

English Language Learners and Special Education

Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute

English Language Learners

- English language learner (ELL) students represent the fastest-growing portion of the public school population (National Clearinghouse for English Language Acquisition, 2007).
- Evidence suggests that students identified as being culturally and linguistically diverse are not receiving the services and supports they need to be successful in school (Artiles & Ortiz, 2002).
- Substantial variation exists in the U.S. in the rates of special education identification for ELL students, with states reporting 0% to 14.3% (Hopstock & Stephenson, 2003).
- 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).
- Dual-language programs are recognized as a favorable educational option for multilingual learners, yet students with disabilities remain underrepresented in them (Watkins-Xu, Ayay, & Fettig, 2025).

U.S. Supreme Court Case:

Lau v. Nichols (1974)

After the integration of the San Francisco United School District, the school system failed to provide English language instruction for 1,800 Chinese-American students. The U.S. 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 U.S. Supreme Court stated that the violation denied these students an equal education compared to what was gained by other students who were proficient in English.

U.S. Supreme Court Case:

Castaneda v. Pickard (1981)

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 U.S. Supreme Court ruled that bilingual education programs are required to meet regulations set by the Equal Educational Opportunities Act (EEOA) of 1974. The U.S. Supreme 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 the program to be effective in overcoming language barriers.

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 have an individualized education program (IEP) created for them, with collaboration from a representative of the school system, educators, the student's parents and, whenever appropriate, the student.
- An IEP team must consider the language needs of a child with limited English proficiency, as those needs relate to the child's IEP, according to 34 CFR § 300.324(a)(2)(ii).
- Under Title VI of the Civil Rights Act and the EEOA, a parent's decision to opt their child out of a program for ELL students must be knowing and voluntary. A school may not recommend that parents decline services within a program for any reason.
- 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.



Culturally Responsive Environments

- ELL students benefit from culturally and linguistically responsive educational environments. By having teachers who are culturally aware and responsive, students can have a stronger sociocultural connection with their education, increasing academic and social performance (Artiles & Oritz, 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 a 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 (Klinger and Soltero-Gonzalez, 2009).