**Federal Civil Rights Requirements for Educating**

**English Learners (ELs)**

**VDOE Brief for Counseling Directors and**

**School Counseling Staff**

**Pathway to Graduation**

School divisions are required under federal civil rights law to establish a pathway that provides an opportunity for high school ELs, including ELs with disabilities, to graduate.

A pathway to graduation for ELs should include access to:

* Required credit-bearing courses
* Appropriate course sequencing connected to post-secondary goals
* Credit recovery options
* Home/heritage language credit
* Specialized academic and career & technical education (CTE) programs
* Alternate assessments, as applicable
* Academic intervention programs, as needed

[English Learner Toolkit Chapter 2](https://ncela.ed.gov/files/english_learner_toolkit/2-OELA_2017_language_assist_508C.pdf)

### **Meaningful Communication**

School divisions must provide high school ELs and their families with meaningful communication, in a language they can understand, about graduation requirements and program options such as:

* Types of high school diplomas available
* Course requirements for each type of diploma
* Awarding of transfer credits and course placement determinations
* Course sequencing
* Credit-bearing and elective classes
* Specialized academic and CTE program options
* Intervention and tutoring programs for academically at-risk students
* GED options

[English Learner Toolkit Chapter 3](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap3.pdf) e

[English Learner Toolkit Chapter 10](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf)

### **Direct LIEP Services Requirement**

School divisions are required under federal civil rights law to establish a pathway that provides an opportunity for high school ELs, including ELs with disabilities, to graduate.

A pathway to graduation for ELs should include access to:

* Required credit-bearing courses
* Appropriate course sequencing connected to post-secondary goals
* Credit recovery options
* Home/heritage language credit
* Specialized academic and career & technical education (CTE) programs
* Alternate assessments, as applicable
* Academic intervention programs, as needed

[English Learner Toolkit Chapter 3](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap3.pdf)h

### **Written EL Entrance Procedures**

Per [[Superintendent’s Memo 189-22](https://www.doe.virginia.gov/home/showpublisheddocument/8370/638025866783870000)](https://www.doe.virginia.gov/home/showpublisheddocument/8370/638025866783870000), released August 26, 2022, divisions in Virginia are required to have standardized entrance procedures in place for the accurate identification, screening, and placement of ELs. School divisions should develop written procedures to guide the appropriate placement of high school ELs in programs and services, to include the credit review and transfer process.

### **College and Career Readiness Planning**

Regardless of their proficiency level, school divisions must provide high school ELs with an academic career plan and college and career readiness counseling services in a language they can understand. This federal mandate requires that school divisions provide additional assistance as necessary to ensure ELs fully understand their course options and can meaningfully participate in programs and services.

### **Specialized Programs and Services**

Federal civil rights law requires that school divisions provide equal access for ELs to all specialized academic and CTE programs and services including advanced placement, gifted and talented, dual enrollment, international baccalaureate, high school specialty centers, STEM academies, career preparation, industry certification classes, and technical center courses.

[English Learner Toolkit Chapter 4](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap4.pdf)

### **Older Students from Other Countries**

Generally, students who are 18 and 19 and who are transferring from high schools in other countries should be counseled on all options. However, they are still eligible for enrollment as a person of school age as provided in the Code of Virginia unless they have a comparable diploma from a high school in a foreign country. If an English Learner student is enrolled in a Virginia public school and turns 22 during the school year, that student may continue through the end of that school year. It may also be helpful to review the requirements for enrolling refugee students as many of these students are classified as older.

[Superintendent’s Memo 283-21](https://www.doe.virginia.gov/home/showpublisheddocument/9802/638025988119900000)

**Students from Other Countries with Special Needs**

Students who are from other countries and who have special education needs may be eligible for special education and related services through age 21 if they have not graduated with a comparable diploma from a high school located in a foreign country.

**Students with Foreign Diplomas**

If a school division has questions about a foreign diploma, research should be conducted to determine what kind of diploma the student has and whether it is comparable to Virginia’s diploma requirements. If the division concludes that the student has not fulfilled comparable educational requirements for a Virginia diploma, the student is eligible to enroll in the division. Note that some countries graduate students with a diploma in 9th grade, and this would not be a comparable to a Virgin’s diploma.

[Code of Virginia 22.1 5D](https://law.lis.virginia.gov/vacode/title22.1/)

[Superintendent’s Memo 174-21](https://www.doe.virginia.gov/home/showpublisheddocument/9596/638025980888470000)

**Foreign Transcript Translation**

Per [[Superintendent’s Memo 149-21](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/149-21.pdf)](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/149-21.pdf), each division must have a written policy for enrolling ELs, which includes completing the home language survey, screening for English proficiency, and reviewing available academic records to determine appropriate student placement. It is the responsibility of the school division to translate foreign transcripts, if needed, since school divisions are required to review educational records for enrollment, regardless of the language of the records or the country from which they came.

[English Learner Toolkit Chapter 1](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf)

[English Learner Toolkit Chapter 10](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf)

**Outside Organization Resources**

[Metropolitan Area Foreign Student Advisors (MAFSA)](https://www.mafsa.info/)

MAFSA provides forms and documents such as an International Student Intake guidelines for EL placement, and transcript evaluation resources.

[Evaluating Foreign Transcripts A-Z Manual](https://www.uft.org/files/attachments/evaluating-foreign-transcripts.pdf)

(New York City Department of Education)

This manual provides a country-by-country index to assist school counselors with understanding the various differences between school systems around the world.

**Articles**

[7 Tips for School Counseling with ELL students,](https://confidentcounselors.com/2019/01/28/7-tips-for-school-counseling-with-ell-students/) Confident Counselors, 2017.

[Understanding the Challenges of English Learners and Increasing College-Going Culture: Suggestions for School Counselors ,](https://www.counseling.org/docs/default-source/vistas/article_81_2016.pdf?sfvrsn=abe24) Caroline P. Perez and Stephaney S. Morrison, Vistas Online, 2016.

**VDOE Resources**

See the Counselor heading on the [Title III Padlet](https://padlet.com/jessica_saunders2/pa68j4a4egc7) for resources regarding evaluating transcripts and placing students in the appropriate courses.