

Beyond Acceptance: Maximizing Equity and Belonging for Multilingual Learner Families

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February 2023: Federal complaint claims discrimination in Mass. vocational school admissions

“A federal civil rights complaint filed Thursday **claims** that the state’s vocational-technical schools **use admissions criteria that inappropriately exclude** students of color and those who are **learning English**, have disabilities or come from low-income families.”

“The complaint asks federal officials to...prohibit the use of “**exclusionary**” **admissions criteria** like grades, attendance records and interviews.”

“Attorney Mirian Albert of Lawyers for Civil Rights said that if the department is found to be out of compliance with federal law, the government could withhold funding as a consequence.”

“Admissions offers were extended to **44% of English learners**, compared to **64% of students** who were not English learners,”



Indiana News: Feds open investigation of BCSC: Office of Civil Rights looking into discrimination allegations

“The complaint alleges BCSC has been “creating a pipeline of Latino ELL (English Language Learner) students to alternative education programs that are not designed to support the students’ success.”



“Discriminated against students **based on age and national origin...** when it declined to enroll them in the corporation’s (redacted).”

“Discriminated against students **based on race and national origin...**when it **excluded** them from **meaningful participation in its educational programs** by **failing to provide the students with appropriate [EL] services** and when it failed to provide [LEP] parents with communications in their native language...”

“**Retaliated against an (redacted) for complaining of discrimination against students based on race and national origin...**”

<https://www.therepublic.com/2023/01/08/feds-open-investigation-of-bcsc-office-of-civil-rights-looking-into-discrimination-allegations/>

May 3, 2023: Local advocates respond after Richmond middle school teacher told student to ‘speak English’

“During the conversation, the teacher is heard telling the student **“go back to wherever that Spanish-speaking country is and speak it”** and **“when you in America you gonna speak English in the classes that are spoken here.”**”

“...the issue goes much deeper than this one teacher. The number of Hispanic students has increased to 44% of the student body in recent years and 38% of Boushall Middle School students are English learners. But in the aftermath of the classroom audio, LULAC has received **numerous reports from families who say this a district-wide issue.**”

“Richmond Schools’ policies and student code forbid discrimination on the basis of race, religion and gender, there is **no clear policy on which languages can and cannot be spoken in the classroom.**”

“8News asked **whether Richmond teachers are required to take some form of training on language use in the classroom, but received no answer.**”

“We want to see **cultural orientation training in the schools, we want to see it made mandatory.**”

“I don’t have all the answers but I do know something has to change and **maybe it has to start with this teacher.**”

Background on ELs

ELs in Kentucky

2016–21, 897

2019–28,351

Nationally

2019–5,115,887

“By the 2030s, say demographers, [ELs] will account for approximately 40% of the entire school-aged population in the United States. In some areas, that projection is already exceeded—in California, for instance, 60%-70% of school children speak a language other than English as their primary language.” (Roseberry-McKibbin & Brice, 2019)

How do we maximize equity and belonging for ML families?

What is EL Legal Literacy?

“Having the ability to evaluate real-life situations, identify the legal issues, and employ the applicable legal rules and principles to appropriately resolve the legal problems.”

Legal Literacy

Emma G. Everson, *Examining K-12 Teachers' English Learner Legal Knowledge and Literacy: The Impact of Training, Experience, and Confidence* (2021) (published doctoral dissertation, Indiana University-Bloomington, Publication No. 28718173, ProQuest Dissertations and Theses Global).

Why it Matters!

If teachers are legally literate about ELs, not only will they be more efficacious in **avoiding litigation**, but they will also be able to provide ELs the **education to which they are legally entitled**, resulting in **improved educational equity**.

Everson, E. & Decker, J., (2022). Increasing teachers' legal literacy to improve educational equity for English learners. *Education Law Reporter*, 395, 877-889.

In a 2021 study of more than 300 teachers, 78% had a master's degree; however, EL legal literacy scores were still low.

Objectives

Participants will be able to...

- 1** Describe the main legal requirements pertaining to communication with English learner students and their families.
- 2** Examine effective educational practices that maximize equity and belonging for ML Families.



