



Special Topics in English Learner Programming Monthly Webinar

English Learners and the Law

Sept. 12, 2019

Anika E. Harris



Welcome

**Welcome to OSSE's
Special Topics in English Learner Programming
Webinar for
September 2019!
English Learners and The Law**

Anika Harris, professional development specialist



Objectives

This month's presentation will provide an overview of some of the major court cases and federal legislation that have shaped current English learner (EL) programming in public schools in the United States.

Specifically, this webinar describe why public schools:

- identify ELs,
- provide a high-quality language instructional educational program,
- assess EL language growth, and
- educate ELs in inclusive settings.



Objectives

Participants will:

- Receive an overview of landmark court cases and legislation that paved the way for EL rights;
- Learn the key issues, historical context, and rulings behind each legal action; and
- Understand the outcomes of the cases that are germane to the work of EL POCs.



Self-Assessment



Pre-Assessment

Instructions:

Read the following three legal issues, then select the legal case that most closely applies to each one.



Pre-Test: Issue One

History: School district “A” is alleged to have provided ELs an inadequate EL program, specifically with respect to providing ELs with sufficient language services and adequate access to grade-level curricula.¹

Issue: Whether the district was properly identifying and placing its ELs into language programs and adequately serving its secondary EL students.

Which legal case is the US Department of Justice (DOJ) likely to cite to in its action against the district?

- a. Mendez v. Westminster School District
- b. Lau v. Nichols



Pre-Test: Issue Two

History: School district “B” is alleged to have established barriers for certain students to enroll in and register for school because of their or their parents’ national origin or immigration status.²

Issue: Whether the district may bar families from enrolling their child if they cannot produce a document to verify their residency in the US.

Which legal case is the DOJ likely to cite to in its action against the district?

- a. Plyler v. Doe
- b. Lau v. Nichols



Pre-Test: Issue Three

History: School district “C” is alleged to have used Educational Technicians to perform long-term or unsupervised EL instruction in lieu of hiring and retaining an adequate number of certified EL teachers.³

Issue: Whether the district was providing appropriate instruction and services to ELs, particularly among the district’s large population of Somali refugees.

Which legal case is the DOJ likely to cite to in its action against the district?

- a. Mendez v. Westminster School District
- b. Casteñeda v. Pickard



Background and Context

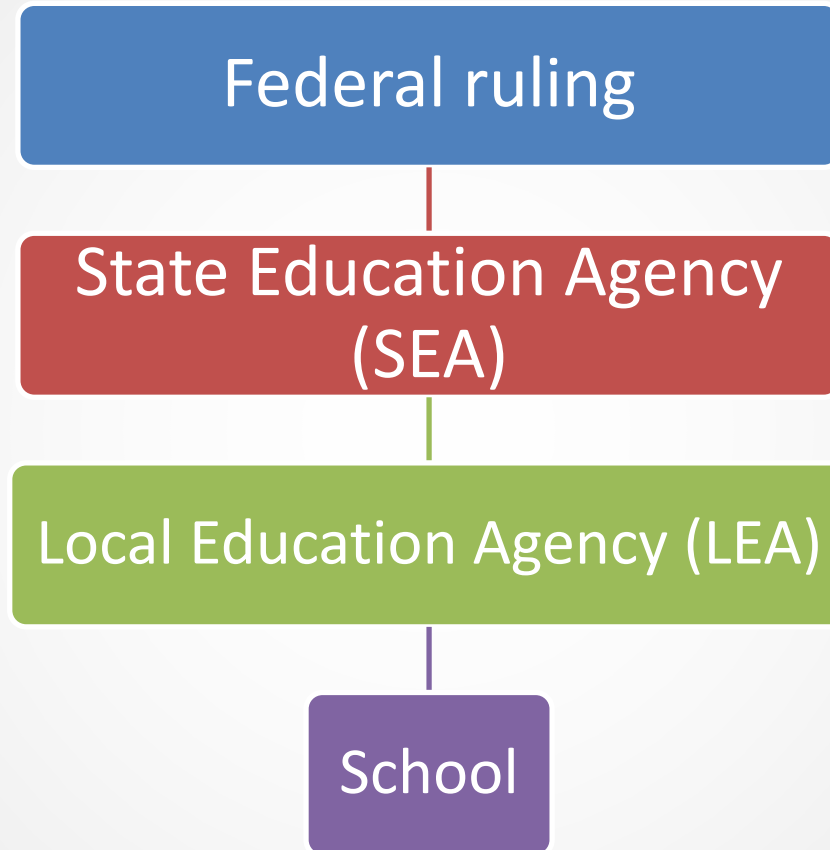


An English Learner is an individual:

