

**FREEPORT AREA SCHOOL DISTRICT**  
**ENGLISH AS A SECOND LANGUAGE**

**ESL - Federal/State Laws for ESL Education**

The following are state and federal laws addressing English as a Second Language (ESL) Education:

**Title VI of the Civil Rights Act (1964)** Title VI states, “No person in the United States shall, on the ground of race, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Health, Education, and Welfare.” (Title VI of the CRS of 1964, US CFR Part 80).

**Bilingual Education Act (1968)** Congress legislated the Bilingual Education Act of 1968 in order to mandate schools to provide bilingual education programs. This was the first time congress had endorsed funding for bilingual education. The Bilingual Program was a federally funded program through Title VII of the Elementary and Secondary Education Act, with the revision of Improving America’s Schools Act of 1994.

**Lau vs. Nichols, (494 U.S. Reports, 563-72 Oct. term, 1974)** This is a landmark case pertaining to language minority education. The San Francisco school system failed to provide English language instruction to 1,800 Limited-English proficient Chinese students. The Court of Appeals ruled that:

“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. 35 Fed. Reg. 11595.

“Students must receive instruction from properly certified, licensed teachers.” (511 IAC 6.1-3-1.d)

“Each school corporation shall provide appropriate instruction to limited English proficient students.” (511 IAC 6.1-5-8)

**Equal Education Opportunities Act (1974)** This act insures equal education rights for language minority students.

**Castaneda v. Picard (648 F.2n.989, 1981)** The Court of Appeals articulated a three-part test for assessing a school system’s treatment of limited English proficient students. The standard

requires (1) a sound approach to the education of these students, (2) reasonable implementation of the approach, and (3) outcomes reflecting that the approach is working.

**Plyer vs. Doe (102 S. Ct. 2382, 1982)** The United States Supreme Court stated that school systems must enroll and educate children residing in their district even if their parents do not possess legal residency documents.

**Every Student Succeeds Act (ESSA)** Signed by President Obama in 2015, includes important policies that recognize the needs and diversity of English Learners (ELs) in an effort to close the ongoing achievement gap between them and other students. The bill, which reauthorizes the Elementary and Secondary Education Act, also crucially maintains accountability for how ELs are, known as the No Child Left Behind Act.

**BEC for Educating English Learners in PA (22 Pa. Code 4.26)** A Basic Education Circular (BEC) provides the Department of Education's guidance on the implementation of law, regulation and policy. In July 2017, the PA Department of Education, updated this document and provides the most up to date guidance on educating English Learners in Pennsylvania. A copy is provided below.