



DeSoto
COUNTY SCHOOLS

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Board of Education

**District Plan
Policies and Procedures
for English Learners**

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FORWARD

The purpose of this document is to provide support to DeSoto County School District in its effort to serve the needs of English Learners. The materials in this document are intended to provide educators with appropriate services and resources necessary for English Learners to attain English proficiency and reach high academic standards.

This document is based on the Mississippi English Learner Guidelines: Regulations, Funding Guidance, and Instructional Supports 2018 and the U.S. Department of Education's English Learner Toolkit for State and Local Education Agencies. To ensure consistency in understanding the purpose and to accomplish successful implementation, key sections of the MS EL Guidelines have been duplicated.

INTRODUCTION

DeSoto County School District is the largest district in Mississippi, enrolling over 34,000 students in 43 schools with an EL population near 7% with over 30 languages spoken.

The mission of our EL program is to optimize individual student learning for success in a global community.

This plan provides the procedures and practices necessary for ensuring all EL students enrolled in DeSoto County Schools receive a high-quality education. These guidelines will heighten awareness of the importance of our English Learners making growth and meeting the requirements of the state, as well as supporting the vision of being a district of A-level schools.

RIGHTS OF ENGLISH LANGUAGE LEARNERS AND THEIR FAMILIES

The following federal laws clarify the obligation of every school not only to enroll students from diverse language backgrounds but also to provide the foundation for guidance in establishing an equitable, quality education for Mississippi students, including ELs:

- Title VI of the Civil Rights Act of 1964
- May 25, 1970, Memorandum
- Lau vs. Nichols – 1974
- Equal Education Opportunities Act of 1974
- Plyler vs. Doe – 1982
- Presidential Executive Order 13166
- Title III of the No Child Left Behind Act of 2001

IDENTIFICATION AND PLACEMENT

Guidelines for Registration:

1. Proof of Age- A valid birth certificate, a valid passport, or other official document listing date and place of birth. Birth certificate is not required. Other documentation of birth date must be accepted in the absence of a valid birth certificate.
2. Registration forms- School registration forms are to be completed and filed at the school.
3. Home Language Survey- District-wide form to be completed through the online registration process by the parent/guardian of ALL NEW STUDENTS registering for grades K-12.

A social security card is NOT necessary for enrollment or school lunch forms. If the student does not have a social security card, the school should assign a number.

Grade level placement:

ELs should be placed at their age-appropriate grade level. Some situations allow for exceptions. If a student is less than seven years old and has not attended school before, it is often best to place the student in kindergarten. Grade level placement should be on a case-by-case basis, using information available such as previous school records (if available) and personal history.

Transferring Foreign Credits:

The school guidance counselor should be trained in assessing non-U.S. school transcripts for appropriate awarding of credits. Students should not be required to repeat content classes they had in their native language just because of their lack of English skills. Every effort should be made to review previous school records and transcripts to evaluate and award transfer credits.

Any transfer student from a school or program (correspondence, tutorial, or home study) not accredited regionally or by a state board of education [or its designee(s)] is given either a standardized achievement test(s) or teacher-made special subject test(s) to determine the appropriate classification of the student within thirty (30) days after filing for transfer. Notice of the administering of such test(s) shall be given to the applicant not less than five (5) days prior to the date of the administration of such test. {MS Code § 37-15-33} (7 Miss. Admin. Code Pt. 3, Ch. 36, R. 36.1, R. 36.2, R. 36.3, R. 36.4)

Definition:

An English Learner (EL) may be defined as:

- A student who was not born in the United States or whose native language is other than English and comes from an environment where a language other than English is dominant.
- A student who is a Native American of Alaska or a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency.

- A student who is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant.

