

A Crossroads for Bilingual Education Programs in the American Public School System : Reform or Abolition?

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ABSTRACT

Even though some form of bilingual education has been used since the inception of American history, the first nation-wide attempt to provide Limited English Proficiency (LEP) students with instruction in their native languages came as a result of legislation passed in the late 1960's and early 1970's. This paper will provide a brief synopsis of the history of bilingual education in the US, a critique of the current proposal to abolish bilingual education in the California public school system, and outline the probable consequences of the abolition of bilingual instruction for minority students.

KEY WORDS

Limited English Proficiency, Bilingual Education.

1.1 A Brief History of Bilingual Education in America

Although it goes against the prevalent "melting pot" myth that has such a powerful pull on the collective American conscious, it is a fact that bilingual education has had a consistent but sporadic presence since the beginning of American history. Many immigrant groups used bilingual instruction of some kind to help their children adjust to their new language and country. For example, German-speaking Americans were operating schools in their mother tongue as early as 1694 in Philadelphia. Sometimes bilingual and sometimes not, German-language school-

ing prevailed until the early twentieth century, notwithstanding periodic attempts to replace it with English as the medium of instruction.

However, despite the occasional deviation from the norm, the most common approach to language minority students until quite recently remained one of benign neglect. These English immersion or "sink-or-swim" policies were the dominant method of instruction; Few or no remedial services were available, to help students in their native tongues, and students were generally held at the same grade level until enough English is mastered to advance in subject areas. This approach resulted in large numbers of immigrant children leaving

school before receiving their high school diplomas.

In the early 1960's, a pilot bilingual education program in Dade County, Florida proved to be enormously successful. This was a two-way bilingual program for both Cuban refugee children in Dade County and English-speaking students. The Spanish-speaking children learned English, while Anglo children of a similar socioeconomic background learned Spanish. The success of this program inspired others to create similar programs throughout the country.

The passage of the 1964 Civil Rights Act cleared the way for the national-wide implementation of programs to assist language minority students by prohibiting discrimination on the basis of race, color, or national origin in the operation of all Federally assisted programs. This created the legal precedents necessary for the passage of later legislation that specifically addressed the special needs of Limited English Proficiency Students.

In 1968, The Bilingual Education Act, and Title VII of the Elementary and Secondary Education Act were passed, establishing federal policy for bilingual education for economically disadvantaged language minority students. As a direct result of this legislation, research centers in bilingual education began to receive funding, and teacher-training programs began to produce trained teachers on a fairly large scale.

In 1974 the landmark *Lau v. Nichols* case was tried in San Francisco, and later the Supreme Court. This suit, by Chinese parents in San Francisco, led to a Supreme Court ruling that identical education did not constitute equal education under the Civil

Rights Act. School districts were forced to take "affirmative steps" to overcome educational barriers faced by non-English speakers. Congress passed the Equal Educational Opportunity Act, which extended the *Lau* decision to all schools.

Further amendments to Title VII in 1978, 1984, 1988 and 1994 allowed for the creation of some native language maintenance programs, provided program funding for LEP students with learning disabilities or other special needs, created family English literacy programs, and expanded the funding to include a broader range of teacher training and two-way bilingual education programs in the public schools. However, despite all of this new legislation at the federal level, as time passed, the federal government's role in funding bilingual education decreased significantly as a percentage of total revenue.

Most of the Bilingual programs implemented as a result of this legislation can be categorized as either short-term-early exit, or long-term-maintenance programs. The short-term programs generally last from 1 to 3 years, and are supposed to assist LEP students in adjusting to an all-English environment. Even though research clearly shows that LEP children need to have from 5 to 7 years of bilingual instruction in order to function in an all-English academic environment, short-term programs were deemed necessary in most cases because of shortages of qualified bilingual teachers. Long-term, or maintenance programs last from 4 to 7 years and, although they have shown superior results, continue to be virtually impossible to implement.

During almost 30 years of bilingual education, it has enjoyed a decidedly mixed track record. Despite the fact that solid research clearly demonstrates that students in many bilingual programs outperform those in English only programs, bilingual education programs have struggled to meet high public expectations. Chronic nationwide shortages of qualified bilingual teachers have meant that the overwhelming majority of LEP students have not been served by these programs. For example, the shortage of teachers has meant that less than 30 percent of LEP students in California are provided with some form of bilingual education. Furthermore, even where bilingual programs are available, schools are usually forced to choose the less effective short-term, or transitional programs.

In addition, bilingual education has been very politicized from its nation-wide inception in the post WW II era. Opponents of bilingual education come from conservative right-wing groups, and include many liberals from all ethnic groups who do not agree with the multicultural, pluralistic view of American society that proponents of bilingual programs espouse. Most knowledgeable observers do not feel that the conservative opposition to bilingual education has been able to present credible research that shows bilingual education to be ineffective.

Opposition to bilingual education grew in scope and organizational efficiency throughout the 1980's and 1990's, finally culminating in the current proposal by self-made Silicon Valley millionaire Ronald Unz to abolish bilingual programs in California by the end of 1998. The next section of this

paper will critically examine the highlights of Mr. Unz's proposed legislation.

