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Bilingual Education: An Overview

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Bilingual Education: An Overview

Summary

The U.S. Department of Education (ED) administers the Bilingual Education Act (BEA), the federal education program specifically intended for limited English proficient (LEP) children. The BEA, among other things, authorizes competitive grants for local school districts to assist them in educating elementary and secondary LEP students. The FY2001 appropriation for the BEA is \$296 million. The BEA supports nearly 1000 projects nationwide.

The BEA plays a relatively modest role in the education of LEP children. In total, there are an estimated 3.4 million LEP children in the United States with only 12% served in BEA projects. Most LEP children are served in local, state, and other federal programs which address, at least in part, their special educational needs. These programs utilize a wide array of instructional models for LEP children. Although conceptually distinct, many of these models are difficult to distinguish in practice. Fundamentally, these models may be differentiated by the role of the child's native language. At one end of the spectrum, *bilingual education* projects use the native language for both English acquisition and academic learning in all subjects. Toward the other end of the spectrum, *English as a Second Language (ESL)*, *sheltered English*, and *immersion* projects may place very little emphasis on the native language while expecting a relatively rapid grasp of English. The most recent estimate available is that states spend at least \$690 million on LEP children for bilingual education and ESL training. The Elementary and Secondary Education Act (ESEA) Title I program for educationally disadvantaged children is reported to reach 1.5 million LEP students.

Congressional interest in the BEA centers on the appropriate federal role in meeting the special needs of the LEP population. In particular, attention is focusing on questions such as the role of the native language in instructing LEP children and how long it takes LEP students to master English.

The Congress considered several proposals to reauthorize the BEA in the 106th Congress. The 107th Congress has again been considering legislation to reauthorize the Elementary and Secondary Education Act (ESEA), including the BEA. H.R. 1, the "No Child Left Behind Act of 2001" was passed by the House on May 23, 2001. S. 1, the "Better Education for Students and Teachers Act" was reported in the Senate Committee on Health, Education, Labor and Pensions, and is currently under consideration, as amended by SA358, in the Senate. Both bills would establish consolidated formula grant programs for the education of LEP students and would emphasize increasing LEP students' English proficiency as quickly as possible. The bills would also require annual assessments of LEP students' English proficiency and testing of LEP students in English after 3 years. Issues surrounding the schooling of LEP children may continue to develop as the reauthorization discussions continue.

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Bilingual Education: An Overview

“Bilingual education” is a term that has both a specific and generic meaning with respect to children who do not know English. Not only is bilingual education a distinct instructional approach, but it is also a term that refers broadly to the assorted special efforts to educate and serve limited English proficient (LEP) students (more recently termed “English language learners” (ELL)). Local, state, and federal programs in the area represent numerous theories and practices that may also go by such terms as “English as a second language” and “English for speakers of other languages.” For the purposes of this report, we use the term “bilingual education” in both its precise and broad meaning.

This report provides background information on bilingual education for elementary and secondary students; describes the Bilingual Education Act (BEA), the federal education program specifically intended for LEP children; and reviews some selected issues in the field. This report will be updated to reflect program developments as they occur.

Background

Population

Recent estimates indicate that there are over 3.4 million LEP students in the U.S.¹ (Precise estimates of the LEP population are not available due to the lack of a standard definition of LEP.) Although concentrated in five states — California, Texas, New York, Florida, and Illinois — LEP students are present in almost half of the nation’s school districts (46%).² Approximately 7% of total K-12 enrollment across the country during the 1996-1997 school year was classified as LEP. Since the 1990-1991 school year, the size of the LEP population has increased an estimated 55%.³

¹National Clearinghouse for Bilingual Education. *Summary Report of the Survey of the States’ Limited English Proficient Students and Available Educational Programs and Services, 1996-1997*. Washington, 1998. (Hereafter cited as NCBE, *Summary Report 1996-1997*.) The *Summary Report 1996-1997* is the source for data in this paragraph unless otherwise indicated.

²Department of Education. *A Profile of Policies and Practices for Limited English Proficient Students: Screening Methods, Program Support, and Teacher Training (Schools and Staffing Survey 1993-1994)*. Washington, 1997. (Hereafter cited as ED, *A Profile of Policies and Practices for Limited English Proficient Students*.)

³For more information on demographic trends of the LEP population see: General Accounting (continued...)

