

Tracing the History: Language Education Policy and Emergent Bilingual Learners in the United States

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Abstract

Since the passage of the 1968 Bilingual Education Act, the meaning, function, and connotation of bilingual education in the United States have undergone significant changes. In this article, the author outlines the evolution of U.S. language education policies for emergent bilingual learners since the 19th century. In particular, the article demonstrates the major waves and shifts of language education policies that either support or oppress the linguistic rights of language minoritized students, and captures how the changing social, political, and economic climate has shaped the nation's response to language diversity. Importantly, reviewing the historical evolution of language policies not only echoes the importance of policy decisions in impacting bilingual students' educational trajectories, but also informs future policy decisions in order to disrupt deficit positioning of bilingual communities.

Keywords

Emergent bilingual learners; language education policy; policy evolution

Introduction

On January 2, 1968, President Lyndon B. Johnson signed into law the Bilingual Education Act (BEA), Title VII of the Elementary and Secondary Education Act. In doing so, he said:

The bill contains a special provision establishing bilingual education programs for children whose first language is not English. Thousands of children of Latin descent, young Indians and others will get a better start—a better chance in school.... [W]e are now giving every child in America a better chance to touch his outermost limits—to reach the farthest edge of his talents and his dreams. We have begun a campaign to unlock the full potential of every boy and girl—regardless of his race or his region or his father's income. (Johnson, 1968, as cited in Anderson & Boyer, 1970, p.1)

What Johnson said demonstrates the establishment of bilingual programs as a political vision, a form of educational and social reconstruction, and a site that is crucial for serious democratic transformations. The implementation of bilingual education was initially to address social, political, economic, and educational injustice, but it has remained a powerful instrument of mainstreaming language minoritized students (Akkari, 1998). Indeed, even though BEA was laying out the ground for ensuring equitable educational rights for children whose first language is not English, the term and stance of “bilingual” did little to explicitly support its goal. Scholars have argued that bilingual education needs to be built on the beliefs and practices that foster and sustain linguistic and cultural pluralism and embrace cultural and linguistic pluralism as part of the

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democratic project of schooling (Harman, 2018; Paris, 2012). Yet, as I reflect on the history of bilingual education and language policymaking in the U.S., I realize the fact that Johnson's lofty goals of providing equitable educational opportunities to racially and socioeconomically minoritized groups and creating pathways to social justice through bilingual programs, after more than five decades, have not been achieved. In this vein, for anyone who has been working in the field and trying to make the connections between education for emergent bilingual learners and the broader sociopolitical landscape, understanding the history of these connections ought to remain a central focus in academic inquiry. Because only when we ensure that the historical progress of language policies is well documented, can we leverage the role of bilingual education in future endeavors for upholding the rights of emergent bilingual learners.

Since the passage of BEA in 1968, the meaning, function, and connotation of bilingual education have undergone significant changes. In this article, I attempt to provide an historical review of the evolution of U.S. language education policies for emergent bilingual learners starting from the 19th century, when contemporary bilingual education programs emerged. In the sections that follow, I first describe the demographics of emergent bilingual learners in the context of U.S. K–12 educational programs. I then identify language education policies implemented over the decades that have affected the educational opportunities and resources available to emergent bilingual learners. I further introduce the dual language education (DLE) model. By doing so, what I try to suggest is that while different language education policies impact the schooling experiences of emergent bilinguals in different ways, what these policies did not address are the racial, linguistic, and socioeconomic hierarchies between emergent bilinguals and white monolingual communities (Fu, 2021; Harklau & Ford, 2022; Thompson, 2017). The subtractive schooling for bilingual students in the U.S. reflects a symbolic politics that relegates Latinx and other minoritized communities to second-class status in society (Valenzuela, 2010). In other words, policies are subject to power relations in the broader society and can be used as a mechanism to maintain social dominance of some over others (Wagenaar, 2011).

