

Learning in Every Language:

Guaranteeing Access and Opportunity for
Virginia's English Learners



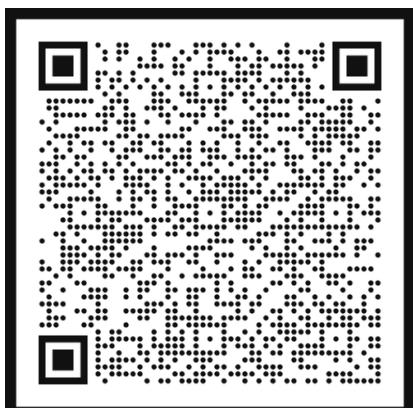
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The data used in this report can be accessed here:



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EXECUTIVE SUMMARY

Multilingual students are one of Virginia's public schools' greatest assets, and yet our school systems continue to underinvest in English Learner (EL) students. The ability of multilingual learners to think and communicate in more than one language strengthens cognitive flexibility and problem-solving skills.¹ Multilingual learners also contribute diverse cultural backgrounds and lived experiences to the classroom, bringing different traditions, ways of storytelling, and perspectives on community, cooperation, and learning.² When teachers incorporate students' home languages and cultures into the classroom, it improves the learning experience for all learners.³

By embracing and supporting EL students, school districts throughout the Commonwealth will not only increase engagement and achievement among EL students but also better prepare all students for globalized workplaces and diverse civic life.⁴ Despite the wealth of skills, abilities, and diversity that EL students bring to the classroom, Virginia public schools have provided inadequate support to these students for far too long. Significant investment is needed to rectify these longstanding failures.

Over the past four school years, Virginia's EL student population has increased by almost 24%.⁵ In fact, during the fall semester of the 2024-2025 school year, EL students represented 12% of the total student population in the Commonwealth.⁶ Unfortunately, data reveals that Virginia's education system fails to appropriately resource and serve these vulnerable students, who continue to face stubborn opportunity gaps on statewide assessments and in on-time graduation percentages and risk disproportionate rates of exclusion from school. Moreover, these challenges are ex-

acerbated by the Commonwealth's lack of consistent, reliable language access services, like translation and interpretation, for limited English proficient (LEP) parents and caregivers.

Virginia's General Assembly has taken some important steps to support the Commonwealth's growing population of EL students, like adopting a more equitable EL student-to-teacher ratio⁷ or increasing funding for EL instructors.⁸ However, more needs to be done to ensure EL students have equal access to educational success and to close the opportunity gap. For example, legislation in both the House and Senate to require that Virginia's Standards of Learning Assessments (SOLs) be made available in EL students' native languages failed in committee in each chamber during the most recent 2025 General Assembly Session.⁹

Similarly, a bill requiring the VDOE to collect data on EL student expenditures and English proficiency levels also failed.¹⁰ Relatedly, in the 2023 General Assembly session, an even more narrowly-tailored proposal to require that local school boards notify parents of EL students about SOLs in their parents' preferred language died in Committee.¹¹

To make matters worse, federal guidance regarding the language access rights of EL students and their LEP parents and caregivers in American public schools was rescinded by the current administration just a few months before the start of the 2025-2026 school year. Additionally, Title III funds that assist states like Virginia with paying for EL educational programs and training are under significant threat.¹²

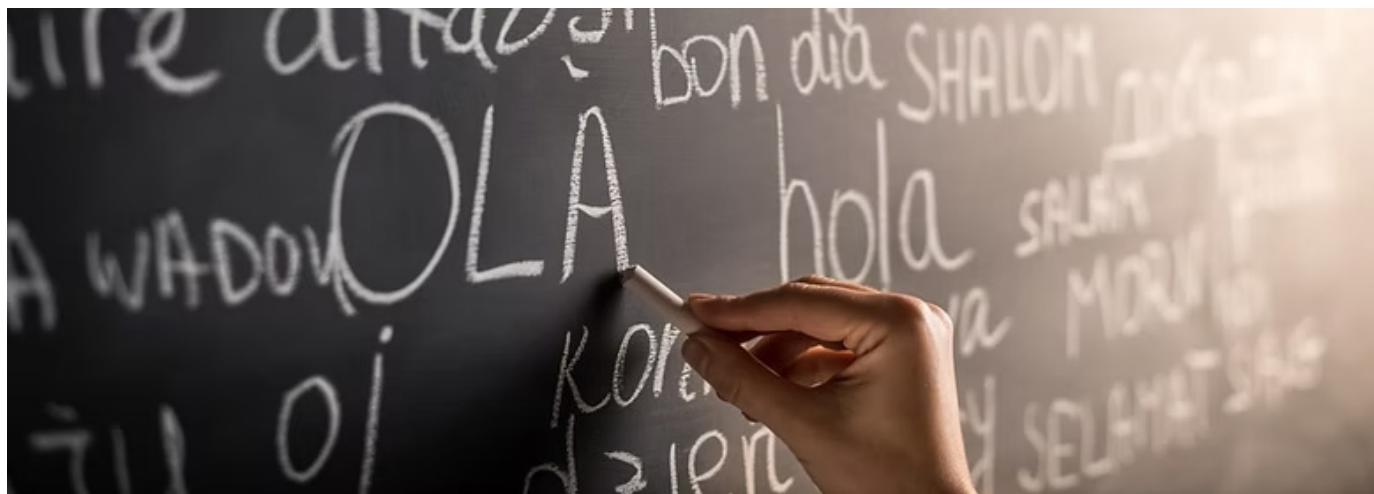
EXECUTIVE SUMMARY

While it is too soon to determine the impacts of recent funding increases,¹³ what we do know is that Virginia continues to fall far short in its support for EL students, both when compared to the national average¹⁴ and in light of the state's own recommended funding levels.¹⁵

- Many of Virginia's school divisions with the highest rates of EL student enrollment lack publicly available copies of important educational documents on their division websites such as the Student Code of Conduct, descriptions of language assistance programs, and application forms, in languages other than English. Anecdotal data suggests that school divisions may also fail to translate discipline notices and rights to appeal into multiple languages.
- When schools fail to provide effective instruction models for teaching English Learners, targeted professional development for teachers, and training in family engagement, it may result in poorer educational outcomes for EL students than their non-EL peers such as those seen here in the Commonwealth, including lower graduation rates, lower SOL rates, and higher rates of exclusionary discipline.
- Schools are not required to collect data about how funding for EL student services is allocated, making it nearly impossible to assess the efficacy of various services and interventions.
- Alarmingly, federal funding and protections for EL students appear to be evaporating.

In 2026, Virginia's General Assembly can address these mounting problems and safeguard the rights of EL students to fair, effective, and accessible K-12 public education by enacting legislation that—

- Codifies the right of all EL students and their LEP parents and caregivers to language assistance services, including translations of vital educational records and native language¹⁶ interpreters.
- Requires data collection specific to the needs of Virginia's growing EL student population and accountability from local school divisions about the use of increased EL education funding.
- Mandates that SOLs be made available in languages other than English.
- Increases EL student funding, structured as a flexible add-on, allowing school divisions across the Commonwealth to tailor services to the diverse needs of the EL students in their communities while being held accountable through robust data collection and the provision of meaningful language assistance services.



