

LAU v. NICHOLS 50TH ANNIVERSARY

Community Convening Report



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INTRODUCTION

In 2024, Chinese for Affirmative Action (CAA) is celebrating the 50th anniversary of the landmark Supreme Court case *Lau v. Nichols*, which expanded rights for students with limited English proficiency and established their right to bilingual education.¹ By ruling that English-only instruction to Chinese-speaking students violated the prohibition against national origin discrimination enshrined in Title VI of the Civil Rights Act of 1964, the Court established language access as a civil rights issue both inside and outside of schools. CAA staff mobilized the original student plaintiffs in this case and has remained active on issues of desegregation, multilingual education, and language justice in the decades since.

On May 4, CAA brought together students, parents, teachers, and other important stakeholders in San Francisco for a one-day community convening to commemorate this historic moment, reflect on continued gaps for multilingual learners and families, and share opportunities for continued advocacy. In commemorating the 50th anniversary of *Lau v. Nichols*, CAA emphasized the community organizing and local movement work related to the case. CAA highlighted the significance of the *Lau* decision as a civil rights victory in education and language access, as well as the historic role of cross racial collaboration between progressive Black, Latino, and Asian American communities in education equity. The convening was multiracial and multilingual, and included panels on personal stories and expertise relevant to San Francisco history, as well as discussion on current education policy, language access, and civil rights.

¹ At the convening and in this report, “bilingual education” refers to instruction and educational programming provided to English learner students so they can attain English proficiency.

LANGUAGE IS A SUPERPOWER!

The 50th anniversary *Lau v. Nichols* zine is an illustrated story of the 1974 court case presented alongside the voices of today’s multilingual learners.



Our community-centered narrative shows what San Francisco Chinatown was like in the 1960s, how teacher activists fought for their students’ rights locally and nationally, and how the fight for a bilingual education continues today. The zine includes artistic works by multilingual students from San Francisco schools, representing cultures and languages in English, Chinese, Spanish, Mam, and Samoan!

Read the zine at:
<https://caasf.org/lau-v-nichols/>

LUCINDA LEE KATZ

In Lucinda Lee Katz’s keynote speech, she powerfully connects her own experiences as the teacher of Kinney Lau, the plaintiff, with the need for systemic change to support English language learners.



Lucinda Lee Katz

Lucinda Lee Katz, a key figure in *Lau v. Nichols*, delivered a powerful keynote speech. The lead plaintiff in *Lau* was a first grade student at Jean Parker Elementary School by the name of Kinney Lau. As Kinney Lau’s teacher, Katz connected her personal experiences to the broader need for systemic change

²“Multilingual learner” (ML) is a more recent term for “English-language learner” (ELL). Both refer to students who, according to English-language proficiency assessments, need English-language acquisition support in school to ensure access to an equal education. However, ML is a more asset-based term as it emphasizes students’ existing language abilities as they try to develop another language.

to support multilingual learners.² She emphasized that democracy requires addressing injustices, particularly in public schools, to make the world a better place for all people. She recounted the historical discrimination faced by Chinese immigrants, including the 1882 Chinese Exclusion Act, and highlighted the impact of student protests against the Vietnam War and for civil rights in advancing social change.

“I believe that our country is currently in a war within our walls. And that a healthy democracy means that we must strive to identify injustices, work to make things right for our students and families, especially in public schools, and to make the world a better place for all people.”

Katz’ career and activism have been driven by a commitment to justice. She reflected on her efforts in the 1960s and 1970s to promote equality in San Francisco schools, including her work with the National Teacher Corps and as one of the first Chinese bilingual bicultural teachers. She underscored the importance of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 in advancing equal rights and called for continued action to address systemic injustices in education.

Katz also stressed the urgent need to support English language learners with proper assessments and resources, and to provide adequate training for educators. She called on younger generations to continue the work of advocating for bilingual education and language rights.



