Latino Educational Disparities:

The Effects of American Byelingual Education

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Byelingual (adj.): when you speak two languages but start losing vocabulary in both of them

Introduction

Latinos are one of the fastest growing minority populations in the US and they are facing a crisis in educational attainment rates.[1] Although Latinos are graduating from high school at increasingly proportional rates, something is preventing Latinos from doing the same with college: Latinos are falling behind in college graduation rates.[2] This is not an immigration issue.[3] This is a complex issue impacting U.S. born Latinos and is an issue that all Americans have a stake in due to its direct economic and social implications.[4] Fortunately, this crisis is not due to outside forces, but due to our own accord.[5] The term 'byelingual' has been coined to express the phenomenon of bilinguals 'knowing' two languages, but never being fully fluent in both.[6] This phenomenon is a window into the American assimilationist language practices that many Latino students face, which is divesting Latinos from social capital essential for college success. To support Latino youth in closing this educational attainment gap, these assimilationist federal education policies established by the No Child Left Behind Act must be reformed to promote a true bilingual education that affirms and promotes non-English languages and cultures.

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[1] Patricia C. Gandara and Frances Contreras, *The Latino Education Crisis: The Consequences of Failed Social Policies* (Cambridge, MA: Harvard University Press, 2010), 1.
[2] Anthony P. Carnevale and Megan L. Fasules, "Latino Education and Economic Progress: Running Faster but Still Behind" (Washington D.C., 2017), pp. 1-42, 2.
[3] Mylien T. Duong et al., "Generational Differences in Academic Achievement Among Immigrant Youth: A Meta-Analytic Review," *PsycEXTRA Dataset*, 2013, https://doi.org/10.1037/e606432013-001; Angela Valenzuela, *Subtractive Schooling: Issues of Caring in Education of U.S.-Mexican Youth* (Albany, New York: State University of New York Press, 1999), 3-4.
[4] Lynn A Karoly, "A Costly Divide: The Economic Impact of Gaps in Student Performance in Pennsylvania," 2015, https://www.rand.org/pubs/research_briefs/RB9872.html, 2; Valenzuela, *Subtractive Schooling*, 3-4.
[5] Valenzuela, *Subtractive Schooling*, 3-4.
[6] Arantxa, "Gilman Global Experience Blog," *Gilman Global Experience Blog* (blog), April 16, 2018, https://gilmanprogram.wordpress.com/2018/04/16/being-byelingual-in-italy/; Anonimoog. "Soy Byelingual" *Reddit*, November, 2019, reddit.com/r/LatinoPeopleTwitter/comments/drpzyw/soy_byelingual/; ToxicNuggz, "Byelingual," Urban Dictionary, July 2, 2020, urbandictionary.com/define.php?term=byelingual.

Latino Educational Attainment Gap

High school graduation rates of Whites, Blacks, and Latinos have been growing across the board the past few decades, with Latino graduation rates rising at the fastest rate.[7] As demonstrated in Figure 1 below, the high school educational attainment gap is closing. In 1992, the gap between Whites and Latinos was 28 percentage points and the gap between Blacks and Latinos was 17 percentage points. By 2016, these gaps shrunk to 11 percentage points and 7 percentage points, respectively. This is good news as it indicates past education reform has helped our students graduate from high school at more proportional rates. However, this success in high school graduation rates for Latinos has not translated into success in the college-setting.[8]

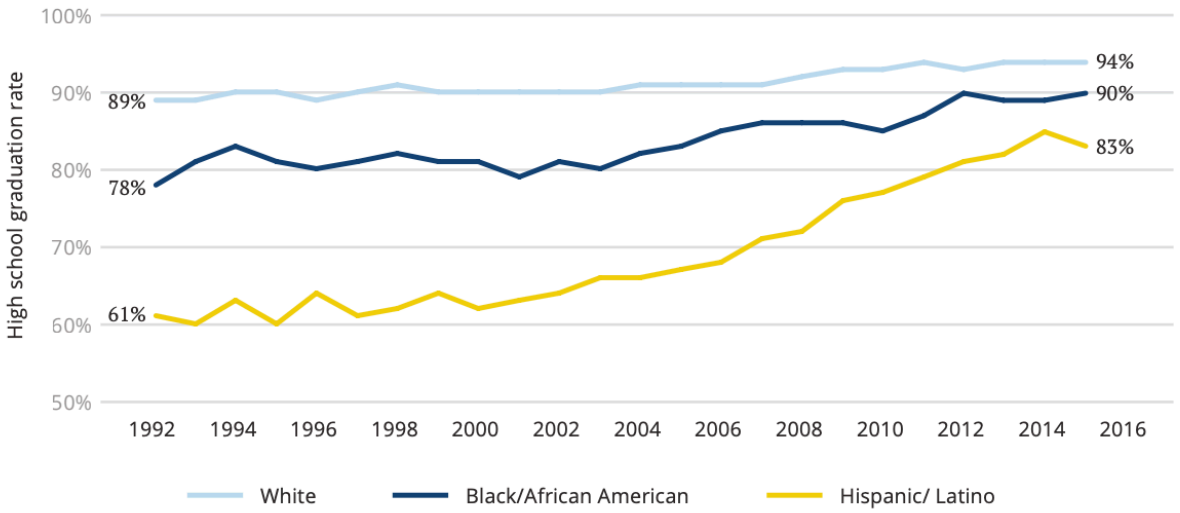

Figure 1: High school graduation rates of Whites, Blacks, and Latinos over time (Anthony P. Carnevale and Megan L. Fasules, "Latino Education and Economic Progress: Running Faster but Still Behind" (Washington D.C., 2017), 10)

While all three groups are graduating from college at higher rates, there is a gap between Latinos and Black and White students that is widening. As seen in Figure 2, in 1992, Latinos were graduating from college at a rate 23 percentage points behind Whites and 10 percentage

[7] Anthony P. Carnevale and Megan L. Fasules, "Latino Education and Economic Progress: Running Faster but Still Behind" (Washington D.C., 2017), 10.
[8] Carnevale and Fasules, *Latino Education and Economic Progress*, 25.

points behind Blacks. In 2016, this already large gap had widened further, with Latinos graduating from college at a rate 29 percentage points behind Whites and 21 percentage points behind Blacks. While reforms to improve Latino high school graduation rates have been successful, efforts to improve the college graduation rates of Latinos have not been enough.

