

Detroit Public Schools

Office of the Auditor General



BILINGUAL PROGRAM

CERTIFICATION, ENDORSEMENT AND

ASSIGNMENTS

REPORT NO: 2010-020

REPORT DATE: June 17, 2011

The Emergency Financial Manager (EFM) received a complaint from a DPS teacher who felt that a bilingual teacher received preferential treatment concerning lay-offs over another teacher with more seniority even though the Bilingual teacher was not serving bilingual students. The response from Human Resources (HR) was that DPS has a shortage of bilingual teachers and in accordance with the collective bargaining agreement with the Detroit Federation of Teachers bilingual teachers serving bilingual students have protection during layoff periods. The EFM directed the Office of the Auditor General to look into the matter and gain an understanding of the program.

OBJECTIVE, SCOPE & METHODOLOGY

The objective of this audit was to (1) assess the effectiveness of current operating procedures within the Office of English Language Learners and Global Languages (OELL&GL), commonly referred to as the Bilingual Department in achieving the Department's mission, (2) determine whether internal controls over the layoff process are effective in ensuring that only teachers who meet the criteria for "super seniority" i.e., protection during layoffs.

The audit period covered the 2010-2011 School Year with inquires of past practices from prior school years. Our review consisted of observation, inquiry and reviewing of supporting documentation such as teacher certifications, endorsements and teaching assignments.

We reviewed the District's process and procedures for identifying teachers serving bilingual students; assigning bilingual teachers to classrooms; confirming the credentials of bilingual teachers and applying the "super seniority" designation.

Specifically, we reviewed state requirements and current DPS policies related to bilingual teachers; held several interviews with officials from Human Resources (HR) and the Office of English Language Learners and Global Languages (OELL&GL). In addition, we reviewed Michigan Department of Education and District records to verify which teachers were credentialed and bilingual endorsed; reviewed reports produced by the OELL&GL to obtain an understanding of the current level of staffing and services provided by the department to bilingual students.

RESULTS IN BRIEF

Detroit Public Schools (the District) is not in full compliance with state requirements for teachers who instruct bilingual students. Of the 127 teachers identified by the OELL&GL, 36 did not have certifications and/or bilingual endorsements nor did they have emergency permits that would make them eligible to teach bilingual students.

In addition, we found that Budget, Human Resources, the Office of English Language Learners and Global Languages (OELL&GL), and school Principals do not work closely to ensure the District is meeting the instructional needs of its English language learners. The mission of the OELL&GL is to ensure bilingual students receive an equal opportunity to succeed educationally while learning the English language. To do this, OELL&GL works closely with the students and their families to assess their level of need for bilingual services. Human Resources is responsible for recruiting and hiring teachers with bilingual endorsements and other personnel actions including layoffs. Budget determines the number of bilingual Full Time Equivalents (FTE's) for each school based on a formula and Principals assigns them to classrooms. Given their respective roles, it would appear that all departments need to work together closely to effectively accomplish their individual mission, but that is not what the audit found.

We asked for a listing of teachers serving bilingual students in DPS and received a list of 127 teacher's names from the Assistant Superintendent of the OELL&GL of which it stated that 26 are not currently serving ELL students. The 101 teachers serving bilingual students are assigned to 22 District schools according to OELL&GL data. On the contrary, Human Resources provided a list of 43 bilingual Budgeted teachers assigned to 17 schools. The listing from the OELL&GL included all but 8 of the 43 teachers on HR's list of Budgeted bilingual positions. However, there is no assurance that either listing is complete.

We also found that District practices limit the ability of the Office of English Language Learners and Global Languages (OELL&GL) to redirect bilingual teachers to the schools that have the greatest need. Instead, the District allows principals to determine whether or not to keep bilingual teachers in their school even though they may not be assigned to instruct bilingual students. This practice limits the ability to reallocate teaching resources based on need. For example, one bilingual teacher is assigned to a District school with 11 students requiring bilingual services while another District school with 103 students requiring bilingual services has no bilingual teachers assigned.

In order to meet the state mandate of ensuring that all ELLs receive equal instructional services while learning English, the OELL&GL needs to have the authority to reallocate bilingual resources to the areas of greatest need.

