

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

LESLY METHELUS, on behalf of Y.M.,)
a minor; ROSALBA ORTIZ, on behalf of G.O.,)
a minor; ZOILA LORENZO, on behalf of M.D.,)
a minor; on behalf of themselves and all others)
similarly situated,)
)
)
Plaintiffs,)
)
v.) Civil Case No. _____
)
)
THE SCHOOL BOARD OF COLLIER)
COUNTY, FLORIDA and KAMELA PATTON,)
Superintendent of Collier County Public Schools,)
in her official capacity,)
)
)
Defendants.)
_____)

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiffs are parents or guardians of Y.M., G.O., and M.D., children who recently arrived to the United States and have been denied equal access to educational opportunities as a result of Defendants’ policy and practice of excluding them from enrollment in public high school. Rather than allow these English Language Learner (“ELL”) students to enroll in Collier County public high schools, Defendants funnel them to non-credit, English language-only, adult programs that charge a fee.

2. Florida law requires that public schools offer students instruction in core content and skills, including mathematics, science, and social studies (“Florida Standards”). Defendants deny Y.M., G.O., M.D., and similarly situated students, the opportunity to learn the skills and subject matter set forth in the Florida Standards, credits toward a high school diploma, access to other activities and programs available to students enrolled in high school, and their full learning and eventual earning potential.

3. Defendants violate Florida and federal law by denying recently-arrived, foreign-born, ELL students ages sixteen and older enrollment in public schools that teach to the Florida Standards.

4. Plaintiffs ask the Court to grant declaratory and injunctive relief, including compensatory education, to Y.M., G.O., M.D., and a class of similarly situated students.

JURISDICTION

5. This case arises under the United States Constitution and the laws of the United States, including the Equal Protection and Due Process clauses of the Fourteenth Amendment to the Constitution; the Equal Educational Opportunities Act of 1974 (“EEOA”), 20 U.S.C. § 1703; Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.* (“Title VI”);

and 42 U.S.C. § 1983. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331(a), 1343, 2201, and 2202 and 20 U.S.C. §§ 1706, 1708. The Court may exercise supplemental jurisdiction over Plaintiffs’ state law claims under the Florida Educational Equity Act, Fla. Stat. §§ 1000.05 et seq., and Fla. Admin. Code R. 6A-19.001 et seq. See 28 U.S.C. § 1367(a).

VENUE

6. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because “a substantial part of the events or omissions giving rise to the claim[s] occurred” in this district.

PARTIES

Named Plaintiffs

7. Plaintiff Lesly Methelus and his seventeen year-old son, Y.M., reside within Immokalee High School’s attendance zone in Collier County. Y.M. is a student with limited English proficiency¹ who is of Haitian national origin.

8. Plaintiff Rosalba Ortiz and her seventeen year-old nephew (over whom she has custody), G.O., reside within Immokalee High School’s attendance zone in Collier County. G.O. is a student with limited English proficiency who is of Guatemalan national origin.

¹ The term “Limited English proficiency” (“LEP”) is interchangeable with “English Language Learner” (“ELL”).

9. Plaintiff Zoila Lorenzo and her seventeen year-old son, M.D., reside within Immokalee High School's attendance zone in Collier County. M.D. is a student with limited English proficiency who is of Guatemalan national origin.

Defendants

10. Defendant School Board of Collier County, Florida ("School Board"), is responsible for directing, operating, controlling, and supervising all free public schools in Collier County. See Fla. Stat. §§ 1001.32-33 and 1001.40-42. Defendant School Board is responsible for the establishment, organization and operation of schools within Collier County school district. Id. § 1001.42(4). The School Board is the contracting agent on behalf of the Collier County school district and is subject to suit. Id. 1001.41(4); Fla. Stat. § 1001.30. The School Board has acted under color of state law at all times referenced in this complaint within the meaning of 42 U.S.C. § 1983.

11. Defendant Kamela Patton, as the Superintendent of the Collier County Public Schools, is the secretary and executive officer of the Collier County School Board. See Fla. Stat. §§ 1001.32(3), 1001.33. Superintendent Patton is responsible for the administration and management of the schools and for the supervision of instruction in the district. Id. See also Fla. Stat. §§ 1001.49, 1001.51. She is charged with

recommending the establishment, organization, and operation of schools, classes, and services as are needed to provide adequate educational opportunities for all children in the district. Id. § 1001.51(6). She is also charged with ensuring that all laws and rules of the State Board of Education are properly observed. Id. § 1001.51(14). Superintendent Patton has acted under color of state law at all times referenced in this complaint within the meaning of 42 U.S.C. § 1983.

LEGAL BACKGROUND

Plaintiffs' Right to Equal Access to Educational Opportunity

12. The education of children is a fundamental value of the people of the State of Florida. Fla. Const. art. IX, § 1(a). The state constitution mandates “a high quality system of free public schools that allows students to obtain a high quality education.” Id. Such education shall be provided to “all children residing within its borders.” Id.

13. Florida has developed core skills and subjects that public schools must teach to all students. See Fla. Stat. § 1003.41 (“Florida Standards”) (requiring skills instruction in critical-thinking, problem-solving, mathematics, contextual and applied-learning, technology-literacy, information and media-literacy, civic-engagement, and subject matter

instruction in science, mathematics, social studies, visual and performing arts, physical education and health). See also id. § 1003.42.

14. Florida law also prioritizes enrollment of students in school through graduation. In Florida, education is compulsory for all children between the ages of six and sixteen without exception. Fla. Stat. § 1003.21(1)(a)(1).

15. Public school students ages sixteen and older who have not graduated are also subject to compulsory school attendance until a student “files a formal declaration of intent to terminate school enrollment with the school board.” Id. § 1003.21(1)(c). The declaration “must acknowledge that terminating school enrollment is likely to reduce the student’s earning potential” and be signed by the student and parent. Id.

16. Even on receipt of such a declaration, state law requires school personnel to “determine the reasons for the student’s decision to terminate school enrollment” and to determine any “actions that could be taken to keep the student in school.” Id.

17. State law establishes no maximum age for public education.

18. In 1970, the Office of Civil Rights of the federal education agency issued a memorandum (“Memo”) clarifying the responsibility of school districts to provide equal educational opportunity to national origin

minority group children deficient in English language skills. J. Stanley Pottinger, Office of Civil Rights, U.S. Department of Health, Education and Welfare, DHEW Memo Regarding Language Minority Children (May 25, 1970), <http://www2.ed.gov/about/offices/list/ocr/docs/lau1970.html> (last visited May 4, 2016). The Memo stated that where the “inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.” Id. Under the Memo, grouping of ELL students must not operate as an “educational dead-end or permanent track.” Id.

19. In 1974, Congress passed the Equal Educational Opportunities Act (“EEOA”). In advocating for its passage, President Richard Nixon issued a statement to Congress explaining that under the Act, “School authorities must take appropriate action to overcome whatever language barriers might exist, in order to enable all students to participate equally in educational programs.” Richard M. Nixon, Special Message to the Congress on Equal Educational Opportunities and School Busing, Public Papers of the Presidents of the United States (March 17, 1972), <http://www.presidency.ucsb.edu/ws/?pid=3776> (last visited May 10, 2016).

20. The United States Department of Justice (“DOJ”) and the Office of Civil Rights of the United States Department of Education (“OCR”) (collectively “the Departments”), in guidance to school districts, have stated that ELL students should not only have access to the core curriculum, but equal opportunities to meaningfully participate in all school programs and activities whether curricular, co-curricular, or extracurricular. See U.S. Dept. of Justice and U.S. Dept. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents 17-18 (Jan. 7, 2015), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

21. The Departments further state that school districts should place ELL students in age-appropriate grade levels so that these students can have meaningful access to their grade-appropriate curricula and an equal opportunity to graduate. Id. at 18. While recognizing that some students may have an interruption in their formal education, the Departments state that these students should still be placed in a setting that is age appropriate. See id. at n.50.

22. Florida law and administrative regulations also require that ELL students have equal access to programs as other students. See Fla. Admin. Code R. 6A-6.0908 (ELL students “shall be entitled to equal access

to programs and services other than ESOL,² such as, but not limited to compensatory, exceptional, early childhood, pre-first grade, vocational, adult education, dropout prevention, extended day, and supportive services regardless of the funding source”); Fla. Stat. § 1000.05 (prohibiting discrimination in education programs and activities) and Fla. Admin. Code R. 6A-19.001 (defining discrimination to include “taking of any admission . . . action, that adversely affects a[n] . . . applicant for admission. . . based on . . . linguistic characteristics of a national origin group,” or the “taking of an admission action, that adversely affects a[n] . . . applicant for admission, belonging to a national origin minority group, unnecessarily based on limited-English-language skills”); see generally Fla. Stat. § 1003.56(3)(d); Fla. Admin. Code R. 6A-6.0901 et seq.

23. Florida law requires that Defendants provide ELL students not only with English instruction, but also with instruction in the subject areas of mathematics, science, social studies, and computer literacy either with language support or in students’ home language. Fla. Stat. § 1003.56(3)(d); Fla. Admin. Code R. 6A-6.0901 et seq.

24. Under 20 U.S.C. §§ 6801 et seq., federal funds are allocated to help ELL students learn English and meet state academic content and achievement standards. Defendant School Board, as the contracting agent

² “ESOL” stands for “English for Speakers of Other Languages.”

of the Collier County School District, receives federal funding, including but not limited to English Language Acquisition funding, to provide instructional programs and services to students.

25. In light of these legal requirements, on February 26, 2013, Defendant Patton signed and submitted to the Florida Department of Education a “District ELL Plan.” (See Ex. 1.) The plan certifies that Collier County public schools were in compliance with section 1003.56, Florida Statutes, applicable administrative regulations, the May 25, 1970 Office of Civil Rights Memo, the Florida Educational Equity Act, and the Equal Educational Opportunities Act of 1974, all of which require equal access to educational opportunities for ELL students. Id.

26. In addition, the ELL plan sets forth the District’s policies and procedures for providing instruction to ELL students, including identification, evaluation, and placement of ELL students in Collier County schools. The plan requires schools to identify ELL students at the time of registration using a home language survey. (Ex. 1 at 3-4.) Once identified, students’ English language skills and academic level are to be assessed using testing and other criteria. (Id. at 4-7.) The school’s ELL committee then makes a placement with regard to English language instruction based on results of the assessments, among other factors. (Id. at 6-7.)

27. Under Defendants' ELL plan, ELL students' academic level is to be assessed using testing, previous school records, and in the absence of such records, using interviews of the student and parents along with other assessment tools. (Id. at 7-8.) After such assessment, the ELL contact or guidance counselor is to place the student in an appropriate grade and develop an ELL student plan for the student. (Id. at 7-10.) The ELL Plan requires that placements be "age appropriate." (Id. at 8.)

28. Under the plan, ELL students are taught to the Florida Standards, and "ELL students receive equal access to the regular curriculum." (Id. at 11.)

