

Reference Chart

Requirements	Legal Reference	Program
Identify	<i>OCR 1970 Memo</i> <i>Lau v Nichols 1974</i> Supreme Court decision	Home language survey Train intake staff Classroom survey
Assess Determine need for services Place in appropriate services	<i>Office of Civil Rights 1970 Memo</i> <i>Gomez v Illinois State Board of Education 1987</i> U.S. Court of Appeals, 7th Circuit	Appropriate proficiency test Multiple criteria for placement Identify home language proficiency Diagnose mathematics skills
Provide services Direct, appropriate, sufficient Designed for students' needs Based on current practices Appropriate staffing Appropriate materials	<i>Castaneda v Pickard 1981</i> U.S. Court of Appeals, 5th Circuit <i>Equal Education Act 1974</i> <i>Titles VI & VII of Civil Rights Act 1964</i> <i>Rios v Read 1977</i> <i>Cintron v Brentwood 1977,1978</i> <i>Gomez v Illinois State Board of Education 1987</i> U.S. Court of Appeals, 7th Circuit <i>The Provision of an Equal Education Opportunity to Limited English Proficient Students</i> OCR, 1992	Develop Instructional Plan Schedules fro service Who provides service Assessment plan Current ESL teaching practices Identify appropriate materials Identify what is taught Describe adjunct services Train and support staff
Ensure integration Instructional integration Social integration	<i>Titles VI & VII of Civil Rights Act 1964</i> <i>Equal Education Act 1974</i> <i>Office of Civil Rights 1970 Memo</i> <i>Lau v Nichols 1974</i> Supreme Court decision	Describe access to programs and services Develop policies for grading Identify how integrated with same-age peers
Reassess for ending services	<i>OCR 1970 Memo</i> <i>Rios v Read 1977</i> <i>Cintron v Brentwood 1977,1978</i>	Specific multi-criteria reclassification procedures
Document Services Successful effect on students Modifications if needed	<i>Castaneda v Pickard 1981</i> U.S. Court of Appeals, 5th Circuit <i>The Provision of an Equal Education Opportunity to Limited English Proficient Students</i> OCR, 1992	Develop Program Guide Develop record keeping plan Appoint team to implement evaluation plan

THE LAW AND EQUAL EDUCATIONAL ACCESS FOR NATIONAL ORIGIN MINORITY STUDENTS

1964 -Civil Rights Act: Title VI

"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."

1968 -The Bilingual Education Act: Title VII of the Elementary and Secondary Education Act of 1968

-establishes federal policy for bilingual education for economically disadvantaged language minority students
-provides funds for innovative programs -recognizes the unique educational disadvantages faced by non-English speaking students

1970 -Office of Civil Rights: May 25, 1970 Memorandum

"Where 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."

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."
-Suit brought by Chinese parents in San Francisco which lead to a Supreme Court ruling that identical education does not constitute equal education under the Civil Rights Act.

1974 -Equal Educational Opportunities Act

Congress passes this Act to extend the Lau decision to all schools.

"No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by...(f) the failure by an educational agency to overcome language barriers that impede equal participation by its students in its instructional programs. "

1981 –Castaneda v. Pickard

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 "Castaneda 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.

1982 –Plyler v. Doe

Under the Fourteenth Amendment of the U. S. Constitution, the state does not have the right to deny a free public education to undocumented immigrant children.

1987 -Gomez v. Illinois

The Seventh Circuit Court of Appeals ruled that State Education Agencies are also required under EEOA to ensure that language minority student's educational needs are met.

**1996 -North Carolina
Regulations for Limited
English Proficiency
Programs**

Addresses the LEAs responsibility toward limited English proficient students.

**December 13, 2001 - Title
111- Language Instruction
for Limited English
Proficient and Immigrant
Students**

"...to help ensure that children who are limited English proficient, ...attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet..."