This will ensure that limited resources are being used most effectively and help to achieve the Office's mission to ensure that English language learners receive a rigorous education that prepares them to excel in a highly competitive, multilingual, global society.

Furthermore, the district has a staffing formula that indicates how many additional FTE's a school can have based on their bilingual population, but it is unclear how the formula is used. According to a senior Budget analyst, the teacher service calculation provides additional teacher service for bilingual students but does not specify the number of bilingual teachers at a school.

As currently structured the formula would allow for approximately 38 teachers District-wide for the 5,251, L1 - L3 students requiring bilingual services. The class size formula differs depending on the grade level, but using grades 6 – 12 with a class size of 38 including 25 bilingual students the formula would allow approximately 0.2 additional teaching FTEs ($25 \cdot .25 / 38$). The assumption is that the additional teaching FTEs would lower class size and the bilingual student would have a greater opportunity for one-to-one instruction.

According to an agreement between the Detroit Board of Education and the Detroit Federation of Teachers, bilingual endorsed teachers may qualify for super seniority. This status protects bilingual teachers from layoff regardless of their seniority. However, in order for teachers to have this protection they must be certified, bilingual endorsed and serving bilingual students.

Our audit determined that 22 or nearly 22 percent of the 101 teachers listed by the OELL&GL currently providing bilingual services either lack the certification and/or endorsement to teach bilingual students. When we asked for a listing of Bilingual teachers who received layoff protection via "super seniority" for the last two years, we were told that HR does not have such a list. Given that a number of teachers serving as bilingual instructors are not eligible to do so and the lack of documentation supporting layoff decisions, there is no assurance that those teachers given protection from layoff were entitled to such protection.

BACKGROUND

The state of Michigan requires that school districts with sufficient numbers of students who are English Language Learners (ELL) also known as students with limited English proficiency (LEP) offer appropriate instructional services to ensure these students are not deprived of an opportunity to learn content matter while learning the English language. To achieve this mandate, school districts have an option of establishing English as a Second Language (ESL) or a Bilingual Educational program or both.

The state identifies three principles for ELL programs: *Selecting the Educational Approach, Implementing the Educational Program and Evaluating the Program*. The design and implementation of these programs is determined by each school district.

Detroit Public Schools (DPS) has chosen to implement a Bilingual Program for its ELLs. The mission of DPS' ELL Program is to ensure that ELLs receive a rigorous education that prepares them to excel in a highly competitive, multilingual, multicultural, global society. The District's Bilingual Program is under the direction of the Office of English Learners and Global Languages (OELL&GL). The District has 7,846 bilingual students (see appendix 1.1) of which 5,251 L1-L3 students require bilingual services from a certified, bilingual endorsed teacher. According to information from the OELL&GL, the District has 127 teachers on staff to teach bilingual students, but not all are assigned to bilingual classes.

To meet legal mandates, the District must hire bilingual teachers, administrators and support service staff in regular positions to meet their obligation to ELLs. According to an agreement between the Detroit Board of Education and the Detroit Federation of Teachers, bilingual endorsed teachers have "*super seniority*," which protects them from reductions in service (layoffs) if they are serving bilingual students and using their second language in the process.

To some extent, the perception exists that the District's bilingual teachers are receiving this protection from layoffs when it is not warranted. This is due, in part, to the fact that not all bilingual teachers are serving ELL students, but still may maintain their "super seniority" status.

The Office of English Language Learners and Global Languages (OELL&GL) has 219 staff members in the department for the school year 2010 – 2011 as shown in Table 1.0.

Table 1.0: OELL&GL Bilingual Staff

DPS ELL Staff Positions	
Classification	Number
Teachers	127
SSAs	58
Ed Tech	26
Substitute Teachers	5
Literacy Coaches	3
Total	219

IMPROVEMENTS NEEDED TO ENSURE THAT COMPLIANCE AND PROGRAM OBJECTIVES ARE MET

The District needs to make improvements in its bilingual program procedures to ensure it is in compliance with federal mandates, state law and District policy. Specifically, the District needs to take actions to ensure that teachers serving bilingual students are eligible to do so and that these eligible bilingual teachers are assigned to the schools with the greatest need for bilingual teachers. Under the current procedures, the Assistant Superintendent of the program does not have full authority to reassign bilingual teachers Position Control Number (PCN's). This can result in a situation where one school has more ELL students than another, but may not have the number of teachers required to properly serve the students. For example, based on data from the OELL&GL one elementary school has 145 students requiring bilingual services but has no bilingual teachers assigned while another school has 11 students and two bilingual teachers assigned.

