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Leveraging Compliance Monitoring to Improve the Provision of Services for English Learners

By

Héctor Ariel Rico

A dissertation submitted in partial satisfaction of the requirements for the degree of

Doctor of Education

in the

Graduate Division

of the

University of California at Berkeley

Committee in charge:

Professor Bernard R. Gifford, Chair
Professor P. David Pearson
Professor Alex M. Saragoza

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Leveraging Compliance Monitoring to Improve the Provision of Services for English Learners

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Héctor Ariel Rico

ABSTRACT

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Doctor of Education

University of California at Berkeley

Professor Bernard Gifford, Chair

Federal Program Monitoring (FPM) is California's current education compliance monitoring process. Roughly 120 local educational agencies (LEAs) each year are selected to receive a FPM review—half on-site and half online. Through FPM, the California Department of Education (CDE) reviews a variety of categorical programs, including the English learner (EL) program, for compliance with state and federal mandates. LEAs found to be non-compliant (NC) in one or more categorical programs are required to resolve the NC findings within certain timelines or, potentially, face state fiscal sanctions.

This comparative case study explored the responses to FPM by district leaders from two urban school districts selected via a purposive sampling approach. In particular, this study investigated whether LEAs leverage FPM to improve the provision of services to English learners and, in particular, English language development (ELD) instruction.

My conceptual framework posits that the different responses by district leaders to the various forms of education accountability regimes I identify can be explained, in part, to their position on various conceptions that, ultimately, influence their willingness and their capacity—integrity serving as a mitigating factor. These responses that can be grouped into three categories: leveraged compliance, contrived compliance, or non-compliance.

As predicted by my conceptual framework, I found contrasting findings across the two districts for predictable reasons, or, theoretical replication. The Puente Verde USD had a high level of willingness to be responsive to FPM. In comparison, Windy Hills USD's ideological stance on ELD—incongruent with the CDE's—coupled with their integrity to do what they felt was the right thing, inhibited their willingness to be as responsive to FPM. Additionally, whilst both LEAs had relatively high levels of capacity to implement EL programs, Windy Hills' lower absorptive capacity constrained further capacity building.

Although compliance monitoring, like FPM, is often seen as a bureaucratic exercise, some LEAs are able to seize the opportunity to leverage it to improve services, while others, even when possessing relatively high levels of capacity may not. Oftentimes, compliance with FPM is seen as a simple bimodal response. What this study found is that it is much more nuanced.

DEDICATION

My loving Elia, I proudly dedicate this dissertation with immeasurable gratitude. Although you wisely chose not to formally pursue a doctorate with me, I herby award you your own Ed.D. for your Edacious Dedication. If you recall, Rick also proposed to award you a degree for your enviable support of me, which was so regular that, like Pavlov's Chihuahua, my classmates and I would pack up as soon as we saw you. Without your generous emotional, moral and material support, inexplicable patience and acceptance, blind confidence in me, and unceasing encouragement—including your forever-kindergarten teacher mantra of "you're doing a good job!"—I'm not sure I would have accomplished this. I'm blessed to have you in my life. Xièxiè.

Querida mamá, orgullosamente te dedico este tesis y mi doctorado con mucho agradecimiento. Berkeley está muy lejos de Nicolás Bravo—geográficamente y en muchos otros sentidos. Sólo Dios sabe que hubiera sido de mí, de nosotros, si no hubieras tenido el valor de huir para la esperanza de una vida mejor. Tú haz sido una gran inspiración, aunque lo niegas aceptarlo. Siempre he mantenido en la mente—como tipo de motivación—tu consejo a edad muy joven de estudiar para salir de la pobreza; los recuerdos de todas las noches que regresabas por camión a Aliso Village del trabajo o de tus clases de ESL; tu disgusto por recibir en el colegio cualquier calificación menos de A; y, con tremendo orgullo, tu graduación cuando recibiste tu A.A. Por estas cosas y mucho más, te doy mil gracias. Este doctorado es tanto tuyo como mío.

Beto, padre, hombre de pocas palabras, parte de la razón que pude escribir estas muchísimas palabras es porque llegaste a nuestras vidas hace tantos años (como cantaba Rocío, "Cómo han pasado los años."). Gracias por haberlo hecho. Aunque quizás no se han dicho las palabras para hacerte sentirlo, mi agradecimiento siempre lo haz tenido. Ya es tiempo para otro viaje a Saltillo, ¿qué no? Vámonos.

Adán, Jazmín, and Jaqui—my three dear "J.A.R.s"—I'm so proud of you each. Although it may have not always been apparent, you've been the motivation behind so much of what I've done in the service of safeguarding your future. This included. I hope in some way it serves you as motivation if ever you doubt yourself. As Edgar Albert Guest said:

> Somebody said that it couldn't be done,
> But he with a chuckle replied
> That "maybe it couldn't," but he would be one
> Who wouldn't say so till he'd tried…
> ….just buckle in with a bit of a grin,
> Just take off your coat and go to it;
> Just start to sing as you tackle the thing
> That "cannot be done," and you'll do it.

Luis, Adriana and Eric—queridos hermanos —cómo hemos viajado lejos de nuestra niñez en Bell Gardens, ¿qué no? Algunas paradas en nuestros viajes han sido dolorosas, pero la mayoría buenas. Cómo me hubiera gustado que más viajes hubieran sido juntos, como canta Russian Red, "I had in mind conquer the world by your side" Ojalá en el futuro. Por lo tanto, ¿quién lo hubiera pensado? Como decía el Chapulín Colorado, "¿No contaban con mi astucia?

Lastly, during my first foray into the field of education—as a Migrant Education Mini-Corps tutor during college—it was ingrained in us that we were role models for the students and families we served. This great sense of responsibility and motivation has remained with me throughout my career as I have tried to do right by the historically underserved communities who have been at the center of my work. Therefore, I also dedicate this dissertation to the students and families whom I represent and to the educators who serve them, as a reminder until it goes without saying that students of color, students who come from poverty, immigrants—documented or not—and English learners can and do succeed in school. Sometimes, because of us educators and, sometimes, in spite of us, as Paulo Freire said in *Pedagogia do Oprimido,*

> Nenhuma pedagogia realmente libertadora pode ficar distante dos oprimidos, quer dizer, pode fazer deles seres desditados, objetos de um "tratamento" humanitarista, para tentar, através de exemplos retirados de entre os opressores, modelos para a sua "promoção". Os oprimidos hão de ser o exemplo para si mesmos, na luta por sua redenção. (p. 40)

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To Dr. Heinrich (Rick) Mintrop, first of all, thank you for accepting me into LEEP. Secondly, thank you for your unwavering dedication to LEEP, your insistence on high academic standards, and commitment to addressing issues of equity. LEEP students and graduates join you in your resolve to ensure that LEEP not only continues, but grows in status within the university and in its impact on K-12 schooling and educational equity. It is my firm belief that it would behoove the university to not only resume LEEP after its pending hiatus, but, to increase its support of it. This exceptional doctoral program should be held in higher esteem as it uniquely combines rigorous scholarly work with real-world experience via it's veteran practicing school, district, county, state, and other educational agency leaders who form its student body. Lastly, thank you for your consistent encouragement and acknowledgement of my work. As Sor Juana Inés de la Cruz wrote, "I walk beneath your pens, and am not what I truly am, but what you'd prefer to imagine me."

Whether I posses Imposter Syndrome—as discussed by Dr. Valerie Young and U.C. Berkeley graduate, Dr. Jessica Kirkpatrick—remains to be seen. What I do believe, however, is that my early schooling as an English learner who came from poverty left gaps in my learning that, whilst they may not be evident—given my relative successful professional and academic trajectory—they are, nevertheless, real and a constant source of challenges. These gaps and resulting challenges are also an unfortunate reality for countless similar students who must be resilient and learn to navigate an educational system that wasn't designed with them in mind—if they are to be successful.

It is because of the challenge we face in closing learning and achievement gaps that I acknowledge the many parents, teachers, administrators, and advocates with whom I've had, and will have, the privilege of working alongside in our collective efforts to do right by our students.

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Lastly, I'll take with me the incredible experience of these last four years to guide my continuing commitment to advancing educational equity, which, in addition to being rewarding, is often paved with obstacles. As Robert Frost wrote,

> The woods are lovely, dark and deep,
> But I have promises to keep,
> And miles to go before I sleep,
> And miles to go before I sleep.

CHAPTER 1: INTRODUCTION

Public education leaders face significant challenges in ensuring all students' needs are effectively addressed. With more rigorous academic standards, expanding accountability, and an increasingly socioeconomically, culturally, linguistically, and otherwise diverse student population, school and district leaders operate in a perpetual improvement mode (Cuban, 1990, 2007). Similarly, education policy-makers and oversight agencies are continuously seeking ways to ensure that schools and districts are indeed effectively addressing the needs of all students. Sometimes, school and district leaders are in concert with accountability policies and procedures and are even able to leverage them to assist them in carrying out their improvement efforts—sometimes not. One accountability process in California intended to ensure that schools and districts address student needs is the California Department of Education's (CDE) compliance monitoring process, currently known as Federal Program Monitoring (FPM). The purpose of this study is to gain a better understanding of how school district leaders respond to the FPM process (FPM), particularly, as it pertains to one key program monitored within FPM, the English learner (EL) program.

In the three main sections of this chapter I lay the foundation upon which I situate my study. First, I briefly review the progress of *English learners* (ELs), both in California and nationally, to underscore the status of efforts to effectively educate English learners (also known as *English language learners* [ELL]). I then summarize some fundamental issues that are both peripheral and essential to the instruction of English learners in order to highlight the complex nature of schooling of English learners. Lastly, I highlight the problem of practice and research questions that guide this study and provide a context for California's compliance monitoring of local educational agencies (LEAs) (*LEAs* are used here interchangeably with *school districts*, even though LEAs include county offices of education and direct-funded charter schools).

Progress of English Learners

California, along with the rest of the country, continues to fall short in effectively educating historically underserved students, such as English learners (Kihuen, 2009; Olsen, 2010; Parrish et. al., 2006; Rumberger & Gándara, 2004; Slessarev-Jamir, 2011). By definition, English learners are still developing their English language skills and, thus, in order to evaluate their overall progress in schools, they are assessed on achievement on academic measures (e.g. math, English language arts/reading, science, social studies/history) along with all other students, but then they are also assessed on their English language development. In this section I first highlight some state and national academic achievement data, comparing English learners with non-English learners. I, then, briefly discuss the achievement trends of English learners in developing their English proficiency.

Academic achievement. Only 2% of California's English language learners scored at or above *proficient* in eight-grade reading on the 2013 National Assessment of Educational Progress (NAEP) compared to 33% of non-English language learners. Nationwide, the results are just as dismal—3% for English language learners versus 36% for non-English language leaners (U.S. Department of Education, Institute of Education Sciences, National Center for Educational Statistics [NCES], 2013d). Table 1 displays the 2013 NAEP reading results (NCES, 2013d) for the United States as well as the five states with the largest number or the highest percentage of public school students participating in programs for English language learners (NCES, 2013b),

Table 1
Eighth Grade ELL Versus Non-ELL NAEP Reading Results for 2013 for Top Five ELL States

By *Number* of English Language Leaners							
Rank	State	N	%	ELL % ≥ Basic	Non-ELL % ≥ Basic	ELL % ≥ Proficient	Non-ELL % ≥ Proficient
	United States	4,389,325	9.1	30	79	3	36
1	California	1,415,623	23.2	23	79	2	33
2	Texas	722,043	14.9	32	79	2	33
3	Florida	234,347	8.8	30	79	3	35
4	New York	204,898	7.8	20	80	1	37
5	Illinois	170,626	8.2	23	80	1	38
By *Percent* of English Language Learners							
Rank	State	%	N	EL % ≥ Basic	Non-EL % ≥ Basic	EL % ≥ Proficient	Non-EL % ≥ Proficient
1	California	23.2	1,415,623	23	79	2	33
2	Nevada	19.6	84,125	21	76	2	33
3	New Mexico	16.1	53,071	29	73	2	25
4	Texas	14.9	722,043	32	79	2	33
5	Hawaii	13.5	24,750	29	76	3	31
	United States	9.1	4,389,325	30	79	3	36

Note. N = Number of public school students participating in programs for English language learners for 2011-12—the last school year for which these data are available—not number tested; EL = English learners; ELL = English language learners

which, I will collectively refer to as the *top eight EL states*. The nationwide gap between English language learners and non-English language learners scoring at or above proficient is 33 percentage points. Similarly, the gap mean for each of the five states with the *largest number* of English language learners is also 33-percentage points, whereas the average gap for each of the five states with the *highest percent* of English language learners is 29-percentage points. Table 2 reveals an even larger achievement gap for California's English learners vis-à-vis the last administration of the California Standards Test (CST)—a gap mean of 42-percentage points for each of the five eighth-grade core subjects displayed (English language arts, general math, algebra 1, history-social studies, life science). Refer to Appendix A for a similar top-five-states comparison of scale scores for three eighth-grade NAEP core subjects (math, algebra 1, science). It is important, however, to acknowledge the concerns around validity when judging the performance of English learners on assessments administered in English (Abedi, Hofstetter, and Lord, 2004; Abedi & Gándara, 2006). As a Abedi, Hofstetter, and Lord (2004) point out, "We are not likely to obtain accurate and relevant information regarding a student's content knowledge…by administering a…test in a language that the student does not understand" (p. 2). Abedi & Gándara (2006) find that even when accommodations are used on academic assessments administered in English to help offset the linguistic challenge of the test, these accommodations may not be relevant or helpful, and almost always fall short of ideal" (p. 37). A comparison of academic assessments conducted in the students' strongest language, which, is not generally not done, might reveal different outcomes. Similarly, analyzing achievement data disaggregated by *ever-ELs* (ELs+RFEP) versus *never-ELs* (EOs+IFEP) might also provide a

Table 2

2013 CST Achievement Results for English Learners v. Non-English Learners

	English Learner		RFEP (former English Learner)		Non-English Learner (FEP+English Only)		English Only	
Subject	N	% ≥ Proficient	N	% ≥ Proficient	N	% ≥ Proficient	N	% ≥ Proficient
ELA	48,313	8	106,951	57	381,963	63	240,872	64
General Math	33,560	12	24,384	40	113,270	37	82,339	35
Algebra 1	22,044	21	75,195	51	247,038	53	149,009	59
History-Social Studies	58,297	10	108,574	56	396,907	59	253,669	58
Life Science	49,023	23	106,931	70	382,043	72	240,971	71

Note. ELA = English language arts; RFEP = reclassified fluent English proficient (former English learners); FEP = fluent English proficient (incudes both RFEP and initial FEP)

different trend of the achievement of students that have ever been English learners, versus those that have never been English learners. Comparing English learners versus non-English learners provides a limited picture of the success of schooling English learners as the most successful English learners (i.e., RFEP students) are regularly removed from the English learner category (Linquanti & Hakuta, 2012).

Table 2 also displays results for former English learners, commonly referred to as *reclassified fluent English proficient* (RFEP) or simply *reclassified* students (*redesignated* is sometimes used in place of reclassified). More RFEP students, by 5-percentage points, than English-only (EO) students scored at or above proficient in general math and scored no less than 8-percentage points than EOs on any of the other four subject areas. In fact, Hill, Weston, and Hayes (2014) found in their recent study of reclassification of English learners in California that "RFEP students perform better than EO student in many cases; and in some cases, RFEP students perform better than IFEP students, the group that is often at the top of the performance measures" (p. 19). They point out however, that it depends when the RFEP students were reclassified—"those who are reclassified at younger grades are more likely to progress on time, have higher test scores, and have positive outcomes in their final years of high school (p. 18). Lastly, Hill, Weston, and Hayes (2014) also confirm that RFEP students generally outperform English learners, and in their study, did so on every measure they examined. This finding not only holds true in the data displayed in Table 2, but also validates common expectations—that is, when comparing achievement results of assessments conducted in English.

English proficiency. Still, even when judging the progress of English learners on a key metric that can be assessed with greater validity, namely, English proficiency, the results are equally distressing. For example, after five years in U.S. schools, only 25-30% of California's English learners have attained an English proficiency level adequate to be reclassified as RFEP. Moreover, after 10 years, the percent of English learners reclassified as RFEP is still less than 40 (Grisson, as cited in Parrish et al., 2006). Studies over the past 20 years suggest that it takes anywhere from four to eight years to develop academic English proficiency (Collier, 1987; Hakuta, Butler & Witt, 2000). This achievement trend is of such concern that legislation was passed in California in 2012 formally defining *Long-Term English Learners* (LTELs) and requiring the CDE to track and report the number of LTELs (AB 2193, Lara, codified in CA Educ. Code as §313.1-313.2). California Education Code section 313.1 defines a LTEL as an

English leaners who,

> is enrolled in any of grades 6 to 12, inclusive, has been enrolled in schools in the United States for more than six years, has remained at the same English language proficiency level for two or more consecutive years as determined by the English language development test….and scores far below basic or below basic on the state's English language arts standards-based achievement test.

A staggering 59% of California's secondary school English learners fall in this category (Olsen, 2010). By definition, LTELs have been unsuccessful for years in both academic and language learning. Hill, Weston, and Hayes (2014) found that even when LTELs reclassify as RFEP, they do not do as well in the long tem as English learners who reclassify in elementary school. Olson (2010) provides a detailed discussion on English learners, including how they are currently served in schools and how they might be better served. In 2012, Olsen argued for developing specific courses for LTELs in secondary schools that address both, their academic and language needs, identifying 10 essential components: Oral language, student engagement, academic language, expository text, consistent routines, goal setting, empowering pedagogy, rigor, relationships, and study skills.

Fundamental Issues Related to English Learners

In this section I identify several fundamental issues outside of the primary demands of instruction in order to highlight the complexity of demands that surround the reality of English learner education. Issues of nomenclature, definitions, cohort variability, identification and exit criteria, and English language proficiency standards and assessments, while, tangential to instruction, all contribute to the complexity of serving English learners and, as such, deserve thoughtful consideration by policy makers and educators alike.

Nomenclature. In this chapter, thus far, I have used the term English learner or English language learner, depending upon the context. California generally refers to students who have a home language other than English and are still developing their English skills as English learners, whereas the U.S. Department of Education (ED) generally refers to this group of students as English language learners but also still uses the older term *limited-English-proficient* (LEP). Six of the top eight EL states generally rely on the term English language learners, whereas New Mexico joins California in favoring the term English learners. Although other related terms, such as English-as-a-second language (ESL) student or English language development (ELD) student, may also be use, English learner, English language learner, or limited-English-proficient appear to be the most common terms used. These three privileged terms, along with their common abbreviations (EL, ELL, LEP)—used alone or with *student* added, e.g. EL student—are used interchangeably to refer to the same group of students who have a home language other than English and are still developing their English skills. García, Kleifgen, and Falchi (2008) posit that when policymakers refer to this groups of students as EL, ELL or LEP, it "signals the omission of an idea that is critical to the discussion of equity in the teaching of these children," namely, that these students are "in fact *emergent bi-linguals*" (p. 6). For the purpose of this study, I will generally use the term English learner or refer to a generic EL/ELL/LEP cohort, unless I use another term within a specific context.

Definitions. Beyond the seemingly innocuous variance in terminology, however, official

definitions used to define these terms also vary. California defines English learners as

> students for whom there is a report of a primary language other than English on the state-approved Home Language Survey and who, on the basis of the state approved oral language (K-12) assessment procedures and literacy (3-12), have been determined to lack the clearly defined English language skills of listening comprehension, speaking, reading, and writing necessary to succeed in the school's regular instructional programs. (California Department of Education [CDE], 2014g)

The ED takes its definition for LEP from the 1978 reauthorization—and subsequent reauthorizations—of the Elementary and Secondary Education Act (ESEA) of 1965, stating that LEP refers to an individual:

> (A) who is aged 3 through 21;
> (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
> (C) (i) who was not born in the United States or whose native language is a language other than English;
> (ii) (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
> (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English proficiency; or
> (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
> (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
> (i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
> (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
> (iii) the opportunity to participate fully in society. (ED, 2004)

Although this multi-dimensional definition is specific to LEP, the ED's Office for Civil Rights (OCR) explicitly equates LEP with ELL and explains that the newer term ELL "is often preferred over limited-English-proficient (LEP) as it highlights accomplishments rather than deficits" (ED, 2005c). Apart from the official definitions of the EL/ELL/LEP cohort of students used by California or the ED, other states and different groups use different definitions. For instance, the National Center for Education Statistics (NCES) and the National Assessment of Educational Progress (NAEP) use the term ELL to describe

> students who are in the process of acquiring English language skills and knowledge. Some schools refer to these students using the term limited-English-proficient (LEP). "Limited English Proficient" is also the terminology used in NAEP technical documentation prior to the 2005 NAEP assessment. (NCES, 2013a)

See Linquanti and Cook (2013) for a more extensive discussion of this issue, in which they provide guidance for moving toward a common definition of English learner as the ED requires of states that are participating in one of the four federally-funded assessment consortia.

Cohort variability. As we move beyond issues of nomenclature and definition—which, may at first glance appear as simply issues of semantics—other inconsistencies begin to elucidate the implications of these collective fundamental issues. One such inconsistency pertains to the variation of cohorts included in any given EL/ELL/LEP grouping, data analysis, report, etc. The manner in which students are counted and the sources from which they are drawn often varies, only adding to the challenges of such things as data analyses. To make this point, I compare four sources of EL/ELL/LEP counts for California for the last three years for which they are available. Table 3 displays the number of students in the California EL/ELL/LEP cohort

Table 3

Number of Students in EL/ELL/LEP Cohort for California from Different Sources

Source of Student Count	2007-08	2008-09	2009-10
CA Dept. of Ed. EL Count	1,553,091	1,513,233	1,468,235
U.S. Dept. of Ed. LEP Students Identified	1,553,091	1,512,122	1,467,989
U.S. Dept. of Ed. LEP Students Served	1,526,036	1,460,408	1,441,637
NCES Participating in programs for ELLs	1,517,559	1,498,660	1,468,815

Note. EL = English learner; ELL = English language learner; LEP = limited English proficient; NCES = National Center for Education Statistics

as used by the CDE (EL count) (CDE, 2014e), the ED (LEP students *identified* and LEP students *served*) (ED, Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students [OELA], 2012, 2013), and the NCES (*participating in programs for ELLs*) (NCES, 2013b). ED distinguishes between LEP students identified and LEP students served, partly, to keep track of how many English language learners are served by federal Title III funds earmarked for ELLs. The ED explains that typical reasons for differences in the two counts include:

> Students usually are identified at the beginning of the school year but reported as 'served' later in the year—often at the time of spring testing for English language proficiency or academic achievement; and Numbers of students fluctuate across the school year; unless 'identified' and 'served' students are reported the same day, there are likely to be some differences. (OELA, 2013, p. 14)

Table 3 highlights the extent of the variability in EL/ELL/LEP counts, in that only one of the three years shown had any match between the four sources of student counts and, even so, it was only between two of the four sources—CDE EL Count and ED LEP Students Identified. Regardless of the reasons why discrepancies in student counts exist, the implications can lead to data analyses and reporting challenges, especially when the discrepancies are widespread.

Identification and exit criteria. The issue of variability in EL/ELL/LEP counts is a manifestation of the broader problem of each state designating its own criteria to initially identify students as English learners and, then, exit to them from that classification (i.e. reclassified as RFEP). The ED highlights the issue of comparing EL/ELL/LEP data in its biennial Title III

report to Congress, stating:

> It is important to mention the many variations in key data elements from State to State. Each State has its own standards, assessments, and criteria for "proficiency," for both, English proficiency and academic content proficiency, as well as its own identification and exit criteria for English proficiency. Thus, the same child could be designated "proficient" in English or in mathematics in one State, but not in another. (OELA, 2013, p. 11)

In discussing some of the challenges with the variability in how states classify and reclassify English learners, Linquanti and Cook (2013) offer three recommendations to the four federally-funded assessment consortia required to establish a common definition of English Learner:

- Conceptualize reclassification criteria using the federal definition of an EL.
- Consider reclassification criteria that address the linguistic contribution to academic performance and societal participation while not requiring a minimum level of performance on an academic content assessment for exit.
- Develop assessment tools that can be used to support and standardize local criteria for their relevance and construct/predictive validity for use in reclassification decisions.

In California, the issue of inconsistent exit, or *reclassification,* criteria is exacerbated by the variability of these criteria from school district to school district as the CDE leaves key elements of these criteria to the discretion of the each district. California's reclassification criteria are comprised of four general elements that each district must address:

- assessment of English language proficiency;
- comparison of pupil's performance in basic skills against an empirically-established range of performance in basic skills based upon the performance of English proficient pupils of the same age that demonstrate whether the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English;
- teacher evaluation that includes, but is not limited to, the pupil's academic performance; and
- opportunities for parent opinion and consultation during the reclassification process.

As is evident by this excerpt from CDE's Guidelines for Reclassification section (see Appendix B) of the 2013-14 CELDT Information Guide (CDE, 2014h), no cutpoints are specified. Even though the reclassification section offers additional details, including performance levels for the English language proficiency assessment, the guidance provided comes in the form of non-regulatory guidance, such as, "*Consider* [emphasis added] for reclassification those students whose Overall performance level is…" and "Those students whose Overall performance level is in the upper end of the Intermediate level also *may be* [emphasis added] considered for reclassification…" (Appendix B). Consequently, school districts have considerable latitude in setting their specific reclassification criteria. Therefore, some students who are still considered English learners in one district may be considered former English learners (RFEP) in another, impacting a host of issues, including comparisons of academic achievement data, who gets tested

on the California English Language Development Test (CELDT) (CDE, 2014a), and even what services are provided.

English language proficiency standards and assessments. As per section 3113(b)(2) of the Elementary and Secondary Education Act (ESEA), states are required to

> establish standards and objectives for raising the level of English proficiency that are derived from the four recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of the challenging State academic content and student academic achievement standards…

As Linquanti and Cook (2013) summarize, most states are participating in one of the two academic assessment consortia and one of the two English language (ELP) proficiency consortia. Thirteen states are participating in only one consortium, either academic or ELP assessment. California falls into this category, participating in the Smarter Balanced academic assessment consortium but opting to develop its own ELP assessment. Texas, on the other had, is the only state that has chosen not to participate in any consortia. Each assessment is to be aligned to the corresponding standards. For example, the Smarter Balanced assessment is aligned to the Common Core State Standards (CCSS) (CDE, 2014c, 2014i), whereas California's new ELP assessment—scheduled to be completed and implemented during the 2015-16 school year—will be aligned to California's newest ELD (interchangeable with ELP) standards (adopted November 2012) (CDE, 2014f), which, in turn, is also aligned to the CCSS.

Valdés, Kibler, and Walqui (2014) provide a discussion of two key challenges for teachers of English learners triggered by the new content standards and assessments. The first deals with the content-specific receptive and productive language demands and practices that are embedded in the new content standards, such as CCSS, which require all students, including English learners, to successfully navigate in order to fulfill the analytical tasks and acquire the conceptual understandings. The second challenge addresses the instructional needs triggered by these rigorous standards, namely, that it will require teachers to proactively tailor their pedagogy to meet the needs of English learners—continuing to provide all students the same approach will not do. Similarly, Valdés et al. (2014) posit that the new conceptualizations about language triggered by the new ELP standards will "deeply influence instructional arrangements, classification of learners, and approaches to teaching" (p. 9). The variability of standards and assessments however, will continue even after the work of the four key consortia, which will continue to present challenges. Although the majority of states—34, plus the District of Columbia, and Northern Mariana Islands—are members of World-Class Instructional Design and Assessment (WIDA) consortia (WIDA, 2014b), the remaining states have adopted one of about 10 different versions of ELP standards and assessments, including the English Language Proficiency Assessment for the 21st Century (ELPA21) consortium's ELP, which 11 states adopted (ELPA21, 2014). One-half of the top eight EL states— Hawaii, Illinois, Nevada, New Mexico—adopted WIDA's ELP assessment, the Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLs) (WIDA, 2014a). The other half of the top eight EL states each use different ELP assessments. California currently uses the California English Language Development Test (CELDT) (CDE, 2014a) but, as mentioned earlier, is developing a new ELP test—the English Language Proficiency Assessments for California (ELPAC). Florida's current ELP is the Comprehensive English Language Learning Assessment (CELLA), even though Florida is a member of the ELPA21

consortium (Florida Department of Education, 2014). New York's ELP is the New York State English as a Second language Test (NYSESLAT) (New York State Education Department, 2014), and Texas' is the Texas English Language Proficiency Assessment System (TELPAS) (Texas Education Agency, 2014).

Study Context

The low academic achievement of English learners and their slow rate of English language development underscore an enormous equity issue, one that is particularly alarming for a state with so many English learners. As Table 1 shows, California has the largest population of English learners of any state, both in number and percent of the state's public school students, or 1.4 million and 23%, respectively (NCES, 2013b). Comparing these figures nationally, California accounts for 32% of the nation's estimated 4.4 million English learners, which, in turn, represent only 9% of the nations public school students (NCES, 2013b). Ensuring that the nation's nearly 14,000, locally governed public school districts, including California's roughly 1,0000 (NCES, 2013c), effectively educate this significant and diverse student population is a considerable challenge. In this section I first discuss the problem of practice pertaining to the monitoring of LEAs and the provision of services, leading to the research questions that guide this study. In order to provide a historical context for compliance monitoring, I first provide a synopsis of key legislative efforts aimed at ensuring some level of adequacy, if not equity. Similarly, I then provide a summary of judicial actions that either indirectly or directly led to mandates for states to provide some level of oversight for compliance monitoring, particularly of services for English learners. Next, I briefly discuss the role of the primary agencies in compliance monitoring, particularly of EL programs. I conclude this section by describing CDE's current complaints monitoring process.

Problem of practice and research questions. As the right to education is not explicitly mentioned in the U.S. Constitution, the responsibility for public K-12 education in the United States falls primarily to the states and local governments (U.S. Department of Education [ED], 2014b). As a reflection of this, only about 8% of K-12 education funding comes from the federal government (ED, 2014a). The highly localized nature of American public education has in its history indirectly facilitated barriers to effectively educating our diverse populace, such as allowing the establishments of racially segregated schools (Slessarev-Jamir, 2011), or inadequate teaching staff, educational resources, and facilities (Kozol, 1991; Rumberger & Gándara, 2004). This decentralized approach to education in the United States also contributes to the challenges faced by oversight agencies to effectively monitor LEAs and safeguard equity or, at a minimum, ensure adequacy of services.

In California, the CDE is the principal monitoring agency of LEAs, conducting compliance reviews under its Federal Program Monitoring (FPM) process. This process involves multiple offices at the CDE and many more LEAs, requiring a significant investment of resources, both, by the CDE (CDE, 2010a) and participating LEAs. The stated purpose of FPM is to ensure that LEAs spend their funds as required by law (CDE, 2012c). However, its *de facto* purpose extends beyond fiscal compliance, as requirements within FPM (CDE, 2012a) call for specific instructional services, such as the following two core English learners requirements:

- Each English learner receives a program of instruction in English language development (ELD) in order to develop proficiency in English as rapidly and effectively as possible.

- Academic instruction for ELs is designed and implemented to ensure that English learners meet the district's content and performance standards for their respective grade levels in a reasonable amount of time

These requirements clearly speak to more than appropriate use of funds, presumably triggering changes in procedures, policies, pedagogy, or provision of other services when LEAs are found non-compliant (NC) on these compliance items. The problem of practice is that, not only is it uncertain whether FPM causes school districts to improve provision of services, as noted in *D.J. et al. v. State of California et al.* (2014), "the record is devoid of evidence that FPM monitoring has effectively reduced the number of EL students lacking EL instructional services" (p.39), but, the impression of many is that it is ineffective and mostly bureaucratic (*Alejo et al. v. Torlakson et al.*, 2013; *D.J. et al. v. State of California et al.*, 2014) resulting in varying levels of responsiveness by LEAs. Moreover, mixed messages are often given regarding the process, its purpose, or CDE's authority; thus, contributing to the reasons for the disparate levels of responsiveness by LEAs. For instance, then State Superintendent of Public Instruction, Jack O'Connell (2009), in a letter to the field announcing the temporary suspension of compliance reviews due, in large part, to the state's economic crisis at the time, stated, "During these challenging times, I want districts and schools to be able to focus their energy on improving student achievement and not on preparing for program audits." This statement implies that there is little or no relationship between program audits (referring here to compliance reviews) and student achievement. In the same letter, however, O'Connell (2009) then suggests basing future compliance reviews precisely on student achievement, adding,

> I want to see a redesigned system that focuses the greatest attention on schools that need the most assistance. As a result, this new system should be based on student achievement results. The outcome of this work will frame the future of our monitoring system.

To explore the identified problem of practice, I investigate in this study the relationship between the CDE's compliance monitoring and districts' provision of services to English learners. I am interested in examining to what extent districts' leaders utilize the FPM as a lever to facilitate EL program and, in particular, ELD improvement efforts. In order to examine this phenomenon, I conducted a case study, which allowed me to examine in-depth the responsiveness to the FPM process by two school districts that were reviewed by the CDE. Three research questions guided this study:

- How do school districts respond to the CDE's compliance review process (what are the behavioral patters in response to FPM)?
- Do district leaders leverage the FPM process with the intent to improve the provision of services to English learners? If so, how do they do it?
- How do LEAs that quickly resolve their non-compliant ELD finding differ in motivation and capacity to improve their ELD program from LEAs that take considerably longer (are there discernable differences between LEAs with few versus many NC days with the ELD finding)?

Although I discuss issues of ELD, pedagogy, and EL programs throughout this study, these are not the foci of my inquiry and, thus, I discuss relevant aspects of these only to elucidate my research questions.

Legislative action for educational equity. After the Civil Rights Act of 1964 was passed, a special branch of the Department of Health, Education and Welfare (D/HEW)—Office for Civil Rights (OCR)—was created (ED, 2005a). Initially, language minority students were not a protected class under the Civil Rights Act, but the scope of the OCR expanded over time to include forms of discrimination in education related to English learners under OCR's *national origin* category (Pollock, 2005). In 1970 the OCR issued what is commonly referred to as *OCR's 1970 Memorandum* to clarify D/HEW policies on the responsibility of districts to "provide equal educational opportunity to national origin minority group children deficient in English language skills" (ED, 2005b). Congress then followed with the Equal Educational Opportunities Act of 1975 (EEOA), which established that "no state shall deny equal educational opportunity to an individual because of race, color, sex, or national origin." More recently, both, California's Public Schools Accountability Act of 1999 (PSAA) and the No Child Left Behind Act of 2001 (NCLB), as the reauthorization of Elementary and Secondary Education Act of 1965 (ESEA), put an explicit focus on equity for historically underserved students, including English learners. Both accountability systems required for the first time that students of color, socioeconomically disadvantaged, students with disabilities and English learners achieve at par with their mainstream peers in order for schools and districts to be considered effective.

The first federal legislation, however, to establish policy for English learners, specifically, bilingual education was the ESEA, when, in 1968 Title VII of ESEA (also known as the Bilingual Education Act) was created. It designated funds for innovative bilingual programs. Not to be outdone, the California legislature in 1976 passed the Chacon-Moscone Bilingual-Bicultural Education Act, making primary language instruction legal. Macias (as cited in Gifford & Valdés, 2006) argues that federal policies, such as the Civil Rights Act and the Bilingual Education Act, created a context in which states such as California were encouraged to repeal existing laws that limited or prohibited the use of non-English languages in instruction. Moreover, as a civil rights policy, the Chacon-Moscone Bilingual-Bicultural Education Act required California schools to provide a meaningful and equitable education to English learners. Then in California in 1998 the voters passed Proposition 227 (codified in CA Educ. Code as §300 et seq.). Although it did not eliminate bilingual education in California, it greatly reduced it by requiring parents to apply for waivers to request bilingual educations. In September 2014, however, California Senator Ricardo Lara's Senate Bill No. 1174—the Multilingual Education for a 21st Century Economy Act—passed, making way for the possibility of repealing key portions of Proposition 227 during the November 2016 statewide general election.

Judicial action for educational equity. Although many perceive compliance monitoring as bureaucratic, others see it as a lever for holding LEAs to account for providing equitable services. There is a history of utilizing the courts to ensure that SEAs meet their oversight responsibilities and districts provide appropriate services. Numerous legal actions over the past 80 years have focused on some aspect of equity, helping set the stage for education compliance monitoring aimed at ensuring appropriate educational services. The groundbreaking *Brown v. the Board of Education* (1954) is undoubtedly the best known desegregation case, overturning *Plessy v. Ferguson* (1896) which had established "separate but equal" schools. However, two lesser-known California desegregation cases preceded *Brown*, *Roberto Alvarez vs. the Board of Trustees of the Lemon Grove School District* (1931) *and Méndez v. Westminster* (1946). In both cases, Mexican American parents successfully sued districts for segregating Spanish-speaking Mexican American students in inferior *Americanization* schools. Since these segregation cases, significant judicial action has led to a host of education mandates, including compliance

monitoring. Two key federal cases set the stage for English learner rights. The *Lau v. Nichols* (1974) decision held that the San Francisco school system violated the Civil Rights Act by failing to provide appropriate language instruction to the District's Chinese-speaking English learners. In 1981, *Castañeda v. Pickard*, provided guidance on how to support English learners by adopting a three-prong test to interpret EEOA and to evaluate programs for English learners.

In California, three lawsuits against the CDE have attempted to get the state agency to fulfill its oversight responsibilities. The *Comité de Padres v. Honig, et al.* (1985) lawsuit asserted that the CDE was not effectively monitoring programs for English learners. The resulting consent decree was amended several times over its more than twenty-year period, with a key directive being that the CDE conduct in-depth follow-up reviews of EL programs and provide districts with appropriate technical assistance (Bedwell, 2002). More recently, the *Alejo et al. v. Torlakson et al.* (2013) lawsuit alleged, among other things, that the CDE again failed to meet its oversight responsibilities with respect to programs for English learners, as well as migrant, homeless, and neglected or delinquent children. The plaintiffs argued that the state has an obligation to "monitor and oversee the use of categorical funds by school districts to ensure that they are used to help academically 'at risk' students overcome educational challenges" (Rice, Escobedo & Coleman, 2009). This time, however, the court's ruled in favor of the CDE. However, soon after, *DJ v. State of California* (2014) claims that over 20,000 English learners do not receive any instructional services. The lawsuit "seeks to compel the State to take action in response to widespread admissions by school districts…that they are failing to provide any EL services to eligible EL students" (American Civil Liberties Union of Southern California [ACLU], 2014a, 2014b). In addressing the plaintiff's concerns in the case, Valdés (2013) in her declaration posits that failing to provide appropriate services for English learners has "profound effects, not only on their educational trajectories…and future employment, but also on their everyday lives, their emotional and behavioral development, their identity, and their self-esteem" (p. 10). The trial court's August 2014 decision in DJ v. State of California (2014) sided with the plaintiffs, stating in its analysis that the CDE is "not free to ignore credible evidence about denials of equal educational opportunity simply because it was received through a channel never intended or designed to monitor district compliance" (p.39). Moreover, the court decision requires the CDE to "establish procedures that effectively ensure all EL Students receive required EL instructional services" (p. 40).

> In each of the three aforementioned lawsuits against the CDE, there was a clear connection between compliance, accountability, student achievement, and equity. In fact, the courts in *Alejo* alluded to this relationship when they ruled in favor of the CDE, stating, "The Rico and Wagner declarations provide substantial evidence supporting the trial court's conclusion that PI status is a criterion indicating noncompliance with NCLB categorical program requirements" (pp. 33-34).

Monitoring agencies. To fulfill their oversight responsibilities, the federal department of education (ED) monitors state departments of education (also known as state educational agencies [SEAs]) who, in turn, monitor LEAs, including county offices of education (COEs) and school districts. Although mostly in a supportive role, COEs also have a role in monitoring school districts. In this brief section I highlight the monitoring roles of these three entities.

U.S. department of education. At the federal level, the U.S. Department of Education (ED) provides oversight to both, SEAs and LEAs. When Congress established the ED, it purported seven purposes dealing with, among other things, equal educational opportunity, supplementing local efforts, coordination of programs, efficient management of activities and

funds and accountability (ED, 2011). The original Department of Education was created in 1867 (ED, 2012a), however, in creating the modern ED in 1980, Congress explicitly noted that the department did not have authority over curriculum, administration, materials, or any other key feature of our education system (ED, 2012b). Nevertheless, over the last decade under NCLB, it would be difficult to find educators, particularly those under Program Improvement (PI) or Title III corrective action, who believe that the ED was not indeed exercising a great deal of authority over curriculum administration, materials, and other key features of our education system. In fact, Title III requirements specifically state that LEAs in year four of Title III corrective action must "Modify their curriculum, program, and method of instruction" (CDE, 2011b).

In its oversight role, ED is responsible for ensuring that SEAs monitor LEA. To do this, the Ed conducts monitoring reviews of SDA's, similar to those by which the CDE reviews LEAs. For example, in June of 2009, the ED conducted a federal review of CDE's Title III programs (CDE, 2009; Stevenson, 2009) that consisted of:

- monitoring the compliance with 19 specific Title III requirements for SEAs, referred to as Elements and Indicators,
- documentation reviews of compliance evidence provided by the CDE,
- an on-site visit at the CDE,
- interviews of 48 CDE staff members,
- a review five LEAs as a reflection of the CDE's Title III oversight, and
- a report of findings and corrective actions.

The outcome of the federal review yielded the CDE five findings and three recommendations. The five findings came with corrective actions that the CDE had to complete. Also as part of ED's oversight role, its Office for Civil Rights (OCR) conducts reviews of LEAs based on complaints of discrimination. The ED's stated mission for OCR is to "ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws" (OCR) within ED (ED, 2005a). OCR's monitoring includes compliance reviews of programs for English learners, students with disabilities, and others.

County offices of education. At the regional level, 58 county offices of education (COEs) assist the CDE in monitoring and supporting California schools and districts. One example of the COEs role in supporting districts is related to CDE's compliance monitoring process. Serving as CAIS Leads, select COEs assist LEAs undergoing an FPM review (FPM) with training on the use of CDE's California Accountability and Improvement System (CAIS), which is the documentation repository and communication online tool used in FPM and other CDE initiatives. With respect to compliance with state and federal requirements in general, the COEs also assist school districts by providing training on these requirements through regular categorical program and EL program directors meetings held by the COEs and also prepare for FPM when their LEAs are selected. Another supportive role is the regional structure for the Migrant Education Program, in which 23 COEs serve on behalf of the CDE as the direct supporting agency for districts with migrant education programs (CDE, 2012b).

Although mostly a supportive role, but also including some level of oversight, COEs serve as *Title III Leads* and assist the CDE with Title III corrective action requirements (CDE, 2011b, p. 3-4). Another and more clearly oversight role of COEs is conducting *Williams* reviews, referring to the 2004 settlement of lawsuit alleging that the state failed to provide public school students with sufficient textbooks, decent school facilities, and qualified teachers (California

County Superintendents Educational Services Association, 2014).

California department of education. According to the CDE (2011a), the agency is responsible for "enforcing education law and regulations; and for continuing to reform and improve public elementary school programs, secondary school programs, adult education, some preschool programs, and child care programs." Former State Superintendent of Public Instruction Jack O'Connell was explicit in making equity a key goal of the agency, as exemplified in the 2008 *Closing the Achievement Gap* report (CDE), which stated,

> It is imperative that, with the changing demographics of the state, everyone be willing to undertake courageous conversations about race and racism, no matter how uncomfortable they might be. Discussions focusing on the impact of race and racism on the achievement gap must take place if we expect to move forward with urgency. (p. 18)

As part of its oversight responsibilities, the CDE conducts numerous monitoring activities pertaining to student achievement, fiscal management, and program design and implementation, most notably, program improvement mandates related to federal accountability provisions under Titles I, II and III of the ESEA, targeting educationally disadvantaged students, Highly Qualified Teachers (HTQ), and English learners, respectively. Districts that fail to meet specific targets or requirements under ESEA are subject to corrective action, which, even though they are federal requirements, the CDE is charged with enforcing. Additional monitoring processes include, the Uniform Complaint Procedures (UCP) (CDE, 2011c), which is a complaints investigative process covering a variety of programs; the Quality Assurance Process (QAP) (CDE, 2012c), covering special education; and FPM, covering federal and state categorical programs, including the English learner (EL) program.

California's compliance monitoring process. The White House's Office of Management and Budget (OMB) issues circulars to federal agencies specifying regulations to which federal agencies such as the ED and sub-recipients of federal funds such as the CDE must adhere. Section 400(d)(3) of OMB Circular A-133 mandates the CDE and all SEAs as *pass-through* (of federal funds) entities to "monitor the activities of subrecipients [LEAs] as necessary to ensure that Federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and that performance goals are achieved (White House, 2014). In California, the 1,000 or so pubic school districts and the 58 county COEs are monitored under the CDE's current review process—Federal Program Monitoring (FPM). Previous iterations of the state's compliance monitoring process included the Categorical Program Monitoring (CPM) and the Coordinated Compliance Review (CCR). According to CDE's website page on compliance monitoring, "schools, districts, and county offices that received funding for certain programs may be chosen for a review by the state. The purpose of the review is to ensure that they are spending the funding as required by law. Reviews may take place in person and or through an online process" (CDE, 2012a).

The first year of FPM was 2011/12, whose new name reflected an emphasis on federal categorical programs and a de-emphasis of state categorical programs. The impetus for the change was primarily due to the relaxing of spending restrictions on more than 40 categorical programs through 2012/13, extended later to 2014/15, enacted by the California legislature in 2009 in response to the state's deep recession and large budget shortfalls at the time (Weston, 2011). Under FPM, each year the CDE selects a representative sample of LEAs to review. The CDE utilizes a risk-based selection criteria (see Appendix C) comprised of multiple fiscal,

achievement and accountability variables, which allows the CDE to "focus its monitoring resources to foster student achievement and fiscal compliance" (CDE, 2013a). This merging of compliance and student achievement variables emphasizes the intended relationship between compliance monitoring and student achievement. The theory of action for FPM could be stated as follows: If school and district leaders are provided with specific fiscal, programmatic, instructional, and performance expectations and are monitored for implementation, they will then adjust their behaviors to implement compliant programs that improve categorical programs.

Under the FPM process, the approximately 1,000 public LEAs are assigned to one of four cohorts (A, B, C, or D). Table 4 displays the four-year cycle that includes possible reviews for

Table 4

FPM Cycle Schedule by School Year

Cohort	2011/12	2012/13	2013/14	2014/15
A	Follow-up reviews on-site only as needed	Online reviews of 60 cohort A LEAs	Follow-up reviews on-site only as needed	On-site reviews of 60 cohort A LEAs
B	On-site reviews of 60 cohort B LEAs	Follow-up reviews on-site only as needed	Online reviews of 60 cohort B LEAs	Follow-up reviews on-site only as needed
C	Follow-up reviews on-site only as needed	On-site reviews of 60 cohort C LEAs	Follow-up reviews on-site only as needed	Online reviews of 60 cohort C LEAs
D	Online reviews of 60 cohort D LEAs	Follow-up reviews on-site only as needed	On-site reviews of 60 cohort D LEAs	Follow-up reviews on-site only as needed
LEA Total	120	120	120	120

Note. LEAs = local educational agencies; Adapted from the CDE's "Cycle Schedule by School Year" (CDE, 2014d) to include 2011/12, since, when retrieved from online it only included years 2012/13 – 2015/16.

each cohort every two years, alternating between *on-site* and *online-only* reviews (CDE, 2014d). Each cohort consists of about 250 LEAs each and, thus, in any given year 250 LEAs from one cohort are candidates for an on-site review and a separate 250 LEAs from another cohort are candidates for an online-only review. The first part of each year's FPM review is the analyses of the risk- based selection criteria (see Appendix C) for LEAs in the two cohorts up for possible reviews that year (e.g. cohorts B and D for 2011-12. Based on that analysis, 60 LEAs each are selected for either an on-site review or an online-only review, for a total of 120 reviews each year. The second part of each year's FPM review is conducting the actual 60 on-site and 60 online reviews. At the conclusion of each review, the CDE provides a report of findings to the LEA. If any noncompliant items are identified, the LEA develops a compliance agreement with the CDE and works to resolve the issues. Figure 1 displays my logic model for CDE's compliance monitoring process. As Yin (2009) explains, "The logic model deliberately stipulates a complex chain of events over an extended period of time" (p. 149). In short, the model can be summarized by these four components: (a) identify LEAs to review, (b) conduct the reviews, (c) make appropriate changes to program(s) resolve non-compliant items(s), and, thereby, (d) safeguarding equity via access and achievement.

Generally, the state's compliance review processes have emphasized *what* LEAs are required to do but have not normally prescribed *how* they must do it. Under somewhat broad parameters, overall, LEAs have had considerable discretion as to how they meet many of the compliance requirements. However, LEAs that are found to have NC items are required to resolve all NC items within a reasonable amount of time. LEAs that do not resolve their NC

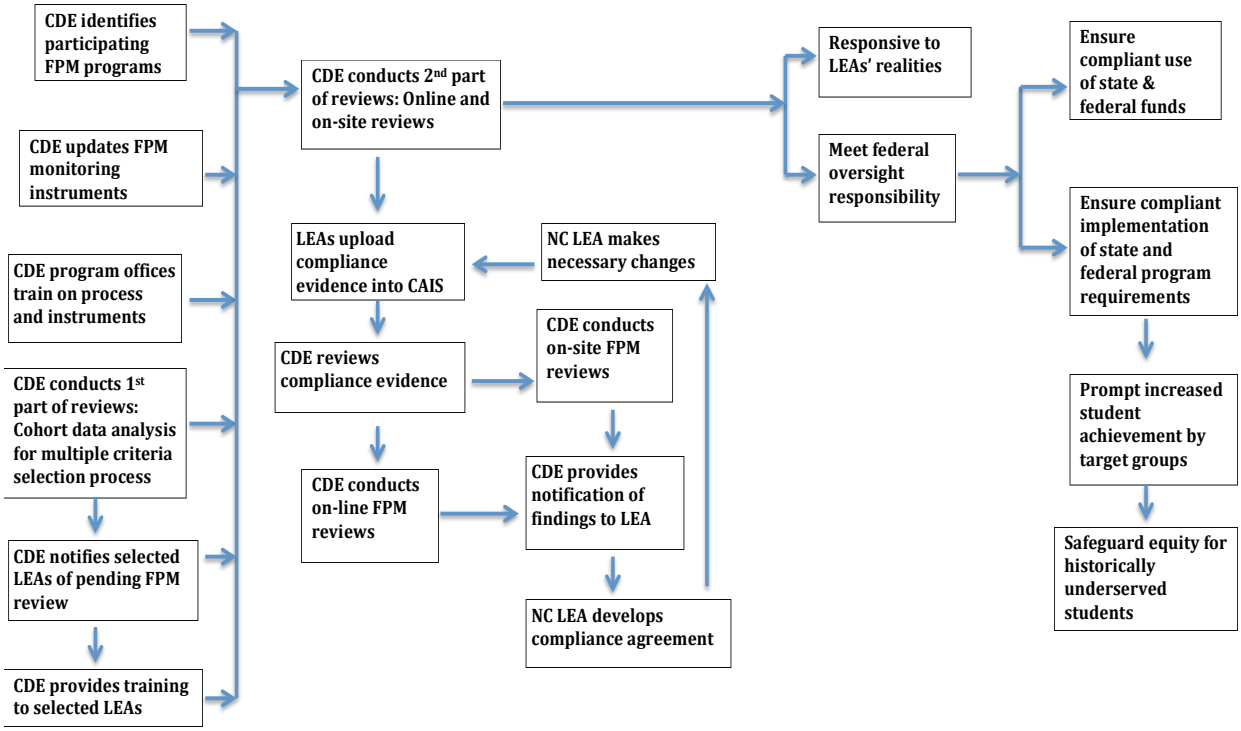

Figure 1. Possible Logic Model for CDE's Federal Program Monitoring

items run the risk of being listed online if they go beyond 225 days with unresolved items (CDE, 2014j) and, ultimately, having certain categorical funds withheld. Although the CDE has withheld funds from LEAs in the past for failure to resolve NC FPM items, they typically prefer to work with LEAs to avoid this. Consequently, very few LEAs are ever given the sanction of withholding of funds.

Summary

Not only do public education leaders struggle to effectively educating our diverse students, oversight agencies are also challenged to effectively monitor the overwhelming number of independent schools and districts. The California Department of Education endeavors to do just that via its Federal Program Monitoring process.

In this chapter I provided the foundation for the rest of the chapters, upon which, I situate my research study. First, I reviewed specific academic and linguistic achievement trends of English learners, both, in California and nationally, to emphasize the reality of the limited success in educating this significant student group. I then reviewed some peripheral, yet, essential issues to the instruction of English learners for the main purpose of stressing that, apart from pedagogy, all aspects of schooling of English learners are complex and, as such, deserve thoughtful consideration. In the last section I identified the problem of practice and related research questions that guide this study, all aimed at exploring how LEAs respond to the FPM process and whether any leverage the process to improve the provision of services to English learners. I ended with providing a context for California's education compliance monitoring of LEAs—noting some of the legal and legislative underpinnings and the main agencies involved.

CHAPTER 2:
CONSULTING THE RESEARCH AND PROFESSIONAL KNOWLEDGE BASE

Research specific to compliance monitoring in schools is scant (see, for example, Berman, 1982; Brynelson, 1986; Jimenez-Castellanos, 2010; Jiménez-Castellanos & Rodríguez, 2009; Timar, 2004; Timar & Chyu, 2010). Moreover, as I approached this study I did so with an intuitive, multi-dimensional understanding of FPM—informed by my professional experience in education—and its relationship to districts' categorical programs. Consequently, I was interested in exploring the research and professional knowledge base from a variety of perspectives and, thus, my review of the literature focuses on multiple areas relevant to the relationship between various forms of accountability and improvement efforts for programs for historically underserved students. Additionally, I was interested in reviewing several other areas of research to help explain the relationship between education monitoring and the subsequent responses by district leaders.

In this chapter I discuss in three parts these diverse areas of the knowledge base as they pertain to my study. First, I review literature pertaining to education oversight and accountability, offering a typology of accountability regimes. I then explore several conceptions that influence district leaders, both, individually and collectively, as they react to the state's compliance review process. Lastly, I advance a conceptual framework, which attempts to predict the contrasting responses by district leaders to various forms of accountability regimes.

Education Oversight and Accountability

Although this study investigates the responses of district leaders to the CDE's compliance review process—FPM—schools and districts are regularly scrutinized by a plethora of formal and informal mechanisms. Nonetheless, for over a decade, high-stakes accountability systems, such as those under *NCLB*, have been the mechanisms generally thought of when school accountability is mentioned. In this section I first survey literature that suggests accountability processes are needed occasionally to bring about equity. I then offer a uniting typology of oversight and accountability processes suggesting that compliance monitoring, such as FPM, is but one form of accountability. Lastly, I discuss responses to various forms of accountability regimes, highlighting salient findings from the literature.

Rationale for external pressure. In spite of the fact, or perhaps because, public education in the United States is mostly a local responsibility (ED, 2012a), there is a body of literature that supports the notion that in order to bring about educational equity, external oversight is sometimes necessary (2010; Kihuen, 2009; Oakes, Welner, Yonezawa, & Allen, 2005; Pollock, 2005; Reeves, 2000; Smith & O'Day, 1991), while another body of literature that supports the notion that certain external mandates are impeding educational equity (Escamilla, Shannon, Carlos, & García, 2003; Haas & Gort, 2009; Olsen, 2009;). The areas of literature I reviewed for this section are diverse and discuss varying perspectives on the role of oversight agencies to help improve the education system, as well as on the need to sometimes challenge external mandates.

