

English Language Learner students

The Section is charged with enforcing the Equal Educational Opportunities Act of 1974 (EEOA). Section 1703(f) of the EEOA requires state educational agencies (SEAs) and school districts to take action to overcome language barriers that impede English Language Learner (ELL) students from participating equally in school districts' educational programs. As part of its efforts to enforce the EEOA, the Section investigates complaints that SEAs or school districts are not providing adequate services to ELL students.

Although section 1703(f) of the EEOA does not require schools to adopt a particular type of language acquisition program such as an English as a Second Language (ESL) program, courts generally consider three factors to assess compliance:

1. whether the school's program is based upon sound educational theory or principles;
2. whether the school's program is reasonably calculated to implement the educational theory effectively; and
3. whether, after a period of time sufficient to give the program a legitimate trial, the results of the program show that language barriers are actually being overcome.

Examples of conditions that may violate the EEOA include when a school district or SEA does the following:

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

For examples, view the [cases list](#)

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