- who is age 3 through 21;
- who is enrolled or preparing to enroll in an elementary school or secondary school;
- who was not born in the US *or* whose native language is a language other than English;
 - including Native American or Alaska Native, or a native resident of the outlying areas; and comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or is migratory and comes from an environment where a language other than English is dominant; and
- whose difficulties in speaking, reading, writing, or understanding the English language deny the individual:
 - the ability to meet the challenging state academic standards;
 - achieve in classrooms with English instruction; or
 - the opportunity to fully participate in society

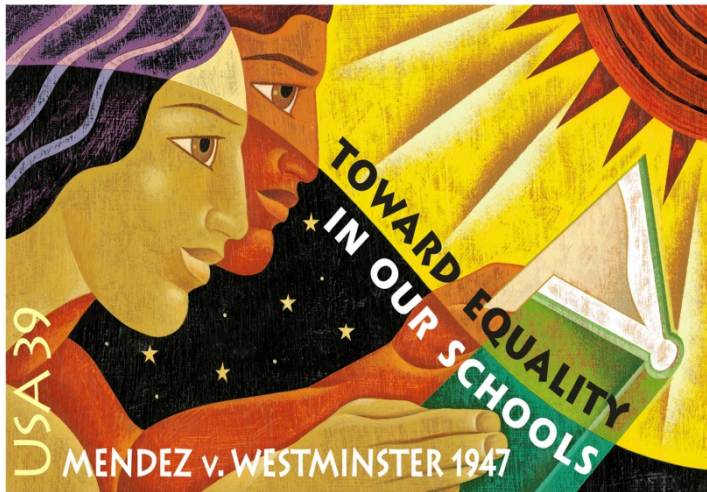


Background





Mendez v. Westminster
School District, et al. (1946)



Los Angeles Times

February 19, 1946

RULING GIVES MEXICAN CHILDREN EQUAL RIGHTS

Segregation of Mexican school-children from others in four Santa Ana school districts yesterday was held by U.S. Judge Paul J. McCormick to be a violation of their guarantees of equal rights under the 14th Amendment of the Constitution.

The opinion was written in connection with a suit filed by five parents of Mexican children asking for relief and an injunction forbidding the school district trustees from placing the Mexican children in separate schools.

The school districts involved were Westminster, Orange Grove, Santa Ana City Schools and El Modeno. The suit also named the superintendents and trustees of the districts.

Judge McCormick overruled a defense contention that segregation being an educational matter, it fell under the jurisdic-

tion of the State. He held that inasmuch as violations of the 14th Amendment were indicated, the Federal court had a right to intervene.

"The evidence clearly shows," the opinion states, "that Spanish-speaking children are retarded in learning English by lack of exposure to its use because of segregation . . .

"It is also established by the record that the methods of segregation prevalent in the defendant school districts foster antagonisms in the children and suggest inferiority among them where none exists."

Judge McCormick at the same time ordered Attorney David C. Marcus, who represented the parents in the action, to file a petition for an injunction against the defendants within 10 days, indicating that the restraining order would be approved upon the findings of his opinion.



Mendez v. Westminster School District

Issue: Can students of Mexican descent be educated in separate “Mexican schools” in California school districts?

History:

When: 1940s



Where: California school districts

Who: Children of Mexican descent residing in California



Mendez v. Westminster School District

History continued:

What: Five parents of Mexican descent filed a lawsuit.

Why: The parents tried to enroll their children in public schools for whites; their enrollment was denied. Separate “Mexican schools” had been designated throughout the state’s school districts.

Ruling: Segregation of English learners in public schools is illegal.

Outcome: Segregation of students of Mexican descent in California public schools comes to an end.

Late News

**Associated Press
Leased Wires**



The Bee

FOR ALL DEPARTMENTS CALL
4500

56th Year Founded February, 1880 No. 19,938
Danville, Va., Monday Afternoon, May 17, 1954
Price: FIVE CENTS

SEGREGATION IN PUBLIC SCHOOLS ENDED BY COURT

Suit Being Tried

ALEXANDRIA, Va. (AP)—A suit by John Locke Green to force his recognition as a Democratic candidate for Congress went to trial before a three-judge federal court here today.

Green, a Republican when he held office as Arlington County treasurer, brought the suit against Virginia's 10th District Democratic Committee after it refused to accept him as a party candidate for the forthcoming congressional election.

