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Washington Office of Superintendent of
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BULLETIN NO. 076-20 SPECIAL PROGRAMS AND FEDERAL ACCOUNTABILITY

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School District Federal and State Program Managers
School District Principals

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Supporting Multilingual/English Learners and Their Families

CONTACT: Veronica Maria Gallardo, Director, Migrant and Bilingual Education
360-725-6148, veronica.gallardo@k12.wa.us

PURPOSE

The purpose of this bulletin is to notify school districts that civil rights obligations to multilingual/English learners and their families continue throughout each of the various models of reopening schools. School districts are encouraged to use CARES Act funds to address educational supports necessary for multilingual/English learners and their families. The Office of Superintendent of Public Instruction (OSPI) has issued guidance and developed a collection of resources to assist school districts with meeting these civil rights obligations.

CIVIL RIGHTS OBLIGATIONS FOR MULTILINGUAL/ENGLISH LEARNERS AND RESOURCES FOR SCHOOL DISTRICTS

In the various models of reopening schools, civil rights obligations remain non-negotiable. Key civil rights obligations for multilingual/English learners include identification of eligible English learners, English language development instruction, and meaningful access to rigorous, grade-level content instruction.

The Equal Educational Opportunities Act of 1974 (EEOA) requires states and districts to take "appropriate action to overcome language barriers that impede equal participation by [their] students in [their] instructional programs." 20 U.S.C. § 1703(f). "Appropriate action" is a duty to make "a genuine and good faith effort, consistent with local circumstances and resources, to remedy the language deficiencies of [an educational agency's] students." *Castañeda v. Pickard*,

648 F.2d at 1007-1008, 1009 (5th Cir. 1981). *Castañeda's* three-prong test for evaluating the appropriateness of an English language development (ELD) program provides specific guidance for school districts:

1. Is the ELD program informed by sound educational theory?

All eligible English learners have access to the most effective ELD programs.

2. Are the practices, resources, and personnel reasonably calculated to implement the ELD program effectively?

English learners are timely identified and properly placed in an ELD program. ELD instruction is adequate and appropriate for each student so they may attain English proficiency in the least amount of time. Curricula and materials are specifically designed for multilingual/English learners to attain English proficiency. All eligible English learners have access to certificated teachers with ELD instruction expertise.

3. Do program results show language barriers actually being overcome?

The ELD program is annually evaluated on student language acquisition and academic achievement outcomes. Parents are asked for input to improve the ELD program. School districts provide annual, written notification to parents of the student outcomes for each ELD program. Parents may choose the most appropriate ELD program for their child.

When multilingual/English learners receive ELD instruction from qualified, certificated staff they attain English proficiency in the least amount of time. Within two years of exiting ELD services, these students perform at least on par with grade-level peers on academic assessments. Recognizing the direct relationship between staff qualifications and effective ELD instruction, Washington state requires all certificated staff funded with Transitional Bilingual Instruction Program funds to hold either the English Language Learner (ELL) or Bilingual Education endorsement ([RCW 28A.180.040\(2\)](#)). As budgets tighten it is essential for school districts to develop, recruit, and retain qualified, certificated staff to instruct ELD programs.

In addition, eligible English learners must be provided appropriate supports for meaningful access to rigorous, grade-level content (*Lau v. Nichols*, 1974, U.S. Supreme Court). Questions to consider when addressing this civil rights obligation:

- Do multilingual/English learners have access to and meaningfully participate in rigorous, grade-level core instruction and all other educational programs being offered?
- Do core content teachers receive on-going professional learning on effective instruction for multilingual/English learners?

School districts incorporate principals of universal design for learning in systems planning to support access to core instruction for all students, including multilingual/English learners. For

guidance on supporting students with disabilities, see [Reopening Washington Schools 2020: Special Education Guidance](#).

The following resources are included to support systems planning and instruction to meet civil rights obligations for providing multilingual/English learners with appropriate English language development instruction and meaningful access to rigorous, grade-level content through a continuum of reopening models.