Nevertheless, what I want to demonstrate in this article is that critically reviewing the evolution of language education policy can be a powerful apparatus. The holistic understanding of language education policies can not only help us make links between the past, present, and future, but also allows us to see the policy's textual meaning, rhetorical meaning, and social meaning when implemented under certain contexts. Just as Anyon (2005) reminded us, "As in any attempt to resolve complex issues, workable solutions can only be generated by an understanding of underlying causes" (p. 66). Given that the U.S. schooling system has long remained a hegemonic structure to perpetuate racial hierarchies and reinforce English monolingualism, Anyon's quote amplifies the need for us as teachers and teacher educators to keep a reflective gaze and advance our understandings of the interplay between power, politics, and policy.

Understanding Language Education Models in the United States

In the U.S., it is estimated that English language learners made up 10.1% of the K-12 public school student population, representing more than 5 million school-aged children (National Center for Education Statistics, 2021). Among this group, two-thirds of them speak Spanish as their primary language, with the next most commonly reported languages being Arabic, Chinese, Vietnamese, Somali, Russian, Portuguese, Haitian, and Hmong. While language diversity in the U.S. has ebbed and flowed, the diversity of language has existed in every era throughout U.S. history (Crawford, 2004).

Within the U.S. public educational system, there are six main programs implemented for working with English learners, including submersion or so-called “sink or swim” program, ESL pull out, structured immersion, transitional bilingual education (early exit), developmental or maintenance bilingual education (late exit), and two-way bilingual education (García, 2011). These programs range from the ones that expect students to learn English by simply exposing them to mainstream English classrooms (i.e., submersion), or providing a portion of ESL service during regular class periods (i.e., ESL pull-out), to those that aim to support bilingual learners’ content and language learning through both L1 and L2 (i.e., transitional bilingual education, developmental bilingual education, two-way bilingual education). Specifically, in transitional programs, teachers only focus on helping students acquire English as quickly as possible, while in developmental and two-way bilingual models, teachers use students’ home language and English to support their bilingual proficiency and construct knowledge in both languages (de Jong et al., 2023). Following other scholars (e.g., Brooks, 2015; García & Lin, 2017; Gebhard & Harman, 2011; Menken, 2008), this paper will demonstrate that bilingual education in the U.S. has been primarily focused on developing English proficiency rather than the development of bilingualism and biliteracy—despite the label “bilingual” (Gándara & Escamilla, 2017). The ironic reality is that bilingual education in the U.S. is actually for the purpose of teaching English and not about educating students in two languages (Gándara & Contreras, 2009). For students who are classified as English learners in K-12 schools, access to inclusive practices in bilingual education has been deeply lacking (Menken & Solorza, 2014).

With regard to the issue of how to name students who are dominant in a language other than English, a series of terms have been used by educational and policy officials. These terms have included “Non-English Proficient”, “Limited English proficient”, and “English language learner” or “English learner”. In particular, state or local educational authorities prefer to use the term “English language learner” or “English learner” as protected labels to denote students’ language learning needs and their eligibility for special funds and instructions (Torres-Guzmán et al., 2005). However, these terms are problematic because, as Wiley (2001) notes, they “attempt to apply a single label to a complex situation” (p. 29). In this regard, scholars have criticized that the ELL/EL label devalues other languages while intentionally putting English in “a sole position of legitimacy” (García & Kleifgen, 2017, p. 4). Furthermore, it places the focus of language development solely on the part referring to “academic English” while ignoring other aspects of students’ language development (García & Kleifgen, 2017). For these reasons, I adopt the term emergent bilingual (García, 2009) in this article to recognize the value of students’ home language, acknowledge students’ social bilingualism positively, and highlight their emerging capacity of becoming fully bilingual. It is such a lens that informs my read of language education policies in ways that place bilingualism, biliteracy, and students’ language rights at the center.

