



COMMONWEALTH of VIRGINIA
Department of Education

March 13, 2015

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: New Guidance on the Education of English Language Learners Jointly Released by the U.S. Department of Education and U.S. Department of Justice

On January 7, 2015, the U.S. Department of Education (USED) and the U.S. Department of Justice (DOJ) released new joint guidance reminding states, school divisions, and schools of their obligations under federal law to ensure that English language learners (ELLs) have equal access to high-quality education and the opportunity to achieve their full academic potential. The guidance addresses the array of federal statutes, laws, court decisions, and policy briefs governing the education of ELLs and encourages state departments of education and school divisions to re-evaluate their policies and programs to ensure compliance. The joint USED-DOJ guidance includes:

- A Dear Colleague Letter;
- A Fact Sheet entitled "Information for Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs";
- A Fact Sheet entitled, "Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them"; and
- A Toolkit entitled, "Tools and Resources for Identifying All English Language Learners."

The new guidance has been posted in the Title III Toolkit on the Virginia Department of Education Web page in the Legislative tab. The link is provided below:

http://www.doe.virginia.gov/federal_programs/esea/title3/index.shtml

Under the joint USED-DOJ guidance provided in these documents, school divisions must:

- Identify ELLs in a timely, valid, and reliable manner;
- Provide all ELLs educationally sound language assistance programs and services;
- Ensure meaningful and equal access to division and school programs and services;
- Provide sufficient and qualified staffing to provide language assistance programs and services to ELLs;
- Avoid segregating ELLs from the general student population;
- Monitor the progress of ELLs in learning English and achieving academically;
- Provide programs and services to ELLs to remedy any academic deficits that may occur while they are learning English;
- Move students out of language assistance programs and services when they reach English proficiency and monitor these students for academic achievement;
- Evaluate the effectiveness of language assistance programs and services; and
- Provide parents of ELLs with information about division and school programs and services in a language they can understand.

On February 24, 2015, the Department provided a technical assistance webinar to division Title III coordinators to notify them of the release of the new federal guidance and to alert them to the possible immediate impact the guidance may have on division policies, budgets, staffing, and programs. Title III coordinators have been strongly encouraged to share this information with appropriate division staff in administrative, finance, and human resources departments. A narrated PowerPoint presentation with the information was provided on February 24, 2015, and has been posted to the Title III Toolkit in the Legislative tab.

Additionally, the Department will provide more detailed technical assistance related to the requirements outlined in the joint USED-DOJ guidance during the annual Coordinators' Academy in July 2015 and in other posted documents. Details about additional technical assistance information and training opportunities will be shared by e-mail with division Title III coordinators. As technical assistance information becomes available, it should be circulated and discussed with other division staff responsible for designing and implementing instructional programs and services for ELLs.

If you have questions or need additional information, please contact Stacy Freeman, Title III specialist, at (804) 371-0778 or Stacy.Freeman@doe.virginia.gov.

SRS/sf