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# How Language Policies and Practices Affect Classrooms in Schools and Colleges

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UNIVERSITY OF SAN FRANCISCO  
HOW LANGUAGE POLICIES AND PRACTICES AFFECT CLASSROOMS IN  
SCHOOLS AND COLLEGES

FIELD PROJECT/THESIS PROPOSAL

Presented to the Faculty of the School of Education  
International and Multicultural Education Department

In Partial Fulfillment for the Degree  
Master of Arts in Teaching English to Students of Other Languages

By  
Gwendolyn F. Stanley  
May 2018

**How Language Policies and Practices Affect Classrooms in Schools and Colleges**

In Partial Fulfillment of the Requirements for the Degree

MASTER OF ARTS

in

TEACHING ENGLISH TO SPEAKERS OF OTHER LANGUAGES

by

Gwendolyn F. Stanley


May 2018

UNIVERSITY OF SAN FRANCISCO

Under the guidance and approval of the committee, and approval by all the members, this field project has been accepted in partial fulfillment of the requirements for the degree.

Approved:

  
Instructor / Chairperson

  
Date

## HOW LANGUAGE POLICIES AND PRACTICES AFFECT CLASSROOMS

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### Acknowledgements

I am grateful that, I can still function as an individual at this age. This is my second Master of Arts Degree earned from the University of San Francisco, California.

I have found solidarity in working on this research project pertaining to language studies, and it has been an amazing experience for me to have learned new words and phrases, etc. from my diverse classmates.

My journey took me from the “Caliente de formalia,” meaning the hot form of the state of California through the travels of the Black Mesa of Arizona and New Mexico.

Yet, I rose from the travels by way of North Carolina, and I have crossed many paths through my journey.

My companions, Doberman Pinschers, whom have been by my side throughout many decades (80’s – present time), and I remained silent to my existing relatives; not allowing any of them to know of what I was working to achieve.

Now, I must add that, those who were informed or involved within this mission must know that, “Learning is just like a new language, it’s continuous and inspiring.”

**THANKS TO ALL!**

Gwendolyn F. Stanley

## Abstract

To understand the origin of this documentation pertaining to *How Language Policies and Practices Affect Classrooms in Schools and Colleges* goes all the way back in time to the 1800s. The year of 1890 was the time, when the so-called minority generation in the United States came to realize that, injustice was going to be at a standstill unless some action would take place. This country was set on uncertain written standards that were bound to have been noted as constitutional. The constitution says this, and the constitution states that, “While the 13<sup>th</sup> Amendment to the United States Constitution outlawed slavery, it was not until three years later, in 1868, that the 14<sup>th</sup> Amendment guaranteed the rights of citizenship to all persons born or naturalized in the United States, including due process and equal protection of the laws. These two amendments, as well as the 15<sup>th</sup> Amendment protecting voting rights, were intended to eliminate the last remnants of slavery and to protect the citizenship of black Americans.

In 1875, Congress also passed the first Civil Rights Act, which held the “equality of all men before the law” and called for fines and penalties for anyone found denying patronage of public places, such as theaters and inns, on the basis of race.” Please note that the struggle for equality began then and now. What are we really searching for as a unit? Is the unit formulated into a divide, or shall the struggle continue until there is no end? Times are constantly changing from all of the court fights from Plessy versus Ferguson to the Mendez versus Westminster to Brown versus the Board of Education to Ruby Bridges to the Civil Rights Movement to Briggs et al. versus Elliott et al. to Abbott versus Burke Lum versus Rice, and to all of the injustices that must be conquered in the Court system, so that justice can be prevailed for equality to mean equal and not separate because someone wanted it to be read and understood that way. Language policies and procedures should be practiced the same way that any other just cause should fit into a growing and successful society.

## Chapter 1 -Introduction

### Statement of the Problem

This Field Project/Thesis Proposal with the basis pertaining to language policies shall explore and become an expansion of a continued work study publication to bring forth any further studies or documentation in this era of language concerns.

The journey of language studies advocates a diversity, it had become comprehensible based on a set community of societal indifferences, even though, one can identify an apple from an orange, but the meaning could vary in different forms based on the name, shape, color, size, or taste. Now, one who would read this work, could wonder, why would a scholar present such an elementary form of two words based on language policies, it could vary in meaning, such as an individual, who was not familiar with these two terms could possibly mispronounce either word. Perhaps on the other end, one could very well become interested in talking more about the two words, an apple or an orange.

The quest to identify a specific area or research based on “How Language Policies and Practices Affect Classrooms in Schools and Colleges,” have reached a level of intrinsic outreach for the researcher to venture into areas to conduct some observations to substantiate some real findings on actually what is really taking place in some classrooms within schools in the United States of America.

On March 16, 2018, I had an opportunity to communicate with two students and an admission counselor on the campus of St. John’s College in Santa Fe, New Mexico. The most interesting fact about this encounter was that the three individuals were from different backgrounds which entailed coming from different regions. The two students were females and the counselor a young middle-aged Caucasian male. One female student was from Ethiopia, and the other was from Viet-Nam. The interesting part of this

encounter was that all three began with having been introduced to three very different languages from birth. During my visit I learned that, they are collaborating in a sense that, the college has a specific policy about an introduction to language. The first entry is that, all students must learn the Greek alphabet, even though, it is not a spoken language, on the other hand, the college encourages the French language to become conversational on behalf of the students, who are also introduced to some areas of Old English and Middle English as part of their Language curriculum based on their reading assignments. The counselor was admirable in relating that, the school does not believe in test; only quizzes, with the exception for an Algebra test for the sophomore students. A clear interpretation of the three individuals noted in this paragraph is that, all three began the use of having different primary languages but have conjoined as most individuals encounter speaking English as a unit, the universal language.

Education has been deemed an avenue of escape for the development and growth of individuals or as a unit to expand further studies to be researched. When we develop a system based on *policies, practices, and procedures*, we must designate a format to proceed with such an agenda to regulate those policies, practices, and procedures.

In many cases the process can become both short-term or a long-term, and a non-continuous process. We must focus on the milieu to extend our proposed policies into action, so that we shall be able to accommodate, *how language policies and practices* can be perceived within the classroom as well as in any given community.

In viewing the educational system within any given region within the United States of America, it depends on the geographical area that, should explain what policies and practices would be best implemented for that region. In dealing with the aspect of



diversity, an appropriate curriculum would be adapted, so that accommodations could be introduced to specifically state what would be based on proceeding with research study.

There's a total of fifty (50) states in the United States of America, and perhaps each state has a vast difference in their educational policies, but show some similarities in how classrooms practices are somewhat reciprocal in advocating learning procedures.

The menu of this research 'Field Study' shall depict, *How Language Policies and Practices Affect Classrooms*, through channels of knowing that, every organization must have a set of guidelines to show how policies, practices, and procedures are implemented within that organization.

This study will attempt to cover as much territory as possible in relation to *how policies and practices are affecting the students*, as well as how the educators, stakeholders, parents, and others feel about the progression of success for all.

A portion of this research study shall include the immersion of diversity and culture in relation to the framework and its expectancy on how *policies and practices* are related to concepts in following through with the procedures of the study.

The problem stands for years of following mandated governmental forms pertaining to how education should be politicized mainly within the public arena of learning institutions.

### Purpose of the Project

The purpose of the project is to explore an expansion of how education has advanced through the years of having been limited with a certain amount of degree to a specific group of people within this country knowing that, educational opportunities had not always been justifiably equal to all citizens or other individuals residing in this United States of America.

