



# LATINO CONSENT DECREE STIPULATION

Saint Paul Public Schools

# LATINO CONSENT DECREE (LCD) STIPULATION



Office of Family Engagement & Community Partnerships  
Latino Consent Decree (LCD) Program @2017  
Saint Paul Public Schools

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Note: The preceding document is a true, exact, complete, and unaltered copy made from the original document (Latino Consent Decree Stipulation. United States District Court. District of Minnesota. Third Division. Leticia Julieta Garcia, et al., Plaintiffs, -vs- The Board of Education of the Saint Paul Independent School District No. 625, et al., Defendants. Stipulation for Entry of Final Judgment. Civil Action No. 3-76-158)

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Pursuant to the provisions of Section VI of the Order and Consent Decree herein approved by the Honorable Earl R. Larson, on April 2, 1979, the parties herein by and through their undersigned attorneys HEREBY STIPULATE AND AGREE to the following to satisfy the District's obligations under the provisions of the Order and Consent Decree herein.

The District has provided data and information pursuant to Sections VI and XII of the Consent Decree. The parties have reviewed this data and information and are satisfied that the provisions of this Stipulation are based upon and are consistent with the educational needs of Latino students.

The provisions of this Stipulation are considered in clarification of the District's obligations under the Order and Consent Decree herein which shall remain in full force and effect except as expressly or impliedly modified herein. It is expressly agreed that the provisions of this stipulation constitute the final specifications of the District's obligation under the provisions of the Order and Consent Decree and are in full satisfaction of all claims by plaintiffs against the District as part of this litigation, except as to those claims expressly reserved herein.

The actions required by this Stipulation are the joint responsibility of the defendant Superintendent of Schools, the defendant members of the Board of Education of the St. Paul Independent School District No. 625, their successors in office, agents, employees and all persons in active concert or participation with them.

It is further agreed that the Court should enter final judgment in this matter based upon the terms of this Stipulation and the "Whereas clauses contained in the Order and Consent Decree.

## I. DEFINITIONS

For the purpose of this Stipulation, the following definitions shall govern:

- A. "Deficient in the English Language" shall include the term "limited English proficient (hereinafter LEP)" as defined in Minn. Stat. 126.262(2) and refers to Latino students who have a home language background other than English and who have such difficulty with the English language that the opportunity to participate effectively and learn successfully in school may be denied when English is the exclusive language of instruction.
- B. "Student Eligibility" is defined as performance in each subject area (e.g. reading, problem solving) at a level which is below District norms or average as determined by predicative data or objective measures. Objective measures shall include but not be limited to SRA Achievement Tests or other standardized or uniform academic achievement tests administered by the District, or in case of transfer of students, by other Districts, which the results indicate if the student is functioning below, within or above the "normal" or average range for the student's age and grade placement. Mental ability or I.Q. scores cannot be utilized for determining grade expectancy. Initial student eligibility is determined by measurement using the most recent SRA Achievement Test for each school year. Student eligibility as measured by the



- SRA Achievement Test shall mean performance one-third of a standard deviation below the national average (the fortieth percentile of the SRA) on the total score in each subject area, in reading or the language arts.
- C. "Bilingual education" means a program of (1) planned instruction given in Spanish and English in all required subjects and such other courses or subjects of study, to the extent necessary to allow students to progress effectively through the educational system and to attain the basic skills so that they will be able to perform ordinary classwork successfully in English; (2) planned instruction given with sensitivity to and appreciation for the culture and heritage of Latino children; and (3) planned instruction given in the history, culture and heritage of Latino children and the history, and culture of the United States.
- D. "Bilingual individuals" refers to persons who are able to converse in English and in the appropriate primary language with considerable proficiency in those areas of instruction to which they are assigned. This ability includes the ability to speak, read, write and understand both languages. Bilingual individuals who are expected to communicate with parents on school matters must be able to do so in the appropriate primary language.
- E. "Language Category" students refers to students classified by Spanish and English Oral Proficiency Levels" through the use of the Language Assessment

Scales (hereinafter LAS) or such other objective measures which may be approved from time to time under the provisions of this Stipulation. For the purposes of this Stipulation "Language Category" students include:

1. "Language Category I" students refers to students who have little or no communication nor comprehension skills (Level 1-2) in English and Spanish
  2. "Language Category II" students refers to students who have near fluency to no communication nor comprehension skills (Levels 4 to 1) in English, but whose production in Spanish is modest to fluent (Levels 3 to 5).
  3. "Language Category III" students refers to students who have modest to near fluent communication or comprehension skills (Level 3 or 4) in English and who have little or no communication or comprehension skills (Level 1 or 2) in Spanish.
  4. "Language Category IV" students refers to students who are fluent in English (Level 5) and whose communication and comprehension skills in Spanish range from none to fluent (Level 1 to Level 5).
- F. "Spanish and English Oral Production Proficiency Levels" refer to a student's proficiency in Spanish and English as measured by the LAS" including the LAS subtests, or such other objective measures which may be approved from time to time under the provisions of this Stipulation and Decree and include:

Level 1. Minimal production level. The student produces only isolated words and expressions. While there are some differences across the age groups, they are very slight at this level of performance.

Level 2. Fragmented production. A few isolated phrases are fragmented or very simple sentences are produced. Sentences are usually incoherent.

Level 3. Labored production. Complete sentences are produced with systematic errors in syntax and fact. Sentences are longer and more coherent than in the fragmented production level and there may be slight developmental differences.

Thus, while the student may be able to produce sufficient vocabulary and facts necessary to communicate, he/she has difficulty in combining the words with the same effectiveness as that of the native speaker.

Level 4. Near perfect production. The student produces coherent sentences with native like fluency with only an occasional error in either syntax or vocabulary.

Level 5. Perfect production. The student produces complete sentences which are coherent and syntactically correct for his/her developmental age. The student is an articulate native speaker.

G. "Guardian" means the legal guardian or other person responsible for the welfare of the student.

H. "Qualified bilingual education teacher" means a teacher who meets all of the following requirements:

1. The teacher is qualified under state law to teach the subject and grade to which he or she is assigned.
2. The teacher has the necessary competencies to teach all component parts of bilingual education as indicated by college course work, workshops completed, work completed, self-reported mastery of skills in bilingual competencies listed on the District's bilingual teacher competency checklist.
3. The teacher is able to converse in English and in the appropriate primary language with considerable proficiency in those areas of instruction to which he or she is assigned as measured by the Language Proficiency Interview of the Education Testing Service or a comparable battery of tests to be developed by the District as provided herein. This ability includes the ability to speak, understand, read and write both languages.
4. The teacher is able to communicate with parents on school matters in the appropriate primary language.

- I. "Required subjects" means required courses, their officially approved alternatives, or other subject matter which the District expects all students to master. Reading, math, social science and science are required subjects for purposes of this Stipulation, while art, music, and physical education are not.
- J. "English as a second language program" means a program for the instruction of students of limited English proficiency designed to develop full proficiency in speaking, understanding, reading and writing English.
- K. "Latino" means an individual whether male or female who is of Hispanic origin.
- L. "Educational Needs" includes the intellectual, academic, linguistic, physical, emotional, cultural, adaptive behavior, sensory and social development needs of the student.