Target Area of EL Legal Literacy

Dear Colleague Letter 2015

10 #10 Communication with Parents

“School districts have an obligation to ensure **meaningful communication** with Limited English Proficient (LEP) parents *in a language they can understand* and to **adequately notify** these parents of **information about any program, service, or activity of the school district that is called to the attention of non-LEP parents.**”

**This includes:
language assistance programs, IEP meetings, notices of nondiscrimination, etcetera.

Catherine E. Lhamon & Vanita Gupta, English Learners Dear Colleague Letter (Jan. 7, 2015), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.



What legal standard applies?

Title VI of the Civil Rights Act of 1964

“Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or **national origin.**” (42 U.S.C. § 2000d)

“(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice **in order to be adequate may have to be provided in a language other than English.**”

Title VI and its regulations *require recipients to take **reasonable steps to ensure “meaningful” access to the information and services they provide.*** (DOJ 2000 LEP Guidance, 65 Fed. Reg. 50123, 50124-50125)

Pottinger, J.S. (1970, May 25). Identification of Discrimination and Denial of Services on the Basis of National Origin. Department of Health, Education, and Welfare.

Retrieved from <https://www2.ed.gov/about/offices/list/ocr/ell/may25.html>.

What are “reasonable steps” that schools can take?

✓ Reasonable steps are contingent upon the following factors:

- Number and proportion of EL persons in the eligible service population
- Frequency with which EL individuals come in contact with the program
- Importance of the services provided by the program (e.g., Special Education vs. field trip permission)
- Resources available to the recipient (i.e., recipient of federal financial assistance)

Communication with Parents

⊗ Common areas of Noncompliance

- **Rely on students, siblings, friends, or untrained school staff to translate or interpret for parents**
- **Fail to provide translation or an interpreter for IEP meetings, parent-teacher conferences, enrollment or career fairs, or disciplinary proceedings**
- **Fail to provide information notifying LEP parents about a school's programs, services, and activities in a language they can understand**
- **Fail to identify LEP parents**

Communication with Parents

Effective Educational Practices

- All family events are inclusive and advertised in a language all families can understand (i.e., language support, cultural responsiveness)
- Employ bilingual front office staff and EL family liaisons to build strong relationships
- Conduct needs assessments to determine important topics to share and preferences for communication
- Processes to welcome and communicate with non-English speaking families entering building (e.g., communication board/menu)
- Inclusive of EL families' voices in decision-making (e.g., PTA) and school community
 - Students and families are represented (e.g., celebrated in school newsletters, pictures/displays)
- Programs for EL family mentors
- Family nights truly embraced family cultures beyond the surface

Tools for Equity.

- Transact
- Language “I Speak” cards
- Menu of Languages

Language Assistance Plan

New Approach to Maximizing Equity and Belonging: Bill of Rights

- Parents' Bill Of Rights For New York State's English Language Learners
- Connecticut English Language Learners' Bill of Rights—signed into law on June 28, 2023

“The legislation [will] require the Connecticut State Board of Education to draft a bill of rights to guarantee and safeguard the rights of parents and students who are multilingual learners. It outlines 15 different rights to a bilingual education, including the right to an interpreter.”

Spot the Legal Issue(s)

Also, spot the bonus legal violation!

Thura's child, Myo, is an identified 6th grade EL student at Northern Middle School; their primary language is Burmese. School registration is coming up, and Thura was told registration is all online. She called the school to explain that she needed translation. The school secretary told Thura that all important school information is translated on the school website via Google Translate. Thura struggled through the online registration and ended up completing another Home Language Survey during the process. Is this legal?

1. Yes, because the school has all information accessible online.
2. No, because the school should make an accommodation for ELs and their parents to complete registration on paper and/or in person.
3. Yes, because the school has all information called to the attention of non-LEP parents available to be translated online.
4. No, because the school must communicate with parents in a language they can understand.

Thank you! Questions?



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Resources:



- [OCR/DOJ Fact Sheet for LEP Parents](#)
- [U.S. Dept. of Education Toolkit](#)
- [Best Practices Parent Communication \(p. 3\)](#)

Access today's slides at
eversoneducation.com



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