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This document and the timeline below provide a brief history of select federal policies and landmark court cases that have impacted multilingual learner^A education in Connecticut and the United States. Knowledge of these policies and rulings are important to understanding the evolution and complexities of educating students who are multilingual learners.

1920s-1963: Multilingual learner education in the United States largely used “sink or swim” **English immersion programs**. Students in these programs would remain in the same grade until they were able to master enough English to move up to the next grade level.¹

1963: There is success in two-way bilingual programs for Cuban refugee students in Florida and other **districts/states begin implementing two-way bilingual programs** as well.²

1964: The **Civil Rights Act of 1964** was passed. Title VI of the Act prohibits discrimination on the basis of race, color, or national origin. This results in many policy changes for how multilingual learners, as well as other BIPOC^B students, are educated in the U.S.³

1965: President Lyndon B. Johnson signed the **Elementary and Secondary Education Act (ESEA)** into law. The legislation aimed to close the skill gap in reading, writing, and mathematics between students who were economically disadvantaged and those who came from wealthier families. **ESEA paved the way for large-scale policy changes that impact multilingual learner education in the United States.**⁴

1967: ESEA is reauthorized and introduces a program for bilingual education in Title VII. This bilingual education program was originally only created for Spanish speakers.⁵

Civil Rights Act (1964): prohibited discrimination on the basis of race, color, or national origin, paved the way for integration of schools, and made employment discrimination illegal.^C

Elementary and Secondary Education Act (1965): offered new grants to better fund schools and students, including resources like textbooks, scholarships for low-income students, and more money to districts with concentrated poverty.^D

^A Multilingual learners are also commonly referred to as English Learners or English Language Learners.

^B The School and State Finance Project uses BIPOC (Black, Indigenous, People of Color) to refer to individuals who self-identify as American Indian or Alaska Native; Asian; Black or African American; Hispanic/Latino of any race; Native Hawaiian or other Pacific Islander; or two or more races. The acronym BIPOC is used in an effort to be as inclusive, succinct, and accurate as possible when using racial and ethnic demographics in our work. However, we know no single acronym, identifier, or label can accurately define an individual or fully encompass the rich diversity of cultures, heritages, and backgrounds. For questions or comments about the demographic terms we use, please contact us at info@schoolstatefinance.org.

^C U.S. National Archives and Records Administration. (2022, February 8). Milestone Document: Civil Rights Act (1964). Retrieved from <https://www.archives.gov/milestone-documents/civil-rights-act>.

^D U.S. Department of Education. (n.d.). Every Student Succeeds Act (ESSA). Retrieved from <https://www.ed.gov/essa?src=rn>.

1968: Title VII of ESEA was turned into the **Bilingual Education Act**. The Act established federal policies that would provide **bilingual education to economically disadvantaged multilingual learners, award funds to innovative programs for multilingual learner students**, and begin to recognize the unique challenges non-English speaking students face.⁶

1974: The U.S. Supreme Court **rules in *Lau v. Nichols* that identical education is not the same as equal education**, which is required under Title VI of the Civil Rights Act of 1964. The ruling **requires schools to take actionable steps in order to aid multilingual learner students** in overcoming educational barriers.⁷ The ruling also provided the Office of Civil Rights the authority to establish regulations for enforcing Title VI. Congress also passed the **Equal Educational Opportunities Act of 1974**, which **makes it illegal for states to deny equal educational opportunities to any individual**.⁸

1982: The U.S. Supreme Court rules in ***Plyer v. Doe* that states cannot deny undocumented students a free public school education** under the Fourteenth Amendment of the U.S. Constitution.⁹ While not strictly a case related to multilingual learners, there exists significant overlap between undocumented students and students who are multilingual learners with an estimated 44 percent of undocumented students over the age of five speaking English “not well” or “not at all.”¹⁰

Table 1: Other Notable Court Cases that Impact Multilingual Learner Education¹¹

Court Case	Year	Federal Court	Decision
United States of America v. State of Texas, et al.	1971	United States District Court - Eastern District of Texas	Eliminated discrimination on the basis of race, color, or national origin in Texas public and charter schools.
Serna v. Portales	1974	10 th Circuit Court of Appeals	Required Portales Municipal Schools to implement bilingual/bicultural curriculum, revise their process for assessing achievement, and hire bilingual personnel.
Rios v. Reed	1978	United States District Court - Eastern District of New York	Determined that a transitional bilingual program, which was predominately in English, denied multilingual learners of their rights under the EEOA.

Court Case	Year	Federal Court	Decision
Castañeda v. Pickard	1981	5 th Circuit Court of Appeals	Established a basic set of compliance standards for school districts under the EEOA known as the “Castañeda test.” ^E
Flores v. Arizona	2000	9 th Circuit Court of Appeals	Established that any cases over the inadequacy of funding must be at the state level under state constitutions.

^E The Castañeda test consists of the following three criteria:

1. Theory: The school is required to pursue programs based on educational theory that is recognized as sound or is at least a legitimate experimental strategy.
2. Practice: The school is required to implement programs that transfer theory into reality through instructional practices, using resources, and using personnel.
3. Results: The school is required to not continue with programs that have failed to produce results.

Endnotes

¹ ¡Colorín Colorado! (n.d.). A Chronology of Federal Law and Policy Impacting Language Minority Students. Retrieved from <https://www.colorincolorado.org/article/chronology-federal-law-and-policy-impacting-language-minority-students>.

² Ibid.

³ Civil Rights Act of 1964, Pub.L. 88-352, 78 Stat. 241 (1964).

⁴ Paul, C.A. (2016). Elementary and Secondary Education Act of 1965. *Social Welfare History Project*. Retrieved from <https://socialwelfare.library.vcu.edu/programs/education/elementary-and-secondary-education-act-of-1965/>.

⁵ Ibid.

⁶ Ibid.

⁷ *Lau v. Nichols*, 414 U.S. 563 (1974)

⁸ Paul, C.A. (2016). Elementary and Secondary Education Act of 1965. *Social Welfare History Project*. Retrieved from <https://socialwelfare.library.vcu.edu/programs/education/elementary-and-secondary-education-act-of-1965/>.

⁹ *Plyler v. Doe*, 457 U.S. 202 (1982)

¹⁰ National Association of Secondary School Principals. (2019). *Position Statement: Undocumented Students*. Reston, VA: Author. Retrieved from https://www.nassp.org/wp-content/uploads/2020/06/NASSP19ADV-0005_Position_Statements_March_UndocumentedStudents_P1c.pdf.

¹¹ ¡Colorín Colorado! (n.d.). A Chronology of Federal Law and Policy Impacting Language Minority Students. Retrieved from <https://www.colorincolorado.org/article/chronology-federal-law-and-policy-impacting-language-minority-students>.