In all, LEP pupils speak over 100 languages; however, Spanish is the most common native language, spoken by about three-fourths of all LEP children. A 1993 study of LEP children found that most LEP students are young — more than two out of three are in grades K-6, 18% are in grades 7-9, and 14% are in grades 10-12.⁴ (There may be several explanations for this finding such as the eventual acquisition of English skills or dropping out due to school failure.)

Programs

Civil Rights Context. The education of LEP children is shaped by federal civil rights laws that set the legal framework within which they must be served. Title VI of the Civil Rights Acts of 1964⁵ prohibits discrimination on the basis of race, color, and national origin by recipients of federal financial assistance. Title VI does not specifically refer to LEP individuals as a protected class. However, court interpretations of Title VI have extended the statute to LEP students. The 1974 Supreme Court case, *Lau v. Nichols*,⁶ found that the San Francisco school system had failed to provide supplemental English language instruction to its LEP students. The Court held that the school system had thus violated Title VI by denying these children a meaningful opportunity to receive a public education. Through the *Lau* precedent and subsequent U.S. Department of Education (ED) guidelines, LEP children must have equal access to schooling, including, if necessary, special programming that allows them an opportunity to effectively participate in public education.⁷ ED does not specifically require native language based bilingual education; alternative approaches may be utilized within guidelines.

Another federal statute, the Equal Educational Opportunities Act (EEOA),⁸ also entitles LEP children to bilingual services in certain circumstances. In *Castaneda v. Pickard*,⁹ a three-part test was developed for determining whether under the EEOA schools had failed to take appropriate action to help LEP students overcome language barriers. Together, these civil rights laws compose the backdrop against which the programs described below are evaluated, and protect LEP students in places where no formal programs exist.

³(...continued)

Office. *Limited English Proficiency: A Growing and Costly Educational Challenge Facing Many School Districts*. Washington, 1994.

⁴Development Associates. *Descriptive Study of Services to Limited English Proficient Students, Volume 1, Summary of Findings and Conclusions*. Arlington, VA, 1993. (Hereafter cited as Development Associates, *Descriptive Study Summary*.)

⁵42 U.S.C. § 2000d.

⁶414 U.S. 563 (1974).

⁷For more information on Title VI and its application and requirements, see Department of Education. *The Provision of an Equal Education Opportunity to Limited English Proficient Students*. Washington, 1992.

⁸20 U.S.C. §§ 1701 et seq.

⁹648 F.2d 989 (5th Cir. 1981).

Models. There are several models for instructing LEP students. Although conceptually distinct, many of these models are difficult to distinguish in practice.¹⁰ Fundamentally, these models may be differentiated by the role of the child's native language. At one end of the spectrum, *bilingual education* programs utilize the students' native language for both English acquisition and academic learning in all subjects. Toward the other end of the spectrum, *English as a Second Language (ESL)*, *sheltered English*, and *immersion* programs may place very little emphasis on the native language while expecting a relatively rapid grasp of English (2-3 years). Finally, in *submersion* programs, LEP students are placed in English-only classes without any accommodations.¹¹

Bilingual education programs may be further identified by the expected progress of LEP students. "*Transitional*" *bilingual projects*¹² are intended to move LEP students along relatively quickly (2-3 years), while "*developmental*" *bilingual projects*¹³ are geared to the more gradual mastering of English and native language skills (5-7 years). Finally, "*two-way*" *bilingual projects*¹⁴ mix LEP and English proficient students together and steadily expose them to each other's language.

Overall, it appears that ESL projects are the most common programming option used by schools for LEP students, particularly with older student populations.¹⁵ Transitional bilingual education is the most frequent approach utilized in native language based projects.¹⁶

State and Local Programs. There are an array of laws and programs at the federal, state, and local levels for the education of LEP students. LEP students are more likely to be served in state and local programs, or in federal programs other than the BEA. (Federal programs are discussed below.) According to the National Clearinghouse for Bilingual Education, of the 50 states, all but seven¹⁷ have some form of regulations for the provision of English language instruction for LEP students, ranging from mandates that local educational agencies (LEAs) provide native language-based bilingual education to guidance that LEAs offer some modified instruction for non-English speaking children. Among the states with regulations for

¹⁰Adding further confusion is the use of different labels for the same model.