Left to right: Vincent Pan, Patricia Morita-Mullaney, Ed Steinman, Laureen Chew, Rachel Moran

PANEL I

HISTORY AND IMPACT OF LAU v. NICHOLS

The first panel featured the following people who discussed the history and impact of *Lau v. Nichols*:

- **Vincent Pan**, Executive Director of Chinese for Affirmative Action
- **Patricia Morita-Mullaney**, Professor at Purdue University
- **Laureen Chew**, Professor at San Francisco State University, part of the Third World Liberation Front
- **Ed Steinman**, Professor at Santa Clara University School of Law
- **Rachel Moran**, Professor at Texas A&M University School of Law

Background of *Lau v. Nichols*

Ed Steinman, the lead attorney representing the students, highlighted that the *Lau* case focused not on who gets to be in the classroom as decided by *Brown v. Board of Education*, but rather, on what was happening inside the classroom. The case challenged the belief that students were at fault for not learning English and emphasized the need for systemic change.

The *Lau v. Nichols* case originated in San Francisco in 1971 when a group of Chinese American students filed a class-action lawsuit against the San Francisco Unified School District (SFUSD).

All classes were taught in English, which meant that students who could not speak English did not understand their teachers. The plaintiffs argued that the lack of adequate English language instruction denied them equal educational opportunities. At the time, nearly 3,000 Chinese-speaking students received no supplemental language instruction, leaving them unable to participate meaningfully in their education.

The District Court ruled in favor of the school district stating that the school district was not obligated to provide special language programs under the Constitution. On appeal, the Ninth Circuit Court of Appeals upheld the District Court's decision, agreeing that the school district's policies did not constitute discrimination as long as the same curriculum was provided to all students.

The plaintiffs appealed to the U.S. Supreme Court. The Supreme Court reversed the decision of the lower courts in a landmark decision in 1974. The Court held that SFUSD's failure to provide English language instruction to non-English-speaking students constituted a violation of Title VI of the Civil Rights Act of 1964. The Court's decision emphasized that equal educational opportunities require more than just providing the same facilities, textbooks, teachers, and curriculum; it requires addressing language barriers that impede students' ability to learn. If students cannot understand English, which is the language of instruction in all schools in California, then they are unable to receive any meaningful education.

Community Perspective During *Lau v. Nichols*

Laureen Chew describes her experiences as a Chinese American student growing up in San Francisco Chinatown. During this time, Chinese people were made to feel ashamed of their cultural identity. According to Chew, as a language, “Chinese was not only undervalued, it was forbidden.” She recounted how Chinese students internalized this shame and self-hatred. However, during the Third World Liberation Front strike in the 1960s, students from San Francisco State University demanded a College of Ethnic Studies, highlighting the shared racial history and experiences of students of color. College students also advocated for bilingual, bicultural education for their communities. Chew reflected on her own community involvement and the commitment to serving communities through education as a student at the College of Ethnic Studies. At the time, there was a huge convergence of student activism, community lawyering, and teacher advocacy.

What Was Happening in Other Communities?

According to Patricia Morita-Mullaney, this was the first *Lau v. Nichols* convening this year focused on the Chinese American community. She noted that there was great debate on whose law this is. In 1970, there were about 3,000 Mexican students in addition to the more than 2,800 Chinese students in the San Francisco public school system who did not speak English. Because Chinatown was very organized, the community quickly mobilized to respond to the institutional racism facing Chinese students and eventually raised the issue of language access in schools to the national level. While Chinese students served as the plaintiffs in *Lau*, the case benefitted all non-English speaking immigrant students in San Francisco and throughout the United States.

So often Asian Americans are used as a “wedge” minority to pit people of color against one another. Morita-Mullaney brings up this idea as well – of how Asian Americans are often considered “in between,” a complex but powerful position that can be used for social justice. She states that Asian Americans were caught between the struggle of balancing racial integration and language rights.



From top left: Laureen Chew, Patricia Morita-Mullaney, Edward Steinman, Rachel Moran

Legal Precedent of *Lau v. Nichols*

Rachel Moran considered *Lau* and its aftermath, noting it is often seen as the “*Brown v. Board* for English Language Learners.” The decision was statutory, not constitutional, and courts have not offered vigorous protection of bilingual education under the Equal Educational Opportunity Act, leading to fluctuations in enforcement of bilingual education across states. Moreover, there remains much local work to be done on bilingual education. Because of such fluctuation across states, Ed Steinman suggests that local work will be the most impactful.

