

RESOURCE GUIDE for MULTILINGUAL LEARNERS



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TERMINOLOGY USED IN THIS GUIDE

This guide uses the following terms to describe students whose home language backgrounds include languages other than English:

- 1** Multilingual learners: This term, which appears frequently in this guide, incorporates an assets-based approach to affirm the rich cultural and linguistic strengths that students who speak languages other than English bring to their school communities.
- 2** English Learner: This term continues to be widely used, particularly in legal and government circles. Both California and Federal law require school districts to offer certain protections and resources to students who are designated English learners. This guide uses the term “English Learner” or “English Language Learner” to affirm those legal rights and protections.
- 3** EL student: This term is an abbreviation of the term “English Learner” and is also used in this guide.



ENGLISH LEARNERS' RIGHT TO EQUAL AND MEANINGFUL PARTICIPATION IN SCHOOL AND DISTRICT PROGRAMS

To understand English learners', or multilingual learners', right to participate in school and district programs, we need to go all the way back to the 1960s and learn about an important law and an important case that redefined what their right to equal access and participation looked like.

In 1974, the Supreme Court of the United States decided a very important case called *Lau v. Nichols* that clarified school districts' responsibilities toward English Learners.

Title VI of the Civil Rights Act of 1964 (Title VI), signed by President Lyndon Johnson, was a landmark law that prohibited discrimination based on race, color, and national origin by recipients of federal financial assistance, including school districts and colleges. What did this mean for English learners? In 1974, the Supreme Court of the United States decided a very important case called *Lau v. Nichols* that clarified school districts' responsibilities toward English Learners.

The story began in San Francisco Unified School District (SFUSD), where approximately 2800 students whose primary language was Chinese were enrolled in the district. About 1000 students were provided supplemental classes in English language instruction and 1800 students were not. Ultimately, the 1800 students who were not provided access to English language classes filed a lawsuit against SFUSD led by a student named [Kinney Kinmon Lau](#).¹ The lawsuit claimed that SFUSD violated the students' rights under Title VI. This case went all



the way up to the Supreme Court of the United States, the highest court in the country.

In 1974, the Supreme Court determined that school districts had an obligation to provide English learners with supplementary English classes to ensure that they had a meaningful opportunity to learn English and participate in school programs and activities. The Court agreed that the failure to provide English learners with a meaningful opportunity to learn English and participate in their educational program was a violation of Title VI.

“We learned that treating all students the same and providing them with the exact same educational resources — without regard to their home language background or language needs — could be unlawful and discriminatory, which was a revolutionary concept at the time.**”**

What did we learn from this important case? We learned that treating all students the same and providing them with the exact same educational resources — without regard to their home language background or language needs — could be unlawful and discriminatory, which was a revolutionary concept at the time. By treating 1800 Chinese-speaking students the same as their English-proficient peers and not offering them any supplementary English classes, SFUSD discriminated against them based on their national origin and denied them an opportunity to meaningfully participate in school and district programs. Later in 1974, Congress enacted the Equal Educational Opportunities Act (EEOA), which reaffirmed school districts’ responsibilities to take affirmative steps to remove any language barriers that English learners may face that prevent them from having an equal opportunity to participate in the mainstream educational program.

Lau v. Nichols² changed the course of history and paved the way for the right to language-assistance services, such as English Language Development programs, that English learners now enjoy throughout the state of California and across the country.



FREQUENTLY ASKED QUESTIONS³

1 When new English learner students enroll in school, what steps are schools required to take?⁴

Schools are expected to do the following:

- › **Identify** whether a newly enrolled student is an English learner. This is typically done by providing a Home Language Survey to the student's parent/guardian to assess whether the student's primary language is English or a language other than English.
- › **Administer** the Initial English Language Proficiency Assessments for California (ELPAC) to newly enrolled students whose primary language is a language other than English.
- › **Provide** a language-assistance program, such as English Language Development (ELD), to newly identified English learners.
- › **Send** a parent notification letter to inform parents/guardians that the student is either an English learner or an English proficient student (otherwise known as IFEP, or Initial Fluent English Proficient student) within 30 days of the beginning of the school year.
- › **Ensure** that all parents/guardians are provided with meaningful access to the school enrollment process and all relevant documents in a language they can understand.

2 What kind of language-assistance program do schools need to provide to English learners?

Language-assistance programs should (a) be based on a theory that experts believe is sound, (b) be implemented using practices that are expected to work well, and (c) succeed in helping students build their English language proficiency and grade-level subject matter proficiency in a reasonable period of time.⁵

Examples of educationally sound programs include *English Language Development (ELD)* programs, which develop students' English proficiency in reading, writing, speaking, and listening, *Specially Designed Academic Instruction in English (SDAIE)*, an instructional approach that uses strategies—which may include use of visual tools and simpler sentence structure and word choice—to ensure that content area is understandable to English learners⁶ and *dual-language programs*, which are bilingual programs that develop students' proficiency in two languages: English and a second language, such as Spanish or Mandarin.



3 How should language-assistance services be staffed?

To ensure that language-assistance programs are implemented well, schools should have:

- An adequate number of fully qualified and trained teachers
- Trained administrators to provide support and guidance to teachers
- Adequate and appropriate resources

4 Do English learners have a right to participate in grade-level programming and extracurricular activities?

Yes, they do. School districts need to ensure that English learners have equal access to all school and district programs and activities. These include not only access to the core curriculum, but to gifted and talented, advanced placement, magnet, counseling, International Baccalaureate, extracurricular, performing and visual arts, career and technical education, and athletics programs, among others. Schools also need to make sure that any evaluation and testing procedures in place for a given program, such as gifted and talented programs, do not exclude English learners because they have not yet attained proficiency in English.

5 Do parents/guardians have a right to opt their English learner students out of language-assistance services? If so, what responsibilities do schools have toward students whose parents have opted them out of language-assistance services?

Yes, parents/guardians may opt their students out of language-assistance programs or aspects of a language-assistance program if they so choose. However, they cannot be pressured into doing so. Parents' and guardians' decision to opt students out of language-assistance services should be voluntary.

Even if parents/guardians opt their English learner students out of language-assistance services, these students are still English learner students and school districts still have responsibilities toward them, which include:

- Providing English learners with access to educational programs
- Monitoring the progress of English learners
- Notifying parents/guardians if students' English language skills are not progressing or they are struggling with their coursework due to their level of English proficiency
- Advising parents/guardians of the option to enroll their student in a language-assistance program or certain services for English learners



- Annually assessing students to measure their progress, as English learners whose parents/guardians have opted them out of services are not exempt from being assessed
- Monitoring students whose parents/guardians have opted out for four years once they have reclassified, as is the case with other English learners who have reclassified.

6 What does reclassification mean? What are students reclassifying from and to?

Reclassification, which is covered later in this guide, is the process by which English learners demonstrate competency in their English reading, writing, listening, and speaking skills, in part by earning a score of “4” on a test called the English Learner Proficiency Assessment of California, or ELPAC. Once the determination is made that the student has demonstrated competency in their English language skills, the student’s status is changed from an English learner to a Reclassified Fluent English Proficient student, or RFEP.

7 What responsibilities do schools have to monitor English learners once they reclassify?

State and federal laws require school districts to monitor reclassified students (otherwise known as Reclassified Fluent English Proficient students, or RFEPs) for a period of four years. CDE released [this guidance in 2019](#)⁷ that reminds school districts of their responsibility to continue to monitor RFEPs to ensure that:

- Students are not exited from language-assistance services before they are ready
- Any academic deficits are resolved
- Students are meaningfully participating in their school’s instructional programs in a comparable way to their Initial Fluent English Proficient, or IFEP, classmates

8 Who are Long-Term English Learners and what responsibilities do districts have toward them?

Long-term English Learners, otherwise known as LTELs (“EL-TELLS”), are English learners in grades 6-12 who have been enrolled in a school in the United States for six or more years and have not yet been reclassified as English-proficient students. Districts have a responsibility to:

- Provide LTELs with access to educational programs
- Assess their progress in acquiring English language skills toward



the goal of reclassifying as RFEPs

- Recommend interventions and modify language-assistance services in place, as necessary, if students aren't making adequate progress toward reclassification
- Assess the effectiveness of these interventions and modify, as necessary
- Notify parents/guardians if students' English language skills are not progressing adequately

In 2021, [Californians Together](#) released a report entitled “[Renewing our Promise](#)”. This report offers a thoughtful and comprehensive consideration of LTELs. In particular, the report reminds readers that LTELs may have unique difficulties, including:

- Lower literacy in their home language
- Stronger listening and speaking skills than academic reading and writing skills
- Lack of awareness of being English learners
- Lack of attention from staff due in part to few disciplinary challenges, such that their academic difficulties may go unnoticed⁸

The report highlights several strategies to support LTELs, including:

- Assessing their literacy in their home language
- Building relationships with students to help build their self-esteem and self-confidence in their ability to be successful in school
- More professional development for teachers specifically designed to support LTEL students
- Culturally responsive curriculum that builds connections with students and motivates them⁹

9 Who are newcomer students and what responsibilities do districts have toward them?

The [California Department of Education](#) defines [newcomer students](#)¹⁰ as students born outside of the United States and recently arrived in the United States.

Districts' responsibilities toward newcomer students are the same as their responsibilities toward all English learners. Districts are required to:

- Provide newcomer students with language-assistance services designed to build their proficiency in English and give them the tools they need to reclassify
- Modify those services and provide additional interventions, as needed, and



Also, districts may not exclude students from enrolling and participating in school due to their immigration status or that of their parents/guardians. All students are welcome and have an equal opportunity to enroll and participate in public school in the United States.

- › Notify parents/guardians if students are not making adequate progress in learning English and progressing academically

However, while districts have the same fundamental responsibilities toward newcomer students as they do all English learners, it is important to recognize the unique circumstances that newcomer students may face. These may include:

- › A lack of familiarity with the US school system
- › A need for support in securing stable housing, food, health care, and legal assistance
- › Trauma, distress, or disorientation due to displacement and a need for mental health and/or social-emotional support services
- › Lack of familiarity with the Roman alphabet

Also, districts may not exclude students from enrolling and participating in school due to their immigration status or that of their parents/guardians. [All students are welcome and have an equal opportunity to enroll and participate in public school in the United States.](#)¹¹

Please consult the following resources for further information:

- › Three resources by the Migration Policy Institute:
 - › [Growing Language Skills with Immigrant and Refugee Families](#), which offers recommendations as to how to support newcomer students and families, and examples of programs that have done so with success
 - › [Cultural Competency Secrets to Success with Immigrant and Refugee Families](#), which offers case studies and best practices for supporting newly arrived students and families
 - › [The Impacts on English Learners of Key State High School Policies and Graduation Requirements](#), which discusses the different type of English learners and provides information on newcomer placement and programming
- › Three resources from the US Department of Justice and/or the US Department of Education:
 - › [Confronting Discrimination Based on National Origin and Immigration Status fact sheet](#) for families and educators
 - › [Question & Answer resource](#) on the rights of all children to enroll in school to support states and school districts in meeting their legal obligations to students with undocumented status
 - › [Fact Sheet](#) with information about school-enrollment rights for all students and information about documents that schools may, and may not, require



10

- › [Newcomer Toolkit](#), which offers classroom tools to support newcomer students

Where can I go for further information?

Please consult the following resources for further information:

- › [CDE Identification and Parent Notification Requirements](#)
- › [CDE Reclassification Resources](#)
- › [CDE 2019 Guidance to Districts about Monitoring Reclassified Students](#)
- › [CDE Facts about English Learners in California](#)
- › [CDE 2020-21 At-Risk and LTEL Students by Grade: Statewide Report](#)
- › [Department of Justice and Department of Education: Confronting Discrimination Based on National Origin and Immigration Status fact sheet](#)
- › [Department of Justice and Department of Education: Question & Answer resource on school-enrollment rights](#)
- › [Department of Justice and Department of Education: School-Enrollment Fact Sheet](#)
- › [Migration Policy Institute Policy Brief: Growing Language Skills with Immigrant and Refugee Families](#)
- › [Migration Policy Institute Fact Sheet: Cultural Competency Secrets to Success with Immigrant and Refugee Families](#)
- › [Migration Policy Institute Report: The Impacts on English Learners of Key State High School Policies and Graduation Requirements](#)



2

GUIDANCE TO SUPPORT STUDENTS ELIGIBLE FOR BOTH LANGUAGE-ASSISTANCE AND SPECIAL-EDUCATION SERVICES (OTHERWISE KNOWN AS “DUAL-IDENTIFIED STUDENTS”)

This section provides tools, definitions, and strategies to support those who are advocating for students who are, or could be, dual-identified.

What does dual-identified mean? This term refers to students who are both:

- Multilingual learner students—also known as English learners—who qualify for language-assistance services AND
- Students with disabilities who are eligible for disability-related services under a Section 504 plan or an Individualized Education Program (IEP).



FREQUENTLY ASKED QUESTIONS¹²

I Could you help me understand the timeframes for requesting meetings and evaluations under **Section 504** and the **Individuals with Disabilities Education Act (IDEA)**?

Requests for Assistance and Required Timeframes

	What is the required time frame for schools to respond?	Parent/Guardian Responsibilities
Parent/guardian request for an IEP meeting	Schools have 30 days to respond. ¹³	Contact a member of the IEP team to request an IEP meeting.
Parent/guardian request for a Section 504 meeting	Schools must respond within a reasonable time frame (the law does not specify the number of days).	Contact a member of the Section 504 team to request a Section 504 meeting.
Parent/guardian request for an evaluation to assess student eligibility for an IEP	Schools have 15 days to respond and provide an assessment plan to the parent/guardian. ¹⁴	Contact a school administrator to request an evaluation for your student. Parents/guardians have at least 15 days to respond to the assessment plan provided by the district. ¹⁵
Parent/guardian request for an evaluation to assess student eligibility for a Section 504 plan	Section 504 does not provide a timeline for schools to respond to parent requests from an evaluation. However, students who need or are believed to need special education or related services because of a disability should be evaluated in a timely manner. ¹⁶	Parents/guardians may reach out to a school/district administrator to request an evaluation to assess student eligibility for a Section 504 plan.



<p>School responsibility to complete a psychoeducational assessment or evaluation</p>	<p>For evaluations to determine IEP eligibility: Upon receipt of a signed assessment plan from the student’s parent/guardian, districts have 60 days (excluding school vacations that are longer than five days, and days on which school is not in session) to complete the assessment and convene an IEP meeting to determine student eligibility for an IEP and develop an IEP if so.¹⁷</p> <p>For evaluations to determine Section 504 eligibility: Section 504 evaluations need to be done in a timely manner.¹⁸</p>	<p>Parents/guardians may contact school or district administrators to request an update on how the evaluation is progressing.</p>
<p>Parent/guardian request for an independent educational evaluation</p>	<p>The requirement is that districts respond to such requests “without unnecessary delay.”¹⁹</p>	<p>If parents/guardians disagree with the outcome of the assessment done by the district, they have the right to request an independent evaluation, which is an evaluation paid for by the district and done by a qualified person who does not work for the district.²⁰ Districts either need to pay for the independent evaluation (“fund”) or file for due process if they believe that the district assessment was appropriate (“file”).²¹</p>



2 What is “child find”?

Child find is California school districts’ duty to identify, locate, and assess all students who need special education and related services.

3 What responsibilities do school districts have toward English learner/multilingual learner students who may also be qualified students with disabilities?

School districts have two big responsibilities:

- To carry out their “child find” duty—in other words, the duty to identify, locate and assess all students with disabilities—for ALL students with disabilities, including those who are English learners or multilingual learners.
- To provide all students with appropriate services—both language-assistance services and disability-related services—in a Section 504 plan or an IEP.

