# CONTESTED POLICY

## The Rise and Fall of Federal Bilingual Education in the United States 1960–2001

by Guadalupe San Miguel, Jr.

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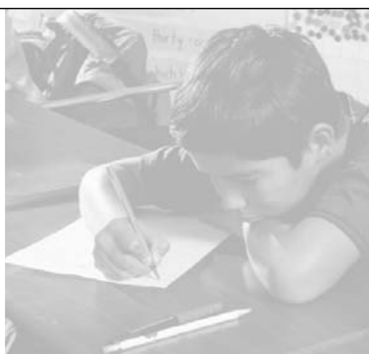

## The Rise and Fall of Federal Bilingual Education in the United States 1960–2001

**Guadalupe San Miguel, Jr.**

Number 1 in the Al Filo: Mexican American Studies Series

University of North Texas Press
Denton, Texas

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10 9 8 7 6 5 4 3 2 1

Permissions:
University of North Texas Press
P.O. Box 311336
Denton, TX 76203-1336

The paper used in this book meets the minimum requirements of the American National Standard for Permanence of Paper for Printed Library Materials, z39.48.1984. Binding materials have been chosen for durability.

Library of Congress Cataloging-in-Publication Data

San Miguel, Guadalupe, 1950–
Contested policy : the rise and fall of federal bilingual education in the United States, 1960-2001 / Guadalupe San Miguel, Jr.
p. cm. — (Al filo ; no. 1)
Includes bibliographical references.
ISBN 1-57441-171-3 (cloth : alk. paper)
1. Mexican Americans—Education—History—20th century. 2. Education, Bilingual—United States—History—20th century. 3. Educational equalization—United States—History—20th century. I. Title. II. Series.
LC2683.S36 2003
370.117'0973—dc22
2003020875

*Contested Policy: The Rise and Fall of Federal Bilingual Education in the United States, 1960–2001* is Number 1 in the Al Filo: Mexican American Studies Series

Text design by Carol Sawyer of Rose Design

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# ACKNOWLEDGMENTS

I would like to thank my colleagues in the history department of the University of Houston and in the Center for Mexican American Studies for their encouragement and resources, and for granting me much needed public spaces to develop the ideas for this book. Although this project began in the 1980s, their moral and financial support became crucial in the final phase of its completion.

I would also like to thank my beautiful wife, Alicia, for all her insightful comments relating to bilingual education. Her teaching experiences in this program and her knowledge of the theory of bilingual education added immensely to my understanding of the politics of formulating and implementing educational policy.

Finally, *miles de besos y abrazos* (thousands of kisses and hugs) go to my kids (Ysaura, Pablo, and Gabriel) for putting up with my changing moods during these past few years as I completed the manuscript.

To all of these individuals and to the many others who over the years have questioned, supported, and prodded me in this effort *muchísimas gracias* (many thanks).

# INTRODUCTION

Bilingual education is one of the most contentious and misunderstood educational programs in the United States because it raises significant questions about national identity, federalism, power, ethnicity, and pedagogy. It raises questions about how one defines an American in general and the role of ethnicity in American life in particular. It also raises questions about relations between federal, state, and local governments and between majority and minority groups. Finally, it raises questions about instructional methodologies and their relationship to immigrant and native children. How do you teach immigrant children in general and how do you teach English to them in particular? Also, how do you teach foreign languages to American children in the elementary and secondary grades?

Because of these issues, federal bilingual education policy over the last three and a half decades has had a turbulent and contested history. The contested nature of bilingual education is reflected in its uneven development and in the inconsistent pattern of popular support. In the 1960s and 1970s, bilingual education policy increasingly favored the use of non-English languages and cultures. By the latter part of the 1980s and 1990s, however, non-English languages and cultures played a small and decreasing role in this policy. In the early years, a variety of federal, state, and local agencies, educational groups, and lay people supported bilingual education. This support visibly decreased by the 1990s.

The changes in bilingual education, in general, were the result of several forces, including litigation, legislation, a changing political context, and activism on the part of contending groups with competing notions of ethnicity, assimilation, empowerment, and pedagogy. Of particular

importance in its evolution was the role played by two major contending groups: the opponents and the proponents of bilingual education.

The latter group, comprised of language specialists, Mexican-American activists, newly enfranchised civil rights advocates, language minorities, intellectuals, professional educators, teachers, students, and others, was ideologically opposed to the assimilationist philosophy that underlay the subtractive and conformist policies and practices in the schools. Proponents were also opposed to the structural exclusion and institutional discrimination against racialized groups, and to limited school reform.