Funds Requested

WASHINGTON (AP)—President Eisenhower asked Congress today for an extra \$34,100,000 to help areas crowded by federal workers or workers on federal projects with school construction.

The request, in a letter to Speaker of the House Martin, is for funds for the next fiscal year beginning July 1. The extra money is in addition to 40 million dollars already in the budget for the same purpose for the fiscal year ahead.

Considering Violations

WASHINGTON (AP)—Atty. Gen. Brownell said officially today the Justice Department is considering "possible violations of the criminal law" in the preparation and dissemination of a document Sen. McCarthy presented May 4 in the McCarthy-Army hearings.

Brownell made the disclosure in ruling that no part of the document should be declassified from its confidential category.

Strike Called

Ruled Unconstitutional By Supreme Court; Date To End Practice Not Set

Rules Separate Facilities Are Unequal

WASHINGTON (AP)—The Supreme Court ruled unanimously today that segregation of Negro and White students in public schools is unconstitutional. But it said it will hear further arguments this week.

Danville School Board Will Meet At Once To Study Court Decision

Officials Give Views On Matter; Call For Calm Study On All Sides

Robert P. McConnell, chairman of the School Board, on being informed of the decision, said the board would meet at once to study the decision.

Firm Entered, Haul Is Made; Boy Wounded

Man Accidentally Shot In The Hand

A breaking and entering and an accidental shooting topped occurrences claiming police attention over the week-end.

Charlie's Place on Riverside Drive was broken into by way of a rear window and a sizeable quantity of cigarettes, cigars, candy and chewing gum taken. The discovery was made during a routine check by Lieut. Curtis Fields shortly after last midnight. Patrolmen J. B. Walton and J. B. Gardner conducted the initial investigation and this morning turned the case over to the detective division.

Paroled Slayer Captured After Bizarre Deaths

Held For Four Brutal Killings

MOULTREE, Ga. (AP)—Capture of a paroled Georgia convict wanted in connection with four brutal slayings ended three days of terror today and brought sighs of relief to this South Georgia community.

Tom Williams, a 45-year-old paroled murderer, was taken on the edge of a swamp east of the city last night. Lt. W. E. McDuffie of the Georgia Bureau of Identification made the capture. He hustled Williams off to his auto.

McCarthy-Army Hearings' Future Thrown In Doubt

Presidential Order Shutting Off Inquiry Denounced By Sen. McCarthy

WASHINGTON (AP)—The future of the McCarthy-Army hearings was thrown in doubt today by a presidential order—denounced by Sen. McCarthy as an "iron curtain"—shutting off inquiry into whether "higher-ups" directed the charges against the senator.

The Senate investigations subcommittee recessed its public hearings at 11:55 a. m. (EDT) to consider in closed session what stand it might take on Eisenhower's order.

McCarthy, claiming that "this cover up" made it impossible to get at the truth, declined to say, when asked by the subcommittee whether he might walk out on the hearings if the order was carried out.

Mendez v. Westminster School District





Lau v. Nichols (1974)

Figure 1



Source: Historical Photograph Collection of San Francisco Public Library's San Francisco History Center.



Lau v. Nichols

Issue: Can school districts deny English learners access to the curriculum?

History:

Where: San Francisco (California) Unified School District

When: 1974

Who: English learner students of Chinese descent



History continued:

What: The students filed a civil rights case against the school district.

Why: The students could not access the curriculum because they did not have supplemental English language development courses.

Ruling: School districts must provide English learners with equitable access to the curriculum.



Lau v. Nichols

Basic English skills are at the very core of what these public schools teach.

Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education.

We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful.

- Opinion of Justice Douglas, Lau v. Nichols



Outcomes:

- Potential student identification
- Language assessment
- Achievement data
- Language instruction educational program placement



Castañeda v. Pickard (1978)





Castañeda v. Pickard

Issue: Do English learners have a right to high-quality language instruction educational programs?

History:

Where: Raymondville Independent School District (Texas)

When: 1978

Who: Mexican-American students and their parents in a class action lawsuit



History continued:

What: The students and their parents filed a class action lawsuit against the school district.

Why: Mexican-American students were being segregated based on race and the school district failed to provide an acceptable bilingual education program to help the students learn English.

Ruling: English learners have a right to high-quality language instruction educational programs.



