



English Learners: Your Right to Equal Education

Who is an English Learner (EL)?

English learners (EL), also called English Language Learners (ELL), are students who:

- Do not speak English as their first language,
- Usually speak another language, or
- Lack English skills they need to fully take part in regular classes.

ELs have the right to equal opportunities at school. This means there are rules about how a school has to help these students be successful in the classroom.

What are the school's responsibilities to ELs?

A school has to:

- Identify students who need English language classes.
- Help students learn English **and** meet the same state standards that all students have to meet.
- Hire and train staff to work with ELs.
- Have an EL program that has proven to work and helps the students succeed.
- Evaluate the program and make changes if the students are not meeting goals.
- Be sensitive to ELs (and other underrepresented groups) when assessing for placement in gifted programs and services.
- Provide ELs equal access to challenging curriculum.



What are the school's responsibilities to the parents?

The school has to:

- Find a way to talk to parents in their own language and find ways for them to be a part of their children's education.
- Let parents know within 10 days when their child is identified as an EL student. This notice must be in **writing** and in a language the parents or guardians can read and understand.
- Describe to the parents the amount of time and the services that are offered. The school also has to let parents know that they have the right to refuse these services.

What must schools do to avoid segregating ELs?

- Schools must avoid isolating students in programs for English learners for a large part of the school day.
- English learners should be allowed to participate equally with other students in classes where language is not used a lot (i.e. Art, Band, Gym, etc.).

What must schools do when evaluating ELs for Special Education?

- Schools have to make sure the assessment they use to evaluate a student is not discriminatory on a racial or cultural basis.
- Assessments must be done in a language and form that most accurately reflects what the child knows and can do academically, developmentally, and functionally.



Developed in collaboration with the SMRLS' Education Law Advocacy Project (ELAP).

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