountability Team led by Director Elena Sodano, flags staffing issues for the Network Partners who then help intervene at the school level to address the issue/s. In April and May, the ELA Network Partners complete the ESS at the end of that school year.

While these are three major events that occur each year as part of the timeline described above, there are many intentional collaboration points that take place. The ESS Director and her team, for example, have standing bi-weekly meetings which are called ESS Collaboration Meetings and are held between her team and the ELA Network Partners. These meetings are critical to flag problems and then work with the Network Partners to address those issues. What is happening therefore is that staff assignment issues are flagged literally on a bi-weekly basis so that resolution of an issue begins to take place fairly quickly. The major challenges expressed to us recently regarding monitoring staffing assignments by the ELA Executive Director, Nadia Madan, again revolve around not finding enough qualified people to meet needs that are determined. We have heard this concern previously. Nonetheless, the system certainly seems to be in place to monitor staff assignments and the ELA Network Partners again are playing a pivotal role in identifying issues and needs early on so that solutions can be found.

Chapter 9.1.D**Question 5: How does the District monitor each school's compliance with the CD?**

During our December 2017 site visit to Denver, we discussed the critical requirement from Chapter 9 that addresses how DPS monitors each school's compliance with the CD. The ELA Program staff prepared a package of information that addresses this Question 5 and the related following one (Question 6). The discussion and review of documents was lengthy but very important and can be accessed at

www.dropbox.com/sh/k3u3yth4icpvd1z/AABj-brAPrOohqiNwsd9O2rha/Monitor%20Compliance?dl=0&preview=Monitor+Compliance.pdf&subfolder_nav_tracking=1

DPS has developed an ELA Strategic Management System that connects ELA supports through collaboration and data-driven decisions to improve the academic achievement of English Learners. The ELA Management System starts with consent decree compliance data that is monitored continuously by the district and by each school's ELA support system. The District is responsible for using the data to build systems to address compliance and identify gaps that need to be narrowed and eliminated. Each school's ELA Support System recognizes noncompliance issues at the school level and responds by creating an individualized support plan. Each school is reviewed annually using a program review rubric that helps the principal, IS, and Network Partner define a high-quality ELA program, analyze student outcomes, and construct a clear actionable plan to address areas of need identified in data conversations.

The school's individualized program review -- every school is reviewed every year-- looks for root causes, and then becomes the driving force behind the creation of the ELA

Service Plan (ESP) with a tiered support system that provides individualized, data-driven assistance with the goal of improving student outcomes. The ELA Service Plan also helps guide the role of the school's ELA Partner and can be used in LEAD (administrators') evaluations.

As part of the ongoing ELA Service System cycle, formative reviews are required and conducted by the school principal, IS, and Network Partner in March and again in October for schools marked as Targeted (Approaching Expectations) or Strategic (not meeting expectations). In November and December, the school team reviews the ELA Service Plan (ESP) for progress. This review informs the school leaders and the End-of-Year ratings of the school. In January/February, the team conducts a Mid-Year Check-in of the school budget and its impact on the ESP. The End-of-Year Program Review is conducted in May/June and the finalized results are reported. The ELA Service Plan is then revised in August/September based on new data and if needed, a new school leader.

Question 6: How does the District take action to remedy any noncompliance with the CD as soon as practicable and within a reasonable period of time?

The End-of-Year ELA Program Review mentioned above is guided by the following three Domain questions and sources of data evidence:

Domain 1: "Are ELA Services provided in alignment with the Life Cycle of an English Learner?" The data sources are:

- Registration and enrollment forms;
- Identification window, and
- ISA team efficacy.

Domain 2: “Is the program designed to ensure that English Learners are acquiring both language and content?” The data sources are:

- ELD placement;
- ACCESS, CMAS, CSLA;
- Graduation rates;
- Instructional support at school;
- Language Allocation Guidelines;
- Language of assessment, and
- Process monitoring in-place.

Domain 3: “Are families of English Learners informed?” The data sources are:

- PAC/DAC;
- Translation and interpretation, and
- Program information provided at registration.

In order for the school to meet expectations in all three Domains, all the indicators on the program review rubric must be rated as “Meets.” For any indicator in which the box is checked “Approaching” or “Does NOT Meet,” an ELA Service Plan is required to document how the school will remedy any noncompliance with the CD in a timely manner.

Also, the overall ratings for the school are integrated with the LEAD competencies on the Principal LEAD Growth and Scoring Guide. Therefore, in order for the school leaders to be rated as effective, their school’s English Language Acquisition programming must be implemented fully and effectively as evidenced by an effective ELA Program Implementation rating. In order for the leaders to be rated as effective for this criterion,

schools must either 1) demonstrate an overall rating of Meets, or 2) demonstrate there is an ELA Service Plan in place to remedy any areas for improvement.

If the required review of a school's ELA program indicates a school does Not Meet expectations with noncompliance in any of the three domains, a tiered support system is put into place within a reasonable period of time that addresses areas needing improvement while enhancing clarity and communication. The review also drives the ELA Partner work in the school, allowing for more precision, transparency, and accountability. In addition, the review helps the District ELA department provide individualized, data-driven support. Thus, due to the ongoing and timely formative and end-of-year reviews and check-ins of the ELA Service System cycle, a school deemed out of compliance is provided with timely support via the ELA Service Plan co-created by ELA Partners, IS, and school leaders.

To use one school as an example, the Bear Valley International School received a rating of "Approaching" on their Year End Program Review citing noncompliance in two Domain 2 indicators-- Indicator b ("English Learners will receive grade level appropriate content instruction that is designed to enable them to perform at grade level") and Indicator d ("The school has a system to monitor the progress of English Learners").

With the help of the Network Partner Jill Richards, the school developed an ELA Service Plan providing the following supports to remedy indicator b:

- Achieve 3000 Training in August;
- School-wide professional development on accessing student WIDA levels, what that means, and links to resources in August;
- Providing the book Differentiating for English Learners, for school leaders;

- Links to content-specific resources that the principal will embed into meeting notes along with the Power point; and
- Observation of a highly qualified ELD teacher at another school for ELD support.

Since Bear Valley International School was a Year 1 school in 2017-2018, the supports for Domain 2: Indicator d, are to have the Network Partner review the Progress Monitoring Plan during her October meeting with the principal and then record it by October 31 in the Note Catcher, as well as the school's program review update sheet.

CHE has raised questions about the comprehensiveness of the District's ELA Strategic Management System as the means for meeting the requirement of CD 9.D that the District monitor each school's compliance with the CD and take any action to remedy noncompliance. CHE maintains that the program review is based on a sample of CD requirements rather than all the CD requirements and, as a result, information is not collected on CD requirements such as whether the needs of EL special education students are being met, whether Spanish language materials are actually in use in classrooms, or how gifted EL students are being served. CHE also questions whether the end-of-year program review ensures the CD is being complied with at each school.

The challenge for the District is to show which specific CD requirements the Strategic Management System covers and how CD requirements not addressed in the annual program review and resulting service plans are monitored, and lead to any necessary corrective actions taken in a reasonable period of time, through additional mechanisms the District has in place (e.g., school-level monitoring of Spanish language materials use in the classroom by the school principal or the ELA partner assigned to the school; monitoring of EL special education student and EL gifted student programming by

the District's Student Equity and Opportunity Office). Additionally, the District must make the case that the formative reviews conducted during the year ensure CD compliance at each school during that year.

Chapter 9.1.E

Question 7: What are the names and positions of the DPS staff members responsible for each of the following:

- a. Recruiting teachers
- b. Developing and implementing the training requirements of the CD
- c. Monitoring the availability of appropriate and adequate materials in Program classrooms
- d. Implementing Program entry, redesignation, and exit procedures in accordance with the CD
- e. Implementing the instructional program in accordance with the CD
- f. Overseeing and implementing parent communication requirements
- g. Implementing SPED and Section 504 requirements as they relate to ELLs
- h. Monitoring the curricula taught in Program classrooms
- i. Preparing reports to the United States and private plaintiffs pursuant to CD

Chapter 9.V

During our December visit to Denver, we met with ELA Executive Director Jorge Robles and other ELA Program staff, DPS staff, and Deputy Legal Counsel Toni Wehman to discuss question 7. ELA Program staff prepared a graphic which addressed the question and served as a tool for discussion regarding staff responsibilities for items a through i above. Further, we learned from that discussion that this CD requirement has led to the

creation of an Accountability Framework which follows. Items a--i are identified as nine ELA Program Components in this Framework on the first column of the graphic. The additional four columns are labeled as; **Responsible, Accountable, Consulted, and Informed**. We sought clarification on the definition of these four column headings. Those persons who do the work to achieve each of the tasks related to the ELA Program Components are identified under **Responsible**. In some cases it is one person who is identified and, for several components, a classification of positions is listed such as Instructional Superintendents and Executive Directors. The final approving authority is identified under **Accountable**. According to Mr. Robles, the person who is answerable for assuring that tasks and deliverables are completed and who delegates the work to those responsible is listed under the Accountable column. Third, those persons whose opinions are sought and most often are subject matter experts, are those identified on the Framework as **Consulted**. This person or persons engage in two-way communication with those responsible for making progress or completing tasks and deliverables. Finally, under the fourth column titled **Informed**, persons or departments are identified to designate those who are kept updated on progress made within each of the nine ELA Program Components.

The Accountability Framework which follows identifies the names and positions of DPS staff members responsible for the nine component which correspond with items a--i. During our December 2017 Central Office meetings, Director Jorge Robles shared with us this Accountability Framework and the status at that time of those persons responsible and accountable for nine ELA Program components. After Mr. Robles' departure from DPS and prior to completion of this Report, we consulted with Dr. Darlene LeDoux-Renteria, former

ELA Executive Director who was advising the recently appointed Executive Director Nadia Madan, and updated the contents of the Framework to assure that all names and responsibilities are current. Numerous personnel changes have been made both within the ELA Department and DPS. We verified responsibilities as outlined in the framework with a majority of persons who are responsible for each of the nine components. Most of that verification was done in face-to-face meetings with persons responsible for a component including Sarah Almy, Nadia Madan, Cathy Martin, Tameka Brigham, Toni Wehman and numerous Instructional Superintendents and Directors. The one person whom I did not meet with personally was Robert Frantum-Allen, the Director of Student Services. We have had numerous conversations over time with Adrienne Endres and Veronica Maes who are now in critical strategic director positions within the ELA Department. We have also had numerous conversations and meetings with Nadia Madan, the recently appointed ELA Executive Director. Again, the Accountability Framework below is as current for the time period covered by this report as we could determine. Information regarding the persons responsible for implementing the CD is time limited and tentative.

Accountability Framework for Consent Decree Chapter 9

ELA Program Components	Responsible	Accountable	Consulted	Informed
1. Recruiting teachers	HR Talent Management Executive Director <i>Sarah Almy</i>	Chief of Human Resources <i>Debbie Hearty</i>	Executive Director ELA <i>Nadia Madan</i> Legal	LTL (Leadership, Teaching & Learning Division)*, IS/EDs
2. Developing and implementing the training requirements of this CD	<u>Teacher Qualification:</u> Executive Director ELA <i>Nadia Madan</i>	Deputy Superintendent <i>Susana Cordova</i>	LTL, IS/EDs, Legal	Principals, Teachers, Teacher Leaders, POs

	<u>Principal & Teacher PD:</u> HR Talent Management Executive Director <i>Sarah Almy</i> Associate Chief Academic & innovation Office: <i>Ann Whalen</i>			
3. Monitoring the availability of appropriate and adequate materials in Program classrooms	Executive Director Curriculum & Instruction <i>Cathy Martin</i>	Deputy Superintendent <i>Susana Cordova</i>	ELA Department Director <i>Adrienne Endres</i> Legal	LTL, IS/EDs
4. Implementing the Program entry, redesignation, and exit procedures in accordance with this CD	Instructional Superintendents Executive Directors	Deputy Superintendent <i>Susana Cordova</i>	ELA Department Director <i>Elena Sodano & Veronica Maes</i> Legal	LTL
5. Implementing the instructional Program in accordance with this CD	IS/EDs	Deputy Superintendent <i>Susana Cordova</i>	ELA Department Director <i>Adrienne Endres & Veronica Maes</i> Legal	LTL
6. Overseeing and implementing parent communication requirements	Chief of Family and Community Engagement <i>Tameka Brigham</i>	Chief Communications Officer <i>Anna Alejo</i>	ELA Department Director <i>Veronica Maes</i> Legal	LTL

7. Implementing SPED and Section 504 requirements as they relate to ELLs	Director Student Services <i>Robert Frantum-Allen</i>	Associate Chief of Student Equity and Opportunity <i>Eldridge Greer</i>	ELA Department Director <i>Veronica Maes</i> Legal	LTL
8. Monitoring the curricula taught in Program classrooms	IS/EDs	Deputy Superintendent <i>Susana Cordova</i>	ELA Department Director <i>Adrienne Endres & Veronica Maes</i> Legal	LTL
9. Preparing reports to the United States and private plaintiffs pursuant to Section V of this Chapter	Narrative and Legal Process <i>Toni Wehman</i> Deputy Legal Counsel Report Production <i>Nadia Madan</i> ED ELA Department	General Legal Counsel <i>Michelle Berge</i>	ELA Department, HR, Planning, LTL, T&L, Student Equity & Opportunity and all teams that generate the data and reports	LTL, IS/EDs, HR

Chapter 9.II.C

Question 8: What changes has the District recommended in services to ELLs to support high student achievement based on the District's monitoring of ELL's progress in schools and classrooms?

Prior to our December 2017 visit, we were aware that the District was moving from the old ELA Review system to a new ELA Support System that would provide supports to all schools in DPS every year. In the old system, only 25% of schools were monitored each year and complaints were often made by schools that the District was slow in

communicating the results of those reviews, thus making it difficult to institute changes in a timely way. In previous meetings of the parties, the ELA Department was upfront in suggesting that the review process provided a "snapshot" of a school's ELA effectiveness at a single point in time.

To their credit, the ELA Department realized that the old review process was outdated and needed improvement. During a number of our previous site visits to Denver during the 2016-17 school year, we began to hear about the new ELA Service System (ESS) that the District was creating, and as one ELA team member shared with us, "We want to create a system that goes beyond checking off CD requirements and develop a data driven system that ultimately provides supports to schools that help them become high performing ELA Program schools." The following link provides both a graphic and written description of the ESS and sets a context and framework for addressing Question 8.

thecommons.dpsk12.org/Page/1998

At the December 2017 site visit, we set time aside to discuss the District's obligations under requirement 9.II.C of the CD. Executive Director Robles and other ELA Program staff began our conversation by creating a context and outlining five major monitoring practices that the DPS currently implements. These include:

- Use of the ESS to monitor student outcomes and plan for academic growth and English language proficiency (ELP)
- At the Elementary level, use EL Achieve and Benchmark progress monitoring for ELP
- At the Secondary level, use Inside and Edge progress monitoring for ELP
- Examine ACCESS trajectory, and

- Examine ReadACT monitoring

The five monitoring practices bulleted above have been discussed with us at varying times over the past several years. In conversations with Principals, Instructional Superintendents, ELA Network Partners, and ELA Program staff including Mr. Robles, we have developed a basic understanding of these monitoring practices. From an IM perspective, the challenge is not simply gaining an understanding of the various monitoring practices, but rather, determining if these practices will ultimately lead to services that support greater student achievement for ELs. There is certainly a greater expectation from the District that the new ESS has the potential, in large part, to serve as the system that guides efforts to higher school performance.