Immigrant Children and Youth are individuals who:

- a. are ages 3 through 21;
- b. were not born in the U.S, "state" means the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico (Section 3127 of ESEA). Children born to U.S. citizens abroad (e.g., children born on a military base overseas) maybe be considered immigrants if they meet all the criteria in the definition of immigrant; and
- c. have not been attending one or more schools in any one or more states for more than three full academic years. A full academic year is 10 months of school attendance, kindergarten through 12th grade. If a student has been in different school districts and even different states, the number of months that the student has been in school in any one or more states must not add up to total of more than 3 full academic years.

Procedures:

In order to effectively serve EL students and make appropriate educational decisions, procedures are necessary for the identification, assessment, and placement of these students. The DeSoto County School District will follow Steps 1-3 for identifying and placing a student in the EL program.

Step 1- Identification

Parents/guardians are asked to complete a Home Language Survey (HLS) during the online registration process. To ensure that all students receive the education services they need, we are required to ask questions about students' language backgrounds on a Home Language Survey (HLS). The answers to the following questions will tell us if a student's proficiency in English should be evaluated and help us to ensure appropriate services and programs are offered to students who need them. A sample of the HLS utilized during the registration process can be found in the appendix of this document.

The questions of the HLS are as follows:

1. What is the dominant language most often spoken by the student?
2. What is the language routinely spoken in the home, regardless of the language spoken by the student?
3. What language was first learned by the student?
4. Does the parent/guardian need interpretation services?
5. Does the parent/guardian need translated materials?
6. What was the date the student first enrolled in a school in the United States?
7. In what country was the student born?

If any question indicates a language other than English is spoken in the home, the student is referred to

the EL teacher for further assessment.

Step 2- Initial Assessment

A placement test must be administered within thirty (30) days of enrollment at the beginning of the school year for any student whose HLS indicates another language has been identified. Students who register after the beginning of the school year must be assessed within ten (10) school days.

The placement test assesses English proficiency in all four domains of language development - listening, speaking, reading, and writing - as well as comprehension, to ensure that a student's language needs are properly identified and addressed through the district's EL program.

Students who were previously administered with the state board approved placement assessment or have taken the annual state-adopted English Language Proficiency Test (ELPT) do not need to be rescreened.

A certified EL teacher is responsible for administering the placement assessment. The placement assessment results should be notated on the student's HLS and filed in the student's cumulative folder.

Step 3-Parental Notification

Prior to the initial placement of a student in an EL program, the district must notify the student's parent(s) or guardian(s).

Each Local Education Agency (LEA) or school serving ELs shall inform the parents that their child(ren) have been placed in an instructional program for ELs no later than 30 days after beginning of the school year. If the student is identified after the beginning of the school year, the LEA/school shall notify parents within two weeks of the student's placement in a program for ELs. Once a student has been identified as eligible for language assistance, the parent must be notified in the parent's native language.

Parents are not required to respond to the notification for the student to participate in the districts EL program; parents do have the right to waive EL services and decline any services provided. However, the student remains in the EL program. If a student has been identified as an EL, the student is still required by federal law to take the annual ELPT until the student meets state exit criteria, regardless of parental refusal of services.

Step 4- Student Assessment:

DeSoto County Schools will evaluate each ELs language attainment annually during the designated time frame as established by the MDE using the ELPT. EL students are expected to meet the academic requirements set forth by the LEA/SEA for promotion/graduation. Assessment requirements for high school students are outlined in Mississippi School Board Policies 3801, 3802, 3803, and 3804. Third

grade students will be required to meet expectations of MDE’s Literacy-Based Promotion Act (LBPA). Students who do not meet the requirements of the LBPA may qualify for a Good Cause Exemption.

Step 5- Exiting and Monitoring:

Exiting:

English Learners are required to obtain proficiency on the state approved English Language Proficiency Test to officially exit the EL program.

ESSA requires states to have uniform exit criteria. All students including students with disabilities will no longer meet the definition of an EL when they meet the state’s definition of “proficient” in English. The following guidance is from the Mississippi Department of Education’s Office of Student Assessment.