29. Further, the ELL plan specifies that "instruction provided to ELLs is equal in amount, sequence and scope to that provided to non-ELL students." (Id. at 12.)

**Defendants' Policy and Practice of Denying
Equal Access to Educational Opportunity**

30. From about 2012 through the spring of 2013, there was a sharp increase in the number of unaccompanied minors arriving to the United States from abroad. See Pew Charitable Trusts, Number of Undocumented Children Who Cross U.S. Border Alone has Tripled (May 9, 2013) <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2013/05/09/number-of-undocumented-children-who-cross-us-border-alone>

-has-tripled (last visited May 2, 2016). Most of these youth were 16 or 17 years old when they came to the United States. Congressional Research Service, Unaccompanied Alien Children: Demographics in Brief 4-5 (Sept. 24, 2014) <https://www.fas.org/sgp/crs/homsec/R43734.pdf>.

31. On August 1, 2013, Defendant Collier County School Board enacted School Board Policy 5112.01 (“the Policy”), which states:

Persons who are seventeen (17) years old or older and who by earning eight (8) credits per academic year, cannot meet graduation requirements including grade point average (GPA), prior to the end of the school year in which they attain the age of nineteen (19), shall not be permitted to attend the regular high school program beyond the end of the academic year in which they attain the age of seventeen (17). Such persons shall be afforded an opportunity to pursue a high school diploma through the Adult High School or General Educational Development (GED) programs of the District.

(Ex. 2.)

32. On information and belief, Collier County school employees routinely deny high school enrollment to recently-arrived, foreign-born, ELL students age sixteen or older relying on the Policy, and then funnel them to off-site, adult, English-only instruction.

33. By denying enrollment to recently-arrived ELL students ages sixteen and older, Defendants procedurally and substantively depart from the norms followed with regard to Defendants’ ELL plan and students in general.

34. Defendants' denial of enrollment to this group of students violates state and federal law. See Fla. Stat. § 1000.05 (prohibiting discrimination) and Fla. Admin. Code R. 6A-19.001 (defining discrimination as taking an admission action, that adversely affects an applicant for admission based on "linguistic characteristics of a national origin group," or "belonging to a national origin minority group, unnecessarily based on limited-English-language skills"); 20 U.S.C. § 1703(f) (requiring educational agencies "to take appropriate steps to overcome language barriers that impede equal participation by its students in its instructional programs").

35. By denying enrollment, Defendants also deny these ELL students the benefit of Defendants' ELL plan. As these students are not permitted to register, they are not identified as ELL upon registration; they do not receive English and academic assessments; they are not provided placement decisions by the school ELL committee, ELL Contact or guidance counselor, or development of an ELL student plan; they are not offered classes taught to the Florida Standards, equal access to the regular curriculum, or instruction equal in amount, sequence and scope to that provided to non-ELL students; and they are not provided assessments of academic and language progress.

36. After denying enrollment, Defendants funnel these students to off-site, non-credit, adult, English language-only programs at Immokalee Technical College, also known as Immokalee Technical Center (“ITech”), or other locations.

37. By funneling these students to a non-credit English program, Defendants procedurally and substantively depart from the norms set out in the ELL plan.

38. The program offered to these students at ITech, Adult English for Speakers of Other Languages (“Adult ESOL”), does not teach the skills and subject matters required under the Florida Standards and the ELL plan. Instead, it only provides for “learning English through reading, listening, speaking and writing skills required to get a job, get promoted and communicate within the community.” See Immokalee Technical College, Portfolio of Programs Offered (last visited April 1, 2016), <http://www.itech.edu/portfolio/english>.

39. The Adult ESOL program does not provide instruction in basic subject areas of math, science or social studies, required by section 1003.56(3)(d), Florida Statutes, the accompanying regulations and the ELL plan. The Adult ESOL program does not provide any credit toward a

regular high school diploma. See Fla. Stat. § 1004.02(2) (defining Adult ESOL as “noncredit English literacy courses”).

40. Adult ESOL costs thirty dollars per semester to participate in the program, in violation of the Florida Constitution, which mandates “free public schools.” Fla. Const. art. IX, § 1(a).

41. Students in the Adult ESOL program are segregated from their peers and denied the opportunity to participate in any of the high school’s academic enrichment, sports, or extra-curricular activities. This violates Florida administrative regulations that entitle ELL Students to “equal access to programs and services other than ESOL.” See Fla. Admin. Code R. 6A-6.0908. It is also contrary to federal guidance stating that under federal law, ELL students should have equal opportunities to meaningfully participate in all school programs and activities whether curricular, co-curricular, or extracurricular. See Dear Colleague Letter, supra at 17-18.

42. Contrary to the federal guidance letter and Defendants’ ELL plan that state that placement of ELL students should be age appropriate, Defendants funnel ELL students ages sixteen and older to an Adult ESOL program instead of educating them with their peers at the local high school. See Dear Colleague Letter, supra at 18, n. 50; (Ex. 1 at 8.)

43. By denying Y.M., G.O., M.D., and similarly situated students enrollment in the high school, and failing to identify, evaluate, and provide services under Defendants' ELL plan, Defendants deny these students equal access to educational opportunities offered in high school, the opportunity to earn credits toward a high school diploma, and the opportunity to learn skills and core subject matter that they will need in the future, thereby limiting their educational opportunities, career opportunities, and earning potential.

NAMED PLAINTIFFS' ALLEGATIONS

44. Y.M., G.O., and M.D. are minor, high school-aged ELL students who left their countries of origin and now reside in Collier County. When they sought to enroll at the local high school, however, Defendants refused to enroll them.

45. Y.M. arrived in Collier County from Haiti on March 27, 2015, at the age of fifteen. Prior to coming to the United States, Y.M. was enrolled in what is considered the 8th grade at the Ecole Mixte Freres-Unis de Mapou Lagon in Haiti.³

46. During the week of March 30, 2015, Y.M. and his father, Mr. Methelus, went to Immokalee High School to enroll Y.M. in school. A

³ Grade levels in other countries may not correspond with grade levels in the United States. That is why individual assessment of foreign-born students is essential to placement.

school staff person immediately asked Y.M.'s age. When Mr. Methelus told her that Y.M. would be turning sixteen on April 4, 2015, the employee responded that Y.M. could not enroll at Immokalee High because it was "too close to his sixteenth birthday." Defendants' employee did not give Y.M. and his father an enrollment packet for school. Instead, she directed them to the adult program at ITech. Per her instructions, Mr. Methelus enrolled Y.M. at ITech.

47. At ITech, Y.M. did not receive instruction in the core subject areas and skills required by the Florida Standards, nor was he able to earn credits toward a high school diploma. Mr. Methelus was not afforded any opportunity to appeal the decision to deny Y.M. enrollment in high school. The refusal to enroll Y.M. in an academic program and decision to isolate him from his non-immigrant peers has denied this child equal, non-segregated access to educational opportunity and caused him to feel frustrated and anxious about his future.

48. G.O. arrived in Collier County from Guatemala in summer of 2014. G.O. wants to become a police officer so that he can serve and protect his community. In August 2014, G.O., who was sixteen at the time, and his aunt and guardian Rosalba Ortiz, went to Immokalee High School to enroll G.O. in school.

49. Upon arrival at the school's front office, they completed school registration paperwork and provided a copy of a report card showing G.O. had most recently completed what is considered the sixth grade in Guatemala. Defendants' employee told them they would have to send G.O.'s paperwork to district headquarters in Naples to find out if G.O. could enroll at Immokalee High School. When Ms. Ortiz contacted Immokalee High School a few days later, she was told G.O. could not attend Immokalee High School. His only option was to attend the Adult ESOL program at ITech. Ms. Ortiz was not afforded any mechanism for appealing Defendants' decision.

50. Having been offered no other option, she enrolled G.O. at ITech in the Adult ESOL program, where he received only basic English language instruction. G.O. did not receive instruction in any of the core subject areas and skills required by the Florida Standards. He feels frustrated and hopeless.

51. M.D., who is from Guatemala, arrived in Immokalee in December of 2014 at the age of sixteen. Shortly after his arrival, M.D. and his mother, Zoila Lorenzo, went to Immokalee High School to enroll M.D. in school. They were met in the front office by a school employee who immediately asked about M.D.'s age and educational history. M.D.

advised that he was sixteen years old and had finished what is considered the sixth grade in Guatemala. Defendants' employee then told them that M.D. could not attend high school, but could enroll at ITech. They were not given an enrollment packet or provided an opportunity to appeal the school's decision. Ms. Lorenzo then took M.D. to ITech where she paid thirty dollars to enroll him in the Adult ESOL class.

52. M.D. is a soccer enthusiast and skilled player. Shortly after his arrival in Immokalee he joined a recreational soccer league. A local coach recognized his ability and encouraged him to try out for Immokalee High School's soccer team. As M.D. has not been able to enroll in high school, however, he also has not been able to try out for the high school soccer team.

53. M.D. attended Adult ESOL class at ITech. At ITech, he did not receive instruction in any of the basic subject areas required by the Florida Standards nor was he allowed to participate in Immokalee High School's programs and activities. He feels frustrated and isolated due to the Defendants' refusal to allow him to access a high school education.

54. On September 17, 2015, Plaintiffs' counsel wrote a letter to Defendant Kamela Patton, identifying the high school's refusal to enroll ELL students aged sixteen and older; stating that enrollment of students in

Adult ESOL rather than in school violated state and federal laws; requesting rescission of the Policy; requesting that immediate steps be taken to enroll G.O. and M.D. in school; and requesting that similarly situated students be ensured equal access to educational opportunities.

55. Defendants' general counsel responded to the letter, but did not agree either to enroll the students in high school or to revise its policy or practice.

56. Despite Plaintiffs' requests, and federal and state laws, Defendants have not enrolled Y.M., G.O., and M.D. in high school. As a result, Y.M., G.O., and M.D. are not earning credit toward a high school diploma, are not receiving free education in all of the subjects and skills required by the Florida Standards, are not afforded the services provided in Defendants' own ELL plan, are denied the opportunity to participate in other school program and activities, and are segregated from their peers.

57. Named Plaintiffs, on behalf of Y.M., G.O., M.D., and those similarly situated, seek a declaration that Defendants' discriminatory policy and practices are unlawful and an injunction to end those practices. They also seek compensatory education to receive the education that they were denied due to Defendants' policy and practice.

CLASS ACTION ALLEGATIONS

58. Plaintiffs bring this action on behalf of Y.M., G.O., M.D., and a class of similarly situated students pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure.

59. The class is defined as:

All recently-arrived, foreign-born, English Language Learner (ELL) students ages sixteen and older who after August 1, 2013, resided or will reside in Collier County, sought or will seek to enroll in a Collier County public high school, and were or will be denied enrollment by the Defendants.

