

# The Rights of Students Who Are English Learners: FAQ for Students, Families, and Community Leaders

## Overview

In August 2025, the U.S. Department of Education quietly withdrew [guidance](#) to school communities about how to meet their legal obligations towards students who are English learners ("EL") and guardians who have limited English proficiency ("LEP"). This, along with other actions cutting meaningful access to government services by LEP individuals, such as issuing an [executive order](#) designating English as the official language, as well as withdrawing other Presidential actions in place for 25 years to help LEP individuals, and suspending LEP.gov, makes it understandable that there is confusion and uncertainty about what rights EL students and their families have.

**For more than 50 years, courts and the federal government have consistently and clearly said that federal law protects the rights of EL students and their LEP guardians.<sup>(i)</sup> And 50 years of legal obligations cannot be rolled back simply by taking away this guidance. To be clear, the guidance was an important tool for school communities. But simply put, the law has not changed for EL students.**

**Please review the following Frequently Asked Questions (FAQ) for useful information EL students, their families, and their communities need to advocate for their rights.**



# FAQ

## 1 What Rights Do EL Students Have Under Federal Law?

Title VI of the Civil Rights Act of 1964 ("Title VI") and the Equal Educational Opportunities Act of 1974 ("EEOA") both require schools to ensure that EL students can access public education.

Title VI prohibits discrimination based on race, color, and national origin in programs or activities that receive federal financial assistance, including those administered by states and school districts.<sup>[iii]</sup> The U.S. Supreme Court has determined that under Title VI, public schools must take affirmative steps to address language barriers so that EL students can meaningfully participate in schools' educational programs and services.<sup>[iiii]</sup>

The EEOA also requires school districts to take appropriate action to overcome language barriers that prevent students from participating equally and fully in the school districts' instructional programs.

These laws mean that:

- Schools must provide appropriate language assistance services to EL students so they become proficient in English and can **participate equally and meaningfully** in standard classes within a reasonable period of time.<sup>[iv]</sup>
- Schools must provide qualified personnel and sufficient resources to effectively implement their chosen programs for EL students.
- Schools must promptly identify students in need of language assistance services and should use a valid and reliable assessment to determine students' proficiency in speaking, listening, reading, and writing English.<sup>[v]</sup> Evaluations and assessment materials must be given in the child's native language, unless clearly not feasible.

## 2 What Rights Do LEP Guardians Have Under Federal Law?

Title VI and the EEOA require that schools ensure that they **meaningfully communicate** with LEP guardians in a language LEP guardians understand.<sup>[vi]</sup> To satisfy this requirement, schools must take steps to provide effective language assistance to LEP guardians.

Effective language assistance may include providing accurate written translation or oral interpretation. Schools providing language assistance should not rely on students, other family members, or untrained staff to perform translation or interpretation. Any translation or interpretation should be provided free of charge.

### **3 Has the Federal Government's Recent Actions Changed Federal Law for EL Students and Their Families?**

No. There have been no changes in statutes or case law, and the law does not change simply because a federal agency issues memos or withdraws guidance documents. Federal agencies cannot create or change federal statutes on their own, but they can create confusion. Courts, not agencies, ultimately interpret federal statutes. Agency interpretations — especially new or changed ones — cannot substitute for, or contradict, what the courts say. That is why it is important to know that the courts, not agencies, have the final say on what federal statutes mean.

Even if the federal government decides not to enforce Title VI, the EEOA, and other laws that protect EL students and LEP guardians, the federal laws as they apply to EL students, their LEP guardians, and the obligations of school communities have not changed.

### **4 What Happens if a School Does Not Provide Required Services to EL Students or LEP Guardians?**

If a school fails to ensure meaningful and equal participation for EL students regardless of their language background or provide meaningful communication to LEP guardians, it is likely violating federal laws. One option to address this violation of federal law is found under the EEOA which permits an individual (for example, a parent or guardian) to file a lawsuit in an appropriate federal court on behalf of the EL student.<sup>[vii]</sup> That means, even if the federal government does not enforce Title VI and the EEOA to protect the rights of students and families, as they should, there is still a way under the EEOA for individuals to hold states and schools accountable.

Importantly, state and local laws may provide additional protections. If so, you can reach out to your state's Attorney General to get more information. You can also reach out to the organizations listed above through their websites.

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### What Do I Say to People Who Don't Understand or Value English Learner Programs?

More than 20% of all people in the U.S. over the age of five speak a language other than English at home,<sup>[viii]</sup> and 11% of students enrolled in public PK-12 schools nationally are ELs.<sup>[ix]</sup> These numbers are much higher in some states and localities. In total, more than 500 individual languages and language groups are spoken across the United States.<sup>[x]</sup> EL students are a diverse population with respect to race, national origin, and languages spoken. And nearly 75% of all EL students were born in the U.S., and are U.S. citizens.<sup>[xi]</sup> If these communities, including the more than 5 million EL students currently enrolled in public schools, do not receive the English language services they need, they will be unable to participate equally in their schools' educational programs and will suffer academically. The lack of needed language services also contributes to social isolation and missed opportunities for the kind of cultural and linguistic exchange that equips students who are ELs and their English proficient peers to live and work in a global economy.

The benefits of ensuring that all students and families can participate in our educational system are well documented. They include the following:

- *Academic Success:* When EL students receive the help they need to become fluent in English, they tend to perform better academically, often outpacing English-proficient peers.<sup>[xii]</sup>
- *Economic Impact:* When EL students become fluent in English, they are more likely to graduate, go on to college, and access good-paying jobs that allow them to contribute to our workforce and economy.<sup>[xiii]</sup>
- *Dual Language Proficiency for All Students:* High-quality dual language programs, often used to help meet the needs of EL students, benefit English-proficient students as well. In fact, research shows that students enrolled in high-quality dual language programs score higher on English Language Arts and Reading assessments.<sup>[xiv]</sup>

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### What Else Can Communities Do to Support EL Students and their Families?