Current Status of English Learners in Virginia's K-12 Schools

Virginia has adopted the federal definitions of English Learner (EL)¹⁷ and Limited English Proficiency (LEP).¹⁸ An EL student is a student who was not born in the United States or whose native language is not English¹⁹, or a student born in the United States and who comes from “an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency.”²⁰

This includes students whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet the State’s academic standards, the ability to succeed in a classroom where the language of instruction is English, or the ability to participate fully in society.

LEP describes individuals whose primary language is a language other than English and who have limited ability to read, write, speak, or understand English. The term LEP may be used interchangeably with EL but is typically used to describe the parents and guardians of EL students.²¹

School divisions may “accept and provide programs for students for whom English is a second language who entered school in Virginia for the first time after

reaching their twelfth birthday, and who have not reached 22 years of age on or before August 1 of the school year”.²² This service is tuition-free for EL students as long as funding for the programs continues.

In addition to state budget appropriations, which are discussed more fully below, Virginia also receives funds to serve EL students through Title III of the Elementary and Secondary Education Act (ESEA).²³ In 2024, Virginia received over 17.5 million dollars in federal English Language Acquisition State Grant funds to increase the English proficiency of EL students.²⁴ However, federal budget proposals for FY2026 will likely eliminate or significantly decrease funding for language acquisition services.

In the federal appropriations bill proposed by both the U.S. House of Representatives and the White House for FY2026, Title III, Part A for English language acquisition would be eliminated, resulting in an \$890 million decrease in funding for language instruction for multilingual learner and immigrant students among the fifty states.

Virginia received \$17,505,784 in Title III funds to support English Language Acquisition programs in FY2024; under the budget proposals being advanced by the U.S. House of Representatives and the White House, these programs will be entirely cut.²⁵

Key Facts About English Learners In Virginia's K-12 Schools

1. In the fall semester of the 2024-2025 school year, 145,929 EL students were enrolled in Virginia's K-12 public schools, making up 12% of the total student population.²⁶
2. Since the 2021-2022 school year, the EL student population in Virginia has grown by 24%.²⁷
3. During the 2024-2025 school year, 71% of EL students in Virginia were identified as Hispanic.²⁸ 45% of all Hispanic students were identified as EL students.²⁹
4. During the 2024-2025 school year, roughly 18% of EL students were also considered students with disabilities.³⁰ Typically, students with disabilities comprise roughly 13% of the total K-12 student population in Virginia.³¹
5. During the 2024-2025 school year, while comprising only 12% of the total student population, EL students received approximately 21% of all referrals for exclusionary discipline.³²
6. EL students score anywhere between 30% to 50% lower than their non-EL peers on Virginia's SOL statewide assessments, depending on subject.³³
7. EL students are 15% less likely to graduate on time (or within 4 years) than their non-EL peers, particularly their white peers.³⁴

English Learners in Virginia's K-12 Schools

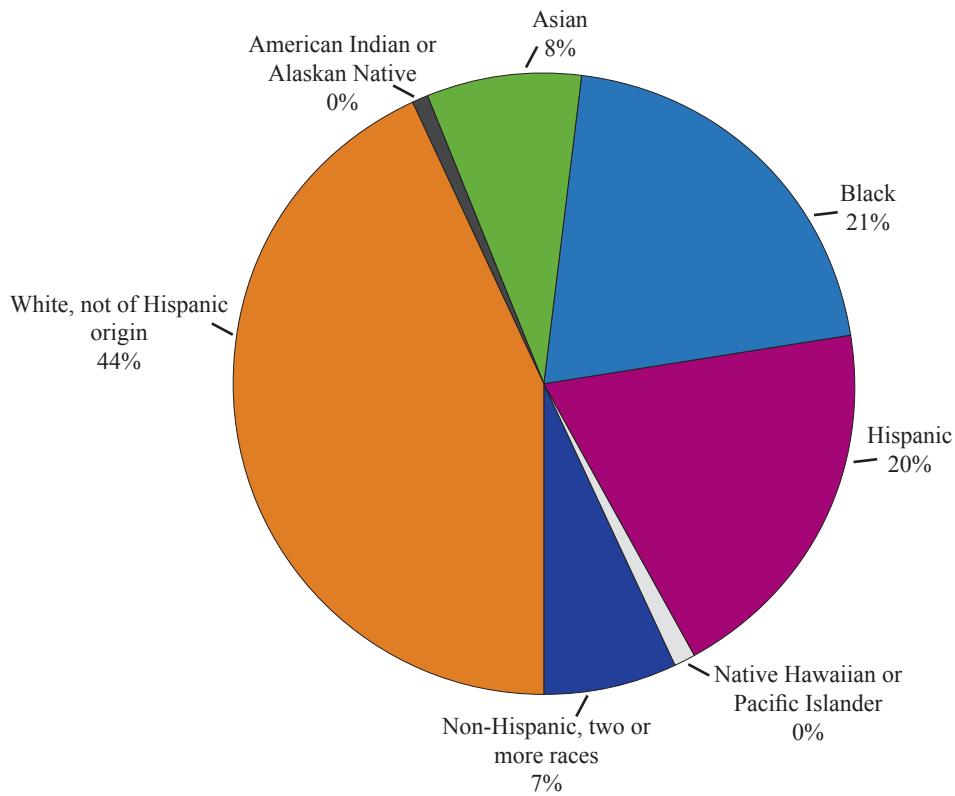
As of the end of the 2024-2025 school year, approximately 12% of the overall student population in Virginia's K-12 schools were EL students.³⁵ Virginia's population of EL students tracks nationwide trends evidencing significant growth of this vulnerable subgroup of public school students. While Virginia's total K-12 student enrollment has remained relatively constant, EL student enrollment has steadily increased since 2021.³⁶

During the 2024-2025 fall semester, 145,929 EL students were enrolled in public schools in Virginia,

as compared to 117,230 EL students enrolled during the 2020-2021 school year.³⁷ While Hispanic students comprise only 20% of Virginia's total K-12 student enrollment, the vast majority of EL students identify as Hispanic.³⁸

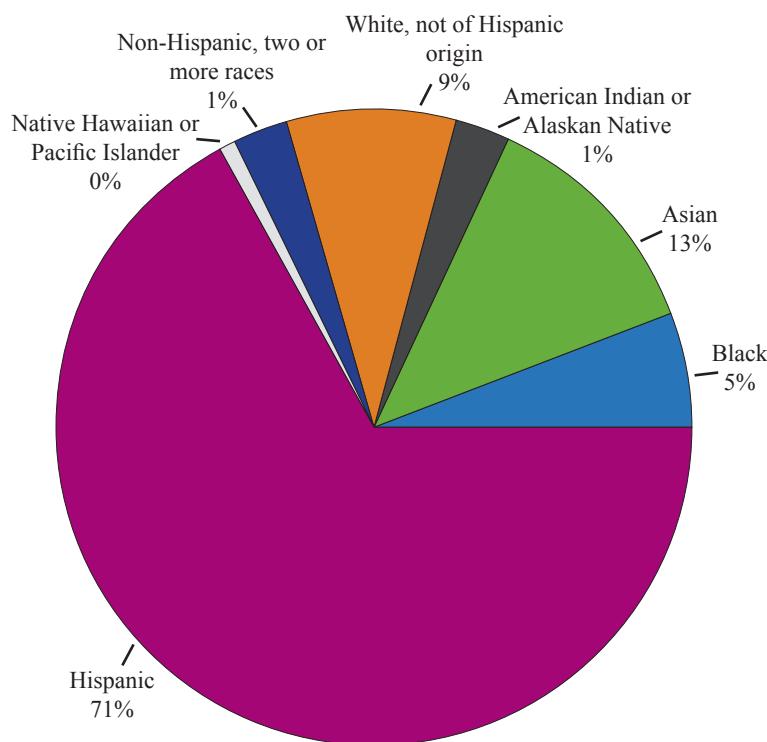
More than 70% of Virginia's EL students identified as Hispanic during the 2024-2025 school year—103,370 students—even though Hispanic students represent only 20% of statewide K-12 enrollment.³⁹ Approximately 41% of Hispanic students in Virginia are identified as EL students.⁴⁰