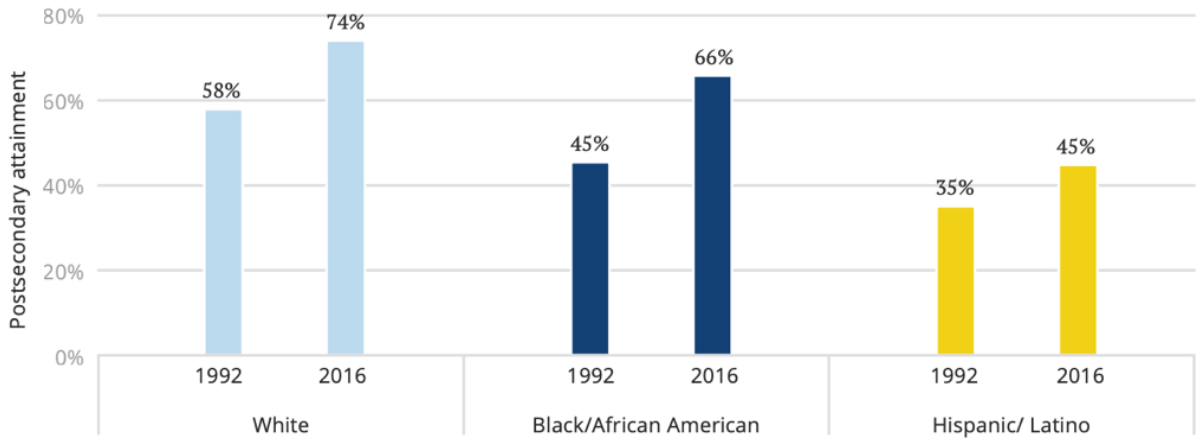

Figure 2: Postsecondary attainment gap has widened between Latinos and Whites/Blacks (Anthony P. Carnevale and Megan L. Fasules, "Latino Education and Economic Progress: Running Faster but Still Behind" (Washington D.C., 2017), 25)

Repairing this disparity is important for the well-being of America's economy. A Pennsylvanian study on economic impacts of educational gaps, as defined by high school test scores and graduation rates, discovered that closing these gaps could produce economic gains, lower rates of crime, and lower rates of welfare dependency.[9] As illustrated in Figure 3 below, if the state of Pennsylvania had closed race-ethnic educational gaps in 2003, the state GDP would be anywhere from 12 to 27 billion dollars higher by 2013.

[9] Lynn A Karoly, "A Costly Divide: The Economic Impact of Gaps in Student Performance in Pennsylvania," 2015, https://www.rand.org/pubs/research_briefs/RB9872.html, 2.

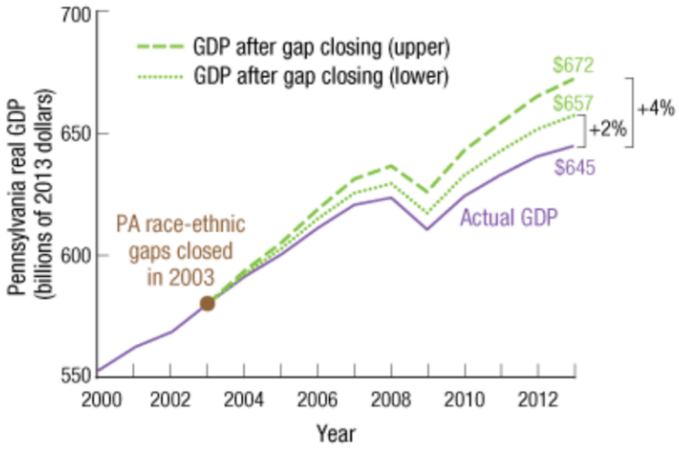

Figure 3: Projected Pennsylvania GDP growth from closing Race-Ethnic Achievement gaps (Lynn A Karoly, "A Costly Divide: The Economic Impact of Gaps in Student Performance in Pennsylvania," 2015, https://www.rand.org/pubs/research_briefs/RB9872.html, 2.

These findings corroborate projections done by the National Center for Higher Education Management Systems on the effects of educational gaps on per capita income in California. In this study, it was projected that the failure to prepare Latinos for higher education at an equitable rate would lead to an 11% decrease in per capita income.[10] Both of these studies declared that future investments in programs targeted towards the elementary and secondary school success of Latinos would close these achievement gaps and provide worthwhile economic return. A quality education for our Latino students is an investment that all Americans benefit from.

In summary, although our current education system has been effective in closing gaps in high school graduation rates, the same cannot be said for the widening gaps in college graduation rates. These educational disparities are consequential due to the sheer size of the Latino population and the effects this crisis has on our economy.[11] Although Latinos are graduating high school at more proportional rates, something is preventing Latinos from enrolling and succeeding in college in a way that Black or White students are not experiencing.