Prior to the implementation of the current high-stakes accountability systems such as California's PSAA and the federal NCLB, Smith and O'Day (1991) outlined a systemic state-level structure to support local improvement efforts that foreshadowed many of the current accountability structures. Drawing on research about the effectiveness of education policy at the

time as well as on observations about developing policy systems in a number of states, Smith and O'Day's seminal analytic essay attempts to rationalize and legitimate state authority in taking a leadership role to facilitate a coherent statewide instructional guidance system. Specifically, they proposed that state educational agencies (SEAs) take a lead in the development of instructional frameworks and aligned standards, curricula, materials and assessments. Moreover, they argued for SEAs to play a role in accountability to hold the system accountable for meeting state goals and to ensure educational equity, particularly for "poor and minority students" (p. 258-259). In a similar vein, Reeves (2000) provides a theory of action for external accountability, promoting it as a teaching tool. In describing how state and federal accountability systems can be used as teaching tools, he broadly groups teaching tools into four elements: appropriate information for teachers; clearly identified curricula; comprehensive standards-based assessments; and public communication. Reeves posits that effective accountability systems can inform each element and, thus, contribute to sound educational practice.

Oakes et al. (2005) point out that the change literature generally privileges bottom-up change efforts, but posit "bottom-up, equity-minded reform efforts simply could not survive in many schools unless the zone of mediation [policy latitude] is first made more receptive—and top-down mandates are sometimes the only feasible means of radically shifting the zone" (p. 296). In their case studies of 10 racially mixed secondary schools that were striving to alter their tracking practices Oakes et al. (2005) found that deeply held beliefs and ideologies about intelligence, racial differences, social stratification, white supremacy, and elite privilege were obstacles to detracking. They argue that in order to overcome these normative and political obstacles, top-down mandates and resources are often needed, including "helpful accompaniment to mandates that force schools to conform to principles of equity and fairness" (p. 302). One source for such top-down mandates is the U.S. Department of Education's (ED) anti-discrimination and compliance investigation process within their Office for Civil Rights (OCR). As a former investigator with the OCR, Pollock (2005), advocates for the public to utilize the complaints investigation process of the OCR when necessary to help eliminate discriminatory practices in schools. Referencing empirical evidence on the unequal quality of specific schooling opportunities available to K-3 students of color, Pollock concludes, "students of color are routinely denied sufficient academic materials and attention" (p. 2131-2132). Pollock opines that fifty years after *Brown*, ensuring racially equitable educational opportunity still demands enlisting the enforcement arm of the government. Kihuen (2009), analyzed the English learner mandates in NCLB, seeing them as leverage for states and districts to improve their EL programs and argues that NCLB is a civil right initiative that should be interpreted by the courts as a civil rights statue in order to protect the civil rights of English learners. She posits that doing so would provide an "implied private right of action" for LEP advocates to sue states and school districts that do not comply with NCLB (p. 114).

Other studies suggest the need to go further and actively influence or challenge external mandates (Escamilla et al., 2003; Haas & Gort, 2009; Kihuen, 2009; Olsen, 2009). Haas and Gort (2009), recognizing the key role that legislative mandates and corresponding state policies play, make an argument for challenging certain restrictive state regulations that regulate English learner programs. In their analysis of "restrictive English-only laws" for English learners, such as those spearheaded by Ron Unz in California (Proposition 227, 1998), Arizona (Proposition 203, 2000) and Massachusetts (Question 2, 2002), Haas and Gort (2009) contend that these laws violate federal laws and regulations, specifically, *Lau*, *EEOA*, and *Castañeda*. They also examined recent studies of exemplary programs for culturally and linguistically diverse students

and concluded that the English-only programs in California, Arizona and Massachusetts are not supported by sound educational theory according to the majority view of experts in the field and there is sufficient data to demonstrate that these practices have been ineffective and, thus, violate multiple aspects of federal laws, including *Castañeda*. Proposition 227 was codified in Education Code as sections 300 et seq. Compliance with these EL program requirements are monitored through the FPM process. One pending challenge to the 16-year-old Proposition 227 mandates is a bill by California Senator Ricardo Lara (California State Senate Majority Caucus, 2014). Senate Bill 1174 would put a measure—California Education for a Global Economy Initiative—on the ballot in 2016. If passed, it would repeal key provisions of the law and corresponding education code sections.

Olsen (2009) and Escamilla et al. (2003) add to the discussion of statewide English learner education initiatives. Olsen explores the ways in which advocacy groups engage in the efforts to protect the rights of English learners and to challenge initiatives seen as anti-English learners, such as Proposition 227. Olsen makes a case for shifting the narrative supporting bilingual education and going beyond a civil rights and compensatory education issue to a more global and inclusive narrative, proposing "culture and language as assets for children and families, two languages as better than one, and cross-cultural competencies as necessary for *all* [emphasis added] students in a 21st-century global society" (p. 846). Similarly, Escamilla et al. (2003) discuss challenging "anti-bilingual, anti-family, and anti-education proposals" (p. 357), but unlike unsuccessful efforts in California, Arizona, and Massachusetts, the efforts in Colorado to defeat Amendment 31 in 2002 prevailed. Escamilla et al. (2003) describe their analysis of the lessons learned by their broad coalition in their defeat of Amendment 31. Although a thorough discussion of their successful challenge and lessons learned is beyond the scope of this study, the following are the articulated 10 lessons learned: (1) All Politics are Local, (2) The Importance of Long-Term, Multifaceted Strategies, (3) Coalition Building, (4) Importance of Message, (5) Importance of Discipline, (6) Fund Raising, (7) Timing is Key, (8) Buying Time, (9) Winning is Good for Morale, and (10) Vigilance.

Typology of oversight and accountability systems. To discuss a typology, it is important to begin with defining the basic concept encompassing various oversight or accountability processes, whether they are referred to regulatory, compliance, or monitoring process. Richards, 1988 offers a definition for monitoring:

> A system of activities with three critical components: it requires the regular collection of information; it requires an evaluation of that information; and, most importantly, it requires that the evaluation result in an institutional action….More formally…[it] requires the regular collection of information at prescribed intervals which produces a judgment about the condition (state) or the system which is linked to an institutional action chain. (p. 107)

Regarding regulation, Selznick (1985) posits it refers to "sustained and focused control exercised by public agency over activities that are valued by a community" (p. 362) and adds that emphasis on the value placed on the regulated activities is important because "it is the effort to uphold public standards or purposes without undue damage to activities we care about that generates the persistent dilemmas of regulation" (p. 362). With respect to compliance, Berman (1982) explicates that it is the "predominant and traditional orientation toward how statutory legislation, regulation, and judicial decisions should be implemented" (p. 55) and that the implicit theory of

compliance is simply, "laws, regulations, and decisions are to be obeyed. If not, a sanction is applied" (pp. 55-56).

These oversight processes occurs in both, education and non-education settings, in public and non-public settings. In surveying different literatures on the matter, one salient theme is that the type of regulatory, compliance, enforcement, or monitoring process used matters. Baldwin and Cave (1999) opine, "a regulatory system will be difficult to justify—no matter how well it seems to be performing—if critics can argue that a different strategy would more effective achieve relevant objectives" (p. 34).

Baldwin and Cave (1999) categorize non-educational regulatory processes into eight strategies, providing examples, strengths and weaknesses for each. However, their first strategy—Command and Control (C & C)—provides the most overlap with the education monitoring and accountability, with one major distinction. Baldwin and Cave (1999) explain that the essence of C & C regulation is "the exercise of influence by imposing standards and backed by criminal sanctions" (p.35). Absent criminal actions, less ominous sanctions are usually applied to non-compliance with education mandates, such as being designated as needs improvement (e.g. Program Improvement under NCLB), being required to pay back categorical funds (e.g. transfer charges from Title I to general funds), or simply having to correct non-compliant practice and submit evidence to the affect. An example of C & C regulation is health and safety at work. Some of the strengths listed by Baldwin and Cave (2007, p. 58) include: (a) fixed standards set minimum levels of behavior, (b) seen as highly protective of public, and (c) use of penalties indicates forceful stance by authorities. Some of the weaknesses that Baldwin and Cave (2007, p. 58) identify include: (a) Complex rules tend to multiply, (b) Incentive is to meet the standards, not go better, (c) compliance costs high.

May (2007) categorizes non-educational accountability structures into three *regulatory regimes:* (a) Prescriptive regulation, (b) System-based regulation, and (c) Performance-based regulation, which he describes as follows:

- Prescriptive regulation "emphasizes adherence to prescribed rules and standards, which in turn is presumed to provide acceptable outcomes in meeting regulatory goals" (p. 9).
- System-based regulation emphasizes, "instituting the appropriate systems for monitoring production *processes* [emphasis added] by firms" in order to achieve regulatory goals (p.10).
- Performance-based regulation emphasizes "regulation for results while leaving it to the regulated entities to determine how best to achieve desired results" (p. 10).

Similarly, Richards (1988) offers a typology of monitoring systems, but for education, consisting of three types: Compliance, Diagnostic, and Performance, which he describes as:

- Compliance: Its functional objective is to establish and maintain state standards. Compliance monitoring focuses on educational *inputs* [emphasis added]" (p. 112)
- Diagnostic: Its functional objective is to correctly diagnose deficiencies in student learning and ensure that they are remediated. The focus of oversight in diagnostic monitoring tends to be the teaching/learning process" (p.113).
- Performance: The functional objective of performance monitoring is to promote academic achievement through competition. Its focus is school *outputs* [emphasis added] (p. 113).

Comparing the three classifications of accountability processes, I suggest the existence of

the following overlap between classifications: (a) Baldwin and Cave's (1999) Command and Control regulation strategy with May's (2007) Prescriptive regulatory regime and with Richard's (1988) Compliance monitoring, and (b) May's (2007) Performance-based regulatory regime and Richard's Performance monitoring. I also note that May's (2007) System-based regulatory regime stands alone, as does Richard's (1988) Diagnostic monitoring, however, I situate them both within the following unifying typology I advance.

The following education accountability framework unifies the overlapping classifications of oversight and monitoring processes from Baldwin and Cave (1999), May (2007), and Baldwin (1988) and situates them under a broader conception of accountability, as Table 5 displays. I

Table 5

Education Accountability Framework

	ACCOUNTABILITY REGIME		
Elements	Compliance Monitoring	Design & Implement	Student Achievement
Dictum	"Do what we say"	"Do what you say you're going to do"	"Whatever you do, better yield results"
Focus	Inputs: Prescribed actions	Process & Implementation	Outputs: achievement Standards and
Advantages	-Adequacy: sets min. levels -Provides guidance	-Encourages thoughtful planning -Empowers local decisions	-Encourages internal attribution -Encourages innovation
Disadvantages	-Encourages external attribution -Inhibits innovation -Does not require achievement standards	-Time consuming -Does not provide guidance -Does not specify achievement standards	-Does not provide programmatic/procedural guidance -Does not mitigate different LEA capacities and resources
Tight Control < ----------Continuum of regulatory grip ---------- > Flexibility			

argue that education a Compliance Monitoring accountability regime is just one of several forms of accountability regimes, along with Design and Implement and Student Performance. Furthermore, I situate May's (2007) System-based regulatory regime within my design and implement accountability regime and also posit that Baldwin's (1988) Diagnostic monitoring and Performance monitoring are both part of my student achievement accountability regime since the expectation under current student achievement accountability regimes include regular diagnostic assessments and progress monitoring of students for the purpose of proper placement and provision of intervention programs when needed.

The CDE's FPM process typifies accountability via compliance monitoring, overall. It is important, however, to note that, although, any particular oversight and accountability process may be primarily situated within one of the three accountability regimes, each process may also have elements that operate under other accountability regimes. For instance, an analysis of the EL program requirements monitored under the FPM process indicates that the FPM process relies on all three accountability regimes in its monitoring of districts' EL programs. As Table 6 displays, my analysis of the type of items contained in the FPM's *EL Program Instrument*—guiding document for the English learner portion of the FPM process—reveals that all 21 items exhibited some element of compliance monitoring, but there were a significant number of items that could be classified under design and implementation, and only a few that demonstrated some explicit

Table 6

Accountability Typology of CA Dept. of Education's EL Program Instrument

Item #	Item Title	Compliance Monitoring	Design & Implement	Student Achievement
EL 01	Parent Outreach and Involvement	x		x
EL 02	English Learner Advisory Committee (ELAC)	x	x	
EL 03	District EL Advisory Committee (DELAC)	x	x	
EL 04	Identification, Assessment, and Notification	x	x	
EL 05	Implementation & Monitoring of LEA Plan (LEAP)	x	x	*
EL 06	SSC Develops and Approves SPSA	x	x	*
EL 07	Translation Notices, Reports, Records	x		
EL 08	Equipment Inventory	x		
EL 09	Adequate General Funding for English learners	x	x	
EL 10	Supplement, Not Supplant	x		
EL 11	EIA Funds Disbursed to School Sites	x	x	
EL 12	Properly Assesses Costs for Salaries	x		
EL 13	EL Program Evaluation	x	x	*
EL 14	Reclassification (RFEP)	x	x	*
EL 15	Teacher EL Authorization	x		
EL 16	Professional Development	x	x	*
EL 17	Appropriate Student Placement	x	x	
EL 18	Parental Exception Waiver	x	x	
EL 19	Equitable Services to Private Schools	x	x	
EL 20	English language development (ELD)	x	x	
EL 21	Access to the Core	x	x	*

Note. * denotes that item does not specifically require certain levels of achievement, but achievement is referenced as a focal point; LEA = local educational agency; SSC = school site council; SPSA = single plan for student achievement; EL = English learner; EIA = economic impact aid; ELD = English language development

element of a student achievement accountability regime.

The state's new Local Control Accountability Plan (LCAP) exemplifies accountability via a design and implementation accountability regime. It is the planning and implementation tool for the state's new funding mechanism—Local Control Funding Formula (LCFF). Although it requires that eight state priorities be addressed, it empowers schools and districts to come up with the plan and implementation design. Appendix D provides a visual representation of the new approach to accountability via LCAP, comparing the new LCAP *empowerment* model to the previous compliance model. (Bell, Speck, & Wiley, 2013).

The high-stakes testing and accountability systems in place for over a decade exemplify the student achievement accountability regime. California set achievement targets that must be met and require the assessment of students at both the diagnostic and summative levels. The goal at the diagnostic level is to properly place students into benchmark (grade level), strategic (up to two years below grade level), or intensive (more than two years below grade level) and provide corresponding instruction and intervention (CDE, 2015). At the summative level, relying on state English language arts and math exams, schools and districts that receive Title I or Title III funds

run the risk of coming under Program Improvement or Title III accountability sanctions, respectively, if they do not meet establish achievement targets. Although it is unknown what new accountability provisions the reauthorization to ESEA will produce, it is likely that the Smarter Balance Assessments based on the Common Core State Standards will play a central role.

Regulations and compliance. While we can learn a great deal about accountability from the private sector, education, or other public fields, each is different. Selznick (1985) points out that the most regulated enterprise is private enterprise. Education administrators, however, may disagree, especially considering the last decade of high-stakes testing and accountability initiatives. In spite of this, few empirical studies have been done specifically on education compliance monitoring regimes and, thus, I sampled from a variety of fields to identify salient themes from the application of regulatory and compliance monitoring, which include:

- There exists inherent tension between accountability and flexibility (Brown and Getz, 2008; May, 2003; Silbey, 1984)
- It is important to ensure that those being regulated our adequately informed of regulations and consequences (Burby, May & Paterson, 1998; Cornelius & Salehyan, 2007; McLaughlin, 1976; Timar & Roza, 2010)
- It is important to use the appropriate approach (Brown and Getz, 2008; May, 2003; Silbey, 1984; Walshe, 2003)
- Will and capacity have a lot to do with it, but it's complex (Bali, 2003; Burby, May & Paterson, 1998; Rios-Aguilar, González Canche, and Moll, 2012)
- Enforcement agencies need to be more effective in enforcing the regulations; and for education, especially those pertaining to quality and achievement. (Brynelson, 1986; Jiménez-Castellanos, 2010; Jiménez-Castellanos & Rodriguez, 2009; McLaughlin, 1979; Silbey, 1984; Timar, 2004; Timar & Chyu, 2010)

To elaborate on these themes, I share some of the details from the literature in the following section, beginning with non-education fields and then the field of education.

Regulation in non-education fields. In discussing healthcare regulation, Walshe (2003) divides regulation into two models, deterrence and compliance. Among other characteristics of each, Walshe (2003) proposes that a deterrence oriented approach is most often found in situations where the regulator deals with large numbers of small, heterogeneous organizations, such as in the private, for-profit sector, whereas the compliance oriented approach is most often used when dealing with small numbers of large, homogeneous organizations with strong ethical cultures, such as in the public, not-for-profit sector. Walshe (2003) adds that the regulators view of the regulated organizations under the deterrence approach is that they are "amoral…untrustworthy… out to get all they can," whereas in the compliance view, the regulated are "mostly good and well intentioned, if not always competent" (p. 51).

Burby, May & Paterson (1998) studied compliance with planning, development, and environmental management program regulations and concluded that there is no "quick fix….[and] that effective enforcement is a function of multiple, interrelated agency activities and capabilities" (p. 332). Specifically, Burby, May & Paterson (1998) suggest that effective enforcement is more likely to occur in agency employing a "facilitative enforcement philosophy with: (1) an adequate number of technically competent staff; (2) strong proactive leadership; (3) adequate legal support; and (4) a consistently strong effort to check…plans, inspect…sites, provide technical assistance" (p. 332).

Adding to the theme of complexity, Cornelius & Salehyan (2007) studied the impact of stronger U.S. border enforcement efforts on the decisions of undocumented Mexican immigrants to migrate to the US. In spite of the huge risk taken by Mexican migrants, such as the risk of injury or death, being cheated out of their money by *coyotes*, or people smugglers, or, even if they do make it across the border, to just be caught and deported. They had to key findings: (a) increased enforcement resources deployed along the border had have had little effect on the probability of undocumented migration's, and (b) more important than actual resources deployed to enforce border policies, the perception of potential first-time migrants and repeat migrants from Mexico was a greater deterrent. As Cornelius & Salehyan (2007) postulate, "a show all force at the border can only be effective if people although aware of heightened restrictions and that they perceive and/or have actually experienced that such policies make crossing much more difficult" (p. 144). Overall, their findings speak to the complex issue of not only immigration, but to the broader notion of will and responding to regulations, no matter how high the risks, according to one's individual needs.

In any accountability regime, there exist tension between control and flexibility (May, 2003; Selznick, 1985). Selznick (1985) opines that, because those being regulated value the regulated activity, there is an inherent strain toward cooperation between the regulators and the regulated. May (2003) explains that "any regulatory regime must confront a fundamental issue of how tight controls should be in see consistency versus how much discretion should be granted in promoting flexibility and innovation" (p. 382). In an effort to make regulation more responsive to those being regulated, while also enforcing the regulations, some oversight agencies in the past have implemented a *responsive regulation* approach, which Walshe (2003) describes as "highly flexible, situationally specific and adaptable" (p.54) and founded on six main ideas: contingency, hierarchy, flexibility, tri-partisan, parsimony and empowerment. As I discuss next, these approaches have not been all too successful. Moreover, some studies (May, 2003; Brown & Getz, 2008; Silbey, 1984) point to the dangers of deregulation, or moving away traditional forms of regulatory scrutiny to more flexible oversight.

Silbey (1984), for example, investigated consumer protection regulation enforced by the Massachusetts Consumer Protection Division (CPD). Under the attorney general, the CPD is

> specifically mandated to protect the consuming public from deceptive misrepresentative trade practices….[and is tasked with] investigating consumer complaints concerning deceptive trade practices, initiating actions in courts of equity and law in cases involving the set this trade practices, promulgating rules and regulations in the area of deceptive trade practices, and enforcing the provisions of the consumer protection act and supplementary rules and regulations. (p. 153)

In her analysis of the CPD's enforcement practices, Silbey (1984) found that in their efforts to implement responsive regulation, the CPD was failing to enforce the law. In responding to complaints from the public, CPD investigators would try to mediate between the complaint and allegedly offending business, instead of applying the appropriate sanction after investigating the possible offense. Often case the two parties would settle, thus, imposing a considerably lower cost to the business, which, Silbey (1984) submits does not serve as an incentive to change practice and defeats the intent of the regulations because by "failing to make law general, consumer protection takes place in a sphere where one party is more powerful and where major advantages rest with business" (p.162).

In discussing the role of performance-based regulation and regulatory agencies, May (2003) uses as an example the problems experienced in the construction of a new home development in New Zealand, resulting in leaky buildings. Unlike common building regulatory practices that usually have strict regulations, a building certification process that did not specify requirements for inspections of building during construction was used. Among other findings, a subsequent investigation of the problems cited a lack of detail concerning the functional requirements relating to external moisture, an inadequate system for certifying performance of proprietary products, lack of standards for water tightness, and deficiencies in inspection process by local councils and private certifiers.

Similarly, Brown and Getz (2008) also discuss the dangers of deregulation and shifting to more flexible, private, or third-party certifiers, in this case, to non-governmental organization (NGO) actors. Brown's and Getz' 2008 study explored efforts to incorporate social accountability into California's agriculture production through volunteer certificate and labeling intended to provide transparency by providing customers with information about the conditions under which the food they purchase has been produced. Brown and Getz (2008) question the shift to *social certification*, in large part due to its limited potential to "adequately represent farm workers interest or serve as a lever for altering power relations between agricultural labor and capital" (p. 1185). Moreover, they posit, "certification practice and discourse have the potential to reproduce barriers to achieving farm worker justice" (p. 1194) and conclude that it "presents an incomplete and inadequate response to farm workers' grave situation, including eroding wages, exploitative conditions, and treacherous journeys across a militarized border zone" (p. 1195). They explicate several reasons for their concerns, including: (a) it requires voluntary participation by both, producer and consumer, or as McCarthy and Prudham (as cited in Brown & Getz, 2008) put it, it "buys into the neoliberal logic of deregulation and privatization of regulatory functions in favor of "voluntarist frameworks with non-binding standards and rules that rely on self-regulation and greater participation from citizen coalitions, all with varying degrees of capacity and accountability" (p. 1188), (b) this process fails to involved farm workers, since their "voices are virtually absent from third-party certification initiatives" (p. 1188), and (c) it "has the potential to undermine notions of collective action and rationalize further state withdrawal from regulating farm labor conditions" (p. 1185), also reflecting an "acceptance of devolution of responsibility from the state to the consumer" (p. 1188).

Compliance in education. The prevailing theme in education with respect to adherence to state (Bali, 2003; Rios-Aguilar, González Canche, and Moll, 2012) and federal mandates McLaughlin, 1976; Timar & Chyu, 2010) is that full compliance is difficult to attain.

Bali I (2003) investigating compliance patters of districts with respect to the implementation of the mandates imposed by prop 227 used a tripartite lens to investigate the phenomenon: policy preference, socioeconomic factors, and institutional variables. Under policy preference she concluded that LEAs with a population more supportive of Proposition 227 (yes voters) were more likely to comply by about 20%. She also found that LEAs were less likely to comply by about 16% if they had a Latino superintendent and by about 36% if they had larger percentages of bilingual teachers. With respect to socioeconomics, her findings were almost dichotomous—if one associates poorer districts with lower academic achievers—in that poorer districts were about 24% less likely to comply with Proposition 227 requirements, while LEAs with higher percentages of high scorers were 33% less likely to comply. Lastly, under institutional variables, Bali concluded that larger districts (over 10,000 students) were close to 80% less likely to comply than very small districts (under 500 students) and urban districts were

roughly 20% less likely to comply than rural districts.

Similarly, Rios-Aguilar, González Canche, and Moll (2012) investigated the effects of a statewide initiative to limit bilingual education—Arizona's proposition 203. They surveyed 26 district EL program coordinators and ask them about their respective districts implementation of the states mandate of a four-hour ELD program. What they found was mostly negative responses to the mandate. The positive perceptions by the surveyed districts EL program coordinators of this dictate revolved around an increased focus on ELD, more time to teach ELD and more ELD training for teachers. The negative perceptions included: (a) segregation of English learners and lacking peer role models, (b) efficacy of the program (unrealistic one-year timeframe to learn English) and four-hour ELD resulting in the neglect other core subjects and extending time needed to meet high school graduation requirements. Rios et al. (2012) concluded that it "this it seems reasonable to state that a combination of programs and support can be more effective than one prescriptive instructional approach" (p. 14).

With respect to federal mandates, McLaughlin as far back as 1979 wrote about the challenges in achieving compliance with federal education mandates, in this case, Title I. He posited four factors that promote compliance with mandates: (a) the existence of common goals, (b) the existence of shared and reliable knowledge about means and consequences and evaluation about implementation, (c) offering incentives or disincentives, and (d) the exercise of effective authority. However, as his analysis revealed, these conditions were not met with respect to the implementation of Title I. Instead, McLaughlin (1979) found unclear guidelines, inadequate or underdeveloped programs, few incentives to design or implement innovative; categorical requirements conflicted with local self-interest, and there was no oversight or powerless. Thus, he concluded, "the failure of local school districts to implement Title I as intended by law could have been predicted" (p. 412). It is interesting to note that McLaughlin's second compliance promoting factor—reliable knowledge about means and consequences—is consistent with studies in other fields, for example, Cornelius & Salehyan's 2007 study on border regulations. And, as I discussed later, the need to increase the knowledge and capacity is a general theme pertaining to compliance, particularly, with mandates related to diverse student populations, including English learners.

Effectiveness of CDE's compliance monitoring. The scarce literature on CDE's monitoring processes paints an overall picture of ineffectiveness (Brynelson, 1986; Jiménez-Castellanos, 2010; Jiménez-Castellanos & Rodríguez, 2009; Timar, 2004; Timar & Chyu, 2010). In short, the central finding appears to be that the CDE's compliance monitoring processes over the years have tended to focus on minimal compliance and not necessarily quality.

In the late 1970s the Field Services Unit was responsible for monitoring compliance with federal and state compensatory programs (Timar & Chyu, 2010). According to Timar and Chyu (2010) the state's approach to regulatory monitoring was "rooted in distrust of the motives and capacity of local school officials" (p. 1901). They argue that, unlike current accountability models, the previous compensatory, regulatory model of the CDE could sanction schools for failing to follow rules, but, ironically, not for failing to teach students. Discussing issues of compliance specific to Title I mandates—still monitored through FPM—Timar and Chyu (2010) posit that the state's approach to monitoring Title I programs "shaped behavior in schools in several unintended ways that in the long term inhibited instructional effectiveness. The preoccupation of policy with regulatory compliance denigrated instructional practice by undercutting professional judgment and authority and fragmenting both schools and students" (p. 1901).

Brynelson (1986) examined the effectiveness of the first version of the state's *coordinated* categorical programs compliance monitoring process—Coordinated Compliance Review (CCR)—after its first year of implementation (1984-85). Prior to this year, each program reviewed by the CDE did so separately. Brynelson states that in response to de-regulatory pressures, multiple programs were coordinated to be reviews under this new process. Brynelson analyzed the California Assessment Program (CAP) test scores for all 248 districts that received a CCR review during 1984-85. He hypothesized that compliance with program and council requirements would correlate with student achievement, but that compliance with administrative and fiscal requirements would not. He found that student achievement correlated with only a couple of programs—Gifted and Talented Education and Special Education Resource Specialist Program—but not with council requirements. He also found that, in fact, there was a correlation with administrative and fiscal requirements. Interestingly, the program for English learners (known then as Bilingual Education Program), along with the State and Federal Compensatory Education Programs, and the Migrant Education Program did not have significant correlations. Brynelson (1986) concludes by arguing that "policymakers should only include in categorical program laws and regulations the requirements which correlate with student achievement unless they are present equity needs, or unless there are other compelling reasons" (p. 104–105).

More recently, Timar (2004) also discusses the effectiveness of the CCR process in reviewing California's education governance structure. He notes, retrospectively, that the CCR process did, on occasion, identify potentially serious issues, such as failing to assess English learners in a timely manner, securing insufficient number of ELD materials, or that the district had limited capacity for monitoring its schools' implementation of the district's master plan for English learners. However, Timar (2004) concluded that CCR reviews tended to fall short of their intended goal of assuring that "all students receive a common, basic education" (p. 2062) for several reasons, most notably, CCR's narrow focus on state and federal program regulations that often "focus on regulatory minutia, but miss larger issues of program quality" (p. 2062). The efficacy of CCR appears to depend mostly on school and district variables—how seriously teachers and administrators regard to review and how much they care about program quality (p. 2063). As discussed previously, Berman (1982) would probably agree on this last point.

Lastly, a few studies that looked at the second most recent version of the state's compliance monitoring process—Categorical Program Monitoring open (CPM)—conclude similarly to the previous studies that the process needs to expand beyond a focus of compliance to upholding quality and promoting student achievement. Jiménez-Castellanos (2010) and Jiménez-Castellanos & Rodriguez (2009) emphasize that the focus of the CDE's compliance monitoring seems to be on "minimal compliance, not on improving equity or student outcomes" (pp. 16-17). In evaluations of California school finance (Jiménez-Castellanos, 2010) and resource allocation (Jiménez-Castellanos & Rodriguez, 2009), particularly as it pertains to English learners, the argument is made that specific state categorical funds are earmarked for English learners for the purpose of eliminating the achievement gap, however, the state's oversight does not "assure that districts allocate resources equitably or if the funds are adequate to meet goals outlined in the school's site plan" (Jiménez-Castellanos & Rodriguez, 2009, p. 310). Referencing a California Legislative Analyst Office report, Jiménez-Castellanos (2010) shares that some of the largest categorical programs available—and related funding—do not follow students to the school site, intimating that the state's oversight does not safeguard that funds generated by the district for specific students, such as English learners, are actually allocated to the school where each English learner attends.

Although the literature reviewed found mixed results and little impact of monitoring on student achievement, including that of English learners, a few things merit pointing out. First, the brief window of time studies (e.g., Brynelson's one year) provides limited data. Second, as far as EL program requirements, they were much different during CCR and earlier installments of CDE's compliance monitoring than they are now. Third, the monitoring process itself has gone through two revisions. I contend, therefore, that a new study of the impact of the compliance monitoring on the achievement of English learners is merited, however, is beyond the scope of this study.

Prescriptive schooling. Prescription is a controlling and constraining of autonomous decision-making around major tasks. When we look at a task we try to figure out what kind of control mechanisms we have in order to influence the execution of the task. There are broad control mechanisms and ever more fine-grained control mechanisms that help us externally regulate the task. As the control mechanisms focus on increasingly microelements of the task, autonomy is reduced. In education, task related controls inevitably impact what's at the center of this industry of teachers and instruction. Prescriptive programs, therefore, constrain this task by regulating, with ever-finer details, a variety of instruction-related structure elements that range from a continuum of standards and assessment to materials and lesson delivery.

The theory of action for prescriptive programs may be discussed from either an optimistic (Slavin, 2003, 2005; Protheroe, 2008) or skeptical (Olson, 2004; Ben-Peretz, 1990) rationale. An optimistic rationale argues that prescriptive programs are effective, when implemented as designed (Protheroe, 2008), because they are developed by scientists, who are better developers of programs than teachers (Slavin, 2003). Scientists develop better programs than teachers because they use scientific procedures to compare and empirically demonstrate that particular inputs produce particular outputs. Therefore, if these external forces create better programs through the use of scientific experiments, the programs have to be implemented by teachers the way they were implemented in the experiment, that is, with Fidelity. A skeptical rationale, on the other hand, argues that prescriptive programs are not effective because adhering to the experiment controls, upon which these programs are based, is unrealistic in an unpredictable reality (Olson) and that program implementation quality is dependent upon teacher interpretation (Ben-Peretz, 1990). Moreover, teaching is not about remedies, but about humans' intentions and interactions and, therefore, prescription is unrealistic in education due to the unpredictability of teaching and learning.

Behavior patterns in response to prescriptive schooling. Empirical findings on prescriptive programs reveal a variety of behavioral patterns. Kauffman, Johnson, Kardos, Liu, and Peske (2002) studied a diverse group of 50 first and second year teachers in Massachusetts. The study looked at these new teachers' response to the state's new framework and standards, and the level of support given to implement these new standards. They found that these new teachers were not provided with specific curriculum or other guidance needed to effectively address the new state standards. The behavioral pattern in this case was that these new teachers, with relatively low skills, wanted guidance and, in the absence of such guidance, became overwhelmed with the responsibility of developing their own curriculum. Consumed with curriculum planning and having no time to reflect on their teaching lead to teacher dissatisfaction and impacted teacher retention.

Valencia, Place, Martin, and Grossman (2006) followed four new elementary teachers working in considerably different school situations and with a variety of curricula. The study looked at how these teachers used the materials for teaching reading and how these materials

shaped their instruction. The behavioral pattern was that the teachers with weak content knowledge and more prescription learned the least and were least able to adapt instruction to meet their students' needs, while the teachers with higher skills, more flexibility, and support for decision-making learned the most and were most able to meet their students' needs.

Achinstein and Ogawa (2006) conducted a case study of two novice teachers who, initially, had considerable freedom in designing their instructional programs, but when a prescriptive program (Open Court) came in, they were expected to use the program with fidelity. The behavioral pattern here was that a move from autonomy to prescription led to "principled resistance," and exit from these fairly effective novice teachers who valued individual student voices over prescription. Also investigating prescriptive literacy programs, Correnti and Rowan (2007) examined patterns of literacy instruction in schools that adopted one of three popular comprehensive school reform programs (Accelerated Schools Project [ASP], America's Choice [AC] and Success for All [SSA]). One behavioral pattern was related to the degree of specificity of action (i.e. instruction), in that the programs with a specific instructional focus, a well-defined design, and strong support structures (i.e. coaches)—including an insistence on fidelity—produced large changes in teachers' instructional practices. A second behavioral pattern was found between the two programs that focused on instruction—AC, which focused on writing, and SFA, which focused on reading—namely, that while there was change in the areas of focus, other instructional areas suffered or were diminished.

Furtak et al. (2008) conducted study of six middle school science teachers, examining the fidelity of implementing reflective lessons (embedded formative assessments and concept maps) and their relation to student learning. The behavioral pattern, therefore, is an inverse relationship between complexity of task and implementation quality, namely, that as the complexity of the task increases, the quality of implementation decreases.

Capacity as an explanation for behavior patterns. Hackman and Oldham (1976) provide us with a theoretical model that, although it does not speak directly to the patterns in the prescription literature, we may use it as a foundation to develop our own model to help explain the patterns found in the prescription literature. Figure 2 depicts the relationship between

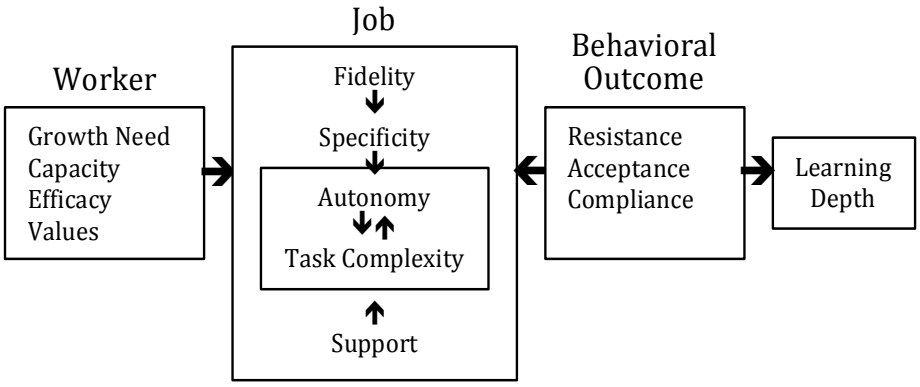

Figure 2. Framework for Behavioral Patterns of Prescription

characteristics of the worker (teacher), job variables and behavioral outcomes as they impact learning depth. In this model, the four characteristics of the worker are independent of each other, and help predict how each will impact how the worker, in this case, teachers, will respond to the various working conditions. The greater the capacity and growth need, for example, the greater the desire for autonomy and ability to handle task complexity will be. The job variables

are either part of the task core (autonomy, task complexity) or are condition variables that impinge on the task core. These worker and job variables produce independent behavioral outcomes that either facilitate or forestall deep learning. The behavioral outcomes help predict the specific response to prescription that teachers will exhibit depending on the match between the congruent elements of the worker and the working conditions. This, in turn, determines the degree to which deep learning might occur.

Looking across the different studies we see both, consistencies and inconsistencies. There is some consistency between Kauffman et al. (2002) and Achinstein and Ogawa (2006). The more skilled the teacher is, the more resistance to control, while the less skill, the more tolerance of control. There is also some consistency between Valencia at al. (2006) and Achinstein and Ogawa. The higher skilled teachers are in need of autonomy, while prescription constrains them. The Valencia et al. is the only study that also deals with teacher learning. Although novice teachers welcomed guidance, and prescription helped in some ways, in the long run it forestalled learning because it focused on procedural versus substantive understanding. In this sense, there is some inconsistency between the three studies. However, the underlying concept that creates consistency among the three studies is that while new teachers with low skills are tolerant and even clamor for prescription, as their skill increases, autonomy must be increased otherwise, learning will not be sustained and skilled teachers will resist prescription.

This underling concept is also consistent with Furtak et al. (2008), in that prescription does not work well for high complexity tasks because high skills are needed, but people with high skills desire autonomy and are resistant to prescription. In other words, prescription tends to be more effective for simpler tasks and lower skilled teachers. While there appeared to be a correlation between teachers' enactment of formative assessment and student learning, there were different levels of implementation between the two types of reflective lessons—higher implementation of the formative assessments, lower implementation of the concept maps.

Lastly, Correnti and Rowan (2007) in their evaluation of literacy instruction in three comprehensive school reform programs add to these consistencies by highlighting that the specificity of complex tasks cannot be narrowed and prescribed because complexity is inherently broad. Both, America's Choice, which relied on professional (i.e. conceptual) controls and had a high level of implementation and, Success for All, which relied on procedural controls and also had high implementation, showed large differences in literacy instruction relative to their comparison schools. Accelerated Schools Project, on the other hand, which relied on cultural (i.e. normative) controls and had low implementation, showed no difference in literacy instruction relative to its comparison schools.

High-stakes accountability regimes in education. As discussed earlier, I include several accountability regimes under the broader conception of accountability. However, since the research is scant with respect to behavior patters regarding compliance monitoring, in this section I speak mostly to the student achievement accountability regime. Again, this accountability regime refers to legitimate authorities, such as the state or federal departments of education, holding schools to account for performance and the fulfillment of established benchmarks, in the absence of which, sanctions apply. The relationship between the legitimate authorities and districts is mediated with structures that are supposed to fulfill certain functions.

Reeves (2000) offers an optimistic theory of action, asserting that the various components of an accountability system inform instruction. Providing teachers with appropriate information allows them to better target the curriculum to meet their students' needs. In turn, clearly identified curricula provide consistency and, considering the diversity in schools, consistency

and standardization serve as equalizers. Comprehensive standards-based assessments allow for better progress monitoring of student learning, identification of needed interventions and differentiation of instruction. Lastly, public communication of school and district progress and status with accountability provisions allows for transparency and better informed stakeholders which, in turn, provides needed pressure that can influence practice and motivate improvement. On the other hand, Mintrop (2004) posits that it really depends on the meaningfulness of the system for professional practice. If there is a mismatch between external and internal values, if the meaningfulness of the accountability system is low and does not speak to the ascribed standards of good professional practice, then the motivational effect will also be low. If the motivational effect is low but the external pressure is high, then, this causes threat, which may lead to rigidity and questionable practices.

Behavior patterns in response to high-stakes accountability regimes. The response by schools to accountability systems vary considerably and can be discussed along patterns of behavior with respect to instruction (Au, 2007; Booher-Jennings, 2005) and motivation (Skrla & Scheurich, 2001; Finnigan & Gross, 2007; Mintrop, 2004). Predicting some of the concerns with these types of educational performance regimes, Richards wrote in 1988 that one adverse consequence could be excessive narrowing of the curriculum due to scarce resources and an increase in external political pressure to show improvement, as poorer school districts had already "virtually eliminated courses not essential to a basic education" (p. 114). Supporting this concern, Au's meta-synthesis on the effects of high-stakes testing on curriculum found a bimodal pattern. The dominant pattern in about 80 percent of the studies included narrowing of curriculum (to only what is tested), fragmentation of knowledge (teaching tested subjects in isolation), and teacher centeredness (direct teaching). In twenty percent of the cases, however, Au found the opposite, that high-stakes testing led to expansion of the curricula, integration of knowledge and increased cooperative learning and student centeredness pedagogy. The main pattern in instruction as a result of accountability that Booher-Jenning's found was what she refers to *educational triage*, or a distortion of how schools ration services between students. In her case study, the school focused its attention on the *accountables*, or those students who could impact its accountability status, such as the *bubble kids*, but reduced its attention on non-accountables, or those who either had already passed the tests or had no realistic chance of passing the test.

Accountability also led to behavioral patterns in motivation. The one positive pattern was what Skrla and Scheurich (2001) found in studying successful school district superintendents. They found that the external mandates lead to displaced deficit thinking. District leaders internalized accountability and shifted their values to improve student learning. Specifically, accountability allowed the superintendents to see that their districts were not serving all students well, which motivated them to seek out exemplars of academic success for children of color and poverty. This caused them to reevaluate their deficit-oriented views and pushed their expectations and goals much higher.

The majority of patterns in motivation as a result of accountability, however, were negative. One such pattern was projecting blame and responsibility onto others, which both, Booher-Jennings (2005) and Mintrop (2004) found. Booher-Jennings also discovered that the external pressures created division, shame and competition. Lastly, in discussing motivation of teachers in Chicago schools, Finnigan and Gross (2007) found that some teachers, including the most critical of the external demands, initially exerting efforts to meet those demands, only to become demoralized upon the realization that the expectations could not be met.

Motivation as an explanation or behavior patterns. In an effort to explain some of the patterns resulting from accountability, we can look towards different theories. Mintrop and Ordenes (2013) highlight four theories of work motivation: expectancy (workers value a specific reward and believe their efforts will secure the reward), goal setting (the setting and attainment of a goal is the motivator), self-concept (motivated from internal values) and self-determination (motivated by a need for a sense of competence, autonomy and belonging). They then offer a conceptual framework that brings these together around the attainment of task-specific goals. Together, these help explain some of the patterns by individuals, whereas Elmore (2004) discusses organizational performance culture, which we can use to help explain patterns at an organizational level. Mintrop (2012) discusses integrity as a way to help explain how educators may deal with the demands of accountability, arguing that organizations with multiple voices opening up to dissent and challenges create integrity. Lastly, we can use both, Mintrop's and Elmore's articles as a way to bridge the divide between external pressures and internal values.

Finnigan & Gross (2007) found a mismatch in motivation in their study of Chicago teachers, in that the system was rewards- and sanctions-driven, but the teachers were motivated by their self-concept and self-worth, thus it worked against the teachers' sense of self worth and they became demotivating and demoralized when they were not able to achieve the goals. This was demoralizing because their motivation patterns changed. When first oriented by doing their best, they were motivated, but when the realization that they could not meet the demands, their sense of worth was attacked and, since the system was rewards-based, there was a mismatch.

In explaining the pattern of the superintendents who displaced their deficit thinking, Skrla (2001), found their initial motivation was goal setting and rewards (avoidance of sanctions). The fact that they are far removed from the classroom resulted in an abstract approach to meeting the accountability demands, which led to quantification, or their efforts to set goals, look at the data and develop plans of action. However, as they were forced to look closer at the classroom level, they rediscovered or shifted their values and were able to displace their deficit thinking.

In the case of Turtle Haven School, Elmore (2004) helps provide an explanation to bridge the divide between external demands and internal values. The district's performance standards closely aligned with the school's collective expectations. Individuals worked in a way that was true to their personal values but also accepted their shared norms in order to meet their external demands. They found meaningfulness in the shared expectations because they either aligned with their values, or were modified to meet pre-existing expectations, thus, in meeting external demands, they also met their need for confidence and belonging.

Lastly, to help explaining some of the patterns of teachers who initially exerted efforts to meet external demands, only to become demoralized upon the realization that the expectations could not be met, we can turn to Mintrop (2004) who asserts that threat "may cause anxiety and stress, leading to restriction in information processing, reliance on well-learned behavior, and surge in drive and energy" (p. 66). Under pressure, one would not gravitate to complex, uncertain practices, but rather to simplistic and deep-rooted practices, which lead to distortions and, thus, questionable practices. As a result, schools may not fulfill what they were asked to do. Lastly, Mintrop argues that for some (e.g. those under probation), accountability systems have such a demotivating effect that they diminish job satisfaction, which may result in a lower commitment to the negatively impacted school.

Exploiting Compliance Monitoring

My research questions deal with whether districts use the compliance review process to improve the provision of services to English learners, and if so, how. Therefore, my focus is on districts' usage patterns. I hypothesize that the difference between districts that successfully use compliance reviews to improve their services to English learners and those that do not has to do, in part, with the willingness and capacity of the multiple actors in the school districts. To expand on the discussion from the previous section I explore in this section additional issues pertaining to willingness and capacity, followed by a discussion of literature pertaining to related conceptions of decision-making and reculturing for equity.

Willingness and Capacity. In exploring the issue of compliance in education, Berman (1982) discusses the issues of willingness and capacity. He opines, "the assumption that all, or even most, school districts can comply if they only wanted to is frequently faulty. So is the assumption that all, or even most, districts are willing to comply most of the time" (p.56). For instance, Walshe (2003) posits that in a compliance-oriented regulatory model, compliance regulators see the organizations they regulate as fundamentally good and well intentioned, and likely to comply with regulations if they can" (p. 47). Berman (1982) suggests districts differ widely in how willing they are to comply to mandates and that most educators typically comply with the letter of the law, by not necessarily with the spirit of the law, regulation, or judicial decision. However, Berman (1982) argues that on controversial issues,

> forces other than routine, law-abidingness of school administrators come into play. Willingess—or its lack—results, in these cases, from an idiosyncratic political process among competing local actors and interest groups, not from an individual superintendent's personal beliefs about the correctness or incorrectness of [the given mandate or policy]. (p. 56)

Berman (1982) also opines that LEAs vary greatly in their capacity to implement prescribed reforms and mandates. He posits that the capacity a district has depends on several factors:

> (a) its managerial competence (e.g., leadership, development of differentiated support structures, and high organizational integration), (b) the supportiveness of its organizational culture (e.g. high degree of trust and presence of an innovative climate), and (c) the difficulty of the problems facing the district. (p. 56)

Acknowledging that he may be simplifying the relationship between willingness and capacity Berman (1982) offers a simple four-quadrant framework of the this relationship to "provoke thought about the importance of variations in local institutional contexts (p. 57). The horizontal is either low or high district willingness to comply, and the vertical is either low or high district capacity to comply. He then proposes that since LEAs vary both, in their willingness and capacity to comply, that policy used to deal with these different situations should be different, but cautions the dangers of making errors in applying the appropriate policy. Figure 3 displays Berman's (1982) four-quadrant framework adding the differentiated application of policy, such as sanctions, or *sticks*, as Berman suggests (p. 60), including "tough standards and tough enforcement," whereas incentives, or *carrots,* might represent "money, technical assistance, and relaxation of standards and enforcement procedures (particularly permitting ore time)" (p. 60").

		District Willingness to Comply with Mandates	
		Low	High
District Capacity To Comply with Mandates	Low	Sticks and Carrots (1)	Carrots (Incentives) (2)
	High	Sticks (Sanctions) (3)	Leave Alone (Flexibility) (4)

Figure 3. Matching incentives and sanctions to district's level of willingness and capacity to comply with compliance mandates. Adapted from "Matching Strategies to the Situation," by Paul Berman, 1982, Learning to comply. *Peabody Journal of Education*

Capacity to implement also speaks to the ability to effectively implement plans. This entails having sufficient fiscal, human and political resources, including positional power by key implementers. Even if the key implementers have willingness and the other capacities, without positional power, for instance, they may not have the authority to implement the plan. Walshe (2003) notes that " regulation may be welcomed by some parts of an organization while being met with this interest or even hostility by others….[and] external regulation may change power balances and relationships within organizations" (p.30). Walshe (2003) adds, "in organizations that have relatively weak or loose managerial hierarchies, external regulation may comfort legitimacy on the actions of some actors within the organization and be used to pursue corporate objectives that would otherwise meet with resistance" (p.31).

Adding to the discussion of capacity and, specifically, professional development needs of educators, Gándara, Maxwell-Jolly, and Driscoll (2005) opine, "as long as students with limited English language skills have attended California schools a debate has raged among educators and policy-makers regarding how best to educate these children" (p. 1). Undoubtedly, much of this has and will continue to be over pedagogy and best practices, but some of the debate has and will continue to be motivated by politics and deep-rooted beliefs. Regarding the former, Gándara, Maxwell-Jolly, and Driscoll (2005) posit, "everyone agrees that ELs must learn English, learn it well, and meet rigorous standards. No matter what the method or program of instruction, teachers of English language learners need special skills and training to effectively accomplish this task" (p. 1). Moreover, it is imperative that administrators also receive adequate capacity building pertaining to the instruction of English learners since they play a crucial role in decision-making regarding program offerings and provision of services. As such, more research (see, for example, Reyes, 2006; Suttmiller & González, 2006, Theoharis, 2007) is starting to focus on the capacity building of principals, especially as it pertains to meeting the needs of diverse populations, such as English learners. Reyes (2006), for instance, discusses issues related to the *reculturing* of principals, including principal certification programs. One such program highlighted by Reyes (2006) was the University of Houston's Urban Principals program, whose "short-term goal was to certify elementary and secondary school principals and superintendents who have a background in ELL programs…. [and its] long-term goal was to improve the preservice preparation of urban/suburban principals and assistant principals by infusing all principal certification courses with a leadership context for second language learning students, including instructional leadership, moral leadership, and managerial skills. Later, I continue the

discussion about reculturing.

Absorptive capacity. Speaking primarily about a firm's capacity for research and development (R&D). Cohen and Levinthal (1990) frame the concept of *absorptive capacity*, as "the ability of a firm to recognize the value of new, external information, assimilate it, and apply it to commercial ends is critical to its innovative capabilities" (p. 128). Moreover, they argue that the "ability to evaluate and utilize outside knowledge is largely a function of the level of prior knowledge….[and] diversity of background" (p. 128). Cohen and Levinthal (1990) discuss the interdependence of each element in the following terms:

> The greater the organization's expertise…the more sensitive it is likely to be to emerging… opportunities and the more likely its aspiration level will be defined in terms of the opportunities presented in the….environment. Thus organizations with higher levels of absorptive capacity will tend to be more proactive, exploiting opportunities present in the environment. (p. 137) [and] If an organization has a high aspiration level, influenced by external generated…opportunities, it will conduct more innovative activities and thereby increase its awareness of outside opportunities….These firms do not wait for failure on some performance dimension but aggressively seek out new opportunities to exploit and develop their…capabilities. (p. 138)

Zahra and George (2002) add to the conception of absorptive capacity by extending it beyond R&D and discussing it in terms of potential absorptive capacity (PACAP) and realized absorptive capacity (RACAP), each with two dimensions. The first dimension Under PACAP is acquisition, which "refers to a firm's capability to identify and acquire externally generated knowledge that is critical to its operations."(p. 189). Next is assimilation, which "refers to the firm's routines and processes that allow it to analyze, process, interpret and understand the information obtained from external sources."(p. 189). Under RACAP is transformation, which "denotes a firm's capability to develop and refine the routines that facilitate combining existing knowledge and the newly acquired and assimilated knowledge." (p. 190). Next, is exploitation, which is "based on the routines that allow firms to refine, extend, and leverage existing competencies or to create new ones by incorporating acquired and transformed knowledge into its operation" (p. 190-191), with the primary emphasis being on routines that allow firms to exploit knowledge.

Merging both absorptive capacity models, Figure 4 displays the interdependent and continuous nature of absorptive capacity. Applying it to an education context, in this case, a district's experience with the EL program review component of FPM, the combined model could explicate a district's absorptive capacity as follows: The greater the district sees FPM as an opportunity for feedback and introspection about its EL program, the more new knowledge they will gain about FPM EL program requirements and their own EL program strengths and areas for growth. This new knowledge, in turn, increases the district's knowledge of EL programs overall and, thus, increasing their expertise in this area. This, then increases the district's ability to be proactive and use their new knowledge and increased expertise to seek, identify, develop and refine tools and routines related to their EL program, including leveraging FPM as one of their tools. These new tools and routines increase the district's aspirations to be innovative, which increases the likelihood that they will exploit the FPM process, their new knowledge and expertise and their new or revised tools and procedures to improve their EL programs and the provision of services to English learners. By the fact that they are being innovative and

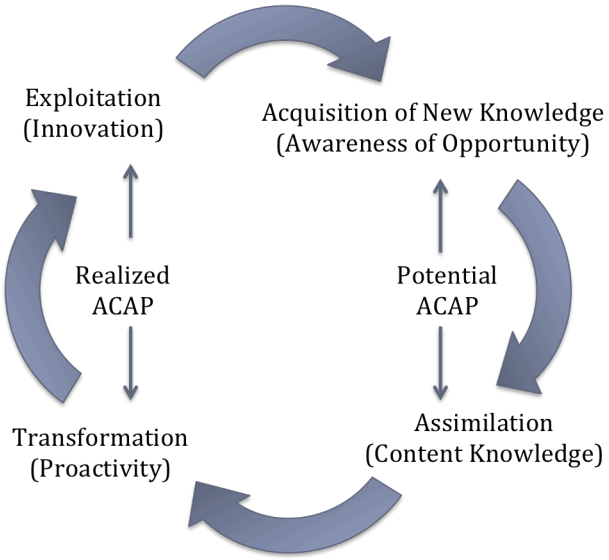

Figure 4. Continuous, interdependent cycle of absorptive capacity.

improving their programs and services, they will increase their ability to seek new opportunities to acquire new ledge, thus, repeating the cycle each time with ever-increasing absorptive capacity.

Decision making. Education leaders are bombarded with decision-making demands on a regular basis. The capacity to make effective decisions is key to their success and, sometimes, survival. Feldman (1989) discusses the concept of bounded rationality, positing that in decision making, it is impossible to consider all solutions due to "cognitive limits to human attention and organizational limits to the amount of available information" (p. 16). As a result, Simon (as cited in Feldman, 1989, p. 16) suggests people "satisfice rather than maximize." In other words, people tend to look for solutions that meet some acceptable standard—based on such things as our ability to interpret the evidence, our personal biography, or certain parameters—instead of looking for the absolute best solution.

Feldman (1989) argues that bounded rationality is a more realistic modification of the theory of rational choice in decision making, where decision makers first recognize a problem, then "specify goals and preferences that define an optimal solution" (p. 16). Bounded rationality acknowledges uncertainty, yet, it follows the basic notion of the decision making process, which begins with identifying the problem and the goals, then priorities for its solution. Feldman notes that examples of such decision making usually occur around "large decisions that are seen as isolated events" (p. 17). To the extent that district leaders see the FPM as simply an isolated event, not necessarily connected to their everyday realties, in their efforts to comply with the mandates, large decisions may be made, which that will indeed impact their every day work, even after FPM is out of the picture.

Spillane and Miele (2007) discuss the role that organizational routines and tools play in mediating interactions. They argue that the mediating role of routines and tools should be considered in addition to simply looking at the actions of school staffs related to decision making. Feldman and Pentland (as cited in Spillane & Miele, 2007, p. 61) define organizational routines as "a repetitive, recognizable pattern of interdependent actions." They can be formal or informal and could include such things as committee meetings and teacher coffee klatches. Spillane and Miele posit that through routines, staffs receive information that ultimately

influences their decision making. Even informal routines, such as teacher coffee klatches—although often overlooked—might need to be considered when attempting to understand what influences staffs' decision making. Although certainly not all school routines form part of the decision making process, the point is that there are certain hidden structures that shape what information we notice and how we make meaning about the information.

Norman (as cited in Spillane & Miele, 2007, p. 61) defines tools as "externalized representations of ideas that are used by people in their practice." This could include such things as standards and improvement plans, such as districts' English learner master plan. Spillane and Miele (2007) posit that tools help staffs focus discussions and often provide additional information that is needed to go beyond initial understandings of the problem. An example is when analysis of student data lead staff to a different interpretation of a pre-conceived notion. A key tool of the FPM process is the set of FPM Program Instruments. The EL Program Instrument, for example, contains over 20 items with which LEAs must be in compliance. A related tool is CAIS, where LEAs upload their evidence of compliance to the 20 items. Districts that are well familiar with these tools are more apt to use them as guideline not just for FPM, but for implementation of their ELD program.

