

September 12, 2025

The Honorable Linda McMahon
Secretary of Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

The Honorable Pamela Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Dear Secretary McMahon and Attorney General Bondi:

On behalf of the undersigned members of the National English Learner Roundtable and partner civil rights and education organizations, we write to express grave concern over the recent rescission of the Department of Education's and Department of Justice's joint 2015 "Dear Colleague Letter: English Learner Students and Limited English Proficient Parents" ("2015 guidance").

The 2015 guidance provided critical, legally grounded direction for states, school districts and schools on how to comply with laws and Supreme Court decisions that address the education of English learners. The decision to rescind this guidance sends a dangerous and misleading signal to educational agencies that enforcing the civil rights of the more than 5 million English learners is optional and has created uncertainty about their federal legal obligations to English learners and their families. **We demand that the departments of Education and Justice immediately reinstate the 2015 guidance.**

Today, 1 in 10 of all K-12 public school students is an English learner, of which a majority are U.S. citizens. These students attend school in every state — in city, suburban, town and rural classrooms alike. English learners, as with all public school students, have the legal and moral right to access a meaningful, rigorous and high-quality education. The 2015 guidance provided the framework enabling our states and schools to ensure that English learners have access to the pathways toward graduation, higher education and the workforce — contributing positively to the economy and fabric of the United States. Congress and the Supreme Court have long recognized the national imperative for educational access.

With Title VI of the Civil Rights Act of 1964 (Title VI), Congress created the foundation for the civil rights of English learners. Title VI prohibits all programs and activities receiving federal funding, including states and school districts, from discriminating on the basis of national origin. In 1974, a unanimous Supreme Court in *Lau v. Nichols* held that Title VI's prohibition on national origin discrimination requires states and school districts to take "affirmative steps" to

address language barriers to ensure English learners can access the same educational programs provided to all students.

Soon after Lau, Congress enacted the Equal Educational Opportunities Act (EEOA) of 1974, which requires states and school districts “to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs” (Section 1703(f)). In the 1981 *Castañeda v. Pickard* case, the Supreme Court created standards by which to evaluate whether states and school districts are meeting their obligations to English learners under the EEOA. Additionally, the Elementary and Secondary Education Act (ESEA) of 1965 established the English Language Acquisition formula grant program for states to ensure English learners have access to the resources they need to attain English language proficiency and meet the same challenging state academic standards and objectives as their peers. The ESEA also reinforced English learner civil rights by requiring academic and linguistic accountability to ensure schools are effectively instructing them.

Despite your agencies’ rescission of the 2015 guidance, these laws and Supreme Court decisions remain in full force and bind all states, school districts and schools to fulfill their responsibilities to English learners. Rescinding the guidance creates confusion among these states and school districts, as they no longer have a document with clear, practical direction. The 2015 guidance provided useful, actionable information for how they **might** meet their obligations to English learners and their families. It did not create new legal obligations.

By rescinding the 2015 guidance, the departments have eliminated the road map that translates the civil rights laws from theory to practice for states and school districts. These educational agencies are now unsure how to address common civil rights enforcement questions frequently faced by schools, where to find best practice advice or how to proactively prevent noncompliance.

While the administration intends to “return education to the states,” rescinding the 2015 guidance leaves states and school districts vulnerable to litigation. Under federal laws, states **must** provide school districts with guidance, monitoring and oversight to ensure English learners attain language proficiency and academic achievement on par with their peers. However, without federal guidance and technical assistance, states and school districts may fall into noncompliance. This rescission raises serious concerns that states, school districts and schools will misinterpret their statutory obligations and face lawsuits.

The decision to rescind the 2015 guidance is counter to many of the administration’s stated priorities. This administration seeks to empower parents and advance parental rights but then rescinded a guidance that helped schools identify how to meaningfully communicate with limited English proficient (LEP) parents, including regarding special education services, report cards and parent-teacher conferences, denying parental choice in their child’s education. Further, this administration aims to refocus education on learning in math, reading, science and history but

rescinded a guidance that helps schools establish sound instructional programs and ensure their effectiveness in increasing English proficiency and academic achievement.

As organizations committed to advancing the academic achievement of English learners, we demand that you immediately reinstate the 2015 guidance. States, school districts and schools must comply with fulfilling all applicable statutes and Supreme Court case law, and it's imperative that they continue to have this critical, practical guidance in place to ensure that 5 million English learners receive access to the same high-quality education as all students.

We respectfully request a written response to this letter within 30 days and the opportunity to engage further with the departments of Education and Justice on these critical issues.

