Equal Access and English Language Learners

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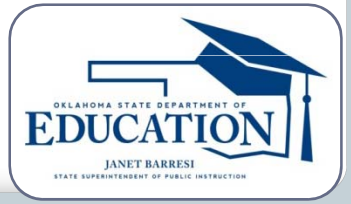


Who are English Language Learners (ELLs)?

- Approximately 4.6 million students nationwide
- Nearly 10% of overall population
- Every age and grade level
- Every socioeconomic class
- Every continent, dozens of countries, hundreds of languages
- More than half of ELLs are 2nd and 3rd generation, meaning they were born in the United States
- May or may not have received formal education prior to enrolling in American schools
- May or may not be literate in their home language

Source: EPE Research Center, 2009

The Foundations of Equal Access

Title VI of the Civil Rights Act of 1964:

- "[n]o 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."

The Equal Protection Clause, 14th Amendment to the United States Constitution:

- "No state shall…deny to any person within its jurisdiction the equal protection of the laws."

Equal Access: The Foundations

General outcomes from Title VI and Equal Protection:

1. Students **may not** be screened or identified as ELLs based **solely** on the following factors:
   a. name
   b. national origin
   c. ethnicity
   d. appearance
   e. language*
2. Under the **Brown v. Board of Education** (1954) ruling, permanently segregating ELLs into 'separate but equal' schools or academic pathways based on their language skills is a violation of the Equal Protection Clause.

Equal Access: The Foundations

**Language is included here because school staff may not automatically classify a speaker of another language as an ELL student.*

Lau v. Nichols, 1974

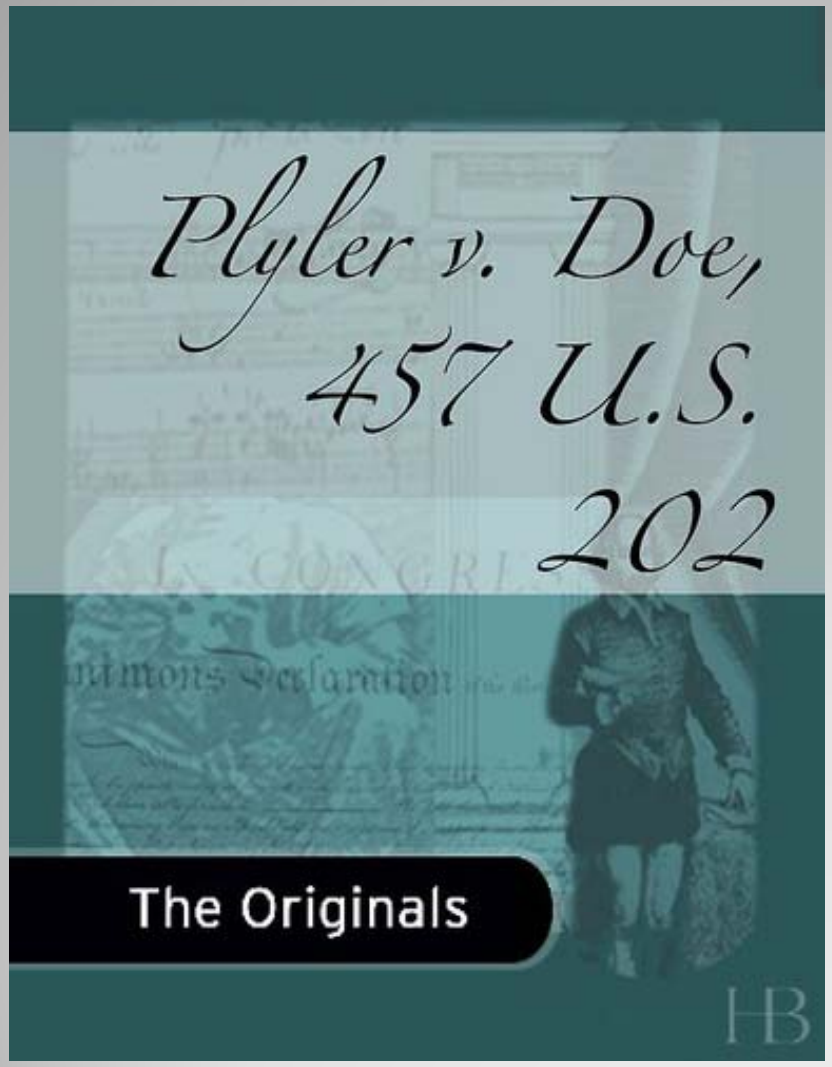
- "There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education."
- School districts must help ELLs overcome linguistic barriers in order to access instruction.
- Stands as the most basic and fundamental ruling about service requirements for ELLs in all public schools.
- Basis for the Lau Memorandum from the Office for Civil Rights.

