

Legal Foundations for Sheltered Instruction

1964 Civil Rights Act, Title VI Federal Law

"No person in the United States shall, on the ground of race, color, or national origin...be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

1974 Lau v Nichols Ninth Circuit Court of Appeals

Equity of educational opportunity is not achieved by merely providing all students with "the same facilities, textbooks, teachers and curriculum [because] students who do not understand English are effectively foreclosed from any meaningful education."

1981 Castaneda v Pickard Fifth Circuit Court of Appeals

Three part test for all public schools:

1. School district programs based on theory researched by experts in the field
2. Are programs and practices actually implemented in school district?
3. Does school district actually succeed at overcoming language barriers?

1982 Plyler v Doe U. S. Supreme Court Ruling

14th Amendment prohibits states from denying a free public education to undocumented immigrant children regardless of their immigrant status.

School districts are not agents to enforce immigration law.