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Bilingual Education and the Law

Solange de Azambuja Lira

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Introduction

A public hearing was held before the Joint Committee on Education, Arts and Humanities on May 13, 1999 at the Massachusetts State House. It was Chaired by House Representative Harold Lane and Senator Robert Antonioni. Two House Bills, H3444 sponsored by Representative Mary S. Rogeness and H3441 Sponsored by Ronald Mariano, proposed changes to the Bilingual Education Laws, and one House Bill H3037, sponsored by Antonio F. D. Cabral, Marc Pacheco and Jarret Barrios, prohibited the Board of Education from making certain changes to the Bilingual Education Law. We testified in favor of HB3037 and against HB3444 and HB3441.

First Testimony

My name is Solange de Azambuja Lira. I am Associate Professor in Second Language Acquisition at Lesley College's School of Education in Cambridge, Massachusetts and I testified that the transitional bilingual education and the rules and regulations relative to transitional bilingual education currently in effect should continue. Children for whom English is a second, third or fourth language should continue receiving support in their native language while learning English. I added that the controversies concerning bilingual education have become matters of intense public debate throughout the country. The confusion of goals, approaches and even the definitions of essential terms renders the debates almost meaningless. Because of this, I would like to clarify some of the misleading assumptions about second-language learning.

1. First, it is in the interest of every child to learn English as fast as he or she can to be able to reach the high standards demanded by the Massachusetts Curriculum Frameworks. However, we may disagree how to do it. For example Rep. Rogeness proposed that a program in Bilingual education should not be offered to children of limited English speaking ability entering kindergarten or first grade'
2. Second, research shows us that the knowledge that children get through their first language helps them read, write, and speak in English faster than if they didn't have home language support. In a sample of 42,000 language minority students from across the U.S.,

Thomas and Collier (1997) found that when children were schooled bilingually, they would take four to seven years to reach the 50th percentile on standardized tests in English. Moreover, the children were on or above grade level in their first language as well. However, when there was no schooling in the home language literacy, the children would need seven to ten years to reach those levels of performance.

3. Third, instruction in the home language promotes higher level cognitive and academic skills that are necessary for the development of literacy in both languages. Cummins (1979) explains that language proficiency is a combination of skills in two basic domains of language development: Basic Interpersonal Communication Skills (BICS), which is the competence to function in everyday interpersonal contexts, and Cognitive Academic Language Proficiency (CALP), which is the competence to engage in abstract, decontextualized, academic tasks. The first is not directly related to academic achievement and can be attained after two years in a host country. Many children are mainstreamed into English-only classes after they reach this stage because they appear to be fluent.

4. Fourth, fluency is not the same as proficiency. A child in first grade can appear to be fluent with a productive vocabulary of 1000 words, while a native English speaking child will have more than 6000 words. Consequently, when language minority children are placed in an English- only class and are expected to learn more demanding academic skills, they are often unprepared and fail. They don't have the vocabulary and the concepts necessary to succeed. According to Cummins (1992), it takes five to seven years to develop the language proficiency needed to function in decontextualized, academic settings.

5. Finally, to have a second or third language is an asset in the global economy. It is not in our best economic interest to turn all potentially bilingual students into English-only monolinguals. The Massachusetts Common Core of Learning, adopted by the state Board of Education (1996), states, "All students should read, write, and converse in at least one language in addition to English." We are fortunate to have such a large number of students who speak another language; they can help us reach this goal of teaching a second language to monolingual students. We should not accept policies that tend to eliminate the home languages of linguistic minority students, and then try to add a foreign language in middle school. We should take fullest advantage of the linguistic diversity present in this country.

Second Testimony

I am Maria de Lourdes B. Serpa, a Bilingual Professor of Education and Special Education at Lesley College School of Education in Cambridge since 1983. I have been involved with teacher education and inservice training in monolingual and bilingual special education for over two decades. I am here to testify against House Bill 3441. The

reasons for my opposition include the following:

Teaching for Understanding

In a global economy there is a pressing need to educate all our students to high levels of understanding (See SCANS REPORT from the US Department of Labor, and the Massachusetts Educational Reform Act). School learning is language based and teaching/learning for understanding is highly dependent on high levels of language/vocabulary (among other variables). Furthermore, the Massachusetts Curriculum Frameworks are very clear about the standards for what students need to understand and be able to do in terms of academics. Therefore my questions to you are:

Given what we have learned from research in this area, how can any English monolingual teacher teach for understanding in a language in which the students have not yet gained proficiency? How are monolingual English teachers without any training in second language learning going to make certain that bilingual/ESL students not yet proficient in English learn the academic skills required by the Massachusetts Curriculum Frameworks: Science and Technology, Mathematics, Language Arts, Arts, Health and History & Social Science?