General Student Enrollment by Race and Ethnicity, SY 2024-2025



Source: [Enrollment Data for EL Student and Non-EL Student: 2020-2025](#)

EL Student Enrollment by Race and Ethnicity, SY 2024-2025



Source: [Enrollment Data for EL Student and Non-EL Student: 2020-2025](#)



Language Access Rights for English Learners and Their Parents

Title VI of the Civil Rights Act of 1964 and the Equal Education Opportunities Act (EEOA) require public schools to ensure that students with limited English proficiency have equal access to educational opportunities. These laws prohibit discrimination based on English proficiency and mandate that schools remove language barriers that hinder meaningful participation in education.⁴¹

For over two decades, federal guidance has made it clear that Title VI requires timely and accurate translation and interpretation of vital documents. However, the recent rescission of this federal guidance may alter how schools address communication and access for EL students and their LEP families.

Title VI and the EEOA

- Title VI prohibits discrimination based on English proficiency.⁴²
- EEOA prohibits discrimination based on race, color, sex, or national origin.⁴³

Both laws require public schools to remove barriers—including language barriers—that prevent students from equal participation in education. Schools must also provide adequate resources for students who do not speak English fluently. Under Title VI, state

education agencies (SEAs) and school districts must take proactive measures to eliminate language barriers and ensure that EL students can fully participate in all educational programs. Similarly, under the EEOA, schools must take appropriate steps to ensure equal access to instruction and school-related opportunities.

Federal Guidance and Its Rescission

In 2015, the U.S. Department of Education (USDOE) and the Department of Justice (DOJ) issued joint guidance clarifying how states and localities could fulfill their obligations to EL students under Title VI and the EEOA.⁴⁴ In August of 2025, the executive branch formally rescinded the 2015 guidance.⁴⁵ However, the underlying legal obligations of Title VI and the EEOA remain in effect. States and school districts, therefore, continue to bear responsibility for ensuring compliance.

Federal Expectations Before 2025—Meaningful Access and Vital Documents

Historically, the USDOE required SEAs and school divisions receiving federal funding to provide LEP individuals with meaningful access to essential educational information. This expectation included:

- Oral interpretation services, and
- Written translations of vital documents.

Both of these resources were required to be accurate, timely, effective, and free of charge.⁴⁶

Definition of “Vital Documents”

Vital documents are those that—

- Create or define legally enforceable rights, or
- Solicit information necessary to establish or maintain eligibility for federally funded programs.⁴⁸

Examples include—

- Enrollment and disciplinary notices
- Codes of conduct
- Rights of appeal

In addition to classroom access and disciplinary information, Title VI and the EEOA require schools to ensure that EL students have equal opportunities to participate in all educational programs and activities, including:

- Pre-kindergarten and early learning programs
- Magnet and career-technical education
- Counseling services and academic support
- Advanced Placement (AP) and International Baccalaureate (IB) courses
- Gifted education and online learning opportunities
- Arts, athletics, clubs, and honor societies

Communication with LEP Parents and Caregivers

To comply with pre-2025 federal guidance, school districts were required to ensure that LEP parents and caregivers can access essential information about their children’s education. School divisions were expected to:

- Identify LEP parents and assess their specific language needs
- Provide language assistance when requested or necessary for meaningful access
- Ensure timely notice and meaningful access to all programs and activities
- Offer free, qualified translation and interpretation services

These language assistance services remain critical for maintaining compliance and promoting equitable parental engagement in schools.

Lost in Translation

When schools fail to provide interpretation services and translated documents, parents and families are deprived of their agency to make meaningful decisions about educational services and placement. Maria⁴⁷ is a Spanish-speaking mother whose 9-year-old son, Diego, receives special education services.

When the school scheduled his IEP meeting to change his special education placement, Maria asked multiple times for an interpreter. On the day of the meeting, the school had no professional interpreter available. Instead, they asked Diego’s older sister—an eighth-grader—to translate for their mother during the discussion about evaluations, services, and a proposed change to a more restrictive classroom. Throughout the meeting, staff used acronyms and technical language that Diego’s mother could not fully understand.

Maria was handed a stack of English-only documents and was told she needed to sign “so he can get help,” without anyone explaining that she was agreeing to move her son out of his general education classroom and into a separate program. Only months later, with help from a community advocacy group, did she learn what she had actually consented to.



Findings on Language Access in Virginia's Schools

Beginning in the 2024–2025 school year, the Legal Aid Justice Center (LAJC) reviewed internal case data and hosted community meetings with LEP parents and caregivers, older EL and bilingual students, and recent graduates and community advocates.

In collaboration with YJP, law students from Georgetown Law's Racial Equity in Education Law and Policy Clinic⁴⁹ surveyed Virginia school districts with high EL enrollment to assess the availability and quality of language assistance services.

Key Findings

The review and surveys revealed significant inconsistencies and inequities in the provision of language access or assistance services across Virginia's school divisions:

- LAJC's internal review of cases and applications shows that language access services vary widely among districts.
- During LAJC's townhalls, LEP parents reported frequent encounters with barriers to communication with school officials.

- Students from Georgetown's REEL Policy Clinic found that many school division websites lack adequately translated content. While some websites offer automatic translation options, vital documents—such as School Board Policies and Student Codes of Conduct—are often available only in English. Their review also revealed that a small number of school divisions provide translated information in Spanish only, despite serving multilingual populations, and that several large districts fail to provide translations of—
 - Language assistance program information
 - Special education and disciplinary materials
 - Student codes of conduct and policy documents

The findings by LAJC and Georgetown's REEL Policy Clinic students show wide disparities in how school divisions provide language access services. Overall, the data reflects inconsistent and frequently inadequate language access services for LEP families across the Commonwealth.

Barriers at the Front Door

Samir and Layla, Arabic-speaking refugee parents in a Shenandoah Valley school division with rapidly growing English Learner enrollment, tried to enroll their daughter, Nour, at the start of the school year.

The division's website offered only machine-generated Arabic translations, which were inaccurate and confusing. At the central enrollment office, staff handed them English-only forms and suggested they "try Google Translate at home" because no interpreter was available.