Reculturing for equity. Because schooling for English learners—a subset of immigrant students—has proven to be such a challenge for a multitude of complex issues beyond pedagogy (see, for example, Gifford & Valdés, 2006; Olsen, 2009, Reyes, 2006; Rumberger & Gándara, 2004) issues of commitment to the population, social justice, and the capacity to recapture for equity in their absence, warrant a brief discussion. Reculturing for equity refers to changing beliefs, values, norms and practices that reflect our judgment of others' differential worth in order to validate their experiences and enable their potential. In this definition, the *"*other" is emphasized because by *othering* somebody, versus simply recognizing differences, one exercises a normative judgment, a subjective perception through which one can *other* even those that look like oneself. Reculturing attempts to change basic assumptions that one group holds about another, including their subjective perceptions of superiority over the other. Pertaining to education, Shields (2004) describes reculturing for equity as challenging existing beliefs and practices that pathologize certain students (of color, of poverty, English learners, etc.), treating their differences as deficits and situating the responsibility for their success on them rather than on the education system.

McKenzie & Scheurich (2004) offers an optimist theory of action, asserting that reculturing can be achieved if we acknowledge our own identity, become aware of dissonance or otherness, engage in moral dialogue, mobilize our human values—recognize disparity between where we want to be and where we are—and interrupt equity traps and the status quo. A skeptical theory of action (Schein, 2010), on the other hand, asserts that basic assumptions are difficult to change for multiple reasons: people are defensive; there is anxiety when faced with deep changes; values and norms are embedded in the larger society, which are very much dominated by those in it; and because when one tries to change, only surface items are changed, not deep beliefs.

Efforts to reculture. I discuss efforts to reculture for equity within three broad categories: professional development (PD) (Blumer & Tatum, 1999; Lawrence & Tatum, 1997; McDiarmid, 1990; Sleeter, 1992), systemic reform (McDonald, 1996; Oakes, et al., 1997) and social justice leadership (Theoharis, 2004a, 2004b). Table 7 summarizes the patterns from PD initiatives in four studies. The first consistency is that those with PD of longer duration experience greater

Table 7

Patters of Behavior Resulting from Professional Development for Equity

Study Details	McDiarmid	Lawrence & Tatum	Blumer & Tatum	Sleeter
Type of PD:	New teacher intensive district-wide workshops	Continuous interactive PD	After school course to a collaborative of 7 districts	Traditional workshops
Curricular Focus:	Multicultural education	Anti-racist	Anti-racism and effective classroom practices	1st yr: Difficult social, cultural & pedagogical issues; 2nd yr: strategies
Duration of PD:	For 1-week after first year of teaching	1 semester	36 hrs. over 1 semester (3 hrs. per session); PD continues	2 years: 1st yr.=12 sessions (9 full days+3 after school); 2nd yr.=5 full-day sessions
Outcomes:	Attitudes & beliefs did not change; parroted training language	1/2 reported using new equity-minded practices	Created shared language for talking about racism & the "cycle of oppression"	Cooperative learning increased, but no change in underlying assumptions
Methods of Study:	Structured interviews, anonymous questionnaire	Self-reported, testimonials	Not expressed; researchers were providers of PD; PD evaluations, observations?	Interviews & observation of teachers

Note. PD = professional development

change. Sleeter (1992) reports increased cooperative learning, whereas Lawrence and Tatum (1997) report several changes in teacher practice aimed at empowering all students, however, because their data are self reported, the validity of their results are dubious. Other studies (Blumer & Tatum, 1999; McDiarmid, 1990) indicate that PD can be effective in teaching the vocabulary of equity or, in general, of new espoused beliefs. Blumer and Tatum's study indicates several changes, however, their PD was part of other initiatives, yet the reporting of their methodology does not isolate the results of the various initiatives. Overall, therefore, the most consistent pattern across the studies is that PD did not lead to changes in underlying assumptions.

Oakes et al. (1997) studied detracking as one effort for systemic reform. They found that detracking was difficult to enact, from both, the parent and teacher side and, consequently, found that it did not work. The behavioral patterns that these efforts did create, however, were conflict, opportunity for explicit discussion of underlying beliefs, and political maneuvering, including cooptation by elite parents who successfully appealed to the underlying sentiments of educators and non-elite parents that, in great part, derailed detracking efforts. McDonald (1996) studied schools that implemented a performance-base system for promotion and graduation, referred to by the Coalition of Essential Schools as *graduation by exhibition*. In his discussion on developing new belief systems, the main pattern of behavior he found was that the school leaders regularly failed to identify discrepancies between espoused beliefs and actual practice. He refers to these incongruities, once identified and closely read, as *sightings*.

Theoharis (2004a, 2004b) identifies multiple patterns of behavior relevant to social justice leadership. In his meta-analysis (2004a), he identifies seven patterns related to barriers to teaching for social justice and double the number of barriers to leading for social justice. These patterns are summarized in Table 8. In a separate study, Theoharis (2004b) studied seven school

Table 8

Barriers to Social Justice

Barriers to Teaching For Social Justice	Barriers to Leading For Social Justice	
Opposition from those who benefit from the current state of education	Opposition from those who benefit from the current state of education	Schools with more marginalized students have lower quality teachers
Community and parent opposition	Valuing traditional/technical leadership	Lack of understanding of inequities
Internalized norms of bias, prejudice and privilege in students	Leaders forced out	Need to enforce zero-tolerance policies
Systems in school that keep justice issues marginalized	Communities and school staff want to ignore race	Innovative leadership not valued
Lack of time and resources	Communities and school staff do not want to deal with issues of poverty	Principles labeled negatively
Teachers do not understand justice issues	Negative community beliefs about schools and staff with low test scores	Treated as incompetent
Teachers do not know how to incorporate justice issues into curriculum	Schools with low test scores struggle to attract and keep innovative teachers	Tremendous personal and physical toll

principals with a commitment to equity and justice, including himself. He found that resistance plays a prominent role in social justice leadership, both, the resistance leaders face, but more importantly, the resistance they develop against barriers to their efforts for social justice. He classifies their resistance to barriers as proactive and coping strategies, which are summarized in Table 9. Moreover, Theoharis found four behavioral patterns among the principals: raising

Table 9

Resistance (Proactive and Coping) Strategies of Equity-Minded Leaders

Proactive Strategies	Coping Strategies
Communicating purposefully and authentically	Prioritizing their life outside of school
Developing a supportive administrative network	Utilizing mindful diversions
Working together for change	Accepting outside validation
Keeping their eyes on the prize	Engaging in regular physical activity
Prioritizing their work	Providing for others
Engaging in professional learning	Employing potentially self-destructive behaviors
Building relationships	

student achievement, improving school structures, re-centering and enhancing staff capacity, and strengthening school culture/community. The main consistency in behavioral patterns across all studies is that it is easier to change espoused beliefs of an organization, but much more difficult to change their deep assumptions and most difficult to change practice.

Foundation for reculturing. I provide in Figure 5 a theoretical model for reculturing for equity, situated mostly in Schein's (2010) theories for organizational change, but it also incorporates the conceptions of Oakes et al. (1997) about technical, normative and political dimensions of schooling. His theories for organizational change are predicated on the ability to

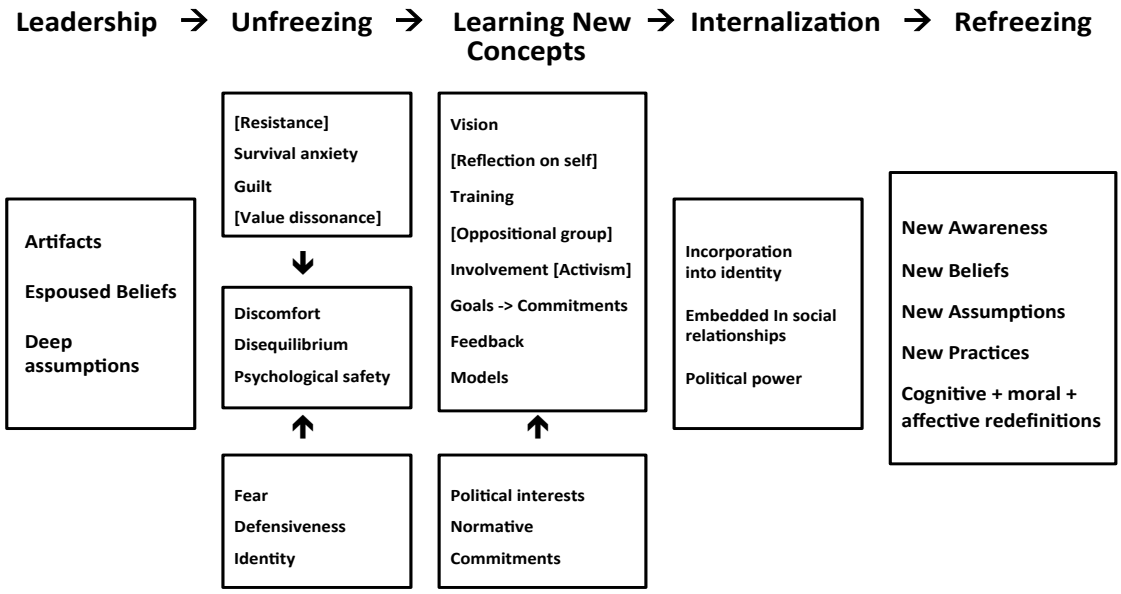

Figure 5. Reculturing an Organization: A Theoretical Model. Adapted from model developed collaboratively in spring 2013 EDUC 278B course within Leadership for Educational Equity Doctoral Program (LEEP), University of California, Berkeley

change the organization's culture. Schein (2010) asserts that culture has three layers, at which leadership and, consequently, the organization operates: 1) artifacts, which are superficial symbols that the organization puts out to communicate to its environment; 2) espoused beliefs and values, which may or may not be sincere expressions of what people think they believe and value; and 3) basic underlying assumptions, which are deep beliefs that, through shared history by a group, are taken for granted and guide behavior. Sometimes these basic assumptions are at an unconscious level and one is unaware of the disparity between one's espoused beliefs and behavior. McDonald (1996) posits that developing new belief systems *"*requires the abandonment of many conventional and deep-seated beliefs, yet one cannot abandon what one cannot first discern" (p. 25). He asserts that by uncovering the operative beliefs below the surface of espoused ones we can get at the truth.

When it comes to the complex issues of English learners, deciphering between espoused and deep-seeded beliefs can be a challenge. Because of many educators' limited academic training on programs for English learners they either do not fully understand or, ultimately, are unwilling to do what it takes to meet the needs of English learners. As a result, new knowledge and organizational change is often needed. To change an organization's culture, Schein (2010) identifies three stages of learning and change that must take place: 1) Unfreezing: Creating the motivation to change, 2) Learning new concepts, new meanings for old concepts, and new standards for judgment, and 3) Refreezing: Internalizing new concepts, meanings, and standards and, thus, creating new basic assumptions. In short, the change process must begin with the system experiencing some disequilibrium that causes anxiety or guilt, relative to its goals and ideals. This *survival* anxiety must be less than the learning anxiety, which must be reduced to create sufficient psychological safety for the new learning to occur. Cognitive restructuring must follow by internalizing the change, reinforced by actual results. The conceptions of Oakes et al. (1997) integrate into the above model by indicating that making only technical changes will not change underlying assumptions; that to do so, both, normative and political dimensions of

schooling must be addressed. By their nature, these two dimensions involve disrupting the status quo, creating conflict, and risk-taking.

Considering this model, the PD efforts to reculture, overall, were ineffective because they did not have the leadership to provide the motivation, take an oppositional stance, or take the risk; nor were they embedded in a larger organizational effort. The only change PD created was the teaching of the language of new espoused beliefs and, in some cases, technical changes, such as increased cooperative learning.

Technical changes alone, including detracking, will not result in a change in culture. Transformational change in the normative, political and cultural realm requires movements that push the society forward. Social justice leadership is difficult because it is the status quo that often has the symbolic power and going against this requires, according to Oakes et al. (1997), not only manipulating the symbols but also going against entrenched political interests. Those who pushed the detracking agenda were organized, aware they needed to exert oppositional power and, thus, created an oppositional subculture within the organization. Theoharis (2004b) posits that socially conscious leaders must develop an oppositional imagination, or be able to push back on the status quo and resist barriers to social justice. The principals in his study, he argues, were able to do this and, thus, experienced success in their efforts for social justice leadership.

Conceptual Framework

Based on my diverse review of the literature filtered through my extensive experience with the state's compliance review process, I have developed a conceptual framework, as depicted by Figure 6, which links the attribute of willingness—filtered by integrity—to capacity. These then help predict the level of response by district leaders to accountability regimes. This conceptual framework posits that when one form or another of an accountability regime (e.g., compliance monitoring), embarks on a local educational agency (LEA) (e.g., school district), the LEA will respond to the accountability regime according to complex interplay of their collective willingness and capacity, mitigated by their conception of integrity. The degree to which the LEA's leadership is willing to leverage or even comply with the accountability regime is dependent upon the influence of the following three attributes: internal attribution, commitment to the population (e.g., English learners), motivation. Similarly, the degree to which the LEA's leadership has the capacity to leverage or even comply with the accountability regime is dependent upon the degree of existence of three categories of capacity: resource adequacy power/authority/influence of the appropriate district leaders, and absorptive capacity. The willingness and capacity of the LEA's leadership is then filtered through their sense of integrity as it pertains to what is being asked of them. The intricate confluence of these elements helps predict the degree to which the LEA's leadership will comply, from a continuum of noncompliance to leveraged compliance, which, in turn, impacts the degree to which they will adjust behavior vis-à-vis policy, program, or instructional modifications.

To elucidate this conceptual framework further, I offer the following scenarios, although the permutations are many:

- One district's leaders possess a high degree of willingness to comply with the accountability regime and they agree overall with what is being asked of them. However, the district is deficient in one or more categories of capacity needed to comply. Therefore, the likelihood is

that their response will be non-compliance due to not being able to meet the requirements.

- Another district's leaders have both, a high degree of willingness and capacity, but they differ substantively with what they are being asked to do or disagree ideologically with the accountability regime's evaluation of the district. In this case the likely response by the district is either non-compliance due to principled resistance or contrived compliance, depending on the influence of their integrity.
- A third district's leaders possess a high degree of capacity and are not at odds with what is being asked of them or with the accountability regime's evaluation of the district. Instead, they lack the will due to their low commitment to the population (e.g. English learners during an EL program review) and their expectancy motivation, which motivates them to take the risk of being non-compliant and then having to fix it later, rather that putting forth the effort up front to be compliant. In this case, the likely response will be non-compliance due to not meeting requirements.
- A fourth district's leaders have a high degree of willingness and capacity and are in agreement with what is being asked of them, thus, the likely response will be leveraged compliance—going beyond the minimal compliance and taking advantage of the process to improve their programs or provision of services.

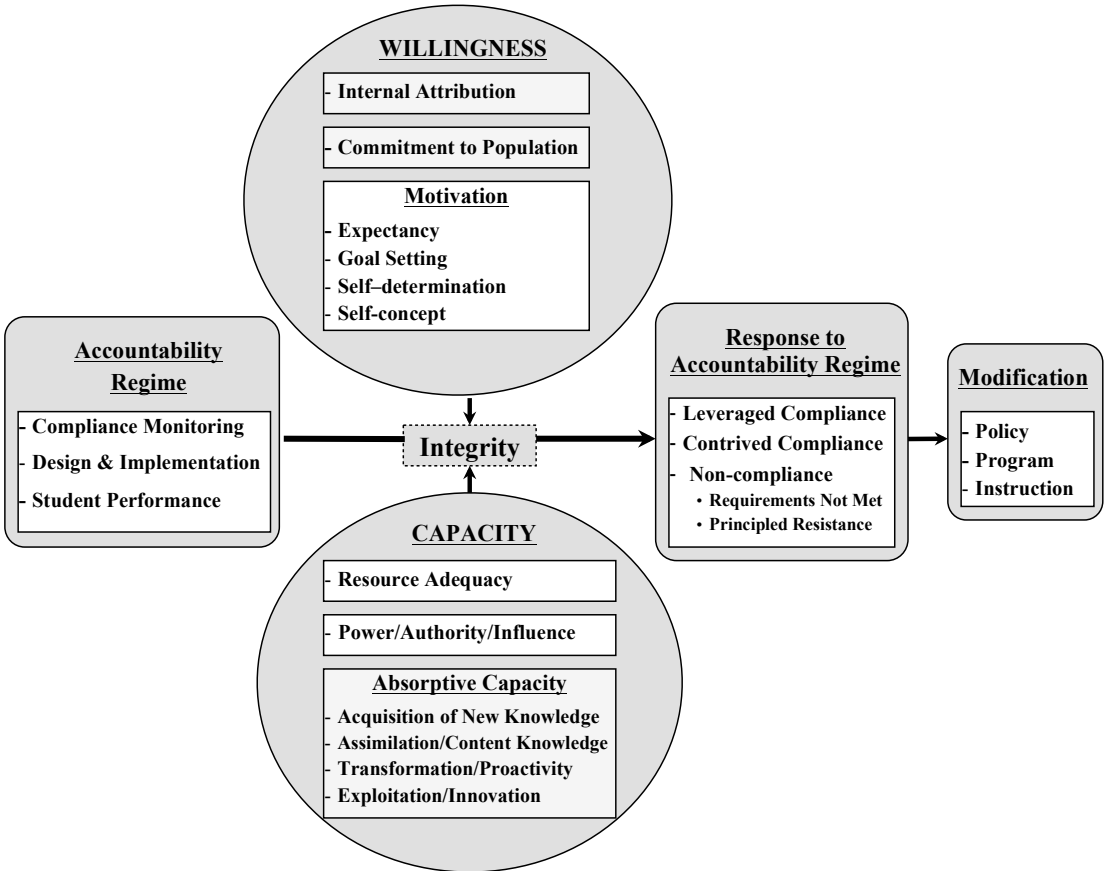

Figure 6. District Responses to Accountability Regimes: A Conceptual Framework

Summary

Because the empirical base is limited with respect to compliance monitoring of schools, I surveyed literatures on compliance in several areas. Furthermore, I examined a diverse body of research to inform my conceptual and professional understanding of the dynamic interaction of various conceptions that are at play with the FPM process and how LEAs respond to it.

In this chapter I discussed these diverse areas of the literature, first, by at it pertaining to oversight and accountability in education and other fields, and advanced a typology of accountability regimes. I then explored several conceptions that influence district leaders as they are asked to respond to the FPM process. I then explicated my conceptual framework, which attempts to predict the contrasting responses by district leaders to accountability regimes.

CHAPTER 3: RESEARCH DESIGN

Crotty (1988) discusses a framework for research design that comprises four elements: (a) epistemology, (c) theoretical perspective, (c) methodology, and (d) methods. Similarly, Creswell (2009) promotes a framework for research design, however, it differs slightly from Crotty's in that it contains only three components: (a) philosophical worldview, (b) strategy of inquiry, and (c) research methods. Creswell appears to merge Crotty's first two elements—epistemology, theoretical perspective—into one, his philosophical worldview component. Crotty (1988) posits that one purpose for the multiple elements in research design is to "help ensure the soundness of our research and make its outcomes convincing" (p. 6).

In this chapter I discuss these different research design components as they pertain to my study in four sections. First, I briefly discuss the epistemological/philosophical stance that underpins the approach to my research design. I then identify the research design type that encompasses my chosen methodology, which is the third section. Lastly, I describe the various methods used to select my cases and then gather, analyze, and report the data.

Epistemological/Philosophical Stance

Creswell (2009) points out that, "although philosophical ideas remained largely hidden in research, they still influence the practice of research and need to be identified" (p. 5). Similarly, Crotty (1998) argues that we bring certain assumptions to our chosen methodology and, therefore, "we need, as best as we can, to state what these assumptions are….[and] describe the philosophical stance that lies behind our chosen methodology" (p.7). Crotty (2009) specifies that, "we need to described the epistemology inherent in a theoretical perspective and therefore in the methodology we have chosen" (p.8). Hamlyn (as cited in Crotty, 1998) explains that epistemology deals with "the nature of knowledge, its possibilities, scope, and general basis." Crotty refers to Maynard (as cited in Crotty, 1998) to add that, "epistemology is concerned with providing a philosophical grounding for deciding what kinds of knowledge are possible and how we can ensure that they are both adequate and legitimate." With respect to Crotty's (1998) conception of a theoretical perspective, he refers to this as "our view of the human world and social life within that world" (p. 7), and as a "way of looking at the world and making sense of it (p. 8), or simply "how we know what we know" (p. 8). Creswell combines Crotty's first two research design elements—epistemology and theoretical perspective—and refers to his first research design component as a philosophical worldview. Creswell refers to Guba (as cited I Creswell, 2009) to define worldview as "a basic set of beliefs that guide action" and then adds that he sees worldviews as a "general orientation about the world and the nature of research that a researcher holds" (Creswell, 2009, p. 6).

The epistemology (Crotty, 1998) or, philosophical worldview (Creswell, 2009) that I situated my research design in is *constructivism*, which Creswell (2009) uses synonymously with what Crotty's (1989) refers to as *constructionism*. According to Crotty (1998), constructionism postulates that, "there is no *objective truth* [emphasis added] waiting for us to discover it" (p. 8). In defining constructionism, Crotty further adds that, "meaning is not discovered, but constructed…. [therefore] different people may construct meaning in different ways, even in relation to the same phenomenon" (p. 9). Creswell (2009) explains and that

> Social constructivists hold assumptions that individuals seek understanding of the world in which they live and work. Individuals develop subjective meaning of their experiences—meanings directed towards certain objects or things. These meanings are varied and multiple, leading the researcher to look for the *complexity of views* [emphasis added] rather than narrowing meanings into a few categories or ideas" (p. 8).

A constructivist approach is, therefore, not only reflected in my conceptual framework, but helpful in designing my study—recognizing that I do not seek an *objective truth*, but rather, seek to unearth the *complexity of views* of multiple participants. Specifically, I endeavor to make sense of the interplay between the motivation and capacity of district leaders and the impact of these on their decisions and actions as they are confronted with external mandates that may infringe on their daily work and beliefs about pedagogy. Lastly, both Crotty (1998) and Creswell (2009) note that constructivism is typically the adopted approach by those conducting qualitative research, which, as I discuss further in the next section, is the design type I relied utilized.

Research Design Type

Creswell (2009) advances three types of designs: qualitative, quantitative, and mixed methods and notes that the three types are not discrete, but are at different ends on a continuum with mixed methods situated in between the other two. In determining which approach to select, Creswell (2009) posits that "if a concept or phenomenon needs to be understood because little research has been done on it, then it merits a qualitative approach" (p. 18). Correspondingly, little research has been done on the CDE's compliance monitoring process—Federal Program Monitoring (FPM)—and specifically, on my three research questions:

- How do LEAs respond to the CDE's compliance review process (what are the behavioral patters in response to FPM)?
- Do district leaders leverage the FPM process with the intent to improve the provision of services to English learners? If so, how do they do it?
- How do LEAs that quickly resolve their non-compliant ELD finding differ in motivation or capacity to improve their ELD program from LEAs that take considerably longer (are there any discernable differences between LEAs with few versus many NC days with ELD finding)?

This fact, along with the nature of my research questions, and my philosophical stance—as discussed earlier—led me to rely on a qualitative research design. Creswell (2009) defines qualitative research as

> a means for *exploring* [emphasis added] and understanding the meaning individuals or groups ascribe to a social or human problem. The process of research involves emerging questions and procedures, data typically collected in the participant's setting, data analysis inductively building from particulars to general themes, and the researcher making interpretations of the meaning of the data. The final written report has a flexible structure. Those who engage in this form of inquiry support a way of looking at research that honors an inductive style, a focus on individual meaning, and the importance of rendering the *complexity of a situation* [emphasis added]. (p. 4)

My research questions call for an *exploratory* approach (Yin, 2009) to better understand what

meaning school district leaders ascribe to the mandates of the CDE's compliance review process—FPM—and how they respond to the process. I do not seek to establish causality between the compliance review process and the achievement of English learners, but rather, to gain a deeper understanding of the relationship between compliance monitoring and districts' provision of services to English learners. Schools' normative approaches to pedagogy are highly personal and, therefore, the *complexity of the situation* that I endeavor to interpret through the utilization of qualitative data gathering methods is of the responses of school district leaders as they are confronted with external demands that infringe on their work and their beliefs about English learners, instructional approaches, and mandates. Lastly, Ragin (as cited in Creswell, 1998) adds, "quantitative researchers work with a few variables and many cases, whereas qualitative researchers rely on a few cases and many variables" (pp. 15-16). As I discuss in the methods section, I focused my in-depth qualitative study on two districts with many variables.

Methodology

Some of the principal inquiry strategies, or methodologies, available to qualitative researchers include, ethnography, grounded theory, phenomenological research, narrative research, and case studies (Creswell, 2009). Yin notes that case study research has a distinct advantage as a research strategy when "a 'how' or 'why' question is being asked about a contemporary set of events, over which the investigator has little or no control" (p. 20). Fittingly, my research questions inquire as to *how* district leaders use the CDE's compliance review process—if at all—to improve the provision of services to their English learners. In addition, my study was conducted well after the districts' compliance reviews and, therefore, I could not manipulate or influence the subjects with respect to the FPM process. Yin (2009) uses a two-part definition to describe case studies:

> 1. A case study is an empirical inquiry that: investigates a contemporary phenomenon in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident….2. The case study inquiry copes with the technically distinctive situation in which there will be many more variables of interest than data points, and as one results; relies on multiple sources of evidence, with the data needing to converge in a triangulation fashion, and as another result; benefits from the prior development of theoretical propositions to guide data collection an analysis (p. 18).

Similarly, Stake (as cited in Creswell, 2009) refers to case studies as

> a strategy of inquiry in which the researcher explores in depth a program, event, activity, process, or one or more individuals. Cases are bounded by time and activity, and researchers collect detailed information using a variety of data collection procedures over a sustained period of time.

Accordingly, my case study investigates the contemporary phenomenon of compliance reviews in school districts and the responses by district leaders, relying on multiple sources of evidence to facilitate the inquiry. The study is bounded by two LEAs reviewed through FPM during the 2011/12 school year. The unit of analysis is the district, specifically, each school district's central office leadership. I chose to include two districts over one in order to compare the response to the

FPM process in two different settings and to help strengthen my findings. As Yin (2009) points out, when given a choice, multiple-case designs may be preferable over single-case designs. Moreover, I deliberately selected my two cases because they offer contrasting situations. Regarding this, Yin (2009) adds, "if the subsequent findings support the hypothesized contrast, the results represent a strong start toward theoretical replication—again vastly strengthening your findings compared to those from a single case alone" (p. 61).

Yin (2009) points out that in some fields, such as anthropology and political science, multiple case studies have been considered a different methodology from single case studies. However, Yin (2009) considers "single- or multiple-case studies to be variants within the same methodological framework" (p. 53), or simply, case studies. Therefore it is just as appropriate to call my study a comparative case study, as it is to call it a multiple-case study, and, specifically, a "two-case" case study. Even more specifically, my study is a holistic multiple-case study (Yin, 2009)—in contrast to an embedded multiple-case study—because the results from each LEA will be pooled across both districts in order to do a cross-case analysis and generate, as my conceptual framework predicts, contrasting findings across the LEAs.

Methods

Creswell (2009) refers to research methods as the "forms of data collection, analysis, and interpretation that researchers propose for their studies" (p. 15). Accordingly, in this section I first discuss the case selection process I used to identify the two school districts that became the focus of my case study. I then review the data collection process I followed to facilitate my data gathering. Next, I discuss how I analyzed the data I gathered from multiple sources. Lastly, I discuss the issues of reliability and validity.

Case selection. Light, Singer, and Willett (1990) suggest four criteria to help identify the target population, or whom to study: inclusion criteria, exclusion criteria, expected effect size, and feasibility, and that "with only a limited number of sites, purposeful selection should be considered, rather than relying on the idiosyncrasies of chance" (p. 54). Similarly, Miles and Huberman (1994) explain that qualitative samples tend to be purposive, and not random partly because the "definition of the universe is more limited,…social processes have a logic and a coherence that random sampling can reduce to uninterpretable sawdust, and…with small number of cases, random sampling can deal you a decidedly biased hand" (p. 27). Correspondingly, I employed a purposive sampling approach to carefully select the two districts that I ultimately selected from the larger target population to include in my holistic two-case case study. In this section I discuss the details of my case selection process in three sections: inclusion and exclusion criteria, replication logic and feasibility.

Inclusion and exclusion criteria. As discussed in Chapter 2, all 1,000, or so, California public school districts (LEAs) are candidates for a compliance review by the CDE. However, this entire pool is divided into four cohorts (A, B, C, or D) of about 250 LEAs each. Therefore, in any given year 250 LEAs from one cohort and a separate 250 LEAs from another are candidates for an on-site and abbreviated online-only review, accordingly. Then, 60 LEAs from each of the two FPM cohorts each year are ultimately selected via the state's FPM selection criteria to receive either an on-site or online-only review. Given the abbreviated nature of online-only reviews, my focus for this study is on the on-site reviews. Further comparison of the CPM and FPM processes is beyond the scope of this study. Light et al. (1990) suggest that the major question to answer when developing inclusion criteria is: "Why? Why do I want to study these

particular students….this period of time….this particular department?" (p.44). I ultimately selected two LEAs from the 2011/12 on-site FPM cohort for six reasons:

1. *To be able to explore the responses of district leaders to the current on-site compliance review process.* The first year of implementation of FPM—replacing Categorical Program Monitoring (CPM)—was the 2011/12 school year. This yielded three possible school years—2011/12, 2012/13, and 2013/14—representing a total of about 180 LEAs.
2. *To be able to get a sense of the possible long-term impact of FPM—minimum of two full school years—on the provision of English language development (ELD) or other services to English learners.* Only the 2011/12 FPM cohort (60 LEAs) met this criterion. The 2012/13 FPM cohort would not have its subsequent second full school year until the 2014/15 school year, which would be after the spring/summer 2014 fieldwork I conducted for this study.
3. *To be able to follow-up on any possible claims that the FPM process impacted student achievement (English proficiency).* The metric I selected to review the progress on English proficiency was a minimum of two years worth of AMAO 1 data after the FPM. AMAO 1 reflects achievement of the state's California English Language Development test (CELDT). Only the 2011/12 FPM cohort (60 LEAs) met this criterion. The 2012/13 FPM cohort would not have two years worth of AMAO 1 data subsequent to the FPM until fall 2014, which would be after the spring/summer 2014 fieldwork I conducted for this study. Although a quantitative analysis of the achievement trend of districts that undergo a FPM review is outside of the bounds of this study, it is nonetheless interesting to do a cursory observation of AMAO 1 growth data, as displayed in Table 10. There does not appear to be a clear pattern of achievement that might suggest that LEAs that resolved their NC ELD finding quickly—proxy for leveraging the FPM process to improve provision of services to English learners—showed growth trends, and LEAs that took long to resolve their NC ELD finding—proxy for not leveraging FPM—showed flat or negative growth.
4. *To be able to investigate how district leaders respond to the FPM process and the ELD requirement.* All but one of the 60 LEAs in the 2011/12 Cohort B received an EL program review. Of these 59 LEAs, 14 received NC findings pertaining to the ELD requirement. Since LEAs are only asked to resolve items when found non-compliant, I excluded the 45 LEAs that received a review of their EL program but did not receive a NC ELD finding. I then eliminated from the 14 remaining LEAs those with less than 1,000, or 15%, English learners, since their smaller EL programs would be less likely to contribute robust data for the purpose of this study. Six LEAs fell into this category—one being a direct charter school—leaving eight LEAs from the 2011/12 Cohort B to form the final target population from which to choose the final two.
5. *To be able to study the response to the FPM process of district leaders from two overall similar LEAs.* The variables I used to help define "overall similar LEAs" were: same district type (elementary, high school, unified), total enrollment, percent of English learners, and percent of low social economic status. Refer to Table 10 for the specific variables of the final target population of eight LEAs referenced in item 4 above. These are in addition to other variables in common already accounted for, including: (a) California public school LEA, (b) part of FPM Cohort D, (c) participated in an on-site FPM review in 2011/12, (d) received a review of their EL program, (e) received a NC ELD finding, and (f) had enrollment in 2011/12 of more than 1,000, or 15%, English learners.

6. *To be able to compare the different responses to the FPM process from two otherwise similar LEAs.* My conceptual framework predicts contrasting findings across the districts for predictable reasons, what Yin (2009) might refer to as theoretical replication. The final two LEAs I selected appear to have each responded differently to the FPM process according to the two variables I used: first, the districts' disparate length of non-compliant days with the ELD requirement and, second, corroborating perspectives of the CDE EL program reviewers. Table 10 displays the specific number of NC days of the final target population of eight LEAs. Using pseudonyms, only Puente Verde Unified School District (PVUSD), Unified District 3 (UD3), and Unified District 4 (UD4) have clearly low numbers of NC days, whereas, the number of NC days for Unified District 7's (UD7) is larger, closer to the mean.

Table 10

Inclusion Variables for Target Population (post-exclusion criteria) From Which Final Two LEAs Were Selected

LEA	Total Enroll	Low SES (FRPM)	% ELs in 2011/12	Top L_1 of ELs	Days NC in ELD	AMAO 1 Growth: Fall '10 - Fall '11	AMAO 1 Growth: Fall '11 - Fall '12	AMAO 1 Growth: Fall '12 - Fall '13	AMAO 1 Growth: Fall '13 - Fall '14
Puente Verde USD	24,800	84%	40%	Sp.99%	41	-3.5%pts	11.7%pts	-5.4%pts	-0.7%pts
Windy Hills USD	15,500	90%	38%	Sp.99%	354	-11.3%pts	9.5%pts	-5.0%pts	4.9%pts
Unified District 3	20,800	77%	19%	Sp.87% Man.5%	38	-3.2%pts	7.1%pts	0.2%pts	-1.6%pts
Unified District 4	3,300	39%	32%	Sp.99%	70	4.2%pts	2.1%pts	-5.4%pts	-7.0%pts
Unified District 5	9,200	77%	62%	Sp.99%	245	-7.4%pts	11.0%pts	-8.7%pts	-0.5%pts
Elementary District 6	2,500	86%	53%	Sp.98%	581	-19.1%pts	18.6%pts	-4.4%pts	8.7%pts
Unified District 7	4,400	76%	40%	Sp.96%	133	16.8%pts	4.1%pts	-21.9%pts	6.5%pts
Unified District 8	3,300	88%	58%	Sp.99%	540	-10.6%pts	8.9%pts	-5.8%pts	2.2%pts
Mean	3,570				250	-4.3%pts	9.1%pts	-7.1%pts	1.6%pts

Note. LEA = local educational agencies; Enroll = enrollment; SES = socioeconomic status; FRPM = free or reduced price meals; L_1 = primary language; ELs = English learners; NC = non-compliant; ELD = English language development; Sp = Spanish; Man.= Mandarin; AMAO = annual measurable achievement objectives; Total Enroll N's are rounded to 100s

My purposive sampling criteria required a significant amount of data, mostly from the CDE. After initial unsuccessful efforts to obtain these data through informal channels, I was able to obtain most of it via two Public Records Act requests (see Appendices E & F). Unfortunately, the CDE did not provide me access to their online document repository and communication tool known as the California Accountability and Improvement System (CAIS), which I speak to further in the data collection section. Referring to Table 10 and applying the final purposive sampling criteria, three LEAs stand out because of their larger enrollments: PVUSD, Windy Hills USD (WHUSD) and UD3. Two possibly matches were WHUSD (354 NC days) paired with either PVUSD (41 NC days) or UD3 (38 NC days). Initially I was leaning toward paring WHUSD with UD3 because of the CDE EL program reviewer's perspective that UD3 was a

great representative of a district that took the FPM process seriously and was able to leverage it to make significant improvements with respect to the provision of services to English learners. Eventually, the decision of which LEA to pair with WHUSD was made easy when UD3 declined to be part of my study. Fortunately, as it turns out, one key variable in the selection criteria—percent of English learners—was a closer match between PVUSD and WHUSD, as Table 10 indicates. Other pairs of LEAs matched one or the other of the two sets of the final purposive sampling criteria but no pair matched both sets as closely as PVUSD and WHUSD. Table 11 displays examples of several other possible parings for the final two LEAs, indicating the reason

Table 11

Examples of Additional Possible Pairing for Final Selection of Two LEAs for Case Study

LEAs	Possible Reason to Pair	Excluding Reason
Windy Hills USD & Unified District 5	Similar enrollment	Both have many NC days
Unified District 4 & any LEA with many NC days	Disparate length of NC days	Unified District 4 has much smaller Low SES% than other LEAs
Elementary District 6 & any LEA with few NC days	Disparate length of NC days	Elementary District 6 is the only Elementary District
Unified District 7 & Unified District 8	Disparate length of NC days	I privileged the much higher enrollment of PVUSD-WHUSD

Note. LEA = local educational agency; NC = non-compliant; PVUSD = Puente Verde Unified School District; WHUSD = Windy Hills Unified School District

why they initially appear to be a good match as well as the reason that ultimately excludes them.

To add to the picture of the final two LEAs and situate them within a larger context, Table 12 displays basic 2011-12 demographics for California and the two urban school districts that serve as the focus of my study—the Puente Verde Unified School District and the Windy Hills Unified School District. Although PVUSD's student enrollment is almost 60% more than WHUSD, both LEAs have very similar numbers in all other key areas—percent of English learners, including those whose primary language is Spanish, students who qualify for free or reduced-price meals (FRPM), and students with disabilities. Additionally, in both LEAs, Latinos comprise the majority of the student population, however, WHUSD has a higher percentage of Latinos than PVUSD—almost in direct proportion to PVUSD's higher percentage of African Americans. Lastly, both LEAs have significantly higher-than-the-state percentages of Latinos, English learners, and students who qualify for free or reduced-price meals.

Table 12

Key Demographics of California and the Two Selected Case Study Districts for 2011-12

	California		Puente Verde USD		Windy Hills USD	
Student Cohort	N	%	N	%	N	%
Total Students	6,220,993	100%	24,800	100%	15,500	100%
Latino	3,236,942	52%	19,500	79%	14,500	93%
White not Hispanic	1,626,507	26%	<100	<1%	<100	<1%
Asian	535,829	8.6%	<100	<1%	<100	<1%
African American not Hispanic	406,089	6.5%	4,200	17%	900	6%
Filipino	157,640	2.5%	<100	<1%	<100	<1%
Two or More Races	130,947	2.1%	<100	<1%	<100	<1%
American Indian or Alaska Native	42,539	0.7%	<100	<1%	<100	<1%
Pacific Islander	34,944	0.6%	100	<1%	<100	<1%
Not Reported	49,556	0.8%	800	3%	<100	<1%
English Learners	1,387,665	2%	9,900	40%	5,900	38%
English Learners with Spanish as their Primary Language	1,173,839	85%	9,800	99%	5,900	99%
Free or Reduced Price Meals (FRPM)	3,472,481	*58%	20,100	*84%	13,500	*90%
Students with Disabilities (District of Residence)	686,352	11%	1,900	8%	1,100	7%

Note. Asterisks = CDE used unofficial enrollments for FRPM; N's above 100 have been rounded to nearest 100 for LEAs

Replication logic. The fourth criterion that Light et al. (1990) recommend to use to to help identify a population is expected effect size. They share that it is neither uncommon nor unreasonable to choose a target population because of the size of effect the researchers expect to find and that when one chooses a target population because of expected effect size generalizability of the findings to other populations is sacrificed, however the goal becomes to "find evidence to support or refute hypotheses for *some* group" (p. 47). However, what I am interested in, rather than a large effect size, is the possibility of theoretical replication (Yin, 2009), which is aimed at producing contrasting results for predictable reasons, in other words, that the results of my study confirm different responses by each of my two participating districts, as per my conceptual framework. Yin (2009) states that when selecting the specific cases to include in a multiple-case study, the underlying logic is "carefully selecting each case so that it either (a) predicts similar results (a *literal replication*) or (b) predicts contrasting results but for anticipatable reasons (a *theoretical replication*)" (p. 54), collectively referred to as replication logic. This is why I carefully analyzed multiple variables, as discussed previously, to ultimately select two school districts that were very similar overall, but potentially very different in one important aspect—their response to the FPM process and whether they leverage FPM to improve the provision of services for English learners. Of course, when I applied the purposive sampling strategy and identified the final two LEAs I could not know for certain that the study of the two cases would indeed result in theoretical replication. I could only hope that the indicator I used to suggest that these two LEAs might indeed produce contrasting results would be a good predictor. Again the indicator I used was the disparate length of time it took each LEA to resolve their non-compliant ELD finding—41 days versus 354 days—strengthened by subsequent corroborating perspectives of the corresponding CDE EL program reviewers.

Feasibility. Light et al. (1990) explain that when considering the issue of feasibility, "practical issues such as access, rapport, and logistics must be considered carefully when specifying a target population" (p.49). They caution that, although, feasibility is a necessary condition for choosing a target population, it should not be the primary rationale for doing so. For my study, the districts that make up the universe of potential study cases—the 1,000 public-school LEAs—are located across the state and, thus, depending on the results of the purposive sampling, the feasibility of conducting my research in two remotely located districts was a concern. However, I elected to stay true to the purposive sampling instead of opting for a convenience sampling (Miles & Huberman, 1994) in order to fully test my conceptual framework. As it turned out, both final LEAs—PVUSD and WHUSD—are located a significant distance from my home. This, along with my full-time employment as a school district administrator did indeed present logistical challenges. Fortunately, I was able to mitigate this challenge by, among other things, taking time off from work in to conduct my fieldwork.

A second issue of feasibility was the concern of not getting approval from the final two LEAs selected via my purposive sampling. WHUSD graciously accepted right away, however, as noted earlier, Unified District 3 declined to participate. Waiting almost 2 months for their response, only to be declined, was indeed a challenge. Again, a convenience sampling of the nearby districts that were agreeable would have been easier, but, as stated previously, I was determined to adhere to the purposive sampling strategy. Fortunately, PVUSD was the third LEAs I initially identified through purposive sampling and soon after seeking their approval to participate in my study, they agreed.

Data collection. Yin (1989) points out that, "the case study's unique strength is its ability to deal with a variety of evidence" (p. 20) and, similarly, Creswell (1998) notes that case studies involve "the widest array of data collection as the researcher attempts to build an in-depth picture of the case" (p. 123). Accordingly, I relied on a wide variety of qualitative data to help paint the in-depth picture for my case study, using primarily four converging data sources: interviews, document analysis, direct communication, and video observations. Of course, before even conducting my fieldwork to gather data on my two participating districts, I first engaged in substantial document and other data analysis as part of the case selection process—refer to Appendices E and F for lists of such documents contained in two Public Records Act requests. In this section I describe my data collection process in four parts: study participants and interviews, document reviews, direct communication, and observations, including video observations.

Study participants and interviews. Given that this study investigates how district leaders respond to the CDE's compliance review process and whether they leverage the process to improve the provision of services to English learners, I sought to include key actors form both, LEAs and the CDE. Additionally, because the focus is on the responses of central office leaders, I am primarily interested in their perspective, but I do include two site leaders per LEA as potential corroborating actors. I was interested primarily in getting the perspective of district leaders who have major responsibility with either the EL program, or categorical programs reviewed by FPM. Table 13 displays the list of 17 LEA and CDE participants I ultimately interviewed. All names used in this study are pseudonyms to maintain confidentiality. Twelve of the initial interviews were in person, five via phone, and an additional three follow-up interviews were conducted via phone. The interviews ranged from about 45 minutes to 1.5 hours in length. I audio recorded each interview and quickly transcribed them. I personally transcribed the first one and, then, had the rest professionally transcribed. As I conducted the interviews, I made notes to keep track of my initial and developing impressions and interpretations. Although I was

Table 13

Study Participants

	Person	Position	In-person Interview	Phone Interview
PVUSD	Deb Curtis	Director: Categorical Programs	X	X
	Dr. Elia Enriquez	Director, EL Program	X	
	César Esquivel	Coordinator, EL Program	X	
	Shawn Henderson	EL Program Resource Teacher: PVHS		X
	Patricia Hernández	Principal: PVHS		X
WHUSD	Carlos Chávez	Coordinator, Categorical Programs	X	
	Dr. Steve Díaz	Superintendent	X	
	Dr. Diane Estrada	Director, Elementary Education	X	
	Adrian Huerta	Asst. Principal WHHS		X
	Pam Martin	Principal, WHMS	X	
	David Sandoval	Director, Secondary Education	X	
	Dr. Adam Simmons	Asst. Superintendent	X	X
CDE	Dr. Héctor Bustillos	EL Program Reviewer	X	X
	Nancy Drew	EL Program Reviewer		X
	Ron Jones	FPM Team Lead	X	
	Will Manning	FPM Team Lead		X
	Joaquín Murrieta	EL Program Administrator	X	

Note. EL = English learner; PVUSD = Puente Verde Unified School District; PVHS = Puente Verde High School; WHUHSD = Windy Hills Unified School District; WHHS = Windy Hills High School; WHMS = Windy Hills Middle School; CDE = California Department of Education; FPM = federal program monitoring

unsuccessful in recruiting a few additional district leaders to interview for variety of reasons, I was successful in interviewing all but two of the actors I set out to interview. The superintendent of the PVUSD during the 2011/12 FPM review is no longer with the district and was not responsive to my communications. The current assistant superintendent of the PVUSD was initially open to being interviewed, but we were unable to make our schedules work and, unfortunately, at a certain point, I had to move on.

I conduct semi-structured interviews (Spradley, 1979) with each of the 17 actors indicated in Table 13. Informed by my conceptual framework, I develop five versions of a protocol (see Appendices G through K) to guide the interviews, the questions, according to the protocol version, range in number from 8 – 22. I relied on one version or another of the protocol, depending on whether the interviewee represented a school district or the CDE, as well as on the position of the interviewee. Specifically, the five versions were:

- District- or School-Level Administrator, Program Coordinator/Specialist
- District Superintendent, Assistant Superintendent
- CDE EL FPM Program Reviewer
- CDE FPM Team Lead
- CDE EL Program Administrator

Appendix L identifies the relationship of interview questions to 15 overall concepts derived from my conceptual framework. During different stages of development of the protocols, I tested them on several colleagues not affiliated with either district or the CDE and solicited their feedback about the tone of my questions and whether or not the questions are optimally suited to elicit the pertinent information I sought. These colleagues included my dissertation committee, a fellow doctoral candidate, a school superintendent, a district categorical/EL program manager, a district EL program specialist, a county office of education categorical program coordinator, a licensed therapist, and, of course, my wife, a current county office of education Transitional Kindergarten program specialist and former district EL program manager.

My interviews were retrospective in nature and contributed to my understanding of past events and activities, in addition to related current practices and beliefs, helping explore predictions that my conceptual framework forecast. Acknowledging that I was asking questions that could be perceived as provocative since they were about school districts that had been negatively evaluated by the state, it was important to set the subjects at ease and maintain a non-judgmental tone. In developing the interview questions, I was also aware of the need to ensure that they were not leading but, rather, open-ended. In general, the logic of my interview questions was to start off broad, giving each interviewee an opportunity to respond broadly or in a much more finer grain size to explicate his or her perspective of the complex issues that may have been brought up by the FPM process. Ultimately, I framed the interview questions to elicit a variety of responses. As espoused by Spradley (1979), these include a range of types of questions, including, for example, descriptive questions such as grand tour questions (pp. 85-87) where I ask, "As best as you can, would you please describe the school's/district's ELD program, including if and how it's developed or changed over time?" and structural questions such as verification questions (pp. 126-127) where I ask, "What lasting impact, if any, do you think the FPM review has had overall on the school or district and, in particular, the EL program?"

Document reviews. Yin (2009) states, "because of their overall value, documents play an explicit role in any data collection in doing case studies" and that "the most important use of documents is to corroborate information from other sources" (p. 103). The FPM process relies heavily on documents. For this reason, review of documents, artifacts and tools played an important role in my data collection. In addition to providing valuable insights into my case districts' programs and policies, Yin (2009) points out that documents may be used to make inferences about the intended implementation of the program that can then lead to further areas to investigate. Appendix M lists the multiple sources of evidence that I reviewed in order to help corroborate the other sources of data, adding to the variety of perspectives needed to develop a rich and robust bank of data.

From the Internet, I secured a number of the documents, such as Board minutes and related materials, District English Learner Advisory Committee (DELAC) agendas and minutes, EL program policies, relevant EL program PowerPoint presentations, LEA plans, and for one district, Board meeting videos. I was also able to obtain additional documents directly from the districts, such as EL Master plans; however, I did not have to request many documents directly from the districts because I was able to obtained a considerable amount of data housed at the CDE. As I discussed earlier, some of those data were obtained as part of my case selection process. However, a considerable amount of data pertaining directly to each of the district's FPM reviews is contained in the state's online document repository and communication tool—the California Accountability and Improvement System (CAIS). Each public LEA has its own CAIS account, through which they upload pertinent evidence to demonstrate compliance with each

requirement reviewed through the FPM process. As mentioned earlier, the CDE did not provide me access to either of my case district's CAIS accounts. Fortunately, each district was gracious and trusting enough to grant me read-only access. Combined, both districts uploaded 2,509 distinct documents of varying lengths—some, hundreds of pages long—in response to the FPM programs reviewed within each district. Twelve programs were reviewed in the PVUSD—homeless education was also listed, but was not reviewed—and eight in the WHUSD. The first part of Table 14 indicates the distribution of combined LEA documents uploaded into CAIS

Table 14

Combined Number of Documents Uploaded into CAIS by Both LEAs—by FPM Program & EL Program Item

FPM Program	EL	PE	UCP	CD	BASP	CTE	ITQ	CE	EE	SFSF	FM	EJF	HE
Combined N	686	117	32	83	362	73	115	850	*62	*20	*46	*22	*41
EL Item	EL1	EL2	EL3	EL4	EL5	EL6	EL7	EL8	EL9	EL10	EL11	EL12	EL13
Combined N	17	106	75	26	31	29	17	21	64	16	66	33	71
EL Item	EL14	EL15	EL16	EL17	EL18	EL19	EL20	EL21					
Combined N	38	18	37	27	24	70	31	30					

Note: * denotes N is only for PVUSD, as the WHUSD did not receive a review of this program; The number indicated for total unique EL documents in the first part of the table (686) does not match the sum of documents by EL item in the second part (=847) because numerous documents were responsive to more than one EL program item and, thus, uploaded to multiple EL program items; FPM = federal program monitoring; CAIS = California accountability and improvement system; EL = English learner; PE = physical education; UCP = uniform complaint procedures; CD = child development; BASP = before and after school programs; CTE = career technical education; ITQ = improving teacher quality; CE = compensatory education; EE = education equity; SFSF = state fiscal stabilization fund; FM = fiscal monitoring; EJF = education jobs fund; HE = homeless education;

according to the FPM programs reviewed in the LEAs. Of these, 686 documents were specific to the EL programs of both LEAs. Only the compensatory education (CE) program generated more document uploads. The asterisk in Table 14 indicates that the numbers displayed are only for the PVUSD, as the WHUSD did not receive a review of this program. The second part of Table 14 specifies the combined distribution of EL program-specific documents uploaded into CAIS according to each EL program requirement. For the 2011/12 FPM cycle, there were 21 overall compliance requirements—many include sub-items—contained in the state's EL Program Instrument (CDE, 2013b) (refer to Tables 6 or 19 for labels of EL items). As Table 14 Indicates, 31 of the 686 documents uploaded by both LEAs were responsive the ELD item (EL20). Again, it is important to note that numerous documents uploaded by the LEAs were responsive to more than one requirement item and, thus, uploaded to more than one item, accordingly. I Also note that the sum of documents by EL item in the second part of Table 14 (= 847) does not match the number indicated for total EL documents in the first part of Table 14 (686) because numerous documents were responsive to more than one EL program item and, thus, uploaded to multiple EL program items—part one of Table 14 indicates the total number of *unique* documents uploaded and does not reflect overlap between different program items.

Direct communication. In addition to serving as an online document depository, CAIS is also a communication tool. The CDE and LEA staffs are able to enter and log any comments they wish to share with each other, such as LEA staff asking for clarification of CDE on a

particular compliance item, the LEA describing the purpose of a particular document uploaded, or the CDE indicating to the LEA that either additional evidence is required or an item is now compliant. There were 597 total combined comments of varying lengths entered into CAIS by staffs from both LEAs and the CDE across all programs as part of the 2011/12 FPM reviews of the PVUSD and the WHUSD. Of these, 181 pertained specifically to the EL program component of the FPM review. Only the CE program generated more comments. The first part of Table 15 indicates the distribution of combined LEA comments entered into CAIS according to FPM

Table 15

Combined Number of Comments Entered into CAIS by Both LEAs—by FPM Program & EL Program Item

FPM Program	EL	PE	UCP	CD	BASP	CTE	ITQ	CE	EE	SFSF	FM	EJF	HE
Combined N	181	65	32	13	30	9	18	191	30*	5*	16*	6*	1*
EL Item	EL1	EL2	EL3	EL4	EL5	EL6	EL7	EL8	EL9	EL10	EL11	EL12	EL13
Combined N	0†	27	15	3†	8†	14	6†	8†	20	0†	3†	3†	13†
EL Item	EL14	EL15	EL16	EL17	EL18	EL19	EL20	EL21	Other				
Combined N	4†	5†	6	3†	5†	3†	12	4†	19				

Note: * denotes N is only for PVUSD, as the WHUSD did not receive a review of this program; † denotes one or both LEAs did not receive a NC finding for that item; Other = comments entered into CAIS pertaining to the EL program, but not specific to any EL item; FPM = federal program monitoring; CAIS = California accountability and improvement system; EL = English learner; PE = physical education; UCP = uniform complaint procedures; CD = child development; BASP = before and after school programs; CTE = career technical education; ITQ = improving teacher quality; CE = compensatory education; EE = education equity; SFSF = state fiscal stabilization fund; FM = fiscal monitoring; EJF = education jobs fund; HE = homeless education

program. The asterisk in Table 15 indicates that the numbers displayed are only for the PVUSD, as the WHUSD did not receive a review of this program. The second part of Table 15 specifies the combined distribution of comments entered into CAIS according to each EL program item. Of the combined 12 EL20 (ELD) comments entered into CAIS, LEA staffs entered five, whereas, CDE staff entered seven. Overall, district staffs entered 101 of the 181 EL program-specific comments, whereas, CDE staff entered 67. The † symbol in Table 15 denotes that one or both LEAs did not receive a NC finding for that item; therefore, it would be reasonable to expect fewer comments for these items since there is no need to resolve them after the review is completed. Therefore, the items with a † symbol would represent communication between CDE and the appropriate LEA either prior to the on-site review, as the LEAs prepared for the review, or during the on-site, in response to CDE requests for additional evidence prior to the CDE deeming the LEA compliant in that item.

Observations. Although the FPM reviews germane to this study took place in 2011 and 2012 and, thereby, prohibiting me from observing key events, I was fortunate to locate video recordings for the PVUSD of one source of such key events—district board meetings. When investigating past events, video recordings allow the researcher to gain much richer information than only documents or relying on people's memory can. DuFon (2002) discussed the benefits of using video recordings in ethnographic research, as well as some of its limitations. Some of the advantages include: (a) the density of data they provide, (b) when visible, gestures, facial expressions, and other visual interactional cues provide important information, and (c) permanence, which allows us to experience the event repeatedly and focus on different elements

each time. Among other limitations that DuFon (2002) identifies with video recordings, two principal limitations are: (a) the camera confines the view, therefore, "in spite of the sense of being there that a film can provide, it does not show every observable thing that happened, but only that which was occurring within the range of the camera lens" (p.45), and (b) "videotaping only allows the event to be experienced vicariously. It does not allow for hypothesis testing in the way participant-observation does" (p. 44).

