



HOW TO GET HELP FOR ENGLISH LANGUAGE LEARNERS

IMPORTANT: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us or an attorney of your choice.

English Language Learners (that is, children whose native language is not English) have special rights in Pennsylvania public schools. This fact sheet tells what schools must do for these students, and where to get help when you have a problem.

These rules apply even if the student is the only English Language Learner in the school. Also, they apply to charter schools as well as to traditional public schools.

WHAT SCHOOLS MUST DO

Under federal and state law, the school must:

1. **ENROLL** the child using the same procedure that it uses for other students. Schools cannot require immigration information or a social security number as part of the enrollment process.
2. **COMPLETE** a "home language survey" to determine the child's native language, other language(s) that s/he may use, and the language(s) spoken at home.
3. **TEST** the child to determine his or her ability level in the native language

and English.

4. **INFORM** parents if the child has been found to need a program for English Language Learners, and provide a description of the teaching methods used in the program (also, offer parents the opportunity to remove their child from the program if they so desire).

5. **PROVIDE** ESL (English-as-a-Second-Language) instruction, if the child needs it and the parents do not object. The Pennsylvania Department of Education recommends 2 to 3 hours of ESL per day for a child who speaks no English; 2 hours for a beginner; 1 to 1- $\frac{1}{2}$ hours for a student at the intermediate level; and 1 hour for an advanced student. ESL must be provided by a person with appropriate training.

6. **ADJUST** the student's other classes to make sure that s/he can understand what is being taught. The school may provide bilingual instruction, or instruction in English with modifications and/or extra help to meet the child's needs.

7. **EVALUATE** the child's progress on an ongoing basis, and adjust the program as needed.

8. **MAKE** "accommodations," as needed, when administering standardized tests to the child. (An example of an accommodation is providing directions in the child's native language.)

9. **COMMUNICATE** with parents in their native language. Schools must provide translation and interpreter services to parents who need them.

10. **EVALUATE** students, when appropriate, for special education - but only if it has been determined that a student's difficulties in school are not due to English-language problems.

11. **ALLOW** students to participate in special programs such as vocational education and gifted education, as well as extra-curricular activities. If the student needs extra support because of a language barrier, this support must be provided.

12. **BE INFORMED** about, and respectful of, the child's background and culture, and make sure that the child and family do not face discrimination.

The Department of Education has issued a "Basic Education Circular" that gives more information about many of these requirements. You can get a copy from the Department's website at

http://www.education.state.pa.us/portal/server.pt/community/pa_codes/7501/educating_students_with_limited_english_proficiency_%28lep%29_and_english_language_learners_%28ell%29/507356, or from the Education Law Center.

HOW TO GET HELP

Contact the child's school and speak with the ESL teacher, the regular classroom teachers, the counselor, and/or the principal. You may find it useful to refer to this fact sheet and to the Department of Education's Basic Education Circular (see above).

If this doesn't solve the problem, find out who is in charge of services to English Language Learners in your district and contact that individual. In Philadelphia, contact the Office of Teaching and Learning at 215-400-5464.

If this doesn't work, you can contact the Bureau of Teaching & Learning Support, Pennsylvania Department of Education, 333 Market St., Harrisburg, PA 17126, 717-787-8913. Explain that you are calling about a student who is an English Language Learner, and explain the problem. Make a note of when you called and the name of the person with whom you spoke. Follow up with a letter. Send a copy of your letter to the Education Law Center, and keep a copy for yourself.

FOR ADDITIONAL HELP OR ADVICE, CONTACT THE EDUCATION LAW CENTER

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