

The Official English movement and bilingual education reform

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Introduction. Unfortunately, despite the fact that the federal government has been funding bilingual education programs for thirty years, the question of whether that is the best way to educate children with limited English is still unanswered. Regardless of what the long-term studies eventually show about bilingual education, there are steps that can be taken now to correct some of the more obvious flaws in the current system. Reforms are also necessary at the state, school district, school, and classroom levels, but federal policy must be changed to remove some of the barriers to reform at the state and local level. “Bilingual education” carries a lot of political baggage, both for and against. Unfortunately, that makes it hard to focus on the real issue—preparing children of limited English proficiency to lead successful lives by unblocking the door to opportunity.

Types of programs. The debate over bilingual education can be confusing because “bilingual education” means different things to different people. To some it means programs that use the student’s native language to teach other subjects. To others it means any program designed to educate Limited English Proficiency (LEP) students.

Supporters of native language based programs take advantage of this confusion. They equate opposition to bilingual education with opposition to any help for LEP students. Federal law does not make things any clearer—funding for any type of program to assist LEP students comes under the Bilingual Education Act.

Let me make it absolutely clear: U.S. ENGLISH supports funding to help students become proficient in English. Our opposition to failed bilingual education programs does not mean we advocate placing LEP students in regular classrooms with no help to learn English. We believe a combination of structured English immersion for children with little knowledge of English and ESL classes for those with a greater knowledge provides the most effective and efficient way to use limited educational resources to help LEP students obtain equal educational opportunity.

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Demographic characteristics of limited-English students. Nationally, among the LEP school population, the two largest groups are Asian and the Hispanic students. Great diversity exists among the populations of both groups. Within the Asian group, about 20% are Filipino, 17% are of Chinese origin, and 13% are from Southeast Asia. Students with Korean, Pacific Islander, and Japanese backgrounds form other large subgroups. About 75% of the Asian students live in families that consider themselves bilingual and rate themselves as having a low proficiency in their native language. A high socioeconomic status correlates positively with high English proficiency (SIAC 1993–1994: tables 6 and 7).

Within the Hispanic student population diversity also exists. Students of Mexican background, about two thirds of the Hispanic population, make up the largest subgroup. Puerto Rican students account for 11% of the Hispanic population, and Cuban students form 4% of this group. The remaining 23% are from “other” nationalities.

Supporters of bilingual education often claim that the majority of LEP students do not receive any help. This is simply untrue. There were 2,980,463 students in the public schools identified as LEP by local school districts in school year 1993–1994. Of these LEP students, 2,274,021 (82.4%) were in special programs designed to meet their needs. The remaining 486,801 LEP students were in no specially designed program of instruction (SIAC 1993–1994: tables 6 and 7).

The diversity of languages can lead to problems designing a program to meet the needs of all LEP students. Students from a language group with large numbers may receive more help than students who speak a language that is less common in the school district. While federal law, including the equal protection clause of the Fourteenth Amendment, requires that all students of limited English proficiency be given an equal educational opportunity, bilingual education advocates focus mainly on those whose language groups are of sufficient size that transitional or maintenance bilingual education is feasible.

Misplaced priorities. Imagine a five-year-old boy who speaks only his native language. On his first day of school, he is placed in a classroom where the teacher and the other students speak a completely different language, one that he has never even heard before. There is no special program to help him learn the language. The boy’s father asks the school to transfer him out of the class into one more suited to his needs, one where he can actually understand what is going on in the classroom. The school refuses. Bilingual education’s defenders would probably say that this story is a perfect example of why we need bilingual education. They would be wrong, because it is actually about a bilingual program run amok. In this case, five-year-old Travell Louie is an English-speaking African American who was placed in a Cantonese-speaking kindergarten class in Oakland, California. His father is now suing the school district, trying to get his son moved into a regular English classroom (Schorr 1998).

Bilingual education programs rely on the still unproven theory that a child must spend years becoming literate in his native language before he or she can properly learn a second language. Under their own theory, bilingual educators should not have placed an English-speaking child in a Cantonese-speaking class. But they did, and they then refused his father's request to move him into an English classroom.

Why didn't the school transfer Travell out of the Cantonese class once they realized he had been put there by mistake? Because it wasn't a mistake! It was intentional. School officials admit that they sometimes put English-speaking students like Travell into bilingual classes that have extra spaces in order to round out the class size.

