



English Learners Have Rights!

An Advocacy Guide for Parents
and other Community Stakeholders



The Education Trust—West

California serves nearly 1.2 million English learners in its K-12 schools.¹ Sixty percent of children ages 0-5 speak a language other than English at home.² This language diversity is one of California's great resources and should be celebrated and developed in school.

At the same time, English learners often have specific educational needs and face challenges in receiving a high-quality education. For these reasons, state and federal laws have been created to protect English learners and their families.

As an advocate – whether you are a family member, educator, community organizer, administrator, or community leader – you can make sure these rights are honored. Below, we list **10 key rights** you should know about and offer some questions you may want to ask your school or district.

How does a student get identified as an English learner in the first place?

Parents or guardians are asked to fill out a home language survey when they enroll their children in school. The survey asks if a language other than English is spoken at home, or if the student speaks a language other than English. If one of these is the case, an initial language assessment is given to measure the student's English language ability in listening, speaking, reading, and writing. If the results suggest that the student is not yet fluent in English, he or she is designated an **English learner**. English learners are re-tested every year to see if they have met the standard for English fluency. Parents must be informed about their children's language status and the supports they will receive (Education Code Section 52164.1).

1

Parents can request bilingual programs, and districts must consider them

Proposition 58 and the California English Learner Roadmap declare the right to bilingual education for both native and non-native English speakers. Districts must annually notify parents about the types of language programs offered, and these offerings can include bilingual programs. In addition, if enough parents come together to demand it (30 parents in a school or 20 in a grade), parents can request that their school offer, to the extent possible, a specific language acquisition program.³ This could include a request for a bilingual program.

Questions you can ask your school and/or district:

- What programs does the school and/or district offer to help students become bilingual/biliterate?
- How is the school and/or district planning to expand bilingual education?
- How is the school and/or district collecting parent feedback about language acquisition programs and using this information to inform decision making about new or expanded programs?

¹ California Department of Education, 2019

² Sue Holdtby et al., "Families with Young Children in California: Findings from the California Health Interview Survey, 2011-2014, by Geography and Home Language" (Los Angeles, CA: UCLA Center for Health Policy Research, 2017), https://www.cchc.ca.gov/pdf/whatwedo/whatwewknow/Child_PB_FINAL_5-31-17.pdf.

³ California Education Code Section 310[a]

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Students must receive appropriate language accommodations/supports on state assessments

English learners who are in their first 12 months of attending school in the U.S. do not have to take the English language arts (ELA) test,⁴ which in California is called the California Assessment of Student Performance and Progress (CAASPP). All other English learners are expected to take these assessments. All students can use tools during the test that include an English glossary and an English dictionary. Additional supports are available to specific students who need them, such as translation of test directions into a variety of languages for all tests, translation glossaries for math items, a “stacked” translation of the math test that features Spanish test questions above the English ones, and a read aloud in Spanish of the math test.

Questions you can ask your school and/or district:

- Do students at the school and/or district know how to use the universal tools provided to support assessments? How much are they actually being used?
- Are English learners at the school and/or district receiving assessment supports? How many and how often?
- Does my child need designated supports in order to be successful on these assessments? How do you make this decision? How is this decision communicated to parents and to the teachers who will be administering the test?

3

Students must have access to the full curriculum, including college preparatory classes

English learners must be supported to meet the same academic standards that all children are expected to meet. In addition, state law prohibits middle school and high school English learners from being denied enrollment in core curriculum courses, English Language Development (ELD) courses, courses required for high school graduation, or college preparatory courses like A-G, Advanced Placement, or honors.⁵

Questions you can ask your school and/or district:

- What are the enrollment rates for English learners versus non-English learners in the A-G courses required to be eligible for state universities in California, Advanced Placement courses, and honors courses in the school and/or district?
- How is the school and/or district supporting English learners to be successful in all these courses?
- What is the school and/or district doing to make sure my child will have the courses necessary to be eligible and prepared for a wide range of college options?
- How can I know if my child is on track for college readiness and enrollment?

