

▶ The Fourteenth Amendment to the U.S. Constitution

This amendment established the constitutional basis for the educational rights of language minority students. Guaranteed that no State can make or enforce any law abridging the privileges or immunities of citizens; nor deprive any person of life, liberty or property without due process of law; nor deny equal protection of the laws.

▶ Brown v. Board of Education, 347 U.S. 483 (1954)

Overruled the decision in Plessy v. Ferguson of 1896 that has permitted "separate but equal" education for Negro children. This decision declared the separation of Negro and White students to be unconstitutional and ordered desegregation of schools. Established the principle of equal educational opportunity for all students: "...where a state has undertaken to provide an opportunity for an education in its public schools, such opportunity is a right which must be made available to all on equal terms."

▶ Title VI Civil Rights Act of 1964

Prohibited discrimination in Federally funded programs. Subsequently cited in many court cases. Basically stated that a student has a right to meaningful and effective instruction.

▶ Bilingual Education Acts of 1968 and 1974

Also known as Title VII. Provided supplemental funding for school districts interested in establishing programs to meet the "special educational needs" of large numbers of children of limited English speaking ability in the United States.

▶ May 25, 1970 Memorandum

The Department of Health, Education and Welfare (HEW) issued an interpretation of the Title VII regulations that prohibited the denial of access to educational programs because of a student's limited English proficiency.

▶ Equal Educational Opportunity Act of 1974

Provided definitions of what constituted denial of equal educational opportunity. Among them is "...the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by students in an instructional program."

▶ Lau vs. Nichols 1974

The US Supreme Court reaffirmed the 1970 Memorandum regarding denial of access and participation in an educational program due to inability to speak or understand English in a class action suit brought by Chinese speaking students in San Francisco against the school district.

"There is no equality of treatment 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."

"Basic English skills are at the very core of what public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education."

▶ Lau Remedies 1975

HEW established some basic guidelines for schools with Limited English Proficient (LEP) students. Discontinued by the Reagan Administration.

▶ Civil Rights Language Minority Regulations 1980

Regulations including four basic components: Identification, assessment, services and exit. Requirement that bilingual instruction be given by qualified teachers.

▶ Castañeda vs. Pickard 1981

Set the standard for the courts in examining programs for LEP students. Basically districts must have:

1. A pedagogically sound plan for LEP students.

2. Sufficient qualified staff to implement the plan (includes hiring of new staff and training of current staff).

3. A system established to evaluate the program.

Castañeda did not require bilingual education programs to meet these standards. It required only that "appropriate action to overcome language barriers" be taken through well implemented programs.

▶ Idaho vs. Migrant Council 1981

Established the legal responsibility of the State Department of Education to monitor implementation of programs for LEP students.

▶ Denver vs. School District No. 1 (Denver) 1983

Used Castañeda vs. Pickard decision to evaluate the district program for LEP students.

▶ Illinois vs. Gómez 1987

State responsibility includes establishing and enforcing minimums for implementation of language remediation programs; requirements for the redesignation of students from LEP to FEP (Fluent English Proficient) status.

▶ Teresa P. vs. Berkeley Unified 1987

Used Castañeda vs. Pickard decision to evaluate the district program for LEP students.