



# ESL: From There to Here

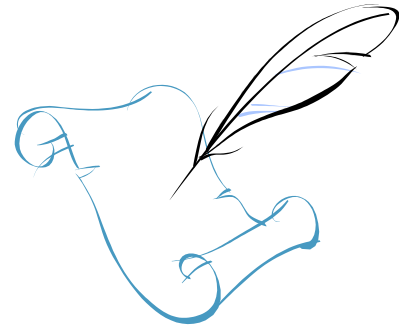
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# Major Laws and Legal Decisions

- ❖ Fourteenth Amendment, 1868
- ❖ Brown v. Board of Education, 1954
- ❖ Title VI, Civil Rights Act, 1964
- ❖ Equal Educational Opportunities Act, 1974
- ❖ Lau v. Nichols, 1974
- ❖ Plyler v. Doe, 1982
- ❖ No Child Left Behind, 2001



# Fourteenth Amendment 1868



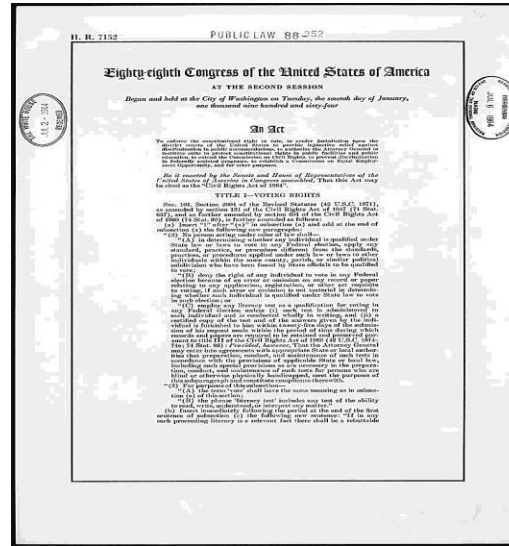
- Written in the aftermath of the Civil War to protect recently freed slaves, the fourteenth amendment to the United States Constitution insures that states cannot discriminate against any particular group of people and no one can be denied the protection of the law. The 14<sup>th</sup> amendment states that anyone born in the U.S. is guaranteed citizenship.

# Brown v. Board of Education 1954



- This monumental decision handed down by the U.S. Supreme Court declared that separating students in public schools based on race was unconstitutional. The court's decision stated "separate educational facilities are inherently unequal." This led the way for schools being integrated. The Brown vs. Board of Ed. Decision overturned *Plessy vs. Ferguson*, which basically said that students could be educated separately based on race yet still receive equal treatment.

# Title VI, Civil Rights Act – 1964



- TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 PROHIBITS DISCRIMINATION BASED ON RACE, COLOR OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES WHICH RECEIVE FEDERAL FINANCIAL ASSISTANCE

# Equal Educational Opportunities Act - 1974



- Prohibits the denial of equal educational opportunity in public schools on account of race, color, sex, or national origin.

# Lau vs. Nichols 1974



- This decision by the U.S. Supreme Court declared that merely giving students who do not speak English the same books, desks, and teachers as English speaking students does not equate equal opportunity. “Sink or swim” instruction is a violation of a non-English speaking student.



## Plyler vs. Doe – 1982

- This class action, filed in U.S. District Court in Texas in 1977, declared that schools cannot deny an education to children who are not legal citizens of the United States. Certain school districts did not want to pay to educate students who were undocumented (illegal). The U.S. Supreme Court backed the District Court's decision. Because of this decision, schools cannot require a student to provide a birth certificate in order to enroll in a school.





# No Child Left Behind 2001

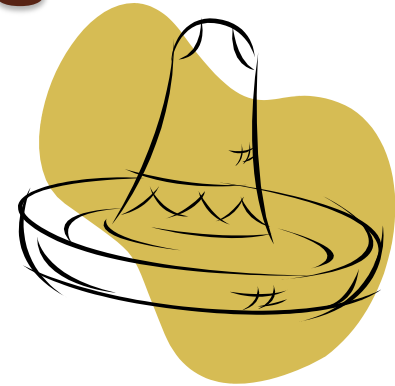
- This act, signed into law by George W. Bush, was a reauthorization of the Elementary and Secondary Education Act that aided disadvantaged students. NCLB ties students progress to federal funding while targeting school districts with large numbers of poor children.



