

**DECLARATION OF RIGHTS  
FOR PARENTS OF ENGLISH LANGUAGE LEARNERS  
UNDER NO CHILD LEFT BEHIND**

*President George W. Bush had a vision that all children could achieve academic success by receiving a high-quality education. He knew that something had to be done to close the large achievement gap that exists between minority children and their peers. Under No Child Left Behind, you, the parents of English language learners, can expect:*

- 1. To have your child receive a quality education and be taught by a highly qualified teacher.**
- 2. To have your child learn English and other subjects such as reading and other language arts and mathematics at the same academic level as all other students.**
- 3. To know if your child has been identified and recommended for placement in an English language acquisition program, and to accept or refuse such placement.**
- 4. To choose a different English language acquisition program for your child, if one is available.**
- 5. To transfer your child to another school if his or her school is identified as “in need of improvement.”**
- 6. To apply for supplemental services, such as tutoring, for your child if his or her school is identified as “in need of improvement” for two years.**
- 7. To have your child tested annually to assess his or her progress in English language acquisition.**
- 8. To receive information regarding your child’s performance on academic tests.**
- 9. To have your child taught with programs that are scientifically proven to work.**
- 10. To have the opportunity for your child to reach his or her greatest academic potential.**

*No Child Left Behind--a new era in public education.*

*www.ed.gov--1-800-USA-LEARN*

*Office of English Language Acquisition—January 2004*

[www.ed.gov/about/offices/list/oela](http://www.ed.gov/about/offices/list/oela)

## **Under No Child Left Behind, parents of English language learners can expect:**

### **1. To have your child receive a quality education and be taught by a highly qualified teacher.**

President Bush and Secretary of Education Rod Paige believe that the key to a quality education is a highly qualified teacher. The new education act requires that all teachers of the core academic subjects be highly qualified by the end of the 2005-2006 school year, including teachers of English language learners.

### **2. To have your child learn English and other subjects such as reading and other language arts and mathematics at the same academic level as all other students.**

Schools must provide English language learners the same educational opportunities to meet the same high academic standards as their peers. The No Child Left Behind Act does not require schools to use a particular method for teaching English language acquisition nor does it prohibit a child from learning another language.

### **3. To know if your child has been identified and recommended for placement in an English language acquisition program, and to accept or refuse such placement.**

A parent or guardian must be notified when his or her child is identified and recommended for placement in a program for English language instruction. Notification must include the reason for placement, the method of instruction and what is required for the child to exit the program, and it must be in a language or manner that the parents understand.

### **4. To choose a different English language acquisition program for your child, if one is available.**

Parents may choose from among the various English language acquisition instructional programs in the school, if more than one is available. If the child is placed in a program that is not meeting his or her educational needs, the parent may have the child transferred to another available program in the district.

### **5. To transfer your child to another school if his or her school is identified as “in need of improvement.”**

Once a school has been identified as “in need of improvement,” the public school choice provisions of the law provide parents with children in these schools the option of transferring them to another public school in the district, including a nearby charter school, if one is available, and the district will pay for or provide transportation.

### **6. To apply for supplemental services, such as tutoring, for your child if his or her school is identified as “in need of improvement” for two years.**

A supplemental service is extra educational help provided to students, such as tutoring and other after-school services. Students from low-income families who are enrolled in schools that are “in need of improvement” for two years are eligible to receive these services.

### **7. To have your child tested annually to assess his or her progress in English language acquisition.**

Testing is used to assess how students are performing and what they have learned. The No Child Left Behind Act requires yearly assessment for English language proficiency (K-12). Schools must provide student assessment reports to parents that will, among other things, let them know how well their child is learning English.

### **8. To receive information regarding your child’s performance on academic tests.**

Under No Child Left Behind all children in grades 3-8 will be tested yearly, and those in grades 9-12 will be tested at least once in math and reading-language arts. No Child Left Behind requires that parents be notified of their child’s academic progress in these subjects in a language or manner that they understand.

### **9. To have your child taught with programs that are scientifically proven to work.**

English language learners can become fully proficient in English and master challenging content when enrolled in high-quality programs with a highly qualified teacher. No Child Left Behind requires that programs for English language learners funded under the act use curriculum and instructional methods that reflect scientifically based research.

### **10. To have the opportunity for your child to reach his or her greatest academic potential.**

For the first time in the history of public education, there is a federal law that specifically addresses the educational achievement gap between minority children and their peers by implementing strong accountability measures. A quality K-12 education will assist every child who aspires to a college education so that he or she can be academically prepared to enter an institution of higher learning upon graduation.