1.2 A Critique of Ron Unz's "English for the Children" Anti-Bilingual Education Legislation

In the following critique, the major features of Mr. Unz's proposed legislation are presented in *Italics*, followed by my comments.

ARTICLE 1. Findings and Declarations

300. The People of California find and declare as follows :

(a) WHEREAS the English language is the national public language of the United States of America and of the state of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity ;

There is no doubt that all Americans must have adequate skills in the English language. However, there is also no doubt that English is not the only language useful in the world of business and commerce. Having large numbers of multilingual or bilingual citizens should be looked on as a national asset, not a liability in today's global information age.

(d) WHEREAS the public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immi-

grant children;

It is true that the public school system has many weaknesses. However, it does not make any sense to blame the dropout rate, or illiteracy problems on existing bilingual programs. Any investigation of the facts would clearly show that dropout rates and illiteracy rates among immigrant children have declined since the introduction of bilingual education, not increased. To claim that they have increased is a misrepresentation of the facts. In my opinion, the public would see bilingual education as a resounding success if the shortage of qualified bilingual teachers could be solved. The fact is, less than 30 percent of LEP students in the state of California were able to receive some kind of bilingual instruction, and most of the existing programs are the less effective short-term programs.

Regarding the cost of bilingual programs, there is simply no evidence that they are more costly than monolingual immersion programs. Also, contrary to popular opinion, most schools do not pay bilingual teachers higher wages, and the average cost per program is about the same as a monolingual program, and sometimes even less.

(e) WHEREAS young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age.

While it is true that younger children can and do easily pick up conversational skills in a foreign language, they do not easily acquire more difficult, literacy related skills quickly or easily if English is not their native language. This is true because language used by the teacher in the class-

room is much more abstract and decontextualized than conversational English. Solid educational research shows that acquiring adequate literacy related skills takes between 5 to 7 years, which is the average length of the better bilingual programs currently available.

Furthermore, there is no research evidence showing that more contact with the language will improve children's command of English if that contact is not done correctly. Students must be provided with comprehensible input, or else the language acquisition process is likely to be slower, not quicker.

(f) THEREFORE it is resolved that : all children in California public schools shall be taught English as rapidly and effectively as possible.

"Rapidly and effectively" are mutually exclusive terms in language education that is being conducted with the goal of achieving literacy. Exposing children to more English will do absolutely no good at all in an environment where children are required to learn difficult subject matter as well as a foreign language. Achieving real literacy takes time, and there are no shortcuts.

ARTICLE 2. English Language Education

305. Subject to the exceptions provided in Article 3 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms.

This states that using any language other than English to teach children in the public schools would be against the law. This law

would not only ban the use of the students' mother tongue by the teacher in the classroom, it would also prevent bilingual teacher's aides from assisting students who were having trouble understanding the teacher. This means that every form of bilingual education would disappear from California's public school system. It would result in chaos.

Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year.

There is no credible research that indicates that students would be able to transition to regular classrooms within one year. It simply cannot be done, and has never worked when tried.

ARTICLE 3. Parental Exceptions

310. The requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child.

The "parental option" clause, while appearing to provide a degree of flexibility, would be very difficult for the many immigrant children and parents to take advantage of. For one thing, the segment of the American population least able to understand the laws and customs of the

United States is most likely to be in need of bilingual education programs for their children. Studies show that recent immigrants with poor English skills do not vote, do not get involved with their children's school activities, and are therefore not likely to petition for the implementation of bilingual education programs for their children. They feel isolated from the mainstream community and this legislation will worsen that tendency, not improve it.

Furthermore, even if the parents of individual children were to request bilingual instruction for their children, they would have to get the signatures of 19 other parents in order to have their requests granted. They may also have to pay for their children to be bused to another school district in order for their children to have access to the bilingual instruction. This is all very, very unlikely to occur among recent immigrants of a low socioeconomic level.

311. The circumstances in which a parental exception waiver may be granted under Section 310 are as follows :

(a) Children who already know English : the child already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores at or above the state average for his grade level or at or above the 5th grade average, whichever is lower ;

Here, grade level means the 50th percentile. This restriction means that half of all children in California are excluded from bilingual instruction until they reach the 5th grade. No exceptions are made for two-way bilingual programs or language

maintenance programs for American Indians. In effect, what it is doing is depriving bilingual instruction from those who have the greatest need for it. Restrictions like these have not been seen since the era directly following World War I era, when rampant xenophobia seemed to be the motivating factor. Restrictive clauses like this may make it difficult to have any kind of foreign language instruction in the American elementary school.

(b) Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's rapid acquisition of basic English language skills ;

Again, this guarantees that young immigrant children will be completely denied any kind of bilingual instruction, even when researches show that they benefit the most. This legislation shows no inherent understanding of the existing research in the field.

(c) Children with special needs : the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided and any such decision is to be made subject to the examination and approval of the local school superintendent, under

guidelines established by and subject to the review of the local Board of Education and ultimately the State Board of Education. The existence of such special needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.

