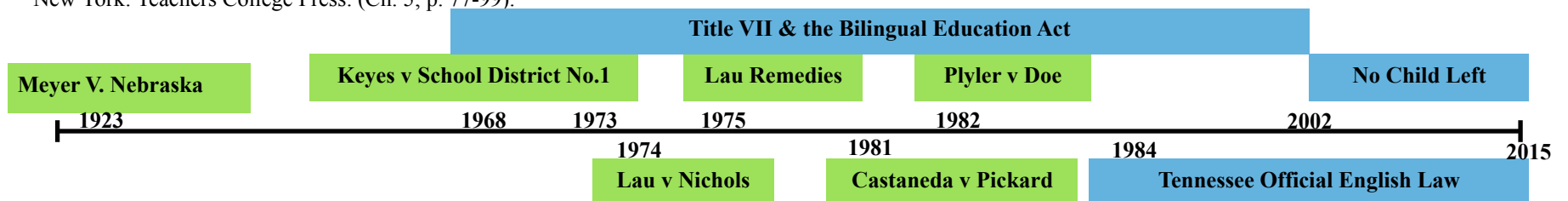


Laws and Regulations that Affect English Learners
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Law/Policy	Purpose/History	Decision	Views on ELLs of the Time
Meyer v Nebraska (1923), US Supreme Court	A teacher from a parochial school was charged with a crime for reading a Bible story to a ten-year-old student in German.	A law prohibiting teachers to teach foreign language to elementary school students is now unconstitutional.	English Language Learners and other immigrants were seen as a problem that was looked over.
Keyes v School District No.1 (1973), US Supreme Court	The first ruling on segregation in the North and West. The first time Mexican Americans were recognized by the courts as a distinct racial classification.	School districts are responsible for policies that result in racial segregation in the school system	ELLs were seen as a problem that needed to be fixed.
Lau v Nichols (1974), US Supreme Court	Chinese American students were not getting the assistance they need in some San Francisco public schools.	The Supreme Court ruled that students who do not understand English need more than the standard facilities, textbooks, teachers, and curriculum.	ELLs were seen as a problem that needed to be fixed but were more accepted.
Lau Remedies (1975)	Additions made by the Office of Civil Rights	Specific resolutions to helping ELLs such as Home Language Surveys and Bilingual Education.	ELLs were seen as a problem that needed to be fixed but still became more accepted.
Castaneda v Pickard (1981), 5th Circuit Court of Appeals	Mr.Castaneda’s child was in a classroom where he claimed students were discriminated against in grouping.	The U.S. Supreme Court developed a three-part assessment of bilingual education programs based on the Equal Opportunities Act.	ELLs were seen as having a second language as a resource but still faced some adversity.
Plyler v Doe (1982), US Supreme Court	A Texas statute denied education for illegal immigrant children and tried to charge them a \$1000 tuition fee.	The court ruled that these children had no say in where they lived and they must be provided with education.	ELLs were seen as having a second language as a resource but still faced some adversity.
Title VII and the Bilingual Education Act (1968-2002)	The first federal law aiding students who are learning English.	Provides funding for districts to educate ELLs with innovative instruction. Later it gave states more autonomy and set high-water marks for bilingual education.	The changes to this Act show how the federal government grew in their acceptance of ELLs.
No Child Left Behind	Bilingual Education Act becomes English Language Acquisition, Language Enhancement, and Academic Achievement Act.	States were given full control of their funds for ELL education but have increased accountability for ELL achievement.	This noted a change in how we viewed the education of ELLs. There was less focus on maintaining their L1.
Tennessee’s Official English Language Law (1984)		“English is hereby established as the official and legal language of Tennessee.” All instruction is required to be implemented in English “unless the nature of the course would require otherwise”	TN maintains this law as well as a very low tolerance for students keeping their L1. TN legislation views ELLs as a problem.

Jimenez, Robert.”Foundations for Teaching ELLs: Law & Policy.”

Garcia, E. (2005). *The policy debate and related policies regarding U.S. bilinguals*. In teaching and learning in two languages: Bilingualism and schooling in the United States. New York: Teachers College Press. (Ch. 5; p. 77-99).



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There have been several Supreme Court decisions and educational laws in the history of the education of English Language Learners (ELLs) that have influenced the work of their teachers. The table and timeline above provides a comprehensive look at specific laws and policies that have shaped the education of ELLs today. However, it is with a closer look that we can see exactly how these decisions affect our teaching. One of the most influential rulings that still changes the way we teach are the 1975 remedies to the *Lau v Nichols* Supreme Court ruling of 1974. The remedies added specific instructional improvements to be made in the classrooms of English learners which reflects the shift in views on ELLs. The remedies include home language surveys, a diagnostic approach, non-discriminatory course selection, trained personnel, an increase in parental communication, as well as educational programs such as Bilingual/Bicultural programs or Transitional Bilingual Education (TBE) programs (Jimenez, Robert. "Foundations for Teaching ELLs: Law & Policy."). As a teacher I read these remedies in search of connections to effective teaching practices I had read about in my coursework. In particular, I thought of Moll's (1992) work with students funds of knowledge. Participating in home visits as Moll (1992) describes is one way that I could improve my communication with parents of my students as well as build upon home language surveys with anecdotal notes.

Additionally, I made several connections between the Lau remedies of 1975 and the work of August et. al. (2010). August et. al. (2010) provides a meta-analysis of several research studies about bilingual education programs in the United States. Several of the studies determined that the use of bilingual education increased the reading skills of those students' second-language, in most cases English (August et. al., 2010). Using these findings in my own classroom would allow me to not only fulfill the requirements of the Lau remedies but also maintains compliance with the Bilingual Education Act

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(1968) or, as we now know it, the English Language Acquisition, Language Enhancement, and Academic Achievement Act (2002) added in the No Child Left Behind program. These acts require teachers to integrate “innovative instruction” to best serve ELL students in their classrooms. Bilingual education as described in August et. al. (2010) is one of these innovative instructional programs as it is proven to be effective with students.

However, this type of education is not accepted in every state and is often criticized by the public. According to the current Tennessee state legislation, teachers are not allowed to give any instruction in a language other than English “unless the nature of the course would require otherwise” (Tennessee State Board of Education, 2011). In other words, bilingual education with the use of a EL student’s native language is not permitted in the state of Tennessee. In fact according to an article about bilingual education in the Huffington Post, bilingual education is on the decline (Palacios, 2012). Many administrators and legislators do not see it as a benefit to promote other languages than English and have let this change of view reflect in their policies and practices.

With these contradicting policies and laws, it is up to us as teachers of English Language Learners to advocate for our students’ rights and reach out to community resources to best serve them and their families. As more rulings and laws come out about the education of ELLs, we as teachers need to be knowledgeable about and research what these could mean for us. Receiving notifications about educational policy news stories at both the local and national levels could greatly improve our efforts to help each one of our students. Additionally, connecting with local legal services fighting for the rights of immigrants and minorities in our area could become a great resource for us and our students.

Understanding the rich history of how English learners were treated in the United States is the basis of becoming the best teachers of ELLs we can be. Through reflection on these policies we can see

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how the view on ELLs has shifted over time and continues to change today. As we move forward in our careers we must be constantly advocate for our students and their families through these ever-changing policies.

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