To Learn English in Not Enough

Learning a language and learning through a language are two different things. Bilingual students need not only to learn English but also to learn the academic content. As we all know, the academic development of native English speaking students will not be put on hold to wait for Bilingual/ESL students to catch up academically. Let me give you an example: college students from other countries attending American Universities are required to have a high level of knowledge of English in addition to a good academic record in their native language. Why? Because learning for understanding is language based and bilingual/international students need proficiency in English to succeed academically in the USA context, they need to have acquired high levels of English language proficiency. Mastery of the English language is necessary for these college students to understand and learn the academic content. House Bill 3441 is in direct opposition to what we know about the role of language in academic learning. It proposes to abolish the transitional bilingual program for newcomers in favor of a program in English as a second language. The impossible will be expected of ESL students, which is to learn academic content through English before they have acquired English proficiency. Moreover, this bill proposes to lower current requirements for Certification of ESL teachers. Special Education Overrepresentation

When ESL students have difficulty learning the academic content through English because they don't understand the language, and fall behind, they inevitably end up receiving special education services. Was this the intention of House Bill 3441? I don't think so!

Does Bilingual Education Work?

Does Bilingual Education work? Does Education really work? For whom does it work? In this Commonwealth we have embarked on Education Reform because education was not working for a great number of students. The answer was not to stop education, but to fix it. With Bilingual Education (instruction in two languages) we are facing the same issue. We shouldn't stop bilingual education; we NEED TO DO IT RIGHT.

Are bilingual and ESL teachers adequately prepared to teach our children who are learning English?

No. Many schools throughout the Commonwealth hire bilingual and ESL teachers just because they happen to speak the language, not because they have the necessary teaching qualifications. We cannot afford to have students be schooled but not educated. We need to strengthen bilingual/ESL teacher credentialing and to hold school administrators more accountable for hiring and mentoring qualified bilingual/ESL educational professionals.

In my professional experience for the last thirty years, I have seen many school systems pay little to no attention to this segment of the school population; students are setting up to fail because of inadequate resources and many unqualified teachers. Bilingualism, per se, does not cause learning difficulties, and indeed is an asset for all who develop it proficiently.

Are all (monolingual English) teachers adequately prepared to teach our children/students who are learning English?

Unfortunately no. Actually all teachers regardless of content area should be familiar with first and second language acquisition. Colleges and universities should be held more accountable for addressing linguistic diversity needs in all of the teacher prep programs.

Third Testimony

I am William Stokes, a Professor at Lesley College in the School of Education. I am also Director of The Hood Children's Literacy Project. I have been involved with teacher education and professional development for monolingual and bilingual educators for 25 years. I am here to testify against House Bill H3444, sponsored by Representative Mary S. Rogeness.

To avoid repeating points my colleagues have already made, I will focus my remarks on two interrelated points concerning early reading instruction for language-minority children: (1) the role semantic system, especially vocabulary, and (2) the role of phonics instruction, especially with regard to phonemic awareness.

The goal of all approaches to teaching reading to young children is to guide the development of their competencies to read accurately, fluently and with comprehension. When native English-speaking children enter first grade, they bring with them a rich

knowledge of English semantics, syntax and phonology, appropriate to their developmental level. Estimates vary for legitimate technical reasons, but the receptive vocabulary of a six year old, native English-speaking child reared in a literate environment has been estimated at 13,000 words (Pinker, 1994, p151). It has also been suggested that the vocabulary size of lower income children may be half that size (Graves and Slater, 1987, cited by Snow et al., 1998, p47), presumably because lower-income status correlates with reduced opportunities for participation in highly literate environments. Nevertheless, both groups of children enter school with substantial vocabularies and knowledge of semantic and syntactic systems sufficient to understand that 'the boy hit the ball' and 'the boy got hit by the ball' are different in meaning. Native English-speaking children also enter first grade with near mastery of the phonological system. They are able to distinguish all of the forty- four phonemes of American English (with the possible exception of a small number of those phonemes that are acquired last, e.g., the sound represented by the letter in the word 'measure'). Phonemic awareness has also begun to develop, although in this regard there is greater variability among children, and lack of phonemic awareness has been identified as one of the risk factors for reading difficulties (Adams, 1990, Snow et al., 1998).

