

# Multilingual Learner Legal Literacy

Emma G. Everson, Ph.D.  
KyCEL Summer Institute 2023

“Philadelphia parents who don’t speak English say they’ve long been excluded from parts of their children’s education because of language barriers”



“Parents told...about students being used as translators”

“It feels like immigrant parents are deliberately excluded and pushed to the margins.”

“Experts say many other school districts have lagged in creating equitable systems for non-English speakers.”

“The U.S. Department of Education’s Office of Civil Rights receives dozens of parental language complaints yearly.”

What legal problems do you see?

# 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/>

# What is EL Legal Literacy?

“

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

Everson, E. G. (2021). Examining K-12 Teachers' English Learner Legal Knowledge and Literacy: The Impact of Training, Experience, and Confidence (Publication No. 28718173). [Doctoral dissertation, Indiana University-Bloomington]. 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.

# Background

## ELs in Kentucky

2016—21,897

2019—28,351

## Nationally

2019—5,115,887

National Center for Ed. Statistics, 2022



## Important Legal Issues/Lawsuits

- U.S. DOJ settles with Lewiston Public Schools in Maine (May 2021)
- U.S. DOJ investigation reveals NJ's widespread failure in meeting ELs' needs (Nov. 2021)
- *Issa v. School District of Lancaster* (2017)
- *Methelus v. Collier County Board of Education* (2017)

# Objectives

*Participants will be able to...*

- 1** Describe the main legal requirements pertaining to English learner students and families.
- 2** Examine effective educational practices that go beyond legal compliance.



# Target Areas of EL Legal Literacy

Dear Colleague Letter 2015

- 1 Identification and Assessment of ELs
- 2 Providing Language Assistance Programs
- 3 Staffing and Supporting
- 4 Evaluating the Efficacy of Districts' Programs
- 5 Equal Opportunities to Meaningfully Participate
- 6 Unnecessary Separation
- 7 ELs and Individuals with Disabilities Education Act
- 8 Meeting the Needs of ELs who Opt Out
- 9 Monitoring
- 10 Communication with Parents

Includes “Spot the Legal Issue(s)” Activities!!





1

2

3

4

5

6

7

8

9

10

# Identification and Assessment

Evererson Education  
Copyright 2023

# Identification and Assessment

“

School districts must have procedures in place to **accurately and timely identify** students whose primary/home language is NOT English and **determine** if they are EL students through a valid and reliable English Language Proficiency Assessment.”

School districts **must** provide notice to parents of identified EL students placed in language assistance programs. ■

30 Days!

## Home Language Survey

1. What is the language most frequently spoken at home?
2. Which language did your child learn when they first began to talk?
3. What language does your child most frequently speak at home?
4. What language do you most frequently speak to your child?



**WIDA**<sup>TM</sup>

# Identification and Assessment

## ⊗ Common areas of Noncompliance

- **No identification process** in place to initially identify the primary or home language of all enrolled students.
- **Inadequate method of identification**, such as an insufficient HLS, that fails to identify significant numbers of potential EL students.
- **Not testing** the English language proficiency of all students whose primary/home language is NOT English.
- **Delaying the assessment** of incoming students whose primary/home language is NOT English that results in the denial of language assistance services.

# Identification and Assessment

✓ To be in compliance, the following must be in place:

- Ensure your school district **has procedures in place** for *accurately identifying EL students in a timely, valid, and reliable manner* so that they can be provided the opportunity to participate meaningfully and equally in the district's educational programs
- Ensure every student only has **1 Home Language Survey** completed during their **KY academic career**
- **Assess all EL students annually** using WIDA ACCESS until they reach proficiency (Composite score of 4.5)

# Spot the Legal Issue(s)

## *Identification and Assessment*

Main Street Elementary is starting enrollment for the 2023 school year. A new student, Yana, is a 4th grade transfer student from another Kentucky school. Main Street administers the Home Language Survey and identifies that Yana's native language is Ukrainian. She is immediately tested using the WIDA Screener and is then placed in the school's language instruction educational program. Because so many students were registering, Main Street notified Yana's parents of her identification and placement 45 days after the start of the school year. Is this legal?

- A. No, because the school should have notified Yana's parents within 35 days.
- B. Yes, because the school notified Yana's parents within 45 days.
- C. Yes, because the school followed proper procedures of administering an HLS and then screening for EL services.
- D. No, the school should have retrieved Yana's original HLS and previous WIDA scores.