Having identified a number of potentially significant PVUSD Board meeting items based on the agendas and minutes from the summer of 2011 forward, I scanned multiple video recordings of these specific Board items and noted relevant information. I eventually transcribed the video recording of two Board items that dealt directly with the 2011 FPM review. The first Board item was a report of all programs' NC findings by the District's categorical program director during the Board meeting subsequent to the FPM review. The second Board item was a report by staff from the District's EL department two months after the FPM review, once all EL program NC findings were resolved. Considering the EL department's quick resolution of the NC findings, I expected to see an enthusiastic, appreciative or, at least, supportive reception by the Board. To my surprise, it was not. I discuss what I observed in the Chapter 4.

I also observed a PVUSD Board meeting where the District's categorical program director presented a brief report of findings from the 2014 online-only FPM review, in which, no NC findings were given by the CDE. Unlike after the 2011 FPM review, the District's ELD department gave no presentation to the Board subsequent to the 2014 online-only FPM review.

Data analysis. At its essence, the process of data analysis is about making sense of various forms of data collected as part of the research project. According to Creswell (2009), it "involves repairing the data for analysis, conducting different analyses, moving deeper and deeper into understanding the data,…representing the data, and making an interpretation of the larger meaning of the data" (p. 183). Specifically, Creswell (2009) proposes six steps to conducting data analysis in qualitative research, which I used as a guideline for my analysis:

- Organize and prepare the data for analysis
- Read through all the data
- Begin detailed analysis with a coating process
- Use the coding process to generate a description of the setting or people as well as categories or themes for analysis
- Advance how the description and themes will be represented in the qualitative narrative
- Make an interpretation or meaning of the data

During the first step of analysis I engaged in several data preparation activities. The first was to separate all data elements into a coded data set and an identity-only data set as part of the efforts to maintain confidentiality. For example, after having all but one of the interviews transcribed by a professional transcriber—I transcribed the first interview—and cleaning up each transcription to make sure there were no obvious or important errors, I edited each transcription by assigning pseudonyms to all persons, school districts, cities, and other identifiable information according to my master key to identifiers. I then prepared the qualitative analysis computer software tool I used for this study—HyperRESEARCH v. 3.71—by deciding how I wanted to define and assign *cases* to the software and then connecting each interview to the appropriate case. For the purpose of HyperRESEARCH, the cases I set up were a total of five:

- Puente Verde
- CDE on Puente Verde
- Windy Hills
- CDE on Windy Hills
- CCR/CPM/FPM History

Lastly, I developed and organized a detailed case study computer file/database consisting of various databases and subfolders, as promoted by Yin (2009). The FPM process is a document-heavy process but, fortunately, it relies primarily on the CDE's online document repository and communication tool, CAIS, and, therefore, most of the documents I gathered are in electronic format, facilitating the organization and management of an electronic case study file/database.

My next step in data analysis involved previewing and reading through the data, as Creswell (2009) mentions, "to obtain a general sense of the information and to reflect on its overall meaning" (p. 185), but also, to begin the process of data reduction, as Miles and Huberman (1994) suggest. As I perused the documents and other data I sorted them into two categories: (a) relevant data, to review more closely, or (b) supplementary data, to file and referred to later as needed. Within the relevant data category, for instance, I included all 31 documents submitted via CAIS by both LEAs to the CDE in response to the ELD (EL20) item referenced in Table 14, along with other documents that that spoke primarily to other EL program requirements but were in some way also addressing ELD. I then reviewed the data in the relevant data file more thoroughly and either took notes using the document analysis protocol (Appendix N) I adapted from Miles & Huberman (1994, p. 55) or transcribed, assigned pseudonyms, and added to HyperRESEARCH, such as two video recordings of PVUSD Board meetings, which I personally transcribed.

Next came the actual coding of all data entered previously into HyperRESEARCH, using a combined priori and inductive coding tactic. I began by entering in HyperRESEARCH's codebook my initial set of 13 priori codes (Appendix O) that I derived from my review of the knowledge base and related conceptual framework. Then, as recommended (Creswell, 2009; Miles & Huberman, 1994), I engaged in an iterative coding process of: (a) coding a few sources of data (e.g. interviews), (b) refining, clustering, or to deleting codes to account for unexpected issues or to better align the codes to my conceptual framework, (c) recoding previously coded sources plus a few more sources to incorporate the new codes, and (d) memos to document emerging themes, impressions, organizational ideas, follow-up needs, or questions. This iterative process of coding resulted in a final list of 52 codes clustered within 14 categories (Appendix P). Throughout the coding process I constantly referred to the electronic codebook and a hard copy of it, both with definitions for the codes, to facilitate the coding and ensure that I was applying the 52 codes appropriately.

I then used the results of the coding process to generate a variety of HyperRESEARCH reports to facilitate the identification and confirmation of themes and patters that would inform my findings. One type report I generated was by code. For example, I filtered all coded by LEA and the code *1. Prep for Review-in RESPONSE OF LEA*. This report allowed me to easily see all the evidence I identified across all sources of coded data that spoke to how PVUSD and WHUSD prepared for their respective FPM reviews. Another example of the types of data analysis reports I generated was one using the *theory builder* tool in HyperRESEARCH. This allowed me to enter a set of conditions to test different possible theories that could either buttress parts or all of my conceptual framework or, conversely, let me know that based on my coded

data, I did not have enough evidence to support a particular theory. For example, to test for the conception of collective willingness to meet the needs of English learners and leverage the FPM within each of the LEAs I would direct the theory builder to look through all of the coded data, by LEA. For this purpose, based on my conceptual framework, I defined willingness as the district leadership having (a) either a commitment to the English learners *or* internal attribution regarding meeting the needs of English learners, including providing ELD, along with (b) individual motivation, defined by the existence of *any one* of four work motivation theories—as long as they did not chose to comply on principle. Therefore, I would enter into the theory builder this condition as: Willingness = *1. Commitment to Population* OR *2. Internal Attribution* AND (*a. Expectancy* OR *b. Goal Setting* OR *c. Self-determination* OR *d. Self-concept*) AND NOT (*a. Inaccuracy/Misinformation* OR *b. Philosophy on ELD* OR *c. Philosophy on Pedagogy* OR *d. Disagreement on Remedy*). The theory builder searches for evidence according to each segment of this condition and, if the condition is met at least once, it identifies the number of times each segment of the condition was found, suggesting possible support for the theory, otherwise, it informs me that codes were not found for each segment of the condition and, thus, the theory cannot be supported.

Armed with a variety of reports and new information each provided, I then created brief narratives and visuals, such as tables/matrices, to facilitate my synthesis of the evidence either for individual LEAs or to compare across districts. I used a mixed-methods analysis approach, relying on both *case-oriented* and *variable oriented* strategies (Miles & Huberman, 1994). I first used a case-oriented approach looking within the individual case to analyze it in-depth. For this, first I created multiple matrices for individual variables, such as *Preparation for FPM* or *Power/Authority/Influence,* followed by aggregate variables, such as *willingness* or *capacity*, and then whole-case overviews. I then used a variable-oriented approach, first looking at an individual variable across cases for either *pattern clarification* (confirmation) or *refutational synthesis*—term used by Miles and Huberman (1994) for "looking at apparently contradictory cross-case findings" (p. 175)—and, then, looking at case summaries across cases. For this, I created various *meta-matrices, stacking* (Miles & Huberman, 1994) case level data in each meta-matrix, allowing me to assemble descriptive data from each case in a standardized format to facilitate cross-case analysis. Although I included some of these in this report, many others were used as analytical tools to help with the last step of my data analysis process—making interpretations of meaning of the data. To accomplish this last step, I compared the preliminary findings with the key concepts from my review of the knowledge base and conceptual framework to either: (a) confirm predictions from my conceptual framework, such as a theoretical replication of contrasting responses by to the FPM review by each LEA, or a literal replication of similar responses, or (b) disconfirm my conceptual framework and instead surface unexpected findings, diverging from my theoretical predictions and, thus, suggesting new questions that need to be raised.

Validity and reliability. Yin (2009) asserts that four tests are commonly used to establish the quality of any empirical social research, including case studies: construct validity, internal validity, external validity, and reliability. Yin (2009) also points out that, because internal validity seeks to establish a causal relationship, is not applicable to descriptive or exploratory studies, such as this exploratory case study, but, rather it is for explanatory or causal studies. Accordingly, I discuss in this section issues of construct validity, external validity, and reliability.

Construct validity. Qualitative validity refers to the procedural steps taken to ensure the accuracy of the findings (Creswell, 2009). Yin (2009) adds that construct validity is especially challenging in case study research and critics argue that such researchers fail "to develop a sufficiently operational set of measures and that 'subjective' judgments are used to collect the data" (p. 41).

To increase the construct validity of this study I implemented five specific strategies espoused by Creswell (2009) and others (e.g., Yin, 2009). First, as both, Creswell (2009) and Yin (2009) promote, I relied on a variety of sources of data, including: (a) interviews of actors from both sides of the CDE's compliance review process, (b) interviews from representatives from different levels of the system (e.g. site and central office leaders), (c) documents, (d) direct communication between the LEAs and the CDE, and (e) video observations. Related to this first strategy, I looked for corroborating evidence or, *triangulated* the data, by "examining evidence from [multiple] sources and using it to build coherent justification for themes ….based on converging several sources of data or perspectives from participants" (Creswell, 2009, p.191).

The second strategy I used to improve construct validity was to use peer debriefing, as Creswell (2009) proposes, "to enhance the accuracy of the account. Fortunately, as mentioned earlier, my wife is also an educator who has first hand knowledge of the FPM process, having served as a district EL program specialist and manager. I would regularly ask her to review ask questions of such things as my logic, approach, codes and emerging themes, and preliminary findings and conclusions so that, as Creswell (2009) suggests, "the account will resonate with people other than the researcher" (p. 192). This strategy also assisted in reducing the impact of bias on the outcomes.

My third tactic aimed at construct validity was to present "negative or discrepant information that runs counter to the themes" (Creswell 2009, p. 192). This tactic proved organic, as I looked for evidence that validated my conceptual framework's predictions that the two LEAs would respond differently under certain circumstances—with regards to leveraging the FPM process—but, also, as I looked for evidence that identified situations where the two LEAs responded similarly.

The fourth strategy I used to improve construct validity was to clarify bias I bring to the to the study (Creswell (2009) by commenting how my interpretation of the findings is shaped by my professional background, which includes having served on either side of the FPM. On the receiving end of the state's compliance review processes over the years, I have served as a: site EL administrator, site principal, central office EL program coordinator, and central office EL/categorical program director. On the CDE side under various compliance monitoring processes I have served as a: *Comité*/Coordinated Compliance Review EL program reviewer, EL program administrator within the Categorical Program Monitoring (CPM), director over the EL program office, and director over the CPM office, including overseeing its redesign just prior to it being replaced by FPM.

The last strategy I used to improve construct validity was to (a) use rich, thick descriptions to convey the findings and (b) provide many perspectives about themes, with the hopes of transporting "readers to the setting and give the discussion an element of shared experiences" (Creswell, 2009, pp. 191-192).

External validity. Creswell (2009) points out that the intent of qualitative inquiry "is not to generalize findings to individuals, sites, or places outside of those under study" (pp. 192-193). Unlike say, survey studies, which deal with statistical generalization of samples to a larger universe, external validity as applicable to case studies deals with analytical generalization,

where the "investigator is striving to generalize a particular set of results to some broader theory" (Yin, 2009, p.43).

Referring to multiple-case studies, Miles & Huberman (1994) posit "we are generalizing from one case to the next on the basis of a match to the underlying theory, not to a larger universe" (p. 29). Creswell (2009) equates external validity with replication logic, which, as discussed earlier either (a) predicts similar results (a *literal replication*) or (b) predicts contrasting results but for anticipatable reasons (a *theoretical replication*)" (p. 54) or, in other words, some underlying theory. To this end, I employed four main strategies to increase external validity. First, I chose to conduct a two-case case study instead of a single-case case study. As Yin (2009) explains, "even with two cases, you have the possibility of direct replication. Second, I developed a conceptual framework designed to yield replication logic and predict the responses of district leaders under certain circumstances. Third, I developed a multiple-criteria purposeful sampling strategy. Apart from the one variable (disparate number of non-compliant days) designed to select two LEAs that would predictably respond differently to the FPM process, all other variables endeavored to select two cases that were otherwise very similar. Lastly, I developed the interview protocols and priori codes based on my conceptual framework, then searched for emerging themes from the coding analysis that buttress my conceptual framework.

Reliability. Gibbs (as cited in Creswell, 2009) sates that qualitative reliability indicates that the researcher's approach is consistent across different researchers and different projects. Yin (2009) adds that the "goal of reliability is to minimize the errors and biases in a study" (p.45) and, states it differently in a simple, yet comprehensive manner:

> The objective is to be sure that, if a later investigator followed the same procedures as described by an earlier investigator and conducted the *same case study* [emphasis added], all over again, the later investigator should arrive at the same findings and conclusions. (p. 45)

To increase the reliability of this study I implemented six specific strategies, including two espoused by Gibbs (as cited in Creswell, 2009) and two by Yin (2009). First, as discussed previously, guided by my conceptual framework I developed and consistently used an interview protocol to guide each of the interviews I conducted. I created five versions (see Appendices G through K) of the interview protocol to use, depending on whether the interviewee represented a school district or the CDE and, also, depending on the position of the interviewee (e.g., district superintendent versus EL program director; CDE Team Lead versus EL program reviewer). Although each protocol contains questions that are similar in nature, they vary in number (8-22), as some are appropriate for some actors but not others. Having the different versions also allowed me to ensure that I consistently tailored similar questions to the interviewee, including consistently framing each question the way I intended.

Second, apart from the first interview and two video observation transcriptions, I employed the services of only one professional transcriber to increase the chances that the transcriptions would be more consistent and accurate than having multiple transcribers. I also provided the transcriber with a list of terms and acronyms that were likely to be used during the interviews. Related to this, the third strategy I used to increase reliability is one promoted by Gibbs (as cited in Creswell, 2009), which, was to check each transcript to make sure it did not contain important mistakes made during transcription.

The fourth strategy I employed to increase reliability was to develop and maintain a

detailed case study database, as promoted by Yin (2009). I maintained electronic files and databases for all data collected relevant to this case study—all contained in one, easily transferable file. This allowed me to not only organize and easily retrieve the data, but also to create, organize, and maintain background analyses, frequency lists, code reports, supplementary tables, matrices, and other evidence that supported my findings and conclusions. As Yin (2009) points out, this would allow other investigators to review directly and not be limited to the written case study report, which, "markedly increases the reliability of the entire case study" (p. 119). For example, creating matrices allowed me to organize and display the data in order to view themes and patterns, create meaning across cases and strengthen my findings and conclusions—even if they were not included in the final report. Another form of maintaining and manipulating electronic data is the use of a qualitative coding software program, which greatly facilitates the sorting and retrieval of interview and other coded data. To this end, I relied on the full version of the qualitative analysis computer software tool, HyperRESEARCH v. 3.71.

Related to the issue of coding, the fifth strategy I used to the increase reliability was to, as recommended by Gibbs (as cited in Creswell, 2009), make sure that "that there is not a drift in the definition of codes, a shift in the meaning of the codes during the process of coding" (p. 190). I did this by defining my codes, writing memos about the codes, and by regularly comparing the data with my codes.

Lastly, I followed another of Yin's (2009) suggestions, which is to carefully document the procedures of my study, including, as many steps of the procedures as possible. I did this throughout the entire process, including before even getting institutional review board (IRB) protocol approval for the study, such as by making PDF copies of each section of the approved IRB submitted online to guide the implementation of my methods during the study.

Summary

Although the strategies researchers rely on to conduct their studies vary, it is important for researchers to carefully think through what Creswell (2009) refers to as the "plan or proposal to conduct research" which, as he suggests, "involves the intersection of philosophy, strategies of inquiry, and specific methods" (p. 5). Figure 7 displays the three overall research design

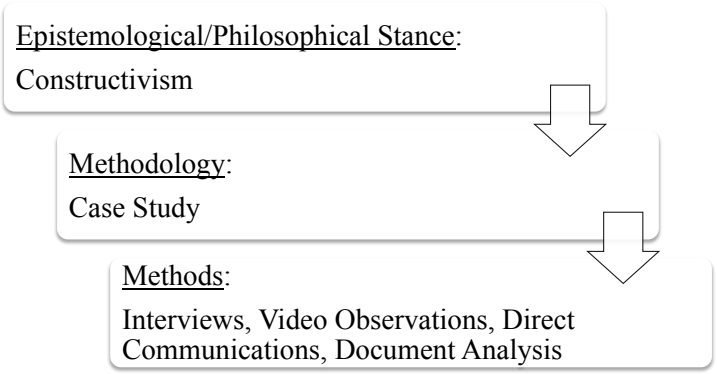

Figure 7. Framework for Research Design of Present Study.

components that influenced my approach to this study, indicating the developmental flow from one component to the next.

In this chapter I first identified my epistemological/philosophical stance of constructivism that informed my methodological choice. I then explicated the reasons behind selecting a

qualitative study and, in particular, a multiple-case study to investigate the contemporary phenomenon of education compliance reviews and how district leaders respond to them. Lastly, I detailed the procedures used to gather and analyze data related to my research questions and conceptual framework, beginning with my case selection process used to identify the Puente Verde USD and the Windy Hills USD as my two case study district, followed by my data collection and data analysis processes, and ending with issues of validity and reliability.

CHAPTER 4: FINDINGS

In this chapter I discuss my findings from a case study of two urban school districts—Puente Verde USD and Windy Hills USD—that the CDE reviewed in 2011/12 via its FPM compliance review process. Again, the research questions this study sheds light on are:

- How do school districts respond to the CDE's compliance review process (what are the behavioral patters in response to FPM)?
- Do district leaders leverage the FPM process with the intent to improve the provision of services to English learners? If so, how do they do it?
- How do LEAs that quickly resolve their non-compliant ELD finding differ in motivation and capacity to improve their ELD program from LEAs that take considerably longer (are there discernable differences between LEAs with few versus many NC days with the ELD finding)?

Based on my review of the research and professional knowledge base and resulting conceptual framework—along with my extensive experience as an administrator on either side of the state's various compliance review processes over the years—I anticipated finding a complex interplay of diverse influencing factors in the responses to the FPM process in each of the two school districts I investigated. Although I discuss issues regarding the FPM review in general, including other programs besides the EL program, the focus of my study is on the EL program and, specifically, the non-compliant (NC) ELD finding and its resolution by each LEA.

As discussed in Chapter 3, I used purposive sampling criteria that included the number of NC days of each district with respect to the FPM requirements and, in particular, the ELD item. Except for the fact that one district took almost nine times as long as the other to resolve its NC items, both case study districts are very similar and, therefore I hypothesized as per my conceptual framework that I would find a theoretical replication (Yin, 2009) or, contrasting results but for predictable reasons. To explicate the intricate findings of this exploratory case study within the following four main sections of this chapter I begin with an overview of both districts followed by a synopsis of the FPM review process. I then provide detailed discussions of my findings, first, for the Puente Verde USD and, then, for the Windy Hills USD.

Case Study Districts at a Glance

A brief comparison of both LEAs reveals how similar they are. As Table 16 reflects, apart from a larger percent of African American students, a greater total number of students enrolled, and relatively smaller percent of Latino students in the WHUSD, both districts are very similar in every other significant area. Their respective enrollments fall between the 15,000 – 25,000 range, over 80% of students in each LEA qualify for free or reduced-price meals, the overwhelming percentage of students are Latino, and approximately 40% of students in each district are English learners, of which, 99% speak Spanish as their primary language.

With respect to student achievement, again, both districts look very similar. The WHUSD has a slightly higher *LEA-wide* Academic Performance Index (API) than the PVUSD, but a slightly lower API for English learners. Within Adequate Yearly Progress (AYP) indicators, both districts are almost identical with respect to the percentage of students (LEA-wide & English learners) scoring at or above proficient in English language arts (ELA), but the PVUSD has a slightly higher percentage of students (LEA-wide & English learners) scoring at or above

Table 16

PVUSD & WHUSD and the Cities of Puente Verde & Windy Hills in 2011/12 at a Glance

Category	Puente Verde USD	Windy Hills USD
Total Enrollment	24,800	15,500
Low SES (FRPM)	84%	90%
% ELs in 2011/12	40%	38%
Top L_1 of English learners	99% Spanish	99% Spanish
Latino	79%	93%
African American	17%	6%
% Meeting AMAO 1	49%	49%
2012 Growth API: LEA-wide / ELs (gap)	697 / 680 (10 pts)	710 / 675 (35 pts)
2012 AYP % ≥ Proficient ELA: LEA-wide / ELs (gap)	41% / 36% (5 % pts)	42% / 35% (7% pts)
2012 AYP % ≥ Proficient Math: LEA-wide / ELs (gap)	47% / 46% (1% pts)	43% / 39% (4% pts)
Total General Fund Revenues	229,899,000	$129,334,000
Revenue per ADA	$10,000	$9,000
State Economic Impact Aid (EIA)	$10,338,000	$4,231,000
Title III-LEP (T3)	$1,360,000	$732,000
Total Additional EL Funds (EIA+T3): Dollar & Percent of General Fund Revenues	$11,699,000 (5%)	$4,963,000 (4%)
Category	City of Puente Verde	City of Windy Hills
Population in 2012	98,000	71,000
Latino Population in 2012	66%	87%
African American Population in 2012	31%	10%
White Population in 2012	1%	12%
Estimated Median Household Income in 2012	$41,000	$42,000
Mean Home Value in 2012	$234,000	$269,000
Median Rent in 2012	$1,010	$980

Note. ADA = average daily attendance; LEP = limited English proficient; SES = socioeconomic status; FRPM = free or reduced price meals; L_1 = primary language; ELs = English learners; NC = non-compliant; ELD = English language development; Total Enrollment N's are rounded to 100s; Funds, Population, Income, & Homes Prices rounded to 1,000s; Only ethnicities representing 1% or greater of the referenced total population referenced are listed; State API: Overall / ELs (gap) = 788 / 716 (72 pts); CA % ≥ Proficient ELA: Statewide / ELs (gap) = 58.1% / 40.6% (17.5 %pts); CA % ≥ Proficient Math: Statewide / ELs (gap) = 59.5% / 49.5% (10 %pts); Sources: DataQuest: http://data1.cde.ca.gov/dataquest, Ed-Data http://www.ed-data.k12.ca.us, http://www.city-data.com

proficient in math than the WHUSD. In both districts and in all metrics, English learners perform at lower levels than LEA-wide. It is noteworthy to point out that, although, both districts performed lower than the state average in all accounts (see Table 16 note) the gap between LEA-wide and English learners is smaller in all accounts within both districts than statewide, with the smallest gap of one percentage point being in math within the PVUSD. With respect to fiscal issues, each LEA receives around $10,000 per student, with the PVUSD receiving about 10%

more per student than the WHUSD. Both LEAs also receive additional state (EIA) and federal (Title III) funds for English learners that account for about 5% of their respective total general fund revenues.

Lastly, looking at the working class communities in which each district resides, their estimated median household income is around $40,000 each, the mean home value ranges between $230,000 – $270,000, and a their median rent is around $1,000. Their populations fall between the 70,000 – 100,000 range, and are comprised mostly of Latinos; however, as is the case with the school districts, Windy Hills has a higher percentage of Latinos than Puente Verde, but a lower percentage of African Americans. It is interesting to note, however, that the difference in percentages of the two ethnicities within each community is less than they are within their respective school districts. It is also noteworthy that, although the White population in either school district is at around 1% or less, in the city of Windy Hills, the White population jumps discernibly to 12%. Although an investigation of this phenomenon is beyond the scope of this study, these statistics suggest, among other possibilities, that a large number of White families residing in the city of Windy Hills either do not have school-age children, are opting to send their children to private schools or other school districts, or a combination of these.

Overview of FPM

> The CDE's website on compliance monitoring provides a brief description of FPM:
>
> Federal and state laws require the California Department of Education (CDE) to monitor implementation of categorical programs operated by local educational agencies (LEAs). LEAs are responsible for creating and maintaining programs which meet requirements. LEAs are monitored to ensure that they meet fiscal and program requirements of federal categorical programs and mandated areas of state responsibility….The Federal Program Monitoring (FPM) Office coordinates reviews through a combination of data and document review and on-site visits. (CDE, 2014c)

On June 15, 2011 the Puente Verde USD and the Windy Hills USD, along with 57 other LEAs were notified by the CDE of their selection for an on-site FPM review to be conducted by the CDE. Although this was the first confirmation of their selection for a FPM review, the CDE's established FPM cycle schedule (refer to Table 4 in Chapter 1) had previously served notice to LEAs of their schedule for possible selection. As per the FPM cycle schedule, the CDE selected 59 LEAs for a FPM review in 2011/12 out of approximately 250 LEAs that comprise Cohort B. Similarly, a different set of around 60 LEAs from Cohort D was selected to receive an online-only FPM review in 2011/12. Although I make reference to the online-only reviews throughout this study for contextual reasons, they are not part of this study. The notification letter (see Appendix Q) indicated that the LEAs were selected via risk based selection criteria that considered compliance history, academic achievement, program size, and fiscal analysis to identify the LEAs for review (see Appendix C for details of criteria). The letter also noted that the reviews would be scheduled for sometime between October 2011 through February 2012 and that the schedule of reviews, the specific programs and requirements, and school sites to be monitored within each LEA would be available online in July 2011. Lastly, the letter informed them that CDE staff would be in contact with them to discuss the preparation for the review, including uploading compliance evidence into the state's California Accountability and

Improvement System (CAIS), for which, training would be provided in the fall 2011.

As it turned out, the Puente Verde USD received its FPM review in October 2011, consisting of 12 programs and nine schools, whereas the Windy Hills USD received its FPM review in January of 2012, consisting of seven programs and seven schools, as displayed by Table 17. The larger number of programs and schools selected for the PVUSD than for the

Table 17

Overview of FPM Review Details for Puente Verde USD and Windy Hills USD

Details	Puente Verde USD	Windy Hills USD
On-site review dates	October 2011 (5 days)	January 2012 (5 days)
Schools selected for review	*Puente Verde High Puente Verde Tech (HS) Stevens High *Brown Middle *Kennedy Middle *Alta Vista Elem San José Preschool Edison Preschool Puente Verde Adult	Hart High *Windy Hills High *King Middle *Windy Hills Middle Fruitridge Early Childhood Center Sunshine Early Childhood Center Windy Hills Adult
Programs selected for review	PE = physical education UCP = uniform complaint procedures CD = child development BASP = before & after school programs CTE = career technical education ITQ = improving teacher quality CE = compensatory education EE = education equity SFSF = state fiscal stabilization fund FM = fiscal monitoring EJF = education jobs fund HE = homeless education	PE UCP CD BASP CTE ITQ CE

Note. Asterisk = schools that received an EL program review

WHUSD seems appropriate, given the larger size of PVUSD. As indicated with asterisks in Table 17, four PVUSD and three WHUSD schools were selected for a review of their EL program. It is important to note three relevant details about FPM: (a) not all schools chosen within a district for review during the FPM are necessarily reviewed for the same programs, (b) the FPM review is considered a review of the district and, even though schools are "sampled," any NC findings are considered findings of the district, to be resolved at all schools for which they are applicable, not just the schools visited, and (c) in addition to reviewing schools as evidence of implementation of district policies, a review of the central office—with corresponding districtwide program and fiscal policies and procedures—is a key part of the FPM process.

FPM Training. The CDE offers a number of training opportunities to selected FPM districts to help them prepare for their FPM review. These targeted trainings are in addition to regular FPM updates provided by the CDE, such as those provided at monthly categorical

program directors meetings held at the CDE, or via formal presentations on FPM offered by the CDE to all LEAs at multiple annual conferences such as the California Association for Bilingual Education (CABE) and the California Association of Administrators of State and Federal Education Programs (CAASFEP). Specifically, the CDE offers three types of training opportunities to help prepare LEAs for FPM reviews: (a) an orientation to the FPM process and specifics about the review, (b) professional development on the specific state and federal program and fiscal requirements contained in each of the FPM Program Instruments that specify the content to be reviewed, and (c) training on the use of CAIS to submit compliance evidence to the CDE and to communicate with the appropriate CDE program reviewers and Regional Team Lead (RTL). Additionally, the county offices of education (COEs) usually offer support to the LEAs within their county to assist them with their preparation for FPM.

Gathering and Submitting Compliance Evidence. As pointed out previously, the CDE conducts its compliance monitoring through a combination of data and document reviews and on-site visits. Correspondingly, the FPM process relies heavily on the collection and analysis of compliance evidence which, up until around 2010, required LEAs to mail or otherwise submit a significant number of paper documents to the CDE before their scheduled on-site review and to have them ready for the CDE FPM review team—usually in bins or boxes at the district office and each school to be reviewed. Since the development of CAIS, however, the bins and boxes are now electronic. Districts are currently expected to upload compliance evidence into CAIS 30 calendar days before their scheduled on-site review date. To augment CDE's capacity to provide ongoing support the FPM LEAs in the use and management of CAIS, the CDE works with COEs, which serve as *CAIS Leads* (see http://www.cde.ca.gov/ta/cr/caisleads.asp) and provide CAIS training and support to FPM districts throughout the process, in addition to whatever else FPM support they regularly provide to the LEAs within their county. As LEAs upload their compliance evidence into CAIS, the appropriate CDE program reviewers evaluate the evidence and, as needed, communicate via CAIS with the designated district contacts.

Preparing for FPM. Although all LEAs that undergo an FPM review are required to upload compliance evidence into CAIS, each LEA prepares for the review differently. The continuum of preparation tactics range from (a) a minimalist approach, such as uploading a small number of documents into CAIS—gathered by one or a few persons in isolation at the district office—and then waiting for the CDE review team to either ask for more evidence or simply arrive on site to conduct the review, to (b) an elaborate approach, such as involving teams of site and district office staffs who proactively seek guidance from CDE and/or COEs, participate in professional development on program requirements, conduct needs assessments or mock reviews, and then make identified needed changes before the CDE team ever arrives on site. Prior to FPM and its predecessor, CPM, the CCR process required LEAs to conduct self-studies and submit the results to the CDE for review prior to the state team conducting the on-site reviews. Timar's and Roza's (2010) analysis of school funding decision-making argues that the state needs to develop a more robust model of accountability to include self-evaluations as a "means of creating a more coherent system that connects accountability, state oversight, and school improvement" (p. 418). Absent such requirement, LEAs currently have great flexibility in how they choose to prepare for FPM reviews.

During the On-site Review. The on-site review begins with an opening meeting between district leaders and the FPM review team, where they confirm or make last minute adjustments to the review schedule. District leaders also get a chance to share any highlights about the district, schools, or programs being reviewed, as well as ask for any needed

clarification. Depending on the number of schools and programs being reviewed, the FPM review team will then go either as one team or will split up into two or more teams to visit each school scheduled to receive a review. Normally, the CDE team requests district leaders, such as the categorical program director and other district administrators overseeing the specific programs being reviewed to accompany the CDE reviewers to facilitate the logistics of visits and to also be able to dialogue and debrief throughout the visits. The review of each school is normally only one day in length, during which time, the program reviewers normally: (a) observe instruction, (b) review documentation, including student records and program and fiscal files, and (c) interview staff, students and invited parents. As needed, the CDE reviewers will ask for additional evidence of compliance to be provided to them in person or to be uploaded into CAIS. This affords the district an opportunity to possibly mitigate some of the NC findings before the completion of the on-site review.

FPM Program Instruments. FPM Program Instruments guide the reviews by identifying the compliance requirements for each program within the FPM process. Each FPM Program Instrument contains the federal and state legal requirements, organized according to seven dimensions, as well as statutory core items and supporting items. Program Instruments are developed and reviewed by the CDE on an annual basis and may change from year to year in response to changes in federal or state laws, regulations, or court cases. The EL Program Instrument in 2011/12 contained 21 items. The ELD item, for example, is item 20, situated within dimension VI: Opportunity and Equal Educational Access. Figure 8 displays the ELD excerpt from the 2011/12 FPM EL Program Instrument. In this case, this EL program item does

VI. OPPORTUNITY AND EQUAL EDUCATIONAL ACCESS

VII-EL 20: ELD

Compliance Indicators	VII-EL 20. Each English learner receives a program of instruction in English language development (ELD) in order to develop proficiency in English as rapidly and effectively as possible. (20 U.S.C. §§ 1703 (f), 6825 (c)(1)(A); EC §§ 300, 305, 306, 310; 5 CCR § 11302(a); Castañeda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1009-1011.)
Associated Documents	Sample IEPs for ELs
Required and Suggested Documents	ELD course/curriculum descriptions List of ELD instructional materials used
Legal References	

Figure 8. ELD Item (EL20) from 2011/12 FPM EL Program Instrument

not contain additional sub–items, just the sole ELD requirements that states within the *Compliance Indicators*: "Each English learner receives a program of instruction in English language development (ELD) in order to develop proficiency in English as rapidly and effectively as possible."

Notification of Findings. At the conclusion of the district's FPM review, the CDE provides district leaders with the results of the review, referred to as the notification of findings (NOF). This document informs the LEA of any NC findings and, for each NC item (a) what the specific requirement is, (b) what the CDE found that makes that item non-compliant, and (c) what the LEA has to do to resolve the NC finding. As stated directly in the NOF, the LEA is required to resolve each NC finding within 45 calendar days of receiving the NOF. Table 18 displays the top 10 most frequent NC items across all programs and all LEAs reviewed during the 2011/12 FPM cycle. It is interesting to note that exactly half of the top 10 NC items were

Table 18

2011-12 Top Ten Most Frequent Non-compliant FPM Items (All Programs-59 LEAs reviewed)

Rank	Program	Item Title	Item #	Frequency
1	Compensatory Education	SSC Approves SPSA	CE 08	39
2	English Learner	SSC Develops and Approves SPSA	EL 06	32
3	English Learner	English Learner Advisory Committee	EL 02	27
4	Compensatory Education	LEA disburses funds consistent with Consolidated Application (ConApp)	CE 18	26
5	English Learner	Adequate General Funding for ELs	EL 09	26
6	English Learner	EIA Funds Disbursed to School Sites	EL 11	26
7	Compensatory Education	School Site Council (SSC)	CE 07	25
8	Compensatory Education	Supplement not supplant with CE $	CE 19	23
9	Compensatory Education	LEA/SSC annually evaluate SPSA services	CE 28	20
10	English Learner	Reclassification	EL 14	19

Note. LEA = local educational agency; SSC = school site council; SPSA = single plan for student achievement; EIA = economic impact aid; Source: CDE, obtained via PRA request

from the EL program, while the other half were from the compensatory education program, which includes Title I requirements. Table 19 displays the frequency of NC EL program items, both, in order by EL item and by frequency of NC findings. The EL item found non-compliant most frequently was EL06, which requires the School Site Council (SSC) of each school to develop the school's Single Plan for Student Achievement (SPSA) and then submit for Board approval. Of the 59 LEAs that received a FPM review in2011/12, EL06 was found non-compliant in 39 LEAs. By comparison, the ELD item (EL20) was found non-compliant in only 16 LEAs, including the PVUSD and the WHUSD. Only seven of the 59 LEAs reviewed in in 2011/12 received no NC EL program Findings.

Table 19

Frequency of NC EL Items (59 LEAs reviewed for EL Program) During 2011-12 FPM Cycle

By Item #			By Frequency		
Item #	Item Title	Count	Item #	Item Title	Count
EL 01	Parent Outreach and Involvement	4	EL 06	SSC Develops and Approves SPSA	32
EL 02	EL Advisory Committee (ELAC)	27	EL 02	EL Advisory Committee (ELAC)	27
EL 03	District English Learner Advisory Committee (DELAC)	18	EL 09	Adequate General Funding for ELs	26
EL 04	Identification, Assessment, and Notification	17	EL 11	EIA Funds Disbursed to School Sites	26
EL 05	Implementation & Monitoring of LEA Plan (LEAP)	9	EL 14	Reclassification (RFEP)	19
EL 06	SSC Develops and Approves SPSA	32	EL 03	District English Learner Advisory Committee (DELAC)	18
EL 07	Translation Notices, Reports, Records	7	EL 04	Identification, Assessment, and Notification	17
EL 08	Equipment Inventory	4	EL 20	English Language Development (ELD)	16
EL 09	Adequate General Funding for ELs	26	EL 21	Access to the Core	13
EL 10	Supplement, Not Supplant	3	EL 16	Professional Development	12
EL 11	EIA Funds Disbursed to School Sites	26	EL 13	EL Program Evaluation	10
EL 12	Properly Assesses Costs for Salaries	4	EL 05	Implementation and Monitoring of LEA Plan (LEAP)	9
EL 13	EL Program Evaluation	10	EL 07	Translation Notices, Reports, Records	7
EL 14	Reclassification (RFEP)	19	EL 18	Parental Exception Waiver	6
EL 15	Teacher EL Authorization	1	EL 01	Parent Outreach and Involvement	4
EL 16	Professional Development	12	EL 08	Equipment Inventory	4
EL 17	Appropriate Student Placement	4	EL 12	Properly Assesses Costs for Salaries	4
EL 18	Parental Exception Waiver	6	EL 17	Appropriate Student Placement	4
EL 19	Equitable Services to Private Schools	2	EL 10	Supplement, Not Supplant	3
EL 20	English Language Development (ELD)	16	EL 19	Equitable Services to Private Schools	2
EL 21	Access to the Core	13	EL 15	Teacher EL Authorization	1

Note. EL = English learner; LEA = local educational agency; SSC = school site council; SPSA = single plan for student achievement; EIA = economic impact aid; Source: CDE, obtained via PRA request

Resolution of NC Findings. If the LEA cannot resolve one or more of the NC findings within the 45 days, the LEA must then submit an extension request, referred to as a resolution agreement, via CAIS, to which the CDE normally agrees. Although, the resolution agreement is not intended to go beyond 180 days, it may be extended if the LEA has been working during that period to resolve the issue and has kept the appropriate CDE program reviewer informed. The resolution of NC items usually involves the LEA fulfilling the directives specified in the NOF and then submitting evidence of this via CAIS to the appropriate CDE reviewers. The CDE reviewers then evaluate the new evidence submitted and decide whether it is sufficient to resolve the issue; if not, the CDE reviewer will inform the LEA of additional steps or evidence required.

If LEAs do not resolve their NC items within 225 days they are listed on the CDE's *Unresolved FPM Items Over 225 Days* website as a first-level sanction (see http://www.cde.ca.gov/ta/cr/unrslvfndgs225.asp). As of January 1, 2015, there are six LEAs listed on the web site, two of which are listed as each having more than 1,000 days of non-compliance. Ultimately, LEAs that continue with unresolved findings risk having certain categorical funds withheld. Although the CDE has withheld funds from LEAs in the past for failure to resolve NC FPM items, the CDE typically prefers to work with LEAs to avoid this. Consequently, the CDE withholds funds from very few LEAs.

Key FPM Actors. The points of contact for the PFM process at the CDE are the different program reviewers and the RTL and, at the LEA, it is usually the categorical program director. These contacts are in communication with each other, as needed, throughout the FPM process—from the date the LEA is notified of selection for FPM, through the on-site review, and until the LEA resolves all NC findings. Each CDE program office participating in the FPM process—English learner, compensatory education, etc. (see http://www.cde.ca.gov/ta/cr/fpmpartprgms1112.asp) —assigns one or more program reviewers to serve on the FPM review team for each district reviewed. Similarly, there are six RTL's that serve as the FPM team coordinator for each review within their assigned region (see http://www.cde.ca.gov/ta/cr/rtlassignments.asp). The CDE divides the state into 11 regions, which are divided amongst the currently six RTLs. Therefore, every FPM review team is comprised of various program reviewers—the number depends on how many programs are reviewed in that particular LEA—and one RTL. The RTL coordinates the process but does not review any programs.

Will Manning served as the RTL for the FPM review of both, the PVUSD and the WHUSD. Manning has been with the state for over 20 years and has served in various capacities in addition to RTL, including as a program reviewer for EL programs. Dr. Héctor Bustillos, coincidently, also served as the EL program reviewer for the FPM reviews of both, the PVUSD and the WHUSD. Bustillos has served as a program reviewer with the CDE for almost ten years. Before joining the CDE, he served as a district EL program coordinator for several years and, prior to that, he was a secondary school teacher who taught in programs for students at all levels of English proficiency—newcomer programs to advanced English learner programs to mainstream English only programs. He expressed his passion for his work and studies in the field of English learners:

> My interest in terms of serving English learners stems from the fact that I was an English learner….I'm very, very passionate about the needs of English learners and, so, my research and studies…revolved around issues of English learners and the needs and challenges of people whose first language is not English….And those are things that I'm interested in, and that's why I like to be part of that group, to see whether not I can do something about the needs of those people. (H. Bustillos, personal communication, March 3, 2014)

Nancy Drew served as a second EL program reviewer for the PVUSD FPM, but was not part of the WHUSD FPM review. Similar to Bustillos, Drew has been with the CDE for almost ten years and worked in school districts prior to the CDE, serving as a teacher for a number of years and then as an administrator, including principal.

Puente Verde Unified School District

In the following detailed discussion of my findings for the first of two cases—the PVUSD—I first introduce the key District actors relevant to the EL program. I then tell the District's story of their experience with FPM, beginning with the CDE's and the District's own perceptions of the District's capacity to implement programs for English learners. I continue by detailing the approach the District took to prepare for the 2011/12 FPM review, followed by the details of the non-compliant (NC) ELD finding and its resolution. I then investigate the perceptions of FPM of District leaders and the impact FPM had on the District. I end with a discussion of the extent to which the District leveraged FPM to improve provision of services to English learners.

Key PVUSD EL and FPM Program Staff. Dr. Elia Enríquez is the District's main EL program administrator. She has served as the District's EL director since the 2010/11 school year, one year prior to the FPM review. Midway during her first year in the District she was asked to fill in as assistant superintendent, in addition to her role as director of EL programs. She is a pleasant and unassuming person with an interesting background, including being a social activist, as she shared, "I'm a product of the late 60s and early 70s, and so I used to go to a lot of Chicano demonstrations and rallies and things like that" (E. Enríquez, personal communication, March 21, 2014). Her B.A. is an English, her masters is in Spanish, and her doctorate is in multicultural education, focusing on ELD curriculum. How and where she got her masters degree is also part of her interesting background and speaks to her commitment to the population she serves. Through a Mexican government scholarship, *Becas Para Aztlán,* Enríquez was able to study Spanish literature and earn her master's degree in México. The scholarship was started by Mexican President Luis Echevarría Álvarez at the appeal of Chicano activist José Angel Gutiérrez and continued under Mexican President José Lopez Portillo (Gutiérrez, 2003). Enríquez described the purpose of the scholarship as follows:

> The commitment was that there were so many Mexican immigrants coming to the United States that we would get Chicano students to study in a master's program in México so that when they gained employment here, they would commit to serving Mexican immigrants. (E. Enríquez, personal communication, March 21,14)

Enríquez has a wealth of experience in education, working with programs for English learners, and compliance, but as she explained, getting into the field was not easy:

> I wanted to teach high school but couldn't find a job. Times were tough, kind of like they are now. So, then I went to middle school to see if I could find a teaching job in English or Spanish. I couldn't find one, so, I had to resort to elementary. I became an elementary bilingual teacher in 2nd grade where I was able to use both, my English and my math skills. I started getting into this monitoring thing. My principal saw that I had a knack for it and he invited me to, what was it before compliance? PQR. So, I would be involved with PQR, and then later with CCR. When I became a principal, I became involved with that [CCR]. And then I just continued. So I've been involved with that, and now, with federal program monitoring. (E. Enríquez, personal communication, March 21, 2014)

Enríquez previously served in other districts as principal at both, the elementary and middle

school levels and director of Career Technical Education (CTE) at the secondary level, which also entailed working with Migrant Education, Beginning Teacher Support and Assessment (BTSA), and Advancement via Individual Determination (AVID).

Throughout her career Enríquez as been a passionate advocate for English learners, ELD, and dual language programs, becoming, as she phrased it, "somewhat of a little guru with ELD, instruction, and technology" (E. Enríquez, personal communication, March 21, 2014). She has served as a board member for CABE for a number of years and, apart from putting her own kids in a dual immersion program, as a principal she implemented one of the first dual immersion programs in the area. She shared that,

> nobody had it [dual immersion programs] at the time, except for the one over the hill; So, I developed it and then wrote a five-year grant for $1,028,000. That was huge back then ….and then I opened it up as a demonstration program to let people come and see what a dual language program was. (E. Enríquez, personal communication, March 21, 2014)

In addition to Enríquez, the District has a few other positions solely dedicated to the EL program, at , the district and school levels, including two district coordinators—one elementary and one secondary—and an EL program specialist at every site, either in addition to, or combined with, a categorical programs (e.g., Title I) specialist position. The persons that serve in a site or district EL program role also have notable experience working with English learners.

One of the two district EL program coordinators is César Esquivel, who has served in this role for over 4 years, including during the 2011/12 FPM review. In the course of interviewing Esquivel, I was pleasantly surprised and very proud to discover that he was a student at a high school in which I served as a young, rookie administrator (emphasis on *young*). Esquivel started his career as a 2nd and 3rd grade teacher before serving as an EL program specialist at two schools and then an elementary school vice principal before coming to the district office as an EL program coordinator, first focused on elementary, and now on secondary.

One of the site-level EL program specialists is Shawn Henderson, who has served in this role for 10 years. His school, Puente Verde High School (PVHS), was one of the schools reviewed for the EL program during the 2011/12 FPM review. He has master's in multicultural education and, prior to his current position, Henderson, taught high school ELD for nine years. Henderson, along with the all other site EL program specialists, meet monthly with Esquivel, the other district EL program coordinator, Betty Lian, and Enríquez, who brings them together for EL program collaboration and planning.

The District's categorical program director is Deb Curtis, who, does not have an EL program background, but has an extensive background with categorical programs. She served as the District's FPM coordinator and main contact person to the CDE during the 2011/12 FPM review. Curtis has served as director for over four years, as a coordinator for six years before that, and has been in the categorical programs department for over 17 years. Additionally, she has served as a middle school vice principal, as a site curriculum specialist, as a site categorical programs specialist, and began her career as a classroom teacher.

Perspectives on PVUSD's capacity to implement EL programs. The prevailing perspective about the current capacity of the PVUSD with respect to implementing programs for English learners is that the central office and school site EL program staffs have significant experience with, and are knowledgeable about, programs for English learners, however, the capacity of other site and district leaders and the District, as a whole, is lacking or is, at a

minimum, inconsistent. For example, when I asked Enríquez if the District was on its way to implementing the kind of quality ELD program she envisions, she simply stated, "no," and then added that it was "in development; but a long way from it" (E. Enríquez, personal communication, March 21, 2014). Not quite as affirmatively as Enríquez, Esquivel opined that at the central office they "have a pretty good solid foundation right now in the ELD programs," but that the knowledge of and experience with EL programs varies from department to department and that, "it's really hard at the site level, too, because you go to one site and—it just really depends on leadership at the school site and how well-versed they are. It really deviates from site to site" (C. Esquivel, personal communication, March 20, 2014).

From a school level perspective, Henderson shared that the EL team, including the district EL department and each school's EL program specialist, as a whole is pretty strong. He added that before the sites had EL program specialists, about 10 years ago, compliance issues, such as student placement and reclassification were, "out of whack prior to them actually placing a person at the school sites to do just those things" (S. Henderson, personal communication, April 14, 2014).

The consensus is that the District's capacity to implement EL programs increased after the 2011/12 FPM experience. At a PVUSD board meeting just two weeks after the District resolved all NC findings, the EL department gave a presentation on the resolution of the EL program NC findings and their plans for continued growth. Esquivel emphasized their learning growth, future capacity building, and commitment to compliance:

> There is also an emphasis on building capacity at the different levels….Now that we have a deeper understanding of the federal program monitoring process, the department of English Learners would like to assure the board, Superintendent Downs, and the cabinet, that we have and will continue to take proactive steps to ensure that we are in compliance. (C. Esquivel, video observation of PVUSD Board meeting, January 2012)

The CDE expressed similar perspectives about the District's capacity and added some additional insights. With regard to the EL program knowledge base of the District's EL department and the schools' EL program specialists—at least the four from the schools reviewed—the CDE consensus was that they were knowledgeable, however, their capacity, and that of the District as a whole, was limited. To begin with, the sentiment was that before Enríquez came to the District—only a year before the FPM review—and brought Esquivel to the central office from one of the schools, the District did not have leaders at the central office who were knowledgeable about EL programs. Bustillos attributed the District's NC findings, in part, to this reality, opining, "the reason why they had so many findings is because they didn't have people who were knowledgeable about the EL program to address EL needs according to the legal requirements" (H. Bustillos, personal communication, March 9, 2014). Bustillos also shared that conversations he had with Enríquez and Esquivel revealed that even when these two came to the central office, because other district leaders did not understand the needs of English learners, it had been a challenge for them, stating,

> even when she [Enríquez] had been on board for a year, she could not do much because of the lack of understanding, the lack of knowledge about English learners, the lack of knowledge about the program. She was not able to put in place what she believes should be the EL program. (H. Bustillos, personal communication, March 9, 2014)

Bustillos and Manning discussed the possible reasons why the District did not have knowledgeable EL program leaders prior to Enríquez and Esquivel, identifying changing demographics over the past few decades as a contributing factor. The 2014 PVUSD LEAP states, "Demographic shifts occurred in our district over a relatively short period." Specifically, the Latino population in the City of Puente Verde was 34% in the 1990 Census, increasing to 56% by the 2000 Census and, as Table 16 indicates, it was 66% in 2012. Although the population has shifted to a Latino majority, the District's leadership and teaching staff has not followed suite. The District has been slow in bringing people on board who are either knowledgeable about EL programs or who represent the culture and language of their Latino students and families (refer back to Table 16 for demographic data). Bustillos added that Curtis understood this issue and the need to bring in staff with EL program expertise, having been in the central office for a number of years, including during the previous state compliance review:

> Even though she [Curtis] does not have a high level of knowledge of English learners, she knows that there's a lack of knowledge in terms of ELs, in terms of the EL program, and that's why she brought in the director and the director brought in the EL coordinator. (H. Bustillos, personal communication, March 9, 2014)

Lastly, Bustillos, Manning, and Drew all expressed their belief that central office leaders were aware of their need to build capacity and, therefore, they saw the FPM as an opportunity to learn. Manning, for example, stated:

> We understood that they were going to learn from this, and to correct the things that needed to be corrected. I think they were also looking to us for advice about where we've seen effective programs in other schools, and how might they learn from that and bring some of that into the District. (W. Manning, personal communication, May 9, 2014)

Furthermore, to this regard, Manning shared a comment that Curtis made to him about FPM, which Manning paraphrased as follows:

> This has been a great experience, where we've learned a lot from you….So we're going to take what you told us, what you found, and we are going to do it at the schools that you reviewed, and make the corrections there. We are going to do it with all the schools that we operate, because this has been really a good process for us, a good process for us to learn from you all. (W. Manning, personal communication, May 9, 2014)

Similarly, Bustillos shared that Curtis told him, "we're here to learn and we're here to address the needs of those kids. If there's anything that we need to do, we must do, and we will do it" (H. Bustillos, personal communication, March 9, 2014).

Preparation for the FPM review. Although the CDE posted in July 2011 the FPM schedule of reviews, the specific programs and requirements, and the school sites to be monitored for the PVUSD and 58 other selected LEAs, not all of the details made their way to key district leaders until after the summer break. The CDE anticipates LEAs will go online, review the FPM notices and other relevant materials, and then begin preparing for FPM. The reality, however, varies from LEA to LEA. Some key members of the PVUSD central office team did not become aware that their FPM review was scheduled so soon—October 2011—until

they attended county office of education (COE) FPM training sessions in late August/early September. César Esquivel explained his surprise:

> We knew we were going through the on-site review, but it was literally from September going to the [COE] training and then knowing we were the first ones….we didn't anticipate being reviewed so early….just under two months before the on-site review and one month before uploading of documents due date….mind you, this was very much a short window of time. (C. Esquivel, personal communication, March 20, 2014)

Attitude. Once the central office team was informed of the review, FPM became a central focus for the District. Curtis articulated the productive attitude the LEA took towards FPM:

> To me, FPM is a way to step back and look at where you are, what you're doing with the funds, are you meeting the needs of the students, the way you are doing it, and then make some changes, provided you know what is required. One thing is knowing the program, and then knowing the fiscal requirements. So you got to meet those two somewhere and make sure that you're good on both sides. Because FPM is going to look at the program side of it, and then the fiscal monitoring team will look at the use of funds, how you are using those funds. So you got to be ready to answer from both sides. (D. Curtis, personal communication, March 25, 2014)

Similarly, Esquivel articulated the determined attitude he and his EL program colleagues took toward the process.

> Each of us knew the sense of *urgency* [emphasis added]. It was pretty *intense* [emphasis added]…it was our main focus for that whole month-and-a-half I would say…I'd say up to December….So we took it as a *big deal* [emphasis added], we didn't take it lightly at all. We took it *very*, *very seriously* [emphasis added] from the moment we found out we were going through it. (C. Esquivel, personal communication, March 20, 2014)

Deb Curtis had participated in the District's last compliance review four years previously, when it was CPM, but this was the first time for Esquivel. He voiced some of his thinking behind getting ready for the review, which speaks to his and, by extension, to his EL department colleagues' motivation to do well and, most importantly, to their internal attribution:

> I think a lot of it had to do with the fact that we'd never gone through it before….it was a learning experience for me…It was our first time going through it. And so, for us, it was a *sense of responsibility* [emphasis added] because, really, it was a *reflection of our leadership and our ELD program* [emphasis added]. So we didn't have that knowledge or prior knowledge to know what to expect. So we were very, I don't know if I should say stressed, but we were very much focused on insuring we didn't have any findings. So for us, that was our driving force. (C. Esquivel, personal communication, March 20, 2014)

In addition, both, Esquivel and Curtis expressed an awareness of the opportunity FPM offered to reflect on their current implementation of programs and acquire new knowledge. Esquivel spoke about this specifically in regards to the EL program:

> I think it really made us assess our ELD program. So I think that was our driving force, too…Compliance is huge with ELD, so it was just basically ensuring that we were not going to have any findings. And I think that was our driving force, was just to try to do whatever it took to ensure that we came out without any findings. And again, I attribute it to also just our first time. (C. Esquivel, personal communication, March 20, 2014)

Serving as the LEA's FPM coordinator, Curtis discussed it, accordingly, in broader terms, explaining that the process helps her and other categorical program directors to be more reflective. After each LEA's FPM review, the respective director reports out at the COE about their experience and learnings to help inform other district leaders about such things as,

> how the process worked, what areas we were found out of compliance, and how we intend to resolve them….overall, what the impact of the process to the district was. The county has three questions they ask you: What do you think about the review? What did you learn from it? And what were the three positive things that came out of it? So those are issues that you have in your mind as you go through the process. (D. Curtis, personal communication, March 25, 2014)

Collaboration. Possessing a constructive attitude toward FPM, upon returning from the COE training sessions, district leaders responsible for preparing for the FPM shifted into high gear and got to work, developing a multi-faceted and collaborative preparation process. Apart from the aforementioned inter-district collaboration at the COE, the District also employed an intra-departmental collaborative approach at the central office. Enríquez intimates an integrated team approach, while also attending to their individual programs:

> All of us that were part of the FPM team, we were focusing on our specific areas; like for me and César [Esquivel], it was the EL instruments. I was involved with the Williams [review] as well, with the UCP. So I did that too. (E. Enríquez, personal communication, March 21, 2014)

Esquivel echoed Enríquez' team-approach as she discussed the involvement of the central office:

> Dr. Smith [assistant superintendent]…Dr. Enríquez…Ms. Lian, and Deb Curtis. She [Curtis] was very instrumental. We worked very closely with the categorical program [department] here, especially with the funding. It was very much a lot of communication with them….we would have district meetings with all of the departments that were going through FPM. Because it wasn't just our department, it was all of the departments. (C. Esquivel, personal communication, March 20, 2014)

Curtis confirmed their intra-departmental approach, as well as their involvement of the schools:

> Once we found out we were being reviewed, we started meeting right away and looked at programs by going through each item for each of those programs to make sure what we really need, and to see if those items are being even applied at the sites….We prepared for that review by having general meetings with all stakeholders, especially the district office staff as well as the identified schools. I think we met monthly once we found out

that we are being reviewed. (D. Curtis, personal communication, March 25, 2014)

Curtis clarified that their monthly meetings were not just for FPM, but were and are an important part of their district practice and that these regular collaborative meetings help them coordinate across programs before focusing on their individual programs at the district and site levels:

> Normally, in our district we have monthly categorical specialist meetings….that's an opportunity to meet with those who are running the categorical programs at their sites, to train them, bring out issues….What normally comes out is that you have to involve everybody. Involvement of every department, or every unit, that has something to do with it is extremely important. We meet and review the program, and then we go back to our individual programs. I deal with Comp Ed so I will concentrate my effort on Comp Ed. The department that handles EL will concentrate on EL by going out to the school site to make sure everything is in place. (D. Curtis, personal communication, March 25, 2014)

Evidently, the PVUSD exerted significant effort to include the schools in the preparation activities, especially involving those sites selected to represent the District. Enríquez spoke to this and their parent training efforts, which will be a point of discussion later:

> We had meetings with the principals in general. We started giving them the [FPM] instruments and things like that, the different areas. And then, once we knew who the four schools were, we focused our attention with them. We tried to train parents. And so...yeah, we did that. (E. Enríquez, personal communication, March 21, 2014)

Esquivel emphasized the combination of district and site level meetings to help prepare the sites:

> So, when we came back [from COE training] to the district we immediately developed an action plan and started meeting with site level teams….of the school sites that were being visited….We would have those types of meetings at the district office, and then from there we would go to the school sites and have meetings with the school sites as well. So that's what we did to prepare. (C. Esquivel, personal communication, March 20, 2014)

CAIS and the gathering of compliance evidence*:* District leaders continued their collaborative and focused approach into the gathering of compliance evidence and uploading it into CAIS. The process entailed central office staff first preparing USB flash drives (data storage devices) organized by FPM Program Instruments, and then asking the sites to store into the flash drives responsive evidence according to each program item. The District then reviewed those sources of evidence before uploading them into CAIS, along with evidence gathered at the central office level, as Esquivel explicated.