4 I have an English learner student. I’m not sure if they have a disability. What should I do?

Hopefully, your school district is exercising its **child find** responsibilities (discussed above) to identify, locate and assess all students with disabilities. In the meantime, you can take proactive steps yourself. Here’s what you can do:

Your school district should contact you promptly—within 15 days for an IEP evaluation and within a reasonable time frame for a Section 504 evaluation—to obtain your consent to initiate an evaluation of your student.

STEP 1 Speak to the teacher or the principal and let them know that you think your student may have a disability and qualify for services under a Section 504 plan or an IEP.

STEP 2 Ask for an evaluation in all areas of suspected disability.

STEP 3 If you have access to email, send an email to your teacher or principal with a brief summary of what you discussed, including your request for an evaluation for your student. [Please see this sample letter](#)²² from Disability Rights California for guidance.

STEP 4 Request that the evaluation be conducted in the language your child speaks at home if that is the language in which your child is most comfortable.

STEP 5 Request oral interpretation for yourself, if needed, in the language in which you are most comfortable so you can meaningfully participate at the meeting. Make sure to specify the language in which you need interpretation, including whether you speak a dialect.



STEP 6 Request written translation of any documents to be reviewed or discussed at the meeting, such as a copy of the evaluation.

Your school district should contact you promptly—within 15 days for an IEP evaluation and within a reasonable time frame for a Section 504 evaluation—to obtain your consent to initiate an evaluation of your student.

5 **Help! I have an EL student. I let their teacher know that they may have a disability and might need services. It's been a month and I haven't heard anything about an evaluation. The principal said that the school needs to hold a Student Study Team meeting first before evaluating my student. What should I do?**

While Student Study Team, also known as Student Success Team, or SST, meetings can be helpful, it is not necessary to hold one before conducting an evaluation for a student. Here's what you can do from here:

STEP 1 Call the district office or visit the district's website to find the contact information for the Director of Special Education, Special Education Coordinator, or another staff member in the Department of Special Education.

STEP 2 Send an e-mail to a staff member in the Department of Special Education and copy your student's teacher on the e-mail, with the following information:

- A request for an evaluation for your student to assess their eligibility for services under an IEP or Section 504 plan
- A request for a response within three business days

STEP 3 If you don't receive a response within three business days, "reply-all" to your e-mail to request an evaluation once again and remind the district that they have fifteen days to respond to your request.

6 **My child is an EL student and I think she has a disability. When I e-mailed the principal to request an evaluation to determine my daughter's eligibility for a Section 504 plan or an IEP, the principal refused. He told me that since she is already receiving language-assistance services as an EL student, she isn't eligible for disability-related services. I'm really concerned about his response. What should I do?**

You are correct to be concerned. School districts must provide EL students with both the language assistance and disability-related services to which they are entitled by law. They cannot choose to provide one or the other.



Here's what you can do:

STEP 1 Schedule a meeting with your principal and request interpretation if you need it.

STEP 2 Explain to your principal that by law, school districts cannot choose to provide either language-assistance or disability-related services for students who are eligible for both. They are required to provide both sets of services for eligible students.

STEP 3 Direct your principal to pages 24-25 of [this Dear Colleague Letter](#)²³ from the US Department of Education's Office for Civil Rights and the US Department of Justice's Civil Rights Division, which explains the legal requirements.

STEP 4 Request an evaluation for your student to assess her eligibility for services under Section 504 or IDEA.

STEP 5 After your meeting, send an e-mail to the principal to summarize what you discussed, and copy a staff member in the district's Department of Special Education, such as the Director of Special Education, on your e-mail. Be sure to include your request for an evaluation in your e-mail.

STEP 6 If you don't receive a response from either the principal or the Department of Special Education within three business days, send another e-mail to follow up on your previous one. In your second e-mail, repeat your request for an evaluation and remind the district that they have fifteen days to respond to your request for an evaluation.

Please consult [this sample e-mail from Disability Rights California on how to request an evaluation](#).²⁴

7

I'm having trouble getting through to my district. I've requested an evaluation for my daughter three times. Now it's been three months and I still haven't received an assessment plan. What can I do?

Here are a few options to consider. You can try any of them in any order.

OPTION 1

You may contact an advocacy organization for support, resources, or representation. Examples of such organizations include:

- [Disability Rights California](#)
- [Support for Families](#)
- [Parents Helping Parents](#)
- [Legal Services for Children](#)



OPTION 2

You may send an e-mail to the district superintendent and include the following:

- You believe that your daughter may need an evaluation to determine whether she is eligible for services under a Section 504 plan or an IEP.
- You have contacted the district three times in the past three months to request an evaluation but have not yet received an assessment plan.
- According to California Education Code Section 56321(a), you should have received an assessment plan within fifteen days of your request.²⁵
- You look forward to receiving the assessment plan in fifteen days' time.
- A thank you to the Superintendent for their prompt attention to your email.

OPTION 3

You may contact the Office for Civil Rights' (OCR) Customer Service Line at (415) 486-5555 for referrals, resources, and information about how to file an OCR complaint of discrimination based on disability.

OPTION 4

You may file a special education compliance complaint with the California Department of Education. [Here is a sample email from Disability Rights California on filing special education compliance complaints](#),²⁶ which you can adapt to meet your needs.

8 **My son is an English learner and is receiving language assistance services. We lived in Puerto Rico before coming to California. My son received instruction in Spanish in school in Puerto Rico and speaks Spanish with his dad and English with me. Generally, he's more comfortable speaking Spanish. I called my son's teacher and asked for my student to be evaluated to see if he needs a Section 504 plan or an IEP. Should the evaluation be conducted in Spanish?**

Yes. When school districts administer written or oral evaluations to determine whether an EL student has a disability and qualifies for services under Section 504 or IDEA, they need to make sure that such evaluations are conducted in the appropriate language to ensure that



students are not misclassified. Also, as a best practice, school districts should gather information about students' previous educational background to better understand students' schooling history, as well as any language support they may have been provided. So, the fact that your son received instruction in Spanish in the past is relevant and important information for his new school to have.

9 **My child is a multilingual learner and has a Section 504 plan. She has come home crying several times over the past month, is often not hungry and has trouble sleeping. Yesterday, she told me that she has been bullied every day for the past month. What should I do?**²⁷

Fortunately, your student has a lot of rights and protections. Schools are required to provide students with disabilities with equal educational opportunities. This includes ensuring that they are provided with a Free Appropriate Public Education, or FAPE (in other words, services designed to meet their unique educational needs just as the needs of students without disabilities are met).

When a student with a disability is bullied or harassed for **any reason**—such as their race, national origin, gender, skin color or disability, for example—such bullying or harassment could result in a denial of FAPE.

If a school learns that a student with a disability has been bullied or harassed, the school should convene a Section 504 or IEP meeting to assess whether, because of the bullying, the student's IEP or Section 504 plan may no longer be providing a meaningful educational benefit to the student. What that means is that the student's needs may have changed due to the bullying such that different or additional services are needed to ensure that the student is still receiving a FAPE. The school's responsibility to provide the student with a FAPE does not change even if a student is being bullied or harassed.

Here's what you can do:

STEP 1 If you believe that your student has been bullied or harassed based on their English learner status, disability, or any other basis, request a Section 504 meeting as soon as possible.

STEP 2 At the meeting, describe exactly what the student has experienced and how long it has been going on.



STEP 3 Describe the effects of the bullying or harassment on the student, both in school and out of school. For example, has the student's academic performance in school or behavior in or out of school changed since the bullying started? Is the student having trouble sleeping, eating, or concentrating? Do they seem anxious about going to school and participating in school activities? It might be difficult to talk about but it's important to share exactly how your student is doing so the team can make any changes needed to the services currently in place.

STEP 4 Ask the Section 504 team to review the services in place for the student to determine if they are still appropriate or if different or additional services—such as counseling—might be needed to ensure that the student is still receiving a FAPE.

STEP 5 Follow up in writing with the Section 504 coordinator or principal after the meeting to summarize the next steps that the Section 504 team agreed to.

STEP 6 Continue to monitor your student to see how they are doing and maintain contact with your student's teacher about the effects of the bullying or harassment on the student, both in and out of the classroom.

10 My child is an English learner and has an IEP. They are having difficulties in school and their English is not progressing very much. What should I do?

Here are some steps to consider:

STEP 1 Request an IEP meeting

- Contact your district's Director of Special Education or Special Education Coordinator and request an IEP meeting to discuss the services in place for your student. Request a response within three business days. Note: it may take a little while to set a meeting date, but the meeting should be convened within thirty days.
- Please consult this sample email from Disability Rights California on how to request an IEP meeting.²⁸ This email can also be adapted to request a Section 504 meeting.
- If you need interpretation at the meeting, include a request for interpretation in your conversation or email. Specify the language in which you need interpretation, including whether you speak a dialect.



STEP 2 Attend the IEP meeting

- Consider coming to the meeting with a trusted friend or family member who can help you take notes.
- If you requested interpretation at the meeting and none is provided, or you are having difficulty understanding the interpreter, stop the meeting immediately and share your concern with the IEP team.
- Describe any academic, linguistic, social-emotional, behavioral, or other challenges your student may be having.
- Discuss whether the services in place in the student's IEP are meeting their needs.
- Ask questions about the language-assistance program in place for your student and whether the instruction your student is receiving is meeting their needs.
- Take careful note of the next agreed-upon steps at the end of the meeting.

STEP 3 Follow up after the meeting

- Send an email to the IEP team to thank them for the meeting.
- Include a summary of the next steps in your e-mail.
- Send a follow-up e-mail after three business days if you have not received a response.

11

What kind of training should members of Section 504 and IEP teams receive to support students who are both multilingual learners and students with disabilities?

School districts should prepare educators by offering them thoughtful and comprehensive training. The goal is to ensure that they have a solid understanding of how students acquire another language and can distinguish between students' language-based and disability-based needs.

Ask your district about the training they offer educators to assess students' progress and identify the needs of dual-identified students. Advocate that such training be included in district plans (such as the Local Control Accountability Plan and Educator Effectiveness Plans).

12

Could you share some sample emails that I can adapt when I contact my district?

Here are a few:

- [Disability Rights California Sample Email to Request an IEP meeting](#) (can be modified to request a Section 504 meeting)



- [Disability Rights California Sample Email to Request an Evaluation](#)
- [Disability Rights California Sample Email to Request an Independent Educational Evaluation](#)
- [Disability Rights California Request to File a Compliance Complaint with the California Department of Education](#)



3

HOW TO KEEP MULTILINGUAL LEARNERS SAFE IN SCHOOL AND FREE FROM DISCRIMINATION: BULLYING AND HARASSMENT PREVENTION

WHY BULLYING AND HARASSMENT ARE HARMFUL

All students have a right to feel safe in school and be free of discrimination of any kind.

Unfortunately, bullying and harassment are becoming increasingly prevalent in the United States. [Some statistics](#) show that in 2019, approximately 20% of students ages 12-18 reported being bullied.²⁹ [Students have reported that the bullying is most often](#) due to their race/ethnicity, gender, sexual orientation, disability, religion, or physical appearance.³⁰ [While some studies suggest that bullying and cyber-bullying rates may have decreased during the pandemic,](#)³¹ bullying and harassment prevention continues to be of paramount importance for school communities, especially [since the pandemic has adversely affected the mental health and emotional well-being of scores of students](#)³² across the country.

Bullying of any kind can be tremendously harmful to students and school communities and can prevent students from participating in and benefiting from their educational programs. Plus, bullying can also be discriminatory if students are mistreated based on an inherent

“All students have a right to feel safe in school and be free of discrimination of any kind.”



aspect of their identity, such as their race, national origin, skin color, ability, or gender. Such discriminatory bullying or harassment can violate students' civil rights in school.

Federal Laws

There are federal laws that prohibit discrimination based on students' identity, including:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin,
- Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which prohibit discrimination based on disability, and
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex or gender.
- All recipients of federal funding, including school districts across California, are required to comply with Title VI, Section 504, Title II, and Title IX to ensure that students are safe in school, free from discrimination, and fully able to access the educational opportunities available to them.

California Laws

As described in [this factsheet by the ACLU Southern California](#), California school districts are required to take several steps to prevent bullying, harassment, discrimination, and intimidation.³³ They are required to:

- Adopt an anti-bullying policy that prohibits bullying, harassment, discrimination, and intimidation and lists the bases upon which such conduct is prohibited (including race, gender, gender identity, gender expression, disability, national origin, and sexual orientation).³⁴
- Adopt an anti-bullying complaint process to describe their process for investigating complaints of bullying, harassment, discrimination, and intimidation, which includes an investigation timeline and an appeals process.³⁵
- Publish the anti-bullying policy and complaint process, including information for the public on how to file a complaint, and post the policy and complaint process.³⁶
- Publish resources of support for students who have experienced bullying, harassment, intimidation, or discrimination and update them each year.³⁷



FREQUENTLY ASKED QUESTIONS³⁸

1 Who might bully or harass students and why? What could harassment of English learners look like?

Students may be bullied or harassed by their classmates, a teacher or administrator or a third party, such as a visiting athletic coach.

English learners have historically been targeted for several reasons, including:

- Their race
- The color of their skin
- The language they speak at home or at school
- The food they eat
- Their country of origin or that of their family
- Their level of English proficiency and/or their status as an English learner or multilingual learner student
- Their accented English
- For wearing clothes reflective of their culture of origin
- For having an IEP or a Section 504 plan, and/or for identifying as a student with a disability and receiving pull-out or push-in services (e.g., from a resource specialist)

2 What could bullying or harassment look like?

- It can take many forms, including, but not limited to:
- Verbal abuse, such as name-calling
- Physical abuse, such as pushing, shoving, spitting, or hitting
- Threats, which could be oral, written, or delivered via social media
- Written or graphic statements, such as hostile drawings, comics, or cartoons
- Contempt or ridicule
- Obstruction of entry into programs (e.g., blocking the door to a drama club meeting and preventing a student from entering)

3

How might bullying or harassment affect students?

Harassment can interfere with or limit a student's ability to participate in school programs, activities, and services.

Harassment can interfere with or limit a student's ability to participate in school programs, activities, and services. Plus, it can create a hostile environment, not only for the student but for the school community at large.

Here's what the effects of bullying or harassment might look like for students:

- Increased absenteeism from school
- Withdrawal from activities that the student previously enjoyed
- Difficulty sleeping or eating
- Headaches, stomachaches, or other illnesses
- Anxiety
- Lower academic achievement, such as a drop in grades
- Depression
- Propensity for self-harm, including suicidal thoughts
- Lack of interest and involvement in school and disconnection from peers
- Feelings of guilt or shame
- Fear

4

What responsibilities do schools have to stop bullying and harassment?

If students are harassed for any number of reasons, including those above, and the school district fails to respond appropriately and effectively when they learn about or observe the harassment, the district could be out of compliance with Title VI. What that means is that the district's actions may not be in line with what the law requires.

Once a school knows— or should have known— of harassment between students, it must:

- Take immediate, appropriate, and responsive action to investigate or otherwise find out what happened
- Take prompt and effective steps, if the harassment occurred, to stop the harassment, eliminate any hostile environment that may have been created, and prevent the harassment from recurring.