What motivates the bilingual education bureaucrats to make such a decision? Under normal circumstances, educators would be looking for ways to reduce the size of classes, rather than pulling in extra students to fill them up. Why would the school want to increase the size of its bilingual classes? Perhaps the perverse incentives found in current federal bilingual education policy are part of the explanation. Because extra funds are available for bilingual education, schools have an incentive to place (and keep) students in bilingual classes. While our goal should be to make sure every child of limited English proficiency learns English quickly and well, schools are not rewarded for doing so. Instead, they are rewarded for being inefficient at teaching English—the longer a student is not proficient in English, the longer the school can receive extra funding.

Is there a federal role? In the 105th Congress, one of the proposed bills (H.R. 3720) dealing with bilingual education simply repealed the Bilingual Education Act and stopped all federal funding for programs to assist LEP students. Proponents of that bill argued that education is something that should be handled on a local level, and that the federal government did not have a role. While education is generally considered a local issue, there are reasons why it is particularly appropriate for the federal government to appropriate funds to assist LEP students. LEP students are not distributed evenly among the school districts of the nation. Instead, they are concentrated in areas with a high proportion of immigrants. Immigration policy is made at the national level, not the state or local level. However, the effects of national immigration policy are felt disproportionately by certain states, and even more disproportionately by certain localities. Schools in high immigration areas are required by federal law to help LEP students achieve proficiency in English. If the federal government does not assist the local schools, such a requirement would amount to an unfunded mandate.

What reforms are needed? In June 1998, California voters overwhelmingly passed Proposition 227, which drastically altered the state's methods of teaching LEP students. Under the "English for the Children" initiative, all LEP students

are placed in structured English immersion programs. (There is a waiver process to allow students to be placed into native language-based programs.) This drastic reform came about because for several years the state legislature refused to pass bilingual education reform legislation. Because there is no federal initiative process, the voters cannot pass a federal version of Proposition 227. However, such drastic reform is unnecessary. There are three simple reforms at the federal level that would dramatically improve the situation:

Increase local control. The federal government currently earmarks at least 75% of its bilingual education funding for programs that spend most of the time teaching children in their native language. Federal funding should continue, but the federal government should allow the local school jurisdiction to choose the education program they find most effective.

Make schools accountable. Require schools to track and report on the progress of students in each type of program for LEP students. Funding should be withdrawn from programs that are not succeeding at rapidly teaching English and given to programs that are.

Give parents a choice. Require educators to get consent from parents of LEP children before placing them in bilingual education programs. Parents must also have the right to withdraw their children from such programs.

In addition to these three major reforms, there are minor reforms that, although not essential, would be helpful. For instance, renaming the Bilingual Education Act to something like the English Learners Act or the English Proficiency Act would help clear up some of the confusion over the term “bilingual education,” as well as giving a clear signal that the major goal of the act is to help students achieve English fluency. For similar reasons, the Office of Bilingual Education and Minority Language Affairs (OBEMLA) should be renamed.

Increasing local control. Under the current Bilingual Education Act, federal funding for programs to assist LEP students is currently distributed on an application grant model. This means that grants are made directly from the federal government to local education agencies. In order to receive a grant, local education agencies must submit an application detailing the planned educational program. The Secretary of Education then decides whether or not to approve the grant. The application grant model does not guarantee that any particular state will receive funding proportional to the number of LEP students it must serve.

The funding preference for native language based programs affects the approval of grants. Section 3282(b)(3) of the Bilingual Education Act provides that of the money available for grants, “the Secretary may reserve not to exceed 25

percent for special alternative instructional programs.” This leaves 75% or more of the funding to native language based programs. If too many local educational agencies request grants for English based programs (which fall under the term “special alternative instructional programs”), the secretary has no discretion to exceed the 25% limit. On the other hand, if grant applications for native language based programs exceed the 75% threshold, the secretary does have discretion to award funds that could have gone to English-based programs and use them for native language-based programs.

Such a bias in the funding arrangement discourages school districts from offering alternatives to native language based programs. If a school wishes to apply for a federal grant to assist in the teaching of their LEP students, it is more likely that they will receive funding if their program is native language based.

Removing program type restrictions. The most fundamental change to the current law would be to remove the funding restriction on alternatives to native language-based programs. The record of research compiled over the past thirty years does not support a preference for native language-based programs. Removing the restriction would encourage schools to try different approaches that might be better suited to the needs of their students.

