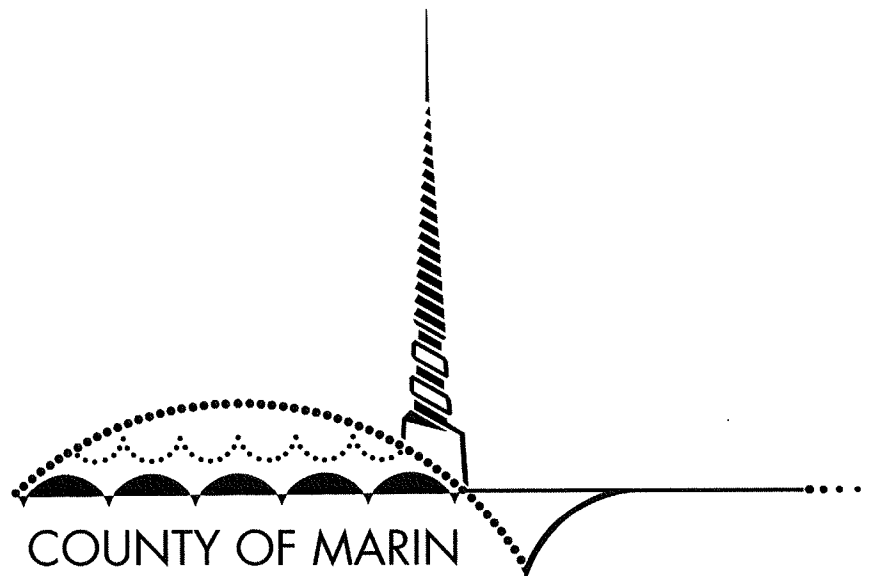
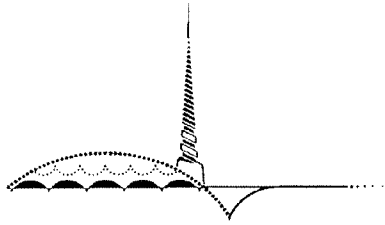


2014/2015 MARIN COUNTY CIVIL GRAND JURY

**Every Child Counts:
English Learners in Marin Public Schools**

Report Date: June 5, 2015
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Marin County Civil Grand Jury

Every Child Counts: English Learners in Marin County Public Schools

SUMMARY

The Marin County Civil Grand Jury was both surprised and chagrined to find that, in a community as affluent and well educated as Marin, a significant gap exists in high school graduation rates between students designated as English Learners (ELs) and their peers. The graduation rate for all California students for the 2012-2013 school year was 80.4 percent while the rate for ELs was 63.1 percent. In Marin County, the overall graduation rate was a laudable 91.4 percent, while the EL rate was 67.9 percent, 23.5 percent lower. Marin County is far ahead of the state's overall graduation rate but must improve the graduation rate of ELs.

The Grand Jury conducted a six-month investigation that included more than 25 interviews with educators, focusing on Novato High School and San Rafael High School, the two high schools with the highest populations and lowest graduation rates of EL students. It should be noted that school districts, and not high schools alone, are responsible for educating ELs and are accountable for their graduation rates.

Marin County school districts are considered successful, yet by failing to graduate ELs at the same high rate as their peers, they are potentially creating a substantial disadvantage for EL students and a significant burden on society. This graduation gap between ELs and their peers is particularly critical considering the increasing numbers of ELs in Marin County public schools.

When this investigation began, the Grand Jury found that the subject high schools were not focusing on ELs as a distinct subgroup, though this group has unique needs. The investigation revealed that little or no attention was given to their lower graduation rates. Moreover, this graduation gap was either invisible or unknown to many educators interviewed.

The Grand Jury recommends that the governing boards and Superintendents of the Novato Unified School District and San Rafael City Schools assume leadership for eliminating the EL graduation gap by making this a school district priority and by accepting responsibility for achieving this goal. A systemic multi-year plan with reasonable annual goals towards achieving parity in graduation rates must be developed, measured and monitored for success.