5 How can school districts make things better for students who have experienced harassment?

There is no one-size-fits-all approach. School districts can consider the following steps:

- Providing counseling for both the target(s) of the harassment and those engaging in the harassment
- Providing an opportunity for the target(s) of the harassment to make up missed work or assignments
- Separating the target(s) of the harassment and the student(s) engaging in the harassment in a way that does not penalize the target(s) – e.g., not requiring the target(s) to switch classes or make changes to their schedule
- Offering restorative justice for all parties, as appropriate
- Taking disciplinary action for the student(s) engaging in the harassing, as appropriate (with the understanding that other non-disciplinary approaches, such as restorative conversations, may be particularly effective in preventing the harassment from recurring and remedying its effects)
- Following the steps required under California law, as described above, of adopting and publishing anti-bullying policies and complaint processes, as well as sharing resources to support students who have experienced bullying, harassment, discrimination, or intimidation

6 What steps can school districts take to restore a school community whose students have experienced harassment?

School districts can consider the following steps:

- Providing age-appropriate student instruction on what discriminatory harassment can look like, how it can affect students and school communities, how to report it, and how students can look out for each other and keep each other safe
- Facilitating restorative communications among students and staff with trained mediators, as appropriate
- Providing training for teachers and administrators on how to respond when they learn of or observe conduct that might constitute bullying or harassment
- Updating district policies and procedures regarding bullying and harassment
- Hiring staff to support students and promote safe and inclusive environments, such as counselors



- Revising school curricula to include more lessons and resources that are culturally sustaining and reflective of the cultural and linguistic diversity of the school community

7

What can I do if a student is bullied or harassed? What are my options?

Here is an example of such a situation:

I think my student was harassed based on her national origin. She is a multilingual learner and was called names because she doesn't speak English fluently yet. She was also made fun for the *arepas con queso y frijoles* that she brought to school. She came home and cried because she couldn't eat her lunch and said she didn't want to speak Spanish anymore. What should I do?

Don't worry. You have a few options to consider:

OPTION 1

DISCUSS YOUR CONCERNS WITH A SCHOOL/DISTRICT STAFF MEMBER OR ADMINISTRATOR

STEP 1 Request a meeting or call with your teacher, principal, or other school/district staff member. If you need interpretation to meaningfully participate in the meeting, be sure to request it.

STEP 2 Describe the bullying or harassment that your student experienced and be as specific as possible. If you can, mention:

- What happened
- When it happened
- Whether it affected other students besides your student
- How often it has happened and who was involved
- How the bullying or harassment has adversely affected your student
- The steps you would like the school to take right away, even before completing its investigation, so your student feels safe in school

STEP 3 If appropriate, request community mediation as an option for resolution.

STEP 4 Reach agreement on next steps, including any investigation planned.

- Send an e-mail after the meeting to summarize what you discussed and the agreed-upon next steps.
- If you don't feel that your concerns have been given sufficient attention, you have the option of proceeding directly to Option 2, Option 3, or Option 4.

“She came home and cried...said she didn't want to speak Spanish anymore. What should I do?”



OPTION 2

FILE A UNIFORM COMPLAINT PROCEDURE (UCP) COMPLAINT

- File a [Uniform Complaint Procedure](#) (UCP) with your school district within twelve months of when the bullying/harassment occurred. UCP complaints are available for situations where you believe there have been violations of state or federal laws in educational programs.³⁹ Bullying and harassment of students can indeed violate state and federal laws.
- Feel free to file your complaint in your home language.
- As above, share as many details as possible about what happened, why you believe it was discriminatory, how your student was affected, and what steps you have taken since the incident(s) occurred (including reporting what happened to a school staff member or administrator).
- District typically must complete UCP investigations within 60 calendar days of the date they received the complaint unless the person who filed the complaint (otherwise known as the complainant) agrees in writing to an extension.
- It is not necessary to have spoken to a school or district staff member about your concerns prior to filing a UCP.

OPTION 3

FILE A COMPLAINT WITH THE OFFICE FOR CIVIL RIGHTS (OCR) AT THE US DEPARTMENT OF EDUCATION

- OCR (the Office for Civil Rights at the US Department of Education) is a neutral government agency that enforces federal civil rights statutes that prohibit discrimination based on race, color, national origin, gender, disability, or age.
- Review [this brief overview](#)⁴⁰ of the Office for Civil Rights about how to file a complaint, as well as its [Q&A about its complaint process](#).⁴¹
- File an [online complaint form](#) or submit your complaint via e-mail to OCR.SanFrancisco@ed.gov.
- As above, share as many details as possible about what happened, why you believe it was discriminatory, how your student was affected, and what steps you have taken since the incident(s) occurred (including reporting what happened to a school staff member or administrator).

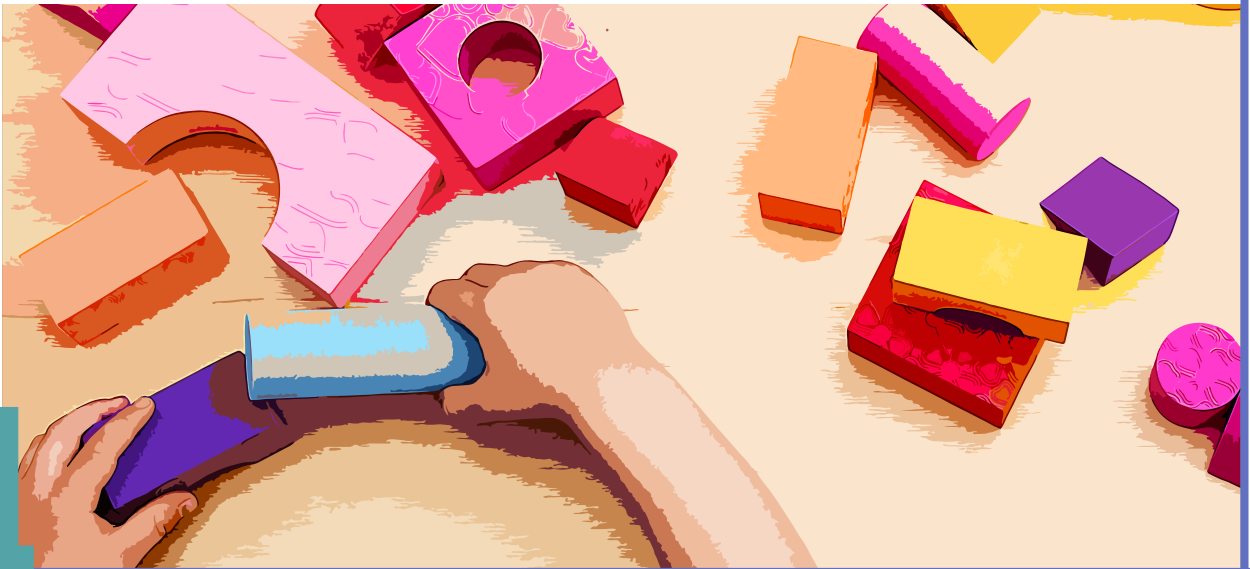


- You'll typically receive a letter in the mail within 30-to-45 days of the date on which you filed your complaint that tells you whether OCR opened your complaint for investigation.
- As above, it is not necessary to have spoken to a school or district staff member about your concerns prior to filing an OCR complaint.
- If you'd like to speak with an OCR staff member about your complaint prior to filing, you may call (415) 486-5555 and leave a message for a staff member to return your call.

OPTION 4

CONSULT AN ATTORNEY OR LEGAL SERVICES PROVIDER FOR GUIDANCE

- You may consult a legal services provider or an attorney at any time to discuss your concerns and questions, which may include whether to file a lawsuit or take other actions.
- An attorney can help you navigate the guidelines surrounding when and whether to file a lawsuit, as well as other actions you might consider taking.
- You do not need to have pursued Options 1, 2 or 3 before speaking with an attorney or legal services provider.



4

ALL PARENTS' RIGHT TO EQUAL PARTICIPATION IN STUDENTS' EDUCATION⁴²

All parents/guardians have a right to participate in and understand school and district programs, regardless of their home language or level of English proficiency.

All parents/guardians have a right to participate in and understand school and district programs, regardless of their home language or level of English proficiency.

WHAT DOES THE LAW REQUIRE?

Under California and federal law, all parents/guardians have an equal right to participate in their children's education.⁴³ What this means is that school districts are required to:

- (1) meaningfully communicate with all parents/guardians in a language they can understand, and
- (2) provide all parents/guardians—regardless of their home language—with the same access to information about school and district programs, services, and activities.

Access to notices in languages other than English

Under California law, if 15% or more of the students enrolled in a public school speak a single primary language other than English, school districts are required to:

Of note is school districts' responsibility to hire qualified bilingual staff to ensure that information and services are provided to the public in a language that they can understand

- Send all notices, reports, statements, or records to parents/guardians in that language as well as in English (and parents/guardians may respond in that language or in English), and
- Regularly monitor their compliance with these requirements and make sure that all necessary documents are translated and made available to parents/guardians, and that there are no gaps in translations.⁴⁴

The Dymally–Alatorre Bilingual Services Act

In 1973, the Dymally-Alatorre Bilingual Services Act became law in California. Its goal is to ensure that all people in California whose primary language is not English have equal access to public services. Of note is school districts' responsibility to hire qualified bilingual staff to ensure that information and services are provided to the public in a language that they can understand.⁴⁵



FREQUENTLY ASKED QUESTIONS

1 What kinds of school-related information should school districts ensure is understandable to all parents – in other words, either translated in writing into a language they can understand or orally interpreted into a language they can understand?

Here are some examples:

- › Registration and enrollment in school programs and activities
- › Report cards
- › Parent-teacher conferences
- › Special education and related services
- › Requests for parent/guardian permission for students to participate in school activities
- › Home-language surveys
- › Information about the reclassification process

2 How about district policies and procedures? Do districts have a responsibility to make sure they are understandable to parents, too?

Yes, absolutely. Examples of such policies and procedures include:

- › Student discipline policies/procedures
- › Language assistance programs
- › Grievance procedures and notices of nondiscrimination
- › Parent handbooks

3 Should districts make sure that any internal staff who provide oral interpretation and/or written translation are trained to do so?

Yes. In addition to ensuring that staff who provide oral interpretation and/or written translation have facility both in English and the target language, districts should ensure that they have received training in:

- › Any relevant specialized terms and concepts (e.g., if interpreting at a Section 504 meeting, interpreters should be well-versed in terminology related to special education)



- › The role of an oral interpreter and written translator
- › The ethics of interpreting and translating
- › The importance of maintaining confidentiality in all oral and written communications

4 If I need interpretation or translation to meaningfully participate in a school or district meeting, how should I request it?

STEP 1 Send an email (which can be in your home language) to your principal (if it's a school-based meeting, such as a parent-teacher conference) or a district administrator (if it's a district-based meeting, such as a District English Learner Advisory Committee, or DELAC, meeting) to request oral interpretation or written translation of any documents related to or slated to be reviewed at the meeting.

- › If possible, try to do so at least three business days before the meeting.
- › Make sure to specify (1) the language in which you need interpretation, (2) the date and time of the meeting at which you need interpretation and/or (3) any document(s) that need(s) to be translated.

STEP 2 If you don't receive a prompt response to your request, send another email.

STEP 3 If the school or district refuses to grant your request, appeal the decision by sending a letter to the district Superintendent, complaint resolution officer, or staff member in the Office of Equity. Attach your original correspondence to your letter.

STEP 4 If you continue to be denied interpretation or translation, contact the Office for Civil Rights at the US Department of Education by calling (415) 486-5555, filing an [online complaint](#), or submitting your complaint via email to OCR.SanFrancisco@ed.gov.

5 Should school districts have a process to identify which parents/guardians need support in languages other than English and what kind of support they need?

Yes. Districts must develop a process that helps them identify all parents/guardians who are not proficient in English and who may need oral or written communication or support from the district in a language other than English. This includes parents/guardians of students who are proficient in English. One way to determine which parents/guardians need oral or written language assistance is by sending a home language



survey that includes questions about any oral or written communication that parents/guardians may need in languages other than English.

Districts should translate home language surveys into the languages most commonly spoken at the school and in the community in which the school is situated. Districts should include a cover page on the home language survey that explains in multiple languages—including less commonly spoken languages—how to obtain oral interpretation of the content in the home language survey so that all parents/guardians can communicate their language-assistance needs to their school.

6 **I am a Hindi speaker and requested interpretation to participate in a parent/teacher conference. My principal refused my request and told me that my English was “good enough” and that my son “speaks English perfectly.” It is hard for me to understand everything my son’s teacher says without interpretation. What should I do?**

School districts should accept parents’/guardians’ requests for interpretation without calling into question their English language proficiency or need for interpretation. They should also remember that parents/guardians can require language-assistance services even if their children speak English proficiently.

Here are a few steps to consider:

STEP 1 Send an email to the principal with your request for interpretation and copy an administrator in the district office, such as an administrator in Family Supports and Services, the Office of Equity, or similar department, on your email, as well as your student’s teacher.

STEP 2 Follow up on your email within three business days if you have not received a response.

STEP 3 File a [Uniform Complaint Procedure](#) (UCP) with your school district or an [online complaint](#) with the Office for Civil Rights if your request is denied and describe the district’s denial of interpretation, the basis for the denial, the harm the denial has caused you, and the steps you have taken since.

7 **I am a Spanish speaker and requested an interpreter so I can participate in next month’s School Site Council meeting. My school said that they would provide interpretation but that I need to pay for it. Is that true? Do I have to pay for interpretation to participate in a School Site Council meeting?**

No, you don’t. As part of their Title VI and EEOA obligations, school districts are required to ensure meaningful communication with all



parents/guardians regardless of their home language or level of English proficiency to ensure that they are adequately notified about school district programs, services, and activities, of which School Site Council meetings would be one such activity. Therefore, the Spanish-speaking parent in this example would be entitled to Spanish-to-English interpretation at the School Site Council meeting at no cost as part of the school district's obligations to ensure meaningful communication with all parents/guardians.

Here are a few steps to consider:

STEP 1 Send an e-mail, which can be in your home language, to the school principal, and copy an administrator in the district office, such as an administrator in Family Supports and Services, the Office of Equity, or similar department.

STEP 2 Explain that you contacted your principal to request interpretation at an upcoming School Site Council meeting and your principal said that interpretation could be arranged but you would have to pay for it.

STEP 3 Explain that districts are required by law to ensure meaningful communication with all parents/guardians about their programs, services, and activities.

STEP 4 Repeat your request for interpretation at the School Site Council meeting that is paid for by the district.

STEP 5 Follow up on your email within three business days if you have not received a response.

STEP 6 File a [Uniform Complaint Procedure \(UCP\)](#) with your school district or an [online complaint](#) with the Office for Civil Rights if your request is denied and describe the district's denial of interpretation, the basis for the denial, the harm the denial has caused you, and the steps you have taken since.

8 **I'm a Vietnamese-speaking parent. I need interpretation at an upcoming parent-teacher conference. In the past, when I've had meetings with my daughter's teacher, the teacher has asked me to bring my daughter to serve as an interpreter. I don't think this is right. What should I do?**

You're correct. School districts should not rely on children to provide school-based interpretation for parents/guardians; nor should they rely on untrained or unqualified interpreters. School districts must ensure that language-assistance services are provided to parents/guardians by staff who are competent to provide such services and knowledgeable about any specialized terms and concepts. While bilingual staff



may be able to converse with parents/guardians in certain circumstances, they may not have the necessary training to interpret from one language to another. So, being bilingual does not in and of itself mean that a staff member will have the skills and knowledge necessary to interpret effectively.

9 I attended an ELAC meeting. At the meeting, the district provided a Spanish-to-English interpreter. I felt that the interpreter omitted a lot of the content in his interpretation and only provided general summaries of the discussion items. I did not come away with a full understanding of what happened at the meeting. What should I do?

Here are a few steps to consider:

STEP 1 After the meeting, communicate your concerns with ELAC members and with the school principal. If an interpreter fails to interpret large quantities of dialogue, parents/guardians will not have meaningful access to the information conveyed at the meeting in a language they can understand. Explain that because of the incomplete interpretation, you feel you did not understand all the items discussed at the meeting.

STEP 2 Request that the interpreter receive training on how to provide full and complete interpretation, without omitting key details.

STEP 3 If you have concerns about the accuracy as well as the completeness of the information conveyed, be sure to mention that.

STEP 4 Send an email after the meeting to summarize your discussion with ELAC members and the school principal, as well as the agreed-upon next steps.