## II. LANGUAGE ASSESSMENT

### A. Identification of Home Language Background.

1. During each school year the identification of the home language background of all Latino students enrolled in District schools shall be conducted. The "Minnesota Home Language Census" developed and distributed by the Minnesota State Department of Education or other accurate, comprehensive and systematic method, including students records or parent indication will be used with new enrollees.
2. This identification must include an assessment of the language first acquired by the student, most often spoken in the home, and spoken by the student in social settings.
3. The identification instrument, instructions, explanatory materials, and letters shall be translated into Spanish and provided to parents of all students who are Spanish surnamed and to other parents whose primary language is Spanish.
4. If the parent or guardian is unable to read the Home Language Assessment or other instrument used to determine home language background an interview must be conducted by a bilingual individual.

5. If within four (4) weeks of enrollment, the information required by this section cannot be obtained for a particular student, the student must be considered as identified as having a home language background other than English and assessed as provided in Section II (B) of this Stipulation.

B. Assessment of Educational Needs and Language Proficiency.

1. The District shall utilize an accurate, comprehensive and systematic method to assess and interpret the cognitive needs of basic skills (including reading and math) and language proficiency of all Latino students in Saint Paul Public Schools, who are:
  - a. Identified as having a home language background other than English and are Latino, and meet the definition of "student eligibility" or are enrolling in the district schools for the first time; or
  - b. Identified as Latino by sight count, surname or other method of identification, but whose home language survey indicates English only is spoken in the home and the information is questionable, provided that an inquiry will be conducted by a bilingual individual to verify the home language; or
  - c. Requested to be so assessed by their parents; or

- d. Determined otherwise administratively by the District as needing an assessment.
2. Assessment results shall include:
- a. An individual diagnostic profile of cognitive needs and current levels of performance;
  - b. An individual native language proficiency assessment; and
  - c. A diagnostic assessment, through testing in both English and Spanish (as provided in paragraph 3 below) of a student's basic cognitive skills.
3. The following assessment procedures and timetables shall be followed:
- a. All Latino students required to be assessed under Section II (B) (I) above shall be assessed for English and Spanish Oral Proficiency within four weeks of enrollment of each school year and the results of these tests shall be distributed District-wide within six weeks of enrollment of each school year;
  - b. All Latino students classified as Language Category I-II students as a result of the oral proficiency assessment under (a) shall be tested for ability and achievement in Spanish reading and math using a standardized achievement test such as the CTBS Español, or a criterion-referenced test in required subjects in Spanish by the end of October



of each school year by qualified personnel. Latino students classified as Language Category III students as a result of the oral proficiency assessment under (a) shall be so tested for ability and achievement if their home language background is Spanish and if their classroom teacher or the child's parent recommends a Spanish achievement assessment;

- c. Whenever the Spanish oral proficiency test score is lower than the SP-LCD team believes is accurate a classroom teacher and resource teacher should both rate a child's Spanish language proficiency independently and compare results. All assessment results under this Section shall be reported promptly to the bilingual administrators and the administration of all such assessment instructions shall be coordinated with this administrator;
  - d. To the extent not accomplished by the CTBS Test, a Category I, II and III Latino student whose home language background is Spanish shall have his or her comprehension of Spanish and ability in Spanish reading and math tested used a teacher-made or District adapted criterion-referenced test.
4. A student is limited English language proficient (LEP) if the assessment reveals any of the following circumstances:

- a. The student's ability in English is so limited that the assessment procedure cannot be administered;
  - b. The student's oral proficiency production level renders the student a Language Category I, II or III student;
  - c. The staff recommends LEP placement and the SP-LCD team (formed pursuant to the provisions of Section II F) concurs;
  - d. The student scores below the 30<sup>th</sup> percentile on any subtest of the SRA or the District-made Bare Essentials, test in case of K and 1<sup>st</sup> grades. Between the 30<sup>th</sup> and 40<sup>th</sup> percentiles, SP-LCD team review will determine if the student is to be considered LEP or non-LEP.
5. As an alternative assessment procedure to determine language proficiency, the District may develop or use a structured interview in English and Spanish or other appropriate, consistent and documented procedure.
6. An assessment procedure used to determine a student's English and Spanish Oral Proficiency Production Level must be one that would be generally regarded by experts in the assessment or analysis of language proficiency as capable of:
- a. Measuring the language skills necessary to make instructional or other educational decisions about these students;

b. Producing consistent results.

C. Language Proficiency Assessment Results and Individual Development Plans (SP-LCD).

1. The results of the home language census, and assessment of language, conducted pursuant to Section II (B) above, shall be combined providing an overall language background for each Latino student. This information shall be used to classify each student assessed in one of the four "Language Categories".
2. Consistent with the provisions of Section II (F) within thirty (30) days of the assessment, the team must complete an individual development plan (SP-LCD) for a student. The plan must address at least the following:
  - a. If Spanish language instruction is necessary for each required subject and other subjects, and if so, the amount of time by subject and how this will be accomplished;
  - b. If English as a Second Language (ESL) or high intensity language development is necessary, and if so, the amount of time necessary and how this will be accomplished;
  - c. If and how the student's regular education program includes instruction with regard to the culture, history and heritage of the student and, if not, how this is to be provided;

- d. The extent to which the student needs a program designed to reinforce and develop the student's concepts in Spanish and to reinforce and develop his or her language arts skills in Spanish;
  - e. Other cognitive needs, learning environment needs, self-concept and other educational needs of the student;
  - f. What other programs are necessary to allow the student to meet his or her educational needs and participate effectively in the learning process to the extent of his or her ability;
  - g. Other information required by the SP-LCD form. This form should have space to record the results of all assessment procedures under Section II (B) (4), levels of English and Spanish Language Oral Production Proficiency and LAS subtest scores and Language Categories.
3. Where the LAS subtest reveals a high score in Spanish comprehension the LAS sub-scores shall be used in developing the SP-LCD and addressing the matters required under Section II C (2) above.

D. Procedure and Timetable for Completing and Recording Language and Educational Assessment Information.

- 1. Each District school shall identify and place in the appropriate instructional program within two weeks of initial enrollment each school year all Latino

students enrolled in District schools who are determined to be “eligible students” within the meaning of this Stipulation.

2. This information shall be matched with the “Home Language Census Data” or other home language background data under Section II A within four weeks of enrollment of each school year.
3. A central file shall be kept by Administrator assigned to the task setting forth the name, grade and school of all Latino students identified either as an “eligible student” and/or with a Spanish home language background. This file shall be sent out to the schools in November of each school year and updated quarterly. Data resulting from the assessments under this section, the student SP-LCD and other relevant information considered in the determination of a student’s educational needs, as well as the interpretation and recommendation required by Section II (F) are of a permanent nature. This information shall be retained in each student’s permanent file and shall be maintained and released consistent with state and federal laws regarding confidentiality.
4. The assessment and determination of a student’s educational needs as provided in this Section shall be completed for all such Latino students designated during the school year as “eligible students” by November 1,

of each school year or in case of transfer students within four weeks of their initial enrollment in the District.