> We started going over what they needed to provide, and we looked at the [FPM] instrument items in detail…What we did was we gave each school a flash drive; we separated the folders according to the different program items that they were looking for. The school sites had a deadline of submission. We were in constant communication with the school….we would go to the schools, make ourselves readily available for that. So they had to submit documents in the flash drive and also have copies of their documents

> in a crate at their school site. So they had both. Once we had all of the items uploaded onto the flash drive, we checked them *meticulously* [emphasis added] to make sure nothing was missing, and then we uploaded the documents. It was just constant, constant communication with the school sites to see what was missing, what we needed....we uploaded everything and it was almost like we felt good, you know. They [the CDE] didn't really say, "you need all these documentations." We pretty much covered our bases there. And then we did a mock FPM where we actually took the instrument items, went to the school sites and started just checking off what they had and what they needed. So that was part of it too. (C. Esquivel, personal communication, March 20, 2014)

From a school-level perspective Henderson mirrored, albeit more succinctly, Esquivel's description of the gathering and submission of compliance evidence to the CDE.

> Well, they [central office staff] gave us a document that showed us everything that the audit team was going to be looking for. We knew what they were going to look for so we were able to go in and find evidence that we were doing those things. Once we collected the evidence, they assisted us in uploading it to the [CDE] audit team. So we collected it here at the site, we gave it to the district personnel, and then the district personnel sent it over to the audit team. (S. Henderson, personal communication, April 14, 2014)

The PVUSD completed their uploading of EL program compliance evidence into CAIS 30 calendar days before the 2011/12 FPM review start date. They uploaded a total of 1,227 distinct documents. Of these, 1,128 documents were uploaded prior to the on-site review, whereas, 99 were uploaded subsequent to the review in response to NC findings. The top part of Table 20 indicates the distribution of documents uploaded by the District into CAIS according to FPM program. Of these, 279 were specific to the EL program. Only the CE program generated more document uploads. The bottom part of Table 20 specifies the distribution of EL program-specific documents uploaded into CAIS according to each EL program requirement (refer to Table 19 for

Table 20

Number of Documents Uploaded by the PVUSD into CAIS—by FPM Program & EL Program Item

FPM Program	EL	PE	UCP	CD	BASP	CTE	ITQ	CE	EE	SFSF	FM	EJF	HE
N	279	48	11	14	267	36	32	301	62	20	46	22	41
EL Item	EL1	EL2	EL3	EL4	EL5	EL6	EL7	EL8	EL9	EL10	EL11	EL12	EL13
N	6	47	47	11	11	9	11	9	44	8	13	7	19
EL Item	EL14	EL15	EL16	EL17	EL18	EL19	EL20	EL21					
N	9	7	26	5	4	7	10	15					

Note: The number (279) indicated for total unique EL documents in first part of the table does not match the sum (= 325) of documents by EL item in the second part because numerous documents were responsive to more than one EL program item and, thus, uploaded to multiple EL program items; FPM = federal program monitoring; CAIS = California accountability and improvement system; EL = English learner; PE = physical education; UCP = uniform complaint procedures; CD = child development; BASP = before and after school programs; CTE = career technical education; ITQ = improving teacher quality; CE = compensatory education; EE = education equity; SFSF = state fiscal stabilization fund; FM = fiscal monitoring; EJF = education jobs fund; HE = homeless education

labels of EL items). Only ten of the 279 total EL program documents uploaded were responsive to the ELD item (EL20). Table 21 briefly describes each of the 10 documents uploaded in response to the ELD requirement. Documents 1-4 were submitted in advance of the FPM review, whereas documents 5-10 were submitted after the FPM review, in response to the NC ELD finding.

Table 21

Brief Description of Documents Uploaded into CAIS by the PVUSD Specific to ELD item

Doc #	# of pages	Title or Description
1	4	*Grade Level Course Descriptions (High School Academic Planner and Course Catalog) 2011–12*
2	29	2010-11 ELD instructional assignments; ELD student rosters by teacher; & 2010-11 daily instructional schedules, including ELD time for Alta Vista Elementary
3	2	*Instructional Programs K–5: PVUSD Program Options For K–5 Students (by CELDT level)*
4	3	*Direct Instruction: SDAIE Lesson Sequence for CELDT Levels 1–5*
5	13	Section 10 of PVUSD EL Master Plan: *ELD Program Plan & Descriptions*
6	1	*English Language Learner Individual Improvement Plan* form
7	4	*PVUSD Beginning ELD English Learner Course Description*
8	13	Long-term English Learners (LTELs) PowerPoint (14 slides) presentation to parents of LTEL students and sign-in sheets from three LTEL parent meetings
9	2	*Project Long-Term English Learners* description and *Project Long-Term Learner Individual Improvement Plan* form
10	3	Agendas for *Long Term Learner–Project LTELs* three-day PVUSD staff professional development

Note. CAIS = California Accountability and Improvement System; EL = English learner; ELD = English-language development; SDAIE = specially designed academic instruction in English; CELDT = California English language development test

As previously mentioned, in addition to functioning as a document repository, CAIS is also a communication tool, allowing CDE and LEA staffs to communicate with each other and log all comments. There were 289 total comments entered into CAIS as part of the 2011/12 FPM review of the PVUSD. Of these, 75 pertained specifically to the EL program component of the review. Only the CE program generated more comments. The top part of Table 22 indicates the distribution of comments entered into CAIS according to FPM program. The bottom parts of Table 22 specify the distribution of comments entered into CAIS according to each EL program item. Only three of the 75 EL program comments entered into CAIS were specific to the ELD (EL20) item. Of the three ELD comments entered into CAIS, LEA staffs entered one, whereas, CDE staff entered two. Overall, district staffs entered 35 of the 75 EL program comments, whereas, CDE staff entered 40.

Table 22

Number of Comments Entered into CAIS by PVUSD, by FPM Program & by EL Program Item

FPM Program	EL	PE	UCP	CD	BASP	CTE	ITQ	CE	EE	SFSF	FM	EJF	HE
N	75	38	10	8	8	3	9	80	30	5	16	6	1
EL Item	EL1	EL2	EL3	EL4	EL5	EL6	EL7	EL8	EL9	EL10	EL11	EL12	EL13
N	*0	10	7	*3	*0	1	*5	*5	10	*0	*1	*3	*1
EL Item	EL14	EL15	EL16	EL17	EL18	EL19	EL20	EL21	Other				
N	2	*2	3	*3	*3	*3	3	3	7				

Note: * denotes LEA did not receive a NC finding in this item; Other = comments entered into CAIS pertaining to the EL program, but not specific to any EL item; FPM = federal program monitoring; CAIS = California accountability and improvement system; EL = English learner; PE = physical education; UCP = uniform complaint procedures; CD = child development; BASP = before and after school programs; CTE = career technical education; ITQ = improving teacher quality; CE = compensatory education; EE = education equity; SFSF = state fiscal stabilization fund; FM = fiscal monitoring; EJF = education jobs fund; HE = homeless education

A brief analysis of the 15 comments (see Appendix R) entered into CAIS pertaining to three key instructional EL items (ELD, access to the core, program evaluation) plus two general EL program categories reveals a few things: (a) four of the 15 comments were entered by PVUSD staff, (b) four comments were strictly about logistics of the review, for example:

> Since the schedule is very tight on Monday and we will have less time at the district, we'd like to request district personnel who are in charge of EL programs to meet with us at Alta Vista Elem so that we can work with them to review the EL items. Please bring any relevant documents pertaining to the EL items that may be needed during this process. Thank you for your diligent work. We look forward to meeting you on Monday. Have a wonderful weekend. (H. Bustillos, CAIS comments, CDE, October 2011)

(c) most comments could be classified as addressing issues under compliance monitoring and design and implement accountability regimes, for example, "Documents, including plans and PD have been submitted, post-review, to meet requirements of EL20. Consistent implementation and results will be the long range determination of success" (N. Drew, CAIS comments, CDE, December 2011), (d) seven comments were before the review, one was on the last day of the review, and seven were after the review, and (e) the earliest comment—30 calendar days before the review—was the notification of submittal of the EL program compliance evidence by the PVUSD, while the last comment—55 calendar days after the review—was the notification by the CDE that all NC issues were resolved (the NC ELD item was resolved 41 calendar days after the review).

Non-compliant ELD finding. At the conclusion of its FPM review, the PVUSD received NC findings in five of the twelve programs reviewed: physical education (2 NC items out of 8), child development (3 NC items out of 19), fiscal monitoring (2 NC items out of 7), compensatory education (2 NC items out of 36), and English learner (8 NC items out of 21). It is interesting to note that the EL program received the most NC findings—a total of eight, or 38% of the EL program items contained in the EL Program Instrument. The NC EL program items were: EL02 (ELAC), EL03 (DELAC), EL06 (SSC develops & approves SPSA), EL09 (general

funds for ELs), EL14 (reclassification), EL16 (professional development), EL20 (ELD), and EL21 (access to the core) (refer to Table 19 for full labels of all EL items).

Each NC finding is written in three parts: (a) the legal requirement, (b) what made the item non-compliant, and (c) what the LEA must do to resolve the item. As the focus of this study is the ELD program, I include here the NC finding only for the ELD item as written in the CDE's official notification of findings (NOF) for the PVUSD:

> Each English learner must receive a program of instruction in English language development in order to develop proficiency in English as rapidly and effectively as possible. Classroom observations and interviews with site and district personnel revealed that English learners at Kennedy Middle School, Brown Middle School, and Puente Verde High School are not provided with a consistently implemented program of instruction in English language development targeted to each student's proficiency level. Evidence indicates that a significantly high number of English learners at the middle and high schools failed to make progress last year on the annual CELDT assessment. The LEA must submit to CAIS a Proposed Resolution of Findings (PRF) and a plan that outlines how structured, systematic ELD, which also targets the range of English proficiency levels, will be consistently delivered to all English learners in all instructional settings. The plan should also provide a comprehensive description of the program interventions that will be implemented and utilized to ensure that all English learners will make significant gains in English proficiency, within a reasonable period of time.

The NC ELD finding indicates that the two CDE EL program reviewers, Bustillos and Drew, determined ELD was not consistently implemented at the three secondary schools that received an EL program review, but ELD instruction was acceptable at the one elementary school reviewed. The reviewers also cite the lack of progress of the secondary English learners in learning English, as measured by their achievement on the CELDT. In other words, a low percentage—specific percentage not indicated—of English learners failed to move at least one level in one school year on the five-level CELDT. Esquivel identified several factors as the root cause of the NC finding, including lack of differentiated ELD instruction and the limited achievement of secondary long-term English learners:

> We provide a lot of PD here in our district….We felt good because one of the items related to ELD was providing PD, but when they came out to the school sites they didn't see evidence of that type of PD in the classrooms. So, there was that disconnect. And I think that they would go into the classrooms and they didn't really see differentiated ELD instruction. I think they were also basing it off of the data, which in secondary, most of the findings were in secondary, if not all of them. What's hard about secondary….is that the data isn't very good. Sometimes, it's because you have these students that are long-term English learners. They are students that really have a lot of needs. So it's tough and we're trying to do our best to accelerate their learning and ensure that they're progressing adequately.…[Also,] they didn't see a lot of students talking to one another. (C. Esquivel, personal communication, March 20, 2014)

CDE insights about the NC ELD finding. Beyond the specific language regarding the NC ELD item written in the notification of findings, the CDE staff shared additional thoughts

regarding the District's level of non-compliance. The consensus was that ELD was inconsistently implemented and ineffective. Bustillos, for example, was very definite in his opinion of the quality of both, the District's ELD program and the EL program in general:

> The quality was very poor. We didn't want to mention that during our review, or any review; but you want to see the effectiveness of the program. When we interviewed the co-principals at the high school, they didn't understand the needs of English learners. They didn't understand that ELs must have ELD, especially those who are at the lower English proficiency. So, even though for some classes they labeled as ELD, when we entered the classroom and talked to the teacher, the teacher didn't know much about ELD and didn't know that ELs all have different needs. And so, that's why the finding was based on that. (H. Bustillos, personal communication, March 9, 2014)

I asked Bustillos to elaborate and provide specific examples of what they found in the ELD classrooms. As the lead EL program reviewer in this LEA, he was able to share some specifics:

> Even though at the middle and high school they labeled classes as ELD, they didn't offer enough courses to meet the needs of all English learners. [In one school] they had an ELD class for a small number of English learners, and the rest were mainstreamed. And when we looked at the number of students at levels one and two, we asked, "What happened to all the kids? You only have one ELD class with 27 students. It states on the data you provided us that you have 97 at levels one and two." They couldn't answer us. And so we went into the classroom and talked to the ELD teachers. The ELD teachers…. just didn't seem to understand the needs of English learners. I asked them, "Do you have anything in place in terms of placement criteria?" They said they didn't. (H. Bustillos, personal communication, March 9, 2014)

Bustillos added that the schools' EL program specialists confided that some of their challenges in working with the teachers were due to the limited capacity of principals and teachers:

> They told me that the principals do not understand the needs of English learners; even the staff doesn't understand, including some of the teachers. And so it has been hard for them because they do not have any authority other than working with the principals and the teachers. They reviewed our findings on a on a daily basis and believed that were accurate and were things that they must address. (Bustillos, personal communication, March 9, 2014)

Documentation submitted by the District prior to the FPM review confirms the District's lack of a comprehensive ELD program, including program offerings and placement criteria. As I indicated earlier, only four documents were uploaded into CAIS prior to the on-site review that were specific to the ELD item, and none of these included ELD program descriptions or placement criteria. In the next section I speak to some of the changes the PVUSD made to this regard.

The fact that the NC ELD finding stated that a "significantly high number of English learners at the middle and high schools failed to make progress last year on the annual CELDT assessment" was somewhat of a surprise to district staff, considering that just a few months

earlier in the district's English learner newsletter they shared CELDT progress statistics intimating an upward trend in progress:

> 3,489 out of 13,446 English learners (ELs) reached early advance and advanced on the California English Language Development Test (CELDT). That is 26% of ELs attained English Proficient on the CELDT. As a result, the improvement of more ELs reaching proficiency level impacted our EL redesignation [reclassification] rates from 11% in 2009 to 12% in 2010 as reported on the 2010-2011 California Language Census. (PVUSD EL Department Newsletter, summer 2011)

This does not mean these data conflicted with the data the CDE reviewed, but what it does highlight is that the manner in which one views data matters. The fact that 26% of English learners attained English proficiency on the CELDT—which is just one of multiple measures used for reclassification—and the fact that there was a one-percentage point increase in reclassification rate does not reveal much about students' achievement, unless one also knows how many were candidates for either milestone. In other words, an English learner at the beginning or early intermediate levels of English proficiency is not a candidate to reach either milestone from one year to the next, but someone at the intermediate level would be. Therefore, one way the CDE viewed the CELDT data was simply what percentage of students gained one level on the CELDT from year to the next; and, although this statistic was not recorded in the NOF, the CDE determined it was too low.

How well PVUSD received the ELD finding. When the CDE provided the PVUSD with the NOF, District leaders accepted, overall, the findings. Speaking in general terms across all the findings, Curtis stated, "we did accept the findings because we knew they were correct. Because we looked at them, we knew what the issues were before they identified them" (D. Curtis, personal communication, March 25, 2014). When I queried District staff if they felt the NC ELD finding was unwarranted, I received similar responses affirming the finding, such as from Curtis:

> No [it wasn't unwarranted], because this is something that is verified and we can see. Some of them we knew they were out [of compliance]. We tried to correct some while they were there, but some of them you cannot correct in a day or two or three when they are there. So those ones, you just have to take the beating and then go back and make sure that they're corrected and in place before the 45 days, or after that. At that point in time, the particular schools that were found out of compliance had issues with that area….so they were definitely justified from what they saw in those few days they were there. (D. Curtis, personal communication, March 25, 2014)

Esquivel agreed with the finding, but in speaking about the complex issue of consistency in teacher quality, Esquivel expressed some concern that the CDE did not acknowledge instances of exemplary teaching:

> I do agree with the finding, though. I don't think it was unjustified….One thing I will say, though, is that sometimes with these findings, they'll go to all the classrooms, and like everywhere, I hate to say it that way but, you have your teachers that are above and beyond and then you have those that [did not complete his thought]. So, I felt as if at some of these school sites you had a spectrum of teachers. In one school site in particular

> I know that the teacher does go above and beyond, but that wasn't noted in the findings. So, it's almost as if those of us that are doing well paid for those that aren't. (C. Esquivel, personal communication, March 20, 2014)

Moreover, Esquivel was not entirely confident of the process the CDE used to reach their conclusion, which, he thinks may not allow the CDE to see the whole picture:

> The finding was justified in my opinion, but I do feel that sometimes with these findings are under an umbrella. And I understand it's very hard to say, "well, in one class we saw this, and then in another class we saw this." But I do feel that sometimes it's not necessarily what's happening in every classroom….To play devil's advocate with that too—if you come to a school site one day, for those thirty minutes or ten minutes you're in the class, does it give you a real clear picture of how it is every day?....But I do feel that the finding was justified if they're just going off of [did not finish sentence]; because I'm assuming they just want to see in every class, the consistency…[instruction] consistently delivered. I'm okay with the finding. (C. Esquivel, personal communication, March 20, 2014)

Henderson, providing a school-level perspective, echoed Esquivel's concern about how the CDE reached its NC ELD conclusion, although more vociferously, leading him to a different opinion on whether it was justified. When I asked if he thought it was justified, he responded:

> No, not really. I don't feel that you can walk into a classroom and stay five minutes and decide that a teacher's not doing what they were supposed to be doing....I don't understand how you can make an assumption like that when you only walk into the classroom of a person that you've never seen before, a classroom that you've never been in before with a group of students that you've never seen before, and you have to make a decision right then whether this is being done correctly. Are the kids getting what they're supposed to get? They come in for five minutes max and that's all they see, is that five minutes. Yeah, so I don't agree with that, but overall, I thought they were pretty fair. (S. Henderson, personal communication, April 14, 2014)

While it was difficult for Henderson to accept the NC finding, he thought the CDE was overall fair. It is interesting to note that Henderson did not reference the CDE's use of achievement data—only CDE's classroom observations—in informing their determination suggesting that perhaps he did not have all the information about how CDE reviewers reached their conclusion. This suggests a limited understanding of the FPM process, which I explore further under recommendations. Later, however, as we discussed the NC issues further, including the NC *Access to the Core* (EL21) issue, Henderson recognized the CDE's review of data for this item but, at the same time, expressed reservations about relying too much on it:

> Well, I guess I can't argue with that. I mean, the data is going to be the data. I guess it just depends on how you view data, personally. As an educator, I've seen—you can't have data be the resource for everything. A student may score low does not necessarily prove that they don't know the curriculum. But I guess it's easy to look at, you know, if that's going to be your measuring tool, then I definitely can't argue with that. The API

> scores and the CELDT scores weren't what they should be. (S. Henderson, personal communication, April 14, 2014)

When I asked Bustillos for his perspective as a CDE reviewer on the critique of the CDE judging the teaching of ELD instruction via short classroom visits, he first acknowledged that another person expressed this concern—one of the high school principals, at PVHS:

> It [NC ELD finding] was well received, it was positive, except one principal at the high school when Nancy mentioned ELD for different ELs that have different proficiency levels. The principal actually asked a couple of questions. "How do you know whether or not these teachers use different strategies to instruct English learners? Because you are there for less than a minute, or a couple of minutes, and this is your first time entering the class, so how do you know that?" (H. Bustillos, personal communication, March 9, 2014)

He then shared the following, as part of a lengthier explanation he gave the PVHS principal, which he paraphrased as follows:

> "We don't just only see these types of instructional strategies in one classroom. When we visit different classrooms and we see that same pattern happening in almost every classroom, what does that tell us in terms of the professional development for these teachers and their knowledge of the needs of English learners, their teaching strategies? What does that tell us if classroom A receives pretty much the same thing as classroom B, classroom C, and D?" And so, the principal sat down and didn't say anything, and they actually accepted that they needed more professional development for these teachers. (H. Bustillos, personal communication, March 9, 2014)

Overall, however, the CDE team's perception of district staff and how receptive they were towards the NC ELD finding was very positive. As the RTL, Manning gave his overall perspective of the PVUSD, stating, "I think overall, the District was very fair, in how they reacted to our questioning, you know. I think they were very open about things that needed to be done, things that needed to be addressed" (W. Manning, personal communication, May 9, 2014). Bustillos, as the lead EL reviewer, added his perspective with regards to the EL program:

> They were very cooperative in terms of the EL program.…With the process, they didn't even argue or challenged us on anything. They just didn't have what we were looking for in terms of the programs that they're supposed to put in place to address the needs of English learners. So they were very, very cooperative….They worked very, very hard to address every item, but they just didn't have everything in place. (H. Bustillos, personal communication, March 9, 2014)

Bustillos also commented that because Curtis was with the PVUSD during the previous compliance review in the 2007/08 school year had a good sense of where the District had been in terms of EL program compliance issues and what the current needs of the district were, adding:

> The last review, four years before we went there [in 2011], she was also part of that. And so, when we were there, she was in charge. She was with us every day at the sites….And

> everything that we said she accepted. There was no resistance, there was no question, there was no challenge at all. I was impressed with that level of cooperation. (H. Bustillos, personal communication, March 9, 2014)

Resolution of NC ELD finding. As these previous discussions about the ELD finding illustrate, the nature of the noncompliance and the underlying issues were substantive. They were not simple compliance issues of the kind that are normally resolved in a short period of time. In fact, the average number of days it took the eight LEAs from my final selection pool was 250 (refer to Table 10 in Chapter 3). In spite of this, the PVUSD was able to resolve the NC ELD finding just 41 days after the conclusion of the FPM review, or one-sixth the time of the mean. The District resolved all NC EL program findings within 55 days. By all accounts, the PVUSD took a proactive and inclusive approach to resolving its NC findings—as they had during their preparation for the review—while also taking advantage of the opportunity to improve on a several program and fiscal areas.

Because Enríquez was serving as an interim assistant superintendent during the FPM—in addition to her capacity as director of English learner programs—Esquivel assumed a key role in responding to the NC issues. He emphasized their desire to resolve the NC issues within the initial 45-day resolution time line established by the CDE:

> Since we had some findings, it wasn't over when they [CDE] had left. It was one of those things that we *needed* [emphasis added] to make sure that we resolved it by a certain date. And so, we had to do all of this before Christmas. I was even working during Christmas break trying to resolve all the findings. We were given that spectrum while they were here to fix them, but we knew that there were some things obviously, access to the core and ELD, that we knew that we couldn't resolve by just changing the document. That's more of an instructional and systematic approach to resolving it. (C. Esquivel, personal communication, March 20, 2014)

The CDE, however, allows LEAs, via a compliance agreement, to go beyond the CDE's initial 45-days resolution window when additional time is needed to resolve complex issues, such as the ELD and access to the core NC issues, which Esquivel realized were not going to be a quick fix. So, although Esquivel stated that they *needed* to resolve the NC issues by Christmas, the reality is that they *wanted* to do so. Bustillos even recognized the District's and, in particular, Esquivel's efforts to quickly resolve the NC issues:

> César [Esquivel] worked very hard, even on the weekends. He called and e-mailed me on the weekends; even during Christmas break. He said, "I could not sleep if I don't address this within 45 days." And I told him, "Some of the things you can address in 45 days. Some of the things I don't want you to just do a quick fix. That's not going to help your program. I want you to work with all the people, all the stakeholders, to educate them about the program, about the findings, and about what the District must put in place to address the needs of English learners"….I actually asked him to slow down because he worked very, very hard, and he finished a lot of things within those 45 days. (H. Bustillos, personal communication, March 9, 2014)

I asked the CDE reviewers if it was common for LEAs to resolve the NC ELD issue within the CDE's initial 45-day resolution window and not have to develop a compliance agreement for additional time—they said no. Manning elaborated on this, providing some context and suggesting the District leveraged the process:

> Okay, those kinds of items [ELD, access to the core] are very atypical to resolve in that short of time in my opinion. Those kinds of things generally tend to take longer to resolve. They [PVUSD] may have been moving in that direction, when we got there, I don't remember….So it could have been part of it, the reason their ability to move quickly…. So I think in the case of Puente Verde, very clearly the District knew what needed to get done, they knew what the District wasn't doing that it should be doing. I think they did use us to leverage change, that's exactly what we think needs to happen. (W. Manning, personal communication, May 9, 2014)

Manning identified community pressure as a possible impetus for the District's motivation:

> Well, I do know that they were interested in resolving….Someone there in the District mentioned to us that they were going to address these things in short order and they were going to submit the evidence to us, so that we could resolve them. I think they wanted to move ahead in addressing some of the areas that we thought were critical in our finding….With all the pressures that we were getting from the community and everything, they wanted to try to address these concerns as quickly as possible and get beyond them, so that they could focus on other things. (W. Manning, personal communication, May 9, 2014)

Bustillos also brought up the community issue regarding a discontent Latino parent group, *Parent Voice*, but did not necessarily attribute the District's motivation to resolve the NC issues to the overall pressure Parent Voice was putting on the PVUSD for non-FPM issues. Bustillos did, however, substantiate the District's positive approach to the review and NC findings, from the central office to site level staff:

> They worked very hard with us, and they also asked a lot of questions in terms of what they don't have, and what they don't know, and what they need to do to be compliant. The overall review was very positive. And as I mentioned to you the other day, the EL staff, including the director along with those EL program specialists working with school sites, they were very appreciative with the visit, with the findings, and with what we requested them to do. (H. Bustillos, personal communication, March 9, 2014)

The fact that the District was appreciative of the NC findings and of CDE's directives reinforces the perception that the District leveraged the FPM process. Esquivel described the specific approach the PVUSD took in working with the schools to resolve the NC EL items once the review was completed, which, indicates they were motivated to make substantive changes to their EL program rather than simply responding quickly to resolve the NC findings:

> After they [the CDE] left, we reconvened again as a group; they had a debriefing meeting

with all of us together, so all four schools [reviewed], the district, everybody....and we went over the findings one by one and we started resolving them. We started looking at the documentation [NC findings & EL Program Instrument], but more so than that, we knew that the documentation needed to drive how we were going to change things. (C. Esquivel, personal communication, March 20, 2014)

The key changes by the District in response to the NC ELD finding directly addressed the CDE's concerns about the lack of ELD program design and placement criteria. As previously mentioned, the PVUSD submitted to the CDE only four documents responsive to the ELD item prior to the FPM review, none of which, described the District's ELD program or placement criteria. In response to the NC ELD finding, the District submitted six additional documents. These documents indicate that significant developmental work was done on their ELD program design, including placement criteria. For example, Document 1 from Table 21 refers to a thirteen-page excerpt from the updated PVUSD English Learner Master Plan. This section contains: (a) a description of the ELD program, (b) placement options (e.g., structured English immersion, English language mainstream) according to CELDT level, (c) ELD program requirements (e.g. all English learners must receive daily ELD for 1 hr. by authorized teacher), (d) information on newcomers, RFEPs, and LTELs, (e) plans for monitoring of students, (f) intervention plans, (g) EL program effectiveness criteria, and (h) student service delivery models for each grade span. Figure 9 displays the student service delivery model for high school English learners contained in the updated PVUSD English Learner Master Plan, which encapsulates the District's new ELD program design.

<table>
<tr><th colspan="5">Instructional Program Placement Options for English Learners: 9-12</th></tr>
<tr><td rowspan="10">Instruction Appropriate to Proficiency Level and Grade Level

Edge Textbook used at all levels</td><td colspan="4">Reasonable Fluency in English</td></tr>
<tr><td colspan="2">CELDT Proficiency Level</td><td>Program Placement English Language Development (ELD)</td><td>Content</td></tr>
<tr><td rowspan="2">Advanced
Level 5</td><td>Option A</td><td>Advanced ELD II</td><td rowspan="2">SDAIE ELA, Math, Science, Social Studies Support to Reclassification</td></tr>
<tr><td>Option B</td><td>No ELD; instead, English SDAIE: I period</td></tr>
<tr><td colspan="2">Early Advanced
Level 4</td><td>Advanced ELD I</td><td>SDAIE: Math, Science, Social Studies</td></tr>
<tr><td colspan="4">Less than Reasonable Fluency in English</td></tr>
<tr><td colspan="2">Intermediate
Level 3</td><td>Intermediate ELD II
Intermediate ELD I</td><td>SDAIE: Math, Science, Social Studies</td></tr>
<tr><td colspan="2">Early Intermediate
Level 2</td><td>Beginning ELD II</td><td>SDAIE: Math, Science, Social Studies</td></tr>
<tr><td colspan="2">Beginning
Level 1</td><td>Beginning ELD I</td><td>SDAIE: Math, Science, Social Studies</td></tr>
<tr><td colspan="3">English Learners with Individualized Education Program (IEP)</td><td>Other Instructional Setting as per IEP</td></tr>
<tr><td colspan="2">FEP Students</td><td>Grade Level English</td><td>Mainstream</td></tr>
</table>

Figure 9. PVUSD Student Service Delivery Model for English Learners: Grades 9-12

I asked Bustillos if he felt this kind of developmental work on PVUSD's program design and placement led to substantive improvements to their EL program. He responded affirmatively,

stating, “They actually came out with a lot of good things based on the documentation that they submitted to address the findings” (H. Bustillos, personal communication, March 9, 2014). I followed-up by asking about his level of confidence in the District’s ability to follow-through with actually implementing their new program design, especially considering (a) as Manning confirmed earlier, it is not typical for LEAs to resolve NC ELD issues in such short amount of time, and (b) the resolution of the NC ELD item was via a review of additional documentation and not confirmed by another on-site review.

> For Puente Verde, I feel very confident for the fact that the two EL people [Enríquez & Esquivel], even though there’s just the two of them, as soon as we issued the NOF, they held a meeting with all the principals to talk about it, with all the resource teachers to talk about it, and the community to talk about it. And so, because what we did actually helped them do their jobs, they worked very hard and they stayed on top of it. So, I feel confident about the documentation that they submitted to address the findings. I believe that they actually did it. (H. Bustillos, personal communication, March 9, 2014)

PVUSD’s perspective on FPM. The District’s perspective on the FPM process and compliance, in general, paralleled their constructive approach toward preparing for the FPM review and resolving the NC findings. From a school-level perspective, for example, Henderson affirmed the credence the schools and the central office generally give compliance:

> At the site level, I think they take it very seriously. They may not always know whether something is within compliance or not, but I find that they’re very quick to call and ask, “Should we do this? Should this kid be removed?” So I would say that, yea, overall at the site level, our team of administrators are very concerned that we stay within compliance…. at the district-level, Dr. Enríquez and her EL coordinator, yeah, I would definitely say that it’s a focus. (S. Henderson, personal communication, April 14, 2014)

Moreover, Henderson alluded to the accountability nature of the process and possible monetary sanctions as a motivating factor, “Everything is about keeping the funding going. If you’re out of compliance, your funding stops and then you’ll have no program. So whether you agree with it or not it still has to be done” (S. Henderson, personal communication, April 14, 2014). From the central office perspective, Curtis also recognized the accountability nature of the process, but contends that it is not the possible monetary sanctions that drive their efforts to be compliant:

> It’s not really how much money we’re going to lose or what the non-compliance is, it’s making sure we are doing the program right….If it’s an issue, you need to correct it. Then we can go with that recommendation to make sure that the next time we’re not going to be out of compliance on those issues. (D. Curtis, personal communication, March 25, 2014)

In fact, Curtis sees the FPM as much more than a compliance regime, emphasizing that it is a learning opportunity and a way to receive feedback for improvement, as well as validation of what the District is doing; Curtis added:

> The biggest thing for me is that this is always a learning process. The purpose of the

> review is not to get you, it's to look at your program and see if there is room for improvement. So, for the district, it should be a process of reviewing yourself, looking at what you're doing on policies and procedures, making sure that you make the necessary changes if they're required, and making sure that the program is being administered in the correct fashion….It's not an I got you, it's not that kind of thing. It's to show how the program is working for the betterment of the students....So, FPM is really a validation of what you are doing. It's to come and see if you're doing the right thing, or do you need to make changes….but I'm expecting an honest feedback from them. That's basically what it's all about—the feedback from the state to say we're doing this correctly. (D. Curtis, personal communication, March 25, 2014)

Esquivel also characterized FPM as a learning process, albeit, not without angst. "It was a really stressful experience. I'm not going to lie, it was very, very, very stressful. But I think that at the end, we learned what areas we needed to improve on" (C. Esquivel, personal communication, March 20, 2014). Apart from commenting that FPM is "a very intimidating process," Henderson also categorized the experience as a learning opportunity:

> Yeah, I learned a lot doing that, but it was a very tedious experience. We prepared for it maybe a good two to three months. I learned a lot about what we needed to do to be in compliance with what they expected of us. There were a lot of things that were kind of mythical when you're dealing with this program. You hear one person say this is out of compliance and this is in compliance—you don't really know always and they kind of straightened that out. And so, I did, I learned a lot about the compliance part of this [EL] program. (S. Henderson, personal communication, April 14, 2014)

Although PVHS principal, Patricia Hernández, was not with the District during the 2011 FPM review, she concurs with the District-level perspective that FPM serves as an opportunity to receive feedback for improvement:

> It's always going to give us more feedback and help us address things differently and better. So that's the main thing. A lot of us individually and also globally, we don't like to get criticized. We don't like to be placed in that uncomfortable position of scrutiny. But we're talking about kids….You know, looking at students from the point of view of their future successes. We want to get as much feedback as we can so that we can better ourselves in order to help students. (P. Hernández, personal communication, May 2, 2014).

Although PVUSD leaders were overall positive about the FPM process, they were not without concerns. Esquivel, for example, voiced concerns, not about being found non-compliant, but about the wording of the finding, which he worries could be misinterpreted:

> Because I think that it's a public document. If you make it subject to interpretation, anybody can get a hold of this document and think, "oh my goodness, they're just a mess" versus being much more specific. And I'm not saying to be specific with names, but at least being specific in the context of how it's written. But again, maybe that's just the way they had to do it. That was just my only issue with it. (C. Esquivel, personal communication, March 20, 2014)

He pointed out one example, where the NC item (EL11) was "inappropriate use of EIA funds," and where the amount in question was very small—a couple of hundred dollars. The amount, however, was not specified in the finding, which prompted Esquivel's concern that without providing specifics, it could be misinterpreted as a much bigger issue than it was. Another concern Esquivel, along with Enriquez, expressed had to do with the District English Learner Advisory Committee (DELAC). Their concern was that the finding was based mostly on the interview of DELAC representatives and very little on the documentation provided by the District, as Enríquez explains:

> One thing that I didn't appreciate was the DELAC interview….I provided a lot of training to the parents….And so, they went to this meeting—no one could be there, only the DELAC parents [LEA staff is not allowed to attend]—and some of the parents were not regular people that would attend….And so, when it was over, they came to us and said, "Hey, sorry but we're going to you an insufficiency [NC finding]….because I asked the parents and they didn't know anything about this. You haven't been doing so and so." I said, 'Yes, I have. Those people haven't been to these meetings.' So I called my assistant and said gave me the minutes, the agendas, and the schedule for the year. So I showed them….[but they said,] "well, that's great but we're going to take their word for it." That was the only thing I didn't like. (E. Enríquez, personal communication, March 21, 2014)

Adding to this issue, Esquivel commented:

> If they would've said three out of the ten parents said they hadn't been trained versus making it absolute terms and saying none of them have been trained….So that was the one finding that I found a little bit biased. I don't know if I want to say biased but I….I found it unfair. I understand if they would've asked different parents, but if they base it off—and unfortunately, sometimes they're [parents] upset at something. That one, I had a little bit of issue with. (C. Esquivel, personal communication, March 20, 2014)

I asked former EL Program Administrator at the CDE, Joaquín Murrieta, about this type of critique, to which he responded that whilst, unfortunately, some findings may appear to be unfounded, they are not, such as in the case of the DELAC NC finding:

> Similar to instruction for students and professional development for teachers, what counts is not just what was provided, but how effectively it was received. We're looking for patterns, not just isolated instances, so, if the majority of parents are unaware of the DELAC requirements, then, can we legitimately say that they were trained? Moreover, the LEA is the one who invites the specific DELAC representatives to meet with the FPM team, therefore, one would hope that those who attend are a good representation of the entire committee. (J. Murrieta, personal communication, May 9, 2014)

Murrieta's depiction of CDE's approach suggests, again, that there is a limited understanding by PVUSD leaders of how compliance determinations are made. In other words, even if the LEA staff understands what the requirements are for a given EL program item, they may not understand how the CDE determines compliance with that item.

I asked District staff whether the process allowed room for negotiation with CDE staff, not just about the concerns expressed, but in general, about NC findings. Curtis, as the District's FPM coordinator responded in the affirmative, stating:

> Yeah, you just have to make your case. You have to prove that you have, you have the burden of proof—call it that way—to ensure that what you're doing is right. If you can cite a few places in the law that show that you are doing it right, then they will consider it. They are looking at it from an audit's standpoint, and you are looking at it from the programmatic requirements. In some cases, we can make sure that it's taken care of before they leave. (D. Curtis, personal communication, March 25, 2014)

On CDE reviewers. District leaders were also positive, overall, about the CDE reviewers. The common sentiments were that the CDE reviewers were knowledgeable, helpful, fair, and not out to get you. Henderson, for instance, in an almost conceding manner said, "Yeah, they seemed to know what they were talking about," but, then added, "I think for the most part they were fair. There were a couple of little things that I didn't agree with, but I mean, you know, that's just two different opinions I guess" (S. Henderson, personal communication, April 14, 2014). Curtis was a bit more affirming, stating, "I think most of the team members were definitely fair. They were accurate. They were professionals" (D. Curtis, personal communication, March 25, 2014). Similarly, regarding the CDE reviewers' helpfulness, Esquivel added:

> I enjoyed the team....I do think they were helpful. They were willing to work with you….In terms of the relationships, I think they did try to build relationships with you the time they were here; they try to work you. They were very willing to explain things to you" (C. Esquivel, personal communication, March 20, 2014).

Enríquez appreciated the balance the CDE team maintained between holding the District accountable and providing support:

> I thought it was good. I appreciated all their work. I think they had a good balance of accountability and putting pressure on us, and being supportive. They would hold firm on calling for insufficiencies, but they would give us time to address them. Some things we just weren't able to get them out in time and so we got insufficiencies, but then we got them corrected. Everything was corrected. I thought it was a good balance of pressure and support. (E. Enríquez, personal communication, March 21, 2014)

As with the FPM process, while PVUSD leaders were overall positive about the CDE reviewers, they were not without concerns. They expressed some discontent toward one of the CDE reviewers, in particular, as Curtis explained:

> A person who was on the EL team at that time was very tough on the district. We worked with him and tried to correct most of the items, but he was kind of [did not finish thought]. And I noticed that it was not only our district….we share information at the county.…[administrators from other LEAs] pointed to this individual as not being helpful, or not being professional in a way. That person doesn't work with that department anymore. (D. Curtis, personal communication, March 25, 2014)

On FPM tools. The three principal tools utilized by the CDE for FPM are the CAIS, the numerous FPM program instruments, and the notification of findings (NOF). PVUSD leaders shared several recommendations regarding these tools (see Chapter 5) but, overall, the consensus about the role, utility, and use of the CDE tools by the District leaders was positive. Curtis, as the District's FPM coordinator and the one District person having to engage with all programs reviewed by the FPM shared her thought about CAIS:

> The CAIS system is nice in the sense that it's instant. I can sit on my computer and see it coming in. The Comp Ed [CDE reviewer] might say, "I need this, or this is not what we're looking for." You know, the communication goes back and forth. If it's a telephone call, it's through the system. So you respond to what they need, and if there's any issue, they will identify it and make sure that you get it. So that one period gives us time for us to prepare and put up the necessary documents up there. (D. Curtis, personal communication, March 25, 2014)

Similarly, regarding the FPM program instruments, Curtis expressed a positive outlook:

> I think the instruments are perfectly fine. They are really designed to show you exactly what needs to happen in the programs. So really, I think the instruments are very, very necessary. If I'm the categorical director, or dealing with any categorical funding or federal funding, I think that's where I would start. That would be a very good place to start because it's concise and it addresses all the requirements of the programs. So starting there would give you an opportunity to design a better program….Instruments have all the legal citations. They have all the requirements for each program. There's no doubt about it. If I'm in the program, that's where I will start first. They're all well-designed and compacts everything that you need to know. (D. Curtis, personal communication, March 25, 2014)

As discussed earlier, Curtis and Henderson both, acknowledged relying on the EL Program Instrument to guide their preparation for the FPM, including their collection of and uploading into CAIS their compliance evidence. Moreover, Henderson explained that he still uses it to ensure his school is adhering to and documenting compliance with the EL program requirements:

> Yeah, I use it [EL Program Instrument] to make sure that we're still in compliance in all those areas, whether it be what they're looking for within ELAC, the monitoring, all those little things, professional development that we've had. So I'm keeping a record of all of that. I knew that they were going to have another [CDE online FPM review] this year, but I didn't know who [schools] it was going to be. It could've been us again. So I made sure in the last couple of years that I kept it up, because I remember it took us a good three months to gather all that stuff and to get it uploaded. Because you know you have to go in cumes [cumulative folders] and find things, so I didn't want to be in that position again. So I keep that list every year. I look at it in September and I start a big compliance notebook, putting samples into all of those items, so that if it is my turn I'll be ready. (S. Henderson, personal communication, April 14, 2014)

With respect to the NOF, as I have discussed previously, PVUSD leaders see the FPM

process, overall, and the NOF, specifically, as useful guidance for EL program improvement, as Esquivel explained:

> It let us know what we needed to improve on. And I think that it was almost as if somebody gave you a blueprint of what needed to be fixed. Of course it's not an easy task to fix, but nevertheless, it gave us a blueprint of what we needed to do and how we needed to move forward from here on out to resolve the findings. (C. Esquivel, personal communication, March 20, 2014)

Impact of FPM. By most of the accounts discussed in this chapter, the 2011/12 FPM process had a significant impact on the District, overall, and on its provision of services to English learners, in particular. To this point, Esquivel touches on some of its impact as follows:

> It changed us as a department and it really changed the school sites as well….After the FPM review, because our findings were on the secondary level, we knew that the focus of our attention needed to be that. So we started trying to bring in more programs, provide more professional development, pay more attention to our long-term English learners, have more of the parents involved, and if their student is a long-term English learner, how they can help them. (C. Esquivel, personal communication, March 20, 2014)

To summarize the major areas that were positively impacted to some degree by the 2011/12 FPM review I catalogue them into six areas—increased awareness, improved needs assessment, increased accountability, increased collaboration, increased compliance, and improved provision of services. In Chapter 5, under *Recommendations*, I include some of the impact of the FPM process considered by District leaders to be less positive.

Increased awareness. At a basic level, the FPM resulted in an increased awareness by PVUSD leadership of the FPM process and EL program requirements, as documented by previous discussions in this chapter. Curtis, Esquivel, and Henderson acknowledged their learning curve and FPM's role in expanding their knowledge, not only of program requirements, but also of student and program needs. Thus, at a higher level, district leadership saw the FPM as a learning opportunity, one that increased their capacity to better identify EL program and student needs, as Esquivel contends:

> And I think we're much more well versed on compliance as well. So overall, I think we went through the learning experience together, and I think that we all came out much better prepared to know what the components are of an effective ELD program. (C. Esquivel, personal communication, March 20, 2014)

Improved needs assessment/program evaluation. The FPM process served to inform District leaders of changes that needed to be made, as Esquivel discussed:

> The lasting impact that it [FPM] had…I would say that it pretty much gave us a starting point of what we needed to improve on. It was very evaluative…somebody came in and evaluated our ELD program and told us basically what needed to be fixed or what needed to be resolved. (C. Esquivel, personal communication, March 20, 2014)

More importantly, FPM helped increase the District's capacity to monitor student progress and better identify EL student and program needs. This is reflected, for example, at the policy level, such as in the District's revised Title III Action plan and revised EL Master Plan, as discussed earlier in this chapter. In both cases, specific metrics and benchmarks are identified, as well as specific program modifications and student interventions. From a district leadership perspective, first, Curtis acknowledges the need, "The biggest challenge I see is monitoring—making sure that the students involved are getting the services" (D. Curtis, personal communication, March 25, 2014). Then, Esquivel affirms the impact of FPM on the District's improved capacity to self-monitor and evaluate their program effectiveness, "We've done little mock FPMs ourselves ….we look at the elements of FPM [EL Program Instrument/requirements] when we're evaluating our program" (C. Esquivel, personal communication, March 20, 2014).

From the school level perspective, for example, Henderson discussed the reclassification [RFEP] follow-up monitoring process and how it improved as a result of the FPM process:

> The monitoring process changed significantly….After the [CDE] team came and they decided that this wasn't proper monitoring. What they wanted to see was what was going on in the classrooms and what kind of modifications and accommodations were being made for those kids [RFEP] in the classrooms. The only people that knew that were the teachers….That changed pretty drastically. Because now, opposed to me just going through and filling out a form for each one of these kids, I'm now looking at their report cards and sending a form to each teacher….So you have in some cases four or five people making a contribution toward this one kid opposed to just my little review….I can say that I think it's kind of helped. It's gotten the teachers to be held a little more accountable, I guess. (S. Henderson, personal communication, April 14, 2014).

Increased accountability. With an increased awareness of EL program requirements and student needs came an increased internal attribution and accountability. Esquivel, for example, stated, "I think we've internalized the findings. It [FPM NC findings] pretty much let us know what we needed to improve on and how to move forward from there. (C. Esquivel, personal communication, March 20, 2014).

The month following the resolution of all NC findings, Enríquez and her staff presented to the Board to try to capitalize on the momentum of the FPM process to address improvement efforts related to the now-resolved NC findings. The PowerPoint presentation consisted of the following key items:

- Federal program Monitoring Resolutions
- Professional Development
- Reclassification
- Parent Involvement
- EL Task Force (Revise EL Master Plan and Title III Action Plan)

The proposed EL Taskforce was ambitious and noteworthy in that its charge would be to "develop a vision of and objectives for the future of English learners and RFEP students." After Enríquez and her staff presented, I was expecting to hear the Board congratulate them for resolving the NC EL Program items in such a short time and for being proactive and coming to the Board with specific plans for continued improvement. Instead, I was surprised to witness the

opposite (via a video taped recording of the meeting). What the FPM process and staff's successful resolution of the NC items triggered were difficult and courageous conversations. The Board did not acknowledge staff's speedy resolution of the NC items, but instead questioned just about every proposed action plan by the EL Department and expressed concerns about the current status of the district's programs for English learners and their limited effectiveness in meeting their needs. For example, the following is just one excerpt from one Board member's comments to Enríquez:

> You're providing professional development, apparently it's not working 'cause the students are still lagging and what you just stated today here, sir, what you stated here today, we're still having a problem with secondary principals getting on board. Now, you just said it, there's affirmation from the staff personnel that we're having a problem with secondary? So it must appear to me that the secondary principals are doing their own thing. If we say that we're going to go north with ELD and they're going east, seems to be a disconnect somewhere. I'm going to get off of this topic and rest, but I'm extremely concerned about this issue. (J. Richards, personal communication, January 2012)

While, on the one hand, I had a visceral reaction to what appeared to be an unwarranted attack on the EL Department, on the other hand, I posit that the Board's reaction also exemplified a desire for more accountability and an unwillingness to settle for compliance, particularly, when presented with information indicating a lack of program effectiveness. In speaking to this surprising outcome and how FPM led to increased accountability, Enríquez advanced the following:

> I think it gave me a tool to hold all of us accountable. But in order to do that, I had to absorb all the insufficiencies. So, for example, Special Projects, they had some insufficiencies, but because it was under EL, I was the blame guy, the scapegoat. Fiscal services, they approved many positions with Title III, it should've been general funded. But because I was the EL face, I took the blame for it. School sites did not follow through with some of the notices, parents and things like that, trainings. Again, that was me. So, on the one hand, I took the hits, but on the other hand, I was able to now hold them accountable. (E. Enríquez, personal communication, March 21,14).

Increased collaboration. As communicated previously, District leadership engaged in a significantly increased inter-departmental and central-office-to-schools collaboration. Esquivel, for example, shared just how much the cross-department collaboration changed because of FPM:

> One of the things that now I think we're doing a much better job of is [although] we're all our own separate department, we're also very much intertwined with one another. So, I think that….we're depending on them [other departments] when we all have our areas of expertise….We, before FPM, I think, I had never met with the categorical department. (C. Esquivel, personal communication, March 20, 2014)

The collaboration also extends to non-district entities, such as the EL Taskforce referenced earlier, the county office of education, as Curtis shared, and the CDE, as Esquivel discussed:

> If I have a question, I'll call CDE. It's more of…they're there to help us as well. So it's almost that kind of perspective too, whereas, before I was very hesitant. I didn't even know you could really call and ask all these questions. But really, if you have a doubt, I'd call right away. If I'm iffy on a decision, or if I have a feeling, "okay, this isn't compliant," I'll call right away. (C. Esquivel, personal communication, March 20, 2014)

Increased compliance. The FPM process may have, arguably, resulted in an increased capacity by the PVUSD to implement compliant EL programs. After all, the District resolved their 2011/12 NC EL program findings in almost record time and, then, two years later received no NC findings during their 2013/14 online-only FPM review.

My interviews of Enríquez and Esquivel took place prior to the District's 2013/14 online-only FPM review. I asked them how the 2011/12 FPM experience shaped their preparation for the upcoming online-only review, to which, they each responded favorably. Esquivel, for example, stated, "Oh very much so. Because I think we know exactly what the items are. I think…it's prepared us very well for it." I followed up by asking their prediction of the outcome of the upcoming online-only review. They each responded confidently, predicting a very positive outcome. Esquivel, for example, opined, "I expect good outcomes. I don't anticipate to have any findings" (C. Esquivel, personal communication, March 20, 2014). He was right. In fact, the District received a congratulatory e-mail from the CDE Regional Team Lead, who again was Manning. Manning congratulated Curtis—as the district's FPM coordinator—and district staff on receiving no findings and thanked them for their cooperation and assistance. The Board president highlighted this congratulatory e-mail when Curtis presented the results of the 2013/14 online-only FPM review in June 2014.

It is important to note, however, that a parallel comparison of the outcomes of the two FPM reviews cannot be made, as not all EL program requirements are reviewed during onsite-only FPM reviews, as illustrated by Table 23. For instance, ELD (EL20) is not reviewed during the online-only FPM review. Had ELD and other key EL items been reviewed during both FPM reviews and been found to meet requirements during the 2013/14 FPM review, this would have, presumably, provided further evidence of the District's increased capacity to implement compliant EL programs as a result of their experience with the 2011/12 FPM. Instead, however, two other points of comparison between the two FPM reviews further limit the ability to bolster these claims by simply comparing the outcomes of both FPM reviews: (a) none of the NC items from 2011/12 were reviewed during 2013/14 and (b) all of the items that met requirements in 2013/14 had also met requirements in 2011/12. These limitations aside, both, District and CDE staff opined that the District is indeed better equipped to implement compliant programs as a result of the 2011/12 FPM review. Esquivel, for example, spoke confidently to this regard:

> We're much more in compliance now. One of the things that [FPM] really changed us was, we are so mindful of what we spend Title III funds on….We look through it with a fine tooth comb and make sure we can honestly say that everyone [who] is being paid out of Title III...is supposed to be used with Title III funds….We continuously meet with the sites, and we mentioned FPM, we mentioned it continuously, continuously, continuously. We try to put it in everyone's mind that, whether they're coming or not, we always need to be in compliance. We've even done—when we've gone to the sites, we've looked at the cumes [cumulative folders]. We've done little mock FPMs ourselves. (C. Esquivel, personal communication, March 20, 2014)

Table 23

Results of the 2011/12 On-site Versus 2013/14 FPM Online-only FPM Reviews for the PVUSD

Item #	Item Title	2011/12	2013/14
EL 01	Parent Outreach and Involvement	Met Requirement	N/A
EL 02	EL Advisory Committee (ELAC)	NC	N/A
EL 03	District EL Advisory Committee (DELAC)	NC	N/A
EL 04	Identification, Assessment, and Notification	Met Requirement	Met Requirement
EL 05	Implementation & Monitoring of LEA Plan (LEAP)	Met Requirement	N/A
EL 06	SSC Develops and Approves SPSA	NC	N/A
EL 07	Translation Notices, Reports, Records	Met Requirement	Met Requirement
EL 08	Equipment Inventory	Met Requirement	Met Requirement
EL 09	Adequate General Funding for English Learners	NC	N/A
EL 10	Supplement, Not Supplant	Met Requirement	N/A
EL 11	EIA Funds Disbursed to School Sites	Met Requirement	Met Requirement
EL 12	Properly Assesses Costs for Salaries	Met Requirement	N/A
EL 13	EL Program Evaluation	Met Requirement	N/A
EL 14	Reclassification (RFEP)	NC	N/A
EL 15	Teacher EL Authorization	Met Requirement	Met Requirement
EL 16	Professional Development	NC	N/A
EL 17	Appropriate Student Placement	Met Requirement	N/A
EL 18	Parental Exception Waiver	Met Requirement	Met Requirement
EL 19	Equitable Services to Private Schools	Met Requirement	Met Requirement
EL 20	English Language Development (ELD)	NC	N/A
EL 21	Access to the Core	NC	N/A

Note. EL = English learner; LEA = local educational agency; SSC = school site council; SPSA = single plan for student achievement; EIA = economic impact aid; NC = non-compliant; N/A = not applicable/not reviewed; Source: PVUSD CAIS: read-only access granted by the PVUSD

From the CDE's perspective, Bustillos discussed how the district continued to seek guidance from the CDE to ensure they were compliant, even after all NC items were resolved:

> After they resolved all the non-compliant findings, he [Esquivel] still contacted me…for all the things that he needed more information, or questions from the community that he has to answer. He also contacted me just to double-check to see whether or not he gave them the right answer. And so, he continued to e-mail me and call me. We talked on the phone so many times.…They want to do things right for the kids and so they stay on top of it. They want to know whether or not they're doing things right. (H. Bustillos, personal communication, March 9, 2014)

Improved provision of EL services. School or district leaders do not often make the connection between compliant and quality EL programs. It is noteworthy that both, the CDE and

PVUSD leaders do make this connection and share the belief that compliant EL programs facilitate quality EL programs. From the CDE's perspective, Murrieta opined,

> Those who do not worked intimately with EL programs most likely see compliance reviews and program requirements as bureaucratic, however, folks like EL program coordinators, or in districts where the curriculum coordinator or assistant superintendent takes this role, then these folks tend to understand that, at least for the EL program, these compliance requirements are much more than just bureaucratic, but are closely related to issues of equity, equal access, and in general, serve as a safeguard to ensure that there is a base of services, upon which districts can build and provide quality programs and services for English learners. (J. Murrieta, personal communication, May 9, 2014)

From the district perspective, Esquivel expressed the relationship between compliance and effective instruction as follows:

> One thing that I did learn is, we can submit beautiful paperwork, which we did. I know I was very meticulous about it….but what I learned is that when they [the CDE] come out and review your school and your programs, you can submit beautiful paperwork but that goes out the door if they go into the classroom and they see poor instruction. I'm much more cognizant now when I do a professional development, how is this going to really happen in the classroom, how am I going to ensure that there's that connection from the professional development to the classroom? And so, that's one of the things that I think that, FPM, in that regard, is not just paperwork, it's more of what is happening in your ELD programs. (C. Esquivel, personal communication, March 20, 2014)

The improvement in provision of EL services that the 2011/12 FPM review reportedly influenced can be synthesized into four categories: 1) professional development, 2) ELD with a focus at the secondary level, 3) long-term English learners (LTELs), and 4) monitoring of student progress. Esquivel summarized the improved provision of services as follows:

> I think there's been more of a heavy emphasis on reclassification. I think there's been more of an emphasis on long-term English learners….We've been paying more attention to their specific needs, that's why we brought in English 3D…to try to accelerate their learning and academic language development. I think there's been more emphasis in secondary now in terms of paying more attention to the teachers and the students and working with the parents. (C. Esquivel, personal communication, March 20, 2014)

Similarly, Enríquez sums up some of the improved provision of services as follows:

> I think one of the things that changed was, now, when we provide professional development, the question that we always ask is: how is it being implemented in the classroom?....And that ties back into access to the core and systematic ELD instruction….You can do a lot of PD and have every documentation in order, but none of that matters if you don't see it in the classrooms. We emphasize that with administrators; we emphasize that with teachers; we emphasize that with ourselves. So, that's one of the things that really has changed. (E. Enríquez, personal communication, March 21,14)

Although parent involvement is not directly part of instructional services, Esquivel points out the change in this area as well, stating, "I think we have a great parent involvement here at the district…The DELAC is very involved. And I feel like the parents are much more involved than I've ever seen them before" (C. Esquivel, personal communication, March 20, 2014).

