



What Makes for Quality Education for English Learners in the 21st Century?

What Needs To Be Included and What Actions Can We Take:
Lessons Learned from the Past and New ideas for Today

Open Space Report: Dallas

As a convener, we would like you to put together a short report from your group describing the following:

Names of group members

By Adela Solis IDRA Equity Assistance Center Region VI San Antonio. With participation of about 20 from Texas, Kansas, North Dakota, Louisiana

1. **Issue/Topic/Activity**

National Conversation on Civil Rights and National Origin Students (ELL)

2. **Highlights of Discussion/Recommendations/Next Action Steps**

Discussion topics:

1. **Who is national origin student?**
2. **How much do we know about the rights of NOM who are limited English proficient (ELL)?**
3. **Common misconceptions about what civil rights mandates are and how the compliance process works**
4. **How can educators comply with legal obligations in pedagogically sound ways?**

Discussion:

First EAC/Adela Solis made short PPT presentation – see attached PPT with same title
Then EAC and OCR staff answered questions and described process of compliance via a Q and A session. Various responses were given to participants by OCR Dallas, OCR Denver, and EAC Region VI

Next Steps

Group agreed that these topics could be explored further via specific sessions by OCR and EAC, requested by specific regions/states/districts. We concurred that issues of compliance are complex and should be addressed via longer technical assistance sessions tailored to specific regions, states and localities. Both OCR and EAC provided contact information to members and encouraged them to call and request this assistance. It was explained, with examples, that technical assistance at local level that provides deeper understanding of mandates and schools' legal obligations to ELL can (1) deter discriminatory practices, where it does not, (2) it can make process of complaints and compliance a smoother task.

3. Available Resources

4. Follow-up requests

5. Please type in this report in one of the laptops and hand in this sheet. Thanks!

National Conversation on Civil Rights and National Origin Students (ELL)

Adela Solis,
IDRA Equity Assistance Center Region VI,
Dallas, Texas
Feb 11, 2011



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South Central Collaborative for Equity (Equity Center)

The screenshot shows a web browser window with the URL http://www.idra.org/South_Central_Collaborative_for_Equity/. The page features the IDRA logo and tagline "creating schools that work for all children". The main navigation includes "Equitable Resources", "Quality Early Education", "Valuing Families and Communities", "Quality Teaching and Learning", and "Valuing Youth". A search bar is located in the top right corner. The main content area is titled "South Central Collaborative for Equity" and includes a photo gallery of children and adults. Below the gallery is a red banner with the text "IDRA South Central Collaborative for Equity". The text describes the center as one of 10 federally-funded equity assistance centers. A sidebar on the left contains a menu of links such as "Home", "About IDRA", "Technical Assistance", "Research", "IDRA Newsletter", "Education Policy", "Press Room", "IDRA News Sign Up", "Contact Us", "Newsletter Plus", "Publications", "Grad for All e-letter", "IDRA e-News", "School Holding Power Portal", "Parents", "Equity", and "Webinars". The "Events" section lists a webinar on "Generating Expectations for Student Achievement". The "Available Podcasts" section lists "Classnotes Podcast". The "Syndicate" section is also present. The bottom right of the page features a "How satisfied are you with this web site?" survey with radio button options: "Very satisfied", "Somewhat satisfied", "Not satisfied", and "Not the web site I needed". A "Vote" button is located below the survey. The browser's taskbar at the bottom shows the Windows Start button, several open links, and the system clock displaying 10:08 AM.



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About ED OCR

Enforces discrimination laws:

- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act of 1990 *
*whether or not agencies receive federal
financial assistance*
- Boy Scouts of America Equal Access Act (Section 9525 of NCLB)



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Conversation on ELL: National Origin Students with Limited English Proficiency

1. Who is national origin student?
2. How much do we know about the rights of NOM who are ELL?
2. Common misconceptions about what CR mandates are and how the compliance process works
3. How can educators comply with legal obligations in pedagogically sound ways?