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[10] "As America Becomes More Diverse: The Impact of State Higher Education Inequality" (National Center for Higher Education Management Systems, November 2005), http://www.higheredinfo.org/raceethnicity/California_State_Profile.pdf, 6.

[11] Luis Noe-Bustamante and Antonio Flores, "Facts on Latinos in America," Pew Research Center's Hispanic Trends Project (Pew Research Center, January 3, 2020), https://www.pewresearch.org/hispanic/fact-sheet/latinos-in-the-u-s-fact-sheet/.

Impact of Social Capital Divestment

A study identified one factor uniquely impacting Latino students was a lack of cultural and social capital that led Latino students to be more reliant on relationships with school personnel and more susceptible to institutional neglect, negatively impacting their college outcomes.[12] Therefore, along with academic and socioeconomic factors, a dearth of cultural and social capital is preventing Latinos from graduating college. Director of the University of Texas Center for Education Policy and education scholar Dr. Angela Valenzuela contributes to this conversation with her valuable ethnographic account of how assimilationist schooling practices, such as assimilationist bilingual education programs, divests Chicano students from critical social capital.[13] Under the principle that quality teacher-student relationships are critical to a student's outlook on education, Valenzuela draws upon caring theory and its connection to *educación*, meaning education in English, to explain the Chicano educational experience.[14] Valenzuela explains that *educación* has a broader meaning in Mexican culture that revolves around a holistic view on an individual's growth and their "competence in the social world, wherein one respects the dignity and individuality of others."[15] Valenzuela argues that when teachers implicitly or explicitly deny a student's language, accent, and/or culture through their everyday interactions, "they simultaneously invalidate the definition of education that most of

[12] Amaury Nora and Gloria Crisp, "Hispanics and Higher Education: An Overview of Research, Theory, and Practice," *Higher Education: Handbook of Theory and Research*, 2009, pp. 317-353, https://doi.org/10.1007/978-1-4020-9628-0_8, 321-323.
[13] Luis Noe-Bustamante, Antonio Flores, and Sono Shah, "Facts on Latinos of Mexican Origin in the U.S.," Pew Research Center's Hispanic Trends Project (Pew Research Center, January 3, 2020); https://www.pewresearch.org/hispanic/fact-sheet/u-s-hispanics-facts-on-mexican-origin-latinos/.; Gandara and Contreras, *Latino Education Crisis*, 7. While Latinos are a diverse group comprised of individuals from many different nations, studying the Chicano educational experience in particular is still valuable as Chicanos make up 62% of the Latino population in America. In addition, although there are distinct differences within Latino subgroups, the educational barriers faced by these subgroups have shown to be similar.
[14] Valenzuela, *Subtractive Schooling*, 22.
[15] Valenzuela, 23.

these young people embrace. And, since that definition is thoroughly grounded in Mexican culture, its rejection constitutes a dismissal of their culture as well."[16] Valenzuela calls this divestment of social capital 'subtractive schooling', which takes place in many forms throughout an individual's schooling experience, such as through English as a Second Language programs that aim to assimilate students into mainstream classrooms as soon as possible.[17] This divestment of students' culture establishes negative relationships with schooling that contributes to a distrust in schooling, misperceived as a 'lack of care for school' in many Latino students.[18]

However, it is important to note that this subtractive schooling does not affect all Latinos equally: U.S. born Latinos are affected more than their immigrant counterparts.[19] Although not without consequence, immigrant Latinos are able to withstand these subtractive practices due to the inherent dual frame of reference they hold as a result of their immigration from another country.[20] This is exhibited through studies focused on Mexican and Central American students that revealed that first and second generation students academically outperformed their third-and-later generation counterparts.[21] A quick look at decreasing Latino immigration rates and the rising proportion of U.S. born Latinos provides the much needed wake-up call that this is an issue here to stay.[22] Americanization within our schooling system is an endemic issue having a dire impact on our citizens. This social capital advantage that immigrant Latinos have over their U.S. born counterparts allows these students to create social networks amongst themselves where they share a common pro-school ethos.[23] These groups provide access to emotional support,

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[16] Valenzuela, 23.
[17] Valenzuela, 26.
[18] Valenzuela, 27.
[19] Valenzuela, 29.
[20] Valenzuela, 24.
[21] Valenzuela, 3-4.
[22] Antonio Flores, "How the U.S. Hispanic Population Is Changing," Pew Research Center (Pew Research Center, May 30, 2020), https://www.pewresearch.org/fact-tank/2017/09/18/how-the-u-s-hispanic-population-is-changing/.
[23] Valenzuela, *Subtractive Schooling*, 28.

academic resources, material resources, study groups, and more.[24] This collective strategy combined with students' personal motivation and academic competence has shown to provide Latinos an essential advantage throughout their elementary and secondary schooling.[25]

American ethnic studies professor Dr. Rick Bonus carries on this discussion of social capital divestment into the college setting, demonstrating the power that rallying around a collective identity has on a student's ability to find success within a university. The subtractive nature of schooling that Valenzuela describes in the high school setting evolves into a more aggressive divestment of the students' cultures which play an instrumental role in enabling a student's success in college.[26] Bonus observed that students with a strong sense of cultural identity were able to reject feelings of otherness, the pressure to integrate into the dominant culture, and the subsequent inclination to leave college, through the formation of study groups centered around a collective identity, whether it be Pacific Islander, Native American, Black, or Chicano.[27] Pictured in Figure 4 below is Adelante UW, a student organization centered around Latino mentorship and study groups, one of the study groups that Bonus had observed the formation of. As Bonus describes, "[the] collective trust in the values [students in the study] held in their indigenous and local cultures underwrote their insistence to be self-determined in their efforts."[28] The students' bonds with each other over their culture and language created a strong network that enabled their graduation from college, enrollment in graduate schools, and attainment of multiple competitive grants and fellowships.[29] Bonus and Valenzuela demonstrate how indispensable the ability to maintain cultural identity is for the success of students of color.