Rule 23(a)(1) – Numerosity

60. According to federal government data, more than 200 unaccompanied minors have been released to family or sponsors in Collier County each fiscal year since 2013.⁴ From October 2013 to September 2014, that number was 241. From October 2014 to September 2015, the number was 219. And from October 2015 to March 2016 (the most recent data available), the number is already 201.

61. A report by the Congressional Research Service shows that nationally, children 16-17 years old made up 55% of the unaccompanied

⁴ See Office of Refugee Resettlement, Unaccompanied Children Released to Sponsors by County FY 15, <http://www.acf.hhs.gov/programs/orr/resource/unaccompanied-children-released-to-sponsors-by-county-fy15> (last visited Apr. 25, 2016).

minors population in fiscal year 2013 and 46% of the population in fiscal year 2014. On average then, children 16-17 years old have accounted for about half of the unaccompanied minors entering the United States. Congressional Research Service, Unaccompanied Alien Children: Demographics in Brief 4-5, (Sept. 24, 2014), <https://www.fas.org/sgp/crs/homsec/R43734.pdf>.

62. Assuming the age breakdown nationally is comparable to the age breakdown of the children who have resettled to Collier County, this would mean that approximately 50% of the unaccompanied minors who have come to Collier County are 16-17 years old.

63. Taken together, this data shows that the proposed class consists of approximately 100 to 120 children a year (50% of 241, 219, 201). These reasonable estimations are sufficient to find numerosity.

64. Joinder of the members of the class would be impracticable. The proposed class members are foreign-born students who are not literate in English or familiar with the U.S. legal system.

65. Many parents or guardians of children in this situation will themselves have limited English proficiency, lack familiarity with the U.S. legal system, and lack the resources necessary to advocate on behalf of these children.

66. In addition, the proposed class includes future members whose identities cannot yet be known.

Rule 23(a)(2) – Commonality

67. Members of the proposed class have been or will be adversely affected by Defendants’ refusal to enroll recently-arrived ELL students aged 16 and older into high school with their peers.

68. Common questions for all class members include: (1) whether Defendants’ refusal to enroll class members in high school violates the U.S. Constitution and the Equal Educational Opportunities Act; and (2) whether Defendants’ actions unlawfully segregate class members from their peers and deny them access to programs and activities in violation of the EEOA, Title VI of the Civil Rights Act of 1964 and the Florida Educational Equity Act.

69. Determination of these common questions will turn on an evaluation of the same legal standards, requirements, and policy and practice by Defendants.

Rule 23(a)(3) – Typicality

70. The named Plaintiffs’ claims are typical of those of the proposed class. They arise from Defendants’ enrollment policy and practice that deny class members the opportunity to enroll in the public

high school, deny them equal access to educational opportunities, and segregate them from their peers. These claims are based on the same injuries and application of the same legal theories to all class members' claims.

71. All class members will benefit from an end to Defendants' discriminatory policy and practice.

Rule 23(a)(4) – Adequacy of Representation

72. The named Plaintiffs will fairly and adequately represent the class. They have no interests antagonistic to those of the class. They are seeking declaratory and injunctive relief that will provide relief to all class members.

73. Plaintiffs' counsel is also fully qualified and prepared to pursue this litigation on behalf of the class. Plaintiffs are represented by the Southern Poverty Law Center, a non-profit organization with significant experience litigating class actions and with sufficient financial and human resources to litigate this matter.

74. Plaintiffs and their counsel will vigorously and competently prosecute this action on behalf of the class.

Rule 23(b)(2) – Defendants’ Refusal to Act on Grounds Applicable Generally to the Class

75. The named Plaintiffs challenge a policy and practice by the Defendants that is generally applicable to the class as a whole. That policy and practice operates to exclude class members from enrollment in their local high school and instead funnels them to an adult, off-site, non-credit, English-only program.

76. Defendants have acted or refused to act on grounds that apply generally to the class, making final injunctive and corresponding declaratory relief appropriate with regard to the class as a whole.

CLAIMS FOR RELIEF

First Cause of Action

Declaratory and Injunctive Relief for Violation of the Equal Educational Opportunities Act of 1974 (“EEOA”)

77. The named Plaintiffs, on behalf of Y.M., G.O., M.D., and all others similarly situated, re-allege and incorporate by reference the allegations set forth in the foregoing paragraphs of this complaint as if fully restated herein.

78. Defendants Collier County School Board and Superintendent Patton are bound by the provisions of the EEOA, 20 U.S.C. § 1703.

79. Section 1703 of the EEOA states in part:

No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex or national origin by:

(a) the deliberate segregation by an educational agency of students on the basis of race, color, sex or national origin among or within schools; [or]

...

(f) the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

20 U.S.C. § 1703(a), (f).

80. Through their actions and inactions, including denying these students enrollment in high school and funneling them instead to Adult ESOL, Defendants have denied Y.M., G.O., M.D., and similarly situated students equal educational opportunity on account of their national origin by deliberately segregating them from their peers.

81. Through their actions and inactions, including denying these students enrollment, Defendants have denied Y.M., G.O., M.D., and similarly situated students equal educational opportunity on account of their national origin by failing to take appropriate action to overcome language barriers that impede these students' equal participation in Defendants' high school program.

82. As a result, Defendants deny Y.M., G.O., M.D., and similarly situated students a public school education, the opportunity to learn the skills and subject matter set forth in the Florida Standards, credits toward a high school diploma, access to other activities and programs available to students enrolled in high school, and their full learning and earning potential.

83. Defendants' conduct violates the rights of the Y.M., G.O., M.D., and all others similarly situated under the EEOA.

84. The named Plaintiffs, on behalf of Y.M., G.O., M.D., and all others similarly situated students, request declaratory and injunctive relief to remedy Defendants' ongoing violation of these rights.

Second Cause of Action

Declaratory and Injunctive Relief for Violation of Title VI of the Civil Rights Act of 1964

85. The named Plaintiffs, on behalf of Y.M., G.O., M.D., and all others similarly situated, re-allege and incorporate by reference the allegations set forth in the foregoing paragraphs of this complaint as if fully restated herein.

86. Title VI provides that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation

in, be denied the benefits of, or be subject to discrimination under, any program receiving federal funding. 42 U.S.C. § 2000d.

87. As recipients of federal funding, Defendants are prohibited from discriminating against Plaintiffs by excluding them from instructional services, failing to provide them with instructional services, or providing them with inferior services on the basis of their national origin.

88. Defendants acted under color of state law to deprive Y.M., G.O., M.D., and all others similarly situated of a federal right under Title VI.

89. Defendants acted pursuant to a policy and practice in depriving Y.M., G.O., M.D., and all others similarly situated of a federal right under Title VI.

90. Through their actions and inactions on the basis of national origin, Defendants have excluded Y.M., G.O., M.D., and similarly situated students from participation in a public school education and Defendants' ELL program, denied them the benefits of these programs, and subjected them to discrimination as set forth above.

91. As a result, Defendants deny Y.M., G.O., M.D., and similarly situated students a public school education, the opportunity to learn the skills and subject matter set forth in the Florida Standards, credits toward a

high school diploma, access to other activities and programs available to students enrolled in high school, and their full learning and earning potential.

92. The named Plaintiffs, on behalf of Y.M., G.O., M.D., and all others similarly situated, seek declaratory and injunctive relief to remedy these ongoing violations.

Third Cause of Action

Declaratory and Injunctive Relief for Violations of the Fourteenth Amendment Equal Protection Clause

93. The named Plaintiffs, on behalf of Y.M., G.O., M.D., and all others similarly situated, re-allege and incorporate by reference the allegations set forth in the foregoing paragraphs of this complaint as if fully restated herein.

94. The Fourteenth Amendment's Equal Protection Clause provides that "[n]o State shall ... deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV.

95. Defendants acted under color of state law to deprive Y.M., G.O., M.D., and all others similarly situated of a federal right under the Equal Protection Clause of the Fourteenth Amendment.

96. Defendants acted pursuant to a policy and practice to deprive Y.M., G.O., M.D., and all others similarly situated of a federal right under the Equal Protection Clause of the Fourteenth Amendment.

97. Defendants have failed to enroll Y.M., G.O., M.D., and all others similarly situated and have instead funneled them to off-site, non-credit Adult ESOL, denying them equal protection of the laws.

98. As a result, Defendants deny Y.M., G.O., M.D., and similarly situated students a public school education, the opportunity to learn the skills and subject matter set forth in the Florida Standards, credits toward a high school diploma, access to other activities and programs available to students enrolled in high school, and their full learning and earning potential.

99. The named Plaintiffs, on behalf of Y.M., G.O., M.D., and all others similarly situated, seek declaratory and injunctive relief to remedy these ongoing, constitutional violations.

Fourth Cause of Action

Declaratory and Injunctive Relief for Violation of the Fourteenth Amendment Due Process Clause

100. The named Plaintiffs, on behalf of Y.M., G.O., M.D., and all others similarly situated, re-allege and incorporate by reference the

allegations set forth in the foregoing paragraphs of this complaint as if fully restated herein.

101. Through their actions and inactions, Defendants have deprived Y.M., G.O. and M.D., and all others similarly situated of their constitutionally protected property interest to an education by denying them the right to attend high school.

102. Defendants' lack of any procedures following denial of enrollment is constitutionally inadequate. Defendants denied Y.M., G.O. and M.D., and all others similarly situated the right to attend high school without any procedures, including notice, an opportunity to be heard, or an avenue to challenge an adverse determination.

103. As a result, Defendants deny Y.M., G.O., M.D., and similarly situated students notice and an opportunity to be heard regarding their denial of high school enrollment and related educational opportunities.

104. Defendants acted pursuant to a policy and practice in depriving Y.M., G.O., M.D., and all others similarly situated of an education without notice or opportunity to be heard.

105. The named Plaintiffs, on behalf of Y.M., G.O., M.D., and others similarly situated, seek declaratory and injunctive relief to remedy these ongoing, constitutional violations.

Fifth Cause of Action

Declaratory and Injunctive Relief for Violation of the Florida Educational Equity Act, Fla. Stat. §§ 1000.05 et seq. and Fla. Admin. Code R. 6A-19.001 et seq.

106. The named Plaintiffs, on behalf of Y.M., G.O., M.D., and all others similarly situated, re-allege and incorporate by reference the allegations set forth in the foregoing paragraphs of this complaint as if fully restated herein.

107. The Florida Educational Equity Act prohibits the exclusion of or discrimination against students on the basis of national origin. See Fla. Stat. § 1000.05(2)(a).

108. Under the Act, “discrimination” includes taking admission actions that adversely affects an applicant for admission based on “linguistic characteristics of a national origin group,” or “belonging to a national origin minority group, unnecessarily based on limited-English-language skills.” Fla. Admin. Code R. 6A-19.001.

109. The Florida Educational Equity Act also bans admissions criteria that result in a disparate impact. Fla. Stat. § 1000.05(2)(b) (“[T]he criteria for admission to a program or course shall not have the effect of restricting access by persons of a particular race, ethnicity, national origin, gender, disability or marital status”).