Well after the December 2017 site visit and even after the April/May 2018 meeting of the parties, we continued to examine Question 8. Gradually, our understanding of the monitoring practices became more clear. It also became more obvious that the ESS is a system that holds a great deal of potential for helping key stakeholders like the principal, IS, and ELA Network Partner use multiple sets of data to guarantee that ELs receive appropriate services and a pathway to creating plans at individual schools that address areas of need for students. The ELA Program Review, which is part of the ESS annual cycle, includes multiple data points that target achievement and growth and include the CMAS EL MGP, ACCESS MGP, ACCESS Trajectory, Read Act Spanish status, CSLA Status, CSLA Growth, and COSAT MGP. The link below for the ELA Program Review provides a framework that shows which measures are captured in each indicator under Domain 2. This is the evidence collection framework for elementary schools

https://www.dropbox.com/s/dafmbjl7jy3kbq1/ESS_Domain2_Evidence_elementary.pdf?dl=0

A similar evidence collection framework for secondary schools is part of the ELA Program Review as well. These frameworks are critical for progress monitoring. Additionally, the frameworks are not only essential for the end of the year review but also serve to guide data collection, progress monitoring, the scheduled mid-year check-in, and LEAD Evaluation for each school served over the course of a school year.

All of these frameworks, assessments, rubrics, tools, and strategies that comprise the District's monitoring practices lead to the fundamental question: What changes in services for ELs have either been proposed or implemented as a result? The ELA Department identified five examples of changes made.

1. Project Esperanza

Midway through 2017, the WK Kellogg Foundation funded a DPS Project called Project Esperanza. This is a pilot project funded for two years and according to the Kellogg Foundation, the goal is, "to build teacher and principal capacity in a K-5 dual language instructional model at select schools that will serve as the district's demonstration sites..." In a meeting attended by Martha Urioste from CHE and Dr. Nelson and I, several months before our December site visit, Project Esperanza Manager Rebecca Castellanos explained to us that the intent of the pilot was to narrow the achievement gap between ELs and native English speakers.

Since then, and including our December site visit, we've learned that the ultimate objective of Project Esperanza is to develop model bilingual program "Esperanza" sites across DPS, which build on students' cultural and linguistic capital, and narrow the achievement gap between language minority and native English speaking preschool through 5th grade students in literacy and mathematics. The two-year grant will end in July

2019 and the five school sites selected to participate are Farrell B. Howell, Swansea, Ellis, Charles M. Schenck and Greenwood.

It was explained to us that within the context of progress monitoring, the five Project Esperanza schools use reading and writing data to identify strengths and areas of growth in each language for students. The instructional team (a combination of teachers at the school and dedicated .5 FTE from ELA) used this to inform instructional practices throughout the school year.

2. Co-Teaching and Rigor ELD Pilot Projects

Two changes that DPS made that are oriented toward high school ELs and focused on instruction in English language arts classes are the Co-Teaching and Rigor Pilot Projects. Co-Teaching is a highly coordinated practice in which two or more people share responsibility for teaching all of the students assigned to a classroom. In DPS, one teacher with a focus on English Language Arts and the other teacher with a focus on ELD provide instruction for ELs within a mainstream Language Arts classroom. The idea is to use the Co-Teaching model with ELs who have an intermediate or higher proficiency level (ACCESS Levels 2.6 and higher) and mainstream students who are then provided ELD within the academic instruction of Language Arts by the two co-teachers. One benefit of this approach is that intermediate through advanced students do not need to take "stand alone" ELD courses and they can then take more electives and college prep courses. The following link provides a brief overview of the DPS English Language Arts/English Language Development Co-Teaching Model.

<https://www.dropbox.com/s/cqwpjyev55z820b/Co-Teaching%20One%20Pager.pdf?dl=0>

The Rigor ELD model is geared toward ELs in 11th and 12th grade who have achieved the upper proficiency level (ACCESS Level 3.6 and higher). These students are then given the option of taking an additional English Language Arts class as an elective to meet their ELD requirement. The courses approved for the Rigor Pilot Project are any upper division Language Arts class, Drama, Debate, AP Language Arts, and concurrent enrollment Language Arts courses above 100-level courses. Students are allowed to select any upper division Language Arts course from an approved list. Teachers who participate in the pilot must attend 16 hours of professional development from August through May. A big focus of the professional development is how to differentiate for and teach to the needs of higher level ELs. Ultimately, by providing these students with elective courses in addition to their required English Language Arts course, Rigor ELD allows students to stay on-track to earn graduation credits, increase their overall English language proficiency, perform better on high stakes tests, and gain exposure to higher level English language. The link which follows provides a brief overview of the 2018-2019 Pilot: Rigor ELD Course.

<https://www.dropbox.com/s/ww6naanxkm8r1rx/Rigor%20One%20Pager.pdf?dl=0>

3. Integrated Content and Language Development (ICLD)

A third change that the District is implementing that was described for us during our Central Office spot audit, is less of a program type and more of an instructional approach. Integrated Content and Language Development (ICLD) refers to content instruction that is both rigorous and standards based; ICLD is the most recent term used in education for what the CD refers to as Sheltered Content Instruction. Intentional planning and supports for academic language are requisites of this approach to teaching. Proponents of ICLD suggest that it is an approach that not only benefits all students but is critical for ELs

because it facilitates learning content and skills in multiple content areas including language arts, science, math, and social studies. It should be noted that ELD is integrated into a content class and that this approach also allows students to take electives or meet graduation requirements in place of a stand-alone ELD class. The District does not use ICLD to replace dedicated ELD for students who still need it; ICLD is provided in addition to ELD. There are times when ELD is co-taught in a language arts class by a qualified ELD teacher, while in many other classes ICLD is provided by core content teachers who help students increase English language development with a focus on core content-specific vocabulary as well as on the class's core content. The following link provides a description of the ICLD instructional approach that DPS uses.

<https://www.dropbox.com/s/bxd0aq8ei1m34h4/ICLD1pagerEngSpanFinal813%20%281%29.pdf?dl=0>

ICLD was observable in almost every classroom observation that we conducted over the past several years. The instructional approach is rooted in five areas or SERVE components as they are often referred to. These include; Student Talk, Explicit Academic Language Instruction, Access to Rigorous Grade Level Content, Extensive Use of Visuals, and Learning Environment which is respectful, equitable, and encourages effort-based learning, respects and encourages use of the home language, and incorporates culturally responsive practices.

4. Gifted and Talented Identification Practices

For the past several years, we have met with Dr. Rebecca McKinney, the Director of Gifted and Talented Education at DPS, on multiple occasions. From the earliest meetings with her, she has been adamant about the disproportionality of ELs in DPS identified for Gifted and Talented services. In a March 2017 Research Brief prepared by ARE at DPS in

consultation with Dr. McKinney and her staff, the point is made that even though 34% of the District's population gets identified for GT services, only 3% of ELs have been identified since 2012.

When Dr. McKinney was appointed as Director, she made it clear to the IM that she was making it a priority to increase the number of ELs who are identified for GT. Over the past several years, we've been impressed that she has engaged in meetings and conversations district-wide in addressing the issue of disproportionality of ELs receiving GT services while stressing the need to find and utilize alternative methods to identify EL students. Another point that she has stressed to us, and that the Research Brief points out, is that giftedness is independent of the language any student speaks and ELs should be identified for GT before they are redesignated.

In the 2015-16 school year, the District began a universal screening program and every student in kindergarten, second and sixth grade was tested for giftedness. During the 2016-17 school year, DPS instituted a program they call Talent Pool which gives students who are not identified as gifted but could be later, access at their school site to gifted services. Gifted services are set aside in each school for 10% of students. If a school has a percentage of identified gifted students smaller than 10%, talent pool students are added until they reach that criterion. Talent Pool students are now tracked by DPS to determine how much growth they've achieved and whether they eventually get identified as gifted. After the first year of universal screening, the percentage of Hispanic students identified as gifted doubled from the previous year to nearly 25%. These finding were summarized in a Chalkbeat article linked below:

chalkbeat.org/posts/co/2017/02/21/denver-public-schools-is-identifying-more-students-of-color-as-highly-gifted-but-big-disparities-remain/

5. Data Driven Instructional Protocol (DDI) and Student Learning Objectives (SLO)

The final two changes implemented by the District intended to increase achievement for ELs are the DDI and SLO. The SLOs are now part of District policy and related to a teacher's LEAP rating and tied to student growth. This DPS policy is a response to Senate Bill 10-191 in Colorado which changes the way teachers and principals are evaluated. The Bill supports professional growth that leads to greater student achievement.

Each SLO must contain at least two state standards and three or more performance indicators that are measured throughout the year. Teachers are required to collect a body of evidence for each student aligned to the SLO and report student growth at the end of the school year. The SLO process as described for us is designed to be implemented along a year-long continuum that begins in September shortly after school begins. Teachers determine each student's preparedness based on mastery of the previous year's standards and how well prepared they are for the current year. Teachers then gather a body of evidence over much of the school year to show student progress toward meeting the standards which comprise that classroom teacher's SLO. Based on the body of evidence collected and results of summative measures which are utilized, teachers determine each student's expectation level at the end of the school year. Teachers are strongly encouraged to collaborate with other teachers, grade level teams, and school leadership to determine both the baseline preparation of students as well as their end of school year or course expectations.

At the end of the school year, the teacher is assigned an SLO score by the principal and that becomes part of the teacher effectiveness rating that is used in part to calculate student growth percentage.

We got the impression that teachers receive much support regarding SLOs at their school level site as well as within the district. There is an SLO Resource Bank that provides District model SLOs and examples of performance-based tasks. The ARE Department has assigned an assessment specialist for each content area that teachers and leaders are encouraged to contact directly. Every school in the District also has assigned SLO Leads, teacher leaders, and administrators who can answer questions. The following link provides a short overview of Student Learning Objectives from the DPS website.

<https://www.dropbox.com/s/m4vshdbs0s5rchx/SLO-1-Pager%5B1%5D.pdf?dl=0>

The final issue discussed, albeit briefly, as part of 9.II.C was the change made by DPS referred to as Data Driven Instruction (DDI). Our conversation touched more on the DDI Protocol to Analyze ELD Assessments, the Scoring Rubric for Assessment Tasks, and the WIDA Speaking and Writing Interpretive Rubrics. These tools can be reviewed in the hyperlink which follows:

<https://www.dropbox.com/s/o7ypqjjzwx925t5/ELD%20DDI%20Protocol%20with%20EL%20Achieve%20and%20WIDA%20rubrics%20Revised%20Nov%202017%5B2%5D.pdf?dl=0>

For the past several years, we have heard about DDI and observed it in practice during our many school site visits. DDI is embedded in teaching and learning that leads to improved student achievement through high quality instructional best practices. Teachers, leaders, instructional support professionals, and others we've spoken with and observed at school sites, have been operating under the basic principles of DDI which call for

systematic data collection and analysis of data as the basis for instructional decisions that help improve student outcomes. We've also observed countless examples of data walls, data management software, and data management teams that meet weekly, and professional development associated with DDI including professional learning communities. Additionally, we've interviewed many teachers and leaders who are thoroughly invested in the DDI processes and practices.

Among the many leaders in DPS who have embraced DDI practices and who can speak articulately about the numerous facets that comprise DDI is Dr. Christian Sawyer, Principal at Hamilton Middle School. We have made multiple site visits over the past five years to Hamilton Middle School and discussed DDI practices with the leadership and staff there. On one of the IM's most recent visits to the school, we discussed analysis of student work as part of ISA Teams. The DPS have even recorded a series of DDI video exemplars featuring Dr. Sawyer that are very instructive and can be viewed on YouTube at the following link:

plc.dpsk12.org/video-exemplars-of-ddi-in-action/

During our December site visit, discussion centered on the DDI Protocol to Analyze ELD Assessments since this is one change the District has implemented. Details about the Protocol are available and accessible in the DPS Schoology Module, which is set to only be accessible by DPS staff with DPS email addresses and log-in names due to Colorado's Student Data Privacy Law (Colorado has one of the nation's toughest student data privacy laws which prevents student data from being accessible to any non-DPS entity). We learned however, that the DDI Protocol has been presented to teacher leads, school leaders, and ELD teachers through professional development sessions on multiple occasions. The

DDI Protocol has also been presented during multiple ELD Curriculum trainings and it is provided for all teachers enrolled in the ELA 105A Teacher Qualifications course. During these three professional development sessions and the course, participants go through the entire training module which includes the ELD Scoring Rubric and the two WIDA Interpretive Rubrics covering speaking and writing.

There are three major points that were brought up regarding this specific change. First, after participating in the training, the DDI analysis of ELD Assessments at the building level is typically led by ELD teachers. However, this does vary on occasion since teacher leads and school leaders are also trained on the Protocol and there are times when they have led the analysis work as outlined in the DDI Protocol in collaboration with ELD teachers. Second, the DDI Protocol is used to assess actual student data at school sites as the first step in a process. Third, the Laying Foundation section of the Schoology Module helps teachers and others apply the ELD Scoring Rubric and the WIDA Speaking and Writing Interpretive Rubrics to assess results. Those results are then discussed between ELD teachers in a school or within data teams which use the results to better inform instructional practice for ELs. It is the District's position that basing the DDI process at the classroom level is extremely beneficial for ELLs as it ensures that ELL-specific data are considered by classroom teachers. Moreover, since it is classroom-based, DDI is a shared responsibility of the classroom teacher and the ISA team.

Chapter 9.III.A

Question 9: If parents of an ELL contact the ELA Department asking that Program implementation at a school be investigated as it relates to services for their child, what does the ELA Department do?

We have discussed this issue at different times with various ELA Program staff over the past year and, it was a focus question when we conducted our Central Office Audit of Chapter 9 in December. During the December site visit we designated some time to speak with Mr. Robles and Bridget Galati who, during the 2016-17 school year, had been assigned lead responsibility for overseeing many of the District's obligations regarding PACs and the DAC. We also met separately with Theresa Becker, Executive Director of Family Constituency Services at DPS's Family and Community Engagement (FACE) Department. Both the ELA Department and FACE collaborate on numerous parent and family related activities. Ms. Galati and Ms. Becker are designated from their programs to be the point persons assigned to deal with parent concerns. However, we learned that concerns from parents can come from multiple entry points. At individual schools, concerns may be expressed to a school secretary, parent liaison, the principal, or to members of the PAC. From the data we reviewed when we prepared Report 6, we discovered that complaints or concerns from parents are sometimes expressed at DAC meetings since parents are encouraged to discuss or bring forth any concerns at this forum.

Because concerns can be expressed at multiple entry points, the need for close communication is essential. Once more, ELA Network Partners play a critical role at school sites in addressing and responding to parent concerns. Executive Director Robles (and more recently Nadia Madan) expressed to us that ELA staff, especially the Network Partners, are well aware that when concerns or questions are raised by parents, it is essential that they be addressed in a prompt and timely fashion. We found out from our discussions in December 2017 that at school sites, resolution of parent concerns is often a team undertaking that involves the principal or assistant principal, the ELA Network

Partner, and Ms. Galati. If other persons are needed to help resolve an issue, they identified and invited to participate in problem solving.

