MEMORANDUM

TO: Presidential Transition Education Agency Review Team

FROM: American Federation of Teachers, AFL-CIO, California Association for Bilingual Education (CABE), Californians Together, Center for Applied Linguistics (CAL), Intercultural Development Research Association (IDRA), Lawyers for Good Government, National Association for Bilingual Education (NABE), National Association of English Learner Program Administrators (NAELPA), National Council of Asian Pacific Americans (NCAPA), Southeast Asia Resource Action Center (SEARAC), TESOL International Association, UnidosUS

SUBJ: Priorities and Recommendations for English Learners

DATE: December 11, 2020

We, the organizations signed on to this memorandum, respectfully and enthusiastically submit the following proposed agenda to the Biden Transition Education Agency Review Team for consideration. This document highlights our collective priority issues and recommendations on English Learners (ELs) for the new Administration.

For too long, the needs of the nation’s 5 million English Learners have been overlooked, resulting in disproportionate funding and insufficient academic progress. The incoming administration must act immediately to ensure that all students, irrespective of their home language or immigrant background, are receiving a quality education in a learning environment disrupted by COVID-19, and to acknowledge the ways in which the education system has failed English Learners and build a path toward a more equitable and inclusive education system.

It is our hope that the individual appointed to head the Office of English Language Acquisition within the Department of Education is ready to collaborate with all stakeholders and to champion the needs of ELs throughout the Department of Education’s larger blueprint for education and throughout the country.

AGENDA FOR THE EQUITABLE EDUCATION OF ENGLISH LEARNERS

Office of English Language Acquisition (OELA)

The EL population has grown exponentially in the last decade, yet wide achievement gaps persist, with the need for federal guidance and state support limited by an office that is under-
resourced in funding and personnel, and undervalued. The role of OELA must be strengthened and elevated within the Department.

**Recommendations:**

1. **Return administration of Title III grants to OELA.** OESE has administered Title III grants for the last few years, resulting in confusion and inefficiency for the field in having to navigate two different offices. OELA is better positioned to provide critical technical assistance to states on the implementation of Title III.

2. **Build state capacity to improve EL programs.** This includes monitoring quality of Title III programs, e.g. course trajectories for ELs, implementation of EL accommodations, implementation of the principles established in *Castañeda v. Pickard*, providing guidance and setting expectations to increase collaboration and shared ownership among content programs at the SEA level.

3. **Full staffing of OELA.** Personnel must be reflective of the expanded responsibilities of the office.

4. **Change the name of OELA.** Moving away from deficit-based language and recognizing the strengths that ELs bring to learning environments can start with renaming OELA. Some options to consider are: Office of Bilingual Education, Office of Multilingual Support, Office of Bilingual Education and Multilingual Support, Office of Multilingual Education and Support.

5. **Continue and expand grant opportunities through the National Professional Development Program.** NPD and other sources can help support innovative programs for biliteracy development, English Learner support, biliteracy leadership, graduate studies, and research programs.

6. **The head of OELA should report directly to the Secretary of Education.** ELs represent 10% of students in the K-12 public education system, a population that continues to grow at a fast rate, and speak more than 400 languages — possessing language and cultural skills that if nurtured and supported appropriately, can be vital for a strong domestic and global economy. This position should reflect the critical role of this office within the leadership team of the Department.

**Digital Learning**

Despite educators’ best efforts during this crisis, it has been difficult to provide high-quality online instruction for ELs due to lack of electronic devices, connectivity, digital curricula specifically designed for ELs, and teacher training for online instruction.

**Recommendations:**

1. **Provide federal guidance on EL digital learning.** Federal law (Title VI of the Civil Rights Act, *Lau v. Nichols*, *Casteñeda v. Pickard*, the Equal Educational Opportunities Act) requires accommodations and supports for ELs. ELs should be able to access the same learning as their non-EL classmates, including through digital platforms. OELA can
provide concrete and solid guidance in support of the field on how to functionally implement best practices to serve ELs through digital learning.

2. OELA should compile and disseminate culturally and linguistically appropriate digital resources available in practice and in the marketplace that provide equitable resources for ELs and their educators.