E. Staff Training Concerning Assessment/Identification, Instrument Administration, Interpretation, Determination.

1. Appropriate persons shall be adequately trained so that they may satisfactorily perform the assessments and educational needs determination responsibilities set forth in this Section. The calendar of yearly activities shall be developed and published by August 1 of each school year.

This training shall include all matters set forth in Stipulation and particular emphasis shall be placed upon the following:

- a. District philosophy regarding bilingual education, including the District's rationale, purpose, function and commitment to the program for Latino students covered under this Stipulation;
- b. Explanation of the categories of students who will receive instruction in "required subjects" in Spanish, which subjects will be taught in Spanish and what textbooks and materials will be used for this Spanish language instruction;
- c. Explanation of the ESL curriculum (or framework), how it is a part of the District's bilingual education program, specification of and training in

- the materials to be used in the program at each grade level and with the different English language Oral Production Proficiency levels;
- d. Explanation emphasizing the importance of an integrated, planned, systematic and coordinated program of bilingual, ESL, bicultural and other instruction and the specific coordination and cooperative planning that must take place between bilingual, ESL, Title I, Migrant Tutorial, regular classroom and other teachers and administrators;
  - e. Explanation of the procedures and methods for assessing Latino students under this Stipulation, and interpretation and use of the resulting data;
  - f. The process for developing an individual development plan (SP-LCD) and the procedures for determining the educational needs and program placement of Latino students;
  - g. The instructional programs which are to be used to meet the individual student's educational needs for each Language Category and how students are to be grouped for instruction;
  - h. An explanation of all of the forms that are to be used as part of the assessment and educational placement process.
2. As part of this training effort trainees shall be provided an individual development profile packet (SP-LCD) by the District similar to that

developed by the District for special education, but modified to meet the requirements herein for limited English proficient Latino students. This packet shall contain the necessary forms and notices in Spanish and English, lists of resources available to meet the educational needs, modeled individual diagnostic plans, District Guidelines referred to and updated pursuant to the provisions of Section VI B (5) of this Stipulation and other materials necessary to carry out the assessment and other responsibilities of the teams. Copies of all documents relating to the training effort shall also be provided to each school.

3. By November 30<sup>th</sup> of each school year, all qualified bilingual teachers, bilingual individuals, home liaison persons and other District personnel directly responsible for providing or administering educational programs and services for limited English proficient students under this Stipulation shall receive this training.
4. Principals of schools which will be staffed with qualified bilingual teachers shall be briefed on program requirements by September 15 of each school year.
5. Teams at all of the schools with qualified bilingual teachers or other assigned personnel shall be trained by November 30<sup>th</sup> of each school year.



6. A second training session for qualified bilingual teachers, bilingual individuals, home liaisons and other persons directly responsible for providing or administering educational programs or services for limited English proficient Latino students under this Stipulation shall be held as soon as reasonably possible after their hiring.
7. Principals of buildings not staffed with qualified bilingual teachers, other administrators, other key school staff, including regular classroom teachers and counselors shall be briefed or trained consistent with the provisions and timetable set forth in Section VI 8 (1)(2) and IX B (2) respectively.

F. SP-LCD to Teams Interpret Home Language Background, Language Proficiency and Cognitive Needs Assessment Results.

1. A team shall be selected by the principal of each school to carry out the responsibilities set forth in this section including the:
  - a. Interpretation of the data resulting from the assessments conducted pursuant to the provisions of this section;
  - b. Consideration of all additional relevant data and information including a review of the student's current level of performance and information provided by the student's parents, other interested persons and the student's transfer or permanent file;

- c. Determination if an assessed student is to be considered LEP or non-LEP;
  - d. Classification of the assessed student in one of the four Language Categories;
  - e. Determination of the student's educational needs and development of the student's individual development plan (SP-LCD), and
  - f. Recommendation of educational programs or services which should be provided.
2. The team shall be chosen on the basis of the following criteria:
- a. Familiarity with diagnostic testing;
  - b. Familiarity with Latino students and their heritage and culture;
  - c. Fluency in Spanish; and
  - d. Understanding of the principles of language development.

The team shall include the qualified bilingual teacher located at the school, and where possible, the home liaison person assigned to the school.

3. One person on the team shall be designated as responsible for completion of the tasks specified in (1) above in coordination with the District's assigned administrator.

4. Assessments of Latino students at schools which do not have a qualified bilingual teacher may be conducted by a team at the school that meets the criteria set forth in (2) above or by such other qualified personnel, as determined by the District, provided that at least one person must be a bilingual individual familiar with diagnostic testing and the administration of the assessment tests and instruments provided herein.
5. Upon request of the parent the team may include additional staff or other persons on the team including someone who is a member of the same minority as that term is defined in Minn. Stat. §126.021 or cultural background, or who is knowledgeable concerning racial, cultural or linguistic differences of the student. This may include a specific person requested by the parent who is not an agent or employee of the District, or the parents themselves, provided the District is under no obligation to pay such a person for their time and expenses; and provided further the parents or other representative (with parental permission) shall have complete access to all of the information available to the team, consistent with state and federal laws regarding confidentiality.
6. This data, information, team interpretation, and determination shall be made immediately available to the student's teacher for information purposes.

G. Reassessment/Placement.

1. All Latino students who are assessed under the provisions of this Section for cognitive needs and language proficiency shall be reassessed consistent with the provisions herein each following school year until such time as they are exited from the programs under this Stipulation pursuant to the provisions of Section III (C)(21). This reassessment may include a language proficiency reassessment under Section II B if this is recommended by the SP-LCD team. Following such reassessment, the student shall be enrolled in an educational program or receive the services and instruction designed to meet his or her educational program or receive the services and instruction designed to meet his or her educational needs consistent with the provisions of Section II and Section III.

### III. STUDENT PLACEMENT – DISTRICT EDUCATIONAL PROGRAMS

#### A. General District Obligations and Program Purpose.

1. Non-LEP, Latino students classified as Language Category IV shall receive equal access to services and classes designed to improve the speaking, understanding, reading and writing of English. Equal access means access on the same basis as students who do not have a primary language other than English.
2. Students who are classified as Language Category I to II students and/or students determined to be LEP as set forth in Section II B (4) shall receive a planned, comprehensive and systematic program, services and instruction designed to meet their educational needs as determined by the assessment pursuant to Section II including an educationally appropriate program to:
  - a. Develop the student's ability to speak, understand, read and write the English language. A subject matter course taught in English however, shall not constitute such a program;
  - b. Instruction in substantive courses or subjects in Spanish (e.g. courses in mathematics, science, and social studies) which correspond to regular program requirements or curriculum for students whose primary

language is English. A student is not to receive instruction in a substantive course in a language which prevents his or her effective participation in any such course;

- c. Reinforce and develop the student's concepts in and use of his or her non-English language;
- d. Develop concepts and skills relevant to each course or subject area;
- e. Introduce reading comprehension in the student's non-English language to those students entering the school system whose reading readiness assessment indicates the need therefore; and
- f. Instruction given with sensitivity to and appreciation for the cultural heritage of such students including instruction in the history, culture and heritage of such students and in the history and culture of the United States.