**(January 2004)**

**U.S. DEPARTMENT OF EDUCATION**  
**Secretary of Education Rod Paige**

*“There is no more powerful advocate for children than a parent armed with information and options.”--Secretary Paige*

**OFFICE OF ENGLISH LANGUAGE ACQUISITION**  
**NO CHILD LEFT BEHIND FACT SHEET AND**  
**DECLARATION OF RIGHTS FOR PARENTS OF ENGLISH LANGUAGE LEARNERS**  
**Deputy Under Secretary Maria Hernandez Ferrier**

On Jan. 8, 2002, President George W. Bush signed the No Child Left Behind Act into law and provided America with the most significant federal education reforms since 1965. The president had a vision that all children could achieve academic success by receiving the same high-quality education. He also believed strongly that something had to be done to close the large achievement gap that exists between minority children and their peers. Putting partisan politics aside, Congress approved the president’s plan and provided historic levels of funding for education—\$53.1 billion for fiscal year 2003.

No Child Left Behind is a 12-year plan that is currently being implemented in school districts across the country. Within 12 years of the act’s signing, all students must achieve academic proficiency as defined by their state standards. However, the benefits of the act are already apparent. Every state, Puerto Rico and the District of Columbia now have new accountability plans in place that outline how they will achieve the bold goal of making sure no child in America is left behind, and America’s schools now report their success in terms of what each student is learning and accomplishing.

No Child Left Behind contains the president’s four basic education reform principles: **stronger accountability for results, increased flexibility and local control, expanded options for parents and an emphasis on teaching methods that have been proven to work.** Under the act’s strong accountability provisions, states must describe how they will close the large achievement gap that exists between mostly minority students and their peers and make sure all students achieve academic proficiency. In addition, they must produce annual state and school district report cards that inform parents and communities about state and school progress. When schools do not make progress, the districts must provide parents the option of sending their children to other public schools. If the schools continue to lag, districts must provide parents with supplemental services such as free tutoring or other after-school assistance. If a school is still not making adequate yearly progress after several years, dramatic changes must be made to the way it is operated.

**No Child Left Behind benefits English language learners**

There are more than five million children in the United States who speak some 400 languages other than English as their first language. These students are known as “limited English proficient” or “English language learners.” Approximately 80 percent of these children speak Spanish. Nineteen states have reported an increase of 50 to 200 percent in English language learners over the last three years, and that growth will likely continue. To meet the needs of English language learners, annual funding for Title III has almost doubled to \$665 million since President Bush took office.

*Under No Child Left Behind, you, the parent of an English language learner, can expect:*

**1. To have your child receive a quality education and be taught by a highly qualified teacher.**

President Bush and Secretary of Education Rod Paige believe that the key to a quality education is a qualified teacher. The new education act requires that all teachers of the core academic subjects be highly qualified by the end of the 2005-2006 school year. Prior to the passage of No Child Left Behind, a survey by the U.S. Department of Education found that most teachers believed that they were not well prepared to implement curriculum and performance standards at their schools, and even more teachers felt unprepared to meet the needs of diverse students, including those with limited English proficiency. To help remedy this problem, the president's overall education budget provides billions of dollars for teacher training, recruitment and other incentives, including more than \$100 million specifically targeted for training teachers of English language learners.

**2. To have your child learn English and other subjects such as reading and other language arts and mathematics at the same academic level as all other students.**

In order for English language learners to be successful students, schools must provide them with the same educational opportunities to meet the same high academic standards as their peers. The No Child Left Behind Act does not require schools to use a particular method for teaching English language acquisition, nor does it prohibit a child from learning another language. States and local education agencies must establish English language proficiency standards and provide quality language instruction that has been proven to be effective in increasing English language proficiency and academic achievement. In addition, schools must provide quality academic instruction in reading and other language arts and mathematics.

**3. To know if your child has been identified and recommended for placement in an English language acquisition program, and to accept or refuse such placement.**

A parent or guardian must be notified when his or her child is identified and recommended for placement in a program for English language acquisition. Notification must include the reason for placement, the method of instruction and what is required for the child to exit the program. When the child enters school at the beginning of each school year, the school must let the parent know within 30 days if the child has been identified and recommended for placement in an English language acquisition program. If the child enters school during the school year and is recommended for placement in an English language acquisition program, the school must notify the parent within two weeks of the student's enrollment. School officials must notify parents of these options in a language or manner that they understand. The parent can also decline their child's enrollment in an English language acquisition program.

**4. To choose a different English language acquisition program for your child, if one is available.**

No Child Left Behind gives parents more control over their child's education, and it provides them with choices regarding the type of English language acquisition their child receives. Parents may choose from among the various English language acquisition instructional programs in the school, if more than one is available. If the child is placed in a program that is not meeting his or her educational needs, the parent may have the child transferred to another available program in the district.

**5. To transfer your child to another school if his or her school is identified as “in need of improvement.”**

States and school districts are required to identify schools that need to improve the way they educate all students, including those who are from low-income families, in special education and English language learners, as well as students from major racial and ethnic groups. If a school has been identified as “in need of improvement,” the public school choice provisions of the law provide parents with children in these schools the option of transferring them to another public school in the district, which could be a nearby charter school, and the district will pay for or provide transportation. Districts are required to notify parents if their child is eligible for public school choice.