⁴ ESSA Section 1111(b)(3)(A)

⁵ California Education Code Section 60811.8

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Students must receive helpful language supports and services

School districts must provide English learners with supports that help them learn English and achieve academically in their classes.⁶ If parents of English learners don't want these supports, they have the right to opt their children out of the whole program, or even just part of it.⁷ (However, parents cannot opt out of annual language testing or decline to have the "English Learner" label assigned to their child based on the initial test.) These supports should include both designated English Language Development (ELD), a time during the school day focused on supporting English learners' English language development, and integrated ELD, provided throughout the school day across all subjects and classes by all teachers of English learners. These supports must be provided until students are reclassified as English fluent, and parents must be consulted when making those reclassification decisions.⁸ Even after a student is reclassified, districts are required to report on student progress for four years.⁹ Districts must also tell parents of English learners about the different language acquisition programs and what they offer, including those that support the development of bilingualism/biliteracy.

Questions you can ask your school and/or district:

- What services is my child receiving? Tell me about both the integrated and designated ELD instruction services.
- How are teachers trained to provide supports in all classes?
- Is my child on track to being reclassified, and if not, what additional support does s/he need?
- How can we partner to support my child's English language development *and* home language?
- Overall, how are students at the school and/or district doing academically after they are reclassified?
- How does the district monitor student progress after reclassification, and how is that information communicated to parents?

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Additional funds generated by English learners must be used to support their needs

Under California's Local Control Funding Formula (LCFF), districts get additional funding for each student who is low income, an English learner, and/or in foster care.¹⁰ These resources, called "supplemental and concentration grants," must be used to support those student groups.¹¹ In addition, schools serving English learners are eligible to receive Title III funding through the federal Every Student Succeeds Act (ESSA).

Questions you can ask your school and/or district:

- How many English learners does our school or district have?
- How much LCFF supplemental and concentration grant funding does our district get? How much does each school site get, and how is it being spent?
- How much Title III funding does our district receive? How much does each school site get, and how is it being spent?

⁶ Castañeda v. Pickard 648 F.2d 989, [5th Cir. 1981]

⁷ Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA) of 1964

⁸ California Education Code Section 313 and Title 5 California Code of Regulations (5 CCR) Section 11303

⁹ ESSA Section 3121(a)(5)

¹⁰ California Education Code Section 42238.02

¹¹ Title 5 California Code of Regulations (5 CCR) Section 15496

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English learners must receive additional services

Under federal law and LCFF, English learners are entitled to receive additional services above and beyond the basic educational program offered to all students. Services could include a wide variety of things, such as more learning time, extra instructional support like tutoring, extracurricular activities, better trained teachers, and stronger family engagement.

Questions you can ask your school and/or district:

- How is the school and/or district increasing and improving services for English learners? Tell me about the specific programs and activities.
- How much money is being used for those services?
- How are our English learners benefitting as a result of these services? Do we have evidence to show they are the most effective programs and services we can provide?

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Parents and guardians of English learners must be engaged in school decisions

Most schools in California must operate a School Site Council (SSC), a group that includes the principal, teachers, staff, and parents.¹² The SSC proposes how certain funds, including LCFF dollars allocated to schools, are used. Their most important task is developing and annually reviewing the School Plan for Student Achievement (SPSA) that shows how a school is working to improve student achievement.

Schools with more than 20 English learners must also have an English Learner Advisory Committee (ELAC). This group must include parents of English learners who are elected by other parents of English learners. The ELAC offers advice and helps the school make important decisions about services for English learners. This group, and other parents of English learners, should also offer advice on the SPSA.

Questions you can ask your school and/or district:

- How many SSC members are parents of English learners or staff with expertise in English Language Development? How can we increase this representation?
- How are the SSC and the ELAC working together on the school site plan?

¹² California Education Code Section 52852



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Parents and guardians of English learners must be engaged as partners in learning at school

Schools are required to communicate effectively and often with families.¹³ They must also provide information and training to families so they can support their children's learning.¹⁴ Parents of English learners must also receive information on how they can be involved in helping their children learn English, achieve at high academic levels, and meet the same academic standards as all other students. Schools must also have a written parent and family engagement policy provided, to the extent practical, in a language parents can understand.¹⁵

Questions you can ask your school and/or district:

- What kinds of information and training do parents of English learners receive at the school site and/or district?
- What are some specific ways parents of English learners can be more engaged in supporting learning at home and in school?
- How is the school and/or district working to improve engagement of families of English learners, and of parents who speak a language other than English? How do our English learner family participation rates compare to other families?

