

# Maryland Center for Developmental Disabilities at Kennedy Krieger Institute

## ENGLISH LANGUAGE LEARNERS AND SPECIAL EDUCATION

### *Lau v. Nichols*

Supreme Court Case—Jan. 21, 1974

After the integration of the San Francisco United School District, the school system failed to provide English language instruction for 1,800 Chinese students. The Supreme Court ruled that this failure to provide adequate instruction violated Section 601 of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin. The Court stated that the violation denied these students an equal education compared to what was gained by other students who were English proficient.

**Substantial variation exists in the United States in the rates of special education identification for students identified as English Language Learners (ELL), with states reporting 0% to 14.3% (Hopstock & Stephenson, 2003).**

**Evidence suggests that students identified as Culturally and Linguistically Diverse are not receiving the services and supports they need to be successful in school (Artiles & Ortiz, 2002).**

Castaneda argued that the Raymondville Independent School District ethnically discriminated against his Mexican-American children by placing them in segregated settings based on a grouping system. He also said that the district did not provide a proper bilingual education program. The Supreme Court ruled that bilingual education programs were required to meet regulations set by the Equal Educational Opportunities Act of 1974. The Court stated that (1) the program must be based on sound educational theory, (2) the program and practices must be implemented effectively, and (3) the results of the program must prove to be effective in overcoming language barriers.

### *Castaneda v. Pickard*

Supreme Court Case—June 23, 1981



We are all born with great potential.  
Shouldn't we all have the chance to achieve it?

Maryland Center for Developmental Disabilities  
at Kennedy Krieger Institute

*Building Partnerships. Changing Lives.*



## Helping ELL Students

- Once an ELL student is identified as having a disability, the school system must provide services that ensure the child receives a meaningful education.
- The Individuals with Disabilities Education Act (IDEA) requires that a student who qualifies for special education and related services has an Individualized Education Program (IEP) created for him or her with collaboration from a representative of the school system, educators, the student's parents, and, whenever appropriate, the student.
- An IEP must include instructions in English and in the student's native language to ensure academic and social improvement.
- A student should not be removed from language services after being identified as ELL without parental request.
  - Often students are removed from these services, which limits their academic and social growth.
- Parents of an ELL student with a disability should also be assisted in this process because many have limited English proficiency.
  - Parents should have access to an interpreter, materials in their native language, or other resources that will enable them to meaningfully participate in the development of the child's IEP.

**ELL students are often mistakenly identified as having a learning disability, thus placing them in special education because of their inability to perform highly on academic tasks (Abedi, 2006).**

**ELL students are disproportionately placed in special education, which is indicative of an underlying inability of school districts to properly assess the needs of such students (Rueda & Windmueller, 2006).**

- ELL students benefit from culturally and linguistically responsive educational environments. By having teachers that are culturally aware and responsive, students are able to have a stronger sociocultural connection with their education, increasing academic and social performance (Artiles & Ortiz, 2002).
- To provide competent ELL and special education instruction, school districts should provide teachers with adequate resources to improve their effectiveness in communicating with their students.
- Culturally responsive instruction can be incorporated into the student's IEP as part of their accommodations and modifications.
- The goal of culturally responsive instruction is to connect to students' prior knowledge, to build on their interests, and to connect what they are learning at school to their home lives (Klingner and Soltero-Gonzalez, 2009).

**Culturally Responsive  
Environments**