110. Defendants' actions and inactions to exclude Y.M., G.O., M.D., and all others similarly situated from enrollment in public high school and to funnel them to non-credit, off-site, Adult ESOL violate the Florida Educational Equity Act.

111. Defendants' policy and practice violate the rights of Y.M., G.O., M.D., and all similarly situated students under the Florida Educational Equity Act.

112. Defendants deny Y.M., G.O., M.D., and similarly situated students a public school education, the opportunity to learn the skills and subject matter set forth in the Florida Standards, credits toward a high school diploma, access to other activities and programs available to students enrolled in high school, and their full learning and earning potential.

113. The named Plaintiffs, on behalf of Y.M., G.O., M.D., and others similarly situated, seek declaratory and injunctive relief to remedy these ongoing violations of the Florida Educational Equity Act.

REQUESTS FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- a. Assume jurisdiction over this matter;

- b. Certify Plaintiffs' claims as class claims pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure;
- c. Designate named Plaintiffs as class representatives for the class and designate the named Plaintiffs' counsel as counsel for the class pursuant to Federal Rule of Civil Procedure 23;
- d. Declare that Defendants' acts and omissions violate the rights of Y.M., G.O., M.D., and class members under the Equal Educational Opportunities Act;
- e. Declare that Defendants' acts and omissions violate the rights of Y.M., G.O., M.D., and class members under Title VI of the Civil Rights Act of 1964;
- f. Declare that Defendants' actions and omissions violate the rights of Y.M., G.O., M.D., and class members under the Fourteenth Amendment Equal Protection Clause;
- g. Declare that Defendants' acts and omissions violate the rights of Y.M., G.O., M.D., and class members under the Fourteenth Amendment Due Process Clause;
- h. Declare that Defendants' acts and omissions violate the rights of Y.M., G.O., M.D., and class members to be free from discrimination under Florida Educational Equity Act;

- i. Declare Defendants to be liable for the days of school class members missed due to Defendants' unlawful policy and practice of denying them enrollment.
- j. Enter injunctive relief in the form of:
 1. Requiring Defendants to take affirmative steps to enroll Y.M., G.O., M.D., and similarly situated students in high school.
 2. Requiring Defendants to adopt policies, procedures, and training to end Defendants' ongoing violations of the EEOA, Title VI, the U.S. Constitution and state law, and to publicize to the community at large and to class members, in a language and form of communication that they understand, those new policies and procedures.
 3. Requiring Defendants to communicate to all class members, in a language and form of communication that they understand, that they can enroll in school and can make up any days of school that they missed as a result of Defendants'

unlawful policy and practice of denying them enrollment.

4. Requiring Defendants to adopt policies and procedures to provide prospective students with notice and opportunities to be heard regarding decisions about eligibility for enrollment in Defendants' public schools.
 5. Requiring Defendants to provide compensatory education to Y.M., G.O., M.D. to remedy the harms caused by Defendants' unlawful policy and practice of denying them enrollment.
- k. Award Plaintiffs reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and Fla. Stat. § 1000.05(7); and
 - l. Grant any other relief the Court deems just and reasonable.

Respectfully submitted this 17th day of May, 2016,

SOUTHERN POVERTY LAW CENTER

By: 

Tania Galloni (Lead counsel)

Fla. Bar No. 619221

Jessica Zagier Wallace

Fla. Bar No. 956171

SOUTHERN POVERTY LAW CENTER

4770 Biscayne Blvd.

Miami, Florida 33137

T: 786.347.2056

F: 786.237.2949

Tania.Galloni@splcenter.org

Jessica.Wallace@splcenter.org

Attorneys for Plaintiffs

Exhibit 1

District ELL Plan Complete. Send notice to DOE.

Submit one original copy of this form with original signature of the superintendent and plan narrative to:

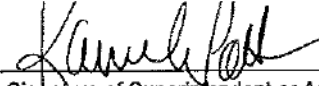

Bureau of Student Achievement through Language Acquisition
Florida Department of Education
325 West Gaines Street
444 Turlington Building
Tallahassee, Florida 32399-0400
Contact Person: Adeola Fayemi
Phone: (850) 245-9555

Florida Department of Education

DISTRICT PLAN FOR SERVICES TO ENGLISH LANGUAGE LEARNERS (ELLs)

Date Received by FDOE

FDOE INTERNAL USE ONLY

(1) NAME OF THE DISTRICT:	(2) CONTACT NAME/TITLE:	(3) CONTACT PHONE:
COLLIER	Sandra Stockdale	(239) 377-0632
(4) MAILING ADDRESS:		(6) PREPARED BY: (if different from contact person)
5775 Osceola Trail Naples, FL 34109		
(6) CERTIFICATION BY SCHOOL DISTRICT		
The filing of this application has been authorized by the School Board and the undersigned representative has been duly authorized to submit this plan and act as the authorized representative of the district in connection with this plan.		
I, Dr. Kamela Patton, do hereby certify that all facts, figures, and representations made in this plan are true and correct. Furthermore, all applicable statutes, rule regulations, and procedures for program and fiscal control and for records maintenance will be implemented to ensure proper untability.		
	2/26/13	2/26/13
Signature of Superintendent or Authorized Agency Head	Date Signed	Date of Governing Board Approval
(7) District Parent Leadership Council Involvement		
Name of Chairperson representing the District ELL Parent Leadership Council (PLC): Fernand Billon		
Contact Information for District PLC Chairperson Mailing address: 5775 Osceola Trail Naples, FL 34109		
E-mail Address: billonfe@collierschools.com Phone Number: (239) 377-0093		
Date final plan was discussed with PLC: 02/01/2013 PLC <input checked="" type="checkbox"/> approved <input type="checkbox"/> not approved		
	2/20/2013	2/20/2013
Signature of the Chairperson of the District PLC	Date Signed by PLC Chairperson	

Tony Bennet, Commissioner
Florida Department of Education



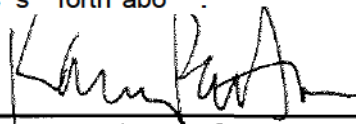
**Florida Department of Education
District ELL Plan**

**DISTRICT ENGLISH LANGUAGE LEARNER PLAN
ASSURANCES AND CERTIFICATION**

School districts are required to abide by a set of assurances when developing and implementing programs and services to students classified as English Language Learners (ELLs), and are required to ensure school and district level personnel comply with all the requirements and provisions set forth in the laws, rules, regulations, and federal court orders listed below:

- The requirements set forth in Section 1003.56, Florida Statutes;
- The requirements set forth in Rules 6A-6.0900- 6A-6.0909; 6A-6.09022; 6A-6.09091; 6A-1.09432, Florida Administrative Code (FAC.), and other applicable State Board of Education Rules;
- The requirements of the No Child Left Behind Act of 2001;
- The requirements of the Consent Decree in the League of United Latin American Citizens et al. v. the State Board of Education, 1990;
- The requirements of the Florida Educational Equity Act, 1984;
- The requirements based on the Fifth Circuit Court decision in Castaneda v. Pickard, 1981;
- The requirements based on the Supreme Court decision in Plyler v. DOE, 1980;
- The requirements based on the Supreme Court decision in Lau v. Nichols, 1974;
- The requirements of the Equal Educational Opportunities Act of 1974;
- The Requirements of Section 504 Rehabilitation Act of 1973;
- The requirements of the Office of Civil Rights Memorandum of May 25, 1970;
- The requirements of the Title VI and VII Civil Rights Act of 1964; and
- The requirements of the Office of Civil Rights Standards for the Title VI Compliance.

By signature below, I, Dr. Kamela Patton, do hereby certify that procedures, processes and services that are described herein shall be implemented in a manner consistent with the requirements and provisions of the requirements set forth above.



Superintendent's Signature



Date Signed

Florida Department of Education

ELL Plan Dev

District ELL Plan Complete. Send notice to DOE.

Submit one original copy of this form with original signature of the superintendent and plan narrative to:

Bureau of Student Achievement through Language Acquisition
 Florida Department of Education
 325 West Gaines Street
 444 Turlington Building
 Tallahassee, Florida 32399-0400
 Contact Person: Adeola Fayemi
 Phone: (850) 245-9555

Florida Department of Education

DISTRICT PLAN FOR SERVICES TO ENGLISH LANGUAGE LEARNERS (ELLs)

Date Received by FDOE

FDOE INTERNAL USE ONLY

(1) NAME OF THE DISTRICT:	(2) CONTACT NAME/TITLE:	(3) CONTACT PHONE:
COLLIER	Sandra Stockdale	(239) 377-0532
(4) MAILING ADDRESS:		(5) PREPARED BY: (if different from contact person)
5775 Osceola Trail Naples, FL 34109		
(6) CERTIFICATION BY SCHOOL DISTRICT		
<p>The filing of this application has been authorized by the School Board and the undersigned representative has been duly authorized to submit this plan and act as the authorized representative of the district in connection with this plan.</p> <p>I, _____, do hereby certify that all facts, figures, and representations made in this plan are true and correct. Furthermore, all applicable statutes, rules, regulations, and procedures for program and fiscal control and for records maintenance will be implemented to</p>		

ensure proper accountability.		
_____ Signature of Superintendent or Authorized Agency Head	_____ Date Signed	_____ Date of Governing Board Approval
(7) District Parent Leadership Council Involvement		
Name of Chairperson representing the District ELL Parent Leadership Council (PLC): Fernand Billon		
Contact Information for District PLC Chairperson Mailing address: 5775 Osceola Trail Naples, FL 34109		
E-mail Address: billonfe@collierschools.com		Phone Number: (239) 377-0093
Date final plan was discussed with PLC: 02/01/2013 approved		PLC L/ approved ! 'not approved
_____ Signature of the Chairperson of the District PLC		_____ Date Signed by PLC Chairperson

Tony Bennet, Commissioner
Florida Department of Education



DISTRICT ENGLISH LANGUAGE LEARNER PLAN ASSURANCES AND CERTIFICATION

School districts are required to abide by a set of assurances when developing and implementing programs and services to students classified as English Language Learners (ELLs), and are required to ensure school and district level personnel comply with all the requirements and provisions set forth in the laws, rules, regulations, and federal court orders listed below:

- o The requirements set forth in Section 1003.56, Florida Statutes;
- The requirements set forth in Rules 6A-6.0900- 6A-6.0909; 6A-6.09022; 6A-6.09091; 6A-1.09432, Florida Administrative Code (FAC.), and other applicable State Board of Education Rules;
- The requirements of the No Child Left Behind Act of 2001;
- The requirements of the Consent Decree in the League of United Latin American Citizens et al. v. the State Board of Education, 1990;
- The requirements of the Florida Educational Equity Act, 1984;
- The requirements based on the Fifth Circuit Court decision in Castaneda v. Pickard, 1981;
- The requirements based on the Supreme Court decision in Plyler v. DOE, 1980;
- The requirements based on the Supreme Court decision in Lau v. Nichols, 1974;

- The requirements of the Equal Educational Opportunities Act of 1974;
- The Requirements of Section 504 Rehabilitation Act of 1973;
- The requirements of the Office of Civil Rights Memorandum of May 25, 1970;
- The requirements of the Title VI and VII Civil Rights Act of 1964; and
- The requirements of the Office of Civil Rights Standards for the Title VI Compliance.