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Parents and guardians of English learners must be engaged in *district* decisions, too

School districts are required to consult with families, including parents of English learners, when developing their Local Control and Accountability Plans (LCAP) and Title III plans.¹⁶ These plans describe the district's goals, plans, and budget overall and for English learners. The district's Parent Advisory Committee (PAC) and District English Learner Advisory Committee (DELAC) must also review and provide comments on the LCAP, and superintendents are required to respond in writing to these comments.¹⁷ A PAC is required in all districts, and a DELAC is required in districts with at least 15 percent English learners and at least 50 English learners. Each district must also have a written parent engagement policy.

Community members have the right to file a complaint, using the state's Uniform Complaint Procedure (UCP), if they believe the district has violated certain laws, including cases where the district has failed to appropriately engage families or provide appropriate services for English learners. The UPC process must be easily accessible to parents who do not speak English.

Questions you can ask your school and/or district:

- Does the school and/or district LCAP committee represent the district community? How many members speak a language other than English or have children who are English learners?
- How can I become a DELAC member?
- What are the DELAC's priorities this year, and what recommendations have they made to the district?
- What was the district's response to the DELAC's recommendations? Are they included in the LCAP?
- How does the district's parent engagement policy specifically address engagement of families of English learners, and of parents and guardians who speak a language other than English?

¹³ California Education Code Section 11502

¹⁴ California Education Code Section 11503

¹⁵ California Education Code Section 11504 and ESSA Section 1116 (b)(1)

¹⁶ California Education Code Section 52060 and ESSA Section 3113(b)(3)(G)

¹⁷ California Education Code Section 52062

¹⁸ Title 5 California Code of Regulations (5 CCR) Sections 4600-4687

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Key documents must be translated

Families are entitled to receive information from the school in easily understood formats and languages. Notices, reports, statements, and records sent home to parents must be translated, and interpretation must be made available at meetings, if 15 percent or more of the school's students speak a single primary language other than English.¹⁹

Questions you can ask your school and/or district:

- What languages do our families speak?
- What documents are translated, and in what languages?
- What additional translations do we need to make sure all families have the information they need?

Additional Resources

Learn more about the English Learner Roadmap through documents in multiple languages:

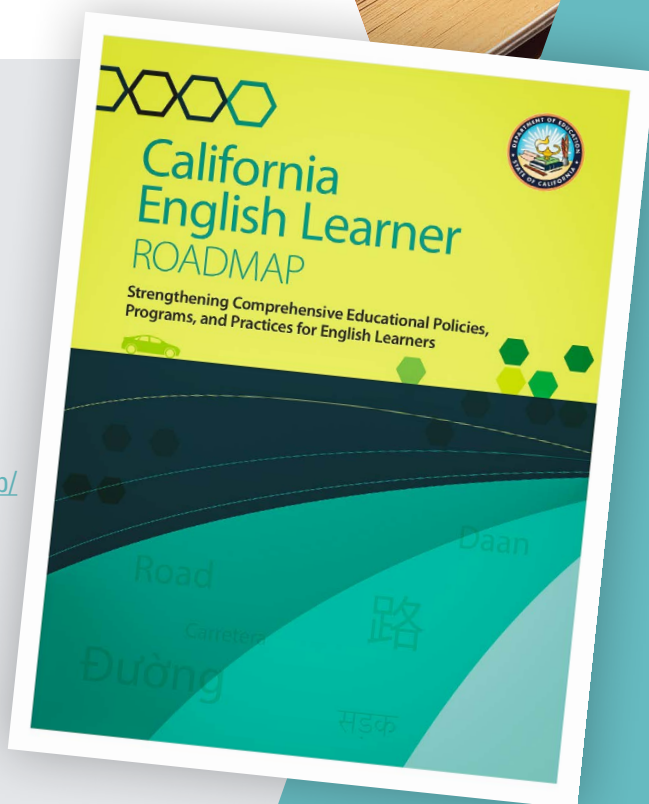
- CDE website: <https://www.cde.ca.gov/sp/el/rm/>
- Californians Together: <https://www.californiantogether.org/english-learner-roadmap/>
- California Association for Bilingual Education (CABE): resources.gocabe.org/index.php/home/the-english-learner-roadmap/

Learn more about Dual Language Learners and access to quality early education:

- Advancement Project: <https://www.advancementprojectca.org/what-we-do/educational-equity/dual-language-learners>
- Early Edge California: <https://earlyedgecalifornia.org/ece-priorities/dual-language-learners/>

Connect with organizations that can support you as you advocate, regardless of your immigration status:

- Parent Organizing Network: <https://parentnetwork-la.org/>



¹⁹ California Education Code Section 48985



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