It has been widely argued that children should be taught to read through phonics. There are policy makers, researchers and educators who take this position with great energy and conviction, and who claim that all children should be taught through some form of systematic, explicit, intensive phonics instruction. Let us take the proponents of phonics seriously, and ask explicitly about what they are promising. They are promising that when children are introduced to the alphabetic principle that underlies our writing system, they will be in a position to take full advantage of their knowledge of the language which will in turn allow them to sound-out and read words they have not read before. That is, the great advantage of phonics is that the learner already knows the language and only now needs to acquire the code that maps the oral and written forms of the language. All that the child knows about English words and sounds can be brought to bear in their effort to learn the alphabetic code.

Now, let us consider the challenge facing the language-minority children who enter first grade with little or no knowledge of English. Under the proposed legislation, those children would be denied access to native-language instruction or support. As detailed in the National Research Council report entitled, *Improving Schooling for Language-Minority Children* (August and Hakuta, 1997, see Note below), "we need to understand the nature of the cognitive challenge faced by the many children in immersion or submersion situations for whom oral language and literacy skills are acquired in the second language simultaneously" (p 71). The authors of the report agree that language-minority children should be provided with direct instruction into the component processes of reading, i.e., phonemic awareness and phoneme-grapheme relationships (usually known as phonics). But, in which language should this occur? Collier and

Thomas (1989) have argued that "children should first learn to read in a language they already speak" (cited by August and Hakuta, 1997, p60).

The logic for this claim is entirely in keeping with the claims made for phonics instruction in the first place -- that children will be able to build upon their substantial knowledge of oral language words and sounds. This is precisely what many language-minority children will lack in English. The English language vocabulary of many language-minority children, even those who appear somewhat fluent in ordinary, everyday conversation, will likely be only a small fraction of the size of vocabularies of native English-speaking children, perhaps only a few hundred to a thousand words. August and Hakuta (1997, p60) identify some of the risk factors for reading difficulties; these include "absence of the sort of background knowledge and skills acquired in highly literate environments, and unavailability of semantic support for decoding that comes from familiarity with the words one reads."

For example, let's suppose a child encounters a story which begins with the sentence, 'the shark could swim very fast.' Notice that the word 'could' rhymes with 'hood' but looks very different. Let's suppose that a child who relies principally on visual cues might mistake the word 'could' for the word 'cloud' and read the sentence as the 'the shark cloud swim very fast'. If the child knows English well, then that reading makes no sense and the child is likely to self-correct or look for help from a teacher or parent. For the child who knows little of English, the sentence is read as a list of words, and in a list there is no reason for 'cloud' to seem out of place. Common words in English provides endless opportunities for confusion. Let's assume a particular child knows the word 'bear' and now encounters the word 'fear' but reads it to rhyme with 'fare' or 'fair' -- how will the child discover the error, unless she knows more about the language? Among the most common words in English, even if one limits the list to the one thousand most common words that children will encounter in the primary grades, there are hundreds of homophones (ate, eight), or homographs (bow - of bow and arrow, bow - of taking a bow), or homonyms (bark: of a tree, of a dog), or near misses (then, than), or phonetically irregular words (would, said, friends, once, who, etc.). We should not underestimate the challenge being posed to children when they are expected to learn to read these words based on phonics principles, but may not have acquired them even as part of their spoken vocabulary of English. In order to successfully decode these words, the child must have the corresponding vocabulary in spoken English and enough knowledge of the grammar of English to be able to apply context to support successful decoding.