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[24] Valenzuela, 28.
[25] Valenzuela, 28.
[26] Rick Bonus, *The Ocean in the School: Pacific Islander Students Transforming Their University* (Durham, NC: Duke University Press, 2020), 95, 219-220.
[27] Bonus, *Ocean in the School*, 105.
[28] Bonus, 106.
[29] Bonus, 93.

Unfortunately, much of our country is not aware of this as seen through widespread support for the assimilationist 'bilingual' education programs that exist in schools throughout our country.[30]

Figure 4: Pictured is Professor Rick Bonus interacting with students in 2013 (left) and 2010 (right) from Adelante, a student organization centered around Latino mentorship and study groups at the University of Washington in Seattle. (Source: Adelante UW Facebook Page)

Bilingual Education

Changes in language policy have disproportionate impacts on Latino students in particular. Although Latinos only make up 25 percent of all students, more than 75 percent of the students enrolled in English learning programs in the U.S. are Latino.[31] Therefore, changes in education policy for non-native English speakers primarily affect Latino students. These changes play a large role in the educational experience of Latinos not only because of the sheer number of non-native English-speaking Latinos, but because of the demonstrated effects that language education can have on the affirmation of Latino identities and their subsequent success in schooling. Unfortunately, language education in America is not strictly regulated on the federal

[30] Ester J. De Jong, "Policy Discourses and U.S. Language in Education Policies," *Peabody Journal of Education* 88, no. 1 (2013): pp. 98-111, https://doi.org/10.1080/0161956x.2013.752310, 104-105.
[31] U.S. Department of Education, "Our Nation's English Learners," Our Nation's English Learners, accessed July 29, 2020, https://www2.ed.gov/datastory/el-characteristics/index.html.

level leading to a plethora of language education programs that have varying degrees of success.[32]

Federal level restrictions dictate that schools are required to provide language education for students that do not have English as their primary language and that schools must track the progress in the development of English proficiency, leaving the details of how this is accomplished up to the local level. As a result of these flexible guidelines, language education programs vary widely throughout America.[33] Examples of these programs include dual language programs, transitional bilingual education programs, English as a Second Language (ESL) pullout, and bilingual education programs, with conflicting definitions on what a 'bilingual education' entails.

The methodologies of these many different programs can be defined to fall onto a spectrum where one side of the spectrum believes that non-native English speakers learn most effectively if a purposeful effort is made to maintain a student's native language and culture while learning English (pluralist), and the other side believes that success of English learners is most effective through the prioritization of mainstreaming English learners into classrooms alongside fluent English speakers as fast as possible (assimilationist).[34] There has been a long-standing argument on which methodology is the best, with a fundamental disagreement on what a successful education of a non-native English student entails in America. As demonstrated by Bonus and Valenzuela, an assimilationist education has detrimental effects on Latino students, giving cause for a pluralist approach. Proponents of an assimilationist language education

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[32] De Jong, *U.S. Language in Education Policies*, 106-108.
[33] Eric Ruiz Bybee, Kathryn I Henderson, and Roel V Hinojosa, "An Overview of U.S. Bilingual Education: Historical Roots, Legal Battles, and Recent Trends," *Texas Education Review* 2, no. 2 (November 20, 2014): pp. 138-146, https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=2627&context=facpub, 138.
[34] De Jong, *U.S. Language in Education Policies*, 98.

disagree with these sentiments, believing that the encouragement of native language use impedes English language proficiency in some shape or form.[35] The root of the conflicts between these ideologies lie within an underlying disagreement of what the fundamental goal of American language education is to be: should the goal of American language education be to strive for fluency in English or to strive for bilingualism? America has answered this question quite differently throughout history, with it being a highly controversial subject even today.[36] Therefore, before elaborating on recommendations for another change in federal language policy, it is important to provide historical context to determine what has been done in the past, what has not worked in the past, and what should be done today.

History of Bilingual Education

The following will provide context on the arguments within this long-standing debate on bilingual education, highlight important precedents, and demonstrate that American language education policy is malleable and has shifted many times in response to public opinion and political climate, rather than evidence-based research.

American ideals on what national language policy should look like began with a pluralist model. The colonists who settled in early America spoke a wide variety of northern European languages, such as Spanish, Dutch, French, German, and English.[37] The presence of all these languages led rise to the question of whether or not America should have an official national language, to which national leaders ultimately decided against with an implicit 'policy not to

[35] De Jong, *U.S. Language in Education Policies*, 105.
[36] Bybee, Henderson, and Hinojosa, *Overview of U.S. Bilingual Education*, 139-141.
[37] De Jong, *U.S. Language in Education Policies*, 102.

have a policy'.[38] This provided America access to the diverse knowledge, perspectives, and unity needed to defeat the British, which it would not have had with the exclusion of non-English languages.[39] As a result, the U.S. today still does not have an official language.