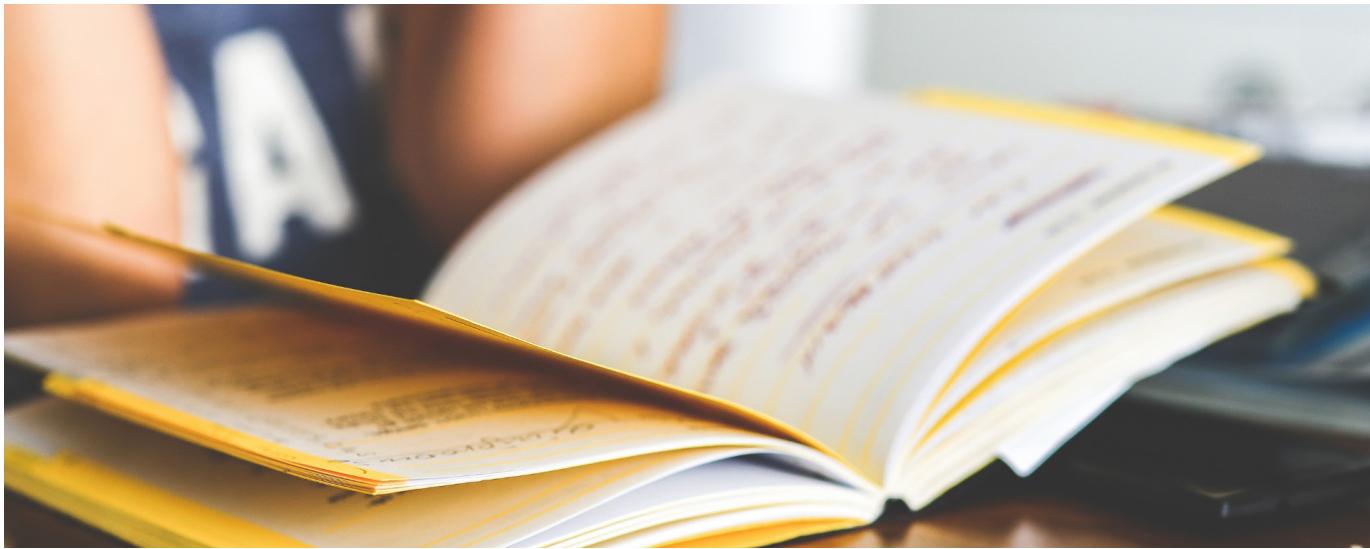
On the English-only home-language survey, Nour misunderstood a question and inadvertently checked a box indicating that English was spoken "well" in the home. As a result, the division never screened Nour for EL services, and she fell behind in reading and math. Later, when information about gifted testing and advanced math pathways was distributed only in English, the family never learned Nour could be eligible.

Families in similar Virginia divisions—particularly those in rural or rapidly growing areas—report that lack of translated enrollment documents and inaccurate automated translations routinely prevent their children from receiving the services and academic opportunities they deserve.

This lack of access to consistent oral interpretation and translated documents presents a barrier not only to the ability of students to engage with curriculum and course material, but also to parent engagement, which can be key element of student success.

Parental educational involvement has been linked to stronger academic outcomes for youth, including higher grades in school, better scores on achievement tests, greater school engagement, and grade promotion.⁵⁰ Of note, school-based parental involvement, when parents are actively involved in the school setting through activities such as participating in school organizations, volunteering in the school, or communicating with teachers, are particularly beneficial for more disadvantaged youth (i.e., those with poorer prior achievement and those from lower-socioeconomic backgrounds).⁵¹

When schools fail to engage the families of students who have limited English proficiency through oral interpretation and translated documents, the effect is to compound the myriad of barriers that are experienced by EL students. When schools instead enable parents to be active participants in their children's academic lives, EL student performance improves.⁵²



Funding English Learner Education

Historically, Virginia has trailed the national average for per-pupil expenditures on EL students.⁵³

The Virginia General Assembly adopts a biennial budget, which appropriates funding for EL instructors per fiscal year (FY). The biennial budget for FYs 2025 and 2026, adopted in the 2024 special legislative session, increased funding for EL teachers by 27% to help school divisions comply with the updated EL teacher-per-student ratios outlined in the Standards of Quality (SOQ) adopted by the Virginia General Assembly.⁵⁴ This has been a necessary and welcome change, given Virginia's history of underfunding EL student services and staff.⁵⁵ But these increases are not enough to meet the needs of EL students and close the opportunity gap.

Virginia funds its public schools using a Standards of Quality (SOQ) formula that is based on staffing rather than students.⁵⁶ This formula estimates the number and cost of staff positions needed for each school division and then apportions the calculated necessary funding between the state and each local government.⁵⁷ Additional funding for “at-risk” students, including students with disabilities, students experiencing poverty, and EL students, is then added on to the base funding on a per pupil basis.⁵⁸

In the summer of 2023, Virginia's Joint Legislative Audit and Review Commission (JLARC) issued its report on the Commonwealth's K-12 funding formula.⁵⁹ Amongst its many conclusions was that the SOQ formula did not adequately account for higher needs students, including EL students.⁶⁰ JLARC's analysis of the SOQ formula as applied to EL students found that the EL teacher ratio significantly underestimated the number of teachers and staff needed per student – the formula provided for one teacher per 50 EL students, but estimates of staffing needs suggest that more than one teacher for every 19.5 students is needed, and additional support personnel such as case managers, intake staff, and family liaisons are also vital to adequately support EL students.⁶¹ Moreover, the SOQ formula likely underestimates the cost of actual compensation for EL teachers.⁶² The 2024 adjustment to EL teacher ratios is not enough.

According to The Commonwealth Institute, Virginia's current funding formula for EL instructors provides the equivalent of a 25% add-on to base per-pupil funding.⁶³ For the current fiscal year (FY26), the combined state and local cost shares of this funding are \$462 million, which equates to \$2,992 per EL student statewide.⁶⁴

The JLARC Report compared third-party studies of education funding in 31 states⁶⁵ to find the “best practices” funding benchmark for EL students. JLARC’S review of studies from other states found that 40% more funding is the best practices benchmark for each student who is learning English.⁶⁶

Calculations from The Commonwealth Institute suggest that this funding add on translates to at least \$4,737 in additional funding per EL student, or a total budget of \$361.7 million to educate EL students statewide.⁶⁷ Currently, Virginia’s budget includes \$228.5 million in state funding for EL instructors. To meet the identified by JLARC, the state would need to provide an additional \$133.2 million in FY26.

Virginia’s support for EL students has long been deficient by these standards. In the 2020-2021 school year, the add on for EL students was just 12.6% (\$668 per student); in 2021-2022, it was 13.5% (\$755 per student). And despite the increased funding allocated in the biennial budget for FY2025 and FY2026, Virginia is still failing to adequately meet the needs of its EL students. Further, it is impossible to determine how the absence of more than 17 million dollars in Title III funds may impact the sufficiency of recent and future funding increases in the Commonwealth. Consequently, the General Assembly must create a buffer to mitigate against potential future losses in federal resources.⁶⁸