STEP 5 If you don't receive a response within three business days, send another email.

STEP 6 If you still don't receive a response, consider filing a [Uniform Complaint Procedure \(UCP\)](#) with your school district or an [online complaint](#) with the Office for Civil Rights and describe the ineffective interpretation that you have received, the harm this ineffective interpretation has caused you, and the steps you have taken since.



10

I am a Yucatec speaker, and although I speak some Spanish, I am most comfortable in Yucatec. My daughter has an IEP and I requested English-to-Yucatec interpretation for the IEP meeting. The principal asked if I speak Spanish and I said I spoke some but not very well. She told me that it was too expensive to contract with a Yucatec-to-English interpreter and that all the school could provide was a Spanish-to-English interpreter. What can I do?

Here are a few steps to consider:

STEP 1 Send an email to the principal and copy an administrator in the Student, Family and Community Engagement Department, Office of Equity, or a similar department. Feel free to write in the language that is most comfortable for you.

STEP 2 Explain that you requested interpretation in English-to-Yucatec for an IEP meeting but were denied for cost-based reasons.

STEP 3 Explain districts' responsibility to provide all parents/guardians, like you, with effective and appropriate interpretation to ensure meaningful communication.

STEP 4 Reference pages 38-39 of this Dear Colleague Letter from the US Department of Education's Office for Civil Rights and the US Department of Justice's Civil Rights Division, which explains the legal requirements.⁴⁶

STEP 5 Repeat your request for an English-to-Yucatec interpreter and request a response within three business days.

STEP 6 If you don't receive a favorable response, consider filing a [Uniform Complaint Procedure \(UCP\)](#) with your school district or an [online complaint](#) with the Office for Civil Rights and describing the district's denial of interpretation, the basis for the denial, the harm the denial has caused you, and the steps you have taken since.

11

My student's school district does not send any notices home to parents/guardians in languages other than English. But I think it should because more than 15% of our student population speaks Vietnamese. What should I do?

To find out whether your school district is required to send notices home in languages other than English, you may do the following:



STEP 1 Click on this link from the California Department of Education.

STEP 2 Enter the name of your school district.

STEP 3 Click on “Language Group Data – Districtwide” to find out which languages are most widely spoken by the students in your district.

STEP 4 To understand schools’ requirements to send notices to parents/guardians in languages other than English, click on “Language Groups by School Determined to Meet 15 Percent and Above Translation Need.”

If your student’s school is among those schools that should be sending notices to parents/guardians in another language besides English but is not, you may

- Contact a school or district administrator to discuss,
- File a [Uniform Complaint Procedure \(UCP\)](#) with your school district and explain how your school is not abiding by the requirements of California Education Code Section 48985, or
- Contact an attorney or legal services provider to discuss your questions or concerns.

5

RECLASSIFICATION GUIDELINES FOR ENGLISH LEARNERS, THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS FOR CALIFORNIA (ELPAC), AND THE ALTERNATE ELPAC



When multilingual learner students enroll in schools across the state, educators have a tremendous opportunity to center and celebrate the skills, assets, and strengths that they bring to their classroom communities, peers, and teachers by:

- ▶ Guiding and providing students the resources, tools, and instruction they need to build their reading, writing, speaking, and listening skills in English
- ▶ Preparing students to earn strong scores on the ELPAC or Alternate ELPAC and meet the criteria for reclassification
- ▶ Supporting students during reclassification, which is when students have demonstrated English language proficiency and their designation is changed from English learner to Reclassified Fluent English Proficient student, or RFEP
- ▶ Monitoring RFEP students' progress for at least four years to make sure they can meaningfully participate in their educational program in a manner comparable to that of their English-only peers.⁴⁷ ("English-only" refers to those whose language background

upon enrollment in school did not include another language besides English.)

RECLASSIFICATION GUIDELINES

According to the [guidelines](#) outlined by the California Department of Education, reclassification is the process by which multilingual learners, or English learners, are designated as RFEP (Reclassified Fluent English Proficient) students after demonstrating competency in reading, writing, listening, and speaking skills in English that are comparable to those of an English-only speaker of the same age.⁴⁸

To reclassify, English learners need to meet all four of the following criteria:

- 1 Assessment of language proficiency:** This must be done using a reliable and objective assessment tool, such as the ELPAC (English Language Proficiency Assessments of California). Students need to earn a 4 on the summative ELPAC to be eligible for reclassification.
- 2 Teacher evaluation:** This is determined by each local school district but should include a review of how well the student has mastered the curriculum.
- 3 Parental opinion and consultation:** The guidelines for this process are developed at the local level.
- 4 Basic skills relative to English proficient students:** Here, the student's performance in basic skills is compared against that of English proficient students of the same age. The goal of the assessment is to determine whether the student's English language proficiency is such that they can effectively participate in a curriculum designed for students for whom English is their primary language. This process is also locally determined.⁴⁹

It can be tricky to navigate the reclassification process for multilingual learners. Here are some FAQs to help students, families, and community members navigate the process and terminology:



FREQUENTLY ASKED QUESTIONS ABOUT RECLASSIFICATION⁵⁰

1 What rights do parents/guardians have in students' reclassification process?

- Receive a phone call, letter, and/or meeting from their student's school regarding the reclassification process and their student's performance.
- Have an opportunity to meaningfully participate in the reclassification process and receive resources and information about the process and their student's performance in a language they can understand.

2 Do teachers have to contact parents to consult with them and seek their opinion prior to initiating the reclassification process for a student?

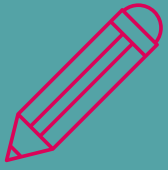
- No, they don't. The process that is used for parent consultation is determined at the local level. This may be a phone call, a letter, and/or a meeting, and does not need to take place prior to initiating a student's reclassification process.
- This process is not yet standardized at the state level, although the "Follow the reclassification rainbow" on the CDE reclassification webpage suggests that teachers connect with families after conducting the assessment and teacher evaluation. 51

3 Does reclassification have to take place at the end of the school year?

- No. Reclassification can take place at any time during the school year and should be done as soon as the student meets the four criteria.
- Getting a score of 4 or "Well developed" on the ELPAC may set in motion additional tests or processes to help the student reclassify within the school year.

4 Is English language proficiency uniform across the state?

Yes, it is. It is set at ELPAC level 4.



5 How do districts incorporate teacher and parent input?

Currently, districts have their own protocol for teacher input (grades are often a key consideration) and parent consultation. Going forward, however, the OPTEL – Observation Protocol for Teachers of English – will be implemented, likely in 2023.

6 What is the OPTEL and how can I learn more about it?⁵²

- The OPTEL is a teacher observation tool designed for teachers to:
 - › provide evidence for their reclassification decisions,
 - › evaluate students’ use of academic English, and
 - › assess language practices across different levels of English proficiency.
- [Here is a link](#) to an information session about the OPTEL presented by the California Department of Education in August 2021.⁵³
- If you’d like to reach someone at CDE to ask questions about OPTEL, you can write to: OPTEL@cde.ca.gov.



FREQUENTLY ASKED QUESTIONS ABOUT THE ELPAC⁵⁴

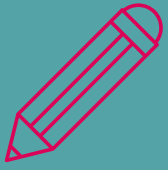
1 What is the ELPAC and why is it important?

The ELPAC is a test that multilingual learners in kindergarten through twelfth grade are required to take. It stands for “English Language Proficiency Assessments for California” and measures multilingual learners’ listening, speaking, reading, and writing skills. Once they earn a high score on the test, they are eligible to reclassify as English proficient.

2 What does the ELPAC consist of?

It consists of two tests:

- The first is called the Initial ELPAC. English language learners take it when they are first identified (e.g., when they enroll in school for the first time).
- The second is called the Summative ELPAC. Students take it toward the end of the year so teachers can measure the progress they have made and whether they are ready to reclassify (please see below).



3 When are the ELPAC testing windows?

The Initial ELPAC is administered year-round and should be administered within 30 days of an English learner’s enrollment in school.

The Summative ELPAC is administered between February 1 - May 31.

How does ELPAC scoring work and what do the scores mean?

4 Students are given an overall score, which is a four-digit number, along with a classification of 1, 2, 3 or 4 (1 is the lowest and 4 is the highest):

Here is what each of the numbers mean:

- 1 = Beginning to Develop
- 2 = Somewhat Developed
- 3 = Moderately Developed
- 4 = Well Developed

Students also receive scores for oral and written language. The oral language scores include listening and speaking, and the written language scores include reading and writing.

5 Could you show me a sample score report?

Yes. [Here is a sample summative score report for a student named Fort.](#)⁵⁵

In reviewing the sample score report, we learn the following:

- Fort is a sixth-grade student.
- Their overall score was 3 (moderately developed). Their four-digit number was 1550.
- Their oral-language score (listening and speaking) was 3 (moderately developed).
 - › Their subscores were “well developed” in listening and “somewhat/moderately-developed” in speaking.
- Their written-language score (reading and writing) was also a 3 (moderately developed).
 - › Their subscores were “well developed” in reading and “somewhat/moderately developed” in writing)

6 Where can I find out more?

- Check out CDE’s [ELPAC page](#).⁵⁶
 - › It includes [more information about the test](#)

- › A [Frequently Asked Questions](#) page
- › A [resource for parents in English and Spanish](#) called “Talking to parents about the ELPAC”



FREQUENTLY ASKED QUESTIONS ABOUT THE ALTERNATE ELPAC⁵⁷

1 What is the Alternate ELPAC and who is it for?

The Alternate ELPAC is for English learners with significant cognitive disabilities. It consists of two tests, just like the ELPAC. Let’s review them both:

- › The Initial Alternate ELPAC is administered to potential English learners with significant cognitive disabilities whose primary language is not English within thirty days of their enrollment in school. It is administered by an examiner who is familiar with the student’s needs.
- › The Summative Alternate ELPAC is administered between February and May to students who have significant cognitive disabilities and have been classified as English learners to assess their level of English proficiency. Just as is the case with the Initial ELPAC, it is administered by an examiner who is familiar with the student’s needs.

2 How is eligibility for the Alternate ELPAC determined?

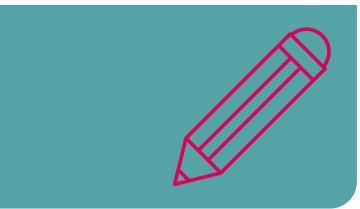
A student’s IEP team will determine whether the student is eligible to take the Alternate ELPAC. If you have questions about whether your student should take the ELPAC or the Alternate ELPAC, consult with your student’s IEP team and request a meeting, as necessary, to discuss.

3 What criteria do IEP teams use to determine whether students should take the Alternate ELPAC?

Please consult [this resource](#) from the California Department of Education for guidance.⁵⁸

In short, students should meet the following three criteria:

- a** Have significant cognitive disabilities.
- b** Have goals and instruction in their IEPs that are linked to grade-level California standards or 2012 English Language Development standards.



- C Need extensive individualized instruction and supports to make measurable progress in grade-level curriculum.

4 What factors or criteria should not drive IEP teams' decision about Alternate ELPAC eligibility?

Please consult [this resource](#) from the California Department of Education for guidance.⁵⁹

Factors that should not influence IEP teams' decision include, but are not limited to:

- Low or irregular attendance
- A student's English learner or multilingual learner status
- Reading level
- Primary language or cultural background
- Socioeconomic status
- Percentage of time spent in a special education setting
- Behavior challenges
- Need for accommodations to participate in assessments

5 What does the Alternate ELPAC measure?

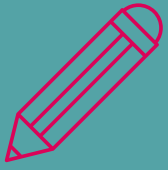
It assesses students' [receptive](#) skills (in other words, their reading and writing skills) as well as their [expressive](#) skills (in other words, their speaking and listening skills).

6 How are students allowed to respond to test questions and engage with the test?

Students may respond to any test question using the mode of communication that works best for them. These can be verbal or non-verbal (e.g., pointing, nodding) or make use of alternative communication devices.

7 What resources are students entitled to when they take the test?

Students may use the resources (both instructional and physical) listed in their current IEP. So, if an assistive listening device is listed as a resource in a student's IEP, they would also be entitled to that resource while taking the ELPAC.



8 How is the Alternate ELPAC scored?

Students' receptive (reading and writing) and expressive (listening and speaking) skills are measured. Examiners should be familiar with students' modes of communication to accurately track their participation. Students must be administered at least one expressive and one receptive item from anywhere in the assessment.

- If a student completes both an expressive and receptive item, the student will receive a score and be counted toward participation.
- If a student completes either an expressive or receptive item but not the other, the student will neither receive a score nor be counted toward participation.

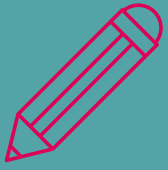
For additional information, please consult [this flier](#) from the California Department of Education.⁶⁰

9 What criteria should districts follow to determine when students who take the Summative Alternative ELPAC are ready to reclassify?

These are the four criteria that districts should follow:

- Assessment of English Language proficiency:** Summative Alternative ELPAC results must be used as the primary measure of English language proficiency. [According to the California Department of Education](#), students who score a Summative Alternative ELPAC Level 3 may be eligible for reclassification.⁶¹
- Teacher evaluation:** Districts must use the information that they have for a student that is based on the student's IEP goals for academic performance and English Language Development.⁶²
- Parent opinion and consultation:** Districts will contact parents/guardians to initiate discussion of the reclassification process and encourage their participation. Consultation opportunities should be provided in different ways – including, but not limited to, phone, in-person, or virtual meetings.⁶³
- Comparison of student performance in basic skills:** Districts are asked to compare students' performance in basic skills with their peers whose primary language is English to determine whether they have attained a level of English proficiency that enables them to participate effectively in the curriculum. For more information, please consult the [ELPAC Information Guide 2022-23](#), p. 53-56.⁶⁴

Please note that for dual-identified students, the IEP team should specify in the student's IEP an assessment of basic skills to meet the guidelines for reclassification.⁶⁵



10

Where can I find more information about the Alternative ELPAC?

Please review [ELPAC Information Guide 2022-23](#) – particularly pp. 21-31 and pp. 45-49.

Please review CDE’s [Alternate ELPAC page](#).⁶⁶ It includes:

- [Alternative Assessment IEP Team Guidance](#)
- [Alternate ELPAC Factsheet](#)
- [Alternate ELPAC Parent Guide](#)
- [Alternate ELPAC Participation and Scoring](#)
- [Alternate ELPAC Task Type Information Sheet](#)



6

ENGLISH LEARNER ROADMAP

Its vision is for English learners to meaningfully participate in their educational programs and for schools to fully affirm and welcome them into their communities.

The English Learner Roadmap (Roadmap) is state policy for school districts on [welcoming, understanding, and educating](#) English learner students throughout California. The California State Board of Education approved the English Learner Roadmap in 2017. Its vision is for English learners to meaningfully participate in their educational programs and for schools to fully affirm and welcome them into their communities.⁶⁷



FREQUENTLY ASKED QUESTIONS

1 How can students, families, and organizers use the English Learner Roadmap?

When students, families, and organizers engage in advocacy with district partners about the goals and services in a district’s Local Control Accountability Plan (LCAP)—which is a plan that districts create to show how they will spend the funding that they have received— they can reference the English Learner Roadmap to facilitate alignment between its principles and the LCAP’s goals and services.

For guidance on how to do that, please consult CDE’s Crosswalk to LCAP, which explains how the English Learner Roadmap’s principles align with LCAP priorities.⁶⁸ Please also consult this downloadable document for more information about the alignment between the LCAP and the English Learner Roadmap.⁶⁹

2 Is the English Learner Roadmap a law that schools have to follow?

No. [As stated in useful guidance from The Education Trust-West](#), the Roadmap is not a law.⁷⁰ Rather, the Roadmap is a guide for districts to ensure that they provide English learners with the tools and resources they need to thrive in school and be college-and-career ready. As discussed elsewhere in this resource guide, English learners and their families do have many legal rights with respect to instruction and meaningful participation.