Outcome:

Castañeda test for English language acquisition programs:

Programs are required to be

- (1) based on sound educational theory,
- (2) effectively implemented with sufficient resources, and
- (3) evaluated and proven to be effective.



Plyler v. Doe (1982)

Plyler v. Doe





Plyler v. Doe

Issue: Do undocumented students have a right to an education?

History:

Where: Texas

When: 1975

Who: Undocumented students of Mexican descent



Plyler v. Doe

History continued:

What: A class action lawsuit filed against the Tyler Independent School District.

Why: The Texas state legislature passed a law that allowed local school districts to deny undocumented immigrant children access to a free public education.

Ruling: It is unconstitutional to deny a free elementary and secondary public education to children living in the US, regardless of the immigration status of the student or their parent(s).



Plyler v. Doe

Outcome:

Immigrant and undocumented children can receive access to a free and public education.



Language Instruction Educational Programs



Federal Laws

The reach of federal laws as they pertain to providing services to ELs has expanded to:

- English learner identification
- Parental notification
- Participation in annual state assessments
- Participation in annual English language proficiency assessment
- Requirements that LEAs to communicate with parents in an “understandable and uniform format and, to the extent practicable, in a language that the parent can understand.”



Name this case!

The three-pronged test requires educational programming for ELs to be:

1. based on sound educational research
2. implemented with adequate commitment and resources
3. evaluated and proven to be effective. Alternative research-based programming must be implemented if found to not be effective.

This case also shaped the requirement that schools receiving Title III funds show

- how their language instruction program will address students' English language development and academic development needs using a scientifically-based rationale,
- how it will be properly resourced, and
- how it will be evaluated to ensure its success.



Federal Resources

The Elementary and Secondary Education Act

<http://www2.ed.gov/policy/elsec/leg/esea02/index.html>

Office of English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students (OELA)

<http://www2.ed.gov/about/offices/list/oela/index.html>

US Department of Education Office of Civil Rights

<http://www2.ed.gov/about/offices/list/ocr/index.html>

Office of Civil Rights: Policy Update on Schools' Obligations Toward National Origin Minority Students With Limited-English Proficiency

<http://www2.ed.gov/about/offices/list/ocr/docs/lau1991.html>

DOJ Case Summaries

<https://www.justice.gov/crt/educational-opportunities-cases#origin>



Self-Assessment



Post-Test

Instructions:

Now that you have reviewed some of the major legal cases that have shaped EL programming and instruction, re-read the following three legal issues, then select the legal case that most closely applies to each one.



Post-Assessment: Issue One

History: School district “A” is alleged to have provided ELs an inadequate EL program, specifically with respect to providing ELs with sufficient language services and adequate access to grade-level curricula.¹

Issue: Whether the district was properly identifying and placing its ELs into language programs and adequately serving its secondary EL students.

Which legal case is the DOJ likely to cite to in its action against the district?

- a. Mendez v. Westminster School District
- b. Lau v. Nichols



Post-Assessment: Issue Two

History: School district “B” is alleged to have established barriers for certain students to enroll in and register for school because of their or their parents’ national origin or immigration status.²

Issue: Whether the district may bar families from enrolling their child if they cannot produce a document to verify their residency in the US.

Which legal case is the DOJ likely to cite to in its action against the district?

a. Mendez v. Westminster School District

b. Plyler v. Doe



Post-Assessment: Issue Three

History: School district “C” is alleged to have used Educational Technicians to perform long-term or unsupervised EL instruction in lieu of hiring and retaining an adequate number of certified EL teachers.³

Issue: Whether the district was providing appropriate instruction and services to ELs, particularly among the district’s large population of Somali refugees

Which legal case is the DOJ likely to cite to in its action against the district?

- a. Mendez v. Westminster School District
- b. Casteñeda v. Pickard



DIVISION OF TEACHING & LEARNING

Professional Development
Training Opportunities



#TeacherLeaderStory

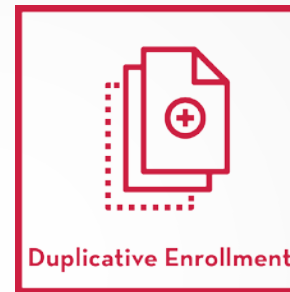
This month, share your #TeacherLeaderStory!

- During September, OSSE is honoring teacher leaders in the District by promoting stories about teachers who go above and beyond in their dedication to DC students, families, and schools.
- **Know an unsung teacher leader hero, or want to share how you show teacher leadership?** Share your story with us on Twitter by tagging @OSSEDC and using #TeacherLeaderStory.
- We will retweet the great stories we hear throughout the entire month!