It appears to be imperative to do a correlation to compare how one specific area relates to another demographically, when education is at the forefront of continued expansion. When one views how education has advanced, we can see that, not only; has public education expanded, but it has also been divided as part of a curriculum to accommodate other schools, so that some *policies* and *practices* will allow an equalization to become diversified with a set of valued *policies, practices, and procedures* at all learning institutions.

### Significance of the Project

The significance of the project must be assessed and reviewed with the participation of a competent and certified component to give information that seems to be pertinent for such a study. A list of questions shall be presented to both educators and others within a set community to inquire on just what seems to exist, as well as what needs to be obtained, so that progression shall continue to prolong as an avenue to expand and to teach others how to become active achievers in *educational policies*.

### Plan for Developing the Project

The writer of this research plans to prepare an in- depth view based on educational experiences through time from the 1950's to present time. There have been so many undue acts in *educational policies* based on gender, race, age, ethnicity, and origin, as well as region and time.

## Chapter II- Review of the Literature

### Introduction

This segment of the research study evolves with the beginning of dealing with how policies and practices are justified in covering a need issue for all involved within the center-point of, "*How Language Policies and Practices Affect Classrooms.*"

*Policies and practices* can cover so many subject areas pertaining to classroom effectiveness based on EDUCATIONAL law and legislation. A clear example of this explanation could be described in Brown versus the Board of Education of Topeka, Kansas, May, 1954 (Brown v. Board of Education, 1954). This history of such action would have an expansion from 1953 to 1961, which would cover the history of the civil rights movements. In this case, the government had to take into consideration a vast amount of facts based on the United States of America's history, legal status of the school children, race and discrimination, segregation in education, as well as segregation in the law and legislation, equal rights, and discrimination in education, history of education for African American students, African American civil rights.

This act according to historical notes lead the country to focus on facts that, would allow *policies and practices* to become mandated into the public education school systems. But, of course, every human being of a certain age group could remember the ruckus that, was caused by this national publication, which caused world-wide notification concerning what *policies and practices* deemed suitable for one race of people but ignored for another race of people both living in the same country and demographically within the same given region.

The involvement of the United States Supreme Court had to decide based on the evidence that, would be presented, so that the people of the land would become aware that, *policies and practices in classrooms and schools* do have a say so on what was a consideration to be a part of a curriculum in state governed institutions. There must be an equalization for all students to receive an education on equal grounds through the means of *policies, practices, and the use of procedures* followed by the governed school boards

to make such as accommodation that would allow enrolled students to attend school, learn, study, and grow.

The inspection of trying to formulate this research field project relating to “*How Language Policies and Practices Affect Classrooms*” shows a variety of ways how others have ventured into providing information about the subject matter. According to an article written by Meador (2017) clearly states that, writing policies and procedures for schools is a great part of the administrator’s job description. One of the most important factors in this aspect is making sure that both the policies and procedures are current and being used by the faculty and staff at the facilities. The school policies and procedures are the basis of the governing board that controls both the school districts bylaws and the operation of the school’s buildings. It becomes essential that the procedures should change from time to time and updated accordingly to accommodate any new policies.

When the policy makers and the stakeholders began to formulate new policies, they are somewhat faced with an abundance of questions that must be addressed to develop a way for new and adjusted changes to occur. For an example, several questions could be asked in order to start a new policy, “What makes a policy clear?” It is stated that, a quality policy is both informative and direct meaning that the information is not ambiguous, and it is always straight to the point. It is also clear and concise. All the points make a lot of sense because policies must be held accountable for in either making or breaking a system. It is so explained in this article, that “A well-written policy will not create confusion” (Meador, 5 Tips for Writing Meaningful Policy and Procedures for Schools, 2017). In addition, a good policy is also updated, and policies dealing with technology should be updated on a regular basis due to the ever- changing world of the

technological industry by large. The article also clarifies that, a clear policy is easy to understand. Most importantly noted, is that, the readers of the policy should not only understand the meaning of the policy, but the tone and the underlying reason pertaining to why the policy was written.

In some cases, especially in school districts where the superintendents supersede the principals, policies must be viewed, reviewed, and discussed before they can become mandated, in other words, the superintendent usually holds administrative meetings with the principals, so that the policies can be critiqued before presenting them to the faculty, staff, students, and parents. Everything is important in this aspect because life goes on in educating the youth and adults to keep the educational system flowing with new ideas for advancement and curriculum expectations in this century. This is actually a long out-drawn process, it involves critical thinking analysis on what changes must occur, so many questions could be asked about the new upcoming policies versus the former policies used. It is imperative to have policies that work for the system and not against it. It should also be a situation where policies should not take forever to place in production. In other words, policies should not necessary be a test instrument to see if they can do for now to fix a problem, instead of making sure that the problems can become resolved over a period of time. During this process policies can be revised by the superintendent based on recommendations. After careful consideration, the policy can or cannot become approved by the viewers. A committee could either like or dislike what has been introduced as a new policy. It is also notable that, legal advisors should carefully review such policies, so that there will not become a conflict of interest between the school system or the community at large.

To further expand on the “Review of the Literature,” based on an enormous amount of court cases that have entered the judicial system, one must make a careful review of what determines to make a solid case for reading and exploring how language policies have encompassed our society. Should the “Review of the Literature,” make a bias implication that appears to be racial? Beginning with the introduction of explaining this segment of this research project, one must clearly understand that the United States of America has a discriminatory history involving its citizens. Language was used to discriminate against the classes of people from the beginning of time based upon certain categories of a family’s status. When we look at how a certain group of people were treated as human beings; not only were language rights disturbed, but certain physical movements portrayed the actions of the policy makers. The reader of any document must try to focus on where the policy begins and think about how it will stand or end to proclaim an effort to manifest a statement. All scholars must agree that, it takes a certain type of individual to make a movement show progression that is meaningful both through research based on experience or through dedication.

Language policies, in my opinion was set up to motivate a standard way for different classes of individuals to speak or to react a certain way within a given society. Let us take a real close look at Ruby Bridges, who was the first African-American child to attend an all-white elementary school in the South (Ruby Bridges Biography, 2018). The questions should arise, what language policies existed during the 1960’s in the state of Louisiana?

Did language policies exist for all students or schools throughout the forty-eight of fifty states in the United States of America? Were there language policies in existence

for military personnel? Did colleges and universities have language policies in-tact for foreign professors or other personnel, who came to work in the United States of America during the beginning course of the Civil Rights Movement? The questions could go on and on with different ways to answer them based on just how the educational curriculum was set up to treat one group of people differently from another. One main question should be, who is actually responsible for setting up language policies and practices within the classrooms?

During my discovery of researching, “How Language Policies and Practices Affects Classrooms,” I shall give some examples, later in this Field Project/Thesis Proposal about how some languages are being restored to preserve a nation within a nation. On the other hand, some policies were set aside to destroy a people within a nation. There is no way within my mentality that, I shall be able to support how the policymakers set out to advocate the well being of all students to incur a set of rules for language policies and practices. Within the growth of this research study, we shall try to understand that, most of the findings for language policies have been done based on a force to be fair and just as a society, people, community, to bring a nation to face facts that shall be necessary to challenge the soul of the educational arena. In other words, when a problem occurs, then a battle has been set forth within a court room to try to make just and to solve the problem to continue the course of advancement in schools and colleges. Would it be fair to rehash the way that some Americans were treated within this nation based on language policies? Let us review a definition for the term, language: Human speech or the written symbols for speech, the speech of a particular nation, the

particular style of verbal expression characteristic of a person, group, profession, etc. (Laird, 2006, 358).

