

REPORT OF THE
OFFICE OF THE AUDITOR GENERAL
TO THE
JOINT LEGISLATIVE AUDIT COMMITTEE

901

IMPLEMENTATION OF
BILINGUAL EDUCATION
IN CALIFORNIA

MARCH 1980



California Legislature

Joint Legislative Audit Committee

GOVERNMENT CODE SECTION 10500 et al

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March 24, 1980

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The Honorable Speaker of the Assembly
The Honorable President pro Tempore of the Senate
The Honorable Members of the Senate and the
Assembly of the Legislature of California

Members of the Legislature:

Your Joint Legislative Audit Committee respectfully submits the Auditor General's report concerning implementation of the State's bilingual education program.

The report indicates that many districts and schools are not providing required bilingual instructional programs, fulfilling staffing mandates, or including required numbers of fluent-English-speaking pupils in bilingual classrooms.

It identifies factors that contribute to these instances of noncompliance and points out the need for the Department of Education to address these problems. The report also indicates the need for improvements in school district language assessment practices used for identifying limited-English-speaking pupils.

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Respectfully submitted,

S. FLOYD MORI
Chairman, Joint Legislative
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SUMMARY

We have reviewed the implementation of several components of the State's bilingual education legislation, focusing on program compliance, pupil identification and placement procedures, sources and uses of funds to serve limited-English-speaking and non-English-speaking (LES/NES) pupils, and attendance levels among these pupils and among fluent-English-speaking (FES) pupils in bilingual and regular classrooms.

During our review, we found that most of the 17 schools visited are not providing required bilingual instructional programs, fulfilling staffing mandates, or including required numbers of fluent-English-speaking pupils in bilingual classrooms. We also found that schools are not using consistent procedures for assessing pupils' English language proficiency, partially because of limitations in available language assessment instruments. Moreover, schools are not using available testing instruments correctly in identifying LES/NES pupils. Consequently, pupil identification and classification varies considerably among districts and schools.

To address the problems school districts are experiencing in adhering to the State's bilingual education mandates, we make recommendations to the Legislature and to the Department of Education. We recommend that the Legislature consider enacting legislation to extend teacher waivers and to provide more flexibility in statutory mandates for including fluent-English-speaking pupils in bilingual classrooms. We also recommend that the Department of Education continue its recent efforts to implement more extensive follow-up procedures for districts which are not complying with bilingual education mandates. The department should also assist school districts with language assessment procedures and individualized learning programs for LES/NES pupils.

We also collected information about student attendance patterns, funds used to serve LES/NES pupils, and the placement of fluent-English-speaking pupils in bilingual classrooms. The report indicates relatively high levels of elementary grade absenteeism, particularly at the kindergarten level. It indicates that funds used to serve LES/NES pupils are being used in accordance with legal provisions. It also indicates that the achievement levels of fluent-English-speaking pupils in bilingual classrooms correspond to achievement levels of students within the total school population.

INTRODUCTION

In response to a resolution of the Joint Legislative Audit Committee and under the authority vested in the Auditor General by Government Code Section 10527, we have reviewed the implementation of the State's bilingual education legislation. This review focused on program compliance issues; pupil identification and placement procedures; funds used to serve limited-English-speaking and non-English-speaking (LES/NES) pupils; and attendance of limited-English-speaking, non-English-speaking, and fluent-English-speaking (FES) pupils in regular and bilingual classrooms.

Background

The State's present bilingual education program is based upon the Chacon-Moscone Bilingual/Bicultural Education Act of 1976 (Chapter 978, Statutes of 1976--AB 1329) as amended. The statute requires that schools offer LES/NES pupils bilingual learning opportunities under certain conditions. The Education Code defines LES/NES pupils as those

Who do not have the clearly developed English language skills of comprehension, speaking, reading and writing, necessary to receive instruction only in English at a level substantially equivalent to pupils whose primary language is English.

Recently, Chapter 894, Statutes of 1977 (AB 65) extended requirements for establishing bilingual education programs. Previously, districts receiving certain categorical funds were required to establish bilingual programs in elementary schools. As of July 1, 1979, the Economic Impact Aid program requires all elementary schools with ten or more LES/NES children with the same primary language at the same grade level to offer bilingual instruction. Furthermore, districts must provide an individual learning program (ILP) to all LES/NES pupils in kindergarten through grade 12 who are not enrolled in a specific bilingual program. ILPs are any instructional program for LES/NES pupils in which instruction is offered in a manner consistent with federal regulations.* California's bilingual education statutes also require that bilingual instruction be provided only by certificated or waived bilingual teachers. Additionally, districts must include fluent-English-speaking pupils in bilingual classrooms.

Federal mandates regarding LES/NES pupils are based principally on Title VI of the United States Civil Rights Act of 1964, which prohibits discrimination "on the grounds of race, color, or national origin," in any program or activity receiving federal financial assistance. Pursuant to Title VI,

* This refers to the United States Supreme Court decision in *Lau v. Nichols* (414 U.S. 563), the Equal Educational Opportunity Act of 1974 (20 U.S.C. Section 1701 et seq.), and federal regulations consistent with such court decisions and federal statutes.

the Department of Health, Education, and Welfare issued guidelines in 1970 relating to programs for limited-English-speaking students. For school systems receiving federal funds, the guidelines state

Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

In 1974 the United States Supreme Court upheld these guidelines in *Lau v. Nichols*, ruling that school districts were required to address the linguistic deficiencies of language-minority children.

Funding for educational services to LES/NES students in California for fiscal year 1978-79 came from a variety of sources in addition to the Chacon-Moscone Bilingual/Bicultural Education Act of 1976. For fiscal year 1979-80, state funding for bilingual education has been consolidated under the Economic Impact Aid program with funding for the State Compensatory Education program.*

* The State Compensatory Education program replaced the Educationally Disadvantaged Youth (EDY) program in July of 1979.

Scope and Methodology

During the period from September to December 1979, we performed comprehensive reviews in nine school districts selected to include rural, urban, and suburban locations as well as differing enrollments and concentrations of LES/NES pupils. The number of LES/NES pupils in the districts ranged from 234 to 99,454. We visited 17 elementary schools in the districts. The percentage of LES/NES pupils in these schools ranged from 15 percent to 79 percent of the student body. Background information describing district and school characteristics is shown in Appendix A.

We interviewed district and school staff and collected data concerning

- Implementation of state bilingual mandates;
- Criteria for placing LES/NES/FES pupils in bilingual programs;
- Expenditures in fiscal year 1978-79 for services to LES/NES pupils;
- Participation of LES/NES pupils in compensatory education programs and other special programs;

- Attendance patterns of LES/NES/FES students in bilingual classrooms and in regular classrooms; and
- Other program implementation concerns identified by district and school personnel.*

* A number of other implementation and effectiveness issues were not examined since they are being reviewed under a contract between the Legislative Analyst and a private firm, Development Associates, Inc.

AUDIT RESULTS

SCHOOL DISTRICTS ARE NOT FULLY COMPLYING WITH LEGISLATIVE MANDATES REGARDING SERVICES TO LIMITED- AND NON-ENGLISH-SPEAKING PUPILS

Our review indicated that 14 of the 17 elementary schools visited were not complying with at least one of the following state bilingual education mandates:

- Districts must provide bilingual instructional programs under certain conditions;
- Teachers instructing bilingual classes must be either certificated bilingual-crosscultural teachers or teachers receiving a waiver from the State Board of Education; and
- Bilingual classes must include a specific ratio of fluent-English-speaking pupils.