In addition, we found no formal mechanism and a lack of coordination between Human Resources which recruits and hires bilingual teachers and the Office of English Language Learners and Global Languages which is charged with the responsibility of ensuring ELLs receive a rigorous educational foundation. The two offices are not working together to make the most prudent staffing decisions. Without the cooperation and collective effort of both Human Resources and the Office of English Language Learners and Global Languages, the District cannot fully achieve its mandated goal of ensuring that students are receiving equal educational opportunities while learning the English language.

Moreover, the District uses a formula to determine the additional number of bilingual positions to Budget each year by school, but the formula is arbitrary and may not be the best method for determining the proper student to teacher ratio. At the same time, the District procedures lacks adequate controls to ensure that only eligible teachers who are instructing bilingual students receive "super seniority" status for protection from layoffs.

Lack of Compliance with State Requirements for Bilingual Teachers

Detroit Public Schools is not in compliance with the State of Michigan requirement that bilingual teachers are certified and with a bilingual endorsement to serve the needs of students who require bilingual services.

We verified the certifications and endorsements of the 127 teachers included on the OELL&GL staff roster based on the State of Michigan (State) “Michigan Teacher Certification Status” database.

We found most of the teachers listed as DPS bilingual teachers were certified, endorsed and eligible to be bilingual teachers. However, as shown in Table 1.1, 36 of the 127 teachers identified by the OELL&GL did not qualify either because they lacked certifications or endorsements to teach bilingual students.

TABLE 1:1 BILINGUAL TEACHER ELIGIBILITY

Condition	Exceptions	Error Rate %	Number of DPS Teachers
Teacher with invalid certification for current instructional grade level	1	1	127
Teachers lacking bilingual endorsement	32	25	127
Teachers lacking valid certification and bilingual endorsement	3	2	127
Eligible bilingual teachers in general education classrooms	22	17	127

We found 36 teachers included in the 127 teachers that the Assistant Superintendent of OELL&GL stated were bilingual teachers whom could have been eligible if the District sought emergency permits from the State. However without the permit, using these teachers to provide bilingual services is not in compliance with state requirements. The Assistant Superintendent for the program acknowledged that 26 of the 127 teachers identified were not serving bilingual students.

One of the guidelines listed by the U.S. Department of Education for school districts with bilingual programs is *districts should ensure necessary staff, curricular materials and facilities*

are in place and used properly to serve ELLs effectively. For the current School Year, the District has 4 schools that have between 43-192 students requiring bilingual services.

However, none of the schools have bilingual teachers working with these students, because the schools Principals are utilizing their allocated PCN's for other purposes. Students in schools with less than 9 bilingual students are offered to be clustered to receive bilingual services; this includes 171 students among 51 schools.

We selected a sample of 25 of the 127 teachers listed by the OELL&GL to identify their official work assignment according to DPS records in the PeopleSoft System. Of the 25 teachers in our sample, 20 or 80 percent were not assigned a bilingual title. At the same time, the placement of bilingual teachers is solely based on the District's allocation of its bilingual teacher resources.

Bilingual Program Not In Compliance With District Policy

In accordance with District policy, schools with 9 or more eligible ELLs must fill vacancies with qualified bilingual teachers or add qualified bilingual teachers as part of its teacher allocation for the school to serve those bilingual students in self contained classes. Principals are responsible for providing bilingual education services to all eligible students and services must be provided by certified bilingual teachers paid by the school. However, we noted four schools with a total of 651 ELLs and all with more than 40 students requiring bilingual services that had no bilingual teachers serving students, based on data from the OELL&GL. The data shows, 26 of the 127 teachers on the OELL&GL staff are not working with bilingual students. These 26 bilingual teachers are assigned to 11 District schools. The condition may be attributable to District practices which limit the Assistant Superintendent of OELL&GL from redirecting teacher resources and allows principals to have the sole authority to keep bilingual teachers on their staff to teach non-bilingual classes.

