

Equal Opportunity Rights for English Language Learners

The equal protection clause of the 14th Amendment to the U.S. Constitution, ratified in 1868, states “No State shall ... deny to any person within its jurisdiction the equal protection of the laws.” Title VI, Section 601 of the Civil Rights Act of 1964 which states, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” sought to enforce this equality. The following case was argued and decided on these principles.

Lau v. Nichols (1974)

In 1971, the San Francisco school system integrated 2,856 students of Chinese descent who were not fluent in English. About 1,000 of these students were provided supplemental English instruction. The remaining students were taught exclusively in English, some were placed in special education classes and many were forced to repeat the same grade for several years.

With the help of attorney Edward H. Steinman, the parents of Kinney Kinmon Lau joined other parents of students who did not receive supplemental English courses to file a class action suit against Alan Nichols, president of the school board, and other school officials. The students claimed they were not being given adequate instruction, effectively denying them a meaningful opportunity to participate in the public educational program, in violation of the equal protection clause of the Fourteenth Amendment and the Civil Rights Act of 1964.

The District Court for the Northern District of California and the Court of Appeals for the Ninth Circuit decisions ruled that the school was not violating the students’ rights and that the district “was not required to make up for the different starting points of students.” The students appealed the Court of Appeal’s decision to the Supreme Court.

The Supreme Court issued its decision on January 21, 1974, with the Court unanimously ruling in favor of Lau and the other students. The ruling was based on the violation of the California Education Code and Title VI, Section 601 of the Civil Rights Act of 1964.

Because the school system received federal funding, the Civil Rights Act required it to provide equal opportunities for all students. The Court claimed that even though the school districts provided equal treatment for all students (the same facilities, textbooks, teachers, and curriculum), it still deprived those who do not understand English of a “meaningful” education.

In 2015, more than 40 years after the *Lau* decision, the U.S. Departments of Education and Justice articulated 10 specific items for schools to focus on to ensure equal opportunity for English learners. To learn more, go to <https://tinyurl.com/MeaningfulEqualEducation>

Newspaper Activity: In print or online, look for examples of people fighting for equal opportunity for others. What group of people are they working for? How and why are they doing it?

Next installment: **Student Immigrants’ Rights**

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