Because of schools' noncompliance with these mandates, limited-English-speaking and non-English-speaking pupils are not assured of receiving classroom instruction in their primary language by a specially trained teacher. Also, as a result of noncompliance, LES/NES pupils may have limited opportunities for interaction with fluent-English-speaking peers.

The reasons for not complying with these mandates represent a range of circumstances. Some districts and schools had unique problems hindering compliance while others made only limited efforts to conform to mandates. Many of these reasons for noncompliance were interrelated. For example, if a school was out of compliance with the certificated bilingual teacher requirement, it often had an insufficient number of classrooms. Additionally, since some schools were not able to establish a sufficient number of bilingual classrooms, they placed as many LES/NES pupils as possible in the bilingual classrooms available, thereby not complying with the mandate regarding inclusion of one-third fluent-English-speaking pupils in these classrooms.

Several school districts were not making a concerted effort to comply with the mandates due to lack of support from their school boards, administrators, and the community. The Department of Education's limited follow-up on enforcement activities regarding mandated services to limited-English-speaking and non-English-speaking pupils may not have encouraged district compliance. In the following pages, we present examples of noncompliance which represent the range of situations we observed.

Bilingual
Instructional Programs

Section 52165 of the Education Code requires that any elementary school identifying (through required language assessment procedures) 10 or more LES/NES pupils with the same primary language at the same grade level or in the same age group must offer those pupils bilingual instruction. A district may offer either (a) partial bilingual instruction in which listening, speaking, reading, and writing skills are developed in both languages and culture and history are taught in the language the pupil understands better; (b) full bilingual instruction in which basic language skills as well as culture and history are developed in both languages; or (c) bilingual/bicultural education in which two languages, including English, are used to promote competence in both languages. Schools with 10 or more NES pupils or 15 or more LES pupils with the same primary language in the same grade level or in the same age group must provide them with either full bilingual instruction or bilingual/bicultural education.

Because the Education Code does not specify how many classes must be offered by schools required to offer bilingual instructional programs, we sought a Legislative Counsel opinion on this matter. The opinion indicated that schools must offer enough bilingual classes to assure that all LES/NES pupils may receive adequate instruction. All schools with less than 10 LES/NES pupils with the same primary language at the same grade level or in the same age group must provide these pupils with an individual learning program.

We found, however, that 12 of the 17 schools we visited had not offered a sufficient number of classes in either 1978-79 or 1979-80. The degree of noncompliance varied. For example, one elementary school had 93 LES/NES pupils. For 71 of these pupils, bilingual program requirements existed across four grade levels. Yet the school was not offering any bilingual classes. The district reported that all 93 pupils were in regular classrooms and were provided with ILPs.

Another elementary school we visited had established 12 bilingual classes across all grade levels in an effort to comply with statutory mandates. However, this school was still out of compliance at several grade levels because of a shortage of certificated or waived bilingual teachers in the district. To compensate for this shortage, the school was providing unserved LES/NES pupils with a Spanish reading pull-out program.*

We found that 9 of the 12 schools unable to provide bilingual classes for LES/NES pupils were serving them through individualized learning programs. Services, though, varied significantly among districts. The Department of Education has provided general guidelines regarding ILPs to districts; however, the department has not yet disseminated detailed ILP guidelines. The department estimates that 48 percent of all LES/NES pupils in grades K through 12 receive services through this type of program.

* A pull-out program is one held outside the regular classroom.

School districts are not complying with the bilingual classroom mandate for many reasons. Lack of certificated bilingual teachers was the one reason most frequently given. For many districts, undesirable locale and lack of financial incentives further compound the general statewide shortage of certificated bilingual teachers. Additionally, administrators at three districts reported the lack of support for bilingual education from the school board as a direct cause for noncompliance. In one of these districts, for example, the board adopted an unwritten policy limiting the number of bilingual classes per grade level regardless of the number required. Other district administrators reported that lack of support from board members, school administrators, and the community contributed to their noncompliance. Finally, speculation that new legislation would alter present bilingual mandates was also cited as a reason for noncompliance. Because of districts' noncompliance, LES/NES pupils may not be receiving instruction which builds upon their primary language from a teacher who knows that language.

Certificated
Bilingual Teachers

Section 52178 of the Education Code requires that certificated bilingual-crosscultural teachers instruct in mandated bilingual programs. Teachers with an internship credential or with an emergency bilingual-crosscultural credential who are fluent both in English and in the primary language of the LES/NES pupils in their class may also instruct in bilingual programs. School districts lacking sufficient certificated bilingual teachers may request a renewable one-year waiver from the State Board of Education for each teacher enrolled in a bilingual-crosscultural instructional program. A bilingual-crosscultural aide must provide classroom assistance to waived teachers. A recent amendment to the Education Code (Section 44253.5) mandates that only those teachers who have passed part A (oral) or part B (cultural) of the competency requirement are eligible to receive waivers. However, all waivers will expire by September 1, 1980.

Schools we contacted had difficulty in fulfilling current teacher mandates. Four of the 17 schools in our sample did not comply in 1979-80 with teacher requirements. These schools allowed teachers who were neither certificated nor waived to instruct bilingual classes. We did not categorize an additional eight schools as out of compliance with teacher waiver requirements since we had already identified them as not complying with bilingual classroom requirements. However, five of these schools cited problems meeting teacher requirements as the direct cause of their noncompliance with bilingual classroom mandates.

One district, for example, needed 93 certificated or waived bilingual teachers. However, only 46 teachers in the district met these requirements. Contrary to regulations, noncertificated instructors were teaching 35 bilingual classes. Twelve other bilingual classes should have been established but were not because certificated or waived teachers were not available.

The magnitude of this problem is difficult to ascertain because some school districts are incorrectly reporting to the State the number of bilingual classes required. Districts must submit information to the State Department of Education specifying the number of certificated and waived teachers employed along with the required number of bilingual classes.* Three of the districts we visited reported the number of classes having bilingual teachers instead of the number of bilingual classes required. One of these districts, for example, reported that it required 79 bilingual classes and that it employed 79 certificated or waived bilingual teachers. However, administrative staff acknowledged that approximately 110 bilingual classes were needed to serve the number of LES/NES pupils in the district.

The main cause of noncompliance is the current shortage of certificated bilingual teachers and teachers who qualify for waivers. For 1979-80, the Commission for Teacher Preparation and Licensing reports a minimum projected need in California for grades K through 6 of 9,788 bilingual teachers. The 6,115 certificated bilingual teachers as of October 1979, however, satisfy only about 62 percent of that need. The recent waiver requirement which mandates that a teacher fulfill

* This information is reported on the Department of Education's Bilingual Teacher Waiver Information Form A127W.

part A or part B of the competency requirement before receiving a waiver may have reduced the number of waived bilingual teachers. Additionally, noncertificated teachers often have no incentive to obtain a bilingual credential. Reasons for lack of motivation include the absence of monetary stipends, extra work, and difficulties with the certification procedures.

Fluent-English-Speaking
Students in Bilingual Classrooms

Section 52167 of the Education Code states that not more than two-thirds of the pupils enrolled in a bilingual classroom shall be LES/NES pupils. If the proportion of LES/NES pupils in the school exceeds two-thirds, then the proportion of these pupils in a bilingual classroom may exceed the proportion of all LES/NES pupils in the school by no more than 10 percent. For example, if a school has a LES/NES pupil enrollment totaling 80 percent of its total enrollment, then the proportion of these pupils within the bilingual classroom may not exceed 90 percent. According to an opinion we received from the Legislative Counsel, this proportion of limited- and non-English-speaking pupils must be maintained throughout the school year.