The purpose of these programs shall be to provide for the systematic development of basic cognitive, affective, and psychomotor skills and to bring such Latino students enrolled in the St. Paul Public Schools to the educational performance level that is expected by the District of non-limited English-speaking students whose primary language is English, and to enable the students to achieve a level of English language skills that will enable them to perform successfully to

the extent of their ability in classes in which instructions is given only in English.

B. District Educational Programs for LEP Students.

1. The programs, services and instruction used to meet the obligations set forth under (A) above include:

a. Bilingual education (Spanish instruction) in required subjects shall be provided all Language Category I and II students and to Language Category III and other LEP students, as necessary, to meet their educational needs identified pursuant to the provisions of Section II herein, and must be given by a qualified bilingual teacher and shall be comparable in content, quality, objectives and instructional materials to that offered students whose primary language is English. Spanish language classes in required subjects shall include only LEP Latino students.

b. Language Category I, II and III and other LEP students who do not attend schools with a qualified bilingual teacher shall receive the programs, services and instruction required through the use of Magnet schools, student transfer itinerant qualified bilingual education of ESL teachers, or by transportation to a designated school having a qualified bilingual or ESL teacher. The District is responsible for providing

transportation to such students at the District's expense in a method calculated to insure the student's attendance.

- c. ESL instruction shall be provided all language Category I, II and III and other LEP students. ESL classes may include LEP students besides Latino students.
  - d. English may be introduced as a means of instruction to Language Category I, II and III and other LEP students commensurate with the student's progress in acquiring proficiency in English.
  - e. The Migrant Tutorial Program may be utilized to meet the educational needs of eligible elementary and secondary Latino students provided that the program separately or in combination with other programs authorized under Section III B herein shall meet the student's educational needs as determined by the assessment.
2. To meet the District's obligations under this Section the District agrees to hire the number of qualified bilingual teachers and home liaisons necessary to meet the educational needs of Latino students resulting from the assessments and determined by the team pursuant to the provisions of Section II. All state money for Latino LEP teachers applied and received for each school year shall be used to hire additional staff to meet the requirements of this Stipulation. However, nothing in this Stipulation shall



be construed to interfere with existing negotiated labor contracts and the Public Employees Relations Act; provided that compliance with existing negotiated labor contracts and the Public Employees Relations Act shall not interfere, change nor diminish any of the District's obligations under this Stipulation including its obligation to provide the programs, services and instruction which vary in nature and time necessary to meet the educational needs of Latino students through the use of qualified bilingual teachers.

C. Specific Program Requirements. To insure uniformity, adequate materials and that instruction is directed to the educational needs of Latino students resulting from the assessment and is comparable in content, quality, objectives and materials to that offered students whose primary language is English, the programs, services, and instruction provided by the District to meet their obligations under this Section shall, in addition, comply with the following requirements:

1. Educational Programs for Language Category I students from grades K-6 shall contain:
  - a. On-going diagnostic procedures (formal and informal) to determine appropriate placement;

- b. Development of concepts and knowledge of content (math, social studies and science) in Spanish;
  - c. Development of listening/speaking language arts skills in Spanish;
  - d. Structured and sequential program of English as a second language;
  - e. Emphasis on learning through culturally appropriate concrete experiences; and
  - f. Development, acquisition and use of culturally and linguistically relevant materials that depict the multi-cultural characteristics of the community.
2. Educational Programs for Language Category II students from grades K-6 shall contain:
- a. Continuation of the requirements set forth for Category I students;
  - b. Initial development of a structured and sequential program of the reading, writing and other language arts skills in Spanish (Example: A student who fell in Cell 1/3 on the matrix (agreed to by the District and plaintiffs and attached as an Exhibit on the Stipulation governing the District's obligations under the Consent Decree for the 1982-84 school years) would receive instruction in Spanish. A student who fell into Cell 3/1 on the matrix would receive instruction in English.);

- c. Opportunities to be assigned to instructional programs that are appropriate to their needs;
  - d. Structured and sequential program of English as a second language;
  - e. Instruction in reading in a basal reading program in Spanish according to his or her level of development;
  - f. Instruction in other language arts subjects (writing, spelling, language) in Spanish according to his or her level of development; and
  - g. Development, acquisition and use of culturally and linguistically relevant materials that depict the multi-cultural characteristics of the community.
3. Educational programs for Language Category III students from grades K-6 shall contain:
- a. On-going diagnostic procedures (formal/informal) to determine extent of under achievement and appropriate placement;
  - b. Instructional decision-making based on identified needs;
  - c. Use of varied methodologies and techniques;
  - d. Instruction in an English language reading program appropriate to his or her level of development;

- e. Instruction in English and re-enforcement in Spanish in all other subject areas appropriate to the student's need and consistent with the District's major objectives for each level of development;
  - f. As needed, a structural and sequential program in ESL; and
  - g. Development, acquisition and use of culturally and linguistically relevant materials that depict the multi-cultural characteristics of the community.
4. The educational program for all Language Category I students, grades 7-12 shall contain:
- a. On-going diagnostic procedures (formal/informal) to determine extent of needs and make appropriate placement;
  - b. A structured and sequential program of English language development including vocabulary study, and oral composition (Block A or A-I, Section III B 11);
  - c. Reading and writing readiness;
  - d. Concept development in content areas in English/Spanish;
  - e. Counseling and guidance services as needed;
  - f. Development, acquisition and use of culturally and linguistically relevant materials that depict multi-cultural characteristics of the community; and

- g. Any other activity appropriate to the student's total development.
5. The educational progress for all-Language Category II students grades 7-12 shall contain:
- a. On-going diagnostic procedures (formal/informal) to determine extent of needs and make appropriate placement;
  - b. A structured and sequential program of English language development (Block A through C, Section III B 11), dependent on student's level of English proficiency;
  - c. A structured and sequential program for the development of reading skills when reading readiness is measured;
  - d. Concept development in content areas in English/Spanish;
  - e. Counseling and guidance services as needed;
  - f. Development, acquisition and use of culturally and linguistically relevant materials that depict the multi-cultural characteristics of the community;
  - g. Spanish language development for the student whose dominant language is Spanish; and
  - h. Any other activity appropriate to the student's total development.
6. The educational program for Language Category III students grades 7-12 shall contain:

- a. On-going diagnostic procedures (formal/informal) to determine extent of needs and make appropriate placement;
  - b. Instruction in reading according to his or her level of development;
  - c. Instructional decision-making based on identified needs;
  - d. A structured and sequential program of English language development (Block A through C, Section III a 11) dependent on student's level of English proficiency);
  - e. Concept development in content areas in English;
  - f. Counseling and guidance service as needed;
  - g. Development acquisition and use of culturally and linguistically relevant materials that depict the multi-cultural characteristics of the community;  
and
  - h. Any other activity appropriate to the student's total development.
7. The amount of instruction in the subject area and the concepts using each language as the medium shall be planned as part of the assessment process for all Language Category I – III and other LEP students. Consistent with the provisions of Section III B(l)(d) either or both languages may be used as appropriate to the needs of the students.
8. The objectives and concepts in mathematics, science and social studies are the same regardless of the language instruction. Therefore, the use of two

languages must be planned, coordinated and systematic. The appropriate balance in the use of the two languages shall vary with the student's relative proficiency in each. As students achieve high levels of proficiency in English, the transitional phase of the program shall be implemented.

