

District Legal Obligations to Provide a Language Instruction Educational Program (LIEP)

Date: _____

Dear Parent/Guardian(s):

Pennsylvania state law

Federal laws and court rulings require that public school districts take affirmative steps to overcome language barriers for students who are learning English so that they can learn English, participate meaningfully in their education, and access all academic content.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the grounds of race, color, or national origin by recipients of federal financial assistance. The Title VI regulatory requirements prohibit denial of equal access to education because of student's lack of proficiency in English based on exposure to another language that is tied to their national origin.

The *Castañeda v. Pickard* case in 1981 established a three-part test to evaluate the adequacy of a district's program for EL students:

- (1) the program must be based on an educational theory recognized as sound by some experts in the field or is considered by experts as a legitimate experimental strategy;
- (2) resources and personnel must be provided in order to implement this theory effectively; and
- (3) the school district must evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome.

Our districts must adhere to these laws as well as state policies and regulations related to the education of English learners. In summary, we

- may not deny services based on English proficiency that your child would otherwise be eligible for,
- must take affirmative steps to overcome language barriers in all of our educational settings and programs so that your child can meaningfully access the academic standards and content
- must ensure that we have designed and implemented a program of instruction and support that is based on a sound theory or accepted as a legitimate experimental strategy by some experts in the field,
- must provide adequate resources to the program in order to implement the theory effectively, and
- must evaluate the program to ensure that it is effective, and
- must make adjustments to the program if it is found to be inadequate in any way.

Accordingly, our school district has implemented a program that we believe is the most appropriate to meet your child's needs. You have a right to refuse certain portions of this program, but even if you do, the district is still required by civil rights laws to provide all necessary supports that will help your child attain English proficiency and access academic content. The district is also required to assess the English proficiency of your students each year.

If you feel our district is not meeting its obligations to provide your student with an appropriate EL program, you have the right to file a complaint with the state department of education at 717-783-6595 or to file a curriculum deficiency complaint at the [PDE website](#).