3 What are the principles of the English Learner Roadmap?⁷¹

[There are four key principles:](#)

a Assets-oriented and Needs-responsive Schools

Schools affirm the cultural and linguistic strengths that students bring and respond to students’ varying needs and identities to create inclusive communities.

b Intellectual Quality of Instruction and Meaningful Access

English learners should have meaningful access to a standards-based curriculum and intellectually rich and developmentally appropriate learning environments that enable them to build and develop their English proficiency.



C System Conditions that Support Effectiveness

Each level of the school system has equipped its leaders and educators with the skills necessary to be responsive to the needs of English learners, build on their strengths, and increase the capacity of educators and staff who serve English learners.

d Alignment and Articulation Within and Across Systems

There is a clear and aligned set of practices across grade levels to develop and foster skills, language, literacy, and knowledge in English learners.

4 Why is the English Learner Roadmap helpful?

It articulates a consistent vision for districts, administrators, teachers, and educators to create inclusive and affirming communities for English learners and clarifies that a cohesive framework that unifies educational partners is essential to promoting English learners' success.

5 Where can I find more information?

- [CDE Frequently Asked Questions \(FAQ\) Document](#)
- [CDE “EL Roadmap at a Glance: Information Sheet”](#)
- [CDE’s English Learner Roadmap Crosswalk to LCAP](#)
- [EL Roadmap Resource Hub](#): This resource hub was created by the following organizations: Advancement Project, the California Association for Bilingual Education (CABE), Californians Together, Early Edge California, the Education Trust-West, the Loyola Marymount University Center for Equity for English Learners, Sobrato Early Academic Language (SEAL), and Sobrato Philanthropies. It includes resources for several distinct educational partners, including administrators, teacher educators, policymakers, and families.
- [CDE California EL Roadmap Presentation for Parents](#)
- [CDE EL Roadmap Teacher Presentation](#)
- [EL RISE](#), English Learner Roadmap Implementation for Systemic Excellence: this is a collaboration between Californians Together, Sobrato Early Academic Language (SEAL), Loyola Marymount University’s Center for Equity for English Learners (CEEL), National Resource for Asian Languages, other agencies and twenty county offices of education.
- [Educator Workforce Investment Grants for EL Roadmap implementation](#): The two grantees, Californians Together and the California Association for Bilingual Education (CABE), are available to provide resources, tools and training to administrators and educators.



7

THE STATE SEAL OF BILITERACY

Students who achieve the State Seal of Biliteracy by high school graduation receive a special seal on their high school transcript or diploma.

As noted on [its website](#), the State Seal of Biliteracy is, at heart, a celebration of bilingualism among students and a recognition of the importance of fostering biliteracy in schools across the country.⁷² Please consult the FAQ below for more information about the State Seal of Biliteracy.



FREQUENTLY ASKED QUESTIONS

1 **What is the State Seal of Biliteracy (SSB)?**

The State Seal of Biliteracy (SSB) is an award given by schools, districts, or county offices of education to recognize students who have studied and attained proficiency in two or more languages by the time they graduate from high school. Students who achieve the State Seal of Biliteracy by high school graduation receive a special seal on their high school transcript or diploma.

2 **Does California have an approved SSB?**

Yes! In fact, California was the first state in the nation to adopt the SSB. Legislation creating the SSB passed in 2011 and over 10,000 seniors earned the SSB in 2012. The number has increased tremendously in recent years; nearly 100,000 students across the country earned SSB in 2018.⁷³

3 **Who developed the SSB?**

Californians Together, a statewide advocacy coalition focused on improving educational opportunities and outcomes for multilingual learners, developed the SSB and engaged in advocacy all over the state in support of its adoption and implementation.

4 **How many states have an approved SSB?**

As of 2022, 49 states and the District of Columbia have adopted the SSB.

5 **Are multilingual learners the only students who can earn the SSB?**

No. The SSB is open to all eligible students: those who enrolled in school as English learners, those who were classified IFEPs (Initial Fluent English Proficient) upon enrollment, and English-only students who developed proficiency in another language after enrolling in school.

According to an infographic from Californians Together, 37% of students who earned the SSB in 2018 were classified as English-only students, which means that their language background upon enrollment in school did not include another language besides English.⁷⁴



6 Why is the SSB important?

The SSB is valuable for many reasons. Students who earn the SSB can:

- › Receive important validation of their skills, strengths, and second language proficiency by their schools or districts
- › Send an important signal to future admissions offices and employers about their language skills and proficiency in multiple languages
- › Feel honored about their achievement as well as a sense of pride in who they are and the skills they have mastered
- › Sustain their home cultures by maintaining relationships with their family members who speak languages other than English

7 If I want to become a bilingual teacher, does it help to have earned the SSB?

Yes! Having achieved proficiency in a language other than English is an enormous asset for candidates who are earning their teaching credential and completing the coursework requirements for a bilingual authorization add-on.

8 Where can I learn more about the SSB?

- › Here is the [Seal of Biliteracy's homepage](#).
- › Here is a [FAQ](#) about the Seal of Biliteracy.
- › [Here is a video](#) by Californians Together that explains and celebrates the seal of biliteracy.
- › [Here is an infographic](#) by Californians Together that shows the number of students who earned the seal of biliteracy in California in 2018 and 2019, as well as the number of participating districts across California.
- › [Here are resources from CDE](#) about the state seal of biliteracy, including an informational webinar, an informational PowerPoint in English, an informational PowerPoint in Spanish, and an FAQ for districts about state seal of biliteracy eligibility requirements.
- › There is also a Seal of Biliteracy Facebook page to access information from around the country on other state Seals of Biliteracy.



8

FAMILY AND COMMUNITY ENGAGEMENT IN DEVELOPING DISTRICT AND SCHOOL BUDGETS

To make changes at your school, it's important to have a say in how your district spends its money. Parents, students, and community organizers advocated for over ten years for more transparent and equitable funding and budgeting processes for K-12 education. This advocacy led to the creation of the Local Control Funding Formula (LCFF). LCFF is the formula that California uses to allocate funding to school districts. Under LCFF, districts receive more money to support English learners, foster youth, and low-income students. Local communities work together to determine how that money is spent. Every year, districts must collaborate with parents, students, staff, and community members to create a Local Control and Accountability Plan (LCAP) to explain how they will spend the funding that they have received. **This is an important opportunity for families and community members to impact school and district budgets.**

Districts must engage with parents, students, school and district staff, and other community members to develop and review their LCAP. They are required to:

- Share the LCAP with **district and school site committees**⁷⁵

All parents have a right to meaningfully participate in school and district meetings and be involved in school and district decision-making, regardless of their home language or level of English proficiency.

- Respond **in writing** to any comments on the LCAP from the District English Learner Advisory Council (DELAC) and the Parent Advisory Council (PAC)⁷⁶
- Have a process **for students to review and comment** on the development of the LCAP⁷⁷
- Notify community members of the opportunity to submit **written comments on the LCAP**⁷⁸
- Hold a **public hearing that is open to members of the community, make a draft LCAP available for review at least 72 hours in advance, and invite members of the public to offer comments**⁷⁹
- Adopt the LCAP at a separate public meeting on a **different day**⁸⁰

All parents have a right to meaningfully participate in school and district meetings and be involved in school and district decision-making, regardless of their home language or level of English proficiency. What this means is that districts are typically required to either provide written translation and/or oral interpretation to ensure that all parents can meaningfully participate in the decision-making process.

WHAT ARE DISTRICT AND SCHOOL SITE COMMITTEES?

Districts and school sites are required to have certain committees that give input on different funding decisions. The table below shows several important committees, and your district and school may have additional committees. If you are interested in joining any of these committees, ask a school or district staff member for more information.



NOTABLE SCHOOL AND DISTRICT COMMITTEES

	What is it and what does it do?	What are the composition requirements of the committee?
School Site Council (SSC)⁸¹	It is a school-based committee that makes decisions as to how best to spend state and federal funds to serve low-income students and English Learners. All California schools that receive state and federal program funds are required to have an SSC.	<p>At the elementary level: 5 school staff (including the principal, three classroom teachers and one additional staff person) and 5 community members, selected by parents/guardians and/or community members</p> <p>At the secondary level: 5 school staff (including the principal, three classroom teachers and one additional staff person) and 5 additional members, including community members, selected by community members and/or parents/guardians, and at least one student selected by students.</p>
English Learner Advisory Committee (ELAC)⁸²	It is a school-based committee that advises the SSC on programs and services for EL students and reviews and certifies the School Plan for Student Achievement (SPSA). Every California public school that has 21+ EL students must have an ELAC.	The percentage of parents/guardians of English learners must mirror that of English learners in the school.
District English Learner Advisory Committee (DELAC)⁸³	It is a district-based committee that advises the district on the needs of English learners, including LCAP goals and implementation. Every district that has 50+ EL students and 15%+ EL enrollment must have a DELAC.	51%+ of the members must be parents/guardians of ELs who are not employed by the district



Parent Advisory Committee (PAC)⁸⁴	It is a required district-based committee that advises the district on the development of the LCAP and provides comment on the plans.	Must include parents or legal guardians of students who are low-income, English learners, and/or foster youth.
Community Advisory Committee (CAC)⁸⁵	It is a committee composed of community members and designed to advise the school board and/or county office of education on priorities in the Special Education Local Plan Area (SELPA) and encourage community involvement in the development and review of the Local Plan. Every SELPA is required to have a CAC.	The majority of CAC members must be parents/guardians of students with disabilities.

WHERE CAN I LEARN MORE ABOUT THE LCAP AND LCFF?

- [One-Minute Video: Understanding LCFF \(English\)](#)
- [One-Minute Video: Understanding LCFF \(Spanish\)](#)
- [Public Advocates' and the ACLU's LCFF Toolkit](#)
- [Public Advocates' Guide on How to Read the LCAP to Track Equity](#)
- [Understanding the Local Control Funding Formula / ¿Se ha preguntado alguna vez qué es LCFF?](#)
- [How to Read the Budget Overview for Parents / Cómo Leer el Resumen Presupuestario LCFF para los Padres](#)
- [Timeline for LCFF Advocacy / Línea de tiempo regular para la abogacía del LCFF \[English\] \[Español\]](#)
- [More LCAP resources / Más recursos LCAP](#)
- [Our Right to Resources Toolkit](#)



9

ALL STUDENTS' RIGHT TO EDUCATIONAL RESOURCES: THE WILLIAMS LAWSUIT AND SETTLEMENT

Teachers are a critical ingredient in the recipe for student success and student achievement.

INTRODUCTION

Teachers are a critical ingredient in the recipe for student success and student achievement. Research shows that students who attend schools in districts with larger numbers of fully prepared teachers—in other words, teachers who have completed their teacher preparation programs and earned their full credentials—tend to do better academically.⁸⁶ In addition, the data has shown that Black and Latinx students benefit from having teachers with more experience.⁸⁷

THE WILLIAMS LAWSUIT AND SETTLEMENT

In 2000, Public Advocates, the American Civil Liberties Union (ACLU), the Morrison & Foerster law firm and other organizations filed a class-action lawsuit. The lawsuit alleged that the state of California and its educational agencies had violated the California Constitution by denying over one million children in the state of California their fundamental right to an education.

After four years of fierce litigation under Governor Gray Davis, the State accepted responsibility. The landmark *Williams* settlement was signed



in 2004 and established students' rights to the following basic building blocks of a quality education:

- 1 Well-prepared teachers, particularly for English learners
- 2 Instructional materials aligned to state standards to use in school and at home, including materials appropriate for English learners
- 3 Clean and safe school facilities

To enforce the new standards, the State designated over \$1 billion in funding, required reporting of any deficiencies on School Accountability Report Cards (SARCs), and established a new local complaint process. In addition, the *Williams* settlement required County Offices of Education (COEs) to conduct inspections of the State's lowest-performing schools every year to ensure deficiencies there are identified and corrected. Approximately 2,000 schools need to be inspected each year, and the list of schools is made every three years based on low-performing school criteria from federal law and teacher quality criteria.

“School Accountability Report Cards (SARCs) provide important information to the public about how schools are doing with respect to student achievement, environment, demographics, and resources.”

SCHOOL ACCOUNTABILITY REPORT CARD – WHAT IT IS AND HOW TO USE IT

School Accountability Report Cards (SARCs) provide important information to the public about how schools are doing with respect to student achievement, environment, demographics, and resources.⁸⁸ One of the key victories in the *Williams* settlement was the requirement that all schools report the following in the annual School Accountability Report Card (SARC):

- The overall condition of facilities
- The availability of textbooks and instructional materials
- The number of fully credentialed teachers, misassigned teachers and teacher vacancies

The public, including parents/guardians and community members, may access the SARC for the school they are interested in by following these steps:

- 1 Go to the public [School Accountability Report Card](#)
- 2 Enter in the name of the school you are interested in learning more about
- 3 Click on the name of the school. You'll then see the demographic information for the school, as well as button called “View Full SARC”



- 4 Click on the button and you'll be directed to the school's School Accountability Report Card for the most recent year
- 5 Look for Priority 1: Basic Conditions of Learning
- 6 There, you will find important information related to the *Williams* settlement, including teacher preparation and placement, availability of textbooks

NEW LAW TO IDENTIFY HIGHEST-NEED SCHOOLS

The last inspection list for *Williams* schools was established in 2014. After that, the testing program then used to establish the list was discontinued. The State really needed a new mechanism to identify the highest-need schools in the State. In 2021, Public Advocates co-sponsored a bill called AB 599, which was signed by the Governor in September. This bill implemented a new set of criteria to identify schools that need inspections, including those schools at which 15% or more of the teachers do not hold a full teaching credential (in other words, “under-prepared teachers”).⁸⁹ This new “*Williams* List” of highest-need schools will provide the basis for greater scrutiny and support.

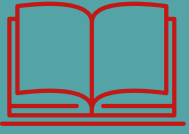
SCHOOL INSPECTIONS COULD LEAD TO GREATER SCHOOL SUPPORT GOING FORWARD

Now, when COEs do school inspections, the schools on their list will include those considered low performing under federal law and/or with significant proportions of under-prepared teachers. What we learned from the *Williams* case was that schools with disproportionately large numbers of under-prepared teachers are more likely to struggle with other basic building blocks of a quality education, such as instructional materials and safe and clean school facilities.⁹⁰ When county office inspections and teacher assignment reviews discover deficiencies, state law requires the County Superintendent to direct their correction and the State Superintendent, in the case of instructional materials, to purchase the materials at the district's expense.

ADDITIONAL RESOURCES

- Here is the CA Department of Education's [Williams](#) page, which links to other information regarding various aspects of the settlement.
- Here are the CA Department of Education [Williams COVID-19 FAQs](#), which includes a description of school districts' responsibility to provide adequate access to connectivity and devices so

“...schools with disproportionately large numbers of under-prepared teachers are more likely to struggle with other basic building blocks of a quality education”



students can participate in their educational program.

- Here is the [Williams Monitoring FAQ](#), which includes discussion of the criteria used to determine the 2021-22 list of *Williams* schools.
- Here is the 2021-22 [List of Williams schools](#).
- Here is the [Williams case website](#) maintained by the plaintiffs.
- Here is the link to access the [School Accountability Report Card](#) for a school or district you are interested in.
- Here is a [Parents' Guide to the School Accountability Report Card](#), prepared by the California Department of Education.
- Here is a list of [Frequently Asked Questions about the School Accountability Report Card](#).