¹¹Sometimes known as "sink-or-swim."

¹²Also known as "early-exit" bilingual education.

¹³Also known as "late-exit" or "maintenance" bilingual education.

¹⁴Also known as "dual language" bilingual education.

¹⁵ED, *A Profile of Policies and Practices for Limited English Proficient Students*.

¹⁶National Research Council. *Improving Schooling for Language-Minority Children: A Research Agenda*. Washington, 1997. (Hereafter cited as NRC, *Improving Schooling for Language-Minority Children*.)

¹⁷National Clearinghouse for Bilingual Education. *State Survey of Legislative Requirements for Educating Limited English Proficient Students*. 1999. (Hereafter cited as NCBE, *State Survey of Legislative Requirements*.) According to the survey, these states include: Alabama, Hawaii, Louisiana, Mississippi, South Carolina, Tennessee, and West Virginia.

language services for LEP students, seven do not contribute any state aid earmarked for instructional programs for LEP children. Due to the different means by which states finance bilingual education programs, it is difficult to estimate total state spending in this area.

Among the major variations in state and local bilingual education programs are rules on entering and exiting. There is no standard definition of limited English proficiency. Jurisdictions apply different criteria when deciding if a child is eligible for bilingual education. Likewise, there are no uniform rules for when a child should exit a bilingual education program and enter mainstream classes. Typically, the length of stay reflects the program's philosophy (i.e., shorter for quick transition, longer for dual language development). New York and Washington generally place a 3-year limit on the participation of LEP students in English instructional programs.¹⁸ California and Arizona recently passed legislation (discussed later in this report) which calls for a single year of sheltered English immersion for LEP students, with exceptions for certain children.

Federal Programs. There are several federal programs that serve LEP students. (The BEA, the principal federal program, is described separately below.) Indeed, the Title I, part A program for educationally disadvantaged children authorized under the Elementary and Secondary Education Act (ESEA) reaches a larger number of LEP children than BEA. (Only an estimated 12% of LEP children are served in BEA projects.)¹⁹ The Improving America's Schools Act of 1994, P.L. 103-382, among other things, lifted a prior restriction in Title I on serving LEP children. Title I funds, however, may not be used for LEP services otherwise required by law.²⁰ In the 1996-1997 school year, an estimated 1.8 million LEP students participated in Title I.²¹ The services they received under Title I may have addressed their special language needs, or other academic deficiencies unrelated to their LEP status. Other ED programs that may address, at least in part, the educational needs of LEP students include the ESEA Title VII, Part C Emergency Immigrant Education Program; ESEA Title VII, Part B Foreign Language Assistance Program; ESEA Title I, Part C Migrant Education Program; vocational education (Carl D. Perkins Vocational and Applied Technology Education Act); and special education (Individuals with Disabilities Education Act).

¹⁸New York and Washington allow exceptions to the 3-year rule for individual students.

¹⁹NCBE, *Summary Report 1996-1997*.

²⁰For more information on the 1994 changes in Title I for LEP children, see: CRS Report 94-968, *Education for the Disadvantaged: Analysis of 1994 ESEA Title I Amendments Under P.L. 103-382*, by Wayne C. Riddle.

²¹NCBE, *Summary Report, 1996-1997*.

Bilingual Education Act

History

The BEA was initially created in 1968 as a supplemental grant program to assist local school districts to teach students who do not know English. Since its inception, the BEA has been amended and extended several times, most recently in 1994 by the Improving America's Schools Act, P.L. 103-382.²² Among the significant changes in the 1994 reauthorization were the establishment of new categories of local bilingual education grants, the elimination of mandatory research projects, and the establishment of new categories of personnel training grants.²³ (These new features are described below.)

Programs

Currently, the BEA is authorized in ESEA Title VII, Part A through FY2000.²⁴ The BEA is organized into three subparts:

- ! Subpart 1 — Instructional Services — authorizes four types of competitive grants for LEAs to fund bilingual education projects;
- ! Subpart 2 — Support Services — authorizes five activities intended to support schools and educators in the teaching of LEP children;
- ! Subpart 3 — Professional Development — authorizes four types of grants for teacher training.