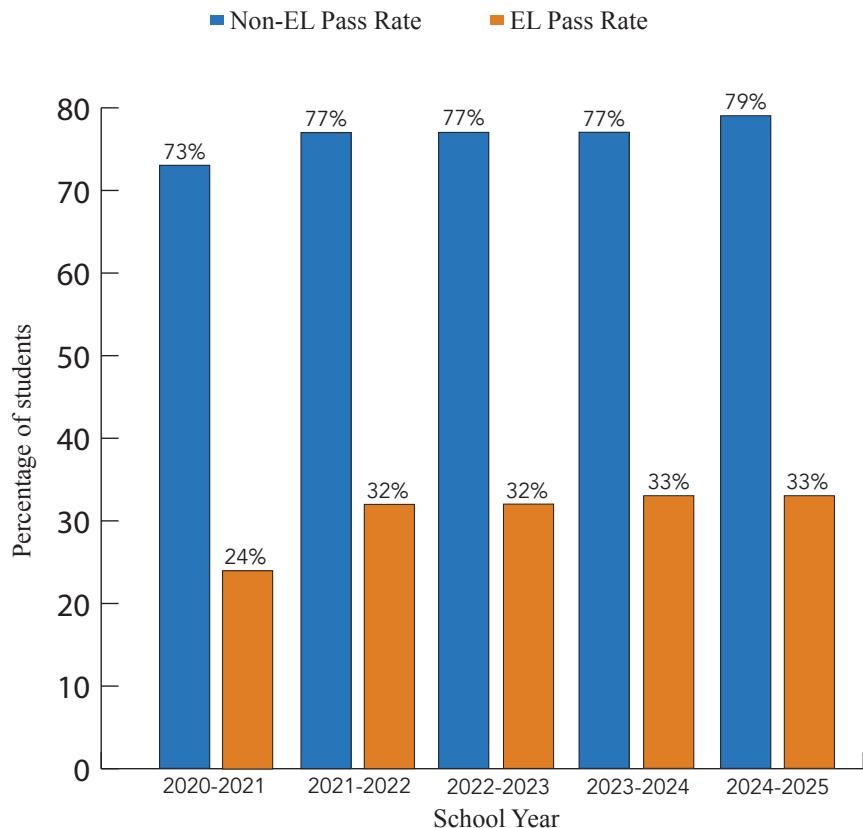
Educational Outcomes, Graduation Rates, and Dropout Rates of English Learners

English Learners and Statewide Assessments

Virginia’s education system continues to exhibit significant deficits in supporting EL students, as evidenced by the persistent outcome gaps on Standards of Learning (SOL) statewide assessments. SOL passage rates for English Learners remain substantially lower than those of their peers. An analysis of data from the past four school years reveals minimal improvement in academic outcomes for these students, demonstrating how Virginia public schools underserve EL students and highlighting the need for more effective instructional approaches and support systems.

Reading

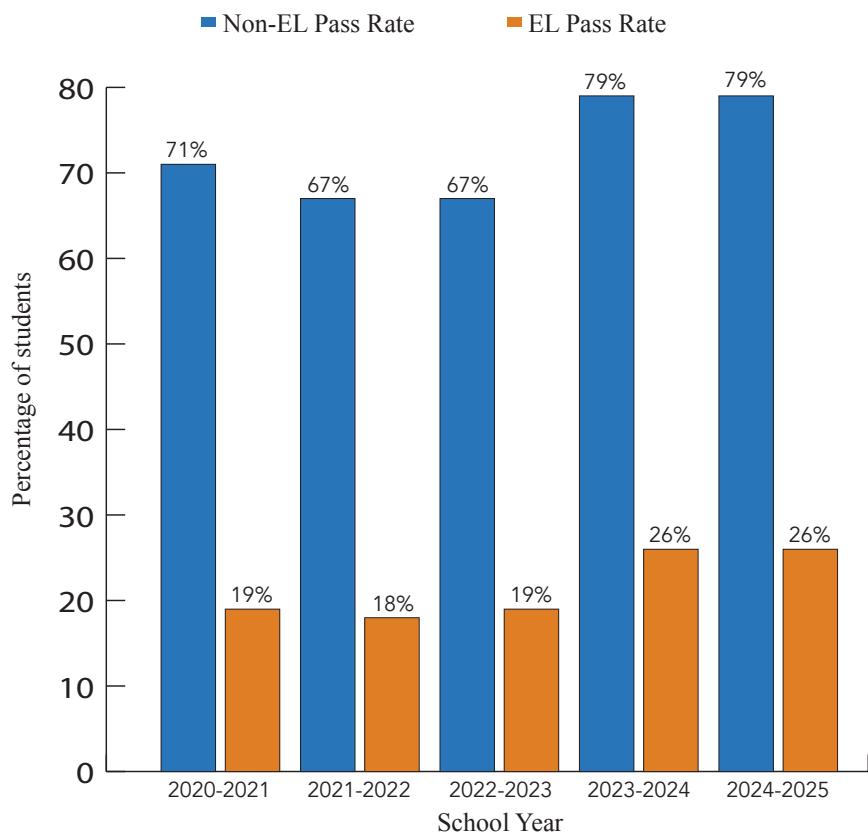
Publicly available data from the VDOE reveals that typically 32–33% of EL students pass the SOL in reading each year, while their non-EL peers demonstrate around 77–79% proficiency.⁶⁹



Source: [Standards of Learning Passage Data for EL Students and Non-EL Students: 2020-2025](#).

Writing

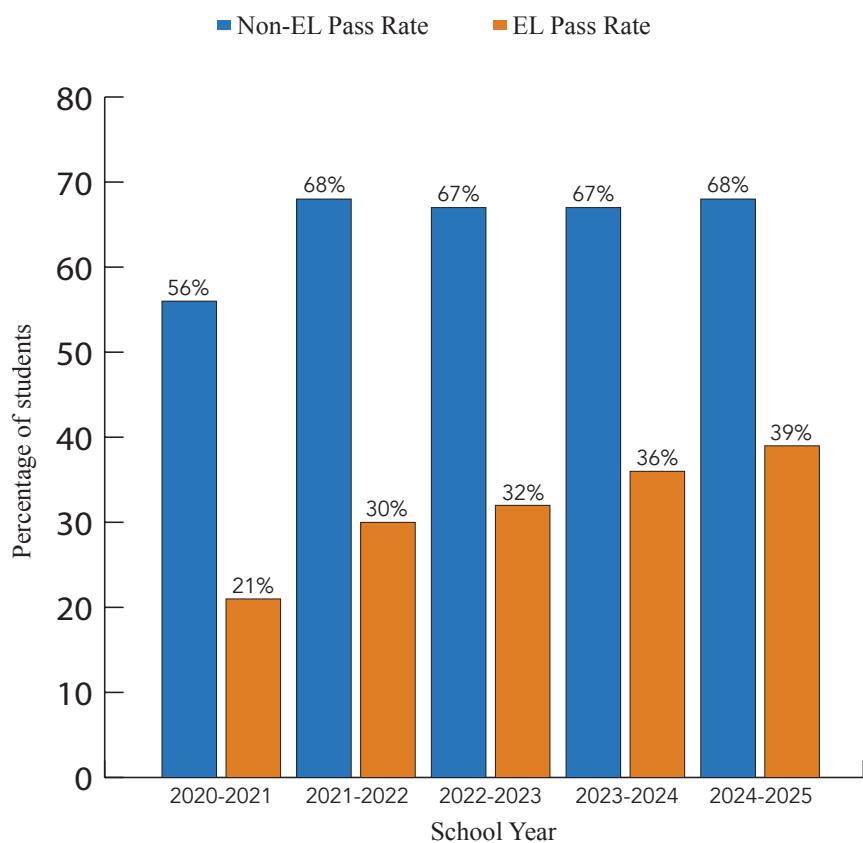
Across the past three school years, Virginia's SOL writing assessment results reveal persistent and deeply concerning disparities for the Commonwealth's EL students. While non-EL students had pass rates of 67% between 2021-2023 and 79% between 2023-2025, EL students remain substantially behind, with pass rates of between 19% to 26% in recent years.⁷⁰



