

# RIO SCHOOL DISTRICT

## Background

In response to several citizen complaints the Grand Jury reviewed certain policies and practices of the Rio School District administration. Specifically, the Jury inquired with respect to alleged irregularities in the bilingual education program, alleged failure of the School District to issue the required annual notification to parents of their rights and duties as mandated by Section 48980 of the California Education Code (Education Code), resulting in poor teacher morale and abnormally high turnover of the Rio School District teaching staff.

## Methodology

The Jury interviewed the complainants and other interested persons, attended several school board meetings, discussed State and local bilingual education policies with the Ventura County Superintendent of Schools' Office and inquired into the policies and practices of other comparable school districts. The Jury also interviewed the parents of several children in Rio District schools.

## Findings

- F-1. The School District did not issue its annual parental notification of rights and duties as required by Sections 48980-48985 of the Education Code. See, Attachment A.
- F-2. The Rio School District administration actively solicited Proposition 227 bilingual Parent Waiver Requests.
- F-3. Parent Waiver Request forms issued by the Rio School District appeared to be tailored to trigger a response that would require a waiver from English language education.
- F-4. The Rio School District's active encouragement of education in Spanish rather than English appears to have polarized the parent community with respect to bilingual education.
- F-5. The Rio School District administration's activity is contrary to the bilingual education policy of the State of California as reflected in various sections of the Education Code. See, Attachment B.
- F-6. Some Rio School District teachers and staff perceive an air of intimidation and coercion with respect to the expression by them of professional opinions regarding policies and methods of instruction related to bilingual education.
- F-7. Some Rio School District teachers are of the belief that there are irregularities in the hiring and replacement process of State certified bilingually qualified teachers and that there is an unnecessary use of emergency credentialed bilingual teachers.
- F-8. The turnover of teachers and other staff in the Rio School District over the past three years has been unusually high and more than can be attributed to transfers for better or higher paying positions.

- F-9. Rio School District Board meetings were noisy and contentious with constant loud disruptive interchanges between factions of the divided community.
- F-10. Translation service at Rio School District Board meetings was inadequate and was perceived by some participants as biased and inaccurate.
- F-11. The sound system at Rio School District Board meetings was inadequate and spotty in performance.
- F-12. Rio School District Board meetings were undisciplined and partisan signs of one faction were permitted to be posted in the hearing room.
- F-13. The Board permitted obscenities to be directed at speakers from members of the audience who were not in agreement with the speaker.

### **Conclusions**

- C-1. The failure of the Rio School District to issue the required parental notification of the rights and responsibilities required by the Education Code aggravated the confusion within the parent community with respect to bilingual education. (F-1)
- C-2. The Rio School District administration, in advocating Spanish education over English through the waiver system, erred with respect to the intent and policy of California law applicable to bilingual education. (F-2, F-3, F-4, F-5)
- C-3. The Rio School District's advocacy of Spanish education over English through the waiver system, resulted in divisions within the parent and teacher communities. (F-4, F-6, F-7, F-8)
- C-4. Parents in the Rio School District are highly polarized with respect to bilingual education. (F-4, F-5, F-9)
- C-5. The solicitation of Proposition 227 waivers distorted and aggravated parent community polarization over bilingual education and blocked reasonable and rational efforts to ameliorate antagonisms induced by that polarization. (F-2, F-3, F-4)
- C-6. The divisive atmosphere prevalent at the Rio School District affected teacher and staff morale and disrupted meaningful cooperation among District staff. (F-6, F-7, F-8)
- C-7. The belief that there were irregularities in the hiring process of State certified bilingual teachers hurt teacher morale and undermined the appearance of integrity in the hiring process. (F-7)
- C-8. The past District School Board was apparently unable to effectively operate the School District in accordance with the expressed policies of the State of California with respect to bilingual education. (F-1, F-3, F-4, F-5)

### **Recommendations**

- R-1. That the Rio School District Board require that any Superintendent or Acting Superintendent of the District earnestly and honestly follow the mandates of State law with respect to education and in particular with respect to bilingual education.
- R-2. That the Rio School District Board require that any Superintendent or Acting Superintendent of the District to forthwith, and again when required in the normal

