

**Resolution 2324R-004**

**By Directors Garcia and Zombor**

WHEREAS, The Milwaukee Public Schools’ Board of School Directors is the one and only member of Region 14 of the Wisconsin Association of School Boards (WASB); and  
WHEREAS, The Wisconsin Association of School Boards (WASB) has designated a process to submit 2024 resolution proposals to be considered by the WASB Policy and Resolutions Committee; and

WHEREAS, According to the WASB Resolution Proposals process, all proposed resolutions must be officially approved at a meeting of the respective school board prior to the September 2023, submission deadline otherwise resolutions may be submitted on-the-floor at the delegate assembly; and

WHEREAS, All WASB Resolution Proposals must be in the prescribed format used below; now, therefore, be it

RESOLVED, That the Milwaukee Board of School Directors adopt the following WASB 2024 Resolution Proposal for submission to the WASB Policy and Resolutions Committee for its consideration; and, be it

FURTHER RESOLVED, That the Office of Board Governance include these demands in the Board’s legislative agenda.

-----PROPOSAL FOR THE 2024 DELEGATE ASSEMBLY -----

Subject: 2023 Wisconsin Act 20 Implementation of Reading Screeners for English Learners

Submitted by: Marcela “Xela” Garcia, Milwaukee Board of School Directors

Resolution: Resolved that the Wisconsin Association of School Boards hereby joins other advocates of bilingual education in urging the state legislature and the Wisconsin Department of Public Instruction to reconsider the implementation of 2023 Wisconsin Act 20 that negatively impacts English learners, especially the screening methods; and, be it  
Further Resolved that we demand the following of the Wisconsin Department of Public Instruction:

- That experts in bilingual education and language acquisition be included in any work that facilitates or guides the implementation of 2023 Wisconsin Act 20; and
- That recent arrivals to the country be waived from any English assessment for one year, as exemplified by the FORWARD state exam, whereby, students who have been in the country for less than a year are exempt from taking the English reading exam; and
- That students who have not had adequate time (seven to nine years, according to research) to become proficient in English are not to be labeled as “at-risk” or referred to special education services based on an English screener or assessment; and
- That any reading plan and/or mandatory summer school program must reflect best practices in assessments and bilingual/dual language education to allow English learners to develop literacy skills in two languages; and

- That instructional best practices for English language development and biliteracy be allowed in the classrooms and support literacy development that occurs in English learners' home languages in order to learn in two languages; and
- That testing in the students' home language should be accepted as a valid measure of progress and literacy development; and
- That the K4 to 3<sup>rd</sup> grade assessments, screeners, and diagnostics required in 2023 Wisconsin Act 20 continue to be provided in Spanish for English/Spanish bilingual programs; and
- That school districts continue to purchase and utilize literacy curricula in Spanish in Spanish-Bilingual programs; and
- That school districts continue to provide professional development that reflects best practices in assessment and instruction for bilingual program students; and
- That assurances that the highly successful bilingual programs in the state be allowed to continue providing instruction in two languages without risk of being altered as a result of invalid assessment data; and
- That these changes be equitable and that they protect the civil rights of Wisconsin's EL population.

Rationale:

Wisconsin currently serves nearly 55,000 English Learners (ELs), with over 140 identified languages spoken by Wisconsin students, and with approximately 9,000 of ELs concentrated in Milwaukee alone.

Wisconsin State Statutes 115.96 (4)(b) states that an established bilingual-bicultural educational program should provide, "through the use of the native language of the limited-English proficient pupil, instruction in the subjects necessary to permit the pupil to progress effectively through the educational system,"

Wisconsin State Statutes 118.017 states that, "All instruction shall be in the English language, except, in part, those programs established under subchapter VII of Ch. 115, where instruction shall be in the English language and in the non-English language of the bilingual-bicultural education program," and;

The current practice of the Wisconsin Department of Public Instruction (DPI) to test all ELs in English, regardless of their time learning the English language, violates federal law under the Supreme Court decision *Lau v. Nichols* (1973), which addresses equity in language instruction and by extension, assessment. *Lau* further holds that once a student is identified as an EL under the *Lau Remedies*, they cannot be treated as other English-dominant students.

By mandating that ELs take a reading readiness screener in English only, the Wisconsin Department of Public Instruction and the state legislature have disregarded one of the core principles of assessment - validity - the principal that that testing instruments must assess what they are designed to assess.

Reading readiness screeners given only in English are not a valid assessment of students who speak languages other than English because these tests measure the student's level of

English language acquisition instead of their level of literacy development and ignore the fact that an EL might be at grade level in their home language.

By testing students in English before they have learned English, 2023 Wisconsin Act 20 goes against federal Lau compliance mandates, which require that elementary schools provide students with limited English proficiency special English-as-a-second-language instruction as well as academic subject-matter instruction through the student's strongest language until the student achieves proficiency in English sufficient to learn effectively in a monolingual English classroom.

The Wisconsin Association for Bilingual Education (WIABE) the largest organization in the state of Wisconsin that serves educators of emerging bilingual and multilingual students is leading advocacy efforts that bring to light the unjust nature of this law which disproportionately impacts English Learners and violates their right to learn in two languages.

The current implementation of 2023 Wisconsin Act 20 is in direct opposition to the successful bilingual/dual language program models of instruction in Wisconsin, which support students acquiring English language proficiency while maintaining their home language and which is supported by research evidence that skills developed in the first language, will automatically transfer to the second language (Cummins, Collier & Thomas, Escamilla, Gottlieb, Castro, Beeman & Urow).

The current implementation of 2023 Wisconsin Act 20 will adversely impact bilingual teachers who will feel compelled to refrain from using the native language to develop academic skills and who may shift to English-only instruction.

2023 Wisconsin Act 20 may pressure school districts to move away from following the fidelity of the bilingual/dual language programs to comply with English testing mandates, thereby jeopardizing the quality of bilingual/dual language programs in Wisconsin. 2023 Wisconsin Act 20 disregards the unique strengths and needs of ELs. Mislabeled students is a human rights violation that is likely to draw the scrutiny of the Office of Civil Rights. English-only standardized tests, and screeners, and diagnostics are not valid for ELs.

*Introduced November 10, 2023*