



ENGLISH LEARNER GUIDANCE AND TOOL KIT

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2015 NPD MEETING

U.S. DEPARTMENT OF EDUCATION

ENGLISH LEARNER DEAR COLLEAGUE LETTER

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<http://www2.ed.gov/about/offices/list/ocr/ellresources.html>



U.S. Department of Justice
Civil Rights Division

January 7, 2015

Dear Colleague:

Forty years ago, the Supreme Court of the United States determined that in order for public schools to comply with their legal obligations under Title VI of the Civil Rights Act of 1964 (Title VI), they must take affirmative steps to ensure that students with limited English proficiency (LEP) can meaningfully participate in their educational programs and services.¹ That same year, Congress enacted the Equal Educational Opportunities Act (EEOA), which confirmed that public schools and State educational agencies (SEAs) must act to overcome language barriers that impede equal participation by students in their instructional programs.²

Ensuring that SEAs and school districts are equipped with the tools and resources to meet their responsibilities to LEP students, who are now more commonly referred to as English Learner (EL) students or English Language Learner students, is as important today as it was then. EL students are now enrolled in nearly three out of every four public schools in the nation, they constitute nine percent of all public school students, and their numbers are steadily increasing.³ It is crucial to the future of our nation that these students, and all students, have equal access to a high-quality education and the opportunity to achieve their full academic potential. We applaud those working to ensure equal educational opportunities for EL students, as well as the many schools and communities creating programs that recognize the heritage languages of EL students as valuable assets to preserve.

The Office for Civil Rights (OCR) at the U.S. Department of Education (ED) and the Civil Rights Division at the U.S. Department of Justice (DOJ) share authority for enforcing Title VI in the education context. DOJ is also responsible for enforcing the EEOA. (In the enclosed guidance, Title VI and the EEOA will be referred to as "the civil rights laws.") In addition, ED administers the English Language Acquisition, Language Enhancement, and Academic Achievement Act, also known as Title III, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (Title III).⁴ Under Title III, ED awards grants to SEAs, which, in turn, award Federal funds through subgrants to school districts in order to improve the

¹ *Lau v. Nichols*, 414 U.S. 563 (1974); 42 U.S.C. § 2000d-4-7 (prohibiting race, color, and national origin discrimination in any program or activity receiving Federal financial assistance).

² Pub. L. No. 93-380, § 204(f), 88 Stat. 484, 515 (1974) (codified at 20 U.S.C. § 1703(f)).

³ U.S. Department of Education, National Center for Education Statistics, NCES 2013-312, *Characteristics of Public and Private Elementary and Secondary Schools in the United States: Results From the 2011-12 Schools and Staffing Survey*, at 9 (Table 2) (Aug. 2013); U.S. Department of Education, National Center for Education Statistics, NCES 2014-083, *The Condition of Education 2014*, at 52 (Indicator 12) (May 2014).

⁴ 20 U.S.C. §§ 6801-6871.



U.S. Department of Education
Office for Civil Rights

Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA)

Public schools must ensure that EL students can participate meaningfully and equally in educational programs.

Guidance is available in multiple languages.



CIVIL RIGHTS ISSUES COVERED BY THE EL GUIDANCE

- A. Identification and assessment
- B. Language assistance program
- C. Staffing and supporting an EL program
- D. Meaningful access to curricular and extra curricular programs
- E. Unnecessary segregation
- F. Evaluating EL students for special education & providing special education
- G. Opting out of EL programs
- H. Monitoring and exiting EL students
- I. Evaluating the effectiveness of a program
- J. Meaningful communication with LEP parents



ENGLISH LEARNER TOOL KIT

- Intended to help state and local education agencies in meeting their obligations to English Learners (ELs).
- Should be read in conjunction with the Dear Colleague Letter
- There will be ten chapters of the EL Toolkit; each chapter aligned to reflect one section of the Dear Colleague Letter
- Each EL Tool Kit chapter contains an overview, sample tools, and resources relevant to the topic of the chapter.
- Each individual chapter will be released over the next few months as it is completed.



ENGLISH LEARNER TOOL KIT

CHAPTER 1



TOOLS AND RESOURCES FOR IDENTIFYING ALL ENGLISH LEARNERS

This is the first chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) in meeting their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights and the U.S. Department of Justice's joint guidance, "English Learner Students and Limited English Proficient Parents," which outlines SEAs' and LEAs' legal obligations to EL students under civil rights laws and other federal requirements.

IDENTIFYING POTENTIAL ENGLISH LEARNERS

KEY POINTS

- LEAs must identify in a timely manner EL students in need of language assistance services.
- The home language survey (HLS) is the most common tool used to identify potential ELs.
- An HLS must be administered effectively to ensure accurate results.



ENGLISH LEARNER TOOL KIT

CHAPTER 2



TOOLS AND RESOURCES FOR PROVIDING ENGLISH LEARNERS WITH A LANGUAGE ASSISTANCE PROGRAM

This is the second chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights' (OCR) and the U.S. Department of Justice's (DOJ) Dear Colleague Letter on "English Learner Students and Limited English Proficient Parents," published in January 2015, which outlines SEAs' and LEAs' legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at <http://www2.ed.gov/about/offices/list/ocr/ellresources.html>.

PROVIDING ENGLISH LEARNERS WITH A LANGUAGE ASSISTANCE PROGRAM

KEY POINTS

- EL services and programs must be educationally sound in theory and effective in practice.
- EL programs must be designed to enable ELs to attain both English proficiency and parity of participation in the standard instructional program within a reasonable length of time.



Links to Resources

English Learner Tool Kit

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>

Schools' Civil Rights Obligations to English Learner Students and Limited English Proficient Parents

<http://www2.ed.gov/about/offices/list/ocr/ellresources.html>

ED and DOJ Guidance on English Learners

<http://www.justice.gov/crt/about/edu/documents/elsguide.php>

National Clearinghouse for English Language Acquisition (NCELA)

<http://ncela.ed.gov/>



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