9. The program shall encompass three curriculum elements: English language arts (English as a second language); language arts in the children's first language; and the required subject areas (i.e. mathematics, science, and/or social studies) in both languages.
10. The program for all secondary level students of limited English speaking ability aims at meeting the language development and curricula needs of identified students. The English Language Development Program shall provide instruction in the four language skills of listening, speaking, reading, and writing to provide functional ability or mastery in English. Integration of other subject area content will be provided through specialized vocabulary development.
11. Students shall be placed in the instructional blocks described herein according to Oral Language Production Proficiency Levels and Language Category as determined by the LAS and other assessment instrument administered pursuant to the provisions of Section II (B).

- a. Block A: This program, designed for students who exhibit little or no command of English and little or no understanding of English syntax, stresses listening and speaking activities which involve pattern practices, oral vocabulary ex: This program, designed for students who exhibit little or no command of English and little or no understanding of English syntax, stresses listening and speaking activities which involve pattern practices, oral vocabulary exercises, oral composition, and guided discussion. Writing and reading skills are stressed only when reading and writing readiness is exhibited. Individualized instruction by grouping is encouraged.
- b. Block A-I: This section of instruction provides a continuation of the Block A program, and is designed for a more sophisticated approach for students who have not yet mastered the necessary language skills of speaking and listening needed to continue to the Block B program. Special emphasis is placed upon vocabulary study, oral composition, and reading and writing readiness. Block A-I also serves as an entry point for beginning students who display a limited command of English vocabulary and some understanding of English syntax.
- c. Block B: This advanced class is designed for students who exhibit a command of oral language development and reading and writing



readiness. Instruction continues to provide oral-aural drill in controlled pattern of syntax and morphology and vocabulary development, written drill on syntactic patterns, dictation practice in language patterns, controlled paragraph writing leading to free written composition, along with controlled reading of the written language designed to provide for reading comprehension in activities.

- d. Block C: This program represents a transition from the English Language Development Program to a Basic Studies program in the English language as a prelude to a student's entering the mainstream of the language arts instructional program at the individual student's LAS level indicated by the assessments conducted herein. This level may also be designated as an entry level for those students who display the necessary language proficiency for English instruction.
- e. If at the end of the Block C instruction students are judged unable to function in the mainstream of English instruction, they may enter a communication skills program, designed especially for grades 9-12. Upon attaining the necessary language proficiency, they may be counseled to enter the mainstream of English instruction to complete the required instruction in English language arts.

f. During the work in Blocks B and C, students are also scheduled into reading classes. The reading program will be designed to improve English reading skills in word study, comprehension, rate, study skills and appreciation. Students will be diagnosed and provided appropriate instruction based on their Oral Language Production Proficiency Level and Language Category. Instruction in Spanish/English will be available in the required subjects.

12. Consistent with the provisions of Section III C, Latino students who are in Language Categories I – III and other LEP students, shall receive programs, services and instruction which vary in nature and time as necessary to meet the student’s educational needs as determined by the assessment. These students may receive up to three (3) hours per day of bilingual education (Spanish instruction) provided that the other requirements of this Section are met.

13. These programs, services, methods of instruction, content, curriculum, and materials for the program shall be coordinated by the administrator assigned to that task. Qualified bilingual education teachers shall coordinate and cooperate with the student’s regular classroom teacher, Title I staff and migrant tutorial staff where applicable to meet the

objectives described in Part C of this Section and the student's educational need resulting from the assessment.

14. The coordination of programs, services, methods of instruction, content, curriculum, and materials and the coordination between teachers shall be assigned to specific administrators to facilitate planning, scheduling and follow through on the coordinated program. This coordination task shall be the joint responsibility of District-wide administrators, the Bilingual Education Program Administrator, and administrators at each school.
15. The District's assigned administrator and the assigned teacher for the District's Migrant Tutorial Program shall coordinate and cooperate to insure that the objectives described in this part are met.
16. Secondary Latino students, subject to the parental permission requirements of Section III D may be transferred to Humboldt if they have extremely limited English proficiency as determined by the assessment. They may receive up to three (3) hours of English as a second language, programs designed to improve their self-concept, and their family may become more directly involved in the educational program, provided that the other requirements of this Section are also met. These programs may include 1:1 teaching or such other educational environment designed so the student can build trust with the teacher.

17. Latino students who are Language Category I to III shall not receive Title I instruction, other than instruction under Migrant Tutorial, as a substitute for the bilingual education (Spanish instruction) required to meet the student's educational needs as determined by the assessment.
18. The District shall not assign Latino students in a way which will have the effect of promoting segregation of students by race, sex, color or national origin and shall use the least segregative method of meeting the requirements of this Stipulation.
19. The requirements of Section III A of this Stipulation pertaining to instruction with sensitivity to and appreciation of the culture and heritage of Latino students and instruction in the history, culture and heritage of the Latino students may be provided as part of the bilingual education program, services and instruction under this Section, but to the greatest extent possible, the District shall take all reasonable and necessary steps to insure that this instruction is provided in a meaningful fashion as part of the regular curriculum, particularly in social studies and history and the regular classroom.
20. Latino students who receive programs, instruction or services under this Stipulation shall be placed, to the extent practicable, in classes with others of approximately the same age and level of educational attainment.

Instruction given in the program shall be appropriate to the linguistic and other abilities and educational needs as determined by the assessment of the children enrolled in the program and to the student's level of educational attainment. The District shall develop criteria and standards for placement of Latino students in programs under this Stipulation to insure adequate placement and grouping so that the student's educational needs as determined by the assessment are met.

21. The criteria, standards, and procedures to govern when a Latino student who receives programs, instruction or services under this Stipulation no longer needs such bilingual instruction, programs and services shall include:

- a. Standardized achievement test scores above the 40<sup>th</sup> percentile and measured improvement in the English language and/or an English Language Oral Production Proficiency Level of 5. For students between the 30<sup>th</sup> and 40<sup>th</sup> percentile the SP-LCD team shall decide consistent with the procedures set forth below if the student is ready for exit.
- b. Criterion-referenced, district-adapted, and/or teacher-made test results indicating a student is able to participate successfully in the District's English-only program; and

- c. Teacher observations of student competencies in required subjects including teacher reading comprehension tests (such as an Individual Reading Inventory) designed to measure a student's reading ability at different levels of complexity and to measure when a student is ready to make the transition into the English-only program.
- d. Exit procedures shall include:
  - i. Formation of an SP-LCD exit review team with the same composition as the SP-LCD team under Section II (F);
  - ii. The team shall review all data and information to support the recommendation regarding exiting from the bilingual program and make a final decision;
  - iii. The team shall conduct a follow-up review within two (2) months of the exit to assure successful transition into the English-only program;
  - iv. The team shall conduct a follow-up review of the students progress annually for two (2) years after the follow-up under (iii) to assure successful transition into the English-only program;
- e. During the follow-up reviews the team shall review all pertinent data and information and may reassess the student consistent with the assessments methods and procedures herein and change the Oral

Language Proficiency Level and Language Category of the student and provide the programs, instruction or services the child needs to meet his or her educational needs including re-entry of the student into a bilingual (Spanish instruction) education program or ESL.