In the early 19th century, communities began to gather children for the sole purpose of education in the form of schools that often included languages alongside English, such as German and Dutch in Pennsylvania, French in Louisiana, and Spanish and German in Texas.[40] This widespread pluralistic view of languages could also be seen in public policy that allowed for multilingual theater productions and the printing of multilingual newspapers wherever there were large populations of immigrants.[41] In the mid 1870s, St. Louis Superintendent of Schools and soon-to-be U.S. Commissioner of Education William Torrey Harris justified these bilingual-bicultural policies by stating, "national memories and aspirations, family traditions, customs, and habits, moral and religious observances cannot be suddenly removed or changed without disastrously weakening the personality."[42] This statement highlights that Harris had an early understanding of the importance that bilingualism can have on an individual's identity and social capital. Unfortunately, this early acceptance of non-English languages did not apply to all groups and did not last long.[43]

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[38] Shirley Brice Heath, "A National Language Academy? Debate in the New Nation," *Linguistics* 15, no. 189 (1977), https://doi.org/10.1515/ling.1977.15.189.9, 9-10.
[39] De Jong, *U.S. Language in Education Policies*, 102.
[40] Bybee, Henderson, and Hinojosa, *Overview of U.S. Bilingual Education*, 138.
[41] Diego Castellanos et al., *The Best of Two Worlds: Bilingual-Bicultural Education in the U.S.* (Trenton, NJ: New Jersey State Dept. of Education, 1996), 22; Bybee, Henderson, and Hinojosa, *Overview of U.S. Bilingual Education*, 138.
[42] Diego Castellanos et al, *Best of Two Worlds*, 23.
[43] Bybee, Henderson, and Hinojosa, *Overview of U.S. Bilingual Education*, 138.

The late 19th century marks a beginning for assimilationist education in America with the establishment of Native American boarding schools.[44] The purpose of these boarding schools was to assimilate and 'Americanize' Native Americans by forbidding their culture, religion, and use of their native language and forcing them to adopt American names, clothes, and haircuts.[45] The stark contrast between these assimilationist Native American boarding schools and the bilingual schools provided for early European immigrants can be explained through the rampant racism and xenophobia of the time.[46] The late 19th and early 20th centuries had an exponential growth in the number of new immigrants from Central, Eastern, and Southern Europe.[47] Perceived differences between the religions and cultures of these new immigrants versus previous Northern European immigrants fostered the growth of xenophobia.[48] The combination of this increasing xenophobia and the threat of World War I catalyzed anti-immigration, assimilationist, and English-focused language education policies.[49] In heavy contrast to American views on non-English languages in the 18th century, speaking English became a precondition for being 'American' and sustaining national unity, as claimed by Theodore Roosevelt in 1914 in the midst of World War I, "We must have but one flag. We must also have but one language. . . The greatness of this country depends on the swift assimilation of the aliens she welcomes to her shores."[50] This established a climate where non-English languages were considered foreign and no longer welcome in school. In a haphazard attempt to implement a program to rapidly assimilate these new immigrants, sink-or-swim English-only immersion

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[44] Becky Little, "How Boarding Schools Tried to 'Kill the Indian' Through Assimilation," History.com (A&E Television Networks, August 16, 2017), https://www.history.com/news/how-boarding-schools-tried-to-kill-the-indian-through-assimilation.
[45] Little, *Boarding Schools*.
[46] Castellanos et al., *Best of Two Worlds*, 27.
[47] De Jong, *U.S. Language in Education Policies*, 103.
[48] De Jong, *U.S. Language in Education Policies*, 103.
[49] De Jong, 103.
[50] De Jong, 103.

classes were designed where the use of non-English languages was punished, which modern research has eventually proven to be an ineffective means of English acquisition.[51] These events demonstrate one of the many uninformed shifts in English education language policy that were based on emotionally charged decisions.

A shift towards pluralism and an acceptance for bilingualism came with the end of World War II. During the war it became apparent that the monolingualism of Americans was not only an embarrassment, but dangerous: soldiers were unable to understand prisoners or captured documents, unable to read directions, and unable to communicate with allies and civilians.[52] Americans witnessed firsthand the distinct advantage that their bilingual enemies had over them.[53] Additional benefits of bilingualism were discovered through the recruitment of bilingual Native Americans, such as the Navajo code talkers, that saved countless lives and contributed to the success of several critical military missions.[54] The end of World War II brought home servicemen who experienced the detriment of monolingualism and benefits of multilingualism in action.[55] The combination of this newfound sentiment and the incoming Cold War led a push against these sink-or-swim programs that tore away the native languages of non-native English-speakers.[56] There was a shift from the previous sink-or-swim 'military style assimilation' to a 'missionary style assimilation' approach.[57] As education specialist Colman B. Stein described it, "Just as missionaries move in after soldiers have pacified the terrain, educators of the postwar era

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[51] Ellen Bialystok, "Bilingual Education for Young Children: Review of the Effects and Consequences," *International Journal of Bilingual Education and Bilingualism* 21, no. 6 (2016): pp. 666-679, https://doi.org/10.1080/13670050.2016.1203859, 669; De Jong, 103.
[52] Castellanos et al., *Best of Two Worlds*, 47.
[53] Castellanos et al., 47.
[54] Jesse Greenspan, "How Native American Code Talkers Pioneered a New Type of Military Intelligence," History.com (A&E Television Networks, May 29, 2014), https://www.history.com/news/world-war-is-native-american-code-talkers; Castellanos et al., *Best of Two Worlds*, 47-48.
[55] Castellanos et al., *Best of Two Worlds*, 48.
[56] Castellanos et al., 48.
[57] Colman Brez. Stein, *Sink or Swim: the Politics of Bilingual Education* (New York, NY: Praeger, 1986), 10.

gradually projected a softer approach to assimilation after decades of the harsh military approach. The strategy was to convert or lure the youngsters to Anglo conformity, not to beat them over the head with it."[58] In contrast to the sink-or-swim style, this missionary-style assimilation did not explicitly punish the use of native languages, but heavily pushed English onto students and devalued their native language. A modern version of this missionary-style assimilation can be seen today through programs such as ESL pullout where students spend the majority of the day in monolingual English classrooms and are pulled out for short-periods throughout the day to learn English.[59] Although English instruction programs like these are a step in the right direction, they still have an implicit devaluation of the native language and culture of students. This is in heavy contrast to the experiences of German, Dutch, and other Northern European students of early America. Unfortunately, ESL pullout and other assimilationist programs are still in widespread existence today despite the presence of research highlighting its inefficiencies in acquiring English proficiency.[60]

This marks the end of the historical discussion of American language education before moving on to the modern policy changes that directly impact non-native English speakers today. However, it is important to note from this historical account that the systemic devaluation of non-native English-speaking students' culture and language within modern schooling today is not an accidental occurrence but one that has covert, emotionally charged, xenophobic, racist, and assimilationist origins that must be uprooted to achieve equity within our education system.

