

**ENSURING EQUAL
EDUCATIONAL OPPORTUNITIES
FOR
ENGLISH LANGUAGE LEARNERS**



LEGAL STANDARDS



- ★ Title VI of the Civil Rights Act of 1964
- ★ *Lau v. Nichols*
- ★ ***Castañeda*** Standards
- ★ OCR Policy

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

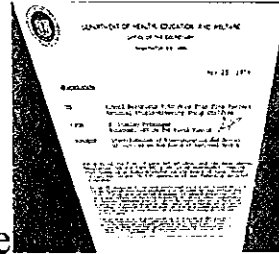
The regulation implementing Title VI at 34 C.F.R. Section 100.3 (a) states that:

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.

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OCR 1970

MEMORANDUM

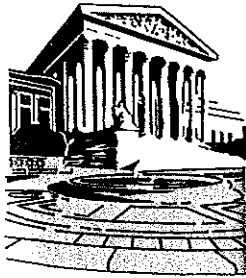


- ★ Requires school districts to take affirmative steps to rectify language deficiencies in order to open instructional programs to all students.
- ★ Prohibits school districts from assigning ELL students to special education classes on criteria which essentially measure or evaluate English language skills.

OCR 1970 MEMORANDUM, CONT.

- * Forbids specialized programs for ELL students to operate as an educational dead-end or permanent track.
- * Requires school districts to adequately notify language-minority parents of school activities that are called to the attention of other parents.

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LAU V. NICHOLS

414 U.S. 563 (1974)

“... there is no equality of treatment merely by providing [ELL] students with the same facilities, textbooks, teachers and curriculum; for students who do not understand English are effectively foreclosed from any meaningful instruction.”

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Affirmed the validity of the 1970 Memorandum (equal educational opportunity for language minority students).

Requires school districts to take affirmative steps to remedy language deficiencies of these students so they can participate meaningfully in the educational program.

CASTAÑEDA

648 F. 2d 989 (5th Cir. 1981)

- **1ST PRONG:** Sound Educational Theory
- **2ND PRONG:** Effective Implementation
- **3RD PRONG:** Program Evaluation and
Modification

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The Court developed a three-part test to evaluate the adequacy of a district's program.

Does the program have an educational theory recognized as sound by at least some experts in the field?

Are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively?

Does the school district evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome?

OCR POLICY

SELECTED HIGHLIGHTS

- * Adopts three prongs of *Castañeda*.
- * District identifies all language-minority students who cannot speak, read, write, and understand English well enough to participate in the educational program.
- * District provides parents who do not speak English access to information related to school activities, policies, and other matters brought to the attention of parents who speak English.

Incorporates the 1970 Memorandum, the *Lau* decision, and the *Castañeda* standards.

PROGRAM IMPLEMENTATION

Areas that districts may want to consider in a comprehensive ELL plan:

- ★ Identification
- ★ Assessment
- ★ Placement and Program Participation
- ★ Other District Programs
- ★ Transition and Exit
- ★ Monitoring
- ★ Program Evaluation

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SELECTING AN EDUCATIONAL APPROACH

- ★ OCR does not require a particular educational approach or model.
- ★ District may select any model that is based on a sound educational theory recognized by experts.

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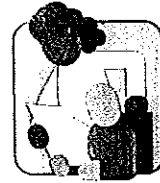
PROGRAM GOALS

Program ensures that ELL students are provided the opportunity to:

- ✧ Learn English in a timely manner.
- ✧ Have meaningful access to the district's educational program.

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IDENTIFICATION AND ASSESSMENT



District has procedures in place for identifying and assessing all language-minority students who are in need of an alternative language services in order to participate meaningfully in the recipient's educational program.

Possible elements:

- ★ Timeframes
- ★ Person(s) responsible & qualifications
- ★ Criteria for eligibility

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PLACEMENT & PARTICIPATION

- ★ Educational Model includes goals to provide English Language Development/Acquisition Services

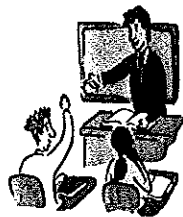
Opportunity to learn English in a timely manner

- ★ Provides for meaningful access to the district's academic curriculum

Opportunity to gain academic knowledge and skills



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STAFFING

District ensures that the staff serving ELL students are appropriately trained and available in sufficient numbers to effectively implement the district's educational approach.

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Method and criteria the district will use to ensure staff are qualified

Method and criteria used to ensure a sufficient number of qualified teachers



RESOURCES

District ensures timely availability of adequate resources, such as equipment and instructional materials, to effectively implement its instructional approach.

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What materials and resources, such as specialized books and equipment, are needed?

If the district does not currently have all the resources necessary to implement its program of services for ELL students, what is the schedule or plan for obtaining such resources?



RESOURCES

ELL students are provided with classroom facilities that are comparable to those provided general education students.

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PEER INTERACTION

ELL students are not segregated from their English speaking peers unless necessary to achieve program goals.

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PARENTAL NOTICE

Parents who do not speak English are provided with adequate information related to school activities, policies, and other matters brought to the attention of parents who speak English.

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What materials and resources, such as specialized books and equipment, are needed?

If the district does not currently have all the resources necessary to implement its program of services for ELL students, what is the schedule or plan for obtaining such resources?

EXITING ELL STUDENTS

District provides ELL Students services until they are proficient enough in English to participate meaningfully in the regular education program.

- * Exit criteria should include objective standards, such as standardized test scores.
- Students should continue to receive services until they can read, write, speak and comprehend English well enough to participate meaningfully in the district's program.

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District should continue to continue to monitor exited ELL students.

District may need to remedy academic deficits incurred while learning English.

OTHER DISTRICT PROGRAMS

ELL students are provided with opportunities to access other district programs:

- * Gifted and Talented Services
- * Honors and Advanced Placement

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SPECIAL EDUCATION

- * District ensures that ELL students are not inappropriately placed in special education services because of their inability to speak and understand English.**
- * District considers ELL student's proficiency in the primary or home language and in English to determine the proper evaluation.**

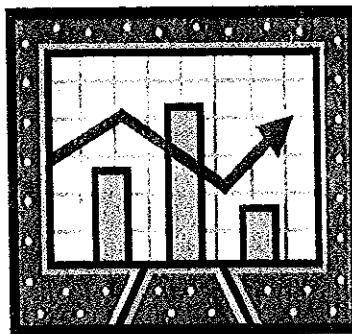
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ELL students shall not be misidentified as students with disabilities because of their inability to speak and understand English.

ELL students with disabilities should receive special education or related services in accordance with their individual needs.

PROGRAM EVALUATION

The district periodically evaluates its program to ensure the program is working and modifies the program when necessary.



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PROGRAM EVALUATION , CONT.

District considers its own program goals to determine if its program is working.

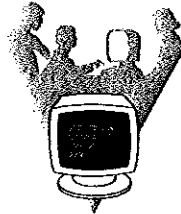
- ★ Are students learning English in a timely manner?

- ★ Do students have meaningful access to the district's educational program?

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From 1991 policy: Generally, "success" is measured in terms of whether the program is achieving the particular goals the recipient has established for the program. If the recipient has established no particular goals, the program is successful if its participants are over-coming their language barriers sufficiently well and sufficiently promptly to participate meaningfully in the recipient's programs.

OCR INTERNET RESOURCES



- * Home page:
www.ed.gov/ocr/
- * ELL Resources:
www.ed.gov/ocr/ellresources.html
- * Programs for English Language Learners:
Resource Materials for Planning and Self-Assessments (“ELL Guide”)
www.ed.gov/ocr/ELL/

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