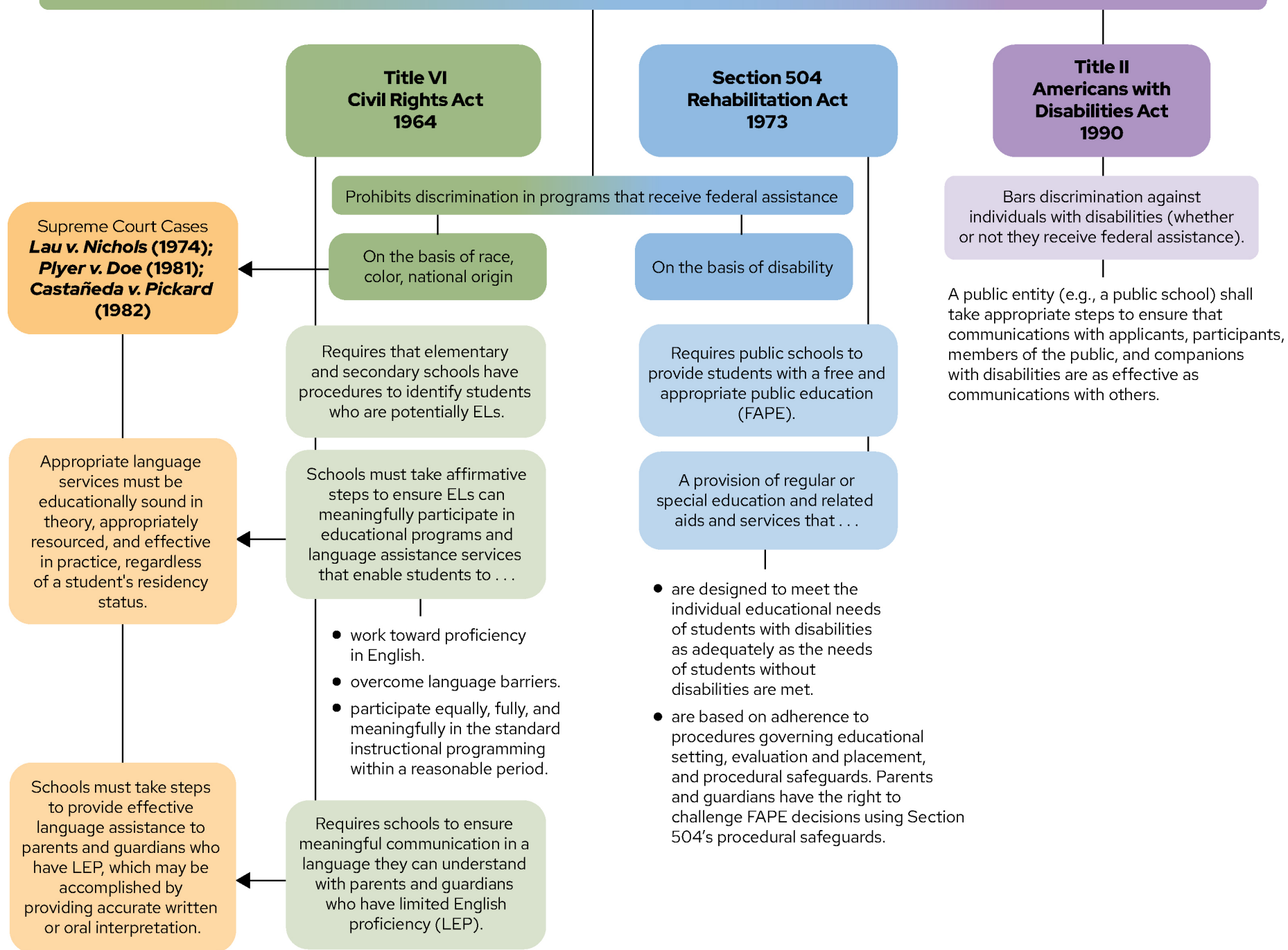


Legal Obligations for Equal Access to Education for Multilingual Learners With Disabilities

Of the 5.2 million English learners (ELs) in the United States, 832,000 (16%) are also students with disabilities. Three U.S. laws dictate that students who are ELs with disabilities must receive equal access to education programs and activities.

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Schools must provide students who are ELs and also have disabilities with both the EL services and disability-related services to which they are entitled under federal law. Title VI of the Civil Rights Act of 1964 (Title VI) and Section 504 of the Rehabilitation Act of 1973 (Section 504) both prohibit discrimination in programs that receive federal assistance. While Title VI prohibits discrimination on the basis of race, color, and national origin, Section 504 prohibits discrimination on the basis of disability.

In addition, Title II of the Americans with Disabilities Act of 1990 (Title II) bars discrimination against individuals with disabilities (whether or not they receive federal assistance). Also under Title II, public entities (for example, a public school) are required to take appropriate steps to ensure that communications for individuals with disabilities are as effective as communications with others.

Title VI requires that elementary and secondary schools have procedures to identify students who are potentially ELs and take affirmative steps to ensure ELs can meaningfully participate in educational programs and language assistance services that enable students to work toward proficiency in English, overcome language barriers, and participate equally, fully, and meaningfully in the standard instructional programming within a reasonable period.

Also, based on three Supreme Court Cases—*Lau v. Nichols* (1974), *Plyer v. Doe* (1981), and *Castañeda v. Pickard* (1982)—appropriate language assistance services must be educationally sound in theory, appropriately resourced, and effective in practice, regardless of a student’s residency status.

Title VI also requires that schools ensure meaningful communication in a language they can understand with parents and guardians who have limited English proficiency (LEP). Schools must take steps to provide effective language assistance to parents and guardians who have LEP, which may be accomplished by providing accurate written translation or oral interpretation, according to *Lau v. Nichols* (1974) and *Castañeda v. Pickard* (1982).

Section 504 requires public schools to provide students with disabilities with FAPE. This is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and are based on adherence to procedures governing educational setting, evaluation and placement, and procedural safeguards. Parents and guardians have the right to challenge FAPE decisions using Section 504’s procedural safeguards.

Source: U.S. Department of Education. (2024). *Equal access to elementary and secondary education for students who are English learners with disabilities* (Fact Sheet). <https://www.ed.gov/media/document/ocr-el-disability-factsheet-108406.pdf>