22. Nothing under this Stipulation shall be construed to authorize isolation of LEP Latino students who are served under this Stipulation for a substantial portion of the school day and no such student may be assigned to a racially or ethnically identifiable class for more than one-half of the student's regular school day unless the District demonstrates that no other available, less segregative method of instruction is effective for that student. For purposes of this Stipulation the student's regular school day refers to the period beginning when the students in the same grade formally assemble to begin instruction and ends when these students are dismissed from such instruction.

23. Latino students shall not be assigned to separate classes in art, music, physical education or extra-curricular activities nor given separate locations for meals and recess. Every school shall ensure to students enrolled in programs under this Stipulation an equal and meaningful opportunity to participate fully with other children in all extra-curricular activities. This subdivision shall not be construed to prohibit instruction in non-verbal

subjects or extra-curricular activities which relates to the cultural heritage of the students of limited English proficiency.

24. In all required courses the District shall take steps to introduce pertinent minority developments which have contributed to or influenced such subjects.

25. All newly established courses shall be designed to not have a discriminatory effect.

26. Materials used in all of the District's educational programs shall avoid negative stereotypes of members of any ethnic or racial group, and shall positively reflect, where appropriate, the culture of Latino students. The District shall implement a plan to evaluate and subsequently modify all instructional materials for the removal of all stereotyping historical misrepresentations and other negative cultural presentations.

27. Curriculum materials, particularly literature and social studies, and methodologies shall be developed to reflect a culturally pluralistic instructional approach and development and adoption of instructional materials to ensure reinforcement of both the languages and various cultures represented in the student body; reflection of the pluralistic characteristics of the student population; and historical anthropological and sociological accuracy.



D. Enrollment and Assignment of Students.

1. After the team has recommended an educational program or other service or measure pursuant to the provisions of Section II the District shall immediately notify the parents of the student. The Notice shall:
  - a. Be in writing and be in English and in the primary language of the child's parents;
  - b. Inform the parents the District seeks their permission to enroll their child in a program(s) or be provided services as described in this Section;
  - c. Contain a simply, non-technical explanation of the purposes, method and content of the program and/or services or other measures;
  - d. Contain a simple, non-technical description of the information and data considered by the team and the resulting educational needs of the student as determined pursuant to the provisions of Section II and a brief statement of the reasons for the type of educational placement and programs or services to be provided the student;
  - e. Inform the parents that they have the right to visit the education classes in which their child is to be enrolled;
  - f. Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program and/or service;



enrollment or receipt of services as recommended by the team no notice or permission is required under this Section.

#### IV. SPECIAL EDUCATION REFERRAL, TESTING, PLACEMENT

##### A. Identification/Assessment of Handicapped Latino Students.

1. Procedures to identify, evaluate and place limited English proficient Latino students who may be handicapped and eligible for special education and related services must take into account their language characteristics so that language background does not affect the outcome of those procedures. All such Latino students who must also be assessed under Section II of this Stipulation shall be assessed for language proficiency consistent with the provisions of Section II. This assessment may be conducted by the child study team or by the assessment team under the Stipulation. All assessment information required to be reported and considered on SP-LCD or other forms for Latino students under Section II must be reported and considered for Latino students who might be handicapped on the appropriate Individual Education Program (IEP) or other form.
2. To implement the provisions of paragraph 1 above the (IEP) forms for Special Education shall be modified to include provisions to determine home language background and proficiency including:
  - a. Spanish and English Oral Production Proficiency scores;

- b. Spanish academic achievement
  - c. Teacher ratings of language proficiency; and
  - d. Results of home visits and other assessment procedures, conducted pursuant to the provisions of Section II.
3. The district shall take steps to encourage parents or their representatives to participate on child study teams and use bilingual personnel on the teams.
  4. If the team determines pursuant to the provisions of Section II that because of the Latino student's educational needs, performance in the present educational placement, or presenting handicapping conditions, he or she is thought to be in need of special instruction or services as defined in Minn. Stat. §120.03(B); the initiation or change in the student's educational placement; or special education services as set forth in 3525.0200 to 3525.7500 of the Minnesota Code of Agency Rules, then the student's assessment and educational program will be provided in strict accordance with the laws and rules governing special education and the provisions of this Stipulation.

B. Programs/Services/Instruction/Coordination.

1. When a Latino student is eligible for special education services, such services must be provided through the language the student best

understands. When such student is entitled to programs or services including Spanish instruction (bilingual education) under the provisions of this Stipulation, such programs, services and instruction must be provided including assurance that such Latino students receive instruction in the history, culture and heritage of Spanish speaking students; ESL or other help designed to develop full proficiency in speaking, understanding, reading, and writing English; and bilingual instruction in required subjects, as necessary to meet their educational needs as determined by the assessment conducted pursuant to the provisions herein. IEP's for Latino students shall include Spanish instruction, ESL, cultural enrichment, and other matters required to be addressed set forth in Section II C (2) (a)-(g).

2. The procedure to identify, evaluate and place handicapped limited English proficient Latino students must otherwise adhere to the requirements of this Stipulation and Pub. L. 94-142 and its implementing regulations pertaining to non-discrimination on the basis of handicap.
3. The administrators of the District's special education programs shall coordinate and cooperate on a regular basis with the assigned bilingual education administrator to insure achievement of these objectives and obligations and to insure that staff members of each program understand

the relationship between the two programs and the requirements of this Stipulation.

4. Special education and bilingual staff at the District-wide and school level shall coordinate their assessment procedures, IEPs, and program placement to insure that the District is following the provisions of this Stipulation. A bilingual-bicultural staff member will be present at all IEP meetings involving Latino LEP students.

## V. PARENT CONTACT

### A. Administrative Procedures and Guidelines.

1. The District shall implement written administrative procedures and guidelines informing schools of their obligation to systematically determine through the "Home Language Census" or otherwise which parents speak Spanish in their homes. These guidelines shall also outline the types of contacts with parents which shall be made by bilingual personnel and what written materials shall be translated into Spanish.
2. All parental notices or other written information generally given to parents concerning the education program(s) or service(s) provided Latino students under this Stipulation shall be provided in Spanish to the parents of such Latino students.
3. The District shall develop a brochure in Spanish which describes all of the important District services, programs and benefits (e.g. school lunches, counseling, extra-curricular activities, parent involvement, etc.) available to students and an address and phone number the parents can call for additional information in Spanish including Spanish translation of other District notices and written information. The District acknowledges its commitment to communicate effectively with the parents of all students



enrolled in District schools in a manner and language that will lead to maximum understanding, awareness and parent participation. To the extent economically feasible the District shall provide in Spanish all notices and other information transmitted to parents of District students.