# Identification and Assessment

## Effective Educational Practices

- Enrollment meetings with families to explain HLS, gather context on language needs of parents (i.e., communication preferences) and students
- Annual training of front office staff on the HLS requirements and processes after a prospective EL enrolls
- Clear process for determining previous EL status/enrollment in addition to performing placement assessments in a timely manner
- Collaboration between district assessment coordinators and EL teachers/test administrators to ensure all students are assessed via ACCESS
- Conferences/engagement opportunities with families to explain what it means to be an EL student and how placement and annual assessments relate to a student's academics

1

2

3

4

5

6

7

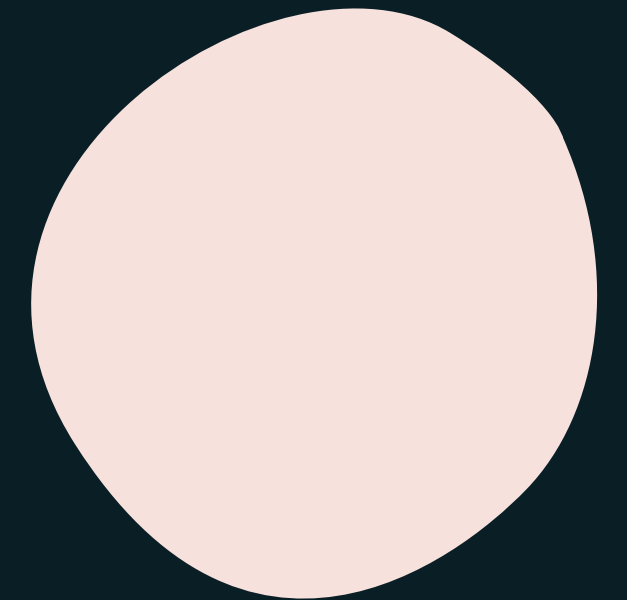
8

9

10

# Providing Language Assistance Programs

Everston Education  
Copyright 2023



# Providing Language Assistance Programs

“

When EL students are identified, school districts **must provide them with appropriate language services.**”

There is **NOT** a requirement for a particular type of program model (e.g., Dual Language Program vs. English as a Second Language)

## **Castañeda Standard**

Language Assistance Programs **MUST**—

- **Be based on sound educational theory;**
- **Implemented effectively with sufficient resources and personnel;**
- **Evaluated to determine whether they are effective in addressing language barriers**



# Providing Language Assistance Programs

## ⊗ Common areas of Noncompliance

- **Excludes kindergartners, or EL students with scheduling conflicts** from language assistance programs
- **Supplementing regular education instruction with only aides/assistants who tutor ELs** as opposed to teachers adequately trained to deliver EL programming
- **Fail to offer EL programming to a certain subset of ELs** such as ELs with disabilities or older EL students
- **Stop providing language assistance services when EL students reach higher levels of proficiency**, but have not yet exited
- **Fail to address the needs of long-term ELs**

# Providing Language Assistance Programs

✓ To be in compliance, the following must be in place:

- **Ensure your school district provides ALL EL students with language assistance services that address their level of English proficiency and gives them an equal opportunity to meaningfully and equally participate**
- **Ensure language assistance programs meet the Castañeda Standard**
- **Ensure no EL students are excluded from language assistance programming**

1

2

3

4

5

6

7

8

9

10

# Staffing and Supporting

Evenson Education  
Copyright 2023

# Staffing and Supporting

“

School districts have an obligation to provide the personnel and resources necessary to effectively implement their chosen EL program(s).”

**Schools MUST—**

- 👍 **Have teachers qualified to provide language assistance services**
- 👍 **Trained administrators who can evaluate these teachers**
- 👍 **Adequate and appropriate materials for EL programs**
- 👎 **Paraprofessionals, aides, or tutors are **NOT** a replacement for qualified teachers**

# Staffing and Supporting

## ⊗ Common areas of Noncompliance

- **Offer language assistance services based on staffing levels and teacher ability** rather than student need
- **Utilize mainstream teachers, paraprofessionals, or tutors** rather than fully qualified ESL teachers to **deliver language instruction programming**
- **Provide inadequate training to general education teachers** who provide core content instruction to ELs

“There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.” (Lau v. Nichols, 1974)

# Staffing and Supporting

✓ To be in compliance, the following must be in place:

- **Provide qualified staff and sufficient resources** (including appropriate materials) to effectively implement your chosen language assistance program
- **Regularly and adequately evaluate whether EL program teachers have met the necessary training requirements**, and if not, ensure they meet them in a timely manner
- Your district's **training requirements adequately prepare EL program teachers and administrators to effectively implement the district's program** and provide supplemental training when necessary

1

2

3

4

5

6

7

8

9

10

# Evaluating the Efficacy of Districts' Programs

# Evaluating the Efficacy of Language Assistance Programs

“

School districts **MUST** periodically evaluate their EL programs, and modify the programs when they do produce results that indicate that students' language barriers are actually being overcome.

