

LEGAL RIGHTS AND RESPONSIBILITIES

Are there laws that apply to the schooling of non-English-speaking children?

Yes. The most important among them are **Title VI of the Civil Rights Act of 1964**, the **Bilingual Education Act of 1974**, amended in 1988, and the **Bilingual Education Act of 1994**. The most significant case in this area is *Lau v. Nichols*. P. 367.

Title VI: Discrimination is prohibited based on race, color, or national origin. This benefits individuals who participate in federally aided programs. It covers schools that receive federal financial assistance.

Lau v. Nichols: “The essential holding of *Lau*, i.e., that schools are not free to ignore the need of limited English speaking children for language assistance to enable them to participate in the instructional program of the district, has now been legislated by Congress, acting pursuant to its power to enforce the equal protection clause of the fourteenth amendment.” P. 368.

Castaneda Test: Three conditions must be met.

- 1) The program that is followed must be based on sound educational theory;
- 2) The school district must recruit and train teachers to lead the instruction in bilingual classrooms.
- 3) There should be a carefully conceived assessment program to find out whether or not the district’s program is achieving its goals.

Bilingual Education Act of 1974: Integrate these students whenever practicable with English-speaking students and separate them for special instruction only when necessary. For example, they should attend regular classes in art, music, physical education, and other courses where language skills are not of central importance to instruction. P. 368.

Bilingual Education Act of 1994: Continues the philosophic and financial commitment of the federal government to improve education opportunities for students with limited English proficiency. P. 369.

Equal Educational Opportunities Act (EEOA):

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

Minnesota Education for Limited English Proficient Students Act of 1980

Generally, Minnesota Statute [124D.58](#) to [124D.64](#) These chapters cover issues ranging from funding to licensing.

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