Language is word power. How can a word power be assessed? This section pertaining to the assessment are acts that took place around the timing of the Ruby Bridges era and the other five minority youngsters, who were tested to enter the William Frantz Elementary School in New Orleans, Louisiana, as a project to begin integration. The first year of schooling for young Ruby was horrific according to the view of some historical notes of just having viewed photographs of watching how she had to be escorted or guarded against hostile individuals. She was not allowed to mingle with her classmates during her first year of study at that elementary school.

The language policy during this time was based on two elements and two different sides, one asking for continued segregation, and the other pushing for integration as an equalization towards human rights. Action always has its place; not just in English as being a verb, but as an expression of what the antecedent should appeal towards its direction on a whole and in part of what must take place to provide a concrete and said language policy that, must represent both sides.

Because of so many facets within this confined nation, the Supreme Court seems to always have to become involved to review and level an existing situation, such as the leveling of the case in 1896, Plessy versus Ferguson (Plessy v. Ferguson, 1896), was a landmark decision of the U. S. Supreme Court issued in 1896. It upheld the constitutionality of racial segregation laws for public facilities as long as the segregated facilities were equal in quality, a doctrine that came to be known as “separate but equal,” according to Groves, Harry E. (1951), “Separate but Equal-The Doctrine of Plessy v.



Ferguson.” *Phylon*. 12 (1): 66-72. This legitimized the state laws re-establishing racial segregation that were passed in the American South in the late 19<sup>th</sup> century after the end of the Reconstruction Era. The decision was handed down by a vote of 7 to 1, with the majority opinion written by Justice Henry Billings Brown and the lone dissent written by Justice John Marshall Harlan.

Plessy is further known and regarded as one of the worst decisions in the U. S. Supreme Court history according to Chemerinsky (201), p. 35, and Epstein (1995), p. 99. This information is deemed necessary to depict so that the course of events shall attempt to present the making of “How Language Policies and Practices Affect Classrooms in Schools and Colleges.” It is the making of how changes are dealt with by using a set of measures to follow suit that leads to some aspect of a noted result. The beginning of Brown versus Board of Education in 1954, had severely weakened the system prior to the overruling of such said cases, now the consideration was referred as *de facto* overruled according to Schauer (1997), p. 80.

The noted cases show how other facets have come into place in relevance to making something substantial within the reign of a decision-making process. Language is a policy, an introduction, a way and a means to get a message aligned for some sort of transaction. It depends on how the language can convey its final message as an avenue to keep its resources within a certain act for understanding. Yet, it may not be comprehensible. Language can be challenged, and language policies can become revived and renewed to enhance the everchanging society, so that the world can become aware of its existence. Language must remain soluble. Language can be encouraging, and language can cause a stain, so language policies must be direct and withstanding to

uphold the best of what communication was meant to be both in classrooms as well as within the milieu.

The extent of this literature is expansive, so the details of Plessy versus Ferguson begins with this presentation of exploration by indicating some of the background information which begins in the year of 1890, the state of Louisiana passed the Separate Car Act, which required separate accommodations for blacks and whites on railroads, including separate railway cars. Concerned, a group of prominent black, creole, and white New Orleans residents formed the Comité des Citoyens (Committee of Citizens) dedicated to repeal the law or fight its effect. They persuaded Homer Plessy, a man of mixed race, to participate in an orchestrated test case. Plessy was born a free man and was an “octoroon” (of seven-eighths European descent and one-eighth African descent). However, under Louisiana law, he was classified as black, and therefore was required to sit in the “colored” car.

In reading about said documentation pertaining to the literature on “How Language Policies and Practices Affect Classroom,” one must understand how one aspect of another incident affects another. For those of another country having decided to read this Field Project/Thesis, it is a fact that, race relations are and have been a major course of change for policies occurring or reoccurring within this nation.

In the year of 1892, on June 7<sup>th</sup>, Plessy bought a first-class ticket at the Press Street Depot and boarded a “whites only” car of the east Louisiana Railroad in New Orleans, Louisiana, bound for Covington, Louisiana. The railroad company, which had opposed the law on the grounds that it would require the purchase of more railcars, had been previously informed of Plessy’s racial lineage, and the intent to challenge the law.

In addition, the committee hired a private detective with arrest powers to detain Plessy, to ensure that he would be charged for violating the Separate Car Act, as opposed to a vagrancy or some other offense. After Plessy took a seat in the whites-only railway car, he was asked to vacate it, and sit instead in the blacks-only car. Plessy refused and was arrested immediately by the detective. As planned, the train was stopped, and Plessy was taken off the train at Press and Royal streets. Plessy was remanded for trial in Orleans Parish.

In his case, *Homer Adolph Plessy v. The State of Louisiana*, Plessy's lawyers argued that the state law which required East Louisiana Railroad to segregate trains had denied him his rights under the Thirteenth and Fourteenth amendments of the United States Constitution, which provided for equal treatment under the law. However, the judge presiding over his case, John Howard Ferguson, ruled that Louisiana had the right to regulate railroad companies while they operated within state boundaries. Plessy was convicted and sentenced to pay a \$25.00 fine. Plessy immediately sought a writ of prohibition.

Thus, the Committee of Citizens took Plessy's appeal to the Supreme Court of Louisiana, where he again found an unreceptive car, as the state Supreme Court up-held Judge Ferguson's ruling.

In speaking for the court's decision that Ferguson's judgement did not violate the Fourteenth Amendment, Louisiana Supreme Court Justice Charles Fenner cited precedents from two Northern states commonly associated with abolitionism. The Massachusetts Supreme Court had ruled as early as 1849 that segregated schools were constitutional. In answering the charge that segregation perpetuated race prejudice, the

Massachusetts court stated: “This prejudice, if it exists, is not created by law and cannot be changed by law.” Similarly, in commenting on a Pennsylvania law mandating separate railcars for different races the Pennsylvania Supreme Court stated: “To assert separateness is not to declare inferiority...It is simply to say that following the order of Divine Providence, human authority ought not to compel these widely separated races to intermix.” Undaunted, the Committee appealed to the United States Supreme Court in 1896. Two legal briefs were submitted on Plessy’s behalf. One was signed by Albion W. Tourgee built his case upon violation of Plessy’s rights under the Thirteenth Amendment, prohibiting slavery, and the Fourteenth Amendment, which guarantees the same rights to all citizens of the United States, and the equal protection of those rights, against the deprivation of life, liberty, or property without due process of law. Tourgee argued that the reputation of being a black man was “property,” which, by law, implied the inferiority of African Americans as compared to whites.

The *Judgment* implied that, the state legal brief was prepared by Attorney General Milton Joseph Cunningham of Natchitoches and New Orleans. Earlier, Cunningham had fought to restore white supremacy during Reconstruction.

Justice Edward Douglass White of Louisiana was one of the majority; the other six who voted in the seven-to-one majority decision were from states that had sided with the Union during the Civil War.

On May 18, 1896, in a seven-to-one decision written by Henry Billings Brown, the court rejected Plessy’s arguments based on the Fourteenth Amendment, seeing no way in which the Louisiana statute violated it. In addition, the decision rejected the view that the Louisiana law implied any inferiority of blacks, in violation of the Fourteenth

Amendment. Instead, it contended that the law separated the two races as a matter of public policy.

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In summary, Justice Brown (1896) declared, "We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it." Justice Brown (1896) also cited a Boston case upholding segregated schools.

While the Court did not find a difference in quality between the whites-only and blacks-only railway cars, this was manifestly untrue in the case of most other separate facilities, such as public toilets, cafes, and public schools, where the facilities designated for blacks were consistently of lesser quality than those for whites.