The DOJ and OCR look at “whether performance data on current EL, former EL, and never EL students demonstrates that the EL programs are in fact reasonably calculated to enable EL students to attain parity of participation in the standard instructional program within a reasonable length of time.”



# Evaluating the Efficacy of Language Assistance Programs

## ⊗ Common areas of Noncompliance

- **Not periodically evaluating** the efficacy of language assistance programs
- **Not comparing EL students' and former EL students' performance alongside their never-EL peers**
- **EL programs that do not enable EL students to attain, within a reasonable period of time, both (1) English proficiency and (2) meaningful participation in the standard educational program comparable to their never-EL peers**

# Evaluating the Efficacy of Language Assistance Programs

✓ To be in compliance, the following must be in place:

- **Monitor and compare the academic performance of EL students in the program and those who have exited the program over time, relative to that of their never-EL peers**
- **Evaluate EL programs over time using accurate data**
- **Timely modify EL programs when they are NOT meeting the goals of helping ELs attain (1) English proficiency and (2) meaningful participation in the standard educational program comparable to their never-EL peers**

# Spot the Legal Issue(s)

*Providing Language Assistance programs, Staffing and Supporting,  
and Evaluating the Efficacy of Districts' Programs*

Canyon Schools recently changed their English language services. Starting in 2023 they are only offering pull-out ESL instruction to grades K-12. Due to a shortage of EL teachers, 1st grade EL students are not included in services. The principal said there shouldn't be an issue because 1st grade students receive additional reading instruction unlike the other grades. Also, for the most part, all the EL students are making A's and B's, so the principal decides that is adequate to show that their EL program is effective. Is this legal?

- A. Yes, because the school is evaluating the EL program's efficacy by monitoring EL students' grades
- B. Yes, because the school can get an exception for programming if they have a staffing shortage.
- C. No, because students cannot be excluded from EL services because of staffing.
- D. No, because only K students can be excluded for a limited period of time from EL services.

# Language Programs

## Effective Educational Practices

- EL programs & services are designed to meet students' needs instead of fitting students into pre-existing models
  - Flexible models- could vary by building, grade level
  - Inclusive models (e.g, co-teaching) instead of exclusive (e.g., pull-out)
- EL teachers are used strategically to provide services and build capacity
- Structured and scheduled collaboration between EL and content area teachers
- Ongoing formal evaluation of the district/school EL program; create evaluation team
- PD includes both EL-specific opportunities and EL-related components in general PD
- Administrators are trained on EL programming and are engaged in the development of those programs

1

2

3

4

5

6

7

8

9

10

# Equal Opportunities to Meaningfully Participate

# Equal Opportunities to Meaningfully Participate

“

School districts have an obligation to provide EL students with language assistance programs and assistance in other areas of the curriculum where their equal participation may be impaired by academic deficits incurred while they were learning English.”

Schools **must** provide ELs with the opportunity to meaningfully participate in **ALL programs** and activities—curricular, co-curricular, or extracurricular (e.g., Advanced placement, gifted and talented, online and distance learning opportunities, etc.)

# Equal Opportunities to Meaningfully Participate

## ⊗ Common areas of Noncompliance

- **Schedule EL language assistance services during gifted and talented program times**
- **Exclude ELs from curricular, co-curricular, and extra-curricular activities** due to their English language proficiency
- **Use arbitrarily high admissions criteria for school programming**, which results in the exclusion of ELs
- **Solicit teacher recommendations of students for programming from all teachers except teachers of EL program classes**

# Equal Opportunities to Meaningfully Participate

✓ To be in compliance, the following must be in place:

- Ensure the design and implementation of **EL programs are reasonably calculated to enable EL students to attain both English proficiency and equality of participation in the standard instructional program**
- Provide **EL programs that ensure EL students' access to their grade-level curricula is such that they can meet promotion and graduation requirements**
- Provide ELs with **equal opportunities to meaningfully participate in specialized programs—curricular, co-curricular, and extracurricular**
- Provide ***Secondary programming* that establishes a pathway for EL students to graduate on time and where they have equal access to high-level programs and instruction to be college/career ready**





Take a 3 minute break!