07. Action: Revise English Language Proficiency Test (ELPT) score requirements for English Learners (EL) to exit EL status [Goals 1, 2, 3, and 4 – MBE Strategic Plan]

Background Information: The Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act (ESEA), requires that states establish and implement standardized English Learner entrance and exit procedures. On July 14, 2016, the State Board of Education approved the exit criteria for English Learners (EL) to exit EL status. The student is required to obtain the following proficiency levels on the LAS Links ELPT.

LAS Links: Overall 4-5, Reading 4-5, Writing 4-5

This item references Goals 1, 2, 3 and 4 of the Mississippi Board of Education 2016-2020 Strategic Plan.

Source: MDE, Jan. 19, 2017 Agenda Items

Monitoring:

After students have exited EL status, their academic progress is monitored for 4 years. Monitoring will be conducted and documented quarterly, with a SET team reviewing monitored student’s grades, assessments, and other related data. If an exited EL is not progressing academically as expected and monitoring suggests a persistent language need, the student will be re-evaluated using the state adopted ELPT to determine if the student needs additional language services. If the student re-enters the EL program based on the results of the placement test, the parent’s consent for reentry will be requested.

SERVICES

Staffing and Resources:

DeSoto County School District has a Director of English Learners. The responsibility of this position is to ensure EL students are identified in an efficient and timely manner and that a quality EL program is provided to meet student needs. This person functions as a liaison for all persons involved with the EL program: students, teachers, parents, administrators, school board members, and the community. The Director of EL Services is responsible for ensuring schools within the district are aware of and understand federal and state mandates, policies and procedures for EL students, and the importance of collecting and submitting data in accordance with the Every Student Succeeds Act (ESSA) and the Mississippi Department of Education.

Each school is provided with the services of an EL teacher. The role of the EL teacher is as follows:

- ➔ Prepare and provide language instruction aligned to the districts EL curriculum
- ➔ Collaborate with school staff in the language development of ELs
- ➔ Collaborate with MSIS/Cohort clerks to ensure proper identification is taking place
- ➔ Administer placement test for identification of ELs
- ➔ Ensure all original EL documents are filed in the students' cumulative folder
- ➔ Maintain EL rosters and update as changes occur
- ➔ Collaborate with SET team
- ➔ Collaborate with stakeholders to ensure best practices and supports for EL are made available
- ➔ Continue to participate in opportunities which will further expand expertise in the field
- ➔ Adhere to the guidelines outlined in the DeSoto County EL teacher handbook
- ➔ Perform tasks and assume responsibilities as may be assigned by the Director of EL Services or superintendent
- ➔ Adhere to the Mississippi Code of Ethics
- ➔ Maintain confidentiality and privacy of all DeSoto County Schools' records

EL Instruction:

The DeSoto County School District utilizes multiple methods for providing EL instruction. EL teachers provide daily standards-based language instruction as specified in the students' LSP. In addition to the EL teachers, all DeSoto County teachers are language teachers. All teachers should hold ELs to the same high academic standards expected of all students; however, content teachers must understand to do this, differentiated instruction, modifications, and accommodations must be provided to each EL for instruction and assessment to be meaningful and to meet individual needs as required by law.

Student Evaluation Team:

The Student Evaluation Team (SET) is a school team responsible for guiding and monitoring the

placement, services, and assessment of students who are ELs. The SET must be comprised minimally of the school EL contact, the EL teacher, the student's teacher(s), a school counselor, administrator, and a parent representative, if needed. The SET team will meet quarterly to evaluate progress.

Language Service Plan:

Each student designated as an English Learner must have a language service plan which should be updated annually until the student exits the program.

The SET should use the following guidelines for implementation of the Language Service Plan:

1. Convene as needed to discuss changes or adjustments in the EL's instructional services.
2. Review student's progress in language acquisition and academic achievement annually.
3. Identify accommodations needed on state assessments. Additional classroom strategies and accommodations should be identified as appropriate.
4. Communicate in a timely manner the student's LSP with faculty and staff who interact with and provide instruction for the student.