BACKGROUND

The Grand Jury reviewed the 2012 *A Portrait of Marin*,¹ a study commissioned by the Marin Community Foundation. The report highlighted “persistent racial and ethnic gaps in dropout rates” in public schools in Marin County, citing the California Department of Education database, Dataquest.² The Grand Jury’s review of Dataquest showed a significant gap between the graduation rates of Marin County public school students designated as ELs and their peers. The Grand Jury was surprised and chagrined to find this gap in a community as affluent and well educated as Marin County. Based on this finding, the Grand Jury determined that an investigation was warranted.

METHODOLOGY

The Grand Jury conducted a six-month investigation that included more than 25 interviews with educators. Marin County Office of Education staff members, local school district superintendents, principals and other administrators were consulted. California and nation-wide EL reports were examined, along with articles from periodicals and various on-line sources. Further, the Grand Jury studied relevant district English Learner Master Plans and carefully reviewed Dataquest.

DISCUSSION

In Lau v. Nichols (1974) 414 U.S. 563, the United States Supreme Court called for linguistically appropriate accommodations to be made for students with limited English proficiency. Twenty-four years later, California's Proposition 227 mandated that schools teach children "nearly all in English." Accordingly, school districts throughout the state have made efforts to create and expand programs for ELs, especially because of the notable increase in EL enrollees.

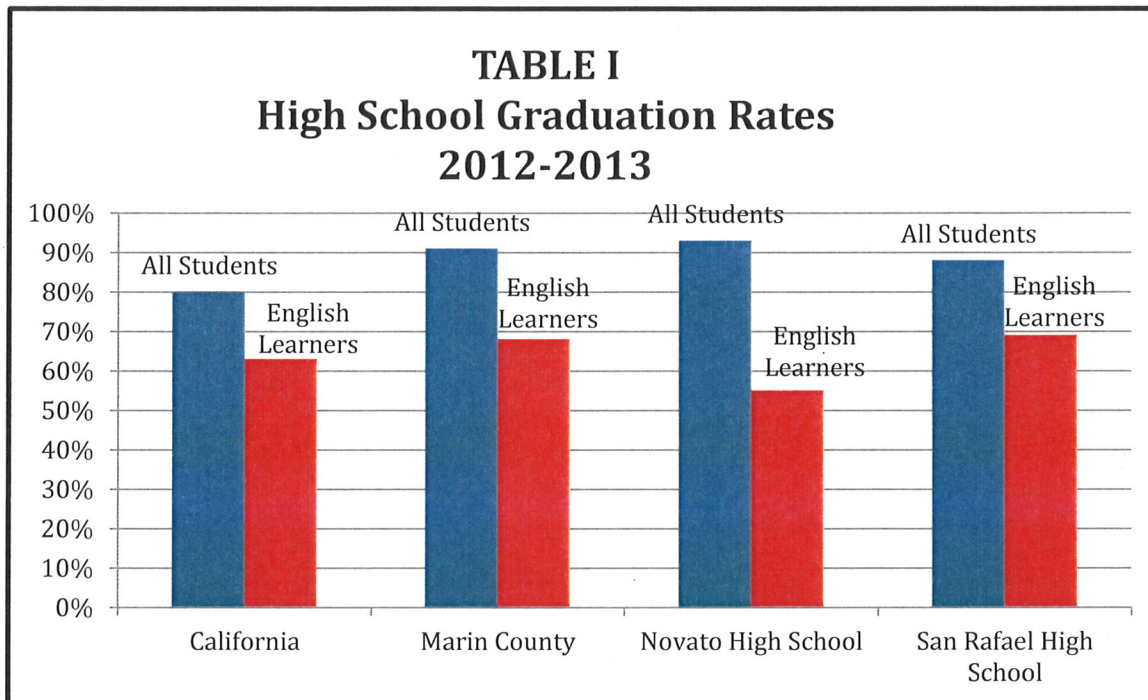
The graduation rate for all California students for the 2012-2013 school year was 80.4 percent, while the state rate for ELs was 63.1 percent.³ In Marin County, the overall graduation rate was a laudable 91.4 percent, while the EL rate was 67.9 percent, 23.5 percent lower. Clearly, Marin County is far ahead of the state’s overall graduation rate but is failing to graduate ELs at the same high rate as their peers. *Why?*