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[58] Stein, *Sink or Swim*, 10.
[59] James Crawford, "Bilingual Education Traces Its U.S. Roots to the Colonial Era," Education Week, February 25, 2019, https://www.edweek.org/ew/articles/1987/04/01/27early.h06.html.
[60] U.S. Government Accountability Office, "Bilingual Education: An Unmet Need," pp. 1-68, accessed July 28, 2020, https://www.gao.gov/assets/120/116035.pdf, 47; Bialystok, *Bilingual Education for Young Children*, 669.

Research on Bilingual Education

Emotionally charged decisions have led the implementation of various misinformed language programs within our schools today. There is a growing body of evidence-based research demonstrating that these 'common-sense' assimilationist approaches to English education programs that so many are proponents of today are not effective ways of acquiring fluency in English.[61]

In a relatively early study on the success of various implementations of American English language education programs, the Government Accountability Office (GAO) reported in 1976 that students with more instruction-time in their native language performed better than the others.[62] Students in classes with more than 30 percent of their time spent in their native language had an average gain of 1.03 months in reading progress versus an only 0.88 months gain in progress for students with more English instruction.[63] This same pattern could be in seen in math achievement, with a respective average gain of 1.03 months versus 0.95 months.[64] Results from this report corroborate the results of other studies, demonstrating that native language use is essential for acquiring English proficiency and high academic performance.[65]

In 2014, a study reported that bilingual programs do not negatively impact Hispanic students' ability to become English proficient.[66] The report also demonstrated that bilingual education actually enhanced both Spanish and English fluency.[67] Students enrolled in a bilingual

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[61] Bialystok, *Bilingual Education for Young Children*, 669.
[62] U.S. Government Accountability Office, *Bilingual Education*, 47.
[63] U.S. Government Accountability Office, 47.
[64] U.S. Government Accountability Office, 47.
[65] Bialystok, *Bilingual Education for Young Children*, 669.
[66] Kathryn Lindholm-Leary, "Bilingual and Biliteracy Skills in Young Spanish-Speaking Low-SES Children: Impact of Instructional Language and Primary Language Proficiency," *International Journal of Bilingual Education and Bilingualism* 17, no. 2 (2013): pp. 144-159, https://doi.org/10.1080/13670050.2013.866625, 157.
[67] Lindholm-Leary, *Bilingual and Biliteracy Skills*, 155.

program all throughout the study had more growth in English compared to others.[68] The study also makes a correlation between Spanish-proficiency and English-proficiency. At all grade levels (kindergarten, 1st grade, and 2nd grade), students identified to be as Mostly Proficient in Spanish scored significantly higher on English tests compared to students identified as Mostly Limited in Spanish.[69] This is one of many studies and meta-analyses that have collectively determined that bilingual education does not impede the ability for a student to learn English.[70] This refutes the 'common-sense' arguments that many proponents of assimilationist language programs claim: bilingual education does not impede English language development.

However, there is some truth to these misguided claims that students in English immersion programs learn English faster. Although there is evidence that students in English immersion programs learn the language faster in the short term (elementary school), these benefits reverse in the long term (around middle school to freshman year of high school).[71] In particular, while the median amount of time for Dual-immersion-enrolled Latino students to be reclassified as English proficient was a full semester more than English-immersion-enrolled Latino students, by the 9th grade, Dual-immersion-enrolled Latino students had both higher English proficiency levels and were 10 percentage points more likely to meet general grade-level academic requirements compared to their English-immersion-enrolled counterparts.[72] True bilingual education programs that strive for fluency in both English and Spanish, rather than

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[68] Lindholm-Leary, 155.
[69] Lindholm-Leary, 155-156.
[70] Bialystok, *Bilingual Education for Young Children*, 669.
[71] Ilana M. Umansky and Sean F. Reardon, "Reclassification Patterns Among Latino English Learner Students in Bilingual, Dual Immersion, and English Immersion Classrooms," *American Educational Research Journal* 51, no. 5 (2014): pp. 879-912, https://doi.org/10.3102/0002831214545110, 908; Rachel A. Valentino and Sean F. Reardon, "Effectiveness of Four Instructional Programs Designed to Serve English Learners," *Educational Evaluation and Policy Analysis* 37, no. 4 (2015): pp. 612-637, https://doi.org/10.3102/0162373715573310, 632.
[72] Umansky and Reardon, *Reclassification Patterns*, 908.

rapid assimilation, are an effective English acquisition tool that maintain Latino students' language and culture while promoting higher levels of academic achievement.

