

From: U.S. Department of Education [<mailto:ed.gov@public.govdelivery.com>]

Sent: Wednesday, January 07, 2015 10:05 AM

To: Halstead, Brian

Subject: Guidance from the Departments of Education and Justice on Equitable Educational Access for English Learner Students

Dear Colleague:

The U.S. Departments of Education and Justice today released [joint guidance](#) reminding states, school districts, and schools of their obligations under federal law to ensure that English learner students have equal access to a high-quality education and the opportunity to achieve their full academic potential.

In addition to the guidance, the Departments also released additional tools and resources to help schools in serving English learner students and parents with limited English proficiency:

- A fact sheet in [English](#) and in [other languages](#) about schools' obligations under federal law to ensure that English learner students can participate meaningfully and equally in school.
- A fact sheet in [English](#) and in [other languages](#) about schools' obligations under federal law to communicate information to limited English proficient parents in a language they can understand.
- A [toolkit](#) to help school districts identify English learner students, prepared by the Education Department's Office of English Language Acquisition. This is the first chapter in a series of chapters to help state education agencies and school districts meet their obligations to English learner students.

This is the first time that a single piece of guidance has addressed the array of federal laws that govern schools' obligations to English learners. The guidance recognizes the recent milestone 40th anniversaries of *Lau v. Nichols* and the Equal Educational Opportunities Act of 1974 (EEOA), as well as the 50th anniversary of the Civil Rights Act. The EEOA, similar to *Lau*, requires public schools to take appropriate action to help English learner students overcome language barriers and ensure their ability to participate equally in school.

The guidance explains schools' obligations to:

- identify English learner students in a timely, valid and reliable manner;
- offer all English learner students an educationally sound language assistance program;
- provide qualified staff and sufficient resources for instructing English learner students;
- ensure English learner students have equitable access to school programs and activities
- avoid unnecessary segregation of English learner students from other students;
- monitor students' progress in learning English and doing grade-level classwork;
- remedy any academic deficits English learner students incurred while in a language assistance program;
- move students out of language assistance programs when they are proficient in English and monitor those students to ensure they were not prematurely removed;
- evaluate the effectiveness of English learner programs; and
- provide limited English proficient parents with information about school programs, services, and activities in a language they understand.

Please distribute this information widely to your networks.

Thank you,

Office for Civil Rights
U.S. Department of Education



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