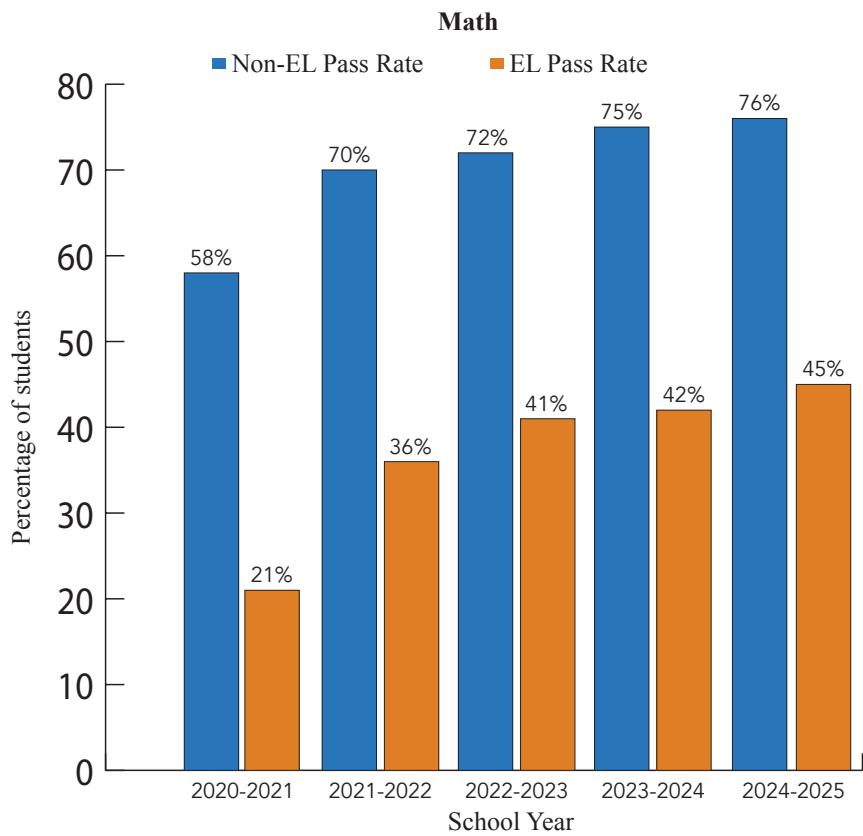
Source: [Standards of Learning Passage Data for EL Students and Non-EL Students: 2020-2025](#).

History and Social Studies

Likewise, publicly available data shows that, in history and social studies, SOL passage rates for Virginia's EL students routinely receive scores in the 30-39% range, compared to passage rates of 67-68% for non-EL students.⁷¹

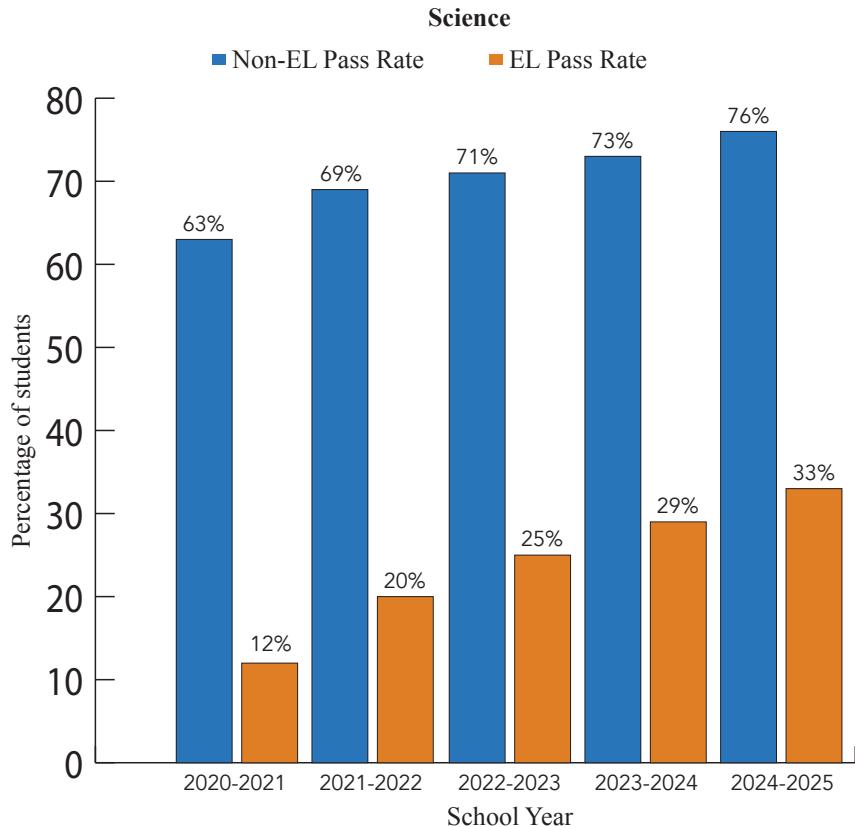


Source: [Standards of Learning Passage Data for EL Students and Non-EL Students: 2020-2025](#).



Math and Science

As a result of Virginia's lack of appropriate instructional and resource support, SOL passage rates for EL students in mathematics are also disproportionately low.⁷² Over the past four school years, SOL passage rates for EL students in math are generally between 36-45%, compared to 70-76% for their non-EL peers.⁷³ And in the sciences, non-EL students pass their SOLs at a rate of 69-76%, versus EL students whose passage rates are between 20-33%.



Source: [Standards of Learning Passage Data for EL Students and Non-EL Students: 2020-2025](#).



English Learner On-Time Graduation and Dropout Rates

A comparison of on-time graduation and dropout rates in Virginia's K-12 schools over the past four school years shows significant disparities for the Commonwealth's EL students, particularly its Hispanic EL students.⁷⁴

Publicly available data from the VDOE confirms that EL students in Virginia are less likely to graduate on time (i.e., within 4 years) than their non-EL peers, particularly their white peers.⁷⁵ This disparity is greater for Hispanic EL students, who graduated at a rate of almost 73%.⁷⁶

Across four graduating classes, the data reveals persistent and significant disparities in on-time graduation and dropout rates between EL students generally, EL Hispanic students, and their white, non-Hispanic peers.