Community leaders, elected officials, and all other community members can work to:

- *Codify civil rights at the State Level.* Advocate for policies that affirm the state's commitment to fulfilling their obligations to EL students and LEP guardians.
- *Protect Funding.* State lawmakers should update school funding formulas to ensure that ELs have the resources necessary for equitable access to language development services and core academic instruction.<sup>[xv]</sup>
- *Hold the Government Accountable.* Call on the federal government to uphold and meaningfully enforce federal laws that help EL students and their families.

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<sup>[ii]</sup> See e.g., U.S. Dep't of Educ., [Identification of Discrimination and Denial of Services on the Basis of National Origin](#) (May 1970); U.S. Dep't of Educ., [Language Minority Compliance Procedures](#) (September 1984); U.S. Dep't of Educ., Off. for Civ. Rts. & U.S. Dep't of Just., Civ. Rts. Div., [Dear Colleague Letter: English Learner Students and Limited English Proficient Parents](#) (January 2015); U.S. Dep't of Educ., Off. for Civ. Rts., [Fact Sheet: Equal Access to Elementary and Secondary Education for Students Who Are English Learners with Disabilities](#) (November 2024); see also *Lau v. Nichols*, 414 U.S. 563 (1974); *Castañeda v. Pickard*, 648 F.2d 989 (5th Cir. 1981); *Rios v. Read*, 480 F. Supp. 14, 23-24 (E.D.N.Y. 1978); *Cintron v. Brentwood Union Free Sch. Dist.*, 455 F. Supp. 57, 64 (E.D.N.Y. 1978).

<sup>[iii]</sup> 42 U.S.C. § 2000d (prohibiting race, color, or national origin discrimination in any program or activity receiving Federal financial assistance); 34 C.F.R. § 100.3(b) (describing discrimination prohibited under Title VI and identifying specific prohibited actions).

<sup>[iiiii]</sup> *Lau v. Nichols*, 414 U.S. 563 (1974).

<sup>[iv]</sup> 20 U.S.C. § 1703(f); see *Castañeda v. Pickard*, 648 F.2d 989, 1009- 10 (5th Cir. 1981).

<sup>[v]</sup> See e.g., 34 C.F.R. § 100.4(b) (every application by a State or State agency for continuing Federal financial assistance "shall . . . provide or be accompanied by provision for such methods of administration for the program as are found by the responsible Departmental official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this [Title VII regulation]"); 34 C.F.R. §§ 76.500, 76.770 (requiring SEAs to have procedures "necessary to ensure compliance with applicable statutes and regulations," including non-discrimination provisions of Title VI); 34 C.F.R. §100.3(b); see also 20 U.S.C. § 1703(f); 42 U.S.C. § 2000d; *Lau v. Nichols*, 414 U.S. 563 (1974).

<sup>[vi]</sup> See e.g., [DOJ Letter to Clay County School District](#); [DOJ Letter to Clay County School District](#); [DOJ Settlement Agreement with Rowan-Salisbury Board of Education](#); [DOJ Settlement Agreement with Newark Board of Education](#); [DOJ Settlement Agreement with New Bedford Public Schools](#); and [DOJ Letter to Newark Public Schools](#).

<sup>[vii]</sup> 20 U.S. Code § 1706.

<sup>[viii]</sup> U.S. Census Bureau, [Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over: 2017-2021](#); U.S. Census Bureau, [New Data on Detailed Languages Spoken at Home and the Ability to Speak English](#) (June 2025).

<sup>[ix]</sup> U.S. Dep't of Educ., [2021-22 Civil Rights Data Collection A First Look: Students' Access to Educational Opportunities in U.S. Public Schools](#) (January 2025); U.S. Dep't of Educ., [Data Snapshot: Profile of English Learner Students in U.S. Public Schools During the 2020-21 School Year](#) (March 2025); U.S. Dep't of Educ. Nat'l Ctr. for Educ. Stat., [English Learners in Public Schools](#) (May 2024).

<sup>[x]</sup> U.S. Census Bureau, [New Data on Detailed Languages Spoken at Home and the Ability to Speak English](#) (June 2025).

<sup>[xi]</sup> See U.S. Dep't of Educ. Nat'l Ctr. for Educ. Stat., [English Learners in Public Schools](#) (May 2024) (indicating for example, that 10.3 % of students who are ELs identify as Asian or Pacific Islander); U.S. Dep't of Educ., Off. of English Language Acquisition, [English Learners Who Are Black](#) (April 2021) (indicating that in some states such as South Dakota and Maine, more than 25% of all Black students are English Learners.)

<sup>[xii]</sup> U.S. Gov't Accountability Off., [K-12 Education: Student, Teacher, and School Characteristics Associated with English Learners' Academic Performance](#) (August 2024); Pew Research Center, [6 facts about English language learners in U.S. public schools](#) (October 2018).

<sup>[xiii]</sup> New America, [Former English Learners Outperform English-only Peers On Texas' State Assessments](#) (August 2022).

<sup>[xiv]</sup> New America, [Three Studies Shine a Light on Positive English Learner Outcomes](#) (January 2025).

<sup>[xv]</sup> The Century Foundation, [Why We Need to Cultivate America's Multilingual, Multicultural Assets](#) (June 2023); Learning Policy, [Funding Student Needs A Review of State Funding Policies for English Learners and Students From Low-Income Backgrounds](#) (January 2025).