Start of School Campaign Feedback Survey

The third annual OSSE Start of School Campaign supported LEAs in the following areas critical to ensuring a smooth and successful beginning to the 2019-20 school year:



Through Sept. 20, please complete [this brief survey](#) to share your thoughts on the 2019-20 Start of School Campaign and weigh in on OSSE's plan for 2020-21.



TAL Professional Development Team

The Division of Teaching and Learning's (TAL) Professional Development Team works to deliver responsive systems of professional learning and high-quality technical support to District LEAs and schools. The team supports a wide range of topics and interventions through professional development, direct LEA/school-based support, the facilitation of communities of practice, and through city-wide convenings.



TAL Professional Development Team

I have a question about...	Point of Contact
Training and Technical Assistance Manager	Jenye.Fletcher@dc.gov
English Language Acquisition Standards and Instruction	Jennifer.Norton@dc.gov Anika.Harris@dc.gov
Multilingual Education	Santiago.Sanchez@dc.gov
Literacy and English Language Arts Standards and Instruction	Ashleigh.Tillman@dc.gov
STEM Integration and Early STEM Education	Lauren.Allen@dc.gov
Specialized Education (Secondary Transition, Inclusion, IEP Quality)	Jennifer.Carpenter@dc.gov
Section 504, Response to Intervention, Child Find, Student Support Teams	Angela.Awonaike@dc.gov
Positive Behavioral Intervention and Support, School Climate, Restorative Justice	Jessica.Dulay@dc.gov Nakanya.Magby@dc.gov Kristian.Lenderman@dc.gov
School Turnaround and School Improvement	Tiphanie.Scroggins@dc.gov



Resources

OSSE's [Delivering Education Services to English Learners: Policies and Procedures for Administrators, Instructional Leaders, and Teachers in the District of Columbia](#) is now available for download.

Quality Programs for English Learners - A School Readiness Reflection Tool is available in editable form [here](#).

OSSE's EL webpage is www.osse.dc.org/page/english-learners-els.

On-site technical assistance and EL program support is available! EL programs may contact Anika.Harris@dc.gov or Jennifer.Norton@dc.gov. Dual language programs may contact Santiago.Sanchez@dc.gov.



Upcoming Events

Subscribe to the new Teaching and Learning PD Bulletin by [clicking here!](#)

[English Language Acquisition Workshop Series](#)

[Join the 2020 State Title III Advisory Committee](#)

[Webinar: English Learners and the STAR Framework](#)

[Cohort Series: What Teachers Need to Know About Teaching English Learners](#)

[Special Topics in English Learner Programming October Webinar:
Accommodations for English Learners](#)

[New Workshop: Supporting English Learners in the Four Language Domains](#)

[The Potential of Biliteracy](#)



TAL Professional Development Team

I have a question about...	Point of Contact
Training and Technical Assistance Manager	Jenye.Fletcher@dc.gov
English Language Acquisition Standards and Instruction	Jennifer.Norton@dc.gov Anika.Harris@dc.gov
Multilingual Education	Santiago.Sanchez@dc.gov
Literacy and English Language Arts Standards and Instruction	Ashleigh.Tillman@dc.gov
STEM Integration and Early STEM Education	Lauren.Allen@dc.gov
Specialized Education (Secondary Transition, Inclusion, IEP Quality)	Jennifer.Carpenter@dc.gov
Section 504, Response to Intervention, Child Find, Student Support Teams	Angela.Awonaiké@dc.gov
Positive Behavioral Intervention and Support, School Climate, Restorative Justice	Jessica.Dulay@dc.gov Nakanya.Magby@dc.gov Kristian.Lenderman@dc.gov
School Turnaround and School Improvement	Tiphannie.Scroggins@dc.gov



Upcoming Training Opportunities

All professional development training opportunities, including registration links, are announced one to two months ahead of time in OSSE's weekly newsletter, the [LEA Look Forward](#) and on the [OSSE Events Calendar](#).