Coupled with some form of reporting and accountability, a removal of the funding preference would bring a measure of competition to the education of LEP students. Programs that work would receive more funding, and programs that were failing would be forced to change.

Although there are some who advocate a ban on federal funding for native language-based programs (or, less drastically, a reversal of the current situation by giving funding preference to English based programs) such a dramatic change is probably not politically feasible in the face of opposition from the educational establishment. More importantly, although research does support the idea that English-based programs produce better results, it has not been proven conclusively (Rossell 1990). The best solution is to allow all types of programs to compete for funding. Eventually, schools will gravitate toward whichever program best fits their needs.

Block grants to states. In order to fairly distribute the funding to assist LEP students, funds should be allocated to each state on the basis of the number of LEP students in the state. Block grants have been used successfully with other federal funding problems to ensure an equitable distribution of funding and allow states to experiment with different implementation strategies. In order to ease transition from the current funding mechanism to block grants, local educational agencies that are currently receiving funding under approved grants should continue to receive funds until the grant term ends. (Current law allows grants up to three years in length.) By switching from the current application

grant to a block grant program, states would gain more control over their educational programs for LEP students. The federal government's role would shift to oversight and accountability.

Accountability. The accountability provisions in current federal law are very weak. Strengthening accountability would help ensure that students are actually getting the help they need. Rather than continuing to pour money into failing programs, successful programs can be given the money to expand their services.

Current law includes a requirement that applications for grants include specific educational goals and a proposed method of measuring achievement of the goals. However, the Bilingual Education Act does not require that such information be reported when reapplying for a grant—or at any other time. Programs that are failing to meet their own educational goals are not under any federal statutory obligation to report that fact to anybody.

Furthermore, there are no real guidelines as to what those educational goals are to be or how they must be measured. Achieving competence in English does not even have to be one of the listed goals, and thus measuring a student's progress in learning English would not even be necessary. So a grant could be renewed for a program that was meeting the goals listed in the application, even if children were completely failing to achieve competence in English.

Tracking and reporting progress. In order to have a useful system of accountability that allows comparison between different program types, the specific goals to be achieved by programs for LEP students and the method of measuring achievement must be defined at the federal or state level. Different programs must be required to track the same data, and that data should be reported at regular intervals to the state educational agency overseeing the grants.

All programs for LEP students have as their nominal goal the achievement of academic competence in English so that students are capable of taking mainstream classes in English. (Although dual language immersion classes may have the added goal of producing competence in a second language, it must be acknowledged that if the program fails to produce competence in English, the program has failed in its most important goal.) Therefore, any system of accountability should require programs to track the progress of individual students in gaining competence in English.

Periodically, parents should be given reports that show how their children are progressing toward competence in English. Parents should also be given information comparing the progress of students in the same program as their children with the overall progress of students in alternative programs.

Time limits. How long does it take a child to learn sufficient English to be able to transition to mainstream classes? Many supporters of native language-

based instruction argue against setting any sort of time limit on the basis that the important thing is *whether* a child learns English, not *how fast*. Although it is true that the most important thing is whether a child learns English, how fast the child learns English is also very important: Given that funding for programs to help LEP students is not unlimited, a program that can transition a student to mainstream classes within three years can serve approximately twice as many students for the same funding as a program that takes six years to transition students. A program that takes only two years can serve three times as many students. Since there is a shortage of teachers with the proper training to teach LEP students, the more rapidly LEP students transition into mainstream classes, the more students can be taught per trained teacher. The variety of classes, particularly college preparatory classes, is wider for students in mainstream classes. The sooner a student can attend mainstream classes, the sooner he or she can take advantage of those resources. Advocates of native language based education may argue that more funding can solve all the above problems. The simple fact is, if the goal of English competence can be achieved quickly rather than slowly, it can result in substantial financial savings.

In discussing time limits on federal funding, opponents of the limits raise the specter of children being forced into mainstream classes while still lacking the English proficiency they need to succeed. This is a red herring. Even though many studies show that this might actually be preferable to leaving the students in transitional bilingual education, schools are still required by federal law to provide special help to LEP students even when there is no federal funding.

Without some form of time limit, schools have no incentive to transition students into mainstream classes, as this would reduce the federal funding they could receive. With time limits on federal funding, schools have an incentive to help students achieve English competence within the time limit so they are not forced to continue special help for the student without federal funding.

