



**Success Indicator CC05:** The entire school community, including faculty and staff, students and parents, is well-informed about legal mandates and the rights of ELs. (5864)

**Overview:** According to federal law, U.S. schools receiving federal funding are required to provide English learners (ELs) with an equitable education - meaning that their potential to succeed is not limited by their circumstances (OECD, 2012). Most school leaders, staff, and parents recognize this entails certain accommodations to increase equity for ELs such as additional support from ESL professionals and instructional modifications. However, many of these individuals may not be aware that providing equitable education includes the ability to enter honors, AP, or college track classes, and avoiding treatment that may unintentionally make students feel unwelcomed. Everyone in the school community can play a role in increasing educational equity. The first step is understanding what is meant by equity, then knowing what is legally required.

**Questions:** Why do mandates specific to ELs exist? What are the current legal mandates related to ELs? What are the current mandates related to classroom language support? Who should know about the mandates and why? How can LEAs, faculty, and staff ensure that the school community is informed?

### **Why do mandates specific to ELs exist?**

Educational equity is rooted in the Civil Rights Act of 1965, but more specifically in the Elementary and Secondary Education Act (ESEA) of 1965. The ESEA establishes that all children have a right to an equitable education regardless race, religion, gender, country of origin, or language. It was designed to close educational achievement gaps between different groups of students, including those with limited English proficiency. However, some felt schools were failing to comply with the law's intent, and in the 1970s a group of 1,800 parents of ELs sued the San Francisco School District. The parents argued that their children were not being given equitable education due to their lack of English proficiency, which was a form of discrimination against their race, color, and country of origin (Lau v. Nichols, 1974). The U.S. Supreme Court agreed. In the same year, the ESEA was amended with the Equal Educational Opportunities Act, which states that Local Education Agents (LEAs) must overcome barriers that limit students' classroom participation (including limited English proficiency). Later, legislation was added to ensure that states were being held accountable in providing an equitable education to ELs.

In response to Plyler v. Doe (1982), additional anti-discrimination mandates were added related to undocumented students. The Supreme Court ruled that all children in the U.S. are entitled to an education regardless of their actual or perceived legal status. As such, schools cannot have enrollment processes that discourage or prohibit undocumented student enrollment. In addition, the Attorney General and the Department of Education discourage schools from asking about legal status and requesting social security numbers or birth certificates to establish residency or age. Instead, they recommend asking parents for state issued identification or copies of utility bills to establish residency and doctor's records or affidavits from parents to establish the child's age (U.S. Department of Justice & U.S. Department of Education, n.d.).



## What are the current mandates for the schooling of ELs?

As part of the annual measurable objectives, states are required to report their progress with ELs and the accommodations they are using. However, which accommodations to use and how to implement them is left to the states and LEAs to decide. Generally, those accommodations include ESL push-in or pull-out language programs, after-school programs, and classroom language support such as bilingual dictionaries or glossaries and written or oral translations of materials. Across the country, teachers have expressed frustration about inconsistencies in the information they are given and a general lack of knowledge regarding the types of accommodations to be used (Reeves, 2008; Wright, 2006). Attempting to address this concern, the Every Student Succeeds Act (ESSA) of 2005 mandates professional development for teachers on accommodations, but also relegates the decisions on how, when, and what this entails to state and local agencies.

Regarding mandated assessments, ELs are required to take standardized testing in Math, Science, and Language Arts, just like the mainstream population. However, their results are not reported the first year; instead, ELs' second year results are reported with their first-year scores for comparison, and they are not included in the mainstream report until the third year. For these exams, teachers may allow classroom accommodations that assist in assessing what students know and are able to do in academic content areas until ELs have achieved sufficient proficiency as defined by the state. In addition, LEAs must provide annual assessments of ELs' language proficiency. Schools are required to submit an Annual Progress Report (APR) with annual measurable objectives to bring all schools to the state standards. ELs are often included in this report as a subgroup with specific objectives for improvement by the next year. Lastly, LEAs are required to report the schools' exam performance and teacher qualifications to the parents and the general public. If the school is not meeting the standards, parents may request that their child be transferred to a school that does meet the standards or ask for free supplementary educational services provided by the school (No Child Left Behind Act of 2001).