In effect this states that parents have the option of having their children receive some bilingual instruction if their child is found to have some kind of learning disability, such as the Attention Deficit Disorder. It is a sad fact that many language minority students have continually been inappropriately categorized as learning disabled, leading to low expectations for the children so categorized. If this legislation is passed, this trend will not only continue, but also intensify as minority students and their parents realize that the only way to receive bilingual instruction is to become classified as having a learning disability.

ARTICLE 4. Community-Based English Tutoring

315. In furtherance of its constitutional and legal requirement to offer special language assistance to children coming from backgrounds of limited English proficiency, the state shall encourage family members and others to provide personal English language tutoring to such children, and support these efforts by raising the general level of English language knowledge in the community. Commencing with the fiscal year in which this initiative is enacted and for each of the nine fiscal years following thereafter, a sum of fifty million dollars (\$50,000,000) per year is

hereby appropriated from the General Fund for the purpose of providing additional funding for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency.

This may be the only portion of the legislation that makes sense. Training adult members of the community to tutor LEP students privately is a great idea, especially if these tutors happen to be the parents of the students in question. It remains to be seen, however, whether significant numbers of parents are willing or able to devote the necessary time and effort. I tend to doubt that most immigrant parents would have the requisite time and energy.

ARTICLE 5. Legal Standing and Parental Enforcement

320. As detailed in Article 2 (commencing with Section 305) and Article 3 (commencing with Section 310), all California school children have the right to be provided with an English language public education. If a California school child has been denied the option of an English language instructional curriculum in public school, the child's parent or legal guardian shall have legal standing to sue for enforcement of the provisions of this statute, and if successful shall be awarded normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Any school board member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the terms of this statute by providing such an English

language educational option at an available public school to a California school child may be held personally liable for fees and actual damages by the child's parents or legal guardian.

This provision guarantees that no teacher in his or her right mind would ever dare use any foreign language in the classroom. To threaten teachers with legal action for uttering even a single word of a foreign language should guarantee that efforts to recruit better-qualified teachers will fail. And who will enforce this provision, some kind of Orwellian thought police? This provision is an over zealous, xenophobic administrator's dream come true.

ARTICLE 8. Amendment.

335. The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute to further the act's purpose passed by a two-thirds vote of each house of the Legislature and signed by the Governor.

This final provision merely guarantees that this piece of legislation can be repealed; it does seem, however, that the authors know that it would be difficult, for the supporters of bilingual education to succeed in obtaining a 2/3 majority vote.

2.0 Conclusions

The legislation proposed by Ron Unz would be disastrous for the estimated 1.4 million LEP students in California, and would likely result in petition drives in other states that would deprive most of the remaining LEP students of access to bilingual programs that solid research has proven to be effective. Unfortunately, the

increasingly conservative mood in the United States would definitely favor the opponents of bilingual education and multiculturalism. For Unz and his supporters the issue does not seem to focus on the relative pedagogical merit of existing bilingual programs ; instead, it seems to be a rebellion against an increasingly multicultural, pluralistic trend in America that has been caused by recent high levels of non-European immigration.

Like it or not, legislation like this will not have a great effect on the racial or ethnic composition of immigrant inflows into the United States. Immigrants from Mexico and Latin America will continue to outnumber those from other parts of the world because increasing levels of economic ties, and the porous, de-militarized 2,000 mile border that the US shares with Mexico. It will merely ensure that America will become more and more divided among ethnic, racial and linguistic lines.

In my view, the real issue is whether or not we have the collective will to ensure that the children of new immigrants can become productive members of our society. The stakes are truly enormous, and the consequences of making the wrong decision could be to ensure that hundreds of thousands of immigrants become a permanently marginalized underclass that lack the skills to

become successful, productive members of society.

Monolingual instruction for immigrant children from non-English backgrounds may be perceived as having been successful during the Industrial age, but cannot be seen as a reasonable alternative in the coming Information-based society. When Mr. Unz claims that previous immigrant groups were "successful", with monolingual instruction, he is referring to a different economic climate in which high-paying blue collar jobs in manufacturing and industry were plentiful and required very little in terms of basic literacy. This is obviously no longer the case today. High wage, low-skilled manufacturing jobs are being exported to low-wage countries in our global economy. Therefore, it follows that becoming a successful, productive member of society requires functional literacy skills at a much higher level than previously. It is reasonable to hope that pending legislation affecting educational policy should reflect the collective wisdom of solid educational research. Unfortunately, the legislation proposed by Mr. Unz does not. Instead, it makes highly emotional appeals based on political expediency, not hard empirical research.

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米国公教育制度における二か国語教育計画の十字路 改革か廃止か？

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要 旨

二か国語教育は米国の歴史が始まって以来、何らかの形で行なわれてきたものであるが、「限定的英語能力 (LEP)」児童・生徒を対象として彼らの母国語による教育を施す最初の全米的な試みは1960年代後半及び1970年代初頭の立法化を契機として始まった。本稿は米国における二か国語教育の歴史的経緯の概要を述べるとともに、カルフォルニア州で現在提案されている公立学校の二か国語教育廃止案を批判し、あわせて、少数民族出身の児童・生徒に対する二か国語教育を廃止した場合に予想される影響について概観するものである。

キーワード

限定的英語能力, 二か国語教育