

Q: What court rulings have impacted the education of language minority students in the U.S.?

A: While two of the most influential court decisions for language minority students are [Lau v. Nichols](#) (1974) and [Castañeda v. Pickard](#) (1981), there are several other U.S Supreme Court and state federal cases that have impacted the education of language minority students in the U.S.

Revised March 24, 2006

SUPREME COURT**1923 [Meyer v. Nebraska](#)**

The U.S. Supreme Court case overturned a 1919 Nebraska statute which stated, “no person, individually or as a teacher, shall, in any private denominational, parochial, or public school teach any subject to any person in any language than that English language.” The U.S Supreme Court ruled that the state’s imposition of restrictions “upon the people” was in violation of the 14 th Amendment to the U.S. Constitution and overstepped the state’s role. The Meyer decision led to the reversal of [Bartels v. State of Iowa](#) - (which included three other cases in the suit) dealing with English-only statutes.

1954 [Brown v. Board of Education](#)

This historic U.S. Supreme Court case overturned the 1896 Supreme court case [Plessy v. Ferguson](#) which allowed schools to be “separate but equal” with regard to race. *Brown v. Board*, while not specifically addressing bilingual education, established the precedent that equality in education was first and foremost for all children. This precedent would later be used to address issues facing English language learners.

1974 [Lau v. Nichols](#)

A suit by Chinese parents in San Francisco led to the ruling that *identical* education does not constitute *equal* education under Title VI of the Civil Rights Act of 1964; school districts must take affirmative steps to overcome educational barriers faced by non-English speakers. *Lau v. Nichols* established that the Office for Civil Rights, under the former Department of Health, Education, and Welfare, has the authority to establish regulations for Title VI enforcement.

1982 [Plyler v. Doe](#)

The U.S Supreme Court found that, although illegal immigrants and their children are not “citizens,” they are people “in any ordinary sense of the term,” which falls under the Fourteenth Amendment of the U.S. Constitution, ensuring equal protection. Based on this notion, the court ruled that a state does not have the right to deny a free public education to undocumented immigrant children.

2001 [Alexander v. Sandoval](#)

This U.S. Supreme Court case dealt with the issues of *disparate impact* (unintended consequences) and *private right of action* (whether an individual can sue the state under Title VI of Civil Rights Act) in regards to non-native English speakers. The Supreme Court ruled against *Sandoval* stating that a private citizen

cannot sue the federal government under Title VI. The court also ruled that a plaintiff has to prove that the actions taken against them were intentional acts of discrimination. Thirdly, the Supreme Court stated that a language is not considered an act of discrimination protected in the Civil Rights Act; only race, color, and national origin are included.

FEDERAL COURTS

1974 [Aspira of New York, Inc v. New York Board of Education](#)

The Federal Court ruled against the New York Board of Education, which was sued by parents and students who believed that schools were not fulfilling their duty to educate non-native English speakers. The court ruling resulted in a *consent decree* where the New York Board of Education drafted an agreement to: create and properly assess English Language Learner students, provide appropriate instruction, and when necessary, provide materials in student's native language to educate and support ELL students.

1974 [Serna v. Portales](#) (reprinted with permission of LexisNexis)

The 10th Circuit Court of Appeals found that Spanish surnamed students' achievement levels were below those of their Anglo counterparts. The court ordered Portales Municipal Schools in Albuquerque, New Mexico to implement a bilingual/bicultural curriculum, revise procedures for assessing achievement, and hire bilingual school personnel.

1978 [Cintron v. Brentwood](#) (reprinted with permission of LexisNexis)

The Federal District Court for the Eastern District of New York rejected the Brentwood School District's proposed bilingual program on the grounds that it would violate "Lau Guidelines" by unnecessarily segregating Spanish-speaking students from their English-speaking peers in music and art. The court also objected to the program's failure to provide for exiting students whose English language proficiency was sufficient for them to understand mainstream English instruction.

1978 *Ríos v. Reed*

The Federal District Court for the Eastern District of New York found that the Pastchogue-Medford School District's transitional bilingual program was basically a course in English and that students were denied an equal educational opportunity by not receiving academic instruction in Spanish. The court wrote: "A denial of educational opportunities to a child in the first years of schooling is not justified by demonstrating that the educational program employed will teach the child English sooner than a program comprised of more extensive Spanish instruction."

1981 [Castañeda v. Pickard](#) (reprinted with permission of LexisNexis)

This case is reputed to be the most significant court decision affecting language

minority students after *Lau*. In responding to the plaintiffs' claim that Raymondville, Texas Independent School District's language remediation programs violated the Equal Educational Opportunities Act (EEOA) of 1974, the Fifth Circuit Court of Appeals formulated a set of basic standards to determine school district compliance with EEOA. The "Castañeda test" includes the following criteria: (1) *Theory*: The school must pursue a program based on an educational theory recognized 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.

1981 [*Idaho Migrant Council v. Board of Education*](#) 
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The case effectively mandated that State Education Agencies are required to supervise local districts to ensure compliance. The court ruled in favor of the Idaho Migrant Council, who was representing the English Language Learner's from Idaho public schools. The Migrant Council argued that the Department of Education and State Board of Education "failed to exercise its supervisory power over local school districts to ensure that appellants receive equal education."

1983 [*Keyes v. School District #1*](#)

A U.S. District Court found that a Denver public school district had failed to adequately implement a plan for language minority students--the second element of the "Castañeda Test." This case is important because it placed the burden of proof on the school districts, not on the students and their families. In this case, the school district had to prove that they did not intentionally segregate their schools.

1987 [*Gomez v. Illinois*](#) 
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The Seventh Circuit Court of Appeals ruled that State Education Agencies are required under EEOA to ensure that language minority students' educational needs are met. Plaintiffs had filed on behalf of English Language Learner students enrolled in the Peoria School District for the districts lack of guidelines for identification, placement, and training of students.

1990 [*League of United Latin American Citizens \(LULAC\) v. State Board of Education Consent Decree, Southern Florida*](#)

This consent decree ensured the equal treatment of English Language Learning (ELL) students under the Civil Rights Act of 1964. The Florida Board of Education agreed to properly identify and assess ELL students, provide adequate placement and programming, certified staff, supplemental services when needed, and to monitor and evaluate the program to assess its proper fidelity.

1992 [*Flores v. Arizona*](#)

A district court ruled that the state of Arizona had not sufficiently funded its English as a Second Language programs, which was in violation of the Equal Education Opportunities Act of 1974. The court ruled that until the funding was resolved,

English Language Learning (ELL) students are to be exempt from the state's high school exit exam. Flores v. Arizona would become an issue again in 2005, where a federal judge ruled that the state had to pass legislation to increase ELL funding by January 28, 2006 or face fines which would incur each day that legislation failed to become law. Arizona passed legislation in early March and had incurred \$21 million dollars in fines which will be distributed to the ELL population throughout the state.

SOURCES:

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Sosa, A.S. (1994). *20 Years After Lau: In Pursuit of Equity Not Just a Language Response Program*. Intercultural Development Research Association: San Antonio, TX.

The National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA) is funded by the U.S. Department of Education's Office of English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students (OELA) and is operated by The George Washington University's Graduate School of Education and Human Development, Center for the Study of Language and Education.

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This page last updated: Aug 12, 2008 04:10pm