¹ “A Portrait of Marin-Measure of America,” Marin County Human Development Report, January 2012. Commissioned by Marin Community Foundation. www.measureofamerica.org/marin/.

² Dataquest is a statistical resource utilized by the California Department of Education that contains data from all California schools and shows every student’s annual performance data. Dataquest is not the only source of data on ELs. However, it is the uniform California Public Education data system used by all school districts to input student data and is the source of all the student data contained in this report.

³ This report focuses on the 2012-2013 school year for consistency and because when this investigation began, the 2012-2013 school year was the most recent year for which complete statistics were available.

The Grand Jury focused its investigation on the two high schools with the highest populations and lowest graduation rates of EL students: Novato High School and San Rafael High School. Of the 597 ELs in Marin County public high schools during the 2012-2013 school year, 53.6 percent, or 320, attended either Novato High School (95) or San Rafael (225) High School.



Prepared by 2014-2015 Marin County Grand Jury

As shown in Table 1,⁴ Novato High School's overall graduation rate was 93.1 percent, while the rate for the EL subgroup was 55 percent - 38.1 percent lower. At San Rafael High School during that period, the overall graduation rate was 89.4 percent, but the EL subgroup rate was only 69.4 percent - 20 percent lower.

Who Is Responsible For High School Graduation Rates? The ultimate measure of student success is high school graduation. But high school administrators and faculty alone are not solely responsible for graduation. In general and specific to this report, all California schools are under the jurisdiction of a district Superintendent who reports to an elected governing board. According to the California School Boards Association's (CSBA) Governance Standards, the Superintendent and governing board set the goals and priorities for their district. Thus, Novato High School and San Rafael High School are each part of a much larger school district that is ultimately responsible for educating ELs and accountable for their high school graduation rates.

Unified school districts educate students in kindergarten through grade 12 (K-12). Successful learning at each grade level is often dependent on successful learning in prior grades. Put

⁴ "Dataquest." California Department of Education. 2012-2013 Data.cde.ca.gov/Dataquest.

simply, a student may be a more successful 9th grader having mastered the curriculum taught in the previous grades, kindergarten through grade 8 (K-8). Thus, unified school districts are able to determine the curriculum their students master before they enter high school. High school districts (9-12), however, must rely on their feeder K-8 districts to matriculate students with high school entry-level skills.

How Are The School Districts Organized? Novato High School is one of three high schools in the Novato Unified School District (NUSD). San Rafael High School is one of three high schools in the San Rafael City High School District, grades 9 through 12 (9-12). Primary and middle schools (K-8) feeding students into the San Rafael City High School District are in the San Rafael City Elementary School District. These two school districts operate as San Rafael City Schools (SRCS), with one governing board and one Superintendent who together are responsible for the education of their students in grades K-8 and 9-12. Thus, although SRCS is not a unified school district, for these purposes it essentially operates as one.

Who Is An EL student? When a new student enrolls in any California public school, the parent completes a Home Language Survey, which provides preliminary information about the student's proficiency in English. A proficiency assessment is then administered to students who are identified by the survey as not having English as their primary language; students who are identified not to be proficient in English are designated as ELs. California's current proficiency tool is the California English Language Development Test (CELDT). The CELDT score will indicate one of five levels: Level I for Beginning, up to Level VI for Advanced. CELDT is administered annually to each EL student until the student is redesignated as proficient in English.

