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The Bilingual Education Act, 1968–2002: An Obituary*

Title VII of the Elementary and Secondary Education Act (ESEA), which transformed the way language-minority children are taught in the United States – promoting equal access to the curriculum, training a generation of educators, and fostering achievement among students – expired quietly on January 8. The law was 34 years old.

Its death was not unexpected, following years of attacks by enemies and desertions by allies in Congress. Title VII, also known as the Bilingual Education Act, was eliminated as part of a larger ‘school reform’ measure known as No Child Left Behind (2002), the latest incarnation of ESEA, which was proposed by the Bush administration and passed with broad bipartisan support.

Indeed, the lack of controversy was striking. Conservative Republicans dropped an attempt to mandate English-only schooling, while liberal Democrats made little effort to block the transformation of the Bilingual Education Act into the English Language Acquisition Act. Not a single member of the Congressional Hispanic Caucus, once a stalwart ally of Title VII, voted against the legislation at any stage of the process or sponsored a single amendment to preserve the federal bilingual education program.

Under No Child Left Behind, federal funds will continue to support the education of English language learners (ELLs). But the money will be spent in new ways, supporting programs likely to be quite different from those funded under Title VII. One thing is certain: the rapid teaching of English will take precedence at every turn. ‘Accountability’ provisions, such as judging schools by the percentage of ELLs reclassified as fluent in English each year, are expected to discourage the use of native-language instruction. Yearly English assessments will be mandated, ‘annual measurable achievement objectives’ will be established, and failure to show academic progress in English will be punished.

This marks a 180-degree reversal in language policy. Whereas the 1994

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version of the Bilingual Education Act included among its goals ‘developing the English skills ... and to the extent possible, the native-language skills’ of LEP students, the English Language Acquisition Act stresses skills in English only.

In keeping with this philosophy, the word *bilingual* has been expunged from the law, except in a provision that strikes the name of the federal Office of Bilingual Education and Minority Languages Affairs (OBEMLA). It now becomes the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited-English-Proficient Students (OELALEAALEPS), not even a pronounceable acronym.¹

Another major change is that federal subsidies will no longer be administered via competitive grants designed to reward excellence and ensure quality control. Instead, they will be distributed as formula grants by each state based on their enrollments of ELLs and immigrant students. State education agencies will have much greater control over funding decisions, including the power to impose pedagogical methodologies.

Under these circumstances, a little-noticed phrase could prove significant. Federally supported programs, whether for classroom instruction or professional development, must be grounded in ‘scientifically based research.’ This term appears more than 100 times in the text of No Child Left Behind. While such a requirement sounds reasonable in theory, the term remains poorly defined in law and thus vulnerable to abuse. The key question is: who will determine what is ‘scientific’? Answer: whoever is in charge of funding decisions at the state (and possibly the federal) level. The bill gives opponents of bilingual education a handy mechanism for imposing their views. In the name of ‘science,’ decision-makers could legally deny support to any classroom program using the native language or to any teacher training on how to provide native-language instruction.

The Bush administration has already signaled its plans to police reading programs throughout the country to ensure that they use a ‘scientifically based’ approach, by which it means intensive phonics instruction. This policy contradicts a widely held view among reading researchers, which favors a balanced approach that features whole language methods along with phonics for children who need such assistance. What scientists define as scientific becomes irrelevant, however, when a presidential Reading Czar has the power to withhold millions of federal dollars. Claims about science serve as a pretext to impose a policy that pleases conservative lobbies and textbook publishers.

A few critics of bilingual education, such as Professor Christine Rossell of Boston University, have insisted that scientific studies of ELL programs demonstrate the superiority of English-only immersion, again contra-

dicting a broad consensus of experts in the field. Whether the Bush administration will adopt Rossell's stance in funding the English Language Acquisition Act, or whether it will leave such policy decisions to the states, remains to be seen. But the new law could provide a powerful tool for officials seeking to dismantle native-language programs.

Senate Democrats exacted a price for their agreement to repeal Title VII. The complex deal makes the state formula-grant system contingent on added spending for ELL and immigrant education programs. Congress will have to appropriate at least \$650 million annually; otherwise, the federal competitive-grant system will be restored. This will mean an increase of nearly 50% in the Title VII budget.

The additional resources are good news for schools with substantial numbers of language-minority students. It's important to understand, however, that the money will be spread much more thinly than before, among more states, more programs, and more students. Title VII previously served only a small fraction of the estimated 4.4 million ELLs nationwide through competitive grants to school districts. Under the new law, renamed Title III, districts will automatically receive funding based on their enrollments of ELLs and immigrant students. Despite the overall increase in appropriations, Title III will now provide only \$149 per eligible student.² So the impact of federal dollars on individual programs will be reduced.

Funding for all other purposes, including, teacher-training, research, and support services, will be restricted to 6.5% of the total budget. That amounts to about \$43 million this year. Last year, by contrast, \$100 million was spent on professional development alone in order to address the critical shortage of teachers qualified to meet the needs of ELLs.

Ironically, these radical changes in policy come at a time when language-minority communities are gaining in political clout. Republicans as well as Democrats are reaching out especially to Latinos, now seen as swing voters in key states. President Bush tries to show off his Spanish at every opportunity, even if it's usually just *'Mi casa es su Casa Blanca.'* Advocates for English as the official language, who successfully exploited anti-immigrant attitudes in the 1980s and 1990s, find themselves increasingly isolated. As more American communities get accustomed to diversity, bilingualism no longer arouses the fears it once did.

Yet these trends have not translated into political support for bilingual education. Virtually no prominent leaders seem willing to step forward to defend native-language programs. Clearly, they sense the unpopularity of a pedagogy that is widely viewed as an impediment, not an aid, in acquiring English. Until researchers, educators and advocates can find

ways to correct this misunderstanding, further restrictions on bilingual education seem likely.

Notes

1. In addition, the National Clearinghouse for Bilingual Education has been renamed the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELALIEP).
2. This rough calculation is based on a \$665 million appropriation for English learner and immigrant education in FY2002 (the Bush administration is seeking the same funding level for FY2003). Of that amount, 6.5% will go to professional development and support services; \$5 million to Native American programs; and 0.5% to 'outlying areas' such as Guam and the Virgin Islands. That leaves about 92.2% for 'language assistance grants' to the states, of which 95% (\$583 million) is reserved for elementary to secondary programs. 0.5% of that amount, or \$28.25 million, will go to Puerto Rico. Dividing the remainder by 3,730,966 ELLs in the 50 states and DC, as reported for 1999–2000, yields an allocation of \$148.71 per student. (Through FY2005, however, this amount will be reduced to provide continuation grants for programs previously funded under Title VII.) Moreover, there is no assurance that the federal subsidy will actually increase spending on services for language-minority students. Although the money is intended to 'supplement, not supplant' the funding that school districts already provide for these children from other sources, experience has shown that such rules are largely unenforceable.