The legislation requires the presence of fluent-English-speaking students in bilingual classrooms to achieve several purposes:

- To prevent the segregation of children on the basis of national origin;
- To broaden the FES students' understanding of other languages and cultural heritages; and
- To assist children with limited proficiency in English in improving their English language skills by interacting with fluent-English-speaking peers.

Many schools we visited were not complying with this statutory requirement for various reasons. In reviewing data at 14 of the 17 schools, we found that 10 were not complying with this mandate.* Noncompliance ranged from schools with no FES pupils in bilingual classrooms to those with almost the required ratio. Administrators at five of the schools stated they had difficulty meeting the requirement because their school populations had high concentrations of LES/NES pupils. One of these schools was comprised of approximately 70 percent LES/NES students. Yet these students constituted over 90 percent of the total enrollment at the kindergarten level. As

* We did not review this compliance issue at three of the schools we visited because two of them did not have this data readily available, and the other had established no bilingual classes.

previously cited, state mandates permit only a 10 percent fluctuation in the proportion of LES/NES pupils to FES pupils based on the total school, not on the proportions at individual grade levels. Thus, this school was violating the requirement at the kindergarten level.

Another school could not establish a sufficient number of bilingual classrooms. To provide services to the pupils most in need, it included more LES/NES pupils than permitted in those classes which were established. Other reasons cited for noncompliance included high transiency rates and problems obtaining parents' approval for placing FES pupils in bilingual classes. As a result of these problems, LES/NES pupils in districts and schools not complying with this mandate may have limited opportunities for interaction with fluent-English-speaking students.

Limited Follow-Up on
Enforcement Activities by
the Department of Education

The Department of Education is responsible for enforcing bilingual education statutes. However, its follow-up on enforcement activities has been limited. The department reviews school plans and conducts program compliance reviews at districts and schools; these reviews include a determination of whether districts and schools are implementing bilingual education requirements. If the department determines that a school or district is not complying with statutory mandates, it requires that the district prepare a response detailing what action it will take to correct program deficiencies. If the plan in the response appears to correct the problems, the department often considers the issue resolved and does not follow up to ensure that corrective measures are implemented. As one district administrator stated, because a school will usually not be reviewed again for three more years, a district can submit a plan to correct program deficiencies with no intention of implementing it.

The Department of Education also needs to improve its review of teacher waiver requests. After a district submits a request for a teacher waiver, the department does little to verify the accuracy of data submitted on the required number of bilingual classrooms and associated staffing needs. Without such verification, there is no assurance that a district is complying with staffing mandates.

Several factors within the Department of Education have hindered the effectiveness of its compliance activities. The principal reason for the limited follow-up was insufficient staff. Another factor was limited coordination among departmental units having bilingual education responsibilities. Technical assistance, program review, and compliance functions were not fully coordinated. Consequently, districts were receiving only limited state assistance in correcting their compliance problems.

Under the department's newly reorganized Consolidated Programs Division, several changes have been made which should strengthen internal coordination and provide for more complete follow-up on bilingual education compliance issues. In addition to combining the consolidated programs' field operations, the department created the Management Development and Compliance Monitoring Unit to track compliance issues related to all Consolidated Programs' funding sources (including those for state bilingual education) with the assistance of a computer-based information system. This unit is responsible for seeing that after compliance issues are identified, they are resolved within the context of the department's five-stage compliance system. Resolution requires that the manager responsible at each stage review and approve the documentation submitted by the school or district. This documentation should demonstrate compliance with the appropriate laws and regulations. In some cases, where the

department enters into compliance agreements with districts, department staff will visit the school or district to ensure that the agreement's provisions have been enacted. Also, those schools and districts participating will follow-up on their compliance issues within the context of program and technical assistance and monitoring activities.

CONCLUSION

Many districts and schools are not complying with legislative mandates regarding services to limited- and non-English-speaking students. Specifically, districts and schools are frequently not (a) providing bilingual instruction as required by law, (b) staffing programs with certificated bilingual teachers, and (c) including the required proportion of fluent-English-speaking pupils in bilingual classrooms. Furthermore, the State Department of Education's limited follow-up on enforcement activities has not promoted compliance with these requirements. Because limited-English-speaking and non-English-speaking pupils often are not receiving services in accordance with present bilingual education mandates, they are not assured of receiving the educational opportunities specified by current state law.

RECOMMENDATION TO LEGISLATURE

To address problems school districts are experiencing in implementing current bilingual education mandates, we recommend that the Legislature consider enacting legislation to extend teacher wavers provided that districts submit staffing plans to the Department of Education. These plans would report the total number of certificated bilingual teachers needed and would detail plans for obtaining them through methods such as bilingual/bicultural educational programs, in-service training, and incentives provided at the district level.

We further suggest that the Legislature enact more flexible legislation regarding placement of fluent-English-speaking pupils in bilingual classrooms, including (1) enabling schools to maintain bilingual classroom ratios based on student population by grade level instead of by total school population or (2) requiring that no more than 40 percent of the students enrolled in bilingual classrooms be fluent-English-speaking (similar to the federal Bilingual Education Grant Program--Elementary and Secondary Education Act, Title VII). If the Legislature implements the federal FES enrollment ceiling, it may wish to continue a minimum percentage of FES students to be enrolled in these classrooms.

RECOMMENDATION TO
DEPARTMENT OF EDUCATION

We recommend that the Department of Education expedite its delivery of detailed guidelines to school districts. These guidelines should clarify the procedures to be followed in providing individualized learning programs to LES/NES pupils.

We also recommend that the Department of Education continue its recent efforts to more actively enforce bilingual education mandates by establishing follow-up procedures for districts and schools that are not complying with program requirements. These procedures might include the department crosschecking school districts' data on their bilingual education programs to ensure compliance with mandates. The department should also assist districts with more severe compliance problems through site visits and/or technical assistance. Such technical assistance should be coordinated among units within the department having bilingual education responsibilities.

Lastly, the department may wish to require school districts previously found to be out of compliance to file a letter following up on their initial plan of corrective action. Such a follow-up response, outlining actions taken as of that date, would help to ensure that districts correct their program deficiencies.

LANGUAGE ASSESSMENT
PRACTICES ARE INCONSISTENT

We found that school districts are not using consistent procedures for identifying pupils' English proficiency. Different assessment criteria and procedures significantly affect the number of pupils identified as limited-English-speaking, non-English-speaking, or fluent-English-speaking. Although some problems in this area are attributable to the assessment instruments, we identified other problems that also contribute to disparities in pupil classification. Such disparities included using teacher judgment in pupil identification procedures and inconsistently interpreting test scores from language assessment instruments.

Each school district must assess the English proficiency of students having a primary language other than English. The purpose of this process is to determine the total number of LES/NES pupils within the district and to assure that they are provided with mandated language services. The Department of Education has designated four testing instruments districts may use in assessing student English language proficiency.

Differing Language Assessment Instruments

In the Auditor General's previous report entitled, Bilingual Education: Pupil Assessment, Program Evaluation, and Local Program Implementation, (Report No. 828.2, March 1979), we reported that the designated assessment instruments measure different skill areas and, therefore, can cause substantial variation in the number of LES/NES pupils identified. During our current review, we found that the number of LES/NES pupils identified varied widely in some districts as a result of the district's changing assessment instruments. For example, one district initially used an assessment instrument which identified 633 LES/NES pupils. Subsequently, the district conducted another assessment of basically the same pupils using a different test. This assessment identified 434 LES/NES pupils, 31 percent fewer LES/NES pupils than identified with the first instrument.

Differing Criteria

Although the Department of Education has specified testing instruments for identifying LES/NES pupils, we found that schools use differing criteria to interpret test scores. Most schools are augmenting test scores with teacher judgment in determining a pupil's English proficiency.

