



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

---

**Grace Cho, Ph. D. & Sharon Chappell, Ph.D.**

at the National Resource Center for Asian  
Languages (NRCAL) PD Seminar on 2/3/2015



# 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)**

**National  
Clearinghouse  
for Bilingual  
Education  
(NCBE)**

**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 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 25<sup>th</sup>, 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

---

- **Lau v. Nichols (1974)**
  - 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