Instructional Services. ED usually conducts annual competitions for interested LEAs for four types of LEA grants:

- ! **Program development and implementation.** Three-year grants for new English language instruction projects;
- ! **Program enhancement.** Two-year grants to enhance or expand existing projects;
- ! **Comprehensive school.** Five-year grants for comprehensive reform at a school site with a heavy concentration of LEP students;
- ! **Systemwide improvement.** Five-year grants for programmatic reform within a school district with a high enrollment of LEP students.

Grants are discretionary, awarded based upon the quality ranking of applications, with priority for those projects working to develop bilingual proficiency among its students. Consistent with the grant category, LEAs use funds for bilingual education and “special alternative instruction projects.” Special alternative instruction projects include those educational approaches that do not rely upon the student’s native

²²For most of its history, there have been three basic activities under the BEA: local bilingual education grants, research and support activities, and teacher training.

²³For more information on the 1994 changes in the BEA, see: CRS Report 94-872, *Improving America's Schools Act: An Overview of P.L. 103-382*, by James B. Stedman.

²⁴20 U.S.C. §§ 7401 et seq.

language, such as ESL and immersion. Grants to LEAs using funds for special alternative instruction projects, however, may not exceed 25% of all grants. In other words, there is a BEA funding cap of 25% for special alternative instruction projects. There is a statutory exception to this cap when an otherwise qualified LEA demonstrates that either due to the linguistic diversity of its LEP population, or a shortage of qualified staff, it cannot implement a bilingual education project.²⁵

Tables 1 and 2 present program information for BEA instructional services grants in FY2000.

Table 1. Bilingual Education Instructional Services Grants, ESEA Title VII, Part A, Subpart 1, FY2000 National Total of Projects and Total Funding by Grant Type

Grant type	Number of projects	Total FY2000 grant awards
Program enhancement	70	\$9,446,715
Systemwide improvement	77	\$36,306,935
Comprehensive school	341	\$84,592,252
Development & implementation	203	\$31,682,869
Total	691	\$162,028,771

Source: U.S. Department of Education. Unpublished data.

²⁵The actual percentage of BEA instructional services grants funding awarded to special alternative instructional projects is not known.

**Table 2. Bilingual Education Instructional Services Grants,
ESEA Title VII, Part A, Subpart 1, FY2000 Total Obligations
Aggregated by Grant Type and State**

State	Development & Implementation	Program Enhancement	Comprehensive School	Systemwide Improvement	Totals
Alabama	—	\$137,825	—	—	\$137,825
Alaska	—	—	\$627,361	—	\$627,361
Arizona	\$1,773,780	\$150,000	\$4,824,100	\$1,302,449	\$8,050,329
Arkansas	—	—	—	—	\$0
California	\$10,405,219	\$2,836,484	\$33,260,841	\$12,181,744	\$58,684,288
Colorado	\$1,201,589	\$211,000	\$247,000	\$1,836,114	\$3,495,703
Connecticut	\$325,000	—	\$1,236,057	—	\$1,561,057
Delaware	—	—	—	—	\$0
District of Columbia	\$91,739	—	\$243,212	\$570,500	\$905,451
Florida	\$742,114	\$517,097	\$2,164,537	\$1,762,600	\$5,186,348
Georgia	\$60,000	—	—	\$70,000	\$130,000
Hawaii	\$459,830	\$100,000	\$280,978	—	\$840,808
Idaho	—	—	\$491,959	\$307,243	\$799,202
Illinois	\$502,658	\$121,123	\$1,030,131	\$873,527	\$2,527,439
Indiana	\$161,434	—	—	—	\$161,434
Iowa	\$165,200	—	—	\$808,604	\$973,804
Kansas	—	\$88,301	\$198,000	\$434,296	\$720,597
Kentucky	\$174,978	\$75,000	—	—	\$249,978
Louisiana	\$305,000	\$140,420	\$427,263	—	\$872,683
Maine	\$760,804	\$299,935	\$305,310	—	\$1,366,049
Maryland	—	—	—	—	\$0
Massachusetts	\$686,240	\$301,598	\$2,097,999	\$650,000	\$3,735,837
Michigan	\$153,300	\$146,312	\$611,362	\$1,024,082	\$1,935,056
Minnesota	\$171,732	\$102,137	\$994,686	—	\$1,268,555
Mississippi	—	\$150,000	—	—	\$150,000
Missouri	—	—	—	—	\$0
Montana	\$1,048,237	\$249,270	\$1,266,269	\$965,550	\$3,529,326
Nebraska	\$467,671	\$130,000	—	\$498,000	\$1,095,671
Nevada	—	\$120,989	—	—	\$120,989
New Hampshire	—	—	—	—	\$0
New Jersey	—	—	\$799,244	—	\$799,244
New Mexico	\$684,084	\$442,598	\$3,817,134	\$1,547,860	\$6,491,676
New York	\$3,520,950	\$598,643	\$13,860,041	\$4,586,158	\$22,565,792
North Carolina	\$325,000	—	—	—	\$325,000
North Dakota	\$449,597	—	\$952,985	—	\$1,402,582
Ohio	\$174,960	—	—	—	\$174,960
Oklahoma	\$3,571,396	\$474,606	\$4,931,337	—	\$8,977,339
Oregon	\$824,853	\$542,497	\$300,000	—	\$1,667,350

