

Significant Court Cases Related to the Education of Latino Students

- ▶ *Plessy v. Ferguson* (1896)
Established “separate but equal” schools.
- ▶ *Roberto Alvarez vs. the Board of Trustees of the Lemon Grove School District* (1931) and *Mendez v. Westminster* (1946)
In both cases, Mexican American parents successfully sued school districts in California, which attempted to segregate Spanish-speaking Mexican American students in inferior “Americanization” schools.
- ▶ *Brown v. Board of Education* (1954)
Overturned *Plessy*, requiring “equal treatment” of all school children.
- ▶ *Serrano v. Priest* (1971)
The California Supreme Court in *Serrano* was the first state Supreme Court to strike down a school finance system for violating the federal or state constitution. The court held that wealth-based inequalities violate the equal protection provisions of both the federal and state constitutions. Due to the importance of public education, the court considered education a “fundamental interest” for purposes of constitutional review.
- ▶ *Lau v. Nichols* (1974)
The U.S. Supreme Court established in *Lau* that “equal treatment” does not mean “equal opportunity.” In this case, the parents of Chinese students sued because their Chinese-speaking children were being taught content matter in English (equal treatment), and did not have the same opportunity to learn math and science as their English-speaking peers (equal opportunity). *Lau* provides limited-English-proficient (LEP) children the right to native-language instruction to gain access to content area instruction.
- ▶ *Castañeda v. Pickard* (1981)
This Fifth Circuit Court decision established a three-part test (the “*Castañeda* test”) to evaluate the adequacy of a district's program for LEP students based on three criteria: (1) Is the program based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy?; (2) Are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively?; and (3) Does the school district evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome?
- ▶ *Plyler v. Doe* (1982)
The U.S. Supreme Court ruled that a Texas State statute denying school enrollment to children of illegal immigrants “violates the Equal Protection Clause of the Fourteenth Amendment.” Schools cannot use children's immigration status to exclude them from schooling. Moreover, the schools cannot engage in activities that may have a “chilling effect” on immigrant parents' ability to register their children in schools.
- ▶ *Edgewood Independent School District v. Kirby* (1989)
The Texas Supreme Court upheld a Texas District Court decision that the state's system of school finance was unconstitutional on two grounds. First, it denied children in poor districts “the equal protection of the laws, and equality under the laws guaranteed by the Texas Constitution.” Second, it failed to provide an “efficient” educational system, as required by the State Constitution. This criticism of the school system as “inefficient”

was based on the Texas Constitution which, like that of most other states, provides that, since “a general diffusion of knowledge” is “essential” to Texas, it is the duty of the State Legislature to provide “for the support and maintenance of an efficient system of public free schools.”

► *Abbott v. Burke* (1985, 1990, 1994, 1997, 1998)

In five separate rulings, the New Jersey Supreme Court found that the education offered to urban students is “tragically inadequate” and “severely inferior.” The Court ordered the New Jersey Commissioner of Education to dramatically improve urban schools. Under *Abbott*, urban students have the right to an education based on New Jersey’s Core Curriculum Content Standards; school funding at the spending level of successful suburban school districts, or “parity funding”; intensive preschool and other supplemental programs to wipe out disadvantages; and educationally adequate school facilities.

► *Campaign for Fiscal Equity (CFE) v. State of New York* (1995)

The New York State Court of Appeals supported CFE in its pursuit of a constitutional challenge to New York’s education finance system on the grounds that it denies thousands of students, both in New York City and across the state, the opportunity to a “sound basic education.” On January 10, 2001, the State Supreme Court ruled in favor of CFE, declaring that “New York State has over the course of many years consistently violated the State Constitution by failing to provide the opportunity for a ‘sound basic education’ to New York City public school students.” In 2005, the Court ordered the state to provide New York City schools \$5.63 billion in operating aid and \$9.2 billion for facilities. In 2006, the New York State Court of Appeals reaffirmed earlier decisions ordering the state to increase funding for New York City schools. This decision also established a “reasonable” minimum funding figure of \$1.93 billion for the city’s schools.

Adapted from: *Turning the Tides of Exclusion: A Guide for Educators and Advocates for Immigrant Students*. Oakland, CA: California Tomorrow, 1999; National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs; Mexican American Legal Defense and Educational Fund; and Campaign for Fiscal Equity, Inc.