Threats to Bilingual Education and Language Rights

Language rights are essential for multilingual learners. According to Laureen Chew, language is an important tool that is necessary for multilingual students to understand ethnic studies, to access their education, and to develop a community.

According to Morita-Mullaney, dual language immersion is the biggest threat to bilingual education since it reframes learning a second language as a mode of economic gain. She states that the concept of “dual language gentrification” centers native English speaking families who use bilingual education and immigrant students as a way for their children to learn another language. Here, the demand for another language shadows language rights, self-autonomy, and self determination of immigrants and multilingual learners.

Moran names another threat to fighting for bilingual education. There seems to be less litigation recently for bilingual education; consequently, there is less visibility. The speakers highlight the importance of faith in democracy and the law to bring about change and protect the rights of marginalized communities. However, recently, there has been a waning of the faith in democracy and trust in government.

Additionally, multilingual learners are segregated by race, poverty, and language and are not visible due to their geographic isolation. To compound the lack of visibility, there are negative attitudes towards immigration, and thus, the fight for bilingual education continues to be challenging.

Next Steps

The fight for bilingual education and the rights of non-English speaking students is far from over, and community action and advocacy are of utmost importance to these efforts. Organizing within schools and school districts to advocate for bilingual education is essential.

Coalition building across differences and language divisions is critical. The challenge of forming political coalitions across national origin and language divisions is a significant hurdle in the fight for equal education opportunities for all students.

Lastly, it is crucial to recognize that all systems and inequalities are interconnected and that solving social inequalities doesn't happen in schools alone. It happens in the way we think about communities as well, and it is essential to think about how mending social inequalities needs to happen outside of schools as well.



Bottom left to right: Calvin Truong, Jeremiah Jeffries, Angelica Jongco
Top left to right: Mirna Vasquez, Leslie Hu, Christina Wong

PANEL 2

CURRENT ADVOCACY FOR MULTILINGUAL LEARNERS

The second panel featured people who are all heavily involved in multilingual learner advocacy at SFUSD:

- **Christina Wong**, Assistant to the Superintendent at SFUSD
- **Angelica Jongco**, Deputy Managing Attorney at Public Advocates
- **Jeremiah Jeffries**, SFUSD teacher
- **Calvin Truong**, SFUSD student and multilingual learner
- **Leslie Hu**, United Educators of San Francisco representative and Community Schools Coordinator
- **Mirna Vasquez**, Parent Advocate at Coleman Advocates

Current Context of SFUSD

The current context of SFUSD reveals a clear vision for multilingual learners, aiming for students to achieve high levels of English proficiency while also developing skills in their native languages. While there are opportunities for multilingual education at the elementary level, there is a concerted effort to extend these opportunities into middle and high schools. However, there are significant concerns, including declining enrollment in biliteracy programs, particularly for Cantonese, and a shortage of teachers with bilingual authorization. Ensuring the sustainability and quality of these programs is crucial. Leslie Hu highlighted the fear among educators about the potential loss of bilingual programs, while Jeremiah Jeffries noted the pioneering establishment of the first Arabic language pathway in Northern California. Despite this progress, bureaucratic barriers continue to pose challenges, even when qualified teachers are available. The district must address these issues to maintain and enhance the support for multilingual learners.

Current Multilingual Experiences

Calvin Truong, having worked in a Multilingual Learner (ML) fellowship, gained valuable insights into the diverse experiences of students within these programs. He recounted an instance where an ML student struggled on a vocabulary test in a math class. Initially attributing the difficulty to the student’s shortcomings, Calvin later realized it was a consequence of inadequate support from the teacher. This reflection highlights a common issue faced by MLs in mainstream classrooms – the lack of tailored resources and support. Such experiences underscore the importance of educators being attuned to the unique needs of ML students and providing them with appropriate resources and assistance to succeed academically. This narrative also emphasizes the significance of professional development and training for teachers to effectively support multilingual learners in diverse educational settings.

