

English Language Learners in Charter Schools: Notice of Rights to Access and Equity of Educational Services

Dear Parent: This document explains the rights of children who are English language learners to attend and receive language support and other services in Massachusetts public charter schools. As defined in state law, an English language learner is a student who does not speak English, or whose native language is not English, and who is not able to do ordinary classroom work in English. This includes students who, without language support services, would have trouble understanding lessons in school, or completing work in school because they are still learning English. In this document, an English language learner will be referred to as an “ELL.” Charter schools must accept and enroll ELLs admitted through the lottery who wish to attend the school. The school must provide direct instruction to help ELLs learn the English language, and subject matter instruction (for example, science or history) that is presented in English using strategies that help the student better understand the content. Full and equal access to the programs and services offered at the school must be made available to ELLs. This is a summary of your child’s rights to attend and receive language support and other services from his or her charter school.

◆ Can my student who is an ELL go to a charter school?

Yes. Charter schools are open to all students within the school’s service area, on a space available basis. If more students apply than there are available spaces, a lottery is held to choose who will be admitted in a fair way. All students who wish to attend a charter school have an equal chance of getting in and have an equal right to attend.

See: M.G.L. c. 71 §89 (l) states that charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, *national origin*, creed, sex, ethnicity, sexual orientation, gender identity, mental or physical disability, age, ancestry, athletic performance, special need, or *proficiency in the English language* or a foreign language, and academic achievement. (*Emphasis added*)

◆ What if I don’t want language support services for my student?

If you reject language support services for your student, the school still has to make sure that your student has “meaningful access” to the curriculum and can effectively participate in the classroom work. Your student should be placed with a classroom teacher who holds a Sheltered English Immersion Endorsement or an English as a Second Language license, which means that the teacher has had training on the language needs of ELLs. The charter school has the continued responsibility to monitor your student’s progress as an ELL. If it appears that he or she is unable to participate effectively and meaningfully in his classroom, the school must reconsider the instruction that it provides.

Upon identifying a student as an English learner, the charter school will provide the parent or guardian with its ELL policies and all needed forms in a language that they can understand.

◆ My student will need help learning English. What language support services will be made available at a charter school?

Students in charter schools must have access to the same services they would receive if they were in any other Massachusetts public school. If your student is admitted to a charter school, you should expect that the school will conduct a home-language survey and test your student to determine if he or she needs language support services. If language support services are needed, the school must provide them.

Under Massachusetts law, students who are identified as ELLs are generally provided a sheltered English immersion (SEI) program and receive English as a second language instruction (ESL). This requirement applies to all public schools including charter schools, regardless of the number of ELLs enrolled at the school. ELL programs must have two components:

- **Sheltered English immersion.** Sheltered English immersion includes teaching in a way that will make the content of lessons more understandable, and using ways of teaching that will help the student learn the English language. Sheltered English immersion classes must be taught by specially trained teachers, and must address the same curriculum as the other students receive.
- **English as a second language (ESL) instruction.** ESL instruction provides specific, direct instruction in the English language that is delivered by a licensed ESL teacher. ESL is meant to teach students English language, grammar, vocabulary and usage, and includes instruction in speaking, listening, reading, and writing at a level the student can understand. Students of different ages and language groups may be included in the same ESL classroom. The hours of ESL instruction provided to your student will depend on how well your student speaks, listens (understands spoken English), reads, and writes English. For more information please see the “**Transitional Guidance on Identification, Assessment, Placement, and Reclassification of English Language Learners**” found here: <http://www.doe.mass.edu/ell/resources.html>

◆ **What other programs and services might my student receive if he or she attends a charter school?**

As in every public school in Massachusetts, ELL students must be given full and equal access to the programs and services of the school. Information and notices to ELLs and their parents must be provided in a language they can understand

- ELLs must receive supports such as guidance and counseling, in a language they can understand.
- ELLs must not be separated from students who are not ELL students except when necessary in order to provide their English learning program.
- ELLs must be allowed to participate fully in all academic courses.
- ELLs must be taught to the same academic standards and curriculum as other students.
- ELLs must have equal access to all programs and services at the school including Title I, Section 504 disability accommodations, and special education, and all clubs, student organizations, activities and sports teams.

Relevant Laws and Regulations:

Charter School Statute: G.L. c. 71 §89

Charter School Regulations: 603 C.M.R. §1.00

Massachusetts law-- English Language Education in Public Schools: G.L. c.71A

Massachusetts Education of English Learners Regulations: 603 CMR 14.00

Federal Civil Rights Law: Title VI of the Civil Rights Act of 1964

Federal Civil Rights law: Equal Educational Opportunities Act of 1974

Federal law: ESEA/ NCLB: *the No Child Left Behind Act of 2001* Governs elementary and secondary education. NCLB is available as Public Law 107-110 Title III — Language Instruction for Limited English Proficient and Immigrant Students:

PART A: 'English Language Acquisition, Language Enhancement, and Academic Achievement Act'

If you have any questions, please contact the Massachusetts Department of Elementary and Secondary Education’s Office of Charter Schools and School Redesign (phone: 781-338-3227; email: charterschools@doe.mass.edu) or Office of English Language Acquisition and Academic Achievement (phone : 781-338-3584; email: ell@doe.mass.edu).

For additional information regarding ELL education and the rights of parents and students, please refer to the following:

- Office of Civil Rights Enforcement Office: phone: 800-421-3481; email: ocr@ed.gov; website: www.ed.gov/about/offices/list/ocr/
- State regulations: 603 CMR 14.00: Education of English Learners Regulations-- 14.06: Parental Right of Enforcement <http://www.doe.mass.edu/lawsregs/603cmr14.html?section=06>
- Requirements for the Participation of English Language Learners in ACCESS for ELLs and MCAS: A Guide for Educators and Parents/Guardians <http://www.doe.mass.edu/mcas/participation/ell.pdf#search=%22ELL%22>