Since the time that we conducted our spot audit, several personnel changes have taken place. Nadia Madan is now the ELA Program Executive Director. Additionally, Bridget Galati left the district and moved out-of-state. Hope Flores was assigned her responsibilities and is now the ELA Program Monitoring Coordinator. In preparation for this report, I interviewed both of them by telephone to discuss questions 9 and 10. Ms. Madan made several points that coincided with information that Mr. Robles had expressed previously during our December 2017 meeting. First, there are very few times that they could recall that parents had contacted the ELA Department to ask that the actual implementation of the program be investigated. More typically, concerns are related to placement of a student in the program and clarifying for parents' program options, which is usually addressed by the school principal or assistant. Other types of concerns include parents looking for resources and the ELA point person will work to try and identify sources to address their concerns. Ms. Flores also mentioned to me that in her new role, she has seen a few examples of information getting communicated incorrectly from one parent to another. She mentioned further that if parents contact her and the issue is one of unclear communication, she can resolve the issue by speaking with them in Spanish since she is bilingual.

Question 10: How does the ELA Department record a concern about Program implementation and resolution of that concern? View examples if available.

Several years ago, DPS created an ELA Hotline which provided another avenue for parents to express any concerns that they had. The Hotline has a script that walks parents

through four prompts in both English and Spanish. The first prompt refers to the Summer Academy, the second informs parents to press 2 if they have questions about a letter they received from ELA (the ESSA letter post-Bush), press 3 if they have general questions about ELA services and , press 4 if they have any other type of concern/s. If they press 4, they are directed to FACE and their Family Constituency helpline. There are also prompts for secretaries, for teachers who have questions about ELA classes, and a last one for school leaders if they have ELA related questions. The script in both English and Spanish can be accessed at:

www.dropbox.com/sh/k3u3yth4icpvd1z/AACud8bUDgcbvsqPVPLxB4IMa/Parent%20Concerns?dl=0&preview=ELA+Hotline+Script+7216.docx&subfolder_nav_tracking=1.

Until Bridget Galati left the District, she was the point person assigned to the Hotline and presently, Hope Flores, who is bilingual in Spanish and English, is the person in charge of reviewing those calls and initiating the problem solving next step which follows, just as Ms. Galati used to.

One example that Ms. Flores shared with me is worth noting. A student who had been living in a refugee camp with his mother because the father had disappeared, arrived in Denver and at some point enrolled as a Newcomer at Merrill Middle School. During the course of the year, the student was assessed and found in need of SPED services. The student has an IEP. At the start of this school year, he was supposed to attend George Washington High School. His mother had heard from others about South High School, however, and arranged to have him attend South High School. The problem was that the student had no transportation and his mother wanted to ride the bus with him from home to South for the first month of school. The request for help came into the ELA Hotline and it

was taken by Hope Flores. She asked Nadia Madan to help her and they began to create solutions.

Working through several community-based organizations, they found a Community Navigator who spoke their native language and who has experience working with refugees. Hope made arrangements through DPS to get both the student and his mother a monthly RTD bus pass. She picked up the bus passes prior to the first day of school, took them to the mother's apartment, and made sure that the Community Navigator helped them get to school and back home on the RTD bus during the first week of school. Hope Flores followed up and things are working fine in terms of transportation; both the student and his mother are quite satisfied with South High School. Ms. Flores briefed Nadia Madan and the ELA Network Partner at South High School about this situation and the resolution of the family's transportation issue. As a result, other families of Newcomers have sought help from the ELA Program.

When I interviewed Nadia Madan regarding Question 10, she mentioned that she didn't maintain a log of the actions related to the ELA Hotline, however, she indicated that she did have notes and that "a document trail was available." When I interviewed Hope Flores, I also asked if there was documentation related to the example she described above or any other examples. She noted that she maintains a Note Taker, which is an organizational tool that allows people to keep notes, documentation, etc. Note Takers, sometimes referred to as Note Catchers, come in different formats including Cornell Notes, which provides a template that students often use, as well as self-created ones that teachers often use. She does not maintain a Note Taker or documentation organizer for the ELA Hotline or other requests made by parents. I recommended that she begin to

document concerns or issues that parents raise through the Hotline, via emails, separate phone calls (outside of the Hotline), etc., through a Note Taker or other form of documenting. She agreed that it was a good idea.

Finally, I want to address briefly our conversation with Elizabeth Battle from the FACE Department. She works with the Family Constituency Services at FACE and they too receive calls from parents district-wide. Some of the calls they receive are from parents of ELs. Her Office maintains an actual log of calls referred to as the Incident Report Form and they receive and document calls, referrals, and email inquiries. The IM did not determine how many Incident Report Forms were logged during the report period. The IM only reviewed several Report Forms that were shared with him and that contained redacted information. The issues that were reflected on the forms were conflicts between students. The link that follows provides an example of the log referred to above.

www.dropbox.com/sh/k3u3yth4jcpvd1z/AACud8bUDgcbvsqPVPLxB4IMa/Parent%20Concerns?dl=0&preview=20171218_Parent+Engagement+Screen+Shot.docx&subfolder_nav_tracking=1

FACE staff assign every call a Ticket Number for documenting and tracking purposes. On that log, they list what the issue or incident is that the call is about and a description of the solution they initiated. In her Office, they receive calls that range in topics or issues from housing, to social services, and to specific questions that are school-related such as parent concerns over conflicts between their child and a teacher. They do much of their work resolving conflicts between parents and schools and even mediate in certain situations. I verified through Bridget Galati in early 2018 and later through Hope Flores that FACE contacts them when they receive an ELA-related request. Both confirmed that this indeed

is the case. Also, Family Constituency Services holds group meetings with ELA Network Partners every few months.

Chapter 9.IV.D

Question 11: What is the status of the longitudinal study referred to in CD Chapter 9.IV.D?

In December of 2017, Dr. Nelson and I met with Mr. Robles and two staff persons from the Accountability, Research and Evaluation Department (ARE) in DPS who were leading the Longitudinal Study effort. In terms of our providing an update to the Court since concerns with the Longitudinal Study were expressed by the DOJ and CHE, we learned of several related longitudinal and descriptive studies that ARE has undertaken since 2012. The link to the documentation shared with us by the ARE staff and Jorge Robles is:

www.dropbox.com/sh/k3u3yth4jcpvd1z/AABAX2Gb5lyy9gOkKPZe9qGQa/Longitudinal%20Study?dl=0&preview=2017LongitudinalStudyOverview12_6_17.pptx&subfolder_nav_tracking=1.

During our discussion, we learned seven longitudinal studies (since 2012) have been conducted in order to answer the following two research questions:

1. Are ELs overcoming language barriers within a reasonable period of time?
2. Are Exited and Redesignated ELs participating meaningfully and equally in education programs?

To answer research question number one above, five of the seven studies were undertaken. What follows is a description and summary of results for the five studies. Following that are a description and summary of results for two additional longitudinal studies that were designed to answer research question number 2.

Long Term EL Longitudinal Study (2016)

The ARE Department examined data for 2,602 students who were continuously enrolled Spanish speaking ELs at some point during a time period from 2007 through 2015. ARE Department researchers found that Bilingual programming is effective. More specifically, one finding is that for every year between kindergarten to fourth grade that a student receives bilingual instruction (Spanish and English), they are 23% more likely to be successful. Success was defined as students who become English proficient and reclassified by 8th grade, are proficient in literacy, or making expected progress toward language acquisition.

A second finding is that reading proficiency is critical to student success. The study determined that as early as kindergarten and third grade, the receptive levels of students predict whether they will be successful.

Early Literacy Longitudinal Study (2017)

In this second study, ARE examined data from 2013-2016, for 5,828 continuously enrolled students in kindergarten through third grade or first through fourth grade. Findings from this longitudinal study again show that instruction in two languages is effective. For every year between kindergarten and third grade that a student receives bilingual instruction, they tend to score .04 performance bands higher on CMAS Literacy when compared to Spanish speaking ELs not receiving bilingual instruction. In addition, ARE found that Spanish speaking students who take Second Language Acquisition score

1.04 performance bands higher on the CMAS Literacy exam than if they take English language acquisition at the end of third grade.

ACCESS Trajectory Predictive Modeling (2017)

Although ARE shared with us the results of one year of data (2017), they examined 20,421 students who were ELs with an ACCESS Trajectory Status (on or off-track). Again, they shared with us that their findings point to the effectiveness of bilingual programming. The study found that by the end of third grade, students who receive bilingual instruction (Spanish and English) in elementary grades are 68% more likely to be on-track and score 1.04 performance bands higher on CMAS Literacy than if they are only in English language acquisition classes. Second, students who receive bilingual instruction in middle school are 208% more likely to be On-track.

ACCESS Trajectory

In this study, ARE examined four years of data through 2014 for students who had at least two years of data and were ELs with an ACCESS Trajectory Status, either on or off-track. There were five findings that were shared with us. First, ELs are acquiring language and progressing through the Trajectory. Second, the DPS On-track rate increased to 65% in 2017. Third, students who receive ELA-S instruction are most likely to be On-track. Fourth, ELA programming has shown to have a positive effect on language acquisition. Finally, data revealed that there is a positive relationship between On-track status and CMAS Literacy scores. Students who are On-track are more likely to be proficient in CMAS than those who are Off-track.

Redesignation Study (2017)

In this fifth longitudinal study, ARE examined data for all English language learners enrolled in DPS and redesignated in DPS over a 12 year period from 2005-2017. The major finding from this study is that English learners in DPS are in the ELA Program for an average of 5.8 years prior to redesignation.

The second research question that the district examined was whether Exited and Redesignated ELs participate meaningfully and equally in education programs. To address this research question, DPS through its ARE Department undertook two more studies. Following is a description of each of the two studies and a summary of results.

TCAP and CMAS PARCC Study (2017)

The ARE Department examined data for DPS and State students' performance on TCAP Reading, TCAP Writing, TCAP Math, CMAS English Language Arts, and CMAS Math over a 12-year period from 2005-2017. One stated outcome of this study was to determine the percentage of English learners (defined as students currently receiving ELA Program services, redesignated students, and exited students) meeting expectations on the CO English Language Arts Assessment.

Although ARE staff who met with us provided a number of examples of data they examined, there are the three major findings from this study. First, ELs in DPS performed lower than ELs in the rest of Colorado in Reading, Writing, and Math between 2005 and 2013. ELs in DPS were catching up with ELs in Colorado over this eight-year time period and in 2014 the district's ELs caught up to the state ELs and then surpassed them after 2014. The staff from ARE pointed out to us that, as a second finding, catching up to and eventually outperforming the state in CMAS displays the District's accomplishment in ensuring their ELs met academic standards and are able to participate meaningfully. A

third finding suggests that when looking at differences between ELs and non-ELs, both DPS and Colorado have decreased the gap between the percent of non-ELs meeting expectations on TCAP and CMAS from 2011 to 2017.

SEAL of Biliteracy Study (2017)

The District examined nine years of student data for 12th graders in DPS who received the Seal of Biliteracy in 2017 and 2016. This study compared SEAL and Non-SEAL graduates in terms of assessments, Advanced Placement (AP), Concurrent Enrollment (CE), and college enrollment. In addition, ARE reviewed SEAL recipient and non-recipient performance on state assessments as third, fifth, and eighth graders. Although this is a descriptive study, ARE pointed out that 73% of students who received the SEAL of Biliteracy are redesignated or exited English learners. There were a number of findings from this study that are worth reporting:

- Students who received the SEAL had higher proficiency rates on CMAS ELA compared to students who did not receive the SEAL.
- Students receiving the SEAL had higher average ACT scores than students who did not receive the SEAL. SEAL recipients averaged 22 on the ACT composite.
- SEAL recipients outperformed their peers at eighth and third grade levels in both TCAP Reading and Writing.
- SEAL students take more AP and CE courses. 82% of SEAL students who took AP tests passed them.
- 86% of SEAL graduates who enrolled the Fall semester after graduation attended four year colleges in 2017 and 71.8% of the class of 2016 did so as well.

- 82% of SEAL of Biliteracy graduates who enrolled in college attended college in Colorado.

At the closure of a very informative meeting with the ARE Department staff, they shared with us several additional methodologies that they are considering to answer the two central research questions which I noted above. These methodologies being considered are in draft form and will merit a series of discussions with the parties to discuss them in more detail.

First, in order to determine if ELs in DPS are overcoming language barriers, a longitudinal cohort study is being considered that will answer three questions. First, how long does it take a DPS student to redesignate? Even though this question was answered in the Redesignation Study of 2017, ARE is asking this research question again in the proposed longitudinal cohort study. Second, what are the characteristics of students who redesignate? Third, what are the characteristics of students who are consistently on or off-track?

Finally, ARE discussed the need for a longitudinal predictive analysis of high school grades in order to address whether ELs in DPS are participating meaningfully and equally in education programs. To accomplish this, ARE identified four questions that might anchor this study. First, how do redesignated or exited ELs compare with their non-EL peers on measures of student engagement? Second, what are the characteristics of ELs who exceed and fall below typical levels of engagement? Third, does time of redesignation relate to later educational success? Last, how does programming relate to later education success?

CHE offered some suggestions regarding ARE's potential longitudinal predictive analysis of high school grades that the IM believes merits consideration: "A longitudinal study would need to look at all ELs, ever ELs, redesignated ELs, and long-term ELs and compare their content performance with never ELs and both state and district levels. While many students are 'on track' to meet the 5.8 year average time to redesignation, it appears that many are not and their performance must be included in the analysis."

School Based Spot Audit

As noted at the beginning of this section of the report, data and information were collected from different sources. The majority of the information presented up to this point was gathered from meetings, interviews, and document review at the DPS Central Office. As part of our spot audit of Chapter 9, we also collected information at school sites. The results of that effort follow below. Our school-based data collection regarding Chapter 9 was intended to contribute to our understanding of CD obligations under 9.II and 9.III.

The data we collected at the eight school sites are presented in Tables I, 2, and 3 which follow. Using a format consistent with one we followed in preparing Report 6, we cite the question tied to a CD requirement from Chapter 9 that we asked teams of respondents at each of the eight school sites, then present their responses in a corresponding table. After each table, we present a short summary of the data we collected.

During November 2017 when we conducted a spot audit of Chapter 1 of the CD, we identified three requirements from Chapter 9 that we felt we could pose to school leadership teams as well. The results of our information gathering is presented in more graphic fashion based on our interviews. After our Chapter 1 spot audit was completed at

each of the school sites, we informed the leadership teams that we were going to ask three questions (8, 9, and 10) related to Chapter 9 (II and III) as part of our overall data collection at that school. Following are the results of our data collection at the eight school sites.

Chapter 9.II

Question 8: Which of the following are used to measure ELL students' progress toward DPS curricular goals?

Table 9.1

Measures of ELL Progress Toward DPS Curricular Goals	Number of Schools	Percent
Ongoing classroom assessment	8	100
Teacher observations of student performance	8	100
Student performance on interim and state assessments	8	100
Other:	8	100
Early Literacy Assessments	1	13
Ongoing conversation with teachers (based on monitoring of MTSS tracker)	2	25
Student self-monitoring	2	25
Progress monitoring in English and Spanish using I-Station	2	25
Lucy Calkins writing curriculum	1	13

On our spot audit checklist, we listed three types of measures that the respondents could check-off to determine how progress toward District curricular goals were assessed. A fourth option that each school could check-off was Other, and in our on-site interviews, we discussed school specific responses with the teams that met with us. As Table 9.1 illustrates, at the eight schools we visited, all of them (100%) noted that they use ongoing

classroom assessments to determine progress. When we asked for examples, several schools actually showed us records of the number of ongoing classroom assessments. One team in particular noted that as of that date in December, they had done nine formative and three interim classroom assessments with the goal that 100% of ELLs in the school would perform one performance band higher than the previous year. Additionally, eight of eight school teams (100%) indicated that they use teacher observation of student performance and student performance on interim and state assessments to also measure ELL students' progress toward the DPS curricular goals. Responses to these three categories of measures of ELL progress are consistent with what we have observed in classrooms at many schools over the past several years.

