OCR and DOJ Issue Guidance Regarding English Learner Students Equal Access to Education

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The Office for Civil Rights at the U.S. Department of Education (OCR) and the U.S. Department of Justice (DOJ) issued a joint guidance outlining the obligations of school districts and public schools to provide equal access to a high-quality education to English learner (EL) students. This comes 40 years after the Equal Educational Opportunities Act of 1974 (EEOA), which requires that state education agencies overcome language barriers that affect equal participation by EL students in school.

This joint guidance explains schools' obligations to identify and assess EL students in a timely manner. Schools must provide a sound language assistance program and remedy academic deficits EL students incurred while in a language assistance program. For schools to provide equal access to education, EL students must have equitable access to school programs and activities, and must not be unnecessarily segregated from other students. Additionally, EL student progress must be monitored in learning English and doing grade-level classwork.

Schools need to evaluate the effectiveness of EL programs, and provide qualified staff and sufficient resources for instructing EL students. Once students are English proficient, students should be moved out of language assistance programs. However, schools must continue to monitor these students to make sure they were not prematurely removed. Finally, schools must provide limited English proficient parents with information about school programs, services, and activities in a language they understand.

What You Need To Know

The DOJ's Civil Rights Division is focused on enforcing the EEOA and Title VI of the Civil Rights Act of 1964 in order to ensure EL students and limited English proficient parents receive the services to which

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they are entitled. Schools should review current EL programs to verify compliance with the joint guidance and consult with legal counsel regarding policies concerning EL students.

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