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Broadening Educational Opportunities: New Federal Resources on English Learners and on Inclusion in Early Childhood Programs

English Learners Tool Kit

In January, we reported on newly released joint guidance from the U.S. Departments of Education and Justice, which outlined a school district's obligation to ensure that English Learners have equal access to a high-quality education. (*English Learner Students: New Federal Guidance*, <https://petrarcagleason.com/joint-federal-guidance-and-toolkit-reminds-schools-of-their-obligation-to-provide-equitable-educational-access-for-english-learner-students/>)

In support of that guidance, the Office of English Language

Acquisition has released an *English Learner (EL) Tool Kit* designed to aid school districts in providing ELs with the support necessary to achieve their full academic potential. The *EL Tool Kit*, divided into 10 chapters, provides explanations of legal obligations, checklists, sample tools, and additional resources covering the following topics:

- Identifying All English Learner Students
- Providing English Learners with a Language Assistance Program
- Staffing and Supporting an English Learner Program
- Providing English Learners Meaningful Access to Core Curricular and Extracurricular Programs
- Creating an Inclusive Environment for and Avoiding the Unnecessary Segregation of English Learners
- Addressing English Learners with Disabilities
- Serving English Learners Who Opt Out of EL Programs
- Monitoring and Exiting English Learners from EL Programs and Services
- Evaluating the Effectiveness of a District's EL Program
- Ensuring Meaningful Communication with Limited English Proficient Parents

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The full text of the *EL Tool Kit* can be accessed at:
<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>.

Early Childhood Inclusion

On September 14, 2015, the U.S. Departments of Education and Health and Human Services released a joint policy statement on the inclusion of children with disabilities in early childhood programs. With the goal of increasing the inclusion of infants, toddlers, and preschool children with disabilities in early childhood programs, the Departments recommend that all young children with disabilities have access to inclusive, high-quality early childhood programs, which can include private or publicly-funded centers or family-based child care, home visiting, Early Head Start, Head Start, private preschools, and public school and community-based pre-kindergarten programs. The Departments apply this vision to all young children – from those with the mildest disabilities to those with the most significant impairments.

Noting that children with disabilities continue to face significant barriers to accessing inclusion education, the Departments cite research which supports the benefits of inclusion for both children with and without disabilities. When compared to children with disabilities educated separately, children with disabilities in inclusion classrooms have:

- Greater cognitive and communication development
- A higher likelihood of practicing newly acquired skills
- Fewer absences
- Higher test scores in reading and math
- Higher probability of employment and higher earnings
- Stronger social-emotional skills
- A larger network of friends

Additionally, when children without disabilities are educated in an inclusion environment, they demonstrate greater compassion and empathy and develop a better understanding of diversity and disability. The Departments believe that these benefits can be obtained without additional costs to school districts, as inclusion programs are not necessarily more expensive than operating separate early childhood programs for children with disabilities.

Early childhood programs should be inclusive of children with disabilities and their families, and school districts must ensure that policies, funding, and practices enable full participation and success. To that end goal, the Departments recommend that school districts take the following actions:

- Connect with families to ensure that inclusion information is available and accessible to all families.
- Review IFSP and IEP policies and procedures to ensure that the first option considered, and meaningfully discussed, is an inclusive setting.
- Pair children's assessments with environmental assessments of the early childhood program to ensure that appropriate supports and accommodations are in place.
- Review and modify resource allocation, paying close attention to a district's use of IDEA Parts B and C funds, shifting educators to provide consultative services, and optimally distributing specialized staff and materials.
- Offer professional development opportunities, especially those focused on a strong understanding of universal design and universal design for learning.
- Establish an appropriate staffing structure to strengthen

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staff collaboration, such as a skilled lead teacher paired with a paraprofessional/aide and specialist support, and consider co-teaching models.

- Ensure access to specialized supports, including early interventionists, inclusion specialists, early childhood mental health consultants, behavior consultants, early childhood special educators, developmental specialists, and related service providers.
- Develop formal collaborations with community partners. If no inclusive early childhood program is offered by the district, consider creating a formal agreement with community-based programs.

The full text of the Departments' Policy Statement can be accessed at:
<http://www2.ed.gov/policy/speced/guid/earlylearning/joint-statement-full-text.pdf>.

If you have questions about these new Department of Education publications, please contact one of our attorneys in Oak Brook (630-928-1200) or Flossmoor (708-799-6766).