Where we saw variation in responses was on the item Other. For example, one school responded that they use Early Literacy Assessments (13%) to measure ELL students' progress and when pressed to show us examples, they pointed out on their data wall a Development Map for Student Reading Growth as evidence. Two schools (25%) responded that their schools have ongoing conversations between teachers to measure progress. Both schools noted in our interviews that they use the MTSS Tracker, which is a monitoring tool, to guide those conversations. Two schools (25%) noted that students do self-monitoring to actually track their own progress and one school elaborated that, as part of this self-monitoring, students graph their own progress and this becomes the basis for conversations between students and teachers. One assistant principal shared with us that "we believe that everything that is in a student's body of evidence is something for us to look at through a consistency lens," to determine progress toward meeting District goals.

Finally, two schools of the eight (25%) stated under Other that they do progress monitoring in English and Spanish using I-Station. Last, one school's (13%) Instructional Leadership Team cited the Lucy Calkins Writing Curriculum. Lucy Calkins is a highly regarded literacy educator and her writing workshops have been adopted in classrooms nationwide. In summary under Other, eight schools cited five different measures of ELL progress for meeting DPS curricular goals with some measures such as student self-monitoring being identified by more than one school.

Question 9: How are parents of ELLs provided information about their child's performance in a language they understand?

Table 9.2

Ways that ELL parents receive information about child's performance in language they understand.	Number	Percent
Standards-based progress reports	8	100
Conferences with teachers	8	100
Results of district assessments	8	100
Other	8	100
Phone calls with parents	5	63
Text messages	1	13
Home visits by bilingual staff	2	25
Weekly planners (students write down work due and parents sign)	2	25
Equity Committee meetings	1	13
Report cards	2	25
Formal conferences with parents (required by MTSS)	1	13

At PAC meetings, parents encouraged to ask questions	1	13
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Regarding our inquiry at the eight schools about ways that parents receive information about their children's performance in a language that they understand, 100% of the schools reported that standards-based progress reports are one of several means. Without prompting, two of the schools mentioned that progress reports are shared with parents at ELA PAC meetings and interviewees at one of the two schools indicated that their ELA Partner does an excellent job of providing parents with as much information as possible about student progress. One of the schools mentioned that their progress reports are in both Spanish and English and two of the schools shared with us that standards-based progress reports go out to parents with online report cards and that teachers are frequently in contact with parents through phone calls and parents stopping by the school to talk.

All eight schools (100%) cited parent conferences with teachers as being another way that they share information about student progress with parents. Two schools noted that interpreters are present when parent-teacher conferences are scheduled if needed. One of these two schools elaborated that the principal requested an interpreter for Portuguese speaking parents on several occasions to discuss student progress. Another school mentioned that CMAS scores are discussed with parents at one of the scheduled ELA PAC meetings. At one of the schools we visited, a parent-teacher conference was actually taking place and we were able to sit in the meeting for a few minutes. After reviewing a first draft of this report, DPS pointed out that these responses were provided to an open-ended rather than a selected response (or multiple choice) interview item, and that more

than two schools likely would have stated they used interpreters had that choice been provided to them. Our experience has been that school staff or teachers who are bilingual often interpret for parents, and when they are not available interpreters from DPS are made available.

The third item that interviewees at all eight schools (100%) responded to affirmatively as a way of sharing progress-related information with parents was results of DPS assessments. As we discussed this further at the eight schools, two principals apprised us that results of district assessments go out to parents with a letter explaining those results both in Spanish and English. A third school specified that "CMAS and PARCC results in English and Spanish are shared with every parent in writing." Finally, one school mentioned to us that Friday Folders are sent home with students and there is always an invitation extended to parents in Spanish and English to stop by the school at any time to speak with the student's teacher about their progress.

When we asked the eight schools if there were any other ways that ELL parents receive information about student progress, we received a variety of responses. Notably, some schools listed more than one way that parents of ELLs receive information about their children's performance in a language they understand. Five of the eight schools (63%) identified phone calls with parents as a frequent means of communicating while one school (13%) cited text messages as a frequent form of communication. Two schools (25%) responded that they use home visits as ways to communicate with ELL parents. Two schools (25%) noted that they used weekly planners where students identify work that is due and then parents are required to sign them. Two schools (25%) also specifically mentioned that report cards are an effective way to communicate student progress.

13% of schools made very specific references to meetings as a means of communicating with parents. One school identified their Equity Committee Meeting as a vehicle for communicating, a second school made reference to more formal meetings with parents that are required by MTSS, and a third school mentioned that their ELA PAC meetings are one of the most effective ways that they've found to communicate directly with ELL parents.

In summary, the eight schools identified 15 Other ways that parents of ELLs receive information about their children's performance since some of the eight schools listed more than one way. Schools were not limited to the number of ways under Other that they could identify.

Chapter 9.III

Question 10: If parents question whether their child is being served as required by the CD, what does the school do?

Table 9.3

What school does if parents question whether their child is being served per CD requirement.	Number	Percent
Principal would address any concern	3	38
School would schedule meeting with principal and parents and review concerns	1	13
Talk to family, involves ILT and, seek support from ELA Partner if necessary	1	13
Other	3	38
If it ever happened, follow protocol that the district outlines	1	13
Open door policy is in effect and parents always urged to express concerns	1	13

Staff advocates for students and families to ensure the child is served as required by CD	1	13
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Principals at five of the eight schools we visited qualified their response to Question 10 by offering that they did not know of one single instance where parents of ELs had ever posed questions regarding their children being served by the CD. Due to time limitations, the IM did not verify that parents at these schools knew of the CD and what it entailed for their students. Principals at those five schools then described what they would do if asked the question by parents. Three different responses were provided by interviewees at these five schools. At 38% (3) of the schools, the response to our question was that the principal would address any concerns regarding the CD that a parent might bring to them. One interviewee (13%) stated that the school would schedule a meeting with the parents in her role as principal and review their concerns. Another school team (13%) shared that if this were to occur, the school would talk to the family, involve the Instructional Leadership Team (ILT), and seek support from their ELA Network Partner.

Other responses that we received from three of the eight schools included one response (13%) where we were informed that if this were to ever occur, they would follow the protocol that the district outlines. When we probed as to what that protocol was, the response was that the school would contact the ELA Program and seek their guidance. At one other school (13%), the principal asserted that her school has an open door policy and parents are constantly urged to express any concern they have to school personnel. Finally, at one of the eight schools (13%), the principal noted that her staff advocates for EL students and their families to ensure that their children are served as required by the CD.

We should note that we received many comments from Principals and Assistant Principals regarding question 10. At the school where the response was that staff advocate for students and families, the principal went on to say that, "(the high school's) students understand the Consent Decree because we have shared it with them and have made specific connections between what happens in the classroom and the Decree." Another principal stated very assertively that, "We believe in the CD. We have a fundamental belief at this school that best practices are in-place for ELs. " She went on to stress that, "We communicate to parents that we want our students to become bilingual, bicultural, and biliterate." Finally, one of the eight principals informed us that "the school has never been asked this before, but if the question were surfaced by parents of students at Northfield, the school would schedule a meeting with her for the family to meet and discuss their concerns." She went on to say that, "The school would review the concerns and determine what appropriate strategies and/or scheduling practices need to be implemented to better support the students, in collaboration with all teachers, to ensure that strategies are being implemented both inside and outside the classroom."

Summary

We collected data based on our Chapter 9 Spot Audit Checklist at 10 school sites and at the DPS Central Office as well. We utilized a combination of data gathering activities including interviews with on-site school personnel, ELA Program staff, and District staff; document reviews; and meetings where information was presented by District staff from departments outside of the ELA Program. We devoted several monthly site visits to our effort to gain a better understanding of DPS' progress in meeting the requirements of Chapter 9.

Our findings suggest that DPS has made a great deal of progress in meeting its obligations as required in this chapter. First, the District has made major strides from just three years ago to the present in identifying, reviewing, and adopting core content instructional materials in English and Spanish that align with the Common Core State Standards. In achieving this goal, the collaboration between the Department of Curriculum and Instruction and the ELA Program is notable. Spanish language supplemental resources are now more available to schools, site based budgeting at school sites allows for easier access and purchase of supplemental materials, and the C&I Department has expanded its use of digital print and resources to supplement core content instructional materials used in the ELA Program.

Second, our review of data and multiple observations of Teacher Qualifications courses show DPS is doing an excellent job of providing content that is both strategic, research based, and applicable for teachers enrolled in the TQ coursework. The ELA Program has followed and implemented the majority of recommendations made by the DOJ consultant in this area and the quality of instruction that we viewed during our observations was high. Equally important however, the TQ program evaluation criteria is clear, concise, and being utilized not only to meet program requirements but also to inform the ELA Department on ways to improve and enhance the quality of courses and the applicability of the content delivered.

We were impressed with the direction the District has taken in assuring that they monitor every school's compliance with CD requirements covered by the Program Review and that we spot-audited during the time period covered by this report. To this end, the ELA Strategic Management System now requires the review of every school's ELA Program

every year. It is the outcome of these reviews that leads to the creation, and any future modification, of an ELA Service Plan. It is this service plan that guides the efforts of the ELA Network Partner at each school. Moreover, the implementation of these service plans is now tied, in part, to the evaluation of administrators at every school. When schools are found to be non-compliant with CD requirements across three domains, these issues are identified at the end of each school year and corrective plans put into place. Critical supports to meet these deficiencies are developed by the ELA Network Partner, the IS, and a school's leader and they become the key element of the ongoing ELA Service System cycle for the following year. This new system of CD compliance monitoring has evolved over the past several years and has qualitative and quantitative qualities that are important and essential to better implementation of the CD obligations by the District.

Additionally, and related to monitoring, DPS is currently implementing an ELA Support System which includes a monitoring plan that uses five key progress monitoring practices. As a result of the implementation of this ELA Support System, a number of changes are now either being pilot tested or implemented by DPS to determine their efficacy in meeting ELA student needs. These include; Project Esperanza, a Co-Teaching and Rigor ELD pilot, improved Gifted and Talented student identification practices, and Data Driven Instructional Protocol and Student Learning Objectives initiatives to improve teacher instructional practices for ELs.

A fifth area that we examined has to do with the District's handling of parent concerns. Although our review of this area was limited by time, we didn't see or hear of parents expressing specific concerns about ELA Program implementation. Most respondents were clear on the actions they would take if these type of concerns were

expressed by parents and how individual schools would go about resolving such issues.

The District does have in place, however, a hotline for parents where they can leave phone messages with questions and concerns and the ELA Department actively monitors that hotline. We did discover that the ELA Department could do a better job of tracking the numbers and types of concerns or questions it does receive on that hotline. We proposed this as a suggestion to the person charged with monitoring the hotline and she agreed that it was a good idea to maintain better documentation. One significant problem solving situation was provided to us that involved a refugee student and his mother's desire to have him transfer to another school. From our understanding of this concern, the ELA Department went above and beyond their role in helping this student and his parent and included identifying a Community Navigator who helped the family and the District resolve the issue expressed.

Last, the District through its ARE Department continues to engage actively in addressing the requirement of completing a Longitudinal Study referred to in Chapter 9. Director Jorge Robles worked very closely with staff and researchers at the ARE Department to expand the previous Longitudinal Study effort into a model that includes additional pilot studies and smaller yet related longitudinal studies. These changes and modifications are now driven by two key research questions:

1. Are ELs overcoming language barriers within a reasonable period of time?
2. Are Exited and Redesignated ELs participating meaningfully and equally in education programs?

In addressing the first research question, ARE has undertaken five studies. Perhaps the most noteworthy of these five studies is the one dealing with ACCESS Trajectory. We

learned that based on ARE's findings, ELs are acquiring language and progressing through the Trajectory. Second, the DPS On-track rate increased to 65% in 2017. Third, students who receive ELA-S instruction are most likely to be On-track. Fourth, ELA programming has shown to have a positive effect on language acquisition. Finally, data revealed that there is a positive relationship between On-track status and CMAS Literacy.

Two additional studies are being conducted to address the second research question. Those two studies are the TCAP and CMAS PARCC Study and the SEAL of Biliteracy Study. The results of the TCAP and CMAS PARCC Study revealed some interesting and positive results based the findings shared with us. First, ELs in DPS performed lower than ELs in the rest of Colorado in Reading, Writing, and Math between 2005 and 2013. ELs in DPS were catching up with ELs in Colorado over this eight-year time period, and in 2014 the district's ELs caught up to the state ELs and then surpassed them after 2014. The staff from ARE pointed out to us that, as a second finding, catching up to and eventually outperforming the state in CMAS displays the District's accomplishment in ensuring their ELs met academic standards and are able to participate meaningfully. A third finding suggests that when looking at differences between ELs and Non ELs, both DPS and Colorado have decreased the gap between the percent of non ELs meeting expectations on TCAP and CMAS from 2011 to 2017.

As noted throughout this section of our report, Chapter 9 was one of the most challenging chapters to spot audit that we have encountered. Based on our findings including the evidence presented in this section of our report, we suggest that the DPS is meeting the requirements of Chapter 9 of the CD. As we have also noted in other places in this report, our findings regarding CD Chapter 9 are based on the sections of that chapter

for which we were able to collect data and could be verified through the collection of additional direct evidence that the systems and services described to us during interviews are being implemented as required by the CD.

CHAPTER 10: DURATION OF CONSENT DECREE, ENFORCEMENT, AND REMEDIES FOR NONCOMPLIANCE

Method

During the week of March 3-5, 2018, we conducted the last of our spot audits for the timeframe covered by this report. The primary focus of our site visit was to complete a spot audit of Chapter 10, the final chapter of the Consent Decree. In preparing for the spot audit, we reviewed the obligations of the District under Chapter 10 and we chose to concentrate our efforts on gathering information, conducting interviews, and reviewing documentation related to requirements 10.D, 10.E and, 10.F. Rather than create a spot audit checklist as we've done previously, we instead crafted four questions related to these three requirements and used them to guide our discussions and information gathering.

More specifically, we posed the following four questions to the District:

1. Describe how DPS has addressed Chapter 10.D., the requirement that the District make reasonable efforts to preserve electronic and hard copies of information and data related to its compliance with the CD.
2. How has DPS's data management system related to the CD evolved since 2012?
3. What challenges has DPS faced in complying with 10.D and how have those challenges been met?
4. What site visits to the District has DPS hosted since 2012 as referred to in Chapter 10.E and 10.F?

In addition to the four questions above, we also identified nine questions that entailed possible issues for follow-up by Dr. Nelson when he assumes the IM role. These

questions are ones we aggregated from numerous site visits over the past several years. The questions are related to various CD requirements and deal with issues such as ELA-PACs, follow-up progress to Chapter 7 concerns, status of the Small TNLI schools model, the School Performance Framework (SPF), and others. The purpose of identifying these nine questions is two-fold. First, these questions are related to the obligations of DPS under the CD, and Dr. Nelson and I had interest in getting updates from the district on how each question was being addressed. Second, these are questions that could help define the role of the IM in coming months. Although we do not provide updates to these questions in this report with the exception of one, The Six Concerns section, they are listed in Appendix F which follows.