History of Educational Policies in the United States for Emergent Bilinguals

In the following sections, I seek to outline the evolution of education language policies for emergent bilinguals in the United States since the 19th century. In particular, I attempt to capture how changing social, political, and economic forces have shaped the nation’s response to language diversity (Ricento, 1998). Indeed, as I follow the timeline to trace the changes in language education policy from the 19th century through the early 21st century, it has become obvious that the beliefs, models, and views on the effectiveness of bilingual education in general have undergone much evolution according to the changing historical events (Crawford, 1999; Kim et

al., 2015; Wiley, 2002). In sum, the aim is to assess the evolution made in language education policy with respect to emergent bilingual learners and to see where we might go from here.

Late 19th Century-1960s

Until the end of the nineteenth century, bilingual education was widely authorized in a number of states. Locally operated bilingual education was provided throughout the United States in many non-English languages, including French, Norwegian, Italian, Swedish, Danish, Dutch, German, and Spanish (Kloss, 1977/1998). Although, during this period, immigrant groups managed to maintain their heritage language while participating in the civic life of the new nation, it is important to note that bilingual education in the 19th century was not intentionally for the promotion of bilingualism. Rather, many localities provided bilingual instruction without state sanction, and “a policy of linguistic assimilation without coercion” seemed to prevail (Ovando, 2003, p. 4). With the new wave of immigrants from Europe in the early twentieth century, the Americanization movement came into being as many native-born residents perceived the mass immigrants as a threat to society (Blanton, 2004). By educating foreigners in English and conveying “American values” in schools, the Americanization movement eventually became characterized by cultural and linguistic assimilation, political loyalty, as well as construction of national identity (Behdad, 2005). During the Americanization era, the use of languages other than English were prohibited by harsh restrictive language policies and bilingual programs were quickly replaced by English-only instructions.

The xenophobia of World War I caused the United States to push for monolingualism and curtail bilingual programs (Ramsey, 2010). In particular, German as a foreign language was eliminated in most schools and English-only instruction started proliferating during the post-World War I period. From the 1920–1960s, English immersion, or “sink or swim” policies became dominant methods of instruction for language minority children (Hakuta, 1986). For linguistically-minoritized students, there were few or no remedial services provided, and education was restrictedly dominated by monolingualism (Baker & Jones, 1998). Behind the “sink or swim” approach is the belief that language minority students themselves should be the ones responsible to assimilate into the U.S. society. Language policies, during this period, served as a practical tool to tame the conquered groups’ ideological principles, destroy minority cultures, and help the nation maintain colonial domination (Crawford, 1992).

1960s-1980s

With the Civil Rights movement of the 1960s and the 1964 Civil Rights Act, bilingual education advocates started engaging in transformative practices to acknowledge the plight of language minoritized students and endeavor to nurture linguistic diversities. The passage of Bilingual Education Act (BEA) (1968), Title VII of the Elementary and Secondary Education Act, indicated a major shift of establishing and funding bilingual programs for emergent bilingual students. Specifically, the amendment provided financial assistance to local educational agencies and attempted to meet the special needs of students with “Limited English Proficiency” (LEP). However, the aim of BEA was ambiguous and controversial. Following the guidance of BEA, it was unclear whether the purpose of the Act was to help children become literate in two languages or to transition them into English at the earliest moment as possible (Crawford, 2004). As Crawford (2000) writes, “the Bilingual Education Act of 1968 passed Congress without a single voice raised in dissent. [But] Americans have spent the past 30 years debating what it was meant to accomplish” (p. 107). Despite the ambiguity of the law, BEA marked a significant step in moving away from

the “sink-or-swim” approach and provided the initial foundation for ensuring the legislative credibility of supporting students in bilingual instruction.

