

Text: English Language Education Policies in the United States

By The Asian American Education Project

Language – like other markers of identity – can be political. Due to the meaning attached to speaking English, it has been used in the United States at times to categorize who is an “American” and who is a “foreigner.” As racial and social conditions within the United States changed over time, opinions on bi- and multilingual education have shifted as well, ranging from support to hostility in the form of English-only policies.

Tertiary Source:

The United States has always been a **bi-/multilingual** society, even before it became the nation we recognize today. As early as the 1800s, there were states that endorsed and allowed bilingual education in their schools. Education in a language other than English has existed where ethnic groups were in large enough concentrations to exert some level of power. In early U.S. history this was evident in communities that spoke German, French, Dutch, Polish, Spanish, and other European languages. However, there were also states that passed laws forbidding educational instruction in languages other than English. Additionally, even in the states friendly to bilingual education, Native American youth were forced to attend off-reservation boarding schools. They were forced to learn English and were banned from speaking their native languages.

The *Brown v. Board of Education* ruling in 1954 sparked a new era of civil rights in the United States. The Civil Rights Movement (1954-1968) was a struggle for equal rights for Black Americans and other communities of color. The Civil Rights Act of 1964 outlawed discrimination based on race, color, sex, religion, and national origin. Title VI of the Act stated that any program receiving federal funding – which included public schools – could not discriminate against any person based on race or **national origin**.

During this time, Latinx activists created a strong push for Spanish-speaking bilingual education programs. Through legal cases and **direct action**, Spanish-speakers in the United States pointed out the **discrepancies** between English-speaking students (usually white) and non-English-speaking students (usually non-white). There was a vast difference in educational achievement and student treatment between the two groups. In addition, there was a vast difference in the quality of education. Non-English-speaking students lacked proper assessments and textbooks. Teachers were also not trained to teach English Language Learners.

There was an increase of Spanish-speaking immigrants settling in Texas and

Glossary:

Bi-/Multilingual:

able to speak or use two (bi-) or more (multi-) languages with fluency

National Origin:

the nation where a person was born

Direct Action: the use of strikes, demonstrations, or other public forms of protest

Discrepancy: a difference between two things that should be the same

many other southwestern states. As such, in 1967, Senator Ralph Yarborough (1903-1996) of Texas introduced a bill to help school districts educate students with limited English skills. This bill would go on to become the **Bilingual Education Act of 1968**. The Bilingual Education Act was the first federal law to recognize English Language Learners as having unique educational needs that could be addressed through more effective education. It also provided school districts with federal funding to create and implement programs to build English fluency. It eventually led to the establishment of bilingual education, which is the teaching of academic content in two languages: English and a native language.

Initially, the Bilingual Education Act did not require bilingual education. It simply focused on programs designed to teach English. Additionally, the Act did not provide any guidelines for school districts who then had to create their own programs. Furthermore, the participation of school districts was **voluntary**. As such, English Language Learners across the country were still being neglected. They were not receiving the support they needed.

In the early 1970s, the San Francisco school system in California had almost 2,900 Chinese American students who did not speak English as their first language. Only 1,000 of these students were receiving **supplemental** English classes. The remaining students were left on their own – either succeeding or failing in English-only classrooms.

These students and their families gathered to file a lawsuit against the San Francisco Unified School District, claiming that they were not provided with equal educational opportunities, thus violating their **Fourteenth Amendment** rights. This case became known as *Lau v Nichols* (1974).

The lower courts initially ruled in favor of the school district, claiming that the students were receiving an education equal to their English-**proficient** peers. However, the Supreme Court unanimously ruled in favor of the students in 1974. The Court argued that providing all students with the same facilities and curriculum is not what constitutes equal treatment. Instead, equal treatment is also based on providing students the tools and support they need to meet education standards. The Court argued that Title VI of the Civil Rights Act had been violated, as schools bear the responsibility of making instruction accessible for students. This means that students need to be able to understand the content of what they are being taught while also learning English, which was not the case for the Chinese American students being denied supplemental English resources or curriculum.

Bilingual Education

Act of 1968: an amendment to the Elementary and Secondary Education Act of 1965

Voluntary: not required, optional

Supplemental: provided in addition to what is already available in order to enhance it

Fourteenth Amendment: grants citizenship and the rights of citizens to all persons “born or naturalized in the United States”

Proficient: being skilled or competent

Soon after, in 1974, the Equal Educational Opportunities Act (EEOA) was passed and the Bilingual Education Act was amended as well. The EEOA stated that educational opportunities could not be denied to English Language Learners. It required “appropriate action” by states to overcome language barriers that obstruct the equal participation of English Language Learners in schools. Both the EEOA and the amendment to the Bilingual Education Act extended the *Lau* ruling to all schools, even those that didn’t receive federal funding. They also defined bilingual education programs and inspired the creation of basic guidelines for teaching English Language Learners known as the “**Lau Remedies**” (1975). In addition, the Lau Remedies created guidelines to help determine whether a school district was complying with the law.

The *Lau v. Nichols* (1974) ruling was very significant in recognizing the civil rights of English Language Learners. In San Francisco, where it started, the case inspired a diverse coalition of parents to ensure that San Francisco schools not only complied with the law but also created bilingual programs that maintained students’ native languages in addition to learning English.

During this time, there was a shift, as evidenced by *Lau v. Nichols* (1974), from English-only policies to greater acceptance of and investment in bi- and multilingual education. However, there were still many who opposed this shift, even among non-white communities. For example, Senator Samuel I. Hayakawa (1906-1992) consistently opposed bilingual education. He even proposed **legislation** in the early 1980s to make English the official language of the United States and to repeal the bilingual requirements of the Voting Rights Act extension of 1975, which mandates that language assistance be provided to voters if more than five percent of voting-age citizens are members of a language minority group and do not speak or understand English well enough to participate in the electoral process. He supported bilingual education to the extent that it helped students gain English proficiency more quickly and easily, but believed in achieving a society where everyone spoke the common language of English. Such debates and arguments around bilingual education and bilingualism continue to occur to this day.

Remedies:
solutions to a
problem

Legislation: the
preparation and
enactment of laws

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