Schools are also using different criteria to classify pupils' English language skills. Only two of five school districts using the same testing instrument, for example, followed the proficiency levels prescribed in the instrument manual to classify and to place students. Of the three school districts remaining, two were using a lower proficiency score than specified in the test manual. As a result, these schools were identifying fewer LES/NES students than indicated by the actual language assessment test results. Such deviation from the test manual produces substantial variation in the number of LES/NES pupils identified. One school district which initially used a lower English proficiency level for the FES category than stipulated in the test manual identified 43 LES/NES students for grades 4, 5, and 6. When that district subsequently employed the manual's proficiency level, the number of LES/NES pupils identified rose to 274, a 537 percent increase.

An official from the Office of Bilingual/Bicultural Education stated that school districts are to classify and place students according to the instructions specified by the assessment instrument manuals. Using other methods of classification such as teacher judgments or applying alternative scoring criteria in interpreting proficiency levels is not acceptable.

One reason given by administrators and school personnel for using different standards to classify pupils was that limitations in the prescribed instruments often resulted in incorrect assessments.

Another factor also influenced pupil classification. One school reclassified LES pupils because it lacked sufficient bilingual classrooms to serve all identified pupils. It established a new classification, very limited-English-speakers, in addition to the standard category of limited-English-speakers. Very limited-English-speaking pupils were given priority for placement in the limited number of bilingual classrooms available.

During our review, we also examined language assessment procedures to determine whether districts and schools were collecting information which enabled them to determine students' language dominance. Language dominance refers to whether pupils' language skills are stronger in English or in their primary language. We found that most districts could not readily judge pupils' relative language skills by using information collected through present language assessments.

The department is not monitoring school districts to assure that they are using language assessment instruments in accordance with the manuals' prescribed procedures. Nor has it provided thorough technical assistance to school districts so that they can accurately interpret language assessment scores. However, the Department of Education is aware of the language assessment problems. It recently awarded a contract to the Americas Behavioral Research Corporation of San Francisco to conduct an equivalency study of the four presently designated language assessment instruments.

CONCLUSION

School districts are using differing criteria and procedures to identify LES/NES students. This lack of standardized procedures has caused variation among districts and schools in the classification of LES/NES pupils.

RECOMMENDATION TO DEPARTMENT OF EDUCATION

We recommend that the Department of Education

- Monitor school districts' language assessment practices to ensure that districts are using proper procedures for identifying LES/NES pupils;

- Clarify criteria for identifying LES/NES pupils and improve its technical assistance to school districts regarding language assessment procedures for these pupils. Such activities should include issuing instructions to districts for interpreting language assessment results and should serve to clarify criteria for pupil identification.

ADDITIONAL PERTINENT INFORMATION

ATTENDANCE PATTERNS AMONG LES, NES, AND FES PUPILS

In response to a request to analyze pupil absenteeism, we reviewed attendance patterns among limited-English-speaking, non-English-speaking, and fluent-English-speaking students in both regular and bilingual classrooms. We found the highest levels of student absenteeism at the kindergarten level. In both regular and bilingual elementary classrooms, FES students were absent the most, and LES students, the least.

Our review of student attendance included data from 2,305 students in 13 schools within eight districts. These schools were located in areas of relatively high poverty. Consequently, while the data are reliable for the schools in the sample, they cannot be used to project levels of elementary student absenteeism statewide.

We collected absenteeism data for the 1978-79 school year from a sample of grade K through 6 regular and bilingual classrooms within the 13 schools. Absenteeism figures for pupils who had been enrolled in school six months or more were collected. Where possible, we included regular classes which had LES/NES pupils to compare attendance patterns of LES/NES students in the two types of classrooms. We then determined average rates of excused and unexcused absences at each grade (K-6) for LES, NES, and FES students for regular and bilingual classrooms. The data were tallied from attendance cards or school registers.

Absences for
Bilingual and Regular
Classrooms Combined

Results of our analysis for bilingual and regular classrooms combined yielded more significant differences than did our comparison between regular and bilingual classrooms. Specifically, we found that

- Students at the kindergarten level evidenced the highest levels of absenteeism;
- FES students at all grade levels, except the fifth grade, had the highest rates of absenteeism; and
- LES students had the lowest levels of absenteeism at all grade levels.

Health officials consider roughly seven to nine days of absences in a 180-day school year as a normal absenteeism rate for health reasons. School district personnel report kindergarteners have a slightly higher absenteeism rate partially because of infectious diseases. We found, as shown in Table 1 on page 33, that fluent-English-speaking kindergarteners were absent an average of over 20 days, the equivalent of over four weeks of school. NES kindergarten students were absent an average of slightly more than three weeks, and LES kindergarten students, slightly less than three weeks.

In both regular and bilingual classrooms, we found the highest absenteeism at the kindergarten level and at all other grades among FES students and the lowest among LES students. Although, we were unable to determine the reason for this pattern, it may be related to the high concentration of low-income families in these districts' attendance areas. An average of 22.4 percent of families in these districts receive Aid to Families with Dependent Children (AFDC). The statewide average percentage of AFDC recipients in school attendance areas is 14 percent. Our previous study, Attendance and Absenteeism in California Schools, as well as other research, have shown highest levels of absenteeism among students from economically disadvantaged families.¹

TABLE 1
AVERAGE LEVELS OF TOTAL ABSENTEEISM

<u>Grade Level</u>	<u>Sample Size (Students)</u>	<u>Average Number of Days Absent</u>	<u>Statistical Significance of Difference</u>
<u>Kindergarten</u>			
LES	65	14.2	.001*
FES	201	20.4	
NES	205	15.6	
<u>Grades 1-2</u>			
LES	236	9.9	.05 N.S.**
FES	374	11.4	
NES	115	10.3	
<u>Grades 3-6</u>			
LES	416	8.4	.001 N.S.
FES	609	12.8	
NES	84	9.9	
<u>Grades K-6</u>			
LES	717	9.4	.001 N.S.
FES	1,184	13.6	
NES	404	12.9	

* This indicates the probability is less than 1 out of 1,000 that the difference is attributable to chance variation.

** Difference is not significant.

The grade level absence patterns we found are consistent with our previous attendance study and with other data showing relatively high levels of absenteeism in kindergarten; these levels decrease during elementary grades and then increase in the secondary grades.²⁻⁴ These studies suggest that attendance problems early in children's educational experiences warrant increased attention. The importance of this issue is highlighted by research which shows a direct causal relationship between the amount of time students are engaged in learning activities in the elementary grades and their growth in achievement.⁵⁻⁷

Excused and Unexcused Absences

Excused absences include those resulting from illness, quarantine, medical or dental appointments, attending the funeral services of an immediate family member, and religious holidays. Unexcused absences result from other reasons, such as vacations taken during the school year, family problems, or reluctance to attend school. We examined excused and unexcused absences separately to determine what patterns emerged. The data revealed these patterns:

- FES, LES, and NES kindergarteners and FES and NES students in the third to sixth grades averaged three or more unexcused absences;

- FES students consistently had the highest levels of excused absences;
- NES students generally had the highest levels of unexcused absences; and
- LES students generally had the lowest levels of both excused and unexcused absences.