California's educational system includes almost one-third of the nation's ELs.⁵ In the 2012-2013 school year, of the 1,346,333 ELs in California, 84.6 percent, or 1,138,917 were Spanish speaking; 2.3 percent or 31,082 of ELs spoke Vietnamese, the second most common language.

The Road To Graduation. Despite considerable efforts in California, the numbers continue to reveal that ELs graduate at a considerably lower rate than their peers. It is important to note that many ELs do, in fact, graduate from high school, 67.9 percent in 2012-2013 in Marin County, higher than the state average, but still far below their peers.

Based on its investigation, the Grand Jury identified the following issues as the primary education-related hurdles facing ELs and their educators. Educators can and must overcome these hurdles through development, implementation and monitoring of a systemic plan for EL success.

- 1. Learning Academic Language.*** Many educators interviewed pointed out that the lower EL graduation rate is a result of the complexity of simultaneously learning course content and the English language. Imagine sitting in a history class in a foreign country, without understanding the language. That's what it's like for CEDLT Level I and II students. Or

⁵ English Learner (California Department of Education) Frequently Asked Questions.
<http://www.cde.ca.gov/sp/el/er/documents/elfaq.doc>.

if you can speak the foreign language but have not mastered reading or writing, you cannot complete the course requirements. That is often what it is like for students identified as CEDLT Level III and IV. These students are faced with the task of learning a curriculum and a new language concurrently. In California schools, students are enrolled in school at a grade level predominantly based on their age. For example, a 15-year-old EL student enrolls in the 9th grade speaking little or no English. To stay on course to graduation, that student will have to learn to speak, read and write English at the same time s/he is learning geometry, history and other subjects.

Another EL student enrolls who is well-enough established in English to engage in social conversations. However, in order to advance towards graduation, s/he also must understand the course work, or in other words, must know the "academic language."⁶ Thus, in addition to being conversant in English, s/he must also be able to understand the academic language used, such as "numerator," "denominator," "metaphor" or "simile," in class, reading course materials, and completing written assignments.

It takes five to seven years to gain sufficient language proficiency to understand academic language at the level that the core curriculum is taught,⁷ presenting a challenge for both students and educators. Obviously, ELs who quickly attain English proficiency and sufficient academic language can and do graduate with their high school peers. However, for ELs who do not develop sufficient proficiency in English to understand the academic language, graduating with their peers is unlikely.

2. Credit Deficiency. To graduate from high school, all students must earn 220 credits. This is a significant hurdle for many ELs, particularly those who enroll at an upper grade level. Some may have attended school in another country, but getting copies of their academic records and credits can be difficult. Such students start off behind their peers even if they were enrolled in high school in another country. For example, when an EL student enrolls in 10th grade without records of the credits earned in 9th grade, it is extremely difficult for that student to earn the 220 required credits. Others may not earn 220 credits because they lack the academic language to pass their classes.

3. Variety of EL Students. Like all students, ELs enroll in school with a wide range of abilities. This is particularly challenging for ELs and educators alike as ELs have different abilities AND limited or no English. Some students have not received a formal education and are illiterate in their primary language, while others are literate in their native language. Educators informed the Grand Jury that literacy in their native language often makes it easier for a student to learn to read and write in English. Some students enroll in first grade speaking some English, while others enroll in the 10th grade speaking no English. In addition to the range of ability in the average classroom, it is possible that one classroom may have five ELs, each at a different level of English proficiency,

⁶ Olson, Laurie, *Reparable Harm: Fulfilling the Unkept Promise of Educational Opportunity for California's Long Term English Learners*. Long Beach, Californians Together, 2010.

⁷ Gil, Libia, and Bardack, Sarah, "Common Assumptions vs. the Evidence: English Language Learners in the United States." American Institutes for Research, May 2010.

providing a further challenge for ELs and educators. Further, school districts have no prior knowledge of when or how many new EL students may enroll or their level of English proficiency, making advance planning problematic.