GRADING

Grading/Retention Guidelines for English Learners:

Per State and Federal Guidelines, it is a violation of a student's civil right to be retained/ penalized due to limited language proficiency during the initial stages of language acquisition. Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), schools must ensure that EL students are placed appropriately and can participate meaningfully and equally in education programs. Students receiving language supports and accommodations should have this information notated on their report cards and all stakeholders must be informed. Parents/ guardians of EL students must have a clear understanding of their child(s) true academic performance in a language they understand.

ENGLISH LEARNERS AND OTHER PROGRAM SERVICES

Guidelines for Gifted Education Students:

In the identification of ELs for gifted services, students must meet the criteria determined by the state, LEA, or school.

Gifted students who are also ELs should receive programming services designed to develop their specific area(s) of strength or ability and should be conducted in the language that would give the student the greatest advantage for optimal learning and performance. This does not preclude continuing English language instruction and developing proficiency in English use; developing English proficiency should complement and supplement, not substitute for, the development of the student's significant strengths and abilities.

The time spent in the development of English proficiency should not take precedence over appropriate instruction and learning in the student's areas of strength and talent. For example, a mathematically gifted, non-English proficient student should receive advanced and accelerated mathematics instruction and opportunities to perform at optimal levels. The language of instruction should serve the optimal development of the student's mathematics ability. The student should spend as much quality time in high-level mathematics learning and production as would a highly English proficient, mathematically gifted student.

Guidelines for Students with Disabilities:

As with other populations, one expects a range of abilities among students whose English proficiency is limited. The difficulty often comes in determining whether a learning problem is related only to the English language issue or whether there is an actual disability present. Students learning English, because of their cultural and linguistic background, have special instructional needs. When a student is having difficulty mastering specific skills, it is important for the teacher to accommodate the instructional strategies and/or instructional pace for the student. Just because the student requires accommodations to his/her program does not necessarily mean that he/she has a disability or that he/she should be referred to special education.

If, however, the student continues to have difficulty after consistent language accommodations and instructional interventions have been attempted for a reasonable amount of time and the interventions from Tiers 1 and 2 have not resolved the issues, the student should be referred to the SET.

Knowledge of second language acquisition, along with the following information, is essential in determining the possible need for different interventions or future referrals for additional services:

At this point, one of two things may happen: (1) the SET may recommend additional interventions and accommodations for the classroom. If these supports are successful, the student may be served successfully in the general education classroom with the recommended supports in place. If the

additional interventions and accommodations are not successful, (2) the SET can then make a referral to the Multi-disciplinary Evaluation Team (MET) to determine the need for a comprehensive assessment. If the student qualifies as a student with a disability under the Individuals with Disabilities Education Act (IDEA), he/she may be served through the special education program.

Depending on the extent of the student's disability, it may be appropriate for the general education teacher, EL teacher, and the special education teacher to work collaboratively in order to meet the needs of the student. The fact that an EL has a disability does not replace the need for language assistance. The plan for providing language assistance and support should be delineated in the student's Individual Education Plan (IEP). ELs should be dually served through both programs. In the event another means of support will be more beneficial to the student, the Special Education team and the EL teacher should work together to determine the most effective plan and to provide needed support for implementation.

The SET and the Special Education Committee members should meet together to set both language and academic goals for ELs identified in SPED based on their areas of expertise.

Specific procedures for special education assessment are provided in the Mississippi Policies and Procedures Regarding Children with Disabilities under the Individuals with Disabilities Education Act Amendments of 2004, State board policy 74.19. Proficiency assessment in both English and the child's first language can identify the dominant language for the purpose of further evaluation and assessment if needed. Non-verbal tests are another alternative.