Despite research having repeatedly established that bilingual education does not harm students, is no more costly than alternatives, and provides an academic advantage, people continue to malign it.[73] This begets looking into the basis behind the established ultimatum between bilingualism and English proficiency for students, when in actuality both can be effectively achieved through bilingual education. Again, with a historical lens, we can see that this continued movement to dismantle bilingual education and ignore evidence has roots in racism and xenophobia: Americans have campaigned to make life harder for immigrants through immigration and language policy whenever immigration rates rise to between 10 and 15 percent.[74] The long-standing argument against bilingualism coinciding with these xenophobic sentiments is that the acceptance of non-English language will fracture our nation, which has never been a serious threat.[75] Immigrants have repeatedly shown interest in learning English, but there is no good reason that students must lose their native language in order to do so in the face of all the benefits that bilingualism provides.[76]

Modern Legislation

Although current federal policies support non-native English students in their schooling through the funding of specially designed language programs, federal guidelines do not protect these students from assimilationist language programs. Federal support for this 'bilingual education' was officially established with the passing of the Bilingual Education Act (BEA) in

[73] Gandara and Contreras, *Latino Education Crisis*, 148.
[74] Gandara and Contreras, 142.
[75] Gandara and Contreras, 143.
[76] Gandara and Contreras, 143.

1968. BEA was significant because it provided support through federal funding for bilingual education research, programs, and departments such as the Office of Bilingual Education.[77] Support for bilingual education was further strengthened with the landmark decision from the Supreme Court on the Lau v. Nichols case in 1974 that set the precedent that federally funded schools are required to provide instruction in students' native languages to non-native English speakers; simply placing non-native English speakers in mainstream classrooms without support was discriminatory and did not constitute providing an equal education.[78] Unfortunately, although the result of Lau v. Nichols established that schools are required to accommodate English learners, there was not a clear specification on how schools must do so.[79]

Significant changes were made to bilingual education and BEA in 2001 with the No Child Left Behind Act (NCLB), which made clear that the sole federal objective for non-native English-speaking students was English language proficiency.[80] NCLB was a reauthorization of the original Elementary and Secondary Education Act (ESEA) of 1965, which contained BEA, with the most current authorization being the Every Student Succeeds Act of 2015 (ESSA). These acts are the de facto federal law on local school policy, as schools are required to adhere to these laws to receive federal funding that accounts for 8% of local school budgets.[81] NCLB made a significant change in these guidelines by establishing accountability measures of student progress through the form of standardized tests. To keep students accountable on the success of

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[77] Roger J. Gonzalez, "An Equal Educational Opportunity for Language Minority Students: A Legal Analysis of Language Education after Lau ," *An Equal Educational Opportunity for Language Minority Students: A Legal Analysis of Language Education after Lau* (2002), https://digitalscholarship.unlv.edu/cgi/viewcontent.cgi?article=3500&context=rtds, 6-7.
[78] Gonzalez, *Legal Analysis of Language Education*, 7-8.
[79] Gonzalez, 49.
[80] Rod Paige, "No Child Left Behind: A Desktop Reference," September 2002, https://www2.ed.gov/admins/lead/account/nclbreference/reference.pdf, 91-92.
[81] National Center for Education Statistics, "Public School Revenue Sources," The Condition of Education - Preprimary, Elementary, and Secondary Education - Finances - Public School Revenue Sources - Indicator April (2020), April 2020, https://nces.ed.gov/programs/coe/indicator_cma.asp.

non-native English speakers, NCLB established that schools must track the progress of students' English proficiency level. The history outlined above demonstrates that this is not a neutral policy change, this is the most recent shift in policy within a long battle between pluralistic and assimilationist frameworks in American language education. To be more clearly in line with the assimilationist goals of the federal government, NCLB renamed the Bilingual Education Act to the English Language Acquisition, Language Enhancement, and Academic Achievement Act, and also renamed the Office of Bilingual Education to become the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.[82] Although NCLB did not state schools must have an assimilationist, English-only focused curriculum for their non-native English speaking students, the flexibility that the act provides and sole focus on English acquisition leaves local schools susceptible to falling under the popular and misguided 'common-sense' assimilationist approach to English acquisition, that has proven to be strip Latino students from valuable skills and cultural identity that are indispensable for their ability to succeed in college. Although the number of schools in our country that implement an assimilationist approach cannot be measured due to the sheer number of schools and uncertainty accompanied by a non-standardized definition of what bilingual education entails, it is clear from the widening gap in educational attainment between Latinos and White and Black students that schools cannot be trusted to implement quality research-based bilingual programs on their own.

Current federal policy under ESSA, the act that replaced NCLB, attempts to protect against misguided interventions by declaring that any action made on the local level by schools

[82] Wayne E. Wright, "The Impact of No Child Left Behind on ELL Education," Colorín Colorado, February 26, 2016, https://www.colorincolorado.org/article/no-child-left-behind-and-ells.

must be ‘evidence-based’ decisions that have proven to lead to ‘desired outcomes’.[83] This provision is not enough, as the lowest tier of ‘evidence’ required for intervention on language education is ‘Demonstrates a Rationale’.[84] Furthermore, this provision does not help Latino youth if the federal level ‘desired outcome’ for non-native English is solely English acquisition. Reform on the federal level must be taken to fix these standards for language programs to close the Latino educational attainment gap.

Policy Recommendations

Although the educational crisis that Latinos face cannot be remedied through a single policy change, a large impact can be made through bilingual education reform. It is imperative that federal action is taken as soon as possible as this is a national educational and economic crisis that cannot be remedied through individual state actions. Taking into account the lack of an official national language and the growing body of research on the benefits of promoting bilingualism and the cultures of students, language acquisition policies must be reformed to be more inclusive and reaffirming of non-English languages and cultures. More precisely, the English Language Acquisition, Language Enhancement, and Academic Achievement Act (ELALEAAA) must have its purposes, formula grant and subgrant guidelines, accountability measures, and wording amended to emphasize a focus on native language proficiency alongside English proficiency.