10

TRAINING AND AUTHORIZATION FOR EDUCATORS OF ENGLISH LEARNERS



INTRODUCTION

The United States is home to more than five million English learners, also known as multilingual learners. California has more multilingual learners than any other state. [Recent data from the California Department of Education](#) show that in the 2020-21 school year, there were more than one million multilingual learners and one million former multilingual learners and current reclassified students in California.⁹¹ These students speak more than 75 languages and bring rich family and cultural traditions to California's schools. All teachers who have English learners in their classrooms—even just one—must receive training and authorization to provide the specialized instruction these students need both to build their reading, writing, listening, and speaking skills in English and access grade-level content on par with their peers who are not English learners.



FREQUENTLY ASKED QUESTIONS

1 I am interested in becoming an educator and teaching English learners, or multilingual learners. What preparation do I need to have?

You'll want to enroll in and complete one of the following three educator preparation programs:

- A credential program that has English learner pedagogy embedded in it, such as a multiple-subject, single-subject or education specialist credential program (please note that all multiple-subject and single-subject credentials earned as of July 2002, and all education-specialist credentials earned as of June 2006, included English learner pedagogy embedded in the credential program),⁹²
- A California Commission on Teacher Credentialing-approved (Commission) California Teacher of English Learners ([CTEL program](#))⁹³ (which is for teachers who earned their credential in another state or country and whose credential did not include an authorization to teach English learners), or
- A Commission-approved [Bilingual Authorization program](#).⁹⁴

2 What is the difference between integrated ELD and designated ELD? With my English learner authorization, can I provide both?

First, let's discuss the difference between Designated and Integrated English Language Development (ELD):

- [Designated ELD](#): The goal of this instruction, which takes place during a protected time during the school day and focuses specifically on state-adopted ELD standards, is for students to build their English-language skills and proficiency to learn academic content in English.⁹⁵
- [Integrated ELD](#): The goal of this instruction, which combines both state-adopted ELD standards and academic content standards, is for students to learn academic content while receiving English-language support.⁹⁶

Yes, if you have a full English learner authorization, you may provide both Designated and Integrated ELD. This authorization is called an ELA1 authorization (more information about this authorization may be found below).



3 What is an intern credential? Can teachers with intern credentials teach multilingual learners?

Intern credentials are provided to teachers who are enrolled in a preparation program in a university or school district to teach only in the district that is affiliated with their teacher preparation program. Teachers with intern credentials are legally allowed to teach multilingual learners in certain instructional settings before their credential expires (please see the table below) as long as they receive 45 hours of pre-service training and in-service supervision by a fully prepared teacher. Also, teachers with intern credentials need to complete their preparation program and earn their full credential to teach multilingual learners on a permanent basis.⁹⁷

4 What are the different types of instructional settings for English learners?

Setting #1 (Content-area lessons): Integrated English Language Development (ELD) refers to instruction that combines both state-adopted ELD standards and academic content standards. The goal is for students to learn academic content while receiving English-language support.

Specially Designed Academic Instruction in English (SDAIE): This is an instructional approach that is applicable to multiple settings and uses strategies to ensure that the content area is understandable to English learners.

Setting #2 (Protected time during the school day): Designated ELD refers to instruction that focuses specifically on state-adopted ELD standards. The goal is for students to build their English-language skills and proficiency to learn academic content in English.

Setting #3 (Bilingual setting): Instruction for primary language development and content are provided in the student's primary language. Examples of bilingual settings include dual-immersion classrooms (also known as two-way immersion classrooms), which provide language learning and content instruction in two languages, such as Spanish and English or English and Mandarin. The goal of such settings is to build students' language and academic-content proficiency in two languages and foster their understanding of multiple cultures.⁹⁸

5 What credentials or certificates do educators need to be authorized to provide instruction to English learners in different settings?

All teachers TK-12 with one or more EL students in their classroom are required to have a valid credential or certificate to teach English



learners. Sometimes, school districts hire teachers who do not have full authorization to teach the subjects and/or students they are teaching. This could be because they need to fill a vacancy but cannot find a fully prepared teacher to fill that vacancy. So, what districts might do is arrange for a temporary authorization to be issued to a teacher so that the teacher is legally permitted to teach a particular group of students in a particular setting for a clearly defined time frame.

FULL AND COMPLETE EDUCATOR AUTHORIZATIONS⁹⁹

We'll first look at the list of full and complete educator authorizations and then at the list of temporary authorizations to teach multilingual learners in different settings.

The gold standard is for teachers of multilingual learners to be fully authorized to teach multilingual learners in the appropriate instructional setting. Here is a summary of what constitutes a full and complete authorization for teachers to teach in different settings:

Specially Designed Academic Instruction in English (SDAIE)	ELA 1, ELAM, ELAS, or ELAE, CLAD Certification,
Integrated ELD	ELA 1, ELAM, ELAS, ELAE, CLAD Certification
Designated ELD	ELA 1, CLAD Certification
Bilingual Instruction	Bilingual Authorization, Bilingual Crosscultural Specialist Credential

Below are descriptions of full and complete English learner authorizations for each instructional setting.

SDAIE AND INTEGRATED ELD

a ELA1/CLAD Certificate: Full English Learner Authorization

- 1** Multiple Subject ELA1: A teacher with this authorization is fully authorized to teach integrated ELD and SDAIE in a multiple subject setting (typically in elementary school).
- 2** Single Subject ELA1: A teacher with this authorization is fully authorized to teach integrated ELD and SDAIE in single-subject settings (typically in middle and high school).
- 3** Education Specialist ELA1: A teacher with this authorization is fully authorized to teach integrated ELD and SDAIE in special education settings.
- 4** CLAD Certification: A teacher with this authorization was issued their credential prior to 2008 and is fully authorized to teach integrated ELD and SDAIE.



- b ELAM:** A teacher with this authorization can teach integrated ELD and SDAIE in a multiple-subject setting (typically in an elementary school).
- c ELAS:** A teacher with this authorization can teach integrated ELD and SDAIE in a single-subject setting (typically in a middle school or high school).
- d ELAE:** A teacher with this authorization can teach integrated ELD and SDAIE in a Special Education Setting.
- e Bilingual Authorization:** A teacher with this authorization can teach integrated ELD and SDAIE.
- f Bilingual Crosscultural Specialist Credential:** A teacher with this authorization can teach integrated ELD.

DESIGNATED ELD

- a ELA1/CLAD Certificate:** Full English Learner Authorization
 - 2** Multiple Subject ELA1: A teacher with this authorization is fully authorized to teach designated ELD in multiple subject settings, typically in elementary school.
 - 1** Single Subject ELA1: A teacher with this authorization is fully authorized to teach designated ELD in single subject settings, typically in middle and high school.
 - 2** Education Specialist ELA1: A teacher with this authorization is fully authorized to teach designated ELD in special education settings.
 - 3** CLAD Certification: A teacher with this authorization was issued their credential prior to 2008 and is fully authorized to teach designated ELD in the settings authorized by the credential.
- b Bilingual Authorization:** A teacher with this authorization can teach designated ELD.
- c Bilingual Crosscultural Specialist Credential:** A teacher with this authorization can teach designated ELD.

BILINGUAL INSTRUCTION

- a Bilingual Authorization:** A teacher with this authorization can provide instruction to English learners for primary language development and content instruction delivered in the students' primary language.
- b Bilingual Crosscultural Specialist Credential:** A teacher with this authorization can provide instruction to English learners for primary language development and content instruction delivered in the students' primary language.



TEMPORARY AUTHORIZATIONS THAT ARE LEGAL BUT WILL EXPIRE

Here is a summary of authorizations that are legal but incomplete for each setting. If educators have one of these authorizations, their authorization to teach in each setting is temporary. Once it expires, they will need to earn a full authorization to continue teaching.

Specially Designed Academic Instruction in English (SDAIE)	Emergency CLAD Permit, Emergency Bilingual Authorization Permit, District/University Intern Credential with a Bilingual Authorization, District/University Intern Credential with ELAS, ELAM or ELAE codes, Provisional Internship Permit/Short-Term Staff Permit with revised English Learner Authorization, Provisional Internship Permit/Short-Term Staff Permit with Bilingual
Integrated ELD	Emergency CLAD Permit, Emergency Bilingual Authorization Permit, District/University Intern Credential with a Bilingual Authorization, District/University Intern Credential with ELAS, ELAM or ELAE codes, Provisional Internship Permit/Short-Term Staff Permit with revised English Learner Authorization, Provisional Internship Permit/Short-Term Staff Permit with Bilingual
Designated ELD	Emergency CLAD permit, Emergency Bilingual Authorization Permit, District/University Intern Credential with a Bilingual Authorization
Bilingual Instruction	Emergency Bilingual Authorization Permit, District/University Intern Credential with a Bilingual Authorization, Provisional Internship Permit/Short-Term Staff Permit with Bilingual

6 My child is in a bilingual program. What authorization do teachers need to have to legally teach students in a bilingual program?

To legally teach in a bilingual setting, teachers need to have one of the following authorizations:

Full Authorization: Bilingual Authorization, Bilingual Crosscultural Specialist Credential, BCLAD Certificate (which is no longer issued but valid for those who hold it)

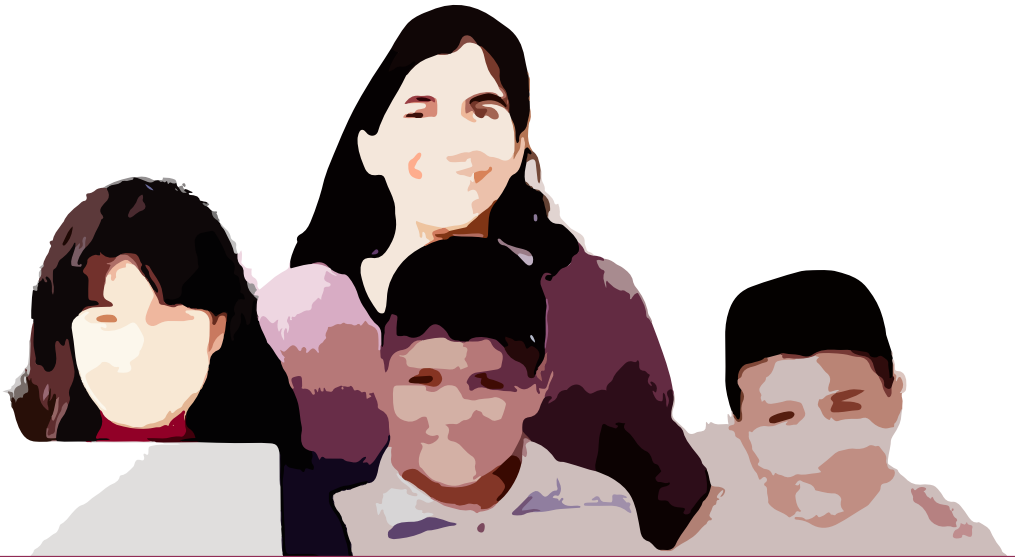


Legal-but-temporary Authorization: Emergency Bilingual Authorization Permit, District/University Intern Credential with a Bilingual Authorization, Provisional Internship Permit/Short-Term Staff Permit with Bilingual

7

Question #7: Where can I go for additional information about the authorization that educators need to have to teach English learners?

Please consult this resource prepared by the California Commission on Teacher Credentialing for more comprehensive guidance on the training and authorization that educators need to teach English learners.



WILLIAMS COMPLAINT PROCESS

An important part of the *Williams* settlement was a complaint process that parents, students, advocates, and community groups could use at the local level to report concerns about teacher preparation and training, instructional materials, such as textbooks, or school facilities.

What do I do if I have concerns about my school facility, school's instructional materials, or the preparation or training of my student's teacher?¹⁰⁰

You can (1) schedule a meeting to discuss your concerns and seek resolution or (2) file a Williams complaint.

OPTION 1

SCHEDULE A MEETING WITH SCHOOL OR DISTRICT ADMINISTRATOR

STEP 1 Schedule a meeting with an administrator at your school or in the district office.

If you need interpretation to meaningfully participate in the meeting, you have a right to ask for it. Communicate your request for interpretation in writing if you can.



STEP 2 Consider coming to the meeting with another person, such as trusted friend or family member, who can help you take notes. Taking notes is important because it helps you keep track of what you discussed at the meeting, as well as any decisions made.

If you requested interpretation and none is provided, remind the administrator of your request, and ask to reschedule the meeting. Send an email after the meeting so the district has a copy of your request in writing.

STEP 3 Describe your concerns and ask if the school/district is already aware and taking steps to resolve them.

STEP 4 If not, ask the district how it plans to investigate your concerns. Ask for a date by which the district expects to have a response or an update for you.

STEP 5 After the meeting, e-mail the person you met with to summarize what you discussed at the meeting, as well as the next steps you agreed upon.

OPTION 2

FILE A WILLIAMS COMPLAINT

You may file a Williams complaint at any time. If you feel comfortable discussing your concerns with a school staff member prior to filing your complaint, you may wish to do so, but such a conversation is not required.

Examples of concerns that may prompt you to file a Williams complaint:

- Concerns about teacher training and assignment, including:
 - › Teacher vacancies more than twenty school days after the beginning of the semester
 - › Teachers who lack the appropriate training or credentials to teach English learners/multilingual learners (even if only one such student is in the class)
 - › Teachers assigned to teach a subject who lack the subject matter competency to do so
- Concerns about textbooks or instructional materials, including:
 - › Lack of current standards-aligned textbooks or instructional materials for students, including for English learners/multilingual learners
 - › Textbooks or instructional materials that are damaged, in poor condition, missing pages or are unreadable



- › Concerns about school facilities, including:
 - › Restrooms that are not clean, are not fully stocked (e.g., lack soap or paper towels), are locked or broken
 - › Broken or malfunctioning air-conditioning, sprinkler, heating, or ventilation systems
 - › Urgent or emergency facilities situations, including security hazards, gas leaks, broken windows, damage to buildings or infestations

How do I file a *Williams* complaint?

STEP 1 Review the *Williams* complaint process, which is described [here](#)¹⁰¹ and [here](#).¹⁰²

STEP 2 Find a *Williams* complaint form, such as [this one](#),¹⁰³ and fill out the complaint form.

STEP 3 You don't have to put your name on the complaint if you'd prefer to remain anonymous. If you want the school to report to you how they resolved your concern, though, make sure to include your name and contact information.

STEP 4 Turn in your complaint form. The form should tell you to whom to submit the form. If in doubt, give it to your principal or your Superintendent.

STEP 5 Make a copy of your complaint and keep it safe.

What are some tips to remember before I file a *Williams* complaint?

- › You don't have to use a particular form for the complaint.
- › Your school needs to make complaint forms available. If you'd like to use a *Williams* complaint form, you can find one [here](#) and a description of the *Williams* complaint process [here](#). You can also check your district's website for district-specific complaint forms.
- › Districts are required by law to post a notice describing the *Williams* complaint process in all classrooms. If you don't see the notice, remind the district of the requirement to post it.
- › If you file the complaint in a language other than English, the district must provide a written response in that language, if spoken by 15% or more of the students in the district, as well as in English.
- › Regardless of the language in which you file your complaint, your school/district needs to provide you with meaningful access to the complaint process in a language that you can understand. This could be done by arranging for a qualified interpreter to walk you through the complaint process and answer any questions you may have.



What do schools have to do when they receive a *Williams* complaint?

STEP 1 The principal or other district official must investigate and resolve your concern within 30 working days (Saturdays, Sundays, and holidays don't count as working days).

STEP 2 If the principal does not have the authority to investigate and resolve your concern, they must send your complaint to the school district to resolve.

STEP 3 The district must provide a resolution to your concern within 30 working days of receiving the complaint and no more than 40 working days after the date on which you filed the complaint.

STEP 4 If you asked for a written response and provided your name and contact information, one must be provided within 45 working days.

What if I disagree with the resolution?

OPTION 1 You may raise the concerns in your complaint at a School Board meeting and request resolution.

OPTION 2 You may appeal the decision to the State Superintendent of Public Instruction within 15 days of receiving the response if your complaint is related to school facilities.