## Who should know about the mandates and why?

In order to keep ELs motivated, administrators, faculty, and staff need to think of their students in the long term and provide rigorous academic content, rather than only focusing on their developing English proficiency. When informed of mandates, everyone in the school community has the potential to positively contribute to the experiences and outcomes of ELs in schools.

**Teachers: Faculty who understand the mandates and the broad definition of equity can more effectively advocate for their ELs.** Research has shown that students' performance increases when faculty provide ELs with culturally relevant teaching, language accommodations, high expectations, and a positive teacher student relationship (Kanno & Kangas, 2014; Reeves, 2008; Souto-Manning, 2016; Umansky, 2016). In addition, faculty who understand the system can advocate for their students by contributing their voice to LEAs' Annual Mandatory Objectives and Adequate Yearly Progress Reports. Since states are able to create their own objectives, teachers' voices can and should be heard. Research also suggests that teachers can advocate for ELs by campaigning for students to be placed in college or career track courses rather than remedial courses, by being present at reclassification meetings, by encouraging parent participation, and by crafting IEPs that provide students with academically rigorous courses (Kanno & Kangas, 2014; Mavrogordato & White, 2017; Umansky, 2017; Vera, et al., 2016).

**School District Office: Since local education agencies (LEAs) interpret the federal mandates, it is important that they understand what is required and how schools under their supervision can meet those requirements.**

The federal mandates allow for LEAs to choose their own path to educational equity including setting assessment standards, creating policies regarding ELs' assessment measures, and creating improvement plans. It is the LEAs' responsibility to give the rest of the education community the resources they need to complete the plan they provide. Educational research indicates that students' success can be increased by discussing the IEP during reclassification meetings, allowing exceptions to the rigid tracking systems, offering professional development regarding ELs, and encouraging parent participation (Castagno & Hausman, 2017; Kanno & Kangas, 2014; Mavrogordato & White, 2017; Molle, 2013; Umansky, 2017; Vera, et al., 2016).

**EL Parents: Parents should remember that the reason many of these mandates exist is because the parents in *Lau v. Nichols (1974)* and *Plyler v. Doe (1982)* made their concerns heard.** Parents of ELs may hesitate to become involved in the school community due to gaps in English proficiency, social status, or legal status (Vera, et al., 2016). However, students are much more likely to receive equitable education if their parents advocate for them. Parents can petition for higher level classes or accommodations, students' involvement in extra-curricular activities, and they can communicate their child's issues and needs to their teachers. Lastly, if the school is not meeting the standards, parents have the right to ask for free supplementary educational services from the school or request that their child transfer to a school that does meet the standards (No Child Left Behind Act of 2001).

**Leadership and School Support Staff: Staff play an integral part in creating a school climate of equity for ELs.** Research has shown that students who feel socially, emotionally, and physically safe are more likely to succeed than those who do not (Thapa, Cohen, Guffey, & Higgins-D'Alessandro, 2013). Since ELs may be vulnerable to bullying and seclusion due to language barriers and cultural differences, they are at higher risk for dropping out, creating discipline problems, and having low self-concepts. Wilson (2004) found that school connectedness increases attendance and graduation rates and decreases bullying behaviors at the school. He defined school connectedness as "the degree to which a student experiences a sense of caring and closeness to teachers and the overall school environment" (p. 298). Staff can set the tone for school connectedness by providing supportive role-models for all students, encouraging students to seek help, being aware of cultural issues, and reporting anything unusual to faculty or administration. Finally, staff needs to be aware that they are not required to report immigration status.

