

Criterion that requires applicants to be proficient in a language “other than . . . the applicant’s native language.”² Mot. Clarification at 4–5, 8.

Plaintiff Gonzalez’s interpretation is correct. The Court did not invalidate 34 C.F.R. § 662.21(c)(3) in its entirety. The Court thus **CLARIFIES** that its injunction applies only insofar as the Foreign Language Criterion prohibited considering an applicant’s native language skills.³

So ORDERED and SIGNED this 3rd day of April 2023.



DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE

² For clarity, this is the portion of 34 C.F.R. § 662.21(c)(3) that Plaintiff Gonzalez has deemed the “native-language penalty.” *See, e.g.*, Mot. Clarification, ECF No. 38, at 1. Moreover, the Court did not disturb section 662.21(c)(3)’s position on the assessment (or lack thereof) of an applicant’s English language proficiency.

³ Defendants do not oppose this scope of relief. Resp. at 3 (“[T]o the extent Plaintiffs ask [] the Court to narrow the injunction in a manner that only enjoins 34 C.F.R. § 662.21(c)(3) insofar as it excludes consideration of native language skills, but leaves the remainder of the regulatory provision intact, Defendants take no position and do not oppose that outcome.”).