Finally, we did not make any school visits during the March 2018 site visit. Our information gathering all took place at the DPS Central Office. Members of CHE were invited to join us for all of the sessions over the three-day period that we were there and several of them did. We also held a meeting with CHE members after our last session on Wednesday afternoon, March 5th.

Following is the information we gathered over the site visit. Table 10.D.1 is correlated to question 1. Table 10.D.2 relates to questions 2 and 3, and Table 10.D. 3 and 10.D. 4 refer to question 4. After each table, a discussion follows. Due to the amount of information in the first two tables, they are provided in landscape format.

Table 10.D.1

Preserving Electronic and Hard Copies of Data and Information

CD Chapter	Description	Report/Data Point	'12 - '13	'13 - '14	'14 - '15	'15 - '16	'16 - '17	'17 - '18
Ch. 1	Information on what the school program is, the number of students at the school and if the students are receiving the appropriate instruction.	School Program and the number of students	This is reported in CD report 9VA2 in January and July each year from data collected and maintained in the ODS by the District's Department of Technology Services. The report is also validated by the Accountability, Research and Evaluation (ARE) team.					
		Service Percentage Students scheduled in ELD Students not scheduled in ELD Missing HLQ and PPF	Monitored but the data was not archived			Report saved in share drive	Report saved in share drive and is archived weekly. Emails sent in response to reports are maintained in Outlook.	
Ch. 2	Information the ISA Team uses to make recommendations to the ELA Department consistent with this MCD, supported by objective evidence, regarding Program entry, redesignation, and or reentry, and change(s) in services. *Includes student monitoring (Ch.3), Redesignation and Exiting (Ch. 4), ISA Training (Ch. 5)	Life cycles of an ELL (LCE) evidence related to identification, monitoring, or redesignation	Archives of actual Bodies of Evidence such as writing samples may be stored at schools			Body of Evidence and data relating to ELL stages are in Infinite Campus (IC), for example a student's ACCESS scores, assessment data and grades		
			Schoolnet archives who completed ISA team training			The online Moodle archives who completed training		
			ELAWeb App archived who was on the ISA team					
			Redesignation triggers are saved in the share drive State assessment results are saved in Infinite Campus (IC)					

CD Chapter	Description	Report/Data Point	'12 - '13	'13 - '14	'14 - '15	'15 - '16	'16 - '17	'17 - '18
Ch. 3	Student screening and placement	HLQ and PPF	Data are archived in infinite Campus (IC) Actual HLQ and PPF forms are archived in various locations and are accessible to ELA at any time (including PPF3 forms). Past versions of videos or brochures are archived by the ELA department.					
		WAPT	Results are in Infinite Campus (IC) and item level details are in Oasis					
		Translation / Interpretation	Reported in 9VC21 and repository of essential documents is located online at: https://multicultural.dpsk12.org/Pages/mdr.aspx					
Ch. 5	Information on the Personnel and Training to serve ELLs	Teacher Qualifications and Training Courses	ELAWEB App for teachers who take District Teacher Qualification classes. Status of teachers with appropriate Master's Degrees or state certification is recorded in District Human Resource Information System called Infor GHR where most employees file information is maintained.					
		Teacher Waivers	N/A	Saved in ELA Share Drive				
		LEAP Results	Pilot year	Info GHR has results maintained for each teacher SSRS Data Reports-LEAP team accesses data to analyze				
		End of year LEAD evaluations	Info HR - individual forms on the employee record under talent profile DPS Data Mart - Individual ratings to be able to pull together into a report					
		Hiring	N/A	Recruiting Metrics Report				
		Spanish Speaking Counselor Notification	The ELA Department has the archived letters and list of students					

CD Chapter	Description	Report/Data Point	'12 - '13	'13 - '14	'14 - '15	'15 - '16	'16 - '17	'17 - '18
Ch. 6	Information on Parent Engagement	PAC at every school	Reported in 9VC22 for top 40 schools only				Reported in July 9VC22 and school detail is archived in share drive	
		DACs	Archived in share drive July 9VC20					
Ch. 7	Information on considerations related to Special Education/504 and services for ELLs	Annual IEP	Archived in Enrich					
		Annual 504 Plans	Hard copies archived with 504 team				Enrich	
Ch. 8	Information on Charter Schools	Renewals	Archived on the DPS Board Docs for public viewing					
		ART Process	Archived on the DPS Board Docs for public viewing					
		ESS for Charters	Archived in google drive					
Ch. 9	Reports to the parties	Ch. 9 CD Reports	Archived in share drive (January, July, March and September)					
		ESS	Reported in July 9VC22 on select schools (generally 30-40 a year) Also archived in the ELA Web App				Reported in July 9VC22 and school detail is archived in share drive	

Discussion

Question 1: Describe how DPS has addressed Chapter 10.D., the requirement that the District make reasonable efforts to preserve electronic and hard copies of information and data related to its compliance with the CD.

Prior to our March 2018 site visit, we posed this question to the District. Further, we asked for this to be a specific agenda item to discuss during the visit and urged the ELA Department to provide us any relevant documentation to support the fact that DPS was making a reasonable effort to preserve hard copy and electronic records of information and asked that they discuss this with us during the visit. The DPS provided us with a three-page document that constitutes Table 10.D.1. In reviewing this table while preparing Report 7, we made the decision to leave the table as it was presented to us because the information was organized by CD chapters, identified key data points, and provides reference to supporting evidence over a six- year period beginning with the 2012-2013 school year through the 2017-2018 school year. Much of the data summarized in Table 10.D.1 is from the IC, to which the parties have access. Access by the parties to additional databases could be further discussed with the District (the IM has seen most of the underlying databases for the information in the table).

The critical information that is described under Chapter 1 of the CD in terms of information and data preservation is what gets reported in Report 9VA2 to the parties in January and July of each year. Specifically, we refer to information on the school programs, number of students and the appropriateness of the instruction they receive. The key data points are total number of students, service percentage of students scheduled and not scheduled in ELD, and missing HLQ and PPF information. The school program and number

of students is found in the 9VA2 Reports which I reviewed dating back to the 2013-14 school year when I was appointed as the IM. Unfortunately, data related to students who received ELD and those who didn't from 2012-13 through the end of the 2014-15 school year was not archived. This has been a major source of contention for both CHE and the DOJ who have criticized DPS for not archiving these data. Beginning during the 2015-16 school year, the service percentage data and information relative to missing HLQs and PPFs was saved in a district share drive. With the full implementation of the ELA Department's automated system, this critical information on service percentage and ELD enrollment is presently saved in the share drive and has been archived weekly since October 24, 2016. We have seen evidence of this on multiple occasions through discussions with and demonstrations by ELA Program Quality Assurance staff.

Chapter 2 of the CD is related to the ISA Teams and has implications for program entry, redesignation, and exit or reentry, as well as changes to services. These data points serve as the nucleus of what the ELA Program refers to as the Life Cycle of an ELL, and the district now collects information relative to identification of ELLS, the monitoring of these students, and redesignation information. From 2012-13 through 2013-14, information regarding those data points was archived in multiple ways. Two data management systems, Schoolnet and ELAWeb Application were the data bases where ISA Team training information was maintained and identified who served on ISA Teams at schools. Actual bodies of evidence including writing samples of students were archived and stored at some school sites and even in the district's data warehouse. Beginning in 2015-16 and with the full implementation of the ELA automated system, student bodies of evidence are stored in Infinite Campus, as are ACCESS scores and other assessment data. We reported on this in

Report 6 when we spot audited ISA Teams. All ISA Team members now undertake their required ISA Team training every year through an online Moodle which is structured to archive information related to all persons who complete the ISA training.

CD Chapter 3 information, which is tied to the screening and placement of students, is stored in several places. DPS uses and reports on three major data points. One of those is data related to the HLQ and PPFs of students. A second data point is the WAPT and a third is translation and interpretation services provided for students and families. The HLQ and PPF data are archived in Infinite Campus and the actual PPF and HLQ forms are archived in various locations. We saw evidence of the data archived in IC. The DPS currently administers the WAPT and the results are in IC and also in the data management system called Oasis which ARE uses. Colorado is shifting away from the WAPT beginning in fall 2018 and adopting the WIDA Screener as part of the process of ELL identification, and those data will also be maintained in IC and Oasis. Information regarding translation and interpretation services is reported to the parties in Report 9VC21 and located online at a repository of essential documents. The hyperlink which follows contains examples of the material in the repository and can be accessed at:

<https://www.dropbox.com/s/0kf9x16klgxfwuj/MulticulturalServicesRepository.docx?dl=0>

We were able to review HLQ, PPF, WAPT, and translation information on IC and the web link provided. We did not ask the ARE Office to show us first-hand archiving of WAPT scores on their Oasis system, but know from previous interviews with School Assessment Leaders that they submit WAPT scores to ARE, which reports on item-level details.

Information on the Personnel and Training to serve ELs is the core of CD Chapter 5. There is a substantial amount of information generated from various reports and data

points that comprise this chapter. Table 10.D.1. identifies six of those data points, including teacher qualifications and the training courses that cover the requirements that teachers must meet, teacher waivers, LEAP results, LEAD evaluations which occur at the end of each school year, hiring of personnel, and Spanish speaking counselor notification. We learned that one system that is central for maintenance of personnel records is found in the DPS Human Resources Office and is called Infor GHR. It is in this information system that most DPS employee files are maintained. The ELAWeb Applicaton or App for teachers who take the qualifications classes, teachers who have appropriate Master's degrees or state certification is all recorded in the Infor GHR system. Teacher qualification and course-related information for those personnel who serve ELs has been collected since the 2012-2013 school year. Information regarding teacher waivers, also part of CD Chapter 5, has been saved in the ELA Share Drive since the 2013-2014 school year.

The DPS uses two major evaluation systems to assess the growth and performance of district teachers and school leaders. The teacher system is called Leading Effective Academic Practice (LEAP) and measures growth and performance of all teachers in the district. Similarly, the Leadership Excellence and Development (LEAD) structure measures growth and performance of school leaders by rating them on several indicators tied to student growth and professional practice. LEAP results are a central data point of CD Chapter 5 and information for each teacher in the district beginning with the 2013-2014 school year through the present is maintained in the Infor GHR system maintained by the Human Resources Department. The LEAD system for measuring the growth and performance of school leaders has been scrutinized by the parties over the past five years. Information regarding school leaders' growth and performance that comes from LEAD

evaluations goes directly to the ELA Department in preparation for the January and July reports that get submitted to the parties. The HR and LEAD Program persons who met with Dr. Nelson and I discussed the maintenance of evaluations in the Infor GHR system and showed us where in their system the employee records are maintained. The DPS-created Data Warehouse that I referenced earlier has a system called the Data Mart where ratings of school leaders are stored and these data can be retrieved for various reports. LEAD data for school leaders has been collected and maintained within DPS for the past six years.

The Human Resources Department representatives who met with us discussed in detail the hiring processes the district undertakes to meet personnel needs. The hiring of teachers, leaders, and other personnel who serve English learners has been discussed numerous times over the past five years in other meetings and presentations as well. The entire human resources effort in DPS is large, complex, and involves numerous persons, departments and teams. The CD makes it clear that the district must make all efforts to recruit and hire personnel who serve ELs and we gathered from the documents that they provided us, in discussions with recruiters, and conversations with DPS leadership that district continues to explore ways to meet this requirement. As part of its effort to address CD Chapter 5 requirements, the HR Department has created what they call the Recruiting Metrics Report which contains much of the critical information related to hiring of personnel. This Report contains information dating back to the 2013-2014 school year.

A final data point specified in CD Chapter 5 is the Spanish speaking counselor notification. More specifically, the CD requires the district to provide parents of ELs in TNLI schools with written notification of the availability of Spanish speaking counselors at

their child's school or administrators who are Spanish speaking and fulfilling this obligation. The ELA Department maintains an archive of the list of students affected by this requirement and the letters of notification that are sent to parents. The ELA Department provided us with access to these archived letters.

Table 10.D. 2 and the discussion which follows addresses questions 2 and 3. Question 2 is: How has the DPS's data management system related to the CD evolved since 2012? Question 3 asks: What challenges has DPS faced in complying with 10.D. and how have those challenges been addressed? During our March site visit, the ELA Department prepared a document that addressed these two questions. Since we felt that the document did a good job of providing us with answers to these two questions, we duplicated it and present the information in Table 10.D.2.

We spent the entire day on March 5th discussing all four questions that we posed. During our discussion, the ELA Department provided us with a number of supporting documents or showed us on their computers where supporting data was stored, maintained, or archived that we could see. Many of those data bases are ones we don't have access to. For example, the Principal Portal and Infinite Campus are examples of databases that we rely on ELA Program staff to provide us access to through their work computers.

One of the greatest challenges that the DPS has faced during the past five years is the management of an enormous body of data. An equally challenging subset of the larger district data issues is the creation and maintenance of a data management system related to the CD that the ELA Program oversees. In 2012, such a system didn't exist and the only solution was to create one. This required not only a substantial amount of fiscal resources,

its success was incumbent on designing it, making it operational, training staff not only in the ELA Program but even teachers and support staff on using it, and interfacing it with the larger district databases. The maintenance of this system required a very high level of interaction between computer programmers, information technology specialists, ELA Program staff, other DPS offices and programs such as ARE, and end users such as ISA Team members who upload bodies of evidence of students into the system at the local school level.

The Denver Public Schools has over 93,000 students enrolled with nearly 35,000 of them being identified as English Learners. These students can be found in 208 schools from Early Childhood Education through high school. Data for these students is stored in multiple databases across the district. Information for the teachers and leaders of these students can also be found in multiple databases including those maintained by the District's HR Office. Within the ELA Department, the major responsibilities for overseeing the operation of the ELA data management system lie with Elena Sodano, Director of ELA Strategic Planning and Accountability, and multiple key staff persons who support program quality assurance, the CD and Seal of Biliteracy, the ELA Portfolio, and program monitoring.

In the section which follows, we report on specific ways in which the new data management system related to the CD has evolved over the past six years. I have watched the evolution over five of those years from days where data was recorded with pencil and paper and stored in warehouses across Denver. I have interviewed teachers and staff who've struggled during year one of the data management system implementation, observed as those frustrations were expressed, and witnessed the DPS improve them. It is

not a perfect management system but superior to what existed in 2013. The district should take pride in what it has created.

Within Table 10.D.2, the District identified seven topical areas that are part of the new data management system that the ELA Department assisted in helping develop and now implements fully. These seven topics include:

- The Life Cycle of an ELA Student (LCE)
- The English Language Development (ELD) Report
- Service Percentage
- Information related to PPF3 students
- Teacher Waivers
- CD Chapter 9 Reports (submitted to the parties in January and July of each year),
and
- ELA Service System (ESS)

Further, each of the seven topical areas noted above is listed and then a side-by-side comparison of what was present in 2012 compared to the present is presented in Table 10.D.2 which follows. The seven topics that the ELA Program identified are ones we have examined and reported on during previous spot audits and reports.

