

UDC 372.378(73)

**REGULATORY SUPPORT OF MINORITY LANGUAGE
EDUCATION IN THE USA
(20-s of XX –beginning of XXI century)**

O.Ye. Krsek

The article covers the context of language legislation in education in the U.S. in the 20th century, regulatory support of language education, education of the national minorities.

Key words: language policy, minority language education, national minorities, bilingual programs, ethnic and cultural education.

Statement of the problem in general aspect. The United States is a diverse land with a government selected by the votes of its citizens. Federal law recognizes that many Americans rely heavily on languages other than English, and that they require information in minority languages in order to be informed voters, to participate effectively in the representative democracy, to study, to work and to be independent in their country. In the history of the United States of America, multilingual communities have subsisted side by side. Among the many languages spoken throughout the country, we could mention first all the original Native American languages and then a multitude of languages that immigrants from all over the world have brought into the country. Together with English, Italian, German, Dutch, Polish, French, Spanish, Chinese, and Japanese are just some of the more than two hundred languages that have been spoken in the United States [12, p. 61]. As James Crawford has noted, “Language diversity in North America has ebbed and flowed, reaching its lowest level in the mid-20th century. But it has existed in every era, since long before the United States constituted itself as a nation” [4, p. 59]. At present, the linguistic situation of the United States is the most interesting. Despite of the fact that in all the states English dominates, only in 27 states out of 50 it is considered to be an official one. While considering the problems of access to education, legal protection and regulatory support of national minorities in the US, we were systematizing US linguistic legislation concerning the language minorities in the USA.

The analysis of recent research and publications. Regulatory barriers and obstacles in teaching limited-English-proficient students,

language rights and the law in the United States, accessing language rights in education were analyzed in the works of K. Baker, L. Bartolome, Y. Butler, J. Crawford, M. Facella, F. Genesee, K. Hakuta, T. McCarty, K. Rampino, E. Shea, C. Schmid, J. Tollefson, T. Wiley, D. Witt, W. Wright.

Effectiveness of bilingual education, ethnicity and bilingual education, bilingualism and special education, two-way bilingual immersion education were discussed by K. Baker, A. Bangura, M. Brisk, J. Capetillo-Ponce, F. Cardasco, J. Crawford, J. Cummins, M. Facella, J. Greene, A. de Kanter, R. Kramer, S. Krashen, M. Muo, B. Perez, K. Rampino, E. Shea.

Policy for equity in teaching and learning, teaching limited-English-proficient students, program alternatives for linguistically diverse students were studied by K. Baker, C. Markey C., B. Perez, C. Schmid, W. Wright.

The aim of our research is to systematize US linguistic legislation concerning the language minorities in the pedagogical aspect, i.e. access to education, legal protection and regulatory support of national minorities in the US.

Main material presentation. Prior to the twentieth century, the U.S. government had actively imposed the use of English among Native Americans and the inhabitants of the incorporated territories of the Southwest. By the 1880s, the Bureau of Indian Affairs implemented a policy of forced Anglicisation for Native Americans sending Indian children to boarding schools. Such policies did not succeed in eradicating the children’s native languages, but it did instil in them a sense of shame that guaranteed the exclusive use of English for future generations [4, 10]. At the beginning of the twenty-first century, proficiency in only one language is not enough for economic, societal, and educational success. Global interdependence and mass communication often require the ability to function in more than one language. According to the 2000 U.S. Census, more than 9.7 million children ages five to seventeen – one of every six school-age children – spoke a language other than English at home. These language-minority children are the fastest-growing segment of the U.S. school-age population. Between 1990 and 2000, the population of language-minority children increased by 55 percent, while the population of children living in homes where only English is spoken grew by only 11 percent. The U.S. population has become more diverse over the past two decades as the populations of Hispanics and Asians have increased more rapidly than the populations of Whites and Blacks. The populations of Hispanics, Asians, Native Hawaiians or Other Pacific Islanders, and those of two or more races are expected to grow faster than the populations of Whites, Blacks, and American Indians/Alaska Natives

between 2008 and 2025. The Census Bureau projects that by 2020, more than 52 million Latinos (representing close to 20% of the total population) will reside in the United States. By 2050, the Bureau estimates that the percentage will rise to nearly twenty-five. The ethnic population that represents the most significant source of language controversy is expanding as a demographic unit and becoming increasingly complex as a subgroup of the American political community.