OPTION 3 For unresolved issues concerning textbooks or teachers, notify your County Superintendent.

Where can I go for more information?

Here are some *Williams* Complaint Resources:

- [Public Advocates' Williams Resources](#)
- [Your Schools, Your Rights, Your Power: A Grassroots Guide to Effective Williams Campaigns](#)
- [The ACLU's Williams Resources](#)
- [Decent Schools Williams Resources](#)



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WHAT DO I DO IF I HAVE QUESTIONS ABOUT AN EDUCATOR'S PREPARATION TO TEACH ENGLISH LEARNER STUDENTS?

OPTION 1

DO SOME RESEARCH ON YOUR OWN

STEP 1 Go to the [California Commission on Teacher Credentialing Educator Search](#) portal.

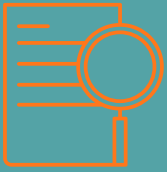
STEP 2 Click on [Public Search](#).

STEP 3 Enter the exact first and last name of the educator about whom you have questions or concerns.

STEP 4 Review the documents listed under the “Current Document” tab to find out what an educator’s current credentials are and whether they are valid. If a credential is “clear” and “valid,” the teacher’s authorizations are up to date.

STEP 5 If you are interested, you can also review the documents listed under the “All Documents” tab to see the documents that a teacher has had in their career.

STEP 6 Compare the authorizations you see in your search with the two tables below, which shows the authorizations that educators are required to have to teach English learners in different settings:

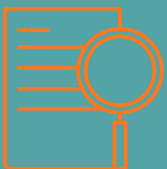


FULL AND COMPLETE TEACHER AUTHORIZATIONS

Specially Designed Academic Instruction in English (SDAIE)	ELA 1, ELAM, ELAS, or ELAE, CLAD Certification,
Integrated ELD	ELA 1, ELAM, ELAS, ELAE, CLAD Certification
Designated ELD	ELA 1, CLAD Certification
Bilingual Instruction	Bilingual Authorization, Bilingual Crosscultural Specialist Credential

TEMPORARY AUTHORIZATIONS THAT ARE LEGAL BUT WILL EXPIRE

Specially Designed Academic Instruction in English (SDAIE)	Emergency CLAD Permit, Emergency Bilingual Authorization Permit, District/University Intern Credential with a Bilingual Authorization, District/University Intern Credential with ELAS, ELAM or ELAE codes, Provisional Internship Permit/Short-Term Staff Permit with revised English Learner Authorization, Provisional Internship Permit/Short-Term Staff Permit with Bilingual
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Bilingual Instruction	Emergency Bilingual Authorization Permit, District/University Intern Credential with a Bilingual Authorization, Provisional Internship Permit/Short-Term Staff Permit with Bilingual



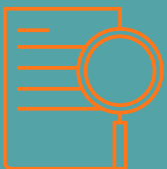
STEP 7 If the educator in question does not have any of the authorizations listed in either of the tables above, or if you have questions about the educator’s authorization to teach English learners, proceed to OPTION 2.

Please note that the educator credential information available under the Public Search option may or may not be complete, accurate or updated for all educators, so we recommend that you schedule a conversation with a staff member or administrator at your school after your search.

OPTION 2

CONTACT YOUR TEACHER (IF YOU ARE A STUDENT) OR YOUR STUDENT’S TEACHER (IF YOU ARE A PARENT/GUARDIAN) OR A SCHOOL OR DISTRICT ADMINISTRATOR

- If you feel comfortable, speak with the teacher directly and ask about the training they have received to teach English learners. If you completed OPTION 1 above, feel free to share the information revealed by the public search but consider doing so with sensitivity and show care and concern.
 - › For example, you could begin your conversation in the following ways:
 - › “I was wondering if you could tell me about your teacher training. I was hoping to learn more about the instruction that my student is receiving.”
 - › “I can imagine that teaching multilingual learners requires a lot of time and preparation. Could you tell me about the training you have had? I am interested in learning more.”
- If you’d rather not speak with the teacher, contact your principal, and ask if there are any educators at the school who have not completed their training to teach English learners. Mention the name of the educator about whom you have concerns and explain where your concerns came from (e.g., due to an instructional approach that the teacher adopted).
- If your principal replies that there are no such teachers, ask what steps the school is taking to make sure all teachers are fully trained to teach English learners in the types of settings your school offers (e.g., Integrated English Language Development, dual-immersion programs, etc.).
- If your principal does not know or does not have much information to share, ask for the contact information of a district administrator so you can discuss with them.



OPTION 3

FILE A WILLIAMS COMPLAINT

- Regardless of whether you have completed OPTIONS 1 and 2 above, you have the right to file a *Williams* complaint if you so choose if you have concerns about an educator's training and authorization to teach English learners.
- Review the [Williams complaint process](#).
- File a [Williams complaint](#).

GLOSSARY

ACRONYMS FOR PLACES AND AGENCIES

CDE: California Department of Education

CTC or Commission: California Commission on Teacher Credentialing

SBE: State Board of Education

COE: County Office of Education

OCR: Office for Civil Rights, U.S. Department of Education

DOJ: Department of Justice

DOE: Department of Education

LEA: Local Education Agency

SELPA: Special Education Local Planning Agency

TERMS RELATED TO ENGLISH LEARNERS AND ENGLISH LANGUAGE ACQUISITION:

English language learners, English learners or EL students: This term describes students with varying levels of proficiency in English and a second language.

Emergent Bilingual students/Multilingual learners: Also known as English learners, this term reflects an assets-based approach increasingly adopted by educators, researchers, and advocates to (1) describe students with varying levels of proficiency in English and a second language and (2) highlight the benefits of bilingualism and multiculturalism in school communities.

Language-assistance program: School districts need to provide English learners with language-assistance services to help them meaningfully participate in the district's instructional program. The language-assistance program that school districts choose needs to be (a) based on a sound educational theory, (b) implemented well and (c) monitored to make sure that it is achieving results and helping English learners build their English proficiency and access grade-level academic content on par with their peers who are not English learners.¹⁰⁴



RFEP (pronounced ARE-FEP): This stands for Reclassified Fluent English Proficient, and is the designation given to English learners once they have demonstrated competency in English that is comparable to that of a native English speaker of the same age.

IFEP (pronounced EYE-FEP): This stands for Initial Fluent English Proficient and refers to students whose initial ELPAC scores show that they have well-developed reading, writing, speaking, and listening skills in English and do not require language-assistance services.

LTEL (pronounced EL-TELL): This stands for Long-Term English Learner and refers to those students in grades 6-12 who have been in US schools for six or more years without attaining the level of English proficiency needed to reclassify.

Newcomer students: Newcomer students are students born outside of the United States and newly arrived in the United States.

Reclassification: This is the process by which English learners, or multilingual learners, are designated RFEPs, or Reclassified Fluent English Proficient, students, once they have demonstrated reading, writing, listening, and speaking skills in English that are comparable to those of student of the same age whose primary language is English.¹⁰⁵

State Seal of Biliteracy (SSB): The State Seal of Biliteracy (SSB) is an award given by schools, districts, or county offices of education to recognize students who have studied and attained proficiency in two or more languages by the time they graduate from high school. Students who achieve the State Seal of Biliteracy by high school graduation receive a special seal on their high school diploma.¹⁰⁶

English Language Development (ELD): English Language Development (ELD) is instruction that is appropriate for each English learner's level of proficiency and is designed to support the student in acquiring reading, listening, speaking, and writing skills in English.

Specially Designed Academic Instruction in English, or SDAIE (pronounced SED-DYE): This is an instructional approach that uses strategies— which may include use of visual tools and simpler sentence structure and word choice—to ensure that the content area is understandable to English learners.¹⁰⁷

Integrated ELD: Instruction provided during the regular school day that combines state-adopted ELD standards with state-adopted academic content standards and includes specially designed academic instruction in English or SDAIE (described above).¹⁰⁸

Designated ELD: Instruction provided during a protected time in the



regular school day that focuses on the state-adopted ELD standards to assist English learners in developing the English language skills that will help them learn academic content.¹⁰⁹

California English Language Development Test, or CELDT: This was the required state test administered between approximately 2000-2018 to students whose primary language was not English to assess their level of English language proficiency. The ELPAC replaced the CELDT in 2018.¹¹⁰

The English Language Proficiency Assessments for California, or ELPAC: This required state test, which replaced the CELDT in 2018, is now administered to students whose primary language is not English to assess their level of English language proficiency.¹¹¹

TERMS RELATED TO EDUCATIONAL OPPORTUNITIES FOR STUDENTS WITH DISABILITIES ¹¹²

Dual-identified students: A dual-identified student is a student with a disability who is eligible for services under either a Section 504 plan or an Individualized Education Program (IEP), as well as a multilingual learner or English language learner who is eligible for language-assistance services.¹¹³

Disability-related services: This term refers to:

- Special education and related services provided to students with disabilities in an IEP, or
- Regular or special education and related aids and services that are provided to qualified students with disabilities in a Section 504 plan.

Related aids and services:

These are services that help students benefit from their educational programs and make meaningful progress toward the goals in their IEP or Section 504 plan. They might include, but are not limited to:

- Speech and language services
- Counseling services
- Physical and occupational therapy services
- Psychological services
- Behavior support services

IDEA: Stands for Individuals with Disabilities Education Act, which is a federal law that entitles students with disabilities to special education services that are documented in an Individualized Education Program, or IEP.



Section 504 of the Rehabilitation Act of 1973: This is a nondiscrimination law that prohibits disability discrimination by recipients of Federal financial assistance, such as school districts.

Title II: Title II of the Americans with Disabilities Act (ADA) prohibits state and local governments from engaging in discrimination based on disability.

Title VI: Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin by recipients of federal financial assistance, including school districts and colleges.

Title IX: Title IX of the Education Amendments Act of 1972 prohibits discrimination based on sex or gender by recipients of federal financial assistance, including school districts and colleges.

Section 504 plan: This written document, which is recommended though not required under Section 504, describes the regular or special education and related aids and services a student needs and the appropriate setting in which to receive those services.

IEP: Stands for Individualized Education Program, which is a written record of a student's special education and related services that describes the student's unique educational needs and how they will be met.

LRE: Stands for least restrictive environment, which is a federal mandate requiring that to the extent possible, students with disabilities be educated with their non-disabled peers.

Mainstreaming: This is IDEA's preference for educating all children in the least restrictive environment and refers to the placement of students with disabilities in general education settings rather than separate classrooms.

Child find: Under the Individuals with Disabilities Education Act (IDEA), school districts have a responsibility to actively seek out students with disabilities who need special education services. "Child find" is the term commonly used to describe school districts' responsibility in California.

Placement: The unique combination of facilities, personnel, location, or equipment necessary to provide instructional services to meet the goals specified in a student's IEP or Section 504 plan. It is a set of services – not a location.

FAPE: This stands for Free Appropriate Public Education and refers to special education and related services provided to students with disabilities at no cost to students' parents/guardians.



Procedural Safeguards: A system to inform parents/guardians of a school district's actions or decisions and to provide them with a process for challenging those actions or decisions.

Student Study Team or Student Success Team meeting: Student Study Team meetings, or Student Success Team meetings, are school-based meetings designed to discuss students' progress in school, as well as any academic, behavioral, or social-emotional challenges that the student may be experiencing, and consider appropriate interventions, including referring the student for a psychoeducational evaluation, as appropriate.¹¹⁴

TERMS RELATED TO EDUCATOR PREPARATION AND CREDENTIALING

Preliminary credential: Preliminary credentials are valid for up to five years and are awarded to teachers who are fully prepared but need to complete specific additional requirements based on their program pathway to receive a Clear credential, which represents full certification.¹¹⁵

Clear credential: Teachers who have successfully met all their education and program requirements and completed two years of teaching are clear credential holders. Clear credential holders are considered fully prepared teachers.¹¹⁶

EPP or TPP: Educator Preparation Program or Teacher Preparation Program – this is the term that describes where candidates complete their preparation to become teachers.¹¹⁷

Teacher assignment or misassignment: To be properly assigned, teachers should meet the applicable state certification requirements to teach both the students and the subject matter they are teaching. For example, if a teacher is teaching high school English to a diverse group of students, including English learners, the teacher should be authorized both to teach high school English and to teach all students in their class, including English learners. If a teacher lacks the authorization to teach the subject or students they are assigned to teach, that teacher is misassigned.¹¹⁸

Provisional intern permits, short-term staff permits and waivers: These are all considered substandard certifications, which means that teachers holding these documents are not considered fully prepared. Districts employ individuals with these authorizations to meet an immediate need when a fully prepared teacher cannot be found.¹¹⁹

Bilingual authorization: This authorization is provided to teachers who



have demonstrated that they have the knowledge, skills, and abilities to teach bilingual education.¹²⁰

OTHER USEFUL TERMS

SARC: This stands for School Accountability Report Card, which provides information on an annual basis so community members can compare schools for student achievement, environment, resources, and demographics.¹²¹

UCP: This stands for Uniform Complaint Procedure. UCP complaints allege violations of state or federal laws or regulations, such as those that prohibit discrimination or harassment. For more information on UCP complaints, please consult [this resource from the California Department of Education](#).¹²²

LCFF: The Local Control Funding Formula, or LCFF, was enacted in 2013 and fundamentally changed how school districts are funded.¹²³ For more information, please consult [this page](#).¹²⁴

LCAP: The Local Control Accountability Plan, or LCAP, is a three-year plan that school districts are required to create and update annually to show how they will spend the state funding that they receive.¹²⁵

RESOURCES

GENERAL RESOURCES

[CDE English Learner Resources](#): A list of resources regarding English learner students.

[CDE Identification and Parent Notification Requirements](#): Information and other resources to assist local educational agencies with identification and parent notification of English learners

[CDE Facts about English Learners in California](#): Facts and statistics about English learner students.

[How To ... For Parents of Multilingual Students](#): A list of resources for parents/guardians of multilingual students.

US Department of Education:

- [English Learners Toolkit](#): A resource outlining legal obligations for ELs, intended to help state and local education agencies help English learners.
- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#)

US Department of Education and US Department of Justice:

- Dear Colleague Letter: English Learners and Access for Parents (English)
- Carta de Estimado Colega: Alumnos que aprenden inglés y Padres de familia con un dominio limitado de inglés (Spanish)
- Fact Sheet about meaningful and equal participation for English Learners (English)
- Hoja Informativa: Asegurar que los estudiantes aprendices del inglés participen de forma significativa y equitativa en programas educativos (Spanish)
- Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents (English)
- Hoja Informativa: Información sobre los derechos de todos los estudiantes a matricularse en la escuela (Spanish)
- Preguntas y Respuestas: Información sobre los derechos de todos los estudiantes a matricularse en la escuela



[English Learner Family Toolkit](#): A resource created to help families choose education services that meet their child’s needs (available in English, Arabic, Chinese and Spanish).

[Home Language Survey](#): Schools provide this survey to a newly enrolled student’s parent or guardian to assess whether the student’s primary language is English or a language other than English

COMPLAINT RESOURCES

- › [Uniform Complaint Procedure: CDE Resource explaining the Uniform Complaint Process](#)
- › [OCR Complaint: Resource from the Office for Civil Rights that provides an overview of how to file a complaint](#)
- › [OCR Complaint process FAQ: Resource from the Office for Civil Rights that explains the complaint process](#)

NEWCOMER STUDENTS

- › [CDE Resource](#): information and resources regarding newcomer students.
- › [Growing Language Skills with Immigrant and Refugee Families](#): A resource from the Migration Policy Institute that offers recommendations as to how to support newcomer students and families and examples of programs that done so with success.
- › [Cultural Competency Secrets to Success with Immigrant and Refugee Families](#): A Migration Policy Institute resource which offers case studies and best practices for supporting newly arrived students and families.
- › [The Impacts on English Learners of Key State High School Policies and Graduation Requirements](#): discusses the different type of English learners and provides information on newcomer placement and programming.
- › [Confronting Discrimination Based on National Origin and Immigration Status fact sheet](#): A federal government resource for families and educators.