**6. To apply for supplemental services, such as tutoring, for your child if his or her school is identified as “in need of improvement” for two years.**

A supplemental service is extra educational help provided to students, such as tutoring and other after-school services. Students from low-income families who are enrolled in schools that are “in need of improvement” for two or more years are eligible to receive these services. Supplemental services may be offered through public- or private-sector providers that are approved by the state, such as public schools, education service agencies and faith-based organizations. Local education agencies are required to provide annual notice to parents of eligible children about the availability of services and information on the approved providers.

**7. To have your child tested annually to assess his or her progress in English language acquisition.**

Testing is used to assess how students are performing and what they have learned. The purpose of state assessments required under No Child Left Behind is to provide up-to-date information on each child's and each school's progress. This information is essential for parents, schools, districts and states in their efforts to ensure that no child is trapped in a consistently low-performing school. The No Child Left Behind Act requires yearly assessment for English language proficiency (K-12). Schools must provide student assessment reports to parents that will, among other things, let them know how well their child is learning English.

**8. To receive information regarding your child's performance on academic tests.**

Under No Child Left Behind all children in grades 3-8 will be tested yearly, and those in grades 9-12 will be tested at least once in math and reading-language arts. No Child Left Behind requires that parents be notified of their child's academic progress in these subjects in a language or manner that they understand. These reports will give parents, teachers and principals the information necessary to address the specific academic needs of students. Test score data will be disaggregated by subgroups such as English proficiency, economic background, special education, race and ethnicity. States are required to find the most valid and reliable ways to assess students for content knowledge. For students who have been enrolled in U.S. schools for less than three years, tests may be administered in the student's first language, if available. If the tests are available only in English, accommodations such as glossaries, extra time or simplified language instruction may be used.

**9. To have your child taught with programs that are scientifically proven to work.**

English language learners can become fully proficient in English and master challenging content when enrolled in high-quality programs with a highly qualified teacher. No Child Left Behind requires that programs for English language learners funded under the act, as well as other programs supported with act funds, use curriculum and instructional methods that reflect scientifically based research. To accomplish this, President Bush called for new research to study and find the most effective ways to teach students to become fluent in English. Two federal agencies (the U.S. Department of Education and the National Institute of Child Health and Human Development) have invested \$39 million in 14 research projects to determine how Spanish-speaking students learn best. In addition, programs for teaching English to all limited English proficient students are being researched for their effectiveness.

## **10. To have the opportunity for your child to reach his or her greatest academic potential.**

For the first time in the history of public education, there is a federal law that specifically addresses the educational achievement gap between minority children and their peers by implementing strong accountability measures. Research shows that students who cannot read or write in English have a greater likelihood of dropping out of school, and they often face a lifetime of diminished opportunity. A quality K-12 education will assist every child who aspires to a college education so that he or she can be academically prepared to enter an institution of higher learning upon graduation. The president's education plan has provided America the vehicle for raising education standards for all children and for holding schools accountable for their academic success, including those with students whose first language is not English.

### **No Child Left Behind--A New Era in Public Education**

No Child Left Behind ensures that every English language learner is identified and counted. Before this act, federal funds for the instruction of English language learners were distributed through a competitive grant distribution process. Prior to the new law, applicants applied directly to the U.S. Department of Education, and programs for English language learners that did not apply or were not selected received no federal funding. Now under No Child Left Behind, funding distribution is based on populations to ensure that money is distributed to every state for all English language learners in the country.

Under the new law, parents are now able to play a greater role in the education of their children. All schools receiving Title III funding must implement an effective means of outreach to parents of limited English proficient children. Outreach to parents must include information on how parents can become involved in the education of their children and how they can actively participate in helping their children learn English, achieve high levels in other academic subjects and meet state standards. Outreach must also include regular meetings for parents and notices of such meetings so that parents have the opportunity to provide suggestions and recommendations.

Our nation has embarked on an historic journey to teach every child because every child is important to the future of America, and every public school must be a place of high expectations and high achievement. President Bush and the Congress have provided the tools and the funds to bring our public education system into a new era of excellence and accountability. All Americans must work together to ensure that this new education reform law is fully implemented across the country so that no child is left behind.

To obtain more copies of this fact sheet, please call 1-877-4-ED-PUBS or 1-800-USA-LEARN. Those who use a telecommunications device for the deaf (TDD) or a teletypewriter (TTY) should call 1-800-437-0833. You may also visit [www.edpubs.org](http://www.edpubs.org). *Para español, llame al 1-877-433-7827*. On request, this publication is available in alternate formats. Contact the Department's Alternate Format Center at 202-260-9895 or 202-205-8113.

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