Teacher Allocation Hampered By Limits on OELL&GL Ability to Reassign

The allocation of bilingual teachers to classrooms with students requiring bilingual service is hampered by District practices that limit the office's ability to direct teachers to schools with the greatest need. This limits the OELL&GL from ensuring that all DPS students requiring bilingual service receive such service. The placement of bilingual teachers is complicated by several factors: 1) Principals of each school can request additional FTE positions for bilingual teachers beyond general education teachers; 2) Principals must authorize the elimination of a bilingual position as they would for any other position 3) Principals have the authority to retain a teacher with a bilingual endorsement as a general education teacher, rather than agree to transfer them to a school in need of a bilingual teacher; 4) Neither the Office of English Language Learners and Global Languages nor Human Resources currently have the authority to

remove a bilingual position or teacher due to shifts in the attendance of bilingual students within the District.

Providing English Language Learners with the proper amount of support and qualified teachers is a significant challenge for DPS with over 5,100 bilingual students requiring service where a majority of students speak the following languages: Arabic, Bengali, Hmong, Romanian, and Spanish.

Ensuring teachers with the proper qualifications are assigned where they are most needed is paramount. However, if the Assistant Superintendent of OELL&GL is unable to redirect limited resources to the schools with the greatest need, then the District's ability to assure that students are being properly served is hampered.

Lack of Coordination between Human Resources, OELL&GL and Budget

The Human Resource (HR) Department and the Office of English Language Learners and Global Languages (OELL&GL) lack a formal mechanism to ensure the District's 5,100 students requiring bilingual services actually are receiving those services. Human Resources recruits and staffs schools with teachers while the Assistant Superintendent of OELL&GL works closely with the schools and the community to ensure the needs of bilingual students are identified and met. However, when we requested a list of teachers serving bilingual students in the District from both departments we received information that differed significantly; the OELL&GL document indicated that 101 teachers are serving the bilingual needs of our students while HR provided a list of 43 teachers in Budgeted bilingual positions. We asked the Department of Budget whether these Budgeted positions were designated for funding purposes and we were told they were not. In addition, the Budget department is not notified to adjust the number and allocation of bilingual PCN's to actually reflect the distribution of teachers.

To properly serve the bilingual needs of our students, the District must first reach agreement on the number and location of students requiring this service and determine whether or not we have adequate staffing to meet this need. Accomplishing this objective requires the cooperation and collective effort of all departments; with OELL&GL providing input and assistance to HR and Budget on the number of eligible students, staffing needs by location and those teachers who are eligible for the super seniority status.

To date, however, we found no documented procedure that defines how the three entities should collaborate. For example, we asked the Assistant Superintendent what his role was in the layoff process for teachers who are bilingual endorsed and he stated that he had not been contacted by HR. However, notices were sent out to teachers and other staff in early April. This is important given the "super seniority" status provided to bilingual teachers during times of layoff.

With the knowledge that the Assistant Superintendent has about the bilingual teachers and their current assignments, one would expect that the OELL&GL would be providing input on which bilingual endorsed teachers actually met the full criteria to receive the super seniority status.

Formula for Bilingual Positions Produces Questionable Results

The state law allows each District with bilingual programs to design their own programs, but expects these programs to produce certain measurable outcomes. For example, for staffing and resources the state only requires that the district identify the number and categories of instructional staff needed to implement the program.

The District uses a formula to determine the number of additional bilingual FTE's to Budget each year. The formula takes the (number of eligible bilingual students *.25) / class size (which ranges from 25 to 38 for K-3 to 6-12) to determine the proper level of FTEs to Budget.

Using this formula with an average class size of 32 for the entire 7,830 bilingual students would only allow for an additional 61 teachers District-wide. However only 5,251 L1 – L3 students of the 7,830 students require bilingual services and according to the Assistant Superintendent, 101 teachers are utilized to meet the needs of the 5,251 students. Using an average class size of 32, the formula allows for 38 teachers for 5,251 students while the District currently has 101 bilingual teacher, according to OELL&GL which is 63 more teachers than the formula determines is required.