By signature below, I, _____, do hereby certify that procedures, processes and services that are described herein shall be implemented in a manner consistent with the requirements and provisions of the requirements set forth above.

Superintendent's Signature or Authorized Agency Head

Date Signed

SECTION 1: IDENTIFICATION [Rule 6A-6.0902, FAC]

Enrollment Procedures and Administration of the Home Language Survey

Describe the district's procedures to register English Language Learners (ELLs), including the following questions:

How is the Home Language Survey (HLS) administered? (Max length 2000)

Upon registration ALL parents receive the same registration form, in a language of understanding (English/Spanish and Haitian-Creole), other languages when feasible. Upon completing the form, all students whose parents or guardians answer "Yes" to one or more of the three questions from the Home Language Survey included on the form, are referred to the ELL Contact and/or designee for assessment and possible placement in the ELL program. At this time, when feasible, parents must be provided with assistance in the home language to explain the program.

How do district procedures compare to those followed for non-ELLs? (Max length 2000)

When the ELL Contact or designee does not speak another language, a bilingual para-professional/tutor will translate the information regarding the ELL program and possible placement provided in Spanish or Haitian-Creole and/or in other languages when feasible. The ELL Contact or designee, the guidance office staff and/or registration staff are responsible for making translation services available to parents and students accordingly. Once the parent/guardian answers "Yes" to any of the survey questions, the ELL Contact and/or designee is responsible for providing the parents a copy of the school's procedures, etc. Parents are directed to the District website which has all resources available in English, Spanish and Haitian-Creole.

Is the HLS translated into other languages?

Yes

If answered "yes," list languages. (Max length 2000)

The HLS is translated into English, Spanish and Haitian-Creole.

How does the district assist parents and students who do not speak English? (Max length 2000)

A bilingual paraprofessional/tutor will translate the information regarding the ELL program and possible placement provided in Spanish or Haitian-Creole and/or in other languages when feasible. The ELL Contact or designee, the guidance office staff and/or registration staff are responsible for making translation services available to parents and students accordingly. Once the parent/guardian answers "Yes" to any of the survey questions, the ELL Contact and/or designee is responsible for providing the parents a copy of the school's procedures, etc. Parents are directed to the District website which has all resources available in English, Spanish and Haitian-Creole.

SECTION 2: ENGLISH LANGUAGE PROFICIENCY ASSESSMENT (PLACEMENT) [Rule 6A-6.0902, FAC]

English Language Proficiency (ELP) Assessment

*Required to save.

*What is the title of the person(s) responsible for administering the English language proficiency assessment of potential ELLs in the district? (Check all that apply.)

- Registrar
- Other: School's ELL Contact and/or Guidance Counselor, Bilingual Paraprofessional, ELL tutor or ELL teacher
- Other: School's ELL Contact/Guidance Counselor, Bilingual Paraprofessional or Tutor, ELL Teacher
- Other: School's ELL Contact/Guidance Counselor, Bilingual Paraprofessional, ELL Tutor or ELL Teacher
- Registrar
- Other: School's ELL Contact and/or Guidance Counselor, Bilingual Paraprofessional, ELL tutor or ELL teacher
- Registrar
- Other: School's ELL Contact and/or Guidance Counselor, Bilingual Paraprofessional, ELL tutor or ELL teacher
- Registrar
- Other: School's ELL Contact and/or Guidance Counselor, Bilingual Paraprofessional, ELL tutor or ELL teacher
- Registrar
- Other: School's ELL Contact and/or Guidance Counselor, Bilingual Paraprofessional, ELL tutor or ELL teacher

Listening and Speaking Proficiency Assessment

* List the Listening and Speaking (Aural/Oral) assessment(s) used in the district to ascertain if a student is an ELL. Also, state the publisher's cut-score that determines the student is eligible for ESOL services.

At least one assessment must be entered.

Name of Listening and Speaking Assessment(s):	INDICATE THE CUT SCORE USED FOR PLACEMENT (ENTRY) DETERMINATION BY TYPE OF SCORE			
	'Grade Level	Raw Score (1)	Scale Score (2)	National Percentile (3)
On-line Form 3 CELLA	K-2		672	
On-line Form 3 CELLA	3-5		719	
On-line Form 3 CELLA	6-8		732	
On-line Form 3 CELLA	9-12		738	

(1) A raw score represents the number of points a student received for correctly answering questions on a test.

(2) A scale score is a raw score that has been converted to a scale. The conversion table provided by test publisher should be used to report the scale score, if the test results are not provided in terms of a scale score.

(3) A national percentile is the percentile rank provided by a national norm-referenced test that indicates the percentage of a referenced group obtaining scores equal to or less than the score achieved by an individual.

* Describe the procedures to ensure that the Listening and Speaking assessment(s) are administered within 20 school days of student's initial enrollment. Include the procedures the district follows if the Listening and Speaking assessment(s) are not given within the timeline. (Max length 2000)

Students must be assessed, classified and placed within twenty school days with (On-line Form 3 CELLA). The ELL Contact/designee is responsible for keeping track of students in need of testing and information entered on the TERMS data management system within those twenty school days. The District office tracks through various reports that appropriate placement has occurred within set timelines. Schools are reminded prior to the end of the 20-day window that the On-line Form 3 CELLA assessment needs to occur. Documentation of placement should be sent to parents in the language they understand, unless clearly not feasible, no later than 8 weeks after initial placement. A copy shall be retained in the individual student's blue folder.

Schools must not delay the testing more than 20 days but should it occur because of unforeseen circumstances, the school staff (ELL Contact) will provide parents, in writing, the reason for the test delay through a letter translated in the appropriate languages (English/Spanish and English/Creole), and other languages (when feasible) and a specific timeline for completing the assessment. A copy shall be retained in the individual student's blue folder.

- * Describe the assessment procedures for ELLs in grades 3-12 who scored English proficient on the Listening and Speaking assessment. (Max length 2000)

Students in grades 3-12 take the speaking/listening, reading and writing on the On-line Form 3 CELLA. If they perform at the proficient level on the reading and writing sections, then they do not qualify for ELL services. If they do not score proficient in the reading/writing section, they are placed in the **ELL** program.

Reading and Writing

- * List the Reading and Writing assessment(s) used in the district to ascertain if a student is an **ELL**.

Note: A norm-referenced assessment may report a student's score as a percentile. A score at or below the 32nd percentile on the reading or writing portion of a norm-reference Assessment would qualify a student for entry into the ESOL program.

Name of Reading and Writing Assessments:

On-line Form 3 CELLA

- * Describe the procedures to ensure that the Reading and Writing assessment(s) are administered to students in grades 3-12. Describe the procedures to follow when the Reading and Writing assessment(s) are not administered to students in grades 3-12 within the required timeline. (Max length 2000)

Students must be assessed, classified and placed within twenty school days with (On-line Form 3 CELLA). The ELL Contact/designee is responsible for keeping track of students in need of testing and information entered on the TERMS data management system within those twenty school days. The District office tracks through various reports that appropriate placement occurred within set timelines. Schools are reminded prior to the end of the 20-day window that the On-line Form 3 CELLA assessment needs to occur. Documentation of placement should be sent to parents in the language they understand, unless clearly not feasible, no later than 8 weeks after initial placement. A copy shall be retained in the individual student's blue folder.

Schools must not delay the testing more than 20 days but should it occur because of unforeseen circumstances, the school staff (**ELL** Contact) will provide parents, in writing, the reason for the test delay through a letter translated in the appropriate languages (English/Spanish and English/Creole), and other languages (when feasible) and a specific timeline for completing the assessment. A copy shall be retained in the individual student's blue folder.

ELL Committee

* Describe the procedures used when the ELL Committee makes an entry (placement) decision.

(Max length 2000)

Include links to form(s) used to document ELL Committee meetings or upload form(s).

Note: Forms must include the decision making process in narrative format. (Max file size 1 MB)

Placement is determined through the results of the initial placement testing. However, upon request of a parent or teacher, a placement decision on a student via the ELL Committee meeting may be determined considering the following criteria. The META Consent Decree, Part 1, Section C, indicates that upon request of a parent or teacher, a student not determined to be ELL or a student determined to be may be referred to an ELL committee. Parents may select the instructional model. The following criteria must be gathered for appropriate placement:

- Extent and nature of prior educational and social experiences;
- Student interview
- Written recommendation and observation by current and previous instructional and support services staff;
- Level of mastery of basic competencies or skills in English and/or home language;
- Grades from the current or previous year(s)

The link to the proper ELL Committee form is:

<http://www.collierschools.com/ell/docs/AppendixH.pdf>

SECTION 3: PROGRAMMATIC ASSESSMENT [Rule 6A-6.0902, FAC]

Academic/Programmatic Assessment

Describe the procedures to determine the prior academic experience of ELLs. (Max length 2000)

Include links to procedural documents as appropriate or upload document.

The academic level of a student is assessed using the On-line Form 3 CELLA (speaking/listening, reading and writing) and FCAT reading scores, as well as records or grade reports from previous schools. Student records are requested by calling previous schools or through FASTER. In the event that school records are not available, the ELL Contact or designee will interview the student and the parents to determine the previous educational experiences of the individual. The classroom teacher will use further diagnostic instruments such as FAIR, skill inventory/benchmark assessments, portfolios, etc., to assess content area skill level and English proficiency levels.

Placement will occur according to at least two or more of the following criteria in addition to the district required placement requirements.

- Extent and nature of prior educational and social experiences
- Student interview
- Written recommendation and observation by current and previous instructional and support services staff
- Level of mastery of basic competencies or skills in English and/or home Language.
- Grades from the current or previous years

Describe the procedures to address the placement of ELLs with limited or no prior school experience(s), or whose prior school records are incomplete or unobtainable. Include actions taken to obtain student records. (Max length 2000)

The school personnel will request records from previous schools using the district Request of Records from and/or FASTER (if in Florida). In the event that records of previous schools are not available, the ELL Contact or designee will interview the student and the parents to determine the previous educational experiences of the individual. The classroom teacher will use programmatic assessment through further diagnostic instruments such as FAIR, skill inventory assessments, portfolios, etc., to assess content area skill level and English proficiency levels. Age-appropriate placement will occur according to the district's standards.