The white race deems itself to be the dominant race in this country. And so, it is in prestige, in achievements, in education, in wealth and in power. So, I doubt not, it will

continue to be for all time if it remains true to its great heritage and holds fast to other principles of constitutional liberty. But in view of the constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no case here. Our constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. It is therefore to be regretted that this high tribunal, the final expositor of the fundamental law of the land, has reached the conclusion that it is competent for a state to regulate the enjoyment by citizens of their civil rights solely upon the basis of race.

The *Significance* of this case pertaining to the fact that, Plessy (1896) legitimized the state laws establishing racial segregation in the South and provided an impetus for further segregation laws. It also legitimized laws in the North requiring racial segregation as in the Boston school segregation case noted by Justice Brown in his majority opinion. Legislative achievements won during the Reconstruction Era were erased through means of the “separate but equal” doctrine. The doctrine had been strengthened also by an 1875 Supreme Court decision that limited the federal government’s ability to intervene in state affairs, guaranteeing to Congress only the power “to restrain states from acts of racial discrimination and segregation.” The ruling basically granted states legislative immunity when dealing with questions of race, guaranteeing the states’ right to implement racially separate institutions, requiring them only to be “equal.”

The prospect of greater state influence in matters of race worried numerous advocates of civil equality, including Supreme Court Justice John Harlan (1896), who wrote in his dissent of the Plessy decision, “we shall enter upon an era of constitutional law, when the rights of freedom and American citizenship cannot receive from the nation that efficient protection which heretofore was hesitatingly accorded to slavery and the rights of the master. Harlan concerns about the encroachment on the fourteenth Amendment would prove well-founded; states proceeded to institute segregation-based laws that became known as the Jim Crow system. In addition, from 1890 to 1908, Southern states passed new or amended constitutions including provisions that effectively disfranchised blacks and thousands of poor whites.

Some commentators, such as Gabriel J. Chin and Eric Maltz, have viewed Harlan’s Plessy dissent in a more critical light, and suggested it be viewed in context with his other decisions. E Maltz (1896) has argued that “modern commentators have often overstated Harlan’s distaste for race-based classifications,” pointing to other aspects of decisions in which Harlan was involved. Both point to a passage of Harlan’s Plessy dissent as particularly troubling. There is a race so different from our own that we do not permit those belonging to it to become citizens of the United States. Persons belonging to it are, with few exceptions, absolutely excluded from our country. I allude to the Chinese race. But, by the statute in question, a Chinaman can ride in the same passenger coach with white citizens of the United States, while citizens of the black race in Louisiana, many of whom, perhaps, risked their lives for the preservation of the Union and who have all the legal rights that belong to white citizens, are yet declared to be

criminals, liable to imprisonment, if they ride in a public coach occupied by citizens of the white race.”

According to the New Orleans historian Keith Weldon Medley (2003), author of *We As Freeman: Plessy v. Ferguson, The Fight Against Legal Segregation*, said the words in Justice Harlan’s “Great Dissent” were taken from papers filed with the court by “The Citizen’s Committee.”

Moreover, the effect of the Plessy ruling was immediate; there were already significant differences in funding for the segregated school system, which continued into the 20<sup>th</sup> century; states consistently underfunded black schools, providing them with substandard buildings, textbooks, and supplies. States which had successfully integrated elements of their society abruptly adopted oppressive legislation that erased reconstruction era efforts. The principles of Plessy v. Ferguson were affirmed in *Lum v. Rice* (1927), which upheld the right of a Mississippi public school for white children to exclude a Chinese American girl. Despite the laws enforcing compulsory education, and the lack of public schools for Chinese children in Lum’s area, the Supreme Court ruled that she had the choice to attend a private school. Jim Crow laws and practices spread northward in response to a second wave of African-American migration from the South to northern and midwestern cities. Some established de jure segregated educational facilities, separate public institutions such as hotels and restaurants, separate beaches among other public facilities, and restrictions on interracial marriage, but in other cases segregation in the North was related to practices and operated on a facto basis, although not by law, among numerous other facets of daily life.



The separate facilities and institutions accorded to the African-American community were consistently inferior to those provided to the White community. This contradicted the vague declaration of “separate but equal” institutions issued after the Plessy decision.

From 1890 to 1908, state legislatures in the South disfranchised most blacks and many poor whites through rejecting them for voter registration and voting: making voter registration more difficult by providing more detailed records, such as proof of land ownership of literacy tests administered by white staff at poll stations. African-American community leaders, who had achieved brief political success during the Reconstruction era and even into the 1880s, lost gains made when their voters were excluded from the political system. Historian Rogers Smith (2011) noted on the subject o that ‘lawmakers frequently admitted, indeed boasted, that such measures as complex registration rules, literacy and property tests, poll taxes, white primaries, and grandfather clauses were designed to produce an electorate confined to a white race that declared itself supreme,” notably rejecting the Fourteenth and Fifteenth Amendments to the American Constitution.

Familiarizing the reader with this portion of the history should lead to other areas of how language policies and practices have become a part of other court actions that are in atonement with this research Field Project/ Thesis.

One of the most recognizable cases in history took place in the year of 1954, which was a critical time for equality to prevail for racial justice in the United States of America. That case was known as Brown v. Board of Education of Topeka, Kansas. The case covered a background area during the civil rights movement between the years of

1953-1961, which challenged the course of the legal status of school children. This historical event covered a vast subject area of race discrimination, segregation in education, segregation in the law and legislation, equal rights, history of education of African Americans, and African American civil rights. This is a part of history that cannot ever be erased because the struggle for African Americans here in the United States of America is an ongoing challenge just to relate the importance that, “Black Lives Matter.” This movement is one of the most current affiliations that, relates from a stem of actions that occurred from other acts to try to prove that equality is a birth right for all human beings and more so for citizens within the life of a free country.

### **Origin of Language in the United States: Supreme Court Cases regarding language Policies**

Information of language policies and practices pertaining to one of the vastly known court case is Brown v. Board of Education, which is a nationally historic case that lead to other cases that followed how cases are what opened doors to obtain results that are pertinent to activating a cause. The case of the Supreme Court of the United States, No. 1, October Term 1954, Oliver Brown, Mrs. Richard Lawton, Mrs. Sadie Emmanuel, et al., Applicants vs. Board of Education of Topeka, Shawnee County, Kansas, et al.

Some background information relating this this outstanding famous case was that on May 17, 1954, U. S. Supreme Court Justice Earl Warren delivered the unanimous ruling in the landmark civil rights case *brown v. Board of Education of Topeka, Kansas*. State-sanctioned segregation of public schools was a violation of the Fourteenth Amendment and was therefore unconstitutional. This historic decision marked the end of

the “separate but equal” precedent set by the Supreme Court nearly 60 years earlier and served as a catalyst for the expanding civil rights movement during the decade of the 1950’s.

While the Thirteenth Amendment to the United States Constitution outlawed slavery, it wasn’t until three years later, in 1868, that the Fourteenth Amendment guaranteed the rights of citizenship to all persons born or naturalized in the United States, including due process and equal protection of the laws. These two amendments, as well as the Fifteenth Amendment protecting voting rights, were intended to eliminate the last remnants of slavery and to protect the citizenship of black Americans in 1875, Congress also passed the first Civil Rights Act, which held the “equality of all men before the law” and called for fines and penalties for anyone found denying patronage of public places, such as theaters and inns, on the basis of race. However, a reactionary Supreme Court reasoned that this act was beyond the scope of the Thirteenth and Fourteenth Amendments, as these amendments only concerned the actions of the government, not those of private citizens. With this ruling, the Supreme Court narrowed the field of legislation that could be supported by the Constitution and at the same time turned the tide against the civil rights movement.

