

Reports and Communications from the Board Clerk/Chief Officer, Office of Board Governance: Action on a Recommendation Amend Previous Action in Order to Reconsider Resolution 2324R-004 on Reading Screeners for English Language Learners

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

The WASB supports that early literacy assessments, screeners, and diagnostics required in state law be provided in an English Learner (EL) student's home language in accordance with current best practices in assessment and instruction for bilingual program students. EL students tested in English should not be labeled "at risk" without verification that the student also fails an early literacy test in their home language.

RATIONALE

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

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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 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.

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.

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).

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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. English- only standardized tests, and screeners, and diagnostics are not valid for ELs.

Initiated by the Office of Board Governance

December 21, 2023