

Cross Cultural Teaching Approaches: An Overview of the Historical and Legal Precedents for the Education of English Language Learners in the United States

Halima Boukraa

Abstract

The historical and modern consequences of implicit language bias in the educational system of the United States of America is one of social inequity. From the *Lau v. Nichols* (1974) Supreme Court decision, in which the Court unanimously ruled that students with limited English language proficiency were required to be provided with language support in public schools to the present conflict between acknowledging African American English (AAE) as a valid dialect and normalizing contemporary speech to standard English requirements, (Patton-Terry, N., & Connor, C. (2010), this is an issue that must be ameliorated for social justice and equity to truly take root in America. The debate over a national language has further deepened this void, and educators who value the dignity and abilities of all of their students must bring this question to the forefront of our national discourse to ensure that all children, regardless of their linguistic background, are equipped with adequate language to express themselves in an academic setting.

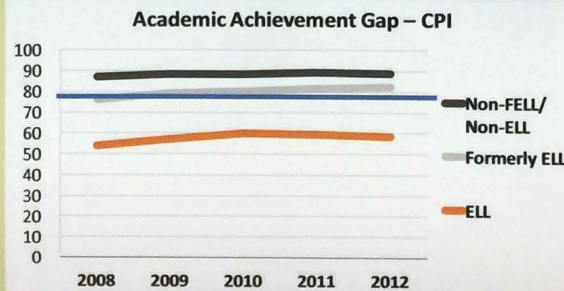


A Classroom in the *Lau v. Nichols* Case, Source: <http://lauvnichols302.yolasite.com> (2017).

Background

- 1600s: Bilingual education was common in many parts of the American colonies. In Manhattan, at least 18 languages were used, and German, Swedish and Italian were used in public and parochial schools until the mid-1800s (Crawford, 2004).
- 1918: Anti-Immigration sentiments lead to efforts to teach immigrant groups Anglo-Saxon values and culture leading to an increase in English-only education systems in many states and territories (Crawford, 2004).
- The Civil Rights Act of 1964: Forbade discrimination based on race, color, religion, or national origin.
- Elementary and Secondary Education Act of 1965 provided funding for education.
 - Title VII: Formally introduced bilingual education.
 - 1968: Bilingual Education Act: Provided for bilingual education, but was vague and interpreted differently by school districts.
- *Lau v. Nichols* (1974): Established specific programs and support for bilingual education.
- Equal Educational Opportunities Act (1974): Prohibits discrimination of faculty, staff and students and requires school districts to overcome impediments to students' equal participation in school.
- No Child Left Behind Act of 2001: Redesigned provisions under ESEA:
 - Title III: Language for Limited English Proficient and Immigrant Students: Fund disbursements for public schools are dependent on ensuring that LEP students are participating in programming that ensures they will reach English Proficiency.
- *Horne v. Flores* (2009): Ruled that federal government should not supervise Arizona's state spending for ELL education.

Implications for Educators



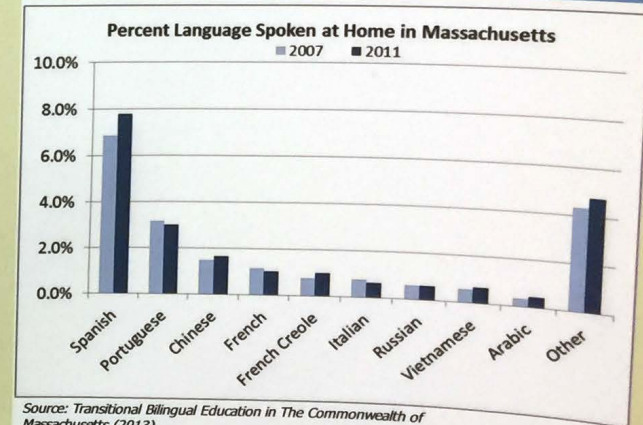
Source: DART for ELLs 2012

Massachusetts Department of Elementary and Secondary Education

Massachusetts

- RETELL Initiative (2011): Result of U.S. Department of Justice determination that the Department of Elementary and Secondary Education needed to take appropriate action educate ELLs.
- Sheltered English Immersion endorsement is required of all core teachers in Massachusetts Public Schools.
- Important precedents in Massachusetts policies toward ELL education:
 - Education Reform Act (1993)
 - Ballot Question #2 English in Public Schools (2002)
 - No Child Left Behind Title III Grant
 - RETELL Initiative (2012)

ELLs in Massachusetts



Source: *Transitional Bilingual Education in The Commonwealth of Massachusetts* (2013).

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