By the late 1800s, segregation laws became almost universal in the South where previous legislation and amendments were, for all practical purposes, ignored. The races were separated in schools, in restaurants, in restrooms, on public transportation, and even in voting and holding office. In 1896 the Supreme Court upheld the lower courts’ decision in the case of *Plessy v. Ferguson*<sup>1</sup>. Homer Plessy, a black man from Louisiana,

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<sup>1</sup> Homer Plessy, a black man from Louisiana, challenged the constitutionality of segregated railroad coaches, first in the courts and then in the United States Supreme Court.

challenged the constitutionality of segregated railroad coaches, first in the courts and then in the United States Supreme Court. The high court upheld the lower courts noting that the separate cars provided equal services, and equal protection clause of the Fourteenth Amendment was not violated. Thus, the “separate but equal” doctrine became the constitutional basis for segregation (*Plessy v Ferguson*, 2018). One dissenter on the Court, Justice John Marshall Harlan (1896), declared the Constitution “color blind” and accurately predicted that this would become as baneful as the infamous Dred Scott decision of 1857.

In 1909 the National Association for the Advancement of Colored People (NAACP) was officially formed to champion the modern black civil rights movement. In its early years its primary goals were to eliminate lynching and to obtain fair trials for blacks. By the 1930s, however, the activities of the NAACP began focusing on the complete integration of American society. One of their strategies was to force admission of blacks into universities at the graduate level where establishing separate but equal facilities would be difficult and expensive for the states. At the forefront of this movement was Thurgood Marshall, a young black lawyer who, in 1938, became general counsel for the NAACP’s Legal Defense and Education Fund. Their significant victories at this level included *Gaines v. University of Missouri* in 1938, *Sipuel v. Board of Regents of University of Oklahoma* in 1948, and *Sweatt v. Painter* in 1950. In each of these cases, the goal of the NAACP defense team was to attack the “equal” standard so that the “separate” standard would in turn become susceptible.

By the 1950s, the NAACP was beginning to support challenges to segregation at the elementary school level. Five separate cases were filed in Kansas, South Carolina,

Virginia, the District of Columbia, and Delaware: *Oliver Brown et al v. Board of Education of Topeka, Shawnee County, Kansas, et al.*; *Harry Briggs, Jr., et al.*; *v. R. W. Elliot, et al.*; *Dorothy E. Davis et al. v. County School Board of Prince Edward County, Virginia, et al.*; *v. Spottswood Thomas Bolling et al. v. C. Melvin Sharpe et al.*; *Francis B. Gebhart et al. v. Ethel Louise Belton et al.* While each case had its unique elements, all were brought on the behalf of elementary school children, and all involved black schools that were inferior to white schools. Most important, rather than just challenging the inferiority of the separate schools, each case claimed that the “separate but equal” ruling violated the equal protection clause of the Fourteenth Amendment. The lower courts ruled against the plaintiffs in each case, noting the *Plessy v. Ferguson* ruling of the United States Supreme Court as precedent. In the case of *Brown v. Board of Education*, the federal district court even cited the injurious effects of segregation on black children, but held that “separate but equal” was still not a violation of the Constitution. It was clear to those involved that the only effective route to terminating segregation in public schools was going to be through the United States Supreme Court.

In 1952 the Supreme Court agreed to hear all five cases collectively. This grouping was significant because it represented school segregation as a national issue, not just a southern one. Thurgood Marshall, one of the lead attorneys for the plaintiffs (he argued the Briggs case), and his fellow lawyers provided testimony from more than 30 social scientists affirming the deleterious effects of segregation on blacks and whites. These arguments were similar to those alluded to on pages 18 and 19 in the first featured document, the Dissenting Opinion of judge Waite Waring in *Harry Briggs, Jr., et al v. R. W. Elliot, Chairman, et al.* the lawyers for the school boards based their defense

primarily on precedent, such as *Plessy v. Ferguson* ruling, as well as on the importance of states' rights in matters relating to education. Realizing the significance of their decision and being divided among themselves, the Supreme Court took until June 1953 to decide they would rehear arguments for all five cases. The arguments were scheduled for the following term, at which time the Court wanted to hear both sides' opinions of what Congress had in mind regarding school segregation when the Fourteenth Amendment was originally passed.

Over the next few months, the new chief justice worked to bring the splintered Court together. He knew that clear guidelines and gradual implementation were going to be important considerations, as the largest concern remaining among the justices was the racial unrest that would doubtless follow their ruling. Finally, on May 17, 1954, Chief Justice Earl Warren read the unanimous opinion; school segregation by law was unconstitutional. Arguments were to be heard during the next term to determine just how the ruling would be imposed. Just over one year later, on May 31, 1955, Warren read the Court's unanimous decision, now referred to as *Brown II*, instructing the states to begin desegregation plans "with all deliberate speed." The third featured document, Judgement, *Brown versus Board of Education*, shows the careful wording Warren employed in order to ensure backing of the full Court.

Despite two unanimous decisions and careful, if not vague, wording, there was considerable resistance to the Supreme Court's ruling in *Brown versus Board of Education*. In addition to the obvious disapproving segregationists were some constitutional scholars who felt that the decision went against legal tradition by relying heavily on data supplied by social scientists rather than precedent or established law.

Supporters of judicial restraint believed the Court had overstepped its constitutional powers by essentially writing new law.

However, minority groups and members of the civil rights movement were buoyed by the *Brown*'s decision even without specific directions for implementation. Proponents of judicial activism believed the Supreme Court had appropriately used its position to adapt the basis of the Constitution to address new problems in new times. The Warren Court stayed this course for the next fifteen years, deciding cases that significantly affected not only race relations, but also the administration of criminal justice, the operation of the political process, and the separation of church and state.

The gist of the Brown versus Board of Education of Topeka, Kansas according to Fusion's notes was in the Kansas case, *Brown v. Board of Education*, the plaintiffs are Negro children of elementary **school** age residing in Topeka. They brought this action in the United States District Court for the District of Kansas to enjoin enforcement of a Kansas statute which permits, but does not require, cities of more than 15,000 population to maintain separate **school** facilities for Negro and white students. Kan. Gen. Stat. 72-1724 (1949). Pursuant to that authority, the Topeka Board of Education elected to establish segregated elementary **schools**. Other public **schools** in the community, however, are operated on a non-segregated basis. The three-judge District Court, convened under 28 U. S. C. Section 2281 and 2284, found that segregation in public education has a detrimental effect upon Negro children, but denied relief on the ground that the Negro and white **schools** were substantially equal with respect to buildings, transportation, curricula, and **educational** qualifications of teachers. 98 F Supp. 797. The case is here on direct appeal under 28 U. S. C. section 1253.

An additional reason for the inconclusive nature of the Amendment's history, with respect to segregated **schools**, is the status of public education at that time in the South, the movement toward free common **schools**, supported by general taxation, had not yet taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost nonexistent, and practically all of the races were illiterate. In fact, any education of Negroes was forbidden by law in some states. Today, in contrast, many Negroes have achieved outstanding success in the arts and sciences as well as in the business and professional world. It is true that public **school** education at the time of the Amendment had advanced further in the North, but the effect of the Amendment on Northern States was generally ignored in the congressional debates. Even in the North, the conditions of the public education did not approximate those existing today. The curriculum was usually rudimentary; ungraded **schools** were common in rural areas; the **school** term was but three months a year in many states; and compulsory **school** attendance was virtually unknown. Again, according to this report by Fusin indicating that, as a consequence, it is not surprising that there should be so little in the history of the Fourteenth Amendment relating to its intended effect on public education.