Everison Education  
Copyright 2023

1

2

3

4

5

6

7

8

9

10

# Unnecessary Separation

Everison Education  
Copyright 2023

# Avoiding Unnecessary Separation

“

EL programs may **NOT** unjustifiably segregate students on the basis of national origin or EL status.”

Some EL programs may require EL students to receive separate instruction for a *limited period of time* to address language barriers.

*Example:* Half day instruction at a Newcomer’s Center

# Avoiding Unnecessary Separation

## ⊗ Common areas of Noncompliance

- **Fail to give segregated EL students access to their grade-level curriculum, special education, or extracurricular activities**
- **Segregate EL students for both academic and non-academic subjects such as recess, physical education, art, and music**
- **Maintain students in a language assistance program longer than necessary to achieve the district's goals for the program**
- **Place EL students in more segregated newcomer programs due to perceived behavior problems or special needs.**

# Avoiding Unnecessary Separation

✓ To be in compliance, the following must be in place:

- **Ensure all EL students are educated in the least segregated manner** consistent with goals of the educationally sound and effective EL program

Everston Education  
Copyright 2023

# Spot the Legal Issue(s)

*Equal Opportunities to Meaningfully Participate and Unnecessary Separation*

Al Loof is the new EL Coordinator for Green River Middle School. Due to scheduling issues, he gave the okay for all 7th grade EL students to receive pull-out English language services at the same time core reading instruction is provided to all 7th grade students. This also caused these 7th grade ELs to have a different lunch hour; however, administration reassured Al that this will be a perfect opportunity for those ELs to get more time together and make friends with similar peers. Is this legal?

- A. No, because EL services can only be offered during related arts instruction (i.e., music, art, etc.).
- B. No, because ELs cannot be separated during non-academic subjects (i.e., lunch) from their peers.
- C. Yes, because the ELs are only separated from their peers during non-academic subjects.
- D. Yes, because all 7th grade EL students are receiving an equal opportunity for pull-out instruction, which includes reading.

# Equal Opportunity

## Effective Educational Practices

- Consistently evaluate programs and services district-wide to ensure equal opportunity
- Use inclusive instructional models - general classrooms are culturally and linguistically responsive
- Use equitable lens to collaboratively develop EL programming and building schedule
- Develop extracurriculars that are culturally responsive and inclusive of the entire school community
- Find opportunities and develop community connections to provide programming specifically geared for EL students and families (e.g., Heritage language club)

1

2

3

4

5

6

7

8

9

10

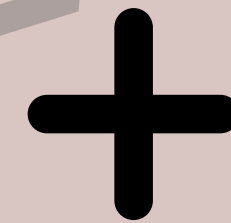
# ELs and Individuals with Disabilities Education Act



# ELs and Individuals with Disabilities Education Act

“

“School districts **MUST** ensure that all EL students who may have a disability, like all other students who may have a disability and need services under IDEA or Section 504, are *located, identified, and evaluated* for special education and disability-related services in a timely manner.”



Section 504 of the  
Rehabilitation Act of 1973

# ELs and Individuals with Disabilities Education Act

## ⊗ Common areas of Noncompliance

- **Deny English language services to EL students with disabilities**
- **Evaluate EL students for special education services *only in English* when the native and dominant language of the EL student is other than English**
- **Fail to include staff qualified in EL instruction and second language acquisition in placement decisions under the IDEA and Section 504**
- **Fail to provide interpreters to LEP parents at IEP meetings to ensure those parents understand the proceedings**

# ELs and Individuals with Disabilities Education Act

✓ To be in compliance, the following must be in place:

- **Ensure evaluations used to determine whether an EL student has a disability are conducted in the appropriate language** based on the student's needs and language skills, and that **special education and EL services are determined in light of both the student's disability and language needs**
- **Ensure disability determinations of an EL student are based on criteria that measure and evaluate the student's abilities and **NOT the student's English language skills****
- **Ensure EL students are promptly evaluated for disability-related services and there are not impermissible delays given a student's EL status or English proficiency**

# ELs and Individuals with Disabilities Education Act

✓ To be in compliance, the following must be in place:

## Continued

- **Ensure language assistance services and disability-related services are provided simultaneously** to an EL student who has been evaluated and determined eligible for both types of services
- **Ensure individualized plans for providing special education or disability-related services address EL students' language needs**

# Spot the Legal Issue(s)

## *ELs and Individuals with Disabilities Education Act*

Little Elementary is excited to be offering a new dual language education program to serve its EL students! The dual language classes are being held at the same time that special education services are provided. However, there are only about 5 ELs that have disabilities (ELSWDs); therefore, the school decides that these students can just receive special education services—it is where they will get the most help. Also, the EL Coordinator notices that the ELSWDs have overlap in accommodations in their IEPs and PSPs, so he only selects the accommodations for the students' IEPs to prevent duplicate accommodations in the online system. Is this legal?