In interpreting the data regarding unexcused absences, it is noteworthy that other reviews have also indicated a substantial portion of absences nationwide due not to illnesses and other excused causes but rather to such unexcused factors as personal reasons or vacations.^{8,9}

TABLE 2
 EXCUSED AND UNEXCUSED ABSENCES
 FOR SAMPLE STUDENTS

<u>Grade Level</u>	<u>Average Number of Unexcused Days Absent</u>	<u>Statistical Significance of Difference</u>	<u>Average Number of Excused Days Absent</u>	<u>Statistical Significance of Difference*</u>
<u>Kindergarten</u>				
LES	3.0		11.2	
FES	4.2		16.2	
NES	4.7		11.0	
<u>Grades 1-2</u>				
LES	2.2		7.6	
FES	2.3		9.1	
NES	2.0		8.2	
<u>Grades 3-6</u>				
LES	1.9		6.4	
FES	3.0		9.8	
NES	3.3		6.5	
<u>Grades K-6</u>				
LES	2.1		7.3	
FES	3.0		10.7	
NES	3.6		9.3	

* Figures indicate the probability that the difference occurred by chance; for example, .10 indicates that probability is less than 1 out of 10. N.S. indicates the difference is not significant.

Absenteeism in Bilingual Versus Regular Classrooms

In examining absenteeism in bilingual and regular classrooms, we again looked at both excused and unexcused absences. We found that total absenteeism was slightly higher in regular than in bilingual classrooms. This pattern was primarily due to (a) high levels of absenteeism among fluent-English-speaking pupils in the regular classrooms and (b) the relatively large numbers of FES pupils in the sample. The table on the following page details these patterns.

Some evaluations of bilingual education programs conducted elsewhere have shown better attendance in bilingual classrooms than in regular classrooms.¹⁰⁻¹¹ Additional studies show that a variety of other special programs have also been associated with favorable attendance patterns.¹²

TABLE 3
AVERAGE LEVELS OF ABSENTEEISM
IN REGULAR AND BILINGUAL CLASSROOMS

<u>Grades K-6</u>	<u>Regular Classrooms</u>	<u>Bilingual Classrooms</u>
<u>Sample Size (Pupils)</u>		
LES	254	463
NES	102	302
FES	695	489
Total	1,051	1,254
<u>Excused Days Absent</u>		
LES	7.6	7.1
NES	8.3	9.6
FES	10.8	10.4
Average, All Students*	9.8	9.0
<u>Unexcused Days Absent</u>		
LES	1.7	2.3
NES	3.7	3.6
FES	3.0	3.0
Average, All Students	2.7	2.9
<u>Total Days Absent</u>		
LES	9.3	9.4
NES	12.0	13.2
FES	13.8	13.4
Average, All Students**	12.5	11.9

* Significant at .025 level; this means the probability is less than 1 out of 40 that the difference occurred by chance.

** Difference is significant at .10 level; this means the probability is less than 1 out of 10 that the difference occurred by chance.

Summary

In summary, these were the principal patterns found in our review of absenteeism among LES, NES, and FES students in bilingual and regular classrooms:

- Highest levels of absenteeism were at the kindergarten level in bilingual and regular classrooms;
- Lowest attendance was among fluent-English-speaking students in both bilingual and regular classrooms; and
- Highest attendance was among limited-English-speaking students in both types of classrooms.

FUNDS USED TO SERVE
LES AND NES PUPILS

We reviewed the funding sources and expenditures for the various state and federal bilingual education programs serving LES/NES pupils at each district and school. Although we restricted our review of expenditures to fiscal year 1978-79, we did compare each district's state bilingual funding allocations for fiscal year 1978-79 with the allocations for fiscal year 1979-80. We obtained funding data at the district level. Compliance issues related to use of these funds were mainly reviewed at individual schools. In addition to reviewing state and federal bilingual funds, we also examined other categorical funds which provide the majority of support for special services to LES/NES pupils.

Bilingual Funds

In fiscal year 1978-79, there were four sources of funds specifically designated for bilingual education in California: the Bilingual Education Act of 1972 (AB 2284), the Bilingual-Bicultural Act (AB 1329), the Bilingual Educationally Disadvantaged Youth funds (SB 1641), and the federal Elementary

and Secondary Education Act (ESEA), Title VII. Total statewide local assistance allocations for 1977-78 and entitlement for 1978-79 are presented as follows:

	<u>1977-78</u>	<u>1978-79</u>
AB 2284	\$ 8,540,000	\$ 8,233,000
AB 1329	2,984,000	2,810,000
SB 1641	13,335,000	12,874,000
ESEA, Title VII (Basic Only)	<u>23,768,000</u>	<u>25,929,000</u>
Total	<u>\$48,627,000</u>	<u>\$49,846,000</u>

We compared state bilingual funds which districts received in 1978-79 with those received under the Economic Impact Aid program for 1979-80. A table detailing this comparison appears in Appendix B. Seven of the nine districts reported that more funds would be allocated to LES/NES pupils under the Economic Impact Aid program (EIA-LES/NES) for 1979-80 than had been allocated under separate funding sources during 1978-79.

School districts reported that approximately 80 percent of state and federal bilingual funds allocated and expended under these programs was expended for certificated and classified salaries and wages, including employee benefits. Classified salaries represented the major expenditure. These two categories principally include resource teachers and teacher's aides. Districts spent 13 percent of the remaining funds on books, supplies, and equipment replacement and approximately 7 percent on contracted services, buildings, and equipment. Appendix C provides detailed expenditure data.

We reviewed data at both the district and school levels to determine whether state bilingual funds are used in accordance with authorized purposes. Instances of unauthorized expenditures totaled less than \$20,000--less than 1 percent of the total bilingual funds reviewed. These unauthorized expenditures included purchasing audio visual equipment, partially funding non-bilingual aides, and using SB 1641 funds in a school receiving other state bilingual funds. (SB 1641 funds are intended to provide services to limited- and non-English-speaking pupils in cases where state funds do not otherwise exist for this program.)

For each funding source, the estimated dollars allocated and expended per LES/NES pupil for 1978-79 varied widely among the schools for which data was available.* This variance mainly results from the methods districts use in allocating funds to individual schools. For example, one district may allocate AB 1329 funds to one school while another district might allocate them to various schools within the district. Table 4 on the following page presents the ranges in per pupil allocations and expenditures for various bilingual

* The estimated funds allocated and expended for each LES/NES pupil at each school was based on the proportion of LES/NES pupils participating to the total number of participants for each funding source.

education funding sources. These figures do not include other funding sources which in many instances supplemented these funds.

TABLE 4
 RANGE OF BILINGUAL ALLOCATIONS
 AND EXPENDITURES FOR SUPPLEMENTARY SERVICES TO
INDIVIDUAL LES/NES PUPILS--1978-79

<u>Source</u>	<u>Range of Allocations*</u>	<u>Average Allocation</u>	<u>Range of Expenditures*</u>	<u>Average Expenditure</u>
AB 2284	\$11 - \$190	\$ 96	\$ 7 - \$190	\$ 84
AB 1329	\$22 - \$100	\$ 58	\$17 - \$ 98	\$ 48
SB 1641	\$ 75**	\$ 75	\$ 32**	\$ 32
ESEA, Title VII	\$78 - \$885	\$389	\$38 - \$758	\$347

* The estimated funds allocated and expended for each LES/NES pupil at each school were based on the proportion of LES/NES pupils participating to the total number of participants for each funding source.

** Only one of the six schools which received SB 1641 funds was able to provide complete data regarding pupil participation.

At 8 of the 13 schools in which we reviewed bilingual funding, administrators reported that they expended approximately the same amount of resources for LES, NES, and FES pupils. According to the Legislative Counsel, FES pupils may benefit from state bilingual funds because they are intended to provide educational services to all students enrolled in bilingual classes.