Grade Level and Course Placement Procedures – Grades K-8

Describe the procedures to determine appropriate grade level placement for ELLs. (Max length 2000)

Grade level placement decisions are made by the ELL Contact, guidance counselors and/or designee. An ELL Committee may intervene when necessary. The academic level of the student is assessed using the placement scores, as well as records or grade reports from previous schools. In the event that records of previous schools are not available, the ELL Contact or designee will interview the student and the parents to determine the previous educational experiences. The classroom teacher will use further diagnostic instruments such as FAIR, skill inventory/benchmark assessments, portfolios, etc., to assess proficiency and skill levels.

Grade Level and Course Placement Procedures – Grades 9-12

Describe the procedures to determine appropriate grade and course/class placement. Descriptions must include the process used for awarding credit to ELLs entering high school (9th-12th grades), who have earned credits in countries outside of the United States, but with no documentation. Also, for students transferring from other countries, include the process for awarding credits for language arts courses taken in the student's native language and for world language courses (this may include English). (Max length 2000)

The District School Board of Collier County personnel seek to document the prior schooling experiences of new students by means of school records, transcripts and other evidence of educational experiences, and take such experiences into account in planning and providing appropriate instruction to ELL students. Transcripts are reviewed and evaluated by the school guidance counselors and/or district translators for accuracy. Language Arts credit will be awarded if a student took a Language course in their heritage language. Such course will be considered a transfer credit for the English Language Arts course in the United States. Credit will also be awarded for content area courses taken in their native countries and validated according to the credit formula provided in the transcripts and in the district translation/interpretation binder. The District verifies a student's prior attendance and grade level within or outside the state, at the time of admission. Such verification is required prior to a student's progression to the

next grade level. In the absence of any verification, the student will be programmatically assessed to determine proficiency and grade skill level.

Please provide a link and page number if this information is explained in the Student Progression Plan. (Max length 2000)

http://www.collierschools.com/student_services/info.asp

Re-evaluation of ELLs that Previously Withdrew from the School/District

Describe the procedures for re-evaluating ELLs who have withdrawn from or left the district and are re-enrolling. Include the timeline between the ELLs' withdrawal and re-enrollment when a new English language proficiency assessment is to be administered. (Max length 2000)

Records of ELLs who leave the district for another state or country during the school year are kept and students are re-evaluated after they have been gone for a period of at least five calendar months. Upon returning, students go through the re-evaluation process. The ELL Contact is responsible for following the steps below as part of the re-evaluation process:

- Re-assess: Administer the on-line CELLA Form 3 test (grades K-12) and follow the cut off scores to determine level of proficiency. The following components will be used for prescreening prior to recommending whether the student qualifies to continue in the program or exit based on the test scores and FCAT Reading (grades 3-12), grades from the returning school (if any), transcripts, parent interview, student interview, and teacher recommendations.*The ELL entry date remains the same.

ELL Student Plan Development

Describe the procedures for developing the Student ELL Plan. Include the teacher(s) role and/or title of the person responsible for developing the plan. Also include a description of when and how the plan is updated to reflect the student's current services. (Max length 2000)

The ELL Student Plan includes the following elements: student's name (first/last), address, phone, home language survey date, classification date, basis of entry, entry date, plan date, re-evaluation date, exit date, basis of exit, reclassification date, reclassification of services, test date (entry/exit), test date, test ID, raw score, grade equivalent, test description, level of proficiency, school, grade, subtest, ELL Conference Committee Log, re-evaluation for extension of a 4th, 5th or 6th year matrix codes, student's schedule of instructional program, code for purpose of the conference, state assessment date and follow-up reviews. (See Appendix C for ELL Educational Plan)

<http://www.collierschools.com/ell/docs/AppendixC.pdf>

This is an electronic computer generated copy for each individual student based on the individual schedule and plan.

The ELL Contact and/or guidance counselor is responsible for developing the ELL Student Plan. The district's guidelines for placement link ESOL courses to grade level and level of language proficiency. Determination of placement can occur through diagnostic testing, transcript review, age appropriate consideration and in some instances may involve the ELL Committee. The plan is updated by the ELL Contact at the site when there is a decision made on an individual that

impacts the academic schedule. After the changes have been made, the ELL Education Plan is printed from the computer with the updates and placed in the student's ELL record "blue" folder.

Describe the elements of the plan (e.g., home-school communication, student schedules and classes, progress monitoring, interventions, assessments and other evaluations). (Max length 2000)

The academic level of a student is assessed using the On-line Form 3 CELLA (speaking/listening, reading and writing) and FCAT reading scores, as well as records or grade reports from previous schools. Student records are requested by calling previous schools or through FASTER. In the event that school records are not available, the ELL Contact or designee will interview the student and the parents to determine the previous educational experiences of the individual. The classroom teacher will use further diagnostic instruments such as FAIR, skill inventory/benchmark assessments, portfolios, etc., to assess content area skill level and English proficiency levels.

Placement will occur according to at least two or more of the following criteria in addition to the district required placement requirements.

- Extent and nature of prior educational and social experiences
- Student interview
- Written recommendation and observation by current and previous instructional and support services staff
- Level of mastery of basic competencies or skills in English and/or home language
- Grades from the current or previous years

Grade level placement decisions are made by the ELL Contact, guidance counselors and/or designee. An ELL Committee may intervene when necessary. The academic level of the student is assessed using the placement scores, as well as records or grade reports from previous schools. In the event that records of previous schools are not available, the ELL Contact or designee will interview the student and the parents to determine the previous educational experiences. The classroom teacher will use further diagnostic instruments such as FAIR, skill inventory/benchmark assessments, portfolios, etc., to assess proficiency and skill levels. *Test results, programmatic assessment and an ELL Committee if applicable.

Provide the link to the Student ELL Plan form, or upload as appropriate. (Max length 2000)

<http://www.collierschools.com/ell/docs/AppendixC.pdf>

SECTION 4: COMPREHENSIVE PROGRAM REQUIREMENTS AND STUDENT INSTRUCTION

Instructional Models

In addition to using required ESOL strategies by teachers who teach ELLs, what instructional model(s) or approach(es) are used to ensure comprehensible instruction? Descriptions of each model appear in the current FDOE Database Manuals, http://www.fldoe.org/eias/dataweb/database_1213/144145.pdf. (Check all that apply.)

- Sheltered – English
- Sheltered – Core/Basic Subject Areas
- Mainstream/Inclusion – English
- Mainstream/Inclusion – Core/ Basic Subject Areas

Describe how the instructional models are used in the district. Include procedures to locally monitor fidelity for each instructional model at the school level. (Max length 2000)

1. Sheltered (English Model)-Instruction is aligned to areas of knowledge, standards, and benchmarks of the revised Reading and Language Arts State Standards. Additional academic support provides for enrichment and remediation in the areas of reading and language development. The teacher is ESOL certified, ESOL endorsed, or working towards it.

2. Sheltered (Core/Content Area or Basic Student Area) Model-(Code=S) ELLs with limited English proficiency levels (beginning) and low (low intermediate) are placed in sheltered classes that allow for extensive content-specific vocabulary development. ELLs have equal access to grade level curriculum that is comparable in scope and sequence to that provided to mainstream students.

3. Mainstream/Inclusion English Language Arts-(CODE=I)-ELLs receive the same academic courses/core instruction as the mainstream population through modifications made by teachers. The state requires ALL teachers, regardless of whether they have the endorsement or not, to utilize ESOL strategies.

4. Mainstream/Inclusion-English Model-Core/Basic Subject Areas-(Mathematics, Science, Social Studies, and Computer Literacy) (Code=C)-Middle and high school students receive the same academic courses/core instruction as the mainstream population through modifications made by teachers utilization of ESOL strategies. When an ESOL student is listed on the teacher's class roster, the teacher is ESOL certified, ESOL endorsed, or working towards it. The state requires ALL teachers, regardless of whether they have the endorsement or not, to utilize ESOL strategies and to document their usage via lesson plans.

All elementary schools in Collier County utilize the Mainstream Inclusion English/LA Model and the Mainstream/Inclusion-English-Core/Basic Subject Area Model. All middle and high schools in Collier County have either a Sheltered English/LA Model and/or Mainstream/Inclusion-English-LA and Core/Basic Subject Area Model. All high/middle schools have mainstream content courses. All high schools and middle schools offer a sheltered third block of Developmental Language Arts for beginning level LYs with less than one year in the United States.

Upload a list of each school in the district and the school's instructional model(s). (Max file size 1 MB) If all schools in the district use the same instructional model(s), click the box below.

Describe the process to verify that instruction provided to ELLs is equal in amount, sequence, quality, and scope to that provided to non-ELLs. (Max length 2000)

The district follows the same process and timelines used for non-ELL students with ELL students to verify that instruction provided to the ELLs is equal in amount, sequence, and scope to that provided to non-ELL students. Collier County's ELL students are assured that the Sunshine State Standards/Common Core, benchmarks assist in their instructional plan. ELL students receive equal access to the regular curriculum. Existing curriculum maps at the elementary and

Secondary levels guide teacher instruction for ALL students.

Describe the method(s) used in the district by instructional personnel to document the use of ESOL instructional strategies and describe the school level monitoring process used to verify the delivery of comprehensible instruction. (Max length 2000)

In developing the ELL Progress Monitoring Intervention Plan or profile, the ELL Contact ensures that the student will be taught by qualified teachers using appropriate ESOL strategies. To ensure the delivery of comprehensible instruction, teachers of ELL students must document their ESOL strategies in their lesson plans. Elementary, middle and high school administrators use an evaluation tool to ensure that teachers are differentiating their instruction by utilizing ESOL strategies.

How are ELLs assured equal access to all programs and facilities that are available to non-ELLs? (Max length 2000)

The district follows the same process and timelines used for non-ELL students with ELL students to verify that instruction provided to the ELLs is equal in amount, sequence, and scope to that provided to non-ELL students. Collier County's ELL students are assured that the Sunshine State Standards/Common Core, benchmarks assist in their instructional plan. ELL students receive equal access to the regular curriculum. Existing curriculum maps at the elementary and secondary levels guide teacher instruction for ALL students.

What is the title of person(s) responsible for ensuring that all ELLs are provided with comprehensible instruction in the district?

- District Administrator(s)
- School Level Administrator(s)
- Other: ELL School Contacts, District Curriculum Coordinators/Facilitators, Classroom Teachers

What progress monitoring tools are being used to ensure all ELLs are mastering the grade level academic content standards, benchmarks and the English Language Proficiency standards? (Check all that apply.)

- Student Portfolios
- FCAT Practice Tests
- Other Criterion Reference Test: FAIR/SAT 10 (K-2)
- FCAT
- Other: Benchmark assessments

Student Progression

Have the district's standards and procedures for promotion, placement, and retention of ELLs been incorporated into the district's Student Progression Plan?