From CDE's perspective, both, Manning and Bustillos opined that the District's EL Program. Manning, for instance, shared the following:

> I think our overall perception is that they actually benefitted from this process, because they learned a lot about what it is that we look for, the standards that we will be holding them to….how they can monitor their programs more closely to see what the results are showing, and make programs changes, how they can better involve the parents….They are much more experienced now, staff development has been a big push. (W. Manning, personal communication, May 9, 2014)

Similarly, Bustillos spoke favorably of the improved provision of service to English learners:

> They want to do the right thing for kids. I would say that without this review, even though they may do a lot of things, they may not make a lot of positive change in the district….The review had a lot of impact on the [EL] program…. I'm pretty sure that the program after the review is better than before the review. (H. Bustillos, personal communication, March 9, 2014).

Leveraging FPM. From CDE's perspective, FPM is an opportunity to leverage improvement, however, they recognize that not everyone sees it this way, as Murrieta intimated:

> Unfortunately, for those that see this process as a bureaucratic event, then they might do just the minimum in order to comply, but others, and I say this from experience working directly with folks like school EL resource teachers, district EL coordinators, curriculum folks, assistant superintendents, etc., see this process as an opportunity to leverage change. (J. Murrieta, personal communication, May 9, 2014)

Similarly, Manning discussed his approach to encourage districts to leverage the process:

> One of the thing that I usually tell people as part of the review is "How can this process help you, move either the school, or the district in the right direction. What can we do, or can we say to acknowledge things that you think are moving the district in a positive way? What can we do to even call out some things that you think are critically important that the district isn't doing that it should be doing? So, thinking that have you thought about the fact that this process might be used to leverage changes in some meaningful way, give it some thought, you don't have to answer right now…tell us if there's some way or some things that we can do or say that might help leverage the district and move them in the right direction." (W. Manning, personal communication, May 9, 2014)

Once the District resolved all NC EL program items, no further action by the EL Department or the District was required. However, as discussed in this chapter, the District went beyond what FPM asked for and strove to leverage the process for continual program

improvement. One example was the effort by Enríquez' to present improvement plans to the Board and the resulting EL program modifications, as discussed earlier. Moreover, as Esquivel explained, District leaders make a concerted effort to have FPM permeate their work:

> Whenever we're doing something, we talk about FPM….And when we talk to the school sites we try to make it a presence because we're going through an online review this year, but then in another two years they're coming back [on-site] again. So we're cognizant of the fact that it can never just leave our mind….And not so much [to mitigate] findings, but I think that it's a reflection also of our students and how they're performing. So for us, it never leaves our mind in terms of what we needed to do, or what we still need to do….It wasn't one of those things where they're out of sight, out of mind, it's always been tied into what we're doing. Whenever we're bringing in a program, or we're doing a professional development, or we're making a change to the program, we always go back to the compliance aspect, and we always go back to what is it that we were deficient in, where did we start from and where we are now. (C. Esquivel, personal communication, March 20, 2014)

This approach by the District was not overlooked by the CDE, as Bustillos explained:

> Even though they [Enríquez and Esquivel]… work to serve English learners, there are things that they don't know. And when I sat down with them and went over things with them, they said, "Yes, now we can do this. Now we can say this. Now we can tell them that here's the law, and this is what we need to do." And so, that kind of information, they used it as leverage to really help them. It [FPM] gives them the power, gives them the authority, and gives them the knowledge to do what they must do to serve these kids. (H. Bustillos, personal communication, March 9, 2014).

Similarly, Manning recognized the District's efforts and their leveraging of the FPM process:

> I think in the case of Puente Verde, very clearly the district knew what needed to get done, they knew what the district wasn't doing that it should be doing. I think they did use us to leverage change, that's exactly what we think needs to happen. It's going to result in better services and more effective services to these students. (W. Manning, personal communication, May 9, 2014)

Windy Hills Unified School District

In the following detailed discussion of my findings for the second of two cases—the WHUSD—I first introduce key District actors relevant to the EL program. I then tell the District's story of their experience with FPM, beginning with the CDE's and the District's own perceptions of the District's capacity to implement EL programs. I continue by detailing the approach the District took to prepare for the 2011/12 FPM review, followed by the details of the non-compliant (NC) ELD finding and its resolution. I then investigate the perceptions of FPM of District leaders and the impact FPM had on the District. I end with a discussion of the extent to which the District leveraged FPM to improve provision of services to English learners.

Key WHUSD EL and FPM Program Staff. The WHUSD does not designate a specific district-level position to oversee exclusively the District's provision of services to English learners. Instead, these responsibilities are shared amongst district staff within the Instructional Services Division, as the current superintendent, Dr. Steve Díaz, explained:

> We reorg'd the district. There's a division that's simply called instructional services and they have an umbrella of all the categoricals….They have EL and they have all the testing. So it's an umbrella that encompasses. There's a director, there's a coordinator, and that's what they're charged with. (S. Díaz, personal communication, March 18, 2014)

Coordinator of categorical programs, Carlos Chávez pointed out that with respect to the EL program, the Instructional Services Division is informally "kind of split into three departments: categorical, multi-lingual, and testing" (C. Chávez, personal communication, March 19, 2014). While Chávez serves in her third year as coordinator of categorical programs, Ms. Deitra Collins is the director. Collins joined the District during the 2013/14 school year and, thus, was not present during the 2011/12 FPM review. Chávez, was at a school in the District during the 2011/12 FPM review and joined the district office as a categorical program specialist right after the conclusion of the review. Before joining the central office, Chávez served as a literacy coach, and prior to that, he taught at the elementary level, including serving as the English-only class in a dual immersion program. He has been an educator for fifteen years.

During the 2011/12 FPM review, Adrian Huerta was in Chávez' current position of Coordinator of Categorical Programs. He now serves as an assistant principal at Windy Hills High School. He has over 15 years experience in education and spent the first part of his career as a high school social studies teacher, including teaching sections of specially designed academic instruction in English (SDAIE) to English learners.

Also at the school level, Pam Martin serves as principal of Windy Hills Middle School (WHMS), one of the schools reviewed for the EL program during the 2011/12 FPM review. She was in her first year as vice principal during the FPM review. Martin holds a single subject in English with an authorization to teach English learners and a minor in linguistics. She also has significant experience with EL programs, having served as an English teacher in both, general education classes and those specifically designed for English learners.

David Sandoval is the district-level person who by most accounts represented the District during the FPM review with respect to the EL program. Sandoval has significant experience with EL programs. Although he currently serves as Director of Secondary Education, during the 2011/12 school year, he served as the director of the Instructional Services Division and prior to that, he served as an EL program specialist. Before coming to the District, Sandoval worked as a high school English teacher, teaching everything from ELD to AP English. He has over 20 years experience in education.

Dr. Diane Estrada joined the District at the start of the 2013/14 school year as the Director of the Instructional Services Division, and, thus, was not present during the 2011/12 FPM review— she now serves as Director of Elementary Education. Estrada has extensive experience working with EL programs. Prior to joining the District, Estrada's professional experience includes serving as Director of Curriculum and Instruction which, included overseeing the EL program; elementary principal; and teacher of mostly English learner classes, including bilingual settings. She has just less than 20 years of experience in education.

Dr. Adam Simmons serves as the District's Assistant Superintendent of Educational

Services, but during the 2011/12 school year he served as Director of Elementary and Middle Schools. He joined the District the previous year. Simmons has extensive experience with EL programs, including having served as a principal and elementary and middle school teacher in both, SDAIE and bilingual settings. Coincidently, he and I taught at the same middle school early in our careers, which for him, is shy of 25 years.

Díaz is in his second year as superintendent of the WHUSD—he served as Deputy Superintendent During the 2011/12 FPM review. His experience in education of just less than 25 years includes having served elsewhere as Director of Secondary Schools, principal and teacher, including teaching probation youth. Díaz shared that when was recruited to come over to the District he thought his tenure would be brief, stating, "I thought I was going to come here for a few years and help with the clean up and go back, but just fell in love with the community and things are going so well" (S. Díaz, personal communication, March 18, 2014).

Perspectives on WHUSD's capacity to implement EL programs. The prevailing District perspective about the their own capacity to implement programs for English learners is that it is relatively strong—at least through middle school—and much improved over that of the previous administration. Superintendent Díaz explained that the problems faced by the previous administration went far beyond issues of instruction and learning:

> When we came in here, this was a broken district, and I'm being kind when I say that.… When I say it was bad when we came in, it was bad. It was really bad. I mean, we put some people in jail. (S. Díaz, personal communication, March 18, 2014)

Although I reference the previous administration's malfeasance as necessary, an analysis or discussion of this theme is beyond the scope of this study.

With respect to the District's previous implementation of programs for English learners, by most accounts, it was lacking. Chávez, for instance, compared the implementation of the EL program by the two administrations as follows,

> I think in comparison to the old and the new administration, this new team I would say is more knowledgeable compared to the other administration we had….I feel like in the past—from the other CPM—I think we did things just to get it done and paperworked. Like it looked good on paper, but it actually didn't happen. And so, I know for me, looking at the data and looking at student data, looking at our CELDT scores and our AMAOs, I think it was an actual shift in the students, not just the paperwork. (C. Chávez, personal communication, March 27, 2014)

Similarly, Huerta commented, "I have to tell you, when Mr. Simmons' administration came in, there were no [EL program] procedures in place. Maybe there were some, but it was few and far between" (A. Huerta, personal communication, March 19, 2014). Simmons revealed a similar perspective, adding,

> Back at the time, ELD was just something on paper. We didn't actually have an ELD. We didn't have a system to identify or monitor the kids. The teachers would say things like, "Well, I don't have any EL students in my class," and I'm like, "no, you really do have EL students." So we focused on putting those systems in place. (A. Simmons, personal communication, March 18, 2014)

Although the District's perspective on their current implementation of EL programs is positive, District leaders, beginning with the superintendent, are reflective about their growth and areas of need, particularly at the high school level and with long-term English learners (LTELs).

> We're doing a pretty good job of the early year stuff. We really want to get our kids reclassified by the 3rd-5th grade completely. We're doing that at a higher rate, but if you look at the AMAO for English learners, there's still a hole there. I don't have someone right now who is really taking the lead on EL and making it happen across the board. In all honestly, it's something I kind of lose sleep over. We need to improve in that area. Out of everything that's happened in this district that's good, I think that we still need to do a better job with our English language learners. (S. Díaz, personal communication, March 18, 2014)

Sandoval explicated some of the District's areas of continued need:

> I think where we're weakest in is secondary….We're working towards it though….We have ELD for newcomer students. I think that program is pretty strong. ….One of our challenges is that we have too few students that are newcomers at some of our sites, so providing them the services is a challenge—you can't have a class of five students. One of our high schools kind of serves as the hub for newcomer students because we have a full program there at the high school level. But the others, we do clustering, pull-out, and that's not ideal, but you don't have enough for a class for that. That's one challenge. The other is providing the teachers the [professional development] for them to learn how to teach different so that they are teaching academic language in a very explicit way. That's our challenge with the high schools. So we have support classes that we call them, and I think just now we're turning the corner on that. The other challenge is getting school personnel to be very intentional with what students are placed in that support class, which are not. That's important. (D. Sandoval, personal communication, March 20, 2014)

From the school site perspective, Martin discussed her staff's limited knowledge of the EL program, with respect to either the District's design or state requirements:

> Staff has, in terms of the depth of their knowledge, it's basically an overview, when we give them the description of the program during the staff meeting. But in terms of them being fluent with the program, I would say it's minimal at best. (P. Martin, personal communication, March 18, 2014)

From the CDE perspective, there was an acknowledgement that the District is, arguably, knowledgeable of EL programs but, based on the FPM review, may lack the capacity or will to fully implement effective EL programs. Bustillos, as the CDE's lead EL program during the 2011/12 FPM review shared the disconnect between the District's written descriptions of their EL program and its implementation and what he found during the on-site FPM review:

> When I reviewed the documents in CAIS I was very impressed, in terms of the writing regarding their programs….I looked at the description of program placement, I looked at the description of the program structures that they put in place for them as learners. I was

> very impressed with the writing, however, when I got to the district and visited the sites, what they say on paper and what they do in terms of program implementation, the two are completely opposite. (H. Bustillos, personal communication, March 3, 2014)

Attributing the disconnect to more than an inadvertent failure to implement successfully, Bustillos posited the District's lack of implementation was linked to political and normative influences rather than a lack of knowledge:

> In terms of their overall knowledge of EL programs at the district level, particularly, this district, I would say that they are very knowledgeable about the program requirements, there are very knowledgeable about ELD in terms of addressing the needs of those kids acquiring English, however, in terms of the bureaucracy, the politics and the belief they showed to me during the review, they do not believe that ELD, the ELD program, helps English learners acquire English. (H. Bustillos, personal communication, March 3, 2014)

I asked Bustillos to postulate whether the District could do a good job of implementing EL programs at the secondary level it if they believed in ELD at that level. He responded,

> definitely, just follow the description that they put in place. They don't have to do anything beyond that, but just follow through with their description in terms of program placement, criteria to identify the needs of English learners, and the different courses that they say they offer based on the description. That would help English learners acquire English at much faster, but what they put in place [in writing] is completely different from what they are doing. (H. Bustillos, personal communication, March 3, 2014)

Preparation for the FPM review. As the District administrator who took the lead on the EL program portion of the 2011/12 FPM review, Sandoval discussed the challenges he and the District faced when they had to prepare for the FPM review:

> I prepared everything, we had nothing….We didn't have systems in place. So that was the first step, to make sure that we created systems. But we were in an ideal situation [because of the efforts initiated prior to being selected for an FPM review]. How you prepare for it is….it's pretty much you work off the [FPM program] instruments and you look at where your gaps are. (D. Sandoval, personal communication, March 20, 2014)

The approach the WHUSD took in preparing for the 2011/12 FPM review, according to CDE's perspective, was impressive. Bustillos pointed out, "in terms of documentation, they did a very good job….[it was] well-organized, and the description of the program was very thorough." As to whether the District took the process seriously, Bustillos responded, "just based on the documentation, I believe that they did" (H. Bustillos, personal communication, March 3, 2014).

As an indication of the District's preparation efforts, Díaz, who at the time, served as the deputy superintendent, presented to the Board on the EL program exactly one week before the start of the on-site FPM review. In his PowerPoint presentation, as Figure 10 illustrates, Díaz noted, among other things, the high percentage of long-term English learners (LTELs) in the District who are "stuck" at the intermediate proficiency level, the District's policy of placing English learners in heterogeneous English proficiency classes, ELD instruction, a focus on

academic language development, and additional District guidance, including an EL master plan.

<table>
<tr>
<td><u>Long-Term English Learners Profile</u>
• WHUSD LTELs (7th-12th) %=93%
• State LTELs (7th-12th) %=59%
• In US Schools 6 or more years
• “Stuck” at the intermediate level on the CELDT
• High functioning social language
• Very weak academic language-written text, academic content
• Significant deficits in reading and writing skills</td>
<td><u>Program for Elementary English Learners</u>
• Clustered placement in heterogeneous classes, mixed with English proficient students
• 50/50 design
– 50% small group
– Guided reading and center work
• Leveled ELD 45 minute minimum
– Avenues for newcomers (3 years or less)
– Academic Language Development supplemental materials for other ELs
• Common Benchmarks and Data Reflection Process to identify ELs and develop during the day interventions</td>
</tr>
<tr>
<td><u>Program for Long-Term English Learners</u>
• Clustered placement in heterogeneous classes, mixed with English proficient students
• Rigorous grade level content classes (including honors, AP, IB, A-G)
• Taught with differentiated SDAIE strategies
• Explicit language and literacy development across the curriculum
• Focus on Academic Language Development
• Support/Shadow Classes in ELA/Math
• Common Benchmarks in ELA/Math and Data Reflection Process to identify ELs who are struggling and determine best practices</td>
<td><u>English Learner Master Plan</u>
• Delineates Program Goals and Procedures
• Organized according to State Compliance Items
• Provides Schools with:
– Guidelines for EL Program Implementation
– Documentation to ensure State Compliance
– Resources for Site Professional Development regarding ELs
• System to support Evaluation Process</td>
</tr>
</table>

Figure 10. WHUSD Deputy Superintendent’s EL Program December 2011 Board Presentation

Attitude. The attitude toward FPM varied. Starting with, then, Deputy Superintendent Díaz, district leadership expressed some reservation about the process:

> I’ve noticed with some states’ superintendents, their philosophy up there is to work with and support districts. They’re there as support mechanisms, whereas some regimes had this “gotcha” mindset, almost like looking for something wrong….In some cases it’s been a really good experience because the state and the county are coming in to support, and in other cases we’ve seen it’s, “oh you need to submit this.” There’s always another layer of questions when you submit something and you got to send a bunch of more junk….It shouldn’t be that convoluted and complicated that we need to prove through every agenda, sign-in sheet….You don’t need five hundred reams of paper to review, say, this person or that, and nitpicking it to death….So, when they take the stance of the spirit of partnership, things don’t seem like they’re cumbersome or overworked, but when they take the position of the monitoring police, it tends to be a more drawn out process. And in the end, if there are findings and things that we need feedback to be better, by all means we want to know. We want to make it right. But I think a lot of it’s based on the personalities and the philosophy of the office as to how they approach it. (S. Díaz, personal communication, March 18, 2014)

Taking a more one-sided view of the process, Sandoval expressed his concern, opining, “when you’re talking FPM, you’re talking the police is coming and checking these things, and that’s

absurd. It really is supposed to be an authentic process, it shouldn't be that way" (D. Sandoval, personal communication, March 20, 2014).

On the other hand, some District leaders adopted a more positive attitude toward FPM. Martin at the site level and Simmons at the district office, coincidently, advanced the issue of internal attribution and integrity. Martin, for example, stressed to her teachers the need to be honest with the FPM reviewers:

> What I kept telling the teachers is just be honest, don't try to cover for us. If this is an area of need, it's an area of need; we're not going to sugarcoat it. So just having those conversations with the teachers. (P. Martin, personal communication, March 18, 2014)

Simmons' similar stance on honesty was actually put to the test by the actions of one principal, who, in preparation for the review chose to not document an EL class and the teacher's lack of appropriate authorization and during the review did not disclose this to the CDE reviewers:

> There were some things that the principal did there that shouldn't have happened, you know, like he hid a class. It's like…what are you doing? He hid a class and none of us knew about it, and the guy [CDE reviewer] caught it. He basically had a teacher without the appropriate credential….and I remember talking to the principal—that ended up being his last year—I told him, "Hey, we're not here to hide things like that. It is what it is. If we're short of it, we're short of it." Once you try to act and you deceive the visitors, it's wrong, man. (A. Simmons, personal communication, March 18, 2014)

Collaboration. Although Díaz was not the superintendent during the 2011/12 FPM review, as deputy superintendent, he oversaw all District staff involved with the FPM and set the tone. By having the Instructional Services Division wear multiple non-program-specific hats, collaboration was and is encouraged. Moreover, he trusts that staff will collaborate and effectively carry out their responsibilities, as he shared in reference to the FPM:

> One of the things that I do is completely and totally trust our staff. It's a great team. So whatever their lens is, because they live it more, work with it all day, you know, that would be my response. I can tell you that with 100% certainty. (S. Díaz, personal communication, March 18, 2014)

In addition to central office staff collaborating to prepare for the FPM review, they also involved the school sites, including conducting mock reviews, as Sandoval explained:

> In looking at the instruments, we involved the sites to see where the gaps were. We did a couple of kind of question-and-answer mock interviews with them and, then, we did site FPM visits. (D. Sandoval, personal communication, March 20, 2014)

From a school level perspective, Martin supported the Mock review:

> We had a few district-level meetings where we had an outside consultant helping us in terms of what we could expect, what kind of questions we could expect, and then the different compliance pieces of the categoricals and the school plan, school site council,

> the role of the school site council and all those things….and then we had a mock FPM visit. The mock was conducted by the district. They went to our leadership staff, to our parents, asking possible questions that they could expect. (P. Martin, personal communication, March 18, 2014)

Moreover, Martin intimated her appreciation for the collaboration and support of the central office:

> They [central office] supported all of us….This [2011/12] was my first year in administration and we get hit with an audit, and then the principal's on leave, and even here with the teachers. Again, just a lot of support…whatever you need. They would come to me like, "Hey, do you need anything? Can we help with anything?" as opposed to waiting for me to go to them. (P. Martin, personal communication, March 18, 2014)

With regard to collaboration within her school, Martin described a team approach:

> Ida Mathews [WHMS program specialist]…was very instrumental in the whole [FPM] process. And then, what we call the leadership team. It would comprise of the admin team, the school counselor, and the leadership team, which would be the department chairs for each of the content areas, so English, math, social studies, science, P.E. We would start the dialogue with those teachers and they would take it back to their departments, and then we would follow up during staff meetings just to kind of solidify and make sure that the information was trickling down. (P. Martin, personal communication, March 18, 2014)

CAIS and the gathering of compliance evidence*:* Forty-seven calendar days before the start of the 2011/12 FPM review, Sandoval, on behalf of the District, reached out to the CDE for guidance on documents to upload:

> We are ready to upload our documents but would like any guidance you can give us as to specific documents you want us to ensure we do not leave out. Thank you. (D. Sandoval, CAIS comments, CDE, December 2011)

Whilst, on the one hand, this is quite a broad question for CDE staff to answer, it does, on the other hand, speak to the District's apparent desire to be proactive, thorough, or compliant. The process to gather and upload into CAIS relevant compliance evidence entailed central office staff creating an online file system where they and the schools to be reviewed would upload relevant artifacts, as Estrada shared:

> One of the things that they did with technology is they even had folders that were established where the schools were putting in their files in those Dropbox folders, and from there some of those documents were uploaded into the system. (D. Estrada, personal communication, March 17, 2014)

As schools and the different central office departments uploaded EL program-related documents into CAIS, Sandoval reviewed them before including them in the final set of EL program documents that were submitted to the CDE.

The WHUSD completed their uploading of EL program compliance evidence into CAIS 32 calendar days before the 2011/12 FPM review start date. They uploaded a total of 1,239 distinct documents. Of these, 1,109 documents were uploaded prior to the on-site review, whereas, 130 were uploaded subsequent to the review in response to NC findings. The top part of Table 24 indicates the distribution of documents uploaded by the District into CAIS according to

Table 24

Number of Documents Uploaded by the WHUSD into CAIS—by FPM Program & EL Program Item

FPM Program	EL	PE	UCP	CD	BASP	CTE	ITQ	CE			
N	407	69	21	69	95	37	83	549			
EL Item	EL1	EL2	EL3	EL4	EL5	EL6	EL7	EL8	EL9	EL10	EL11
N	11	59	28	15	20	20	6	12	20	8	53
EL Item	EL12	EL13	EL14	EL15	EL16	EL17	EL18	EL19	EL20	EL21	
N	26	52	29	11	11	22	20	63	21	15	

Note: The number indicated for total unique EL documents in the first part of the table (407) does not match the sum of documents by EL item in the second part (= 522) because numerous documents were responsive to more than one EL program item and, thus, uploaded to multiple EL program items; FPM = federal program monitoring; CAIS = California accountability and improvement system; EL = English learner; PE = physical education; UCP = uniform complaint procedures; CD = child development; BASP = before and after school programs; CTE = career technical education; ITQ = improving teacher quality; CE = compensatory education

FPM program. Of these, 407 were specific to the EL program. Only the CE program generated more document uploads. The bottom part of Table 24 specifies the distribution of EL program-specific documents uploaded into CAIS according to each EL program requirement (refer to Table 19 for labels of EL items). Twenty-one of the 407 total EL program documents uploaded were responsive to the ELD item (EL20). Table 25 briefly describes each of the 21 documents uploaded in response to the ELD requirement. Documents 1-14 were submitted in advance of the FPM review, whereas documents 15-21 were submitted after the FPM review, in response to the NC ELD finding.

Table 25

Brief Description of Documents Uploaded into CAIS by the WHUSD Specific to ELD item

Doc #	# of pages	Title or Description
1	2	*CELDT Overall Test Performance Descriptors: Grade Kindergarten through One*
2	2	*CELDT Overall Test Performance Descriptors: Grades Two through Twelve*
3	2	*Curriculum alignment guidelines: a) Key Components for Elementary Schools–Program Design*, and b) *Key Components for Secondary Schools–ELA—Program Design*
4	1	*9–12 ELD Sequence.* Brief description of ELD sequence and of core classes offerings
5	1	Description of ELD for elementary and secondary schools
6	2	*Mainstream Program Designed for English learners (EL)*
7	1	*Matrix of Program Options For English Learners: K-5*
8	1	*Matrix of Program Options For English Learners: 6-8*
9	1	*Matrix of Program Options For English Learners: 9-12*
10	1	*Overview of Student Characteristics and Teaching Strategies: 5 Stages of ELD*
11	3	*SEI or Mainstream English Program Options: Instructional Sequence* (for elementary, intermediate and high school levels, by CELDT level)
12	1	*Suggested Time Management of Language Arts Instruction* (by K, 1-5, 6-8, 9-12 and by SEI or mainstream)
13	1	*Written Language Characteristics: English Learners* (by CELDT level)
14	13	A redacted *Individualized Education Program* plan for one special education English learner
15	16	Administrative training schedule for 2012–13 listing 6 *Principal Power Clinic* dates, 5 *Admin. Learning Walks*, and 24 *Assistant Principal Clinic/Instructional Lead Training* dates. Also included are samples of observation template indicating (a) grouping by level, (b) Golden ticket, (c) connection to matrix standard, (d) engaging–fast, fun, furious, (e) focus on learning/speaking
16	47	*EL Extended Day 2011/12*. Participating student list and CST scores for 2011 and 2012 from all schools
17	48	*ELD/ALD instruction: 3rd through 6th grade for English learners at CELDT levels 1-3 but more than 3 years in US schools, English learners at CELDT levels 4-5, reclassified students, or English-only students (weekly planning guide)*. PowerPoint/handout materials and sign in sheets for two separate presentations
18	2	Revised reclassification parent notice uploaded into CAIS almost one year after the FPM review as part of the resolution for the NC ELD item
19	7	*Program designed for English learners (EL),* indicating ELD and core program elements by CELDT levels. Also included is a December 2010 Leadership journal article by Laurie Olsen on long-term English learners
20	4	*Reflection Sessions* scheduled for elementary, intermediate and high schools
21	3	*Shadow Class Training* agenda, *Secondary English Support Training* sign-in sheet*, Scholastic 3-D Training* sign-in sheet

Note. CAIS = California Accountability and Improvement System; EL = English learner; ELD = English-language development; SDAIE = specially designed academic instruction in English; CELDT = California English language development test

There were 308 total comments entered into CAIS as part of the 2011/12 FPM review of the WHUSD. Of these, 106 pertained specifically to the EL program component of the review. Only the CE program generated more comments. The first part of Table 26 indicates the distribution of comments entered into CAIS according to FPM program. The second part of

Table 26

Number of Comments Entered into CAIS by WHUSD, by FPM Program & by EL Program Item

FPM Program	EL	PE	UCP	CD	BASP	CTE	ITQ	CE			
N	106	27	22	5	22	6	9	111			
EL Item	EL1	EL2	EL3	EL4	EL5	EL6	EL7	EL8	EL9	EL10	EL11
N	*0	17	8	*0	*8	13	*1	*3	10	*0	*2
EL Item	EL12	EL13	EL14	EL15	EL16	EL17	EL18	EL19	EL20	EL21	Other
N	*0	2	*2	*3	3	*0	*2	0	9	*1	12

Note: * denotes LEA did not receive a NC finding in this item; Other = comments entered into CAIS pertaining to the EL program, but not specific to any EL item; FPM = federal program monitoring; CAIS = California accountability and improvement system; EL = English learner; PE = physical education; UCP = uniform complaint procedures; CD = child development; BASP = before and after school programs; CTE = career technical education; ITQ = improving teacher quality; CE = compensatory education

Table 26 specifies the distribution of comments entered into CAIS according to each EL program item. Of the nine EL20 (ELD) comments entered into CAIS, LEA staffs entered four, whereas, CDE staff entered five. Overall, district staffs entered 66 of the 106 EL program comments, whereas, CDE staff entered 40.

A brief analysis of the comments entered into CAIS for three key instructional EL items plus two general EL program categories (see Appendix S) reveals a few things: (a) about half (15) of the 31 comments were entered by WHUSD staff, (b) only three comments were strictly about logistics of the review, (c) most comments could be classified as addressing issues under compliance monitoring or design and implement accountability regimes, such as this example, which referenced the resolution of the NC ELD item (EL 20):

> Hi David. You provided the rationale for your request to extend the due date for EL 20. Please also provide the following information: (1) An action plan and a timeline describing the process to address the findings for this item, and (2) The expected due date. After the 45-day due date, the district has 180 days to resolve the findings. Please let me know if you have any questions or need clarification. Héctor (H. Bustillos, CAIS comments, CDE, March 2012)

(d) seven comments were before the review, four were during the review, and 20 were after the review, and (e) the earliest comment—37 calendar days before the review—was by the PVUSD asking for CAIS guidance, while the notification of submittal of the EL program compliance evidence by the PVUSD was 32 calendar days before the review. The last comment, 354 calendar days after the review, was the notification by the CDE that all NC issues were resolved (the NC ELD item was resolved on the same day).

Non-compliant ELD finding. At the conclusion of its FPM review, the WHUSD received NC findings in three of the eight programs reviewed: physical education (2 NC items out of 8), compensatory education (5 NC items out of 36), and English learner (8 NC items out of 21). Within the EL program, the district received NC findings in the following eight items: EL02 (ELAC), EL03 (DELAC), EL05 (implement & monitor LEAP), EL06 (SSC develops & approves SPSA), EL09 (general funds for ELs), EL13 (EL program evaluation), EL16

(professional development), and EL20 (ELD) (refer to Table 19 for full labels of all EL items). The following is the NC ELD finding for the WHUSD as written in the CDE's official NOF:

> Each English learner must receive a program of instruction in English language development in order to develop proficiency in English as rapidly and effectively as possible. Review of documentation, student data, and classroom observations as well as interviews with district and site personnel revealed that English learners at Windy Hills and King Middle Schools are not provided with a consistently implemented program of instruction in ELD targeted to each student's proficiency level. Evidence indicates that a significantly high number of English learners failed to make progress last year on the annual CELDT assessment. The LEA must submit to CAIS a plan that outlines how structured, systematic ELD, which also targets the range of English proficiency levels, will be consistently delivered to all English learners in all instructional settings. The plan should also provide a comprehensive description of the program interventions that will be implemented and utilized to ensure that all English learners will make significant gains in English proficiency within a reasonable period of time.

The NC ELD finding indicates that the sole CDE EL program reviewer, Bustillos, determined ELD was not consistently implemented at the two middle schools that received an EL program review, but ELD instruction was acceptable at the one high school reviewed for the EL program. Bustillos also cites the lack of progress of English learners—specific schools not indicated—in learning English, as measured by their achievement on the CELDT. In other words, a low percentage—specific percentage not indicated—of English learners failed to move at least one level in one school year on the five-level CELDT. Simmons identified a lack of differentiation of instruction according to proficiency level as a principal challenge behind the NC finding, including that,

> the system we had in place didn't really differentiate between long-term English learners and recent immigrants….You could have students who were….intermediates for two years versus intermediates who have been here seven years or since birth. And so, that system didn't allow us to really better address their needs because we had the kids who were long-term that had the BICS, they had that down and they can sort of survive on those skills, but their academic language is still a struggle. And then you had the recent immigrants who were just—they were CELDT level 3 but for different reasons….And so, I think the program did a good job of taking them from CELDT levels 1 & 2 to 3, but very few students were getting out of the intermediate and going to advanced. (A. Simmons, personal communication, March 18, 2014)

To some extend, Sandoval also attributed the NC ELD finding to a lack of differentiation, vis-à-vis the Districts heterogeneous placement of students, which, begrudgingly, he believes to be in conflict with his interpretation of the state's ELD requirement:

> Because we had the kids in heterogeneous groups. That's really the problem. This idea of they're not receiving ELD because they're not segregated into classes, that's the problem. Totally, the problem is the way that guideline is written. I'm not going to segregate students. (D. Sandoval, personal communication, March 20, 2014)

CDE insights about the NC ELD finding. The key sentiment of the CDE about the District's NC ELD finding pertained to the disconnect between the impressive documentation they submitted to the CDE via CAIS in advance of the FPM review and the District's apparent lack of ELD implementation. Bustillos explicated the first indication of the District's lack of ELD implementation that he encountered during the review:

> I remember exactly when I entered a classroom which was labeled on the master schedule as ELD 3. As soon as I entered I saw different kinds of students, both, English learners, non-English learners, newcomers and non-newcomers in the same classroom. That gave me the impression that this was not an ELD 3 for English learners. So, I asked the teacher "Is this an ELD 3?" and the teacher said, "No, this is an intervention for students who are not meeting grade level." I then said, "Here is the master schedule, here is your name and your class labeled as ELD 3, so what's going on between the school site and the district and you in terms of this class?" The teacher said, "I have no idea, but this is an intervention for students who are behind grade level." So, I turned to the district administrator [Sandoval] and asked him to help me understand this classroom and, so, he finally said, "This is an intervention, this is not ELD." I then asked, "Is it possible to take me to an ELD classroom?" And he finally said, "We don't have ELD. This is a middle school, we don't have ELD at the secondary level, we only have ELD at the elementary level." (H. Bustillos, personal communication, March 3, 2014)

To investigate whether this failure to proving ELD was also a pattern in core classes—aside from ELD—Bustillos asked to see core classes with large percentages of English learners and asked about the District's strategy to teach English to their English learners who represent a wide range of proficiency levels. Bustillos confirmed this pattern:

> The district person said, "Well, at the secondary level we believe that putting all kids in the same classroom will help them develop their English and at the same time allow them to intermingle with other students so that they have the opportunity to use English more often. So, we don't believe that offering ELD for those kids will help them acquire English." And, so, with that information I then asked the district person, "So, that means that you don't offer ELD at the middle school and high school level?" And, the answer from the district person confirmed that that is a yes. (H. Bustillos, personal communication, March 3, 2014)

From CDE's perspective, there was no doubt the key reason why the District chose not to implement ELD programs as required by state and federal requirements was due to their ideological stance on the pedagogy of teaching English to English learners:

> I was told that they don't believe that offering ELD will help English learners develop English, that's why they decided not to implement the ELD program at the secondary level. (H. Bustillos, personal communication, March 3, 2014)

How well WHUSD received the ELD finding. From a certain perspective, the NC ELD finding was not a surprise, since, as discussed earlier, the new administration was in the process of fixing the "broken district" (S. Díaz, personal communication, March 18, 2014) inherited from

the previous administration. In response to whether he thought the NC ELD or other EL program findings were appropriate, Díaz simply stated, "Yeah, absolutely. We knew that they were going to be what they were" (S. Díaz, personal communication, March 18, 2014). Nonetheless, by many accounts, the ELD finding was not well received by District leadership. Simmons, shared their discontentment with the ELD finding and attributed it to their ideological stance on *how* ELD should be teach, which they believe is different than what the FPM compliance requirements call for:

> We didn't necessarily philosophically agree on, in terms of we know we need to support EL students, but how, we may disagree. It [ELD finding] was not well-received….If there was a recording of that meeting where the findings took place…it was tense! It was intense! And there was this guy [Bustillos]….he's sharing out the findings, and it was contentious, it was not well-received. We questioned a lot of those findings to begin with, because it was almost as if it was your word against my word, it's your philosophy against my philosophy. And yes, we understand the compliance piece, but is that really what's best for kids? Because, out of compliance, yeah, we should have a program, we should have ELD, but if it's ineffective, no one cares. Because you could just check it off and say you have ELD. Whether it's effective or not, that's not the question that they're monitoring or coming in to review, "We just want to see did you do this. So, with your dollars, could you do this?" And so, it wasn't well received. [David] was the one that was really raising more of these questions and concerns….I think that David almost made it like a personal—it became a personal thing between him and this guy. And so I ended up trying to mediate that conversation….It was an uncomfortable conversation. (A. Simmons, personal communication, March 18, 2014)

Corroborating Simmons' perspective on the CDE's ELD finding, Sandoval, again, referenced their ideological viewpoint on what constitutes ELD.

> At the end of the day, we disagreed ideologically to how students receive ELD. I think the support class where you're teaching ALD…where you're doing explicit instruction of the language standards, that's a good approach of providing students with ELD. But to say that I'm going to have 8th grade long-term English learners that have been here since kinder….90% of those kids have been here since kinder….I'm not going to put them in an ELD curriculum and take them away from the core curriculum because of some guideline that tells me without really looking at student needs. That's pretty much what I told the reviewer. (D. Sandoval, personal communication, March 20, 2014)

Referencing his and Sandoval's background in teaching ELD, Simmons explicated the District's efforts to proactively offer what they believed to be ELD instruction that, in lieu of state guidance on ELD instruction or materials, addressed their students' linguistic needs:

> I think it [ELD finding] was also about identifying and supporting students inside the classroom through our ELD or support classes, and how well those were structured and really happening….So our response was, well, we know that Avenues doesn't work, and we've seen the data to support that argument, and so we're trying something different. Maybe it is a little early to tell, but we still believe that this is a better system to support

> our students. I think that, in terms of passion, in terms of research, we were pretty knowledgeable about the content and subject matter as well. David and I had also been ELD teachers and worked in communities with high EL populations, and so we understood the severity and the urgency of not waiting until next year, not waiting until next program, not waiting until the state or county gives us additional direction, and trying to do something now. There was no pilot study, no comparison, sample group, or anything of that stuff done, so, you know, you're kind of…flying a plane and putting it together at the same time. And that's what it felt like. We couldn't get off the plane and analyze it. We kind of knew it was going the right direction, but was it the most efficient? Was it sufficiently off the ground? It was hard for us but we knew that we had to do something….It [ELD finding] was about the how. (A. Simmons, personal communication, March 18, 2014)

When I probed about whether there was room for negotiation regarding the opposing perspectives on ELD, Sandoval, simply said, "No. We were ideologically opposed" (D. Sandoval, personal communication, March 20, 2014).

Although Simmons, along with Sandoval and other District leaders believed the ELD finding was, for the most part, unwarranted, there were cases where this sentiment varied. Simmons, for example, made a distinction in the District's EL program according to English proficiency levels and conceded that the finding was appropriate for the District's program for their newest English learners.

> I'd say appropriate for our newcomers, yes. [Long-term English learners] no, I think we had that in place, but it was our first year implementing it so it was something that we were still working on. So it's been refined since then. (A. Simmons, personal communication, March 18, 2014)

Chávez, who was at a school site during the 2011/12 FPM review, opined that the ELD finding was "appropriate" because, "from a classroom teacher's perspective, the ELD program I would say was pretty much not really existing at every school site. Speaking on my own school site and comparing it to others, it varied across the board" (C. Chávez, personal communication, March 19, 2014). Also sharing a school level perspective, Martin similarly opined that the ELD finding was appropriate:

> I think it [ELD finding] was pretty right on…. I think it's pretty warranted because…I don't think they [teachers] could articulate how they were addressing the needs of these English learners, first, through the master schedule and then, second, the actual services that they were receiving, either in the core or the support class. (P. Martin, personal communication, March 18, 2014)

The nuances of ELD pedagogy weighed heavily into the CDE's finding of non-compliance and to whether District leaders believed the finding was warranted. District leadership believed the ideological disagreement between them and the CDE centered around what either side believes constitutes ELD and how it ought to be taught and, thus, was not indicative of a refusal by the District' to teach "ELD." As discussed earlier, based on the 14 documents (see Table 25 earlier in this chapter) the WHUSD submitted to the CDE prior to the

FPM review, Bustillos was impressed with the District's EL program policies and guidance, such as the Title III Action Plan and EL Master Plan. Consider, for example, the ELD guidance contained in the WHUSD Title III Action Plan, as displayed in Figure 11, which was revised one month prior to the 2011/12 FPM review. This ELD plan details explicit District expectations for "heterogeneous classes and homogeneous support," the delivery of ELD instruction, including minimum instructional time, standards to be used, areas of focus, distinction between K-5 and 6-12 instruction, monitoring of ELD instruction, and goals for reclassification.

Focus/Objective:
Full Implementation of ELD program district wide (for a minimum of 45 minutes daily) emphasizing reading and writing skills. ELD instruction must be focused, based on ELD Content Standards. This will allow all English Language Learners to consistently move up one proficiency level each year as measured by CELDT. Classroom Instruction will emphasize reading and writing skills. Emphasis on Academic Language Development for all students, particularly C3 students to ensure they meet proficiency.
Action Steps:
1. Daily ELD instruction will be provided to all ELs based on proficiency level using district adopted basic core ELD materials. ELs will be grouped by language proficiency for ELD instruction only. (heterogeneous classes and homogeneous support)…Targeted ELD instruction will be provided according to CELDT data in all four areas—speaking, listening, reading and writing.
2. ELD instruction for English learners in grades K through 5. All teachers will provide daily ELD instruction fully implementing core ELD program (Avenues) for a minimum of 45 minutes daily. There will be an emphasis on academic language development and will include listening, speaking, reading and writing at all CELDT levels specifically at the intermediate level. Site Administrators will make sure that the curriculum and assessments will be used for all ELs. Curriculum Alignment process will be used to endure ELD instruction will include specific language objectives (explicitly teaching vocabulary, syntax, grammar, functions and conventions of English) and on-going curriculum embedded assessments of student progress in meeting ELD standards. Teachers of ELs identified as CELDT level 3 will emphasize academic language development that addresses the different language functions—Reading, Writing, Speaking & Listening. In addition, administrators will work to schedule additional ELD instructional time for ELs who are not making progress to ensure they reach proficiency.
3. ELD instruction and support for English learners in grades 6 through 12. All teachers will provide daily ELD instruction and fully implement the core ELD program. Site administrators will work to schedule ELD classes and provide additional time for ELs who are not making progress on CELDT…ELD instruction will include specific language objectives (explicitly teaching vocabulary, syntax, grammar, functions and conventions of English) and on-going curriculum embedded assessments of student progress in meeting ELD standards. A clear entry/exit criteria for ELD courses will be established and students' US Entry Date (Years in Program) will be used as a component of the triangulation of data to develop criteria.
4. ELD Monitoring System- K-12. Site administrator(s) will develop a system to train and implement an ELD classroom observational protocol tool (Elementary- Secondary) when conducting classroom visits to monitor the implementation of ELD program.
5. Develop as component of LUSD goals, language to indicate that all EL students will redesignate by end of 5th grade to also include parent notification if student has not reclassified by then.

Figure 11. WHUSD Title III Action Plan: English Language Development (ELD) Section Excerpt

Additionally, District policies prior to the FOM review detailed the expected ELD instruction by English proficiency level, as illustrated in Figure 12 (adapted from Document 11 listed in Table 25). This guidance reflects the District's ideological approach of "heterogeneous classes and homogeneous support," or differentiated ELD within classes comprised of English learners at different English proficiency levels. Moreover, the guidance highlights the District's "50/50 design" or focus on academic language development (ALD) to English learners starting at the intermediate level of English proficiency. These two District policies—heterogeneous ELD classes and ALD—were the underlying issues of contention behind the NC ELD finding. This differing of opinions between the CDE and the WHUSD about both, ELD and ALD is not

surprising, as it speaks to a broader issue of consensus in the EL professional community, as Valdés (2010) posits, "Unfortunately, in spite of the growing interest in the kind of language that will result in school success, we currently lack a single definition or even general agreement about what is meant by *academic language*." In addition to the issue around academic language, the practice of attempting to provide ELD within mainstream or heterogeneous classrooms may be challenging, as Dolsen & Burnham-Massey (2011) intimate:

> Although instructed ELD may be integrated with mainstream English-language arts instruction at the more advanced levels, teachers must be vigilant to set aside time to address the specific second-language needs of English learners to enable them to reach full academic proficiency in English. (p. 36)

English Proficiency Level	Elementary	Middle	High
Beginning; Early Intermediate (Students in US Schools ≤3 years)	ELD (*Avenues*)	ELD (*High Point*)	ELD 1, ELD 2 *EDGE* (two hours)
Intermediate	ELD/ALD (*Avenues*) OR Writers Workshop, Open Court ELD, Materials for Targeted Standards for preview/review	ELD/ALD (*High Point*) OR EL Handbook, Vocabulary Emphasis and Roots from the Bottom up, Narrative & Expository Texts, Materials for Targeted Standards	ELD 2, ELD 3 *EDGE* (two hours) and for ELD 3 supplement with EL Handbook, Vocabulary Emphasis and Roots from the Bottom up, Narrative & Expository Texts, Materials for Targeted Standards as preview/ review
Early Advanced; Advanced	ELD/ALD Writers Workshop, Open Court ELD, Materials for Targeted Standards for preview/review	ELD EL Handbook, Vocabulary Emphasis and Roots from the Bottom up, Narrative & Expository Texts, Materials for Targeted Standards	Grade Level English *Holt Literature & Language Arts* Support with EL Handbook/ Component and Vocabulary Emphasis and Roots from the Bottom up, Narrative & Expository Texts, Materials for Targeted Standards as preview/ review

Figure 12. Program Design for English Learners excerpt from WHUSD EL Master Plan

CDE Guidance. As discussed earlier, Simmons voiced a concern that the state does not provide sufficient guidance around ELD instruction. To this point, the ELD requirement (EL20) within the FPM EL Program Instrument (see Figure 8 earlier in this chapter), for example, only states, "Each English learner receives a program of instruction in English language development (ELD) in order to develop proficiency in English as rapidly and effectively as possible." Considering FPM Instruments are the primary tools school district leaders use in preparation for FPM review, it would be difficult, based on this example, to make the case that they do provide significant guidance. When I asked Murrieta about his perspective on the FPM instrument's guidance, he recognized the CDE's shortcomings in providing sufficient guidance, first, by acknowledging that the *how* of implementing the requirements is not usually provided:

> While the [instrument] items, in most cases, speak to the "what," they don't speak to the

> "how." In other words, the instruments identify what components must be covered, but districts have flexibility in terms of how they go about addressing the requirement. For example, the ELD item is a key requirement in the EL program. The [EL program] instrument speaks to the requirements of providing ELD, but it is not tell districts how to do so. (J. Murrieta, personal communication, May 9, 2014)

Second, Murrieta explained a major reason behind why the CDE does not provide additional detailed guidance:

> One comment we often hear is the need to provide more specificity or examples of what the item is calling for. I would agree with this. It would be helpful for districts to have this level of detail, but unfortunately, from a legal standpoint, it is difficult to give this level of detail because then it limits districts, or at least guides them in a certain direction, that later can be questioned or challenged….why did we choose those examples and not others. Also, by giving specific examples districts may interpret this to mean that these examples are the only ways to demonstrate compliance, which would be erroneous, because, again, district staff flexibility to design and implement their programs that best meets their needs, as long as they are addressing the specific requirement. (J. Murrieta, personal communication, May 9, 2014)

Aside from the FPM Instruments, the CDE—and, the State, in general—does provide several sources of ELD guidance to LEAs, such as: (a) ELA/ELD Frameworks (see http://www.cde.ca.gov/ci/rl/cf/), ELD Standards (see http://www.cde.ca.gov/sp/el/er/eldstandards.asp), and K-8 State-adopted ELA/ELD Instructional Materials (http://www.cde.ca.gov/ci/rl/im/rlaadoptedlist.asp). However, legislation suspended the process and procedures for adopting instructional materials, including framework revisions, until the 2015-16 school year (see http://www.cde.ca.gov/ci/cr/cf/index.asp). A common sentiment held by practitioners about these sources of guidance is that, again, they do not provide sufficient guidance as to how ELD should be taught. Even the ELA/ELD frameworks and K-8 instructional materials apparently fall short, in that a common criticism of them is that their focus is mostly on ELA and little on ELD or that the "ELD" guidance is, for the most part, adapted ELA guidance. In 2010 the CDE, however, published *Improving Education for English Learners: Research-Based Approaches* (CDE, 2010b), which provides considerable detailed guidance on teaching English learners, including specific guidelines for teaching ELD (see, for example, Appendix T). The problem, however, is that the book, nor the specific guidance it provides, are not considered regulations and, thus, not enforced or even used to inform the FPM process. Accordingly, the book's copyright page states the following:

> Notice: The guidance in *Improving Education for English Learners: Research-Based Approaches* is not binding on local educational agencies or other entities. Except for the statutes, regulations, and court decisions that are referenced herein, the document is exemplary, and compliance with it is not mandatory. (see Education Code 33308.5)

Moreover, California Education Code 33308.5(a) specifies the non-regulatory nature of CDE guidelines:

> Program guidelines issued by the State Department of Education shall be designed to serve as a model or example, and shall not be prescriptive. Program guidelines issued by the department shall include written notification that the guidelines are merely exemplary, and that compliance with the guidelines is not mandatory.

Bustillos acknowledged that his key monitoring guide—EL Program Instrument—may not always provide sufficient guidance to LEAs. Moreover, he emphasized the role of the CDE reviewer and the impact that the experience of the reviewer has on enhancing districts' capacity to successfully implementing EL program requirements:

> The law actually says that you can group students for ELD, but it doesn't say how you do it. I really have that program knowledge; If you have that experience you can give advice, suggestions. That doesn't mean you tell them what to do, you don't tell them what to do….I would say that sometimes the law doesn't specify, but the knowledge, the experience that we have will definitely help, and we give this kind of suggestion or information—the district, the classroom teachers, and the principals truly appreciate that we actually know what we are doing…. There may not be enough detail, but when we work directly with the district to address the items and the instrument and the requirements, we should be able to articulate to them what the requirements are, and if we cannot articulate the requirements in a way that helps them understand, how can we expect them to implement a program that really address the needs of those kids? We can't. (H. Bustillos, personal communication, March 3, 2014)

Resolution of NC ELD finding. As the preceding discussion on the ideological differences in ELD pedagogy might suggest, resolving the NC ELD would, in addition to a technical approach, also require political and normative (Oaks et al., 1997) approaches. In fact, it took the WHUSD a relatively long time—354 days—to resolve the ELD finding. By comparison, it took the eight LEAs from my final selection pool a mean of 250 days to resolve their NC ELD findings (refer to Table 10 in Chapter 3). Moreover, District leadership's perspective on compliance versus their ideologies on programs and pedagogy, ostensibly, influenced their approach toward the resolution of the ELD and other NC findings.

