

Health Education Justice Initiative
Advancing justice in child health and well-being

KNOW YOUR RIGHTS: ENGLISH LANGUAGE LEARNERS WITH DISABILITIES

Did you know? School districts are required by law to refer and evaluate all suspected students with disabilities, regardless of English learner (“EL”) status. They must locate, identify, and evaluate all children birth through age 21 who reside in the district and require special education and related services. This obligation, referred to as “Child Find,” includes both current and former English learners.

The Difference Between an EL and an IDEA-Qualifying EL Learner

English Language Learners or English Learners (“ELs”): Multi-lingual students who are learning English for the first time

IDEA-Qualifying English Language Learners: Students who are learning English for the first time AND show signs of one or more disabilities recognized under the Individuals with Disabilities Education Act (“IDEA”)

RIGHTS OF IDEA-QUALIFYING EL STUDENTS:

- Tests and evaluations should not treat anyone unfairly, or *discriminate*, because of their race or culture.
- Tests and evaluations should be provided in the child's native language.
- A child should not be labeled as having a disability just because they are still learning English.
- If a child is still learning English, their language needs must be considered when creating their IEP.

What are the rights of the parents of an EL student under the IDEA?

Parents of English learners with suspected or identified disabilities have the right to **communications about their student in language that is understandable.**

Parents have the right to use **an interpreter at Individualized Education Program (“IEP”) meetings** if needed to ensure that the parents understand what is happening.

Parents have the right to receive notices of action **in the parent’s native language** unless it is clearly not feasible, or possible for the school district to do.