All students who qualify for services under IDEA, regardless of the type or degree of disability, share certain rights and needs, including:

- The right to a free and appropriate public education,
- The right to an Individualized Education Program (IEP) specifying the student's unique needs along with the special education and related services the student is to receive,
- The need to have cognitive, linguistic, academic, and social/emotional characteristics considered and appropriate environmental modifications or accommodations made.

Guidelines for ELs and Multi-Tiered Systems of Support (MTSS):

Response to Intervention (RTI) integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce discipline infractions.

With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions, and adjust the intensity and nature of those interventions depending on a student's responsiveness and identify students with learning disabilities or other disabilities (National Center on Response to Intervention). EL students are eligible for intervention services, and EL teachers will assist with the documentation process.

APPENDICES

- A. Glossary of terms
- B. Rights of English Learners

Appendix A

Glossary

Common Acronyms

| | |
|-------|---|
| EEOA | Equal Educational Opportunities Act |
| ELD | English Language Development |
| EL | English Learner |
| ESSA | Every Student Succeeds Act |
| LEA | Local Education Agency |
| MDE | Mississippi Department of Education |
| NCELA | National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs |
| NRT | Norm-Referenced Test |
| OCR | Office of Civil Rights |
| OELA | Office of English Language Acquisition |
| SEA | State Education Agency |
| SET | Student Evaluation Team |
| USDOE | United States Department of Education |

Common terms:

Accommodation: Adapting language (spoken or written) to make it more understandable to second language learners. In assessment, accommodations may be made to the presentation, response method, setting, or timing/scheduling of the assessment.

Alternative Assessment: Assessment that is different from a traditional paper-and-pencil test. This type of assessment usually examines how well a student can perform a realistic task.

Bicultural: Identifying with the cultures of two different language groups. To be bicultural is not necessarily the same as being bilingual, and vice-versa (Baker, 2000).

Biliteracy: The ability to effectively communicate or understand thoughts and ideas through two languages' grammatical systems and vocabulary, using their written symbols.

Bilingualism: Defining bilingualism is problematic since individuals with varying bilingual characteristics may be classified as bilingual. One approach is to recognize various categories of bilingualism such as bilingual ability through the determination of bilingual proficiency that includes consideration of the four language dimensions: listening, speaking, reading, and writing.

Carnegie Unit: A standard measure of high school work indicating the minimum amount of time that instruction in a subject has been provided. Awarding of one Carnegie unit indicates that a minimum of 140 hours of instruction has been provided in regular and laboratory classes over a school year; awarding of $\frac{1}{2}$ Carnegie unit indicates that a minimum of 70 hours has been provided.

Culture Shock Cycle: Euphoria, during this initial phase the student will experience a period of excitement over the newness of the surroundings. Culture shock refers to the symptoms ranging from mild irritability to deep psychological panic and crisis. Anomie, a stage of gradual, tentative and vacillating recovery. Some problems of the acculturation process are solved while other linger. Individuals become more empathic with other persons in the second culture and more accepting of the new surroundings. It is also described as homelessness in that individuals do not feel bound to the native culture nor fully adapted to the second one. Assimilation, this stage represents near or full recovery as shown by acceptance of the new culture and self-confidence in the "new" person who has developed in the new culture.

Cultural Diversity: Understanding that students come from a variety of ethnic, geographic, economic and religious backgrounds and how these diverse cultural and/or academic backgrounds impact the instructional process.

Dominant Language: The language with which the speaker has greater proficiency and/or uses most often.

English Learner (EL): The language in the No Child Left Behind Act of 2001 identifies language minority students as limited English proficient students or LEPs. However, the Mississippi Department of Education follows the suggestion of the National Research Council with the identification of these students as English language learners or ELs since this term highlights the positive aspect of the

English language acquisition process. The terms for EL and LEP may be used interchangeably. According to Title III of the No Child Left Behind Act of 2001, an English language learner is and individual:

(A) Who is aged 3 through 21; was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or is a Native American or Alaska Native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

(B) Who has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

Home Language Survey (HLS): Form completed by parents/guardians that gives information about a student's language background. Must be on file for every EL student.