Language-minority students in U.S. schools speak virtually all of the world's languages, including more than a hundred that are indigenous to the United States. Language-minority students may be monolingual in their native language, bilingual in their native language and English, or monolingual in English but from a home where a language other than English is spoken. Those who have not yet developed sufficient proficiency in English to learn content material in all-English-medium classrooms are known as limited English proficient (LEP) or English language learners (ELLs). Reliable estimates place the number of LEP students in American schools at close to four million.

In order to ensure linguistic and cultural control of the new territories on the Southwest, the U.S. government adopted two different strategies. The first one entailed delimiting state borders to favor an English-speaking majority by splitting Spanish-speaking communities. The second strategy involved the deferral of the recognition of statehood until English-speaking settlers had sufficiently populated the new territories. For this reason, California was accepted as a state in 1850, Nevada in 1864, Colorado in 1876, and Utah in 1896. In the case of New Mexico, which, at the time of its incorporation in 1848, included Arizona, it took the Federal government 60 years to grant full statehood to the two states contained in this territory. However, it was not until the approval of the Nationality Act in Texas in 1906 that English was officially designated as the only language to be taught in schools. In addition, the Nationality Act required all immigrants to speak English in order to be eligible to start their process of naturalization [14, 76]. This justification of the imposition of English was based on the explicit connection between English and U.S. national identity and on the empirically-determined correlation between bilingualism and inferior intelligence [15, 134]. In 1917, Congress passed the Burnett Act, which required all new immigrants to pass a literacy test and prohibited immigration from Asia, except for Japan and the Philippines. Such a measure reveals the closeness between racial prejudice and linguistic restrictions. At this time, the previous tolerance toward German speakers turned to hostility

[15, 17]. Not much later, President Theodore Roosevelt (1926) emphasized the connection between English acquisition and loyalty to the U.S. with the following statement, "We have room for but one language in this country and that is the English language, for we intend to see that the crucible turns our people out as Americans, of American nationality, and not as dwellers in a polyglot boarding house" as cited by Crawford J. in *Educating English learners: language diversity in the classroom* [4].

The hostile climate against languages other than English would result in the drastic reduction of any type of bilingual instruction in the U.S. According to Crawford J., the restriction of language use had two intentions. The first purpose was to deprive minorities of their individual rights in order to frustrate worker solidarity. The second one was to institute a perception of the United States as an exclusively Anglo community. Such an ideological strategy was to remain quite constant until the 1960s.

So, in accordance with 'A Chronology of Federal Law and Policy Impacting Language Minority Students', compiled by the Texas Education Agency (<http://www.tea.state.tx.us/>), during the period of 1920s-1960s — English immersion or "sink-or-swim" policies were the dominant method of instruction of language minority students. Few or no remedial services were available, and students were generally held at the same grade level until enough English was mastered to advance in subject areas. In 1963 success of a two-way bilingual program for Cuban refugee children in Dade County, Florida, inspired the implementation of similar programs elsewhere. 1964 became known for Civil Rights Act: Title VI prohibits discrimination on the basis of race, color, or national origin in the operation of all federally assisted programs.

1968 year went down in history as the transition to bilingual education of lingual minorities in the USA. The Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1968: Established federal policy for bilingual education for economically disadvantaged language minority students, allocated funds for innovative programs, and recognized the unique educational disadvantages faced by non-English speaking students. The BEA provided school districts with federal funds, in the form of competitive grants, to establish innovative educational programs for students with limited English speaking ability. The grants that the act provided were given directly to school districts and were to be used to buy resources for educational programs, to train teachers and teachers' aides, to develop and distribute materials and to create meaningful parental involvement projects. Although the act did not require the use of bilingual

instruction or the use of a student's native language, its aim was to encourage innovative programs designed to teach students English. The act also gave school districts the opportunity to provide bilingual education programs without violating segregation laws, but at this time, participation was voluntary [3, 7, 8, 17,]. Program effectiveness was evaluated at the end of every year and successful programs were eligible to receive federal funding for up to five years.