3. Ensure professional development in digital instruction for teachers of ELs in real time. In 2019, the U.S. Department of Education found that districts were less likely to report providing professional development for digital learning resources for instructing ELs as compared with professional development for instructing general education students.¹

Funding to Support ELs

Title III of the Elementary and Secondary Education Act of 1965 (ESEA) was established to ensure that federal funds support the education of English learners (ELs). Between 2009 and 2016, the EL population grew by 11.35%.² However, when adjusting for inflation, Title III funding has actually decreased by 9.4% since 2009.³ Title I funds are intended to provide support to all low-income students including ELs, and Title III funds should serve to supplement Title I in supporting ELs. The Biden plan rightly recognizes the need for significantly increased funding and support for ELs to ensure they can participate meaningfully and equally in school.

Recommendations:

1. Work with Congress to include supplemental, emergency funding of $1 billion for Title III in COVID relief to support the unique needs of English learners during the pandemic. Over 100 organizations have called for additional resources to meet the challenges faced by ELs in remote, hybrid, and synchronous learning, to ensure EL do not fall further behind.⁴

2. The president-elect must follow through on his proposal to include increased funding for the most vulnerable students in the FY 2022 budget request. This should include tripled funding for Title I schools, and $2 billion for Title III to ensure that funding reflects the growing number of ELs and supports dual language development and parent engagement programs.

3. Provide funding for innovative approaches and strategies to be administered through a competitive process directly to schools, institutions of higher education, and organizations. Investment should support innovative and

transformational inclusive solutions contributing to the academic and social success of the diverse linguistically and cultural community of students impacted by their services.

**Family and Parent Engagement**

A sense of community must be brought back into schools, starting at the federal level. Family and parental engagement for parents of ELs must be a focus of the new administration in order to re-establish trust between families and schools. All families, including immigrants and their children, deserve to feel safe and welcomed.

**Recommendations:**

1. **Work with Congress to immediately increase funding for family engagement programs, including through a COVID-19 relief package and through Title I and Title III of ESSA.** A focus on family engagement is always critical to ensure the success of English Learner students, and is especially important during COVID-19 when school closures and distance learning have made consistent and meaningful communication between schools and families more challenging.

2. **Invest in EL programs and adult education programs that are congruent to one another.** Multigenerational programs that support adult literacy, cultural orientation, and digital literacy are critical to helping parents and families support their children’s learning and lift up the whole family.

3. **Prioritize language access as a civil right across all agencies.** Beyond education, the pandemic has exacerbated the need for language access across all agencies. As a share of the nation’s population, 21.9% percent of US residents speak a foreign language at home, more than double the 11 percent in 1980.5

**Inclusivity of ELs in Education Generally**

The needs of ELs must be taken into consideration when decisions are made for the general student population, when strategic planning takes place and when districts plan academic and extracurricular programming. States and districts must think of ELs beyond Title III funding. They must not be an afterthought or invisible in other departments within the Department of Education.

**Recommendations:**

1. **Establish federal policy to support inclusivity of ELs at the school and district-wide level.** Supporting ELs is not solely the responsibility of a Title III program or an EL program, but a school and district-wide responsibility.

2. **Fund teacher preparation programs and school districts that implement inclusive teaching practices for ELs.** Most teachers will experience an EL in their classroom.

3. **Recognize the role that English language teachers play in improving student outcomes and supporting ELs.** English language teachers possess unique skill sets,

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but are not always seen as equal to their peers in general education. Efforts must be made to elevate the critical role of English language teachers in our schools.

Racial Justice

The last four years have been catastrophic for the nation in fueling anti-immigrant sentiment and racial unrest. While the Black Lives Matter movement has certainly placed racial justice front and center, there must be an acknowledgment and awareness that racial violence and institutional racism also intersects with the lives of immigrants.

Recommendations:

1. Infuse all teacher preparation programs with racial justice and culturally responsive coursework. All teachers, not only teachers of ELs, should receive coursework in critical areas such as racial justice and culturally responsive practices. These programs should intersect with language access and immigration integration.

School Climate, School Discipline, and Immigration

ELs often attend schools that have higher rates of policing and are suspended or expelled at higher rates than their mainstream peers, especially at the high school level.

