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
1954—*Brown v. Board of Education,* ". . . Education is a right which must be made available to *all* on equal terms." ---------- **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." *Federal Law* **1965—Elementary and Secondary Education Act,** "Congress shall provide financial assistance to districts serving low-income families" *Federal Enticement* **1968—Elementary & Secondary Education Act, Title VII,** "Congress shall provide assistance to districts serving children of limited English proficiency." *Federal Enticement*	**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." *Federal Directive* **1974—*Lau v. Nichols,*** "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." *Supreme Court Ruling* **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." *Federal Law* **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. **1978—*Cintron v. Brentwood***, 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. *Federal Court Ruling*	**1981—*Castaneda v. Pickard*,** a 3-part test formulated to determine school district compliance with the EEOA (1974): (1) Theory—The school must purse 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. *Federal Court Ruling* **1982—*Plyler v. Doe*,** ". . . 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. *Supreme Court Ruling* ---------- **2001—No Child Left Behind** *Federal Law* **2004—IDEA Reauthorization of 2004** Reaffirms that ELLs who are being considered for special education services have a right to *add* those services to any second language services they are receiving and that ELLs must be assessed in their most proficient language. *Federal Law*

*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.*