Good bilingual education programs recognize and build upon the knowledge and skills children bring to school. They are designed to be linguistically, culturally, and developmentally appropriate for the students and have the following characteristics [1; 2; 5; 6; 19]:

- High expectations for students and clear programmatic goals.
- A curriculum that is comparable to the material covered in the English-only classroom.
- Instruction through the native language for subject matter.
- An English-language development component.
- Multicultural instruction that recognizes and incorporates students' home cultures.
- Administrative and instructional staff, and community support for the program.
- Appropriately trained personnel.
- Adequate resources and linguistically, culturally, and developmentally appropriate materials.
- Frequent and appropriate monitoring of student performance.
- Parental and family involvement.

The debate over bilingual education has two sources. Part of it is a reflection of societal attitudes towards immigrants. Since language is one of the most obvious identifiers of an immigrant, restrictions on the use of languages other than English have been imposed throughout the history of the United States, particularly in times of war and economic uncertainty. Despite claims that the English language is in danger, figures from the 2000 Census show that 96 percent of those over the age of five speak English well or very well. Rolf Kjolseth concluded that language is also closely associated with national identity, and Americans often display a double standard with regard to bilingualism. On the one hand, they applaud a native English-speaking student studying a foreign language and becoming bilingual, while on the other hand they insist that non-native English speakers give up their native languages and become monolingual in English [3; 7; 9; 13; 17; 18].

In 1978 the accepted amendments to Title VII emphasized the strictly transitional nature of native language instruction, expanded eligibility to students who were limited English proficient (LEP), and permitted enrollment of English-speaking students in bilingual programs. Amendments to Title VII accepted in 1982 allowed for some native language maintenance, provided program funding for LEP students with special needs, supported family English literacy programs, and emphasized importance of teacher training. In 1988 the accepted amendments to Title VII included increased funding to state education agencies, expanded funding for "special alternative" programs where only English was used, established a three-year limit on participation in most Title VII, and created fellowship programs for professional training. In 1994 comprehensive educational reforms entailed reconfiguration of Title VII programs. New provisions reinforced professional development programs, increased attention to language maintenance and foreign language instruction, improved research and evaluation at state and local level, supplied additional funds for immigrant education, and allowed participation of some private school students.

In 2001 'No Child Left Behind Act' was ratified. No Child Left Behind Act of 2001 (NCLB): The reauthorization of the Elementary and Secondary Education Act of 1965 appropriated funds to states to improve the education of limited English proficient students by assisting children to learn English and meet challenging state academic content and student academic achievement standards. Legislation for limited English proficient students was found under Title III of NCLB. Federal policy for language-minority students learning English changed dramatically with the passage of the No Child Left Behind Act of 2001 (NCLB) (Public Law 107-110), President George W. Bush's plan for the reauthorization of the ESEA. The following table summarizes some of the major changes of NCLB:

<i>Before No Child Left Behind</i>	<i>After No Child Left Behind</i>
Bilingual Education Act	Title III: Language Instruction for Limited English Proficient and Immigrant Students.
Office of Bilingual Education and Minority Language Affairs (responsible for administering Title VII grants)	Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient (LEP) Students
The National Clearinghouse for Bilingual Education	National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs

The Title VII Bilingual Education Act was eliminated and replaced with Title III, "Language Instruction for Limited English Proficient and Immigrant Students." The word "bilingual" was completely expunged from the legislation as well as from the names of offices previously connected with Title VII. The name of the "Office for Bilingual Education and Minority Language Affairs" was changed to the "Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students," and the "National Clearinghouse for Bilingual Education" was changed to the "National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs." LEP student issues are also featured prominently in changes to Title I which addresses issues of accountability and highstakes testing.