- course of the school year, issue to all parents the statement of parental rights and duties required by Sections 48980-48985 of the Education Code.
- R-3. That the Rio School District Board encourage any Superintendent or Acting Superintendent of the District to hold a series of open parent meetings to bring the community to a better understanding of the goals of bilingual education under California law.
  - R-4. That the Rio School District Board require that any Superintendent or Acting Superintendent of the District review the credentials and hiring record of State certified bilingual teachers and emergency credentialed teachers to assure that the hiring process was correct in all cases and that persons with emergency credentials are necessary to the District rather than regularly credentialed teachers.
  - R-5. That the Rio School District Board require that any Superintendent or Acting Superintendent of the District report to the Board the result of any study and review performed as recommended at recommendation number 4, above.
  - R-6. That Rio School District teachers and staff be counseled to desist from partisan activity contrary to the mandates of State law with respect to education and in particular with respect to bilingual education while on the job.
  - R-7. That at Rio School District Board meetings the Board assure that translation services are adequate, competent, accurate and non-partisan.
  - R-8. That at Rio School District Board meetings the Board act appropriately to assure that the decorum of the meeting is appropriate for an educational forum.

### **Required Responses**

Rio School District Board (R-1, R-5, R-7, R-8)

Superintendent or Acting Superintendent (R-1, R-3, R-6)

## Attachment A

**48980.** (a) At the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of its minor pupils regarding the right or responsibility of the parent or guardian under Sections 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472, 51240, and 51550 and Chapter 2.3 (commencing with Section 32255) of Part 19.

(b) The notification also shall advise the parent or guardian of the availability of individualized instruction as prescribed by Section 48206.3, and of the program prescribed by Article 9(commencing with Section 49510) of Chapter 9.

(c) The notification shall also advise the parents and guardians of all pupils attending a school within the district of the schedule of minimum days and pupil-free staff development days, and if any minimum or pupil-free staff development days are scheduled thereafter, the governing board shall notify parents and guardians of the affected pupils as early as possible, but not later than one month before the scheduled minimum or pupil-free day.

(d) The notification also may advise the parent or guardian of the importance of investing for future college or university education for their children and of considering appropriate investment options including, but not limited to, United States Savings Bonds.

(e) Commencing with the 2000-01 school year, and each school year thereafter, the notification shall advise the parent or guardian of the pupil that, commencing with the 2003-04 school year, and each school year thereafter, each pupil completing 12th grade will be required to successfully pass the high school exit examination administered pursuant to Chapter 8 (commencing with Section 60850) of Part 33. The notification shall include, at a minimum, the date of the examination, the requirements for passing the examination, and shall inform the parents and guardians regarding the consequences of not passing the examination and shall inform parents and guardians that passing the examination is a condition of graduation.

(f) Each school district that elects to provide a fingerprinting program pursuant to Article 10 (commencing with Section 32390) shall inform parents or guardians of the program as specified in Section 32390.

(g) Until July 1, 1998, the notification shall also advise the parent or guardian of the availability of the employment-based school attendance options pursuant to subdivision (f) of Section 48204.

(h) The notification shall also include a copy of the district's written policy on sexual harassment established pursuant to Section 212.6, as it relates to pupils.

(i) Commencing July 1, 1998, the notification shall include a copy of the written policy of the school district adopted pursuant to Section 51870.5 regarding access by pupils to Internet and online sites.

(j) The notification shall advise the parent or guardian of all current statutory attendance options and local attendance options available in the school district. That notification shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. That notification shall also include a description of all options, a description of the

procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification shall also include an explanation of the current statutory attendance options including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, subdivision (f) of Section 48204, and Article 1.5 (commencing with Section 48209) of Chapter 2 of Part 27. The State Department of Education shall produce this portion of the notification and shall distribute it to all school districts.

(k) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within their districts and that the school districts strive to make available enrollment options that meet the diverse needs, potential, and interests of California's pupils.

(l) The notification shall advise the parent or guardian that no pupil may have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.

(m) The notification shall advise the parent or guardian of the availability of state funds to cover the costs of advanced placement examination fees pursuant to Section 52244.

**48980.3.** The notification required pursuant to Section 48980 shall include information regarding pesticide products as specified in subdivision (a) of Section 17612.

