

# Language Access: Communicating with MLs and Their Parents

NAESPA – NAELPA Webinar  
October 23, 2024



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## Agenda

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- Introductions
- Legal requirements related to language access
- Panelist questions and answers
- Audience questions if time permits

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## Two Laws – Similar requirements

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### Title IV – Civil Rights Act (1964)

- Recipients of federal funds
- **Prohibits** discrimination based on **race, color, or national origin.**
- Requires **equal access** to education for **language minority students** with limited English proficiency.
- Enforcement is conducted by **both** OCR and DOJ. Only DOJ litigates.

### Equal Educational Opportunity Act (1974)

- Applies regardless of receipt of federal funds.
- Does not allow the denial of an “equal educational opportunity to an individual on account of his or her **race, color, sex, or national origin.**”
- Requires States and LEAs to “**take appropriate action to overcome language barriers** that impede equal participation...”
- Enforcement by DOJ only.



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# OCR-DOJ Joint Guidance

## State Education Agency and School District Obligations to EL Students

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This section outlines the requirements in Title VI of the Civil Rights Act and EEOA for State education agencies (SEAs) and local education agencies (LEAs) to provide effective EL programs. *“Title VI’s prohibition on national origin discrimination requires SEAs and school districts to take ‘affirmative steps’ to address language barriers so that EL students may participate meaningfully in schools’ educational programs”* (page 5).

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# Two Supreme Court Cases

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## Lau (1974)

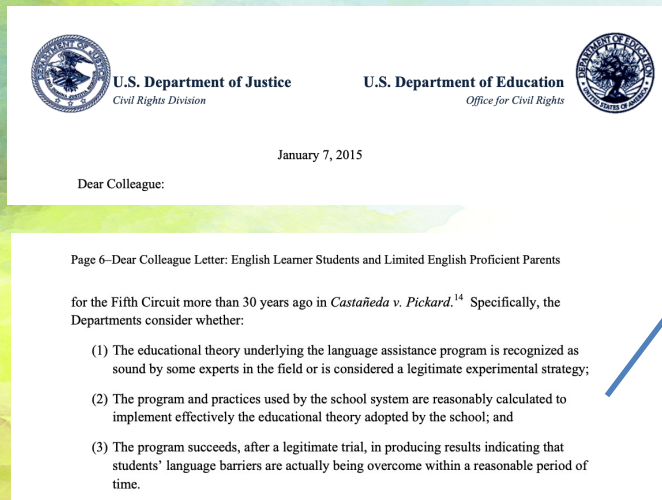
2024 was 50<sup>th</sup> Anniversary

- Affirms the right of English learners to participate meaningfully in the educational programs offered in public schools.
- Lack of an EL program violated Title VI of the Civil Rights Act
- District was required to take affirmative steps to rectify the language deficiencies of EL students



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## Two Supreme Court Cases



### Castañeda (1981)

#### Three Principles

1. EL program “**sound in theory**”
2. **Reasonable implementation** of EL program
3. EL program **outcomes evaluated**



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## Core EL Programs

There are two components of EL programs required under Civil Rights legislation that must be satisfied.

A Civil Rights required ‘core’ EL program must provide English Learners with services that help them:

- Attain English proficiency, and
- Access academic content (acquire content knowledge)



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## Online Guidance from the Office for Civil Rights (OCR)

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The online document: *'The Provision of an Equal Education Opportunity to Limited-English Proficient Students'* includes, among other things, five points related to procedures that school districts should use to ensure that their programs are serving EL students effectively.



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## OCR's Five Procedures

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In order to ensure that EL programs are effectively serving EL students, the following five procedures should be in place.

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- Identify students who need assistance
- Develop a program which, in the view of experts in the field, has a reasonable chance for success
- Ensure that necessary staff, curricular materials, and facilities are in place and used properly
- Develop appropriate evaluation standards for measuring the progress of students, including program exit criteria, and
- Assess the success of the program and modify it where needed



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# Parent Communications - Civil Rights Requirements



1. The U.S. Dept of Health, Education, and Welfare required schools and districts to notify LEP parents of activities called to the attention of non-LEP parents in language the parents can understand.
2. The Equal Educational Opportunities Act (EEOA) requires schools and districts to take appropriate action to overcome language barriers, which includes providing translation & interpretation services for LEP parents.
3. Executive Order 13166 requires that federally funded agencies provide language access services to the populations they serve.

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# OCR-DOJ Factsheet

The image shows a portion of a factsheet from the U.S. Department of Justice (Civil Rights Division) and the U.S. Department of Education (Office for Civil Rights). The title is 'Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them'. A red circle highlights the question 'Must my child's school provide information to me in a language I can understand?' and a red arrow points from this question to the answer on the right. The answer states that schools must communicate information to LEP parents in a language they can understand about any program, service, or activity that is called to the attention of parents who are proficient in English. A list of 11 items follows, including registration and enrollment, language assistance programs, report cards, student discipline policies, special education, parent-teacher conferences, grievance procedures, parent handbooks, gifted and talented programs, magnet and charter schools, and requests for parent permission for student participation.

*“Must my child’s school provide information to me in a language I can understand?”*

**Answer: “Yes”**

- In a language they understand
- These 11 items must be provided
- **NOT** a complete list

<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>



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