The proponents not only articulated oppositional ideologies, structures, and policies, they also proposed alternative ones aimed at supporting cultural and linguistic pluralism, a strong federal role, ethnic minority political empowerment, and significant school change. More specifically, they supported perspectives that viewed cultural resurgence as the key to minority academic and socioeconomic success and significant education reform as an instrument of political empowerment.

These varied individuals with their multiple perspectives collectively challenged the cultural and political hegemony of the dominant groups by promoting significant educational reforms and by supporting the reintroduction of language, culture, and community into the public schools. Specific reforms were proposed by activists including the elimination of the English-only laws, the enactment of federal and state legislation supporting the use of non-English languages in the conduct and operation of public institutions, especially the schools, and the hiring of minority language administrators and teachers.

The opponents of bilingual education, comprised at different points in time of conservative journalists, politicians, federal bureaucrats, Anglo parent groups, school officials, administrators, and special interest groups such as U.S. English, favored assimilationism, the structural exclusion of and discrimination against ethnic minorities, and limited school reform. These individuals and groups were not organized until the late 1970s. In the late 1960s and 1970s, in fact, there was no active or organized opposition to bilingual education although there was significant passive

resistance to the use of non-English languages in the schools and to the use of schools as instruments of minority empowerment. After 1978, however, this group coalesced around several key ideas that included ideological opposition to pluralism, an "intrusive" federal role, minority empowerment, significant language-based school reform, and primary language instruction in public education. The underlying tensions and differences between these contending groups, I argue, led to the development of contested school policy over the years.

The following pages provide only a brief sketch of the origins, evolution, and consequences of federal bilingual education policy during the years from 1960 to 2001. They also describe and explain the role played by the contending groups of supporters and opponents in its development. Much more research needs to be done on the details of this history and on those who shaped this policy. For now, only the outlines of the major developments will be described.

Additionally, this book includes an extended bibliographic essay of the sources written from 1960 to 2001 that can be used to do an in-depth history of this policy. This essay is organized into the three major stages of the policy-making cycle as discussed by James E. Anderson: the formation, implementation, and impact or evaluation stages. These three stages comprise one policy-making cycle. Bilingual education policy has gone through six major policy cycles since it was first enacted. These three stages occurred within each policy cycle and repeated themselves in the following ones. The first policy cycle for the federal bilingual education act occurred between 1965 and 1974. It ended with the reauthorization of the bilingual bill in the latter year. Since 1974, this bill has been reauthorized five additional times: 1978, 1984, 1988, 1994, and 2001. Federal bilingual education policy, therefore, has gone through six policy cycles. The extended essay discusses pertinent literature related to each aspect of these six policy cycles.[1]

This book, then, has two parts. The first part is a brief interpretation of the historical origins and evolution of federal bilingual education from 1960 to 2001. The second part is an extended bibliographic essay of materials pertinent to the history of federal bilingual education in the U.S.

The first part contains an introduction, four chapters, and a conclusion. The first chapter describes the political climate of the 1960s and how the proponents of bilingual education utilized the swirl of ideas associated with this period to develop the arguments in support of the first Bilingual Education Act of 1968. It also describes the major events leading up to the formulation and enactment of this bill. Chapter Two focuses on the expansion and transformation of federal bilingual education policy from a minor piece of legislation to a significant piece of school reform. Chapter Three provides an explanation of the emergence of opposition to bilingual education and the ideological and policy changes it sought. The following chapter addresses the resurgence of opposition to bilingual education in the latter part of the 1990s and its success in repealing and replacing this bill with an English-only piece of legislation. The conclusion discusses the major findings of this study.

The second part contains the extended bibliography essay of materials pertinent to the history of bilingual education.

## NOTES

1. James E. Anderson, *Public Policy-making* (New York: Praeger, 1975).

CHAPTER 1

# ORIGINS OF FEDERAL BILINGUAL EDUCATION POLICY

Bilingual education is not a new phenomenon. It has existed in various forms since this nation's founding. The use of non-English languages as well as the use of two or more languages to teach academic subjects to individuals in the elementary, secondary, or post-secondary grades has been supported, tolerated, or sanctioned by public and parochial school officials since the 1600s.[1] For the most part, local or state officials made these language decisions. The federal government rarely legislated language choice, although it discouraged the use of non-English languages in American life, especially in the territories and among certain immigrant and racial minority groups.[2] The tradition of refraining from taking official action related to language policies in general or school language policies in particular ended in 1968. In this year, the U.S. Congress passed the Bilingual Education Act.[3] Why and how this occurred is the emphasis of this chapter.

