DISCUSSION HIGHLIGHTS:
COURSE, COLLEGE, & CAREER ACCESS

● Issue Area: Equitable Course, College, and Career Access for English Learner Students in California

Equitable course, college, and career access for English Learner (EL) students is an important issue that has been identified as a priority by the Consortium for English Learner Success for state and local advocacy because of a widespread lack of access of English Learner students to core content classes like math and science, and college preparatory classes like A-G requirements.

● Civil Rights of English Learner Students: Landmark Court Cases & Federal and State Legislation

● Title VI of the Civil Rights Act of 1964: "No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance." Title VI only protects against policies, actions, and practices that, on their face, single out or only apply to a certain group of people. Title VI does not protect against “disparate impact” which are policies, actions, and practices that may be neutral on their face and do not single out a certain group of people, but have a negative effect or impact on certain groups. **Major takeaway: Set the foundation for creating a case for EL student protection under Title VI**

● Lau v Nichols, 1974: Even after the passage of Title VI, discrimination was still occurring. Title VI did not include an explicit protection for students experiencing language barriers in public schools. School districts were placing non english speaking students in English-only classrooms without any other help learning English. The students claimed that they were entitled to receive special help to learn English under Title VI of the Civil Rights Act of 1964, arguing that Title VI banned educational discrimination on the basis of national origin. San Francisco Unified School District argued they weren’t discriminating, at least not intentionally. San Francisco Unified said we are treating all students equally - “we give everyone the same classrooms and the same textbooks as other students.” However, the court ruled that even neutral policies and practices that have a negative impact on a certain group of students violated Title VI of the Civil Rights Act. The court held that equal treatment of children in unequal situations is not justice and created a legal standard for the duty that school districts have towards its students who do not speak English fluently—school districts must take “appropriate action” to help students overcome their language barriers that impede equal participation by its students in its instructional programs. **Major takeaway: The court held that equal treatment of children in unequal situations is not justice and created a legal standard for the duty that school districts have towards its students who do not speak English fluently—school districts must take “appropriate action” to help students overcome their language barriers that impede equal participation by its students in its instructional programs.**

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1 Title VI, 42 U.S.C. § 2000d et seq.
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- **Equal Educational Opportunities Act of 1974:** The equal educational opportunities act of 1974 codified Lau - it turned the court’s ruling into federal law

- **Castañeda v. Pickard, 1981:** The case established a three-part test to evaluate the adequacy of a school district's program for ELL students, the “appropriate action” test:
  - is the program based on an educational theory recognized as **sound** by some experts in the field or is considered by experts as a legitimate experimental strategy;
  - are the programs and services implemented adequately with sufficient resources;
  - does the school district evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome (is the program effective)?

- **Plyer v Doe, 1982:** Established that immigrant undocumented children have a right to a free public education.

- **Prop 227, 1998:** Required California public schools to teach LEP "Limited English Proficient" students in special classes that were taught nearly all in English and shorten the time most LEP students could stay in special classes. It also eliminated most programs in the state that provided multi-year special classes to LEP students. This legislation negatively impacted LEP students.

- **Prop 58, 2016:** Repealed the English-only immersion requirement and waiver provisions required by Proposition 227 of 1998. Allows public schools to decide how to teach English learners – choosing among English-only, bilingual, or other types of programs. It also opens the door for native English speakers to learn a second language. Lastly, it implemented a “Feasibility” requirement for parents to request any language instructional program for their EL child.

- **AB 2735, 2018:** This bill, commencing with the 2019–20 school year, prohibits a middle school or high school pupil, who is classified as an English learner, from being denied participation in a school’s standard instructional program, and/or enrollment in specified courses, including, among others, courses required for graduation and college admission.

- **Issue Discussion (1):** English Learner students across California do not have equitable access to grade-level core content instruction.

  Participants were paired into six groups where they discussed solutions to the causes of the issues.

  - **Exclusionary tracking is detrimental to the academic, social, and linguistic development and success of EL students.** ELs are less likely to be enrolled in math, science, and ELA compared to English only students. What is very striking is that we see 30% of English learner students are NOT enrolled in English language arts, as compared to 2% of English only students. And more than a third of English learners are not enrolled in a full course load, which includes math, science, and ELA in any given semester in middle school. The study also found that contrary to state and district policy, 32% of ELs are not enrolled in ELD in a given semester of middle school.

Group 1

- **Practitioners need to be involved in policy writing.** To ensure that policies can be implemented in a positive way, practitioners need to be included in the conversation.

- **Inspire future teachers to implement policies early during teacher prep program**

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3 20 U.S.C.S § 1703
4 Castaneda v. Pickard, 648 F.2d 989 (1981)
6 Cal Ed Code Tit. 1, Div. 1, Pt. 1, Ch. 3 amended by Proposition 58 in 2016.
7 Cal. Ed. Code § 300 et seq.
8 Cal. Educ. Code § 60811.8
- **Establish a culture that acknowledges the assets of EL.** Create a document or mission statement that recognizes the importance of language across the board.

**Group 2**
- **Individual learning plans for all ELs.** A challenge of implementing an individual learning plan is adjusting the practicality of the document. For example, for schools that have 1,000 students, and all are ELs, how would the school manage this many ELs? Would the plan then become compliance driven instead of an actionable document?

**Group 3**
- **Immediate course access.** What would it look like to include an EL course enrollment piece in the accountability system? What would a course indicator would actually do for students in the state?

**Group 4**
- **There is a lack of articulation across college preparatory classes.**
- **We need to shift mindsets particularly with master scheduling:** Districts are given more flexibility but are still operating under old ideas. They need to understand the diversity of EL students that have intersecting identities, for example, newcomer, LTEL, special education, or undocumented identities. We need to think about the different needs of each population to ensure they enroll and succeed in these courses.