The District's number of non-compliant days, coupled with their ideological stance might suggest limited efforts to resolve the findings or perhaps selectively responding to findings with which they were in agreement, as both, Díaz and Simmons intimated:

> They (Instructional Services Department] negotiated some of them and said "Hey, we think you're off on this," and they backed off on a couple of items. But the ones that we felt where they had nailed and said these are areas of growth and findings, we embraced it and dealt with them. (S. Díaz, personal communication, March 18, 2014)

> In areas that we knew we were short on, like our PE minutes at King Middle School, we acknowledged it and we said, you know what, it's a shortcoming on our side of the district and we're ready to move on, acknowledge it, and make the necessary adjustments. (A. Simmons, personal communication, March 18, 2014)

Another example of the District's possible indifference toward resolving the ELD finding

revolved a request by the District for a resolution extension. Six days before the end of the initial 45-day resolution deadline, the District, via a CAIS communication from Sandoval, requested an extension for the ELD item:

> To fully develop this plan, we must complete the program evaluation at each school now that we have implemented the reform efforts we began this year. We cannot move forward to another layer of professional development for systematic ELD until we fully implement the current reform. We need additional time for this one. Thanks. (D. Sandoval, CAIS comments, CDE, March 2012)

The next day Bustillos responded by asking for additional information, including a detailed action plan and time line:

> Hi David, you provided the rationale for your request to extend the due date for EL 20. Please also provide the following information: 1. An action plan and a timeline describing the process to address the findings for this item. 2. The expected due date. After the 45-day due date, the district has 180 days to resolve the findings. Please let me know if you have any questions or need clarification. Héctor (H. Bustillos, CAIS comments, CDE, March 2012)

Having not received a response from the WHUSD one week later, Bustillos again sent the previous request for additional information. The following day, Huerta, on behalf of the District, responded the following via CAIS:

> This is the Action Plan for instrument item EL 20:
> May 2012: Program evaluations and reflections of the current reform procedures
> June 2012: Modification of interventions
> October 2012: Board Approval of finalized plan
> Early November 2012: Upload to CAIS (A. Huerta, CAIS comments, CDE, March 2012)

Although this response, arguably, addresses Bustillos' request, the action plan seems lacking. Nonetheless, two days later Bustillos approves the request, however, with a shorter time line than requested:

> Your request to extend the due date has been granted. However, you requested a due date that is exceeded the 180 days allowable to resolve the findings. The new due date for EL20 is September 20, 2012. (H. Bustillos, CAIS comments, CDE, March 2012)

Overall, however, District leaders conveyed a seemingly genuine desire to address the NC issues, such as expressed by Díaz, "We didn't have an issue with adhering to some of those guidelines and findings that they came up with…. That was our focus area in a lot of ways" (S. Díaz, personal communication, March 18, 2014) and Simmons, "I think that, philosophically, we, on good faith, tried to resolve those issues. So we worked on them. We didn't put them aside and ignored them. We actually were active in trying to address the findings (A. Simmons, personal communication, March 18, 2014). In fact, some District leaders, such as Martin, voiced spoke to their internal attribution and desire to go beyond what is required and do the right thing:

> We have to get beyond the compliance piece, we have to do it because we care, we have to do it because it's the ethical thing to do. So we go beyond compliance, and that's what we tell the teachers. So in terms of how they view all these compliance pieces, I mean, everyone has to do it because they have to do it, but the superintendent's really adamant about doing things because it's the right thing to do, because it's the ethical thing to do. Not so much…you know, you have these lawsuits where English learners are not being serviced. (P. Martin, personal communication, March 18, 2014)

As Jeannie Oaks (Oaks et al., 1997) might agree, the District first attended to political and normative dimensions of schooling, which, albeit, time consuming, in turn, facilitated technical changes, as Simmons explicated:

> We worked with our external support provider. They telling us to "hold off, don't buy a program. That's not going to be your silver bullet. It's not really going to address the needs. What you really need to do as a district is ask yourself who's teaching these kids. Address that before you do anything else." It was a good point because, whether it were our support classes, ELD at the high school, what we found is the most senior teachers were not working with those kids. So you had a tendency to have a disproportionate higher number of ineffective teachers working with these students…. And so we wanted to address that. What we said is that…it hasn't worked out well…it's basically tracking kids….And so, what we told our schools, and we put this in writing too, is that when you put together the master schedule you've got to take things into consideration so that all the English teachers have to teach the 9th grade English. Everyone has to teach a support class. You can't have a teacher have all the AP courses or all the gifted students and not have any opportunities to support the other kids as well. And so, that's what we tried to address. (A. Simmons, personal communication, March 18, 2014)

As part of the resolution process, the District had to document and submit to the CDE a variety of sources of evidence, as Simmons shared:

> We had to provide our master schedule of the high schools and the secondary schools. We had to provide the list of students and verify that those students were receiving support….We had to provide them information with the process of how they get identified and redesignated, and what we had in writing for schools to put the schedule together, like the long-term versus recent arrivals, etc. (A. Simmons, personal communication, March 18, 2014)

The key changes by the District in response to the NC ELD finding ultimately satisfactorily addressed the CDE's concerns about the lack of explicit ELD provided at the secondary level. As previously mentioned, the WHUSD submitted to the CDE fourteen documents responsive to the ELD item prior to the FPM review. In response to the NC ELD finding, the District submitted seven additional documents. These documents indicate that strategic developmental work was done on their ELD program design. For example, an excerpt from Document 19 listed in Table 25, as illustrated by Figure 13, calls for standards-based ELD, leveled ELD for one period, and 6-week progress monitoring. Compared with comparable District guidance prior to the FPM review, as reflected in Figure 12, post-FPM guidance reflects an apparent attempt by District

leadership to respond to the state's mandates, such as providing leveled ELD for one period and progress monitoring, while also maintaining key elements of their ideological beliefs of ELD pedagogy, such as providing a second period of heterogeneously mixed ELD support classes.

English Proficiency Level	ELD Leveled Instruction	ELD Description	Interventions/Support/ Monitoring
Beginning	Standards-Based ELD	K-6 students are leveled using CELDT level and number of years in school during ELD time (1 hour daily for Beginning level). Secondary students have a separate 2 hr. ELD class until they have reached high CELDT level 3. Students are then in mainstream English class in heterogeneous clusters and have an additional period of ELD support if they are not making progress.	1. K-6 students not making progress in ELD, as evidenced by CELDT scores and formative assessments, are identified for extended-day ELD of 2 hrs. per week. 2. Secondary students not making progress (in WHUSD most are LTELs) are identified for an additional period of ELD support during the day, in which 3D materials are used as supplemental resources to focus on academic achievement and preview-review of the core. 3. Every 6 weeks teachers, by grade level, are subbed-out to participate in data reflection sessions based on formative common benchmarks, discuss EL student progress, and determine next instructional changes, as well as identify students for extra period of ELD. 4. Approximately every 6 weeks, administrators from sites and district conduct walk throughs to gather evidence of ELD program implementation and debrief with administrators. 5. Bi-monthly 1.5. hr. refreshers of ELD/ALD summer professional development are held. 6. Parents of students who do not RFEP at the end of the year are sent a letter with the data of the student to alert them of the area(s) they need to work on to meet RFEP criteria.
Early Intermediate; Intermediate	Standards-Based ELD with Support if Applicable		
Early Advanced; Advanced	Standards-Based ELD with Support if Applicable		

Figure 13. Program Design for English Learners Excerpt from Revised WHUSD EL Master Plan

Revised District policies, aside, the commitment of the WHUSD to English learners, from the state's perspective, was questionable, as Bustillos contended:

> Based on my [FPM] review, the information they me, the program description, and how they implemented their program at the secondary level, they are not very committed to addressing the needs of those English learners who need English language development because they did not offer ELD at the secondary level....I understand that kids have so many other issues and challenges, but at least put in place some kind of system or mechanism to look at these kids in a way that helps them to understand the needs of those

> kids. Let's say if an English learner receives an F in math class, what's going on, what's happening? Is there something that the school or the teacher or the parents or the students themselves can look into the issues and address the issues? That didn't happen. That was not in place. (H. Bustillos, personal communication, March 3, 2014)

Moreover, Bustillos intimated that the motivation behind the District's eventual resolution of the NC items was the potential loss of categorical funds:

> It took a long time, so I communicated with them regularly to ensure they were on top in address the findings….I would say that without regular communication and contact, they would not stay on top of the findings and address the findings because it took them a long time, to the point were I actually sent them an e-mail indicating that if they don't address the findings their funding, their consolidated application, will be under condition approval by the State Board of Education. To that point, they finally addressed the findings and sent all documents. (H. Bustillos, personal communication, March 3, 2014)

Bustillos went on to postulate a circular rationale for the motivation behind the withholding of funds. Essentially, he argues that without the funds, the District cannot do what they are charged with not doing with the funds; namely, meet the needs of English learners:

> That will definitely put them in a situation where they need the money to address the needs of those kids. Therefore, they have to address the findings accordingly; otherwise, it will not look good on them in terms of, not just not receiving the funding, but not addressing the needs of those kids. So, with that pressure, it put them in a situation where they have to address the needs of those kids so that they can get the funding so that the public knows that they addressed the needs of English learners. Without this type of pressure, I don't know whether not they would've addressed the findings or the needs of those kids. (H. Bustillos, personal communication, March 3, 2014)

The nature of the current compliance monitoring process does not include a verification follow-up review to ensure implementation of policies and other evidence submitted as part of the resolution of NC findings. Based on Bustillos' expressed concerns of the District's motivation, I asked about the changes in the District and his confidence in the District's implementation of new policies, to which he replied:

> I didn't get a chance to go back and review the program after the FPM visit. Just based on the communication that they submitted to address the findings, I believe that if they implement the program according to the documents that they submitted to address the findings, then I would say that they've made a lot of changes to address the needs of those English learners; but, if they submitted the documents just to address the findings so that they meet the legal requirements and they didn't implement the program according to what they said they would do, then I would say that the program has not changed at all; but, I cannot verify that because I didn't have the opportunity to go back and look at the program again….Based on those documents it appears that they actually implemented a new program, and offer ELD at the secondary level. (H. Bustillos, personal communication, March 3, 2014)

WHUSD's perspective on FPM. District leadership had a varied view of the FPM process. As discussed previously, they had reservations about the process and expressed a need to go beyond compliance and to do things, not so much because of mandates, but for the right reasons. This suggests a District sentiment that compliance and, thus, FPM are not necessarily congruent with quality instruction. When I asked Sandoval, for example, about the relationship between compliance and instruction, he stated, "They are different" and, referring to ELD compliance, he opined that it was "subjective" and,

> that's part of what happened. They're saying they [English learners] are not getting ELD; I think they are. And because I'm not meeting the letter [of the law] on that compliance item, they're not [receiving ELD]. Education is a business of people, not checklists. (D. Sandoval, personal communication, March 20, 2014)

Simmons provided a more nuanced view of compliance and effective instruction for English learners, opining that sometimes compliance is met at the detriment of the student:

> I think we focus on the micro of the compliance, the detail. Sometimes, we need to take a step back and remind ourselves, yeah, this kid's in ELD….But the kid's a sophomore. He was born here. It's not working, so do we keep doing it just because of the monitoring and compliance piece, or do we ask ourselves, "are there any other ways to support this kid, his family?" And I think sometimes the easiest thing to do is meet compliance, but you're not meeting the needs of the kid. And so, sometimes, we just have to remember that compliance isn't always necessarily what's best for the kid. (A. Simmons, personal communication, March 18, 2014)

Sandoval expressed additional concerns with respect to the reliability or rigor of the process:

> I mean, you could just create a document and give it to them and show that that's there. Like it really is like that….I mean, evidence of stuff. I don't remember now. I'm just saying that….It's pretty inauthentic. If I had my secretary create something, you know, I could've done that. (D. Sandoval, personal communication, March 18, 2014)

Positive perspectives of compliance and the review process were also expressed, such as from Chávez, who spoke to District leadership's perspective on EL program compliance:

> I think the district holds it [EL program compliance] to a really high regard because of our population of English learners. And then it also attributes to the students' achievement, meaning that we look at all of the data across the board, and we look at how the English learners are performing compared to our non-English learners, and then are they making their annual growth. And so, making sure we're in compliance, I think, maintains that the students are achieving. (C. Chávez, personal communication, March 19, 2014)

Similarly, then, Categorical Coordinator Huerta, sees FPM as a valuable and needed process, even in light of the new Local Control and Accountability Plan (LCAP):

> The value of the FPM process was the fact that it does make the district look at, you know, how do we do things? How do we account for spending that money? Is it even effective? Was that expenditure effective? Did it really increase student achievement? What kind of evidence do we have that it actually does increase student achievement?....I think it's a very valuable process. I believe it's part of a checks and balances. I think it still needs to be in place [even in light of the LCAP]. (A. Huerta, personal communication, March 19, 2014)

The LCAP is seen by many as the new accountability system for select categorically-funded programs, such as the EL program. The accountability relationship between LCAP and FPM lacks clarity at this point, however, is beyond the scope of this study. Interestingly, even Sandoval, who was the most vociferous about concerns about compliance, indicated that District leadership valued compliance, simply stating, "They're all about compliance" (D. Sandoval, personal communication, March 20, 2014).

On CDE reviewers. The most common sentiment about the CDE reviewers was that, although they were very knowledgeable, District leaders disagreed with them ideologically about ELD pedagogy. As the sole EL program reviewer, District leaders specifically referenced the tough, thorough, and rigid stance Bustillos took regarding ELD. Huerta, for example, shared:

> Our EL evaluator was very, very, very, very thorough….I had to go back and forth with him with the findings. I had to go back and forth, back and forth, back and forth…. And I think Mr. Héctor Bustillos…and I may never forget his name because he gave me such a hard time….It seemed like it was a tough love test. But you know what, I would say, "Hey, this is not fair for districts who didn't have to go through him," you know what I mean? (A. Huerta, personal communication, March 19, 2014)

Martin also spoke about Bustillos, but stated he was knowledge, thorough, and fair:

> He's [Bustillos] the one that stands out the most. Very knowledgeable. Fair, I would say….The question was, "How are they receiving their ELD instruction?"….They kept coming back to that question. We know who they are, but how are they getting their ELD instruction? He was never satisfied. I gave him one scenario where I was at the high school, and we actually had a section where I think had like five students, they were getting their individual ELD instructions. I don't know how feasible that is, master schedule-wise, for any site. Yeah, I don't think he was fully satisfied, for obvious reasons. (P. Martin, personal communication, March 18, 2014)

Likewise, Simmons spoke positively of Bustillos, as well as the RTL, Will Manning, sharing that Manning, "had experience, was knowledgeable, and nice. And I want to say that too for the EL guy, same thing. (A. Simmons, personal communication, March 18, 2014)

Whilst Sandoval also brought up Bustillos, he highlighted their ideological opposition:

> We're ideologically opposed, but yeah, they were very knowledgeable, especially the Title 1 reviewer. He was more helpful than anyone. I learned a lot from him…. The EL reviewer and I were ideologically opposed about ELD, that's what he focused on….there

> was nothing else….It was pretty focused….In some cases, I think he was knowledge in some areas. I don't know that he was necessarily knowledgeable about secondary. I think that's where the problem was, or at least a different knowledge maybe. (D. Sandoval, personal communication, March 20, 2014)

On FPM tools. WHUSD leaders shared several recommendations regarding the FPM tools (see Chapter 5) but, overall, the consensus about the role, utility, and use of these tools by District leaders was mixed. With respect to CAIS and the uploading of compliance evidence, on the one hand, District leaders saw it as an organizing tools, but on the other hand a bit tricky, as Chávez discussed:

> It's [CAIS] okay. There's some tricky parts as far as you really have to pay attention to details in the system. Because they have various tabs to click on as far as what to upload [such as] associated documents versus the required documents. Right now, my fiscal person, he accidentally checked the resolution button, and I'm like no-ooo, shouldn't have done that, you're supposed to check the resubmit button. And so it's little things like that, like little nuances that you have to be careful about because you really can't undo anything….It should be a little more user-friendly. Yeah, it should be. But it's okay. (C. Chávez, personal communication, March 19, 2014)

Estrada, by contrast, expressed both, concern and understanding with the burden put on staff by the requirement to gather compliance evidence:

> There's a lot of uploading of information. I don't know. I just question the amount of time it takes away from folks' time to deal with it. But I also understand that it's necessary to kind of leverage certain things that need to change in the district, because then you do have backup, you do have something to say with respect to something you're trying to change. (D. Estrada, personal communication, March 17, 2014)

Reflecting on the collection of evidence prior to CAIS, Simmons expressed a preference for the current system, stating, "I like having this information electronically as opposed to just keeping binders and cards" (A. Simmons, personal communication, March 18, 2014).

In reference to the EL program instrument, the common sentiment was twofold. First, they were useful in preparing for the FPM review and, second, they need additional detail and guidance. Martin, for instance, discussed it's utility in preparing for the review:

> I would say that it [EL program instrument] was at the forefront once when we went through the FPM. And then, to be quite honest, we would probably need to revisit that. So yeah, at this point, I wouldn't be too knowledgeable of it….It was pretty detailed. It kind of kept us in line as far as what needed to be done and what needed to be addressed. (P. Martin, personal communication, March 18, 2014)

Sandoval shared a disparate opinion of the EL program instrument. On the one hand, it guided the development of EL program guidelines, as he stated, "I went straight off the instrument to develop the English Learner Master Plan" (D. Sandoval, personal communication, March 20, 2014). On the other hand, he opines it needs major revision:

> I think it's antiquated. I think it needs to be revised. You can't have the same requirements for elementary and secondary. It doesn't address long-term English learner needs. Again, it's a check-off list…. And there's too much overlap between items. (D. Sandoval, personal communication, March 20, 2014)

Whilst Huerta simply stated, "I do like the instruments. I think the instruments could be made a little bit more user-friendly—the [EL program] instrument at times is not as specific as expected" (A. Huerta, personal communication, March 19, 2014), Chávez elaborated on the same concern:

> I think the [EL program] instrument was okay, I guess. For me, since I'm not really working with it [outside of FPM], it was a little challenging. But I had to upload. I feel like if I probably had better knowledge of the ELD program within our district it would've been easier….Some of the programs, some of the instruments, and stuff were a little vague sometimes. I'm not really sure exactly what they were looking for. (C. Chávez, personal communication, March 19, 2014)

With respect to the NOF, opinions of it were influenced by the individual's perspective on the NC findings. As a tool, however, it was generally seen as a useful blueprint, as Díaz offered, "[the NOF] helped us get better….That division [Instructional Services] looked at that as a to-do list" (S. Díaz, personal communication, March 18, 2014).

Impact of FPM. The perceived impact of FPM on the District varies, depending on the individual and the extent to which he or she attributes the impact to FPM versus District initiatives that began prior to the 2011/12 FPM review. As discussed earlier in this chapter, the perception of the previous District administration was that it was seriously troubled. The current administration, therefore, began implementing a strategic plan, which, coincided to a good extent with the preparation for FPM and subsequent District actions to address NC findings. To this point, Díaz noted, "I think that when you look at our strategic plan and you look at a lot of the elements we put into place [subsequent to FPM] in terms of our instructional design and how we spent money, they were logical fits" (S. Díaz, personal communication, March 18, 2014). Simmons corroborates that District efforts were underway prior to FPM and highlights the District desire to address teacher practice, regardless of the other pending changes:

> We had already started the changes before FPM. One, we started these changes because we knew it was an issue, and also because we knew FPM was coming. We knew that some of these changes were also coming down, and so we worked with the county office to approve these changes in advance. So we knew some of those changes were coming. Two, we wanted to address the teacher behaviors, because we thought if we change how they teach regardless of what the content is, we're going to see gains for our kids. So if they're using these strategies for language arts, math, science, social studies, it doesn't matter, we're going to see an improvement in student achievement. So we started these changes before FPM. (A. Simmons, personal communication, March 18, 2014)

Some District leaders, such as Sandoval, do not credit FPM for influencing any positive changes in the District's ELD program, as he defiantly opined:

> FPM didn't have anything to do with how we changed. At the end of the day, it's human

> capital. Yeah, you comply with guidelines, but at the end of the day, what's important is, at least for this district, is doing what's right for the students, and that has nothing to do with FPM. So no, I don't think that FPM changed the ELD program in any way….We're still doing what they didn't like we were doing. (D. Sandoval, personal communication, March 20, 2014)

By contrast, Chávez, suggested that the changes brought on by FPM were expansive and facilitated ongoing changes beyond the FPM process:

> I felt like it was a benefit because it did make the necessary changes that were needed districtwide. Those changes became pretty much like the platform for continuing making changes; they were permanent changes. So they basically didn't stop once FPM was over and the findings were resolved. I think whoever was in charge of fixing this basically kind of understood that concept. (C. Chávez, personal communication, March 19, 2014)

I summarize the major areas that were positively impacted to some degree by the 2011/12 FPM review according to five categories—increased awareness, improved needs assessment, increased accountability, increased compliance, and improved provision of services. In Chapter 5, under *Recommendations*, I include some of the impact of the FPM process considered by District leaders to be less positive.

Increased Awareness. As discussed previously, District leadership is considered to be well-versed on English learner program issues. The impact the FPM had on raising awareness, therefore, pertained to compliance issues surrounding the clustering of students and site-level familiarity with both, state mandates and District policy. Martin, for instance, discussed the site-level increase in awareness of EL-related compliance issues:

> At the admin level, usually, you have your program specialists who, depending on their roles, whether they're visiting classrooms or helping out with the master schedule, those would be the people that you defer to address these [EL issues]. Now, I think each administrator would be able to articulate a little clearer as a result of this FPM, what the overall impact…. So, as a result of that [FPM], I think at the site level there's definitely more awareness post-FPM just in general of all these compliance pieces as it relates to the English learners and all these other categorical money. Awareness, definitely. (P. Martin, personal communication, March 18, 2014)

Chávez simply stated, "I learned a lot. Let me tell you, I really learned a lot. I understand what compliance is because of it, like I don't throw papers or agendas, sign-ins or whatever, away" (C. Chávez, personal communication, March 19, 2014). Similarly, Huerta, shared, in general terms, "I guess I found it [FPM] as a very valuable process that just made me aware of many things" (A. Huerta, personal communication, March 19, 2014).

Improved needs assessment/program evaluation. District leaders conveyed a high level of capacity to assess student needs and program effectiveness, which, in part, is reflected in their ongoing efforts to improve the achievement of LTELs. Nonetheless, a few District leaders expressed an increased capacity to use data to inform initiatives, as Huerta explicated:

> What kind of evidence do we have that it actually does increase student achievement? So,

> I found FPM as a very reflective tool, and a useful tool….From the data piece, really, I learned a lot, as far as the data. The FPM process actually really pushed Windy Hills to look at data to drive what we do with our federal and state programs. What are we doing? Is it effective? It's just, again, that reflective tool. And we became more of a reflective district, I think, based on that FPM process, especially with ELs (A. Huerta, personal communication, March 19, 2014)

Similarly, Martin, credited the FPM process with his increased mindfulness for program evaluation with respect toward resource allocation:

> What we call program evaluation piece…. it's [FPM] been very helpful in that sense. For example, this reading program, the Achieve3000, once the data comes in—it's rich in data—I can say, "as a result of implementing this program, I can tell you that it's had this kind of impact with our English learner subgroup" and things like that. It's kind of given me, I would say, a viewpoint of, not so much an auditor but just an evaluator, so to speak, where you step outside of yourself. Whereas before, it was like we're going to buy this for the sake of buying it because we have the money. (P. Martin, personal communication, March 18, 2014)

Huerta, in addition, attributed to FPM an increase awareness of the need to ensure the data are valid and reliable:

> Is our data even good data? And that's another thing that that process led us to reflect on and look at cleaning up the way we pick….And it made us less sloppy with the data, the way we tag people. It [FPM] affected us in every which way you can think of. It affected us in research and technology. I mean, the way you take data really can affect you….You have to have a uniform method or else your data will be inaccurate, and you can be really doomed for that. Then it's affecting all your other state data which then can lead you into Program Improvement, or you continue on in Program Improvement. (A. Huerta, personal communication, March 19, 2014)

Increased accountability. Again, certain improvements, including efforts to increase staff accountability, were already underway when the 2011/12 FPM review took place, however, some District leaders credited the FPM with facilitating additional accountability, particularly around fiscal issues as Huerta intimates:

> So I know the FPM process was very valuable because it made us aware of the checks and balances that we needed to have in place. There were all these money, and yes, there were some checks and balances, but we didn't have formal process of evaluation, which Mr. Sandoval, which is the director I work under, he really placed a lot of that framework in there. (A. Huerta, personal communication, March 19, 2014)

Simmons elaborated on the issue of fiscal accountability, stressing the need to evaluate the effectiveness of resources on improving service for English learners:

> I would say that FPM gave us good feedback on how we were using those resources to

> support these efforts. One of the things that we weren't doing well, and I still think that we're challenged by it, is using our dollars to make sure that they were more directly supporting our EL students. I think that, because the Title III funds have some more restrictions, it's easier for us to spend our lottery and our Title I than it is to spend our Title III. And so, I think with FPM coming down, they basically said, "Hey," you know, they questioned us. "How are you using your Title III dollars to support students? Is this really going to support EL students in this fight by buying these materials or having this professional development for your teachers?" And that's what they were questioning us. We used that obviously to sort of reflect and ask ourselves the same questions. "Is this really going to benefit our EL population just because we say it is? And are the professional development supposed to?" But how do you really know? (A. Simmons, personal communication, March 18, 2014)

Increased compliance. Based on previous discussions about the ideological stance of District leaders toward, not only ELD, but especially compliance, it is noteworthy that some District leaders believe the FPM process led to an increase capacity to implement compliant programs. Simmons, for example, discussed the improvement in systems to address compliance requirements, such as SSC, ELAC/DELAC, and appropriate utilization of resources:

> I think, one, is that we had an increased capacity of compliance issues and setting up systems to make sure we're monitoring them—receiving the documents, for example—on a regular basis, because we didn't have those systems before. So even though we'd tell schools, "you need to make sure you have school site council elections, or ELAC elections," and that you share the data, we weren't following up. So if they didn't do it...it was just like, you know, you got the reminders and the emails and stuff but nothing else really happened. So I think we did a better job with shortening up those gaps. And I think there were better systems in place to make sure that we're meeting the compliance requirements, that we were more knowledgeable about how to better use our resources. For example, Title III, that we were more cognizant of supporting students and making sure that those funds weren't used inappropriately. So I think that helped from that year to this year. And we're doing a much better job of working with the parents. At the time, I remember going to DELAC meetings and there was just a bunch of yelling. I remember trying to take a vote and everybody's voting, and I'm like, wait a minute, why is everyone voting? I didn't even know who was a member and who wasn't. So I think those systems have improved. (A. Simmons, personal communication, March 18, 2014)

Similarly, Chávez espoused the District's increased capacity to authentically implement compliance mandates, such as ELAC:

> [The District] just really benefited from all the work that was done [for 2011/12 FPM] and making sure all the findings were resolved at schools and districtwide….I think some of the school sites, too, because they knew exactly what they didn't do two years ago, and so, from here on out it seemed like they had a different eye. We're looking for things now. And so when it comes to compliance like for ELAC…even for me, I now pay attention more to those type of procedures and policies. So I think it's that kind of prepared for future compliance….actual [implementation], not paperwork, just making

> sure everything's actually happening. We had to do trainings that came out of the FPM two years ago, so, part of that was like a training for parents regarding their advisory council and their role. That's one example of preparation for this year, is that we knew everything was in place already. (C. Chávez, personal communication, March 19, 2014)

Like Chávez, Díaz also opined that the District was much better prepared to meet compliance mandates, including those from the 2013/14 online-only FPM review they had just undergone, "with respect to the desk review [2013/14 online-only FPM], we were prepared because we had addressed all of the things that had come up in our 2012 review" (S. Díaz, personal communication, March 18, 2014).

The WHUSD underwent an online-only FPM review in March 2014. Table 27 provides a side-by-side comparison of the results from the 2011/12 onsite FPM review and the 2013/14

Table 27

Results of 2011/12 On-site Versus 2013/14 Online-only FPM Reviews for the WHUSD

Item #	Item Title	2011/12	2013/14
EL 01	Parent Outreach and Involvement	Met Requirement	N/A
EL 02	EL Advisory Committee (ELAC)	NC	N/A
EL 03	District English Learner Advisory Committee (DELAC)	NC	N/A
EL 04	Identification, Assessment, and Notification	Met Requirement	Met Requirement
EL 05	Implementation & Monitoring of LEA Plan (LEAP)	NC	N/A
EL 06	SSC Develops and Approves SPSA	NC	N/A
EL 07	Translation Notices, Reports, Records	Met Requirement	NC
EL 08	Equipment Inventory	Met Requirement	Met Requirement
EL 09	Adequate General Funding for English Learners	NC	N/A
EL 10	Supplement, Not Supplant	Met Requirement	N/A
EL 11	EIA Funds Disbursed to School Sites	Met Requirement	NC
EL 12	Properly Assesses Costs for Salaries	Met Requirement	N/A
EL 13	EL Program Evaluation	NC	N/A
EL 14	Reclassification (RFEP)	Met Requirement	N/A
EL 15	Teacher EL Authorization	Met Requirement	NC
EL 16	Professional Development	NC	N/A
EL 17	Appropriate Student Placement	Met Requirement	N/A
EL 18	Parental Exception Waiver	Met Requirement	Met Requirement
EL 19	Equitable Services to Private Schools	Met Requirement	Met Requirement
EL 20	English Language Development (ELD)	NC	N/A
EL 21	Access to the Core	Met Requirement	N/A

Note. EL = English learner; LEA = local educational agency; SSC = school site council; SPSA = single plan for student achievement; EIA = economic impact aid; NC = non-compliant; N/A = not applicable/not reviewed; Source: WHUSD CAIS: read-only access granted by the WHUSD

online-only FPM review. It is important to keep in mind that a parallel comparison of the outcomes of the two FPM reviews cannot be made, as not all EL program requirements, such as ELD (EL20), are reviewed during onsite-only FPM reviews. Nonetheless, I include these data here for context—as one source of evidence to help elucidate the District's possible increased aptitude for compliance. Comparing the outcomes of both FPM reviews two things stand out. First, none of the NC items from 2011/12 were reviewed during 2013/14 and, second, and most notably, the District received the three NC items (EL07, EL11, EL15) in 2013/14, all of which were items that were found compliant in 2011/12. This latter point does not support the assertion that the District has increased its ability to implement compliance mandates, however, this is only one source of data. As of January 2015, two of the three NC findings had been resolved, but EL11 had reached 300 days of non-compliance.

Improved provision of EL services. As discussed earlier in this chapter, District leadership, for the most part, consider compliance and quality instruction as separate and, thus, places a relatively low value on the ability of compliance mandates to influence instructional improvement. That said, the principal EL instructional improvement reportedly influenced by the 2011/12 FPM review was the modification to the District's secondary ELD program, which now specifies in explicit, leveled ELD instruction, according to students' English proficiency level. This includes a differentiation of ELD instruction for newcomers versus LTELs, as Martin explicated:

> I think it was a perfect storm that just all came together….I believe that [FPM] started the conversation with the EL master plan from the district-level.…some edits, and then kind of bring it to the forefront, too, because it's one of those pieces that's always there, and it just sits there. And again, with the heterogeneous settings…. And then, again, just differentiating between [proficiency levels]…[ensuring] everyone's on the same page in terms of long-term English learners, and then what comprises of what we call LTELs—long-term versus a newcomer—and then how do we meet the needs of that particular student, whether it's an LTEL or a relative newcomer (P. Martin, personal communication, March 18, 2014)

Likewise, Simmons acquiesced and attributed to FPM the modifications to the ELD instruction they provide to their newcomers and LTELs, including not placing them together:

> At the two middle schools. We haven't really changed the program….Well, let me say this, I think the difference in terms of this is that we have a more structured formal program for our newcomers at all of our secondary schools. That is probably a result of this [FPM]….But for our English learners who have been here longer, we haven't changed it. Maybe we refined it a little bit and did a better job of articulating what it should look like, but those students are not grouped together with the newcomers. (A. Simmons, personal communication, March 18, 2014)

As Discussed previously, the current FPM process does not include a follow-up component and, thus, the CDE has no systemic way to ensure LEAs implement policies and FPM remedies approved by the CDE. To this point, Bustillos shared his thoughts regarding the prospect of improved provision of services within the WHUSD:

> It may be happening, it may not, I have no way to verify other than, you know, those

> documents that they submitted. So, I believe that we all work for the public and we serve the public based on what we committed to and, thus, I hope the documentation they submitted will actually happen in the classroom in terms of the implementation. That's my hope. (H. Bustillos, personal communication, March 3, 2014)

Leveraging FPM. Due, in part, to the relatively low value District leadership places on compliance, with respect to its impact on instruction, the District did not demonstrate an explicit attempt to leverage the FPM process to improve EL services. However, upon reflecting on the changes subsequent to the 2011/12 FPM review, some District leaders intimated that FPM helped leverage certain positive practices. Simmons, for example, referenced leveraging the ELD mandates to mitigate union resistance:

> From this experience and previous experiences, I think it is helpful when the state does provide certain expectations….For example, when we say ELD, we can refer to it and say, look, here it is written clearly that students shall receive ELD based on their proficiency levels….It has to happen….We were getting some pushback from the union saying "Oh, we've never done this before." It's like, "What? How can you have been at a school or district for a certain period of time and say that it's never happened before?" (A. Simmons, personal communication, March 18, 2014)

Even Sandoval, who, as I indicated earlier, was adamant that FPM did not influence any changes, suggested leveraging FPM to motivate change at the school level:

> I would say that it [FPM] helped leverage some of the resistance that often happens at school sites. When you say, "Oh, we have to because money's attached," suddenly people start doing what they're supposed to be doing. That's the only thing really….I think if anything, just, like I said, it underscored for some of the school sites—the fact that they needed to follow through with some of those things. (D. Sandoval, personal communication, March 20, 2014)

Although Bustillos could not say weather WHUSD leadership leveraged FPM to improve EL services, he was of the definite opinion that FPM can, indeed, provide such leverage, particularly for those school and district leaders who see this opportunity:

> This process helps them understand the needs of those kids, and at the same time the mandates. The law requires that they must address the needs of those kids, and that gives them the authority to put in place the structure that they say will address the needs of those kids…it gives them the leverage to really say to everyone in the district that, "this is what we need to do and this is what we must do"…. For those who do not believe that ELD actually helps English learners acquire English, they may just say, "well we have to address the findings," but those that believe that ELD helps English learners acquire English will take advantage of the requirement to implement a program that supports English learners. (H. Bustillos, personal communication, March 3, 2014)

As an example of the WHUSD leveraging FPM mandates, Bustillos referenced the efforts of

Martin to use the FPM professional development requirement to leverage change with the school's ELD program:

> I would say that one of the principals [Martin]….told me that he believed in offering ELD, and that this mandate will definitely help English learners. His site's professional development, which he offered to help his teachers understand the needs of English learners, actually reflects his belief and, the same time, addresses the requirements. And, with that information I would say that the principal…took advantage of this process to really…address the needs of English learners...to work with his teachers, to leverage them, so that they can understand that when you have this group of students you have to something different for them. (H. Bustillos, personal communication, March 3, 2014)

CHAPTER 5: CONCLUSION AND DISCUSSION

The purpose of this study was to gain a better understanding of how school district leaders respond to California's FPM process, particularly, as it pertains to programs for English learners. As I discussed previously, English learner issues are fraught with complexities and have a history of legislative and judicial intervention. Various local, state, and federal agencies are charged with ensuring an adequacy of services to English learners, such as the CDE via its FPM process.

Whilst a large body of research exists on high-stakes, performance-based accountability systems, such as those brought on by NCLB, the extant literature on compliance monitoring processes, such as FPM, is scant. I reviewed a diverse body of literature pertaining to education oversight and accountability, and advanced a framework for education accountability. Building on this knowledge base to inform the development of my conceptual framework, I also reviewed literature pertaining to conceptions of willingness and capacity, decision-making, and re-culturing for equity

Three research questions guided this study:

- How do school districts respond to the CDE's compliance review process (what are the behavioral patters in response to FPM)?
- Do district leaders leverage the FPM process with the intent to improve the provision of services to English learners? If so, how do they do it?
- How do LEAs that quickly resolve their non-compliant ELD finding differ in motivation and capacity to improve their ELD program from LEAs that take considerably longer (are there discernable differences between LEAs with few versus many NC days with the ELD finding)?

To investigate these questions, I conducted a comparative case study of two urban school districts—selected via a purposive sampling approach—in order to contrast the responses to the FPM process from two otherwise similar LEAs. My findings were informed by my examination of multiple dimensions of perspectives and behavioral patterns relevant to the FPM, including perceptions of districts' capacity to implement EL programs, districts' preparation for FPM, ELD finding, resolution of the ELD finding, districts' perspectives on FPM, impact of FPM, and leveraging FPM.

In this final chapter I first provide a discussion of my findings across both districts and highlight connections to major themes from the literature I reviewed and my conceptual framework. In my conclusion, I discuss limitations of the study, implications and recommendations for leadership and practice, and ideas for further study.

Discussion

Cross-case analysis. In Chapter 4 I provided several side-by-side comparisons of the two school districts that comprise this two-case case study, including: (a) overviews of demographics, achievement on state and federal measures, budgets, and the cities of Puente Verde and Windy Hills (refer to Table 16); and (b) logistical details of the respective FPM reviews (refer to Table 17). In the following cross-case analysis I compare the findings for each district, according to the seven major categories of my findings.

Capacity to implement EL programs. The evidence suggests both districts have the

capacity to implement ELD programs, however, Puente Verde Unified School District's (Puente Verde) capacity resides primarily within the EL department and the school's EL specialist, whereas, Windy Hills Unified School District's (Windy Hills) capacity is more widespread, both at the central office and school sites. Whilst Puente Verde designates a specific department solely for the EL program, Windy Hills distributes EL program responsibilities throughout their Instructional Services Division. The data further suggest that Puente Verde's capacity to implement EL programs increased after their FPM experience in 2011/12, whereas, there was less evidence of this for the WHUSD.

Preparation for the FPM review. The evidence suggests that LEAs did an admirable job preparing for the their respective FPM reviews. Windy Hills' deputy superintendent even presented on their EL programs to their Board prior to their FPM review. Both LEAs conducted versions of self-studies or mock reviews, although the evidence suggests those of Windy Hills were more robust.

The data also suggest that the attitude each LEA had towards having to undergo an FPM differed fundamentally. Whereas Puente Verde considered FPM as an opportunity for reflection and growth and approached it with a *sense of responsibility, believing it to* a *reflection of their leadership*, Windy Hills viewed it more as a bureaucratic accountability mechanism. Nonetheless, both, district- and site-level leaders conveyed a responsibility to approach the process honestly and own any shortcomings.

The data further suggest that both LEAs collaborated, to different degrees, during their preparation for FPM. Puente Verde's EL department, for example, actively engaged in inter-departmental collaboration within the central office, whereas, Windy Hills, due to the integrated nature of their Instructional Services Department, collaborated intra-departmentally. In addition, whereas the central offices of both LEAs collaborated with their school sites and county office of education, the evidence suggests Puente Verde proactively reached out to the CDE significantly more than Windy Hills.

Both LEAs used similar processes to gather the relevant compliance evidence and upload a similar quantity of overall documents it into CAIS within their respective time lines. Windy Hills, however, uploaded 46% more EL program documents than Puente Verde and double the number of those specific to ELD. With respect to comments entered into CAIS, both LEAs entered a comparable number of overall comments, but Windy Hills entered 70% more comments specific to the EL program and triple the amount of the relatively small number of comments specific to ELD.

Non-compliant findings. At the conclusion of their respective FPM reviews, both districts received NC findings in a comparable percentage of FPM programs reviewed. Coincidently, both districts received eight NC findings within their respective EL programs. Six of the eight NC items were the same for each district, including ELD. The nature of the ELD finding for Puente Verde was poor quality at the three secondary schools reviewed. By comparison, the nature of the ELD finding for Windy Hills was that ELD, as defined by the CDE was not offered at the two middle schools reviewed. In addition, the heterogeneous placement of English learners in ELD and ELD support classes was viewed by the CDE as not allowing for differentiated ELD instruction. For both districts, the reviewers also cited a lack of progress by English learners in learning English.

The evidence suggests Puente Verde accepted the ELD finding, even though they had mixed feelings as to whether the process to arrive at the finding was reliable, namely, the CDE's practice of observing any given class for only a few minutes. The evidence further suggests the

CDE was of the opinion that Puente Verde was very receptive of the ELD finding and the guidance they provided them. In contrast, the evidence suggests Windy Hills was not in agreement with the ELD finding due to their ideological stance on ELD pedagogy, which differed with that of the CDE. The evidence further suggests the CDE was of the opinion that, although, Windy Hills may have had capacity to implement effective ELD programs, they presumably lacked the will to do so. This is particularly noteworthy given the significant efforts that the evidence suggests Windy Hills initiated prior to the 2011/12 FPM in order to overhaul the previous administration's programs.

Resolution of NC findings. The average number of days it took the eight LEAs from my final selection pool to resolve their respective ELD findings was 250. Puente Verde took only 44 days to resolve the ELD finding, whereas Windy Hills took 354 days to do so. The data suggest Puente Verde's leadership worked closely with the CDE, actively seeking and following their guidance in order to resolve the NC findings as soon as possible. The CDE praised Puente Verde for their proactive efforts. By contrast, the data suggest Windy Hills' ideological posture toward ELD pedagogy, their lack of coupling compliance and quality instruction, and their conviction to do what they believe is right over what is mandated influenced their lengthier approach to the resolution of the ELD finding. The data further suggests the CDE, again, attributed Windy Hills' lengthy resolution of the ELD finding to their will, citing the threat of fiscal sanctions as the motivation behind the eventual resolution of non-compliance.

Districts' perspectives on FPM. The evidence suggests Puente Verde's perspective on FPM was positive, seeing it as a learning and improvement opportunity. By comparison, Windy Hills' perspective on FPM was more varied. Some District leaders saw FPM as process to take inventory of services and student achievement, whereas, many saw little or no connection between FPM and student learning and, thus, gave it little deference.

Regarding the CDE reviewers, the evidence suggests Puente Verde leaders held them in high esteem, believing them to be knowledgeable, fair, and helpful. Similarly, the evidence suggests Windy Hills leaders also found them to be knowledgeable, however, less fair and helpful. In fact, several District leaders specifically described the EL reviewer as very tough and someone with whom they clashed ideologically on issues of pedagogy.

With respect to the role, utility, and use of the three FPM tools—program instrument, NOF, and CAIS—Puente Verde leaders was overall positive. They found the instruments and NOF useful in providing program guidance and CAIS useful in facilitating the review. However, they also contended that more detailed guidance in the instruments, including the EL program instrument, is needed. Windy Hills' assessment of the FPM tools was mixed. On the one hand, District leaders also recognized the organizational benefits of the instruments and CAIS—utilizing the instrument as a checklist of needed changes and preferring the CAIS to the previous method of hard-copy document gathering. On the other hand, Windy Hills leaders found the gathering and uploading evidence into CAIS time-consuming and burdensome and, like Puente Verde, deemed the instruments needing additional specificity.

Impact of FPM. The data suggest the 2011/12 FPM had a considerable impact on Puente Verde in a variety of ways, to which both, District leaders and CDE reviewers agreed. Comparatively, the reported impact that FPM had on Windy Hills was less significant—it depended on the attribution District leaders gave FPM versus initiatives already underway at the time of the FPM. I categorized the impact FPM had on Puente Verde into six areas: increased awareness, improved needsassessment/program evaluation, increased accountability, increased collaboration, increased compliance, and improved provision of EL services. With the exception

of increased collaboration, the data suggest FPM also impacted Windy Hills in these areas, although to a lesser degree. The data further suggest Puente Verde leadership not only increased their awareness of the FPM process and EL program requirements but, perhaps most importantly, knowledge of ELD pedagogy. By contrast, Windy Hills' awareness was more confined to the mandates surrounding the clustering of students for leveled ELD instruction. Another example of the possible varying levels of FPM impact on the two districts pertains to the potential for increased compliance. Whilst Puente Verde received no findings during their latest FPM review—the 2013/14 online-only—Windy Hills received three findings during their 2013/14 online-only review. It is noteworthy that the three findings were in items fund compliant during the 2011/12 FPM review; therefore, one might be tempted to point to not only a lack of higher compliance, but perhaps even a regression.

Leveraging FPM. The evidence suggests Puente Verde leadership actively collaborated with the CDE to address NC items and improve the provision of EL services. As District leadership became more familiar with FPM mandates, they were better able to exploit them to hold people accountable in their efforts to improve services. Contrastingly, whilst on the one hand, Windy Hills also acknowledged that FPM allowed them to hold people accountable—including keeping the union at bay in their efforts to resist ELD—on the other hand, Windy Hills made few efforts to use FPM as a leverage, due in part, to their contention that mandates and good instruction are two separate things.

Links to conceptual framework. The diverse body of literature I surveyed to various forms of regulatory and accountability systems, along with literature on a variety of issues pertaining to conceptions of willingness and capacity, informed the development of my conceptual framework. My conceptual framework predicted contrasting findings across the districts for predictable reasons, what Yin (2009) would refer to as theoretical replication. At its essence, my conceptual framework posits that the different responses by district leaders to the various forms of accountability regimes (compliance monitoring, design and implementation, student performance) can be explained, in large part, to their position on various conceptions that influence, (a) their willingness, including, internal attribution, commitment to the population, and motivation, and (b) their capacity, including resource adequacy, power/authority/influence, and absorptive capacity. An additional mitigating factor is integrity, which can either motivate compliant behavior or adherence to one's convictions. Together, these lead to responses that can be grouped into three categories, leveraged compliance, contrived compliance, or non-compliance.

Puente Verde's willingness. The findings suggest that Puente Verde's leadership had a high level of willingness to respond to FPM. First, the evidence supports the assertion that District leaders had a high level of internal attribution. From the moment they were notified of their selection for a FPM review, they took ownership of their shortcomings. Second, by most accounts, before the current EL department was formed, the District had a low commitment to English learners. Realizing this, the District brought in key persons into the EL department prior to FPM, such as Enríquez, who did indeed posses a high commitment to English learners. Third, the data indicate that District leadership was highly motivated to do well on the FPM and to then resolve the NC findings quickly. District leaders conveyed being motivated by both, self-concept (motivated from internal values) and self-determination (motivated by a need for a sense of competence, autonomy and belonging). Therefore, since their internal values were similar to FPM mandates—along with their need for a sense of competence, autonomy and belonging—their motivation was high.

Punete Verde's capacity. The findings also suggest that the capacity of Puente Verde's leaders to implement effective ELD programs was relatively high, however, mostly contained within the EL Department and, thus, questionable. First, with respect to the first form of capacity, resource adequacy, the evidence suggest average resource adequacy, such as in EIA and Title III funds designated to serve English learners. These were comparable to those of Windy Hills. Second, with respect to power/authority/influence, the evidence suggests that Puente Verde's EL department was limited in this regard. This is noteworthy considering that the capacity to implement EL programs was mostly centered in this one department, which had little power. Third, Puente Verde began to increase its absorptive capacity once it brought in current EL Department. From the start of the FPM process, they possessed a high level of potential absorptive capacity; beginning with a high level of awareness of the opportunity FPM could afford the District. This, in turn, allowed them to increase their knowledge of EL programs and effective ELD, which then facilitated their transformation as a department, one that sought to exploit FPM and leverage improvement in the provision of EL services.

Puente Verde's integrity, response, modifications. In the case of Puente Verde, integrity did not play a large role since both, their positive attitude toward FPM and what they were being asked to do, were congruent with their ideology of ELD pedagogy. As a result, Puente Verde's response to the state's accountability regime (compliance monitoring) can be considered one of leveraged compliance, in which the modifications that they made were to policy, program, and instruction.

Windy Hills' motivation. The findings suggest that Windy Hills' leadership had a low level of willingness to respond to FPM. First, the evidence supports the assertion that District leaders had a relatively high level of internal attribution. In preparing for the FPM review, they made explicit decisions to took ownership of any possible identified shortcomings. Second, by most accounts, the District had a high commitment to English learners well before the FPM. One key source of evidence is the current administration's efforts to improve the "broken" district and ineffective EL programs inherited fron the previous administration. Third, the data indicate that District leadership was not motivated to respond to FPM mandates nor resolve the NC findings quickly. District leaders conveyed being motivated by a strong self-concept (motivated from internal values), therefore, since their internal values conflicted with FPM mandates, their motivation was low.

Windy Hills' capacity. The findings also suggest that the capacity of Windy Hills' leaders to implement effective ELD programs was relatively high. First, with respect to the first form of capacity, resource adequacy, the evidence suggest average resource adequacy, such as in EIA and Title III funds designated to serve English learners. These were comparable to those of Puente Verde. Second, with respect to power/authority/influence, the evidence suggests high ranks in this regard considering, (a) that EL services are integrated within the Instructional Services division, (b) Díaz, who now heads the District, oversaw the Instructional Services Department during the 2011/12 FPM, and (c) Simmons, who currently oversees the Instructional Services Department has a high commitment to the population. Third, Windy Hills possessed a relatively level of potential absorptive capacity; beginning with a low level of awareness of the opportunity FPM could afford the District. This, in turn, has potentially limited their ability to further increase their knowledge, which, then, has inhibited their further transformation of the District—not seeking to exploit FPM and leverage improvement in the provision of EL services.

Windy Hills' integrity, response, modifications. In the case of Windy Hills, integrity did

play a mitigating role since both, their tenuous attitude toward FPM and what they were being asked to do, were not congruent with their ideology of ELD pedagogy. As a result, Windy Hills' response to the state's accountability regime (compliance monitoring) can be considered one of contrived compliance, in which eventual the modifications were made to policy, program, and instruction.

Conclusion

Limitations. This study was an exploratory case study aimed at investigating in depth the behavioral patterns of school district leaders as they face state regulatory monitoring, outcomes of non-compliance, and the necessity to respond to compliance agreements. As such, the study findings are limited to assertions of improved *provision* of services and not an evaluation of student performance, or program effectiveness. Similarly, claims of improved provision of services are not assessments of the participating schools' or districts' status with state or federal performance-based accountability systems, such ad NCLB, PI, or Title III. Moreover, no causal relationships can be made based on this qualitative study.

This case study investigated only two school districts that were selected via purposive sampling criteria. With respect to generalizability, this study is limited to generalizing only back to the conceptual framework and not to other schools or districts. In order to make broader generalizations, random sampling of a larger set of cases needs would have to be done. Also related to generalizability, although my research questions are phrased broadly, the findings that speak to my research question can only apply to the school district to which the finding is refering.

As much as I tried, I was unsuccessful in securing interviews from a few key district leaders, such as the Puente Verde superintendent or assistant superintendent who served during the 2011/12 FPM. I was also unable to get the perspectives from some of the principals who served during the 2011/12 FPM at the schools reviewed. As a result, I interviewed fewer district and school leaders than planned, making my interview data less robust.

A certain level of researcher bias may be assumed due to several factors. First, although an objective purposive sampling strategy was strictly implemented, I subsequently learned that one central office leader at either district had been an acquaintance of mine many years ago. Second, my professional experience includes having served as an EL program reviewer, an EL program administrator, a director over the EL program office, and a director over the CPM office—the predecessor to FPM.

Implications and recommendations for leadership and practice. On the one hand, many school and district leaders view regulations, compliance mandates, and FPM as bureaucratic mechanism that have little to do with teaching and learning. On the other hand, CDE reviewers often interpret non-compliance with either a lack of capacity or will, either to respond to the mandates or to meet the needs, in this case, of English learners. What this study found is that it is much more nuanced.

School and district leaders can use this study to better understand compliance monitoring, such as FPM or other accountability regimes, and the potential opportunity to leverage desired change, provision of services, or improvements in school and district programs. As discussed previously, CDE reviewers, in general, endeavor to help LEAs improve, no matter where they find themselves with compliance mandates. CDE reviewers prefer to discuss honestly any district challenges, whether technical, political, or normative (Oakes et al., 1997) in order to help

leverage the process to mitigate such challenges.

The CDE and other oversight agencies can use this study to better understand the nuances that exist in school and district leaders' approaches to compliance, teaching and learning. While there may be some LEAs that may not have the capacity or will to do right by their students, those are hopefully far and few in between. As in the case of Windy Hills, the fact that they were non-compliant for over 300 days indicates that they either do not have the capacity or willingness to either meet the compliance mandates or the needs of their English learners. However, as this study illustrates, sometime a different ideological stance—whether it is a differing of opinion about pedagogy or a desire to take longer to do what one believe is needed rather than what is mandates—may interfere with progress when misinterpreted or unbending.

Recommendations. Both, district leaders and CDE's FPM members gave a good number of recommendations on how to improve FPM or help district leaders exploit it for increased provision of services. It is interesting to note that some of the recommendations for the CDE came from CDE reviewers. I clustered the recommendation into the following two lists:

For school and district leaders:

1. Reduce the amount of evidence uploaded by not uploading evidence that does not speak directly to compliance requirements.
2. Label clearly each source of evidence uploaded into CAIS.
3. If there are challenges in the district that impact the compliance of any given requirement, it is better to acknowledge the shortcoming and then work with the reviewer to resolve it, rather than the reviewer having to be the one to point it out. This does not look good on the district.
4. Communicate your progress toward resolving NC findings regularly with the assigned program reviewers.
5. Involve your parent groups and other stakeholders in the preparation for a FPM review.
6. Collaborate with other departments to ensure you gather and submit the salient evidence.

For the CDE:

1. Provide additional training opportunities to LEAs about both, the FPM process and each FPM program. Archive online training session for easy access at a later date and for ongoing reference.
2. More detailed guidance and clarity of what is expected, either in the respective program or in the evidence to be submitted.
3. Lower the burden on LEAs by asking for less evidence to be collected and uploaded ahead of review.
4. Provide more specificity in the NOF in order to reflect the appropriate level of gravity of the situation—especially since the NOF is a Public document that may be misinterpreted.
5. Increase consistency between FPM program reviewers. Calibrate.
6. If you're going to do an online, make the online be more of a coaching opportunity.

Ideas for further study. I propose additional studies to not only build on my findings, but, more importantly, to expand the knowledge base on various aspects of FPM, since, as I have pointed out, the extant research on the FPM process is scant. One proposed study is to replicate this study using a much larger set of districts, selected via a random sampling strategy. Since my

study was qualitative in nature, another proposal would be for a quantitative study to investigate the relationship between compliance findings and student achievement. Is there any correlation between, either, the number of NC items or the number of non-compliance and student achievement (e.g. AMAO 1, CELDT, Smarter Balance, etc.). Third, compare the impact of online-only versus on-site FPM reviews, either as a qualitative study, or as a quantitative study to investigate whether there is a correlation between one format of FPM and, either, improved provision of service (qualitative study) or student achievement (quantitative study).

Similarly, as I explicated in Chapter 1, several iterations of the California's monitoring process have existed over the years. Although there have been some commonalities between them, in some cases, potentially significant differences have existed. One of the most specialized forms of compliance monitoring specific to EL programs was what was referred to as *Comité* process (refer to Chapter 1). A proposed study would compare the effectiveness of *Comité* to FPM, as measured by either, improved provision of service (qualitative study) or student achievement (quantitative study).

Lastly, California's Local Control and Accountability Plan (LCAP) was rolled out during the 2013/14 school year. According to the education accountability framework I advanced in this study (see Table 5 in Chapter 2) the LCAP is a type of Design and Implement accountability regime. As such, it calls for school district to create and implement plans to use Local Control Funding Formula (LCFF) funds to improve the achievement of several few historically underserved student populations, including English learners. Various district leaders reference the LCAP as the accountability regime they believed would play a key role in holding schools and districts accountable for meeting the needs of English learners, among others. However, to date, the accountability component of the LCAP and the relation to other accountability regimes, such as FPM, have not been clearly delineated. Therefore, I suggest conducting qualitative research studies to elucidate how school districts are responding to LCAP versus FPM in terms of specific plans to improve services for English learners and to what extend are these different accountability processes and related district efforts being aligned.

Final thoughts. This study explored how two districts responded to compliance reviews, including whether they leveraged the process to improve services for English learners. This study was warranted for a variety of reasons, including, (a) significant allocation of resources on the compliance monitoring are made by state, federal and local educational agencies; (b) considerable legislation has been enacted over the years aimed at ensuring educational equity; (c) there is a history of costly and contentious litigation focused on ensuring the CDE meets its oversight responsibility to ensure schools and districts provide effective services, (d) a common sentiment exists that compliance monitoring accountability and quality instruction are disparate phenomena, and (e) schools and districts could benefit from empirical research that provides insights into compliance monitoring and other forms of accountability processes and how some schools and districts have been able to use these processes as levers to improve programs for some of our most vulnerable student populations.

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Appendix A

2013 NAEP Achievement Results for English Learners v. Non-English Learners

By Number of English Leaners									
				2013 Math		2013 Algebra		2011 Science	
Rank	State	N	%	ELs Ave. Scale Score	Non-ELs Ave. Scale Score	ELs Ave. Scale Score	Non-ELs Ave. Scale Score	ELs Ave. Scale Score	Non-ELs Ave. Scale Score
	United States	4,389,325	9.1	245	286	245	286	106	153
1	CA	1,415,623	23.2	235	281	235	281	98	149
2	Texas	722,043	14.9	260	290	260	290	118	156
3	Florida	234,347	8.8	243	283	243	283	101	151
4	New York	204,898	7.8	241	285	241	285	94	152
5	Illinois	170,626	8.2	241	287	241	287	103	149

By Percent of English Learners									
				2013 Math		2013 Algebra		2011 Science	
Rank	State	%	N	ELs Ave. Scale Score	Non-ELs Ave. Scale Score	ELs Ave. Scale Score	Non-ELs Ave. Scale Score	ELs Ave. Scale Score	Non-ELs Ave. Scale Score
	United States	9.1	4,389,325	245	286	245	286	106	153
1	CA	23.2	1,415,623	235	281	235	281	98	149
2	Nevada	19.6	84,125	236	281	236	281	107	149
3	New Mexico	16.1	53,071	243	277	243	277	108	152
4	Texas	14.9	722,043	260	290	260	290	118	156
5	Hawaii	13.5	24,750	251	285	251	285	100	146

Note. N = Number of public school students participating in programs for English language learners for 2011-12—the last school year for which these data are available—not number tested; EL = English learner. Adapted from: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, *Table 204.20: Number and percentage of public school students participating in programs for English language learners, by state: Selected years, 2002-03 through 2011-12* (http://nces.ed.gov/programs/digest/d13/tables/dt13_204.20.asp); The NAEP Mathematics scale ranges from 0 to 500 and the NAEP Science scale ranges from 0 to 300. Some apparent differences between estimates may not be statistically significant. Adapted from: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, *National Assessment of Educational Progress (NAEP) Data Explorer* (http://nces.ed.gov/nationsreportcard/naepdata/dataset.aspx)

Appendix B

California's Guidelines for Reclassification

Under current state law (*EC* Section 313), identified students who are English learners must participate in the annual administration of the CELDT until they are reclassified as RFEP. The LEAs are to establish local reclassification policies and procedures based on the four criteria below:

- Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELD test that is developed or acquired pursuant to *EC* Section 60810 (i.e., the CELDT);
- Teacher evaluation including, but not limited to, a review of the student's curriculum mastery;
- Parental opinion and consultation; and
- Comparison of the performance of the student in basic skills against an empirically established range of performance in basic skills based upon
  the performance of English proficient students of the same age, that demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English.