On March 13, 2011, the Obama administration released its blueprint for revising the Elementary and Secondary Education Act (ESEA) and overhauling the education policies embraced in No Child Left Behind. In addition to legislation promoting policies aimed at improving the education system, federal legislation has also focused on expanding access to education for the disabled, minorities, women, low-income groups, and immigrants. Today, in addition to ESEA, the Individuals with Disabilities Education Act (IDEA) is a major source of federal education funding. "Throughout history, the United States has broadened educational opportunities for the less fortunate," writes Jack Jennings, president and chief executive officer of the Center on Education Policy (CEP), in a February 7, 2011 article entitled "Get the Federal Government Out of Education? That Wasn't the Founding Fathers' Vision." The article continues, "After the Civil War, the federal government helped create public schools for freed slaves. After great waves of immigration of the early 20th century, vocational programs provided job training for newcomers. In the 1950s, federal courts moved to expand educational opportunity, and in the 1960s, Congress broadened civil rights, economic opportunities, and improvements in schooling. African-American adults and children benefited as did women and girls who gained from Title IX, which opened up educational and sports opportunities. As a result, the achievement gap narrowed between adolescent white and black students. And the percentage of children with disabilities who attended public school rose from only 20 percent in 1970 to 95 percent in 2007."

Any program for English-language-learners (ELLs), regardless of the language of instruction or the models used, must do two very important things: teach English and teach academic content. Schools must provide instruction in English for ELLs because they are not yet proficient in

English, and because they need fluency in English to succeed in mainstream classrooms and to be successful in life in general in the United States. At the same time, schools cannot focus just on teaching English. Students must also learn the same academic content their English proficient peers are learning, in such subjects as language arts, math, science, social studies, music, art, and physical education.

Questions of power, race, and ethnicity need to be brought up in the debate and made explicit. Only explicit references to such questions will help problematize assumptions about language such as (1) the validity of competence in English as an indicator of national loyalty; (2) the presumed neutrality of Standard English; and (3) the sufficiency of willpower for its mastery [11, 256].

Language rights need to be demystified and the theory of the 'additional privilege' deconstructed. Language rights are not an 'extra-advantage' but the factor that helps adjust an uneven playing field. In this regard, it becomes essential to stress the positive effects of language rights in reducing the potential for linguistic and social conflict. Language is a powerful force for mobilizing public opinion to affect not only language policy, but also broad issues of state formation, politics, and administration. Establishing "a system of language rights can protect all citizens from leaders who wish to use language for destructive and unscrupulous aims" [16, 189].

In the end, it also seems obvious to argue that any and all education reforms should be intended to benefit every student in every school. With that approach in mind, politicians, school administrators, teachers, parents, and the community at large should have access to empirical findings that point to strategies that improve not only students' English proficiency but also their chances of developing their academic potential to the fullest. It is essential to spell out, as James Crawford (2004) asserts, "*there is no contradiction between promoting fluent bilingualism and promoting academic achievement in English; indeed, these goals are mutually supporting*".

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НОРМАТИВНО-ПРАВОВЕ ЗАБЕЗПЕЧЕННЯ МОВНОЇ ОСВІТИ НАЦІОНАЛЬНИХ МЕНШИН У США (20-ті роки ХХ – початок ХХІ століття)

О.Є. Крсек

У статті розглядається контекст мовного законодавства в галузі освіти в США у ХХ столітті, нормативно-правове забезпечення мовної освіти, освіти національних меншин.

Ключові слова: мовна політика, мовна освіта меншин, національні меншини, двомовні програми, етнокультурна освіта.

НОРМАТИВНО-ПРАВОВОЕ ОБЕСПЕЧЕНИЕ ЯЗЫКОВОГО ОБРАЗОВАНИЯ НАЦИОНАЛЬНЫХ МЕНЬШИНСТВ В США (20-е годы ХХ - начало ХХІ века)

О.Е. Крсек

В статье рассматривается контекст языкового законодательства в области образования в США в ХХ веке, нормативно-правовое обеспечение языкового образования, образования национальных меньшинств.

Ключевые слова: языковая политика, языковое образование меньшинств, национальные меньшинства, двуязычные программы, этнокультурное образование.

Крсек Ольга Євгенівна – кандидат педагогічних наук, доцент, завідувач кафедри іноземних мов та професійної комунікації Східноукраїнського національного університету імені Володимира Даля (м.Сєвєродонецьк, Україна). E-mail: krsek@i.ua

Krsek Olga Yevgenivna – Ph.D in Pedagogy, Head of the Chair of Foreign Languages and Professional Communication of Volodymyr Dahl East Ukrainian National University (Severodonetsk). E-mail: krsek@i.ua