**48981.** The notice shall be sent at the time of registration for the first semester or quarter of the regular school term. The notice may be sent by regular mail or by any other method normally used to communicate with the parents or guardians in writing.

**48982.** The notice shall be signed by the parent or guardian and returned to the school. Signature of the notice is an acknowledgment by the parent or guardian that he has been informed of his rights but does not indicate that consent to participate in any particular program has either been given or withheld.

**48983.** If any activity covered by the sections set forth in Section 48980 will be undertaken by the school during the forthcoming school term, the notice shall state that fact and shall also state the approximate date upon which any of such activities will occur.

**48984.** No school district shall undertake any activity covered by the sections set forth in Section 48980 with respect to any particular pupil unless the parent or guardian has been informed of such action pursuant to this article or has received separate special notification.

**48985.** When 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 through 12 speak a single primary language other than English, as determined from the census data submitted to the Department of

Education pursuant to Section 52164 in the preceding year, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the school or school district shall, in addition to being written in English, be written in such primary language, and may be responded to either in English or the primary language.

## **Attachment B**

**300.** The People of California find and declare as follows:

(a) Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and

(b) Whereas, Immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and

(c) Whereas, The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and

(d) Whereas, The public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; and

(e) Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age.

(f) Therefore, It is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible.

**305.** Subject to the exceptions provided in Article 3 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. Local schools shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification under Article 8 (commencing with Section 335) below.

**306.** The definitions of the terms used in this article and in Article 3 (commencing with Section 310) are as follows:

(a) "English learner" means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a Limited English Proficiency or LEP child.

(b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language.

(c) "English language mainstream classroom" means a classroom in which the pupils either are native English language speakers or already have acquired reasonable fluency in English.

(d) "Sheltered English immersion" or "structured English immersion" means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language.

(e) "Bilingual education/native language instruction" means a language acquisition process for pupils in which much or all instruction, textbooks, and teaching materials are in the child's native language.

**310.** The requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. Under such parental waiver conditions, children may be transferred to classes where they are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which 20 pupils or more of a given grade level receive a waiver shall be required to offer such a class; otherwise, they must allow the pupils to transfer to a public school in which such a class is offered.

**311.** The circumstances in which a parental exception waiver may be granted under Section 310 are as follows:

(a) Children who already know English: the child already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores at or above the state average for his or her grade level or at or above the 5th grade average, whichever is lower; or

(b) Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's rapid acquisition of basic English language skills; or

(c) Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided and any such decision is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local Board of Education and ultimately the State Board of Education. The existence of



such special needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.

**315.** In furtherance of its constitutional and legal requirement to offer special language assistance to children coming from backgrounds of limited English proficiency, the state shall encourage family members and others to provide personal English language tutoring to such children, and support these efforts by raising the general level of English language knowledge in the community. Commencing with the fiscal year in which this initiative is enacted and for each of the nine fiscal years following thereafter, a sum of fifty million dollars (\$50,000,000) per year is hereby appropriated from the General Fund for the purpose of providing additional funding for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency.

**316.** Programs funded pursuant to this section shall be provided through schools or community organizations. Funding for these programs shall be administered by the Office of the Superintendent of Public Instruction, and shall be disbursed at the discretion of the local school boards, under reasonable guidelines established by, and subject to the review of, the State Board of Education.

As detailed in Article 2 (commencing with Section 305) and Article 3 (commencing with Section 310), all California school children have the right to be provided with an English language public education.

If a California school child has been denied the option of an English language instructional curriculum in public school, the child's parent or legal guardian shall have legal standing to sue for enforcement of the provisions of this statute, and if successful shall be awarded normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Any school board member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the terms of this statute by providing such an English language educational option at an available public school to a California school child may be held personally liable for fees and actual damages by the child's parents or legal guardian.

**325.** If any part or parts of this statute are found to be in conflict with federal law or the United States or the California State Constitution, the statute shall be implemented to the maximum extent that federal law, and the United States and the California State Constitution permit. Any provision held invalid shall be severed from the remaining portions of this statute.

**340.** Under circumstances in which portions of this statute are subject to conflicting interpretations, Section 300 shall be assumed to contain the governing intent of the statute.