- [Reopening Washington Schools 2020: Supporting Multilingual/English Learners](#) | OSPI guidance on timely identification and ELD service (p. 6), ELD instructional resources for early learners through adult students, and professional learning for effective instruction with multilingual/English learners.
- [Reopening Washington Schools 2020: Supporting Migrant Students, Title I, Part C](#) | OSPI guidance, resources, and unique considerations for supporting migrant students and their families.
- [Aligning Structural and Instructional Practices to Promote English Learner Success During the 2020–21 School Year](#) | Institutes of Education Sciences, Office of English Language Acquisition, U.S. Department of Justice, and U.S. Department of Education provide ready-to-use strategies for systems and instruction.
- [Supporting Immigrant and Refugee Students: Considerations for School Leaders in Response to the COVID-19 Pandemic](#) | Californians Together share practical, high-leverage strategies.
- [Restart and Recovery: Serving English Language Learners During COVID-19](#) and [Restart and Recovery: Considerations for Teaching and Learning](#) | Council of Chief State School Officers (CCSSO) share best practices from around the country.
- [Teaching Multilingual Learners Online](#) | WIDA strategies, resources, and examples.
- [Moving a Dual Language/Biliteracy Program to a Distance Learning Platform: Suggestions and Examples](#) | Center for Teaching for Biliteracy.
- [Offline Learning at Home: Ideas for English Language Learners](#) | Colorín Colorado.

GUIDANCE AND RESOURCES TO SUPPORT MULTILINGUAL FAMILIES

All parents have the right to meaningful communication about their child's education. For multilingual families, this means school districts must provide essential school communications in the family's home language.

- [Translation and Interpretation Information for Districts](#) | Laws, guidance, and answers to frequently asked questions.
- [Interpretation Services](#) | State master contract with list of interpretation service vendors.
- [Translation Services](#) | State master contract with list of translation service vendors.

Given the widely documented technology gaps with multilingual families, it is necessary for school districts to account for each student's learning by first identifying family access to and comfort with technology. Some families may need one-to-one devices for school-aged children, internet access, assistance with basic computer literacy skills, and guidance to access to online learning management systems.

- [Best Practices for Using Technology with Multilingual Families Toolkit](#)
- [Washington State Governor's Office of the Education Ombuds](#) | Translated back to school planning for remote learning for multilingual families.
- [Parent & Family Engagement](#) | Toolkits, best practices, and professional learning to engage families.

Provide learning activities in paper format to families who do not have one-to-one devices, access to internet, or adequate access to internet for each of their school-aged children.

In addition to technology access, multilingual families may also need navigation support with accessing child care, early learning programs, nutrition and financial assistance, and mental health and other health services.

- [Washington Connection](#) | Washington State application and navigation system for child care, nutrition and financial assistance, and long-term care. Phone access with interpretation services (1-877-501-2233).
- [Pandemic Nutrition Assistance](#) | OSPI guidance, answers to frequently asked questions, and translated information for families.
- [Find Child Care and Early Learning](#) | Washington State Department of Children, Youth, and Families (DCYF) navigation support for families.
- [Back to School During COVID-19: Child Care Resources and Information for Parents and Providers](#) | Child Care Aware of Washington, translated information and phone access with interpretation services to find child care (1-800-446-1114).
- [Entering Kindergarten Family Brochure](#) | OSPI guidance and translated information for families.
- [Mental Health Crisis Free Phone Support](#) | Washington State Health Care Authority list of phone numbers by county to access interpreted mental health services.
- [COVID-19 Resources for Immigrants](#) | OneAmerica links to critical services and resources including translated information.
- [Resources Finder](#) | Washington Immigrant Solidarity Network (WAISN) critical services and resource finder search tool for immigrants and refugees.

OSPI HUB FOR RESOURCES

To support school districts and families of multilingual/English learners, OSPI is curating a collection of online instructional materials, professional learning, and translated documents. All

resources are housed in the [Washington Open Educational Resources \(OER\) Hub](#) within the [Supporting Multilingual/English Learners](#) collection.

In the coming weeks, OSPI will issue a follow-up bulletin with additional resources and translated key documents, including translations of step-by-step directions for families to access common online learning management systems.

INFORMATION AND ASSISTANCE

For questions regarding this bulletin, please contact Veronica Maria Gallardo, Director, Migrant and Bilingual Education, at 360-725-6148 or email veronica.gallardo@k12.wa.us. The OSPI TTY number is 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

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