SCHOOL ENROLLMENT RIGHTS

- › [Question & Answer resource](#): Explains the rights of all children to enroll in school to support states and school districts in meeting their legal obligations to students with undocumented status
- › [Fact Sheet](#): Includes information about school-enrollment rights for all students and information about documents that schools may, and may not, require.



- › [Newcomer Toolkit](#): offers classroom tools to support newcomer students.

RESOURCES FOR STUDENTS WITH DISABILITIES

US Department of Education: [Parent/Guardian and Educator Resource Guide to Section 504](#)

Colorín Colorado: [Resources on Special Education and English Language Learners](#)

US Department of Education and US Department of Justice

- › [U.S. Department of Education Dear Colleague Letter: English Learner Students and Limited English Proficient Parents](#): Pages 24-29 of this letter describe the legal requirements for providing special education and English language services.

Office for Civil Rights, US Department of Education:

- › [Protecting Students with Disabilities: Frequently Asked Questions about the Education of Children with Disabilities](#)
- › [Fact Sheet: What are Public Schools Required to do When Students with Disabilities are Bullied?](#)
- › [Transition of Students with Disabilities To Postsecondary Education: A Guide for High School Educators](#)
- › [Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities](#)
- › [Preparación para la educación postsecundaria para los estudiantes con discapacidades](#): Conozca sus derechos y responsabilidades: Esta corta hoja habla de cómo cambian las cosas cuando los estudiantes pasan a la universidad. Por ejemplo, si un estudiante quiere pedir algo que se llama un “ajuste académico,” ¿cómo se hace? ¿Qué tipo de documentación se debe proveer?

SAMPLE EMAILS FOR PARENTS/GUARDIANS:

- › [Sample Email Request for Evaluation](#)
- › [Sample Email to Request an Independent Educational Evaluation](#)
- › [Sample Email to File a Special Education Compliance Complaint with the California Department of Education](#)
- › [Sample Email to Request an IEP Meeting \(can be modified to request a Section 504 meeting\)](#)

[California Practitioners’ Guide for Educating English Learners with Disabilities](#): This resource developed by the CDE is intended to help practitioners understand the legal requirements, best practices, and



resources to properly serve English learners with disabilities.

[Seeds of Partnership English Language Learners with Disabilities](#)

[resources](#): This webpage has a list of websites, articles, and videos on serving English learners with disabilities.

[California Family Empowerment Centers](#): There are currently 14 Family Empowerment Centers (FECs) in California. FECs provide training and information to families of children and young adults with disabilities.

[US Department of Education English Learner Toolkit](#): Chapter 6 of this resource made for local education agencies addresses tools and resources for serving English learners with disabilities.

Learning for Justice: [Resource Page includes Readings and First-Person Accounts](#)

BULLYING AND HARASSMENT PREVENTION

US Department of Education:

- [Dear Colleague Letter on Harassment and Bullying](#)
- [Dear Colleague Letter on Responding to Bullying of Students with Disabilities](#)
- [Combatting Discrimination against Asian American, Native Hawaiian, Pacific Islander, and Muslim, Arab, Sikh and South Asian Students](#)
- [Acoso y hostigamiento: hoja informativa de dos páginas](#) - Esta hoja habla sobre los efectos posibles del acoso y también las obligaciones de las escuelas con respeto a las leyes de anti-discriminación.

Stop Bullying.Gov: [Facts about Bullying](#)

American Civil Liberties Union (ACLU): [Anti-bullying resource that describes California anti-bullying laws and the steps that school districts are required to take to prevent bullying, harassment, discrimination and intimidation](#)

California Department of Education: [Bullying Prevention Training & Resources](#)

Colorado School Safety Resource Center: [Bullying and Harassment Prevention Resources](#)

Edutopia: [Resources to Fight Bullying and Harassment at School](#)

Learning for Justice: [Bullying & Bias](#)

Anti-Defamation League:



- › [A World of Difference Institute](#)
- › [No Place for Hate](#)

Facing History: [Bullying Prevention Videos and Readings](#)

RECLASSIFICATION

California Department of Education Reclassification Resources:

- › [CDE Reclassification Guidelines](#)
- › [2019 guidance to districts about monitoring reclassified students](#)
- › [Reclassification FAQs: Answers to Common Questions about Reclassification](#)
- › [Observation Protocol for Teachers of English Learners \(OPTTEL\) Information Session Slides](#)
- › [Survey, Assessments, Programs, & Reclassification](#): A web page for parents and guardians with information and resources about the Home Language Survey, ELPAC, programs for English learners, and reclassification.

ELPAC:

- › California Department of Education:
 - › [ELPAC Page](#)
 - › [ELPAC Information Guide 2021-22](#)
 - › [ELPAC Information Guide 2022-23](#)
 - › [ELPAC Resources for Parents/Guardians](#)
 - › [ELPAC FAQs](#)
 - › [Talking to Parents/Guardians about the ELPAC](#)
 - › [Charla con los padres acerca del ELPAC](#)
- › [ELPAC Website](#)
 - › [Parent/Guardian Resources](#)
 - › Introduction to the Initial ELPAC for Parents Video: [English](#), [Spanish](#)
 - › [Sample ELPAC Score Report](#)
- › [California Department of Education Alternative ELPAC Page](#), includes:
 - › [Alternative Assessment IEP Team Guidance](#)
 - › [Alternate ELPAC Factsheet](#)
 - › [Alternate ELPAC Parent Guide](#)
 - › [Alternate ELPAC Participation and Scoring](#)
 - › [Alternate ELPAC Task Type Information Sheet](#)



LONG TERM ENGLISH LEARNERS (LTELS)

[Long Term English Learners: Resources regarding California's Long-Term English Learners](#)

[Renewing our Promise: A report by Californian's Together that includes research and recommendations to support California's LTELS](#)

[CDE 2020-21 At-Risk and LTEL Students by Grade: Statewide report](#)

ENGLISH LEARNER ROADMAP

California Department of Education:

- [English Learner Roadmap](#): California English Learner Roadmap State Board of Education Policy, approved by the State Board of Education in 2017. This policy is intended to provide guidance to schools and districts on welcoming, understanding, and educating the diverse population of students who are English learners.
- [EL Roadmap FAQ Document](#)
- [EL Roadmap at a Glance: Information Sheet](#)
- [Crosswalk to LCAP](#): A webpage that connects the EL Roadmap Policy principles and the eight Local Control Funding Formula (LCFF) propriety areas that can help facilitate alignment of local goals and polices with the mission, vision, and principles of the EL Roadmap policy.
- [California EL Roadmap Presentation for Parents](#)
- [EL Roadmap Teacher Presentation](#)
- [Educator Workforce Investment Grants for EL Roadmap implementation](#): The two grantees, Californians Together and the California Association for Bilingual Education (CABE), are available to provide resources, tools and training to administrators and educators.

The Education Trust-West: [English Learner Roadmap fact sheet - one-page resource that briefly explains the EL Roadmap](#)

[El Roadmap Resource Hub](#): A resource hub designed to make the vision of the EL roadmap a reality. Includes downloadable tools and resources to help bring the EL roadmap to life in classrooms and schools.

- [Administrator Resources](#)
- [Educator Resources](#)
- [Teacher Educator Resources](#)
- [Policymaker Resources](#)

[EL RISE](#), English Learner Roadmap Implementation for Systemic Excellence: this is a collaboration between Californians Together, Sobrato



Early Academic Language (SEAL), Loyola Marymount University's Center for Equity for English Learners (CEEL), National Resource for Asian Languages, other agencies and twenty county offices of education.

SEAL OF BILITERACY

[State Seal of Biliteracy Website](#)

[National Seal of Biliteracy FAQs](#)

[Seal of Biliteracy Informational Video](#)

[California Department of Education Seal of Biliteracy Website](#)

- [Informational Webinar](#)
- [Informational PowerPoint \(English\)](#)
- [Information PowerPoint \(Spanish\)](#)
- [FAQ for districts](#)

Californians Together:

- [Multiple Pathways to Biliteracy](#)
- [Who are the recipients of the State Seal of Biliteracy?](#)

PARENT AND FAMILY ENGAGEMENT

The Education Trust:

- [English Learners Have Rights! An Advocacy Guide for Parents and other Community Stakeholders](#)
- [¡Los aprendices de inglés tienen derechos! Una guía de defensa para los padres y otras partes interesadas de la comunidad](#)

US Department of Education and US Department of Justice:

- [Dear Colleague Letter – English Learner Students and Limited English Proficient Parents](#) (Pages 37-40 of this document explain the legal requirements for providing parents/guardians with interpretation to ensure meaningful communication)
- [Fact Sheet for Parents/Guardians about meaningful communication with school districts](#)
- [Hoja informativa sobre los derechos de los padres cuyo primer idioma no es el inglés](#): Esta hoja habla sobre los derechos de los padres cuyo primer idioma no es el inglés. Las escuelas tienen que proporcionar información a los padres LEP (o sea, con dominio limitado) en un idioma que puedan entender sobre cualquier programa, servicio o actividad que sea de interés.



- [Filing a complaint with the Office for Civil Rights at the US Department of Education](#): If you are denied interpretation or translation, you have the option to file a complaint with the Office for Civil Rights at the US Department of Education.
- [Filing a Uniform Complaint Procedure with your school district](#): If you are denied interpretation or translation, you also have the option to file a complaint with your school district.

LCAP and LCFF:

- [Understanding LCFF](#)
 - › [Spanish](#)
- [Toolkit: How to use LCFF to advocate for your priorities](#)
- [How to Read the LCAP to Track Equity](#)
- [Understanding the Local Control Funding Formula](#): Short explanatory video
- [¿Se ha preguntado alguna vez qué es LCFF? Un video corto que explica LCFF](#)
- [How to Read the Budget Overview for Parents / Cómo Leer el Resumen Presupuestario LCFF para los Padres](#)
- [Timeline for LCFF Advocacy / Línea de tiempo regular para la abogacía del LCFF Parent Participation and LCFF](#)
- [More LCAP resources / Más recursos LCAP](#)
- [Our Right to Resources Toolkit](#)
- [LCAP Rubric \(English\)](#): A rubric to determine whether a district's LCAP delivers on the promise of increased or improved services for English learners.
- [LCAP Rubric \(Spanish\)](#): Una rúbrica para determinar si el LCAP de un distrito cumple con la promesa de aumentar o mejorar los servicios para los aprendices de inglés.

[ELAC and DELAC FAQs](#): Frequently asked questions about the English Learner Advisory Committee (ELAC) and District English Learners Advisory Committee (DELAC) requirements during the COVID-19 physical school closures.

[CDE ELAC Webpage](#): A webpage describing the requirements, responsibilities, elections, and training of ELACs.

[CDE DELAC Webpage](#): A webpage describing the requirements, responsibilities, elections, and training of DELACs.

[CDE Comité Asesor de Padres](#): Una página de web con los requisitos, responsabilidades, elecciones, y capacitación de los ELACs.



[CDE Comité Asesor de Padres a Nivel del Distrito](#): Una página de web con los requisitos, responsabilidades, elecciones, y capacitación de los DELACs.

WILLIAMS LAWSUIT AND SETTLEMENT

WILLIAMS MONITORING:

[School Accountability Report Card](#): The public can find information related to the *Williams* settlement, including teacher preparation and placement, and availability of textbooks in their school's School Accountability Report Card (SARC).

[Parents' Guide to the School Accountability Report Card](#)

[FAQ about the School Accountability Reports Card](#)

[2021-22 List of Williams schools](#)

[Williams Monitoring FAQ](#): Includes discussion of the criteria used to determine the 2021-22 list of *Williams* schools.

[Williams COVID-19 FAQs](#): Includes a description of school districts' responsibility to provide adequate access to connectivity and devices so students can participate in their educational program.

WILLIAMS COMPLAINT PROCESS:

- **How to file a *Williams* complaint:**
 - › [ACLU Know Your Rights](#)
 - › [Public Advocates Complaint Process Steps](#)
- [Williams Complaint Form](#)
- [Public Advocates' Williams Resources](#)
- [ACLU Williams Resources](#)
- [Grassroots Guide to Effective Williams Campaigns](#)

TEACHER AUTHORIZATION AND CREDENTIALS

[California Commission on Teacher Credentialing Educator Search](#): A tool to look up a Teacher's Credential, Certificate, or Permit.

[Serving English Learners](#): This California Commission on Teacher Credentialing resources provides a summary of the documents that authorize instruction to English Learners.

[California Commission on Teacher Credentialing English Learner Authorization page](#): Includes information about CTEL (for teachers who earned



their credential in another state or country) and Bilingual Authorization

[Bilingual Authorizations](#): Information for the California Commission on Teacher Credentialing about Bilingual Authorization

[FAQs for English Learner Teacher Authorizations](#): Frequently asked questions about requirements for teaching English Learners.

[Designated and Integrated ELD](#): Explanation of Designated and Integrated ELD categories

ENDNOTES

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- 14 [Cal Educ. Code § 56321\(a\)](#)
- 15 [Cal Educ. Code § 56321\(c\)\(4\)](#)
- 16 [34 C.F.R. §§ 104.32, 104.35\(a\)-\(b\).](#)
- 17 [Cal Educ. Code § 56344\(a\).](#)
- 18 [34 C.F.R. §§ 104.32, 104.35\(a\)-\(b\).](#)
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AUTHOR'S NOTE

My parents immigrated from Southern India in the 1970s and I grew up speaking Tamil and English at home and listening to music in French. Once I enrolled in kindergarten, English became my dominant language and my Tamil slowly but surely fell away. Nonetheless, I felt my multicultural roots keenly and found camaraderie with many children of immigrant families in my community. As I grew up, however, I wondered why there was so little acknowledgement in our school textbooks and conversations about the contributions and lived experiences of families and communities like mine. I imagine that many children of immigrant families might relate to these sentiments and struggle to see themselves and their stories reflected in their school and college classrooms and beyond.

After graduating from college, I became an elementary school teacher and quickly discovered, to my delight, that every single one of my students was a multilingual learner. What could I do, I wondered, to ensure that they felt valued for the rich multicultural tapestries that they brought with them? How could I infuse our classroom with an appreciation of my students' heritage and history?

I approached each day with hope. My students and I spoke English and Spanish in the classroom and I cherished my chats with their families and siblings after school or at their homes. We read stories in both languages, laughed out loud, danced our multiplication dance to make the complex steps more accessible, and drew pictures of our spelling words to bring them to life. My students' English facility increased, as did their acquisition of academic content. Many reclassified and became RFEPs. We celebrated with a party, and I made homemade cards for them with colored construction paper and stars. While it was thrilling to observe their progress and revel in their reclassification, what I was most proud of was the relationships we built and the small role that I hope I played in fostering a sense of joy and belonging in our classroom.

This resource guide for multilingual students is a celebration of the priceless cultural and linguistic gifts that multilingual learners bring to their school communities. It includes practical tools that educators, families, students, advocates, community leaders, and researchers can use to advocate for multilingual learners and support their growth and progress. We offer our sincere gratitude to Sobrato Philanthropies for the generous funding that has made the creation of this guide possible.

Warmly,

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Shilpa Ram is a senior staff attorney on the education equity team at Public Advocates. She serves on the state advocacy team, where she collaborates with coalition partners to advocate for resources for high-need students, and the local power-building team, where she engages in capacity-building with community partners to advance their priorities. Her areas of focus include educator diversity, equal educational opportunities for multilingual learners, and meaningful access for all parents to important information about their students' education in a language they can understand. Prior to joining Public Advocates, she was an elementary school teacher and a civil rights attorney at the Office for Civil Rights at the U.S. Department of Education.



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