

“Straight from the Mouth of OCR”

If you need further evidence to uphold the rights of ELLs, guaranteeing access to programs and services within our schools, please take note of these memorandums from the Office of Civil Rights.

Highlighting of text by Theresa Armentrout, Instructional Specialist, Truman State University~NE RPDC~MELL Program for use as a resource.

The **United States Department of Education Office for Civil Rights (OCR)** has the responsibility for enforcing **Title VI of the Civil Rights Act of 1964**. As stated above, this Act prohibits discrimination on the basis of race, color or national origin in programs and activities that receive federal financial assistance.

Title VI has been interpreted by U. S. Federal Courts to prohibit denial of equal access to education because of a student's limited proficiency in English. **Thus Title VI protects those students whose English language skills are limited to the point that they cannot participate in, or benefit from, regular or special education school instructional programs.**

During the late 1960s, OCR became aware that many school districts around the country made little or no provision for the education of students who were unable to understand English. In an attempt to resolve this problem, the former Department of Health, Education and Welfare issued a **memorandum**, on 25 May 1979, to clarify Title VI requirements concerning the responsibility of school districts to provide equal education opportunity to English Language Learners (ELL).

The **25 May memorandum** explained that Title VI is violated if:

1. Programs for students whose English is less than proficient are not designed to teach them English as soon as possible or operate as a dead end track.

"Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

-- **25 May memorandum**

2. Parents whose English is limited do not receive notices and other information from schools in a language they can understand.

"School districts must have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice, in order to be adequate, may have to be provided in a language other than English."

-- **25 May memorandum**

3. **School districts cannot assign student to special education program solely on the grounds of the student's inability to speak English.**

"School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills: nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills."

-- **25 May memorandum**

Information retrieved from the following web address:

<http://www3.ksde.org/sfp/esol/federallawandenglishlanguagelearners.htm>

For more information from the OCR, contact:

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