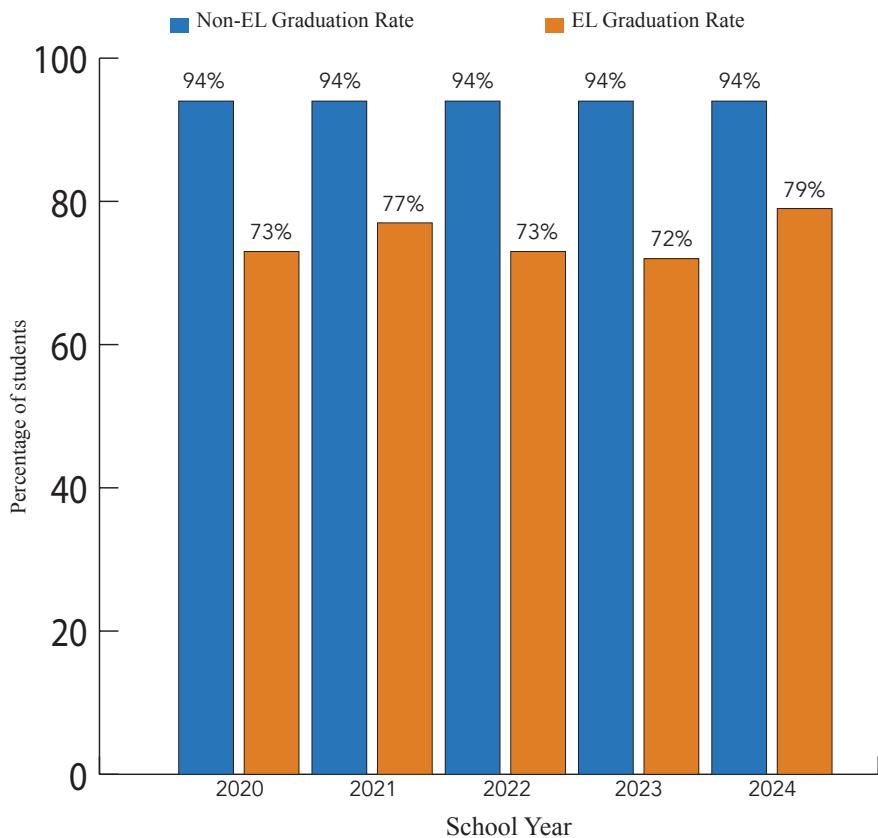
Non-EL white students graduate on time at the highest rate in Virginia, consistently above 94%. These rates remain stable across all four years, ranging from

94.9% to 95.3%. Likewise, white students who are English Learners show relatively high graduation rates compared to other EL subgroups. Their graduation rates remain above 91% every year, peaking at 93.6% in 2023. Their dropout rates are low and nearly unchanged—around 2% to 3%.⁷⁷

In sharp contrast, Hispanic EL students experience the lowest graduation outcomes and the highest dropout rates of any group. Although their graduation rates have marginally improved—rising from 69.7% in 2021 to 72.9% in 2024—their dropout rates remain deeply concerning. After reaching 31% in 2022 and 2023, their dropout rate falls to 24% in 2024, revealing nearly one in four Hispanic EL students still fails to complete high school on time.⁷⁸

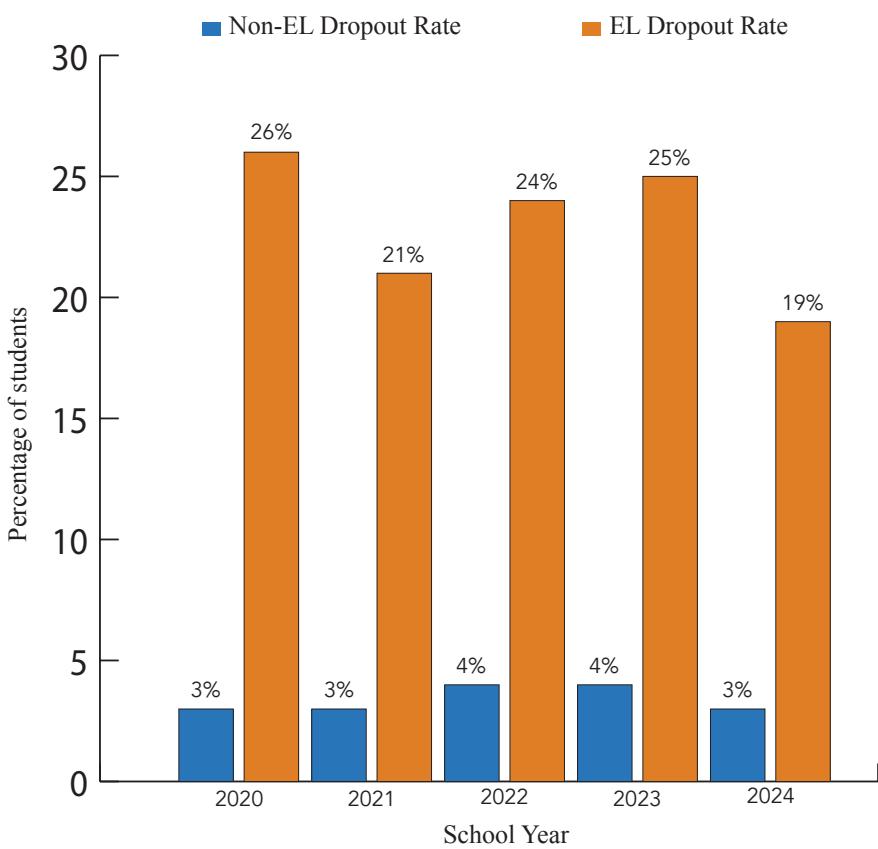
Across all EL students statewide, on-time graduation rates lag substantially behind those of all non-EL student groups. While there is modest improvement—from 77.2% in 2021 to 78.9% in 2024—the dropout rate remains high, peaking at 24.6% in 2023 before falling to 18.6% in 2024.⁷⁹

Cohort | 4 Year On-Time Graduation Rate



Source: [Cohort Graduation Rate for EL Students and Non-EL Students: 2020-2025](#)

Cohort | 4 Year On-Time Dropout Rate



Source: [Cohort Dropout Rate for EL Students and Non-EL Students: 2020-2025](#)

Recommendations

Codify Language Access Protections into Virginia Law.

Many Virginia school divisions fail to provide translated materials, accessible websites, or timely interpretation services, leaving limited English Proficient (LEP) parents without “meaningful access” to essential school information—a violation of Title VI of the Civil Rights Act and the Equal Educational Opportunities Act (EEOA).

Findings from LAJC and the REEL Clinic reveal significant disparities in language access services across divisions. Some websites offer incomplete or inaccurate translations; others provide content in only one non-English language. These failures prevent LEP families from engaging in their children’s education and understanding crucial information about programs, policies, and disciplinary procedures.

Virginia must codify in state law the protections once guaranteed under federal guidance, ensuring that all LEP parents and EL students have the right to:

- Receive translated vital documents in their native language.
- Access qualified interpreters for meetings and communications.
- Engage meaningfully in their child’s education.

School divisions, together with the VDOE, should also be required to establish standardized language access policies, conduct regular audits of online resources, and train school personnel on Title VI and EEOA compliance to foster consistency and accountability statewide.