Table 10.D.2

Evolution of DPS Data Management System since 2012/Challenges Faced in Complying with 10.D and How DPS Addressed Them

Topic	2012	Present
LCE	<ul style="list-style-type: none"> Forms were generated by the ELA department and sent to schools via interoffice mail Forms were returned to the ELA department via interoffice mail No clear windows for monitoring or redesignating Hardbook and centralized training for ISA teams <p>Challenges</p> <ul style="list-style-type: none"> Interoffice mail was slow and unreliable Everything was manually generated, processed and entered Safe centralized storage space 	<ul style="list-style-type: none"> Began automated LCE system in '15-'16 SY via Infinite Campus (IC) All Body of Evidence info and transactions are archived in Infinite Campus (IC) ISA teams use the Infinite Campus (IC) system to trigger all actions ISA Specialist support, guidance, training
ELD	<p>Challenges</p> <ul style="list-style-type: none"> Not reported on Identify and electronically tagging courses properly as ELD Having consistent codes for ELD courses Clarity in what exactly was ELD curriculum 	<ul style="list-style-type: none"> Began reporting in the '15-'16 school year Currently archived weekly Available adhoc and analyzed by ELA and school staff Metric is a Key Performance Indicator (KPI) in Principal Portal
Service Percentage	<ul style="list-style-type: none"> Reported as ELL list that included Service Percentage ELL lists were downloaded and emailed to ISA teams monthly Provided Principal and ISA team access in summer of 2012 <p>Challenges</p>	<ul style="list-style-type: none"> ELL lists that include Service Percentage are available adhoc Service Percentage is available in the School Scorecard Brief Metric is a KPI in Principal Portal

	<ul style="list-style-type: none"> • Lists were not available to schools unless requested through the ELA department 	
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Topic	2012	Present
PPF3	<ul style="list-style-type: none"> • Were processed at schools Challenges <ul style="list-style-type: none"> • Process was not standardized • PPF3 process allowed for parents to make uninformed decisions about program selection 	<ul style="list-style-type: none"> • Began central processing in the '13-'14 school year • Available adhoc and reviewed/approved by ELA when needed
Teacher Waivers	<ul style="list-style-type: none"> • The process was being developed during the '12-'13 school year 	<ul style="list-style-type: none"> • Began processing waivers for the '13-'14 school year • Subsequent adjustments have been made each year
Ch. 9 Reports	<ul style="list-style-type: none"> • Reported Challenges <ul style="list-style-type: none"> • Report had to be generated manually • Data points were not standardized 	<ul style="list-style-type: none"> • Automated and updated data for Student and Teacher Data reports in the '13-'14 school year • Reports are now available adhoc • All data points are now captured in the ELA Scorecard Brief
ESS	<ul style="list-style-type: none"> • Select schools (30-40 schools) reviewed '12-'13 to '14-'15 Challenges <ul style="list-style-type: none"> • Didn't have the capacity to review more than 40 schools • Review was not connected to any other District accountability systems • Review process only reflected one snapshot in time rather than the holistic picture 	<ul style="list-style-type: none"> • Began in the '15-'16 school year • Reflects ongoing work in the schools and includes student outcomes • Using ELA partners we can review all schools every year • ESS is now connected to LEAD and strategic schools planning processes

Discussion

Question 2: How has the DPS Data Management System evolved since 2012?

The parties along with the IM have seen the evolution of the DPS's current data management system since at least 2013. Table 10.D.2 reflects the processes and systems for collecting and maintaining essential ELA Program information and data across seven topical areas during 2012 and comparing and contrasting that information with the system currently in place. The differences reflected over a six-year period are significant. As expressed multiple times in this report and previous ones, the District's system for managing ELA Program data has gone from a pencil and paper one that had limited uses to a much more comprehensive electronic system that has far more capability. The current electronic data management system, which was pilot tested in 2014 and implemented during the 2015-16 school year, has been modified and improved based on feedback from teachers, school leaders, and even ELA Program staff.

Table 10.D.2 clearly shows the limitations of the District's data management efforts dating all the way back to 2012. More important, the column labeled Present clearly demonstrates, by contrast, the capacity of the current electronic data management system and how many of the challenges identified as far back as 2012 have been addressed in the current system. As one of numerous examples of how the current system evolved, I can still recall early in my tenure as IM that something as essential as an ELL List for a school was not available unless requested from the ELA Department. The current data management system allows for immediate access to current lists of ELs at any school, Service Percentage data current through that day, and availability of these data on the recently developed School Scorecard Brief. Numerous other examples of essential information that is now available in the electronic data management system are reflected in this table as well.

Discussion

Question 3: What challenges has DPS faced complying with 10.D and how were they addressed?

As the IM over the past five years, I've seen first-hand or heard of numerous challenges that DPS encountered over the past six years in meeting its obligations under the CD. With regard to Chapter 10 of the CD, the ELA Department identified challenges in seven specific areas. Table 10.D.2 above lists what DPS considers as significant challenges dating all the way back to the 2012-2013 school year and how those same challenges have been addressed.

The first topic identified in Table 10.D.2 is the Lifecycle of an English learner (LCE). The LCE represents each phase that an EL in DPS goes through on their way to achieving proficiency in English. The parties are all familiar with the pencil and paper record keeping system that was in place during 2012-2013 and the many shortcomings and inconsistencies with a non-electronic information system. The ELA Department used interoffice mail to send forms to schools and if completed, they were then returned to the ELA Department through that same mail system. The challenges indeed were many. We've learned over time that the interoffice mail system was quite slow and unreliable. Both at the school level and ELA Program Offices, persons were designated to manually process and enter all CD-required information and the District then faced the challenge of storing volumes of paper in a secure and centralized space. Additionally, there were no clear windows for monitoring and redesignating students and this was both confusing and created suspicions among the DOJ and CHE. Another challenge was that training for ISA

Teams was often scheduled in multiple locations and the ISA Handbook was a work-in-progress.

Presently, the challenges cited above have been addressed in a way that is both automated and systemic. After several years of design, implementation, and refinement, the automated LCE system was fully implemented via Infinite Campus in 2015-2016. From the IM perspective, we have seen the system implemented at both ends; the school sites and in the ELA Program Office. Additionally, ELA Program staff have been trained on the automated system and network partners with ISA Team responsibilities are now in place. No longer are students' bodies of evidence copied and submitted via interoffice mail. All Body-of-Evidence- related information is uploaded at the school site, submitted to the ELA Department, and archived in Infinite Campus. ISA teams are now trained on an online Moodle and they used the IC system to trigger all actions including monitoring and redesignation during the designated windows or timeframes identified each school year.

A second topic identified by the District that was full of challenges was what is now referred to as the ELD Report. We have learned over the past several years that much to the chagrin of CHE and the DOJ, information related to ELD was not reported on in the 2012-2013 school year. The major challenges were many. There was a curriculum in place that was identified as the ELD curriculum but left much to be desired. There was even disagreement among teachers and leaders about the validity of the existent ELD curriculum dating back to the first New Teachers Institute that I attended in 2013. Additional challenges included the lack of proper methods for identifying and tagging ELD courses. Related to this challenge, the District lacked consistent codes for ELD courses, which hampered accurate data gathering and reporting as required in the CD. DPS has made huge

strides in addressing many of these challenges. One key response was the creation of the ELD Report during the 2015-2016 school year, a document at every school that we have used to guide our information gathering efforts for Reports 6 and 7. Information related to ELD is archived weekly by the ELA Program. This has been one of the most significant achievements of the past five years. Additionally, not only is there a report in place but the data contained in the ELD Report are analyzed by ELA staff and others across the district on a regular and consistent basis. ELD courses are now coded accurately and tagged properly as part of the system. The District has taken huge strides in selecting more appropriate ELD curriculums and offering individual school sites some flexibility in selection of a curriculum for each school site. ELD is now part of the metric in assessing Key Performance Indicators for school leaders as part of the Principal Portal. One competency that principals are evaluated on for example, is how well they build, develop, and empower a school's Instructional Leadership Team. There are a series of indicators that principals must demonstrate in order to meet this competency. Among these indicators are Equity in Instruction, Instructional Excellence, Rigorous and Relevant Curricula, and Use of Student Data. The district currently examines to what extent ELD is implemented across these four indicators as part of the evaluation of school leaders. This is obviously a significant change from 2012-2013 when the ELD requirement was not even reported on.

A third topic that contained several challenges for DPS in order to comply with their obligations under CD Chapter 10.D was data related to Service Percentage. Service Percentage refers to the percent of ELs who are properly identified and placed in classrooms with teachers who have the requisite language skills and meet the teacher

qualifications requirements necessary for students to receive appropriate instruction as specified in the CD based on student language, ACCESS level, and PPF category, and are receiving appropriate instruction as per the Language Allocation Guidelines. In 2012-2013, the DPS maintained an ELL List that included service percentage and these were often downloaded and emailed to ISA teams monthly. Principals could also request the ELL lists for their schools and they were downloaded and sent to them as well beginning in the summer of 2012. The biggest challenge at that time therefore, was that ELL Lists were not available or readily accessible to schools unless they were requested from the ELA Department who then provided them.

The DPS overcame this challenge by expanding the ELL Lists to include more strategic information and most importantly, by making them available to every school. Currently, ELL Lists identify ELs requesting services by school to ensure that they are appropriately placed. Furthermore, the List compares student information with teacher and classroom/course information. Each school now has readily available their ELL List that includes student assessment data, ELD enrollment, and primary language of students. The ELA Department has expanded beyond the ELL Report and is producing what they refer to as a Scorecard Brief for every school in the district. The Scorecard Brief is a condensed version of the ELL List and, in one page, summarizes information in four categories: Student and Teacher Alignment, Parent Options and Engagement, Course Enrollment, and Academic Progress. Additionally, the Scorecard Brief contains a school and district profile with enrollment counts, languages count, center program identifiers, and ELA Program model identifier. The Scorecard Briefs are now produced, and were pilot tested internally, with the expectation that they would be available for each school at the

beginning of the 2018-2019 school year. The current version of the ELL Lists served as a key performance indicator in the Principal Portal in the same way that the ELD Report did.

A fourth topic identified by the ELA Department that proved to be a challenge was the incompleteness of the PPF3 process. Under the provisions of the CD, parents can request a waiver of ELA Services (PPF3) if certain criteria are met. To meet this CD requirement, a student was assessed with the W-APT, assessment results were collected and mailed to the home, and parents conferred with the student's classroom teacher or building administrator. Only after this process was undertaken could parents opt their child out of receiving program services. PPF3 processes occurred in schools with almost no involvement from the ELA Department during 2012-2013. I recall several teachers informing me in confidence during the fall of 2013 that the decisions made by some parents of their child opting out from receiving program services was inconsistent at best. This issue was brought up in discussions between the parties on several occasions through conference calls and meetings. The district recognized this and identified multiple challenges.

First off, the entire process for identifying PPF3 lacked standardization and left decisions open to multiple interpretations. Second, the PPF3 process followed back in 2012 allowed parents to make uninformed decisions about program selection and the benefits of their children receiving program services. During the 2013-2014 school year, the ELA Department began a more central processing of PPF3 requests. The plan was to put into effect procedures such as the ones I noted above where students needed to undergo W-APT Testing at the time of registration, then providing parents with resources that described program services more clearly, consulting with parents about assessment

results, and requiring that parents confer with their child's teacher and/or school leader.

At present, the PPF3 process is more clearly defined, processes are more clearly delineated, and personnel from school secretaries to classroom teachers, to school leaders, to ELA Network Partners have more defined roles. Most importantly, PPF3 requests are now both reviewed and approved by the ELA Department. As then Executive Director Jorge Robles informed us during our site visit, "Anytime PPF3 requests are made, they go through the ELA Department."

A fifth topic that posed challenges for DPS was teacher waivers. During the 2012-2013 school year, there was not a process for granting teacher waivers and so the District began to develop one. All teachers who are new to DPS receive an ELA Designation. These include ELA-T, ELA-E, or ELA-S. Because many teachers come from outside of DPS, it stands to reason that they often come with varying levels or types of coursework from the colleges and universities that granted their degrees. Additionally, many teachers who are new to the district have completed graduate degrees, sometimes in areas of specialization similar to teacher qualifications courses required by DPS. For these reasons, new teachers can request waivers from ELA teacher-training requirements. In 2012-2013, there was no waiver process in place and this was a definite challenge.

Beginning with the 2013-2014 school year, the District began processing teacher waivers. Since then, DPS has made adjustments over time to the waiver procedures and at present, the course waiver information is clear, readily accessible, presented to all new teacher hires, and decisions regarding waiver requests are completed on a timely basis. As just one example of the current waiver process, teachers who have a state Linguistically Diverse Endorsement (LDE) from a state outside of Colorado can submit their teacher

license with state approved endorsements. That documentation is then reviewed and the applicant notified, usually within ten days, which courses will be waived. In short, DPS has gone from no waiver process or policy that posed a challenge for the District, to a much more clearly defined and articulated policy that is now made available to all new teacher hires.

The DPS identified the Chapter 9 Reports, which are required by the CD and compiled and sent to the parties and IM every January and July, as a sixth challenge that they have overcome. Based on previous experience, we are aware that the Chapter 9 Reports required an almost "all hands on deck" approach in the month leading up to their final completion during 2013 and 2014. There was, and still continues to be, a significant amount of coordination between the ELA Department and the ARE Office which plays a major role in preparing the reports. An additional challenge that DPS shared with us is that the reports during the 2012-2013 school year had to be generated manually because of the amount of data they reported on. This created further challenges that I can recall since it was a labor intensive activity that required numerous staff in the ELA Department to temporarily place scheduled work on hold and tend to data gathering activities created by the generation of a report. An additional challenge that DPS identified in Table 10.2 and during our discussion, was that data points were not standardized.

Our belief is that the Chapter 9 reports that DPS now prepares for the parties, inclusive of the most recent July 2018 Report, have improved substantially since 2012-2013. Much of the credit for this is based on the new data management system that has been described in this report. The majority of the student and teacher data needed for these reports resides in District automated data management systems and is continually

updated. This makes for easier access to current data and the automation cuts down on the burden it places on staff time. The generation of the twice-a-year reports is still labor intensive but not nearly as much as it was in the past when reports were generated manually.

Additionally, over the past six years there has been a greater standardization of data points. A review of reports beginning with July 2013 through July 2018, shows the evolution of the standardization of data points taking place. The ELA Department has taken this process further by creating ELA Scorecard Briefs for every school in the district. As noted earlier, these Scorecard Briefs summarize on one page a school's profile which includes enrollment counts, language counts, center program identifiers, and an ELA Program identifier. These and other ELA Program metrics are grouped into four categories including Student and Teacher Alignment, Parent Options and Engagement, Course Enrollment, and Academic Progress.

The seventh and final challenge identified by the District is related to the ELA Service System or ESS. Prior to the 2015-2016 school year, DPS implemented an ESS that only monitored about one-fourth of all schools annually. That monitoring process, which DPS now refers to as the Old-ELA Review, was fraught with numerous challenges. The most notable was that the district didn't have the staff capacity to monitor more than 40 schools annually. In some respects, the ESS provided a snapshot of ELA's effectiveness at one point of time rather than a continuous integrated review system that was separate and apart from other district accountability systems. As DPS has pointed out previously, the old ESS was disconnected from existing accountability systems. The success of many monitoring systems is closely connected to the timeliness of communication with key

stakeholders. The old ESS lacked timely communication of results with those schools that were monitored, thus impeding effective change. A final challenge that the district identified is that the old ESS did not provide schools with explicit definitions of what constitutes a well implemented and highly effective ELA program.

The current ESS looks vastly different from the old system. This new ESS is more focused on providing targeted data-driven support for all schools throughout the school year. In short, it is designed to provide support where it is most needed in ways that sustain continuous improvement. Achieving this goal is heavily dependent on communication between ELA Program staff and schools. More specifically, the new ESS, through a Program Review Rubric, enables the school principal, Instructional Superintendent, and ELA Network Partner to review and analyze school-specific data continuously so that ELs receive the most appropriate services. This facilitates the development of action plans to address areas of need. Because every school has an assigned ELA Network Partner, all schools in DPS can currently be monitored every year.