Other Categorical Funds

Many districts supplement state and federal bilingual dollars with funds from a number of other categorical programs. During 1978-79, these programs included ESEA, Title I; Educationally Disadvantaged Youth; and the School Improvement program. The estimated statewide expenditures from these three sources for LES/NES pupils were the following:

<u>Program</u>	<u>1978-79</u>
ESEA, Title I and Educationally Disadvantaged Youth	\$56,700,000
School Improvement Program	\$13,500,000

In 15 of the 16 schools we visited, LES/NES pupils participated in from one to four other categorical programs.* The proportion of LES/NES pupils in these programs varied widely among these schools. For example, LES/NES pupils participating in ESEA, Title I programs represented from 20 to 88 percent of the total program participants. Table 5 illustrates the concentration of LES/NES pupils in selected categorical programs in 1978-79 based upon our review of sample schools.

* Funding data was not obtained from one school which established no bilingual classes.

TABLE 5
 CONCENTRATION OF LES/NES PUPILS
 PARTICIPATING IN VARIOUS
CATEGORICAL PROGRAMS--1978-79

<u>Program</u>	<u>Range of Concentration of LES/NES Pupils</u>
ESEA, Title I	19% - 88%
Educationally Disadvantaged Youth	27% - 94%
School Improvement Program	22% - 64%

At each school where the information was available, we estimated the additional special funds allocated and expended for each LES/NES pupil based on the proportion of LES/NES pupils participating in relation to the total number of participants in each of these programs.* The ranges in estimated expenditures for LES/NES pupils by funding source are indicated on Table 6. These figures do not include other funding sources which in many instances supplemented these funds. For example, a LES/NES pupil receiving \$50 from Title I funds would also be required to receive at least \$300 from Educationally Disadvantaged Youth funds pursuant to state regulations. In 1978-79, Title I and EDY supplemental resources provided an average of \$440 per participating student. The range in additional supplemental funding per LES/NES pupil in the sample was from \$135 to \$748.

* Although actual dollars allocated and expended may not always exactly reflect proportion of LES/NES pupils to total participants, we were unable to obtain a more accurate estimate.

TABLE 6

RANGE IN ADDITIONAL EXPENDITURES FOR
SUPPLEMENTARY SERVICES TO INDIVIDUAL
LES/NES PUPILS

<u>Program</u>	<u>Range of Expenditures</u>	<u>Average Expenditure</u>
ESEA, Title I	\$ 32 - \$386	\$187
Educationally Disadvantaged Youth	\$ 80 - \$447	\$240
School Improvement Program	\$ 75 - \$208	\$133

In six school districts, we found less bilingual funds than other categorical funds serving LES/NES pupils. For example, LES/NES students at one school district represented over 70 percent of the total enrollment and received \$4,100 in bilingual funds. Other categorical funds serving these students totaled approximately \$86,000. Other funds identified by districts as serving LES/NES pupils included ESEA, Title I Migrant funds and ESEA, Title IV-C funds.

CHARACTERISTICS OF FES
STUDENTS IN BILINGUAL CLASSROOMS

We examined whether schools were placing educationally disadvantaged fluent-English-speaking pupils in bilingual classrooms. Generally, we found that although the majority of FES students in bilingual classes did have low achievement levels, FES students throughout the school population also had relatively low levels of achievement.

Bilingual program mandates stipulate that fluent-English-speaking pupils must constitute one-third of the enrollment in bilingual classrooms. Regulations pursuant to AB 1329 and new regulations pertaining to the Economic Impact Aid program attempt to prevent significant disparities between achievement levels of FES students in bilingual programs and achievement levels of all other FES students. The regulations direct that FES students participating in bilingual classrooms "should, whenever possible, be at least at the average performance level for the respective grade of the program(s)."

To determine whether schools were placing educationally disadvantaged FES students in bilingual classrooms, we analyzed achievement data from schools with at least five FES students in bilingual classrooms. Student achievement was recorded in national percentile rankings. The first quartile (Q_1) represents the 25th percentile; the second quartile (Q_2) corresponds to the 50th percentile.* In

* If a student scores at the 50th percentile, that student has scored greater than 49 percent of the students in that student's grade level, based upon national norms.

accordance with state regulations, pupils testing at or below the second quartile were identified as educationally disadvantaged because they scored below grade level. We examined school districts' criteria for placing FES pupils in and transferring them out of bilingual classrooms. This examination included a review of the achievement levels of FES students placed in bilingual classrooms.

Most districts and schools we visited did not have formal criteria for placing FES students in bilingual classrooms or for later transferring these pupils to the regular classroom. Thirteen schools used parental requests as their main basis for placing FES pupils in a bilingual classroom. One school with a crowded regular class placed some FES pupils in bilingual classes. Only three districts directed schools to consider the achievement level of FES students when deciding to place them in a bilingual class. In the majority of schools visited, FES students remained in bilingual classes unless their parents requested otherwise.

We obtained achievement test data from 14 schools. At 13 of these schools, at least 50 percent of all the FES students in bilingual classes were below the second quartile (the 50th percentile) in achievement in either reading, language, or math. In nine schools, over 80 percent of the FES pupils were below the second quartile on at least one of the tests. For all schools, 42 to 100 percent of the students

scored below Q_2 on at least one test. Ranges in the proportion of FES pupils scoring below Q_2 in reading, language, and math individually are depicted in the following table:

TABLE 7
 PROPORTION OF FES PUPILS
 IN BILINGUAL CLASSROOMS SCORING
BELOW THE SECOND QUARTILE

<u>Area</u>	<u>Range</u>	<u>Average</u>
Reading	25% - 100%	75%
Language*	50% - 93%	68%
Mathematics	8% - 100%	68%

A high proportion of the total student population of all of these schools scored below the second quartile. The portion of students below Q_2 in at least one achievement area ranged from 47 percent to 95 percent of the entire school population. Appendices D through G present the results of our analysis. Only one school had a significant difference between the achievement levels of FES pupils in bilingual classrooms and the achievement levels of FES students generally (at the same grade level or throughout the entire school). In one bilingual classroom within this school, the proportion of FES pupils below the second quartile was 100 percent. Yet the total percentage of pupils below Q_2 for the same grade level was 66 percent.

* Language achievement data were available from only four schools.

We also found that overall at least 40 percent of FES students tested in bilingual classrooms and in the schools performed below the first quartile. In reading achievement, 44 percent of FES students in bilingual classrooms performed below Q_1 ; schoolwide, 50 percent of pupils performed below this level. In language achievement, 59 percent of FES students in bilingual classrooms performed below Q_1 , and 44 percent of pupils in the total school populations performed below this level. Ranges in the proportion of FES pupils below Q_2 in reading, language, and math are shown below.

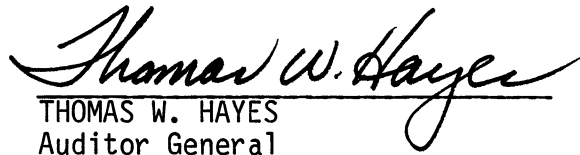
TABLE 8

PROPORTION OF FES PUPILS
IN BILINGUAL CLASSROOMS
BELOW Q_1

<u>Area</u>	<u>Range</u>	<u>Average</u>
Reading	8% - 87%	44%
Language*	43% - 93%	59%
Mathematics	8% - 73%	40%

* Language achievement data were available from only four schools.