Sincerely,

National Organizations:

ACTFL

All4Ed

American Association of Interpreters and Translators in Education (AAITE)

American Association of Teachers of French (AATF)

American Association of Teachers of Spanish and Portuguese (AATSP)

American Federation of Teachers (AFT)

Applied Learning Insights LLC

Asian Americans Advancing Justice | AAJC

ASPIRA Association

Association of Latino Administrators & Superintendents (ALAS)

Center for Applied Linguistics (CAL)

Clearinghouse on Women's Issues (CWI)

Coalition of Community-Based Heritage Language Schools

Coalition on Human Needs (CHN)

Council of Parent Attorneys and Advocates Inc. (COPAA)

Council of the Great City Schools (CGCS)

Cross-Cultural Communications (CCC)

EdTrust

Education Law Center (ELC)

EMMA-Educators for a Multilingual Multicultural America

Educators for Excellence

Empowering Pacific Islander Communities (EPIC)

Feminist Majority Foundation (FMF)

Fluency Consulting LLC

IDRA (Intercultural Development Research Association)

IKIGAI (Integrated Knowledge Institute for the Greater Advancement of Interpreters)

Immigrant Connections

InnovateEDU

Internationals Network for Public Schools

It Takes A Village LLC

Joint National Committee for Languages (JNCL)

League of United Latin American Citizens (LULAC)

Modern Language Association (MLA)

National Association for Bilingual Education (NABE)

National Association of English Learner Program Administrators (NAELPA)

National Center for Learning Disabilities (NCLD)

National Coalition for Languages and International Studies (NCLIS)

National Council of State Supervisors for Languages (NCSSFL)

National Education Association (NEA)

National Immigration Law Center (NILC)

New America, PreK-12 Education team

NNELL (National Network for Early Language Learning)

Parent Institute for Quality Education (PIQE)

Southeast Asia Resource Action Center (SEARAC)

Southern Conference on Language Teaching (SCOLT)

Spring Institute for Intercultural Learning

TESOL International Association

The Century Foundation

The Global Institute for Language and Literacy Development

The National Parents Union (NPU)

The Sikh Coalition

UnidosUS

Regional Organizations:

Carolina Association of Bilingual Education (CarABE)

Carolina TESOL

Central States: Languages For All

Dakota TESOL

MIDTESOL (Mid-America Teachers of English to Speakers of Other Languages)

Multistate Association for Bilingual Education, Northeast

Southwest Conference on Language Teaching (SWCOLT)

State-Based Organizations:

Arizona

Transcomm LLC

California

Alliance for a Better Community (ABC)

Asian Youth Center (AYC)

Building Skills Partnership (BSP)

California Language Teachers' Association (CLTA)

California Newcomer Network (CANN)

Californians Together

CATESOL

Center for Asian Americans in Action (Center for A3)

Center for Equity for English Learners (CEEL), Loyola Marymount University

Central Valley Multilingual Consortium

Children Now

Chinese for Affirmative Action (CAA)

Concilio de Padres de Highland Park

Early Edge California

El Concilio California

El Sol Science and Arts Academy of Santa Ana

Families In Schools

InnerCity Struggle (ICS)

La Raza Community Resource Center

Proyecto Pastoral at Dolores Mission

Public Advocates Inc.

Public School Defenders Hub (A Program of the Contemporary Policies Institute)

PUENTE Learning Center

Empowering Multilingual Learners and Their Educators (SEAL)

UNITE-LA

Youth Leadership Institute (YLI)

Parent Engagement Academy

Colorado

Alianza NORCO

Colorado Language Access Coalition (CLAC)

El Corazon

Jones Lewis Translation LLC

La Plaza Palisade

League of Women Voters of Colorado (LWVCO)

Connecticut

CT Council of Language Teachers (CT COLT)

District of Columbia (D.C.)

The Lucinda L. Jasper Scholarship Fund

Delaware

DECTFL (Delaware Council on the Teaching of Foreign Languages)

Georgia

Foreign Language Association of Georgia (FLAG)

Hawaii

Hawai'i Association of Language Teachers (HALT)

Illinois

Illinois Council on the Teaching of Foreign Languages (ICTFL)

Instituto del Progreso Latino

Kids First Chicago

Indiana

Indiana Foreign Language Teachers Association (IFLTA)

INTESOL

Kansas

Kansas World Language Association (KSWLA)

Louisiana

EdTrust in Louisiana

Maryland

Maryland English Language Learning Family Involvement Network (MELLFIN)

Maryland TESOL

Massachusetts

MaFLA (Massachusetts Foreign Language Association)

Massachusetts Association of Teachers of Speakers of Other Languages (MATSOL)

Massachusetts Law Reform Institute (MLRI)

Michigan

H.O.M.E. with Mary

MITESOL (Michigan Teachers of English to Speakers of Other Languages)

Minnesota

Minnesota Council on the Teaching of Languages and Cultures (MCTLCTC)

Missouri

The Foreign Language Association of Missouri (FLAM)

New Jersey

NJTESOL/NJBE (New Jersey Teachers of English to Speakers of Other Languages/New Jersey Bilingual Educators)

New Mexico

Dual Language Education of New Mexico (DLeNM)

New York

New York State Association for Language Teachers (NYSAFLT)

NYS TESOL

Oklahoma

OFLTA (Oklahoma Foreign Language Teachers Association)

Oregon

The Confederation in Oregon for Language Teaching (COFLT)

Pennsylvania

PennTESOL-East (Eastern Pennsylvania Area Association of Teachers of English)

Puerto Rico

Puerto Rico Teachers of English to Speakers of Other Languages (PRTESOL)

Rhode Island

Rhode Island Teachers of English Language Learners (RITELL)

Texas

Breakthrough Central Texas

Texas Association for Bilingual Education (TABE)

MasterWord Services

Virginia

Virginia TESOL (VATESOL)

FLAVA (Foreign Language Association of Virginia)

West Virginia

West Virginia Foreign Language Teachers' Association (WVFLTA)

Wisconsin

Lozano Interpreting Services LLC

WITESOL (Wisconsin TESOL)