

**QUICK REFERENCE**

# Charter Schools and English Language Learners:

## What Authorizers Need to Know

Charter school authorizers are responsible for protecting student and public interests. This responsibility requires authorizers to hold schools accountable for fulfilling fundamental public education obligations to all students, including providing equal access and appropriate services to students whose native language is not English. English Language Learners (ELLs) have rights that are protected by federal and state laws. Authorizers are responsible for ensuring that charter schools uphold these rights.

“There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.”

– Lau v. Nichols (1974)

The ELL population in public schools has exploded over the past decade and is expected to grow exponentially in the years ahead.

**3%** Increase in total public school population 2000-01 to 2009-10

**27%** Increase in ELL population 2000-01 to 2009-10

**75%** ELL students whose native language is Spanish

## KNOW THE LAW

Federal law prohibits discrimination against ELLs in public education and requires schools to ensure equal access and provide sufficient services and support.

### Schools violate federal law if ELL students are:

Excluded from effective participation in school because of their inability to speak and understand the language of instruction

Referred for special education services because of their lack of English skills

Not provided sufficient services and support to acquire English

Their non-English-speaking parents or guardians do not receive important school notices and other information in a language they can understand.



## PROTECTING THE RIGHTS OF ENGLISH LANGUAGE LEARNERS:

Federal law allows broad discretion concerning how to ensure equal educational opportunity for ELL students, but at minimum programs must be:

- Based on a **sound educational theory**
- Periodically evaluated** and, if necessary, revised
- Adequately supported**, with adequate and effective staff and resources, so that the program has a realistic chance of success

Schools must provide ELL students and families with:

- Equal Access
- Accurate Identification
- Instructional Staffing, Services and Support
- Qualified Staff
- Ongoing Assessment
- Effective Communication



NACSA KNOWLEDGE



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