

DECLARATION OF DR. ROSA CASTRO FEINBERG

I, Rosa Castro Feinberg, do hereby make this declaration based on my own personal knowledge. The facts stated in this declaration are within my personal knowledge.

1. I was, from 1990-2003, Associate Professor in the College of Education at Florida International University and before that, Research Professor at the University of Miami. I hold a Ph.D. in Educational Administration from the University of Miami. The major focus of my life long work in education has been the education of students whose first language is not English, English language acquisition for English Language Learners (ELLs) and the training of teachers to teach such children.
2. I have written numerous publications concerning the education of ELLs and served as an editorial board member and editor of several scholarly journals in the area and have presented at numerous academic conferences.

3. As part of my academic work I have taken part in developing curricula for the teachers of ELL students including, for example, such subjects as Teaching Diverse Populations, TESOL (ESL) Curriculum and Materials and Foundations of Bilingual Education.
4. My academic preparation has required that I be thoroughly familiar with research in such areas as second language acquisition, linguistics, and the education of ELL students.
5. Prior to my appointment to the faculty at Florida International University I served as a consultant to the Office of Civil Rights of the U.S. Department of Education and the Department's Office of Bilingual Education and Minority Language Affairs and as a staff member and subsequently the Director of the University of Miami's National Origin Desegregation Assistance Center. I visited school districts throughout the Center's 14 state service area, including Alabama, in a technical assistance role.
6. In addition to knowledge gained through my teaching and study, I was for ten years a member of the Dade County School Board. During this time the Dade County Schools had the largest number of ELL students

in the state of Florida. Through my work as a School Board member, as well as a supervisor of teacher candidates, I have come into contact with large numbers of teachers of ELL students as well as principals and other educational administrators who work with those students on a daily basis. Indeed, my own career in education began as a classroom teacher and ESL Teacher in Miami-Dade County.

7. I have also been appointed to several statewide bodies focused on the education of ELL children or related matters across Florida including the Florida State Task Force on Bilingual Education, the Florida State Task Force on Migrant Education, the Florida Post-Secondary Education Planning Commission and the Florida State Advisory Council on Bilingual Education.
8. Based upon these experiences, and my own personal experience as a member of the Latino community in Florida having spoken with countless numbers of parents and students, I know that in Florida and in Dade County there are among the ELL student population, some students who are undocumented and some students whose parents are undocumented. I also know that there are ELL students who are

United States citizens and ELL students who are not United States citizens but who have one or another form of legal status as permanent or temporary immigrants. As but two examples of the latter, I could point to Haitian children who came to Florida following the earthquake and Cuban children who came in the past by boat.

9. The question I have been asked to address in this declaration is whether, in my opinion, considering the educational needs of both undocumented ELL children and legally resident alien ELL children, there are cost differences in educating these two groups of ELL children. It is my opinion, based upon more than 40 years of study and hands on work with ELL students that there are no differences between the educational needs and costs of these two groups of ELLs, i.e. undocumented ELLs and legally resident ELLs.
10. Like all students, ELL students need to master literacy and content classes such as mathematics, science and social studies and to do so at challenging levels of academic engagement. Again, like all students ELLs will need a range of supportive services from counselors and health workers and again, like all students, ELLs will most prosper

when the school is able to reach out to their parents and form parent and school partnerships.

11. ELL students are engaged in learning a new or second language, English, while at the same time learning content material to the level of state standards. That means that ELL students will need a specially designed English Language Development program such as English as a Second Language (ESL) and also a mechanism to gain access to content material through either native language instruction or, as in many states including Alabama, sheltered content instruction in English. Those specific needs distinguish all ELLs from students who are native English speakers but they do not distinguish ELLs based upon their immigration status.
12. There are, of course, many aspects to the design and implementation of well organized ESL and other programs for ELL students. At the heart of any ELL program are trained teachers and staff, appropriate curricular materials, and well designed assessment and support services and there are certain costs that are implicated by such programs.

However, the salient point is that these describe what is needed for all ELLs including, for that matter, those who are United States citizens.

13. Within the population of ELL students there are multiple factors that may determine their rate of academic success and commensurate needs. For example, students who have greater exposure to and opportunities to use English are likely to advance at a faster pace than those who do not, particularly when instruction is in English. Similarly, those who came to the United States with solid educational experiences in their native countries will likely have an advantage over those who came as refugees or asylees from situations where they experienced interruptions in their education. But neither of those conditions, exposure to English or prior educational background, are matched with immigration status.

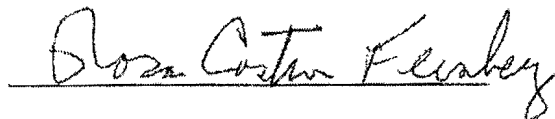
14. To put it another way, an ESL teacher might well group her students for instructional purposes by their current level of English proficiency, but such grouping would be unrelated to whether those students were lawful permanent resident aliens, had temporary protected status, were refugees or were undocumented. Educational need and addressing

educational need among ELLs is simply not correlated to immigration status.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of July, 2011 at Miami,

Florida

A handwritten signature in cursive script, reading "Rosa Castro Feinberg", written over a horizontal line.

Dr. Rosa Castro Feinberg

Declarant