

Educating English Learners

ND School Boards Association – Law Seminar

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Disclaimer

- The information being presented is for general information and training purposes only, to permit you to learn more about the discussed topics. The information presented is not legal advice as to any specific situation and is not to be acted on as such.

Who are English Learners (ELs)?

- ▶ An individual:
 - ▶ Who is ages 3-21
 - ▶ Who is enrolled or preparing to enroll in elementary or secondary school
 - ▶ Who was not born in the US or whose native language is other than English; is Native American or Alaska Native, or native resident of outlying areas, and who comes from environment where language other than English has had significant impact on individual's level of English language proficiency; or who is migratory, whose native language is language other than English, and who comes from environment where language other than English is dominant; AND
 - ▶ Whose difficulties in speaking, reading, writing, or understanding English language may be sufficient to deny individual ability to meet state's proficient level of achievement on state assessments, ability to successfully achieve in classrooms where language of instruction is English, or opportunity to participate fully in society.
- ▶ Growing part of the K-12 student population nationwide.

Federal law evolution

- ▶ 1920s-1960s – few or no remedial services available for students who are not proficient in English language
- ▶ 1963 – success of two-way bilingual program for Cuban refugee children in Florida inspires implementation of similar programs
- ▶ 1964 – Civil Rights Act: Title VI prohibits discrimination on basis of race, color, or national origin in operation of all federally assisted programs
- ▶ 1968 – Bilingual Education Act: establishes federal policy for bilingual education for economically disadvantaged language minority students, allocates funds for programs, recognizes unique educational disadvantages faced by non-English speaking students
- ▶ 1974 – Equal Educational Opportunities Act: prohibits states from discriminating against students based on gender, race, color, or nationality and requires public schools to provide for students who do not speak English

Federal law evolution - U.S. Supreme Court Cases

- ▶ 1974 – *Lau v. Nichols* – school districts must take affirmative steps to overcome educational barriers faced by non-English speakers. Failure of school district to provide English language instruction denied meaningful opportunity to participate in public education in violation of Civil Rights Act of 1964.
- ▶ 1982 – *Plyler v. Doe* – undocumented children have the same right and obligation to attend public schools as all American children.

Federal law evolution, continued

- ▶ 2001 – No Child Left Behind Act.
 - ▶ Title III of the Act – “Language Instruction for Limited English Proficient and Immigrant Students”
 - ▶ States required to set standards in English Language Proficiency for English language learners and adopt an assessment that aligns with the standards
 - ▶ States required to develop accountability measures for districts receiving funds under Title III.

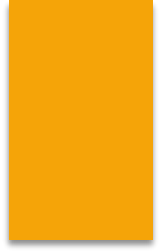
Federal law evolution, continued

- ▶ 2015 – Every Student Succeeds Act (ESSA)
 - ▶ Requires states to create uniform process for identifying ELs, assigning them services, and later, moving them out of EL classes
 - ▶ Several provisions regarding ELs have moved from Title III to Title I
 - ▶ Reporting changes

What is required?

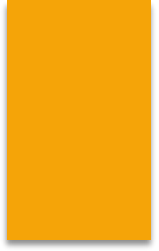
- ▶ Public schools must offer language assistance services to all students with limited English proficiency and identify these students as English learners so all students can meaningfully participate in all education programs.
- ▶ Public schools must communicate information about enrollment, classes, and other educational programs and activities in a language that all parents, guardians, and sponsors can understand. (Either by translating information or providing qualified interpreters.)

Native Language Assessments



- ▶ An EL student may take her state's reading or language arts assessment in her native language for the first three years that she attends school in the U.S., provided she doesn't reach a level of English proficiency that is sufficient to yield valid and reliable information about what she knows or can do.
- ▶ The school could further assess the EL student for another two years, provided the student has not yet reached a level of English proficiency that will yield valid and reliable information on English-language assessments in reading and language arts.
- ▶ A school district cannot exempt an EL student from participating in the state assessment system.

Assessing EL Students with Disabilities



- ▶ ESSA requires EL students and students with disabilities receive “appropriate accommodations” on state assessments.
- ▶ Under IDEA, the term “limited English proficient” has same meaning as “English learner” under ESSA.
- ▶ A determination that a disability precludes assessment in one or more domains must be made on an individualized basis by the child's IEP or 504 team

NDDPI Step by Step Guide – All Districts Must:

- ▶ School Board Policy
 - ▶ This is coded as GABAA by NDSBA, and also included on DPI's website.
- ▶ EL Program Director
- ▶ EL Coordinator/Teacher
- ▶ EL Student Identification Plan
- ▶ EL Student Assessment Assurances
- ▶ Home Language Survey
- ▶ English Language Proficiency Screener Assessments
- ▶ Parent Notification of Eligibility

NDDPI Step by Step Guide– Schools with Identified ELs Must:

- ▶ Placement in EL Services
- ▶ Enter Students in the ND STARS
- ▶ EL Program Plan or “Lau” Plan
- ▶ ACCESS For ELs
- ▶ Individualized Language Plan (ILP)
- ▶ Continuously Monitor ILP Goals
- ▶ Professional Development – Title III districts are **required** to provide annual training on EL instruction topics for **ALL** staff

Remember your Nondiscrimination Policy

- ▶ Nondiscrimination & Anti-Harassment Policy (AAC) – prohibits discrimination and harassment based on **national origin**

Thank you!

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- Student rights + discipline
- Special education
- Section 504 compliance
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- Employee relations
- Improving employee performance
- Patron complaint investigations
- FERPA, open records/mtgs compliance
- Bidding + construction
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- Difficult patrons
- Nondiscrimination compliance
- Discrimination/harassment/bullying investigations
- Policy implementation
- And more....