**Group 5**
- **Zero period option:** We should look into investing additional funds to make it easier for principals to implement a zero period.
- **Understand the additional needs of newcomer students:** For example, if a newcomer student has to stay a 5th year to graduate, they might need to also work. We can support this student by creating a late start schedule so they can work in the morning.
- **Reclassification versus graduation:** What do EL typologies look like in elementary, middle school, and high school? Maybe LTELs should not focus on reclassifying, but just focus towards graduation. Instead of focusing on passing the ELPAC, maybe we should focus on promoting the success of LTELs in their core classes.

**Online Group**
- **Additional training for licensure:** Teachers should have to demonstrate proficiency in doing this work to maintain license. Challenges: states may claim they’re doing this, and in theory they are, but change doesn’t actually happen (See esp. Minnesota’s Learning English for Academic Proficiency and Success Act)
- **There is no clearly articulated path for meeting individual needs of students.** There is a lack of mechanism for individualized pathways.

**Additional Comments**
- **There is a lack of research around elementary dual language education:** The same problem about course placement that we see in high school, plays out at the elementary level as well. Elementary teachers have discretion on student course placement, and they also have discretion on their courses and classes. This creates inconsistencies and a structural inaccess to other classes in high school.
- **State licensing requirements:** All teachers are authorized to teach EL students since 2003 but this change has not mitigated the problem. Today, there are more demands for teachers to provide inclusive classrooms for students of all needs, for example, special education students. Teachers are facing many challenges and demands, therefore, when we discuss, we should consider all these issues systematically.
- **Teacher training programs** - Teacher training programs also face certain challenges in preparing teachers. For example, they have challenges infusing subject area instruction into ELD. In addition, the system has not provided the support to institute change. Programs need dollars and money to ensure course access.
- **Promising practice with LAUSD:** LAUSD has made LTEL classes A-G credit eligible. This change helps ensure LTEL students are still meeting their college prep requirements. Everyone should make LTEL classes A-G credit,
There are ways to do this, but the system and the state has not promoted this method. We need to provide examples and seek funding.

- **There are no structures in place to support teachers working with EL students:** Challenges teachers face include having limited resources to address all students’ needs. For example, if there are a small number of ELs in school, and a teacher can barely making through their day, the teacher will start triaging. They can only do so much if they only have one period to prepare. As a result, their planning is very truncated. Teachers need to have structures in place that will support them.

- **Hold districts accountable on implementing an individualized plan:** Individualized plans should be the district’s responsibility not a teacher responsibility. The individualized plan should be a tool to help guide counselors and teachers. It should also address various socio-emotional ways to support students holistically.

- **Identify ways to systematically change public education:** “Learning how to teach ELs happens when teachers learn to begin how to teach”. Change the way teachers receive their credentials and how

- **Students only take 1 year of ELD, then they have immediate access to core classes. This policy change is happening across the state. Designated ELD at the secondary level does propel EL academic achievement because it does not address all issues. There is still a lack of bilingual dual language immersion programs.

### IV: Issue Discussion (2): EL students have extremely limited access to college preparatory courses and meet college admission requirements at significantly lower rates than their non-EL peers.

- We need to focus on increasing English Learners’ college and career access, preparation and success across the PK-20 educational pipeline. English Learner students are significantly represented in the lowest performance levels in the existing measures of the state accountability system. State findings reinforce that ELs have low access to and completion of college preparatory courses.

- **False idea that a-g articulations are a panacea.**

- **Identify what already works:** We should focus on highlighting promising practices and their outcomes so we can model.

- **Acknowledge ways biases and stereotypes negatively affects public perception of vocational programs:** In the past, brown and black students have been pushed into vocational programs. We need to be attentive to those past perceptions of vocational programs being “less than” and ensure that we don’t perpetuate past stigmas

- **Bridge K-12 and 12-20 to bring alignment:** There is a disconnect between K-12 and 12-20, we need to link and unify conversations. A way to do this is by bringing back the Pre-K through 20 council.

- **Reframe and discuss what tests count for college entrance.**

- **Education Trust-West Promising Practices:** series of semi-structured interviews and looked at A-G completion rates at various school districts to identify promising practices. They identified the following:
  - Making a-g the default curriculum
  - Establishing district-wide data systems
  - Investing in and retaining educators
  - Restructuring the school day
  - Creating and fostering learning experiences that honor students’ humanity
  - Developing meaningful partnerships
  - Publicly recognizing and celebrating students’ higher education efforts

### V. 2019 State Legislative Priorities/Updates:

- **AB 751:** **Pupil assessments: Pathways to College Act:** Would allow LEAs to administer SAT in lieu of 11th grade SBAC assessment and may impact EL access to appropriate assessment accommodations. From committee: Do pass. (Ayes 18. Noes 0.) (May 16).

- **AB 1012:** **Bilingual education: program support and recognition.** This bill expresses the intent for future legislation to expand bilingual/biliteracy opportunities in ECE-12th grade in 2020-21. Proposes $84M to fund:
expansion of DLI/bilingual programs in TK-12; PD in EO classrooms to return to bilingual settings or authorization; child development providers to support DLI; grants to IHEs to expand faculty for bilingual authorization programs; grants to support start-up of licensed dual language child development programs; creation of California Exemplary Bilingual and Biliteracy Program.

- **AB 1623**: Teacher candidate incentive grants: for teachers who commit to teach in high need areas (Bilingual, STEM, Spec Ed, and Science) for 4 years; $20,000 grant to each candidate.
- **SB 594**: Read second time and amended. Ordered to second reading. (5/17)

### VI. Participants

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