- A. No, because ELSWDs should receive push-in language instruction.
- B. No, because EL services cannot be denied to ELSWDs.
- C. Yes, because selecting accommodations in an EL student's IEP overrides any PSP accommodations.
- D. Yes, because ELSWDs must get separate, targeted language instruction from ELs without disabilities.

# ELs with Disabilities

## Effective Educational Practices

- Train EL staff on special education best practices and vice-versa:
  - Creates opportunities for collaborative structures and shared expertise
  - Strategic/collaborative design of IEPs, PSPs, and services
- Train all teachers regarding ELSWD - highlight differences between language acquisition and disability
- Create policy which requires EL teachers to be an active participants at all IEP meetings, evaluations, and case conferences when pertaining to an EL student
- Utilize multilingual assessments and bilingual psychologists to perform evaluations

1

2

3

4

5

6

7

8

9

10

# Meeting the Needs of ELs Who Opt Out

# Meeting the Needs of ELs Who Opt Out

“

School districts have an obligation to serve all EL students,” and “parents have a right to decline or opt their child(ren) out of a district’s EL program or out of particular EL services within an EL program.”

School districts **MUST** provide guidance in a *language parents can understand* to ensure that they understand their child’s rights, the range of EL services available, and the benefits of such services before knowingly and voluntarily waiving them.

EL students who have been opted out of services are still ELs and school districts remain obligated to take “affirmative steps” and “appropriate action” to give these students access to their educational programs and address language barriers.



# Meeting the Needs of ELs Who Opt Out

## ⊗ Common areas of Noncompliance

- **District practices such as school personnel steering families away from EL programs**
- **Providing incorrect or inadequate information to parents about the EL program, particular services within the program, or their child's EL status**
- **School personnel recommending families decline EL programs due to insufficient space in such programs or because school districts serve only EL students with a basic or emerging level of English**

# Meeting the Needs of ELs Who Opt Out

## ⊗ Common areas of Noncompliance

### Continued

- Parents have opted their children out of EL programs because the school district **did not adequately address parental concerns** expressed about the **quality of the EL program**, their lack of confidence in the EL program offered because the **school district was not able to demonstrate the efficacy of its program**, or **their belief that their child did not need EL services**

# Meeting the Needs of ELs Who Opt Out

✓ To be in compliance, the following must be in place:

- School districts **encourage parents and/or students to accept the EL services offered and respond appropriately when parents decline any or all EL services**
- School districts **maintain appropriate documentation** demonstrating that a parent made a voluntary, informed decision to decline EL services
- School districts **explore the causes of high opt-out rates for EL services, address any underlying cause(s) of opting out, and ensure the academic and English language proficiency needs of the EL students who have opted out are being met**

# Spot the Legal Issue(s)

## *Meeting the Needs of ELs Who Opt Out*

Jeon is a 9th grade EL student that recently enrolled in Bloomfield County Schools. Her home school is Terry High School, but the district only offers EL services at Central High School because they do not have enough EL teachers. So, the school district told Jeon's parents that their only option is to opt out of EL services if she wants to attend her home school. Districts are allowed to cluster services when they do not have enough EL staff to cover all schools in a district. Is this legal?

- A. Yes, because Jeon's home school isn't required to offer EL services if they are offered at other schools in the district.
- B. Yes, because the school informed Jeon's parents of their options for EL services.
- C. No, because schools must provide EL services to students regardless of which school they attend.
- D. No, because the school should have hired additional bilingual assistants to meet programming needs.

# ELs Who Opt Out

## Effective Educational Practices

- Clear explanation (in a language families can understand) of EL services and supports to families of ELs (see Identification and Assessment section!) at the beginning to prevent opt-outs due to misconceptions
- Clear procedures for Opt-outs:
  - Communication and processes in place that opted-out ELs still need PSPs, accommodations, and must take WIDA ACCESS



1

2

3

4

5

6

7

8

9

10

# Monitoring

Evererson Education  
Copyright 2023

# Monitoring

“

School districts **MUST** monitor the progress of all of their EL students in achieving English proficiency and acquiring content knowledge.”