On page three of five, paragraph five, indicated in this documentation relates that, in the first cases in this Court construing the Fourteenth Amendment, decided shortly after its adoption, the Court interpreted it as proscribing all state-imposed discriminations against the Negro race. The doctrine of "separate but equal" did not make its appearance in this Court until 1896 in the case of Plessy v. Ferguson, *supra*, involving not education but transportation, American courts have since labored with the doctrine for over half a century. In this Court, there have been six cases involving the "separate but equal"



doctrine in the field of public education. In *Cumming v. County Board of Education*, 175 U. S. 528, and *Gong Lum v. Rice*, 275 U. S. 78, the validity of the doctrine itself was not challenged. In more recent cases, all on the graduate **school** level, in equality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications. *Missouri ex rel. Gaines v. Canada*, 305 U. S. 337; *Sipuel v. Oklahoma*, 332 U. S. 631; *Sweatt v. painter*, 339 U. S. 629; *McLaurin v. Oklahoma State Regents*, 339 U. S. 637. In neither of these cases was deemed necessary to re-examine the doctrine to grant relief to the Negro plaintiff. And in *Sweatt v. Painter*, *supra*, the Court expressly reserved decision on the question whether *Plessy v. Ferguson* should be held inapplicable to public education.

To continue, in the instant cases, that question is directly presented. Here, *Sweatt v. Painter*, there are findings below that the Negro and white schools involved have been equalized, or being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other “tangible” factors. Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. One must look instead to the effect of segregation itself on public education.

In approaching this problem, we cannot turn the clock back to 1868, the Amendment was adopted, or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is a requirement as a public responsibility and obligation, even service in the armed forces. This expresses the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him or her for later professional training, and in helping the child to adjust normally to the environment in which the child resides. During these days, it is very doubtful that any child may reasonably be expected to succeed in life when that child is denied the opportunity of an education. Such an opportunity, where the state has undertaken to prove it, is a right which must be made available to all on equal terms.

Approximately eight years long before the court proceedings for *Brown v. Board of Education*, there was a very interesting case that involved Mexican Americans in Orange County known as *Mendez versus Westminster*. This case was titled, **Mendez, et al v. Westminster [sic] School District of Orange County, et al**, 64 F. Supp. 544 (S.D. Cal. 1946), was a 1947 federal court case that challenged Mexican remedial schools in Orange County, California (Crawford, 1992). In its ruling, the United States Court of Appeals for the Ninth Circuit, in an *en banc* decision, held that the forced segregation of Mexican American students into separate “Mexican schools” was unconstitutional and unlawful, not because Mexicans were “white,” as attorneys for the plaintiffs argued, but because, as US District Court Judge Paul J. McCormick ruled, “The equal protection of the laws pertaining to the public school system in California in not provided by furnishing in separate schools the same technical facilities, textbooks and courses of

instruction to children of Mexican ancestry that are available to the other public school children regardless of their ancestry. A paramount requisite in the American system of public education in social equality. It must be open to all children by unified school association regardless of lineage” (1946).

Some background information pertaining to the Five Mexican-American fathers (Thomas Estrada, William Guzman, Gonzalo Mendez, Frank Palomino, and Lorenzo Ramirez) all challenged the practice of school segregation in the United States District Court for the Central District of California, in Los Angeles. They claimed that their children, along with 5000 other children of “Mexican ancestry, were victims of unconstitutional discrimination by being forced to attend separate “schools for Mexicans” in Westminster, Garden Grove, Santa Ana, and El Modena school districts of Orange County.

It was so written that, “Mexican Americans, who are classified as white under the Treaty of Guadalupe Hidalgo, were normally unaffected by legal segregation and, in general, they always went to segregated white schools.” The Mendez family, who previously went to white schools without problems, suddenly found their children forced in separate “Schools for Mexicans,” when they came to Westminster – even though that was not the norm and it was not legally sanctioned by the state. In the 1940s, a small minority of school districts began to establish separate language-based “Mexican Schools,” arguing that Mexican children had special needs because they were Spanish speakers. The schools existed only for elementary children (K-4) and were intended to prepare them for mainstream schools. But, since many districts began forcing all Mexican elementary school children into “Mexican Schools” irrespective of language

ability, it became a form of unlawful discrimination that was superficially similar to legalized race segregation.

Moreover, Soledad Viduarri went to the Westminster Elementary School District to enroll her children and those of her brother Gonzalo Mendez: Gonzalo, Geronimo, and Sylvia. The Westminster School informed Viduarri that her children could be admitted to the school. However, Gonzalo, Geronimo, and Sylvia could not be admitted on the basis of their skin color. (Viduarri's children had light complexions and French surnames and so would not be segregated into a different school). Upon hearing the news Viduarri refused to admit her children to the school if her brother's children were not admitted as well. The parents, Gonzalo and Felicitas Mendez, tried to arrange for Geronimo, Gonzalo, and Sylvia to attend the school by talking to the school's administration, but both parties were not able to reach an agreement.

Therefore, Gonzalo dedicated the next year to a lawsuit against the Westminster School District of Orange County. The school district offered to compromise by allowing the Mendez children to attend the elementary school without any other student of Mexican-American descent.

The Mendez family declined the offer and continued the lawsuit. The Mendez family believed in helping out the entire Mexican community, instead of just a handful of children. The Mendez family covered most of the expenses for the various witnesses that would be present for the case.

The plaintiffs were represented by an established Jewish American civil rights attorney, David Marcus. Funding for the lawsuit was primarily paid for initially by the

lead plaintiff, Gonzalo Mendez, who began the lawsuit when his three children were denied admission to their local Westminster school (*Mendez v Westminster*, 1946).

The Senior District Judge Paul J. McCormick, sitting in Los Angeles, presided at the trial and ruled in favor of Mendez and his co-plaintiffs on February 18, 1946 in finding that separate schools for Mexicans too be an unconstitutional denial of equal protection. The school district appealed to the Ninth Federal Circuit Court of Appeals in San Francisco, which upheld Judge McCormick's decision finding that the segregation practices violated the Fourteenth Amendment. Furthermore, the case was a victory for the families affected, it was narrowly focused on the small number of Mexican remedial schools in question and did not challenge legal race segregation in California or elsewhere. After Mendez, racial minorities were subject to legal segregation in schools and public places.

The **Aftermath** of governor Earl Warren, who would later become Chief Justice of the United States, where he would preside over the *Brown v. Board of Education* case, signed into law the repeal of remaining segregational provisions in the California statutes. Several organizations joined the appellate case as *amicus curiae*, including the NAACP, represented by Thurgood Marshall and Robert L. Carter and the Japanese American Citizens League (JACL). More than a year later, on April 14, 1947, the United States Court of Appeals for the Ninth Circuit affirmed the district court's ruling but not on equal protection grounds. It did not challenge the "separate but equal" interpretation of the Fourteenth Amendment that had been announced by the Supreme Court in *Plessy v. Ferguson* in 1896. Instead, the Ninth Circuit held that the segregation was not racially

based, but it had been implemented by the school districts without being specifically authorized by state law, and it was thus impermissible irrespective of *Plessy*.

The **Legacy** of the case pertaining to *Mendez v. Westminster* prevails to acknowledge notions that involved the aspect of what had occurred including but not limited to seven acts starting in 1997 to 2011. On December 8, 1997, the Santa Ana Unified School District dedicated the Gonzalo and Felicitas Mendez Intermediate Fundamental School in Santa Ana, California.

Soon after, in 2003, writer/producer Sandra Robbie received an Emmy Award for her documentary *Mendez v. Westminster: For All the Children / Para Todos los Ninos*.

Then on September 14, 2007, the United States Postal Service honored the 60<sup>th</sup> anniversary of the ruling with a 41-cent commemorative stamp. On November 15, 2007, it presented the *Mendez v. Westminster* stamp to the Mendez family, at a press conference at the Rose Center Theater in Westminster, California.