First and foremost, the purpose of ELALEAA must be revised. The stated primary purpose of ELALEAA is “to help ensure that English Learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in

[83] U.S.C. 20 (2020) § 7801.
[84] U.S.C. 20 (2020) § 7801.

English."[85] This assimilationist interpretation of language education must be changed to provide a more inclusive and pluralist outlook on language education: "to help ensure that emergent bilinguals, including immigrant children and youth, become fluent in both their primary language and English, to develop high levels of academic achievement." This is a small but necessary change to shift the goal of this act towards the achievement of true bilingualism and affirmation of identities for Latino students.

Secondly, the stipulations that ELALEAA has for recipients of subgrants must be amended. Presently, ELALEAA provides federal grants to states, which are then distributed via subgrants to local educational entities under the stipulation that these entities primarily use the funds "to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and demonstrate success in increasing— (A) English language proficiency; and (B) student academic achievement."[86] This must be amended to require that subgrant recipients use these funds "to increase the proficiency in both English and the primary language of emergent bilingual students by providing effective language instruction educational programs that meet the needs of emergent bilinguals and demonstrate success in increasing— (A) Native language proficiency; and (B) English language proficiency; and (C) student academic achievement." These requirements for local agencies must also be reflected in the local plans these agencies submit to states; section 6826 subsection (b) must require that the contents of these plans include the steps these agencies will take to develop, implement, and administer programs that will increase proficiency in both English and the primary language of students. This amendment must also be followed by changes in the accountability measures of subsection 6481 on how these agencies

[85] *English Language Acquisition, Language Enhancement, and Academic Achievement Act*, U.S.C. 20 (2020) §6812.
[86] *English Language Acquisition, Language Enhancement, and Academic Achievement Act*, § 6825.

report progress to states. The proposed amendments to these subgrant stipulations comprise most, if not all, of the assimilationist policies within ELALEAA, a relatively small number compared to the size of the act.

There are also requisite naming changes to accommodate this shift back towards bilingual education, as department names changed under NCLB must be reverted. The Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited-English-Proficient Students must be changed back to its original name as the Office of Bilingual Education. Similarly, The National Clearinghouse for English Language Acquisition & Language Instruction Educational Programs must have its name reverted to the National Clearinghouse for Bilingual Education. In addition to departmental name changes, further language change is necessary throughout the wording of ELALEAAA. ESSA replaced the term 'Limited English proficient' with 'English Learner' throughout the act in 2015 due to criticism of 'Limited English proficient' having implicit biases against non-native English speakers, implying that non-native English speakers were deficient for not being able to speak English fluently.[87] However, Columbia University's Center for Educational Equity proposes alternative phrasing through 'emergent bilingual', a new term that aligns with the amendments previously proposed centering around the promotion of bilingualism.[88] The current term 'English learner' implies that students are simply in school to learn English, while the term 'emergent bilingual' emphasizes that students are in the path towards becoming fluent bilinguals.[89] Therefore, the term 'English learner' must be replaced with 'emergent bilingual' throughout the act, along with a subsequent renaming of ELALEAAA to its original name, the Bilingual Education Act.

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[87] Ofelia Garcia, Jo Anne Kleifgen, and Lorraine Falchi, "From English Language Learners to Emergent Bilinguals" (New York, New York: Columbia University, 2008), pp. 1-47, 6.
[88] Garcia, Kleifgen, Falchi, *English Language Learners to Emergent Bilinguals*, 6.
[89] Garcia, Kleifgen, Falchi, *English Language Learners to Emergent Bilinguals*, 6.

These proposed amendments mesh well with present legislation in ELALEAAA stipulating that schools must use these funds as a supplement rather than a supplant for activities such as strengthening family and community engagement and outreach, long-term intentional teacher professional development, college-success programs, and coordination with community-organizations.[90] Under these changes these ELALEAAA policies on community engagement and academic achievement will remain untouched along with the right for states to control how these language education programs are implemented, while still making the necessary changes to align federal language education guidelines into the right direction. However, the full benefits of enacting these changes into legislation will not come into fruition until it has the support of a population fully conscious of the value of bilingualism and willing to enforce these policies. With proper support these policies would catalyze a shift in American culture that will support Latinos in closing the gap in college attainment while also affirming the identities of all emerging bilinguals.

Conclusion

A single policy change, no matter how well vetted, cannot remedy the multifaceted educational crisis that Latinos are facing. This policy change must be accompanied by a shift in consciousness in how the American public views the culture of our Latino students. The public must understand that this widening gap in college attainment is not perpetuated by Latinos; our education system perpetuates it. Assimilationist federal policies must be reformed to promote bilingualism and reframe non-native English speakers as emergent bilinguals. This revitalized Bilingual Education Act maintains the right of states to control the implementation of these

[90] *English Language Acquisition, Language Enhancement, and Academic Achievement Act*, § 6826 et seq.

language programs while still making the necessary changes needed to align federal guidelines into the right direction.

It is paramount that it is clearly understood this is not a shift away from a neutral position. These policy changes uproot the xenophobic, racist, and assimilationist origins underlying our nation's current federal language policy. We are not shifting away from neutrality; we are shifting towards equity. We must strive for better and redefine the goal of language education in America. Only until our nation views the culture that Latino students bring into the classroom as gifts rather than as a deficiency will we close the educational attainment gap and make progress as a country. The full benefits of enacting these changes into legislation, both social and economic, will only come into fruition until it has the support of a population conscious and willing to enforce these policies. Although Americans of the past did not have research available to inform their decisions, Americans of today have no excuse. There is no good reason that students must lose their native language to obtain English fluency in the face of all the benefits that bilingualism provides. We must not accept a system that tolerates 'byelingualism'. We must raise our standards.

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