4. CELDT Level Progression. Starting when the student first enrolls, the CELDT is administered annually to non-fluent English speakers to chart their progress in gaining English fluency. In most cases, the younger the student is when s/he enrolls, the greater chance that student has to become proficient in English, learn the subject matter and graduate, having had more years of education in English prior to graduation.

For example, a child who first takes the test in kindergarten could reach Level VI (advanced) by fourth or fifth grade, and the next year could ideally bypass EL status and be “redesignated” as an “English Proficient” student. Several educators interviewed remarked that too many ELs stagnate at CELDT Level III and attributed this stagnation to students not mastering writing in English. They noted that the process of learning to write fluently, regardless of the grade, progresses only after the student can understand (listen), speak and read the language.

Many of the educators interviewed by the Grand Jury repeatedly spoke of the difficulties faced by some ELs outside of school. The issues raised most frequently were the parents’ inability to speak English, overcrowded living conditions, unstable home life, the trauma experienced getting to Marin County, and the urgent need to earn money. One person interviewed volunteered that educators sometimes use these difficulties as an excuse to justify lower educational expectations for ELs. However, whether the EL student is the child of a day laborer, an electrical engineer or an America’s Cup sailor, the school district is obligated to provide high quality, successful education for **all** students, including ELs - an education that leads to graduation.

The Importance Of Everyone Graduating From High School. Providing free public education for **all children who reside in California** is mandatory under our laws, no matter the circumstances. Virtually all Marin students can be successful in school if that truly is the school district’s priority. That success is beneficial not only for the students but for society as well. Marin County school districts are considered successful, yet by graduating only 67.9 percent of ELs, they are potentially creating both a substantial disadvantage for the students and a significant burden on society.

On a collective scale, the implications for society cannot be overlooked. For example, “Nearly 1 of every 10 young male high school dropouts was institutionalized on a given day in 2006-2007 versus fewer than 1 of 33 high school graduates.”⁸ Further, “Over their working lives, the average high school dropout will have a negative fiscal contribution to society of nearly -\$5,200

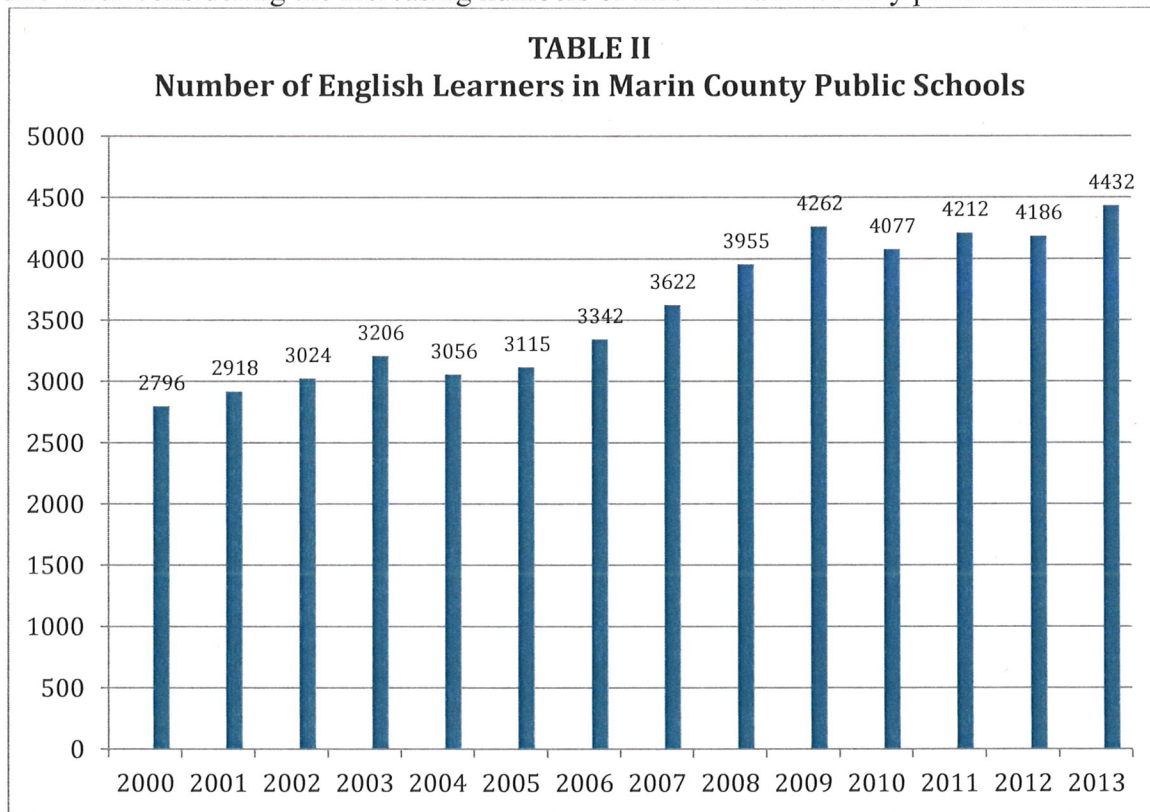
⁸ Sum, Edward; Khatiwada, Ishwar; McLaughlin, Joseph; Palma, Selma; “The Consequences of Dropping Out of High School.” October, 2009. Center for Labor Market Studies, Northeastern University.