According to the Assistant Superintendent of OELL&GL the formula has been adjusted for budgetary purposes over the years and that it used to be a factor of .50 versus .25. However, the bilingual student population over the last 10 years has remained relatively unchanged. A senior Budget analyst told the audit team that the formula is used to provide additional teachers but is not intended to determine the number of bilingual positions for the District.

Ultimately, it is unclear how the District intended to use this formula but it appears based on the current level of bilingual staffing the formula is not being used for staffing decisions. This coupled with the state recommendation to establish the appropriate teacher to student ratio indicates the need for a District policy establishing this ratio for the bilingual program.

Some Bilingual Teachers Ineligible for Super Seniority Status

The agreement between the Board and the Detroit Federation of Teachers states:

“Qualified bilingual teachers who have full endorsement will be protected from reduction in service transfer if they are serving bilingual students and using their second language in the process.”

Given this agreement, the District has a responsibility to determine each semester which teachers met the criteria. Information we received from the OELL&GL found that 26 of the 127 teachers listed are not serving bilingual students.

These teachers should not be granted super seniority protection from layoffs. Upon further review we determined that 22 of the 101 teachers that are currently serving bilingual students either do not have current credentials or are not properly endorsed nor have permits to teach bilingual students. As such, these teachers also should not receive super seniority protection from lay-off for the period in question.

At the same time, there is a general perception that the District has a shortage of bilingual teachers. While this may be true, we found no evidence to support such a shortage. In fact, using the District’s formula for determining the number of additional bilingual teachers, the District overall has about 63 more teachers than is warranted to serve the 5,251 L1-L3 students requiring bilingual services. However, as stated earlier in this report, we question the validity of this formula for making staffing decisions particularly in light of the fact that the District has not established an appropriate teacher to student ratio as suggested in the District manual.

To gain an understanding of how Human Resources determines which bilingual teachers receive super seniority for the current year, we requested a copy of the list of bilingual teachers who will be granted this status. However, we were told that no such list exists. When a bilingual teacher receives a layoff notice they will typically call HR and let them know that they should not have received the notice because they are bilingual teachers. Relying on such a process to make fair and prudent staffing decisions is not reliable and raises the concern that the status could be misapplied.

Although we recognize that teachers with bilingual endorsements may be in demand and recruiting them may pose a greater challenge for the District, it is imperative that the District ensure that it is complying with the agreement with DFT for only those teachers that meet the full criteria for the status.

Ultimately, allowing the Assistant Superintendent of OELL&GL to redirect resources to the schools and classrooms with the greatest need for bilingual services could help address this issue. In this regard, there would be little question concerning how the District uses its limited bilingual resources to ensure it is meeting the needs of its bilingual student population.

CONCLUSION

The District has invested much time and effort to ensure students who are English Language Learners receive a quality education while learning English. The efforts by Human Resources to identify and recruit teachers with bilingual endorsements as well as support staff who are native language speakers that can assist in providing a well-rounded program and the efforts by the Office of English Learners & Global Language to identify and assess student needs for bilingual services should not be overlooked. However, the District's Bilingual Program is hampered by the lack of credential and endorsement verification, poor coordination between HR and OELL&GL, and District practices that limits HR and OELL&GL's ability to redirect bilingual resources to the schools with the greatest need.

At the same time, without input on teacher assignments from the OELL&GL and proper documentation to support key decisions on who should receive super seniority status, it is unclear whether or not teachers who have received this protection from layoff actually have earned that status.

The perception that the District has a shortage of bilingual teachers may be correct for a given language, but is not clearly supported based on the data provided to the audit team. We believe the program will benefit by enhancing the procedures for credential and endorsement verification on an annual basis; greater coordination between the two offices; the ability to redirect bilingual resources to help ensure the program is meeting its intended purpose and, more importantly, that all DPS students who are English language learners are provided an opportunity to learn content matter while learning the English language.