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Discrimination Against National Origin People

What is National Origin

- birthplace, ancestry, culture, linguistic or ethnic group-specific characteristics

Nature of Discrimination

- Different treatment because
 - part of the world you are from
 - how you look
- how you talk (English with accent, in another language)



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Discrimination Against Nation Origin Students

- All national origin characteristics
 - birthplace, ancestry culture, linguistic
 - or ethnic looking
- Language specific situation
 - denial of educational opportunity
because of limited language proficiency



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National Origin Student Rights

Statutes and Directives

- Review *Federal Statutes chart*
- Determine main intent of message
- Match each mandate with a statement listed:
- Same doesn't mean equal
- Right to services
- Equal educational opportunity
- Three-pronged test
- Immigration status inquiry
- Programmatic/financial assistance
- Specific discrimination
- Education is a right



Title VI of the Civil Rights Act

- No person shall, on the grounds of race, color or national origin, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance.



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Language of Instruction: A Critical Focus for Non-Discrimination

To be “responsive” requires:

- Understanding of how *limited English* comprises discrimination under Title VI
- Familiarity with language groups in community and their backgrounds
- Voluntary language response program



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Denial of Educational Opportunity for National Origin Students

- Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district (May 25 Memorandum).



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Denial of Educational Opportunity for National Origin Students

Specific concerns in May 25 Memo:

- Instruction in language they don't understand
- Assign to special ed on basis of LEP
- Ability grouping as dead-end, permanent track
- Parent notifications (as other parents)



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How compliance process works...Pre test

1

- A local education agency (LEA) is not required to serve limited-English-proficient (LEP) students if:
 - A. it does not receive federal funds.
 - B. there are few students who speak a language other than English.
 - C. there are no state law requirements for LEP students.
 - D. none of the above.



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2

An LEA is held responsible for a LEP students:

- A. understanding, speaking, reading and writing English.
- B. understanding, speaking and reading English.
- C. understanding and speaking English.
- D. understanding English.



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3

An LEA with LEP students from four different language groups in third grade must provide one of the following approaches:

- A. instruction education in the child's home language.
- B. special education instruction for all non-speakers of English.
- C. English as a second language instruction.
- D. mainstreamed classes with no special instruction provided.



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4

An LEA is not required to provide services to a LEP student after:

- A. the student has been properly identified.
- B. appropriate instruction has been provided to the student.
- C. the student's success is monitored and he or she can compete on an equal footing with English-speaking peers.
- D. the student has been in a bilingual program for three years.



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5

The right to receive appropriate instruction is guaranteed by:

- A. the U.S. Constitution.
- B. the Civil Rights Act of 1964.
- C. the May 25, 1970 memorandum.
- D. the *Lau vs. Nichols* decision of 1974.
- E. all of the above.



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District Response to Mandates

- Proactive Response
 - Not cited for non-compliance and wish to be in compliance (to not be cited)
 - Follows Guidance (state and Federal)
- Compliance-related Response
 - Has been cited for non-compliance
 - Response during investigation or upon LOF
 - Response during other part of process



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Proactive Response

How some districts have responded in the past:

- Voluntarily follow the law (using available sources of information)
- Immediate complaint resolution (during initial phase of investigation)



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Compliance-related Response (Non-Proactive)

How some districts have responded in the past:

- Resolution agreement after Letter of Findings
- Negotiations as result of Letter of Impending Enforcement Action
- Other



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Sample Letter of Findings

- **Section 303 Investigative Determinations: Letters of Finding**
- OCR will issue a letter of finding(s) to the parties. All letters of finding(s) will include a statement that "The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation." ...



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Let's Review

Turn to a colleague and review:

- What is national origin?
- What is discrimination on basis of national origin?
- Types of civil rights mandates are-
- Ways that districts have responded to mandates are -



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Q and A

- OCR and EAC
 - Q and A on topics discussed here
- Various responses from OCR Dallas and OCR Denver, and EAC Region VI
- Group agreed that these topics could be explored further via specific sessions by OCR and EAC, requested by specific regions/states/districts



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Services

Equity Assistance Center service to five state region (TX, OK, LA, AR, NM)

- Contact: Dr. Adela Solis

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