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while the average high school graduate generates a positive lifetime net fiscal contribution of \$287,000.”⁹

Individually, the negative implications for any student who does not graduate from high school are often substantial. As the nature of the work force changes, these negative implications are intensified: “The median earnings of working men aged 30 to 45 without a high school diploma fell 20 percent from 1990 to 2013 when adjusted for inflation.”¹⁰ In general, better educated people are shown to be more likely to have better health and well being, higher income and greater life expectancy.¹¹

Recent Increase In ELs In Marin County Public Schools. This graduation gap is particularly dire when considering the increasing numbers of ELs in Marin County public schools.



There is no way to predict when and how many ELs will come to Marin County public schools in the future. However, in light of the dramatic increase shown in Table II,¹² there must be a

⁹ Ibid, p. 15.

¹⁰ Hershbein, Brad; Kearney, Melissa S.; Summers, Lawrence H.; “Increasing Education: What It Will and Will Not Do for Earnings and Earnings Inequality,” March 11, 2015. The Hamilton Project, Brookings Institution, blog post.

¹¹ “Portrait of Marin-Measure of America,” Marin County Human Development Report, January 2012. Commissioned by Marin Community Foundation. www.measureofamerica.org/marin/.

¹² “Dataquest.” California Department of Education. 2012-2013 Data.cde.ca.gov/Dataquest.

plan to close the graduation gap - a plan that must be implemented, assessed and modified as needed.

The Current Situation. When this investigation began, the Grand Jury found that the subject school districts were not focusing on ELs as a distinct subgroup with unique needs and were simply addressing them as part of the overall student population. Indeed, the Grand Jury found that in general Marin's school districts generally looked at student populations as a whole, except for high achievers, and not as subgroups. The Grand Jury found no urgent, focused approach taken by school district leadership to address the graduation gap, even though the gap is readily displayed in the data. In fact, the graduation gap was either invisible or unknown to many of those interviewed by the Grand Jury. Clearly, eliminating this gap was not a priority for the subject school districts.

For both school districts, the English Learner Master Plans are out of date, do not specifically address increasing EL graduation rates, and several of the educators interviewed seemed to be barely aware of their existence.

A Good Next Step. There are recent signs that a new emphasis on EL education is taking place in Marin. In the fall of 2014, SRCS hired an experienced Director of English Learner Programs. The NUSD hired a District Administrative Coordinator, English Learner Program, to begin in the 2014-2015 school year. While both positions can provide much needed leadership and focus on the EL subgroup, the coordinator position will not have as much authority as the director level position.