State	Development & Implementation	Program Enhancement	Comprehensive School	Systemwide Improvement	Totals
Pennsylvania	—	—	—	\$629,946	\$629,946
Rhode Island	—	—	—	—	\$0
Puerto Rico	—	—	—	—	\$0
South Carolina	—	—	—	—	\$0
South Dakota	—	—	\$2,213,222	—	\$2,213,222
Tennessee	—	—	—	—	\$0
Texas	\$1,544,038	\$831,084	\$5,117,327	\$5,100,810	\$12,593,259
Utah	\$157,266	\$106,082	—	\$291,097	\$554,445
Vermont	\$178,093	—	—	—	\$178,093
Virginia	\$173,735	\$130,128	—	—	\$303,863
Washington	\$312,740	\$145,513	\$1,547,246	\$480,351	\$2,485,850
West Virginia	—	—	—	—	\$0
Wisconsin	\$109,632	\$148,375	\$276,716	—	\$534,723
Wyoming	—	—	\$274,685	\$386,004	\$660,689
Guam	—	—	—	—	\$0
Micronesia	—	—	—	—	\$0
Palau	—	\$149,698	\$195,250	—	\$344,948
Marshall Islands	—	—	—	—	\$0
Total	\$31,682,869	\$9,446,715	\$84,592,252	\$36,306,935	\$162,028,77

Source: U.S. Department of Education. Unpublished data.

Note: State amounts are aggregated awards to LEAs within state; states are not grant recipients. LEA grants are competitive, awarded based upon the quality ranking of applications.

Support Services. ED funds four activities under Subpart 2 — Research, Evaluation, and Dissemination, that are intended to assist school districts and teachers in improving the education of LEP students:

- ! **State Educational Agency (SEA) grants** — provides technical assistance to LEAs related to program design, capacity building, evaluation and assessment of student performance, and data collection.
- ! **Research** — grants and contracts for data gathering related to improving education of LEP students.
- ! **Academic Excellence projects** — provides awards to promote the establishment of high-quality instruction and professional development programs serving LEP students.
- ! **National Clearinghouse for Bilingual Education** — collects, analyzes, and disseminates information about programs for LEP students.

A fifth activity, instructional materials development, is authorized but has never been funded. **Table 3** presents the most current data on support services activities.

Table 3. Bilingual Education Support Services, ESEA Title VII, Part A, Subpart 2, FY2000

Activity	Funding	Number of grantees
SEA grants	\$8,040,716	58
Research	\$299,725	4
Academic Excellence	\$1,200,000	7
Clearinghouse	\$1,500,000	1

Source: U.S. Department of Education, *Budget Justification, FY2001* and unpublished data.

n.a. = not available.

Professional Development. ED funds four activities under Subpart 3 to increase the number, and improve the quality of, bilingual educators. Categories include:

- ! **Training for All Teachers program** — provides for incorporating courses and curricula on appropriate and effective instructional and assessment methods relating to LEP students into professional development programs;
- ! **Teachers and Personnel grants** — promotes professional development activities for teachers working in, or planning to work in, educational programs for LEP students;
- ! **Career Ladder program** — assists higher education institutions, in consortium with LEAs or SEAs, to upgrade the skills of teacher aides and others working with LEP children who are not certified, or not certified in bilingual education, and to help recruit and train high school students as bilingual teachers;
- ! **Graduate Fellowship program** — provides assistance at the masters, doctoral, and post-doctoral levels in field related to bilingual education.

