

## **What is ESL?**

ESL means English as a Second Language. The United States has become more diverse. Many people from other countries have immigrated to the United States and English is not their primary language. Some children do not hear English until they attend school.

## **What does an ESL program provide?**

The goal of these programs is to help foreign speakers become fluent in English. Different teaching skills are needed to help ESL students. An ESL teacher should be certified to teach ESL classes.

## **My child's public school refuses to enroll my child in an ESL program what should I do?**

Talk to an attorney. Under Federal law no public (that includes charters) school can deny equal educational opportunity because of a person's race, color, sex or national origin. A public school cannot refuse to help a child overcome language

barriers that interfere with equal participation in instruction.

## **How do schools decide if there is a language barrier or if a child has a learning disability?**

The school first interviews the parents. The parents have a right to have an interpreter present. During the interview the school can learn about the child's developmental history and whether the child may have already been found to have a learning disability.

The school then tests the child by using a nonverbal IQ test or using tests in the child's first language. These tests help the school decide if lack of English proficiency is affecting their progress in school or whether there is a learning disability that needs to be addressed.

## **What happens if my child is not found to have a learning disability?**

There are a series of special tests that are given to ESL students yearly that look at their listening, speaking, reading and writing proficiency. Each area has different levels of proficiency. These

tests also help schools decide if there may be a learning disability that has been overlooked before or if special accommodations should be made.

If your school is not testing your child yearly and he or she is enrolled in ESL classes you should talk with Families Helping Families or a lawyer as soon as possible to help keep the child from falling behind.

## **What happens if my child in ESL classes is found to be eligible for Special Education?**

Your child should keep getting ESL services but also special services or accommodations to help your child with disabilities.

Children in Special Education should be reevaluated every 3 years unless you and the school agree otherwise. The child can get reevaluated up to once a year; however, it can be even more frequently if you and the school agree that it should be done more often.

Make sure your request for reevaluation is in writing and make sure it is done at least every 3 years.

### **Where Can I Get Help?**

**Families Helping Families Networks.** Find your local group at [www.fhfjefferson.org](http://www.fhfjefferson.org).

**Louisiana Developmental Disabilities Council** website at: [www.lddc.org](http://www.lddc.org)

**Advocacy Center for the Elderly and Disabled**, a statewide free legal services program. Call 1-800-960-7705 or 1-855-861-3577 (TTY) or visit their website at: [advocacycenter@advocacyla.org](mailto:advocacycenter@advocacyla.org).

**Legal Information** available on <http://louisianalawhelp.org>



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## ENGLISH AS A SECOND LANGUAGE (ESL) AND THE DISABLED CHILD

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by

**Southeast Louisiana Legal Services**

[www.slls.org](http://www.slls.org)

This is information and not legal advice.  
Talk with a lawyer about your particular  
case.