Immigrant Child: According to Title III of the No Child Left Behind Act of 2001, an immigrant child is an individual who: (A) is aged 3 through 21; (B) was not born in any State; and (C) has not been attending one or more schools in anyone or more States for more than three (3) full academic years.

Informed Parental Consent: The permission of a parent to enroll their child in an EL program, or the refusal to allow their child to enroll in such a program, after the parent is provided effective notice of the educational options and the district's educational recommendation.

Interpreter: A person who translates orally from one language to another.

Interventions: All students are entitled to appropriate instructional interventions. Interventions may include alternative strategies and assessments and additional time to learn the curriculum.

Interventions provide additional opportunities for students to master the curriculum. They differ from modifications since interventions do not include changing or deleting objectives in the curriculum. EL classes are appropriate instructional interventions for EL students. Core content courses delivered through a sheltered approach are also appropriate interventions for EL students.

Language Educational Program: According to Title III of the No Child Left Behind Act of 2001, language educational program means an instruction course: (A) in which ELs are placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic content and student academic achievement standards; and

(B) that may make instructional use of both English and a child's native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

Language Proficiency: Refers to the degree to which the student exhibits control over the use of

language, including the measurement of expressive and receptive language skills in the areas of phonology, syntax, vocabulary, and semantics and including the areas of pragmatics or language use within various domains or social circumstances. Proficiency in a language is judged independently and does not imply a lack of proficiency in another language.

Local Education Agency (LEA): Also referred to as a school district.

Migrant Child: Migratory child means a child who is, or whose parent, spouse or guardian is, a migratory agricultural worker or migratory fisher and who, in the preceding thirty-six (36) months, has moved from one school district to another to obtain or accompany such parent, spouse, or guardian in order to obtain temporary or seasonal employment in agricultural or fishing industry as a principal means of livelihood.

Native Language: The first language learned in the home, or the home language. Often, it continues to be the students' stronger language in terms of competence and function.

Office for Civil Rights (OCR): The Office of Civil Rights of the U.S. Department of Education is responsible for enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, national origin, disability, sex, or age.

Parent Involvement: Any program or activity that encourages parents to become involved in their child's education; for example, conferences, volunteering, helping the child with homework, attending workshops on parenting.

Phase or Stage: Periods of language development that are typically used in discussion of language ability instead of ages to refer to a child's progress in second language development.

Primary Language: The language of most benefit in learning new and difficult information.

Pull-out: A program model in which a paraprofessional or tutor pulls students from their classes for small group or individual work. Also, a paraprofessional or tutor may serve students in a small group within the regular classroom setting.

Push-in: when the English teacher comes into the general education classroom and aids the English language learners.

Student Evaluation Team (SET): A group of educators who meet to discuss possible interventions for students experiencing difficulty in school.

Syntax: The study of the sentence patterns of a language and the rules that govern the correctness of the sentence.

Teachers of English to Speakers of Other Languages (TESOL): This is the international professional organization.

Title I: Title I of the No Child Left Behind Act of 2001 supports programs to assist economically disadvantaged students and students at-risk of not meeting educational standards. The reauthorized

Title I makes it clear that EL students are eligible for services on the same basis as other students.

Title III: Title III of the No Child Left Behind Act of 2001 ensures that EL students, including immigrant children and youth, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet. Title III effectively establishes national policy by acknowledging the needs of EL students and their families.

Title VI: Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance.

Total Physical Response (TPR): Communicative approach where students respond with actions, not words first. Instruction is accomplished through the use of commands.

Translator: A person (or computer program or application) that translates written documents from one language to another. This term is used simultaneously with the term interpreter.

Waiver: Official document needed for parents who decline the services of the language instruction educational program while the student is considered EL. In these cases, a waiver is required. The waiver must state that students are held accountable for meeting all grade level expectations regarding Mississippi curriculum and state mandated standardized testing.