The next landmark in the evolution of language education policy for emergent bilinguals was the 1974 Supreme Court case *Lau v. Nichols* (414 U.S. 5637). In this Supreme Court case, approximately 1,800 non-English-speaking Chinese students alleged discrimination grounded on the lack of supplemental English classes in the San Francisco Unified School District (SFUSD). Consequently, basing the unanimous decision on the 1964 Civil Rights Act, the Court ruled public schools receiving federal funds must provide linguistically-minoritized students with supplemental language instructions to ensure their rights of receiving equal education. The *Lau* verdict had an enormous impact on the development of bilingual education in the U.S. and further led to the passage of the Equal Educational Opportunities Act in August 1974. With this Act, Congress affirmed the *Lau* decision and expanded its jurisdiction to apply to all public school districts, not just those receiving federal financial assistance (Teitelbaum & Hiller, 1977).

1980s-2002

After the previous 20-year period of opportunity, however, bilingual education was challenged and attacked by a new political perspective in the 1980s, which no longer cherished minority communities’ ethnic culture. For example, in 1981, newly elected President Reagan amplified his political standing with the following statement:

It is absolutely wrong and against American concepts to have a bilingual education program that is now openly, admittedly dedicated to preserving their native language and never getting them adequate in English so they can go out into the job market and participate. (R. Reagan, public speech, March 3rd, 1981)

Building on Reagan’s political agenda, by 1988 English-only programs were allowed to receive as much as 25% of Title I part A school program grants - a significant increase from four percent adopted in 1984. The increase in funds for English-only programs reflected the political strategies that intentionally eliminated languages other than English from the educational system.

At the state level, a clear consequence of language prejudice is reflected in the passage of Proposition 227 in California (1998), also known as the “English for Children” initiative. The endorsement of Proposition 227 in California came close to placing emergent bilingual students back onto the “sink-or-swim” approach. That is, students can now only receive a maximum one-year instruction in their home language before being placed in mainstream English classrooms (García & Curry-Rodríguez, 2000). Following the passage of Proposition 227, similar legislation was passed in Arizona (Proposition 203) in 2000 and Massachusetts (Question 2) in 2002. Simply put, these initiatives represent a trend of the modern English-only movement across the states that threw bilingual programs into turmoil.

2002-2015

After the passage of No Child Left Behind (NCLB) in 2002, bilingualism as a resource and tool in the education of emergent bilinguals has been increasingly marginalized (Crawford, 2004). That is, under NCLB, education was envisioned as an activity that measures students’ success solely based on performance on English-only high-stakes tests (Menken, 2008). As part of this process, the term bilingual, which Crawford (2004) has called “the B-word”, was systematically been erased from the legislation and from the names of official bureaus and laws. García (2009)

documented how the progressive elimination of the term bilingual was represented at the federal level (see Figure 1). In short, the erasure of “the B-word” implies an intentional disarticulation of issues surrounding bilingualism.

Figure 1.

Elimination of the Term “Bilingual” from the Names of Official Bureaus and Laws

BEFORE	AFTER
Title VII of the ESEA, known as the <u>Bilingual</u> Education Act	Title III of NCLB, known as Language Instruction for <u>Limited English Proficient Students</u> .
The Office of <u>Bilingual</u> Education and Minority Languages Affairs	The Office of <u>English Language Acquisition, Language Enhancement and Academic Achievement</u> for Limited English Proficiency Students
National Clearinghouse for <u>Bilingual</u> Education	National Clearinghouse for <u>English Language Acquisition and Language Instruction</u> Educational Program

The Elementary and Secondary Education Act (ESEA) was reauthorized by President Barack Obama in 2015, as Every Student Succeeds Act (ESSA). Under ESSA, states are required to hold schools accountable for the progress of English learners towards language proficiency and academic progress. While ESSA continues the goals of NCLB of ensuring high standards and accountability, it lessens federal oversight over education and decentralizes accountability decisions to state and local levels. By providing state and local education agencies the autonomy to establish standards and report on students’ progress, ESSA brought an era in which emergent bilinguals’ schooling experiences vary across states and are deeply associated with state immigrant policy contexts (Callahan et al., 2020). That means, emergent bilingual learners can end up being served with very different programs depending on state and local policies. In this sense, the diversity in approaches to educating bilingual learners are across different states offers valuable insights into the political discourse within specific contexts (Welton et al., 2023).

