

Fact Sheet: English Learners

Students who do not speak English as a first language are a growing population in schools across the United States. In fact, **according to the National Center for Bilingual Education, by 2030 English Learners (ELs) will comprise over 40% of all elementary and secondary school students.** There are two significant federal laws that protect the rights of these students, ensure that they are not discriminated against and that they receive the best and most appropriate public education possible. Below is an overview of the federal policies and rights that pertain to the significant, diverse and growing EL population, including information about what parents of ELs need to know:

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination based on race, color, or national origin. Based on a U.S. Supreme Court memorandum in *Lau v. Nichols*, which directed school districts to take steps to help limited-English proficient (LEP) students overcome language barriers and ensure that they can participate meaningfully in the district's educational programs, the law has been interpreted to require schools to establish programs for ELs when necessary and to provide equal educational opportunities for language-minority students.

The Office for Civil Rights within the U.S. Department of Education enforces Title VI through proactive compliance reviews and investigations of complaints of discrimination, including in the provision of services to English learners and their parents to ensure that those students are given access to equal educational services as mandated by federal law. Federal law requires programs that educate ELs to be:

1. Based on sound educational theory
2. Adequately supported with effective staff and resources to have a realistic chance of success
3. Periodically evaluated and, if necessary, revised

Elementary and Secondary Education Act (ESEA)

The 1994 and 2002 reauthorizations ESEA included provisions targeting the needs of ELs. These provisions require schools to:

- Identify students as potential ELs and assess their need for EL services
- Develop a program that, in the view of experts in the field, has a reasonable chance for success
- Ensure that necessary staff, curricular materials, and facilities are in place and used properly
- Regularly assess the success of the program and modify it where needed

The 2002 reauthorization of ESEA, commonly referred to as No Child Left Behind, mandates that states, local school districts and schools must assess the English language proficiency of English language learners annually in reading and math. ESEA also requires states to develop English language proficiency (ELP) standards for English learners. Local education agencies and schools are responsible for providing required language instruction educational programs for ELs, and states and local educational agencies and schools are accountable for ensuring ELs meet the state established performance targets.

What Parents of English Learners Need to Know

Title III of the No Child Left Behind Act requires schools to inform parents about their child's education as an EL. The school must inform parents in an understandable manner and, to the extent practicable, in their native language. **Parents must be informed not later than 30 days after the beginning of the school year regarding their child's identification for placement in a language instruction educational program.** Or, if a child is enrolled in the middle of the school year, not later than 2 weeks after the child's placement in such a program. Parents should be informed of the following:

- Reasons for your child's identification and eligibility for the program in which your child is being placed
- Your child's level of English proficiency in listening, speaking, reading, and writing
- The methods of instruction used by the school's staff with your child
- How the program will meet your child's educational and academic needs
- How the program will help your child learn English and meet age and grade level expectations
- The specific student exit requirements from the program
- If your child has disabilities, how the program will meet your child's educational needs
- The expected transition rate from the program into the regular instruction programs
- The expected graduation rate at the high school in which your child is enrolled
- Your right to remove your child from the program
- The availability of assistance provided to you by the school in explaining and selecting among the various programs and methods of instruction offered by the school
- How you as a parent can be actively involved in the education of your child, including helping your child to learn English, achieve at high levels in core academic subjects, and meet the same challenging State academic content and academic standards expected of all students
- If your child has failed to make progress in meeting annual measurable achievement objectives for any fiscal year, not later than 30 days after such failure occurs