



PRESS RELEASE

For Immediate Release

January 30, 2007

Contact: Christina Wong, (415) 994-5618 (cell), (415) 274-6760, ext 308 (office), cwong@caasf.org

Lau Plaintiffs Request the Federal Court to Maintain Reporting Requirements and Provide Greater Oversight of School District's English Learner Programs

San Francisco, CA—The bedrock of bilingual education in San Francisco that resulted from a landmark 1974 U.S. Supreme Court ruling is currently in jeopardy, after a federal judge questioned the need for the San Francisco school district to report each year their progress in implementing an equal educational opportunity plan for Chinese-, Filipino- and Spanish-speaking limited-English proficient students.

Chief Judge Vaughn Walker of the Northern California U.S. District Court ordered the parties of *Lau v Nichols*, now *Lau v Hopp*, to prove the need for an annual progress report showing the school district's adherence to the "Master Plan for Bilingual-Bicultural Education," requirements that were established 33 years ago to protect educational rights for minority students.

The "Lau Consent Decree" was created on October 22, 1976 following the Supreme Court ruling that the San Francisco Unified School District (SFUSD) was illegally depriving non-English speaking Chinese students of equal access to educational opportunities. The students alleged that since all school instruction was conducted in English, non-English speakers were excluded from participation in the core curriculum. This was a violation of the equal protection clause under the Fourteenth Amendment. The students brought forth the lawsuit in 1970 with the help of Chinese for Affirmative Action. They initially failed in the lower federal courts but gained victory after an appeal in the Supreme Court.

The Supreme Court ordered SFUSD to rectify the problem, and school officials cooperated with the plaintiffs to reach a consent decree—or legal voluntary agreement. The decree mandated SFUSD to:

1. Implement the "Master Plan for Bilingual-Bicultural Education" addressing educational measures to be taken to ensure equal educational opportunities for SFUSD's Chinese-, Filipino- and Spanish-speaking limited-English proficient students;
2. Report annually to the Court on its progress toward implementing the Plan; and
3. Establish an advisory Community Council empowered to provide input to the District's report and to submit a minority report commenting on the Plan's implementation and progress.

"Unfortunately, despite the passage of more than three decades since the decree was entered, most of the decree's basic goals have not yet been reached," stated Christopher Ho, the Legal Aid Society-Employment Law Center attorney representing the Lau plaintiffs. The original judge assigned to enforce the decree passed away several years ago, and no judge has been assigned in his place.

Lau plaintiffs, joined with The Legal Aid Society-Employment Law Center and Chinese for Affirmative Action (CAA), are pushing for the case to be reassigned to a judge to oversee the decree's implementation, instead of abolishing the decree altogether.

“Rather than eliminating the reporting requirement, it is critical that a systemic monitoring process is established so that there is a clear bridge between the English Learner programs provided by the District and the actual implementation at school sites,” stated CAA’s policy advocate and BCC member Christina Wong.

Evidence supporting the reporting requirement is strong. In 2005, the school district’s Bilingual Community Council (BCC), chaired by Dr. May Huie, visited 50 school sites to assess the status of English Learner programs in the district. Dr. Huie made the following observations:

1. There is a lack of understanding of English Language Development (ELD) standards, including clear expectations for achievement at each grade level.
2. There is a lack of alignment and articulation between English Language Arts (ELA) and ELD standards.
3. Teachers have difficulties incorporating state mandates of a daily 30-minute block of ELD for English Learners (EL). Moreover, there seems to be no monitoring of how this vital component is consistently implemented throughout the programs provided for ELs.
4. EL students, especially those who are not yet literate in their own language, are placed in schools where they have no support services.

“I am deeply apprehensive that if the decree’s reporting requirements are discontinued, much information that supports and contributes to the progress of English Learners programs throughout the district may go uncollected, unanalyzed, or become more difficult to obtain,” stated Dr. Huie.

In addition to requesting that a judge be assigned to oversee the decree, the Lau plaintiffs request that a subsequent status conference be held in order to update the Court regarding recent developments in this case. The parties will hopefully hear a response from the Court in the next several months.

###

CAA | Chinese for Affirmative Action was founded in 1969 to defend and promote the civil and political rights of Asian and Pacific Americans within the context of advancing multiracial democracy in the United States. For nearly 40 years, CAA has advanced policies that secure equal access to quality education for limited-English proficient students in our public schools. www.caasf.org

The Legal Aid Society - Employment Law Center (LAS-ELC) is one of the country's foremost non-profit legal entities devoted exclusively to employment issues. It operates nationally and on state and local levels with the belief that all people are entitled to work in an environment that is safe, respectful, free from discrimination, and in compliance with the law. While the LAS-ELC has a strong focus on employment law, it has also led community efforts to preserve the rights of the immigrant community, particularly in the area of bilingual and bicultural education. www.las-etc.org