Table 4 presents the most current data on professional development activities.

Table 4. Bilingual Education Professional Development, ESEA Title VII, Part A, Subpart 3, FY2000

Activity	Funding	Number of grantees
Training for all teachers	\$17,964,515	90
Teachers & personnel	\$29,815,381	147
Career ladder	\$18,760,845	90
Graduate fellowships	\$ 4,900,774	34

Source: U.S. Department of Education. Unpublished data.

Funding

Table 5 shows the funding history for the BEA since FY1984. The table indicates that funding for the BEA has fluctuated over time, particularly during the early 1980s and mid-1990s. After adjusting for inflation, funding for the BEA has increased an estimated 44% from FY1984 to FY2001. (Please note that the figures in **Table 5** are in current dollars.)

Table 5. Bilingual Education Act, Authorization, Budget Request, and Appropriations, Current Dollars, FY1984-FY2001

	Authorization	Budget request	Appropriation
1984	139,970,000	92,034,000	135,679,000
1985	176,000,000	135,559,000	139,265,000
1986	such sums	139,265,000	133,284,000
1987	such sums	142,951,000	143,095,000
1988	such sums	143,095,000	146,573,000
1989	200,000,000	156,573,000	151,946,000
1990	such sums	157,113,000	158,530,000
1991	such sums	175,393,000	168,735,000
1992	such sums	171,512,000	195,407,000
1993	such sums	203,645,000	196,283,000
1994	such sums	202,789,000	201,163,000
1995	215,000,000	215,000,000	156,700,000
1996	such sums	200,000,000	128,000,000
1997	such sums	156,700,000	156,650,000
1998	such sums	199,000,000	199,000,000
1999	such sums	232,000,000	224,000,000
2000	such sums	259,000,000	248,000,000
2001	such sums	296,000,000	296,000,000

Source: U.S. Department of Education budget documents.

Note: "Such sums" is such sums as may be necessary. Figures rounded to nearest thousand.

Selected Issues

The 106th Congress considered several proposals for reauthorizing the BEA, along with the rest of the ESEA. On October 21, 1999, the House passed H.R. 2, the

“Student Results Act,” which would have consolidated the BEA instructional services grants into a single formula grant program to states when the appropriation for a given year is \$220 million or above; through the formula grants, funds would be distributed based each state’s share of LEP enrollment. Under the bill, the requirement that only 25% of funding may be used for special alternative instructional programs would be eliminated. H.R. 2 would have required states to discontinue funding to LEAs if the majority of students are not attaining English language fluency and reaching state standards after 3 years of participation.

S. 2, the “Educational Opportunities Act” would have consolidated BEA instructional services grants into two, rather than the current four, competitive grant programs. Under the bill, two-thirds of funds would have been distributed to schools and one-third distributed to LEAs. As with H.R. 2, S. 2 would also eliminate the 25% funding cap for special alternative programs from instructional services grants. The full Senate debated S. 2 between May 1 and May 9, 2000, but no further action occurred.

The 107th Congress has again been considering legislation to reauthorize the Elementary and Secondary Education Act (ESEA). H.R. 1, the “No Child Left Behind Act of 2001” was passed by the House on May 23, 2001. S. 1, the “Better Education for Students and Teachers Act” was reported in the Senate Committee on Health, Education, Labor and Pensions, and is currently under consideration in the Senate.²⁶ Both bills would establish consolidated formula grant programs for the education of LEP students and would emphasize increasing LEP students’ English proficiency as quickly as possible. Both bills also require annual assessments of LEP students’ English proficiency and testing of LEP students in English after 3 years.

The following discussion highlights selected topics that have recently arisen regarding bilingual education.

Role of Native Language

The BEA embraces the dual goals of bilingualism and English language acquisition, and this has generated tension in the program around the role of the native language in the instruction of LEP children. There are different views about whether native language development should be an independent objective or simply a means to achieve English language proficiency. Some critics believe that there is no place for the native language in American schools on either account, i.e., either for its own sake or as a means to learn English.

Available research is inconclusive as to the best way to educate LEP children.²⁷ The research points out that there is no superior method for teaching every individual pupil English; a model may be successful in some circumstances but not others. Factors such as age and educational background of the student, as well as training of

²⁶At the initiation of Senate debate on S. 1, the Senate accepted SA358, a complete substitute of S. 1, which is now the base bill being considered.

