

## OBITUARY: The Bilingual Ed Act, 1968 - 2002

*Title VII of the Elementary and Secondary Education Act, 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 Jan. 8, 2002. The law was 34 years old.*

**By James Crawford**

Its death was not unexpected, following years of attacks by enemies and recent 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, 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, as voters have done in California (1998) and Arizona (2000). Meanwhile, 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.

Senate Democrats exacted a price for their agreement to repeal Title VII, and funds will be increased about 50 percent. The impact of the increase is unclear, however, given that the money will be spread more thinly than before. 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. Annual English assessments will be mandated, "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 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.

Another major change is that federal subsidies will no longer be federally administered via competitive grants designed to promote excellence and to 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 methods.

### "SCIENTIFIC RESEARCH"

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 the No Child Left Behind Act. While such a requirement sounds reasonable in theory, the term remains undefined 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.

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 contradicting a 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 to officials seeking to dismantle native-language programs.

Senate Democrats demanded that, as part of the complex deal, the state formula-grant system be 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 percent in the Title VII budget.

The additional resources are good news for schools with substantial numbers of language-minority students. But it is important to understand that the money will be spread more thinly than before - between more states, more programs, and more students. Title VII support for instructional programs previously served about 500,000 out of an estimated 3.5 million ELLs nationwide in districts that won competitive grants. Under the new law - renamed Title III - districts will automatically receive funding based on their enrollments of ELLs and immigrant students. So the impact of federal dollars will be reduced. Last year, for example, about \$360 was spent per student in Title VII supported instructional programs. This year, despite the overall increase in appropriations, Title III will provide less than \$135 per student.

Funding for all other purposes - including teacher-training, research, and support services - will be restricted to 6.5 percent 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.



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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 is 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 a means, to acquiring English.

Until researchers, educators, and advocates can find ways to correct this misunderstanding, further restrictions on bilingual education seem likely.

*James Crawford, former Washington reporter for Education Week, is a long-time writer on the politics of language.*

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**Business office**

- Phone: (414) 964-9646
- Fax: (414) 964-7220
- Email: [office@rethinkingschools.org](mailto:office@rethinkingschools.org)

**Orders:**

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- Phone (International): (802) 864-0095
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