“School districts **MUST**, at minimum, validly, reliably, and annually measure EL students’ performance in academic content areas, including through tests in a language other than English where appropriate.”

“School districts **MUST** monitor the academic performance of former EL students for at least two years.”

4 years in KY

# Monitoring

## ⊗ Common areas of Noncompliance

- **Exit intermediate and advanced EL students from EL programs and services based on insufficient numbers of teachers** who are qualified to deliver the EL program
- **Prematurely exit students before they are proficient in English**, especially in the specific language domains of reading and writing
- **Fail to monitor the progress of former EL students**
- **Fail to exit EL students from EL programs after EL students demonstrate** (or could demonstrate if assessed) **proficiency in English**



# Monitoring

✓ To be in compliance, the following must be in place:

- **Monitor the progress of all EL students, including opt outs, in achieving English language proficiency and acquiring content knowledge**
- **Monitor EL student progress to establish benchmarks for expected growth and to assist students who are NOT adequately progressing toward those goals**
- **Do not exit students from EL programs, services, and status until EL students demonstrate English proficiency on a valid and reliable English language proficiency assessment**

# Monitoring

✓ To be in compliance, the following must be in place:

- **Monitor, for at least 2 years\***, the academic progress of students who have exited the EL program to ensure: **4 years in KY**
  - they have not been prematurely exited,
  - any academic deficits they incurred resulting from the EL program have been remedied,
  - and they are meaningfully participating in the district's educational programs comparable to their never-EL peers

# Spot the Legal Issue(s)

## *Monitoring*

Northampton School District has about 343 EL students that receive English language services. The District monitoring process for former EL students includes EL teachers staying in touch with exited EL students to track their progress. They conduct 2 classroom observations throughout the year and check their grades. However, they do not keep any documentation because it is not required as long as former ELs are making good grades and progress. Is this legal?

- A. No, because EL teachers are required to make a minimum of 4 classroom observations per year for exited ELs.
- B. No, because monitoring requires more than classroom observations and grades.
- C. Yes, because the school has a monitoring process in place for exited ELs.
- D. Yes, because documentation is not required for exited ELs if they are making good grades.

# Monitoring

## Effective Educational Practices

- **Consistent use of formative assessments** to evaluate EL students' progress and growth - consistent evaluation methods and tools allows for data comparisons and in-depth analysis
- **Formal four-year monitoring of exited ELs** has process for multiple times throughout school year
- **Clear procedures for next steps** if a student is struggling

1

2

3

4

5

6

7

8

9

10

# Communication with Parents

# 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.

# 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

✓ To be in compliance, the following must be in place:

- **Develop and implement a process for determining whether parents are LEP, and evaluate the language needs of these parents**
- **Provide language assistance to parents or guardians who indicate they require such assistance**
- **Ensure that LEP parents have adequate notice of and meaningful access to information about all school district programs, services, and activities**
- **Provide FREE qualified language assistance services to LEP parents**



# Spot the Legal Issue(s)

## *Communication with Parents*

Marina's child is an EL student at Everly High School. Her primary language is Hindi. The majority of the EL students at the school speak Spanish as their primary language, so the school has only bilingual assistants who speak Spanish. Marina needs to attend an IEP meeting for her child, and the school asked if she could bring a Hindi interpreter. Because Marina did not have an interpreter, she missed her child's IEP meeting. Is this legal?

- A. No, because the school is required to communicate with parents in a language they can understand.
- B. No, because the school should have asked Marina's child to translate so she didn't miss the meeting.
- C. Yes, because the school informed Marina that she needed to bring an interpreter beforehand.
- D. Yes, because schools are only required to hire bilingual staff for the largest language groups in their district.

# 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

# Use your Title III Funds!

- Increase English language proficiency via a Language Instruction Education Program\*
- Professional Development\*
- Family Engagement\*
- Salaries of supplemental EL Staff
- Instructional materials and technology programs

**\*Required to spend  
in these categories**

# Thank you! Questions?

Access today's slides at [eversoneducation.com](http://eversoneducation.com)

Scan the QR code to visit a web page with all of these resources.



**Emma G. Everson, Ph.D.**

*Multilingual Law and Policy Consultant*

*email: [emma@everson16.com](mailto:emma@everson16.com)*



## Top Resources

- Dear Colleague Letter 2015
- U.S. Dept. of Ed. EL Toolkit
- OCR/DOJ Fact Sheet for LEP Parents