Snow et al. (1998) in a National Research Council report, *Preventing Reading Difficulties in Young Children*, review the research literature bearing on early reading. They argue that "hurrying young non-English-speaking children into reading in English without ensuring adequate preparation is counterproductive. The ability to hear and reflect on the sublexical structure of spoken English words, as required for learning how the alphabetic

principle works, depends on oral familiarity with the words being read. Similarly, learning to read for meaning depends on understanding the language and referents of the text to be read. To the extent possible, non-English-speaking children should have opportunities to develop literacy skills in their home language as well as in English." (p246).

The sublexical features they refer to include syllables and phonemes. Without a knowledge of the sound system of English, a child could not be expected to exhibit phonemic awareness in English. In as much as phonemic awareness is considered by many to be essential to success in initial reading instruction, then pushing non-English-speaking children too rapidly into an English-only instructional environment should be recognized as being tantamount to malpractice.

Finally, what do these considerations imply for language-minority children who, even under current law, have no access to native-language instruction? Many language-minority children have no alternative but to enroll in monolingual-English classrooms led by monolingual-English teachers, without support of aides or paraprofessionals who speak the dozens of languages represented in the schools. It will never be sufficient that a single ESL teacher or aide can support dozens of children in pull-out programs that seldom amount to an hour per week of support.

It seems to me that the proposed legislation moves in entirely the wrong direction. It proposes to limit or remove access to support for literacy development. What we must do, it seems to me, is to greatly expand support for literacy development. If we can not now foresee the day when all children, from all language backgrounds, may have native language support where needed. We should be able to envision the possibility that all monolingual-English teachers will be required to fully understand the nature of first and second language acquisition, the nature of English phonology, the nature of the English lexicon and spelling system, and the adaptations that will be required for language-minority children to be successful in achieving literacy both in English and in their native languages. This will require explicit statement in the state Curriculum Frameworks. And, it will require that all English-speaking teachers also see themselves as teachers of English.

What I hope to see are legislative proposals that address the real problems and incorporate the findings the best basic research (as outlined in the recent NRC reports). The proposed House Bill 3444 only hopes that the problem will somehow disappear if language-minority children are simply denied access to any native-language support.

Note - The National Research Council (NRC) has issued two recent reports that are of critical importance in these debates. In 1997, under the editorship of Diane August and Kenji Hakuta (Committee Chair, Stanford University), the NRC released a report entitled, *Improving Schooling for Language-Minority Children: A research agenda*. In 1998, there followed a report entitled, *Preventing Reading Difficulties in Young Children*, edited by

Catherine Snow (Committee Chair, Harvard University), M. Susan Burns and Peg Griffin. Together, these reports provide a comprehensive review of research of the past thirty years, or more, concerning the nature of language learning and reading development. Both reports are available from the National Academy Press, which publishes reports by the National Academy of Sciences (NAS), the National Academy of Engineering, the Institute of Medicine and the National Research Council - all operating under a charter granted by the Congress of the United States. (Web address: <http://www.nap.edu>).

References

- Adams, Marilyn J., (1990) *Beginning to Read: Thinking and Learning About Print*. Cambridge, MA: MIT Press.
- Cummins, J. (1979). *Cognitive academic language proficiency, linguistic interdependence, the optimum age question and some other matters*. Working papers in bilingualism, 19, 121-129.
- Cummins, J. (1992). *Bilingual education and English immersion: The Ramirez report in theoretical Perspective*. The Journal of the National Association for Bilingual Education, 16 (1&2), 91-104.
- Massachusetts Department of Education (1996). *Making connections through world languages*. The Massachusetts World Languages Curriculum Frameworks.
- National Research Council (1998) *Preventing Reading Difficulties in Young Children*. (editors: C. Snow, M. S. Burns, P. Griffin), Washington DC: National Academy Press
- National Research Council (1998) *Starting Out Right: A Guide to Promoting Children's Reading Success*. Washington DC: National Academy Press
- National Research Council (1997) *Improving Schooling for Language-Minority Children: A Research Agenda*. (editors: D. August and K. Hakuta) Washington DC: National Academy Press
- Pinker, Steven (1994) *The Language Instinct: How the Mind Creates Language*. NY: William Morrow.
- Thomas, W. and Collier, V. (1997). *Language minority student achievement and program effectiveness*. Research summary of ongoing study: results of September, 1995.