The ELA Department has now created an ESS plan for the entire year beginning with aligning the ESS with the schools' Strategic Plan in August and September. There is a more formative program review period in October to assess the current state of the school and make any necessary adjustments. In November and December, a mid-year check-in takes place and the ESS is reviewed to examine progress made and determine if adjustments are necessary. Because the new ESS is now aligned with principal performance indicators, program reviews are used to inform end-of-year LEAD ratings during February. Each school then has an end-of-year program review and levels of support are identified during

April and May. The school principal, IS, and Network Partner then create and agree upon a strategic plan for the next school year and identify summer work that needs to take place.

The new ESS is intended to provide a monitoring structure that goes beyond checking CD compliance in the sense that it is also intended to be useful as feedback for program improvement. The overarching goal is that all schools become High Performing ELA Program Schools. Through a more clearly identified and articulated process that engages school stakeholders continuously, plans are created to address identified areas of need. This work will inform LEAD evaluations and also prioritize ELA services.

The fourth question that we asked the District to respond to during our March site visit centered on site visits by the parties and their consultants. Table 10.3 which follows provides a summary by year beginning with 2012-2013 of the site visits made to the DPS by the CHE attorney, DOJ attorneys, and DOJ consultant, Dr. Claude Goldenberg.

Table 10.3

Site Visits Hosted by the DPS Since 2012

Parties	Month	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
CHE Atty.							
DOJ Attys.							
DOJ Consult.							
	Jan.						
	Feb.						
	Mar.						
	April	All Parties 8 Schools	All Parties 4 Schools	All Parties 4 Schools			All Parties DOJ Consult. 6 Schools

	May				DOJ Consult. 3 Schools		
	June						
	July						
	Aug.						
	Sept.				DOJ Site Visit 5 Schools		
	Oct.					DOJ Consult. 4 Schools	
	Nov.			All Parties 3 Schools	All Parties 7 Schools		
	Dec.						
Total Number of Schools Visited		8	4	7	15	4	6
Total Number of Schools Visited 2012 - 2018			44				

Discussion

Question 4: What site visits to the District has DPS hosted since 2012 as referred to in Chapter 10.E. and 10.F?

From 2012-2013 through the end of May, 2018, the attorneys for CHE and the DOJ have made eight site visits to Denver. In addition, Dr. Claude Goldenberg, a DOJ Consultant joined them for two of those site visits and completed another site visit on his own. In total, CHE and the DOJ including their representatives, made nine site visits to Denver and visited a total of 44 schools. I participated in all nine site visits. In previous reports by the IM, including this one, the site visits are referenced in Table 10.3 as All Parties Meetings. In September of 2016, attorneys from the DOJ made a site visit to Denver with the objective of

visiting Pathways Schools in the District. The site visits by Dr. Goldenberg during May and October of 2016 were primarily focused on his work with the DPS team responsible for teacher qualifications program matters including observing courses taught, interviewing faculty and teacher participants, and making recommendations for addressing CD requirements pertaining to ELA teacher qualifications.

The District has been an excellent host. They have provided meeting space, made staff available, provided meals, arranged for school site visits at the request of the parties, and prepared documents for review. The DPS has also collaborated with the DOJ and CHE in preparing meeting agendas and arranged upon request, for individuals that the parties wanted to interview to be present at determined times. During many of the onsite meetings of the parties, district leadership including the Superintendent, Deputy Superintendent, and School Board members attended parts of the All Parties Meetings. Local CHE members from Denver were always invited to participate in the All Parties Meetings and they did.

In addition to site visits to the DPS by the CHE and DOJ attorneys, DOJ Consultant, and members of CHE, the District has hosted numerous onsite visits from the IM. Over the course of the past five years, from July, 2013 through June 28, the IM made 35 site visits to Denver. My site visits were always planned in consultation with the DPS and I informed the DOJ and CHE. The District encouraged me to invite CHE members to join me at schools or scheduled meetings held at the DPS Central Office. Table 10.4 below lists the number of schools I visited during my five years as IM.

Table 10.4 School Visits by Independent Monitor

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Independent Court Monitor						
Total Number of Schools Visited Annually	8	23	25	26	38	31
Total Number of Schools Visited 2012 - 2018		151				

Over the five-year period that I served as the IM, I made 151 school visits, an average of slightly more than 30 school visits per year. Although I did not visit every school in the District during my tenure, I visited the majority of them. In some cases, I visited schools more than once during those five years. I maintained a spreadsheet with all schools visited by month and year. The ELA Department did the same and we coordinated annually to ensure that our records of schools visited matched.

Over the course of my 35-year career in education prior to being appointed as the IM, I visited hundreds of schools across many states and observed teachers, leaders, and students in countless classrooms. The DPS has served as an exceptional host for my site visits. I have selected the schools I wished to visit, identified topics I chose to discuss, and identified persons I wanted to interview. Overwhelmingly, I was treated with respect by school leaders, classroom teachers, and other school based personnel. During the past five years, I traveled from one end of the district to the other, across networks, school types,

and in many communities within Denver. District personnel who are housed at the Central Office were equally gracious during my visits. I interacted over the past five years with almost every office or program that impacts ELs. I met with hundreds of parents in formal settings like Parent Advisory Committees and the DAC at school sites, and informal settings as well. I've interacted annually with Superintendent Boasberg, several times a year with Deputy Superintendent Susana Cordova, with every District General Counsel, and with several School Board members.

I cannot speak highly enough of the support I've received from the ELA Department over the past five years. They arranged all of my school site visits along with Dr. Nelson's, coordinated with Instructional Superintendents, Network Partners, and ELA PAC leaders. The ELA Department provided us with data or information that we requested and coordinated all Central Office meetings with district personnel during many of our site visits.

Summary

Chapter 10 of the CD: Duration of Consent Decree, Enforcement, and Remedies for Noncompliance, represents the last chapter that we spot audited for the timeframe covered by this report. In early March of 2018, we spent three days in Denver at the DPS Central Office interviewing ELA Program staff, gathering information, and reviewing documentation provided to us. We focused our spot audit effort on four questions from Chapter 10, specifically, 10D, 10E, and 10F.

From our review of the documentation provided to us, the DPS is making reasonable efforts to preserve electronic and hard copies of information and data even though concerns have been expressed by both CHE and the DOJ at varying times about the lack of

certain data (ELD provision) and some of the systems used for collection and storage of requisite data (Infinite Campus). The District has faced the challenge of collecting and storing massive volumes of CD related data through a process that has evolved from pencil and paper recordkeeping to the creation of an electronic data management system that continues to progress. The IM has witnessed the progression from the early stages of preserving copies of information in boxes that resided in storage units all the way through the creation and present day implementation of the electronic system and storage of data in Infinite Campus. The development of a process to meet this District obligation still has its challenges but DPS continues to make reasonable efforts to preserve hard and electronic copies of requisite information. Additionally, the District is doing a far better job of archiving these data at present than it has done at certain points over the past five years.

The answers to our questions, which dealt with the evolution of the current electronic data management system and challenges identified and addressed by the District over the past six years, demonstrate more than a reasonable effort by DPS to create an effective system for collecting, storing, and maintaining essential program information. During our March 2018 visit to DPS, we viewed evidence of this system across multiple topical areas. It is not a perfect system nor do we suggest that it is. As the DOJ pointed out in a July 5, 2018 letter to DPS regarding their compliance review in April 2018, "Most notably, DOJ found that DPS has not developed or implemented a system to ensure that the progress of all in-program ELs is monitored." This is a concern that we believe will be less challenging for DPS to address within the current data management system than it would have in 2012.

Regarding the hosting of school site visits by DPS (Question 4) and connected to CD Chapter 10E and 10F, the data collected reflect the District's openness and availability to address this obligation. From 2012 through 2018, CHE and the DOJ (along with their consultant) visited 44 schools. Additionally, during the timeframe from July 2013 through the end of my tenure as IM on June 30, 2018, I made 151 documented school site visits. The District and in particular, ELA Program staff and the countless school leaders, teachers, and parents at individual school sites were generally welcoming, generous with their time, and provided information or documentation that we requested. Beginning with the IM's first school visit in the fall of 2013, local CHE members in Denver were encouraged by DPS to attend meetings and join Dr. Nelson and I at any of our scheduled school site visits.

Based on our spot audit results for Chapter 10, the District's efforts to reasonably maintain hard and electronic copies of ELA Program information, the creation of an electronic data management system that continues to evolve based on anticipated and expressed needs, and finally, their efforts in welcoming and supporting school site visits by the parties and the IM, we feel that the DPS is fully implementing the obligations of this CD chapter.

RECOMMENDATIONS

The focus of the IM and Dr. Nelson's efforts during the timeframe covered by this report involved spot audits of CD Chapter 1, 5, 9, and 10. Additionally, a second spot audit of Chapter 7 was undertaken and our results presented. The following recommendations are based on our observations and findings resulting from the spot audits of five CD chapters. Additionally, two of the recommendations are directly related to findings shared with us by CHE and the DOJ after the All Parties meeting during late April and early May of 2018.

1. In completing this report, we recognize that a spot audit of CD Chapter 4 as a stand-alone chapter has not been conducted. As we discussed in the ADVANCE SUMMARY of this seventh report, we subsumed our summary of some of the requirements of CD Chapter 4, Redesignation and Exiting the Program, into our summary of CD Chapter 2 within the previous Report 6.

That summary of Chapter 2 deals more broadly with ISA requirements. Given the focus on ISA Teams during the school site visits during the All Parties Meeting in May of 2018 and some of the concerns expressed by both CHE and the DOJ, it is our recommendation that a separate and independent spot audit of CD Chapter 4 requirements be conducted by the IM as soon as is practicable. Moreover, the findings of that separate spot audit should be reported to all parties involved in a subsequent IM Report.

2. In reporting our findings regarding CD Chapter 9 (9.3.A), we described processes used by DPS to document parent concerns about Program implementation and resolutions proposed and achieved to address these concerns. Even though examples were cited for us

by ELA Program staff, they are not formally documented in a form that we could review.

The District was certainly amenable to addressing this. We recommend that the DPS develop a system of documentation to track any concerns expressed by parents regarding implementation of the ELA Program via the ELA Hotline, written communication, or communicated orally, the outcomes of achieving resolution for such concerns, and person/s responsible for resolving the concerns to the satisfaction of parents.

3. In numerous communication exchanges between CHE and the DPS post-All Parties Meeting of May 2018, CHE has expressed concerns regarding ISA Team meeting documentation including; agendas, minutes, records, and notes. The District has responded to these concerns previously and more recently, on 07/12/2018. The DPS has apprised the IM on several occasions and Mr. Rice specifically in that July 12 correspondence that the District does not require ISA Teams to maintain specific agendas, meetings, and notes since the completion of on-line forms in the automated online system used to record ISA Team actions is accepted as the means of meeting documentation. Additionally, counsel for DPS has reminded the IM on multiple occasions that maintaining agendas, minutes of meetings, and notes is not a CD requirement; however, the District does in fact consider these forms of documentation as a "best practice." In her July 12, 2018 response to CHE Attorney Mr. Rice, DPS Deputy General Counsel Toni Wehman recognized that documentation of ISA Team meeting actions could improve. Specifically, she wrote that, "the District will improve ISA team training to encourage ISA teams to be more comprehensive in the narrative sections of the on-line forms or keep a team document or tracker to better record the information considered and their decision." We support this response and recommend that the DPS create a plan for modifying their online

Moodle training for all ISA Team members and provide evidence of this training to the IM prior to the start of the 2019-20 school year.

4. Also related to ISA Teams, Attorney Veronica Percia representing the DOJ communicated to the District on July 5, 2018 concerning their Compliance Review during the All Parties meeting in May, 2018. Accompanying the DOJ letter was a Compliance Chart in which the DOJ listed ISA-related CD requirements from CD Chapters 2, 3, 4, and 5, and then detailed “Compliance Issues” and “Site-specific Examples,” linked to each CD requirement, based on their May Compliance Review. Ms. Percia cited observations of several promising practices by ISA Teams in DPS including District efforts to transfer student files to Infinite Campus. She also commented positively on the work of ISA Teams at Archuleta Elementary and Hamilton Middle School identifying respective school leaders, teachers, and parents as key stakeholders engaged in supporting those schools’ ISA Teams to achieve compliance. The letter also addressed several concerns that the DOJ has and the need to address them soon. Attorney Percia wrote,

"Most notably, DOJ found that DPS has not developed or implemented a system to ensure that the progress of all in-program ELs is monitored. Additionally, for those ELs who are monitored as part of the formal redesignation, exit, or PPF3 review process, DOJ is concerned about the lack of consistency across the District with regard to how ISA Teams articulate and apply standards of academic progress and English language proficiency. We are also very concerned about the numerous examples of IC comments between schools and the ELA Department that go unresolved or unaddressed, leaving students in improper placements for indeterminate periods of time, as well as problems in the IC system that are affecting the provision of appropriate services to ELs. Finally, our review of student files

revealed that many ELs, including a significant number of ELs with poor academic records, have not received the ELA services they requested and/or were entitled to under the CD."

The District replied to the DOJ on September 28, 2018, with a cover letter accompanied by detailed responses to the concerns raised in the July DOJ cover letter and Compliance Chart. In the DPS cover letter, DPS Deputy General Counsel Toni Wehman stated, "The District's ELA Department has invested an extensive amount of time and resources to upgrade its ISA Team process from the previous 'binders of paper' system to a more centralized electronic database system. However, as you noted, change always comes with positives and negatives especially at the beginning of implementation . . . The District has tried in good faith to create an ISA Team system and process that help it comply with Consent Decree requirements."

DPS currently uses school-based data teams to regularly monitor the progress of all its students, including ELs. As the District explains in its response to the specific concerns raised by DOJ in the July 5 Compliance Chart, "Today, the use of Data Teams is well documented in educational research and has become a best practice and expectation in schools within DPS and nationally . . . The District utilizes both ISA Teams and Data Teams in the roles for which they were designed without creating duplication of effort. ISA Teams still complete all the tasks they are required to do in identifying, redesignating and monitoring ELLs at different times of the year. Data Teams do not perform any of these functions. However, Data Teams monitor all students' data, including ELLs, on a frequent basis (weekly, bi-weekly, or monthly) . . . That said, the District agrees that it can improve and formalize collaboration between the two Teams to ensure language considerations are taken into account for all ELL students."

The District acknowledged concerns DOJ raised in the July 5 communication about specific schools visited during the May 2018 All Parties meeting, with Deputy General Counsel Wehman writing in its September 2018 letter: "Many of the specific school concerns were shared by the District and corrected shortly after your visit by the ELA Department through ELA Partners at the end of the school year or at the start of this year." While disagreeing with some of the characterizations by DOJ of ELL student monitoring and ISA Team practices, the District, in its response, also addressed systemic concerns raised by the DOJ and described actions already taken or planned to remedy those concerns. For example, the District stated that, during 2018-2019, it would have ISA Specialists provide more intense oversight of ELL identification and other ISA forms to help ensure timely submission of the forms by the ISA teams during the required window of time (the District noted that students with delayed identification had still received ELA services as provisional ELLs). The District is also updating guidance provided to ISA teams regarding the use of data, providing a decision tree for ISA teams to map the consideration of certain data points, and has also updated the ISA Team Handbook and ISA Team Moodle, including guidance for how to deal with conflicting data. These actions should help address the issue of consistency across schools in ISA Team decisions about academic progress and English language proficiency raised by the DOJ in the July 5 communication.

