

Federal Statutes, Directives, and Court Decisions Concerning National Origin Students

1868—*Constitution of the United States*, 14th Amendment: “No state shall . . . deny to any person within its jurisdiction the equal opportunity of the laws.”

1950s	1960s	1970s	1980s	2000s
<p>1954—<i>Brown v. Board of Education</i>, “ . . . Education is a right which must be made available to <i>all</i> on equal terms.”</p>	<p>1964—Civil Rights Act, Title VI, “No person in the United States shall, on the grounds of race, color, or national origin . . . be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance.” <i>Federal Law</i></p> <p>1965—Elementary and Secondary Education Act, “Congress shall provide financial assistance to districts serving low-income families” <i>Federal Enticement</i></p> <p>1968—Elementary and Secondary Education Act, Title VII, “Congress shall provide assistance to districts serving children of limited English proficiency.” <i>Federal Enticement</i></p>	<p>1970—May 25 Memorandum, Department of Health, Education, and Welfare, “The district must take affirmative steps to rectify the language deficiency of limited English proficient students in order to open its instructional program to these students.” <i>Federal Directive</i></p> <p>1974—<i>Lau v. Nichols</i>, “There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education. Imposition of a requirement that, before a child can effectively participate in the educational program, he must have already acquired those basic skills is to make a mockery of public education.” <i>Supreme Court Ruling</i></p> <p>1974—Equal Educational Opportunities Act (EEOA), “No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex or national origin, by . . . the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.” <i>Federal Law</i></p> <p>1975—Education of the Handicapped Act (P.L. 94-142), Students of limited English proficiency must be assessed in their primary language to determine appropriate program placement.</p> <p>1978—<i>Cintron v. Brentwood</i>, The school must develop an educational plan that included identification, long-term assessment of language minority students’ academic performance, development of appropriate and high-quality desegregated programs for all students. <i>Federal Court Ruling</i></p>	<p>1981—<i>Castaneda v. Pickard</i>, a 3-part test formulated to determine school district compliance with the EEOA (1974): (1) Theory—The school must pursue a program based on an educational theory recognizes as sound, or, at least, as a legitimate experimental strategy; (2) Practice—The school must actually implement the program with instructional practices, resources and personnel necessary to transfer theory to reality; (3) Results—The school must not persist in a program that fails to produce results. <i>Federal Court Ruling</i></p> <p>1982—<i>Plyler v. Doe</i>, “. . . school systems are not agents for enforcing immigration laws.” States are prohibited from denying free public education to children of undocumented immigrants, regardless of legal status. <i>Supreme Court Ruling</i></p>	<p>2001—No Child Left Behind <i>Federal Law</i></p> <p>2004—IDEA Reauthorization of 2004 Reaffirms that ELLs who are being considered for special education services have a right to <i>add</i> those services to any second language services they are receiving and that ELLs must be assessed in their most proficient language. <i>Federal Law</i></p>

Federal court decisions apply to all school districts receiving federal funds. Districts that have few limited English proficient students are not exempted from providing appropriate services.