Increasing EL Graduation Rates. Not surprisingly, the question of how best to educate ELs came up repeatedly during the course of the Grand Jury's investigation. This report does not include a discussion of or recommendations about specific curriculum or educational innovations to improve EL graduation rates. Curriculum is beyond the scope of the Grand Jury's mandate. It can be noted that numerous recent academic studies have added to the body of research on creating an effective framework for teaching ELs, but the Grand Jury did not examine that research because it is beyond the scope of the Grand Jury's mandate.

The Grand Jury is not recommending how to eliminate the graduation gap, but most importantly, that it is eliminated. Hiring the aforementioned staff is a good start. But hiring these staffers is just the beginning of the solution, not the entire solution. Ongoing leadership is required.

The Grand Jury recommends that the governing boards and Superintendents of the Novato Unified School District and San Rafael City Schools publicly assume leadership for the eliminating the graduation gap by making this a school district priority and by accepting responsibility for achieving that goal. A systemic multi-year plan with reasonable annual goals towards achieving parity in graduation rates must be developed, measured and monitored for success.

Eliminating the graduation gap means that ELs graduate from high school at the same high rate as their peers. Several educators interviewed by the Grand Jury stated that it is reasonable to set a goal for ELs to graduate at the same high rate as the rest of the students.

What Does Leadership Entail? Leaders own the problem. Leaders are accountable for solutions. The job of leaders is to identify and implement approaches, assess the outcomes, modify as needed and continue this cycle until the goal is achieved. Currently, there is no magic solution for successfully graduating ELs. Instead, each approach must be assessed on an ongoing basis and its success determined and modified as needed. As new approaches are developed or populations change, the leaders must be flexible to maximize the achievement of all students, including ELs. Leadership requires creativity and tenacity.

The Grand Jury acknowledges that the goal of graduating ELs at the same rate as their peers, while attainable, may be difficult to achieve. While it is unrealistic to expect the graduation gap to disappear within a few years, annual improvements are attainable and necessary. The Grand Jury believes that the subject governing boards and Superintendents must set the goal high. Setting the goal high evidences a commitment to success and keeps the focus on solutions. This is effective leadership.

FINDINGS

- F1. San Rafael High School and Novato High School English Learner students graduate from high school at a lower rate than their peers, potentially creating a substantial disadvantage for the student and a significant burden on society.
- F2. When the Grand Jury investigation began, there was no urgent, focused approach taken by school district leadership to address this graduation gap and the graduation gap was either invisible or unknown to many educators.
- F3. The San Rafael City Schools and the Novato Unified School District English Learner Master Plans are out of date, do not specifically address how to increase English Learner graduation rates, and several of the educators interviewed seemed to be barely aware of their existence.
- F4. In the fall of 2014, San Rafael City Schools hired an experienced Director of English Learner Programs, and Novato Unified School District hired a District Administrative Coordinator, English Learner Program, who will begin in the 2014-2015 school year, indicating that both school districts are placing a new emphasis on English Learner education.

RECOMMENDATIONS

- R1. San Rafael City Schools' and Novato Unified School District's governing boards and Superintendents assume leadership to ensure that English Learners graduate from high school at the same high rate as their peers by adopting this goal as a district priority and assuming responsibility for achievement of that goal.
- R2. San Rafael City Schools' and Novato Unified School District's governing boards and Superintendents develop, implement, monitor and modify as needed a systemic multi-

year plan with reasonable annual goals culminating in the elimination of the graduation gap between English Learners and their peers.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- San Rafael City Schools Board of Education: All Findings and Recommendations.
- Novato Unified School District Board of Education: All Findings and Recommendations.

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Ralph M. Brown Act.

The Grand Jury invites a response from the following individuals:

- San Rafael City Schools Superintendent: All Findings and Recommendations.
- Novato Unified School District Superintendent: All Findings and Recommendations.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Grand Jury investigation.

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