During 2018-2019, the District and the parties held several phone conferences to further discuss and resolve the issues identified by the DOJ and CHE during the May 2018 visit. The IM recommends that collaborative dialogue such as this among the parties continue as the District further develops and refines its monitoring system for ELLs and addresses other concerns raised by the parties. Dr. Nelson, in his first report as IM

covering the 2018-2019 school year, will discuss in detail the issues addressed during these phone conferences and actions the District has taken as a result.

5. Our examination of CD Chapter 1.V, a section of Chapter 1 that addresses response to instruction and intervention, raised the issue of how the several different school teams that are involved in monitoring ELL student progress and making instructional recommendations based on student progress (grade level teams, ISA teams, MTSS teams, and IEP teams) coordinate their activities and responsibilities. The CD, in Chapter 2.A, specifies that the ISA team has the responsibility for monitoring ELL performance and reviewing ELL services, and it would be helpful for the ELA Department to provide guidance to schools as to how to meet this CD requirement while still allowing for these different teams to carry out their mutual responsibilities as determined within each school.

6. A question that arises as a result of our CD Chapter 5 spot audit centers on the training and/or certification of school personnel specified in the CD as being part of the school-based support network (i.e., beyond teachers) provided to ELLs and their families. The CD requires that Spanish-speaking paraprofessionals who work in ELA-S classrooms have passed a Spanish language proficiency exam. Although we only asked about this at several schools, our impression is that it might be important for schools to differentiate whether a paraprofessional is required by the CD to have passed a Spanish language proficiency exam from those that do not. Chapter 5 of the CD also requires that the District provide annual training to counselors to support the needs of ELLs. It is unclear to us that annual systematic training in ELL support is provided to counselors and (in some schools) school psychologists who work with ELLs and their families. The ELA Department might provide guidance to schools regarding paraprofessional requirements for working in ELA-S

classrooms. The ELA Department could also coordinate with the appropriate department within DPS to ensure that counselors and school psychologists are receiving the annual training for supporting the needs of ELLs and their families specified in the CD.

7. The District should ensure that all information that should be in an ELL student's electronic IEP or related documents (e.g., an evaluation summary) is being pulled in from the IC or manually entered, and that the information (e.g., home language, LEP status) is consistent within the IEP and related documents.

The IM requests that the DPS address these seven recommendations during the 2019-2020 school year with an update on each of the seven expected to be provided to the IM by the end of the 2019-2020 year.

References

Consent Decree of the U. S. District Court (2012) Denver Public Schools English Language Acquisition Program. Denver, Colorado.

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Mertens, D. M. (2015). *Research and evaluation in education and psychology* (4th ed.). Los Angeles: Sage.

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Appendix A

Chapters 1 & 5 Spot Audit Checklist

DPS Consent Decree Chapters 1 & 5 Spot Audit Checklist Draft 2

School _____

Date _____

I. Classification

☐ ESL/ELA-E☐ TNLI☐ Other

II. If the school is ESL/ELA-E (Chapter 1.I.B & II.B):

A. Who provides ELD in reading, writing, speaking, and understanding of English?

☐ Fully qualified ELA-E teacher(s) ☐ # providing ELD☐ On-track ELA-E teacher(s) ☐ # providing ELD☐ Other _____ ☐ # providing ELDB. (Elementary) Do more than 15 students speak Spanish?☐ Yes☐ No

If "Yes," is the Resource Classroom Teacher . . .

☐ Fully qualified ELA-S☐ On-track for ELA-S☐ Other (describe) _____C. (Secondary) Do more than 50 ELLs speak Spanish?☐ Yes☐ No

If "Yes," is there a Resource Teacher who is . . .

☐ Fully qualified ELA-S☐ On-track ELA-S☐ Other (describe) _____

III. If the school is a TNLI (Chapter 1.I.C & II.E)

A. (Elementary) Which of the following are provided, at which grades, & who provides?☐ Native language instructionWhich grade levels? ☐ All ☐ Other (specify) _____Who provides? ☐ # fully qualified ELA-S ☐ # on track ELA-S ☐ #Other☐ Supported English content instructionWhich grade levels? ☐ All ☐ Other (specify) _____Who provides? ☐ # fully qualified ELA-E ☐ # on track ELA-E ☐ #Other☐ ELD

Which grade levels? ___ All ___ Other (specify) _____
 Who provides? ___ # fully qualified ELA-E ___ # on track ELA-E ___ #Other

B. (Secondary) Which of the following are provided, at which grades, & who provides?

___ Native language instruction

Which grade levels? ___ All ___ Other (specify) _____

Who provides? ___ # fully qualified ELA-S ___ # on track ELA-S ___ #Other

___ Supported English content instruction

Which grade levels? ___ All ___ Other (specify) _____

Who provides? ___ # fully qualified ELA-E ___ # on track ELA-E ___ #Other

___ ELD

Which grade levels? ___ All ___ Other (specify) _____

Who provides? ___ # fully qualified ELA-E ___ # on track ELA-E ___ #Other

Notes:

IV. What process do you use for reviewing ELL assessment data? (Chapter 1.IV.2)

V. How do you ensure that explanations of the ELA program are understandable to parents who are LEP? (Chapter 1.IV.5)

VI. What language(s) do your front office staff speak?

VII. What does the school do if no one at the school speaks a language spoken by a parent who is LEP?

VIII. Chapter 5.I.B

A. ___ # ESL/ELA-E classrooms

___ # ESL/ELA-E classrooms staffed with fully qualified ELA-E teachers

___ # ESL/ELA-E classrooms staffed with on-track ELA-E teachers

_____ # ESL/ELA-E classrooms staffed with other teachers _____

- B. _____ # TNLI/ELA-S classrooms
 _____ # TNLI/ELA-S classrooms staffed with fully qualified ELA-S teachers
 _____ # TNLI/ELA-S classrooms staffed with on-track ELA-S teachers

IX. Chapter 5.IV.C

- A. _____ # of ELA-S classrooms not staffed by an ELA-S teacher

If > 0, who staffs these ELA-S classrooms (e.g., on-track or fully qualified ELA-E) and are other provisions made (e.g., assign Spanish speaking paraprofessional or regroup students for instruction)?

X. Chapter 5.VII.B & VIII.A

- A. Who on the school staff evaluates ELA-E and ELA-S teachers in this school?

_____ Principal
 _____ Assistant/Associate Principal
 _____ Other _____

- B. What type of training has DPS provided to each of these individuals in evaluating ESL/ELA-E or ELA-S instruction?

- C. What form is used by these individuals to document their teacher evaluations? (Note: View & obtain copy of blank form to check for 5.VII.B expectations)

- D. How are teachers provided feedback on their ESL/ELA-E or ELA-S instruction?

- E. How is the determination made that a teacher requires additional support based on the observation of their ESL/ELA-E or ELA-S instruction?

XI. Chapter 5.XII.A

- A. _____ # of paraprofessionals assigned to ELA-S classrooms

If > 0, how was each paraprofessional's Spanish language proficiency demonstrated?

XII. Chapter 5.XIII.A – C

A. (TNLI High School only)

_____ # of counselors who are proficient in Spanish

If > 0, how did each counselor demonstrate Spanish language proficiency?

B. (All schools)

What training has DPS provided this year to counselors to support the needs of ELLs?

C. (TNLI schools)

How did DPS notify parents of ELLs at the beginning of this school year about the presence of a Spanish-speaking counselor or Spanish-speaking teachers or administrators who are fulfilling the counselor role?

Appendix B

Chapters 1 & 9 Spot Audit Checklist

- ____ Somewhat Comparable (common core standards are covered but not to the same degree as with mainstream English language materials used in the school)
- ____ Not Comparable (common core standards are not covered)

Chapter I.VII. (TNLI only)

8. Which abilities are considered when you make the determination that an ELL student has the skills to move from transitional native language instruction to supported English content instruction?
- ____ Ability to understand academic English vocabulary
- ____ Ability to engage in classroom conversation in English
- ____ Ability to understand classroom materials in English
- ____ Other (specify) _____
9. What evidence have you used to make the determination that an ELL student has the skills to move from transitional native language instruction to supported English content instruction?
- ____ Assessment of English Language Proficiency (e.g., ACCESS)
- ____ Classroom performance
- ____ Interim and state assessments
- ____ Standard-based progress reports
- ____ Attendance
- ____ Classroom behavior
- ____ Other (specify) _____
10. How and how often do ELA-S and supported English content instruction teachers communicate about an ELL student's assignment from TNLI to supported English content instruction to determine if the assignment is appropriate or should be reconsidered?

Chapter 9.II. (All schools)

11. Which of the following are used to measure ELL students' progress toward DPS curricular goals?
- ____ Ongoing classroom assessment
- ____ Teacher observation of student performance
- ____ Student performance on interim and state assessments
- ____ Other (specify) _____
12. How are parents of ELLs provided information about their child's performance in a language they understand?
- ____ Standards-based progress reports
- ____ Conferences with teachers
- ____ Results of District assessments
- ____ Other (specify) _____

Chapter 9.III. (All schools)

13. If parents question whether their child is being served as required by the Consent Decree, what does the school do?

Appendix C

Chapters 1 & 5 Central Office Spot Audit Checklist

DPS Consent Decree Chapters 1 and 5 Central Office Spot Audit Checklist

Date _____

Chapter 1.V.A-D.

1. In the DPS RTI system, how does the District ensure that before ELLs are recommended for Targeted Level or Intensive Level services, these students have had sufficient access to ELD and core content instruction by on-track or fully-qualified ELA teachers?

2. How are the unique linguistic needs of ELLs considered in the provision of RTI services? (instruction and assessment)

Chapter 1.VI.B.

3. How does the District provide meaningful opportunity for ELLs to be considered for admission to gifted and talented programs and other advanced classes using criteria that do not screen out ELLs because of their limited English proficiency?

Chapter 1.VI.A,C,D.

4. How is the curriculum for ELLs the same as that used for the Mainstream English Language Instructional program?

5. How are Spanish-language core content materials used in ELA-S or ELA-E classrooms comparable to English-language content materials used in mainstream English-language classrooms? (NOTE: "Comparability" is determined with reference to Common Core State Standards)

Chapter 1.VIII.B

6. How does the District monitor the ELP and academic progress of ELLs regularly?

Chapter 5.III.D. & F.

7. How does the District document teacher proficiency in the District's ELA Training Program?
(NOTE: View records if available)
8. How does the District track the progress of its designated teachers toward fully qualified status?
(NOTE: View records if available)

Chapter 5.VI.D.

9. What records does the District maintain of its annual assessment and activities related to its recruitment of teachers and other staff? (NOTE: View records if available)

Chapter 5.VII.B.D.

10. How does LEAP address each component of Chapter 5.VII.B?
11. How does DPS evaluate the effectiveness of each paraprofessional and tutor who assists in the instruction of ELLs?

Appendix D

Chapter 7 Spot Audit Checklist

DPS CD Chapter 7 Spot Audit Checklist February 2018 Revision 2

School _____ Date _____ File # _____

CD Chapter 7 Section	Evidence/Notes
7.F. "ELLs' IEPs and 504 plans shall document that the student is an ELL"	IEP Student & Family Information section specifies student's primary language Yes ____ No ____ Language:
7.F. "ELLs' IEPs and 504 plans shall document . . . the student's language proficiency level"	Language proficiency level specified Yes ____ No ____ Notes (where specified in IEP, assessment scores cited): LEP status in Student & Family Information Yes ____ No ____ Notes: LEP status in Consideration of Special Factors Yes ____ No ____ Notes:
7.F. "ELLs' IEPs and 504 plans shall document . . . the Program services the student is receiving (i.e., ESL/ELA-E, TNLI)"	Documentation of the Program services the student is receiving (i.e., ESL/ELA-E, TNLI) Yes ____ No ____ Notes (type of program):
7.G. "The district shall maintain in all ELLs' IEPs or 504 plans . . . (b) an analysis of the effect of proficiency in English and other languages on the student's learning, including an analysis of the student's assessment results in relation to the student's language proficiency"	Yes ____ No ____ Notes:

Appendix E

Chapter 9 Central Office Spot Audit Checklist

DPS Consent Decree Chapter 9 Central Office Spot Audit Checklist

Date _____

Chapter 9.I.A.

1. How does the district determine whether any schools lack sufficient instructional materials for ELLs?

2. When a school is determined not to have sufficient instructional materials for ELLs, what action does the District take?

Chapter 9.I.B.

3. How does the District annually evaluate the effectiveness of its ELA training programs using objective evidence provided by participants and trainers?

Chapter 9.I.C.

4. How does the District monitor staffing assignments to ensure they are consistent with the CD?

Chapter 9.I.D.

5. How does the District monitor each school's compliance with the CD?

6. How does the District take action to remedy any noncompliance with the CD as soon as practicable and within a reasonable period of time?

Chapter 9.I.E.

7. What are the names and positions of the DPS staff members responsible for each of the following: (Note: Might verify responsibility and role by in-person or email communication)
 - a. Recruiting teachers
 - b. Developing and implementing the training requirements of the CD
 - c. Monitoring the availability of appropriate and adequate materials in *Program* classrooms
 - d. Implementing the *Program* entry, redesignation, and exit procedures in accordance with the CD
 - e. Implementing the instructional *Program* in accordance with the CD
 - f. Overseeing and implementing parent communication requirements
 - g. Implementing SPED and Section 504 requirements as they relate to ELLs
 - h. Monitoring the curricula taught in *Program* classrooms
 - i. Preparing reports to the United States and private plaintiffs pursuant to CD Chapter 9.V

Chapter 9.II.C

8. What changes has the District recommended in services to ELLs to support high student achievement based on the District's monitoring of ELLs' progress in schools and classrooms?

Chapter 9.III.A.

9. If parents of an ELL contact the ELA Department asking that *Program* implementation at a school be investigated as it relates to services for their child, what does the ELA Department do?

10. How does the ELA Department record a concern about *Program* implementation and resolution of that concern? (View examples if available)

Chapter 9.IV.D.

11. What is the status of the longitudinal study referred to in CD Chapter 9.IV.D?

Appendix F

9 Questions

1. PACS – Is there an ELA PAC in each school?
2. School restarts – Is there a guarantee by DPS that, if a TNLI school is restarted, the entity that is chosen to manage the restart will provide native language instruction as was provided in the TNLI school?
3. SPF – Does ARE have a document that addresses the validity and reliability of the SPF? What is the current status of concerns raised by the parties that the SPF may penalize schools that serve relatively higher numbers of ELs who are at lower levels of English language proficiency?
4. SEAS – How is DPS addressing the concerns that are being raised regarding the dismantling of SEAS, bilingual assessment of Spanish speaking students, and the decentralization of Special Education-related assessment?
5. LEAP – How has the language regarding Principal evaluations of teachers changed from the previous version of LEAP to the current version, and will this impact the ELA program?
6. IEP follow-up – How has DPS addressed the issues identified in the February 2018 spot audit of Chapter 7?
7. What is the current status of the small TNLI model and what plans have been discussed to ensure implementation of TNLI programs should the DPS ELL population continue to decline at some schools? Related to this issue, what is the effect of fast-changing school demographics on planning, especially the type of program offered in a school and ensuring that teachers have proper qualifications to carry out the ELA program at the school.
8. Are there specific issues with the final draft of Report 6 raised by CHE, DOJ, and/or DPS that need to be addressed?
9. Have the six concerns expressed by the parties and addressed in IM Reports 4, 5 and 7 been fully addressed?