## ESL in Tennessee

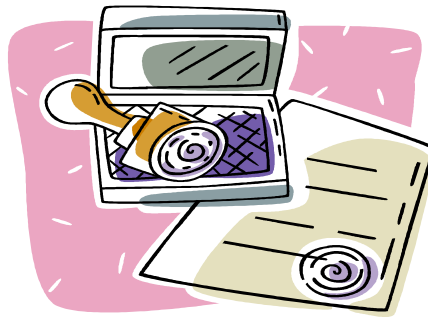
- NCLB, Title III
- Tennessee Code 4-1-404. English-Official and Legal Language
- Retention Guidelines
- ESL Assessment
- Race To The Top
- Language Access for Limited English Proficiency Speakers

# NCLB Title III, Immigrant and LEP Programs



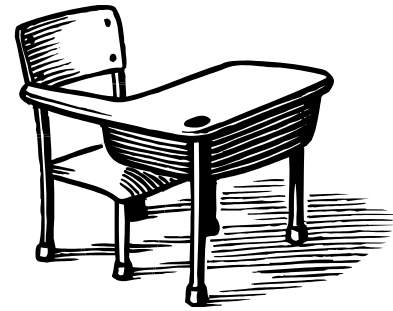
- No Child Left Behind (NCLB) Title III is a federal program that assists immigrant and limited-English proficient (LEP) students in achieving grade-level and graduation standards, as well as acquiring the English language.

# English - Official and Legal Language.



- “**English** is hereby established as the official and legal language of Tennessee. All communications and publications, including ballots, produced by governmental entities in Tennessee shall be in **English**, and instruction in the public schools and colleges of Tennessee shall be conducted in **English** unless the nature of the course would require otherwise.”

# RETENTION GUIDELINES FOR LIMITED ENGLISH PROFICIENT (LEP) STUDENTS



- Retention of LEP students shall not be based solely upon level of English language proficiency. Retention of LEPs should not be based on any one criterion. Retention will not aid in English Language Acquisition

# English Language Development Assessment



In 2007 Tennessee's Department of Education adopted the English Language Development Assessment (ELDA) to assess the English proficiency of its English Language Learners. This resulted in higher English proficiency standards aligning the ELDA scores and the state's ESL standards.



## Race to the Top

In 2010 Tennessee was one of two states selected in the federal government's *Race to the Top*.

Tennessee will receive \$500 million to reform plans over the next four years. This will affect every teacher and student in Tennessee's schools, especially its ESL students and teachers.

# Language Access for Limited English Proficiency Speakers



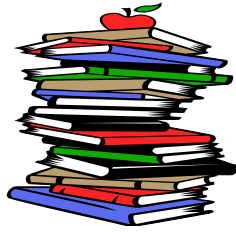
Title VI of the Civil Rights Act of 1964 states “No Person in the United States shall, on ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Each district must provide bilingual services in a student’s native language.





# Sources

- *14th amendment*. (n.d.). Retrieved from <http://www.shmoop.com/constitution/14th-amendment.html>
- *Brown v. Board of Education, 347 u.s. 483 (1954) (ussc+)*. (n.d.). Retrieved from <http://www.nationalcenter.org/brown.html>
- *Education and Title VI*. (n.d.). Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>



## Sources continued

- *Equal educational opportunity act (20 usc sec. 1703).* (n.d.). Retrieved from <http://www.maec.org/laws/eo.html>
- *Lau v. Nichols .* (n.d.). Retrieved from <http://www.languagepolicy.net/archives/lau.htm>
- *No Child Left Behind.* (2004, September 21). Retrieved from <http://www.edweek.org/ew/issues/no-child-left-behind/>
- *Plyler, superintendent, tyler independent school district v. doe.* (n.d.). Retrieved from <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/plyler.html>

# Sources continued

English - Official and Legal Language

<http://www.michie.com/tennessee/lpext.dll?f=templates&fn=main-h.htm&cp=tncode>

NCLB Title III, Immigrant and LEP Programs

<http://www.cde.ca.gov/fg/aa/ca/nclbtitleIII.asp>

English Language Development Assessment

<http://tennessee.gov/>

Retention Guidelines

<http://tennessee.gov/results.html?q=retention+guidelines&sa=Search>

Language Access for Limited English Proficiency Speakers

<http://tennessee.gov/>

# Additional Resources Concerning ESL

Office of English Language Acquisition

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

Tennessee Teachers of English to Speakers of Other Languages

<http://www.tntesol.org/index.shtml>

National Clearinghouse for English Language Acquisition

<http://www.ncela.gwu.edu/>

Center for Applied Linguistics

<http://www.cal.org/>

Transparent Language

<http://www.transparent.com/>

