



Required Components of ESOL Services to English Learners

As many Georgia school districts are weighing the possibility of pursuing Investing in Education Excellence (IE2) or Charter District contracts with the State Board of Education, a critical point to consider during deliberations is that participation in either of these initiatives does not absolve either school districts or the state from our responsibilities to students under federal laws and regulations.

Federal laws govern the majority of services and policies concerning English Learners (EL). Two prominent examples of such laws are Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA). Title VI requires that districts provide equal educational opportunities to national origin minority students, who may also be limited-English-proficient. The EEOA complements Title VI in that it specifically requires school districts to take action to overcome any language barriers that might impede EL students from equal access and participation in educational programs. The Office for Civil Rights aggressively investigates alleged violations of either Title VI or EEOA law.

Examples of potential Title VI or EEOA violations follow:

- a school fails to provide a language acquisition program to its EL students;
- a school fails to provide resources to implement its language acquisition program effectively (e.g., an ESOL program lacks ESOL teachers or ESOL materials);
- a school fails to take steps to identify students who are not proficient in English;
- a school fails to communicate meaningfully with limited-English-speaking parents and guardians of EL students by not providing such parents and guardians with written or oral translations of important notices or documents;
- a school fails to exit EL students from an ESOL program when the EL students have acquired English proficiency or exits EL students without written parental or guardian permission before the students acquire English proficiency;
- a school fails to provide ESOL assistance to EL students because they receive special education services, or it fails to provide special education services to EL students who qualify for such services;
- a school excludes EL students from gifted and talented programs based on their limited English proficiency when such programs do not require English proficiency.

It is essential for districts to understand that federally-mandated services and programs cannot be waived as part of a charter system or IE2 contract with the State Board of Education. Title VI and the EEOA govern the majority of services to English Learners thus continued compliance is required by federal law.

If your district has any questions or concerns regarding federal regulations pertaining to English Learners, please contact ESOL/Title III staff at the Georgia Department of Education at 404-463-0505 or via email at mejones@doe.k12.ga.us

Checklist of Federal Requirements for Serving English Learners

- The district takes steps to identify students who are not proficient in English.
- District schools provide language acquisition programs to all eligible EL students.
 - The district ensures that each school’s program
 - (1) is based upon sound educational theory or principles;
 - (2) is reasonably calculated to implement the educational theory effectively; and,
 - (3) after a period of time sufficient to give the program a legitimate trial, produces results showing that language barriers are actually being overcome.
- The district provides resources to implement its language acquisition program effectively (e.g., ESOL programs are led by ESOL teachers who use research-based ESOL materials).
- The district and schools communicate meaningfully with limited-English-speaking parents and guardians of EL students by providing such parents and guardians with written or oral translations of important notices or documents.
- District schools exit EL students from the ESOL program once the EL students have acquired English proficiency and, if a student has yet to acquire English proficiency, will only exit him/her with written parental or guardian permission.
- District schools provide ESOL assistance to those EL students who receive special education services, and provide special education services to EL students who qualify for such services.
- District schools include EL students in gifted and talented programs without consideration of students’ limited English proficiency when such programs do not require English proficiency.

For detailed guidance and suggestions on implementing language assistance programs, please view Georgia’s “ESOL Resource Guide” in the blue GaDOE Guidance portlet at:

http://www.gadoe.org/ci_iap_esol.aspx