



English Learners: Your Right to Equal Education

Who is an English Learner (EL)?

English learners (EL), also called English Language Learners (ELL), are students who:

- Do not speak English as their first language,
- Usually speak another language, or
- Lack English skills they need to fully take part in regular classes.

ELs have the right to equal opportunities at school. This means there are rules about how a school has to help these students be successful in the classroom.

What are the school's responsibilities to ELs?

A school has to:

- Identify students who need English language classes.
- Help students learn English **and** meet the same state standards that all students have to meet.
- Hire and train staff to work with ELs.
- Have an EL program that has proven to work and helps the students succeed. The school district must have a written plan called a Language Access Plan. The plan says how the school will help EL students. The Language Access Plan should be in the school handbook.
- Evaluate the program and make changes if the students are not meeting goals.
- Be sensitive to ELs (and other underrepresented groups) when assessing students for placement in gifted programs and services.
- Provide ELs equal access to challenging curriculum.



What are the school's responsibilities to the parents?

The school has to:

- Find a way to talk to parents in their own language and find ways for them to be a part of their children's education.
- Let parents know that their child is being put in an English Learners (EL) program. The school has to give the parents notice about this within 30 days of the start of the school year, or during the first 2 weeks that the child is in the EL program. The notice must be in writing and in a language the parents or guardians can read and understand.
- Tell parents how to ask for a teacher conference to talk about the EL program. Parents also have the right to visit and observe the EL program before agreeing to services.
- Describe to the parents the amount of time and the services that are offered. The school also has to let parents know that they have the right to refuse these services.

What must schools do to avoid segregating ELs?

- Schools must avoid isolating students in programs for English learners for a large part of the school day.
- English learners should be allowed to take part in things equally with other students in classes where language is not used a lot (example: Art, Band, Gym, etc.).

What must schools do when evaluating ELs for Special Education?

- Schools have to make sure the tests (also called assessments) they use to evaluate students are fair and don't discriminate based on race or culture.
- These tests must be done in a language and in a way that works best for the student. The test must consider what the child knows and can do in school, their development, and their daily activities.



Developed in collaboration with the SMRLS' Education Law Advocacy Project (ELAP).

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

© 2026 Minnesota Legal Services Coalition. This document may be reproduced and used for non-commercial personal and educational purposes only. All other rights reserved. This notice must remain on all copies. Reproduction, distribution, and use for commercial purposes are strictly prohibited.