Appendix B

Rights of English Learners

1964 Civil Rights Act, Title VI

What the law says

"No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." 42 U.S.C. § 2000d.

What this means

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance. Public institutions (like schools) must provide equal quality of educational services to everyone including those who are Limited English Proficient (LEP). Title VI covers all educational programs and activities that receive Federal financial assistance from the United States Department of Education.

May 25, 1970, Memorandum

What the law says

"The purpose of this memorandum is to clarify policy on issues concerning the responsibility of LEAs to provide equal educational opportunity to national origin minority group children deficient in English language skills.

What this means

Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the education program offered by a LEA, the LEA must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students. School districts have the responsibility to notify national origin- minority group parents of school activities, which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

Lau v. Nichols (US Supreme Court Decision 1974)

What the law says

The failure of school system to provide English language instruction to national origin students who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program, and thus violates § 601 of the Civil Rights Act of 1964, which bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving Federal financial assistance," and the implementing regulations of the Department of Health, Education, and Welfare. Pp. 414 U. S. 565-569.

What this means

The Supreme Court stated that these students should be treated with equality among the schools. Among other things, Lau reflects the widely-accepted view that a person's language is so closely intertwined with their national origin (the country someone or their ancestors came from) that language-based discrimination is effectively a proxy for national origin discrimination.

1974 – Equal Education Opportunities Act

What the law says

The Equal Education Opportunities Act of 1974 states: “No state shall deny equal educational opportunity to an individual based on his or her race, color, sex, or national origin by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.”

What this means

The EEOA prohibits discriminatory conduct, including segregating students on the basis of race, color or national origin, and discrimination against faculty and staff serving these groups of individuals, as it interferes with their equal educational opportunities. Furthermore, the EEOA requires LEAs to take action to overcome students' language barriers that impede equal participation in educational programs.

Plyler v. Doe (U.S. Supreme Court Decision 1982)

What the law says

“The illegal aliens who are plaintiffs in these cases challenging the statute may claim the benefit of the Equal Protection Clause, which provides that no State shall „deny to any person within its jurisdiction the equal protection of the laws” . . . The undocumented status of these children does not establish a sufficient rational basis for denying them benefits that the State affords other residents . . . No national policy is perceived that might justify the State in denying these children an elementary education.”

-457 U.S. 202

What this means

The right to public education for immigrant students regardless of their legal status is guaranteed. Schools may not require proof of citizenship or legal residence to enroll or provide services to immigrant students.

- Schools may not ask about the student or a parent’s immigration status.
- Parents are not required to give a Social Security number.
- Students are entitled to receive all school services.

Presidential Executive Order 13166

What the law says

“Entities receiving assistance from the federal government must take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access to the programs, services, and

information those entities provide.”

What this means recipients of federal assistance are required to help students overcome language barriers by implementing consistent standardized language assistance programs for LEP. In addition, persons with limited English proficiency cannot be required to pay for services to ensure their meaningful and equitable access to programs, services, and benefits.

Title III of the No Child Left Behind Act of 2001

What the law says

Title III of the No Child Left Behind (NCLB) Act requires that all English language learners (ELs) receive quality instruction for learning both English and grade-level academic content. NCLB allows local flexibility for choosing programs of instruction, while demanding greater accountability for ELs' English language and academic progress.

What this means

Under Title III, states are required to develop standards for English Language Proficiency and to link those standards to the state's Academic Content Standards. Schools must make sure that ELs are part of their state's accountability system and that ELs' academic progress is followed over time by:

- establishing learning standards, that is, statements of what children in that state should know and be able to do in reading, math, and other subjects at various grade levels; creating annual assessments (standardized tests, in most states) to measure student progress in reading and math in grades 3-8 and once in high schools;
- setting a level (cut-off score) at which students are considered proficient in tested areas; and
- reporting to the public on what percentages of students are proficient, with the information broken down by race, income, disability, language proficiency, and gender subgroups.