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Commemorating the 50th Anniversary of Lau v. Nichols, January 21, 1974

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Peer reviewed

RESOLUTION NO. 2024-001

Commemorating the 50th Anniversary of Lau v. Nichols, January 21, 1974

The Board of Directors of Kai Ming Head Start commemorates January 21, 2024, as the 50th anniversary of the landmark US Supreme Court decision in Lau v. Nichols, which affirmed that non-English students must receive English language education to develop their English proficiency.

WHEREAS, the Fourteenth Amendment to the Constitution guarantees that "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state . . . deny to any person within its jurisdiction the equal protection of the laws"; and

WHEREAS, in 1964 Congress passed the Civil Rights Act that asserts that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance"; and

WHEREAS, Kinney Kimmon Lau and 12 other non-English speaking students (7 of them US citizens) were denied the benefits of a proper education by not receiving any supplemental English language instruction from the San Francisco Unified School District (SFUSD), which claimed such instruction lay outside its purview and

responsibility; and

WHEREAS, the District and Appeals Courts supported the SFUSD's claim in a case filed by a young 25-year-old attorney, Edward Steinman, who had started to provide legal assistance in the San Francisco Chinatown Community; and

WHEREAS, the Appeals Court decision implicated the sins of the parents in not teaching their children English and helped realize the self-fulfilling prophecy that Chinese immigrants could never assimilate.; and

WHEREAS, the US Supreme Court recognized that if the SFUSD did not provide language education to non-English speaking students, it would perpetuate an inability to speak English, would discriminate against these students, and would forever trap these students in a socioeconomic and mental ghetto; and

WHEREAS, the US Supreme Court remanded the case to the district court, which convened an advisory committee composed of the SFUSD and citizens to find a resolution. The advisory committee championed bilingual, bicultural education for English Language Learners (ELL) and other resources including the English as a Second Language (ESL) program; and

WHEREAS, a Master Plan emerged to frame a Consent Decree issued on October 22, 1976. Through different modifications the Consent Decree lasted 43 years until 2019; and

WHEREAS, the Lau v. Nichols decision has established a legal basis to develop language program for non-English speaking students and has provided millions of children (immigrant and US-born) to have an equitable education opportunity, which includes bilingual and bicultural programs; and

WHEREAS, Kai Ming Head Start has benefited directly from the Lau v. Nichols

decision in implementing bilingual and bicultural programs in its curriculum, which guide and promote early childhood education; now, therefore, be it

RESOLVED, that the Kai Ming Board of Directors in the City and County of San Francisco commemorates January 21, 2024, as the 50th anniversary of Lau v. Nichols, which represents a civil rights victory for Americans of Chinese descent and for all Americans.

Written by: Thomas Jue

Sponsored by: Thomas Jue and Larry Vitale

Resolution 2024-001 commemorates January 21, 2024, as the 50th anniversary of the landmark U.S. Supreme Court decision in *Lau v. Nichols*, which affirmed that non-English speaking American children, including immigrant children, must receive adequate language education to support their effort to learn English. The decision enabled the formation of the bilingual and multicultural curriculum at Kai Ming Head Start and Early Childhood Education and supported the aspiration to reach the pluralistic ideals of the United States.

May 2, 2024 Kai Ming Board of Directors - ADOPTED

Ayes: (number voting to support) – Chin, Dang, Ferretti, Jue, Lau, Vitale (Please check with Fatima)

**I hereby certify that the foregoing
Resolution was ADOPTED on 5/2/2024
by the Kai Ming Board of Directors of
the City and County of San Francisco.**



4.1

C-161-441-4

Fatima Sequeira
Clerk of the Board

05/2/2024

Date Approved