Overview of History and Policy related to Language Education in the U.S.

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History of Language Education in the U.S.

- **1550 to 1815**: World Language Education for religious instruction.
- **1816 to 1887**: Bilingual Education (BE) for public school instruction and preservation of native languages.
- **1880 to 1960**: Eradication of languages and cultures with the abatement of BE for religious and public school instruction.
- **1960 to 1998**: Revival of BE for public school instruction
- **Since 1998**: Proposition 227, “English for the Children” Requires that ELs be taught in English
State Law after *Proposition 227*

- Must have a plan to assure ELs learn content and develop English language skills.
- Requires that ELs be taught in English.
  - (i.e., “overwhelmingly in English”)
- At a minimum, the program must include ELD instruction
  - ELs be taught through “Structured English Immersion” during a transition
  - “A period not to exceed one year.”
  - SEI does not have to take place in a separate classroom as long as differentiation of instruction takes place.
- Schools are bound by these requirements unless parents in sufficient number (20) apply to their school for a waiver.
  - Schools may transfer ELs to bilingual classes or other programs (i.e., alternative program)
Structured English Immersion

- **SEI** is generally known as a “technique for rapidly teaching English to ELs.” (Wikipedia)
  - It’s a *hybrid* term.
  - **Immersion:** Students are allowed to speak in L1; Teachers are bilingual but use L2 when addressing the students directly; Comprehensible L2 input is maximized
  - The term originated from Baker & de Kanter’s recommendation to schools to make use of Canada’s successful French immersion programs.
  - **Canada:** SEI model was developed to encourage bilingualism; replaced many English-only laws
  - **U.S.:** same approach was advocated to force ELs to adopt English.
    - It’s mandatory in CA, AZ, MA where voter initiatives opted to restrict the use of BE in preference for SEI
Silencing “Bilingual” Word

Title VII of ESEA: Bilingual Education Act

Office of Bilingual Education and Minority Languages (OBEMLA)

Title III of NCLB: Language instruction for LEP and immigrant Students

Office of English Language Acquisition, Language Enhancement and Academic Achievement for LEP Students (OELA)

National Clearinghouse for Bilingual Education (NCBE)

National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA)
Key Sources of Federal Law

- **US Constitution**: *Fourteenth Amendment* Equal Protection Clause:
  - Forbids states to deny any person the equal protection of the law

- **Title VI of the Civil Rights Act of 1964**
  - Prohibits discrimination on the basis of students’ language minority status.

- **OCR May 25th, 1970 Memorandum**:  
  - Requires districts to take affirmative steps to rectify language deficiencies in order to open instructional programs to all students.

- **Equal Educational Opportunities Act** of 1974:
  - Requires districts to take appropriate action to educate Els.

- **Elementary & Secondary Education Act** (ESEA) of 1965
  - Authorizes federal spending on programs to support K-12 schooling.
  - ESEA was reauthorized 7 times, most recently in 2002 as NCLB Act.
**Major Federal Cases**

  - Declared that classes taught in English and provide no assistance in learning English deny ELs an equal educational opportunity.

- **Castaneda v. Pickard (1981)**
  - Requires districts to effectively teach English and provide access to academic content instruction.

- **Gomez v. Illinois State Board of Education (1987):**
  - Requires state educational agencies to provide oversight and guidance to districts.
No Child Left Behind (NCLB), 2001

**Original goal:** Education equity for students from lower income families by providing federal funds to school districts serving poor students

- Required state, districts and schools to ensure all students are proficient in grade level math and reading by 2014. State defined grade-level performance, schools must make “adequate yearly progress” toward their goal
- Requires states to test students
  - **Reading and Math:** annually in grades 3-8; once in grades 10-12.
  - **Science:** once in grades 3-5, 6-8 and 10-12.
- Individual schools must publicly report test results
- Resulted in more testing, accountability for school improvement
  - Since Feb 2012, 43 states and Washington D.C. have been granted waivers (i.e., allowed states to request flexibility in meeting the requirements under NCLB).
  - Also allowed states to *opt out of mandatory interventions* for districts failing to meet requirement to staff only “highly qualified teachers’ in their schools.
Key Sources of State Law

- **Federal legal** requirements serve as base.
- **State Constitution**: Equal Protection Clause
- **Education Code**
- **CA Code of Regulations**, Title 5
- **Comite de Padres** Settlement Agreement (1985, 1996): requires the state department of education to monitor districts, programs for ELs.
**Title III: Language Instruction for LEP and Immigrant Students**

- Provides formula grants to state education agencies. No distinctions between bilingual and non-bilingual programs.
- All LEP students must be placed in an instructional course defined as:
  - For the purpose of developing and attaining English proficiency and academic content
  - May be bilingual to attain English proficiency, and may include participation of English proficient children.
- Each state has ultimate authority to determine which programs to support.
Educational Services for Limited English Proficient students

- District should have procedures in place for ...
  - identifying LEP ss.,
  - Assessing their language proficiency
  - Providing alternative language programs

- All ELLs should have equal access to:
  - School communication (i.e., via L1)
  - College preparation courses
  - Equal opportunity to learn
    - Seating in classroom with English only students is not providing equal opportunity to learn.
Current Landscape

- Dual Immersion Trend:
  - 50,000 students in CA in 2014

- Seal of Biliteracy:
  - Award given by a school, school district or county office of education in recognition of students who have studied and attained proficiency in two or more languages by high school graduation

- Gov. Brown's effort to overturn Prop 227:
  - Voters will be given the opportunity to reconsider the proposition on the 2016 state ballot

- More ethnic studies programs approved as high school requirement:
  - Movement at the state level to develop system wide curriculum