



ADVOCATES FOR CHILDREN

Helping children succeed in school

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Advocates for Children Urges U.S. Supreme Court to Preserve Rights of Students Who Do Not Speak English

Advocates for Children filed a brief yesterday with the U.S. Supreme Court urging that the requirements in the Equal Education Opportunity Act (EEOA) continue to protect students who do not speak English and are not diminished by the No Child Left Behind Act (NCLB).

The EEOA prohibits schools from denying equal educational opportunities to any student, including by “the failure...to take appropriate action to overcome language barriers that impede equal participation by its students in ... instructional programs.” In *Horne v. Flores*, English language learners in Nogales, Arizona claimed that the inadequate funding for educational programming for English language learners in the state violated the EEOA. The Court of Appeals for the Ninth Circuit agreed.

The Speaker of the Arizona House of Representatives, the President of the Arizona Senate, and the Superintendent of Public Instruction of the State of Arizona appealed to the U.S. Supreme Court arguing, among other things, that districts cannot violate the EEOA if they meet the benchmarks for school achievement under NCLB.

Advocates for Children, along with the Asian American Legal Defense and Education Fund, filed a “friend of the court” brief with the Supreme Court, setting forth the arguments why NCLB does not replace the EEOA’s requirements. The brief details a number of examples in New York City and other communities where the schools are not providing for the needs of English language learners, but the schools are meeting NCLB benchmarks. Although the EEOA provides English language learners with the right to sue to remedy EEOA violations, NCLB does not permit private parties to sue.

Advocates for Children Executive Director Kim Sweet explained, “The failures of the schools to address the educational needs of English language learners demonstrate why the EEOA and the EEOA’s civil rights remedies remain so critical.” New York law firm, Paul, Weiss, Rifkind, Wharton & Garrison LLP, assisted Advocates for Children in drafting the brief.

The Supreme Court has scheduled oral argument in *Horne v. Flores* for April 20.

A copy of the brief may be found at www.advocatesforchildren.org.

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