B. Home Liaisons and Notices.

The district shall maintain a sufficient number of liaison positions necessary to work with the Latino students who receive Oprograms, instructions and services under this Stipulation and their parents. Their responsibilities shall include translation of materials in Spanish; participation in parent-teacher conferences; home visits for assessment, language identification or other purpose under this Stipulation; encouraging parents to participate in school activities; availability to assist in communications with parents; participation in assessments; and, to the extent feasible, participation in educational programs under this Stipulation. The home liaisons shall be trained in the tasks for which they will be responsible by November 30<sup>th</sup> of each school year.

## VI. ADMINISTRATION/COORDINATION/PLANNING OF EDUCATION PROGRAMS

### A. Summary of Administrative Role and Responsibilities.

1. The District shall designate a person to coordinate the District Programs referred to in Section III, and to insure coordination and the implementation of the activities and functions required under this Stipulation including, but not limited to:
  - a. Administration, scoring and interpretation of assessments and tests;
  - b. Determination of educational needs and educational placement;
  - c. Educational program and instructional content;
  - d. Collection and distribution of information pertaining to students;
  - e. Reassessment and special education referral;
  - f. Training;
  - g. Evaluation and validation of test, assessments and programs;
  - h. Collection of summary information and data;
  - i. Research, materials, curriculum, community participation, and counseling;
  - j. Such other matters which may be assigned by the District for coordination purposes.

B. Additional Administrative Requirements – Training/Record-Keeping/Guidelines Updating/Planning.

1. The District shall by November 30<sup>th</sup> of each year brief all building principals and appropriate administrators not briefed under the provisions of Section II E concerning the requirements of this Stipulation.
2. The administrative staff shall assist in training key school staff and regular classroom teachers regarding the educational needs of Latino limited English proficient students; the cultural and self-concept needs of the students; teacher attitude and the factors of language barriers and resulting educational needs; their roles and the mechanism/process by which services for LEP students are to be coordinated and developed; the requirements of this Stipulation; and resources available to meet the needs of such Latino student.
3. The District's administrative staff shall develop guidelines to insure that all appropriate and necessary records and information concerning the educational needs of Latino students as contemplated under this Stipulation are made available to the SP-LCD teams within the time frames contemplated by this Stipulation and are transferred immediately when a student transfers to another school within or without the District. Such

records shall include, at a minimum, the SP-LCD, achievement test scores, Home Language Background results; language proficiency/placement/instructional program teacher observations; language proficiency and other assessment results; ratings of students by teachers and other pertinent ratings; other descriptive data on the student's current level of performance in required subjects in Spanish and English; and other relevant information concerning a student's educational needs as well as the data interpretation and recommendations required by Section II.

4. The District's administrative staff shall implement guidelines and procedures to insure the match-up at the local school level of SRA scores and other achievement data with the Home Language Background assessment data within three weeks of enrollment of each school year. These guidelines shall inform schools of the outreach efforts which must be conducted if a Spanish surnamed student has not returned his home language background information within two weeks after enrollment each school year. For students who have not been assessed under the procedures herein within six weeks of enrollment of each year, the latest SRA data will be "matched up" and used consistent with the procedures set forth herein.

5. The procedures, forms and guidelines developed by the District necessary to implement the provisions of the Order and Consent Decree herein (and attached as an Exhibit to the Stipulation governing the District's obligations under the Order and Consent Decree for the 1982-84 school years) are incorporated herein by reference. The District's administrative staff shall update these procedures, guidelines and forms from time to time as necessary to implement this Stipulation.
  
6. The District's administrative staff shall annually plan programs for the coming school year to meet the educational needs of the estimated number of limited English proficient Latino students identified as a result of the home language background identification, educational assessments, program evaluation, and other data and information contemplated by Section II. This shall include documentation of the number of LEP students falling into Spanish and English oral language proficiency levels, each Language Category, the instructional program for each Language Category, and the teachers assigned to the program by school. This minimum planning effort shall be completed by April 1 of each school year. This planning effort shall include the continuation of identification, assessment, and instruction, building on the progress realized to date, i.e.

analysis and interpretation of language proficiency results, with implications for staff assignment and materials acquisition.

C. Reporting/Assessment Responsibility.

1. The administrator assigned for the District's programs under this Stipulation shall assist on a District-wide basis in the training, administration, scoring and interpretation of assessments and tests and shall keep track of the educational placement of all Latino students identified as having a Spanish home language background under the provisions of Section II.
2. To assist the administrator in carrying out the functions under (1) above, the District shall hire such staff or consultants, expert in diagnostic testing and in determining the nature and extent of English and Spanish proficiency and relative language proficiency, that may be necessary, from time to time, to discharge responsibilities regarding the accurate, comprehensive and systematic assessment and educational placement of Latino students under this Stipulation.
3. The assigned administrator shall coordinate with local schools to make sure that students are assessed under the provisions of this Stipulation and shall monitor educational placements to insure that Latino students are receiving the programs, services and instruction required herein.

Procedures and forms shall be developed to keep track of the identification, assessment and educational placement of all Latino students identified as having a Spanish home language background.

D. Staff Development Plan and Recruitment Plans.

1. From time to time the District shall formulate a staff development plan for programs under this Stipulation. The plan shall be designed to satisfy the District's obligations under this Stipulation and shall be consistent with the District's Affirmative Action Policy, and shall describe all staff development activities; staffing qualifications, staff recruitment/reassessment/upward movement components and short and long term training plans. This shall include a thorough needs assessment of all staff, utilizing a questionnaire, rating forms or other instruments as well as personal interviews with a cross-section of staff at different levels, with different responsibilities regarding the programs under this Stipulation. Staff development programs shall be based on the results of the needs assessment.
2. As part of the plan the District shall also specify what its recruitment efforts will be to recruit at colleges and universities which have programs for certification of bilingual education teachers. An individual knowledgeable concerning the District's bilingual education program shall be assigned to do the recruitment. The recruitment efforts must be reasonably calculated

to attract qualified bilingual education teachers and must be conducted annually as needed, with need based on projected staffing for the following year.

3. As part of the plan the District shall utilize objective criteria and tests to measure:
  - a. Teacher competencies for bilingual education as required by Section I, paragraph H herein;
  - b. Proficiency in Spanish, utilizing a structured language proficiency interview, or other objective criteria as required by Section I, Paragraph H herein; and
  - c. Ability to communicate with Latino parents on school matters in Spanish (including development of procedures to include parents on the interview panel, asking certain questions in Spanish to be answered in Spanish regarding parent-school matters, and including home liaison staff members on the hiring interview panel and other matters required by Section I, Paragraph H herein).

E. Additional Staff.

1. The District shall from time to time document the skill qualifications and background of all staff assigned to bilingual education or ESL programs under this Stipulation.



2. Consistent with the St. Paul Civil Service Commission's rules and procedures the District shall, to the maximum extent feasible, endeavor to staff Humboldt schools with persons experienced in working with individuals of diverse cultural backgrounds.