Clarification for applying the four criteria to local reclassification decisions is provided in the guidelines approved by the SBE that follow.

Assessment of English Language Proficiency
Use CELDT as the primary criterion. Consider for reclassification those students whose Overall performance level is Early Advanced or higher and:

- Listening is Intermediate or higher,
- Speaking is Intermediate or higher,
- Reading is Intermediate or higher, and
- Writing is Intermediate or higher.

Those students whose Overall performance level is in the upper end of the Intermediate level also may be considered for reclassification if additional measures determine the likelihood that a student is proficient in English.

In July 2010, the SBE modified the definition of the English proficiency level for K–1 students on the CELDT, to require an Overall score of Early Advanced or Advanced, with the domain scores for Listening and Speaking at the Intermediate level or above. The domain scores for Reading and Writing would not need to be at the Intermediate level.

- Use most recent available test data.

Teacher Evaluation

- Use student's academic performance.
- ELP do not preclude a student from reclassification.

Parent Opinion and Consultation

- Provide notice to parents or guardians of their rights and encourage them to participate in the reclassification process.
- Provide an opportunity for a face-to-face meeting with parents or guardians.

Comparison of Performance in Basic Skills

- Definitions:
  1. "Performance in basic skills" means the score and/or performance level resulting from a recent administration of an objective assessment of basic skills in English, such as the California English–Language Arts Standards Test (CST for ELA) and the California Modified Assessment for ELA (CMA for ELA).
  2. "Range of performance in basic skills" means a range of scores on the assessment of basic skills in English that corresponds to a performance level or a range within a performance level.
  3. "Students of the same age" refers to students who are enrolled in the same grade as the student who is being considered for reclassification.

- Basic skills criteria:
    1. A student's score on the test of basic skills (e.g., the CST for ELA or the CMA for ELA) in the range from the beginning of the Basic level up to the midpoint of the Basic level suggests that the student may be sufficiently prepared to participate effectively in the curriculum and should be considered for reclassification. The LEAs may select a cut point in this range.
    2. Students with scores above the cut point selected by the LEA should be considered for reclassification.
    3. For students scoring below the cut point, LEAs should attempt to determine whether factors other than ELP are responsible for low performance on the test of basic skills (e.g., the CST for ELA or the CMA for ELA) and whether it is reasonable to reclassify the student.
    4. For students in grade twelve, the grade eleven CST for ELA results may be used, if available.
    5. For students in grade one, LEAs should base a decision to reclassify on CELDT results, teacher evaluation, parent consultation, and other locally available assessment results.
    6. The LEAs must monitor student performance for two years after reclassification in accordance with existing California regulations and Title III of the ESEA.

There is no change to the SBE guidelines for reclassification of English learners in 2013–14. *EC* Section 313(f)(4) calls for a comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age.

While the spring Smarter Balanced Field Test will not yield any scores, the suspension of CSTs and CMAs does not impede or prohibit a school district's ability to use the 2012–13 CST or CMA ELA results to be used as the academic criterion for reclassification during the 2013–14 school year.

Appendix C

CDE's FPM Monitoring Selection Criteria

CDE considers several factors, including compliance history, academic achievement, program size, and fiscal analysis in identifying LEAs for reviews. For each cycle it selects approximately 60 LEAs for monitoring.

General Information

CDE follows a risk-based approach to identify where it should use monitoring resources. This approach includes several analyses of risk factors to guide selection of the local educational agencies (LEAs) that will receive a Federal Program Monitoring (FPM) review. This enables the CDE to focus its monitoring resources to foster student achievement and fiscal compliance. These risk factors identified are not, by themselves, evidence of noncompliance.

Risk Factors

CDE considers several factors: academic achievement, fiscal analysis, program size, and compliance history, to select LEAs for review. The criteria may be adjusted based on the data available and the results of the analysis.

Academic Achievement

Relying on Academic Performance Index (API) Growth and Adequate Yearly Progress (AYP) reports, CDE chooses LEAs for reviews based on two categories of academic achievement. The first category is the state's API, which California Education Code 64001 stipulates as a selection criterion for FPM. If any Growth API scores (LEA or subgroup) at the district level are less than 800, CDE considers the LEA for review. The second category of academic achievement is the LEA's Improvement Status under the federal Title I, Title II and Title III accountability systems. If an LEA meets these criteria: 1) Program Improvement (PI), year 2 or more; 2) Title II, Level Monitoring or C; and 3) Title III, year 4 or more, then the chance of selection is greater. There is a similar methodology to select county offices of education (COEs).

Fiscal Analysis

CDE also examines several aspects of potential fiscal risk. It selects LEAs with a high per pupil allocation and carryover percentage. It selects the COEs with the highest ranking in both combined categorical allocation and carryover percentage. A sample of LEAs and COEs which receive a large total allocation of categorical program funds and/or which have had Office of Management and Budget Circular A-133 Single Audit findings will be selected for a review.

The funding sources used for the combined categorical carryover percentages are Title I (Parts A [Basic and Neglected] and D [Delinquent]), Title II Part A (Improving Teacher Quality [ITQ]), Title III (Limited English Proficient [LEP] & Immigrant), and Economic Impact Aid (EIA). The funding sources used for both the LEAs' combined per pupil categorical allocation and COEs' combined categorical allocation are Title I (Parts A, C [Migrant], and D); Title II Part A; Title III; Title X Part C (McKinney-Vento/Homeless), Career Technical Education (CTE), EIA (State Compensatory Education [SCE] & LEP, ARRA (Title I Parts A and D, State Fiscal Stabilization Funds [SFSF], & Homeless), and Ed Jobs Fund.

Data Reporting

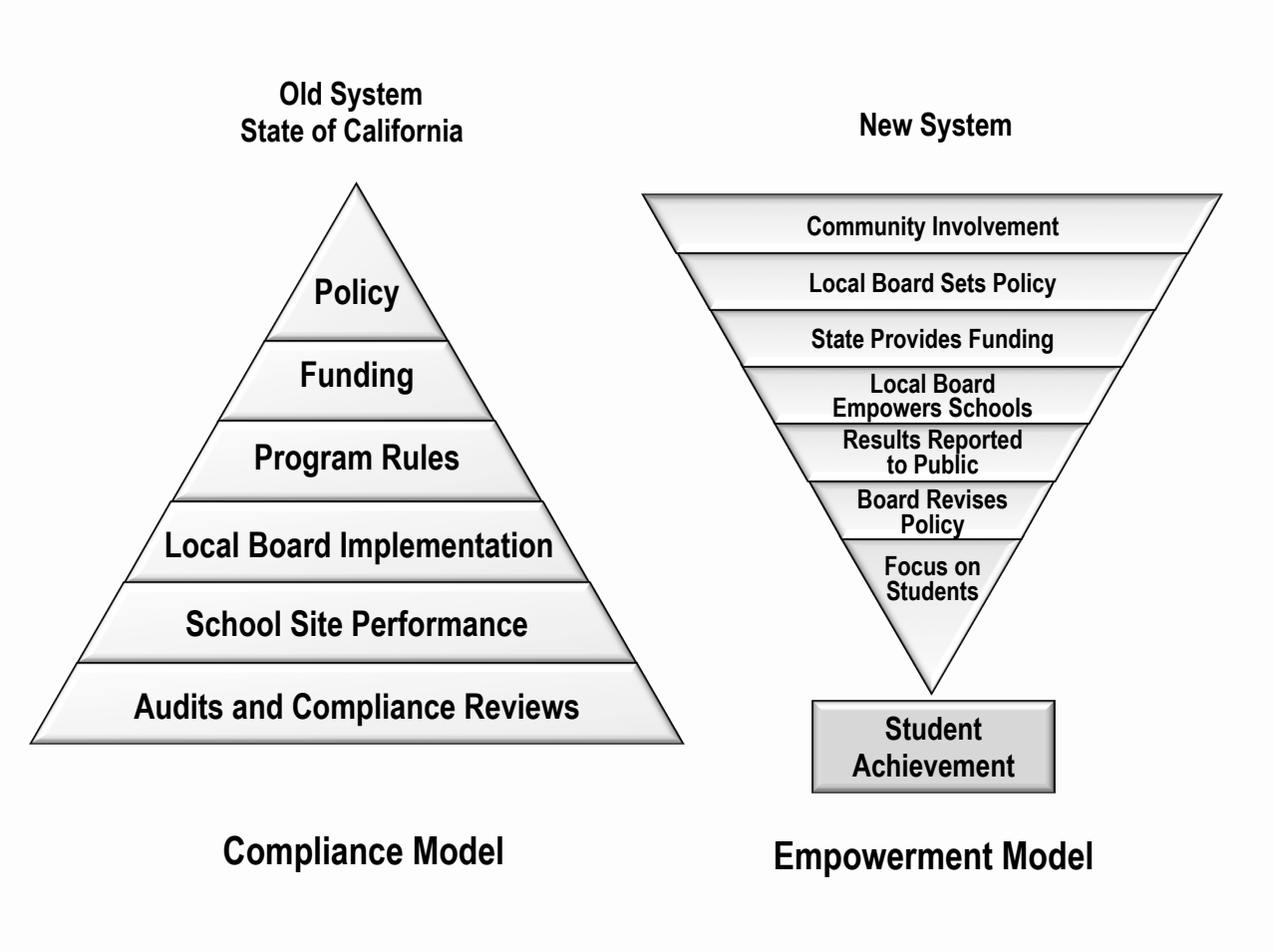
In order to apply the risk factor selection criteria, current certified data must be available for each LEA. Therefore, if an LEA is unable to submit and certify data, such as California Basic Educational Data System (CBEDS) enrollment or Language Census collected through the California Longitudinal Pupil Achievement Data System (CALPADS), then it is very likely that the LEA will be selected for a review.

Random

There is a random selection of LD A's to receive a review.

Appendix D

New CA Categorical Programs Accountability Model Under Local Control Accountability Plan



Appendix E

Public Records Act Request #1

December 6, 2013

Xxxxx Xxxxxx, Director
Xxxxxx Division
California Department of Education
1430 N Street
Sacramento, CA 95814

RE: Public Records Act Request

Dear Xx. Xxxxxx:

This is a Public Records Act pursuant to the California Public Records Act (Govt. Code § 6250 *et. seq.*), and the California Constitution, as amended by passage of Proposition 59 on November 3, 2004.

I am a doctoral candidate at the University of California, Berkeley, working with my faculty advisor, Professor Bernard Gifford, in the Graduate School of Education. As part of dissertation study, I am researching how local educational agencies (LEA) respond to the California Department of Education's (CDE) compliance monitoring process, including, to what extent they leverage the process to make improvements to their instructional programs. To this end, I am requesting a variety of records now from the CDE and, as I move forward with my study, I may need to request additional records.

Since all of the records I am requesting will be used exclusively for my research study, all information I receive will be treated as confidential. If results of this study are published or presented, individual names and other personally identifiable information will not be used. Pseudonyms will be used for all persons and LEAs, including their locations. No student records are being requested. Moreover, my research study, as with all research conducted under the auspices of the university, are first approved by the university's Institutional Review Board for compliance with standards and regulations pertaining to studies involving human subjects, such as in my case, when studying LEAs.

Please provide me electronic copies (e.g. PDF), sent to hrico@berkeley.edu, of the records specified below:

1. Names and CDS codes of all LEAs that were found non-compliant (NC) in item VII-EL 21 of the English Learner Program Instrument during the on-site 2010-11 or 2011-12 CPM and FPM review cycles.
2. The date of the initial notification of findings (NOF) of NC for item VII-EL 21 of the English Learner Program Instrument for each LEA found NC item in VII-EL 21 during the on-site 2010-11 or 2011-12 CPM and FPM review cycles.

3. The date of the resolution of item VII-EL 21 of the English Learner Program Instrument for each LEA found NC in VII-EL 21 during the on-site 2010-11 or 2011-12 CPM and FPM review cycles. For LEAs that have yet to resolve a NC VII-EL 21 item, please indicate this to be the case.
4. Actual copies (e.g. PDF) of the NOF for the entire English Lerner program for each LEAs that was found NC in item VII-EL 21 of the English Learner Program Instrument during the on-site 2010-11 or 2011-12 CPM and FPM review cycles.

The last four items below are not needed immediately, so please do not hold up the delivery of the above four items while the fifth through eighth item are being researched. I am listing these last four items now to allow you to begin gathering items five through seven and begin investigating how you will facilitate item eight.

5. A listing, document or presentation indicating the most frequently found NC English Learner program items for the most recent on-site review cycle, as well as for both the 2010-11 and 2011-12 CPM and FPM on-site review cycles. Please indicate how many LEAs from each respective review cycle were found NC in the EL program items and the number of LEAs reviewed during the indicated review cycle.
6. PDF copies of the initial letters and enclosures notifying LEAs of their selection for an on-site CPM or FPM review in either 2010-11 or 2011-12.
7. Any additional letters, guidance or professional development/training provided to LEAs selected for an on-site review in either 2010-11 or 2011-12.
8. Read-only/investigation access to the California Accountability and Improvement System (CAIS) for two yet-to-be-named LEAs. Only if this is not allowed under law, then I will be asking for all communication within CAIS between the two LEAs and the CDE, including documents submitted via CAIS by the LEAs pertaining to the 2010-11 and 2011-12 CPM and FPM on-site review cycles and Title III Accountability plans.

Please contact me if you have any questions regarding the scope of my request. I can be reached at *xxx-xxx-xxxx* or *hrico@berkeley.edu*. Thank you in advance for your cooperation.

Regards,

Héctor Rico
Doctoral Candidate
Leadership for Educational Equity Program
Graduate School of Education
University of California, Berkeley

Appendix F

Public Records Act Request #2

February 13, 2014

Xxxxx Xxxxxx, Director
Xxxxxx Division
California Department of Education
1430 N Street
Sacramento, CA 95814

RE: Public Records Act Request

Dear Xx. Xxxxxx:

This is a follow-up to my December 6, 2013 Public Records Act pursuant to the California Public Records Act (Govt. Code § 6250 *et. seq.*), and the California Constitution, as amended by passage of Proposition 59 on November 3, 2004. As with my original PRA request, all of the records I am now requesting will be used exclusively for my doctoral dissertation research at U.C Berkeley.

Please provide me (hrico@berkeley.edu) electronic copies (e.g. PDF) of the following records:

1. Names and CDS codes of all LEAs that were found non-compliant (NC) in either item VII-EL 20 (ELD) or VII-EL 21 (Access to the Core) of the English Learner Program Instrument during the on-site 2012-13 FPM review cycle. Please specify for each of these LEAs if they were NC in VII-EL 20, VII-EL 21, or both.
2. The date of the initial notification of findings (NOF) of non-compliance for item VII-EL 20 and VII-EL 21 of the English Learner Program Instrument for each LEA found NC item in either VII-EL 20 or VII-EL 21 during the on-site 2012-13 FPM review cycle.
3. The date of the resolution of items VII-EL 20 and VII-EL 21 of the English Learner Program Instrument for each LEA found NC in either VII-EL 20 or VII-EL 21 during the on-site 2012-13 FPM review cycle. For LEAs that have yet to resolve a NC in either VII-EL 20 or VII-EL 21 item, please indicate this to be the case.
4. Actual copies (e.g. PDF) of the NOF for the entire English Learner program for each school district (not county offices of education) in Xxxxxx, Xxxxxx, Xxxxxx and Xxxxxx counties that was found NC in either item VII-EL 20 or VII-EL 21 of the English Learner Program Instrument during the on-site 2012-13 FPM review cycle.
5. Sample PDF copies of the initial letters and enclosures notifying LEAs of their selection for an on-site FPM review in 2012-13.
6. The professional development/training PowerPoints and related notification e-mails/letters provided specifically to LEAs selected for an on-site FPM review in 2012-13—limited to the main training provided to these LEAs on the FPM process and CAIS (e.g. Cycle C Orientation Webinar) and the EL Program.

7. As referenced in my original PRA request, I now request read-only/investigation access to the California Accountability and Improvement System (CAIS) (for the FPM and Title III Accountability components), ideally for all LEAs from the 2011-12 and 2012-13 on-site FPM cycles that were found NC in either VII-EL 20 or VII-EL 21. If this request is determined not to be allowed by law, then please let me know if a similar request for 2-4 specific LEAs would be.

Please contact me if you have any questions regarding the scope of my request. I can be reached at *xxx-xxx-xxxx* or *hrico@berkeley.edu*. Thank you for your assistance.

Appreciatively,

Héctor Rico
Doctoral Candidate
Leadership for Educational Equity Program
Graduate School of Education
University of California, Berkeley
Berkeley, CA 94720

Appendix G

Interview Protocol: District- or School-Level Administrator, Program Coordinator/Specialist

Study: Leveraging Compliance Monitoring to Improve Programs for English Learners

Time of Interview:
Date:
Place:
Interviewer: Héctor Rico
Interviewee:
Position of Interviewee:

This study analyzes school districts' (LEAs) responses to CDE's compliance monitoring process and to what extent LEAs leverage the process as part of their efforts to improve their ELD programs.

Thank you for taking time out of your busy schedule to meet with me. I truly appreciate it. Have you had a chance to review the consent form and do you have any questions about it? The study I'm conducting for my dissertation focuses on how districts prepare for, and respond to, the Federal Program Monitoring (FPM) process and how the process can be more helpful to districts. I am specifically interested in understanding its impact on the district's EL program, its utility, and your overall impression of the district's response to the process. I have either 13 or 22 questions, depending on if you were with the district during the FPM review in 201_. Some of which will be more applicable to you than others, so feel free to answer to the extent that you can. If it's o.k. with you, I would like to audio record our discussion to make sure I accurately capture your responses. Everything will be confidential, only pseudonyms will be used, and once I transcribe the interview, I will erase the recording. If at any time you want me to pause the recording, skip a question or end the interview, just let me know. Do I have your consent to audio record? Do you have any questions before we begin?

1. Just for a little perspective and before we get down to the details of the FPM review, I'm curious to know about your history in education; so, if you're confortable with that, why don't you start by telling me a little about your professional background, including how you got into this field and any positions related to working with English learners (EL)? (follow up with a-c as needed)
    a. And what work related to English learners have you done since being here at the district?
    b. How long have you been in your current position?
    c. What responsibility does your current position have over the EL program and/or FPM?
2. For a little context, how would you characterize your level of knowledge and experience with EL programs, including state and federal EL program requirements?
    a. And how would you compare yourself in this regard to the rest of the school's/district's leadership?
3. Which persons or positions in the school/district have considerable responsibility with the EL program and/or the FPM process?
4. As best as you can, would you please describe the school's/district's English language development (ELD) program, including if and how it's developed or changed over time?
5. What do you believe is the best way to develop English learners' English proficiency, and how does this align with or differ from the school's/district's current program or policy?
6. What would you say are some strengths as well as areas for improvement of the school's/district's EL, and in particular, the ELD program, either in policy or practice?

7. Were you in the district in 201_, and if so, in what capacity?

---------- (Skip Questions 8-15 if interviewee was not in district during the FPM review year) ----------

8. What role did you have with the FPM review in 201_, either in preparing for the review or during the actual review, or in helping resolve the non-compliant (NC) EL items?
    a. Which other site/district administrators had a key role in that review who are still with the district?
9. Can you recall and share how the school/district prepared for the FPM review in 201_, and particularly, the review of the EL program?
10. Between the time the district was notified of its selection for a review and the actual review, were any changes made to EL program policies, procedures or implementation?
11. Could you speak to the nature of the NC ELD (and Access to the Core [AttC]) item(s), and the level of non-compliance?
    a. From your perspective, was/were this/these NC finding(s) warranted or appropriate?
    b. Were there other EL items that you or the school/district felt were unwarranted or inaccurate, and if so, how did the school/district respond to these items?
12. After the FPM review, how did the district resolve the NC EL findings, particularly, the ELD (and AttC) item(s)?
13. The ELD (and AttC) NC item(s) was/were resolved in 354 (41) days. To what do you attribute the length it took to resolve the NC issue(s)?
14. How would you compare the school's/district's EL program, and in particular, the ELD program from before the FPM review to after the NC EL items were resolved?
15. From your perspective, what were some of the factors or challenges faced by the school or district that either contributed to the NC EL findings or made the resolution of them difficult?
    a. Are those challenges or factors still present today and, if so, to what extent?
16. What were your impressions of the CDE review team and, in particular, the EL reviewer, with respect to such things as being knowledgeable, thorough, accurate, fair, helpful, professional, etc.

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17. From your perspective, how does the district—Board, district leadership, schools' staffs—generally view compliance requirements and, specifically, EL program requirements?
18. How familiar are you with the EL FPM Program Instrument?
    a. How would you characterize its quality and the guidance it provides school/district leaders and school staffs?
19. What lasting impact, if any, do you think the FPM review in 201_ has had overall on the school or district and, in particular, the EL program?
20. The district was selected for an online FPM this school year. How, if at all, did (or might) the FPM experience in 201_ impact the district's preparation for, or outcome of, this online review?
21. In general, how can the FPM process, either on-site or online, be improved or be more helpful to schools or districts?
    a. What do you think is necessary for this or any school or district to leverage the state's compliance review process to help improve the district's EL program?
22. Is there anything else you can think of to share that would help me with my study; and are there documents that you think I should review or other people with whom I should speak?

If you later think of anything to add, please don't hesitate to contact me. Once I complete my interviews, if I need clarification on something may I follow-up by phone or e-mail? Do you have any questions at this time? Thank you for your participation in this interview. You've been most helpful.

Appendix H

Interview Protocol: District Superintendent, Assistant Superintendent

Study: Leveraging Compliance Monitoring to Improve Programs for English Learners

Time of Interview:
Date:
Place:
Interviewer: Héctor Rico
Interviewee:
Position of Interviewee:

This study analyzes school districts' (LEAs) responses to CDE's compliance monitoring process and to what extent LEAs leverage the process as part of their efforts to improve their ELD programs.

Thank you for taking time out of your busy schedule to meet with me. I truly appreciate it. Have you had a chance to review the consent form and do you have any questions about it? The study I'm conducting for my dissertation focuses on how districts prepare for, and respond to, the Federal Program Monitoring (FPM) process and how the process can be more helpful to districts. I am specifically interested in understanding its impact on the district's EL program, its utility, and your overall impression of the district's response to the process. I have 18 questions, some of which will be more applicable to you than others, so feel free to answer to the extent that you can. If it's o.k. with you, I would like to audio record our discussion to make sure I accurately capture your responses. Everything will be confidential, only pseudonyms will be used, and once I transcribe the interview, I will erase the recording. If at any time you want me to pause the recording, skip a question or end the interview, just let me know. Do I have your consent to audio record? Do you have any questions before we begin?

1. Just for a little perspective and before we get down to the details of the FPM review, I'm curious to know more about your history in education, so, if you're confortable with that, why don't you start by telling me a little about your professional background, including how you got into this field, and any positions related to working with English learners (EL)?
2. Which positions at the district level have considerable knowledge, experience, and/or responsibilities with the EL program and/or the FPM requirements?
3. As best as you can, would you please describe the district's EL program, including the English language development (ELD) program?
4. What do you believe is the best way to develop English learners' English proficiency, and how does this align with or differ from the district's current program or policy?
5. What would you say are some strengths as well as areas for improvement of the district's EL, and in particular, the ELD program, either in policy or practice?
6. What position did you hold during the on-site FPM review in 201_ and what role, if any, did you have with that FPM review, either in preparing for it or in helping resolve the non-compliant (NC) EL items?
7. Can you recall and share how the district prepared for the FPM review in 201_, and particularly, the review of the EL program?
    a. Between the time the district was notified its selection for a review and the actual review, do you recall if any changes were made to EL program policies, procedures or implementation?

8. Would you be able to speak to the nature of the district's NC ELD (and Access to the Core [AttC]) item(s), and the level of non-compliance?
    a. From your perspective, was/were the NC ELD (and Attc) finding(s) warranted/appropriate?
9. After the FPM review, how did the district resolve the NC EL findings, particularly, the ELD (and AttC) item(s)?
10. How would you compare the district's EL program, and in particular, the ELD program from before the FPM review to after the NC EL items were resolved?
11. From your perspective, what were some of the factors or challenges faced by the district that either contributed to the NC EL findings or made the resolution of them difficult?
    a. Are those challenges or factors still present today and, if so, to what extent?
12. From your perspective, how does the district—Board, district leadership, schools' staffs—generally view compliance requirements and, specifically, EL program requirements?
13. What were your impressions of the CDE review team and, in particular, the EL reviewer, with respect to such things as being knowledgeable, thorough, accurate, fair, helpful, professional, etc.
14. How familiar are you with the EL FPM Program Instrument?
    a. How would you characterize its quality and the guidance it provides district leaders and school staffs?
15. What lasting impact, if any, do you think the FPM review in 201_ has had overall on the district and, in particular, the EL program?
16. The district was selected for an online FPM this school year. How, if at all, did (or might) the FPM experience in 201_ impact the district's preparation for, or outcome of, this online review?
17. What do you think is necessary for this or any district to leverage the state's compliance review process to help improve the district's EL program?
    a. How can the FPM process, either on-site or online, be improved or be more helpful to districts?
18. Is there anything else you can think of to share that would help me with my study?

Once I complete my interviews, if I need clarification on something may I follow-up by phone or e-mail? Do you have any questions at this time? Thank you for your participation in this interview. You've been most helpful.

Appendix I

Interview Protocol: CDE EL FPM Program Reviewer

Study: Leveraging Compliance Monitoring to Improve Programs for English Learners

Time of Interview:
Date:
Place:
Interviewer: Héctor Rico
Interviewee:
Position of Interviewee: EL FPM Program Reviewer

This study analyzes school districts' (LEAs) responses to CDE's compliance monitoring process and to what extent LEAs leverage the process as part of their efforts to improve their ELD programs.

Thank you for taking time to meet with me. I truly appreciate it. Have you had a chance to review the consent form and do you have any questions about it? The study I'm conducting for my dissertation focuses on how school districts prepare for, and respond to, the FPM process and how the process can be more helpful to districts. I am particularly interested in understanding the impact of FPM on LEAs' ELD programs and your impressions of their responsiveness to the process. I have 21 questions and I understand that it may be easier to give more details for some than others, so no worries. If it's o.k. with you, I would like to audio record the interview to make sure I accurately capture your responses. Everything will be confidential, pseudonyms will be used and, once I transcribe the interview, I will erase the recording. If at any time you want me to pause the recording, skip a question, or end the interview, just let me know. Do I have your consent to audio record? Do you have any questions before we begin?

1. Just for a little perspective and before we get down to the details of the FPM review, I'm curious to know about your history with programs for English learners (EL), so, if you're comfortable with that, why don't you start by telling me how long you've been in the education field and how you got started working with programs for English learners? (follow up with a-b as needed)
    a. And, what sorts of things did you do related to English learners before coming to the CDE?
    b. How long have you been an EL program reviewer and what other EL-related work have you done since being at the CDE?
2. Overall, how would you characterize your level of knowledge and experience with EL programs and EL FPM requirements?
    a. What about in comparison to district EL Program Coordinators?
3. You were the EL program reviewer for the FPM review of _USD in 201_. What were your overall impressions of the district, particularly, with respect to their responsiveness to the FPM process?
    a. And how does their responsiveness compare to most districts that you've reviewed?
4. How would you characterize the district's overall knowledge and experience with EL programs, in general, and with EL FPM requirements, in particular?
5. How would you describe the quality of their EL program overall and, specifically, their ELD program?
6. Would you please speak to the nature of the district's non-compliant (NC) ELD item (EL20), and the extent of the non-compliance?

7. What types of changes, if any, did the district make to their EL program policies, procedures or implementation between the time they were notified of being selected for the review and the actual review in 201_?
    a. Did they make these changes in response to requests by either you or the FPM team?
8. After the on-site review and the notification of findings, how did the district resolve the NC findings, particularly, the ELD (and Access to the Core [AttC]) item?
    a. Did it take a lot of pressure from CDE for the district to resolve their NC items and, specifically, the ELD (and AttC) item(s), or did the district take ownership? How so?
9. What were some of the challenges or obstacles faced by the district that contributed to the NC findings, or to them not resolving their NC EL items sooner?
    a. Do you know if those challenges are still present in the district and, if so, to what extent?
10. What, if anything, do you feel the district did particularly well in response to the FPM process?
    a. And, what about with respect to resolving their NC EL findings or, even in having avoided more than the eight NC EL findings in the first place?
11. What do you attribute to them resolving their NC findings in 354 (41) days?
12. Overall, how would you qualify the district's response to the FPM process and what, if anything, would you have liked to see the district do differently in response to the FPM process or in resolving their NC findings?
13. How would you characterize the district's commitment to EL programs?
    a. And, what about their commitment to be compliant with EL FPM requirements?
14. How would you compare the district's EL program, and in particular, their ELD program from before the FPM review to the time they resolved their NC items?
15. From your perspective, what impact, if any, did the FPM process have overall on the district's English Learner program and, in particular, their ELD program?
    a. And how does this compare to most districts that you've reviewed?
16. Do you feel that this district leveraged or took advantage of the FPM process to make positive changes or improve their EL program, in general, or specifically, their ELD program? How So?
    a. What do you think is necessary for this or ANY district to leverage CDE's compliance review process to help improve their EL programs?
17. I understand that the district was selected for an online FPM review this year. Will you be reviewing them?
    a. How do you think they'll do and how, if at all, might their FPM experience in 201_ impact their preparation for this online review or its outcome?
18. If you feel it's needed, what would improve CDE's compliance review process?
    a. And what, if anything, would make the process more helpful to districts?
19. How would you characterize the quality of the EL Program FPM Instrument with respect to the guidance it provides districts?
    a. And, what about its quality with respect to the guidance it provides you as a reviewer?
20. What are some of the key obstacles or challenges that FPM program reviewers face?
    a. What about obstacles and challenges, if any, that come from leadership, such as CDE administration, the SBE, the legislature, the ED, or other government agencies, that hinder your ability to be more effective, or for FPM to be more helpful or impactful to LEAs?
21. Is there anything else you can think of to share that would help me with my study, and are there specific documents that you think I should review?

If you later think of anything to add, please don't hesitate to contact me. Once I complete my interviews, if I need clarification on something may I follow-up by phone or e-mail. Do you have any questions at this time? Thank you for your participation in this interview. You've been most helpful.

Appendix J

Interview Protocol: CDE FPM Team Lead

Study: Leveraging Compliance Monitoring to Improve Programs for English Learners

Time of Interview:
Date:
Place:
Interviewer: Héctor Rico
Interviewee:
Position of Interviewee: FPM Team Lead

This study analyzes school districts' (LEAs) responses to CDE's compliance monitoring process and to what extent LEAs leverage the process as part of their efforts to improve their ELD programs.

Thank you for taking time to meet with me. I truly appreciate it. Have you had a chance to review the consent form and do you have any questions about it? The study I am conducting for my dissertation focuses on how school districts prepare for, and respond to, the FPM process and how the process can be more helpful to districts. I am particularly interested in understanding the impact of FPM on LEAs' ELD programs and your impressions of their responsiveness to the process. I have 16 questions and I understand that it may be easier to give more details for some than others, so no worries. If it's o.k. with you, I would like to audio record the interview to make sure I accurately capture your responses. Everything will be confidential, pseudonyms will be used and, once I transcribe the interview, I will erase the recording. If at any time you want me to pause the recording, skip a question, or end the interview, just let me know. Do I have your consent to audio record? Do you have any questions before we begin?

1. Just for a little perspective and before we get down to the details of the FPM review, I'm curious to know about your history in the education field and what sorts of things you've done related to English learners (EL) before coming to CDE and since?
    a. How long have you been a Team Lead and how long have you been a compliance reviewer for CDE?
2. You were the Team Lead for the FPM review of _USD in 201_. What were your overall impressions of the district, particularly, with respect to their responsiveness to the FPM process?
    a. And how does their responsiveness compare to most districts that you've reviewed?
3. How would you characterize the district's overall knowledge and experience with categorical programs and, to the extent that you have an opinion, with EL programs?
4. Although you weren't the EL program reviewer, from your perspective as a Team Lead, how would you describe the quality of the district's EL program?
5. What were some of the challenges or obstacles faced by the district that contributed to the NC EL findings (or to them not resolving their NC items sooner), particularly the ELD (and AttC items)?
    a. Do you know if those challenges or factors are still present today and, if so, to what extent?
6. What, if anything, do you feel that the district did particularly well in response to the FPM process or in having avoided more than the eight NC EL findings in the first place?
7. What do you attribute to them resolving their NC findings in 354 (41) days?
8. Overall, how would you qualify the district's response to the FPM process and what, if anything, would you have liked to see the district do differently in response to the FPM process or in resolving their NC findings?

9. How would you characterize the district's level of commitment to categorical programs and, specifically, EL programs?
    a. And what about their commitment to be compliant with FPM requirements?
10. From your perspective, what impact, if any, did the FPM process have overall on the district's categorical programs and, in particular, their EL program?
    a. And how does this compare to most districts that you've reviewed?
11. Do you feel that this district leveraged or took advantage of the FPM process to make positive changes or improve their EL program, in general, or specifically, their ELD program?
    a. What do you think is necessary for this or ANY district to leverage CDE's compliance review process to help improve their EL programs?
12. The district was selected for an online FPM review this year. Will you be the Team Lead? How do you think they'll do and how, if at all, might their FPM experience in 201_ impact their preparation for this online review or its outcome?
13. If you feel it's needed, what would improve CDE's compliance review process?
    a. And what, if anything, would make the process more helpful to districts?
14. How would you characterize the quality of the FPM instruments in general and, specifically, the EL Program Instrument, with respect to the guidance it provides districts?
    a. And what about their quality with respect to the guidance it provides the FPM program reviewers or you as a Team Lead?
15. What are some of the key obstacles or challenges that FPM program reviewers face?
    a. What about obstacles and challenges, if any, that come from leadership, such as CDE administration, the SBE, the legislature, the ED, or other government agencies, that hinder your ability to be more effective or for FPM to be more helpful or impactful to districts?
16. Is there anything else you can think of to share that would help me with my study; and are there documents that you think I should review or other people with whom I should speak?

If you later think of anything to add, please don't hesitate to contact me. Once I complete my interviews, if I need clarification on something may I follow-up by phone or e-mail. Do you have any questions at this time? Thank you for your participation in this interview. You've been most helpful.

Appendix K

Interview Protocol: CDE EL Program Administrator

Study: Leveraging Compliance Monitoring to Improve Programs for English Learners

Time of Interview:
Date:
Place:
Interviewer: Héctor Rico
Interviewee:
Position of Interviewee: CDE EL Program Administrator

This study analyzes school districts' (LEAs) responses to CDE's compliance monitoring process and to what extent LEAs leverage the process as part of their efforts to improve their ELD programs.

Thank you for taking time to meet with me. I truly appreciate it. Have you had a chance to review the consent form and do you have any questions about it? The study I'm conducting for my dissertation focuses on how LEAs prepare for, and respond to, the FPM process and how it can be more helpful. I am particularly interested in understanding the impact of FPM on ELD programs and your impressions of districts' responsiveness to the FPM process. I have 8 questions. If it's o.k. with you, I'd like to audio record the interview to make sure I accurately capture your responses. Everything will be confidential, pseudonyms will be used and, once I transcribe the interview, I will erase the recording. If at any time you want me to pause the recording, skip a question, or end the interview, just let me know. Do I have your consent to audio record? Do you have any questions?

1. Just for a little perspective, I'm curious to know about your professional background and what sorts of things you've done related to English learners (EL) before coming to CDE and since?
2. Can you share with me, generally, your impressions of the experience with and commitment to English learner programs of the EL program reviewers?
3. Similarly, based on your professional experience, what are your impressions of the experience with and commitment to English learner programs of the staffs of schools and districts?
4. Again, based on your professional experience, what is your perspective about districts' attitudes towards compliance, in general and, specifically, adhering to English learner program requirements?
5. As far as the specific program requirements, many would argue that the items contained in the program instruments and monitored through the FPM process are indeed purely bureaucratic. What's your take on this, and in particular, the EL program instrument?
6. Developing the English proficiency of English learners seems to be a major goal of all EL programs, but the guidance on ELD in the EL program instrument seems limited; are there any other guidance or specific requirements on ELD for LEAs?
    a. To what extent might the limited guidance on ELD contribute to the high frequency of non-compliance with ELD?
7. Lastly, what is your perspective on the effectiveness and usefulness of FPM, including CAIS, on-site review, online review; and do you have any recommendations for changes?
8. Lastly, what are some of the challenges that your office faces, either internally or externally?

If you later think of anything to add, please don't hesitate to contact me. Once I complete my interviews, if I need clarification on something may I follow-up by phone or e-mail. Do you have any questions at this time? Thank you for your participation in this interview. You've been most helpful.

Appendix L

Relationship of Interview Questions: District- or School-Level Administrator, Program Coordinator/Specialist Version And CDE EL FPM Program Reviewer Version

	Concept Addressed by Question(s)	Questions Addressed By District Staff Interview Protocol	Questions Adressed by CDE Staff Interview Protocol
Conceptual Framework	Accountability Regime	16, 18, 19, 20, 21	5, 6, 8, 14, 15, 16
	Willingness/Motivation	1, 5, 6, 9, 12, 13, 17	1, 3, 4, 7, 8, 9, 11, 12, 13
	Integrity/Principled Resistance	12, 13	3, 4, 7, 8, 9, 12
	Capacity	2, 3, 6, 9, 12, 13, 18	2, 3, 4, 7, 8, 9, 11, 12, 16
	LEA Response to FPM	9, 10, 12, 14, 16	3, 7, 10, 11, 12, 14, 15, 16
	Deep Impact	14, 19, 20	3, 14, 15, 16, 17
	Challenges	6, 15	3, 4, 5, 6, 9, 20
	Perspectives	11, 16, 17, 21	3, 11, 12, 13, 18, 19, 20
Supplemental Concepts	EL Prog. Experience/Knowledge	1, 2, 18	1, 2, 4
	EL Prog. Description/Strengths/Needs	4, 5, 6, 11, 14	3, 5, 6
	Non-compliant Issue	10, 11	3, 6, 7, 9
	Alignment of Policy & Service	4, 5	3, 6
	FPM Process/History	7, 8, 9	10, 17, 18, 19, 20
	Recommendations	18, 21	18, 20
	CAIS	18, 21	18, 20

Appendix M

Sources of Documentation and Artifacts

School Level	District Level	State Level
Master Schedule (incl. ELD offerings)	EL Program Master Plan	EL FPM Instrument
Site Budgets	Local Educational Agency Plan	EL FPM Notification of Findings
Staffing Charts	Title III Accountability Plans	CDE-LEA Communication
Teacher EL Authorizations	Categorical Budget Allocation	FPM Review Schedule
ELD Core & Supplemental Materials	Consolidated Application	FPM Selection Criteria
Professional Development Plan	Org. Chart (incl. Dist. EL Staff)	FPM Training/PD Information
Single Plan for Student Achievement	ELD Program Description & Policy	Most Frequent NC Findings
EL Demographic Information	ELD Demographic Information	Public Records Act Requests
ELAC & SSC Agendas	DELAC Agendas, minutes	Other CAIS Documentation
ELD-Related Meeting Agendas/Min.	Board Agendas, minutes, videos	
Other CAIS Documentation	FPM Compliance Agreement	
	ELD-Related Meeting Agendas/Min.	
	Other CAIS Documentation	

Note. EL = English learner; ELD = English language development; ELAC = English learner advisory committee; DELAC = district English learner advisory committee; FPM = federal program monitoring CAIS = California accountability and improvement system; SSC = school site council; CDE = California Department of Education; NC = non-compliant; PD = professional development

Appendix N

Document Analysis Protocol

RE: □PVUSD □WHUSD □CDE

Source: □PVUSD □WHUSD □CDE □PRA □CAIS □Internet □Personal Files □other: _____

Date obtained: _____

Name or description of document:

Event or contact, if any, with which document is associated:

Concept, if any, with which document is associated:

□Accountability Regime	□Willingness/Motivation	□Integrity/Principled Resistance	□Capacity
□LEA Response to FPM	□Deep Impact	□Challenges	□Perspectives
□Non-compliant Issue	□FPM Process/History	□Recommendations	□CAIS
□EL Prog. Experience/Knowledge		□EL Prog. Description/Strengths/Needs	
□Alignment of Policy & Service			

Significance or importance of document:

Notes or summary of contents:

Note. Adapted from "Box 4.1: Document Summary Form: Illustration," by J. W. Creswell, J. W., 2009, *Research design: Qualitative, quantitative, and mixed methods approaches: International edition (3rd ed.)*. Thousand Oaks, CA: Sage Publications, Inc.

Appendix O

Priori Codes Based on Conceptual Framework

Priori Codes	Conceptual Reference
Regulatory Compliance	Accountability Regime
Design/Implement	Accountability Regime
Student Performance	Accountability Regime
Aspirations/Proactive	Absorptive Capacity
Innovation/Knowledge	Absorptive Capacity
Awareness of Opportunity	Absorptive Capacity
Pro–social commitment	Professional Motivation
Autonomy	Professional Motivation
Self–determination	Professional Motivation
Task goals	Professional Motivation
Integrity	Integrity-Principled Resistance
Principled Resistance	Integrity-Principled Resistance
Leverage	Leveraging of FPM Process

Appendix P

Final List of Codes

A. **Experience/Knowledge of EL Prog.**
B. EL PPROGRAM
    1. **EL Prog. Description**-in EL PROGRAM
    2. **EL Prog. Policy Source**-in EL PROGRAM
    3. **EL Prog. Philosophy**-in EL PROGRAM
    4. **EL Prog. Strengths**-in EL PROGRAM
    5. **EL Prog. Growth Needs**-in EL PROGRAM
C. **NC Issue**
D. **Alignment of Policy & Service**
E. ACCOUNTABILITY REGIME
    1. **Regulatory/Compliance**-in ACCOUNTABILITY REGIME
    2. **Design/Implement**-in ACCOUNTABILITY REGIME
    3. **Student Performance**-in ACCOUNTABILITY REGIME
F. WILLINGNESS
    1. **Commitment to Population**-in WILLINGNESS
    2. **Internal Attribution**-in WILLINGNESS
    3. **External Attribution**-in WILLINGNESS
    4. INDIVIDUAL MOTIVATION-in WILLINGNESS
        a. **Expectancy**-in INDIVIDUAL MOTIVATION-in WILLINGNESS
        b. **Goal Setting**-in INDIVIDUAL MOTIVATION-in WILLINGNESS
        c. **Self-determination**-in INDIVIDUAL MOTIVATION-in WILLINGNESS
        d. **Self-concept**-in INDIVIDUAL MOTIVATION-In WILLINGNESS
G. INTEGRITY
    1. COMPLY-in INTEGRITY
        a. **Legal Authority**-in COMPLY-in INTEGRITY
        b. **Legitimacy/Credibility**-in COMPLY-in INTEGRITY
    2. PRINCIPLED RESISTANCE-in INTEGRITY
        a. **Inaccuracy/Misinformation**-in PRINCIPLED RESISTANCE-in INTEGRITY
        b. **Philosophy on ELD**-in PRINCIPLED RESISTANCE-in INTEGRITY
        c. **Philosophy on Pedagogy**-in PRINCIPLED RESISTANCE-in INTEGRITY
        d. **Disagreement on Remedy**-in PRINCIPLED RESISTANCE-in INTEGRITY
H. CAPACITY
    1. COMPLEX/ABSORP CAPACITY-in CAPACITY
        a. **Aspirations/Proactive**-in COMPLEX/ABSORP CAPACITY-in CAPACITY
        b. **Innovation/Knowledge**-in COMPLEX/ABSORP CAPACITY-in CAPACITY
        c. **Awareness of Opportunity**-in COMPLEX/ABSORP CAPACITY-in CAPACITY
    2. **Strategic Conversion of Demand**-in CAPACITY
    3. IMPLEMENT-in CAPACITY
        a. **Resources: prsnl/time/mony/political**-in IMPLEMENT-in CAPACITY
        b. **Power**-in IMPLEMENT-in CAPACITY
I. RESPONSE OF LEA
    1. **Prep for Review**-in RESPONSE OF LEA
    2. **Contrived/Minimal Change**-in RESPONSE OF LEA
    3. **Willful Defiance/Failure to Comply**-in RESPONSE OF LEA
    4. **Agreed & Complied**-in RESPONSE OF LEA
    5. LEVERAGED PROCESS-in RESPONSE OF LEA
        a. **Technical**-in LEVERAGED PROCESS-in RESPONSE OF LEA
        b. **Normative**-in LEVERAGED PROCESS-in RESPONSE OF LEA
        c. **Political**-in LEVERAGED PROCESS-in RESPONSE OF LEA

J. **Deep Impact or Sustained Change**
K. CHALLENGES
    1. LEA CHALLENGES-in CHALLENGES
        a. **Technical**-in LEA CHALLENGES-in CHALLENGES
        b. **Normative**-in LEA CHALLENGES-in CHALLENGES
        c. **Political**-in LEA CHALLENGES-in CHALLENGES
    2. CDE CHALLENGES-in CHALLENGES
        a. **Technical**-CDE CHALLENGES-in CHALLENGES
        b. **Normative**-IN CDE CHALLENGES-in CHALLENGES
        c. **Political**-IN CDE CHALLENGES-in CHALLENGES
L. PERSPECTIVES
    1. POSITIVE-in PERSPECTIVES
        a. **Staff**-in POSITIVE-in PERSPECTIVES
        b. **Process**-in POSITIVE-in PERSPECTIVES
        c. **Prompted Action**-in POSITIVE-in PERSPECTIVES
    2. NEGATIVE-in PERSPECTIVES
        a. **Staff**-in NEGATIVE-in PERSPECTIVES
        b. **Process**-in NEGATIVE-in PERSPECTIVES
        c. **Didn't Prompt Action**-in NEGATIVE-in PERSPECTIVES
    3. **Recommendations**-in PERSPECTIVES
M. **Process Detail & History**

Appendix Q

2011/12 Federal Program Monitoring Notification Letter

CALIFORNIA DEPARTMENT OF EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

June 15, 2011

Dear Select County and District Superintendents and Charter School Administrators:

2011–12 NOTIFICATION OF LOCAL EDUCATIONAL AGENCIES SELECTED FOR CYCLE B ON-SITE FEDERAL PROGRAM MONITORING REVIEW

Your local educational agency (LEA) is part of the Cycle B cohort within the cycles for Federal Program Monitoring (FPM), formally known as Categorical Program Monitoring (CPM). The California Department of Education (CDE) uses a risk-based approach which considers compliance history, academic achievement, program size, and fiscal analysis to identify LEAs for reviews.

Based on these factors, your LEA has been selected for a FPM review of certain categorical programs operating within your LEA. The tentative schedule for Cycle B on-site reviews is October 2011 through February 2012. The program requirements that will be monitored will be available in July 2011 on the CDE Compliance Monitoring Web page at http://www.cde.ca.gov/ta/cr/.

Each LEA selected for a review must complete the attached LEA General Information Form and e-mail it to FPM Office by **June 30, 2011**. The form allows the CDE to consider special factors associated with the LEA when scheduling the FPM review.

In July, additional information will be sent for this review including the schedule of reviews, common school site selection, updated program instruments, and training opportunities. Following the release of the review schedule, CDE staff will be in contact with your designated staff to coordinate the FPM review and discuss the preparation for the review, including uploading documents and evidence of compliance into the California Accountability and Improvement System (CAIS). Training and technical assistance on the use of CAIS will be provided in fall 2011.

For additional information and resources, please visit the CDE Compliance Monitoring Web page at http://www.cde.ca.gov/ta/cr/. If you have any questions regarding this process, please contact the FPM Office by phone at 916-319-0935 or by e-mail at fpmoffice@cde.ca.gov.

Sincerely,

Keric Ashley, Director
Data Management Division

KA:cc
Attachment

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

Appendix R
Analysis of PVUSD Comments Entered into CAIS

Source/location in CAIS:
-LEA Overview tab = 1 comment
-Monitoring tab: COMMENTS: English Learner-Cycle B (EL) = 7 comments
-VII-EL 20: ELD = 3 comments
-VII-EL 21: Access to the Core = 3 comments
-IV-EL 13: EL Program Evaluation = 1 comment

		Logistics	Compliance Monitoring	Design & Implement	Student Performance
Prior to FPM Review	Posted by: César Esquivel* Notice of submittal of compliance evidence for EL program	x			
	Posted by: Héctor Bustillos Notice of EL Instrument received	x			
	Posted by: Nancy Drew Notice of EL13 meets requirements		x	x	†
	Posted by: Nancy Drew Notice that EL20 item review will continue on-site	x			
	Posted by: Nancy Drew 1.Request of docs for EL21; 2.Notice that EL21 docs will be reviewed on-site	x	x	x	†
	Posted by: Betty Lian* Notice of revised LEAP upload		x	x	
	Posted by: Héctor Bustillos Request for LEA EL reps to meet at a school	x			
During Review	Posted by: Nancy Drew Notice that items need further action: EL20; EL21; EL09; EL06; EL16; EL14; EL03; EL02		x	x	†
After FPM Review	Posted by: Héctor Bustillos Notice that items need further action: EL20; EL21; EL09; EL06; EL16; EL14		x	x	†
	Posted by: César Esquivel* Notice that additional evidence for EL20 has been submitted by LEA		x	x	†
	Posted by: César Esquivel* Notice that additional evidence for EL21 has been submitted by LEA		x	x	†
	Posted by: Nancy Drew Notice that EL21 is now resolved		x		†
	Posted by: Nancy Drew Notice that EL20 is now resolved		x	x	†
	Posted by: Héctor Bustillos Notice that EL09 needs further action		x	x	
	Posted by: Héctor Bustillos Notice that EL program now meets requirements; no further action needed		x	x	†
	Total 15 = 11 CDE (5HB, 6ND), 4 PVUSD				

Note. * denotes PVUSD staff; † denotes that item does not specifically require certain levels of achievement, but achievement is referenced as a focal point; EL = English learner; LEAP = local educational agency plan

Appendix S
Analysis of WHUSD Comments Entered into CAIS

Source/location in CAIS:
LEA Overview tab = 1 comment; Monitoring tab: COMMENTS: English Learner-Cycle B (EL) = 12 comments
VII-EL 20: ELD = 9 comments; VII-EL 21: Access to the Core = 1 comment
IV-EL 13: EL Program Evaluation = 8 comments

		Logistics	Compliance Monitoring	Design & Implement	Student Performance
Prior to FPM Review	Posted by: David Sandoval* Request for guidance about types of documents to be uploaded	x	x		
	Posted by: Héctor Bustillos Brief response, but no guidance, regarding LEA's request for guidance to documents to upload	x			
	Posted by: David Sandoval* Notice of submittal of compliance evidence for EL program	x	x		
	Posted by: Héctor Bustillos Acknowledge receipt of evidence submitted by LEA for EL program	x			
	Posted by: Héctor Bustillos Request for additional evidence for EL13.		x	x	†
	Posted by: Héctor Bustillos Request for additional evidence for EL20.		x	x	†
	Posted by: Héctor Bustillos Request for specific student achievement data for EL21				x
During Review	Posted by: Beth Boxer* Notice of uploading of professional development documents		x	x	†
	Posted by: Beth Boxer* Notice of uploading of parent notification letter		x		
	Posted by: Beth Boxer* Notice of upload of Title III expense transfer		x		
	Posted by: Héctor Bustillos Notice that items need further action: EL20; EL09; EL05; EL06; EL16; EL13; EL03; EL02		x	x	x
After FPM Review	Posted by: David Sandoval* Notice of additional evidence for EL13 submitted by LEA		x	x	†
	Posted by: David Sandoval* Request for extension for EL13		x	x	†
	Posted by: David Sandoval* Request for resolution agreement (beyond 45 days) for EL20		x		
	Posted by: David Sandoval* Request for extension for EL20		x		

Posted by: Héctor Bustillos Notice of approval of extension request for EL13		x		
Posted by: Héctor Bustillos Request for an action plan & due date for resolving EL20 in order to consider extension request by LEA			x	†
Posted by: Héctor Bustillos Notice that items need further action: EL20; EL09; EL05; EL06		x	x	†
Posted by: Héctor Bustillos Second request (from 6 days earlier) by CDE for an action plan & due date for resolving EL20 in order to consider extension request by LEA		x	x	†
Posted by: Adrian Huerta* Submittal of brief timeline for EL20		x	x	†
Posted by: Héctor Bustillos Notice of approval of extension for EL20, but for only 180 days, less than the timeline submitted by LEA		x	x	
Posted by: Beth Boxer* Notice of uploading DELAC training materials		x	x	
Posted by: Adrian Huerta* Notice of uploading by LEA of additional evidence for EL13		x	x	
Posted by: Adrian Huerta* Acknowledge receipt of previous evidence upload for EL13	x			
Posted by: Héctor Bustillos Follow-up questions to previous evidence upload for EL13		x	x	†
Posted by: Carlos Chávez* Notice of uploading by LEA of additional evidence for EL13		x	x	†
Posted by: Héctor Bustillos Notice that EL13 is now resolved		x	x	†
Posted by: Héctor Bustillos Notice that items need further action: EL20; EL03		x	x	†
Posted by: Carlos Chávez* Notice of uploading of article as "foundation of" LEA's ELD program		x	x	†
Posted by: Héctor Bustillos Notice that EL20 is now resolved		x	x	†
Posted by: Héctor Bustillos Notice that EL program now meets requirements; no further action needed		x	x	†
Total 31 = 16 CDE, 15 WHUSD				

Note. * denotes PVUSD staff; † denotes that item does not specifically require certain levels of achievement, but achievement is referenced as a focal point; EL = English learner; LEAP = local educational agency plan

Appendix T
Research to Guide English Language Development Instruction

Guidelines Based on Relatively Strong Supporting Evidence from English Learner Research
1. Providing ELD instruction is better than not providing it.
2. ELD instruction should include interactive activities among students, but they must be carefully planned and carried out.
Guidelines Based on Hypotheses Emerging from Recent English Learner Research
3. A separate block of time should be devoted daily to ELD instruction.
4. ELD instruction should emphasize listening and speaking although it can incorporate reading and writing.
5. ELD instruction should explicitly teach elements of English (e.g., vocabulary, syntax, grammar, functions, and conventions.).
6. ELD instruction should integrate meaning and communication to support explicit teaching of language.
7. ELD instruction should provide students with corrective feedback on form.
8. Use of English should be maximized during ELD instruction, the primary language should be used strategically.
9. Teachers should attend to communication and language learning strategies and incorporate them into ELD instruction
10. ELD instruction should emphasize academic language as well as conversational language.
11. ELD instruction should continue at least until students reach level 4 (early advanced) and possibly through level 5 (advanced).
Guidelines Applicable to ELD, but Grounded in Non-English Learner Research
12. ELD instruction should be planned and delivered with specific language objectives in mind.
13. English learners should be carefully grouped by language proficiency for ELD instruction; for other portions of the school day they should be in mixed classrooms and not in classrooms segregated by language proficiency.
14. The likelihood of establishing and/or sustaining an effective ELD instructional program increases when schools and districts make it a priority.

Note. Adapted from "Table 1.1 Guidelines for ELD Instruction," by W. Saunders and C. Goldenberg, 2010, Research to guide English language development instruction. In: *Improving education for English learners: Research-based approaches.* Sacramento, CA: California Department of Education Press.