²⁷For a comprehensive review of research on the education of LEP children, see NRC, *Improving Schooling for Language-Minority Children*.

staff and quality of material, may influence the effectiveness of any instructional approach. Utilization of a person's native language has proven at times to be useful in the acquisition of English and achievement of academic outcomes. Other techniques that do not rely upon the native language have also yielded positive results at times.

The latest research on the subject finds support for using the native language in the schooling of LEP students. A recent study by the National Research Council (NRC) on reading difficulties in young children recommended that LEP children be taught how to read in their native language while acquiring proficiency in spoken English *if* appropriate instructional guides, materials, and staff are available locally.²⁸ If LEP children cannot be taught to read in their native language because of a lack of resources, the NRC study recommends that they not be taught to read until they can speak proficiently in English.

Length of Time in Program

How long LEP children should remain enrolled in bilingual education programs has recently been a controversial issue. Estimates of how long it takes to master English vary and are complicated by different measures of English proficiency, whether academic performance in mainstream English classes is included, and the pace of the model examined. The most recent research on the topic, which studied only "well implemented" programs providing on-grade level academic work in the native language, found that it typically takes bilingually schooled LEP students from 4 to 7 years to achieve the same on-grade level performance in English reading as students whose first language is English.²⁹ In contrast, LEP students schooled only in English typically take from 7 to 10 years to achieve the same on-grade level performance in English reading as students whose first language is English. The report acknowledges that there are several factors, such as the quality of instruction, age and educational background of the student, and home support, that affect the rate of English acquisition. It should be noted that these findings have come under some criticism because of the lack of peer review.³⁰

Over the years, the Congress has taken different positions on the amount of time LEP students should participate in BEA projects. In 1988, Congress added an enrollment cap to the BEA that limited the length of time a LEP child may enroll in a BEA project to 3 years, with two 1-year extensions possible if conditions warranted.³¹ The Senate committee report accompanying the 1988 amendments stated: "[T]he Members feel that a fundamental goal of this federal program is

²⁸National Research Council. *Preventing Reading Difficulties in Young Children*. Washington, 1998.

²⁹National Clearinghouse for Bilingual Education. *School Effectiveness for Language Minority Students*. Washington, 1997.

³⁰See for example, The Bilingual Education Debate. *The Harvard Education Letter*, v. XIV, no. 3, May/June 1998.

³¹P.L. 100-297, § 7021(d)(3)(A)-(C), 102 Stat. 130, 281-82 (1988).

proficiency in English. The Committee hopes that students will be able to accomplish this goal within three years.”³²

In 1994, Congress dropped the enrollment cap from the BEA.³³ A panel of bilingual educators had recommended that the time limit be deleted from the program, stating: “There is no pedagogical justification for imposing any arbitrary date for students to exit a Title VII, Part A, bilingual program. To the contrary, language-minority students should be provided opportunities to continue studying in the native language after they become proficient in English.”³⁴

For fiscal years 1997 and 1998, Congress added language to the annual appropriations measure for the Departments of Labor, Health and Human Services, and Education stipulating that BEA projects quickly move LEP students into English language schooling. The appropriation language stated that ED should only support BEA instructional programs “which ensure that students completely master English in a timely fashion (a period of 3 to 5 years) while meeting rigorous achievement standards in the academic content areas.”³⁵

Future Directions

Almost from its creation, the BEA has been a controversial program with attention traditionally focused on finding and supporting the most appropriate means to teach LEP children English while ensuring their academic progress. While many of the issues have remained the same, some new directions in the debate have emerged. For instance, interest seems to have shifted toward *how long* LEP children should participate in special programs designed to meet their educational needs. This is reflected in the California, and most recently, the Arizona ballot initiative on bilingual education and some of the new research on bilingual education. As the ESEA reauthorization discussions continue in the 107th Congress, other issues may emerge surrounding bilingual education

³²S.Rept. 100-222, 100th Congress, 1st Session 80 (1987).

³³P.L. 103-382.

³⁴Stanford Working Group. *Federal Education Programs for Limited-English-Proficient Students: A Blueprint for the Second Generation*. Washington, 1993.

³⁵P.L. 105-78, 111 Stat. 1467, 1500 (1997).