Current Experiences of Parents of Multilingual Learners

Mirna Vasquez, reflecting on her experiences as a parent of a ML, expressed profound appreciation for the benefits her daughter derived from being proficient in Spanish and another language. Through firsthand observation, Vasquez recognized the tangible value of bilingual programs in nurturing her child’s linguistic abilities and cultural awareness. This sentiment underscores



From top left: Jeremiah Jeffries, Angelica Jongco, Christina Wong
From bottom left: Leslie Hu, Calvin Truong, Mirna Vasquez

the pivotal role that bilingual education plays in fostering linguistic diversity and promoting inclusive learning environments. Vasquez’s testimony highlights the importance of parental involvement and advocacy in supporting and sustaining bilingual education initiatives, emphasizing the positive impact such programs have on students’ academic and personal development. Her perspective underscores the significance of nurturing multilingualism as a vital asset within educational settings, enriching the educational experiences of students and fostering greater cultural understanding and appreciation within communities.

Issues Around Language Advocacy in SFUSD

Issues surrounding language advocacy in SFUSD encompass multifaceted concerns and demands from various stakeholders. Angelica Jongco emphasized the following three critical needs:

- 1. Teachers:** There is a critical need for well-supported and qualified educators to ensure students' access to bilingual programs and pathways. She observed a significant number of vacancies in a specific SFUSD middle school, leading to the absence of such programs and limiting students' access to grade-level content.
- 2. Language access:** This emerged as another crucial issue, with a call for all families and caregivers to have meaningful access to information about the school.
- 3. Community engagement:** This piece was highlighted as essential for student success, emphasizing the importance of meaningful partnerships between schools and parents and the community.

Moreover, language advocacy, and more broadly education advocacy, also stems from how well-supported teachers are. Hu emphasized that, "Teacher working conditions are the same as student learning conditions." Hu challenged the notion that power resides solely with the board of education and the mayor, emphasizing the influential role of the community, including students, educators, and community members, in effecting change. She underscored the significance of the teacher's contract, asserting that it holds considerable power and longevity, outlasting changes in leadership. She wants to see how a coalition of students, teachers, and community members can come up with demands that go into contract. For example, in negotiating the current contract, there is a struggle around special education and getting professional development for teachers. In other teacher contracts, Oakland Education Association has Black reparations for students in contract, and Boston Teachers Union has demands for houseless students.

Jeffries pointed out that *Lau v. Nichols* was a demand initiated by students and community members, highlighting the ongoing relevance and impact of community-driven advocacy. From a parent's perspective, Vasquez emphasized the critical need for adequate funding, urging parents to engage in school planning and advocate for investments in English language learners. These insights collectively underscore the complex interplay of factors shaping language advocacy in SFUSD, ranging from teacher staffing and language access to community engagement and funding allocation, underscoring the importance of collaborative efforts to address these challenges and advance equitable educational opportunities for all students.



Left to right: Angelica Jongco, Cynthia Cen

Broader Movements That Involve Multilingual Learners (Across the State/Nation)

During the convening, various speakers offered insights and recommendations for advancing language advocacy and educational equity in SFUSD. Jongco highlighted the efficacy of the community schools model, noting that over 60 schools in SFUSD have adopted this approach. She emphasized its responsiveness to students' diverse needs, illustrating with the example of Buena Vista Horace Mann, which provides housing support for students experiencing homelessness during the summer. Jeffries urged proactive advocacy, stressing that waiting for the district or school to initiate change is not effective. He emphasized the need for increased staffing, particularly culturally and linguistically aware personnel, to address students' needs effectively.

Truong underscored the importance of including students in advocacy efforts, recognizing their valuable perspectives and experiences. Hu drew attention to the power of the teacher's contract in driving institutional change within schools. She noted the existence of numerous advisory councils but highlighted the limited official structures with real decision-making power. Vasquez emphasized the importance of parental involvement in school governance and encouraging parents and families to participate in school site councils. At Coleman, she initiated parent training sessions to facilitate their engagement in the school site council, underscoring the potential for increased parental involvement to drive positive change within schools. These insights collectively underscore the importance of proactive, collaborative efforts involving diverse stakeholders to promote language advocacy and advance educational equity within SFUSD.

KNOWLEDGE FROM AUDIENCE MEMBERS

Our audience members included students, parents, teachers, administrators, community members, and representatives from various education advocacy organizations. Through an activity, audience members came together to generate what they came into the day already knowing, what they wonder and have questions about, and what they learned throughout the day.



Cynthia Choi, Mirna Vasquez, and Audience Members



What do you already KNOW?