In September 2009, Felicitas and Gonzalo Mendez High School opened in Boyle Heights. The school was named after Felicitas and Gonzalo Mendez, parents of American civil rights activist Sylvia Mendez, who played an instrumental role in the case.

Continuing with this on October 14, 2009, Chapman University's Leatherby Libraries dedicated the *Mendez et al v. Westminster et al* Group Study Room and a collection of documents. Video and other items relating to the landmark desegregation case. Chapman also owns the last standing Mexican school building from the segregation era in Orange County.

On February 15, 2011, President Barack Obama awarded the Presidential Medal of Freedom to Sylvia Mendez, the daughter of Gonzalo Mendez, the lead plaintiff in the lawsuit. She, along with her two brothers, Gonzalo, Jr. and Jerome, aka Geronimo, noted in the previous legal documents, were some of the Mexican-American students who were denied admission to their local Westminster school, which formed the basis for the suit. Sylvia was awarded the honor for her many years of work encouraging students to stay in school and to ensure that the importance of *Mendez v. Westminster* in American history will not be forgotten.

Lastly, in September 2011, the Museum of Teaching and Learning MOTAL, in partnership with a half-dozen government agencies and universities, opened a nine-month exhibition about the case at the Old Orange County Courthouse in Santa Ana, California. The exhibition, for which the team won a 2013 Award of Merit from the American Association for State and Local History, continue to travel to other locations to educate the public, both adults and students, about the details focused around this landmark case.

Most people are aware of the *Brown v. Board of Education* case because apparently, it had been referred to in other cases or documents. Now, in continuing to add to the history of *How Language Policies and practices Affect Classrooms in Schools and Colleges*, the History of Abbot versus Burke has a fundamental matter in this documentation.

In 1981, the Education Laws Center filed a complaint in Superior Court on behalf of twenty children attending public schools in the cities of Camden, east Orange, Irvington, and Jersey City. The lawsuit challenged New Jersey's system of financing public education Act of

This was the first salvo in the historic case, *Abbott v. Burke*, which is widely recognized as the most important education litigation for poor and minority schoolchildren since *Brown v. Board of Education*.

Beginning in 1981, Education Law Center (ELC) argued that the State's method of funding education was unconstitutional because it caused significant expenditure disparities of between poor urban and wealthy suburban school districts, and that poorer urban districts were unable to adequately meet the educational needs of the students.

The case eventually made its way to the New Jersey Supreme Court in 1985, which issued the first Abbott decision transferring the case to an administrative law judge for an initial hearing. The history of this case revealed at first that, there was twenty-eight so-called, "poorer urban" school districts, and later on three other districts totaled a number of thirty- one that appeared in this category.

The Court's ruling assured that the Legislature amend or enact a new law to "assure" funding for the urban districts, noting that, at the foundation level "substantially equivalent" to that in the successful suburban districts; and "adequate" to provide for the supplemental programs needed to aid the numerous disadvantages of urban schoolchildren. Therefore, the Court ordered this new funding procedure to be used for the following school year in 1991-92.

Anyway, the parity funding was not provided, but the Legislature approved the Quality Education Act (QEA), which provided increased foundation aid levels for the Abbott districts. In 1992, the Abbott plaintiffs went back to the New Jersey Supreme Court, asking for a decision on whether the new funding law met the specific terms of it 1990 decree. The Court proceeded with a motion to a trial judge with instructions to



develop a full factual record. Subsequently, a remand judge found that the Quality Education Act (QEA) failed to meet the Court's 1990 ruling and recommended the law to be declared unconstitutional as applied to the urban districts.

The **Overview** of *Abbott v. Burke* case has been represented by the Education Law Center for over thirty years covering three hundred thousand school-aged children and sixty thousand preschoolers (Education Law Center, 2018). According to the Education Law Center's Organization, the litigation has launched one of our nation's most ambitious and far-reaching efforts to improve public education for poor children and children of color. In fact, the Abbott decisions have been called the most important equal education rulings since *Brown v. Board of Education*. A comprehensive set of improvements was set into force for the urban school districts, particularly in Camden and Newark, known to be of the poorest districts in the United States to accommodate a "thorough" and "efficient" education for all students including and not limited to adequate K-12 foundational funding, universal preschool for all three and four year old children, supplemental or at-risk programs and funding, and school-by-school reform of curriculum and instruction.

From 1981 through 2017, a series of events took place pertaining to this case, for example, the Court continued to affirm and recommend remedial orders directing the Legislature to adopt another funding law and to admit "substantial equivalence" in per pupil foundation funding with suburban districts and provide supplemental programs. The second funding law was called, the Comprehensive Education Improvement and Financing Act (CEIFA) and was declared unconstitutional for failing to achieve compliance with the Court's prior orders. A vast amount of state aid was allotted in the

sum of \$246 million. This was a tremendous accomplishment, so that the funding could produce necessary resources to establish sound academic standards for the school districts.

A designated judge was appointed to conduct the motions for school funding using the State Education Commissioner to direct to prepare and present a study of the needs, including recommendations for funding levels and a plan for program implementation.

All together the Abbott initiative was titled by numbers, the 1997 Abbott IV and 1998 Abbott V rulings directed implementation of a comprehensive set of remedial measures, which included a high quality early education, supplemental programs and reforms, and school facilities improvements, to certainly ensure an adequate and equal education for low-income schoolchildren.

There was a series of remedies and rulings that were declared vital for all of the proceedings to become activated and sound. Leading from the 1990s into the 2000s, a detailed mandate was enforced in school finance and education policy in the United States. The state of New Jersey was the first in the union to mandate early education, starting at age three, for children “at-risk” of entering kindergarten or primary school cognitively and socially behind their more advanced peers. The Court’s “needs-based” approach to providing supplementary programs reforms was an unprecedented effort to target funds to initiatives designed to improve educational outcomes of low-income schoolchildren. The end resulted was that, New Jersey provided an extensive constructional makeover for the quality of school buildings in the known low-wealth neighborhoods.

Unfortunately, both parties continued to argue over a period of ten years to work out resolution concerning delays, disparities, disputes, controversies, and all sorts of measures that sought judicial interventions. Such titles prevailed, “Enforcing and Sustaining Implementation of the Remedy,” “Preschool Clarification Rulings,” “Mediation of Program Implementation,” “Adjudicating Requests to Limit Remedial Funding,” “Adjudicating Requests for School Construction Funds,” Proceedings Related to the School Funding Reform Act,” “Review of the School Funding Reform Act (SFRA),” “ Enforcement of Abbott XX,” “State Motion for Reform from Abbott XX and Abbott XXI.”

And the end contributed that, the State also requested the Court amend the Abbott remedies by granting the Commissioner of Education unlimited discretion to override any term of employment in collective bargaining agreements between Abbott districts and their teachers, including terms related to length of school day and teacher assignments. The State also asked the Court to make or give similar veto power over education statutes, this included the law requiring the use of seniority when enacting teacher layoffs due to budget cuts.

Finally, on January 31, 2017, the New Jersey Supreme Court issued an order denying Governor Christie’s motion. In the ruling, the Court noted the challenges to collective bargaining and seniority in layoffs “have not been subject to prior litigation in the Abbott line of cases.”

**The effect of the policies in the classroom in schools and colleges:**

The determination of how people see changes in policies over a period of time, actually stemmed from making some type of an argument for a just cause, which has now

or most recently been referred to as social justice. For any American, who was born and bred in this country, the history of diversification speaks for itself. There is an old saying, “What is good for the goose, is good for the gander.” When the term gander is defined, it has two significant meanings, gander 1 is defined as, the adult male goose, or simpleton, gander 2 is defined as, the outstretched neck of a person craning to look at something (ca. 1914): LOOK, GLANCE (p. 479, Merriam Webster’s Collegiate Dictionary, Tenth Edition). Now, how ironic does that saying sound? It identifies two words that have the same meaning goose and gander. But, in short term, when it comes to the diversity of a human being so many measures had to be adopted in Court just to prove a point on equalization.