RECOMMENDATIONS

To ensure program goals are met, we recommend that the Assistant Superintendent of Human Resources:

- Apply for emergency permits for teachers serving bilingual students that are either do not possess credentials or a bilingual endorsement;
- Enhance the procedures to verify teacher credentials and bilingual endorsements annually;

- Work with the Office of English Language Learners and Global Languages and Budget to establish procedures defining how the three offices will work together to enhance the program;
- Document and maintain a list of teachers serving bilingual students and prepare a list of those with super seniority status each semester;

We recommend the Assistant Superintendent of the Office of English Language Learners and Global Languages:

- Work with Human Resources and Budget to develop procedures including defined roles for each department/office to work together to enhance the program;
- Work with HR to develop a policy that will allow the Assistant Superintendent of OELL&GL to manage bilingual PCNs over schools with the greatest need; and
- Work with HR to develop an appropriate student to teacher ratio as required by the state for bilingual programs to ensure the needs of students are being met.

Appendix 1.0: Number of Bilingual Students

ELPA Levels	No. Students
L1 = Minimal or no English	937
L2 = Partial or developing English	1,690
L3 = Near-sufficient or mostly developed English	2,630
L4 = Sufficient or well developed English	1,233
L5 = Substantial understanding and application of complex English Language	896
Students Enrolled in Pre-School or not tested	460
Total	7,846

MANAGEMENT RESPONSE

TO

OFFICE OF THE AUDITOR GENERAL – REPORT NO 2010-020: BILINGUAL PROGRAM

June 16, 2011

The Auditor General's report on the assignment of bilingual staff in the Detroit Public Schools draws attention to some legitimate concerns regarding the service provided to our English Language Learners (ELL). The Office of English Language Learners and Global Languages (OELL & GL) and the Division of Human Resources (HR) agree that there is room for improvement in the areas of funding for service to English Language Learners, design of programs to serve English Language Learners, and identifying staff providing service to English Language Learners. It should be noted that the difference in number of bilingual staff reported by OELL & GL and HR is attributed to a different perspective on the definition of "Bilingual". OELL & GL focused on fluency in a language other than English; HR focused on a teaching credential resulting from advanced preparation in the delivery of instructional service specifically for ELL students.

The Office of English Language Learners and Global Languages (OELL & GL) and Human Resources (HR) agree specifically with the following OAG recommendations:

- Assign the responsibility for managing the additional positions (PCNs) resulting from the enrollment of bilingual students to the Assistant Superintendent, Office of English Language Learners and Global Languages. This will ensure that the additional funding resulting from the enrollment of bilingual students is used to provide service to those students. This would be a return to a previous practice in the school district.
- The Office of English Language Learners and Global Languages should be given the authority to develop an appropriate teacher-ELL student ratio.

In addition, to the OAG recommends, Human Resources and OELL&GL will pursue these additional corrective actions:

- Restore the funding level for service targeted for English Language Learners to the former level of .50 times maximum class size. This equation was in effect until 2006, when it was changed to a factor of .25. The adjustment should be made because the number of eligible bilingual students in the Detroit Public Schools has remained relatively constant, but service has been reduced by half as a result of the change in the multiplier.
- Create a new position in the Detroit Public Schools organizational structure of bilingual resource teacher. Persons in this classification would have the responsibility of providing

service to ELL students particularly in those schools where the ELL student population does not result in the need for a 1.0 bilingual teacher.

- In those situations where the Assistant Superintendent of OELL & GL determines collaboratively with the Principal that an “alternative” service delivery model is appropriate, provide, for example, after-school programs funded through the additional FTE created by ELL student enrollment.
- In the effort to identify fully-qualified staff for service to ELL students, HR should work collaboratively with the Assistant Superintendent of OELL & GL, to maintain current information regarding staff credentials and assignments.
- Provide English Language Learners not only the required service but also a learning environment which reflects and values their diversity. Every attempt should be made to ensure that the composition of the entire school staff reflects the diversity of the students in that school community.
- To implement these recommendations, the Office of English Language Learner and Global Languages will work with the Division of Human Resources to establish a district policy regarding the provision of service to English Language Learners in the Detroit Public Schools to be forwarded to the Emergency Manager for approval.

Our review was performed in accordance with U.S. General Accounting Office Government Auditing Standard and Standards of the Institute of Internal Auditors.

This report is intended solely for management and should not be used for any other purpose. This restriction is not intended to limit the distribution of the report which is a matter of public record.

Odell W. Bailey, CIA

A handwritten signature in blue ink, appearing to read 'Odell W. Bailey', written in a cursive style.

Auditor General