- There is a lack of support and resources from SFUSD for teachers in Chinese bilingual classes.
- Less emphasis is being put on bilingual education and more towards immersion.
- Despite the competition for resources and funding, access to education remains a right.
- Changes in bilingual education require community-driven advocacy.

The common trends in what people know revolve around the lack of support and resources for bilingual education, particularly for Chinese languages, and the increasing emphasis on immersion programs. What stands out is the strong belief in the power of community-driven advocacy to initiate changes in bilingual education. However, there seems to be a significant gap in knowledge concerning the future direction of bilingual education, adequate funding and staffing for such programs, and an understanding of the parents' desires for the continuation of specific bilingual programs like Cantonese beyond K-5 in the U.S.

What do you WONDER?

- In the U.S., do parents want to continue with Cantonese or Mandarin education beyond K-5? Have their preferences been surveyed?
- How will SFUSD find the necessary funds and resources to adequately staff and fund quality bilingual programs?
- Why has there been such minimal progress in bilingual education over the past 55 years?
- How do other states approach bilingual education? How can multicultural and multilingual exchanges and learning can be extended in everyday life and in schools?

The significant questions surrounding *Lau v. Nichols* and language justice work revolve around the future of bilingual education, the adequate funding and resourcing of such programs, and the desires of parents for the continuation of specific bilingual programs like Cantonese beyond K-5 in the U.S. To address these questions, it may be beneficial to conduct surveys to gather the

opinions of parents, analyze the funding allocation within school districts, and investigate the policies and practices of other states that have had success with bilingual education.

What have you **LEARNED?**

- There is a clear need for advocacy to maintain Chinese Biliteracy classes in the SFUSD and to educate parents about its benefits.
- There’s a crucial distinction between language access and language rights. Language access is simply about having the accommodations to access materials, but language rights is about allowing people the self-autonomy and self-determination to navigate and be accepted in society.
- There are limitations to the law, highlighting the need for continuous advocacy and legal support for bilingual education.
- The empowerment of parents is extremely important in advocating for bilingual education.

Participants learned about the importance of advocacy for maintaining bilingual education, particularly Chinese Biliteracy classes, and the necessity of educating parents about its benefits. They understood the significance of *Lau v. Nichols*, separate from mandatory integration in San Francisco, and the difference between language access and rights. The process of learning from one another allowed them to collectively recognize the importance of parent empowerment and the need for continuous legal support for bilingual education. Lastly, the law has its limits, which reinforces the importance of sustained advocacy efforts.



Alice Cheng

CONCLUSION

CAA’s 50th anniversary community convening of *Lau v. Nichols* sought to honor the historic Supreme Court decision while reflecting on the ongoing challenges and opportunities for multilingual learners and their families. The gathering underscored the importance of community organizing and local movement work in advancing educational equity and language rights. Through panel discussions, personal stories, and expert insights, the convening highlighted the multifaceted impacts of *Lau v. Nichols* and the essential role of cross-racial solidarity in achieving civil rights victories.

The keynote address by Lucinda Lee Katz and the discussions that followed illuminated the enduring relevance of the *Lau* decision and the need for continued advocacy. Participants emphasized the importance of systemic change to support English language learners, the value of bilingual education, and the necessity of addressing broader social inequalities that impact educational outcomes.

Key takeaways from the convening include the importance of training and retaining well-supported and qualified educators, the importance of community engagement and parental involvement, and the significance of coalition building across diverse communities. The event also highlighted current threats to bilingual education, such as “dual language gentrification” and declining support for biliteracy programs, urging stakeholders to remain vigilant and proactive in their advocacy efforts.

As we move forward, it is imperative to continue the fight for bilingual education and the rights of non-speaking English students. This involves organizing within schools and school districts, building coalitions across differences, and recognizing the interconnectedness of social inequalities. By addressing these challenges collectively, we can work towards a more equitable and inclusive educational system for all students.

The *Lau v. Nichols* convening served as a powerful reminder of the progress made and the work still needed to ensure that all students have access to quality education, regardless of their language background. As we commemorate this landmark case, let us commit to ongoing advocacy and action to uphold the principles of justice and equity that *Lau v. Nichols* represents.

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Photo Credit: Joyce Xi Photography

