Ensuring equitable educational opportunities for English learners requires balancing civil rights, disability rights, and contextually relevant research-based practice.

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Honoring Civil Rights and Disability Law: Effectively Engaging English Learners

INTRODUCTION
• Approximately 10% of students in the US are English Learners (ELs) and their numbers continue to rise (McFarland et al., 2017)
• EL students are found to fall behind in math and reading (McFarland et al., 2017) and more likely to be identified for special education, especially specific learning disability and speech-language impairment (Sullivan, 2011).
• The Civil Rights Act (1964), Lau v. Nichols (1974), and the Equal Educational Opportunities Act (1974) mandates that equal educational opportunities for EL students is a matter of civil rights.

CONCLUSIONS
• Evidence based frameworks, such as Systems Change Framework, can provide EL students with appropriate, non-discriminatory services.
• Efforts to ensure equitable education for EL students include removing language barriers from materials (e.g., materials for assessment, instruction, and intervention) and providing appropriate human resources (e.g., ESL specialists, cultural liaisons, interpreters, translation services)
• Collaborative decision-making that involves families and community members is key.
• Schools must make systematic and regular use of school and student data to assess potential disparities and service effectiveness.

WHAT NOT TO DO
Practices that violate civil rights or disability law:
• seeking information on citizenship status;
• making educational decisions based on actual or perceived immigrant status, citizenship, or religion;
• failure to systematically identify students’ home languages, screen and or monitor students’ language proficiency, provide appropriately credentialed service providers, or provide appropriately translated materials and access to trained interpreters;
• delaying enrollment, assessment, or participation in program because of insufficient language supports;
• using outdated, unreliable, or un-validated assessment procedures, instruments, or intervention materials;
• denying concurrent participation in EL services, special education, or any other program;
• segregating EL students from their peers;
• failing to protect students from harassment by staff or students due to actual or perceived race, national origin, disability, or religion; and
• using special education to compensate for lack of appropriate language supports or ineffectiveness of past curriculum or instruction.

RESOURCES