

January 27, 2020
(by email)

R.I. Council on Elementary and Secondary Education
c/o Angela Teixeira
255 Westminster Street
Providence, RI 02903

Dear Council Members:

As organizations representing a wide range of constituencies that work with, and advocate for the rights of, students and English Language Learners, we are deeply distressed and alarmed that the Council is scheduled tomorrow to approve a decision issued last year by former Commissioner of Education Wagner that would severely undermine the rights of EL students. In the strongest possible terms, we urge you to reject that decision.

The ruling you will be considering tomorrow would uphold as compliant with RIDE's regulations an EL program, known as the "Consultation Model," that the U.S. Department of Justice found violates the federal rights of EL students, and that the Providence School District, via a settlement agreement, agreed to stop using for the foreseeable future.

The consequences of the Council upholding this disturbing ruling – coming as it does after the DOJ findings of illegality, after the release of the Johns Hopkins report that cited numerous professionals raising additional concerns about the adequacy of the Providence school district's EL programs, and after the current Commissioner of Education used that information as a basis for taking over that school district – are potentially devastating to the EL youth attending our schools. It can only encourage other school districts to skimp on providing appropriate EL services, and it severely undermines all of RIDE's recent messaging about the importance of supporting the rights of EL students.

Frankly, we cannot fathom how state regulations governing EL instruction that are explicitly designed to implement federal law can be interpreted as providing less support to those students than federal law itself requires. Further, if state education officials are convinced that the former Commissioner's ruling is an accurate interpretation of the state's EL regulations, we are appalled that, almost one year after the decision, the Department has taken no action to strengthen those regulations on behalf of EL students.

We urge the Council to reverse this decision outright. In the alternative, since we note that it was issued prior to the appointment of the current Commissioner of

Education, we ask that you vacate the ruling and remand it back to her for a thorough reexamination.

We thank you for considering our views and trust that you will do right by the state's growing EL population. The students are eager to learn, and this Council, of all public bodies, should be the last to uphold a decision that undermines the state's commitment to them.

Sincerely,

American Civil Liberties Union of Rhode Island
AMOR (Alliance to Mobilize Our Resistance)
ARISE (Alliance of Rhode Island Southeast Asians for Education)
Coalition for a Multilingual Rhode Island
Disability Rights Rhode Island
Dorcas International Institute of Rhode Island
Economic Progress Institute
Latino Policy Institute
NAACP, Providence Branch
PLEE (Parents Leading for Educational Equity)
Progreso Latino
Providence Promise
Providence Student Union
Ready to Learn Providence
Rhode Island Center for Justice
Rhode Island KIDS COUNT
Rhode Island Legal Services
RITELL (Rhode Island Teachers of English Language Learners)
TESOL Program at RIC

cc: Commissioner Angélica Infante-Green