Yes

If yes, please provide a link and page number if this information is explained in the Student Progression Plan. (Max length 2000)

www.collierschools.com/student_services/info.asp

SECTION 5: STATEWIDE ASSESSMENT [Rule 6A-6.09091, FAC]

Statewide Assessment

Describe the process to ensure that all ELLs participate in Florida's statewide assessment programs (FCAT, CELLA, etc.), and are provided appropriate testing accommodations per test administration requirements. Description should include the title of the school-level person responsible for documenting that each eligible ELL is provided appropriate test accommodations. (Max length 2000)

All students, including ELLs, participate in statewide assessment(s). The District Testing Coordinator is responsible for, and ensures that ALL ELLs participate in statewide assessment(s). The District ESOL Office provides school administrators with a listing of the accommodations, appropriate word to word dictionaries, and procedural training necessary to follow district/state testing guidelines. An accommodation approval form is sent home to the parents of ELL students in English and the heritage language (when feasible). The ELL Contact documents which ELL students will have flexible setting options and ensures that implementation occurs. The accommodation form is placed in the ELL student's blue folder as a record of the parental choice.

SECTION 6: ENGLISH LANGUAGE PROFICIENCY ANNUAL ASSESSMENT (EXIT) [Rule 6A-6.0903, FAC]

Describe the procedures to determine if ELLs are ready to exit the district's ESOL program. Description should include exiting procedures for all language domains (listening, speaking, reading and writing), grade-specific procedures, and required cut scores. (Max length 2000)

Students in the ELL program are evaluated for possible exit or extension of services prior to the end of the school year in the ELL program from entry date or based on recommendations made to the ELL Committee by the ELL teacher, classroom teacher or by the student's parents. A final decision is made after testing is completed. The decision may be to extend services or to exit from the program based on test results and ELL Committee decision, if applicable. The extension of instruction shall be provided to all ELLs not satisfying the standards specified in Rule 6A-6.0903. An ELL shall be determined English language proficient and exited from the ESOL program upon obtaining:

1. Scores of "proficient" at the applicable grade level on each CELLA subtest administered annually. (listening and speaking, reading and writing) (Grades K-12)
2. Scores on applicable Florida Comprehensive Achievement Test (FCAT) in Reading as follows:
 - a.) For students in grades K-2, CELLA is the only assessment required and FCAT is not required.

- b.) For students in grades 3-9, an achievement level of 3 or higher on applicable FCAT in Reading; and "proficient" in all areas of the CELLA.
- c.) For students in grades 10-12, a score on the 10th grade FCAT in Reading sufficient to meet applicable graduation requirements, or an equivalent concordant score pursuant to Section 1008.22, F.S. and "proficient" in all areas of the CELLA.

What is the title of person(s) responsible for conducting the exit assessments described above? (Check all that apply.)

- ESOL Teacher/Coordinator
- Other: Teacher, School Test Administrator, Guidance Counselor, ELL Paraprofessional/tutor

What are the district's policies for students who meet exit qualifications in the middle of a student grading period? (Max length 2000)

The district does not recommend exiting the students in the middle of a grading period. Students are tested close to the end of the marking period, and should they qualify to exit, paperwork is prepared and they exit at the end of the marking period. This eases the student's transition into the mainstream classroom.

If the ELL Committee is involved in making exit decisions, what criteria are used by the Committee to determine English proficiency? (Max length 2000)

The ELL Committee makes decisions of exit in cases whereby parents, teachers, or other school members have recommended students for possible exit and the assessments do not reflect the student is prepared for such exit. The ELL Committee is the vehicle whereby additional criteria for exit could be evaluated and further examined for consideration of exit. An ELL Committee meeting is scheduled and parents are invited to be part of the ELL Committee meeting decision. When conducting an ELL Committee the following components are criteria to be used prior to recommending exit in addition to the required testing (CELLA and FCAT (grades 3-12) first, and then utilize two additional criteria:

- a. Teacher recommendation
- b. Student grades (C or above)
- c. Satisfactory Portfolio Assessments
- d. Passing equivalent development scale score by grade level
- e. Proficient in all areas of the CELLA (listening/speaking, reading and writing)

SECTION 7: MONITORING PROCEDURES [Rule 6A-6.0903, FAC]

What is the title of person(s) responsible for conducting the required two-year monitoring of former ELLs (LFs)? Explain how the progress of the former ELLs (LFs) is documented in the ELL Student Plan. Include person responsible for data reporting. (Max length 2000)

The school's ELL Contact or Guidance Counselor is responsible for monitoring the LFs. After exit, the student is monitored for a two year period. A follow up

report was created through our data processing department for use in monitoring the progress of former ELL students (LFs) by reviewing grades and overall performance after 9, 18, 36 and 72 weeks in the regular program. The Data Entry Clerk runs the follow up report every marking period and provides it to the ELL Contact/Guidance Counselor for review as part of the process. The ELL Contact/Guidance Counselor reviews and enters appropriate information on the form. The Data Entry Clerk enters the information on TERMS.

What documentation is used to monitor the student's progress? (Check all that apply.)

- Report Cards
- Test Scores
- Classroom Performance
- Other: Attendance

What are the procedure(s), including re-classification, when the academic performance of former ELLs (LFs) is not on grade level? (Max length 2000)

If progress is not commensurate with non-ELL peers and on grade level and a pattern of poor performance (Ds and Fs) is developing, a referral will be made to the ELL Committee. The ELL Committee will meet to determine whether or not the student needs additional interventions. LF students may be brought back into the ELL program after review periods (A, B, C, or D) if progress is unsatisfactory. Another reason under special circumstances to evaluate a former ELL student for re-entry into the ELL program may be when they exit and return to their home country, then return to the U.S.A. The ELL Contact and/or designee is responsible for initiating a new ELL Student Plan and the Data Entry Clerk is responsible for updating the student data on TERMS software. The ELL Contact communicates with the parents to inform them of the student's review and possible re-entering into the ELL program. The ELL Contact is responsible for ensuring the appropriate assessment and placement takes place and that individual student's needs are met accordingly. An ELL Committee Conference and Parent Notification Form is sent to the parents after the process is completed and the Data Entry Clerk has updated the student's ELL plan. Parents are involved in the decision making process.

How does the district ensure that schools are implementing the District ELL Plan? (Max length 2000)

The district ELL department meets regularly with the school's ELL Contacts to review the plan and ensure that it is being followed. The district's TERMS software enables each school and all district administrators the ability to track adherence to the ELL Plan.

SECTION 8: PARENT/GUARDIAN/STUDENT NOTIFICATION AND RIGHTS

Describe the procedures used by school personnel to provide assistance to parents/guardians of ELLs in their home language. (Max length 2000)

Parents of Spanish and Haitian-Creole students are provided translation services upon registration, during ELL Committee meetings and during parent/teacher conferences. Additionally, all essential school documents are translated to Spanish and Haitian-Creole at the district level and provided to the schools to be disseminated to parents. On-site bilingual tutors and para-professionals (English/Spanish and English/Haitian-Creole) have the responsibility of interpreting/translating during any of these events. Parents are also invited to ELL Committee meetings via phone or via a letter in the native language. When the school does not have a bilingual Haitian-Creole interpreter and there is still need to assist parents, the district office translator/interpreter sets an appointment and assists in the translation process. Every effort is made to provide translations for parents of other languages when feasible.

Describe parent outreach activities that inform parents of how they can be involved in their children's education and how they can assist their children to learn English and meet State content and academic achievement standards. (Max length 2000)

Parents of Spanish and Haitian-Creole students are provided translation services upon registration, during ELL Committee meetings and during parent/teacher conferences. Additionally, all essential school documents are translated to Spanish and Haitian-Creole at the district level and provided to the schools to be disseminated to parents. On-site bilingual tutors and para-professionals (English/Spanish and English/Haitian-Creole) have the responsibility of interpreting/translating during any of these events. Parents are also invited to ELL Committee meetings via phone or via a letter in the native language. When the school does not have a bilingual Haitian-Creole interpreter and there is still need to assist parents, the district office translator/interpreter sets an appointment and assists in the translation process. Every effort is made to provide translations for parents of other languages when feasible.

Check the school-to-home communications that are sent by the district or school to parents/guardians of ELLs in a language the parents/guardians understand or provide URLs: (Check all that apply.)

- Delay in language proficiency testing
- Results of language proficiency assessment
- Program placement
- Program delivery model options(s)
- State and/or district testing
- Accommodations for testing (flexible setting)
- Annual testing for language development
- Growth in language proficiency (Listening, Speaking, Reading, Writing)
- Retention/Remediation
- Transition to regular classes
- Extension of ESOL instruction
- Exit from ESOL program
- Post-reclassification of former ELLs (LFs) monitoring
- Reclassification of former ELLs (LFs)
- Invitation to participate in an ELL Committee Meeting
- Invitation to participate in the Parent Leadership Council (PLC)
- Special programs such as Gifted, ESE, dual enrollment, Pre-K, adult secondary

courses, vocational education, magnet, charter schools, SES programs, and student support activities

- Free/reduced price lunch
- Parental choice options, school improvement status, and teacher out-of-field notices
- Registration forms and requirements
- Disciplinary forms
- Information about the Sunshine State Standards and the ELP Standards
- Information about community services available to parents
- Information about opportunities for parental involvement (volunteering, PLC, PTA/PTO, SAC)

**Report Cards

<http://www.collierschools.com/parents/>

SECTION 9: THE PARENT LEADERSHIP COUNCIL [Rule 6A-6.0904, FAC]

What type(s) of PLCs exist in the district? (Check all that apply.)

- District Level

Describe the functions and composition of the PLC. (Max length 2000)

The PLC reviews district plans, offers suggestions, and makes informed decisions on what works best for the students. Their valuable input helped develop our district ELL Plan by providing feedback on best practices in Collier County schools.

The PLC is "composed in the majority of parents of limited English proficient students." If the PLCs in the district do not meet this condition, explain why and when compliance with the rule is expected. (Max length 2000)

The district PLC is composed representatives of each sub-group with the majority being parents of English Language Learners.

How does the district involve the PLC in other district/school committees? (Max length 2000)

All parents are informed of the opportunities that are available at the school/district level via the district's TV channel, website, school newsletters in English, Spanish and Haitian-Creole, as well as through parent trainings. Bilingual staff and district translators encourage participation in all family involvement activities provided through schools and districts. All parents have the opportunity to participate if they so choose.

How is the district PLC involved in the development of the District ELL Plan? (Max length 2000)

The group reviewed the proposed rule changes and the impact on the District ELL Plan. They thought the "proficiency" requirement in all subtests of the CELLA made sense and liked how the ELL Committee gives the parents the right to determine student services based on achievement and need in addition to test scores.

Does the district PLC approve of the District ELL Plan?