Equal Access for ELLs: Critical Case One

Castañeda v. Pickard, 1981

- In order to be considered "appropriate," a language instruction educational program must satisfy the following criteria:
  - It must be based on sound educational theory.
  - It must be implemented to full effect (i.e., adequate funds, adequate teacher competency to run the program as it is intended).
  - It must be subject to change or replacement if it fails to achieve intended aims of language acquisition.

Equal Access for ELLs: Critical Case Two



Plyler v. Doe, 1982

States are obligated to provide free public education services to all children within their jurisdiction, regardless of their citizenship status.

Equal Access for ELLs: Critical Case Three

May 25 Memorandum, 1970:

Circulated from the Office for Civil rights; highlighted specific "common practices which have the effect of denying equality of education opportunity to [language minority] pupils" (and are therefore, violations of Title VI). These included:

- failure by the LEA to take "affirmative steps" to help ELLs overcome language barriers or otherwise access instructional programs;
- "dead end" programming for ELLs that has no aim to integrate them into mainstream classes;
- denying ELLs the opportunity to participate in college prep or other advanced classes based on their language skills; and
- failure to notify parents of ELLs about issues or opportunities for which other parents do receive information.

Equal Access for ELLs: Critical Document

Practices Prohibited in K-12 public schools:

Prohibited Practice	Basis
❑ Permanent or complete academic segregation; "dead end" academic tracks.	Title VI (May 25 Memo)
❑ Denial of access to advanced or college preparatory courses based on language skills.	Title VI (May 25 Memo)
❑ Failure to provide the same information to parents of ELLs that other parents receive about opportunities or issues in their child's school.	Title VI (May 25 Memo)
❑ Identification as students with disabilities based on language skills only.	Title VI (May 25 Memo)

Expectations and Challenges

Equal Access: Expectations and Challenges

Expectations

- ELLs have the same access to Gifted and Talented, Advanced Placement, International Baccalaureate, or any other courses to which all students have access.

Challenges

- A student's content knowledge may not be easily assessed by regular content assessments.

Identification of ELLs with Disabilities: Expectations and Challenges

Expectations

- All students must be identified as ELLs according to the same criteria.
- Identification criteria must be language based.
- ELLs with disabilities must be identified using the same criteria as other students with disabilities.

Challenges

- Does the school have an assessment available in the student's native language?
- Does the school have the appropriate personnel to administer the assessment?
- Does the school's IEP team include the ESL specialist in decisions regarding ELLs with disabilities?

Parental Outreach: Expectations and Challenges

Expectations

- School provides timely and adequate information to parents of ELLs about opportunities for them and their children.

Challenges

- Information has to be provided in a language that the parents can understand. Finding appropriate interpreters and/or translators may be difficult.

What does this mean for my school?

Remember:

- Schools are required to ensure that the rights of students are met, whether or not Federal funding is accepted.
- Parent refusal of a language support (language instruction educational) program for their child does not release the school from its obligation to provide linguistic support in order for that child to access the curriculum or from the obligation to monitor the child's progress.

1. Provide meaningful access to grade-level academic content via appropriate instruction.
2. Develop students' academic English language proficiency.

Schools have a dual obligation to ELLs.

Scenario: I ask you to help me fix the roof on my home. I am already on the roof with all the supplies. I ask you to join me, but I do not give you anything to help you reach the roof so that you can complete the assigned task.

What does this scenario have to do with providing ELLs with equal access?

What I did wrong:

1. Denied meaningful participation in the activity.
2. Did not provide or removed support.
3. Used an unsound approach.
4. Refused to change my approach.
5. Did not fully implement the activity.
6. Did not utilize resources available.

How did I fail to provide equal access?

Where do I go for help?

- <www.delicious.com/espanola_ok>
- <www.diigo.com/user/espanola_ok>
- <www.wida.us>
- <http://www2.ed.gov/about/offices/list/ocr/ell/lau.html>
- <http://www2.ed.gov/about/offices/list/ocr/ell/glossary.html>
- <http://sde.state.ok.us/Curriculum/Bilingual/links.html>
- <https://twitter.com/#!/espanola_ok/ellinok>
- free audio and video podcasts on iTunes (categories of language and education)
- iTunesU
- iPhone, iPod, iPad Apps such as WordLens, iTranslate, myLanguage Pro, SpeechTrans, Sight Words, idioms, WrdsCnfsd, and Khan Academy

What resources are available?

We are here to help too!

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