Professional educators and language specialists initiated the contemporary push for federal bilingual education policy in the early part of the decade, but newly enfranchised Chicano/a activists, civil rights groups, and educational activists soon joined them. Although activist educators, language specialists, ethnic minorities, and others were crucial in the origins of bilingual education policy, several significant contextual factors influenced their ideas and approaches. Among the most important of these during the first half of the 1960s were bilingual research findings, the civil rights movement, federal social legislation and the emerging Chicano and Chicana Movement. These contextual forces brought to

light questions about national identity, the federal role in school change, power, and pedagogy, and eventually contributed to the enactment of the federal Bilingual Education Act of 1968.

## CONTEXTUAL FACTORS

Research on bilingualism—i.e., on the impact and extent of "non-English languages" in American society—began to influence many of the arguments that advocates would use to support bilingual education policy. This new research questioned two prominent myths in education: the myth of the negative impact of bilingualism on intelligence and on academic achievement and the myth of the declining significance of ethnicity in American life as implied by the melting pot theory of assimilation.

### *Research on Bilingualism*

Since the 1920s, research on intelligence and achievement had indicated that bilingualism was an obstacle to success. This research showed a negative relationship between dual language capabilities and intelligence. However, in the early 1960s a gradual shift occurred in this literature. Scholars found that bilingualism was an asset to learning in the schools and that it played a positive role in intelligence.[4] More specifically, they found that bilingual children were either equal to or superior to monolinguals on intelligence tests and in other areas of language usage.[5]

Bilingual research studies also questioned the myth of underachievement based on language barriers. These new studies indicated that, in conjunction with other reforms, "non-English" or native language instruction could improve school achievement in general, rather than retard it.[6] These studies also indicated that bilingualism could improve second language acquisition in particular. One such study, for example, found that Spanish-speaking children instructed bilingually tended to perform as well in English language skills and in the content areas as comparable students taught only in English. At the same time, these children were developing language skills in Spanish. Anglo students in bilingual programs were not adversely affected in their English language

development and in the content subjects, and were learning a second language, Spanish.[7]

This new research likewise raised questions about assimilation. Traditional theory had argued that ethnicity in general and ethnic minority languages and cultures in particular would disappear over time as a result of ethnic group assimilation into American life. Research on bilingualism, however, indicated that certain minority groups in the United States maintained their language abilities and cultural identity over time.[8] Bilingualism and biculturalism, in other words, were not disappearing but being maintained and, in some cases, increasing. Much of this bilingualism was due to the language maintenance among the French-speaking groups in the Northeast and the Spanish-speaking population in the Southwest. [9]

This new bilingual research reinforced the work of scholars such as Nathan Glazer and Daniel Moynihan. These two noted scholars of the immigrant experience based their research on ethnic and immigrant groups in New York City and argued that people maintained their cultural identities and felt close affiliation to those of the same group. According to them, cultural and linguistic pluralism was a much more common phenomenon than previously assumed. More specifically, ethnic and language minority groups were not melting and ethnicity was not declining as rapidly as many scholars had believed. The melting pot, in other words, was a myth.[10]

### *Civil Rights Movement*

Domestic concerns, especially the growth of the civil rights movements and the passage of the War on Poverty legislation in the early 1960s, focused increased attention on the problems experienced by people of color living in poverty and the role that the federal government could play in resolving these issues.

The growing strength of the black civil rights movement, that is, the struggle for voting rights, equal employment, and an end to segregation in public facilities, as well as the enactment of civil rights policies, focused attention on the presence of racial discrimination in American life. The

civil rights movement also suggested new means for eliminating discriminatory policies and practices, including the use of protest, demonstrations, pickets, and increased federal involvement.[11]

Language scholars and ethnic minority activists strongly supported the civil rights movement. They, however, began to argue that discrimination was not simply based on race but on other factors such as national origin, religion, and gender. In the case of Spanish-speaking children and with respect to bilingual education arguments, civil rights leaders and educators began to emphasize the impact and significance of discrimination based on language and culture. This type of discrimination, many activists and scholars argued, negatively impacted the school achievement of Mexican Americans in particular and language minority children in general.[12]

These activists also began to argue that the federal government had a responsibility for overcoming all forms of discrimination. Like racial discrimination, many of them noted, inequitable treatment on the basis of language and culture could be eliminated in the schools with the support of the federal government.

### *Social Legislation*

The enactment of poverty legislation also influenced the arguments for bilingual education. This type of legislation led to a renewed consideration of poverty and educational underachievement especially among language minority groups in general and Spanish speaking minority children in particular. It also encouraged individuals to look for a stronger federal role in eliminating poverty.