Yes

<http://app1.fldoe.org/aalalellp!an/print/entire-application.aspx>

If no, upload a summary of the PLC's concerns. (Max length 2000)

3/8/2013

SECTION 10: PERSONNEL TRAINING [Rule 6A-6.0907, FAC]

Describe how teachers who are required to obtain ESOL training or certification are notified of training requirements and opportunities. Include the title of person(s) responsible for issuing the notifications and how the notification process is documented. (Max length 2000)

The district has an extensive information management system, TERMS, which allows for the identification of personnel in ALL schools. The information management system allows for the collection of ELL student and teacher data. The secretary updates this system *every* time that ESOL courses are offered. When teachers are assigned ELL students, they are identified as in need of the ESOL training unless they have evidence of completion of the courses. Monthly reports are provided to each school which indicates which staff members have completed the ESOL training requirement.

Describe the process(es) to track teachers' completion of ESOL training and/or certification requirements and include how documentation of completion is maintained. (Max length 2000)

The district has an extensive information management system, TERMS, which allows for the identification of personnel in ALL schools. The information management system allows for the collection of ELL student and teacher data. The secretary updates this system *every* time that ESOL courses are offered. When teachers are assigned ELL students, they are identified as in need of the ESOL training unless they have evidence of completion of the courses. Monthly reports are provided to each school which indicates which staff members have completed the ESOL training requirement.

Describe the procedures used when teachers are reported out of field, including compliance procedures and claiming FTE. (Max length 2000)

The District Human Resources Department has developed an accountability system to ensure that all new hires attend an orientation meeting. Sign-in sheets are kept on file to demonstrate that participants have attended this training. At the new hire meetings, teachers are informed of the ESOL training requirements. They must sign a letter indicating that they are committed to taking such training within the required state mandated timeline. In addition to the orientation meeting, the ELL department sends four electronic reports per year to the school principals and ELL Contact. These quarterly reports inform personnel as to their status in meeting ESOL training requirements.

Describe how the district provides the 60-hour ESOL training requirement for school-based administrators, and the district's tracking system. (Max length 2000)

The district's ELL teacher trainer provides training for administrators throughout the school year. A plan has been established and it is constantly monitored and followed. Administrators hired after August 5, 2004 have the option of taking the 60 hour course with the district or through a university. The

secretary keeps records on training provided and updates TERMS just as she does with the teacher training. The ELL Contacts and school administrators receive the teacher training report updates from TERMS on a quarterly basis.

Describe how the district provides the 60-hour ESOL training requirements for Guidance Counselors, and the district's tracking system. (Max length 2000)

The district's ELL teacher trainer provides training for Guidance Counselors throughout the school year. A plan has been established and it is constantly monitored and followed. The secretary keeps records on training provided and updates TERMS just as she does with the teacher training. The ELL Contacts and school administrators receive the teacher training report updates from TERMS on a quarterly basis.

If instruction is provided in a language other than English, describe the procedures that are used to assess teachers' proficiency in the other language and in English. (Max length 2000)

Bilingual teachers must have at least a bachelor's degree and certification in the area of teaching. A teacher's proficiency in another language is assessed by a fluent speaker of the language during the interview process at the school or district level.

A bilingual paraprofessional or teacher is required at schools having 15 or more ELLs who speak the same language. Describe the eligibility qualifications required by the district for bilingual paraprofessionals, and describe in detail the job description and primary assignment. (Max length 2000)

Provide the link for the district's bilingual paraprofessional job description, or upload the job description.

Bilingual paraprofessionals must have at a minimum, a high school diploma, be fluent in native language for which he/she is hired, and must attend ongoing required district training. Bilingualism of the individual is evaluated by a native speaker of the language during the interview process. The bilingual tutor's primary assignment is working with students in classrooms to provide language access and academic support. Bilingual paraprofessionals assist in translations, assessment of ELL students, parent conferences, ELL Committee meetings, and placement/exit of ELL students. In addition, paraprofessionals assist counselors and/or ELL Contacts in the record keeping process. Link to the job description: <http://www.collier.k12.fl.us/hr/staffing/pdf/Bilinguai%20Para-Professional.pdf>

Describe district procedures for training bilingual paraprofessionals in ESOL or home languages strategies. Include how documentation of training is maintained. (Max length 2000)

Paraprofessionals and bilingual tutors are required at least 18 hours of ESOL in-service training. There is no set timeline for completing the 18 hours. However, they are required to continue receiving training on a yearly basis. The district provides a minimum of three hours of training sessions for the paraprofessionals and bilingual tutors. Additionally, ELL tutors receive on-site training from the ELL Contact and/or ELL resource teachers.

These sessions include, but are not limited to, ESOL strategies, providing efficient translating, diversity issues, second language acquisition, reading and writing strategies, test-taking strategies as well as other district relevant training. All bilingual tutors and paraprofessionals are required to register in HERO for district provided training. Upon completion of the training sessions, the sign-in sheets document the attendance and that information is entered on TERMS. A report is updated with the information and sent to the principals and ELL Contacts for review on a quarterly basis.

Describe the procedures to determine the bilingual paraprofessional's proficiency in the target language. (Max length 2000)

Bilingual tutors and paraprofessionals schools must have a minimum of a high school diploma, be fluent in native language for which he/she is hired, and must attend on-going required district training. ELL tutors and paraprofessionals working in Title I and Title III schools must have at least an Associate degree from an accredited university or have passed the paraprofessional district test. Bilingualism of the individual is evaluated by a native speaker of the language during the interview process. Individual schools administer a test as part of the interview process where the interviewee has to translate a written letter. This translation is evaluated by the District Translation Manager for proficiency and accuracy.

SECTION 11: Extension of Services [Rule 6A-6.09022, FAC]

Describe district procedures used to determine Extension of Services. (Max length 2000)

Any student being considered for extension of service shall be assessed at least one department-approved assessment instrument. The assessment shall be administered no earlier than 30 school days prior to the student's DEUSS(date first entered a United States School) date. If the student's anniversary date falls between the administration of the CELLA a given school year and October 1st of the following school year, the student's CELLA and applicable FCAT Reading scores will suffice, and a more recent assessment is not required.

Parents/guardians and selected school staff need to be invited to the ELL Committee meeting. Communication to the parents/guardians may be in the form of a phone call and/or letter. A copy of the letter of invitation to the Parent/Guardian Conference must be in the student's blue folder. For all other anniversary dates, the student must take the on-line CELLA Form 3 test for the appropriate grade level. In addition to the test scores, at least two summarized criteria items for extending ESOL services must be provided:

- Grade level mastery of basic competencies
- Written recommendation/observation by current/previous staff
- Grades from the current school year

The results of the assessment(s), and the student's academic performance is discussed during the ELL Committee meeting to determine either extension or exit from the ELL program.

Listening and Speaking Proficiency Assessment

List the Listening and Speaking (Aural/Oral) assessments used in the district to determine if a student is English proficient for Extension of Services. Also, state the publisher's cut-score that determines if the student is proficient.

Name of Listening and Speaking Assessment(s):	INDICATE THE CUT SCORE USED FOR EXIT DETERMINATION BY TYPE OF SCORE			
	Grade Level	Raw Score (1)	Scale Score (2)	National Percentile (3)
On-line Form 3 CELLA	K-2		673	
On-line Form 3 CELLA	3-5		720	
On-line Form 3 CELLA	6-8		733	
On-line Form 3 CELLA	9-12		739	

(1) A raw score represents the number of points a student received for correctly answering questions on a test.

(2) A scale score is a raw score that has been converted to a scale. The conversion table provided by test publisher should be used to report the scale score, if the test results are not provided in terms of a scale score.

(3) A national percentile is the percentile rank provided by a national norm-referenced test that indicates the percentage of a referenced group obtaining scores equal to or less than the score achieved by an individual.

Reading and Writing Proficiency Assessment

List the Reading and Writing assessment(s) used in the district to determine if a student is English proficient for Extension of Services.

Name of Reading and Writing Assessments:

On-line Form 3 CELLA

Exhibit 2

Select Language ▼

The School Board of Collier County Bylaws & Policies

5112.01 - MAXIMUM AGE FOR PARTICIPATION IN THE REGULAR HIGH SCHOOL PROGRAM

The two paragraphs below will no longer be in effect after July 31, 2013.

In order to provide reasonable consistency of maturity levels among students in the regular high school program, no person shall be permitted to attend the regular high school program after attaining the age of twenty-one (21). Those who attain the age of twenty-one (21) during a school year may complete that school year. Persons who are eighteen (18) years old or older and who, by earning eight (8) credits per academic year, cannot meet graduation requirements, including grade point average (GPA), prior to the end of the school year during which they attain the age of twenty-one (21), shall not be permitted to attend the regular high school program beyond the end of the academic year in which they attain the age of eighteen (18). Such persons shall be afforded an opportunity to pursue a high school diploma through the Adult High School or General Educational Development (GED) programs of the District. The provisions of this paragraph limiting enrollment of students between the ages of eighteen (18) and twenty-one (21) years shall not be automatically applied to students served by the District's Exceptional Student Education Programs for students with disabilities. The provisions of this paragraph may, however, serve as guidelines for Staffing/IEP Committees as the educational needs of students with disabilities are individually considered. The District will provide services to students with disabilities until the end of the semester in which they turn twenty-two (22).

In order to protect the safety and welfare of younger students, principals may refuse enrollment in the regular high school program of those persons who have had a history of disruptive behavior in the school setting, who have attained the age of eighteen (18) years, and who have previously dropped out of the regular high school program. Such persons shall be afforded the opportunity to pursue a high school diploma through the Adult High School or General Educational Development (GED) programs of the District. The provisions of this paragraph shall not apply to students who are classified as exceptional students.

The two (2) paragraphs below shall go into effect on August 1, 2013.

In order to provide reasonable consistency of maturity levels among students in the regular high school program, no person shall be permitted to attend the regular high school program after attaining the age of nineteen (19). Those who attain the age of nineteen (19) during a school year may complete that school year. Persons who are seventeen (17) years old or older and who, by earning eight (8) credits per academic year, cannot meet graduation requirements, including grade point average (GPA), prior to the end of the school year during which they attain the age of nineteen (19), shall not be permitted to attend the regular high school program beyond the end of the academic year in which they attain the age of seventeen (17). Such persons shall be afforded an opportunity to pursue a high school diploma through the Adult High School or General Educational Development (GED) programs of the District. The provisions of this paragraph limiting enrollment of students between the ages of eighteen (18) and twenty-one (21) years shall not be automatically applied to students served by the District's Exceptional Student Education Programs for students with disabilities. The provisions of this paragraph may, however, serve as guidelines for Staffing/IEP Committees as the educational needs of students with disabilities are individually considered.

In order to protect the safety and welfare of younger students, principals may refuse enrollment in the regular high school program of those persons who have had a history of disruptive behavior in the school setting, who have attained the age of sixteen (16) years, and have filed a formal declaration of intent to terminate enrollment with the District School Board, in accordance with statute, and are seeking to reenroll in school. Such persons

shall be afforded the opportunity to pursue a high school diploma through the Adult High School or General Educational Development (GED) programs of the District. The provisions of this paragraph shall not apply to students who are classified as exceptional students.

F.S. 1003.21(1)(c)

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