Current limits. The current Bilingual Education Act sets a three-year goal and a five-year limit on how long an LEP student can remain in a federally funded program (except for dual language immersion programs, on which there is no limit.) If a comprehensive evaluation of a student indicates that after three years of the program he or she is still not ready for mainstream classes, the student can remain for a fourth year, and after a further evaluation with the same result, a fifth year. After that time, the student cannot remain in a program funded under the Bilingual Education Act.

While a violation of that time limit would theoretically be grounds for the Secretary of Education to deny an application for grant renewal, the time limit is easily ignored, because there is no mandatory reporting mechanism by which the secretary could determine that students were not being transitioned within that time limit.

What should the limit be? Current law sets a limit of five years. California's Proposition 227 set a one-year time limit. Some researchers say transition can take ten years. A model transitional bilingual education is supposed to complete the transition in three years. With all these numbers, what is a reasonable time frame in which to expect schools to transition their students into mainstream classes?

During the debate over Proposition 227 in California, the Clinton administration declared its opposition to the one-year time limit, suggesting that three years was a reasonable time limit. In theory, a properly implemented transitional bilingual education program should be able to succeed within three years, so the three-year limitation makes sense—a program taking longer than that is not working properly and should not be subsidized to continue its failure. In order to ensure that programs are on track to help their students achieve competency in English within three years, students should be evaluated each year to determine their progress, rather than waiting until the end of the third year.

Withdrawal of funding. True accountability requires some consequence for failure to meet requirements. Lacking such consequences, grant recipients are unlikely to fulfill requirements that they find burdensome or contrary to their preferred method of operation. The leverage that the federal government can exert to ensure that the law's requirements are met comes from the power of the purse. Funding must be withdrawn from grant recipients that are willfully or consistently in violation of the requirements outlined in the law.

With a block grant, states must agree to monitor the compliance of their local educational agencies that receive grants. States must withdraw funding from programs that fail to meet the standards set in the law and reallocate those funds to programs that are in compliance. By the same token, the federal government would monitor compliance at the state level and withdraw funds from states that were not fulfilling their responsibilities.

Parental Choice. Federal law currently provides that parents must be informed that their child is going to be enrolled in a bilingual education class and that they have the option of declining enrollment for their child. Although this is intended to allow parents to make an informed choice about their child's education, in practice it does not. Even if the school does inform the parents (and there is plenty of anecdotal evidence about parents who have not been informed), the information is generally presented in such a way as to influence the parents in favor of allowing their child to be enrolled in a native language-based program.

Opponents of bilingual education reform often claim that since parents already have a choice under the current law, no reform is needed. This glosses over

a highly significant nuance of the current law: Although parents have the right to choose to decline their child's enrollment in a bilingual program, *there is no right to withdraw the child from the program.*

True parental-choice legislation must allow parents to withdraw their children from bilingual education classes if they believe their children would be better served by an alternative program. Combined with reporting requirements that allow parents to see what types of programs are successful, parental choice will allow children to move from failing programs to successful programs.

Conclusion. Most people agree that students of limited English proficiency should receive help in learning English. With the current Bilingual Education Act up for reauthorization, now is the perfect time to improve it to help ensure that every student learns English, so he or she can take advantage of the wonderful opportunities this nation has to offer.

Advocates of bilingual education blocked reform in the 105th Congress because they are single-mindedly committed to one form of education. People who are truly committed to the goal of helping LEP students to become fully proficient in English should care less about the instructional method and more about whether a program of any type is succeeding.

The federal government has a legitimate role in achieving that goal. Since the number of limited English proficiency students is directly related to our national immigration policies, it is only fair that the federal government help states and localities to deal with the impact of those policies. While the current law regarding the teaching of English to students with limited English proficiency has led to poor results, Congress cannot merely wash its hands of the subject and turn the issue back to the states. Instead, Congress has the responsibility to reform federal law to create a sensible policy that will help immigrant students to learn English.

Reasonable reform measures will not prescribe the methods to be used to help students to learn English—but it will require tracking how students are doing and shifting funds from programs that are not working to programs that are. This will give schools an incentive to make sure that their programs actually are helping students achieve competence in English.

Parental choice reform would allow parents to remove their children from programs upon request. This important item introduces an element of market competition to programs teaching English to LEP students. With the accountability and reporting requirements of this bill, parents will be able to see how well different programs perform in teaching English and will be able to move their children from programs that fail to programs that succeed. Ultimately, that is what reform of the bilingual education system is about—unblocking the door to opportunity so our nation's children can succeed.

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