Some schools were better equipped to service students, when other schools were both under-privileged in construction and curricula, being under staffed, and substandard in funding. At one point in the United States some students had to be bussed to a different locale, so that some funding would be available for an equal education. This busing situation was detrimental for some urban students particularly in the Los Angeles, California area, because the students were ordered to migrate from the mid-city and South Central areas to the valley, mainly the San Fernando Valley. That meant that the students had to leave home at a very early hour, and then they arrived home late, which left very little time for homework or chores.

The impact of the stated situation was a mental strain for some of the students, which showed that this was more than a cultural shock. In other words, the students had become integrated into two very different environments, both having showed vast differences in behavior. It goes back to diversity again, the minority students were the

main ones, who had been bussed to a different locale to receive a so-called quality education.

The statistics are overwhelming pertaining to the dropout rate for some of the students, who had been totally drained by the transformation. Now, let's look at the correlation of the *Brown v. Board of Education* case in comparison with the bussing agenda concerning a said group of communities.

The background surrounding the busing situation began in the 1950s, when the segregation laws in many states prohibited African American children and white children from attending the same schools. Linda Brown, an African American girl, could not attend a less-crowded white school a few blocks from her home in Topeka, Kansas. Moreover, she had to ride a bus across town to attend an African American school. In 1951, Linda Brown's father and several other parents from the school where she attended filed a lawsuit against the Board of Education of the City of Topeka, Kansas in the United States District Court for the District of Kansas. The argument was that, separate schools were unconstitutional because they violated equal protection guaranteed by the Fourteenth Amendment. In this case the district court ruled in favor of the Board of Education citing the "separate but equal" precedent established by the 1896 Supreme Court case *Plessy v. Ferguson*. The Brown case, along with four other cases were appealed and argued by then, the NAACP attorney, Thurgood Marshall.

The facts of the case were based on the consolidation of four cases that arose in separate states in relation to the segregation of public schools on the basis of race. The situation in the Los Angeles school area on busing was mainly pertaining to two minority groups, who lived in the mid-city region in southern California, they were African-

Americans and Hispanics, who fell under the area of having become in a segregated in the public schools within the communities, where they resided. In order for that group of students to become within the population of mainstream society, they were bussed to an area, where some of them had only heard of on television or the radio. That certain group of students had no other reason to venture to that area unless they were to visit relatives or to participate in some other activity.

According to the facts of the case on *Brown v. Board of Education of Topeka (1)*, in each of the cases, African American minors had been denied admittance to certain public schools based on laws allowing public education to be segregated by race. It was argued that such segregation violates the Equal Protection Clause of the Fourteenth Amendment. The plaintiffs were denied relief based on the precedent set by *Plessy v. Ferguson*, which established the “separate but equal” doctrine that stated separate facilities for the races was constitutional as long as the facilities were “substantially equal.” In the case that arose from Delaware, the Supreme Court of Delaware ruled that the African American students had to be admitted to the white public schools because of their higher quality facilities.

The question remains: Does the segregation of public education based solely on race violate the Equal Protection Clause of the Fourteenth Amendment?

The conclusion of this documentation was sorted by both seniority and ideology of the Chief Justices who had been appointed to sort out the problem. It was stated that, Yes. Chief Justice Earl Warren delivered the opinion of the unanimous Court held that “separate but equal” facilities are inherently unequal and violate the protections of the Equal Protection Clause of the Fourteenth Amendment, and it ended by indicating that a

sense of inferiority that had a hugely detrimental effect on the education and personal growth of African American children. (Stanley Reed, William O. Douglas, Harold Burton, Sherman Minton, 2018, p. 4).

The Five Cases that were filed in the District of Columbia and in four states were, Belton (Bulah) v. Gebhart (</brvb/learn/historyculture/Delaware.htm>) [Delaware] Boiling v. Sharpe (</brvb/learn/historyculture/districtofcolumbia.htm>) [District of Columbia] Brown v. board of Education (</brvb/learn/historyculture/Kansas.htm>) [Kansas] Briggs v. Elliot (</brvb/learn/historyculture/socarolina.htm>) [South Carolina] Davis v. County School Board (</brvb/learn/historyculture/virginia.htm>) [Virginia]

**How I see these cases or policies affecting these communities that I observed:**

In many ways, it appears that, when justice prevails in any case pertaining to the equality of a certain sect, the only way to straighten the matter out is to file a lawsuit and to be represented in court for a hearing. In my opinion, this country will always be faced with some sort of a dilemma, whether it has to do with race equality, language and culture, or policies and practices with the schools and colleges.

During my course of study in view of this research project, I had an opportunity to review, observe, discuss, and to participate in a field preparation in the state of New Mexico. On my way of trying to find out *How Language Policies and Practices Affect Classrooms and Colleges*, I contacted some schools to request that they would participate in this field project. The research started by questioning individuals in Arizona, California, and New Mexico asking questions in relation to their first language acquisition. In the state of California, I interviewed two individuals, who were not born

in the United States of America, but somehow ended up becoming citizens because this is where they wanted to reside. Even though, the English language was not necessarily their first language, they had to make an adaptation to learn how to place English as a priority in this English- speaking society.

During the review of trying to find out *How Language Policies and Practices Affect Classrooms*, a specific question was asked to Dr. John Wenenko, Ph. D., who I met at an Office Depot in Santa Fe, New Mexico, “What are the main languages that are spoken here in New Mexico?” He replied, “There are three main languages, Tewa, Tiwa, and Towa, Navajo, Apache, and Keres. He directed me to go to the Wheel Wright Museum to the Department of Languages. He also indicated that Tewa and Tiwa were associated with the Pueblo. (Wenenko, 2018). Dr. Wenenko was the Dean of Indiana University-Indianapolis Art School, a retiree, who had also served as the Executive Director of an Art Center in Espanola, New Mexico.

Another interesting character, who worked as a mechanic in Santa Fe, name Jim Richard, whose family originated from Spain, told me that his language was Karish, that was the way that he pronounced it, heavily accented, but he spelled it as Keres. Most of the pueblos admitted that Keres was their first language. The explanation that was given by Mr. Jim Richard Anaya was clear and precise because he gave an account to how the pueblos were formed so many years ago in order for the survivors to survive. It was not only the language, but it was a lifestyle living amongst each other within this American society that, had seemed to be so separated. Here we are dealing with another race or ethnicity of people, known as Native Americans living within a separated society, where the fight for educational equality was based on two other agendas pertaining to African-



American and Hispanic people versus their Caucasian counterparts in making decisions about educational policies.

In addition, the explanation pertaining to the survival of the pueblos started more than a thousand years ago, when the Moorish people migrated to the Pecos and Taos Pueblos. It was recollected that Sky City was about two to three thousand years in age, and that there was a collection of six Pueblos. Mr. Jim Richard Anaya named the pueblos as Gallisteo, Hemis, San Domingo, Rio Grande, Cochiti, and so on in relation to the Keresan-speaking Pueblos. On the other hand, it was explained that the pueblos remained five to ten miles apart, so that there would be enough game for the individual tribes, so there was sometimes a language variance.

According to the Indian Pueblo Cultural Center, there is a total of nineteen Pueblos listed and each pueblo is identified by the language that is spoken, and most importantly the pueblos traditional names.

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