Respectfully submitted,


THOMAS W. HAYES
Auditor General

Date: March 20, 1980

Staff: Eugene T. Potter, Audit Manager
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Dennis L. Sequeira
Martha H. Valdés
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FOOTNOTES

- 1 Student Absenteeism, Arlington, VA: Educational Research Service, Inc., 1977.
- 2 Attendance and Absenteeism in California Schools, Sacramento, CA: Office of the Auditor General, California State Legislature, 1979.
- 3 Ryan, J. M., Unexcused Absence in Elementary Schools: Conceptual Analysis, Santa Barbara, CA: Office of the Santa Barbara Superintendent of Schools, 1978.
- 4 "Absence Comparison Study: Lancaster Elementary School District," Los Angeles, CA: Office of the Los Angeles County Superintendent of Schools, Administrative Services--Attendance and Welfare, General Bulletin #40, 1977-78.
- 5 Student Absenteeism, Arlington, VA: Educational Research Service, Inc., 1977.
- 6 Rosenshine, B., "Classroom Instruction" in The Psychology of Teaching Methods, Chicago, IL: National Society for the Study of Education, 1976.
- 7 Stallings, J. A. and Kaskowitz, D. H., Follow Through Classroom Observation Evaluation--1972-1973, Menlo Park, CA: Stanford Research Institute, 1974.
- 8 "Absenteeism: The Perpetual Problem," The Practitioner, National Association of Secondary School Principals, Vol. V, No. 1, October, 1978.
- 9 "Where Have All The Students Gone?," op. cit.
- 10 Zappert, L. T., and Cruz, B. R., Bilingual Education: An Appraisal of Empirical Research, Berkeley, CA: BABEL Lau Center, 1977.
- 11 Troike, R. C.: Research Evidence for the Effectiveness of Bilingual Education, Rosslyn, VA: Center for Applied Linguistics and National Clearinghouse for Bilingual Education, 1978.
- 12 Student Absenteeism, op. cit.



STATE OF CALIFORNIA
DEPARTMENT OF EDUCATION
STATE EDUCATION BUILDING, 721 CAPITOL MALL, SACRAMENTO 95814

March 19, 1980

Mr. Thomas W. Hayes
Auditor General
California Legislature
925 L Street, Suite 750
Sacramento, California 95814

Dear Mr. Hayes:

The State Department of Education has reviewed the draft report "Implementation of Bilingual Education in California" dated March 11, 1980.

Let me start by saying that the Department appreciates the professional manner in which your staff conducted their work. Throughout all aspects of the study, they were cooperative, efficient, and sensitive to the busy schedules of key managers.

With respect to the report, in general the findings of your field visits are not surprising. The Department has been aware for some time that for various reasons school districts have had difficulty implementing portions of the state bilingual program. For example, in the current year review of school plans more than 2400 bilingual program compliance problems were identified. Furthermore, it is clear that the lack of sufficient numbers of qualified bilingual teachers is one of the largest problems.

We accept your criticisms of state administration as constructive and supportive of the changes we have begun to make. For example, as we told your staff during their field work, the recent Program Branch reorganization should greatly improve internal coordination between the Office of Bilingual Education and the field services units which deliver bilingual education services. Furthermore, as you noted in your report, a unit has been created in the new Consolidated Programs Division to monitor follow-up on all consolidated programs compliance issues, including those concerning bilingual education.

Mr. Thomas W. Hayes
March 19, 1980
Page 2

Under the new organizational structure, we are confident that we have eliminated many of the coordination problems which previously existed.

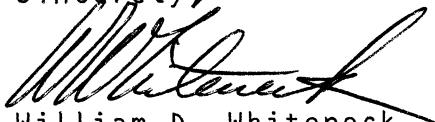
In addition to the reorganization, you should know that the Department initiated a major effort in December of last year to assist those districts with the largest numbers of bilingual teacher waiver violations to come into compliance. The 15 districts with the largest number of violations received special on-site visits from Department teams. The primary purpose of these visits was to explore alternative ways of achieving compliance and to reach an agreement with the district about how they planned to come into compliance. Besides the 15 districts, an additional 60 districts with relatively fewer compliance problems were required to attend special regional workshops conducted by the Department. These sessions had the same purpose as the special on-site visits in that agreements are to be reached on how districts will achieve compliance. To date, we have completed our on-site visits and two of the four planned workshops. We are confident that this extraordinary effort has been worthwhile and will substantially improve district compliance with the bilingual teachers waiver provisions in the future.

Finally, we recently have taken several steps to improve our review of the bilingual teacher waiver information submitted by school districts. The most significant change is a test of the number of bilingual teacher waivers requested. This is accomplished by comparing the number of bilingual classrooms required as estimated from our annual R-30 Report with the number of qualified bilingual-bicultural teachers and waiver requests. This test has proven to be effective. As a result, we intend to substantially expand our efforts in this area in the coming fiscal year.

In summary, we believe we have made substantial improvements in our administration of bilingual education program mandates and we will continue our efforts in the future. Although we feel that we have already begun to address the major issues identified in your report, you have made several recommendations which are helpful particularly in the area of language assessment.

Thank you once again for the opportunity to review your report.

Sincerely,



William D. Whiteneck
Deputy Superintendent for Administration
(916) 445-8950

BACKGROUND DATA ON DISTRICTS
AND SCHOOLS REVIEWED
1978-1979

<u>District or School</u>	<u>Total Enrollment</u>	<u>Total Number of LES/NES Pupils</u>	<u>Percentage of LES/NES Pupils to Total School Enrollment</u>
District A	22,323	1,181	5%
School A ₁	289	91	31%
School A ₂	315	57	18%
District B	6,303	816	13%
School B ₁	670	217	32%
School B ₂	527	79	15%
District C	9,657	2,879	30%
School C ₁	660	268	41%
School C ₂	905	250	28%
District D	5,723	779	14%
School D ₁	787	452	57%
School D ₂	410	79	19%
School D ₃	505	74	15%
District E	1,414	234	17%
School E ₁	655	124	19%
District F	628	444	71%
School F ₁	535	368	69%
District G	550,543	99,454	18%
School G ₁	922	586	64%
School G ₂	661	342	52%
District H	49,086	2,566	5%
School H ₁	700	231	33%
School H ₂	630	498	79%
District I	1,682	794	47%
School I ₁	572	285	50%
School I ₂	419	280	67%

COMPARISON OF BILINGUAL
FUNDING RECEIVED IN FISCAL YEARS
1978-79 AND 1979-80

	1978-79		1979-80	
	<u>LES/NES Pupils</u>	<u>Bilingual Allocation</u>	<u>LES/NES Pupils</u>	<u>EIA-LES/NES Allocation</u>
District A	1,181	\$ 292,129	1,087	\$ 291,984
District B	816	\$ 100,249	802	\$ 88,268
District C	2,879	\$ 248,114	2,929	\$ 277,639
District D	779	\$ 84,128	781	\$ 123,720
District E	234	\$ 5,008	234	\$ 18,954
District F	444	\$ 4,161	460	\$ 32,856
District G	99,454	\$6,842,976	110,000	\$20,207,328*
District H	2,566	\$ 605,753	3,285	\$ 1,236,477
District I	794	\$ 103,317	898	\$ 181,667

* The EIA-LES/NES allocation increased substantially because some LES/NES pupils previously funded through the Educationally Disadvantaged Youth program are now funded through EIA-LES/NES.

