

CASE LAW/ LEGISLATION	DATE	SUMMARY
Constitution of the United States Fourteenth Amendment	1868	“No state shall... deny any person within its jurisdiction the equal protection of the laws.”
Civil Rights Act, Title VI	1964	<p>“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”</p> <p>Civil Rights Act, Title VI is violated if students are excluded from effective participation because of the inability to... understand the language of instruction; if national origin students are mis-assigned to [Special Education] because of their lack of English skills; if programs...operate as a dead-end track; if parents whose English is limited do not receive notices and other information from the school in a language they can understand.</p>
Elementary and Secondary Education Act (ESEA)	1965	Emphasized equal access to education.
Hobson v. Hanson	1967	Aptitude and I.Q. Tests found to be culturally biased and inappropriate to be used to place minority students in ability tracks denying them equal access to all programs.
May 25 th Memorandum, US Department of Health, Education, and Welfare (HEW)	1970	Clarifies the Civil Rights Act, Title VI. “Where the inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.”
Lau vs. Nichols, US Supreme Court	1974	<p>The lack of supplemental language instruction in public schools for students with limited English proficiency violated the Civil Rights Act of 1964.</p> <p>“There is no equity 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.”</p>

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Equal Educational Opportunities Act	1974	<p>Title VI prohibits discrimination on the grounds of race, color, or national origin by recipients of federal financial assistance. The Title VI regulatory requirements have been interpreted to prohibit denial of equal access to education because of a language minority student's limited proficiency in English. The school districts must take action to overcome barriers to students' equal participation.</p> <p>Upheld the May 25th Memorandum of unanimous decision.</p>
Serna v Portales Municipal	1974	<p>Made education equal by setting up bilingual and bicultural programs and made it so that ELL's cannot be discriminated against based on their surname.</p>
Rios v Read, New York	1977	<p>Bilingual education in New York received a further boost a few years later in Rios v. Reed (1978). The case was argued under Title VI of the Civil Rights Act and the EEOA. Puerto Rican parents brought suit claiming that many so-called bilingual education programs were not bilingual but based mainly on ESL. The federal court found the district's bilingual programs to be woefully inadequate, pointing to the lack of trained bilingual teachers and the absence of a clearly defined curriculum, clear entrance and exit criteria, and firm guidelines about how much instruction should be in the native language of the students. Although the court issued no specific remedies, the federal Office of Civil Rights came in to ensure that the district made improvements. This case is significant because it made a strong case for offering bilingual education and for doing it right.</p> <p>http://www.ldonline.org/article/49704/</p>
Elis Cintron, et al v Brentwood, New York	1978	<p>“An inadequate program is as harmful as no program.” Effectiveness and quality of bilingual program must be considered. English as a Second Language (ESL), used alone, violates Lau guidelines.</p>

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Drycia S. v Board of Education, New York	1979	<p>“The goal is to teach subject matter as well as English.”</p> <p>“Clarified guidelines for identifying and evaluating handicapped and limited English proficient students. If the student is limited English proficient, s/he must receive bilingual education/ESL. If the student is handicapped, s/he must receive special education. If both handicapped and LEP, s/he must receive both special and bilingual education/ESL.”</p>
Castaneda v Pickard, Texas Fifth Circuit Court of Appeals	1981	Mandates that programs for language-minority students must be (1) They must be based on educational theory recognized as sound; (2) The school must actually implement the program with instructional practices, resources and personnel necessary to translate theory into reality; (3) The school must not persist in a program that fails to produce results.
Plyler v Doe US Supreme Court	1982	The Supreme Court affirmed the states’ obligation to enroll and serve undocumented immigrants. Districts may not inquire about a child’s immigration status or refuse to serve undocumented immigrant children.
Keyes v School District	1983	A de facto segregation is a violation of the equal protection clause in the 14 th amendment.
Gomez v Illinois State Board of Education	1987	“...requires that state, as well as local, educational agencies ensure that the needs of LEP children are met.”
Native American Language Act	1990	“...the status of the cultures and languages of Native Americans is unique and the United States has the responsibility to act together with Native Americans to ensure the survival of these unique cultures and languages...”
No Child Left Behind Act (NCLB)	2001	A United States federal law that reauthorized a number of federal programs aiming to improve the performance of U.S. schools by increasing the standards of accountability, as well as providing parents more flexibility in choosing which schools their children will attend.