**EL Students: Students can advocate for themselves if they are aware of their options.** Generally, ELs simply agree to what they are told by administrators and faculty. However, mainstream students know that by asking the administrator or seeking the permission of a particular teacher, they can often change their enrollment. By advocating for themselves and encouraging teachers, parents, or counselors to advocate for them, ELs may be able to change their enrollment to a college track educational trajectory (Kanno & Kangas, 2014). In addition,

they can ask to join extra-curricular activities which will increase their school connectedness, thus decreasing their risk status (Wilson, 2004).

**How can LEAs, faculty, and staff ensure that the school community is informed?**

**When it comes to distributing information, more options are better.** Research has found success with multi-lingual and multimodal (oral and written) methods including newsletters, websites, posters, pamphlets, letters, and telephone lines (Tarasawa & Waggoner, 2015; Ramírez, 2016). In addition, school projects focusing on diversity, social justice, and educational equity can reach many audiences at once. For example, student posters and presentations created with the expert knowledge of parents on cultural diversity serve as reminders to the faculty, staff, and students of the project's message of respect for cultural differences. This is an area where everyone is encouraged to participate and be creative in finding ways to distribute the information.

**Faculty, staff, and administration can increase their effectiveness with professional development.** Research shows that faculty become frustrated when they don't know what is required of them or how to properly assist students with accommodations (Wright, 2006; Reeves, 2008; Castagno & Hausman, 2017). Since requirements vary from state to state and may change each year, reviewing the standards and annual measurable objectives may relieve some of that frustration. Additionally, professional development on accommodations for ELs can increase the consistency of accommodations resulting in more reliable testing and better classroom assistance. It also increases the flow of information between faculty and LEAs, challenges negative attitudes towards ELs, and addresses the tendency to think of ELs as deficient (Molle, 2013). Walker, Shenker, and Hoover-Dempsey (2010) suggest professional development in intercultural communication skills, the special needs of recent immigrants, and cultural differences as well as techniques for effective interpersonal communication (e.g. asking open ended questions, confirming understanding, and eye contact). Lastly, mandate updates and reminders of the annual measurable objectives can be presented at staff meetings or other gatherings in the school community.

**In order for a school to provide equitable distribution of information, parents of ELs need to be as active and comfortable as parents of mainstream students.** Kanno



& Kangas (2014) found that parents had a positive response to translators, adult ESL classes, and parent specific workshops for EL parents. The U.S. Department of Education (2016) requires that information regarding the schools' progress and placement procedures, parents' rights to defend their child (e.g. expulsion), and enrollment options be provided to the parents in a language they can understand. Once parents have the information and a voice, they will be able to advocate for their students and provide better support at home.

Tarasawa and Waggoner (2015) offered several suggestions for distributing information, including home visits, multilingual newsletters, and multilingual telephone services. In addition, they encourage "bridge building" with community organizations by coordinating education programs with community leaders whom the parents trust. To encourage attendance, schools may try offering child-care, food, and translation services. In general, schools should evaluate their parents' needs and adjust appropriately. Parents might appreciate a personal approach such as a phone call or home visit with translation services. Finally, teachers can invite parents to student activities and might consider having their students do projects about the mandates.

**Involve students in evaluating and distributing information.** For information regarding legal mandates, children can bring information home, show their parents how to access the school website, bring their parents to the schools where that information can be presented, and create materials for all of those purposes. In addition, ELs can provide feedback to faculty, staff, and LEAs. Research has shown that student surveys can be effective in reporting on school climate (Gase, et al., 2017) and that ELs want to be involved in their education (Jimenez & Rose, 2010). Encouraging them to actively transmit information will increase their involvement and the transmission of that information.

For more information on the mandates, the U.S. Department of Education offers a variety of websites with suggestions and explanations. The following document provides an overview of the mandates and suggestions for achieving them: <https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/eltoolkit.pdf>

## Resources

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