BREAKDOWN OF ALLOCATIONS AND ESTIMATED EXPENDITURES
OF BILINGUAL FUNDS BY CLASSIFICATION
1978-79

<u>Expenditure By Object</u>	<u>SB 1641</u>	<u>Title VII</u>	<u>AB 1329</u>	<u>AB 2284</u>
Certificated Salaries				
Allocations	\$ 2,200,005	\$ 804,499	\$ 621,739	\$ 151,427
Expenditures	\$ 1,963,215	\$ 791,938	\$ 292,644	\$ 95,960
	37.46%	21.13%	48.42%	11.78%
	33.93%	22.31%	36.32%	9.47%
Classified Salaries				
Allocations	\$ 1,848,522	\$ 1,728,376	\$ 224,539	\$ 675,706
Expenditures	\$ 2,085,892	\$ 1,599,911	\$ 248,087	\$ 572,840
	31.48%	45.41%	17.49%	52.57%
	36.05%	45.09%	30.79%	56.54%
Employee Benefits				
Allocations	\$ 576,304	\$ 590,676	\$ 242,333	\$ 175,975
Expenditures	\$ 580,782	\$ 565,602	\$ 109,095	\$ 130,164
	9.81%	15.52%	18.87%	13.69%
	10.03%	15.94%	13.54%	12.84%
Books, Supplies, and Equipment				
Allocations	\$ 790,555	\$ 310,605	\$ 135,493	\$ 204,864
Expenditures	\$ 812,813	\$ 310,263	\$ 111,492	\$ 158,393
	13.46%	8.16%	10.55%	15.93%
	14.05%	8.74%	13.84%	15.63%
Contracted Services				
Allocations	\$ 313,364	\$ 351,158	\$ 59,259	\$ 76,408
Expenditures	\$ 245,822	\$ 271,946	\$ 41,812	\$ 52,821
	5.33%	9.22%	4.61%	5.94%
	4.24%	7.66%	5.19%	5.21%
Buildings and Equipment				
Allocations	\$ 142,866	\$ 20,500	\$ 450	\$ 850
Expenditures	\$ 96,448	\$ 8,526	\$ 2,422	\$ 2,943
	2.43%	0.53%	0.03%	0.06%
	1.66%	0.24%	0.30%	0.29%
Total				
Allocations	\$ 5,871,616	\$ 3,805,814	\$ 1,283,813	\$ 1,285,230
Expenditures	\$ 5,784,976	\$ 3,548,188	\$ 805,555	\$ 1,013,123
	100.00%	100.00%	100.00%	100.00%
	100.00%	100.00%	100.00%	100.00%

SUMMARY OF PERCENTILE RANKINGS FOR
 FLUENT-ENGLISH-SPEAKING PUPILS IN
 BILINGUAL CLASSROOMS AND IN TOTAL SCHOOL - 1978-79
 (READING, LANGUAGE OR MATHEMATICS)

	Bilingual Class				Total School	
	Total Number of FES Pupils	Number of FES Pupils Tested in Reading, Language or Mathematics	Number of FES Pupils Below Q ₂ in Reading, Language or Mathematics	Percentage of FES Pupils Below Q ₂	Total Number of Pupils Tested in Reading, Language or Mathematics	Percentage of Pupils Below Q ₂
School A1	173	88	88	100%	259	47%
School A2	53	38	36	95%	267	75%
School B1	212	144	101	70%	391	62%
School B2	57	47	46	98%	426	62%
School C1	118	90	84	93%	568	91%
School C2	80	47	37	79%	689	83%
School D2	34	23	21	91%	325	82%
School E1	13	11	8	73%	600	75%
School G1	75	22	19	86%	374	87%
School G2	297	152	129	85%	519	79%
School H1	48	41	30	73%	351	88%
School H2	14	12	5	42%	453	53%
School I1	16	15	15	100%	109	95%
School I2	13	13	13	100%	366	87%

SUMMARY OF PERCENTILE RANKING FOR
 FLUENT-ENGLISH-SPEAKING PUPILS IN BILINGUAL CLASSROOMS
 AND IN TOTAL SCHOOL - 1978-79 (READING)

	Bilingual Classes					Total School	
	Total Number of FES Pupils	Number of FES Tested in Reading	Number of FES Pupils Below Q ₂ in Reading	Percentage of FES Pupils Below Q ₂	Total Number of Pupils Tested in Reading	Total Number of Pupils Below Q ₂ in Reading	Percentage of Pupils Below Q ₂
School A ₁	173	88	70	80%	259	99	38%
School A ₂	53	38	34	89%	267	175	66%
School B ₁	212	144	101	70%	391	244	62%
School B ₂	57	47	38	81%	426	249	58%
School C ₁	118	90	78	87%	568	517	91%
School C ₂	80	47	35	74%	689	512	74%
School D ₂	34	23	14	61%	325	175	54%
School E ₁	13	11	8	73%	600	386	64%
School G ₁	75	22	18	82%	374	324	87%
School G ₂	297	152	106	70%	519	399	77%
School H ₁	48	41	24	59%	351	272	77%
School H ₂	14	12	3	25%	453	212	47%
School I ₁	16	15	15	100%	109	86	79%
School I ₂	13	13	11	85%	366	319	87%

SUMMARY OF PERCENTILE RANKING FOR
 FLUENT-ENGLISH-SPEAKING PUPILS IN BILINGUAL CLASSROOMS
 AND IN TOTAL SCHOOL - 1978-79 (MATHEMATICS)

	Bilingual Classes					Total School	
	Total Number of FES Pupils	Number of FES Tested in Mathematics	Number of FES Pupils Below Q2 in Mathematics	Percentage of FES Pupils Below Q2	Total Number of Pupils Tested in Mathematics	Total Number of Pupils Below Q2 in Mathematics	Percentage of Pupils Below Q2
School A1	173	88	60	68%	259	72	28%
School A2	52	44	21	48%	267	152	57%
School B1	212	144	65	45%	391	233	60%
School B2	57	47	39	83%	426	262	62%
School C1	118	90	84	93%	568	428	75%
School C2	80	47	33	70%	689	567	82%
School D2	34	23	18	78%	325	220	68%
School E1	13	11	4	36%	600	370	62%
School G1	75	22	18	82%	374	277	74%
School G2	297	152	113	74%	519	412	79%
School H1	48	41	24	59%	351	241	69%
School H2	14	12	1	8%	453	135	30%
School I1	16	15	13	87%	109	88	81%
School I2	13	13	13	100%	366	289	79%

SUMMARY OF PERCENTILE RANKING FOR
 FLUENT-ENGLISH-SPEAKING PUPILS IN BILINGUAL CLASSROOMS
 AND IN TOTAL SCHOOL - 1978-79 (LANGUAGE)

	Bilingual Classes					Total School		Percentage of Pupils Below Q ₂
	Total Number of FES Pupils	Number of FES Tested in Language	Number of FES Pupils Below Q ₂ in Language	Percentage of FES Pupils Below Q ₂	Total Number of Pupils Tested in Language	Total Number of Pupils Below Q ₂ in Language		
School A1	-	-	-	-	-	-	-	-
School A2	-	-	-	-	-	-	-	-
School B1	-	-	-	-	-	-	-	-
School B2	-	-	-	-	-	-	-	-
School C1	-	-	-	-	-	-	-	-
School C2	-	-	-	-	-	-	-	-
School D2	34	23	14	61%	325	177	54%	
School E1	-	-	-	-	-	-	-	-
School G1	75	22	11	50%	374	N/A	N/A	
School G2	-	-	-	-	-	-	-	-
School H1	-	-	-	-	-	-	-	-
School H2	-	-	-	-	-	-	-	-
School I1	16	15	14	93%	109	86	79%	
School I2	13	13	11	85%	366	300	82%	

cc: Members of the Legislature
Office of the Governor
Office of the Lieutenant Governor
Secretary of State
State Controller
State Treasurer
Legislative Analyst
Director of Finance
Assembly Office of Research
Senate Office of Research
Assembly Majority/Minority Consultants
Senate Majority/Minority Consultants
California State Department Heads
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