Increased language access and assistance services lead to more meaningful opportunities for family engagement, and research from the National Academies of Sciences shows that “engagement of families, including both English-speaking families and families of ELs, is associated with positive student outcomes, such as higher grades and test scores, higher language proficiency, better social skills, increased high school graduation rates, and enrollment in postsecondary education.⁸⁰

Furthermore, longitudinal data studies strongly suggests that K-12 schools with a “welcoming environment,” including the provision of translation and interpretation for LEP parents, “encourages family-school partnerships” and increased familiarity and comfort for these parents with their children’s school.⁸¹

Offering translated information in a parent’s native language about how to navigate the school setting and employing parent-community liaisons with the ability to communicate with LEP parents in the language primarily spoken in their homes are research-proven methods of guaranteeing meaningful access to public education.⁸²

Finally, given the disproportionate rate at which EL students are subjected to removal from class or school, it is imperative that Virginia take steps to guarantee that LEP parents and caregivers have access to reliably translated information regarding the discipline process, including the right to appeal expulsions and suspensions.⁸³



Offer Standards of Learning (SOL) Assessments in Multiple Languages

Since 2016, the State Board of Education has had the authority under Virginia Code §22.1-20.4 to provide alternative SOL English reading assessments for EL students but has failed to do so.⁸⁴

According to recent research findings at The Century Foundation, EL students—who have limited English proficiency—will be “unable to fully demonstrate their knowledge of math, English language arts, and other subject areas when they are tested on these subjects in English.”⁸⁵

Given the fact that 45% EL students in the Commonwealth are designated as Hispanic or Latino, the General Assembly should immediately pass legislation ensuring that, at a minimum, schools in Virginia are prepared to provide robust language access and assistance services in Spanish.

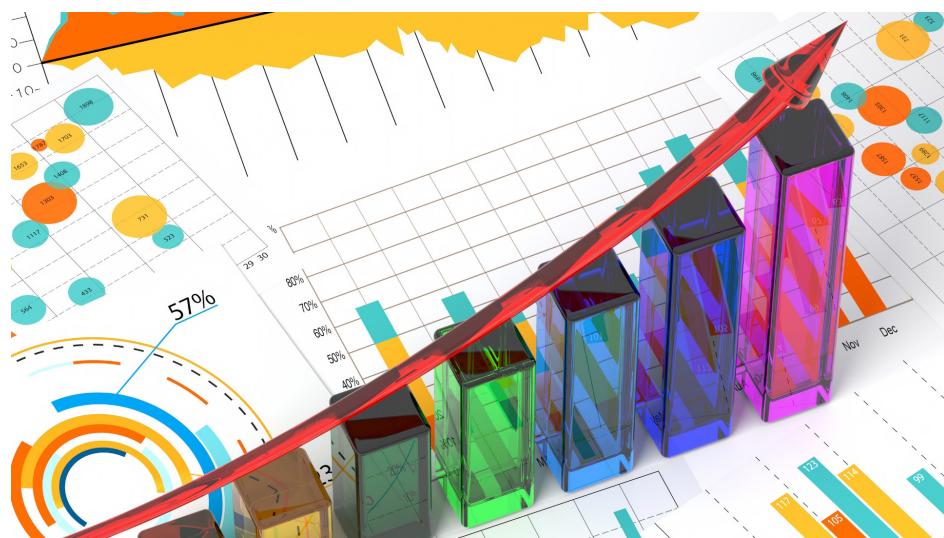
To be clear, however, lawmakers should reintroduce legislation requiring Standards of Learning (SOL) assessments and other standardized tests to be available in multiple languages. Offering translated assessments would allow educators to more accurately evaluate EL students’ mastery of core subjects and ensure fairer accountability across school divisions.

A System They Couldn’t Navigate

Minh and Lan are Vietnamese-speaking parents of a middle-school student, Hana. All year, the school sent automated phone calls, emails, and discipline notices only in English.

The family knew Hana was “having some problems,” but they never received translations of the student code of conduct, the school’s zero-tolerance policy, or their right to appeal suspensions. When they replied asking for information in Vietnamese, their requests went unanswered.

After a series of incidents, the school called Hana’s parents into a conference with the assistant principal and school resource officer. No interpreter was present. Staff spoke quickly in English, occasionally turning to a bilingual office aide with no training in interpretation to summarize “the important parts.” Minh nodded along, not wanting to appear disrespectful, and signed a form he believed was about “extra support.” In reality, he had just agreed to place Hana in an alternative program outside her home school for the rest of the year.



Collect and Report Comprehensive Data on English Learner Achievement and Funding

There are myriad barriers to adequate education funding for EL students. Often, funding levels are driven by political compromises instead of student needs and outcomes. To overcome these problems, data collection is vital, so that policy decisions can be better linked to evidence about which services actually result in the best outcomes for students.

There is significant data showing that certain types of instruction, including but not limited to the Sheltered Instruction Model,⁸⁶ content-based instruction,⁸⁷ and translanguaging,⁸⁸ are effective models for teaching English Learners. Of similar importance are targeted professional development opportunities and training in family engagement for English Learner instructors.⁸⁹ However, a recent national survey of educators shows that many teachers serving EL students feel underprepared to help these students.⁹⁰

A lack of meaningful, publicly available data has hindered accountability and progress for Virginia's EL students. The Virginia Department of Education (VDOE) currently lacks complete information on

students' English proficiency levels, as required by the Elementary and Secondary Education Act (ESEA).⁹¹ Furthermore, there is no standardized reporting on how EL funds are used at the local level, preventing oversight to ensure effective and equitable allocation of resources.

Virginia lawmakers should require comprehensive data collection and transparency regarding:

- English proficiency levels and academic achievement of EL students across divisions.
- Allocation and use of state and federal EL funds.
- Effectiveness of instructional supports and interventions.

Robust data systems will help the Commonwealth identify inequities, measure program impact, and ensure that increased funding leads to real academic gains for English Learners.

Increase Funding for English Learner Education



Despite modest increases in recent years, Virginia's English Learner (EL) students remain among the most underserved and academically vulnerable populations in the Commonwealth's K-12 schools. Virginia's funding for EL education continues to leave school divisions without sufficient resources for qualified staff, instructional materials, and family engagement services, like Community Liaisons.

To close outcome gaps and meet the growing linguistic diversity of Virginia's K-12 student population, the Commonwealth must increase funding to provide flexible, needs-based support for EL instruction. Sufficient and stable funding is essential to ensure that every EL student, regardless of language background or disability, has access to fair, effective, and quality education.

Progress on Paper, Not in Practice

Nadia is a fourteen-year-old Latina student who is starting her first year of high school. Her parents migrated to the United States with work visas at the start of her sixth-grade year, which was conducted virtually in the aftermath of the COVID-19 pandemic. Spanish is almost exclusively spoken in the home, and Nadia's parents speak little to no English. She was designated as an EL student by her school division when she was enrolled. However, language assistance services have been sporadic and minimal.

Consequently, Nadia's reading and writing skills have not significantly improved, though she has been promoted every year. Her inability to communicate as effectively as her peers and to keep up with the standard curriculum has caused Nadia significant frustration. During her eighth-grade year, her social anxiety and lack of self-esteem became so acute that she experienced severe depression.

As the year wore on, Nadia began refusing to go to school or calling home routinely to be checked out midday, which the school division permitted. Nadia struggled to complete eighth grade. In the middle of her seventh-grade year, Nadia's parents reached out to one of her teachers about their concerns for her mental health and lack of meaningful progress.

To address these issues, it is crucial that Nadia's school division not only provides consistent and meaningful language assistance services, but also that it provides evaluations and assessments accessible to Nadia in her native language, so that her results accurately reflect her academic capabilities and properly identify any barriers to success.

Conclusion

Virginia has long underfunded educational services for EL students. This underinvestment not only presents a significant barrier to the academic outcomes of EL students, but also disadvantages all Virginia public school students, who greatly benefit from a diverse, multi-cultural, and linguistically-rich classroom experience. All of Virginia's students, regardless of their home language, deserve the high-quality education to which they are entitled under the Virginia Constitution.

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