Contemporary Dilemmas in Bilingual Education in the U.S.

In recent years, the profile and demographics of English learners have changed tremendously. While emergent bilingual learners may typically be portrayed as students who recently arrived in the U.S. and primarily speak a language other than English, recent studies show that the majority of students identified as English learners (ELs) were born in the U.S. and likely have been exposed to English before entering school (Johnson, 2023). In response, the model of dual language education (DLE) or two-way immersion started to make inroads recently. Students in DLE programs are typically described as a combination of emergent bilingual learners and students who speak English as their primary language. The involvement of both groups of students signals a growing awareness of equity and language rights and offers an alternative to the pervasive English-only stance (de Jong et al., 2020). Instead of solely focusing on the English proficiency of emergent bilingual learners, the goals of DLE programs gear towards “developing bilingual skills, academic excellence, and positive cross-cultural and personal competency attitudes for both groups of students” (Lindholm-Leary, 2001, p. 30).

Despite the laudable goal, it is crucial to be aware of the power dynamics in the DLE classrooms. Specifically, DLE programs separate English and the partner language during class to provide uninterrupted instructions in each language. However, such strict language separation in DLE programs inadvertently overlooks the fluid bilingualism of many emergent bilingual learners and forces students to be categorized as speakers of either English or the other (paired language), thus causing language minoritized students to be alienated (de Jong, 2016; Howard et al., 2007). At the same time, DLE makes bilingual education a product whose consumers are not necessarily emergent bilingual learners (Petrovic, 2005). In this way, emergent bilingual learners' home-language proficiency becomes a commodity that is desired by white middle-class parents (Palmer, 2010) and for the profit of white middle-class children (Flores & Garcia, 2017).

Discussion and Conclusion

In this article, I reviewed the evolution of language education policy in the U.S. from the late nineteenth century until the early 2020s. The brief look at the historical profiles of policies in the field provides evidence of the continuing need for developing more equitable bilingual education programs as well as indicating the demand for more informed policymakers, well-prepared teachers, and critical researchers. As we have observed, language education policies have seen major waves and shifts in the value and models that either support or oppress the linguistic rights of language minoritized students. The lack of coherence on policy for emergent bilingual learners rests upon the complicated relations lying between politics, language, education and society. Thus, it is important to understand not just what language ideologies and value discourse are presently embedded in language education policies, but also how the ideologies and discourses have come to domination and for what reasons.

For example, on a positive note, it is within the context of the Civil Rights movement that bilingual education emerged, as part of a broader effort to dismantle white supremacy and instill cultural pride in Latinx and other minoritized communities (Flores & García, 2017). The massive policy shifts toward standardized testing and accountability in the 21st century reflect neoliberal consideration of the language skills of individuals and the nation; the recent movement leaning towards DLE programs represents a free-market interpretation of bilingual education that result in it being more accessed by privileged groups than language minoritized communities. Briefly, the programs, forms, and policies of language education for emergent bilingual learners in motion in the U.S., are not absolute and isolated changes but rather a correspondence of complex, enduring and evolving elements in relation to governance (Ball, 2016).

Overall, this review contributes to the contemporary field of language education policy related to ESOL programs in two ways. First, through tracing the evolution of U.S. language education policies as it pertains to K-12 emergent bilingual learners, this review enables us to have a more complex understanding of the relationship between politics, policy, and education. Second, situated in the ramped up xenophobic rhetoric and the recent anti-immigration socio-political context, this review provides critical implications for ESOL teachers and educators to engage in the dense policy work and create liberating and healing spaces for (im)migrant bilingual students. For critical teachers and educators who are committed to advocating for students' language rights, it is crucial to connect flows of politics, power, and language policy to acknowledge the value of students' home language, amplify the fluid bilingualism of bilingual students, revive a sense of agency, and fight for students' linguistic rights and educational equity (Bacon, 2020; Fu & Aubain, 2023).

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