Recommendations:

1. End federal support (programs and funding) of police in schools, including through support of the Counseling not Criminalization in Schools Act. Research shows that the presence of police in schools increases the likelihood of arrest and contact with the criminal legal and immigration systems -- consequences experienced disproportionately by communities of color. Counseling services for ELs should be conducted by professionals that speak their language and understand their culture.
2. Revise and reissue the 2014 school discipline guidance. The guidance that was issued in the Obama administration and rescinded in 2018, should be updated to include robust recommendations related to the school-to-deportation pipeline and how schools can best support immigrant students and families without exposing them to dangerous criminal-legal consequences.
3. Reaffirm the role of the Office of Civil Rights in protecting the civil rights of ELs and immigrant students. Consistent with the Supreme Court ruling in Plyler v. Doe, OCR has a responsibility to “uphold, protect, and enforce the constitutional rights” of students to a free public education regardless of the citizenship or the immigration status of students and/or their parents.
4. Reassert U.S. Immigration and Customs Enforcement’s Sensitive Locations Policy and reinforce that ICE and 287(g) agreements have no place in schools.

Deficit-Based Language and Terminology

Multilingualism is an asset and English Learners should be recognized by the administration for the strengths they bring to all learning environments. The administration must move away from
deficit-based language which negatively represents the experience of ELs and multilingual households and adopt asset-based language and terminology.

**Recommendations:**

1. Direct other federal agencies to follow the Department of Education’s lead in shifting away from using the term "limited English proficient."
2. Change federal terminology of English Learner to an asset based term. The Department should take into account evidence-based research on using new terms such as “emergent bilingual students.”

**Native Language Assessments**

ESSA encourages but does not require states to establish Native Language Assessment programs (NLAs) that would allow ELs, such as recently arrived ELs, to take certain standardized tests in their native language instead of English. By providing assessments in a student’s native language, states can gain a more meaningful read of ELs’ knowledge of the subject matter.

**Recommendations:**

1. Enhance native language assessments as a part of accountability systems. For example, ELs enrolled in Texas bilingual education courses, who took Spanish-language math and science assessments, were 1.5 times as likely to meet grade level standards than ELs taking the same assessments in English.  
2. Incentivize states to develop assessments in more languages and expand the use of NLAs in other areas such as language arts and social studies.
3. Include in FY22 Budget Proposal and work with Congress to provide funding for states to develop and adopt native language assessments.

**Multilingual, Bilingual, and Dual Language Programs**

By being able to receive instruction in the student’s native tongue, ELs are allowed the opportunity to grasp complex ideas in a language they are familiar with rather than being hindered by the double obstacle of learning subject content while facing a language barrier.

1. Provide incentives to schools that use dual language programs for ELs to offset the additional costs it entails.
2. Ensure that ELs have full access to these programs when available.

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6 http://publications.unidosus.org/bitstream/handle/123456789/1990/unidosus_nativelanguageassements_whitepaper.pdf?sequence=4&isAllowed=y
Social and Emotional Learning
Social and Emotional Learning (SEL) support is of vital importance, particularly in the current climate of social injustice and COVID-19. The administration must prioritize the SEL needs of ELs and immigrant students as they continue learning virtually and transition back to in-person classrooms.

Recommendations:

1. Lift up the inclusion of and visibility of the social and emotional learning (SEL) needs of ELs and immigrant students. The administration must recognize that for immigrant students and English Learners, SEL support may look different and should be tailored to their unique needs.

2. OELA should establish indicators and markers for SEL support to ensure that practices are geared to the needs of ELs and are culturally and linguistically appropriate for ELs and immigrant students.

English Learners with Multiple Learning Needs
ELs are often also impacted by homelessness or additionally categorized as immigrants, migrants and/or students with disabilities. These students may require unique and nuanced supports in addition to their linguistic and academic needs.

1. Collect and disseminate disaggregated data on students with multiple identifications. This will help to better identify the contextual factors that contribute to achievement gaps for the EL population.

The undersigned organizations respectfully request a meeting with the appropriate members of the Transition Education Agency Review Team to discuss the recommendations we have proposed. Should you have any questions or to schedule a meeting, please contact Amalia Chamorro at achamorro@unidosus.org and Giselle Lundy-Ponce at Glundypo@aft.org.