

## **Questions and Answers on the Rights of Limited-English Proficient Students**

### **What happens to limited-English proficient (LEP) students who are not offered services to help them overcome language barriers?**

Limited-English proficient students (also sometimes referred to as English-language learners) may suffer repeated failure in the classroom, falling behind in grade, and dropping out of school if they are not provided services to overcome language barriers. Students who are not proficient in English and sometimes inappropriately placed in special education classes. Also, because of their lack of English proficiency, qualified students often do not have access to high track courses or Gifted and Talented programs.

### **What is the federal authority requiring districts to address the needs of English language learners?**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin. In *Lau v. Nichols*, the U.S. Supreme Court affirmed the Department of Education memorandum of May 25, 1970, which directed school districts to take steps to help limited-English proficient (LEP) students overcome language barriers and to ensure that they can participate meaningfully in the district's educational programs.

### **What does Title VI of the Civil Rights Act of 1964 require for English-language learner students?**

Federal law requires programs that educate children with limited English proficiency to be:

1. based on a sound educational theory;
2. adequately supported, with adequate and effective staff and resources, so that the program has a realistic chance of success; and
3. periodically evaluated and, if necessary, revised.

### **Does OCR require districts to follow a particular educational approach, such as bilingual education?**

No. OCR does not require or advocate a particular educational approach to the instruction of ELL students. Districts have substantial flexibility when developing programs to meet the needs of ELL students.

### **What if parents do not want their child to have services to address their English needs?**

Parents can opt to not have their children enrolled in an ELL program.

When a parent declines participation, the district retains a responsibility to ensure that the student has an equal opportunity to have his or her English language and academic needs met. Districts can meet this obligation in a variety of ways (e.g.

adequate training to classroom teachers on second language acquisition; monitoring the educational progress of the student).

**How long does a district have to provide special services to ELL students?**

ELL students must be provided with alternative services until they are proficient enough in English to participate meaningfully in the regular program.

To determine whether a child is ready to exit, a district must consider such factors as the students' ability to keep up with their non-ELL peers in the regular education program and their ability to participate successfully without the use of adapted or simplified English materials.

Exit criteria must include some objective measure of a student's ability to read, write, speak and comprehend English.