## VII. VALIDATION OF TESTING/ASSESSMENT INSTRUMENTS

1. In accordance with recognized professional standards, all testing and evaluation materials and procedures used for the assessment and testing of students under this stipulation shall be selected and administered so as not to be racially nor culturally discriminatory and shall be valid for the purposes identified herein.
2. From time to time the District shall undertake the studies necessary to develop or adapt the home language background, language proficiency, cognitive needs, SRA and other tests and assessments, (in English and Spanish) administered pursuant to the provisions of this Stipulation so that they are valid and appropriate for identifying, testing, assessing, and classifying students pursuant to the provisions of this Stipulation. Validation and appropriateness include development and adaption of such tests, assessments, procedures and interpretations so that they are:
  - a. Sensitive to cultural differences;
  - b. Do not discriminate on the basis of dialect differences;
  - c. Designed to determine relative language dominance by domain of use;

- d. Are adopted to research results concerning regional/social variation and developmental sequences;
- e. Reflect, as necessary, both receptive competence and productive competence;
- f. Criterion referenced and locally normed, as appropriate;
- g. Sensitive to different testing styles;
- h. Sensitive to differences in the testing situation;
- i. Sensitive to attitudinal differences toward the target language.

Any such validation of effort shall include comparative testing research with well-controlled samples in which the students' knowledge of various content areas is assessed in English, in Spanish, and bilingually; is aimed at discovering the language channel which best assesses a student's knowledge and skills and allowing for comparative scores of students in different programs; and controls variables to the extent feasible.

## VIII. EVALUATION

### A. Cognitive Growth in Basic Skill Areas.

1. The District shall from time to time measure cognitive growth in the basic skill areas in the appropriate language domains of language Category I-III Latino students who receive programs, services and instruction under this Stipulation.
2. The evaluation design shall include assessment of student progress in the basic skills areas in all appropriate language domains and program assessment on both annual and longitudinal basis, including the collection of non-cognitive indices such as drop-out rates for all Latino students, attendance figures, number of programs, staffing patterns, etc. Process evaluation shall be done, at a minimum, according to points noted in the plan's timelines.
3. The evaluation design should also include cognitive assessment in the basic skills on a continuous basis through the development and administration of teacher-made tests and nationally normed or locally normed or criterion referenced tests on a pre-post-basis.

B. Program Evaluation and Monitoring.

1. Consistent with its policies regarding evaluating the District from time to time shall evaluate the home language background identification and assessment process under this Stipulation, the programs under this Stipulation and other matters necessary to assure District compliance with all areas under the Stipulation.
2. The District shall have an internal evaluation or contract with an external evaluator to design, implement and manage this program evaluation.

## IX. COUNSELING

### A. Guidelines.

1. The District shall implement guidelines for local schools on counseling. The guidelines shall contain the requirements of this Stipulation and shall provide that there shall be a strong incentive and encouragement for Latino students to enroll in electives that minority students have not traditionally enrolled in;
2. The guidelines shall also mandate local schools to review and modify counseling practices to insure that Latino students are not disproportionately channeled into certain subject areas or courses and not discouraged to take certain electives and encouraged to take others;
3. There is an affirmative counseling program to encourage Latino students to fully participate and take advantage of all educational programs and benefits; and
4. The guidelines shall encourage appropriate assessments regarding the regular classroom to insure that de facto tracking practices are not taking place, and that students are being counseled into classes that match their interests and educational abilities.

B. Other Requirements.

1. Counselors shall coordinate closely with bilingual teachers in determining the schedule of Latino students receiving programs, instruction and services under this Stipulation.
2. Counselors in local schools shall receive instruction regarding the purpose of bilingual programs and under what circumstances they should be used as part of the training effort referred to in this Stipulation. Training shall also be conducted for counselors by November 30 of each school year on the need for close coordination with bilingual teachers and/or case managers when developing Latino LEP students' schedules, on the purpose(s) of the bilingual program, and on other topics related to the implementation of this Stipulation.
3. The District administrator assigned to bilingual education programs shall coordinate with the District's counseling administrators. This coordination shall include a review and evaluation to determine if Latino students have been disproportionately channeled into certain subject areas or courses or discouraged and encouraged to take others. Appropriate documentation and analysis shall be used to see if channeling or tracking is occurring.

## X. CURRICULUM

### A. Guidelines.

1. Consistent with the requirements of Section III the District shall adopt guidelines which instruct schools that there must be instruction routinely given as part of the regular classroom which is sensitive to and includes the history, culture and heritage of Latino students, particularly in social studies and history.
2. These guidelines shall also inform schools that they must take steps to introduce pertinent minority developments which have contributed to or influenced subjects and that any newly established courses must be designed to not have a discriminatory effect.
3. The guidelines shall inform local schools that materials used in programs shall avoid negative stereotypes of members of any ethnic or racial group and shall positively reflect, where appropriate, the culture of Latino students.
4. The guidelines shall contain the other requirements of this Stipulation and shall instruct schools and inter-cultural committees of their responsibility to insure that curriculum materials, particularly literature, history and social studies, and methodology shall be developed to reflect a culturally



pluralistic instructional approach and the development and adoption of instructional materials to insure reinforcement of both language and the various cultures represented in the student body and the reflection of the pluralistic characteristics of the student population with historical anthropological and sociological accuracy.

5. To implement paragraphs 1 to 4, curricula with objective, activities, resources and evaluation criteria which integrate the culture and heritage of Hispanics with the regular District curriculum shall be developed in the subject areas of social studies, history and literature curriculum as it is developed on a District-wide basis. This shall include the identification and purchase of materials necessary for teaching all required subjects in Spanish.
6. The Spanish reading series and curriculum shall be reviewed by August 1 of each school year and appropriate materials selected to parallel the District's regular curriculum as needed.

B. Planning.

1. Consistent with the requirements of Section IV (D) of the Decree the District shall adopt a plan to evaluate and subsequently modify all instructional materials for removal of all stereotype and historical misrepresentation and other negative cultural presentations.

2. This plan shall include a method to evaluate new texts at the time of their adoption and for review and consideration by the District's Text Adoption and Review Committee.

C. Curriculum Development.

The District shall insure that all instructional materials and methods are developed in bilingual programs such that the curriculum used in the bilingual programs will match the basic skills sequence in the regular District curriculum and so that curriculum has system-wide (school to school) continuity and grade to grade articulation.

D. Monitoring.

The District shall take appropriate steps in each school year on a District-wide level to insure that schools are in fact following through with these materials and curriculum requirements. The bilingual education administrator shall document this through school monitoring visits, interview or observations etc.

## XI. MATERIALS AND COMMUNITY PARTICIPATION

The District shall provide effective parent and community participation. This shall include continuation of the parent advisory group established by the District pursuant to a Resolution of the Board of Education on July 26, 1983 until such time as fewer than ½ of 1 percent (one-half of one percent) of the total District enrollment are students qualifying for services under this Stipulation.

The District shall use parents of Latino students or a community representative on all hiring committees for a bilingual education teacher or home liaison position to help assure the teacher is able to converse in Spanish with considerable proficiency to be able to communicate with parents on school matters and shall maximize use of home liaisons to contact parents on a regular basis.

**XII. ATTORNEYS FEES AND CONTINUING JURISDICTION**

Any attorney's fees for plaintiffs' counsel both prior to and after entry of this Consent Decree on April 2, 1979 are and continue to be reserved. The Court shall retain continuing jurisdiction to enforce the provisions of its judgment.

Dated: \_\_\_\_\_ Dated: \_\_\_\_\_

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