05/14/2019 - 8:30am

[Skills and Strategies to Adapt Math and Science for English Learners](#)

05/14/2019 - 9:00am

[2018-19 Restorative Justice Monthly Community of Practice](#)

05/14/2019

[2019 SFSP](#)

Events Calendar:
osse.dc.gov/events

05/15/2019 - 8:30am

[Trauma Informed Care - Introductory Training](#)

05/16/2019 - 8:30am

[Focus on K-2 Math Instruction: Number and Operations](#)

05/17/2019 - 8:30am

[Preparation and Customization of a K-5 Eureka Math Lesson](#)

-52

See next slide for instructions to subscribe to the LEA Look Forward



District of Columbia
Office of the State Superintendent of Education

LEA LOOK FORWARD

Professional Development Opportunities

- [Social and Emotional Learning \(SEL\) CORE Competencies Training](#)
- [Classroom Engagement Series: Strategies and Skills to Improve Student Behavior and Classroom Communities](#) (reminder)
- [DC Teen Writers: Submit Your Writing and Meet with Author Nafissa Thompson-Spires](#) (reminder)
- [2019 iDC Institute: Call for Proposals and Registration](#) (reminder)
- [Culturally Responsive Literacy Instruction: A Framework to Increase Engagement and Student Achievement](#) (reminder)
- [Save the Date! The IEP Quality Capacity-Building Summer Series](#) (reminder)



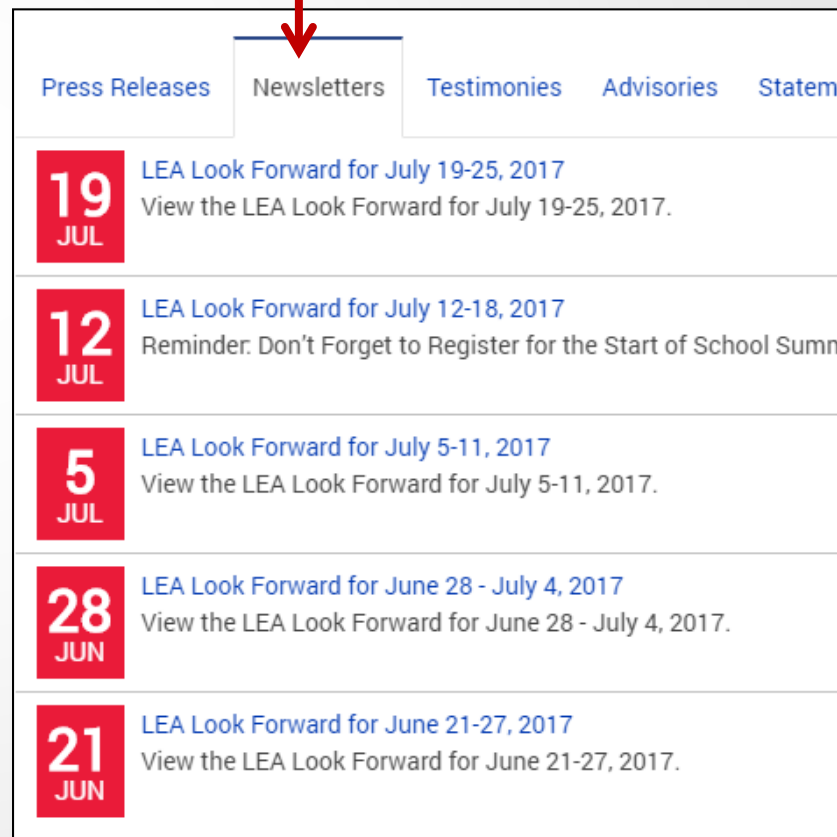
LEA Look Forward Newsletter

Weekly newsletter containing important information and announcements:

- Start of school updates
- Updates to relevant laws and policies
- Grant opportunities
- Reminders of key dates & deadlines
- Professional development opportunities

Subscribe to receive the weekly newsletter in your inbox each Wednesday by sending a request to OSSE.Communications@dc.gov.

View recent versions on OSSE home page under “Newsletters” www.osse.dc.gov or www.osse.dc.gov/newsroom/newsletters



Press Releases	Newsletters	Testimonies	Advisories	Statements
	19 JUL LEA Look Forward for July 19-25, 2017 View the LEA Look Forward for July 19-25, 2017.			
	12 JUL LEA Look Forward for July 12-18, 2017 Reminder: Don't Forget to Register for the Start of School Summ			
	5 JUL LEA Look Forward for July 5-11, 2017 View the LEA Look Forward for July 5-11, 2017.			
	28 JUN LEA Look Forward for June 28 - July 4, 2017 View the LEA Look Forward for June 28 - July 4, 2017.			
	21 JUN LEA Look Forward for June 21-27, 2017 View the LEA Look Forward for June 21-27, 2017.			



District of Columbia
Office of the State Superintendent of Education

LEA LOOK FORWARD



| Thank you!