The federal government discovered poverty in the early 1960s and declared war on it. Education became instrumental in winning this war on poverty. With respect to public education, Congress enacted two major pieces of legislation aimed at developing social and educational programs to meet this federal goal: the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act of 1965. The former, among other things, required the involvement of poor parents in the development and implementation of federal programs. The latter

provided funds to public schools and led to a renewed emphasis on eliminating poverty in the ghettos and barrios through education.[13]

The War on Poverty legislation and increased federal involvement in education encouraged scholars to focus on the factors impacting school performance among poor children of color residing in ghettos, barrios, and reservations. Those interested in the education of Latino children emphasized the impact that structural exclusion of the community and discriminatory school policies such as no-Spanish speaking rules and English-only laws had on the underachievement of poor Spanish-speaking children. Structural exclusion and institutional discrimination, they argued, led to the lowering of self-esteem and eventual school failure of language minority students.[14]

Other activists, especially language specialists, argued that English-only laws and practices led to the waste of necessary national language resources that could benefit the country.[15]

The ultimate result of these debates was to shift the blame for underachievement from minority children and their language and culture to larger institutional and structural forces, especially discriminatory school policies.

### *Activists and Cultural Pluralism*

Finally, the emerging Chicano and Chicana movement became an important ingredient in the rationale for bilingual education. The activists of the 1960s, among other things, were ideologically opposed to assimilation, cultural repression, and Anglo hegemony in the public schools. They strongly opposed assimilation and viewed themselves as being culturally victimized and structurally excluded by the dominant society and its institutions, including the schools. They also viewed themselves as being controlled by an Anglo political and economic elite not interested in their academic or societal progress. For most activists of this period, political empowerment and cultural identity were necessary for minority academic and socioeconomic progress.[16]

The activists of the 1960s and early 1970s, in conjunction with others, challenged the cultural and political hegemony of the dominant groups

and promoted significant educational reforms, including bilingual education. They supported bilingual education for at least four reasons. First, they viewed this program as a strategy for the structural inclusion of those elements that had been historically excluded from the schools in the past: the Spanish language, Mexican culture, and the Mexican origin community.[17] Second, many activists viewed bilingual education as "a vehicle for institutional change."[18] Although a few of them initially were suspicious of bilingual education,[19] most came to believe that the enactment of bilingual language policies could lead to the elimination of discriminatory school policies and practices and to significant changes in assimilationist curricular policies and inappropriate teaching strategies.[20] This particular view of bilingual education was best summarized by Manuel Ramirez III when he said,

> We must view bilingual programs not only as providing opportunities for introducing the Spanish language, Mexican history, and Mexican American history into the system, but as vehicles for restructuring that system to insure the academic survival of Chicano children and the political and economic strength of the Chicano community.[21]

Fourth, many activists saw this reform as a means to deal more effectively with cultural assimilation. Initially, supporters looked at this program as a way to help minority children adjust to the Anglo culture of the school. But over the years, bilingual education was viewed as a means for preserving the Spanish language and Mexican culture of the Chicano and Chicana community. Bilingual education, noted Atilano A. Valencia, the director of Related Programs for Chicanos at the Southwestern Cooperative Educational Laboratory in Albuquerque, was "a quest for bilingual survival."[22]

These activists and countless others led the community's struggle against assimilationism and for both pluralism and academic success in the schools. By the end of the decade this effort was concentrated in the struggle for bilingual education in the United States.[23]

### *Impact of Context on Bilingual Education Proponents*

These new social concerns coupled with research on bilingualism had significant implications for society in general and for the education of ethnic Mexican children in particular. They focused increased attention on the extent and effect of school discrimination on the ethnic identity and academic progress of poor Mexican-origin children.

With respect to the social implications, these studies added new dimensions to domestic issues of civil rights and poverty. More specifically, they extended the definition of discrimination to include language and culture. They also reinforced the notion that poverty had a linguistic dimension. These new studies likewise led to new attitudes towards bilingualism and bilinguals. Non-English languages came to be viewed in a positive light and as a precious resource that should be conserved. Bilinguals also came to be viewed more positively during these years. Finally, these studies seriously questioned the reality of the melting pot theory and provided support for cultural pluralism in American life.

These contextual forces also had educational implications. They led to a reassessment of specific educational practices that had detrimental impact on the ethnic identity and academic performance of poor Spanish speaking children. Among these practices were English-only laws, no-Spanish rules, and the structural exclusion of Mexican Americans from public education. Finally, they led to the promotion of language and culture-based school reforms such as the hiring of Spanish-speaking teachers, the incorporation of "non-English" languages and minority cultures into public education, and the repeal of English-only and no-Spanish speaking policies.

The early proponents of bilingual education took these novel ideas surrounding poverty and discrimination and applied them to the historic problems confronting schools with large numbers of Mexican children in the Southwest. In general they focused on explaining the historic pattern of underachievement experienced by Mexican-origin children and argued that they had negative school experiences, excessively high dropout rates, and low educational attainments because of poverty,